

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for a Short plat to subdivide an existing commercial lot (R8257510090) into two (2) building lots on approximately 0.929 acres of land in the C-C zoning district, by Mason & Associates.

Case No(s). SHP-2023-0001

For the City Council Hearing Date of: March 7, 2023 (Findings on March 21, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 7, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 7, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 7, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 7, 2023, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 7, 2023, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Short Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 7, 2023, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Short Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of March 7, 2023

By action of the City Council at its regular meeting held on the _____ day of _____, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL VICE PRESIDENT JOE BORTON VOTED _____

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER LIZ STRADER VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

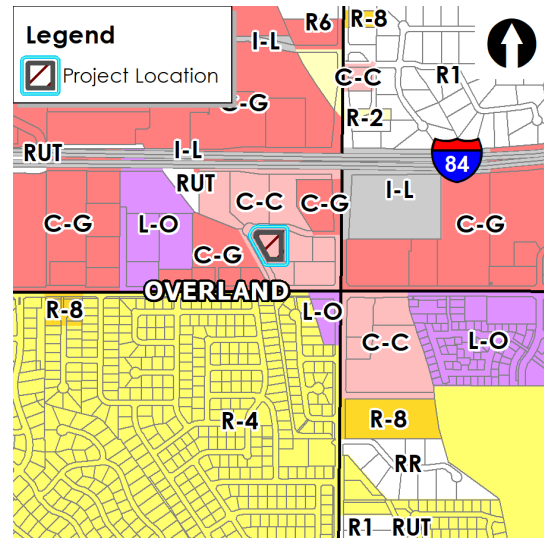
EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/7/2023
TO: Mayor & City Council
FROM: Stacy Hersh, Associate Planner
208-884-5533
SUBJECT: SHP-2023-0001
Sagecreek Subdivision SHP
LOCATION: 1554 S. Labrador Way



I. PROJECT DESCRIPTION

Short Plat request to subdivide an existing commercial lot (R8257510090) into two (2) building lots on approximately 0.929 acres of land in the C-C zoning district.

II. APPLICANT INFORMATION

- A. Applicant: Angie Cuellar, Mason & Associates – 924 3rd street South Suite B, Nampa, ID 83651
- B. Owner: Soo Young Properties, LLC – 1403 Mace Road, Eagle, Id 83616
- C. Representative: Will Mason, Mason & Associates – 924 3rd Street South, ID 83651

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	2/19/2023
Radius notice mailed to property owners within 500 feet	2/17/2023
Posted to Next Door	2/17/2023

IV. STAFF ANALYSIS

The applicant is proposing to subdivide Lot 4, Block 2 of Swindell Subdivision into two (2) building lots. The perimeter landscaping was installed with the previous subdivision improvements.

Lot 2, Block 1 is developed with a new 5,595 two-story office building and associated site/landscape improvements (A-2022-0023). Once subdivided, the remaining lot will accommodate a future office/commercial use and requires CZC and DES approval before commencing with construction on the new lot.

To ensure there is adequate parking for the site and shared access is provided, staff recommends the applicant add a plat note granting cross access and shared parking between the two lots. Further, direct lot access is prohibited to E. Overland Road in accord with UDC 11-3A-3.

Staff has reviewed the proposed short plat for compliance with the criteria set forth in UDC [11-6B-5](#) and the required zoning regulations of the C-C zoning district and deems the short plat to be in compliance with said requirements.

V. DECISION

Staff:

Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report and in accord with the findings in Section VIII.

B. The Meridian City Council heard these items on March 7, 2023. At the public hearing, the Council moved to approve the subject Short Plat request.

1. Summary of the City Council public hearing:

- a. In favor: David Morehouse, Applicant Representative
- b. In opposition: None
- c. Commenting: David Morehouse
- d. Written testimony: None
- e. Staff presenting application: Stacy Hersh, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

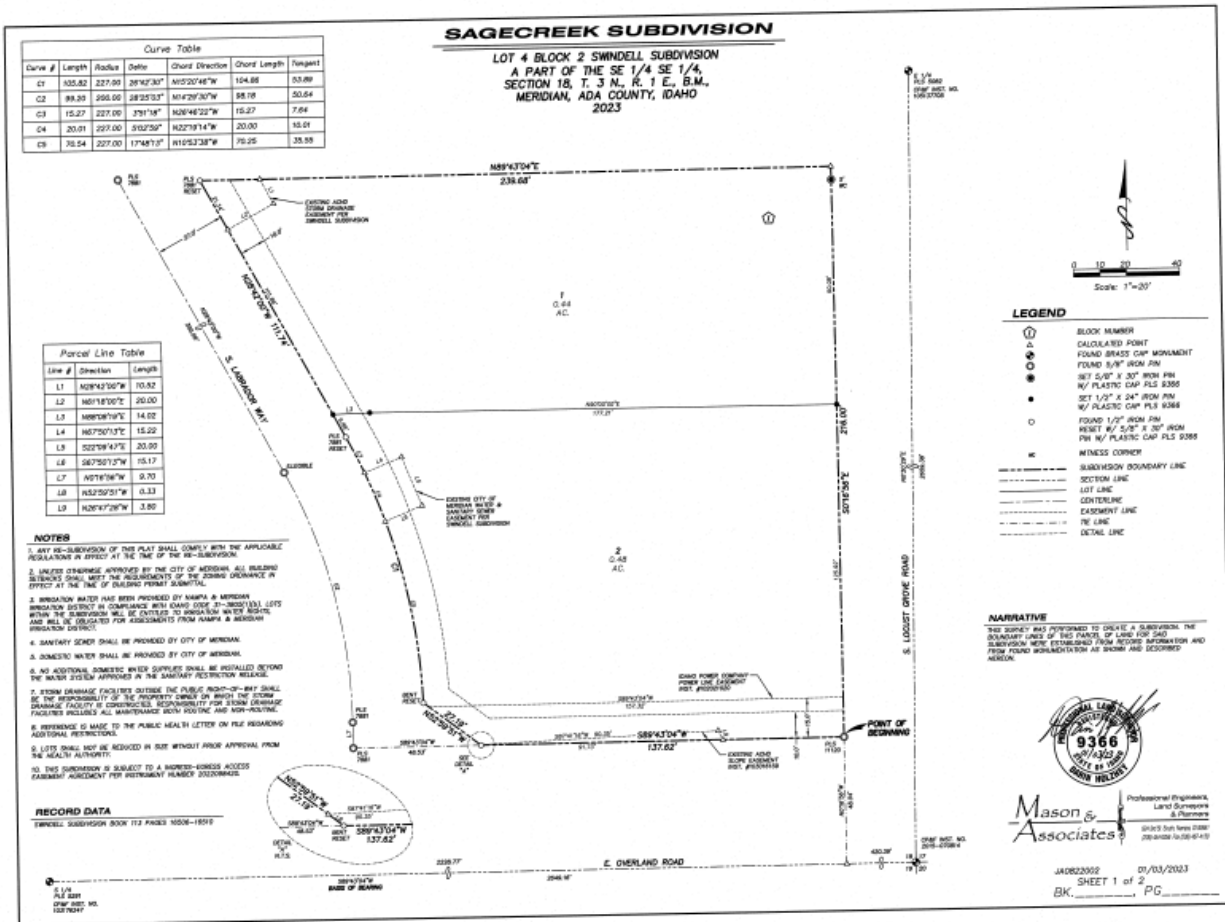
- a. None

3. Key issue(s) of discussion by City Council:

- a. None.

VI. EXHIBITS

A. Short Plat (date: 01/03/23)



[illegible]

VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development: AZ-15-010; RZ-15-011; PP-15-013; FP-2016-0109; DA Inst. #2016-045074; DA Inst. #2018-000750; CZC, DES A-2022-0023.
2. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per UDC 11-6B-7.
3. The Applicant shall obtain final approval from Ada County Surveyor's office of the proposed subdivision name prior to City Engineer's signature on the final plat.
4. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
5. The short plat prepared by Mason & Associates on 1/3/23 by Darin Holzhey, included in Section VI.A shall be revised as follows:
 - a. Graphically depict the cross-access easement and shared parking on sheet 1 of the plat dated 1/3/23; or depict the recorded instrument numbers for the cross-access easement and shared parking agreement on sheet 1 of the plat dated 1/3/23.
 - b. Add a new note: "stating the subdivision is subject to the existing Development Agreement and include the DA instrument number (DA Inst. #2018-000750)."
 - c. Revise note #9: "Lots shall not be reduced in size without prior approval from the health authority and the City of Meridian."
 - d. Add a new note: For any utility easement(s) and include the recorded instrument numbers (s).
 - e. Include a new note: "Direct lot access via E. Overland Rd. is prohibited."
6. Prior to building permit submittal for any new commercial building on Lot 1, Block 1, Certificate of Zoning Compliance and Design Review approval shall be obtained.
7. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information
8. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions of Approval

1. Sewer requires 20ft easement.
2. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
3. The City's GIS records do not show an easement for the existing water stub to the southeast corner of the site. Applicant to provide proof of existing easement or provide a new 20' easement for the water stub that extends 10' beyond the end of the stub.

4. There is an existing 10" stub from Overland Rd to the southeast corner of the site. GIS shows an existing meter there (possible for irrigation). If this is not used it must be abandoned per the City requirements.

General Conditions:

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round

- source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

In consideration of a short plat, the decision-making body shall make the following findings:

A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;

The Comprehensive Plan designates the future land use of this property as Mixed Use Community (MU-C) and the current zoning district of the site is C-C. Staff finds the proposed short plat complies with the short plat standards listed in UDC 11-6B-5. Future development should comply with the dimensional standards for the C-C district listed in UDC Table 11-2B-3.

B. Public services are available or can be made available and are adequate to accommodate the proposed development;

Staff finds that public services will be provided and are adequate to serve the proposed lots.

C. The plat is in conformance with scheduled public improvements in accord with the City's capital improvements program;

Staff finds all required utilities will be provided with lot development at the developer's expense.

D. There is public financial capability of supporting services for the proposed development;

Staff finds that the development will not require major expenditures for providing supporting services as services are already being provided in this area.

E. The development will not be detrimental to the public health, safety or general welfare; and

Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.

F. The development preserves significant natural, scenic or historic features.

Staff is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.