

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: DECEMBER 5, 2023
ORDER APPROVAL DATE: DECEMBER 12, 2023

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 7 BUILDING)
LOTS AND 1 COMMON LOTS ON)
1.22 ACRES OF LAND IN THE R-8)
ZONING DISTRICT FOR)
PINEDALE SUBDIVISION.)
)
BY: ACKERMAN-ESTVOLD)
APPLICANT)
_____)
)
)
)

CASE NO. FP-2023-0014
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on December 5, 2023 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of “PLAT SHOWING PINEDALE SUBDIVISION, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 3N., RANGE 1W., BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: by ANTONIO M. CONTI, PLS, SHEET 1 OF 3,” is

conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated December 5, 2023, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein.

2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City’s requirements shall be signed only at such time as:
 - 2.1 The plat dimensions are approved by the City Engineer; and
 - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which may be adversely affected by this decision may, within twenty-eight (28) days after the date of this decision and order, seek a judicial review pursuant to Idaho Code § 67-52.

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

By:

Robert Simison
Mayor, City of Meridian

Attest:

Chris Johnson
City Clerk

Copy served upon the Applicant, Planning and Development Services Divisions of the Community Development Department and City Attorney.

By: _____ Dated: _____

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



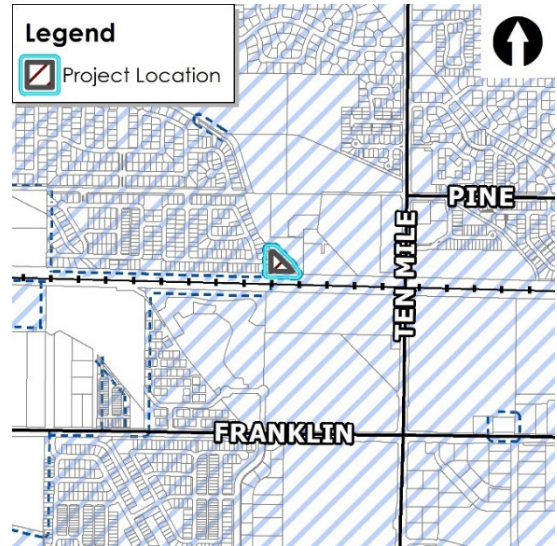
HEARING DATE: December 5, 2023

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: FP-2023-0014
Pinedale Subdivision - FP

LOCATION: East terminus of W. Newland Street in the Chesterfield Subdivision in the Northwest 1/4 of the Southeast 1/4 of Section 10, T.3N., R.1W.



I. PROJECT DESCRIPTION

The Applicant requests approval of a final plat consisting of 7 single-family residential buildable lots and 1 common lot on 1.22 acres of land in the R-8 zoning district.

II. APPLICANT INFORMATION

A. Applicant:

Antonio Conti, Ackerman-Estvold – 7661 W. Riverside Drive, Ste. 102, Garden City, ID 83714

B. Owner:

Bruce Hessing, Piedmont Project, LLC – 2338 W. Boulder Bar Drive, Meridian, ID 83646

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2022-0001) in accord with the requirements listed in UDC 11-6B-3C.2.

In order for the proposed final plat to be deemed in substantial compliance with the approved preliminary plat as set forth in UDC 11-6B-3C.2, the number of buildable lots cannot increase and the amount of common area cannot decrease. Staff has reviewed the proposed final plat and the number of buildable lots and the amount of common open space area are both the same.

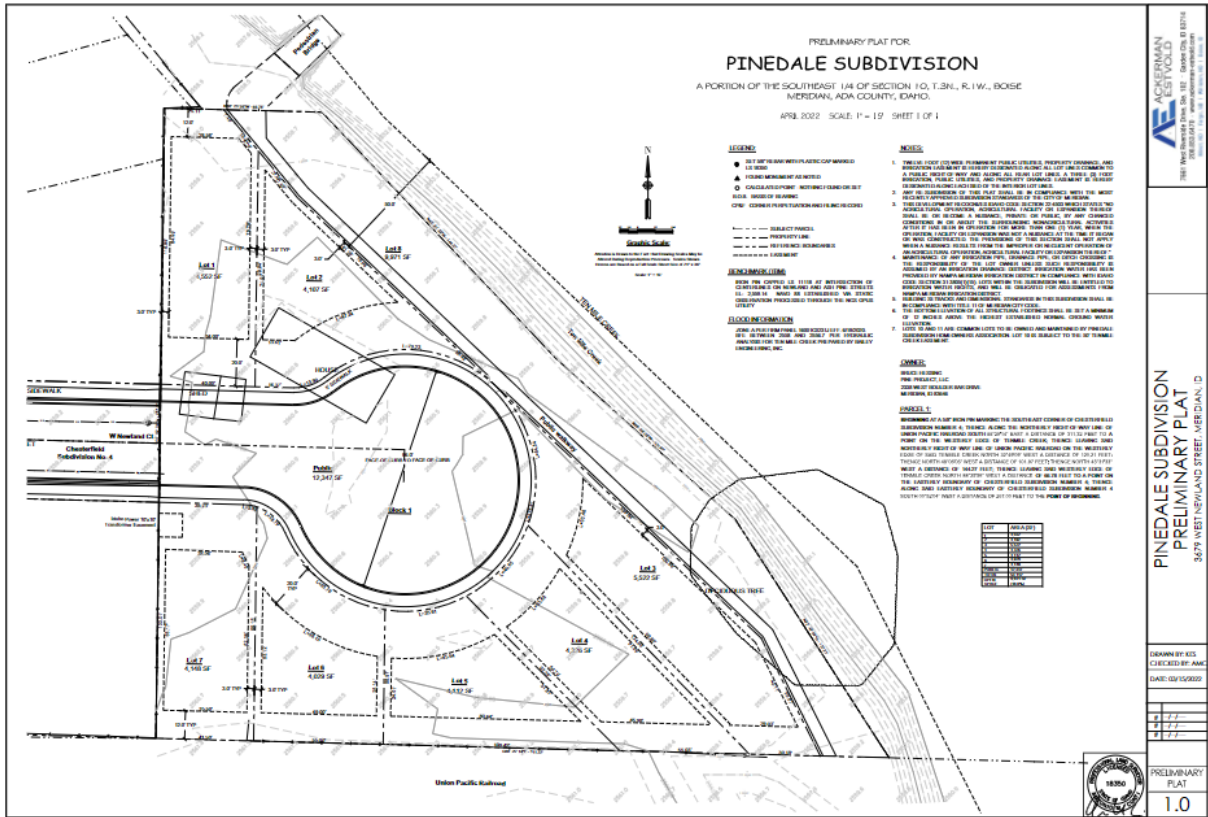
Staff deems the proposed final plat to be in substantial compliance with the approved preliminary plat as required.

IV. DECISION

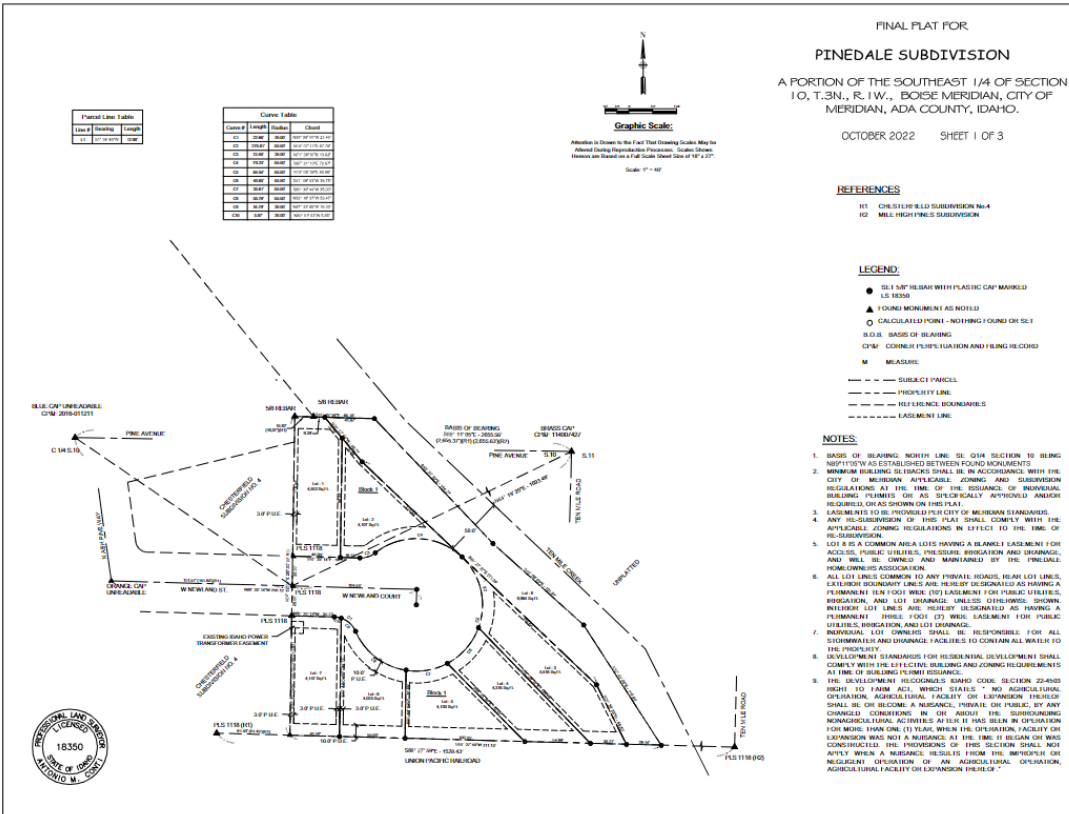
Staff recommends approval of the proposed final plat per the conditions noted in Section VI of this report.

V. EXHIBITS

A. Preliminary Plat (dated: 3/15/2022)



B. Final Plat (dated: 10/2022)



FINAL PLAT FOR
PINEDALE SUBDIVISION
 A PORTION OF THE SOUTHEAST 1/4 OF SECTION
 10, T.3N., R.1W., BOISE MERIDIAN, CITY OF
 MERIDIAN, ADA COUNTY, IDAHO.

OCTOBER 2022 SHEET 1 OF 3

REFERENCES

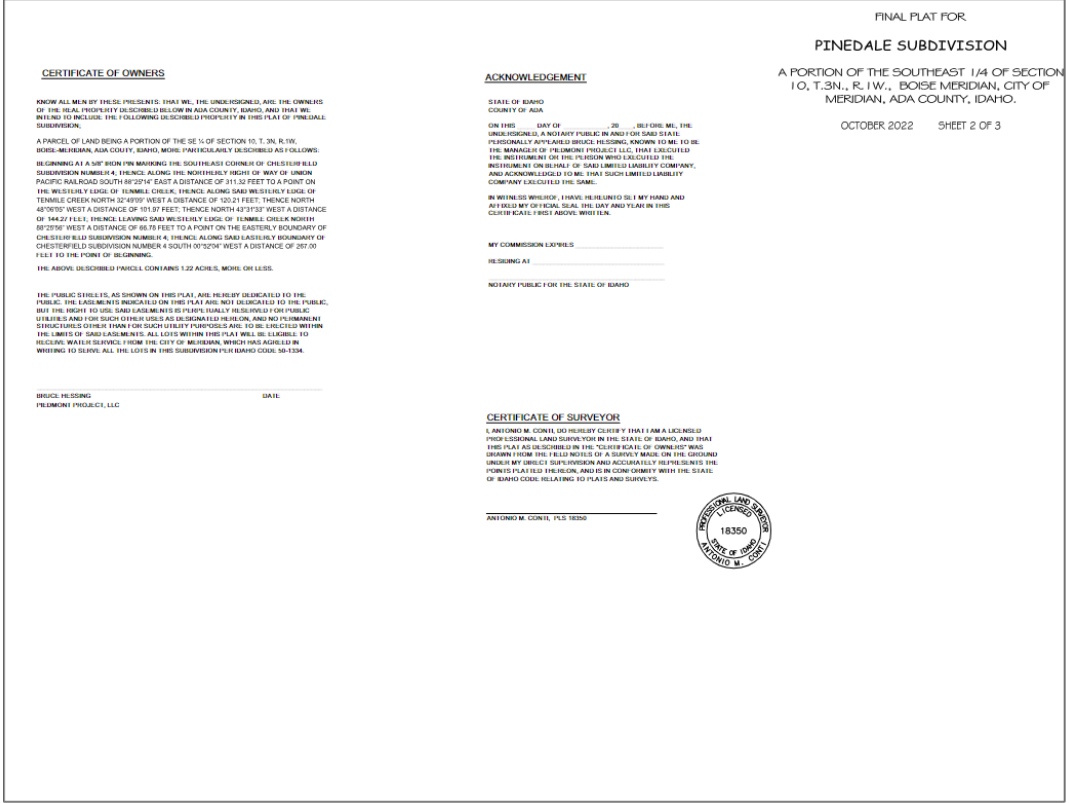
- 111 CHESTERFIELD SUBDIVISION No.4
- 112 MILL HIGHFIELD SUBDIVISION

LEGEND

- SET SURVEY WITH PLASTIC CAP MARKED TO 1000
- ▲ FOUND MONUMENT AS NOTED
- CALCULATED POINT - NOTHING FOUND OR SET
- B.O.B. BASES OF BLAVING
- CTM- CORNER POINTS, VARIATION AND PLUMB RECORD
- M- MEASUREMENT
- DISCREPANT PARCEL
- PROPERTY LINE
- REFERENCE BOUNDARIES
- EASEMENT LINE

NOTES

1. BASES OF BLAVING NORTH LINE, S1/4 SECTION 10 BEING NEPT1107W AS ESTABLISHED BETWEEN FOUND MONUMENTS.
2. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF MERIDIAN APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF THE ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED ANOTHER RECORD OR AS SHOWN ON THIS PLAT.
3. EASEMENTS TO BE PROVIDED PER CITY OF MERIDIAN STANDARDS.
4. ANY REVISIONS OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT TO THE TIME OF RE-SUBDIVISION.
5. LOT 8 IS A COMMON AREA LOTS HAVING A BLANKET EASEMENT FOR ACCESS, PUBLIC UTILITIES, FIREPROOF, IRRIGATION AND DRAINAGE, AND WILL BE OWNED AND MAINTAINED BY THE PINEDALE HOMEOWNERS ASSOCIATION.
6. ALL LOT LINES COMMON TO ANY PRIVATE ROAD, BEING LOT 1 LINES, EXISTING BOUNDARY LINES ARE HEREBY DESIGNATED AS HAVING A PERMANENT 10 FT WIDE (10') EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE SHOWN. INTERESTED LOT LINES ARE HEREBY DESIGNATED AS HAVING A PERMANENT 10 FT WIDE LOT WIDE EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
7. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR ALL STORMWATER AND DRAINAGE FACILITIES TO CONTAIN ALL WATER TO THE PROPERTY.
8. DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT SHALL COMPLY WITH THE CITY OF MERIDIAN BUILDING AND ZONING REGULATIONS AT TIME OF BUILDING PERMIT ISSUANCE.
9. THE DEVELOPMENT REGULATIONS BOARD CODE, SECTION 22-4000 (RIGHT TO FARM ACT), WHICH STATES "NO AGRICULTURAL, OPERATIONAL, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONSIDERED IN OR AROUND THE SURROUNDING NONAGRICULTURAL ACTIVITIES AS LONG AS IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR WHEN THE OPERATION FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONDUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROVEMENT OR NEGLIGENT OPERATION OF AN AGRICULTURAL, OPERATIONAL, AGRICULTURAL FACILITY OR EXPANSION THEREOF."



FINAL PLAT FOR
PINEDALE SUBDIVISION
 A PORTION OF THE SOUTHEAST 1/4 OF SECTION
 10, T.3N., R.1W., BOISE MERIDIAN, CITY OF
 MERIDIAN, ADA COUNTY, IDAHO.

OCTOBER 2022 SHEET 2 OF 3

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED ARE, THE OWNERS OF THE REAL PROPERTY DESCRIBED BELOW IN ADA COUNTY, IDAHO, AND THAT WE HEREBY DO HEREBY INCLUDE THE FOLLOWING DESCRIBED PROPERTY IN THIS PLAT OF PINEDALE SUBDIVISION.

A PARCEL OF LAND BEING A PORTION OF THE SE 1/4 OF SECTION 10, T.3N., R.1W., BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SURVEY POINT MARKING THE SOUTHEAST CORNER OF CHESTERFIELD SUBDIVISION NUMBER 4, THENCE ALONG THE NORTHERLY RIGHT OF WAY OF UNION PACIFIC RAILROAD SOUTH 89°27'41" EAST A DISTANCE OF 511.53 FEET TO A POINT ON THE WESTERLY EDGE OF TEMBLE CREEK, THENCE ALONG SAID WESTERLY EDGE OF TEMBLE CREEK NORTH 22°49'57" WEST A DISTANCE OF 103.21 FEET, THENCE NORTH 40°00'00" WEST A DISTANCE OF 103.97 FEET, THENCE NORTH 42°37'32" WEST A DISTANCE OF 144.27 FEET, THENCE LEAVING SAID WESTERLY EDGE OF TEMBLE CREEK NORTH 80°29'57" WEST A DISTANCE OF 66.79 FEET TO A POINT ON THE EASTERLY BOUNDARY OF CHESTERFIELD SUBDIVISION NUMBER 4, THENCE ALONG SAID EASTERLY BOUNDARY OF CHESTERFIELD SUBDIVISION NUMBER 4 SOUTH 0°22'04" WEST A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1.22 ACRES, MORE OR LESS.

THE PUBLIC UTILITIES, AS SHOWN ON THIS PLAT, ARE HEREBY DEDICATED TO THE PUBLIC. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES AND FOR SUCH OTHER USES AS DESIGNATED HEREON, AND NO PERMANENT STRUCTURES COVER MORE THAN FOR SUCH UTILITY PURPOSES ARE TO BE LOCATED WITHIN THE LIMITS OF SAID EASEMENTS. ALL LOTS WITHIN THIS PLAT WILL BE LEGIBLE TO RECORD WITHIN 90 DAYS FROM THE CITY OF MERIDIAN, WHICH HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION PER BOARD CODE 18-1334.

ACKNOWLEDGEMENT

STATE OF IDAHO
 COUNTY OF ADA

ON THIS DAY OF 20, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED BRUCE HESSING, KNOWN TO ME TO BE THE MANAGER OF FREEMAN PRODUCTS, LLC, THAT EXECUTED THE INSTRUMENT OR INSTRUMENTS WHO EXECUTED THE INSTRUMENT OR INSTRUMENTS OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THIS DAY AND YEAR IN THIS CLEAR STATE FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____
 ISSUED AT _____
 NOTARY PUBLIC FOR THE STATE OF IDAHO

CERTIFICATE OF SURVEYOR

I, ANTHONY M. CORVELL, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM THE FIELD NOTES OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

ANTHONY M. CORVELL, PLS 16350



BRUCE HESSING
 FREEMAN PRODUCTS, LLC

DATE _____

VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development [H-2022-0001 (Development Agreement Inst. #2023-024580)].
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of City Council's approval of the preliminary plat (by August 9, 2024), in accord with UDC 11-6B-7, in order for the preliminary plat to remain valid; or, a time extension may be requested.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgment signed and notarized.
4. The final plat prepared by Ackerman-Estvold stamped by Antonio M. Conti, dated: 10/2023, included in Section V.B shall be revised as follows:
 - a. The Land Surveyor shall sign and date the seal.
 - b. The Land Surveyor's business name and address shall be included on the plat.
 - c. Revise Note #2: remove any wording referencing setbacks on the plat ("OR AS SHOWN ON THIS PLAT").
 - d. Revise the final plat to include 5-foot P.U.E. interior lot lines, maintaining a 5-foot setback along each lot in accordance with the R-8 zoning district.
 - e. Revise Note #6: with "INTERIOR LOT LINES ARE HEREBY DESIGNATED AS HAVING A PERMANENT FIVE (5') WIDE EASEMENT FOR PUBLIC UTILITES, IRRIGATION, AN LOT DRAINAGE.
 - f. Add Note #10: "The subdivision is subject to the existing Development Agreement and include the DA instrument number (DA Inst. #2023-024580)."
 - g. Revise street names on the plat per the street name approval from Ada County dated July 2, 2023.
5. The landscape plan prepared by Rodney Evans + Partners dated: 9/7/2023, included in Section V.C, shall be revised as follows:
 - a. Provide a detail of the fencing prior to City Engineer's signature on the final plat.
 - b. Depict landscaping along the pedestrian pathway in accordance with UDC 11-3B-12. A 5' wide landscape strip is required on both sides of the pathway planted with a mix of trees, shrubs, lawn and/or other vegetative ground cover.
 - c. The pedestrian pathway is required to be concrete or asphalt; gravel is not an approved surface in accordance with 11-3B-12C.3.
6. The Applicant shall work with Staff to include shared driveways where feasible to help remove the number of driveways proposed, especially for those lots taking direct access from a cul-de-sac, W. Newland Court.
7. The Applicant shall comply with all ACHD conditions of approval.
8. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.

9. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.
10. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
11. 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.
12. The Applicant shall provide a recorded copy of the Termination of Easement Agreement that was submitted to the Planning Division prior to the City Engineer's signature on the final plat. This agreement terminates the existing access for the property through the vehicular bridge north of the subject site, which has been approved for conversion into a pedestrian bridge for the multi-use pathway segment in the adjacent subdivision.
13. A License Agreement must be obtained to include the pedestrian pathway in Lot 8, Block 1 with Nampa Meridian Irrigation District (NMID). NMID prohibits pedestrian facilities within their easement unless covered by this agreement.
14. A public use easement for the pedestrian pathway shall be submitted to the Planning Division prior to submittal for City Engineer's signature on the final plat(s).

B. Public Works

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=310814&dbid=0&repo=MeridianCity>

C. Idaho Transportation Department (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=310831&dbid=0&repo=MeridianCity>

D. Idaho Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=311600&dbid=0&repo=MeridianCity>