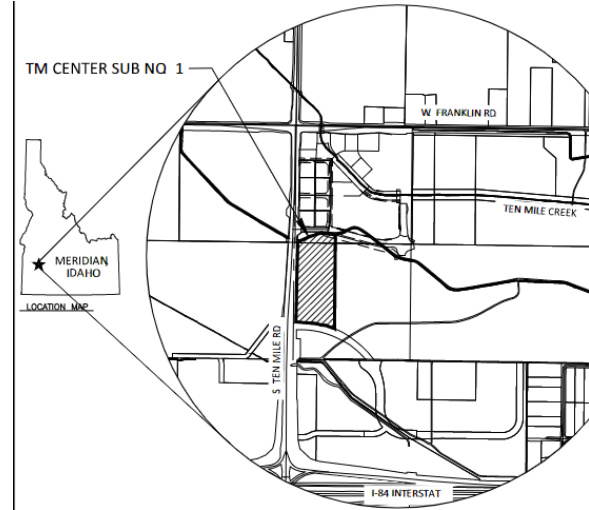


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 3/22/2022
TO: City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2022-0009
TM Center No. 1

PROPERTY LOCATION:
Northeast corner of S. Ten Mile Rd. & S.
Vanguard Way in the NW ¼ of Section
14, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of 7 building lots on 7.44 acres of land in the C-G zoning district for TM Center No. 1.

Note: The proposed final plat is actually the fourth phase of the TM Center Subdivision preliminary plat (H-2020-0074). [TM Creek No. 5 (1st phase FP-2021-0027); TM Crossing No. 5 (2nd phase FP-2021-0045); TM Frontline (3rd phase FP-2021-0047)]

II. APPLICANT INFORMATION

A. Applicant

Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owner:

Robert Phillips, DWT Investments, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (H-2020-0074) as required by UDC 11-6B-3C.2. The proposed final plat depicts three (3) fewer buildable lots than shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary as required by UDC 11-6B-3C.

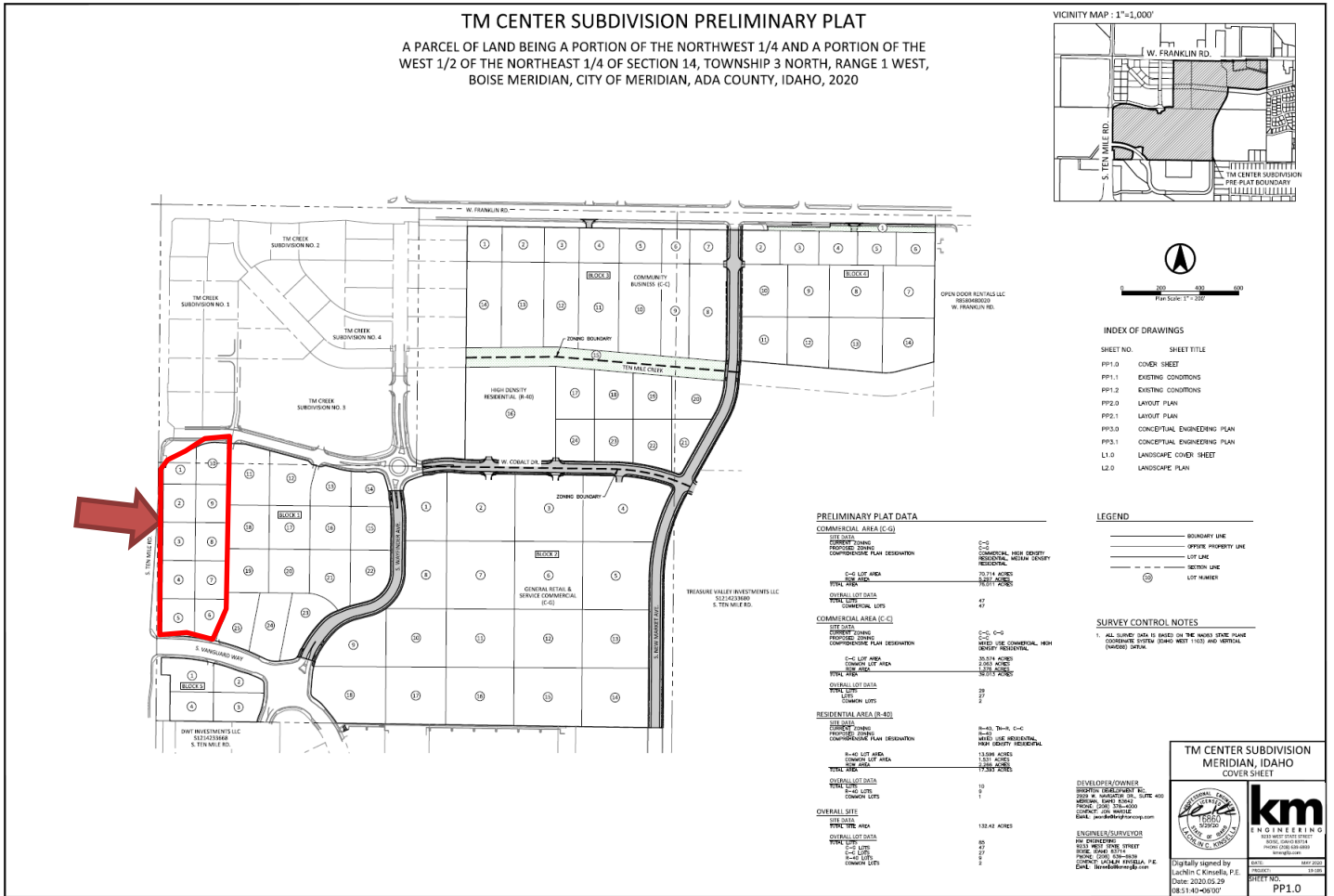
IV. DECISION

A. Staff:

Staff recommends approval of the proposed final plat with the conditions of approval in Section VII of this report.

V. EXHIBITS

A. Preliminary Plat (dated: May 29, 2020)



B. Final Plat (dated: 1/27/22)



**Plat of
TM Center Subdivision No. 1**

CERTIFICATE OF OWNERS

KNOW ALL MEN/WOMEN BY THESE PRESENTS THAT THE UNDERSIGNED IS THE OWNER OF THE REAL PROPERTY HEREAFTER DESCRIBED:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, 5th E.A., ADA COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERN BOUNDARY LINE OF SAID SECTION 14, WHICH BEARS S89°22'27"E A DISTANCE OF 2,859.38 FEET FROM AN ALUMINUM CAP MARKING THE WEST 1/4 CORNER OF SAID SECTION 14, THENCE FOLLOWING THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION 14, S89°22'27"W A DISTANCE OF 1,229.20 FEET TO A POINT ALUMINUM CAP MARKING THE NORTH 1/4 CORNER OF SECTIONS 14 AND 15, THENCE LEAVING SAID WESTERN LINE, S89°22'27"E A DISTANCE OF 39.23 FEET TO A POINT 5/8-INCH REBAR ON THE EASTERLY RIGHT-OF-WAY LINE OF S. TEN MILE RD. AND BEING THE POINT OF BEGINNING.

THENCE FOLLOWING SAID EASTERLY RIGHT-OF-WAY LINE, N65°29'27"E A DISTANCE OF 14.02 FEET TO A SET 5/8-INCH REBAR ON THE SOUTHERLY BOUNDARY LINE OF TM CREEK SUBDIVISION NO. 1 (BOOK 110, PAGE 13643 OF PLATS, RECORDS OF ADA COUNTY, OREGON).

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE AND FOLLOWING THE SOUTHERLY BOUNDARY LINE OF SAID TM CREEK SUBDIVISION NO. 1, THE FOLLOWING THREE (3) COURSES:

1. N89°12'17"E A DISTANCE OF 184.29 FEET TO A SET 5/8-INCH REBAR.
2. S24°48' FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 184.88 FEET, A DELTA ANGLE OF 89°24'47", A CHORD BEARING OF N82°52'27"W AND A CHORD DISTANCE OF 31.83 FEET TO A SET 5/8-INCH REBAR.
3. S89°12'17"E A DISTANCE OF 17.07 FEET TO A SET 5/8-INCH REBAR.

THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE, S10°12'14"W A DISTANCE OF 38.31 FEET TO A SET 5/8-INCH REBAR.

THENCE S23.88 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A DELTA ANGLE OF 89°24'47", A CHORD BEARING OF S82°52'27"W AND A CHORD DISTANCE OF 30.53 FEET TO A SET 5/8-INCH REBAR.

THENCE S23°23'27"W A DISTANCE OF 174.29 FEET TO A SET 5/8-INCH REBAR.

THENCE S24°48' FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A DELTA ANGLE OF 10°24'27", A CHORD BEARING OF S19°12'47"W AND A CHORD DISTANCE OF 35.89 FEET TO A SET 5/8-INCH REBAR.

THENCE S12°24'27"W A DISTANCE OF 14.76 FEET TO A SET 5/8-INCH REBAR ON THE NORTHERLY RIGHT-OF-WAY LINE OF S. NINE MILE RD.

THENCE FOLLOWING SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. S88°15' FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,020.00 FEET, A DELTA ANGLE OF 10°24'27", A CHORD BEARING OF N87°27'27"W AND A CHORD DISTANCE OF 187.86 FEET TO A SET 5/8-INCH REBAR.
2. N87°27'27"W A DISTANCE OF 82.80 FEET TO A SET 5/8-INCH REBAR ON THE EASTERLY RIGHT-OF-WAY LINE OF S. TEN MILE RD.

THENCE FOLLOWING SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. S89°22'27"E A DISTANCE OF 888.91 FEET TO A SET 5/8-INCH REBAR.
2. S89°42'27"E A DISTANCE OF 13.13 FEET TO A SET 5/8-INCH REBAR.
3. N87°29'27"E A DISTANCE OF 21.86 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 8.247 ACRES, MORE OR LESS.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE SAID LAND IN THIS PLAT. THE DOCUMENTS SHOWN ON THIS PLAT ARE NOT INDICATED TO THE PUBLIC BUT THE RIGHTS TO USE SAID SUBDIVISION ARE HEREBY PROTECTIVELY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS SHOWN ON THIS PLAT. NO STRUCTURES OTHER THAN FOR SUCH UTILITY AND OTHER PROTECTED PUBLIC USES ARE TO BE ERRECTED WITHIN THE LIMITS OF SAID SUBDIVISION UNLESS NOTED OTHERWISE ON THIS PLAT. THE UNDERSIGNED, BY THESE PRESENTS, GRANTS TO THE PUBLIC ALL PUBLIC RIGHTS AS SHOWN ON THIS PLAT. ALL LOTS WITHIN THIS PLAT WILL RECEIVE WATER SERVICE FROM THE CITY OF MERIDIAN AND THE CITY HAS AGREED IN WRITING TO SERVE ALL OF THESE LOTS.

ROBERT L. PHILLIPS, PRESIDENT
BRIDGTON CORPORATION WHICH IS
MANAGED BY TMF INVESTMENTS, LLC
(33.328 OWNER LOTS 8, 12 AND 11, BLOCK 1)

CORINNE LOGGINS, PRESIDENT
BY MANAGEMENT SERVICES, INC. WHICH IS
MANAGED BY TMF TEN MILE CROSSING PARK, LLC
(33.328 OWNER LOTS 9, 13 AND 11, BLOCK 1)

STATE OF OREGON)
ADA COUNTY) SS
THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____ 2022, BY ROBERT L. PHILLIPS, AS
PRESIDENT OF BRIDGTON CORPORATION WHICH IS MANAGED BY TMF INVESTMENTS, LLC.

SIGNATURE OF NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF OREGON)
ADA COUNTY) SS
THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____ 2022, BY CORINNE LOGGINS, AS PRESIDENT
OF MANAGEMENT SERVICES, INC. WHICH IS MANAGED BY TMF TEN MILE CROSSING PARK, LLC.

SIGNATURE OF NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

NOTES

1. MINIMUM BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
2. ANY RECONSTRUCTION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RECONSTRUCTION.
3. IRRIGATION WATER HAS BEEN PROVIDED FROM Nampa Meridian Irrigation District in compliance with OREGON CODE SECTION 31-380(1)(c). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE ELIGIBLE FOR ADJUSTMENTS FROM THE Nampa & Meridian Irrigation District.
4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4403 OF THE OREGON CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER 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 CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE NEGLIGENCE OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
5. ALL LOT LINES ADJACENT TO THE PUBLIC RIGHTS-OF-WAY CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, CITY OF MERIDIAN STREET LIGHTS, PROPERTY IRRIGATION AND PROPERTY DRAINAGE. PROPERTY IRRIGATION AND PROPERTY DRAINAGE EASEMENTS ARE RESERVED FOR THE OPERATOR, SOCS DRAINAGE INC. OR SUCCESSOR.
6. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
7. THE LOTS WITHIN THIS SUBDIVISION, INCLUDING BUILDING AND OCCUPANCY, ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE CERTAIN WATER DECLARATION OF CONVEYANCE, RESTRICTIONS AND EASEMENTS TO BE FILED IN ADA COUNTY RECORDS, AND MAY BE AMENDED FROM TIME TO TIME.
8. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 15-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
9. DIRECT LOT OR PARCEL ACCESS TO S. TEN MILE RD. IS PROHIBITED EXCEPT FOR THOSE ACCESS POINTS APPROVED BY THE CITY OF MERIDIAN AND ADA COUNTY HIGHWAY DISTRICT.
10. THIS SUBDIVISION IS SUBJECT TO A LANDSCAPE STREET BUFFER EASEMENT WHICH THE LANDSCAPES WILL BE MAINTAINED BY THE OPERATOR OR SUCCESSOR STREET BUFFERS SHALL BE MEASURED FROM BACK OF CURB AS SET FORTH IN USE 11-28-10(4)(C), SEE SHEET 11 FOR LOCATION AND DIMENSIONS.
11. THE PRESSURE IRRIGATION SYSTEM WITHIN THIS DEVELOPMENT SHALL BE MAINTAINED BY THE OPERATOR.
12. THIS SUBDIVISION IS SUBJECT TO A LICENSE AGREEMENT WITH THE Nampa & Meridian Irrigation District FOR IRRIGATION AS RECORDED IN INSTRUMENT NO. 2020-07504 AND 2020-126717, OF ADA COUNTY RECORDS.
13. THIS PLAT IS SUBJECT TO AN AGRICULTURE AGREEMENT PER INSTRUMENT NO. 2022-____.

CERTIFICATE OF SURVEYOR

I, AMRON L. BALLARD DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF OREGON, AND THAT THIS PLAT OF TM CENTER SUBDIVISION NO. 1 AS DESCRIBED IN THE "CERTIFICATE OF OWNERSHIP" AND AS SHOWN ON THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF OREGON CODE RELATING TO PLATS AND SURVEYS.

AMRON L. BALLARD, P.L.S. 12458



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 [TM Center H-2020-0074, DA Inst. #2021-089157].
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat, *or* apply for a time extension, in accord with UDC 11-6B-7.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat prepared by KM Engineering, stamped on 1/27/22 by Aaron L. Ballard, included in Exhibit B shall be revised as follows:
 - a. Note #13: Include the recorded instrument number of the ACHD license agreement.
 - b. References: R4 – Include the recorded book and page numbers of the TM Crossing Subdivision No. 5 plat.
5. The landscape plan prepared by KM Engineering, dated 2/17/22 included in Exhibit C, is approved as submitted.
6. Submit a private street application and obtain approval for S. Innovation Ln. prior to submittal of the final plat for City Engineer signature.
7. The subject property shall be subdivided prior to issuance of any Certificates of Occupancy for the site per requirement of the Development Agreement.
8. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. Sewer on the southern boundary needs to run in South Vanguard Way right-of-way, not in the easement.
2. Ensure no sewer services pass through infiltration trenches.
3. Water services to properties should be 8-inch diameter main to allow for future connection.
4. Fire lines, fire hydrants, and water services should be connected outside of right-of-way; multiple connection points in right-of-way is not desirable. Installing an 8-inch water main on a property boundary line to serve two properties is acceptable.
5. All dead-end water mains must have a blow-off and two valves at the tee.
6. A streetlight plan has not been approved. The streetlights will need to be installed and operational, with approved record drawings submitted, before any form of occupancy will be granted.
7. Streetlights are required on the South Ten Mile Road frontage.

General Conditions:

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate 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-foot wide for a single utility, or 30-foot 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 (MCC 9-1-28.C.1). 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.