

**BEFORE THE MERIDIAN CITY COUNCIL**

**HEARING DATE: JUNE 28, 2022  
ORDER APPROVAL DATE: JULY 12, 2022**

**IN THE MATTER OF THE )  
REQUEST FOR FINAL PLAT )  
CONSISTING OF 37 BUILDING )  
LOTS ON 12.1 ACRES OF LAND IN )  
THE R-8 ZONING DISTRICT FOR )  
VERTEX NO. 1 SUBDIVISION. )  
)  
**BY: BRIGHTON DEVELOPMENT, )  
APPLICANT )**  
\_\_\_\_\_)  
)  
)  
)  
)**

**CASE NO. FP-2022-0015  
ORDER OF CONDITIONAL  
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on June 28, 2022 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 VERTEX SUBDIVISION NO 1,  
LOCATED IN THE GOVERNMENT LOT 2 OF SECTION 5, TOWNSHIP 2N,  
RANGE 1E, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2022,  
HANDWRITTEN DATE: 5/9/2020, by Aaron L. Ballard, PLS, SHEET 1 OF 6,”

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 June 28, 2022, 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 \_\_\_\_\_, 2022.

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.

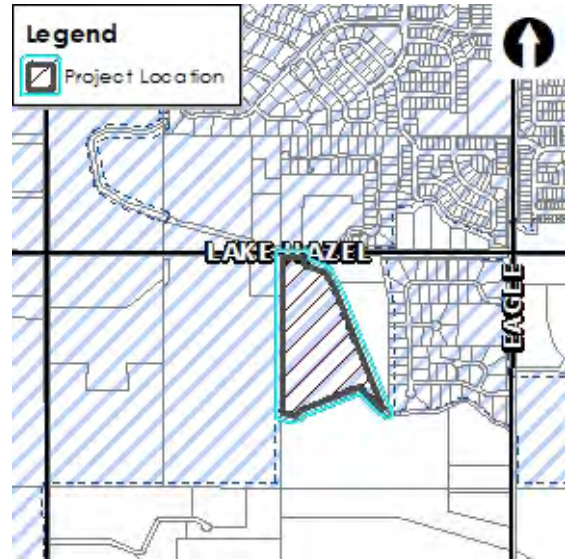
By: \_\_\_\_\_ Dated: \_\_\_\_\_

# EXHIBIT A

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 6/28/2022  
TO: Mayor & City Council  
FROM: Alan Tiefenbach, Associate Planner  
208-489-0573  
SUBJECT: FP-2022-0015  
Vertex Subdivision No 1 Final Plat  
LOCATION: Parcel #S1405120902, located on the south side of E. Lake Hazel Road between S. Locust Grove Road and S. Eagle Road



### I. PROJECT DESCRIPTION

Final plat consisting of 37 buildable lots and 9 common lots on 12.1 acres of land in the R-8 zoning district, by Brighton Development Inc.

### II. APPLICANT INFORMATION

#### A. Applicant Representative:

Josh Beach, Brighton Development Inc. – 2929 W. Navigator Wy, Boise, ID 83713

#### B. Owner:

Brighton Development – 2929 W. Navigator Wy, Boise, ID 83713

### III. STAFF ANALYSIS

In January of 2022, the City Council approved a rezoning from R-4 to R-8, a Preliminary Plat for 97 lots and a modification to the DA (Apex East Subdivision, PP, RZ - H-2021-0086, DA Instr. 2022-018711). This is the first of two phases of the build-out of this development, consisting of 37 buildable lots and two common driveways.

Amenities approved with the preliminary plat included with this phase are a 29,014 sq. ft. open space with tot lot, a micropath (shown as Lot 28, Block 1) and 10 ft. wide pathways along both sides of S. Recreation Ave (which is being constructed as part of Interagency Cooperative Development Agreement Instr. 2016-007073). As was required as a condition of approval of the preliminary plat, the applicant has provided details of the tot lot on the landscape plan. The City Council granted a waiver from the requirement to tile the Farr Lateral as is allowed per UDC 11-3A-6. All development shall comply with the dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat and development agreement in accord with the requirements listed in UDC 11-6B-3C.2. Because the final plat matches what was approved with the preliminary plat and development agreement, there is no increase in buildable lots, and the plat contains the same amount of qualified open space, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

#### **IV. DECISION**

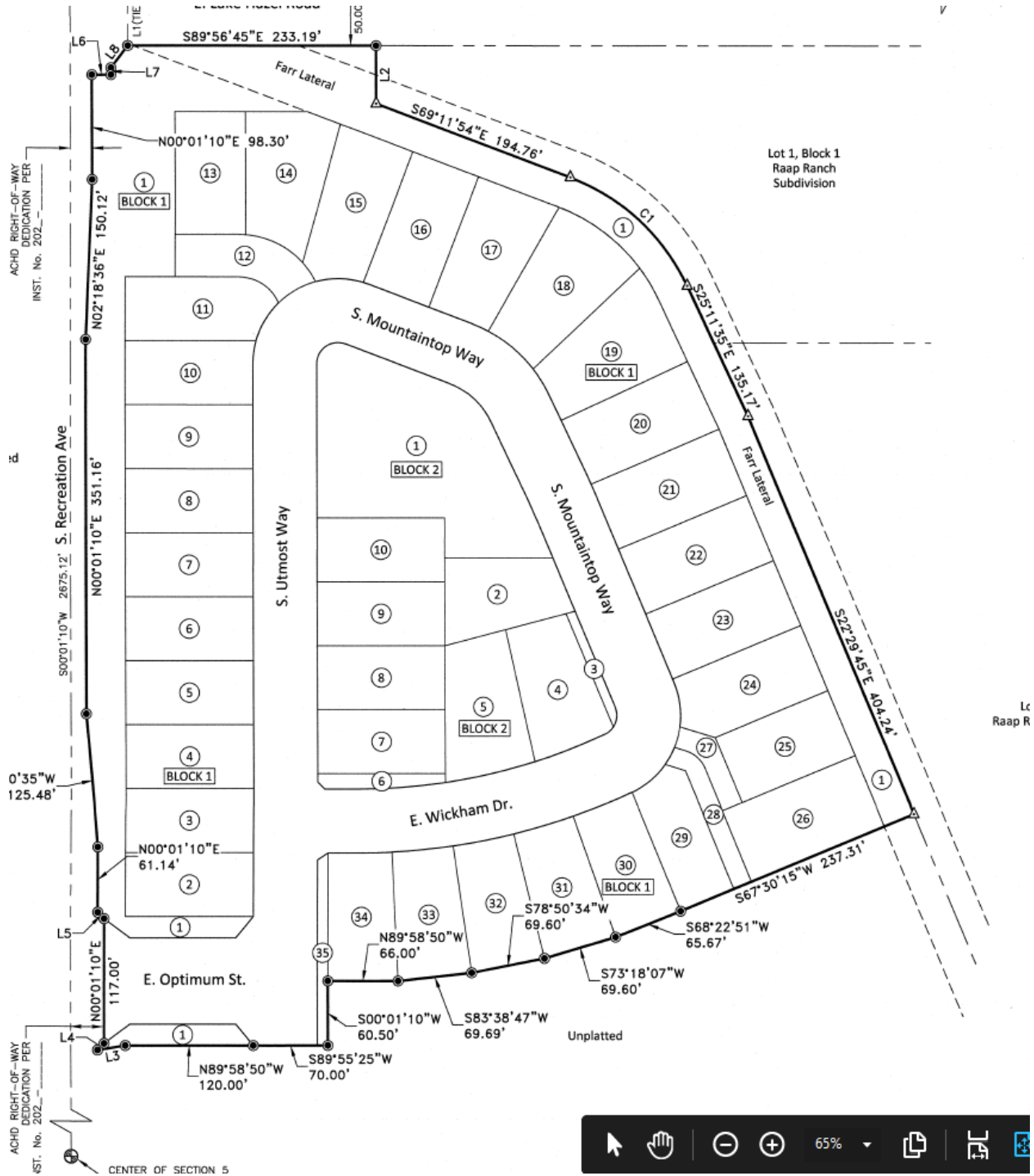
Staff recommends approval of the proposed final plat within the conditions noted in Section VI of this report.

# V. EXHIBITS

## A. Approved Preliminary Plat (date: 12/20/2021)



B. Proposed Final Plat (date: 5/9/2022)



C. Approved Landscape Plan (date: 12/28/2021)

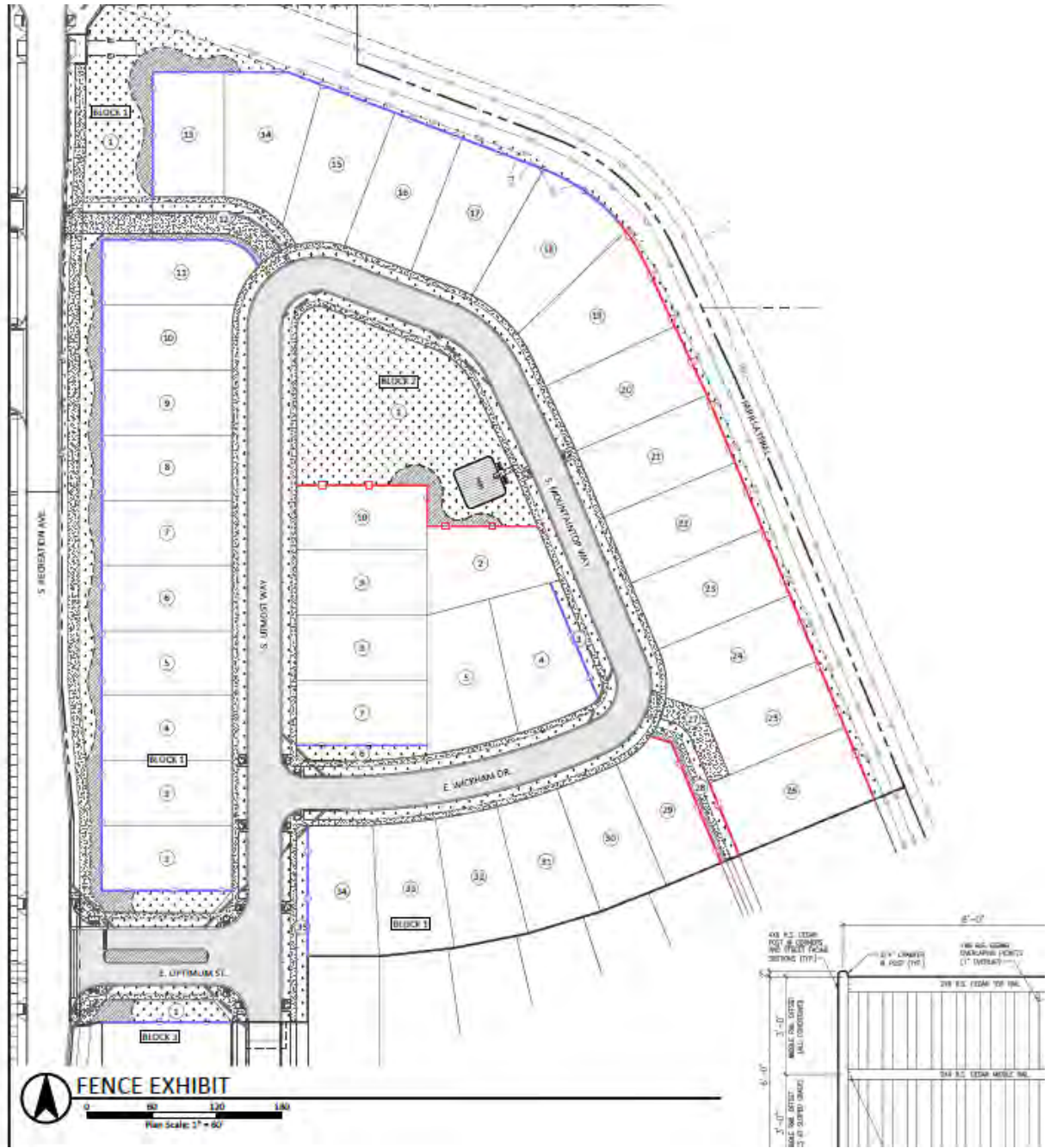




D. Proposed Landscape Plan (date: 5/10/2022)



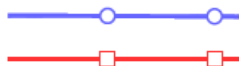
E. Fencing Plan (date: 5/10/2022)



FENCE SCHEDULE

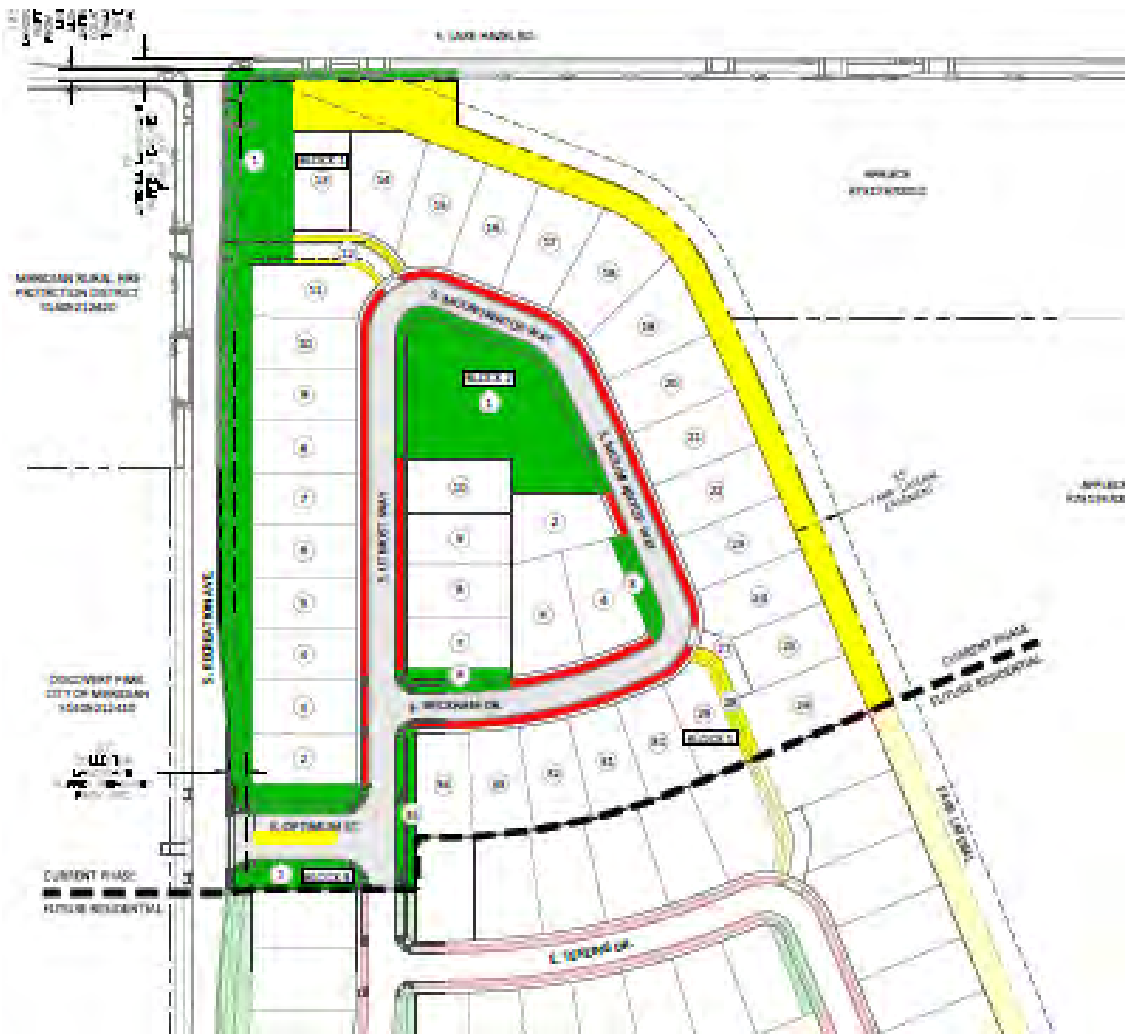
SYMBOLS

DESCRIPTION



6' HEIGHT STAINED CEDAR WOOD FENCE. SEE L4.0-9.  
 5' HEIGHT OPEN VISION METAL FENCE. SEE L4.0-8.

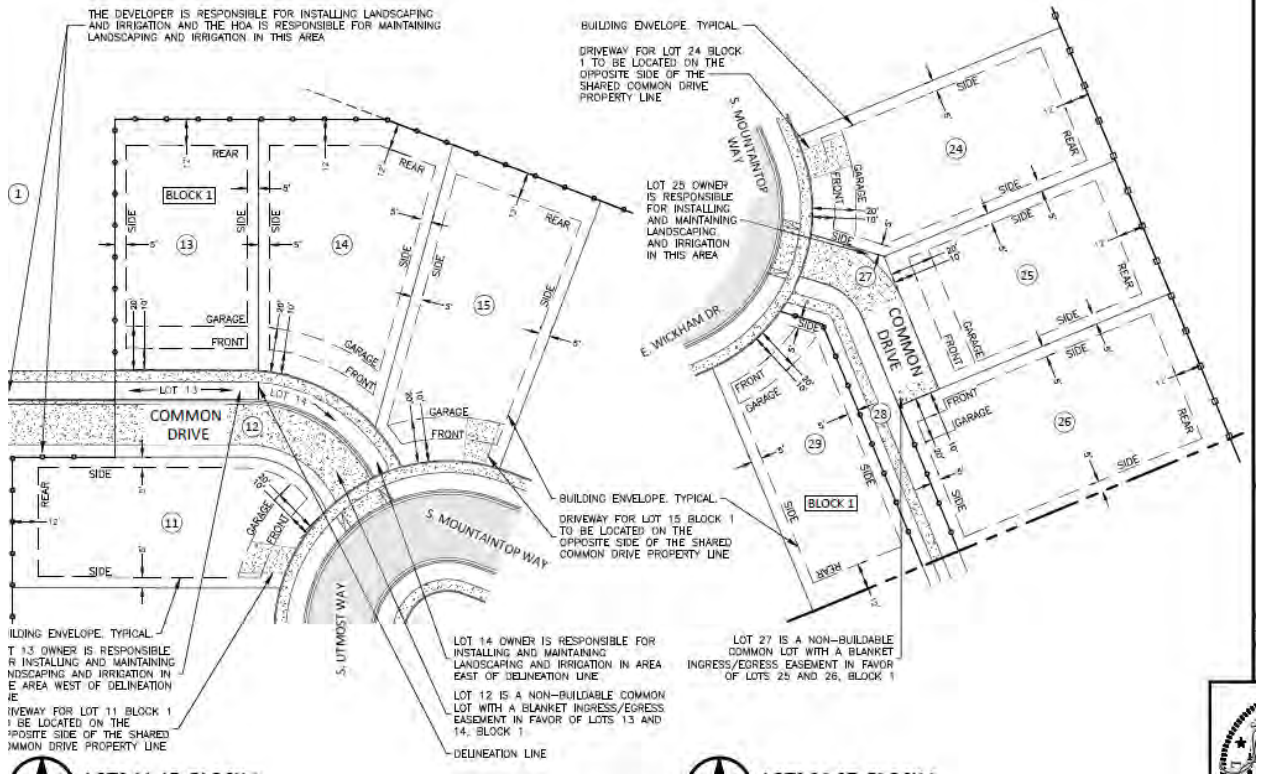
F. Open Space Exhibit (date: 5/10/2022)



**LEGEND**

- PARKWAY (QUALIFIED OPEN SPACE) – CURRENT PHASE
- COMMON LOT (QUALIFIED OPEN SPACE) – CURRENT PHASE
- COMMON LOT (NOT QUALIFIED OPEN SPACE) – CURRENT PHASE
- PARKWAY (QUALIFIED OPEN SPACE) – FUTURE PHASE
- COMMON LOT (QUALIFIED OPEN SPACE) – FUTURE PHASE
- COMMON LOT (NOT QUALIFIED OPEN SPACE) – FUTURE PHASE

G. Common Drive Exhibit (date: 5/10/2022)



## VI. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. The applicant is to meet all terms of the approved annexation (AZ H-2015-0019), preliminary plat (H-2021-0086), and development agreements (Instrument #2014-105206, 2022-018711) for this development.
2. The applicant has two years from the date of signature on the previous final plat phase to obtain City Engineer's signature on this 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. Required street frontage improvements along E. Lake Hazel Rd. and the construction of S. Recreation Way including pathways, and landscape buffers shall be constructed prior to or with the first phase of construction.
5. Revise the notes on the face of the plat prepared by KM Engineering prior to signature on the final plat by the City Engineer, as follows:
  - a. Add note referencing development agreement instr. 2022-018711.
  - b. Note #10: Include recorded instrument number.
  - c. Note #11: Include recorded instrument number.
  - d. Note #12: Include recorded instrument number
6. The landscape plan prepared by KM Engineering, dated 05/10/2022, is approved as submitted with the revision that the micropath in Lot 12, Block 1 be landscaped as required per UDC 11-3B-12.
7. All common driveways shall meet the requirements of 11-6C-2-D including a perpetual ingress/egress easement being filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.
8. The City Council waived the requirement to tile the Farr Lateral. All other ditches shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.
9. Future homes constructed within the subdivision must comply with the submitted elevations approved with the recorded development agreement. The rear and/or sides of 2-story structures that face E. Lake Hazel Rd. or S. Recreation Ave shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement.
10. All fencing shall be installed in accordance with UDC 11-3A-7.
11. Stormwater integration facilities shall comply with the standards listed in UDC 11-3B-11C.
12. 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 for more information.
13. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat does not relieve the applicant of responsibility for compliance.

14. Prior to the issuance of a building permit, the final plat shall be recorded.
15. Temporary construction or permanent fencing to contain debris shall be installed at the subdivision boundary prior to release of building permits for this subdivision.

## **B. PUBLIC WORKS**

### **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](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 (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.

### **C. PARKS AND RECREATION**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=263876&dbid=0&repo=MeridianCity>