

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



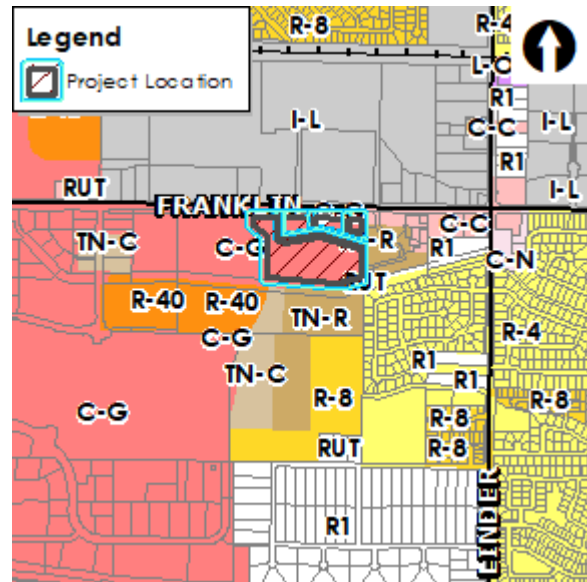
HEARING DATE: 9/28/2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: FP-2021-0047
TM Frontline

LOCATION: South side of W. Franklin Rd.,
approximately ¼ mile west of S. Linder
Rd., in the NE ¼ of Section 14, T.3N.,
R.1W. (Parcel #S1214121134)



I. PROJECT DESCRIPTION

Final plat consisting of six (6) buildable lots on 15.99 acres of land in the C-G zoning district for TM Frontline Subdivision.

This is the third phase of development of TM Center Subdivision (H-2020-0074). *TM Creek No. 5 (1st phase FP-2021-0027); TM Crossing No. 5 (2nd phase FP-2021-0045).*

II. APPLICANT INFORMATION

A. Applicant/Representative:

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

B. Owner:

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

C. Contact/Representative:

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

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat for TM Center Subdivision and associated conditions of approval as required by UDC 11-6B-3C.2. There are seven (7) 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 plat as required.

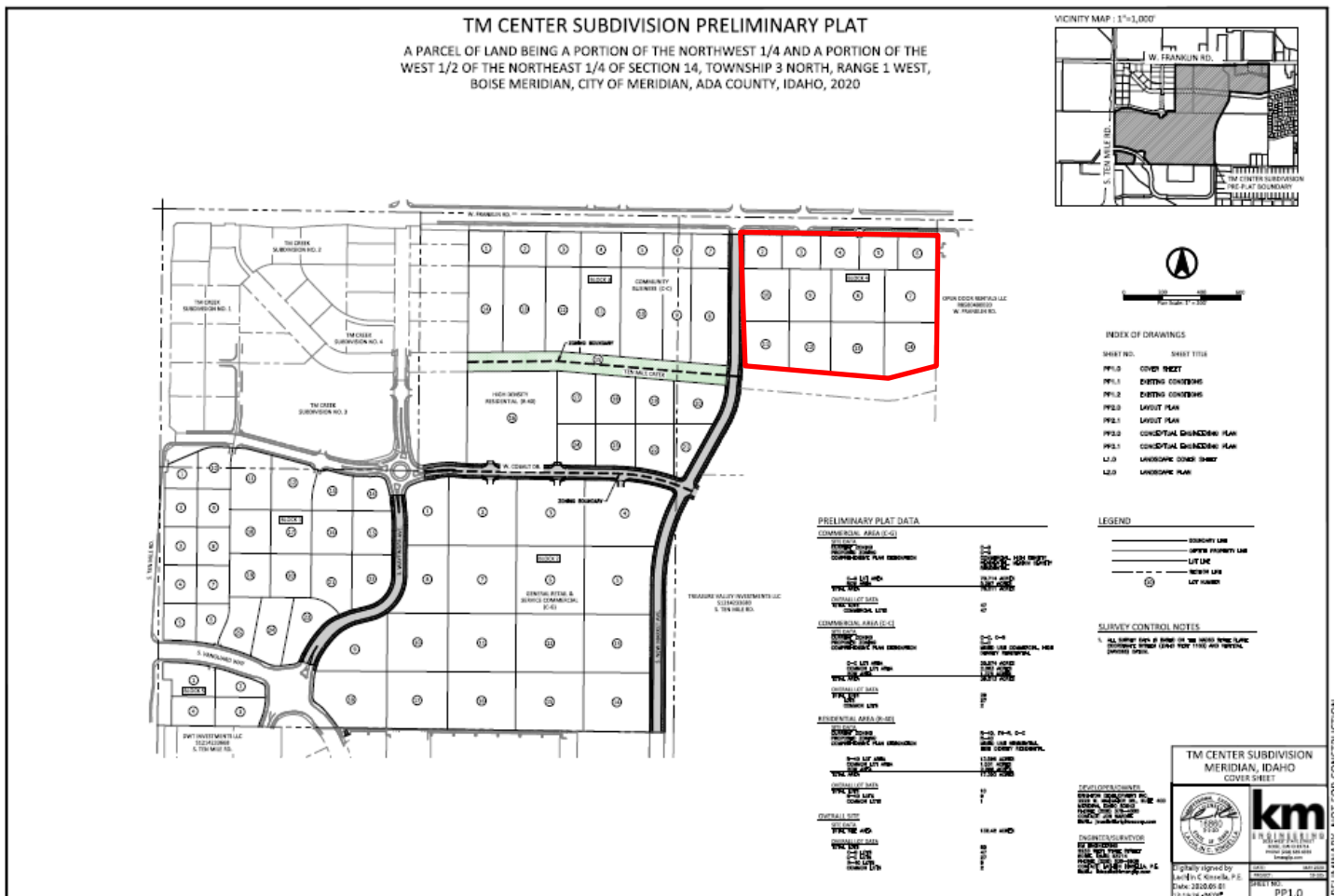
IV. DECISION

A. Staff:

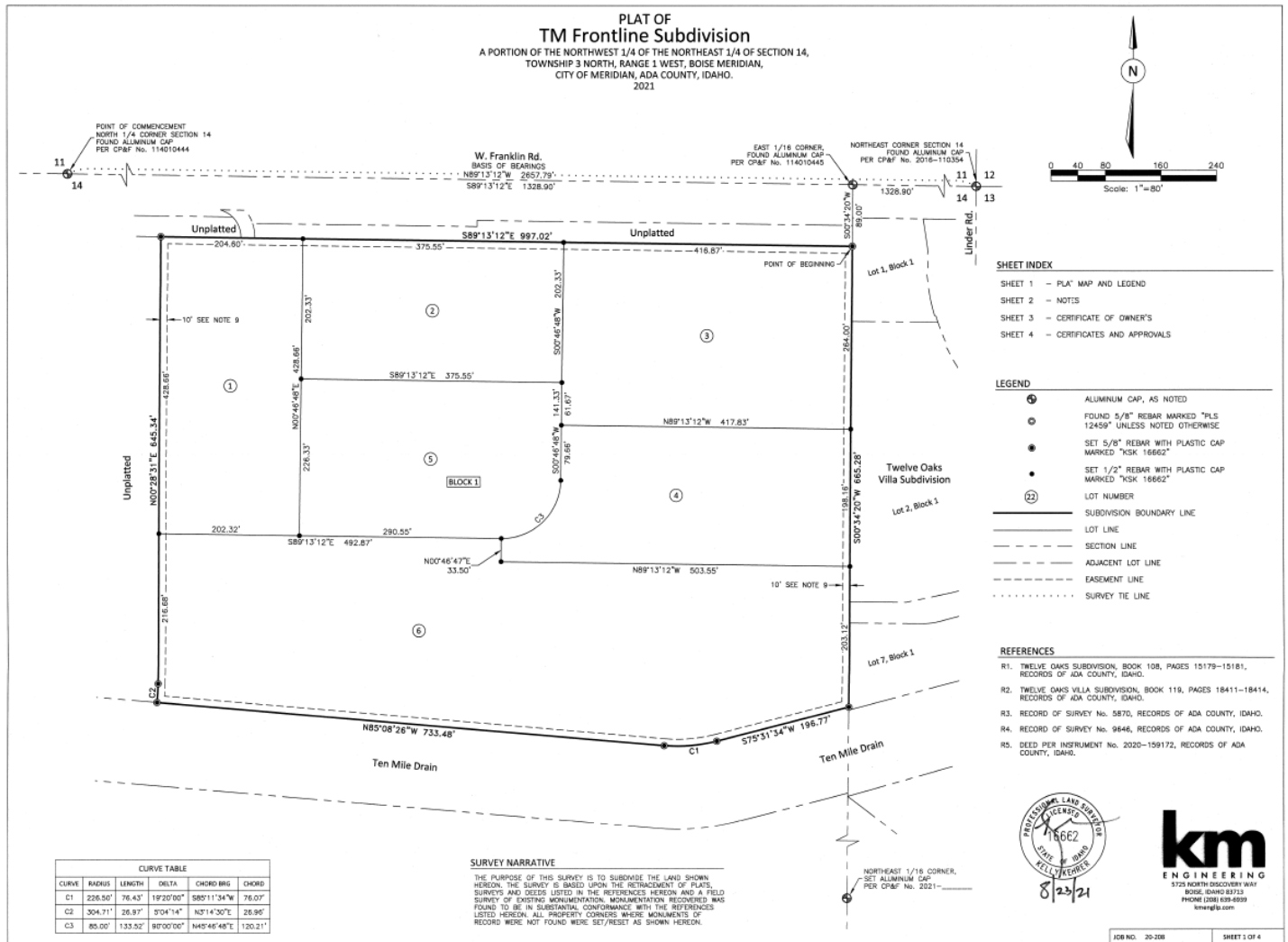
Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

V. EXHIBITS

A. Preliminary Plat (dated: May 1, 2020)



B. Final Plat (date: 8/23/2021)



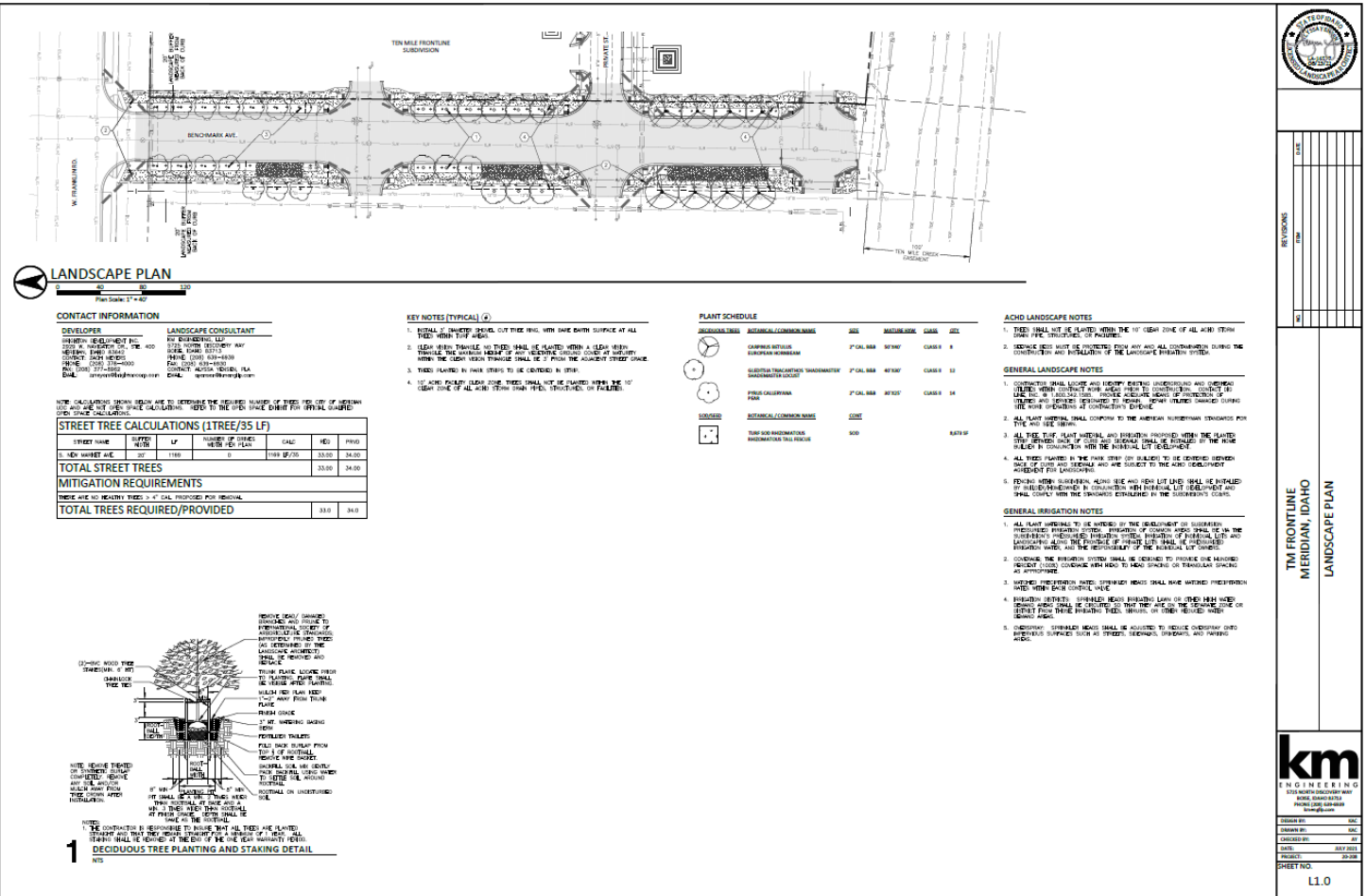
PLAT OF TM Frontline Subdivision

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 RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF THE RESUBDIVISION.
3. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
4. THIS SUBDIVISION IS SUBJECT TO A DEVELOPMENT AGREEMENT, RECORDED AS INSTRUMENT No. _____ OF ADA COUNTY RECORDS.
5. IRRIGATION WATER HAS BEEN PROVIDED FROM NAMPA-MERIDIAN IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM NAMPA-MERIDIAN IRRIGATION DISTRICT.
6. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO 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 IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
7. THE LOTS WITHIN THIS SUBDIVISION, INCLUDING BUILDING AND OCCUPANCY, ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS THAT ARE FILED FOR RECORD AS INSTRUMENT No. _____ OF ADA COUNTY RECORDS AND MAY BE AMENDED FROM TIME TO TIME.
8. UNLESS SHOWN OTHERWISE, ALL LOT LINES COMMON 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, SAID PROPERTY IRRIGATION AND PROPERTY DRAINAGE EASEMENTS ARE RESERVED IN FAVOR OF THE OPERATOR, OR ASSIGNS.
9. UNLESS OTHERWISE DIMENSIONED, ALL LOT LINES COMMON TO THE SUBDIVISION BOUNDARY CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, PROPERTY IRRIGATION AND PROPERTY DRAINAGE, SAID PROPERTY IRRIGATION AND PROPERTY DRAINAGE EASEMENTS ARE RESERVED IN FAVOR OF THE OPERATOR, OR ASSIGNS.
10. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
11. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.
12. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
13. EXCEPT AT APPROVED ACCESS POINT(S), DIRECT LOT OR PARCEL ACCESS TO W. FRANKLIN ROAD IS PROHIBITED.
14. IN ACCORDANCE WITH THE MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (SEE NOTE 7) ALL LOTS SHOWN HEREON SHALL PROVIDE RECIPROCAL CROSS-ACCESS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS TO AND FROM THE PUBLIC RIGHT-OF-WAYS AND TO THE UTILITY EASEMENTS AS DELINEATED OR NOTED ON THIS PLAT.
15. THIS SUBDIVISION IS SUBJECT TO A LICENSE AGREEMENT WITH NAMPA & MERIDIAN IRRIGATION DISTRICT PER INSTRUMENT NO. _____



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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 aka Ten Mile Crossing H-2020-0074, Development Agreement Inst. #2021-089157).**
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of the City Engineer's signature on the previous phase final plat (i.e. TM Crossing No. 5 FP-2021-0027) 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 acknowledgement signed and notarized.
4. The final plat shown in Section V.B prepared by KM Engineering, stamped on 8/23/2021 by Kelly Kehrner, shall be revised as follows:
 - a. Note #4: Include the recorded Development Agreement number (i.e. #2021-089157).
 - b. Note #7: Include the recorded instrument number of the CC&R's.
 - c. Modify Note #13 as follows: "Except at approved access point(s), direct lot or parcel access to W. Franklin Rd. and S. Benchmark Ave. is prohibited."
 - d. Note #15: Include the recorded instrument number of the NMID license agreement.
 - e. Graphically depict a permanent dedicated buffer or common lot for the street buffers along W. Franklin Rd. & S. New Market Ave./Benchmark (25' and 20' respectively, measured from back of curb) and include a note that they will be maintained by the property owner or business owners' association (as applicable).
 - f. Include the recorded instrument number of the aluminum cap per CP&F graphically depicted on the face of the plat on Sheet 1.
 - g. Include the right-of-way for S. Benchmark Ave. in the boundary of this phase.

An electronic copy of the revised plat shall be submitted to the Planning Division prior to signature on the final plat by the City Engineer.

5. The landscape plan shown in Section V.C, prepared by KM Engineering, dated 8/23/21, shall be revised as follows:
 - a. Depict the street buffer along W. Franklin Rd. with landscaping in accord with the standards listed in UDC 11-3B-7C.
 - b. Include shrubs within the street buffers along S. Benchmark Ave. and W. Franklin Rd. along with the trees and vegetative groundcover as set forth in UDC [11-3B-7C.3a](#).

An electronic copy of the revised landscape plan shall be submitted to the Planning Division prior to signature on the final plat by the City Engineer.

6. 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.

7. All future development shall comply with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district and UDC 11-4-3-27B.1.
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 main in South Benchmark Ave from Franklin Rd needs to be increased to 12'' diameter.
2. All manholes must be accessible
3. Manholes 18 feet or deeper require a 60-inch diameter manhole.
4. Ensure no sewer services pass through future infiltration trench locations.
5. Water main in South Benchmark Ave from Franklin Rd needs to be increased to 12'' diameter.

General Conditions:

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
17. Developer shall coordinate mailbox locations with the Meridian Post Office.
18. All grading of the site shall be performed in conformance with MCC 11-1-4B.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
26. 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.
27. 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.
28. 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.
29. 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.