

EXHIBIT A



COMMUNITY DEVELOPMENT DEPARTMENT

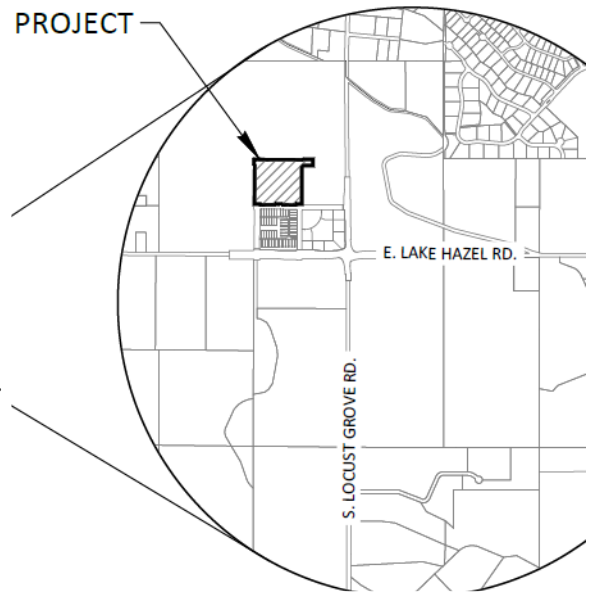
HEARING DATE: July 13, 2021

TO: Mayor & City Council

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

SUBJECT: FP-2021-0038
Apex Northwest No. 2 – FP

LOCATION: Northwest corner of S. Locust Grove Rd.
& E. Lake Hazel Rd., in the SE ¼ of
Section 31, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

The Applicant requests approval of a final plat consisting of 52 single-family residential buildable lots on 9.89 acres of land in the R-15 zoning district.

II. APPLICANT INFORMATION

A. Applicant:

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

B. Owner:

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

C. Representative:

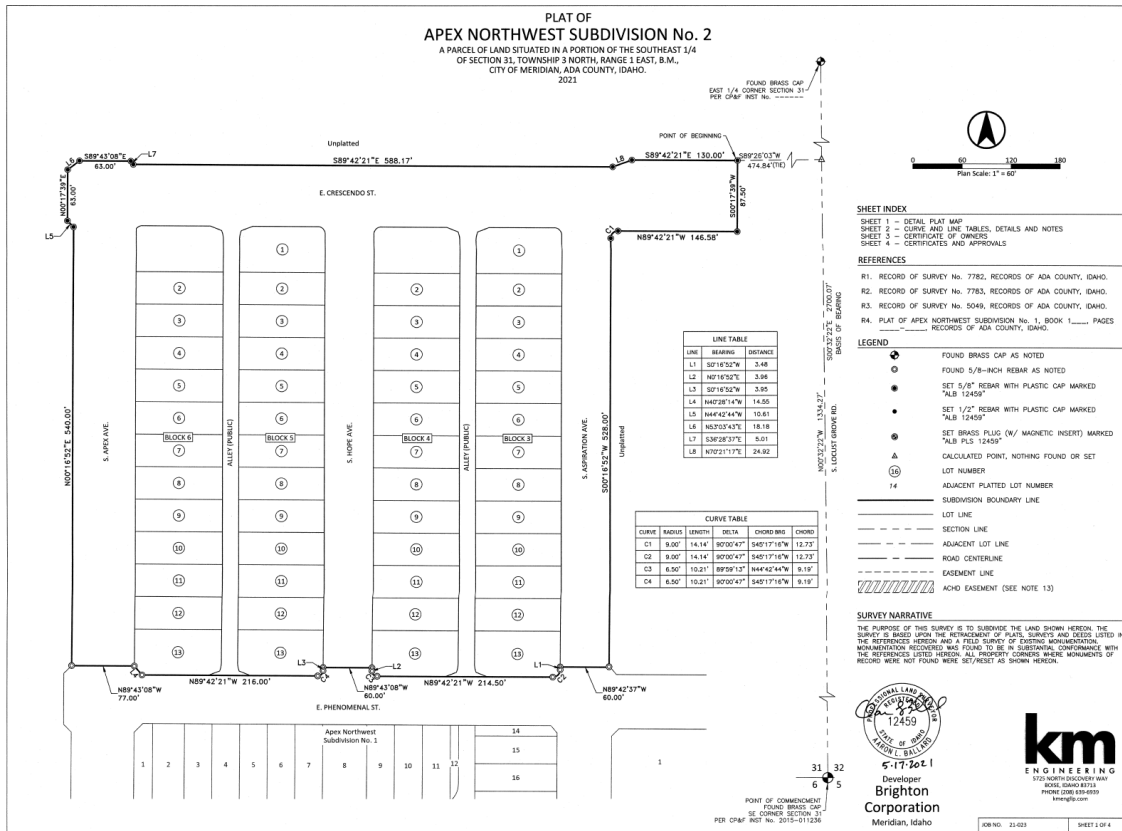
Same as Applicant

III. STAFF ANALYSIS

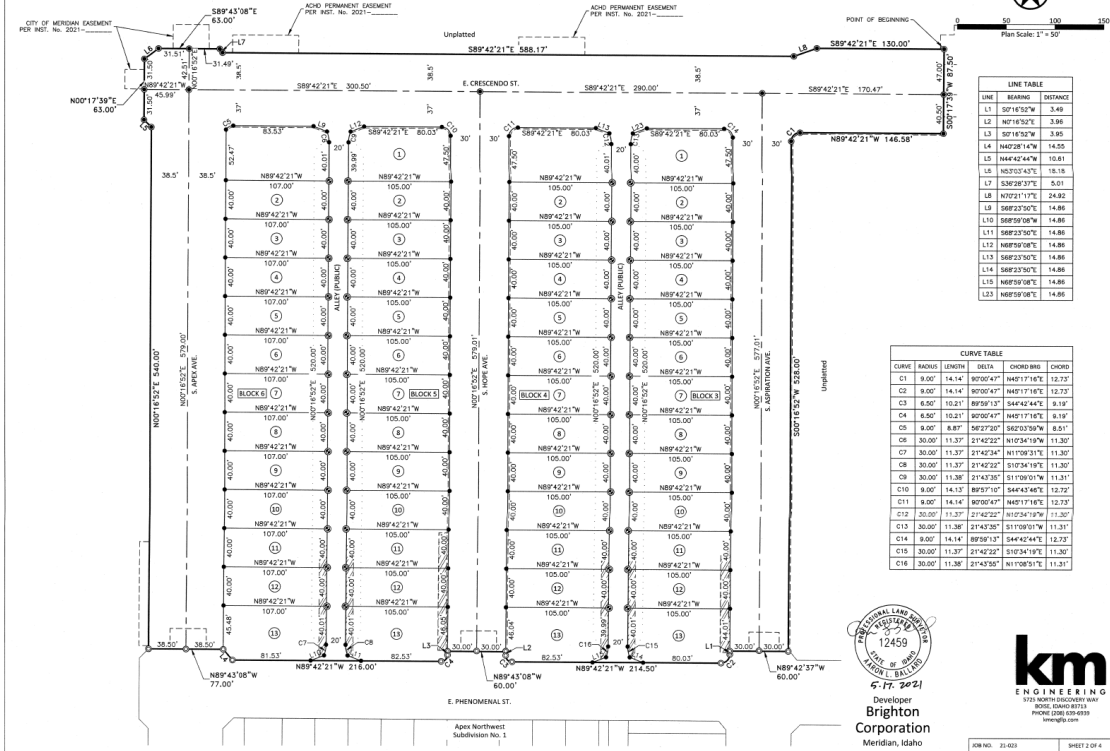
Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2020-0056) in accord with the requirements listed in UDC 11-6B-3C.2.

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 is the same.

B. Final Plat (dated: 5/17/21)



PLAT OF
APEX NORTHWEST SUBDIVISION No. 2



LINE	BEARING	DISTANCE
L1	S0°16'52"W	3.49
L2	N0°16'52"E	3.49
L3	S0°16'52"W	3.49
L4	N40°28'14"W	14.55
L5	N44°42'44"W	10.61
L6	N02°03'42"E	16.16
L7	S38°08'37"E	5.51
L8	N70°21'17"E	24.92
L9	S68°23'50"E	14.86
L10	S68°59'08"W	14.86
L11	S68°23'50"E	14.86
L12	N68°59'08"E	14.86
L13	S68°23'50"E	14.86
L14	S68°23'50"E	14.86
L15	N68°59'08"E	14.86
L23	N68°59'08"E	14.86

CURVE	RADIUS	LENGTH	DELTA	CHORD BEG	CHORD END
C1	9.00'	14.14'	90°00'41"	N40°17'16"E	12.72'
C2	9.00'	14.14'	90°00'41"	N40°17'16"E	12.72'
C3	6.50'	10.21'	89°59'13"	S44°42'44"E	9.19'
C4	6.50'	10.21'	90°00'41"	N40°17'16"E	9.19'
C5	6.50'	8.87'	56°27'02"	S62°03'59"W	8.51'
C6	30.00'	11.37'	21°42'22"	N10°34'19"W	11.30'
C7	30.00'	11.37'	21°42'24"	N10°34'19"E	11.30'
C8	30.00'	11.37'	21°42'24"	S10°34'19"E	11.30'
C9	30.00'	11.38'	21°43'38"	S10°34'19"E	11.31'
C10	9.00'	14.13'	89°57'02"	S44°42'44"E	12.72'
C11	9.00'	14.14'	90°00'41"	N40°17'16"E	12.72'
C12	30.00'	11.37'	21°42'22"	N10°34'19"W	11.30'
C13	30.00'	11.38'	21°43'38"	S10°34'19"E	11.31'
C14	9.00'	14.14'	89°59'13"	S44°42'44"E	12.72'
C15	30.00'	11.37'	21°42'22"	S10°34'19"E	11.30'
C16	30.00'	11.38'	21°43'38"	N10°34'19"E	11.31'



km
ENGINEERING
3711 NORTH DOWNEY BLVD
BOISE, IDAHO 83713
PHONE (208) 336-8333
www.km-engineering.com

PLAT OF
APEX NORTHWEST SUBDIVISION No. 2

CERTIFICATE OF OWNERS

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

A PARCEL OF LAND SITUATED IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP MARKING THE SOUTHEAST CORNER OF SAID SECTION 31, WHICH BEARS S89°32'22"E A DISTANCE OF 3,700.07 FEET FROM A FOUND BRASS CAP MARKING THE EAST 1/4 CORNER OF SAID SECTION 31;

THENCE FOLLOWING THE EASTERLY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, N07°32'22"W A DISTANCE OF 1,334.87 FEET TO A POINT;

THENCE LEAVING SAID EASTERLY LINE, S89°32'30"W A DISTANCE OF 488.94 FEET TO A SET 5/8-INCH REBAR AND BEING THE POINT OF BEGINNING.

THENCE S00°17'39"W A DISTANCE OF 87.50 FEET TO A SET 5/8-INCH REBAR;

THENCE S89°42'31"W A DISTANCE OF 123.86 FEET TO A SET 5/8-INCH REBAR;

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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 RESUBDIVISION.
3. IRRIGATION WATER HAS BEEN PROVIDED FROM BOISE-KUNA IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE SECTION 31-2805(1)(d). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM BOISE-KUNA IRRIGATION DISTRICT.
4. 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 NEGLECTED OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
5. 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, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
6. UNLESS OTHERWISE DIMENSIONED, ALL LOT LINES COMMON TO THE SUBDIVISION BOUNDARY AND ALL REAR LOT LINES CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
7. ALL INTERIOR LOT LINES CONTAIN A 5.00 FOOT WIDE EASEMENT, EACH SIDE, FOR PUBLIC UTILITIES, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
8. THIS PLAT IS SUBJECT TO AN ACHD LANDSCAPE LICENSE AGREEMENT PER INSTRUMENT No. 2021-_____ OF ADA COUNTY RECORDS.
9. ACHD PUBLIC RIGHT-OF-WAY EASEMENT (SIDEWALK) PER INSTRUMENT No. 2021-_____ RECORDS OF ADA COUNTY, IDAHO.
10. DIRECT LOT OR PARCEL ACCESS TO E. CRESCENDO ST. AND E. PHENOMENAL ST. IS PROHIBITED EXCEPT FOR THOSE ACCESS POINTS APPROVED BY THE CITY OF MERIDIAN AND ADA COUNTY HIGHWAY DISTRICT.
11. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
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 OR HOMEOWNER'S ASSOCIATION.
13. PORTIONS OF LOTS 11-13, BLOCK 3, 11-13, BLOCK 4, 11-13, BLOCK 5 AND 11-13, BLOCK 6 ARE SERVIENT TO AND CONTAIN THE ACHD STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCUMBERED BY THAT CERTAIN FIRST AMENDED MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON NOVEMBER 10, 2015, AS INSTRUMENT No. 0115-103296, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL. THIS "MASTER EASEMENT", THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ACHD PURSUANT TO SECTION 40-2302, IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
14. THIS SUBDIVISION IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS THAT ARE FILED FOR RECORD AT THE ADA COUNTY RECORDER'S OFFICE AS INSTRUMENT No. 2021-_____, AND MAY BE AMENDED FROM TIME TO TIME.

CERTIFICATE OF SURVEYOR

I, AARON L. BALLARD, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF APEX SOUTHEAST SUBDIVISION No. 2 AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" 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 IDAHO CODE RELATING TO PLATS AND SURVEYS.

AARON L. BALLARD, P.L.S. 12459



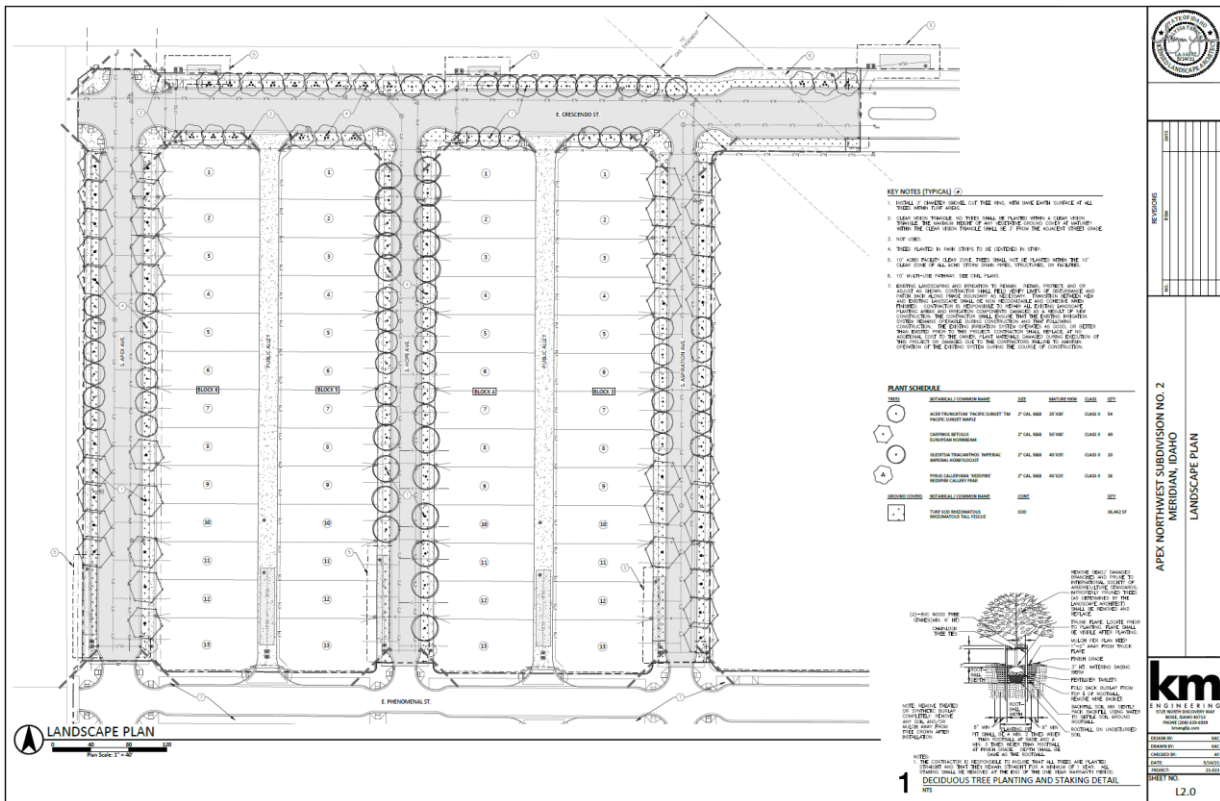
Developer
Brighton
Corporation
Meridian, Idaho



5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kme@kme.com

JOB NO. 23-023

SHEET 3 OF 4

[illegible]

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-2020-0056 and H-2020-0066 (Development Agreement Instrument Number 2020-178120)].
 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 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 by Aaron L. Ballard, dated: 5/17/2021, included in Section V.B shall be revised as follows:
 - a. Depict the Lot numbers for Lot 1, Block 6 and Lot 1, Block 4 that are missing on Sheets 1 and 2.
 - b. References – R4: Include the recorded book & page number of the Apex Northwest Sub. 1 plat on Sheet 1.
 - c. Include the CP&F recorded instrument number of the East ¼ corner section on Sheet 1.
 - d. Include the recorded instrument number of the ACHD permanent easement graphically depicts and noted on Sheet 2.
 - e. Include the recorded instrument number of the City of Meridian easement graphically depicted and noted on Sheet 2.
 - f. Note #8: Include the recorded instrument number of the ACHD Landscape license agreement.
 - g. Note #9: Include the recorded instrument number of the ACHD public right-of-way easement (sidewalk).
 - h. Note #10: Include S. Apex Ave. in the note in accord with preliminary plat condition #2a.
 - i. Note #14: Include the recorded instrument number of the CC&R's.
 - j. Certificate of Owners: Include the recorded book & page number of the Apex Northwest Sub. 1 plat.
 - k. Street buffers are required to be placed in common lots maintained by the Homeowner's Association where they extend beyond the right-of-way as set forth in UDC 11-3B-7C. *Alternative compliance may be requested to this standard as set forth in UDC Table 11-5B-5.*
- A copy of the revised plat shall be submitted with the final plat for City Engineer signature.*
5. The landscape plan prepared by KM Engineering, dated 5/14/2021, included in Section V.C, shall be revised as follows:
 - a. Include shrubs within the street buffers along S. Apex Ave. and E. Crescendo St., collector streets, in accord with the standards in UDC 11-3B-7C.3a. *Alternative compliance may be requested to this standard as set forth in UDC Table 11-5B-5.*

6. The rear and/or side of structures on lots that face E. Crescendo St. and S. Apex Ave., collector streets, 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 that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
7. All future development, except for single-family detached dwellings, is required to comply with the design standards listed in the Architectural Standards Manual.
8. All alleys shall comply with the standards listed in UDC [11-6C-3B.5](#). The construction drawings shall reflect compliance with these standards.
9. 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.
10. All fencing shall comply with the standards of UDC 11-3A-7C.
11. All alleys shall serve as fire lanes and be signed “No Parking Fire Lane”.
12. Development within the Williams Pipeline easement shall comply with the Williams Developers’ Handbook.
13. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables 11-2A-7 for the R-15 zoning district.
14. Off-street parking is required to be provided for residential uses in accord with the standards listed in UDC Table 11-3C-6 based on the number of bedrooms per unit.
15. Staff’s failure to cite specific ordinance provisions or conditions from the preliminary plat (H-2020-0056) and/or Development Agreement (Inst. #2020-178120) does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) can be built within the utility easement.
2. Sewer service lines should not cross infiltration trenches due to uneven settling that occurs.
3. Provide an easement to the north property boundary in the northeast portion of this phase.

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-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.