

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: 05/06/2025
ORDER APPROVAL DATE: 05/20/2025

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 61 BUILDING)
LOTS AND 11 COMMON LOTS ON)
29.11 ACRES OF LAND IN THE R-2)
AND R-8 ZONING DISTRICTS FOR)
APEX NORTHWEST #6.)
)
BY: BRIGHTON CORPORATION)
APPLICANT)
_____)
)
)

CASE NO. FP-2025-0003

ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on May 6th, 2025 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 APEX NORTHWEST SUBDIVISION NO. 6, LOCATED IN THE SE ¼ OF SECTION 31, TOWNSHIP 3N, RANGE 1E, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2025,

ORDER OF CONDITIONAL APPROVAL OF FINAL PLAT
FOR (Apex Northwest Subdivision No. 6 – FP-2025-0003)

HANDWRITTEN DATE: FEBRUARY 12th, 2025, by AARON 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 May 6th, 2025, 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 _____, 2025.

By:

Robert E. 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



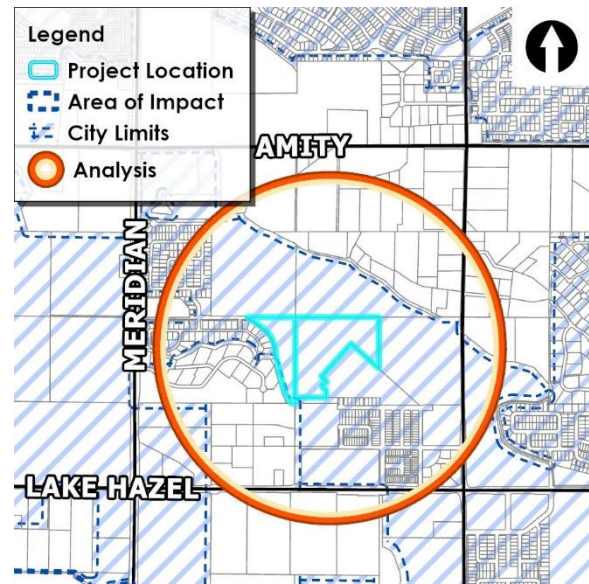
HEARING DATE: 05/06/2025

TO: Mayor & City Council

FROM: Nick Napoli, Associate Planner
nnapoli@meridiancity.org

SUBJECT: Apex Northwest No. 6
FP-2025-0003

LOCATION: Near the 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

Final Plat consisting of 61 single family building lots and eleven (11) common lots on 29.11 acres of land in the R-2 and R-8 zoning districts for the Apex Northwest Subdivision No. 6.

II. APPLICANT INFORMATION

A. Applicant:

Amanda McNutt, Brighton Corporation – 2929 W. Navigator Drive, Suite 400, Meridian ID 83642

B. Owner:

Brighton Development Inc.– 2929 W. Navigator Drive, Suite 400, Meridian ID 83642

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

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Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plats for Apex West (H-2021-0087) and Apex Farr (H-2024-0014) in accord with the requirements listed in UDC 11-6B-3C.2. This plat incorporates a portion of each Apex West and Apex Farr as Brighton Corporation is the developer of both subdivisions. A portion of the Apex West plat was overlayed with the Apex Farr plat, so there is some layout variation, however, the number of lots for this phase did not increase, and the open space remained the same.

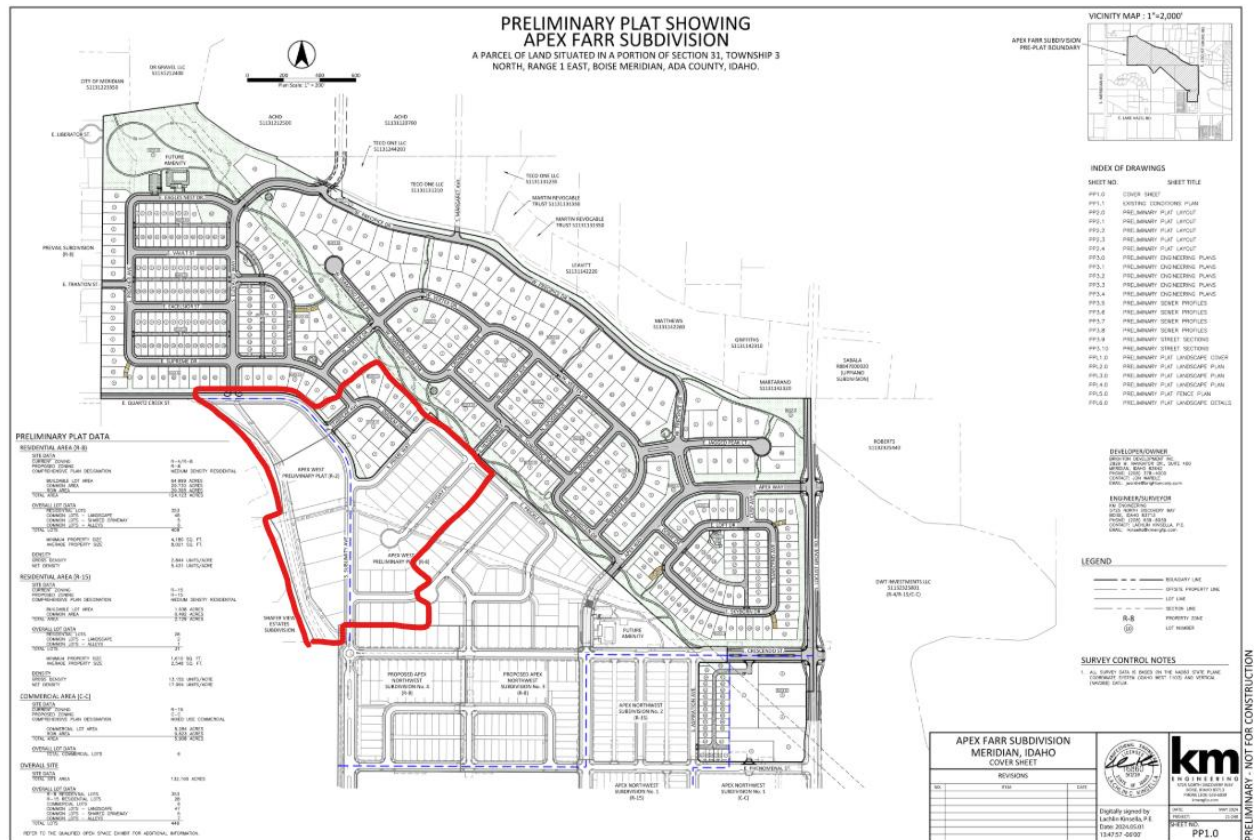
In order for the proposed final plat to be deemed in substantial compliance with the approved preliminary plat as set forth in UDC 11-6B-3C.2, the number of buildable lots cannot increase, and the amount of common area cannot decrease. However, the road alignment and lot configuration have changed slightly from the preliminary plat. This is due to the approval of Apex Farr (H-2024-0014). Since there is no change to the number of buildable lots and the amount of common open space is 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 with the conditions noted in Section VI of this report.

V. EXHIBITS

A. Preliminary Plat Apex Farr (dated: 05/01/24)

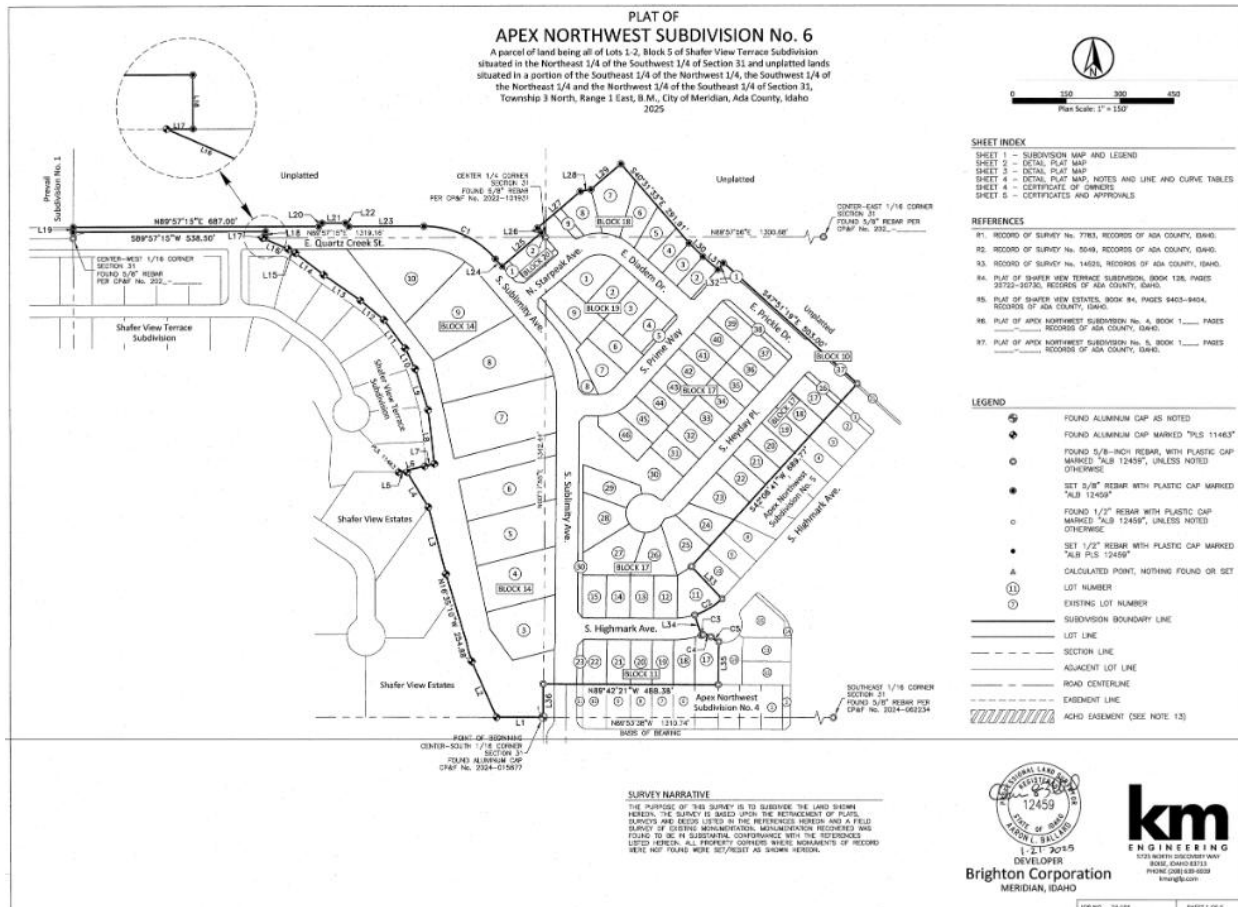


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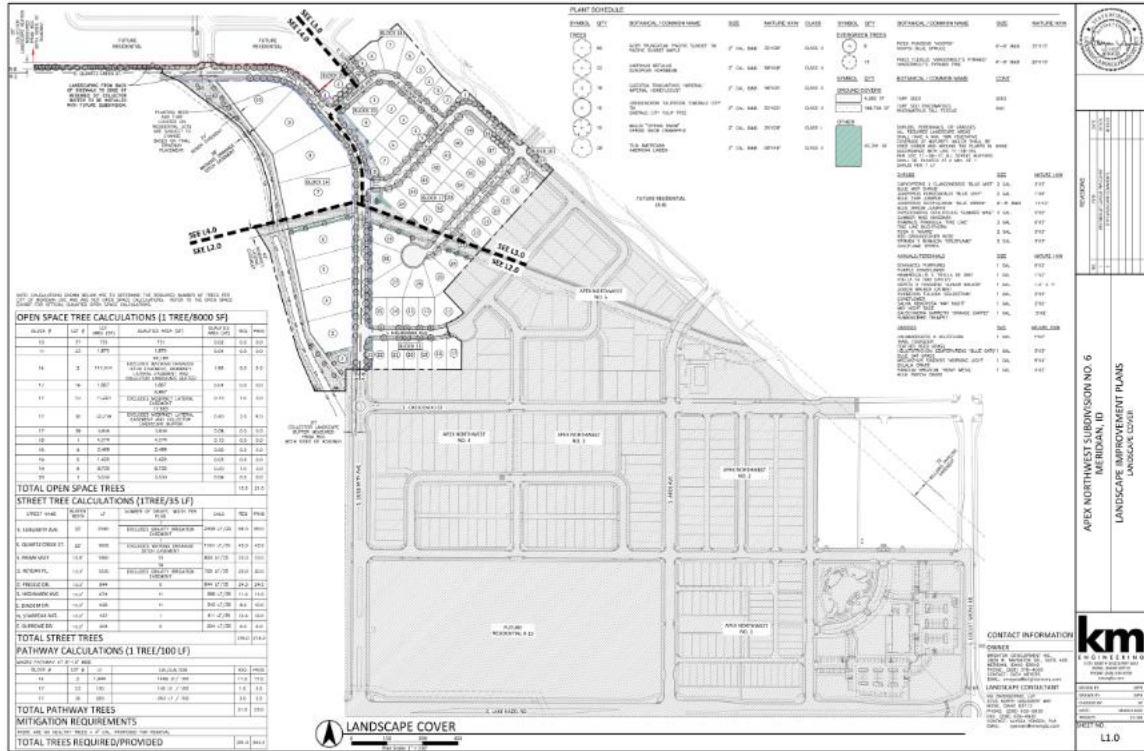
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C. Final Plat (dated: 01/21/25)



C. Landscape Plan (dated: 05/24/2024)







VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

1. Applicant shall meet all terms of the approved annexation (H-2020-0066 (Apex); Development Agreement Inst. #2020-178120 (Apex); H-2021-0087 (Apex West); FP-2021-0056 (Shafer View Terrace); H-2024-0014 (Apex Farr); Development Agreement Inst. #2024-069485; applications approved for this site.
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of City Council's approval of Apex Northwest Subdivision No. 5 on September 10th, 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 acknowledgement signed and notarized.
4. The final plat prepared by KM Engineering, dated: 01/21/2025, included in Section V.B shall be revised as follows:

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FOR (Apex Northwest Subdivision No. 6 – FP-2025-0003)

- a. Note #9: Include the recorded instrument numbers for the ACHD temporary license agreement.
- b. Note #17 and 18: Include the recorded instrument number of the ACHD permanent easement.
- c. Note #15 and 16: Include the recorded instrument number of the City of Meridian Sanitary Sewer and Water Easement.
- d. Add a plat note stating “direct lot access to S. Sublimity Avenue is prohibited except for Lots 3-10, Block 14.”

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 05/24/2024, included in Section V.C, shall be revised as follows:
 - a. Include shrubs and lawn or vegetative groundcover along with the trees within the landscape strips along the multi-use pathway adjacent to the McBirney lateral in accord with the standards listed in UDC 11-3B-12C.
 - b. All required landscape areas shall be at least 70% covered with vegetation at maturity, with mulch used under and around the plants in accord with UDC 11-3B-5N. Either depict detailed landscaping in the areas where a green cross-hatch symbol is used for shrubs, perennials or grasses that demonstrates compliance with this requirement; or, include a note in the plant schedule for the cross-hatched area that states compliance with this standard.
 - c. Provide a total of 10 feet of landscaping with a minimum of two (2) feet on each side of the pathway running along the rear of Lots 3-10, Block 14, in compliance with UDC 11-3B-12.

A copy of the revised landscape plan shall be submitted with the final plat for City Engineer signature.
6. 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.
7. A 14-foot wide public use easement for all multi-use pathways (Lot 1, Block 15; Lot 16, Block 10; Lot 9, Block 16; Lot 7, Block 17) shall be submitted to the Planning Division prior to submittal for City Engineer’s signature on the final plat(s).
8. Homes within the development shall be generally consistent with the building elevations referenced in the Development Agreement (Inst. #2020-178120 and Inst. #2024-069485).
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, Matthew Peterson, at 208-887-1620 or Matthew.W.Peterson@usps.gov for more information.
10. Homes on lots that abut the collector street (i.e. E. Quartz Creek Street and S. Sublimity Avenue) will be highly visible; therefore, the rear and/or side of structures on these lots (i.e. Lots 3-10, Block 14; Lot 2, Block 20; Lot 7 and 9, Block 19; Lots 15, 27-29, Block 17; Lot 22, Block 11)

should 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.*

11. Street setbacks for residential units abutting collector streets shall comply with UDC 11-2A-6.
12. 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

Wastewater	
• Distance to Sewer Services	Sewer Available at Site
• Sewer Shed	
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	
• Project Consistent with WW Master Plan/Facility Plan	Yes
• Impacts/concerns	<ul style="list-style-type: none"> See Public Works Site Specific Conditions
Water	
• Distance to Water Services	Water Available at Site
• Pressure Zone	
• Estimated Project Water ERU's	See application
• Water Quality	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	None - Ensure no Meters are within 5 feet of the Fence adjust accordingly. Water Services cannot run across a property other than the one being served. Water service need to run along the common lot with Meter being located in landscaped area.

(Common) SITE SPECIFIC CONDITIONS:

1. Water services cannot run across a property other than the one being served. Water service needs to run along the common lot. Meter should be located in landscaped area.
2. Fence cannot be within 5 feet of Water meters. Adjust accordingly.
3. Tree trunk must be at least 5 feet from the Water service.
4. Ensure no sewer services pass through infiltration trenches.
5. Provide 20' Easements for mains, hydrant laterals and water services. Easements should extend up to the end of main/hydrant/water meter and 10' beyond it.
6. No permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) to be built within the utility easement.

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 ACID. 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 ISPMC and the City of Meridian Supplemental Specifications to the ISPMC. 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 (UDC 11-3B-6.). 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.