

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: SEPTEMBER 27, 2022
ORDER APPROVAL DATE: OCTOBER 11, 2022

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 11 BUILDING)
LOTS AND ONE (1) COMMON LOT)
ON 51.56 ACRES OF LAND IN THE)
C-G ZONING DISTRICT FOR)
POLLARD SUBDIVISION NO. 1.)
)
BY: BRIGHTON DEVELOPMENT,)
INC.)
APPLICANT)
_____)
)

CASE NO. FP-2022-0023

ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on September 27, 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 “POLLARD SUBDIVISION NO. 1, A PARCEL OF LAND SITUATED IN THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: 07/19/2022, by AARON L.

ORDER OF CONDITIONAL APPROVAL OF FINAL PLAT
FOR TM CREEK NO. 6 FP-2022-0024

BALLARD, PLS, SHEET 1 OF 5,” 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 September 27, 2022, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein, and the response letter from Josh Beach, Brighton Development, Inc., a true and correct copy of which is attached hereto marked “Exhibit B” 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:_____

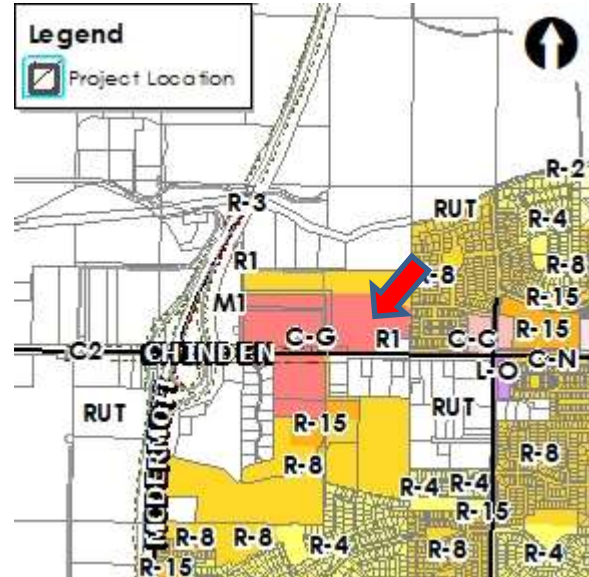
EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 9/27/2022
TO: City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2022-0023
Pollard Subdivision No. 1
PROPERTY LOCATION:
700 S. Wayfinder Ave., in the NW ¼ of
Section 14, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of 11 building lots and 1 common lot on 51.56 acres of land in the C-G zoning district for the first phase of Pollard Subdivision.

II. APPLICANT INFORMATION

A. Applicant

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

B. Owner:

Michael Hall, SCS Investments, LLC – 855 W. Broad Street, Ste. 300, Boise, ID 83702

C. Representative:

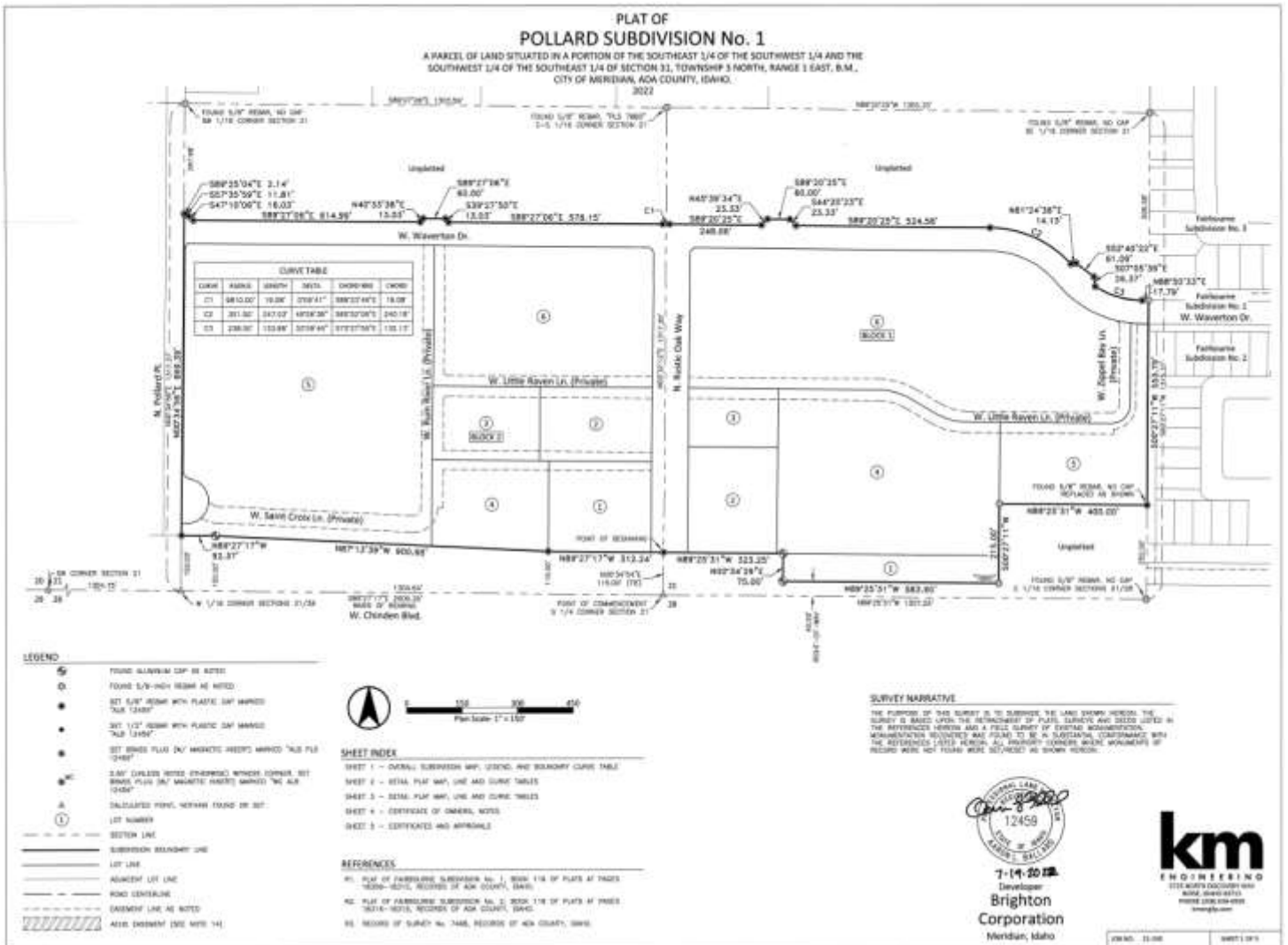
Same as Applicant

III. STAFF ANALYSIS

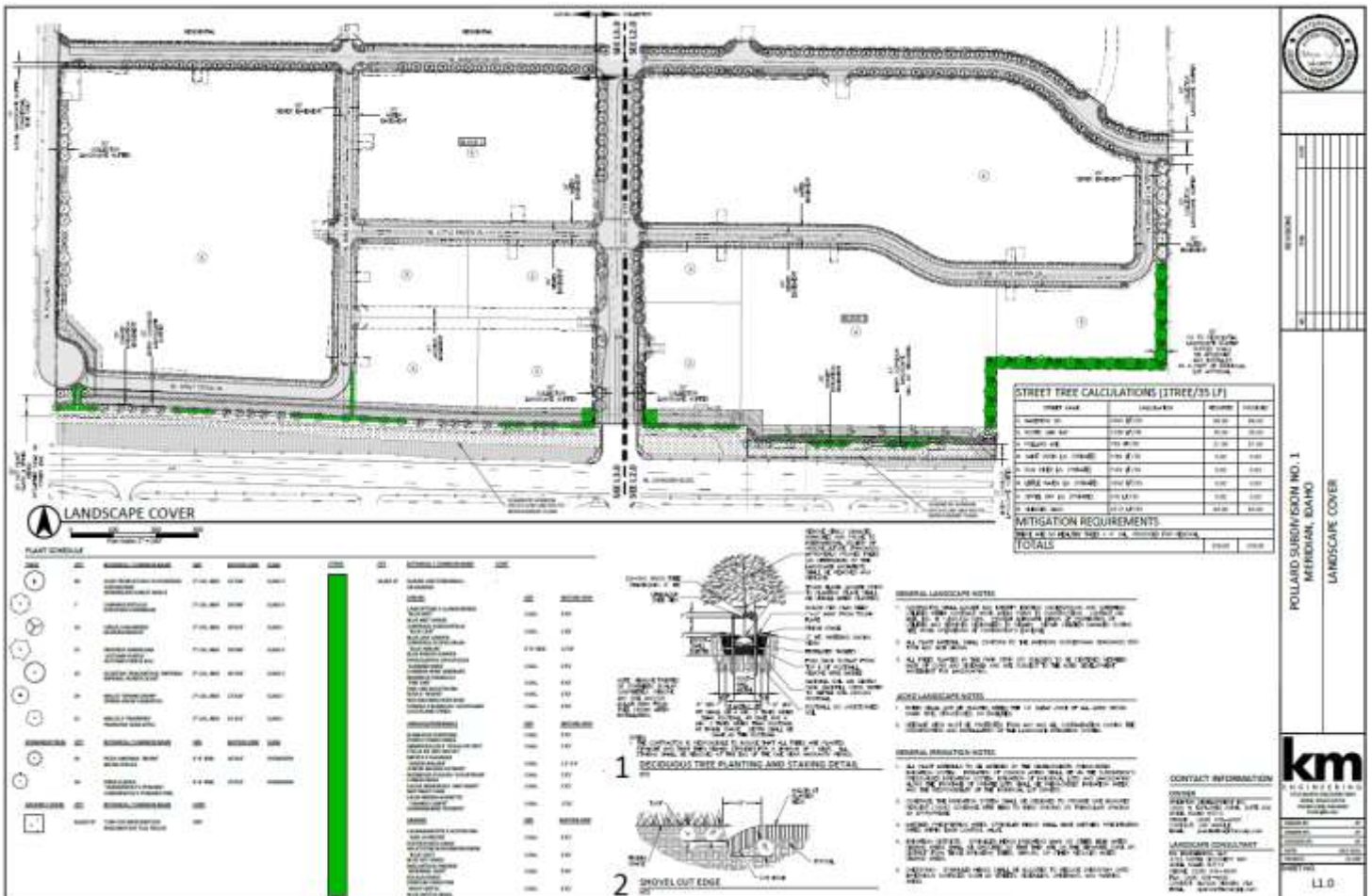
Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat ([H-2019-0021](#)) as required by UDC 11-6B-3C.2. The proposed final plat depicts 15 fewer buildable lots than shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary as required by UDC [11-6B-3C](#).

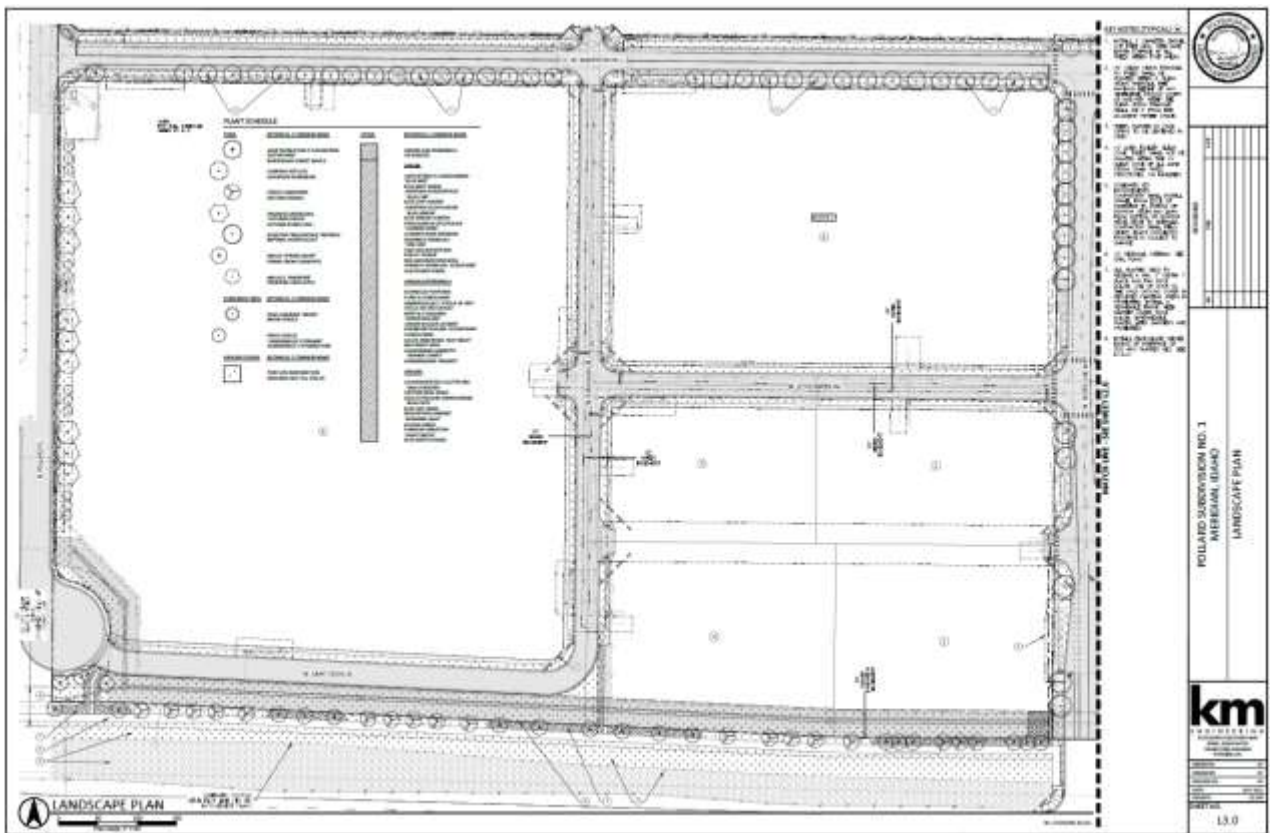
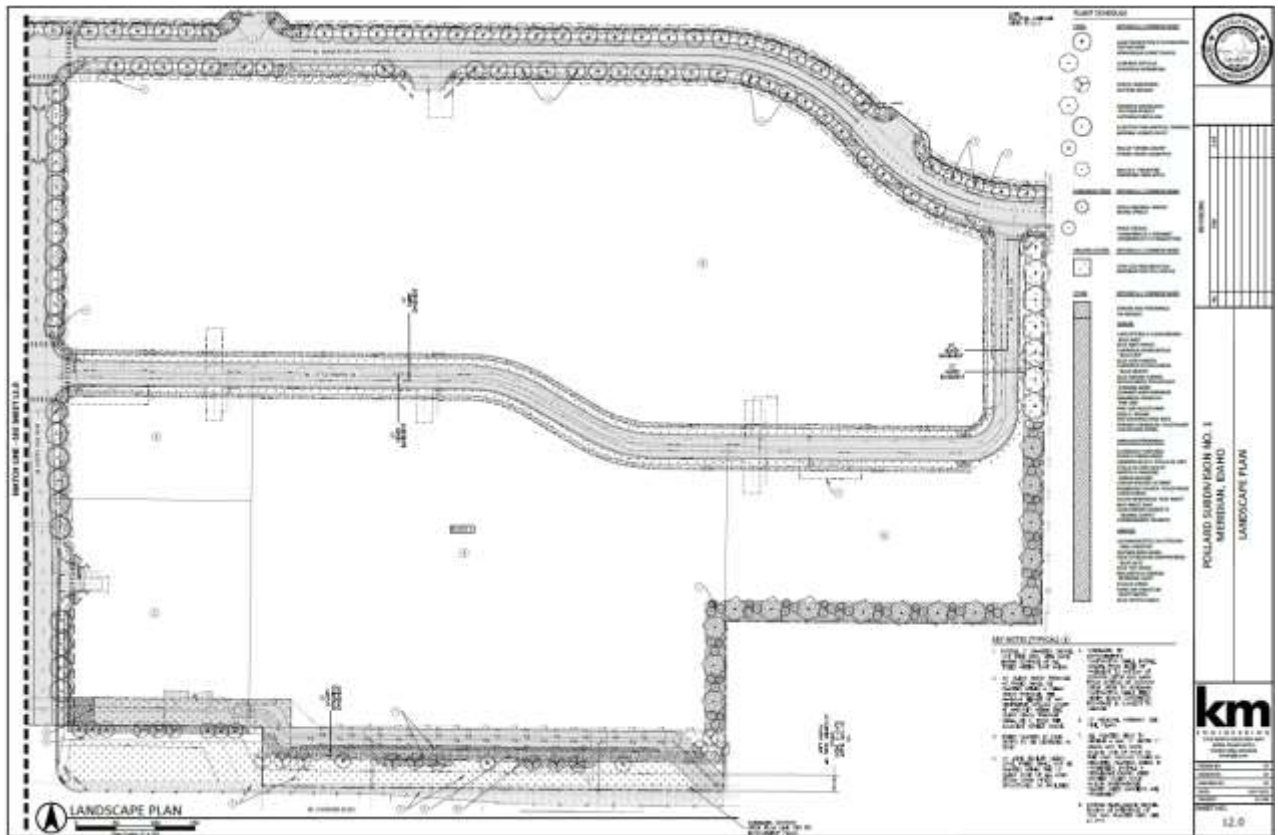
Note: The Applicant confirmed the existing right-of-way and easements depicted on the preliminary plat have been vacated.

B. Final Plat (dated: 7/19/22)



C. Landscape Plan (dated: 7/19/22)





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 [annexation/preliminary plat ([H-2019-0021](#)), Development Agreement Inst. #[2019-060655](#)].
2. The applicant shall obtain the City Engineer's signature on the subject final plat by June 4, 2023 as granted with the time extension (TED-2021-0003); *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 7/19/22 by Aaron L. Ballard, included in Exhibit B shall be revised as follows:
 - a. Depict the required street buffers within a common lot or on a permanent dedicated buffer easement with a note that they will be maintained by the property owner or business owners' association, as applicable, in accord with UDC [11-3B-7C.2a](#).
 - b. Include the recorded instrument number of the ACHD permanent easement graphically depicted on the face of the plat.
 - c. Include the recorded instrument number of the City of Meridian pathway easement graphically depicted on the face of the plat.
 - d. Include a note stating direct lot access via W. Chinden Blvd./SH 20-26 is prohibited.
 - e. Correct the situate statement on the plat to reflect the correct Section and Township & Range.
5. The landscape plan prepared by KM Engineering, dated 7/19/22 included in Exhibit C, shall be revised as follows:
 - a. If the unimproved street right-of-way along Chinden Blvd. is 10 feet or greater from the edge of pavement to the edge of sidewalk or property line, the developer shall maintain a 10 foot compacted shoulder meeting the construction standards of the transportation authority and landscape the remainder with lawn or other vegetative ground cover as set forth in UDC [11-3B-7C.5](#); depict accordingly on the plan.
 - b. Depict landscaping within the buffer along the eastern boundary of the site adjacent to residential uses in accord with the standards listed in UDC [11-3B-9C.1](#), which requires a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative groundcover. *This landscaping may be installed with individual lot development.*
6. Prior to signature on the final plat by the City Engineer, a cross-access easement shall be recorded that provides access to the out-parcel (#S0421438700) at the southeast corner of the site and a driveway shall be provided for access and interconnectivity with the subject property in accord with UDC 11-3A-3A.2 and as set forth in the development agreement (provision #5.1c). **A copy of the recorded easement shall be submitted with the application for final plat signature.** *The driveway may be constructed with development of Lots 4 or 5, whichever is providing the access easement.*

7. Prior to signature on the final plat by the City Engineer, the existing easements and right-of-way (ROW) depicted on the preliminary plat shall be vacated. Proof of vacation shall be submitted with the application for final plat signature.
8. Prior to signature on the final plat by the City Engineer, submit an application for and obtain final approval of the proposed private streets within the development. Private streets shall comply with the standards listed in UDC [11-3F-4](#).
9. A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for the multi-use pathway within the street buffer along Chinden Blvd./SH-20/26 if the pathway is located outside of ITD's right-of-way; coordinate the details of the easement with Kim Warren, Park's Dept.
10. 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 easement widths vary depending on sewer depth. Sewer 0-15 ft deep require a 20 ft easement, 16-20 ft a 30 ft easement.
2. Ensure no sewer services pass through infiltration trenches.
3. A future install agreement for seven (7) streetlights will be required for the development of this property.

General Conditions:

4. 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 then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications. Sewer main extension is being constructed as part of application LDIR-2022-0031.
5. 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. Water main extension is being constructed as part of application LDIR-2022-0031
6. 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.
7. 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.
8. 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..

9. 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. Warranty surety will be required under application LDIR-2022-0031.
10. 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.
11. 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.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. All grading of the site shall be performed in conformance with MCC 11-1-4B.
15. 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.
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. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
19. 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.
20. 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.
21. 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.

22. 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.

EXHIBIT B

Sonya Allen

From: Joshua Beach <JBeach@brightoncorp.com>
Sent: Tuesday, September 20, 2022 2:12 PM
To: Sonya Allen; Clerks Comment
Cc: Bill Parsons
Subject: RE: Pollard Sub. 1 FP-2022-0023 Staff Report for 9/27/22 Council Meeting - REVISED

External Sender - Please use caution with links or attachments.

We are in agreement.

Josh Beach | Assistant Project Manager-Entitlement
BRIGHTON CORPORATION
Brighton – Creating Great Places
2929 W. Navigator Dr., Suite 400, Meridian, ID 83642
Mobile 208.871.3812
brightoncorp.com

From: Sonya Allen <sallen@meridiacity.org>
Sent: Tuesday, September 20, 2022 12:35 PM
To: Clerks Comment <comment@meridiacity.org>
Cc: Bill Parsons <bparsons@meridiacity.org>; Joshua Beach <JBeach@brightoncorp.com>
Subject: RE: Pollard Sub. 1 FP-2022-0023 Staff Report for 9/27/22 Council Meeting - REVISED

I just realized the situate statement is incorrect on the plat; I added a condition as such. Please update the project file with the attached revised report.

Josh – Please confirm you're in agreement with the revised report.

Thanks,

Sonya Allen | Associate Planner

City of Meridian | Community Development Department | Planning Division
33 E. Broadway Ave., Ste. 102, Meridian, Idaho 83642
Phone: 208-884-5533 | Direct/Fax: 208-489-0578



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From: Sonya Allen
Sent: Tuesday, September 20, 2022 9:54 AM
To: City Clerk - Land Use Items (comment@meridiacity.org) <comment@meridiacity.org>
Cc: Bill Parsons <bparsons@meridiacity.org>; 'Joshua Beach' <JBeach@brightoncorp.com>
Subject: Pollard Sub. 1 FP-2022-0023 Staff Report for 9/27/22 Council Meeting