

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 SEVEN (7)
BUILDING LOTS ON 13.29 ACRES
OF LAND IN THE C-G ZONING
DISTRICT FOR TM CREEK NO. 6.**

CASE NO. FP-2022-0024

**ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT**

**BY: BRIGHTON DEVELOPMENT,
INC.
APPLICANT**

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 “PLAT SHOWING TM CREEK SUBDIVISION NO. 6, LOTS 1-5, BLOCK 3 OF TM CREEK SUBDIVISION NO. 4 AND A PORTION OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M., CITY OF MERIDIAN, ADA

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

COUNTY, IDAHO, 2022, HANDWRITTEN DATE: 07/19/2022, by AARON L. BALLARD, PLS, SHEET 1 OF 3,” 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



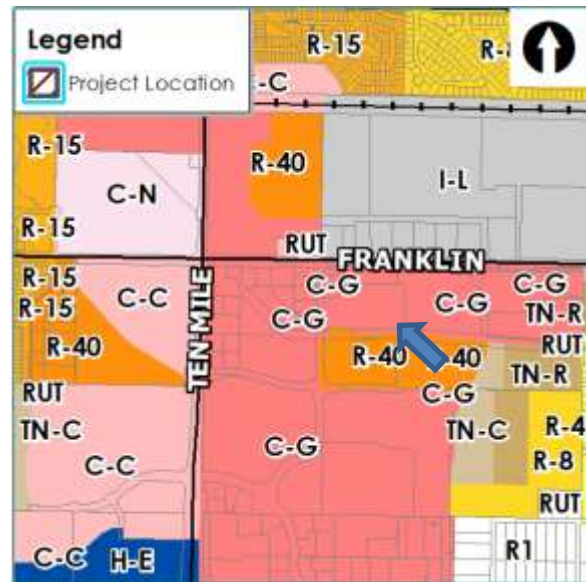
HEARING DATE: 9/27/2022

TO: Mayor & City Council

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

SUBJECT: FP-2022-0024
TM Creek No. 6

LOCATION: Northeast corner of S. Wayfinder Ave.
and W. Cobalt Dr., in the NW ¼ of
Section 14, T.3N., R.1W. (Parcel
#S1214212802)



I. PROJECT DESCRIPTION

Final plat consisting of seven (7) buildable lots on 13.29 acres of land in the C-G zoning district for the sixth phase of TM Creek Subdivision.

II. APPLICANT INFORMATION

A. Applicant/Representative:

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

B. Owner:

Robert Phillips, DWT Investments, LLC – 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 plats for TM Creek ([PP-13-030](#)) and TM Center ([H-2020-0074](#)) and associated conditions of approval as required by UDC 11-6B-3C.2. There are approximately 5 fewer buildable lots and the same amount of common open space as shown on the approved preliminary plats. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plats as required.

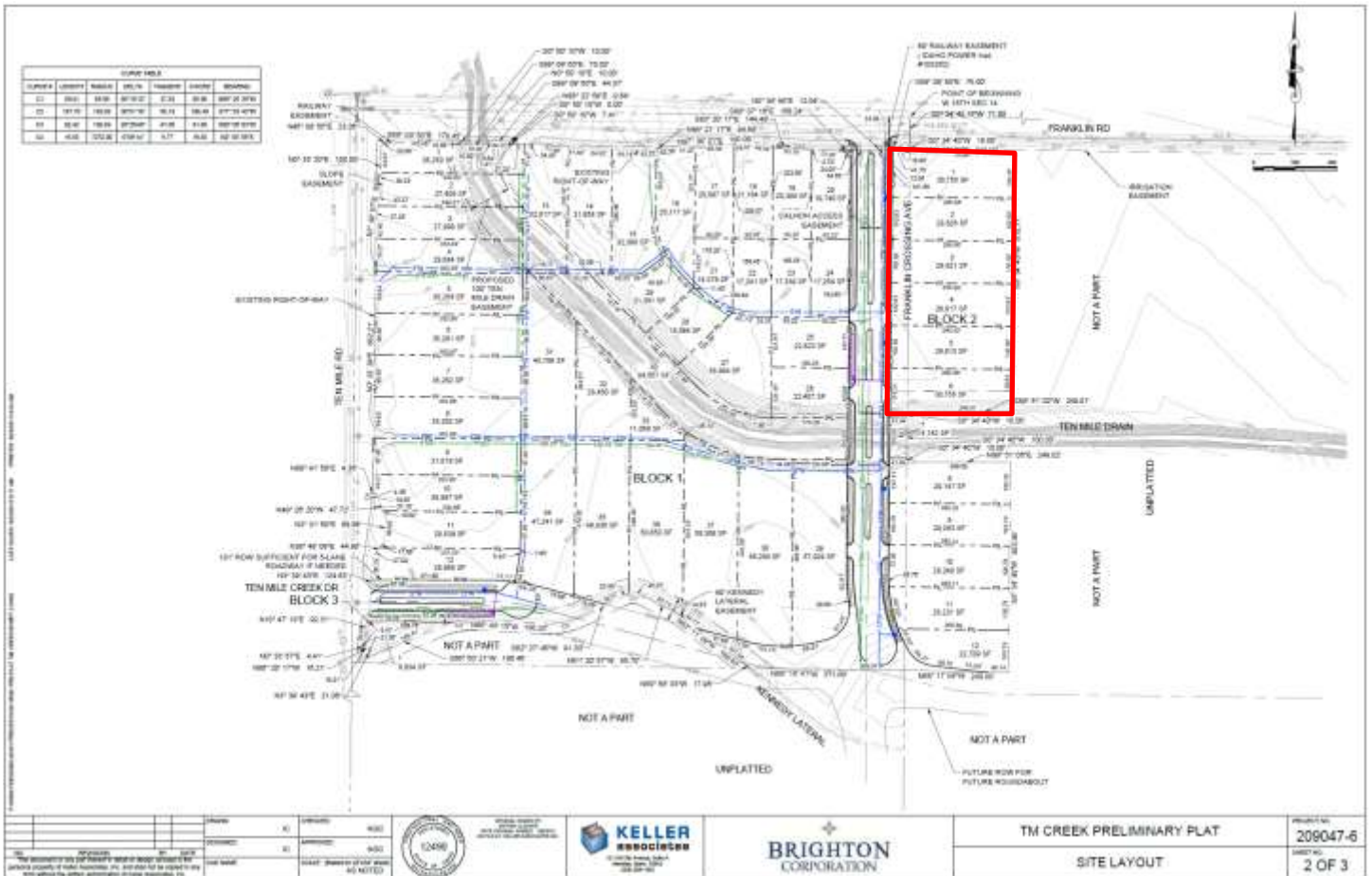
IV. DECISION

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 Plats (TM Creek PP-13-030 & TM Center H-2020-0074)



A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST 1/4 AND A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2020



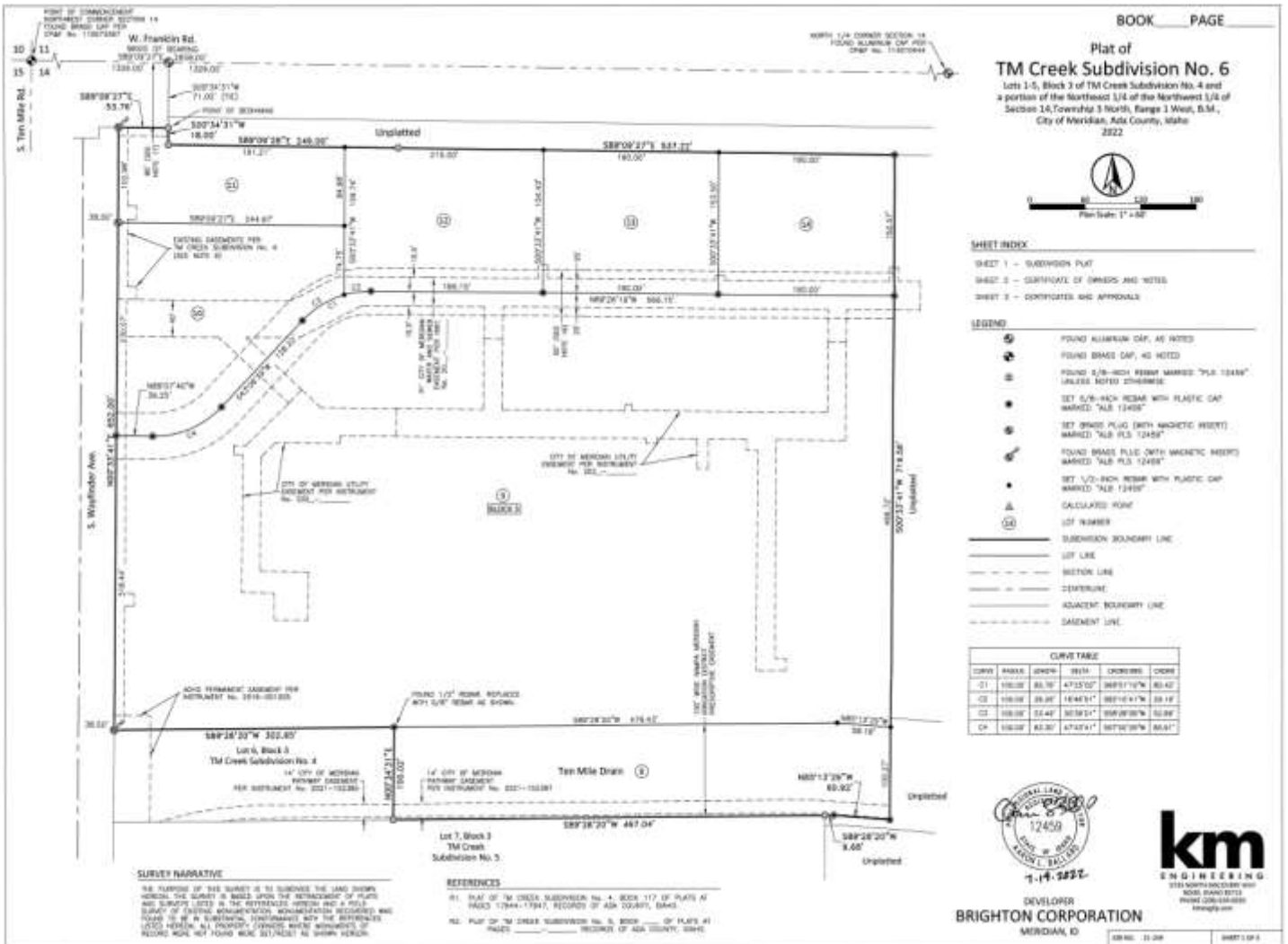
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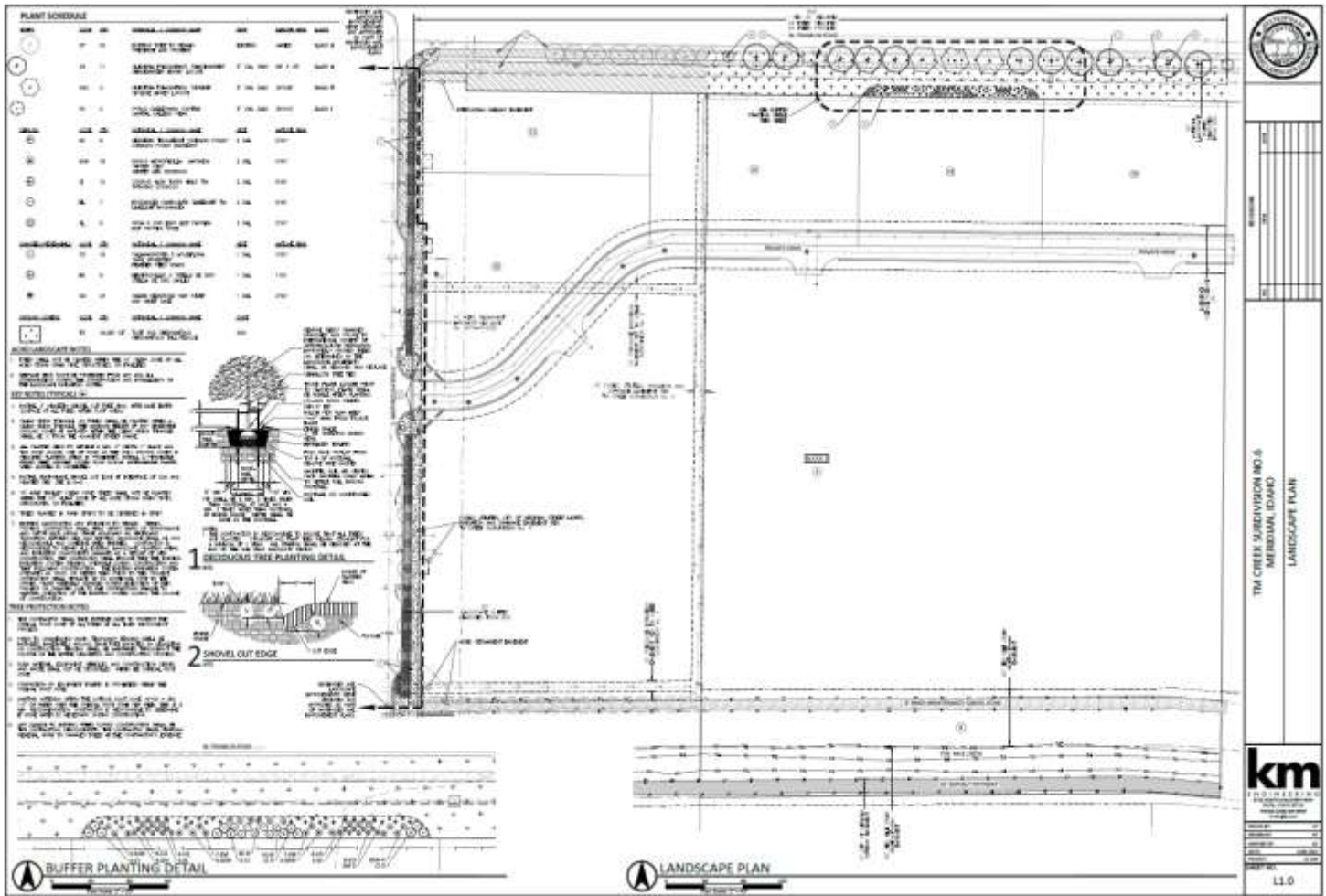
¹ All survey data is based on the 2000 Survey of Consumer Attitudes (SCA) and the 2000 Survey of Consumer Expenditures (SCE).

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B. Final Plat (date: 7/19/2022)



C. Landscape Plan (date: 6/17/2022)



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 Creek: [AZ-13-015](#) (DA Inst. #[114045759](#); 1st Addendum Inst. [2016-073497](#); and 2nd Addendum Inst. #[2017-113747](#) and preliminary plat (PP-13-030); Ten Mile Center ([H-2020-0074](#)), DA 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 (TM Creek No. 5) in accord with UDC 11-6B-7 in order for the preliminary plats [TM Creek ([PP-13-030](#)) and TM Center ([H-2020-0074](#))] 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 7/19/2022 by Aaron L. Ballard, shall be revised as follows:
 - a. Include the recorded instrument number of the City of Meridian water and sewer easement graphically depicted on the face of the plat.
 - b. Include the recorded instrument number of the City of Meridian utility easement graphically depicted on the face of the plat.
 - c. Note #4: Strike all of the info pertaining to development agreements (DA's) for TM Creek. These agreements were all replaced with one new DA for the overall development, recorded as Inst. #[2021-089157](#).
 - d. Note #7: Do the Master CC&R's include the land approved with the preliminary plat for TM Center? Make any changes necessary to this note to be accurate.
 - e. Note #19: "... approved with PP-13-030 and H-2020-0074 by the City of Meridian ...".

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 6/17/22, is approved as submitted.
6. Prior to signature on the final plat by the City Engineer, submit an application for and obtain final approval of the proposed private street within the development. Private streets shall comply with the standards listed in UDC [11-3F-4](#).
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. The final plat shall be recorded prior to issuance of any Certificates of Occupancy for the site per requirement of the Development Agreement (provision #5.1(23).
9. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plats and/or development agreements does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. Center water main in 20' easement.
2. Provide a 5' easement, in all directions, that is clear of all permanent structures (including carports) around the fire hydrants.
3. Provide a 20' easement up to the water meters.
4. Provide easement for all utilities even those in private road if not already provided.
5. Plans do not show easement going to the property to the east. Add this easement to the plans.
6. For Line C the City does not want that steep of a pipe discharging to manhole SS EXIST. Either decrease the slope to 8% for the section that ties into the manhole (still need to meet building codes) or have the service tie in downstream of manhole.
7. Sewer easement widths varies depending on sewer depth. Sewer 0-15 ft deep require a 20 ft easement, 16-20 ft a 30 ft easement, and 21-30 ft a 40 ft easement. Adjust easements accordingly.
8. Service lines to buildings should be 6" not 8".
9. There is an existing service line 85ft south of SS EXIST. Unused stubs must be abandoned per City requirements.
10. Ensure no sewer services pass through infiltration trenches.
11. A future install agreement for seven (7) streetlights will be required for the development of this property.

General Conditions:

12. 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.
13. 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.

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.

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.

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.

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.

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.

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.

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.

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.

Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

Developer shall coordinate mailbox locations with the Meridian Post Office.

All grading of the site shall be performed in conformance with MCC 11-1-4B.

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.

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.

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.

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.

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.

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.

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

Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Water Department at (208)888-5242 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources.

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.

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.

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 11:24 AM
To: Sonya Allen; Clerks Comment
Cc: Bill Parsons
Subject: RE: TM Creek No. 6 FP-2022-0024 Staff Report for 9/27/22 Council Meeting

External Sender - Please use caution with links or attachments.

We are in agreement with the conditions of approval in the staff report.

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@meridiancity.org>
Sent: Tuesday, September 20, 2022 9:55 AM
To: Clerks Comment <comment@meridiancity.org>
Cc: Bill Parsons <bparsons@meridiancity.org>; Joshua Beach <JBeach@brightoncorp.com>
Subject: TM Creek No. 6 FP-2022-0024 Staff Report for 9/27/22 Council Meeting

Attached is the staff report for the final plat for TM Creek #6 final plat. This item is scheduled to be on the consent agenda at the City Council work session on 9/27. The meeting will be held at City Hall, 33 E. Broadway Avenue, beginning at 4:30 pm. Please call or e-mail with any questions.

If you are *not* in agreement with the provisions in the staff report, please submit a written response to the staff report to the City Clerk's office (comment@meridiancity.org) and me as soon as possible and the item will be placed on the regular meeting agenda at a subsequent meeting for discussion.

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



Built for Business, Designed for Living



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