

EXHIBIT B

**CITY OF MERIDIAN  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION & ORDER**



**In the Matter of the Request for Annexation, Zoning to R-4 and Preliminary Plat for the Cache Creek Subdivision, by Matt Schultz.**

**Case No(s). H-2020-0105**

**For the City Council Hearing Date of: January 19, 2021 (Findings on February 2, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of January 19, 2021, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council’s authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

- 1. The applicant’s request for annexation, zoning to R-4 and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of January 19, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer’s signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer’s signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval

period.

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of January 19, 2021

By action of the City Council at its regular meeting held on the 2nd day of February, 2021

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

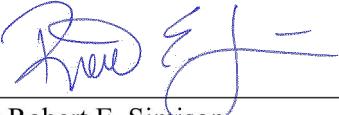
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

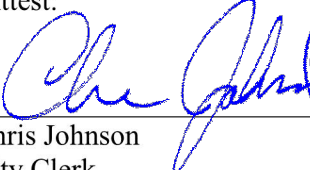
COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED \_\_\_\_\_  
(TIE BREAKER)


  
\_\_\_\_\_  
Mayor Robert E. Simison

Attest:

  
\_\_\_\_\_  
Chris Johnson  
City Clerk



Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  \_\_\_\_\_ Dated: 2-2-2021  
City Clerk's Office

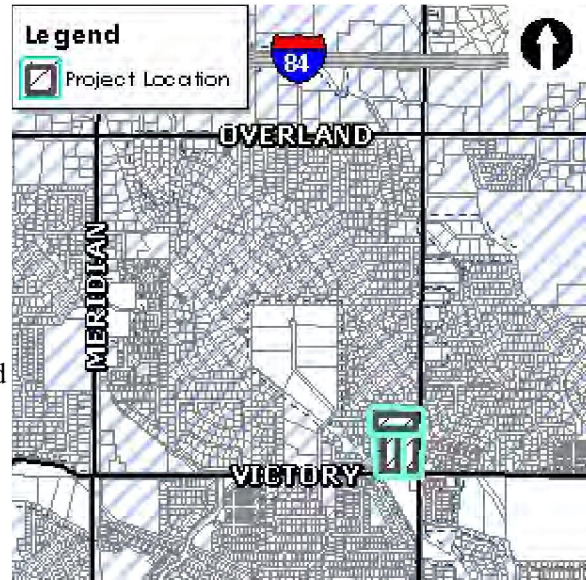


# EXHIBIT A

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 1/19/2021  
 TO: Mayor & City Council  
 FROM: Alan Tiefenbach, Associate Planner  
 208-489-0573  
 SUBJECT: AZ, PP-H-2020-0105  
 Cache Creek Subdivision  
 LOCATION: The site is located at 1560 W. Victory Rd and 2955 S. Locust Grove Rd, in the SE ¼ of Section 19, Township 3 N., Range 1E.



### I. PROJECT DESCRIPTION

Annexation of 15.18 acres of land from RUT zone in Ada County to the R-4 zone and a preliminary plat consisting of 41 buildable lots and 4 common lots on 13.99 acres in the proposed R-4 zone.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	AZ acreage is 15.18; Pre-plat is 13.99 acres	
Future Land Use Designation	Low Density Residential	
Existing Land Use(s)	Single Family / Rural	
Proposed Land Use(s)	Single Family	
Lots (# and type; bldg./common)	41 Single Family	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	41	
Density	2.93 du / acre	
Open Space (acres, total [%]/buffer/qualified)	97,139 sq. ft (16%) qualified common open space	
Amenities	¾ acre park, playground, benches, and pathway.	
Physical Features (waterways, hazards, flood plain, hillside)	Small portion of 10-mile creek bisects extreme SW corner of property, 500-year floodplain on NW tip of property.	
Neighborhood meeting date; # of attendees:	August 27, 2020 – 3 attendees signed in.	
History (previous approvals)	Kachina Estates Subdivision (County Subdivision)	

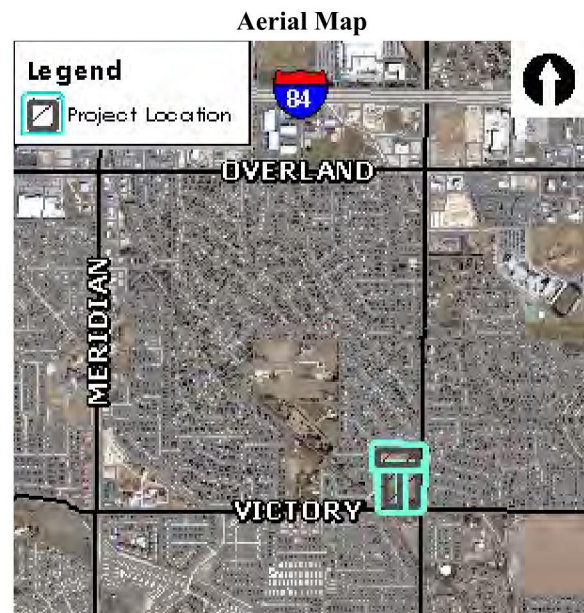
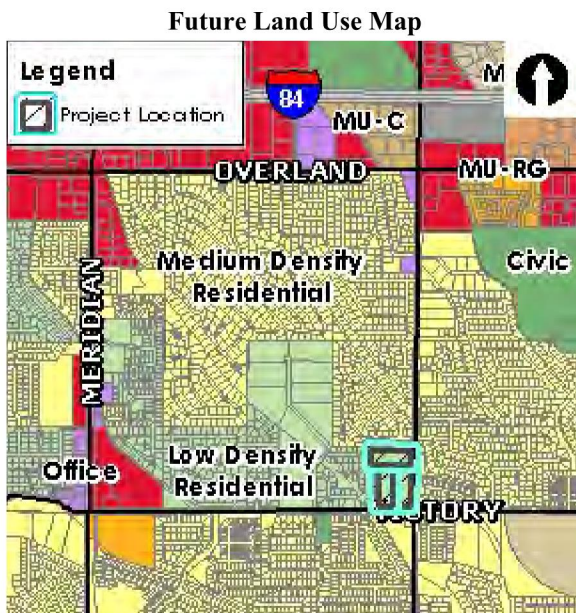
Description	Details	Page
Public Testimony	Omar and Rita Green submitted letters of opposition to the project. Primary concern is that access is occurring through Cabella Creek Subdivision and not from S. Locust Grove or E. Victory Rd. The Greens also requested a building moratorium.	

B. Community Metrics

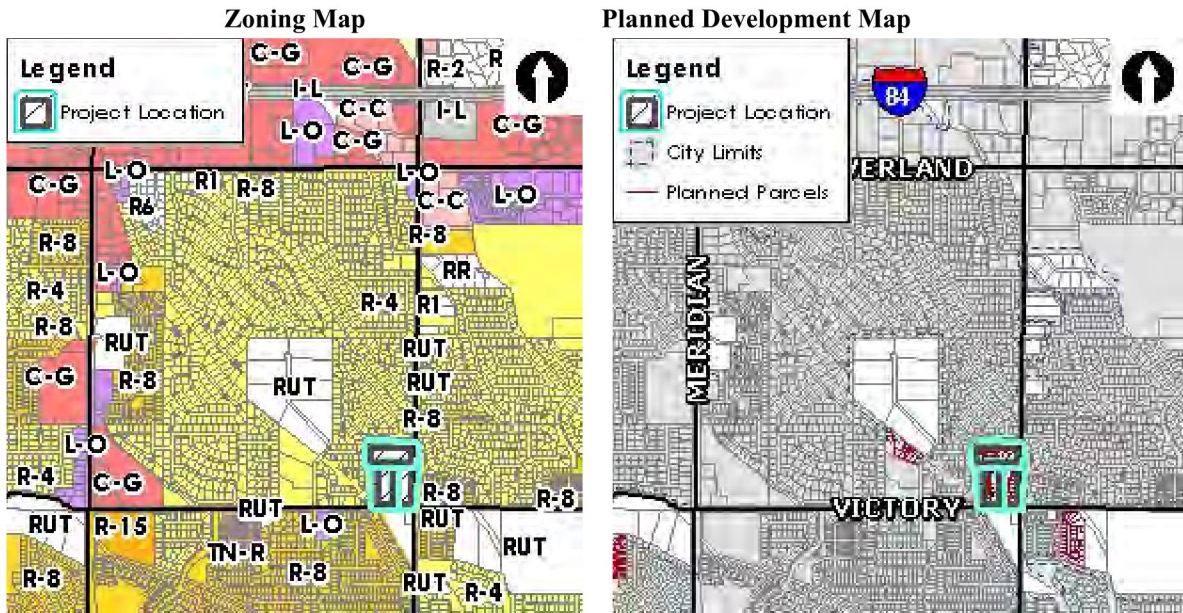
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> <li>Traffic Impact Study (yes/no)</li> </ul>	<p>Yes</p> <p>No</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed from two western roads (E. Loggers Pass St. and E. Sagemoor St) to S. Bailey Avenue in the existing Cabella Creek Subdivision. S. Bailey Rd provides access to existing local roads, which connect to S. Locust Grove Rd. and E. Victory Rd.	
Traffic Level of Service	LOS "F"	
Stub Street/Interconnectivity/Cross Access	N/A	
Existing Road Network	None	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	Applicant will construct internal roads to 33' template and dedicate necessary ROW. Applicant will pay \$38,425 into a road trust for sidewalk construction associated with scheduled ACHD improvement to S. Locust Grove Rd and E. Victory Rd.	
Distance to nearest City Park (+ size)	1 ½ miles to Fire Station #4 Park and Gordon Harris Park	
Fire Service		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> <li>Resource Reliability</li> <li>Risk Identification</li> <li>Accessibility</li> <li>Special/resource needs</li> <li>Water Supply</li> </ul>	<p>1.8 miles</p> <p>&lt; 5 minutes</p> <p>77%</p> <p>1</p> <p>Meets all requirements</p> <p>Will not require aerial device</p> <p>1,000 gph</p>	
Police Service		
<ul style="list-style-type: none"> <li>Distance to Police Station</li> <li>Calls for Service</li> <li>% of calls for service split by priority</li> <li>Specialty/resource needs</li> <li>Crimes</li> <li>Crashes</li> </ul>	<p>2 Miles</p> <p>730</p> <p>61.1% P2, 35.3% P1, .75% P3</p> <p>None needed</p> <p>111</p> <p>61</p>	
Wastewater		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> <li>Sewer Shed</li> </ul>	<p>N/A</p> <p>S. Black Cat Trunkshed</p>	

Description	Details	Page
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>	13.98	
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Comments</li> </ul>	<ul style="list-style-type: none"> <li>Flow has been committed</li> </ul>	
<b>Water</b>		
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	0	
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	4	
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>Water Quality Concerns</li> </ul>	None	
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Comments</li> </ul>	This development will need to be modeled at each phase to make sure each phase meets the minimum fire flow requirements.	
<b>Ada County Schools</b>		
<ul style="list-style-type: none"> <li>Impacted Schools</li> </ul>	Hillsdale ES – 2.9 Miles Victory MS – 2.0 Miles Mountain View HS – 1.4 Miles	
<ul style="list-style-type: none"> <li>Capacity of Schools</li> </ul>	Hillsdale ES - 700 Victory MS – 1000 Mountain View HS – 2175	
<ul style="list-style-type: none"> <li># of Students Enrolled</li> </ul>	Hillsdale ES - 780 Victory MS – 970 Mountain View HS – 2237	
<ul style="list-style-type: none"> <li>Estimated New Students Generated by Development</li> </ul>	Hillsdale ES - 13 Victory MS – 7 Mountain View HS – 9	

C. Project Area Maps







**III. APPLICANT INFORMATION**

A. Applicant:

Matt Schultz – Schultz Development, 8421 S. Ten Mile Rd., Meridian, ID 83642

B. Owners:

Mark and Karen Carrington – 2955 S, Locust Grove Rd., Meridian, ID 83642

Open Door Rentals LLC – 1977 E. Overland Rd, Meridian, ID 83642

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	11/27/2020	1/1/2021
Radius notification mailed to properties within 300 feet	11/23/2020	12/29/2020
Public hearing notice sign posted on site	12/4/2020	1/6/2021
Nextdoor posting	11/23/2020	12/29/2020

**V. STAFF ANALYSIS**

**A. Annexation:**

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. To ensure the site develops as proposed by the applicant, staff is recommending a development agreement as part of the annexation approval.

**B. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)**

This property is designated Low Density Residential on the City’s Future Land Use Map (FLUM) contained in the Comprehensive Plan. This designation allows for dwelling units at gross densities of less than three dwelling units per acre. The zoning to R-4 and proposed density of 2.9 du / acre is consistent with the density parameters of the Future Land Use Map.

**Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):**

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

*The proposed low density single-family detached homes will contribute to the variety of residential categories in the City; however, there is no variety in housing types proposed within the development. R-4 and R-8 zoning and detached single-family homes are abundant in this immediate area.*

- “Require pedestrian access in all new developments to link subdivisions together and promote neighborhood connectivity”. (2.02.01D)

*Five-foot detached sidewalks are proposed on both side of all streets within this development. There is also a pedestrian connections from the sidewalk into Common Lot 3 Block 11 (containing a playground) and a pathway along the detention pond at the southwest to E. Victory Rd.*

*There is a 10’ regional pathway that parallels Ten Mile Creek to E. Victory Rd in the Cabella Creek Subdivision to the west (no part of this pathway is on the subject property), and a 10’ regional pathway that parallels Eight Mile Parallel and ends at S. Locust Grove on the east side of S. Locust Grove. Although the proposed plat shows a 5’ sidewalk running along the S. Locust Grove Rd frontage and sidewalks along the internal streets in this development, staff believes there should be a mid-development connection that provides more direct pedestrian / bicycle access. This should be directly across S. Locust Grove Rd from the Eight Mile Pathway to the east, and the Ten Mile Creek Pathway and E. Victory Rd to the south and west. As a condition of approval, staff recommends an east-west pathway connection be provided directly across from the Eight Mile Lateral Pathway to Common Lot 11, Block 3. The applicant should work with Meridian Parks and Recreation to determine whether signage should be erected within Common Lot 11, Block 3 to direct users along this pathway connection to the Ten Mile Pathway and Eight Mile Pathway.*

- “Ensure development provides safe routes and access to schools, parks, and other community gathering places. (2.02.01G)”

*See staff’s analysis regarding sidewalks and pathways above.*



- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

*Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.*

- Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity. (6.01.02B)

*There will be two accesses to the property. Both accesses propose connectivity from local roads within the Cabella Creek Subdivision rather than either arterial bordering the property. In addition, the proposal includes closing 5 existing curb cuts along S. Locust Grove Rd.*

- Protect and enhance existing waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources. (4.05.01)

*A small portion of Ten Mile Creek crosses the southwest portion of the property. The applicant has indicated this will be contained within a common lot (Lot 4, Block 2) as a retention facility. However, the landscape plan omits a portion of this lot although it is on the subject property. As Ten Mile Creek is a significant natural feature and contains a regional pathway, staff recommends as a condition of approval that the landscape plan be revised to reflect the entirety of this lot, and to integrate this important waterway into the development as a natural amenity.*

C. Existing Structures/Site Improvements:

*There two existing single-family residence on the site. The residence at the corner of E. Victory Rd and S. Locust Grove is intended for demolition. The house at the northeast is proposed to be retained and must connect to City utilities upon annexation of the property.*

D. Proposed Use Analysis:

Single-family detached dwellings are listed as a principal permitted use in the R-4 zoning districts in UDC Table 11-2A-2.

E. Dimensional Standards (UDC 11-2):

All proposed lots and public streets appear to meet UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages of at least 60’, and road widths. Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets, common driveways and block face. No common driveways are proposed with this subdivision. The average lot size is 8,959 sq. ft. and the smallest lot size is 8,003 sq. ft. Minimum lot sizes are proposed at 8,000 square feet, which complies with the requirements of the R-8 zone district. Minimum living area for detached homes in the R-4 Zone District is 1,400 sq. ft. The proposed home size, as indicated in the narrative, is at least 1,800 sq. ft.

F. Access (*UDC 11-3A-3*):

There will be two accesses to the property. Each access will connect to a stub street in the Cabella Creek Subdivision to the west - Loggers Pass Street and Sagemoor Street. These stub streets terminate at S. Bailey Way which connects to either S. Ascaino Way for access to E. Victory Rd or E. Lake Creek St. for access to S. Locust Grove. The Cache Creek Subdivision employs a “loop” road which will be constructed at 33’ wide with detached 5’ sidewalks and 8’ landscape strips. The applicant proposes to dedicate additional right-of-way to ACHD for construction of this internal road. There are 5 existing driveways onto Locust Grove Road from the site. This development includes closing the 5 existing driveways by using landscaping and 5- foot wide detached sidewalks to match improvements on either side. However, there are two driveways existing on either side of 2955 S. Locust Grove Dr. (Lot 18, Block 2). Staff questions why two driveways are necessary for this existing house.

S. Locust Grove Rd. currently has 2 lanes and no curb, gutter or sidewalk. E. Victory Rd. presently has 2 lanes with no curb, gutter or sidewalk. Both roads operate at a Level of Service (LOS) “F”, which is considered unsatisfactory. S. Locust Grove Rd. is scheduled to be widened to 5 lanes between E. Overland Rd. to E. Victory Rd. in 2020. E. Victory Rd. is scheduled to be widened to 3 lanes between S. Meridian Rd. and S. Eagle Rd in 2025. A roundabout is planned for the E. Victory Rd. / S. Locust Grove Rd. intersection in 2022.

Sufficient right-of-way presently exists for widening of both S. Locust Grove Rd. and E. Victory Rd. However, the applicant will be required to dedicate additional right-of-way for the E. Victory Rd. / S. Locust Grove Rd. roundabout. Because both of these roads are due to be reconstructed in the next 5 years, ACHD has requested the applicant pay \$38,425 into a road trust deposit. The road trust deposit funds will be used by ACHD to construct sidewalks abutting the site as part of the future intersection project.

ACHD has reviewed this application and supports the proposal with conditions.

G. Parking (*UDC 11-3C*):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit. Future development should comply with these standards.

H. Pathways (*UDC 11-3B-12*):

The project includes 5’ detached sidewalks on both side of all streets and a pedestrian connections from the sidewalk into Common Lot 3 Block 11 and on the east side of the retention pond to E. Victory Rd. All sidewalks and pathways contain landscape strips on both sides of at least 8’ with at least one (1) tree per one hundred (100) feet of pathway.

As mentioned in the pedestrian access section above, staff believes there should be a mid-development connection that provides more direct pedestrian / bicycle access directly across S. Locust Grove Rd from the Eight Mile Lateral and sidewalk to the east, and the Ten Mile Creek Pathway and E. Victory Rd to the south and west. Staff recommends this pathway generally intersect in the vicinity of Blocks 12-15 Block 2 and Lots 7-4 Block 3 to Lot 11, Block 3 (the common open space).



I. Sidewalks (*UDC 11-3A-17*):

Five-foot detached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17. ACHD has requested the applicant pay into a road trust for sidewalk construction along S. Locust Grove Rd and E. Victory Rd. after future road reconstruction.

J. Parkways (*UDC 11-3A-17*):

As ACHD will be reconstructing and widening S. Locust Grove Rd. and E. Victory Rd, the applicant is paying into a road trust for future sidewalk installation. All internal sidewalks and the pathways into the common lot include a landscaped area of at least 8' located between the edge of the street or park and a sidewalk. These parkway strips meet the minimum landscaping requirement for pathways at one tree per 100 linear feet per UDC 11-3B-7C.

K. Landscaping (*UDC 11-3B*):

The area of the proposed development is 603,349 sq. ft. The development proposes 97,139 sq. ft. (16%) of qualified common open space. There are 8' wide parkways along all sidewalks landscaped at 1 tree per 35 linear feet. Half of each 25' arterial buffer is included. There is a 30,171 sq. ft. common open space. There is also a 23,992 sq. ft. retention pond which meets the minimum requirement of at least twenty thousand (20,000) square feet and visible from a public street(s) on at least two (2) sides.

The Landscape Plan indicates 3 trees meeting the mitigation requirements are being removed at a total of 65 caliper inches. The applicant proposed to replace these with 33 trees of 2 caliper inches in accord with UDC standards.

Although the minimum required square footage of qualified common open space is satisfied, the arterial buffer along S. Locust Grove Rd. does not meet the minimum 25' required width east of the existing house on Lot 18, Block 2. The applicant has noted due the existing house and the widening of S. Locust Grove Rd. it is not feasible to provide the buffer. Staff is not convinced, as it appears there is existing paving at the east side of the house to widen this buffer. Prior to the City Council hearing, the applicant should either revise the plans to reflect a 25' wide buffer, or apply and be granted a buffer reduction through the alternative compliance process in accord with UDC 11-5B-5.

At the December 17, 2020 Planning Commission meeting, the Commission supported this alternative compliance request.

L. Qualified Open Space (*UDC 11-3G*):

As mentioned above, the development proposes 97,139 sq. ft. (16%) of qualified common open space (please see attached open space exhibit). Parkways are credited along all sidewalks that meet the minimum 8' width requirements and are landscaped at one tree per 100 linear feet. Both arterial buffer is given ½ credit. The 30,171 sq. ft. central common open space is landscaped with at least one (1) deciduous shade tree per eight thousand (8,000) square feet as is the 23,992 sq. ft. retention pond (required trees are along the periphery of this lot). Except for the width deficiency for one portion of the S. Locust Grove Rd arterial buffer in the vicinity of Lot 18, Block 2 (as discussed above), the proposal meets the minimum requirements of UDC 11-3G.

M. Qualified Site Amenities (UDC 11-3G):

Based on an area of 13.99 acres, 2 site amenities are required. This development includes a ¾ acre centrally located park with a playground and benches. This meets the requirements for an open space of at least 20,000 sq. ft. from the quality of life amenity category, and a children’s play structure from the recreational amenities category. It is staff’s opinion that this is sizable amenity in an excellent location. However, as mentioned in the pathways section, staff is recommending a pathway which provides an east / west connection across the property. This pathway should generally intersect in the vicinity of Blocks 12-15 Block 2 and Lots 7-4 Block 3 to Lot 11, Block 3 (the common open space).

N. Waterways (UDC 11-3A-6):

The FEMA maps indicate a 100-year floodplain at the extreme southwestern corner of the site along Ten Mile Creek. An ACHD retention basin is proposed in this area (Lot 4, Block 2). No other development is proposed within the floodplain.

Nampa Meridian Irrigation District (NMID) has mentioned Ten Mile Creek is contained within a 100’ irrigation easement, with 50’ on either side of the creek. The Plat should be revised to reflect this easement.

As already mentioned, the landscape plan omits the portion of the property which contains the waterway, and UDC 11-3A-9 (as well 11-3A-6) states existing natural features that add value to development and enhance the attractiveness of the community shall be preserved or mitigated in the design of the development. Staff recommends that prior to City Council, the applicant should revised the landscape plan to include all of Lot 4, Block 2 and to design this waterway in as a natural amenity.

O. Fencing (UDC 11-3A-6, 11-3A-7):

The landscape plan reflects 6’ tall vinyl fencing along the perimeter of the property and the driveway accessing the existing residence on Lot 18, Block 2. 4’ tall vinyl fencing is shown around Common Lot 11, Block 3 (the park). 6’ high wrought iron fencing is shown bordering the retention pond in Lot 4, Bloc, 2. The fencing meets the requirements of 11-3A-6 and 11-3A-7.

Utilities (UDC 11-3A-21):

Public services are available to accommodate the proposed Development. All lots within the subdivision will be provided domestic water and sanitary sewer service by the City from 8” water and sewer mains located in the Cabella Creek Subdivision stub streets to the west.

P. Building Elevations (UDC 11-3A-19 | Architectural Standards Manual):

*The Applicant has submitted sample elevations of the single-family homes for this project (see Section VII.E).*

*The single-family homes are depicted as two-story structures with two-car garages, and a variety of finish materials with stone and lap-siding combinations. The submitted sample elevations appear to meet design requirements for single-family homes but do not include elevations of the sides or rears of structures.*

*As many of the houses will be very visible from E. Victory Rd. and S. Locust Grove Rd. staff recommends a condition that the rear and/or sides of 2-story structures on Lots 5 through 16 of Block 2 that face E. Victory Rd. and S. Locust Grove Rd. 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. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.*

DECISION

A. Staff:

Staff recommends approval of the requested annexation, zoning and preliminary plat with the conditions noted in Section IX.A per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on December 17, 2020. At the public hearing, the Commission moved to approve the subject annexation and preliminary plat request.

1. Summary of the Commission public hearing:

- a. In favor: Schultz
- b. In opposition: Several adjacent neighbors
- c. Commenting: None
- d. Written testimony: Omar and Rita Green, Steve Thiessen, President of Cabella Creek Homeowner’s Association
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Several neighbors opposed to access occurring from stubs into Cabella Creek Neighborhood. Request connection to S. Locust Grove Rd. instead.

3. Key issue(s) of discussion by Commission:

- a. Discussed reduction of buffer and requested this be handled through alternative compliance.
- b. Discussed future road improvements and round-about.
- c. Discussed the retention pond and staff’s recommendation to incorporate it into design as amenity.

4. Commission change(s) to Staff recommendations:

- a. Recommended Lot 4, Block 2 be landscaped with grass and maintained.

C. The Meridian City Council heard these items on January 19, 2021. At the public hearing, the Council moved to approve the subject annexation, zoning and preliminary plat request.

1. Summary of the City Council public hearing:

- a. In favor: Matt Schultz
- b. In opposition: None
- c. Commenting: Matt Schultz
- d. Written testimony: Two letters received from Omar and Rita Green, two letters received from Cabella Creek HOA President Steve Thiessen, one letter received from Erick and Kimberlie Shaner.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

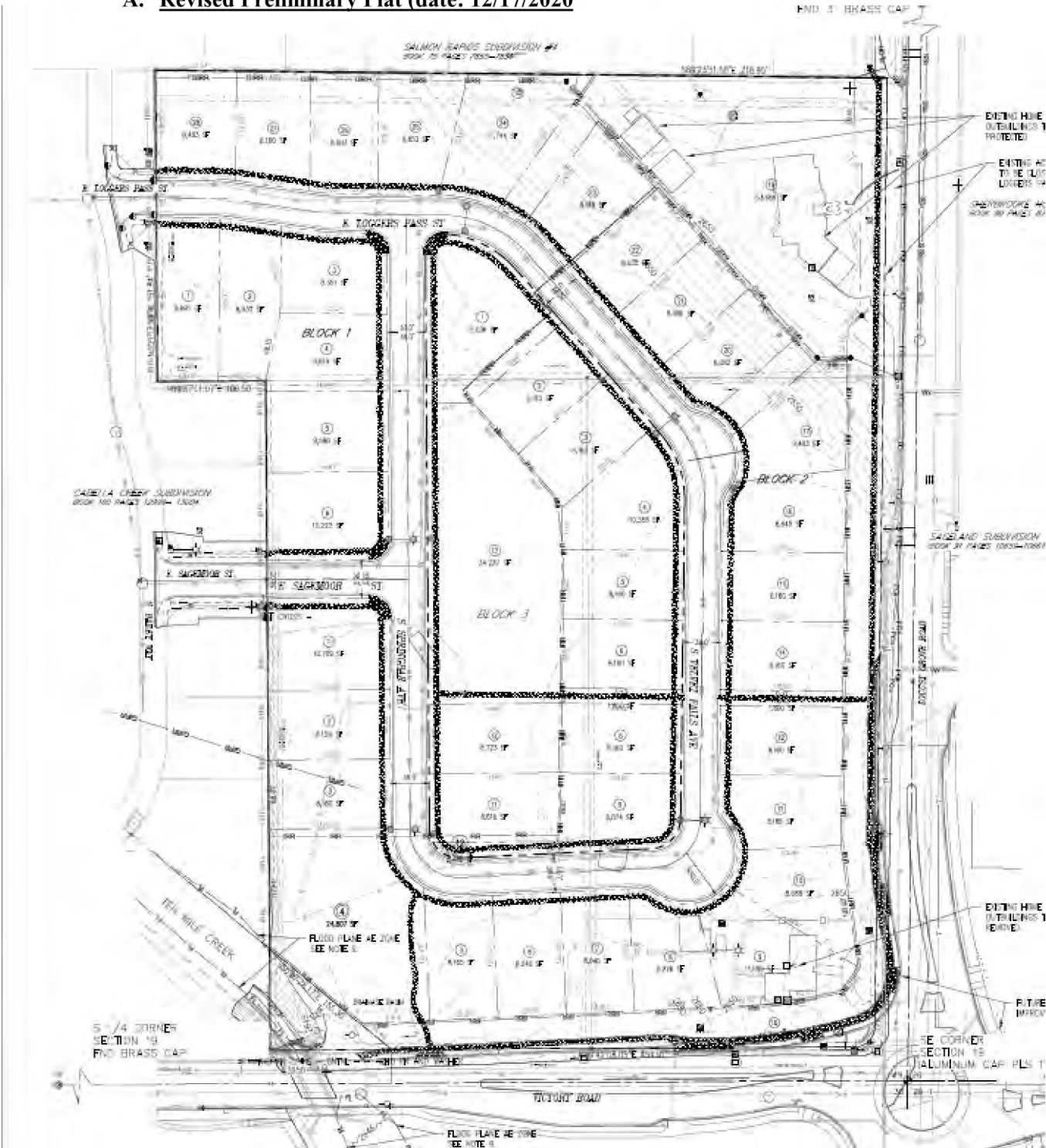
- a. Property owner in the Salmon Rapids Subdivision to the north requested a delay of the project until ACHD road improvements are completed, and stated concerns regarding loss of open space.



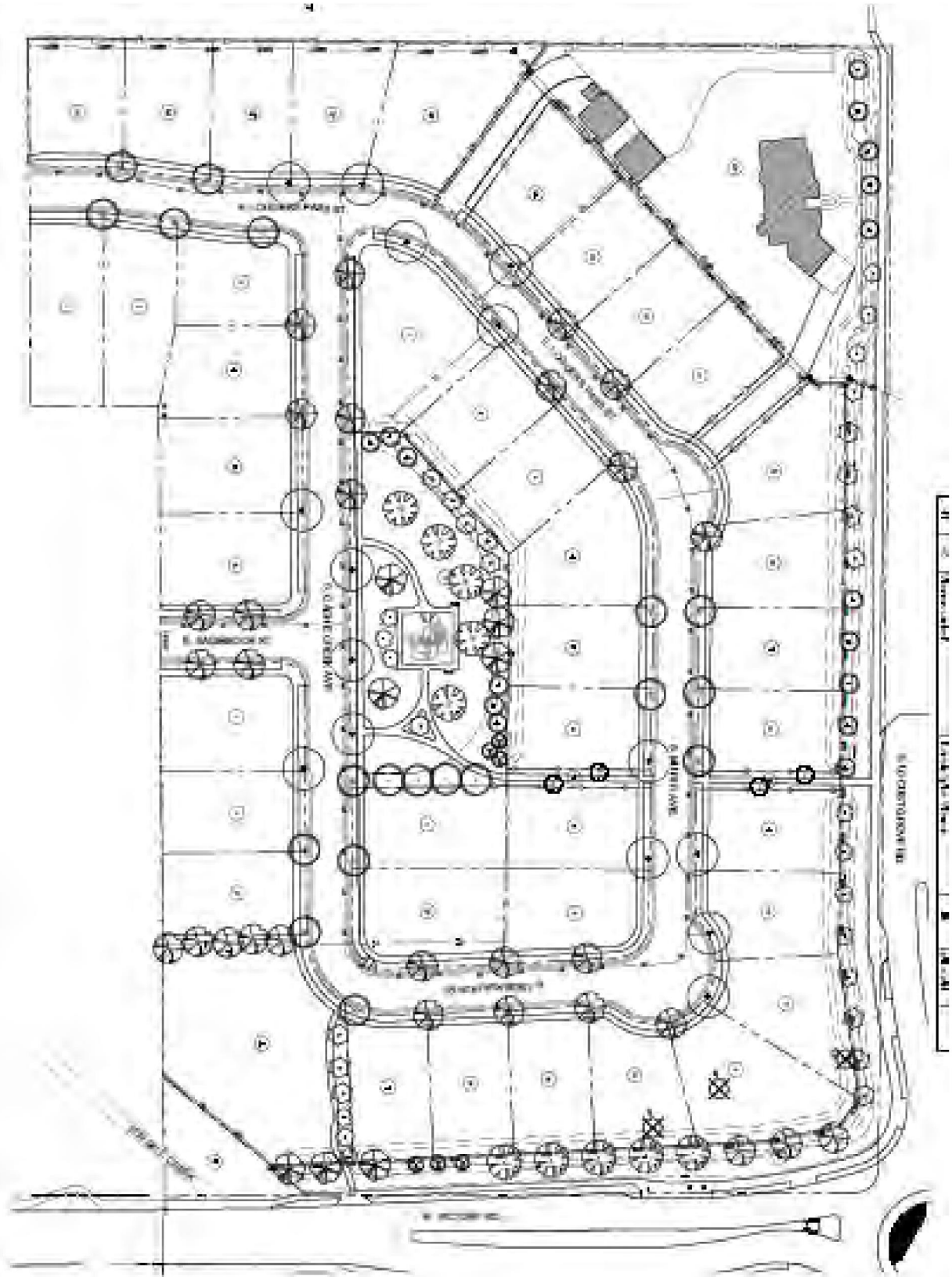
- b. Citizen letters opposed connection into Cabella Creek Subdivision, requested all access be from S. Locust Grove.
- 3. Key issue(s) of discussion by City Council:
  - a. Council discussed traffic into Cabella Creek and ACHD recommendations.
  - b. Discussed timing of ACHD improvements.
  - c. Discussed whether the detention basin would be maintained.
  - d. Agreed with applicant's offer to limit Lots 21-24 Block 2 to one story.
- 4. City Council change(s) to Commission recommendation:
  - a. Revised Commission recommendation regarding drainage basin being landscaped with grass, to state the basin would be maintained to City of Meridian standards for detention facilities.
  - b. Added condition that Lots 21-24 of block 2 would be limited to one-story.

VI. EXHIBITS

A. Revised Preliminary Plat (date: 12/17/2020)



**B. Revised Landscape Plan Overview Sheet (date: 1/13/2021)**





C. Revised Color Landscape Plan (date: 1/13/2021)





D. Common Open Space Exhibit (date: 9/25/20)

# CITY OF MERIDIAN OPEN SPACE REQUIREMENTS

QUALIFIED OPEN SPACE		
OPEN SPACE REQUIREMENT: 10% OF THE AREA OF THE SITE.	<b>REQUIRED</b> 60,895 (1.34 AC) 10%	<b>PROVIDED</b> 97,194 S.F. (2.23 AC) 16%



## LANDSCAPE LEGEND



E. Elevations: (date 10/14/20)



F. Annexation Exhibit (date: 8/20/20)

DATE: August 30, 2020

**ANNEXATION – CACHE CREEK**

A parcel of land being located in the SE 1/4 of Section 19, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and being and comprising of a portion of Victory Road and Locust Grove Road and all of Lots 1, 2, and 7, Block 1 of the plat of Kachina Estates filed in Book 35, Page 3016-3017 on November 15, 1974 in the Office of the Ada County Recorder and being more particularly described as follows:

**BEGINNING** at the southeast corner of said Section 19, monumented by a found 3" Aluminum Cap stamped "J-U-B Engineers PLS 11334" (Corner Record No 114007715), from which the South 1/4 corner of said Section 19, monumented by a found 3" Brass Cap stamped "J-U-B Engineers PLS 11334" (Corner Record No. 114007714), bears South 89°42'08" West, a distance of 2640.01 feet;

Thence South 89°42'08" West, coincident with South line of said Section 19, a distance of 625.97 feet;

Thence leaving said South line of Section 19, coincident with the westerly line of said Lot 2, Block 1, North 00°23'33" West, a distance of 690.31 feet to the northwest corner of said Lot 2, Block 1;

Thence coincident with the southerly line of said Lot 7, Block 1, South 89°37'01" West, a distance of 106.50 feet to the southwest corner of said Lot 7, Block 1;

Thence coincident with the westerly line of said Lot 7, Block 1, North 00°21'18" West, a distance of 305.85 feet to the northwest corner of said Lot 7, Block 1;

Thence coincident with the northerly line of said Lot 7, Block 1, South 89°23'52" East, a distance of 751.95 feet to a point conterminous with the East line of said Section 19;

Thence coincident with said East line of Section 19, South 00°44'46" West, a distance of 964.36 feet to the **POINT OF BEGINNING**.

The above described parcel contains 15.18 acres or 661425.33 square feet, more or less.

Together with and subject to covenants, easements, and restrictions of record.

The basis of bearing for this parcel is South 89°42'08" West between the southeast corner and the South 1/4 corner of said Section 19.

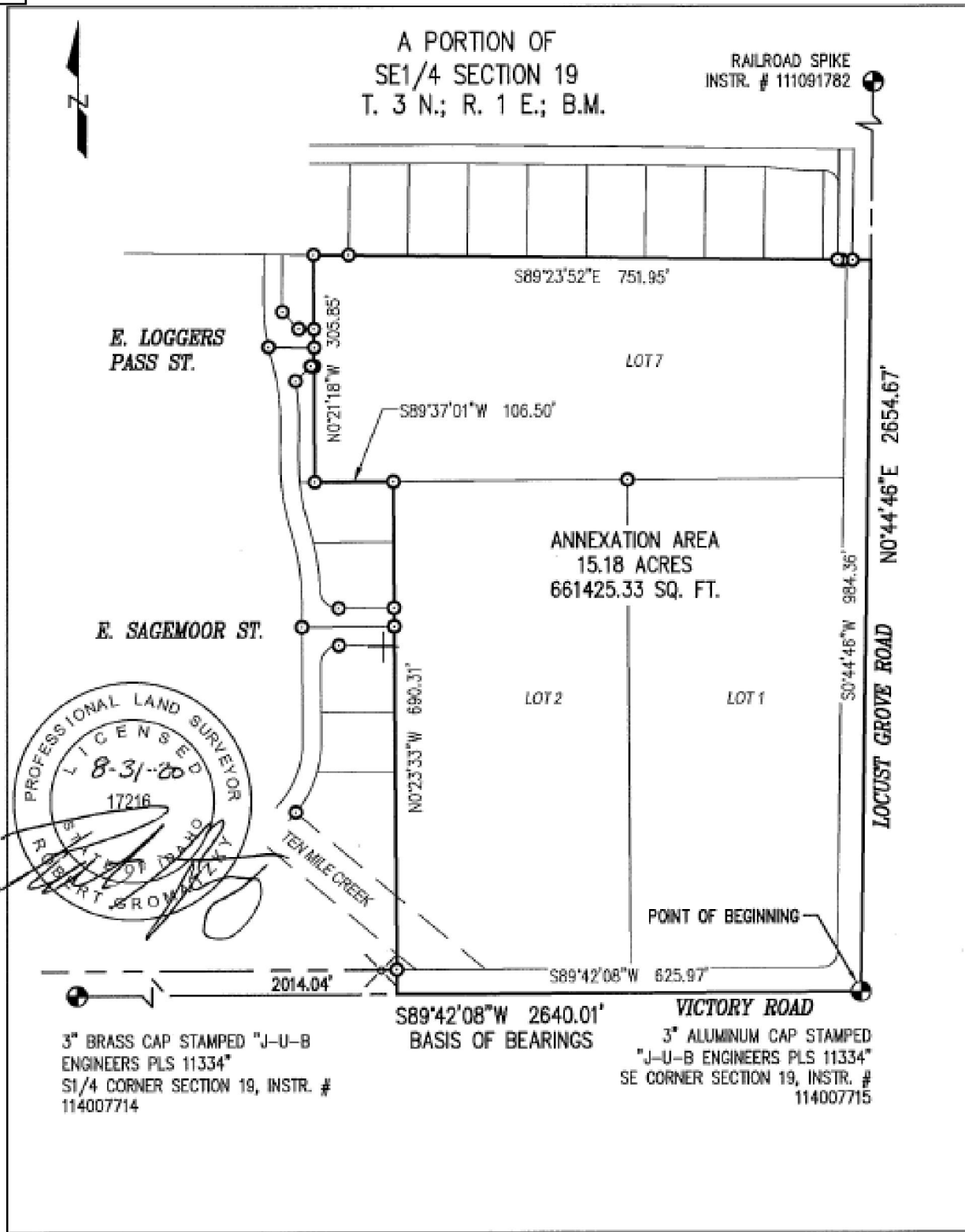
Robert Gromatzky, P.L.S.

License No. 17216





Item #5.



<p>SHEET NUMBER</p> <p>2 of 2</p>	<p>LEGAL DESCRIPTION</p> <p>CACHE CREEK ANNEXATION</p> <p>CHALLENGER</p>	<p>DRAWING INFO</p> <p>229120-B00173.00</p> <p>CHALLENGER LEGALS</p> <p>1"=200'</p>	<p>SHEET INFO</p> <table border="1"> <tr> <td>DRAWN</td> <td>RAG</td> </tr> <tr> <td>CHECKED</td> <td>RAG</td> </tr> <tr> <td>LAST EDIT</td> <td>09/19/2020</td> </tr> <tr> <td>PLOT DATE</td> <td></td> </tr> </table>	DRAWN	RAG	CHECKED	RAG	LAST EDIT	09/19/2020	PLOT DATE		<p><b>NVS</b></p> <p>699 Industry Way, Suite 10 Meriden, ID 83442 208-342-2430 www.NVS.com</p>
DRAWN	RAG											
CHECKED	RAG											
LAST EDIT	09/19/2020											
PLOT DATE												

**VII. CITY/AGENCY COMMENTS & CONDITIONS**

**A. PLANNING DIVISION**

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VII and the provisions contained herein.
  - b. The rear and/or sides of 2-story structures on Lots 5 through 16 of Block 2 that face E. Victory Rd. and S. Locust Grove Rd. 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. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
  - c. The existing residence at 2955 S. Locust Grove Rd. (Lot 18, Block 2) will be required to abandon the well and septic system and connect to City water and sewer with development of the property.
  - d. Lots 21-24 of Block 2 shall be limited to one-story.
  - e. The ACHD drainage basin shown in Lot 4, Block 2 shall be landscaped per the City of Meridian landscape standards.
2. ~~Prior to City Council, the applicant shall revise the plans to include a pathway connection directly across from the Eight Mile Lateral Pathway (east side of S. Locust Grove Rd.) to the pathway shown at Common Lot 11, Block 3. Pathway should generally intersect in the vicinity of Blocks 12-15 Block 2 and Lots 7-4 Block 3 to Lot 11.~~

3. ~~Prior to the City Council hearing, the applicant shall revise the plat and landscape plan to reflect all of Lot 4, Block 2 and provide grass in this area.~~
4. ~~Prior to the City Council hearing, the applicant shall either revise the plans to reflect a 25' wide buffer, including along Lot 18, Block 2, or apply and be granted a buffer reduction through the alternative compliance process in accord with UDC 11-5B-5.~~
5. ~~Prior to the City Council hearing, the applicant shall revise the plans to include all of Lot 4, Block 2 and integrate Ten Mile Creek into the site as a natural amenity.~~
6. The Ten Mile Creek Nampa Meridian Irrigation District easement shall be reflected on the Preliminary Plat and Landscape Plan.
7. The applicant shall coordinate with Meridian Parks and Recreation to determine whether signage shall be installed to direct users to the pathway connection paralleling Retention Basin Lot 4, Block 2 to the Ten Mile Pathway to the southwest, and the connection to the Eight Mile Pathway across S. Locust Grove Rd.
8. All 5 (five) existing driveways onto Locust Grove Road shall be closed with landscaping and 5- foot wide detached sidewalks to match improvements on either side as proposed.
9. The Preliminary Plat included in Section VII, dated 10/29/20, is approved with the conditions listed in 3, 4 and 5 and with the addition that Note 6 be revised to include Lots 11 and 12, Block 3 instead of Lots 1 and 3 (regarding common lots).
10. The Landscape Plan included in Section VII, dated 9/30//2020, is approved with the conditions listed in 3, 4 and 5 with the addition that the Landscape Requirements box on Page L-1 be changed to indicate a 25' buffer along S. Locust Grove Rd.
11. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
12. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
13. The applicant shall comply with the sidewalk and parkway standards as set forth in UDC 11-3A-17.
14. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
15. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6. Ten Mile Creek shall remain protected during construction on the site.
16. Pathway and adjoining fencings and landscaping shall be constructed consistent with the standards as set forth in UDC 11-3A-7A7, 11-3A-8 and 11-3B-12C.
17. The applicant shall preserve any existing trees on the subject property that are four-inch caliper or greater; or mitigate for the loss of such trees as set forth in UDC 11-3B-10C.
18. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to driveways, easements, blocks, street buffers, and mailbox placement.



19. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit.
20. The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
21. The Applicant shall comply with all conditions of ACHD.

**B. PUBLIC WORKS DEPARTMENT**

**SITE SPECIFIC CONDITIONS:**

1. A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards. A future install agreement and deposit is required for the Type 1 streetlights on Locust Grove and part of Amity Road due to upcoming ACHD roadway construction. Contact the Transportation and Utility Coordinator for additional information.
2. This development will need to be modeled at each phase to make sure each phase meets the minimum fire flow requirements.
3. The geotechnical investigative report for this development, prepared by SITE Consulting, LLC, dated 12/11/2020 indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes.

**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](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 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.
- 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.

**C. COMMUNITY DEVELOPMENT SCHOOL IMPACTS**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216460&dbid=0&repo=MeridianCity>

**D. ACHD**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216615&dbid=0&repo=MeridianCity>

**E. MERIDIAN POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216639&dbid=0&repo=MeridianCity>

**F. MERIDIAN FIRE DEPARTMENT (MFD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=215854&dbid=0&repo=MeridianCity>

**G. ADA COUNTY**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=215861&dbid=0&repo=MeridianCity>

**H. DEPARTMENT OF ENVIRONMENTAL QUALITY**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216380&dbid=0&repo=MeridianCity>

**I. NAMPA & MERIDIAN IRRIGATION DISTRICT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=217644&dbid=0&repo=MeridianCity>

**VIII. FINDINGS**

**A. ANNEXATION AND / OR REZONE (UDC 11-5B-3E)**

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

- 1. The map amendment complies with the applicable provisions of the comprehensive plan;

*Council finds annexation of the subject site with an R-4 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property if the Applicant complies with the provisions in Section VII.*

- 2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

*Council finds the lot sizes and layout proposed will be consistent with the purpose statement of the residential districts in that a range of housing opportunities will be provided consistent with the Comprehensive Plan.*

- 3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

*Council finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare. Council considered any oral or written testimony that was provided when determining this finding.*

- 4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

*Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.*

- 5. The annexation (as applicable) is in the best interest of city

*Council finds the proposed annexation is in the best interest of the City if the property is developed in accord with the provisions in Section VII.*



**B. PRELIMINARY PLAT (UDC 11-6B-6)**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

- 1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Council finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VII.*

- 2. Public services are available or can be made available and are adequate to accommodate the proposed development;

*Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

- 3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

*Council finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

- 4. There is public financial capability of supporting services for the proposed development;

*Council finds there is public financial capability of supporting services for the proposed development.*

- 5. The development will not be detrimental to the public health, safety or general welfare; and

*Council finds the proposed development will not be detrimental to the public health, safety or general welfare.*

- 6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*A portion of Ten Mile Creek is on the subject property. As mentioned above, the applicant revised the plans to show the entire Retention Basin Lot 4, Block 2 landscaped with grass.*

**C. ALTERNATIVE COMPLIANCE (UDC 11-5B-5)**

Following the December 17, 2020 Planning Commission meeting, the Director approved the applicant's request for alternative compliance to allow a reduction in the landscape buffer along S. Locust Grove Rd from 25' to 12' at the east side of the existing house on Lot 18, Block 2, and to a width of 22' north of this existing house.

Per UDC 11-5B-5-E, to grant approval for an alternative compliance application, the Director made the following findings:

- 1. Strict adherence or application of the requirements are not feasible; or

*The existing house presently has 3 driveways that access S. Locust Grove Rd, these driveways will be eliminated and access to this house will now occur from internal roads. Due to the configuration of the existing house and the driveways, any additional width would impede*

*driveway access to the house and the garage. In addition, the portion that is proposed at 22' is the same width of the existing landscape buffer to the north.*

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

*Based on a frontage of 1,388 feet along S. Locust Grove Rd. and E. Victory Rd and a width of 25', 34,700 square feet of buffer would be required. The landscape plan reflects a total of 36,900 sq. ft. of landscape buffer as several areas are wider than the required 25'. Also, this development proposes a 6' high vinyl fencing along the entirety of the buffer.*

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

*The development proposes more total landscape buffer area than would be required, and the areas of reduced buffer are adjacent to the existing house of which the owner is one of the applicants and to the north of the house of which the existing buffer is already 22'. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.*