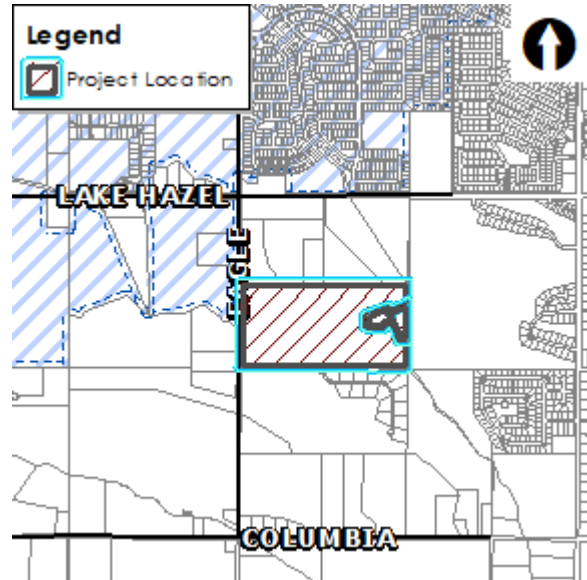


**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 10/15/2020  
 TO: Planning & Zoning Commission  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533  
 SUBJECT: H-2020-0079  
 Skybreak  
 LOCATION: 7020 S. Eagle Rd. & 3487 E. Adler Hof Ln., in the south 1/2 of the NW 1/4 of Section 4, T.2N., R.1E. (Parcels # S1404244250 & S1404233650)



**I. PROJECT DESCRIPTION**

The Applicant has submitted the following applications:

- Annexation of 80.46 acres of land with an R-8 zoning district;
- Preliminary plat consisting of 353 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, one (1) private street lot and one (1) lot for the existing home) on 79.69 acres of land in the R-8 zoning district;
- Private streets in the gated portion of the development serving 121 residential units with two (2) gates; and,
- Alternative Compliance to UDC 11-3F-4A.6, which prohibits common driveways off private streets, to allow such in three (3) locations within the gated area of the subdivision.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	79.69	
Existing/Proposed Zoning	RUT in Ada County (existing)/R-8 (proposed)	
Future Land Use Designation	Low Density Residential (LDR) & Medium Density Residential (MDR)	
Existing Land Use(s)	Single-family residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR)	
Lots (# and type; bldg./common)	353 SFR buildable lots/40 common lots/14 other lots (i.e. 12 common driveway lots, 1 private street lot & 1 lot for the existing home)	
Phasing Plan (# of phases)	8 phases	
Number of Residential Units (type of units)	353 detached SFR homes	
Density (gross & net)	4.44 units/acre (gross); 7.36 units/acre (net)	

Description	Details	Page
Open Space (acres, total [%]/buffer/qualified)	14.54 acres (or 18.3%)	
Amenities	(2) dog parks; children’s play area with a play structure, climbing rocks, a shade structure and benches; and pathways	
Physical Features (waterways, hazards, flood plain, hillside)	The Farr Lateral crosses the southwest corner of this site; hillside/topography within southern rim area; Phase 8 is in an “A” flood zone.	
Neighborhood meeting date; # of attendees:	5/27/20; 14 attendees	
History (previous approvals)	Property boundary adjustment (Record of Survey #12358, Eisenman 2020)	

### B. Community Metrics

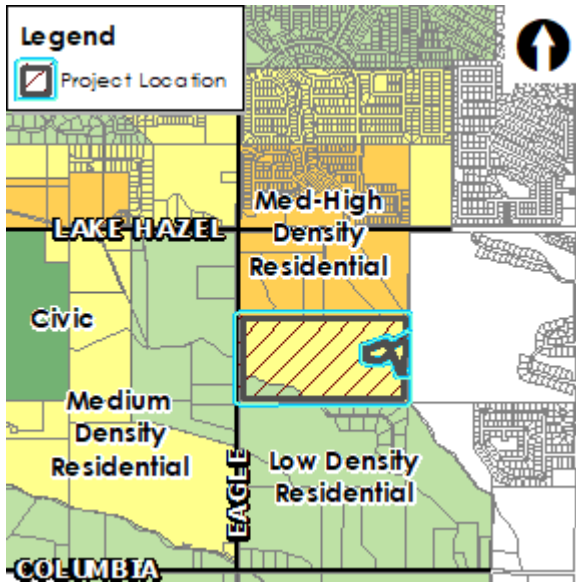
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes</p> <p>No</p>	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) public street access (Street A) is proposed via S. Eagle Rd., an arterial street. <i>Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk.</i>	
Traffic Level of Service	Eagle Rd. – Better than “E” (acceptable level of service)	
Stub Street/Interconnectivity/Cross Access	Stub streets are proposed to adjacent properties for future extension and interconnectivity as depicted on the plat.	
Existing Road Network	There is an existing private street (E. Adler Hof Ln.) that provides access from S. Eagle Rd. to the existing homes on this site.	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>• Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Eagle Road to Cloverdale Road in 2024.</li> <li>• Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road in 2023.</li> <li>• The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 6-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 6-lanes on the west leg, and reconstructed/signalized in 2023.</li> <li>• Lake Hazel Road is listed in the 2016 CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2026 and 2030.</li> <li>• The intersection of Lake Hazel Road and Locust Grove Road is listed in the 2016 CIP to be widened to 3-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 3-lanes on the west leg, and signalized between 2026 and 2030.</li> </ul>	
<b>Fire Service</b>		
<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> </ul>	<p>2.9 miles (Fire Station #4)</p> <p><i>Most</i> (3/4+/-) of this development falls outside of the 5 minute response time goal from Fire Station #4.</p> <p>Current reliability is 77% from Station #4 – does <i>not</i> meet targeted goal of 80% or greater</p> <p>2 – current resources would <i>not</i> be adequate to supply service. A wildfire safety plan is required.</p>	

Description	Details	Page																
<ul style="list-style-type: none"> <li>• Accessibility</li> <li>• Special/resource needs</li> </ul>	Project meets all required access, road widths and turnaround.																	
<ul style="list-style-type: none"> <li>• Water Supply</li> </ul>	Project will not require an aerial device; can meet this need in the required timeframe if a truck company is required (fire station is 5.9 miles away).																	
<ul style="list-style-type: none"> <li>• Other Resources</li> </ul>	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.																	
Police Service																		
<ul style="list-style-type: none"> <li>• Distance to Police Station</li> </ul>	5.5 miles																	
<ul style="list-style-type: none"> <li>• Police Response Time</li> </ul>	There is no call data in this area because the proposed development is at the edge of City limits.																	
<ul style="list-style-type: none"> <li>• Calls for Service</li> </ul>	7 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>• % of calls for service split by priority</li> </ul>	See Section IX.D																	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	No concerns																	
<ul style="list-style-type: none"> <li>• Specialty/resource needs</li> </ul>	None at this time																	
<ul style="list-style-type: none"> <li>• Crimes</li> </ul>	1 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>• Crashes</li> </ul>	9 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>• Other</li> </ul>	Although located near the edge of City limits, service can be provided if this development is approved.																	
West Ada School District																		
<ul style="list-style-type: none"> <li>• Distance (elem, ms, hs)</li> <li>• Capacity of Schools</li> <li>• # of Students Enrolled</li> </ul>	<table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Miles Dist. to School</th> </tr> </thead> <tbody> <tr> <td>**Silver Sage Elementary**</td> <td>230</td> <td>425</td> <td>5.1 miles</td> </tr> <tr> <td>Lake Hazel Middle School</td> <td>928</td> <td>1000</td> <td>2.4 miles</td> </tr> <tr> <td>Mountain View High School</td> <td>2302</td> <td>2175</td> <td>4.8 miles</td> </tr> </tbody> </table> <p>**Enrollment at Hillsdale Elementary is currently capped. Students in this development will be attending Silver Sage Elementary until a new school is built to eliminate overcrowding at Hillsdale Elementary. **</p>		Enrollment	Capacity	Miles Dist. to School	**Silver Sage Elementary**	230	425	5.1 miles	Lake Hazel Middle School	928	1000	2.4 miles	Mountain View High School	2302	2175	4.8 miles	
	Enrollment	Capacity	Miles Dist. to School															
**Silver Sage Elementary**	230	425	5.1 miles															
Lake Hazel Middle School	928	1000	2.4 miles															
Mountain View High School	2302	2175	4.8 miles															
<ul style="list-style-type: none"> <li>• Predicted # of students generated from proposed development</li> </ul>	247																	
Wastewater																		
<ul style="list-style-type: none"> <li>• Distance to Sewer Services</li> </ul>	Sewer will be available with the development of Keep Subdivision on the West side of Eagle Road.																	
<ul style="list-style-type: none"> <li>• Sewer Shed</li> </ul>	South Black Cat Trunk Shed																	
<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>	13.97																	
<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>• Impacts/Concerns</li> </ul>	The City is applying the following requirements for Common Driveways. <ul style="list-style-type: none"> <li>o Three or less lots – services from main in adjacent road</li> <li>o Four or more lots – Sewer in common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manhole needed in the common drive at the property boundary with “Private” on the lid.</li> </ul>																	

Water	
• Distance to Water Services	Directly adjacent
• Pressure Zone	5
• Estimated Project Water ERU's	See application
• Water Quality	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• Common drives that have both water and sewer mains will require a 30' easement</li> <li>• As currently designed, most phases do not meet minimum fire flow pressure. There are multiple options to meet fire flow including upsizing some water mains to 12" and a secondary connections.</li> <li>• Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.</li> </ul>

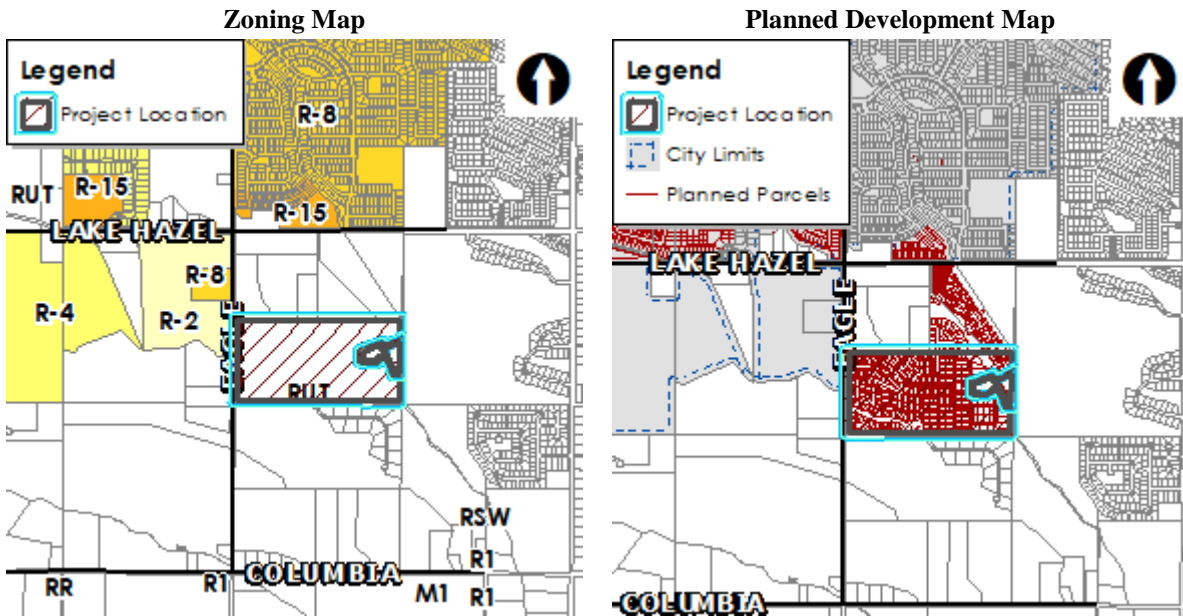
C. Project Area Maps

Future Land Use Map



Aerial Map





**III. APPLICANT INFORMATION**

**A. Applicant:**

Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

**B. Owner:**

Peter and Dana Eisenman – 3487 E. Adler Hof Ln., Meridian, ID 83642

**C. Representative:**

Laren Bailey, Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	9/25/2020	
Notification mailed to property owners within 300 feet	9/23/2020	
Applicant posted public hearing notice on site	10/1/2020	
Nextdoor posting	9/23/2020	

**V. COMPREHENSIVE PLAN ANALYSIS (*Comprehensive Plan*)**

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 6.6+/- acres at the southwest corner of the site, south of the Farr Lateral, as Low Density Residential (LDR) and the remaining 73+/- acres as Medium Density Residential (MDR). A City Park is designated in the general area at the southwest corner of the site.

Per the Comprehensive Plan, the LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails and other appropriate means should enhance the character of the area. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The Applicant proposes to develop this site with 353 single-family residential detached homes at an overall gross density of 4.4 dwelling units per acre. A total of 24 units are proposed within the 6.6+/- acre LDR designated area for a gross density of 3.6 units per acre in that area, which *exceeds* the density desired of 3 or fewer units per acre; small lots, instead of large or estate lots as desired in LDR designated areas, are proposed along with open space areas along the southern boundary and along the northern boundary adjacent to the Farr Lateral. A total of 329 units are proposed in the MDR designated area for a gross density of 4.5 units per acre in that area, which is consistent with that desired in MDR designated areas of 3 to 8 units per acre. A City park is not proposed; however, the Park's Department has determined a City park is not needed in this area.

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)

*Only one housing type, single-family detached homes, is proposed in this development, which although may contribute to the variety of housing types in the overall area, does not provide any variety for different needs, preferences and financial capabilities of present and future residents in this development as desired. Additionally, 310 out of the 353 lots are proposed to be restricted to a single-story with a bonus room (see exhibit in Section VIII.G). The lack of variety is not consistent with the purpose of the residential districts in the UDC, which is to provide a range of housing opportunities consistent with the Comprehensive Plan (UDC 11-2A-1).*

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

*City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21. As currently designed, most phases do not meet minimum fire flow pressure; however, there are multiple options to meet fire flow including upsizing some water mains to 12" and secondary connections.*

*This development cannot be adequately served by the Fire Department as most of the development is outside of response time goals, does not meet resource reliability goals, and has risk factors including a steep hill with a potential for wildfire if the hillside isn't maintained (see Section IX.C for more information). Additionally, with the main access and secondary access both from Eagle Rd., if access is blocked from the north via Eagle Rd. it would create a significant delay for emergency services by having to travel 3.5+/- miles around the square mile to access the site, potentially creating a life safety issue.*

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

*The site design of the proposed development is not compatible with abutting 1-acre rural residential lots to the south as there is not an adequate transition in lot sizes and/or zoning. Although landscaped*

*common areas and a private street are proposed as a buffer, Staff and abutting neighbors that submitted written testimony, do not believe it's an adequate buffer between proposed 4,448-4,950 s.f. lots and 1-acre rural lots to the south. Larger lots are proposed on the east end of the development on and near the rim but not as a transition to abutting estate lots to the south.*

- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City.” (2.01.01G)

*Only one housing type is proposed in this development (i.e. single-family detached, mostly single-level). The minimum lot size proposed is 4,000 square feet (s.f.) with an average lot size of 6,280 s.f. Although a mix of lot sizes are proposed and larger lots are proposed on the east end of the development, the predominant size is in the 4,000-5,000+/- square foot range which Staff does not believe provides enough diversity for a development of this size. Larger lot sizes should be provided as a transition to 1-acre lots to the south and additional housing types (i.e. single-family attached, townhomes, etc.) should be provided to offer more diversity in the proposed subdivision. Further, one of the purpose statements of the subdivision regulations stipulates developments provide for desirable and appropriately located living areas and a variety of dwelling types and densities with adequate provision for sunlight, fresh air and usable open space.*

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

*The proposed single-family detached homes are generally compatible with existing rural residential homes to the north and south and future medium high-density residential uses to the north as they are all residential in nature. However, the proposed site design with smaller lots (i.e. 4,448-4,950 s.f.) adjacent to 1-acre rural residential lots in Vantage Pointe to the south separated only by a private street and common area, and (3) 21,000+/- s.f. lots (Lot 78-80, Block 5) proposed adjacent to one rural lot, does not provide an adequate transition to minimize conflicts.*

*Further, there is no transition in zoning to the rural residential lots to the south, which would result in larger lots and/or greater setbacks if an R-2 or an R-4 zone were provided. Several letters of testimony have been received from adjacent neighbors objecting to the lack of transition in lot sizes and zoning to their properties/subdivision.*

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

*The Pathways Plan depicts a segment of the City's multi-use pathway system along the eastern boundary of the site; a 10-foot wide multi-use pathway is proposed in accord with the Plan on the northern portion of the development but transitions to a 5-foot wide pathway to the south and does not stub to the south for future extension as shown on the Plan; however, the Park's Dept. has indicated they are supportive of the proposed design. This pathway will eventually provide a connection to Discovery Park to the west and Hillside Elementary and the YMCA to the north.*

*Open space and site amenities are proposed in accord with UDC standards; however, much of the open space area consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, slope/hillside areas and areas that aren't centrally located for easy access – Staff calculates the actual usable area at approximately 4.6 acres (or 6% of the development area). Proposed site amenities consist of children's play equipment/structures, a picnic shelter, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements, which are located along the northern and southern boundaries of the site and are not centrally located. The UDC also requires common open space and site amenities to be located in*

*areas of high visibility to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime.*

- “Evaluate open space and amenity requirement and criteria for consistency with community needs and values.” (2.02.01B)

*Because the average lot size proposed in the development is only 6,280 square feet, Staff is of the opinion more usable open space & site amenities than proposed are needed to serve this development.*

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

*The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development.*

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

*The proposed project is located on the fringe of the City and will require extension of City services, which will not maximize existing public services as infill development would. Later phases may not develop until the properties to the north develop and extend utilities.*

- “Encourage the incorporation of creek corridors as amenities in development design.” (4.05.02C)

*The Ten Mile Creek crosses the northeast corner of the site; a common area is proposed for the creek area and a multi-use pathway is proposed along the creek in accord with the Pathways Master Plan.*

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

*City sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with development.*

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

*The proposed project is in the City's “fringe” area; therefore, development in this area is not encouraged as are vacant/underutilized parcels currently within City limits.*

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

*Eagle Rd. is currently a 2-lane roadway with no curb, gutter or sidewalks; no improvements are planned in the CIP/IFYWP to the segment of Eagle Rd. abutting this site. The Lake Hazel/Eagle Road intersection north of the site is planned to be reconstructed and signalized in 2023. The ACHD report states that the TIS estimates this development to generate an additional 3,343 trips per day resulting in an acceptable level of service (i.e. better than “E”).*

*WASD estimates this development will house approximately 247 school aged children – enrollment at Hillsdale Elementary is currently capped so students in this development would attend Silver Sage, which is currently under capacity; enrollment at Lake Hazel Middle School and Mountain View High School would be over capacity at build-out of this development according to the Community Development's school impact review included in Section IX.K.*

*Discovery Park, a 77+/- acre City Park, is located approximately a mile away from this site to the west on Lake Hazel Rd., which should be adequate to serve this development.*

- “Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to



the City's vision and the necessary extension of public services and infrastructure is provided.”  
(3.03.03)

*The density proposed in the LDR designated area at the southwest corner of the site is slightly above the 3 units or fewer per acre desired in that area; the density in the MDR designated area falls within the desired range. Only one housing type is proposed rather than a mix of housing types; an inadequate transition in lot sizes and zoning is proposed to 1-acre rural properties to the south; inadequate unusable open space and site amenities; public services are proposed to be extended to the fringe of the City rather than to vacant/underdeveloped infill parcels as desired; and enrollment at middle and high schools will be over capacity if approved. For these reasons, Staff is of the opinion the proposed annexation isn't consistent with the City's vision in the Comprehensive Plan and isn't in the best interest of the City.*

## **VI. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))**

### **A. Annexation & Zoning:**

The proposed annexation area consists of two (2) tax parcels containing a total of 80.46 acres of land designated as LDR and MDR on the FLUM and contains land to the section line of S. Eagle Rd. The Applicant proposes to annex the two (2) parcels with an R-8 zoning district and develop a total of 353 single-family detached homes on the site.

The annexation area is contiguous to and on the fringe of the current City limits boundary and within the City's Area of City Impact at the east boundary. A legal description and exhibit map for the annexation area is included in Section VIII.A.

As discussed above in Section V, Staff is of the opinion the proposed development is *not* consistent with the vision of the Comprehensive Plan or the purpose statements of the residential districts in UDC 11-2A-1 and the subdivision regulations in UDC 11-6A-1, thus recommends denial of the annexation request.

### **B. Preliminary Plat:**

The proposed preliminary plat consists of 353 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 zoning district.

The minimum lot size proposed is 4,000 square feet (s.f.) with an average lot size of 6,280 s.f.; the gross density is 4.4 units/acre with a net density of 7.4 units/acre. The subdivision is proposed to develop in eight (8) phases as depicted on the plat (see Section VIII.B).

#### **Existing Structures/Site Improvements:**

There are two (2) existing homes and outbuildings on this site – the 5,892 square foot home constructed in 2002 at the east end of the site is planned to remain on a lot (Lot 64, Block 5) in the proposed subdivision; the home and accessory structures on the west end of the site are planned to be removed with development. These homes are accessed via a private lane (E. Adler Hof Ln.) from S. Eagle Rd. If annexed, the home proposed to remain is required to hook-up to City water and sewer service and change their address.

#### **Proposed Use Analysis:**

Single-family detached dwellings are listed in UDC Table 11-2A-2 as a principal permitted use in the R-8 zoning district. The proposed use, with only one housing type, is not consistent with the purpose statement of the residential districts and the subdivision regulations in that a range of housing opportunities and a variety of dwelling types are not provided consistent with the Comprehensive Plan and UDC 11-2A-1 and 11-6A-1.

**Dimensional Standards (UDC [11-2](#)):**

Development is subject to the dimensional standards listed in 11-2A-6 for the R-8 zoning district. **Several of the lots don't meet the minimum street frontage requirement of 40 feet.**

**Subdivision Design and Improvement Standards (UDC [11-6C-3](#))**

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.

Block length is required to comply with the standards listed in UDC 11-6C-3F. Block faces should not exceed 750' in length without an intersecting street or alley unless a pedestrian connection is provided, then the block face may be extended up to 1,000' in length. The City Council may approve a block face up to 1,200' in length where block design is constrained by certain site conditions as specified in UDC 11-6C-3F.3b. **The face of Block 9 on the north side of the Farr Lateral is 1,000'+/- and does not contain a pathway or intersecting street or alley – Council approval is needed due to the location of the Farr Lateral, a large waterway, along the south side of Block 9; alternatively, the plat would need to be revised to comply with this standard.**

**At the northeast corner of the site, a street ending in a cul-de-sac is proposed which will likely exceed the maximum 500' length allowed in UDC 11-6C-3B.4 depending on how the property to the north develops. Staff had recommended an internal street access to this portion of the development rather than the sole access being provided via a stub street from the north. Due to the topography in this area, the Applicant has not provided the recommended internal access.**

Twelve (12) common driveways are proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. **A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes. Where two (2) common driveways are proposed that adjoin, bollards (or other barrier approved by the Fire Dept.) should be placed at the common lot line to prevent a through connection between streets.**

**Access (UDC [11-3A-3](#))**

One (1) public street, Street A, is proposed for access via S. Eagle Rd. as a collector street to the intersection of Street C; a secondary emergency access is proposed from the south via E. Vantage Pointe Ln. to be constructed with the first phase of development – an emergency only access easement was granted for this access (Inst. #2020-063349), public access is not allowed. Three (3) stub streets are proposed at the north and two (2) stub street are proposed at the south boundaries of the site for future extension in accord with UDC 11-3A-3. Each phase of development is proposed to have two (2) accesses for emergency services (see phasing exhibit in Fire comments in Section IX.C).

**Although the proposed access meets the minimum access required by the Fire Dept., Staff is *highly* concerned with the feasibility of only one (1) public access to the site (until adjacent properties redevelop and provide stub streets to this property) with 353 units proposed. Additionally, if access from the north via Eagle Rd. is blocked, in the event of an emergency, emergency vehicles would have to travel an additional 3.5+/- miles around the square mile to access the site creating a potential life safety issue due to a delayed response time.**

A combination of public and private streets are proposed for access within the development – public streets are proposed on the west and private streets are proposed on the east end of the subdivision. Three (3) common driveways are proposed for access off private streets (see analysis below).

**Private Streets:** Per UDC 11-3F-1, it is not the intent to approve private streets for single-family developments other than those that create a common mew through the site design or that propose a limited gated residential development – mews are not proposed; two (2) gates are proposed for access to 121 lots located on the east end of the site (see exhibit in Section VIII.H). (Note: A third gate is proposed but it's through two (2) common driveways, Lots 24 & 36, Block 5, and doesn't qualify as a gated entrance accessible to all residents, only an emergency access.) At 121 lots, Staff does not consider this to be a *limited* residential development. Additionally, gated developments are not allowed to have more than 50 dwelling units – in the past with Planned Unit Development applications, Staff has allowed this number to apply to *each* gate – even so, the maximum number of units allowed still exceed UDC standards.

Further, the provisions for private streets apply to any properties that do not have frontage on a public street or where frontage is not required per UDC 11-3F-2 – a minimum street frontage of 40 feet is required in the R-8 district per UDC Table 11-2A-6. Therefore, private streets cannot be approved for this development as the applicability for private streets cannot be met. Additionally, there is no reason the public street network can't be extended in the areas where private streets are proposed. Therefore, Staff is not in support of the proposed private streets.

Alternative Compliance is proposed to UDC 11-3F-4A.6, which prohibits common driveways off private streets, to allow such in three locations within the gated area of the subdivision. The Applicant's request for such explains the general reasons common driveways are utilized and states that through the use of common driveways they're able to allocate more land area to common landscaped open spaces instead of wasting it on unusable and unnecessary roadways. **Because private streets aren't a viable option in the R-8 district as noted above and public streets can be extended to serve the overall development area, Staff is consequently not in support of the request for Alternative Compliance. Further, Alternative Compliance is only allowed when one or more of the conditions noted in UDC [11-5B-5B.2](#) exists – Staff does not find any of the listed conditions apply in this case.**

**Transportation:** The existing roadways in this area are rural in nature. Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk. Improvements and a signal are planned for the Lake Hazel/Eagle Rd. intersection in 2023. Lake Hazel is planned to be widened to 5-lanes between Eagle and Cloverdale Roads in 2024; and to 5-lanes from Locust Grove to Eagle Roads between 2026 and 2030; no improvements are planned to Eagle Rd. south of Lake Hazel abutting the site.

**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. A parking plan is included in Section VIII.J that depicts a total of 334 on-street parking spaces along public and private streets; parking along private streets must be approved by the Fire Marshall.

**Pathways (UDC [11-3A-8](#)):**

The Pathways Master Plan (PMP) depicts a north/south segment of the City's multi-use pathway system along the east side of the subject property and along the south side of the Farr Lateral at the southwest corner of the site. The Applicant has worked with the Park's Dept. pathway coordinator on the design proposed along the east boundary; the pathway along the south side of the Farr Lateral is consistent with the PMP. **The pathways are required to be placed in a 14-foot wide public pedestrian easement.**

Ten-foot (10') wide segments of the City's multi-use pathway are proposed within the street buffer along Eagle Rd., along the south side of the Farr Lateral, along the Ten Mile Creek and the northern portion of the east boundary of the site and a golf cart path. Other pathway connections are also proposed for

pedestrian interconnectivity and access to common areas within the development. A pathway connection is proposed between the pathway on the eastern portion of the site to the sidewalks along internal public streets on the west end of the site. A total of 5,167 linear feet of pathways are proposed in this development (see exhibit in Section VIII.I). **All pathways are required to be constructed in accord with the standards listed in UDC 11-3A-8 and landscaped per the standards in UDC 11-3B-12C.**

**Where pathways are proposed in common driveways (i.e. Lot 71, Block 9) they should be located in separate common lots with landscaping on either side in accord with UDC 11-3B-12C.**

**Sidewalks (UDC [11-3A-17](#)):**

A detached sidewalk is proposed along S. Eagle Rd. and attached sidewalks are proposed along internal public streets (with the exception of detached sidewalks where landscaped endcaps are proposed) in accord with the standards listed in UDC 11-3A-17. No sidewalks are required or proposed along private streets except for along private Streets K & S where a detached sidewalk is proposed for a pedestrian connection between the pathway on the east end of the site to the sidewalk along public Street I on the west end of the site.

**If private streets were approved for this development (although they can't be accommodated in the R-8 district), Staff would have concerns in regard to public safety with the lack of pedestrian walkways in front of homes, requiring pedestrians to walk in vehicular use areas in the street.**

**Parkways (UDC [11-3A-17](#)):**

Eight-foot wide parkways with detached sidewalks are proposed along the entry street (Street A) and in a few other areas; sidewalks are mostly attached with no parkways in this development. All parkways are required to be constructed in accord with the standards listed in UDC 11-3A-17 and landscaped in accord with the standards listed in UDC 11-3B-7C.

**Landscaping (UDC [11-3B](#)):**

A 25-foot wide street buffer is required adjacent to S. Eagle Rd., an arterial street; a 20-foot wide street buffer is required along Street A where it is designated as a collector street (i.e. from Eagle Rd. to the intersection of Street C), landscaped per the standards listed in [UDC 11-3B-7C](#). A 35-foot wide buffer is proposed along Eagle Rd. and a 30-foot wide buffer is proposed along the collector street (Street A) landscaped with grass and deciduous and evergreen trees and shrubs in excess of the minimum standards.

Parkways are required to be landscaped in accord with the standards listed in [UDC 11-3B-7C](#).

**Landscaping is proposed within parkways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.**

Landscaping is required along all pathways in accord with the standards listed in [UDC 11-3B-12C](#).

**Landscaping is proposed along pathways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.**

Common open space is required to be landscaped in accord with the standards listed in [UDC 11-3G-3E](#).

Landscaping is depicted in common areas in excess of UDC standards.

**There are existing trees on the site within proposed building lots that are proposed to be removed that may require mitigation. The Applicant should coordinate with Matt Perkins, the City Arborist, to determine mitigation requirements per the standards listed in UDC 11-3B-10C.5.**

**Qualified Open Space (UDC [11-3G](#)):**

A minimum of 10% *qualified* open space meeting the standards listed in UDC 11-3G-3B is required. Based on the area of the proposed plat (80+/- acres), a minimum of 8 acres of qualified open space should be provided.

The Applicant proposes 14.7 acres (or 18.4%) of qualified open space consisting of street buffers, linear open space, parkways and common areas greater than 50' x 100' in area, including the slope area on the

east end of the site (*see qualified open space exhibit in Section VIII.D*). **Although the open space proposed complies with the minimum UDC standards, much of the open space area consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, slope/hillside areas and areas that aren't centrally located for easy access – Staff calculates the actual usable area at approximately 4.6 acres (or 6% of the development area) and much of that area is not centrally located for easy access. Staff is of the opinion the quality and usable amount of open space proposed is inadequate for a development of this size.**

**Qualified Site Amenities (UDC [11-3G](#)):**

Based on the area of the proposed plat (80+/- acres), a *minimum* of four (4) qualified site amenities are required to be provided per the standards listed in [UDC 11-3G-3C](#).

Proposed site amenities consist of children's play equipment/structures, a picnic shelter/shade structure, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements. Dog owner facilities are required to be improved with a dog washing station with a drain to sanitary sewer system and trash receptacles and bags for dog waste disposal; or fencing to enclose a minimum 0.75 acre of open space for an off leash dog park and trash receptacles and bags for dog waste disposal per UDC 11-3G-3C.h. **Although the proposed amenities meet the minimum standards, they are primarily located along the northern and southern boundaries of the site or in the gated portion of the development and are not centrally located (see details in Section VIII.D), which Staff is of the opinion is not ideal. Further, UDC 11-3G-3D.3 requires common open space and site amenities to be located in areas of high visibility to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime.**

**Storm Drainage:**

An adequate storm drainage system is required in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practice as adopted by the City.

**Irrigation:**

An underground pressurized irrigation system is required to be provided with development to each lot within the subdivision in accord with the standards listed in UDC 11-3A-15. Irrigation water is provided from the New York Irrigation District.

**Waterways (UDC [11-3A-6](#)):**

The Farr Lateral runs across the southwest corner of this site within a common lot (Lot 53, Block 9). The Applicant proposes to leave the waterway open and improve the area as a linear open space with a 10-foot wide multi-use pathway along the south side as allowed by UDC 11-3A-6B.2.

**Fencing (UDC [11-3A-7](#)):**

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7.

Six-foot tall open vision vinyl slat top fencing is proposed along connection pathways and the Farr Lateral, 4-foot tall open vision wrought iron fencing is proposed adjacent to the dog parks and 6-foot tall vinyl fencing is proposed along street buffers and the perimeter of the subdivision as shown on the landscape plan. UDC 11-3A-6C.3 requires open laterals to be fenced with an open vision fence at least 6-foot in height and having an 11-gauge, 2-inch mesh or other construction equivalent in ability to deter access to the lateral. **Staff recommends fencing is installed between the lateral and the pathway to preserve public safety.**

**Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):**

The Applicant submitted sample photo elevations of the types of homes planned to be constructed in this development which are included in Section VIII.F. Homes depicted are predominantly single-story, some with a bonus room, with a few that are 2-stories in height proposed on the east end of the development on or near the rim. All but 43 of the homes are proposed to be restricted to single-story with the option of a

bonus room; the larger lots on the east end of the development are not restricted to single-story homes (see exhibit in Section VIII.G). Building materials consist of a mix of finish materials (i.e. horizontal and vertical siding and stucco) with stone/brick veneer accents.

**Staff is concerned about the feasibility of the homes in the proposed sample photos actually fitting on the proposed 40'-45'+/- wide lots, which are the predominate range of lot sizes in the development. Therefore, Staff requested the Applicant submit floor plans to demonstrate they can be accommodated and meet setback requirements. The Applicant was unable to do so. Therefore, Staff is not in support of the proposed sample elevation photos unless floor plans can be submitted that verify they fit on the proposed lots. If they don't, the Applicant should submit concept elevations that are feasible to fit on the lots.**

## **VII. DECISION**

### **A. Staff:**

Staff recommends denial of the requested annexation and zoning of the property and consequently the preliminary plat, private street and alternative compliance requests because the proposed zoning and development is not consistent with the Comprehensive Plan for the following reasons: 1) the property is located on the fringe of the City and existing public services would not be maximized by providing services to this development; 2) most of the development is located outside of established response time goals of the Fire Dept., does not meet resource reliability goals, and has risk factors including a steep hill with a potential for wildfire if the hillside isn't maintained; 3) growth will negatively impact West Ada School District (the area high school is already over capacity and the middle school will be over capacity); 4) lack of significant variety in housing types and lot sizes; 5) lack of transition in lot sizes and zoning to the 1-acre estate lots and LDR designated property to the south; 6) much of qualified open space area is unusable and/or not centrally located; and, 7) the proposed private streets are not compatible with the R-8 district as street frontage is required (see Findings in Section X).

VIII. EXHIBITS

A. Annexation Legal Description & Exhibit Map



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

Skybreak Annexation Description

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.04 feet to an aluminum cap marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'36" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.04 feet to the NW1/16 corner of said Section 4, marked by a 5/8" rebar with cap RLS 645;

Thence N. 89°56'26" E., coincident with said north line, 1321.10 feet to the CN1/16 corner of said Section 4, marked by a 5/8" rebar with cap RLS 645;

Thence S. 0°37'05" W., coincident with the east line of said NW1/4, a distance of 1333.72 feet to the C1/4 corner of said Section 4, marked by a 3/4" rebar;

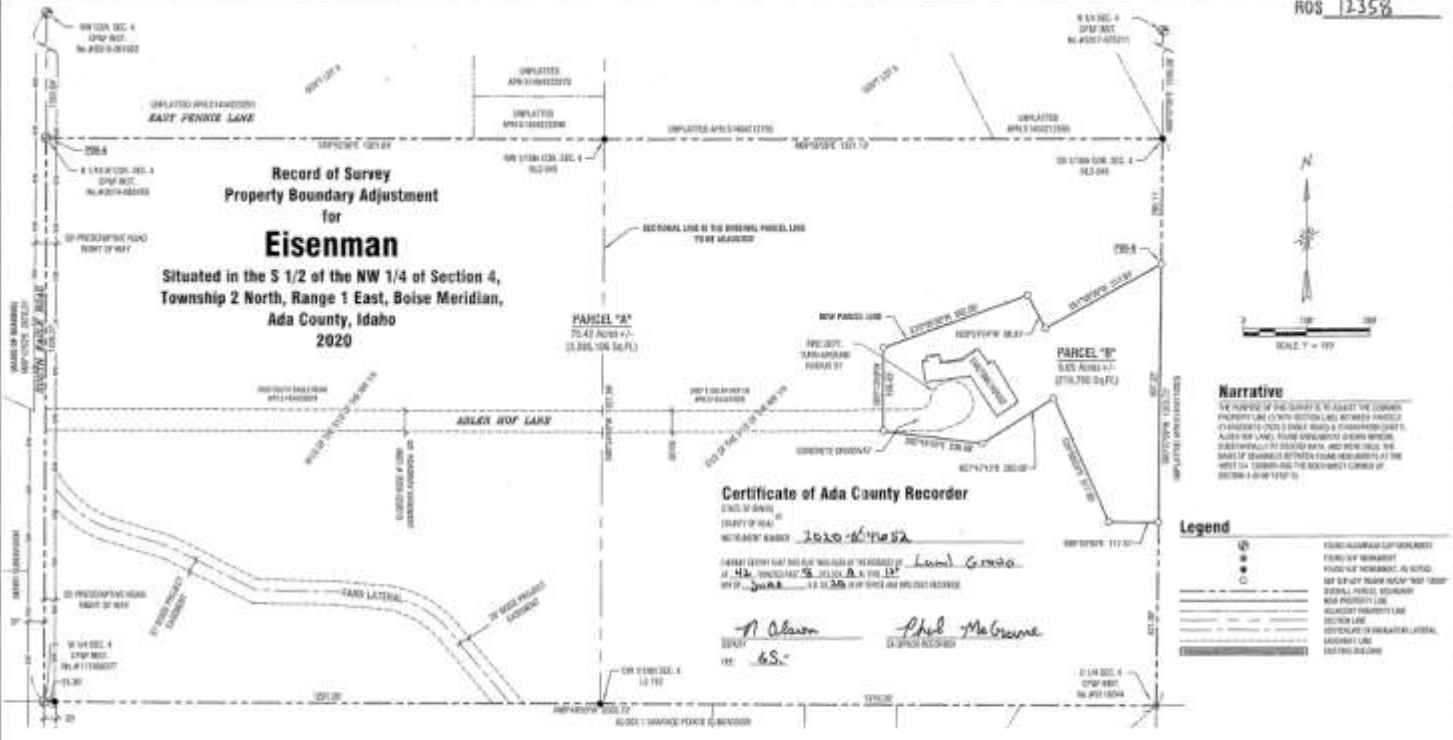
Thence N. 89°48'26" W., coincident with the south line of said NW1/4, a distance of 2632.72 feet to the W1/4 corner of said Section 4, marked by an aluminum cap;

Thence N. 0°12'52" E., coincident with said west line of the NW1/4, a distance of 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 80.46 acres more or less.

This description was prepared using record data from Record of Survey No. 12358, Ada County records, and not from an actual field survey.





**Certificate of Surveyor**

I, T. Olsen, Surveyor, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made by me in accordance with the laws and rules governing the practice of land surveying in the State of Idaho.

T. Olsen  
 T. OLSEN  
 PL-11-2920  
 PROFESSIONAL LAND SURVEYOR

**Certificate of Owner**

I, Patricia C. Hansen, do hereby certify that I am the owner of the property described in the foregoing plat and that I have authorized the recording of the same.

Patricia C. Hansen  
 PATRICIA C. HANSEN  
 OWNER

**Acknowledgment**

I, Patricia C. Hansen, do hereby acknowledge that I am the owner of the property described in the foregoing plat and that I have authorized the recording of the same.

Patricia C. Hansen  
 PATRICIA C. HANSEN  
 OWNER

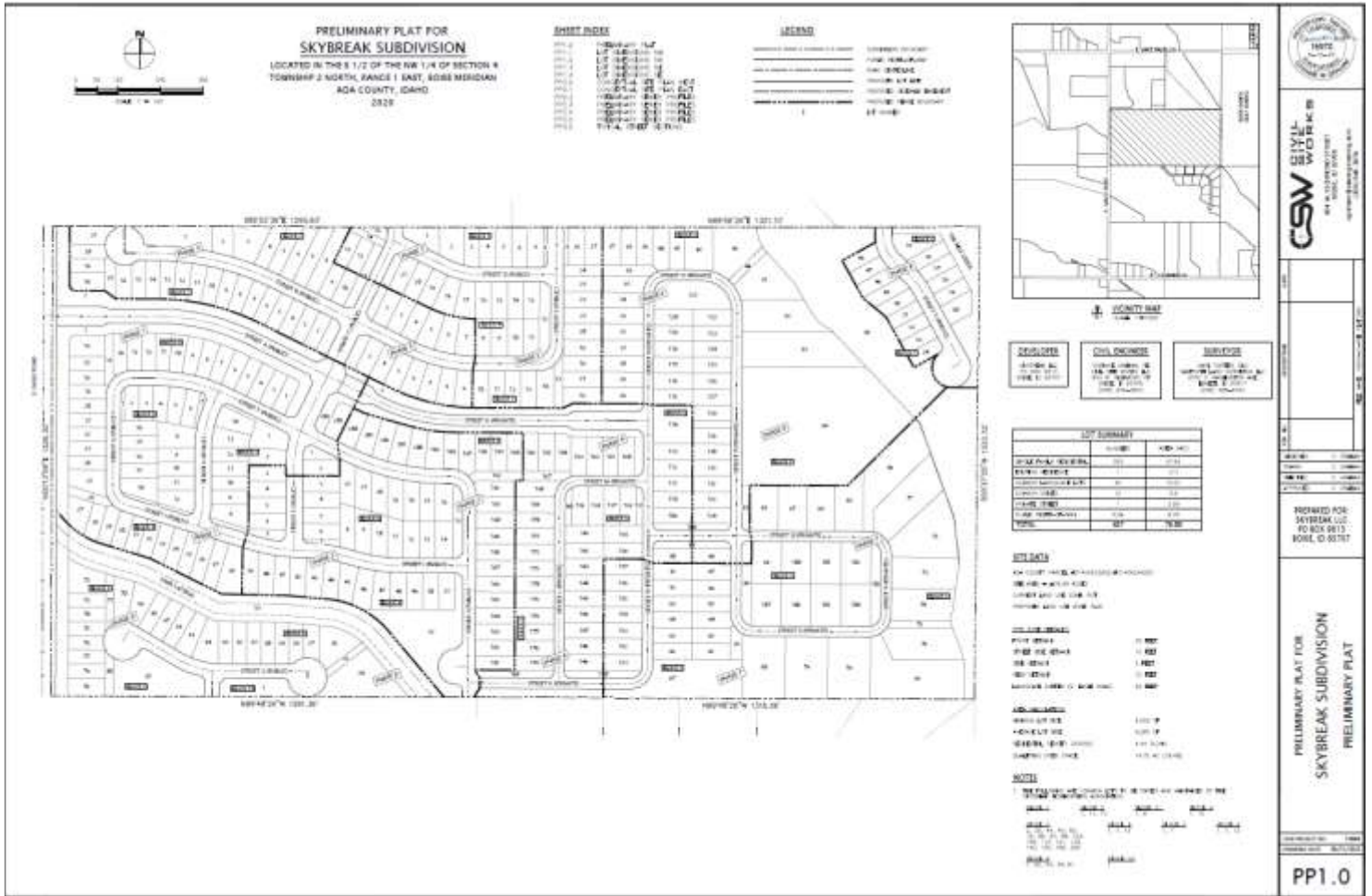
**Referenced Survey Table:**

No.	Description
1	Record of Survey in this instrument #488282, Records of Ada County.
2	Record of Survey in this instrument #488282, Records of Ada County.
3	Record of Survey in this instrument #488282, Records of Ada County.
4	Record of Survey in this instrument #488282, Records of Ada County.
5	Record of Survey in this instrument #488282, Records of Ada County.

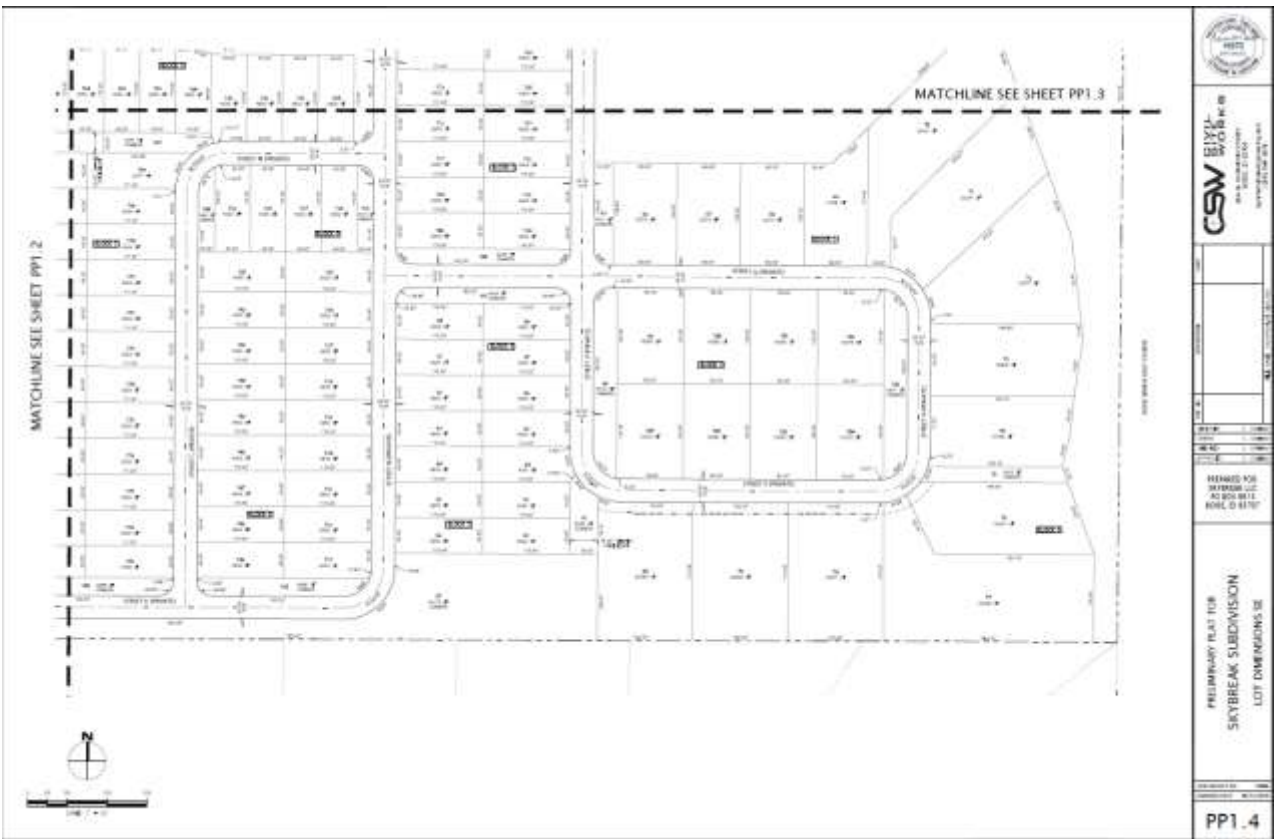
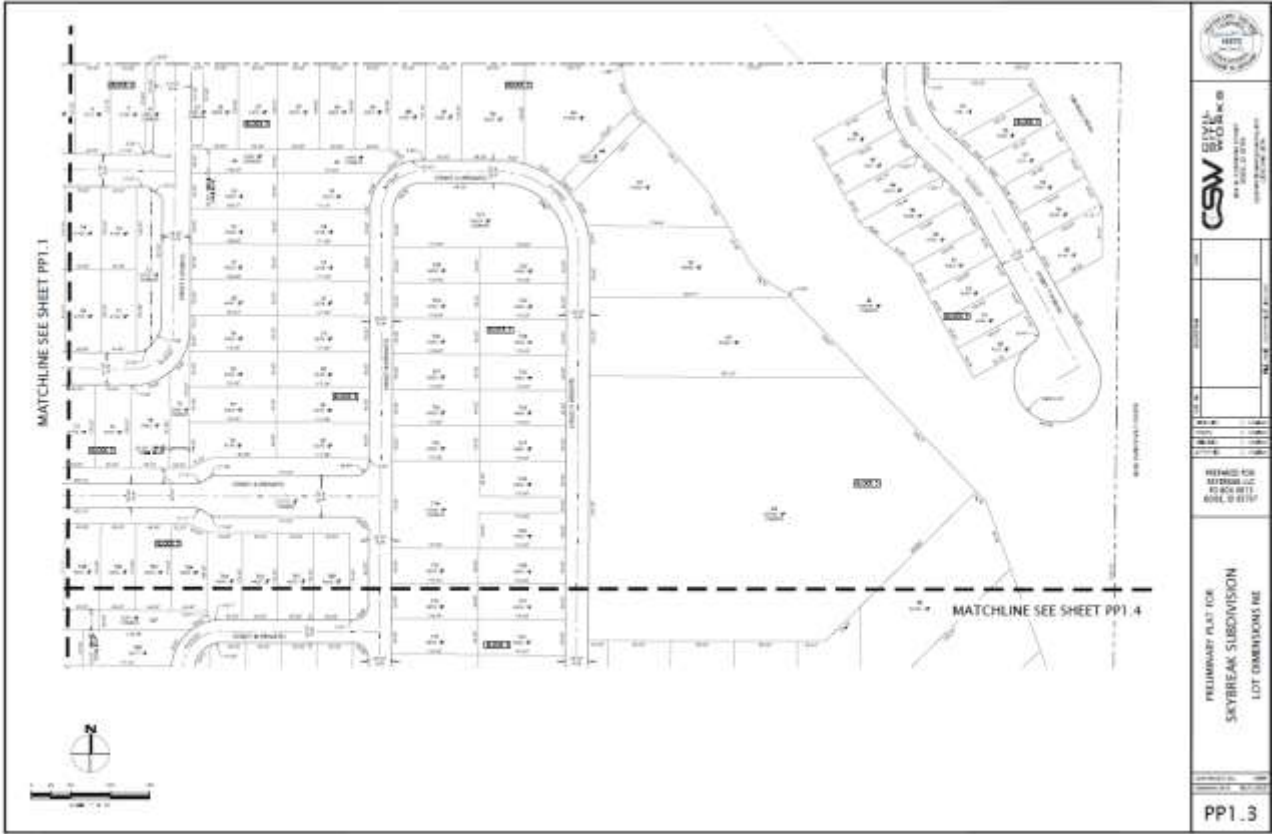




B. Preliminary Plat (date: 6/15/2020) & Phasing Plan







C. Landscape Plan (date: 6/16/2020)



**LANDSCAPE CALCULATIONS**

LOCATION	SAPLING AREA	LENGTH	REQUIRED	PROVIDED
0. ROAD SIDE	50'	10000'	24 TREES	14 TREES
TRANSITION	SPACES OF 100' x 4'	400'	10 TREES	10 TREES
TOTAL NUMBER OF TREES			34 TREES	24 TREES

NOTE: AREAS NOT SHOWN WERE OBTAINED BY INTERPOLATION & REQUIRED.

**DEVELOPMENT DATA**

ITEM	AMOUNT
TOTAL AREA	10000 SQ FT
IMPERVIOUS COVER	40%
PERCENT IMPERVIOUS COVER	40%
PERCENT PERMEABLE	60%
PERCENT OPEN SPACE	40% TO 60%
PERCENT OPEN SPACE	40%
PERCENT OPEN SPACE	40%

CIVIL ENGINEER	DEVELOPER
NAME: JOHN DOE, P.E.	NAME: SKYBREAK LLC
NO. 123456789	NO. 123456789
DATE: 06/16/2020	DATE: 06/16/2020

**PLANT PALETTE**

SYM	COMMON NAME	BOTANICAL NAME	SIZE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	SYM
[Symbol]	SMALL TREE	FRAXINUS AMERICANA	8-10' H	[Symbol]	SMALL TREE	QUERCUS ALBA	8-10' H	[Symbol]
[Symbol]	MEDIUM TREE	FRAXINUS AMERICANA	12-15' H	[Symbol]	MEDIUM TREE	QUERCUS ALBA	12-15' H	[Symbol]
[Symbol]	LARGE TREE	FRAXINUS AMERICANA	18-25' H	[Symbol]	LARGE TREE	QUERCUS ALBA	18-25' H	[Symbol]
[Symbol]	SHRUB	FRAXINUS AMERICANA	4-6' H	[Symbol]	SHRUB	QUERCUS ALBA	4-6' H	[Symbol]
[Symbol]	GROUND COVER	FRAXINUS AMERICANA	2-4' H	[Symbol]	GROUND COVER	QUERCUS ALBA	2-4' H	[Symbol]

**NOTES**

1. ALL LANDSCAPE SHALL BE INSTALLED & MAINTAINED PER THE CITY OF MERIDIAN REQUIREMENTS.
2. ALL PLANTING SHALL BE INSTALLED WITH AN AUTOMATIC IRRIGATION SYSTEM.
3. TREES SHALL NOT BE PLANTED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING. TREES SHALL BE PLANTED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING. TREES SHALL BE PLANTED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING.
4. ALL TREES SHALL BE INSTALLED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING. TREES SHALL BE PLANTED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING.
5. ALL TREES SHALL BE INSTALLED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING. TREES SHALL BE PLANTED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING.
6. ALL TREES SHALL BE INSTALLED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING. TREES SHALL BE PLANTED WITHIN THE CURB CUT AREA UNLESS THE CITY OF MERIDIAN HAS APPROVED THE PLANTING.

**SKYBREAK SUBDIVISION**  
MERIDIAN, ID  
PRELIMINARY PLAT LANDSCAPE PLAN

JUNE 16, 2020  
SCALE: 1" = 40'



<b>SKYBREAK SUBDIVISION</b> PRELIMINARY PLAT LANDSCAPE MERIDIAN, IDAHO	
LANDSCAPE PLAN	
L1	

**PLANT PALETTE**

**LEGEND**

- PLANTING SYMBOLS
- PLANTING NOTES
- PLANTING SCHEDULE
- PLANTING SPECIFICATIONS

**PLANTING SCHEDULE**

PLANT	QUANTITY
...	...

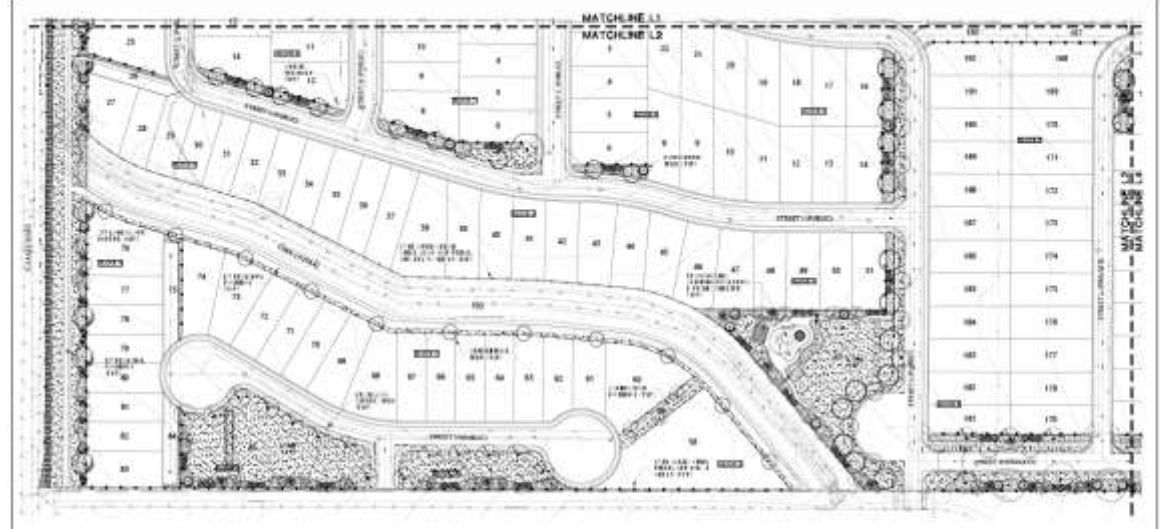
**LEGEND**

- PLANTING SYMBOLS
- PLANTING NOTES
- PLANTING SCHEDULE
- PLANTING SPECIFICATIONS

**NOTES**

- 1. SEE PLAN FOR PLANTING SCHEDULE
- 2. SEE PLAN FOR PLANTING SPECIFICATIONS

**KEY MAP**



<b>SKYBREAK SUBDIVISION</b> PRELIMINARY PLAT LANDSCAPE MERIDIAN, IDAHO	
LANDSCAPE PLAN	
L2	

**PLANT PALETTE**

**LEGEND**

- PLANTING SYMBOLS
- PLANTING NOTES
- PLANTING SCHEDULE
- PLANTING SPECIFICATIONS

**PLANTING SCHEDULE**

PLANT	QUANTITY
...	...

**LEGEND**

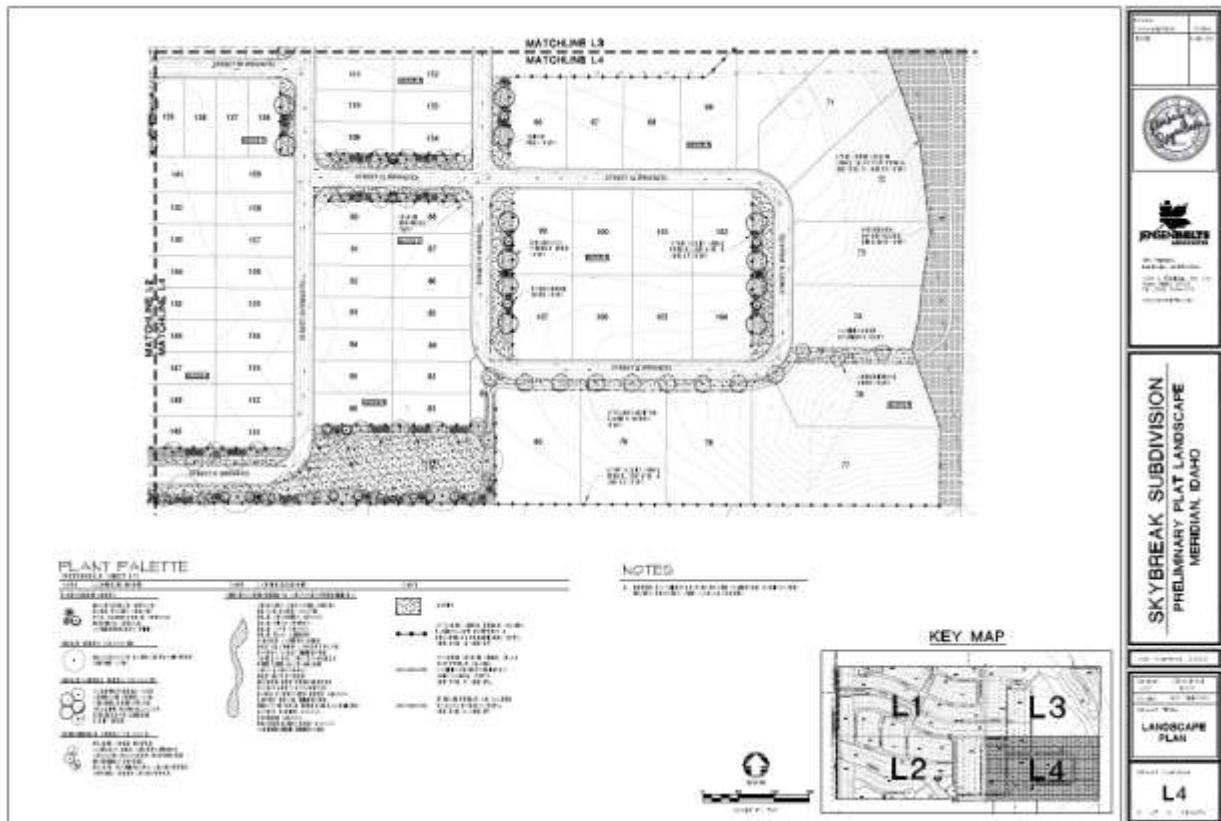
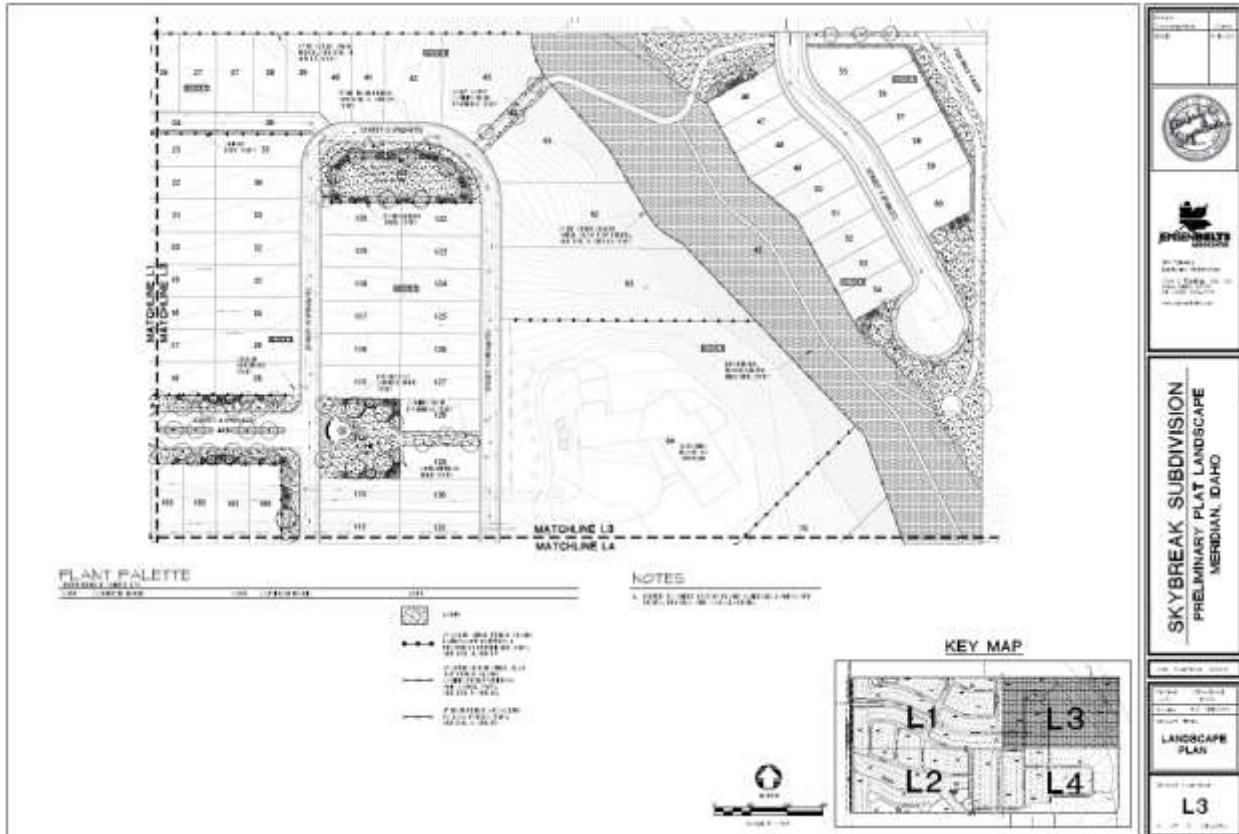
- PLANTING SYMBOLS
- PLANTING NOTES
- PLANTING SCHEDULE
- PLANTING SPECIFICATIONS

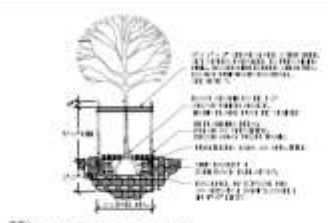
**NOTES**

- 1. SEE PLAN FOR PLANTING SCHEDULE
- 2. SEE PLAN FOR PLANTING SPECIFICATIONS

**KEY MAP**



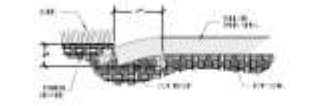




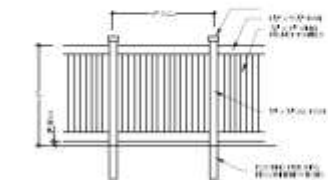
**1 TREE PLANTING - STAKED**



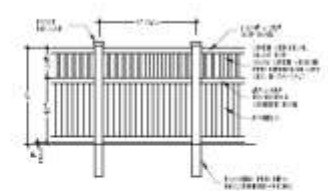
**2 TREE PLANTING - MULCH**



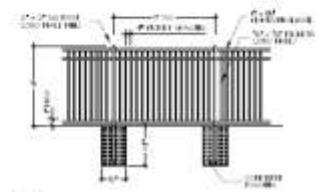
**3 FLAMINGO CUT EDGE**



**4 VINYL PRIVACY FENCE**



**5 DIMENSIONAL FLAT TOP FENCE**



**6 BEAD FENCE**

**LANDSCAPE CALCULATIONS**

ITEM	QUANTITY	UNIT	REQUIRED	PROVIDED
GRASS	100	SQ. YD.	100	100
FLORAL MULCH	100	SQ. YD.	100	100
WOOD MULCH	100	SQ. YD.	100	100
STAKES	100	PCS.	100	100

**DEVELOPMENT DATA**

TOTAL AREA	100
IMPERVIOUS AREA	50
PERMEABLE AREA	50
PERCENT PERMEABLE	50%
PERCENT IMPERVIOUS	50%
PERCENT PAVED	0%
PERCENT GRAVEL	0%
PERCENT ASPHALT	0%
PERCENT CONCRETE	0%

**PLANT PALETTE**

SYM	COMMON NAME	SCIENTIFIC NAME	SIZE
1.0	PLANTING SPECIES	PLANTING SPECIES	1.0
2.0	PLANTING SPECIES	PLANTING SPECIES	2.0
3.0	PLANTING SPECIES	PLANTING SPECIES	3.0
4.0	PLANTING SPECIES	PLANTING SPECIES	4.0
5.0	PLANTING SPECIES	PLANTING SPECIES	5.0
6.0	PLANTING SPECIES	PLANTING SPECIES	6.0
7.0	PLANTING SPECIES	PLANTING SPECIES	7.0
8.0	PLANTING SPECIES	PLANTING SPECIES	8.0
9.0	PLANTING SPECIES	PLANTING SPECIES	9.0
10.0	PLANTING SPECIES	PLANTING SPECIES	10.0
11.0	PLANTING SPECIES	PLANTING SPECIES	11.0
12.0	PLANTING SPECIES	PLANTING SPECIES	12.0
13.0	PLANTING SPECIES	PLANTING SPECIES	13.0
14.0	PLANTING SPECIES	PLANTING SPECIES	14.0
15.0	PLANTING SPECIES	PLANTING SPECIES	15.0
16.0	PLANTING SPECIES	PLANTING SPECIES	16.0
17.0	PLANTING SPECIES	PLANTING SPECIES	17.0
18.0	PLANTING SPECIES	PLANTING SPECIES	18.0
19.0	PLANTING SPECIES	PLANTING SPECIES	19.0
20.0	PLANTING SPECIES	PLANTING SPECIES	20.0
21.0	PLANTING SPECIES	PLANTING SPECIES	21.0
22.0	PLANTING SPECIES	PLANTING SPECIES	22.0
23.0	PLANTING SPECIES	PLANTING SPECIES	23.0
24.0	PLANTING SPECIES	PLANTING SPECIES	24.0
25.0	PLANTING SPECIES	PLANTING SPECIES	25.0
26.0	PLANTING SPECIES	PLANTING SPECIES	26.0
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41.0	PLANTING SPECIES	PLANTING SPECIES	41.0
42.0	PLANTING SPECIES	PLANTING SPECIES	42.0
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**NOTES**

1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MERIDIAN PLANTING SPECIFICATIONS.
2. ALL PLANTING SHALL BE INSTALLED WITH PROPER CARE AND MAINTENANCE THROUGHOUT LIFE.
3. ALL PLANTING SHALL BE INSTALLED WITH PROPER CARE AND MAINTENANCE THROUGHOUT LIFE.
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50. ALL PLANTING SHALL BE INSTALLED WITH PROPER CARE AND MAINTENANCE THROUGHOUT LIFE.

DATE	BY	REVISION
10/10/2023	J. J. JENSEN	ISSUED
10/10/2023	J. J. JENSEN	REVISED
10/10/2023	J. J. JENSEN	REVISED

SKYBREAK SUBDIVISION  
PRELIMINARY PLAT LANDSCAPE  
MERIDIAN, IDAHO

LANDSCAPE  
DETAILS

L5

D. Qualified Open Space Exhibit & Site Amenities





**SKYBREAK SUBDIVISION**  
OPEN SPACE EXHIBIT

TOTAL AREA = ±79.69 AC

QUALIFYING OPEN SPACE = ±14.70 AC (18.4%)

NON-QUALIFYING OPEN SPACE = ±0.90 AC

 QUALIFYING OPEN SPACE

 NON-QUALIFYING OPEN SPACE



## Qualified Open Space Calculations

Project: Skybreak Neighborhood

Date: 6.12.2020

Block	Lot	Sqft Open Space	Dimensions	Description	Code Section
1	1	29,415	-	Arterial/Collector Frontage	B,C,D
2	1	12,225	50' x 200'	Dog Park	A
2	11	5,467	28' x 200'	End Cap - Parkway	B,E
3	1	5,518	50' x 100'	Landscaped Open Space	A
4	1	5,010	24.97' x 200'	End Cap - Parkway	B,E
4	12	6,293	31.94 x 200'	End Cap - Parkway	B
5	2	23,755	20' min. width	Collector Frontage	C
5	44	2,670	20' x 120'	Pedestrian Pathway Connection	B
5	45	193,636	-	Open Space - Pathways	A
5	65	3,107	24' x 100'	End Cap	B
5	75	3,543	20' x 150'	Pedestrian Pathway Connection	B
5	89	4,245	20' x 200'	End Cap	B
5	97	42,306	-	Park, Sport Field	A
5	98	6,733	29.5' x 200'	End Cap	B
5	108	4,245	20' x 200'	End Cap	B
5	114	14,300	-	Park, Pathway, Seating Areas	A
5	121	16,074	-	Dog Park	A
5	135	2,123	20' x 100'	End Cap	B
5	140	1,948	20' x 100'	End Cap	B
5	150	4,696	22.88' x 200'	End Cap - Parkway	B,E
5	180	4,888	22.88' x 200'	End Cap - Parkway	B,E
5	193	6,541	29.5' x 200'	End Cap	B
5	206	24,545	-	Collector Buffer	C
6	15	5,666	29.00' x 200'	End Cap - Parkway	B,E
7	1	8,025	-	Park, Seating Area	A
9	1	35,815	-	Arterial/Collector Frontage	B,C,D
9	52	35,142	-	Tot Lot/Sport Court/Seating Area/Open Vision Safety Fencing	A
9	59	2,715	20' x 100'	Pedestrian Pathway Connection	B
9	85	24,762	-	Landscaped Open Space/Park	A
9	192	87,488	-	Open Space - Regional Pathway	A,B
10	1	10,350	-	Landscaped Open Space/Park	A

Total Sqft	633,246
Qualified Open Space Ac.	14.54
Total Project Acres	79.69
Percent of Qualified Open Space	18.30%

	Code Section	Description
A	11-3G-3B-1A	Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
B	11-3G-3B-1E	Linear open space area that is at least twenty feet (20') and up to fifty feet (50'), has an access at each end, and is improved and landscaped as set forth in subsection E of this section.
C	11-3G-3B-3	Full Area of Buffer: The full area of the landscape buffer along collector streets may count toward the required common open space.
D	11-3G-3B-4	Percentage of Buffer: Fifty percent (50%) of the landscape buffer along arterial streets may count toward the required common open space.
E	11-3G-3B-5	Parkways Along Collector and Local Residential Streets: Parkways along local residential streets that meet all of the following standards may count toward the common open space requirement:



**Proposed Amenities:**

**A. Large 3/4-Acre, Tot Park Block 9, Lot 52) - The Skybreak Neighborhood park will contain the following recreation facilities:**

- **Play Structure**
- **Seating Benches**
- **Shade Structure**
- **Climbing Rocks**
- **Attractive Landscaping**



B. **Pathways** – The Skybreak Neighborhood will include the following pedestrian pathways:

- **10' Wide Regional Pathway Along Eagle Road – 1,326 LF**
- **10' Wide Regional Pathway Along the Farr Lateral – 1,120 LF**
- **10' Wide Regional Pathway Along Ten Mile Creek - 526 LF**
- **10' Wide Golf Cart Path - 760 LF**
- **Natural Path – 1,435 LF**

**Pedestrian pathways within the Skybreak Neighborhood will total nearly one mile in length.**



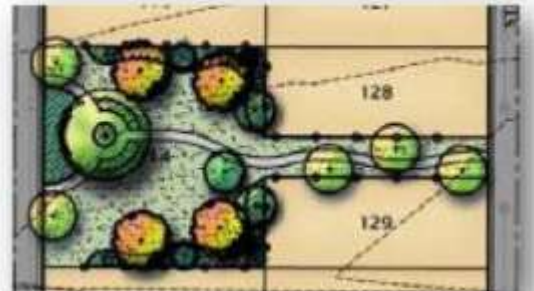
C. **Dog Parks (Block 2, Lot 1 and Block 5, Lot 121)** - The Skybreak Neighborhood park will contain two (2) small dog, dog parks that will include the following:

- **Open Vision Fencing**
- **Dual Gate System**
- **Seating Areas**
- **Attractive Landscaping**



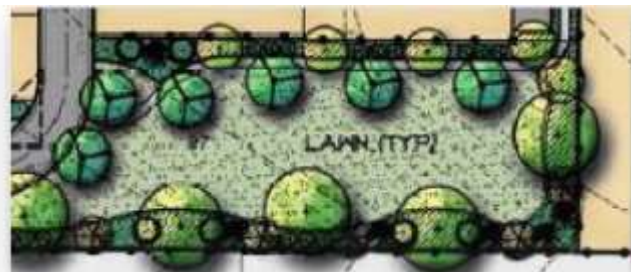
D. **Entry Park (Block 5, Lot 114)** – The main Collector Roadway will terminate in an attractively landscaped open space that will provide for an aesthetically appealing entry statement that will convey a sense of arrival.

- **Specimen Tree Plantings**
- **Seating Areas**
- **Attractive Landscaping**
- **Pathway**



E. **Open Sports Park (Block 5, Lot 97)** – This park will include:

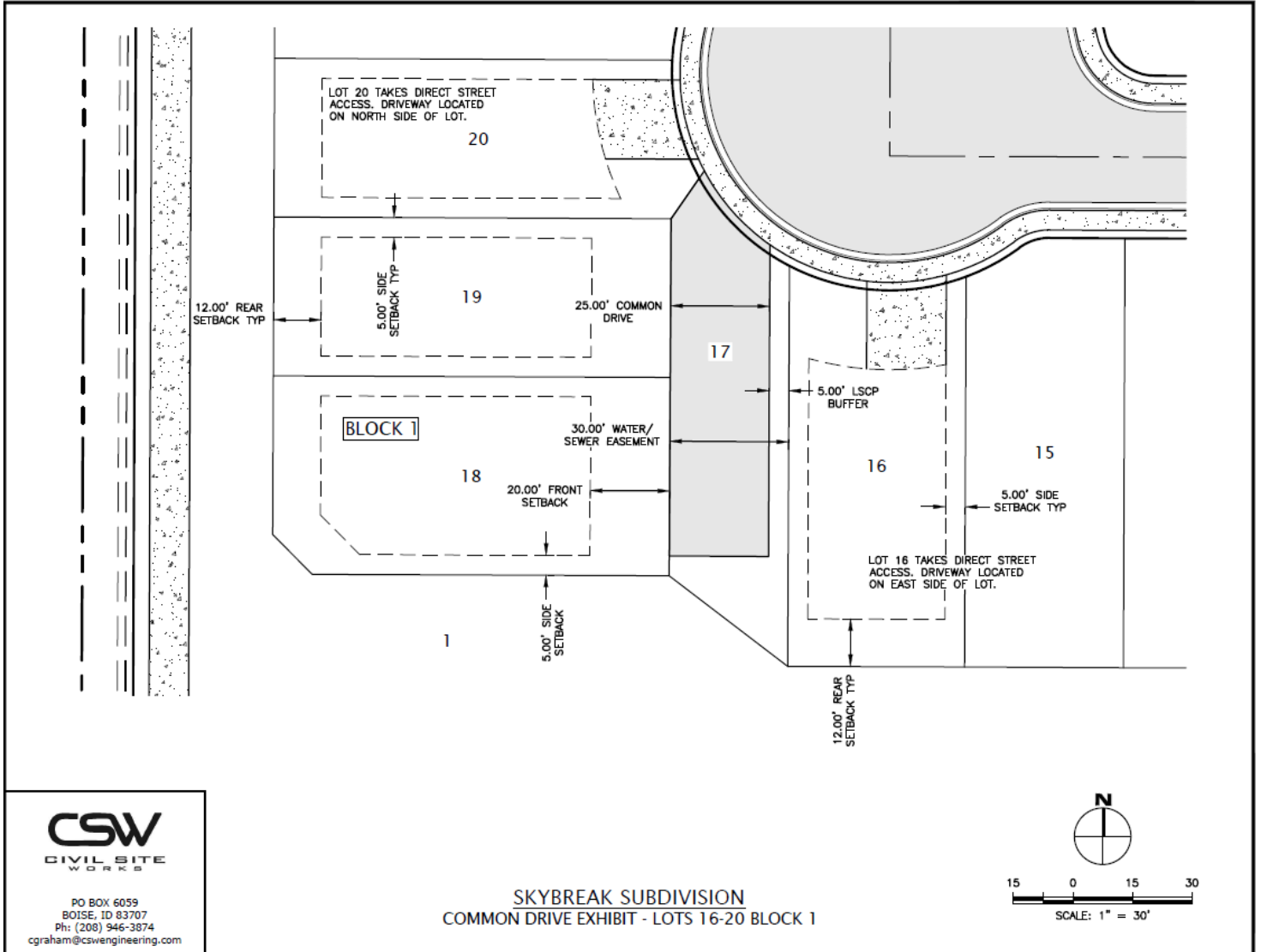
- **Large 1-acre open sports area**
- **Pathway Connection**
- **Seating Areas**
- **Attractive Landscaping**

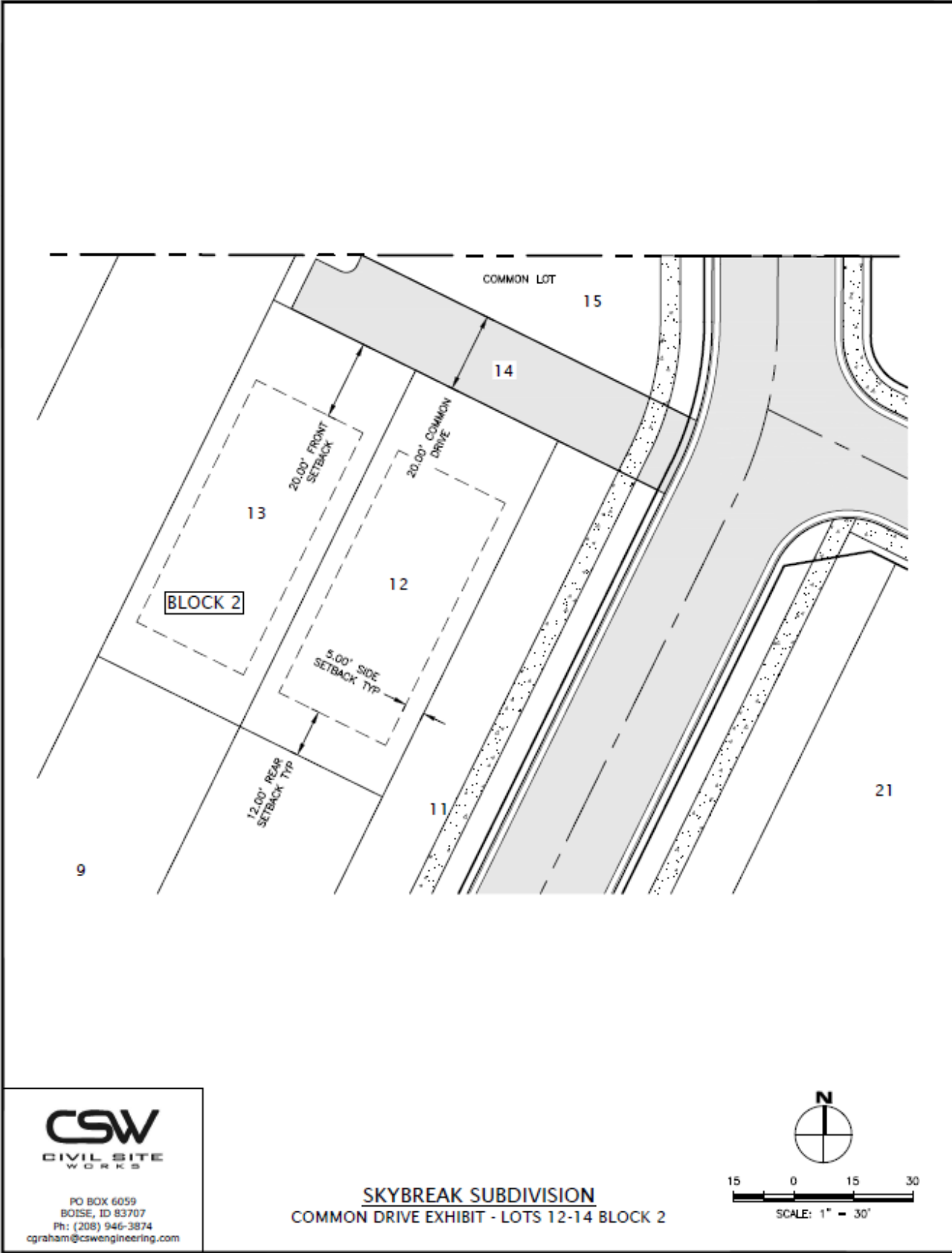


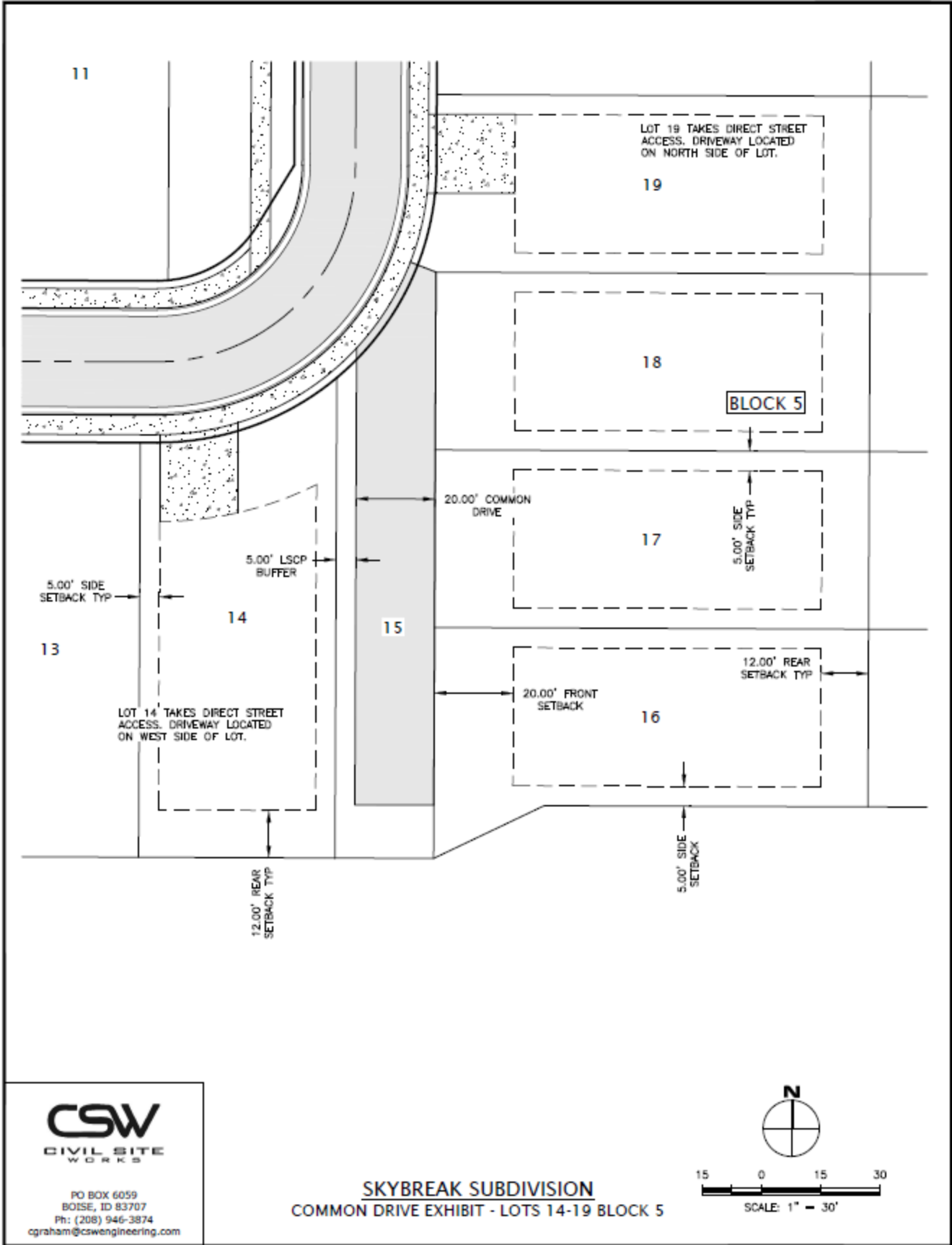
F. **Landscaped Passive Open Spaces** – Located throughout the Neighborhood:

- **Attractive Landscaping**
- **Buffering of side yards**

### E. Common Driveway Exhibits



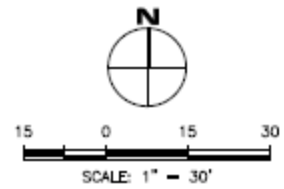


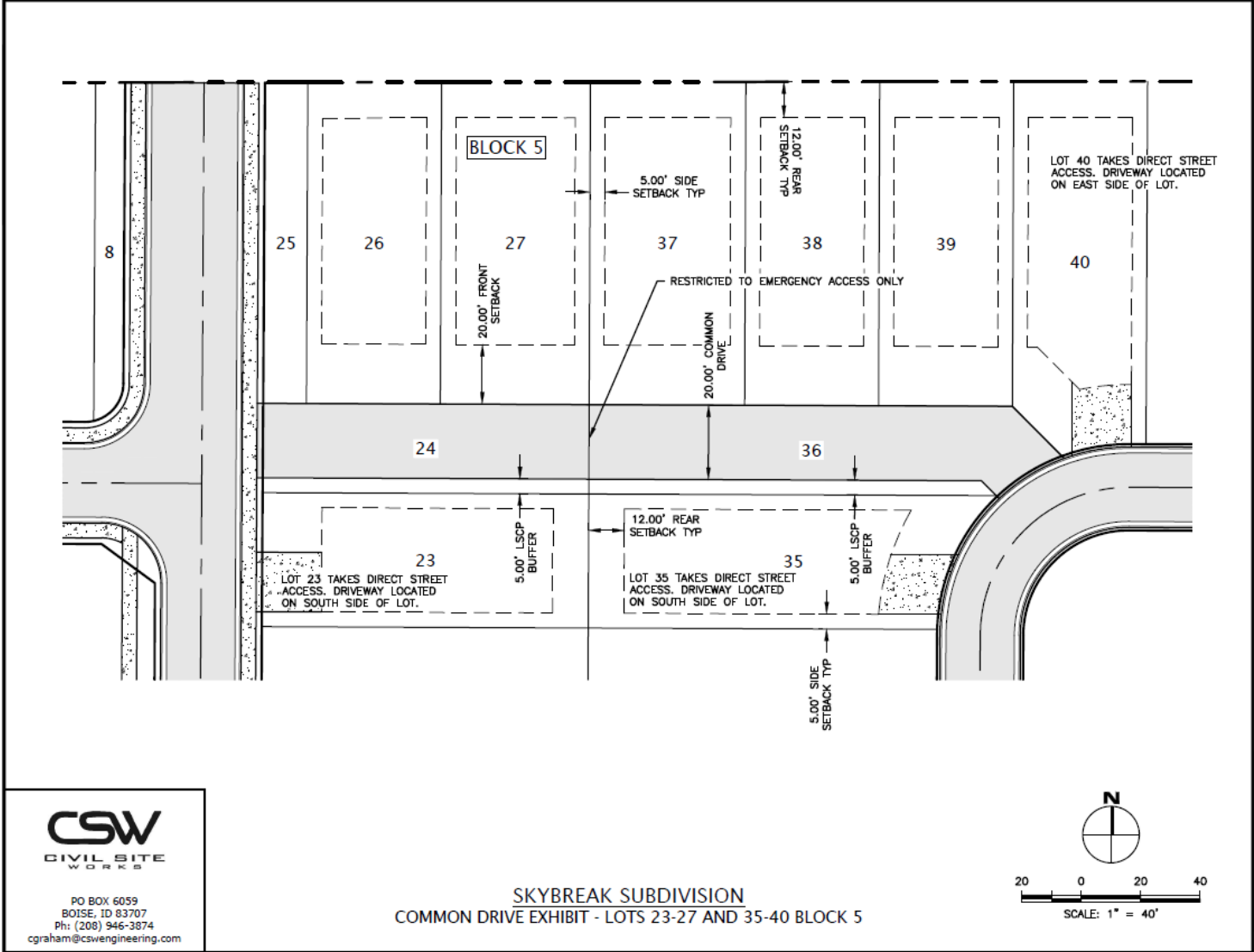


**CSW**  
CIVIL SITE  
WORKS

PO BOX 6059  
BOISE, ID 83707  
Ph: (208) 946-3874  
cgraham@cswengineering.com

**SKYBREAK SUBDIVISION**  
**COMMON DRIVE EXHIBIT - LOTS 14-19 BLOCK 5**





**CSW**  
CIVIL SITE  
WORKS

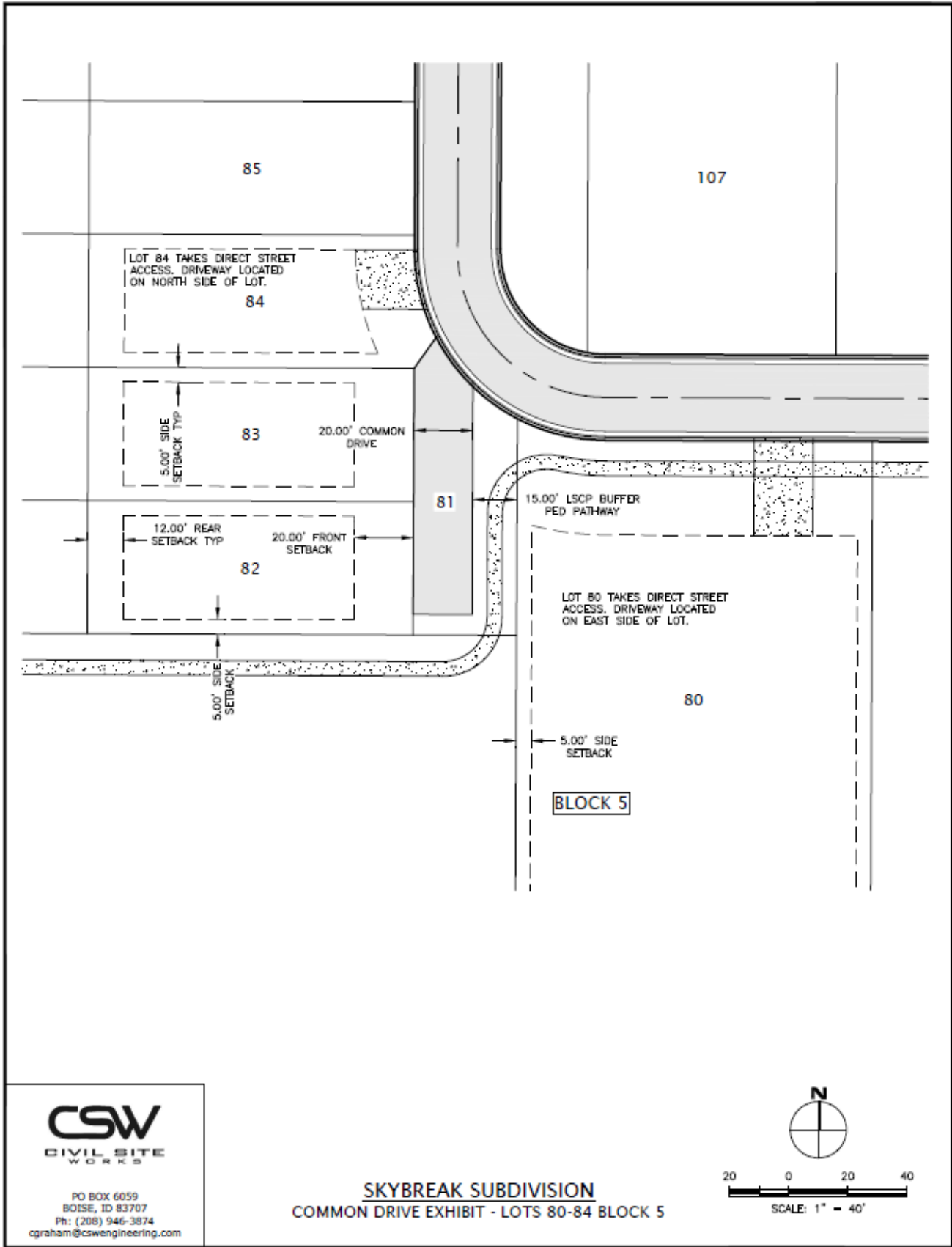
PO BOX 6059  
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cgraham@cswengineering.com

**SKYBREAK SUBDIVISION**  
COMMON DRIVE EXHIBIT - LOTS 23-27 AND 35-40 BLOCK 5



20 0 20 40  
SCALE: 1" = 40'

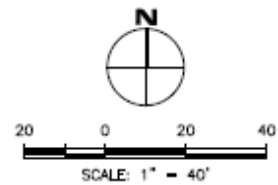


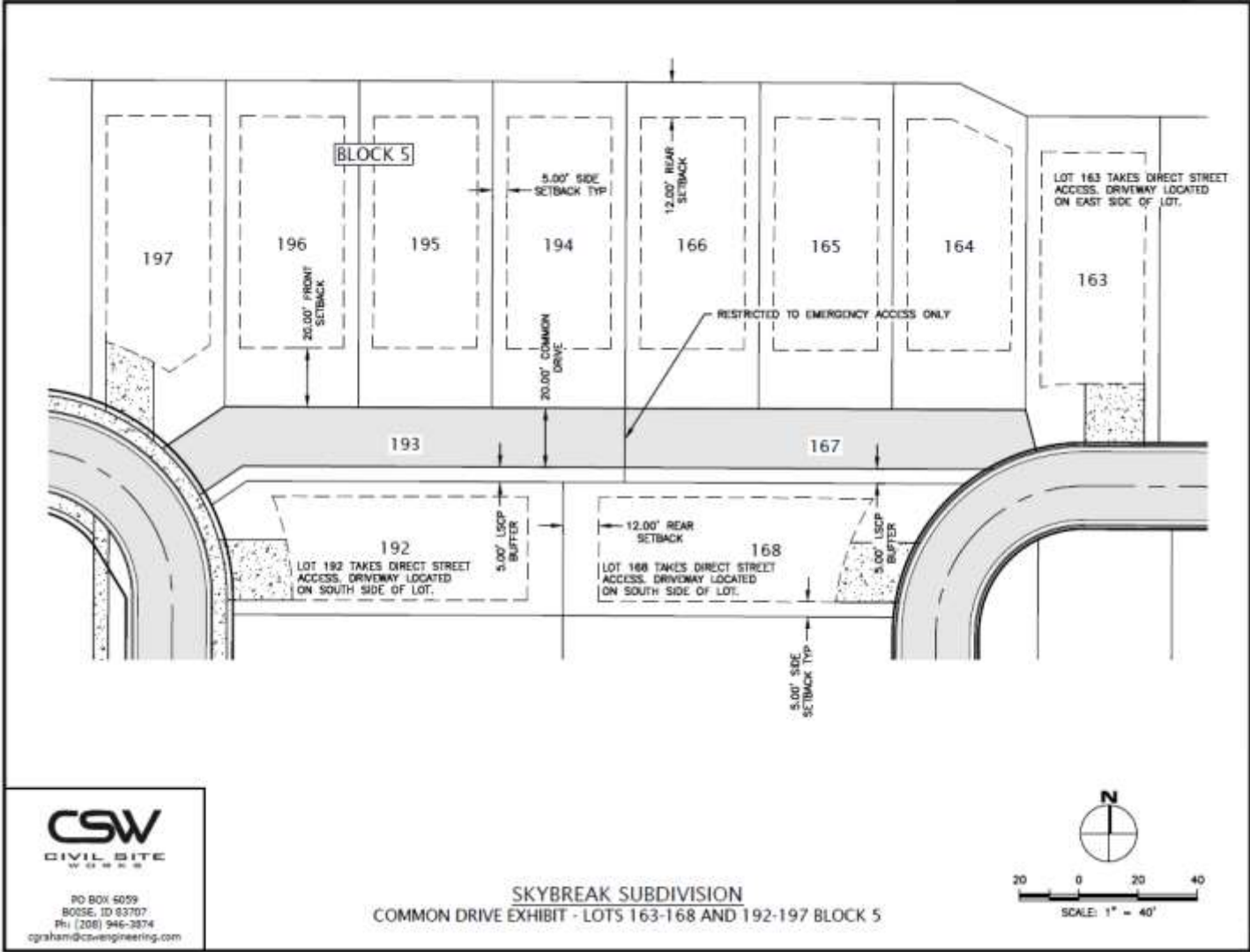


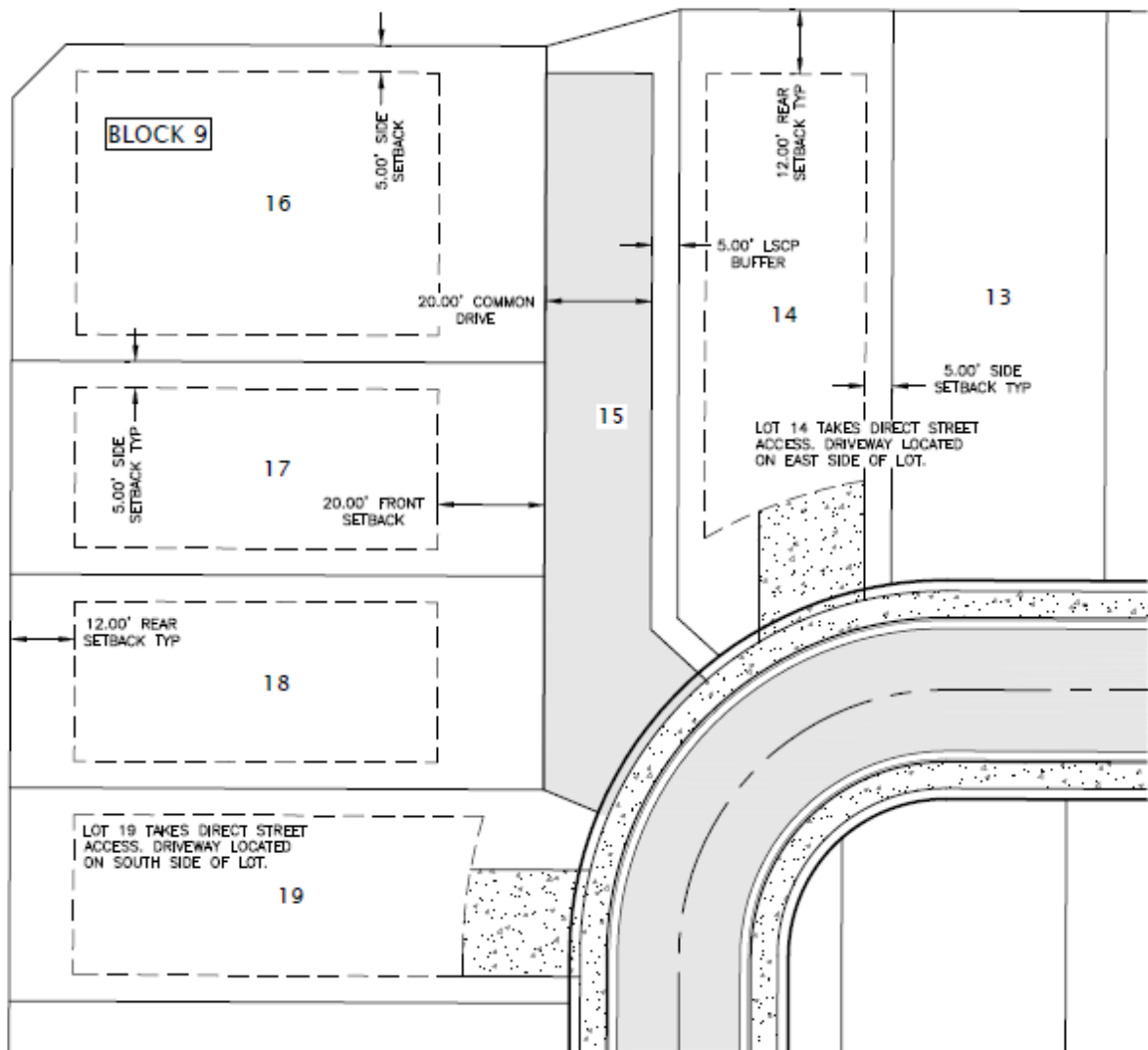
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cgraham@csengineering.com

**SKYBREAK SUBDIVISION**  
**COMMON DRIVE EXHIBIT - LOTS 80-84 BLOCK 5**

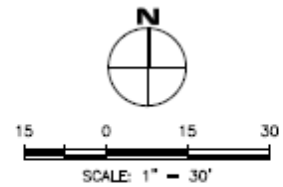


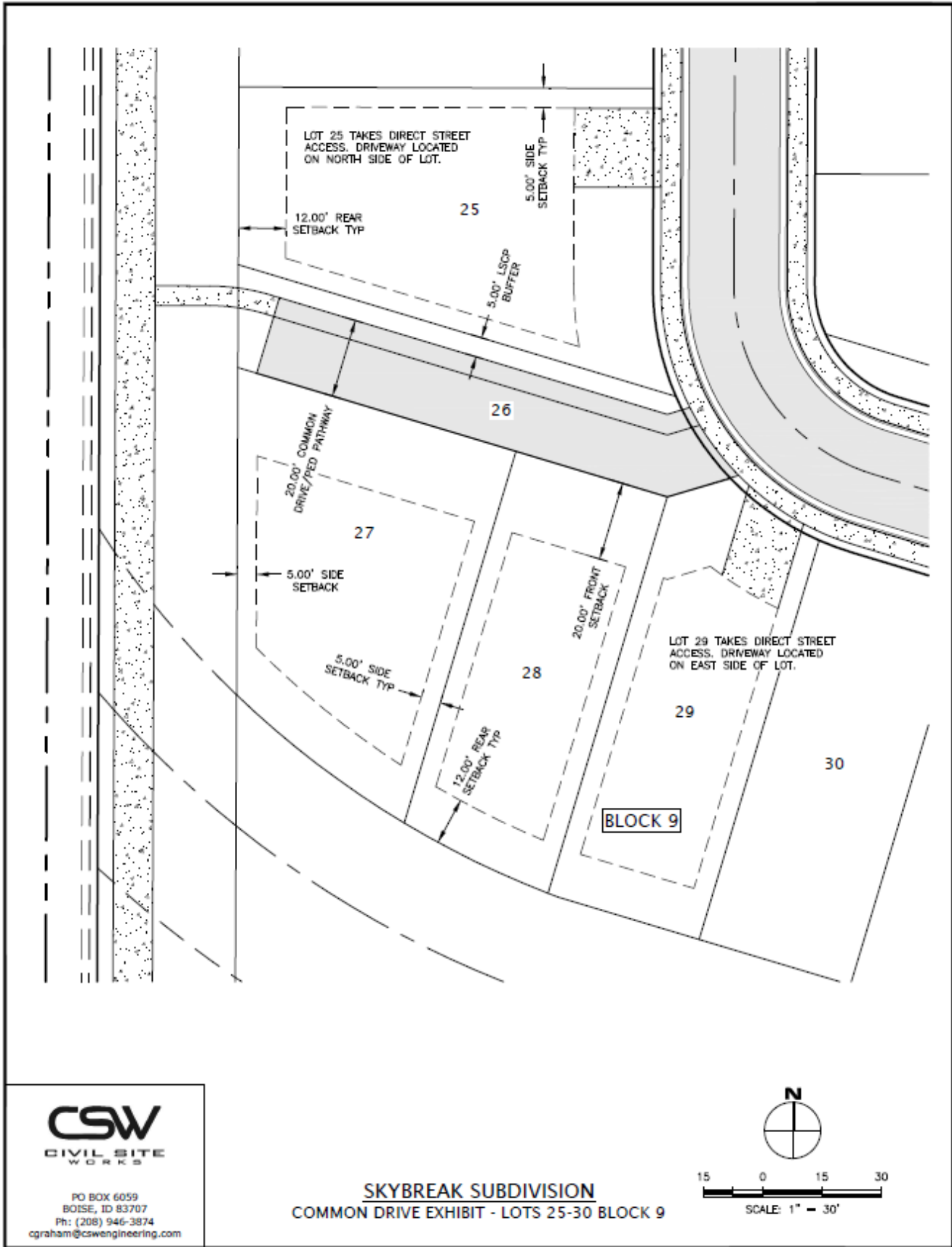


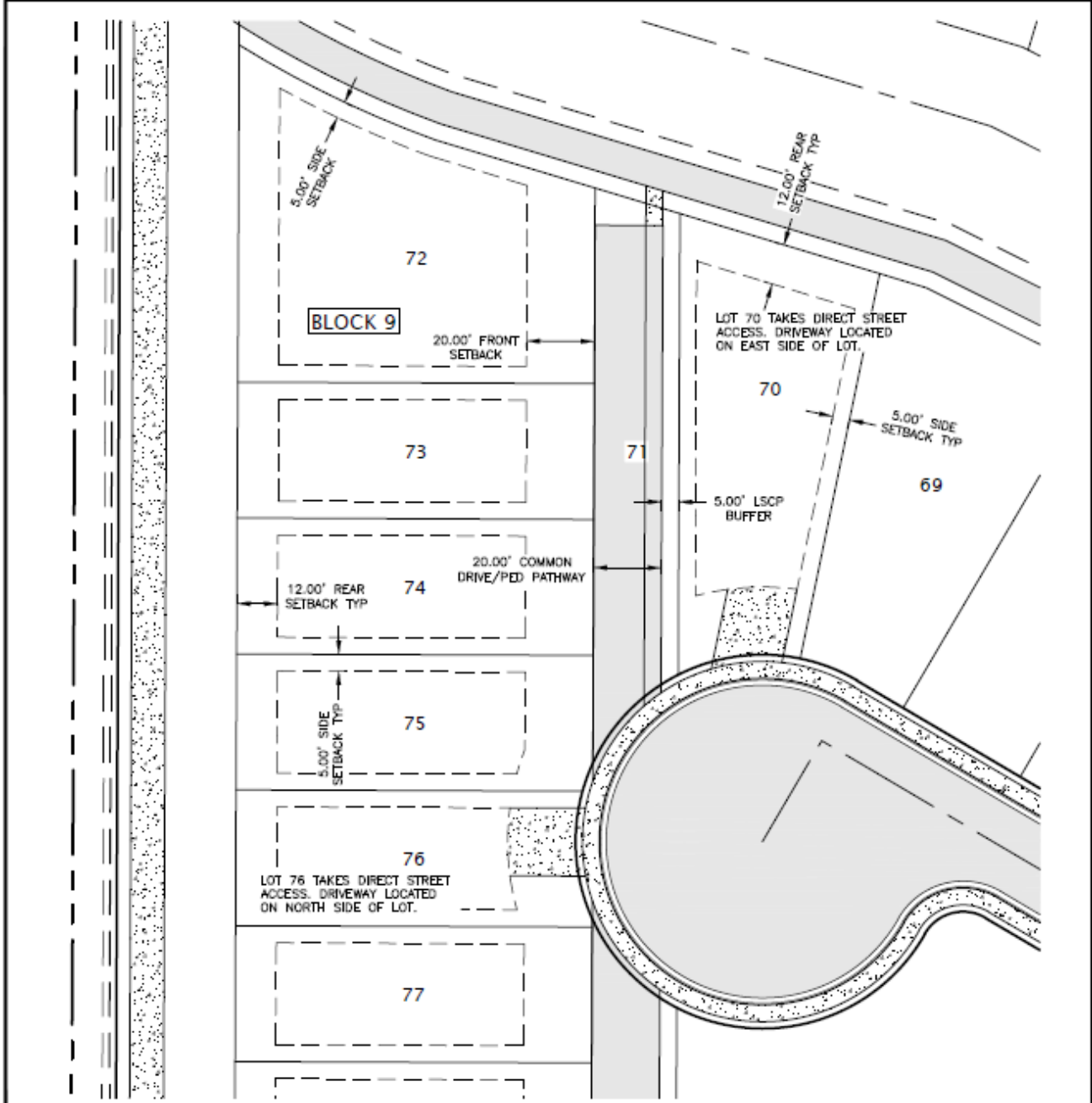


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**SKYBREAK SUBDIVISION**  
 COMMON DRIVE EXHIBIT - LOTS 14-19 BLOCK 9



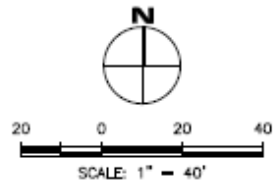


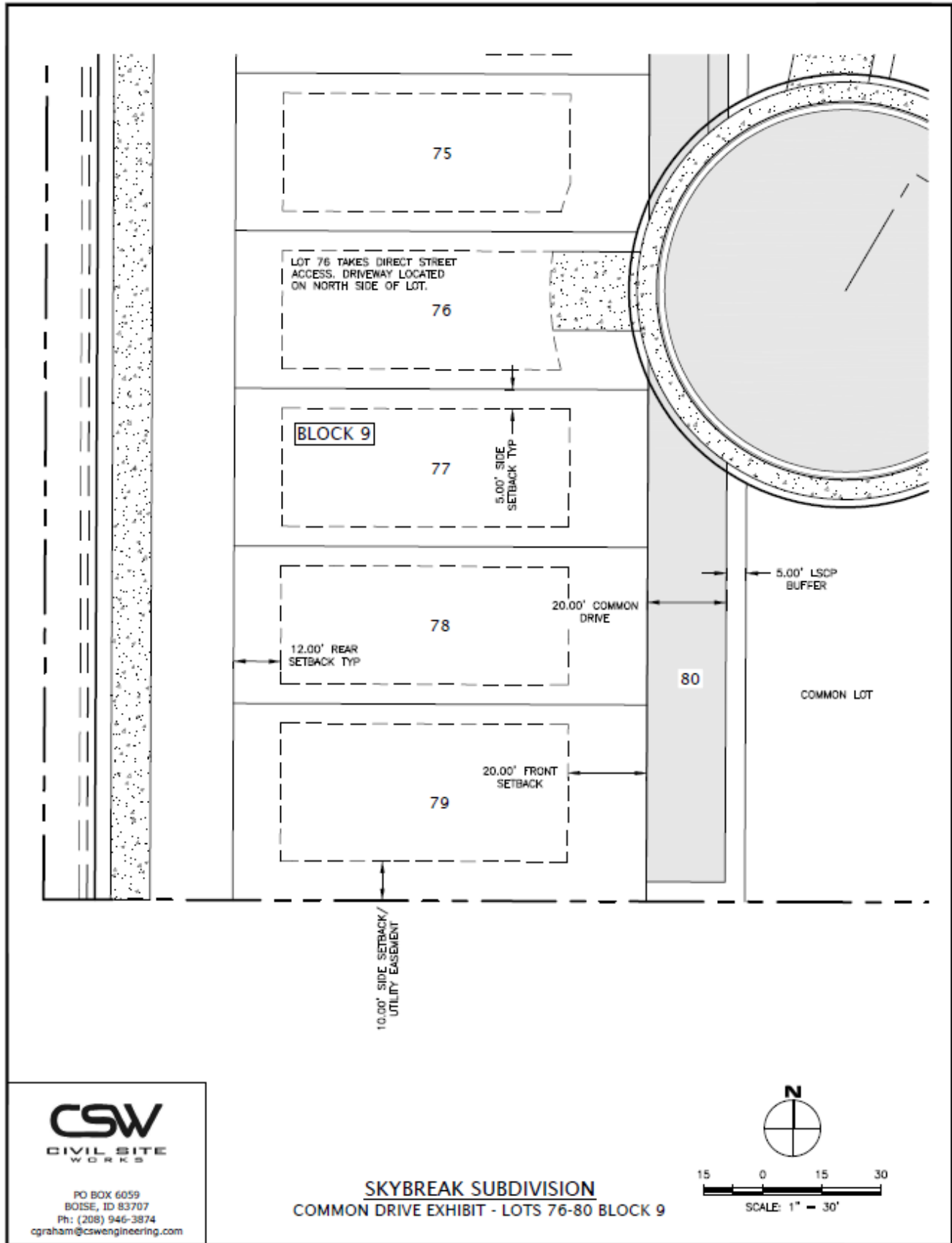


**CSW**  
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 cgraham@csweengineering.com

**SKYBREAK SUBDIVISION**  
 COMMON DRIVE EXHIBIT - LOTS 70-76 BLOCK 9

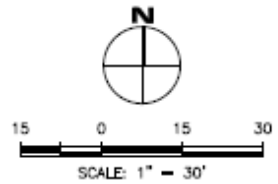




**CSW**  
CIVIL SITE  
WORKS

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**SKYBREAK SUBDIVISION**  
**COMMON DRIVE EXHIBIT - LOTS 76-80 BLOCK 9**



F. Conceptual Building Elevations

**NOT APPROVED**



Existing Home to remain (above)



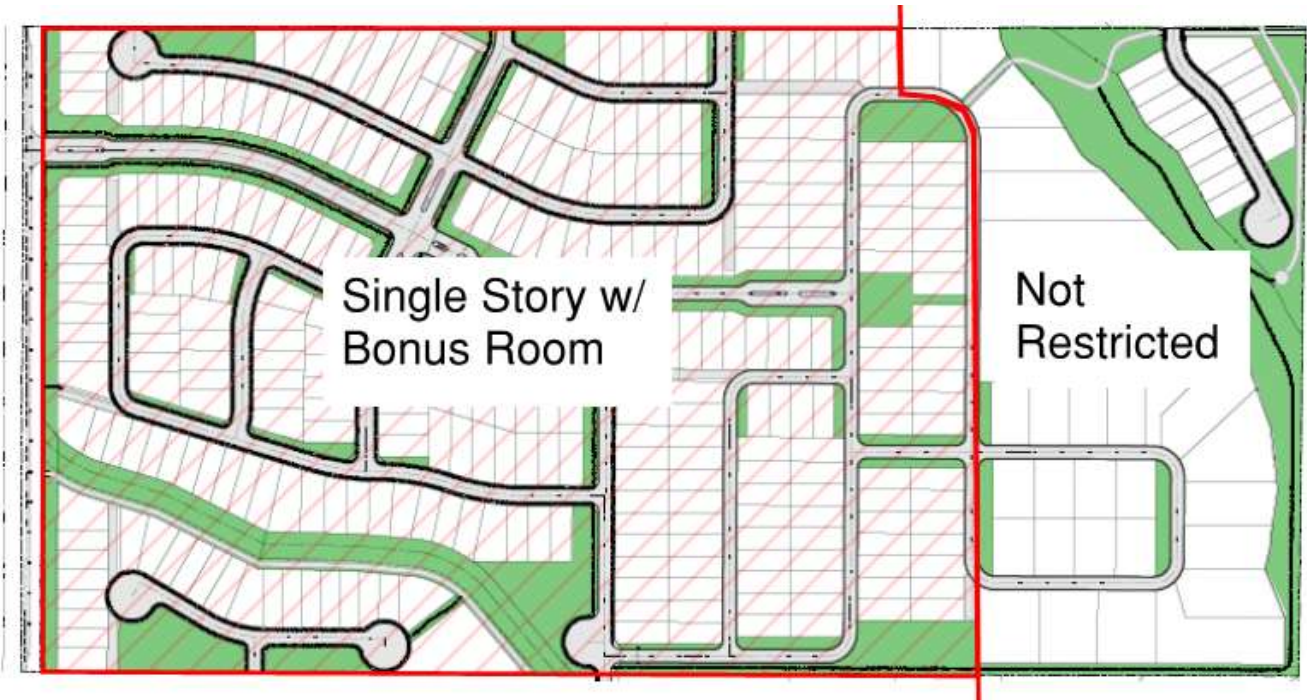
Existing Home to remain (above)







G. Single-Story Home Restriction Exhibit



H. Traditional Neighborhood vs. Gated Community



I. Pedestrian Plan



J. On-Street Parking Plan



## IX. CITY/AGENCY COMMENTS

### A. PLANNING DIVISION

*No conditions of approval are included due to Staff's recommendation of denial.*

### B. PUBLIC WORKS

#### 1. Site Specific Comments

- 1.1 Phase 8 of the proposed Skybreak subdivision is in an "A" Flood Zone. This area requires extending the existing hydraulic and hydrology study and establishing Base Flood Elevations. This area was not included in the recent flood study downstream.
- 1.2 The City is applying the following requirements for Common Driveways.  
Three or less lots – services from main in adjacent road  
Four or more lots – Sewer in common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manhole needed in the common drive at the property boundary with "Private" on the lid.
- 1.3 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.
- 1.4 Common drives that have both water and sewer mains will require a 30' easement.
- 1.5 **As currently designed, most phases do not meet minimum fire flow pressure. There are however multiple options to meet fire flow including upsizing some water mains to 12" and a secondary loop connection. Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.** Each phase must be modeled to ensure fire flow. Second water connection may be required at first phase.
- 1.6 Existing wells must be decommissioned according to IDWR rules which include employing methods to ensure grout fills the annular space outside of the well casing. Record of abandonment must be provided to the City prior to final plat signature.
- 1.7 The street addressing for any existing home(s) to remain on the site will change to an address based upon the internal roadways.
- 1.8 As noted in the Geotechnical Engineering Report prepared by Atlas Materials Testing & Inspection, there are shallow cemented soils across the site. Particular attention needs to be focused on ensuring that all residences constructed with crawl spaces should be designed in a manner that will inhibit water in crawl spaces. This may include the installation of foundation drains, and the installation of rain gutters and roof drains that will carry storm water at least 10-feet away from all residences. Foundation drains are not allowed to drain into the sanitary sewer system, nor the trench backfill for the sewer and/or water service lines.

#### 2. General Comments

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.

- 2.3 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 development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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 receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 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.
- 2.7 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 Engineering Department at (208)898-5500 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 Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 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.
- 2.12 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.
- 2.13 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.

- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 The design 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.
- 2.19 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.
- 2.20 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.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse 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 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.
- 2.23 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, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate 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.

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214215&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192985&dbid=0&repo=MeridianCity>

**E. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214368&dbid=0&repo=MeridianCity>

**F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193035&dbid=0&repo=MeridianCity>

**G. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192703&dbid=0&repo=MeridianCity>

**H. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=213934&dbid=0&repo=MeridianCity>

**I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193631&dbid=0&repo=MeridianCity>

**J. CENTRAL DISTRICT HEALTH DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192699&dbid=0&repo=MeridianCity>

**K. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203469&dbid=0&repo=MeridianCity>

**Community Development School Impact Review:**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203755&dbid=0&repo=MeridianCity>

**L. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192817&dbid=0&repo=MeridianCity>

**X. 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;

*Staff finds the proposed map amendment to R-8 and proposed development plan is not consistent with the Comprehensive Plan in regard to density proposed in the Low Density Residential designated area (over the maximum of 3 units/acre), lack of variety and concentration of one housing type (single-family detached and predominantly single-level homes), lack of significant diversity in lot sizes and lack of usable and quality open space (see Sections V and VI for more information).*

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

*Staff finds the lack of variety in housing types (i.e. all single-family detached homes) and lack of significant diversity in lot sizes is not compatible with the purpose statement of the residential districts, which states a range of housing opportunities should be provided consistent with the Comprehensive Plan.*

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

*Staff finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare although testimony has been submitted from adjacent neighbors to the south stating they are not in favor of the lack of transition in lot sizes and zoning proposed to their properties.*

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

*Staff finds the impact of the proposed development on area middle and high schools will create an adverse impact as these schools will be (the high school already is) over capacity.*

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

*Staff finds the proposed annexation is not in the best interest of the City at this time as it is located on the fringe of the City and will not maximize existing public services. Further, Staff finds the design of the proposed development plan is not consistent with the Comprehensive Plan as discussed above in Section V.*

#### **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:**

- 1. The plat is in conformance with the Comprehensive Plan;**

*Staff finds that the proposed plat is not in substantial conformance with the adopted Comprehensive Plan in regard to maximizing public services by prioritizing infill development over parcels on the fringe, provision of a variety of housing types, density in the LDR designated area, transitional densities, adequate provision of services (Fire Dept.), usable open space, etc. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)*

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

*Staff finds that public services are available and can be extended to accommodate the proposed development although services would be maximized by development of infill or underdeveloped parcels already in the City instead of on the fringe as is the subject property (See Exhibit B of the Staff Report for more details from public service providers.)*

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

*Because City water and sewer and any other utilities will be provided by the development at their own cost, Staff finds that the subdivision will not require the expenditure of capital improvement funds.*

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

*Staff finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section IX for more information.)*

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

*Staff is not aware of any health, safety, or environmental problems associated with the platting of this property. Public testimony has been submitted from adjacent residents to the south on 1-acre lots stating there is not an adequate transition in lot sizes or zoning to their properties/subdivision. ACHD considers road safety issues in their analysis.*

- 6. The development preserves significant natural, scenic or historic features.**

*Staff finds the proposed development preserves the natural topography/hillside along the eastern boundary of the site. Staff is unaware of any other significant natural, scenic or historic features that exist on this site that require preserving.*

### C. Private Street (UDC 11-3F-5)

**In order to approve the application, the director shall find the following:**

**1. The design of the private street meets the requirements of this article;**

*The Director finds the design of the private streets doesn't comply with the maximum number of dwelling units allowed (i.e. 50) to be accessed by gated private streets – two (2) gates are proposed for access to 121 dwelling units. Additionally, common driveways aren't allowed off private streets; however, alternative compliance is requested to this standard.*

*Although not a design issue, the minimum street frontage required in the R-8 district is 40 feet per UDC Table 11-2A-6 – the provisions for private streets don't apply where frontage is required, per UDC 11-3F-1.*

**2. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and**

*The Director finds granting approval of the proposed private streets should not cause damage, hazard or nuisance or other detriment to persons, property or uses in the vicinity.*

**3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)**

*The Director finds the use and location of the private streets shouldn't conflict with the Comprehensive Plan as interconnectivity is proposed to adjacent developments via public streets and the Master Street Map doesn't depict any collector streets in this area.*

**4. The proposed residential development (if applicable) is a new or gated development. (Ord. 10-1463, 11-3-2010, eff. 11-8-2010)**

*T finds the portion of the residential development where private streets are proposed is gated; however, the number of units (i.e. 121) behind the two (2) gates exceed the maximum number allowed in UDC 11-3F-A.4b.*

### D. Alternative Compliance (UDC 11-5B-5E)

**Required Findings: In order to grant approval for an alternative compliance application, the Director shall determine the following: (Ord. 10-1439, 1-12-2010, eff. 1-18-2010)**

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

*The Director finds strict adherence to the requirement in UDC 11-3F-4A.6 that prohibits common driveways off a private street is feasible.*

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

*The Director finds the request for Alternative Compliance does not meet any of the conditions listed in UDC 11-5B-5B.2 for which such requests are allowed. Further, if it did, the Director does not find the proposed alternative provides an equal or superior means for meeting the requirement.*

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

*Although the proposed alternative may not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties, the Director finds none of the conditions listed in UDC 11-5B-5B.2 for which such requests are allowed exist. Therefore, per the Findings listed above, the Director denies the request for Alternative Compliance.*