

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



In the Matter of the Request for Annexation, Zoning to R-8 and R-15 and Preliminary Plat for 316 residential lots, by DevCo LLC.

Case No(s). H-2020-0127

For the City Council Hearing Date of: June 29, 2021 (Findings on July 20, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 29, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 29, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 29, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 29, 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 June 29, 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-8 and R-15 and Preliminary Plat for 316 residential lots is hereby approved per the conditions of approval in the Staff Report for the hearing date of June 29, 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 Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. 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 conditional use comply with the current provisions of Meridian

City Code Title 11(UDC 11-5B-6F).

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 June 29, 2021

By action of the City Council at its regular meeting held on the 20th day of July, 2021

COUNCIL PRESIDENT TREG BERT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED _____

COUNCIL MEMBER JOE BORTON

VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

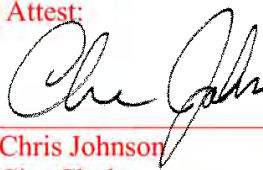
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison

Attest:



Chris Johnson
City Clerk



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

By:  _____ Dated: 7-20-2021
City Clerk's Office

June 21, 2021

MEMORANDUM

TO: Mayor and City Council

FROM: Alan Tiefenbach, Associate City Planner

RE: Skybreak Subdivision - H-2020-0127

At the May 26, 2021 City Council Special Meeting, the Council directed the applicant to revise the Skybreak Subdivision plans to address three elements:

1. Provide sidewalks on at least one side of all streets;
2. Provide a better transition between the southern perimeter of the subdivision and the Vantage Pointe Subdivision to the south. This should be done by extending the larger lots at the southeast corner of Phase 7 to the west across the southern boundary to the Farr Lateral;
3. Relocate some of the open space at the south to a more central location.

The applicant has provided revised plans. The plans reflect street sections of the private streets to show a minimum 5' wide sidewalk on at least one side of the street. The private street and open space oriented east-west at the southern boundary of the property (adjacent to Vantage Pointe) has been replaced with lots meeting a minimum square footage of 20,900 sq. ft. (thereby extending larger lots along the southern boundary). The open space that was originally reflected at the southern boundary has been relocated to the center of the development (shown as 19,925 sq. ft. Lot 170, Block 5). The open space exhibit provided by the applicant reflects a slight reduction in what is being credited as qualifying open space from 14.99 acres to 14.5 acres. The total number of buildable lots has decreased from 329 lots to 316 (including the existing single-family residence). The 112 lots served by private streets has been reduced to 106. As requested by the Council, proposed conditions of approval have also been provided with this memorandum.

Staff has prepared draft conditions of approval as directed by City Council.

ATTACHMENTS

Updated Preliminary Plat and Landscape Plan

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231293&dbid=0&repo=MeridianCity>

Updated Narrative

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231357&dbid=0&repo=MeridianCity>

PROPOSED CONDITIONS OF APPROVAL:

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. The Skybreak Neighborhood shall follow the approved phasing plan and/or obtain planning and fire department approval for any modifications.
 - b. The applicant shall submit a wildland safety plan for the hillside area to be approved by Meridian Fire Department with the first final plat.
 - c. The existing residence at 3487 E. Adler Hof Ln. (Lot 45, Block 5) will be required to abandon the well and septic system and connect to City water and sewer with development of the property.
 - d. The applicant shall not submit a final plat for Phase 8 and 9 until public street access is provided.
 - e. A 30' rear yard setback is required on Lots 74-83, Block 5, abutting Vantage Pointe.
 - f. A 15' (external) side yard setback and an increased rear setback (as shown in applicant's plans) is required for Lot 74, Block 5, abutting Vantage Pointe.
 - g. The rear and/or sides of any 2-story structures facing S. Eagle Rd (18-21 Block 1, 15-26 and 76-79 Block 9) shall 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.
 - h. Future development of this site shall substantially comply with the preliminary plat, landscape plan and conceptual building elevations for the single-family attached and detached dwellings included in the attachments contained herein.
2. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.

3. The City Council has approved alternative compliance from UDC 11-3F-4 that limits gated developments to 50 lots, to allow 106 gated lots.
4. The City Council has approved alternative compliance from UDC 11-3F-4 prohibiting common driveways off private streets, to allow 3 common driveways.
5. The City Council has approved a waiver from UDC 11-6C-3 limiting dead-end streets ending in a cul-de-sac to 500 feet to allow the Phase 8 cul-de-sac in the northeast corner to extend to approximately 610'.
6. The City Council has approved a waiver from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 9, north of the Farr Lateral to be approximately 1,000 feet in length.
7. The City Council has approved a waiver from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 5, along the southern boundary of the property, to be approximately 1,190 feet in length.
8. The City Council has approved alternative compliance from UDC 11-3B-12 and UDC 11-3G-3 requiring minimum landscaping along pathways and within common open space to allow the pathway area shown in Lot 46 of Block 5 to remain in a natural state.
9. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B, 11-3G and maintenance thereof as set forth in UDC 11-3B-13.
10. 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.
11. Except as otherwise listed above, the development shall comply with the private street requirements as set forth in 11-3F, including the applicant or owner providing documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private street, including regulations for the funding thereof.
12. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6. The Farr Lateral is allowed to remain open as waived by City Council.
13. Except as listed above, the applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
14. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.

15. 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.
16. The Applicant shall have a maximum of two (2) years from the date of City Council approval to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
17. The Applicant shall comply with all conditions of ACHD.
18. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

1.1 Preliminary plat conceptual site plans dated 12/11/2020 must be adjusted as follows:

- 1.1.1 The sewer main stub near intersection of Street C and D needs to end in a manhole.
- 1.1.2 The sewer main stub at the North end of Street E needs to end in a manhole.
- 1.1.3 The sewer on the south-eastern boundary (Street J) should not go to the property boundary.
- 1.1.4 The sewer main should run at 0.60% slope and end in a manhole short of the property boundary.
- 1.1.5 Water and sewer mains must be covered in a 20-foot-wide easement per utility.
- 1.1.6 Easements cannot have encroachments of any permanent structures including but not limited to buildings, carports, trash enclosures, fences, trees, deep rooting bushes, etc.
- 1.1.7 Maintain a minimum 90-degree angle into/out of all manholes.
- 1.1.8 Slope between manholes shall not exceed 5%. Slopes between SSMH G-3 to SSMH H-1, SSMH G-4 to SSMH J-1, and SSMH G-8 to SSMH K-1 exceeds this.
- 1.1.9 No public main is allowed in common driveways, sewer line A and F are shown going through private drives.
 - 1.1.9.1 If you have three or less lots on a common drive, services should be stubbed from the roadway.
 - 1.1.9.2 Four or more lots, sewer will be allowed in the common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manholes needed in the common drive shall be marked with "Private" on the lid.
- 1.1.10 A drainage plan is required to be provided and reviewed prior to plan approval.

- 1.1.11 Current design does not meet minimum fire flow. A possible solution is to upsize some 12'' mains and add two more connections, one at the southwest and one at the northeast corner of the development. These changes must be coordinated with Public Works.
- 1.1.12 A streetlight plan must be provided with the final plat application. Streetlight plan requirements are listed in Meridian Design Standards.
- 1.1.13 Phase 8 of the proposal is in Flood Zone A. This area requires extending the existing hydraulic and hydrology study and establishing base flood elevations. Other phases are not impacted by flood zone and will not require floodplain study or permits.

2. General Conditions of Approval

- 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 then 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 wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 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.
- 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.

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



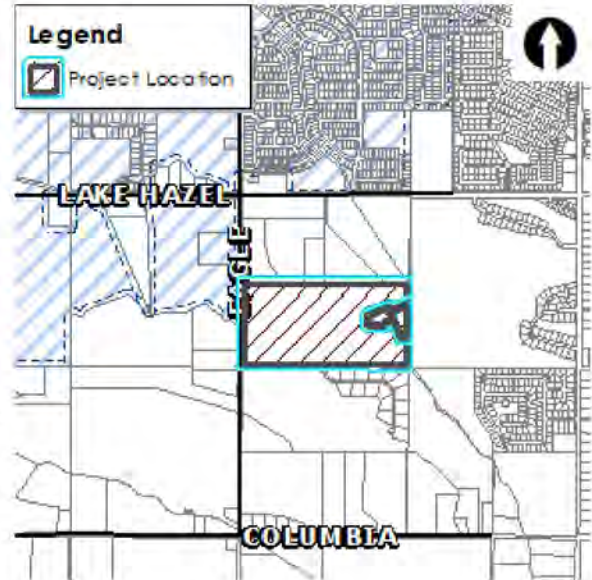
HEARING DATE: 5/26/2021 (Continued from 5/25/2021)

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner

SUBJECT: H-2020-0127
Skybreak Subdivision

LOCATION: 7020 S. Eagle Rd. & 3487 E. Adler Hof Ln., in the south ½ of the NW ¼ 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 and R-15 zoning district;
- Preliminary plat consisting of 328 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).
- Private streets in the gated portion of the development serving 112 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 and UDC 11-3F-4A.b which limits all proposed gated developments to 50 units.

The applicant submitted a previous proposal in June of 2020 (H-2020-0079). This proposal consisted of 353 building lots, all of it single family detached. This proposal was scheduled for the October 15, 2020 Planning Commission meeting. Following staff's report to the Commission recommending denial, the applicant withdrew the application, and resubmitted the present one in January of 2021. This proposal is virtually the same except for 24 less lots, slightly enlarged open space in several areas, and 30 single family attached units in the northwest corner of the project.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	80.46	
Existing/Proposed Zoning	RUT in Ada County (existing), R-8 and R-15 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)	328 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)	9 phases	
Number of Residential Units (type of units)	30 attached SFR homes 298 detached SFR homes (one is existing)	
Density	4.1 units/acre (gross)	
Open Space (acres, total [%]/buffer/qualified)	14.99 acres (or 18.8%) qualified open space	
Amenities	(2) dog parks; ¾ acre park with play structure, climbing rocks, a shade structure and benches; entry park, 1-acre sports park, passive open spaces 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.	
Neighborhood meeting date; # of attendees:	5/27/20; 14 attendees, December 16, 2020; 9 attendees	
History (previous approvals)	Property boundary adjustment (Record of Survey #12358, Eisenman 2020), previous proposal similar to this one was withdrawn just prior to Planning Commission due to staff recommendation of denial. (H-2020-0079)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
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. Southern stub streets only have emergency access. The area in the NEC of the proposed development (Phase 8)	

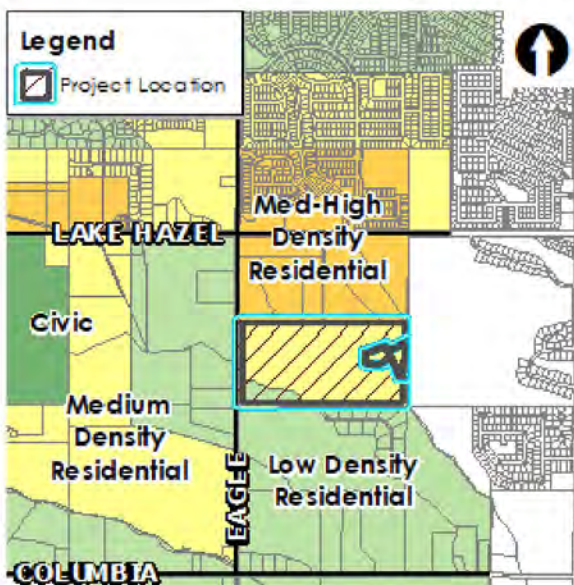
Description	Details	Page
Existing Road Network	cannot develop until Pura Vida extends a public street; Phase 9 of the development currently does not have the right to access the private lane and cannot develop until a public street is extended to the proposed development There is an existing private street (E. Adler Hof Ln.) that provides access from S. Eagle Rd. to the existing homes on this site. This roadway should terminate with development of the site as proposed.	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): - Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Eagle Road to Cloverdale Road in 2024. - Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road in 2023. - 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. - 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. - 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.	
Fire Service		
Distance to Fire Station	2.9 miles (Fire Station #4) Fire has expressed concerns with only one point of access from S. Eagle Rd. Fire would <i>prefer</i> a second access to the north to E. Lake Hazel Rd.	
Fire Response Time	Fire has also expressed concerns with the private gates causing additional delays. <i>Most</i> (3/4+/-) of this development falls outside of the 5 minute response time goal from Fire Station #4.	
Resource Reliability	Current reliability is 77% from Station #4 – does <i>not</i> meet targeted goal of 80% or greater	
Risk Identification	2 – current resources would <i>not</i> be adequate to supply service. A wildfire safety plan is required.	
Accessibility	Project meets all required access, road widths and turnaround.	
Special/resource needs	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).	
Water Supply	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	
Other	In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire, an additional truck company will be required – this will require additional time delays as a second truck company is not available in the City.	
Police Service		
Distance to Police Station	5.5 miles	
Police Response Time	There is no call data in this area because the proposed development is at the edge of City limits.	
Calls for Service	7 (within a mile of site – between 2/1/19 and 1/31/20)	
% of calls for service split by priority	See Section IX.D	
Accessibility	No concerns	

Description	Details	Page																
• Specialty/resource needs	None at this time																	
• Crimes	1 (within a mile of site – between 2/1/19 and 1/31/20)																	
• Crashes	9 (within a mile of site – between 2/1/19 and 1/31/20)																	
• Other	Although located near the edge of City limits, service can be provided if this development is approved.																	
West Ada School District																		
• Distance (elem, ms, hs)	<table><thead><tr><th></th><th>Enrollment</th><th>Capacity</th><th>Miles Dev. 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>		Enrollment	Capacity	Miles Dev. 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	
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Mountain View High School	2302	2175	4.8 miles															
• Capacity of Schools																		
• # of Students Enrolled																		
	**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. **																	
• Predicted # of students generated from proposed development	247 +/-																	
Wastewater																		
• Distance to Sewer Services	Sewer will be available with the development of Keep Subdivision on the West side of Eagle Road.																	
• Sewer Shed	South Black Cat Trunk Shed																	
• Estimated Project Sewer ERU's	See Application																	
• WRRF Declining Balance	14.08																	
• Project Consistent with WW Master Plan/Facility Plan	Yes																	
• Impacts/Concerns	Water and sewer mains should not be in common driveways. Concerns have been expressed regarding the width of the private streets and that the required 30' easements may overlap onto private properties, rendering these areas unbuildable. 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.																	
Water																		
• Distance to Water Services	Directly adjacent																	
• Pressure Zone	5																	
• Estimated Project Water ERU's	See application																	

• Water Quality	No concerns
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	• Common drives that have both water and sewer mains will require a 30' easement • 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. • Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.

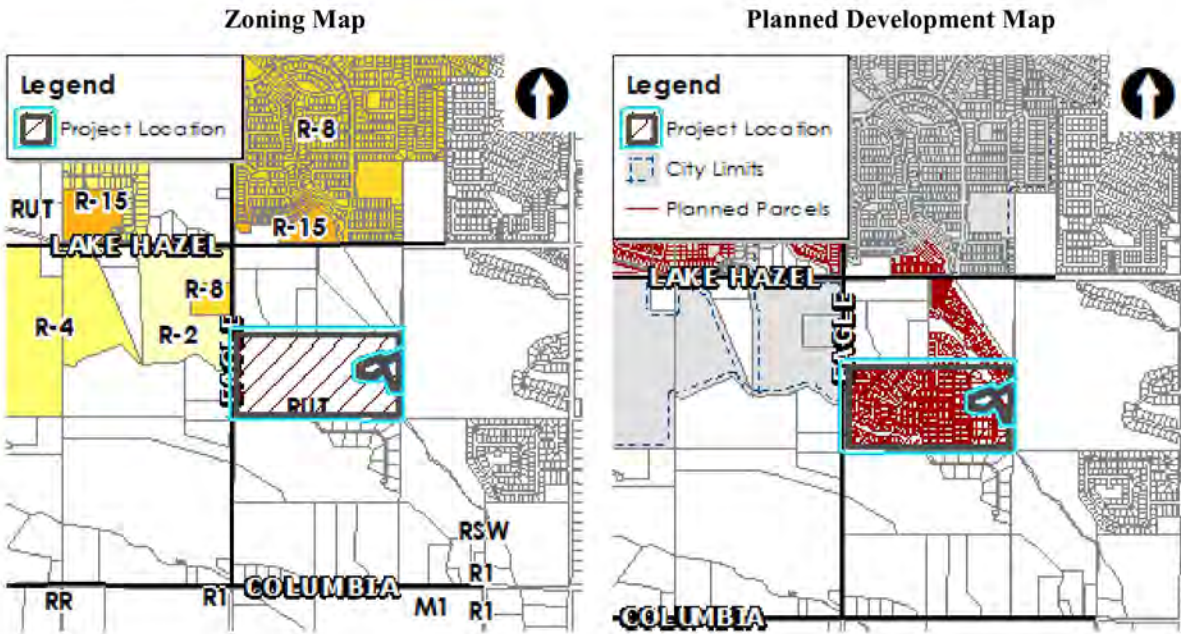
C. Project Area Maps

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

	Planning & Zoning	City Council
	Posting Date	Posting Date
Notification published in newspaper	2/26/2021	5/7/2021
Notification mailed to property owners within 300 feet	2/23/2021	5/4/2021
Applicant posted public hearing notice on site	3/5/2021	5/13/2021
Nextdoor posting	2/25/2021	5/3/2021

V. STAFF ANALYSIS

A. Future Land Use Map Designation

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 6 +/- acres at the southwest corner of the site, south of the Farr Lateral, as Low Density Residential (LDR) and the remaining 74 +/- 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 328 single-family residential homes at an overall gross density of 4.1 dwelling units per acre (An additional lot will contain the existing house). A total of 23 units are proposed within the 6 +/- acre LDR designated area for a gross density of 3.8 units per acre in that area, which *exceeds* the density desired of 3 or fewer units per acre. Smaller lots, instead of the 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. There are several larger one-half acre lots proposed at the southeast directly abutting the adjacent residences in Vantage Point Subdivision. However, the rectangular lots are oriented as such that the abutting lot lines are half or less than the width of the neighboring residential lots, so there are several lots abutting one neighboring lot. The applicant proposes to limit the height of the houses in this area to one story to help protect view sheds.

The units proposed in the MDR designated area meet a gross density of 4.1 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, but the Park's Department has determined a City park is not needed in this area.

B. Comprehensive Plan Analysis (COMPREHENSIVE PLAN)

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 applicant is proposing 328 lots, with 30 of the lots containing single family attached at the northwest portion of the site. The remainder of the 299 lots are intended for single family detached units.

The applicant’s narrative references housing types such as large rim lot houses, two story golf course houses, large lot homes, 255 single story homes and the attached single-family product. The single family attached product does contribute to the variety of housing types in the overall area. However, the remaining single family detached houses contribute to a diversity of housing styles, but not particularly the variety of housing types intended by the Comprehensive Plan for all needs, preferences and financial capabilities.

- “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.

Currently, this development can be served by the Fire Department. However, 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 the Fire Department's comment in Section VII below). Additionally, with the main access and secondary access both from Eagle Rd., if access is blocked from the north via Eagle Rd. it may delay emergency services by having to travel 3.5+/- miles around the square mile to access the site, potentially creating a life safety issue. If the applicant is able to secure legal secondary access to the north this would alleviate concerns but this would be contingent upon whether those properties develop, and staff might recommend only some number of lots being developed until that occurs. The Southern Meridian Fire Station adjacent to Discovery Park is anticipated for construction in 2023; if this occurs, there will be significantly improved fire service to the subject property. The annexation is currently in process and scheduled for a public hearing.

- “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 subject property abuts Pura Vida Ridge Ranch to the northeast, the Boise Ranch Golf Course to the east, and Vantage Pointe Subdivision to the south.

This development proposes R-8 zoning and lot sizes of approximately 5,000 sq. ft. to 6,000 sq. ft. adjacent to Pura Vida Ridge Ranch, whereas Pura Vida Ranch includes lot sizes of comparable sizes and the same R-8 zoning. To the southwest (Phase 9), the development proposes lot sizes of approximately 6,000 – 6,500 sq. ft. whereas the adjacent Vantage Pointe Subdivision is comprised of lots one-acre in size and greater (although there are four lots proposed with this development directly abutting the south area and are ½ acre to ¾ acre in size).

The development does include private roads and common open space as a buffer of between 80 feet and 120 feet between the smaller lots of the subject property and the one acre lots to the south in Vantage Point. The development also proposes one story homes in this area. An abutting neighbor has submitted written testimony stating the buffer as proposed and the lot sizes are not appropriate transitions in this area. It is staff's opinion the lots should be at least one-acre in this area and have property line lengths that better orient to adjacent off-site properties. The Planning Commission and City Council should assess whether there is an appropriate transition in this area.

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

The proposed single-family attached homes at the northwest are generally compatible as they directly abut S. Eagle Road and there are no adjacent homes directly to the north. The single family detached homes are generally compatible with existing rural residential homes as they are all residential in nature. However, with the exception of the larger lots and open space on the south boundary, the proposed plat depicts smaller lots (i.e. 4,448-4,950 s.f.) than those of the lots in the abutting Vantage Pointe Subdivision. The Commission and Council should determine if the applicant has provided an adequate transition.

- “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. There is also a 10’ multi-use pathway proposed adjacent to the Farr Lateral, as is shown on the pathways plan. These pathways will be valuable amenities to the project. A golf cart pathway is shown as Lot 41 on Block 5, which terminates at the Boise Ranch Golf Course.

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. Although much of the open space meets the minimum dimensional requirements of the UDC (i.e. at least 20’ in width and 50’ in length with an access on each end) a significant portion of what is proposed as qualified open space consists of street buffers and end caps with parkways. Also, it is important to note that the applicant’s narrative contains a pedestrian connectivity exhibit which shows narrow private roads with no sidewalks and common drives as “pedestrian connections” which staff believes is somewhat misleading. However, the private street standards do not require them. Additionally, staff believes the entire development should contain public streets which would require the 5-foot sidewalks per City code. The Commission and Council should determine if the pedestrian circulation plan is adequate for the proposed development with the inclusion of the private system.

- “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 the end caps could be re-oriented/consolidated with other larger common lots to increase the usable open space within the development. This was discussed during the pre-application meetings with the applicant and they are of the opinion the open space as proposed exceeds UDC standards and is designed to meet the needs of the 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 with 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 subject property abuts portions of the city limits at the northwest and northeast corner, but the majority of the property perimeter is surrounded by unincorporated Ada County. The proposed project is located near the fringe of the City and does not meet the definition of an infill development.

- “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 the public road portion of this development. The cross sections provided for the private road portion do not depict sidewalks. The applicant contends that the private streets provide an intimate setting for the residents and narrower streets decrease traffic speeds which do not warrant the additional improvements. It is important to note that the director has not approved the private street application, thus the plat should be redesigned to incorporate public streets for the entire 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. However, the City has recently approved several developments (Pura Vida and Poiema) north of the proposed development making this property more desirable to develop.

- “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 VII.

Water and sewer are being extended consistent with the City's master plan as noted above.

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)

Two types of housing are proposed – single family detached and 30 single family attached units - which will provide diversity in housing, and the density in the MDR designated area falls within the desired range. The density proposed in the LDR designated area at the southwest corner of the site is above the 3 units or fewer per acre desired in that area. However, the Comprehensive Plan states future land use designations are not parcel specific. An adjacent, abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. A designation may not must not be used on a parcel not directly abutting the designation, and may not apply to more than 50% of the land being developed. The predominate land use designation is MDR and the applicant has the ability to design the project to meet density perimeters of the MDR designations provided other goals of the Comprehensive Plan are being met.

As discussed below, R-15 zoning is proposed at the less dense eastern portion of the site to allow the option of private streets without sidewalks. Staff has concerns with the private streets, specifically the long-term maintenance and interconnectivity with surrounding developments. If these roadways are not constructed to ACHD standards, the likelihood of ACHD accepting these streets in the future is slim. Also, staff finds that although most of the open space meets the minimum dimensions, not all of it is quality open space (please see the qualified open space section below). The Fire Department has noted concerns with the access and serviceability of this project ahead of the fire station being constructed next to Discovery Park. Finally, public services are proposed to be extended near the fringe of the City rather than to vacant/underdeveloped infill parcels as desired. For these reasons, Staff is of the opinion the proposed annexation may not be the best interest of the City at this time.

C. Annexation & Zoning:

Portions of the annexation area are contiguous to a portion of the current City limits boundary and within the City's Area of City Impact at the east boundary. Most of the surrounding properties are still within unincorporated Ada County. A legal description and exhibit map for the annexation area is included in Section VI.A.

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, zone the western 43.85 acres with an R-8 zoning district, and the eastern 36.60-acre portion with a R-15 zoning district.

The R-8 zoning district allows lots as small as 4,000 sq. ft. with a minimum street frontage of 40'. The western 43.85 acres of the plat proposed for R-8 zoning reflects lots that meet this minimum lot and frontages requirements.

The R-15 zoning district allows lots as small as 2,000 sq. ft. and has no requirement for a minimum street frontage. This zoning is typically reserved for higher densities, including single family attached, townhomes and multifamily. It is important to note that with the previous application, staff informed the applicant that the private streets that are proposed with a significant portion of this development were not allowed under the R-8 zoning that was originally proposed for the entire development. The provisions for private streets apply only to properties that do not have frontage on a public street or where frontage is not required per UDC 11-3F-2. The applicant has subsequently revised their application to propose R-15 zoning merely for the purpose of being eligible for private streets whereas all other dimensional standards would comply with the requirements of the R-8 zone. Staff believes the development should incorporate public streets within the entire development and zone the property in accord with the more appropriate R-8 zone (Please see the access section below for more discussion regarding the private streets). In previous discussions with the applicant, staff has suggested the applicant either rezone to PUD, or initiate a code change in regard to requirements for private streets. The applicant has chosen to move forward with a request to rezone to R-15.

D. 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.

E. Proposed Use Analysis:

Single-family attached and detached dwellings are listed in UDC Table 11-2A-2 as a principal permitted use in the R-8 and R-15 zoning districts. The proposed use, with two housing types, is mostly consistent with the purpose statement of the residential district in that a range of housing opportunities and a variety of dwelling types would be provided consistent with the Comprehensive Plan and UDC 11-2A-1 and 11-6A-1. However, proposing to rezone a portion of the property to the R-15 zone when R-8 zone would suffice merely for the reason of being eligible for private streets is not consistent with the purpose statement of UDC 11-3F-1. While this isn't an uncommon practice, this section states that "it is not the intent to approve private streets for single-family, duplex and/or townhouse developments other than those that create a common mew through the site design or that propose a limited gated residential development" as no single family attached are in this area and no common mews are proposed. Further, a limited gated community as specified in the UDC is 50 or fewer homes. As noted below, the applicant is proposing that 112 homes utilize the proposed private street in an area that doesn't have an established street network and limited access. Therefore, the director has denied the private street application (see below for analysis).

F. Dimensional Standards (*UDC 11-2*):

The proposed preliminary plat consists of 328 building lots, 40 common lots, and 14 other lots (i.e. common driveway lots, 1 private street lot and 1 lot for the existing home) on 80.46 acres of land.

Development is subject to the dimensional standards listed in 11-2A-6 and 11-2A-7 for the R-8 and R-15 zoning districts. Lots in the western portion proposed for R-8 meet the minimum lot size of 4,000 sq. ft. with a 40' lot frontage. Although the lots in the 36.6-acre eastern portion proposed for R-15 meet the dimensional standards of that zone district (minimum lot size of 2,000 sq. ft. and no minimum frontage requirement) as presently proposed, they would also meet the minimum requirements of the R-8 zoning district.

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. This is also true of the section of Block 5 that is south of private street A of more than 850 feet. Council approval would be needed, or the plat would need to be revised to comply with the 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. The applicant has responded due to the topography in this area, they cannot provide the recommended internal access. However, just to the north of this cul-de-sac, the plat shows a golf cart path in this general area.

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.

The applicant has submitted a phasing plan. The phasing plan shows nine phases, with the first phase occurring directly adjacent to S. Eagle Rd at the proposed public street. Number of lots being built out vary between 59 at the first phase, to 23 at the last phase. Phase 8 and Phase 9 are both disconnected from the rest of the subdivision, although staff does believe an access could be constructed across the Farr Lateral between Phase 1 or 2 and Phase 9.

UDC 11-3F-4 prohibits common driveways off of private streets whereas this proposal includes three common driveways served by private streets. The applicant has requested alternative compliance from this standard.

G. Access (UDC 11-3A-3)

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. The applicant will be required to construct 5-foot-wide sidewalk on S. Eagle Rd abutting the site.

One (1) public street, Street A, is proposed for access via S. Eagle Rd. as a collector street to the intersection of Street C, also a public street. 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. One of these southern stubs is a secondary emergency access to E. Vantage Pointe Ln. to be constructed with the first phase of development. There is also a cul-de-sac at the extreme northeast serving 15 additional lots, which is intended to connect to a public road through the recently approved Pura Vida Ridge Ranch. This area is shown as Phase 8 and does not connect to the rest of the Skybreak Subdivision, except for the connected pathway system.

There are two southern roads shown to connect from the subject property to E. Vantage Pointe Lane to the south. E. Vantage Point Lane is a private road, and the applicant has only demonstrated the legal right to use this road for emergency access (Inst. #2020-063349); public access is not allowed. This is adequate for emergency access to occur from the cul-de-sac shown at the end of the public street shown as Street J. However, this application also shows an additional 23 lots being served from a double cul-de-sac shown as Phase 9. **The applicant has not demonstrated they have primary legal access to these lots via E. Vantage Pointe Lane. The applicant has responded that they intend to eventually obtain this access and will build out this later phase when it is obtained, but staff is concerned with an application which proposes annexing and zoning 23 lots into the City without proof of access. The applicant should construct a roadway across the Farr Lateral to provide access to the portion of the development for better integration.**

The Fire Department has noted in a letter dated February 16, 2021 that they are concerned with a large subdivision with only one access out to S. Eagle Rd. Two of the three northern stubs go to properties within unincorporated Ada County which are not proposed for development at this time. The third northern stub only serves Phase 8 which does not connect to the rest of the subdivision. 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. Staff has recommended the applicant pursue a northern access to allow access from this subdivision via the public road in the Pura Vida Subdivision and to E. Lake Hazel Rd, but the applicant has responded that due to topography this is not feasible, although the applicant has managed to configure a golf cart path to the golf course at the north. In addition, the Fire Department has mentioned the majority of the subdivision is outside of the 5-minute response area, and the nearest station (Station 4) has a low reliability rating. This would improve if and when the southwestern fire station adjacent to Discovery Park is constructed in 2023. The applicant has submitted a phasing plan which shows each phase has at least two accesses for emergency service, but as mentioned, except for Phase 8 at the northeast corner, all the other phases rely on only S. Eagle Rd for access. Staff is aware that access will improve in this area over time however, it is contingent on other properties developing in the area to provide the necessary road network.

A combination of public and private streets are proposed for access within the development – public streets are proposed on the west and private streets serving 112 lots are proposed on the east end of the subdivision. Three (3) common driveways are proposed for access off private streets (see analysis below).

The applicant has provided sections of the private streets with this plat application (see Section VI). Although the plat does not indicate exactly which private street cross sections are proposed in which area, the street sections show private streets as narrow as 27', none of which include sidewalks. Since the time of the pre-application meetings, staff has responded that staff does not support this many lots being served by private streets. This is because this results in streets that would pass the maintenance costs on to the homeowners through the HOA, as ACHD would not accept these roads in the future if there were financial constraints. Staff has requested the developer state the reason for requesting private streets other than the additional costs to build them to the standard template, and the only responses staff has received thus far is that there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there are probably buyers that would prefer gated communities and private streets, but still does not understand why narrow private streets are preferable to streets built to standard templates and containing landscaping and sidewalk. As noted above, staff finds the proposal is not a limited gated community, exceeds more than 50 homes. Therefore, the plat should be resigned to incorporate public streets for the entire development. As noted below the applicant has requested alternative compliance (ALT) to allow 112 homes as proposed. The director has denied the applicant's ALT request.

ALTERNATIVE COMPLIANCE

The applicant proposes 112 gated lots, and 3 common driveways off a private street. UDC 11-3F-4 states a proposed (gated) development shall have no more than 50 dwelling units, and no common driveways shall be allowed off of a private street. However, 11-3F-4 also allows the director to approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- b. The site involves space limitations or an unusually shaped lot;
- c. Safety considerations make alternative compliance desirable;
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;

- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;
- f. Additional environmental quality improvements would result from the alternative compliance.

In order to grant approval for an alternative compliance application, the Director shall determine the following:

- 1. Strict adherence or application of the requirements are not feasible; or
- 2. The alternative compliance provides an equal or superior means for meeting the requirements; and
- 3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

The applicant's alternative compliance letter mentions there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there is probably a demographic that would prefer gated communities, but this is not a condition required for alternative compliance. The Director finds the applicant has not demonstrated the need for a private versus public streets as noted above.

The plat indicates private street sections with no sidewalks and minimal landscaping, whereas ACHD templates require 5' sidewalks and landscaping. Also, the applicant proposes alternative compliance to allow three common driveways from the private streets, whereas this is not allowed by UDC 11-3F-4-6. Staff does not understand how what is being proposed is an equal or superior means to meeting requirements. Providing narrow private streets with no sidewalks, minimal landscaping, and common driveways from these private streets is not an innovative design features that promotes walkable neighborhoods.

Finally, as was already mentioned, gating the community will also slow response times when there are already fire access concerns, which would be materially detrimental to the public welfare.

H. 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.

I. 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 or a note should be added to the plat which allows public access in the common lots intended for pathways.

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 VI). 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 25, Block 9) they should be located in separate common lots with landscaping on either side in accord with UDC 11-3B-12C.

J. Sidewalks (UDC 11-3A-17):

A 10' pathway is proposed along S. Eagle Rd. with a combination of detached and attached sidewalks along the internal public streets. 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.

K. 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.

L. 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 50' 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 except along the Farr Lateral and Lot 46, Block 5 (the ridge lot with the trail).

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.

M. 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 landscape plan notes the development provides 14.99 acres (or 18.4%) of qualified open space. This open space consists of parks, 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 VI). Although the open space complies with the minimum UDC standards in regard to dimensions,

some of the open space area being credited consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, and areas that aren't centrally located for easy access. It is staff's opinion that the applicant has the opportunity to reconfigure the plat to consolidate additional open space to make it more accessible and useable.

UDC 11-3G-3-E requires that at a minimum, common open space areas shall include one (1) deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod. There are areas being credited on the applicant's open space exhibit as qualified open space, such as land within the Farr Lateral easement, and all the challenging and steeply sloping land in Lot 45, Block 5 at the east that do not meet the minimum landscape requirements. In addition, the pathway shown along Lot 45, Block 5 would need to be landscaped with one tree per 100 linear feet of pathway as required per UDC 11-3B-3-12 in order to be credited for qualified open space.

N. 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 VII.D), which Staff is of the opinion is not ideal. Staff would prefer the open space be reconfigured to allow more useable open space and amenities toward the center of the development. 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. Staff does believe the sports park, playground and pathways are adequate amenities, but as mentioned above, believes more useable open space and centrally located amenities should be incorporated into this project.

O. Storm Drainage (UDC 11-3A-18):

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.

P. Irrigation (UDC 11-3A-15)

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.

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

The Farr Lateral runs across the southwest corner of this site within a common lot (Lot 51, Block 9) and Ten Mile Creek runs along the northeast corner of the site. The Applicant proposes to leave these waterways open and improve them as linear open space with a 10-foot wide multi-use pathway. However, if these waterways are intended to be improved and credited as linear open spaces, they should be accessible and usable, and

landscaped in accordance with UDC 11-3B-12 and UDC 11-3G-3-E, including one tree per 100 pathway feet and one tree per 8,000 square feet of open area, as well as vegetated with seed or sod.

R. 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 open fencing is installed between the lateral and the pathway to preserve public safety.

S. 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 VI. 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 44 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 VII.J). Building materials consist of a mix of finish materials (i.e. horizontal and vertical siding and stucco) with stone/brick veneer accents.

VI. DECISION

A. Staff:

Staff recommends DENIAL of the requested annexation and preliminary plat based on the Findings in section IX. and the Director has denied the private street and alternative compliance based on the Findings in section IX.

B. The Meridian Planning & Zoning Commission heard this item on April 1, 2021. At the public hearing, the Commission moved to recommend DENIAL on the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Deborah Nelson
- b. In opposition: Kathy White, Stephen Rankin
- c. Commenting: Deborah Nelson
- d. Written testimony: Staff received 13 letters in opposition. Issues expressed include density, lack of transition to Vantage Pointe Subdivision, lack of sidewalks and narrowness of private roads, developer trying to fit in as many lots as possible without providing quality amenities and necessary infrastructure, emergency access, lack of cooperation with the adjacent neighbors, and a large higher density project being located on the fringe of the City.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons, Joe Bongiorno

2. Key issue(s) of public testimony:
 - a. Density and lack of sidewalks.
 3. Key issue(s) of discussion by Commission:
 - a. Commissioners expressed issues related to density, lack of transition, lack of sidewalks, amount of private roads, low fire station reliability and whether Station 4 will even be built and staffed, trying to pack in as many houses as possible, not walkable, lack of amenities, emergency access issues, past problems with HOAs taking on costs associated with private streets, and the project not being a "premier" community.
 4. Commission change(s) to Staff recommendation:
 - a. None
- C. The Meridian City Council heard this item on May 26, 2021 and June 29, 2021. At the public hearing, the Council moved to approve the subject annexation requests.
1. Summary of the City Council public hearing:
 - a. In favor: Laren Bailey, Jim Conger, Deb Nelson
 - b. In opposition: Ten citizens testified in opposition to this application.
 - c. Commenting: Laren Bailey, Jim Conger, Deb Nelson,
 - d. Written testimony: Staff received 13 letters in opposition.
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: Bill Parsons
 2. Key issue(s) of public testimony:
 - a. Density, lack of transition to Vantage Pointe Subdivision, lack of sidewalks and narrowness of private roads, developer trying to fit in as many lots as possible without providing quality amenities and necessary infrastructure, emergency access, lack of cooperation with the adjacent neighbors, and a large higher density project being located on the fringe of the City, grading and erosion issues allegedly caused by the present applicant on other projects, possible drainage impacts to Vantage Pointe Subdivision.
 3. Key issue(s) of discussion by City Council:
 - a. Lack of transition in density, lack of sidewalks, whether better open space could be provided, drainage issues.
 4. City Council change(s) to Commission recommendation:
 - a. City Council continued the application from May 26, 2021 to June 29, 2021 for staff and the applicant to address issues relating to lot transition at the south, lack of sidewalks, and to reorient open space.
 - b. City Council directed staff and the applicant to prepare conditions of approval, as staff had not prepared conditions due to their recommendation for denial.

VII. EXHIBITS

A. Annexation Legal Description & Exhibit Map (date 1/20/21)



Sawtooth Land Surveying, LLC

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

Skybreak Annexation Legal Description

BASIS OF BEARINGS is S. $0^{\circ}12'52''$ 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. $0^{\circ}12'52''$ W., coincident with the west line of said NW1/4 and the centerline of S. Eagle Road, 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. $89^{\circ}52'22''$ E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. $89^{\circ}56'41''$ E., coincident with said north line, 1321.10 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. $00^{\circ}37'07''$ W., coincident with the east line of said NW1/4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. $89^{\circ}48'12''$ W., coincident with the south line of said Section 4, a distance of 2632.71 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. $00^{\circ}12'52''$ E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

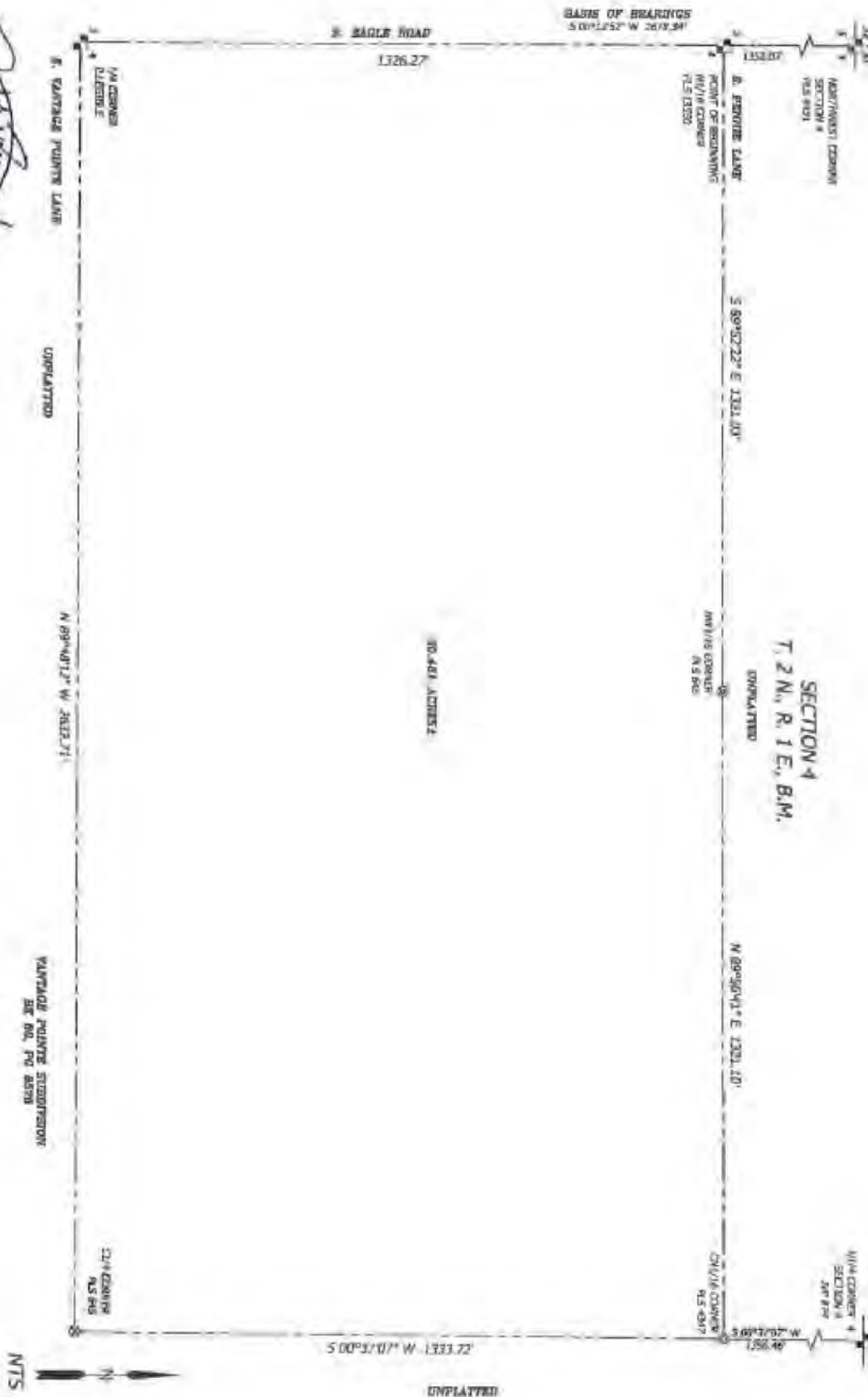
The above described parcel contains 80.461 acres more or less.



Item #6.



PROJECT:	OWNER/DEVELOPER:		2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105
SKYBREAK SUBDIVISION ANNEXATION BOUNDARY ADA COUNTY, IDAHO	CONGER		
DATE:			
DWG #	19446-EX	PROJECT#	19446
SHEET			



B. Rezoning Legal Description and Exhibit Map (date: 1/20/21)

Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 E. Washington Ave. Brimley, ID 83617**Skybreak R-8 Zoning 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 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 137.56 feet;

Thence N. 89°47'08" W., 5.43 feet;

Thence S. 00°12'52" W., parallel with said west line, 454.70 feet;

Thence N. 89°41'23" W., 73.73 feet;

Thence N. 71°55'29" W., 35.46 feet;

Thence N. 89°44'25" W., 157.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 146.02 feet;

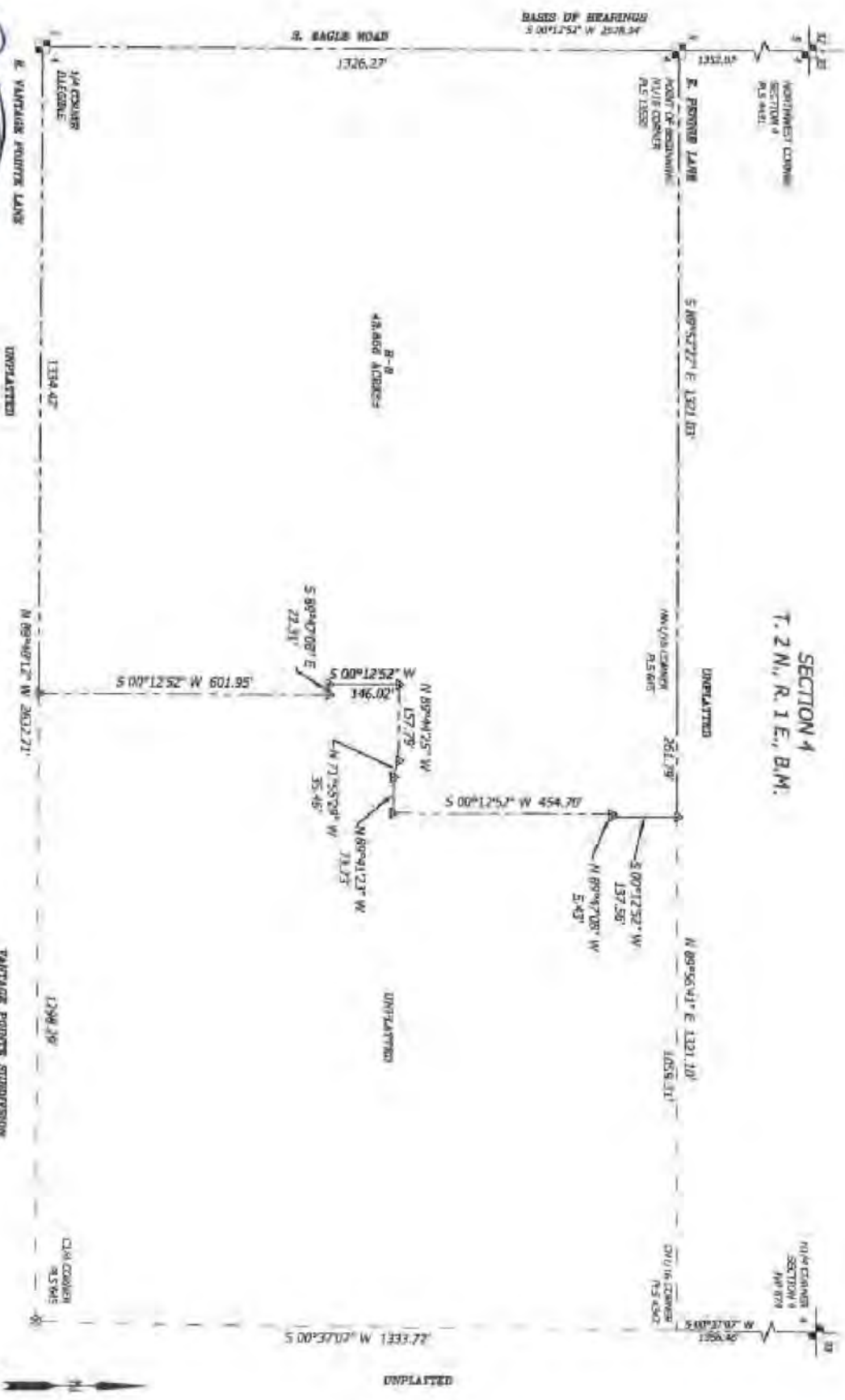
Thence S. 89°47'08" E., 22.31 feet;

Thence S. 00°12'52" W., parallel with said west line, 601.95 feet to the south line of said NW1/4;

Thence N. 89°48'12" W., coincident with said south line, 1334.42 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 43.858 acres more or less.





Skybreak R-15 Zoning Description

BASIS OF BEARINGS is S. $0^{\circ}12'52''$ 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. $0^{\circ}12'52''$ W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4;

Thence S. $89^{\circ}52'22''$ E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. $89^{\circ}56'41''$ E., coincident with said north line, 261.79 feet to the **POINT OF BEGINNING**;

Thence continuing N. $89^{\circ}56'41''$ E., coincident with said north line, 1059.31 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. $00^{\circ}37'07''$ W., coincident with the east line of said Section 4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. $89^{\circ}48'12''$ W., coincident with the south line of said NW1/4, a distance of 1289.29 feet;

Thence N. $00^{\circ}12'52''$ E., parallel with said west line, 601.95 feet;

Thence N. $89^{\circ}47'08''$ W., 22.31 feet;

Thence N. $00^{\circ}12'52''$ E., parallel with said west line, 146.02 feet;

Thence S. $89^{\circ}44'25''$ E., 157.79 feet;

Thence S. $71^{\circ}55'29''$ E., 35.46 feet;

Thence S. $89^{\circ}41'23''$ E., 73.73 feet;

Thence N. $00^{\circ}12'52''$ E., parallel with said west line, 454.70 feet;

Thence S. $89^{\circ}47'08''$ E., 5.43 feet;

Thence N. $00^{\circ}12'52''$ E., parallel with said west line, 137.56 feet to the **POINT OF BEGINNING**.

The above described parcel contains 36.604 acres more or less.

Item #6.



PROJECT:	OWNER/DEVELOPER:		2030 S. WASHINGTON AVE. EMERY, ID 83617 P: (208) 398-8104 F: (208) 398-8105
SKYBREAK SUBDIVISION R-15 ZONING ADA COUNTY, IDAHO	CONGER		
DWG. # 19446-EX		PROJECT # 19445	
SHEET			



C. Preliminary Plat (date: ~~12/11/2020~~ 6/16/2021)



D. Landscape Plan (date: ~~12/11/2020~~ 6/18/2021)



E. Gated versus Non Gated (date: 2/11/2020 6/18/2021)

All streets shown in gated portion are private streets



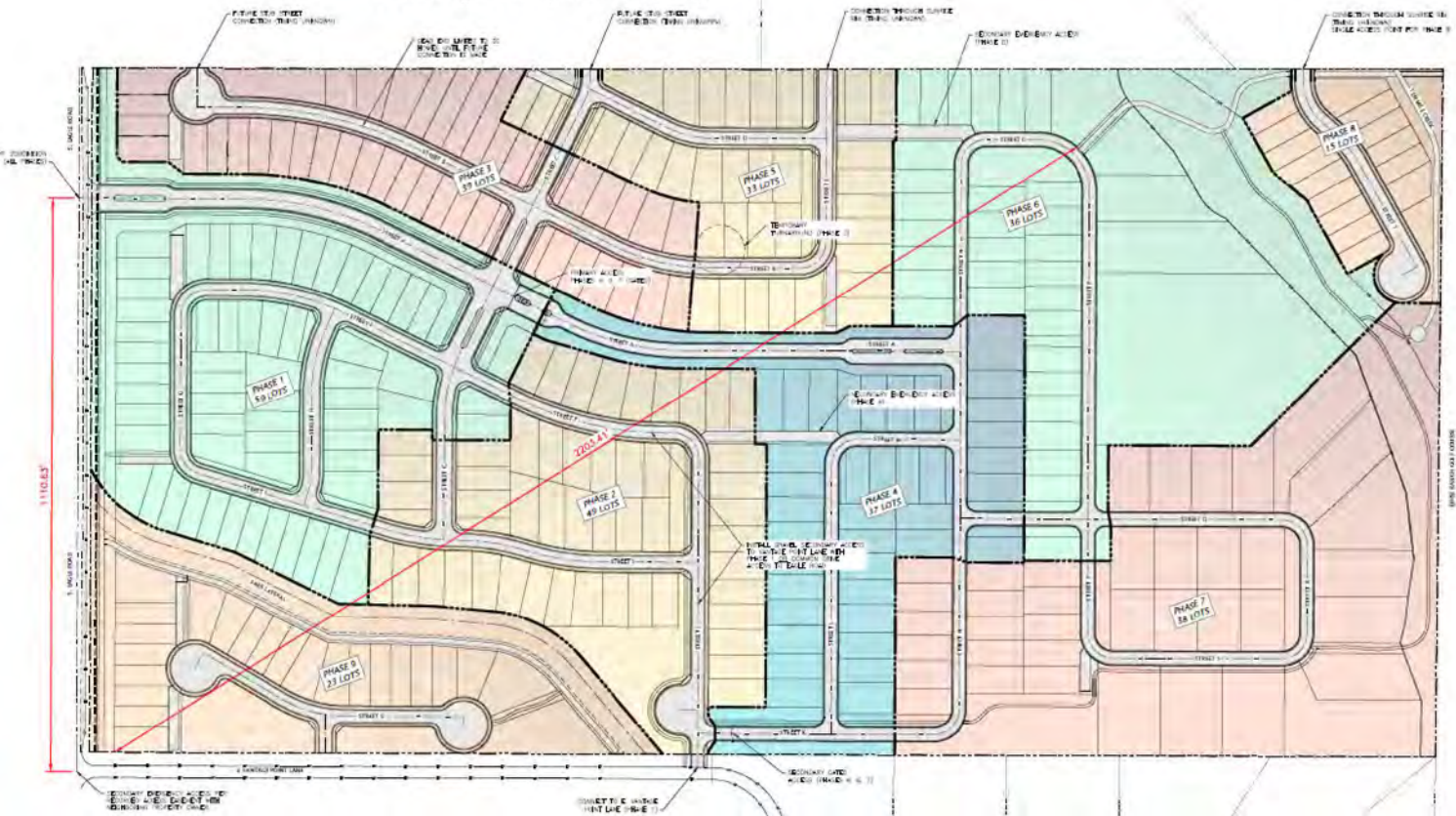
F. Open Space Exhibit (date: 12/30/2020 6/16/2021)



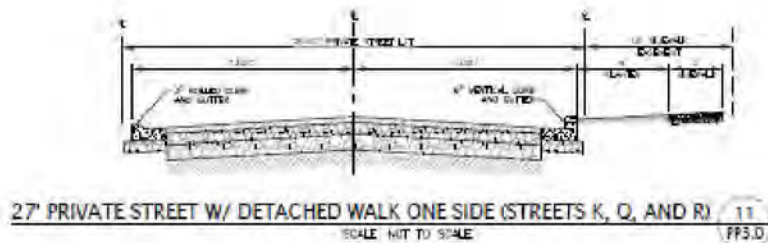
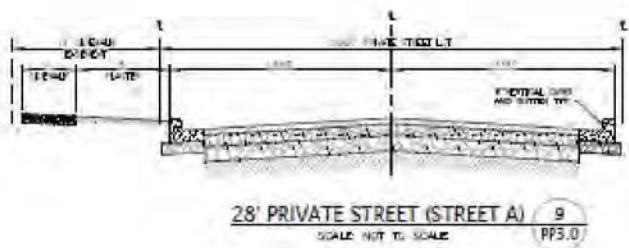
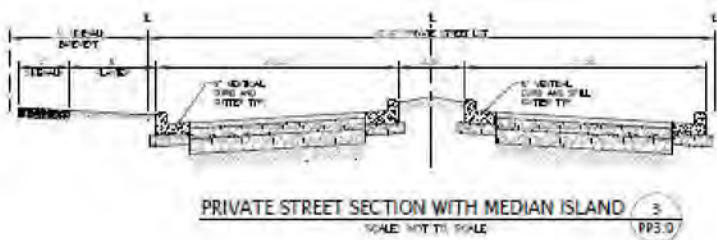
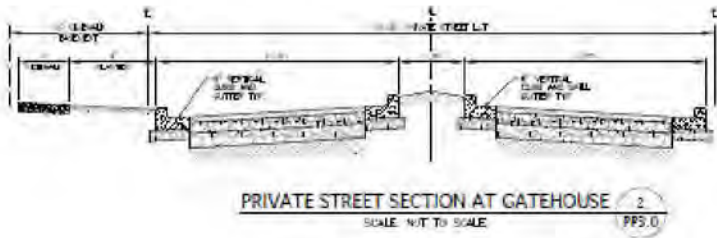
G. Zoning Exhibit (date: 12/10/2020 6/18/2021)



H. Phasing Plan (date 2/10/21)



I. Proposed Private Street Sections (date: 6/16/21)



J. Phasing Description (date: 12/10/21)**PROJECTED PROJECT TIMELINE**

Milestone	Date
2021 -	
▪ City Council Approval (est.)	April 2021
▪ Eagle Road – Amity to Victory Road Widening to 5 Lanes	2021
2022 -	
▪ 20 Homes Occupied (1 st home available April 2022)	August 2022
2023 -	
▪ Lake Hazel Road and Eagle Road Intersection Construction	2023
▪ Eagle Road – Victory to Amity Road Widening to 5 Lanes	2023
▪ Fire Station #8 – Completed and Staffed	December 2023
▪ 50 Homes Occupied	September 2023
2024 -	
▪ Lake Hazel Road – Eagle to Cloverdale Road Widening to 5 Lanes	2024
▪ 100 Homes Occupied	June 2024
2025 -	
▪ 150 Homes Occupied	June 2025
2026 -	
▪ 200 Homes Occupied	June 2026
2027 -	
▪ 250 Homes Occupied	June 2027
2028 -	
▪ 300 Homes Occupied	June 2028
2029 -	
▪ Completion	December 2029

K. Proposed Amenities (date: ~~2/10/21~~ 6/18/21– please refer to Narrative for more details)



A. Large 3/4-Acre, Tot Park (Block 9, Lot 52) – The 35,142 Sqft Skybreak Neighborhood park will contain the following recreation facilities:

- Play Structure
- Seating Benches
- Shade Structure
- Climbing Rocks
- Large Grass play area
- Attractive Landscaping
- Playground fencing for safety



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.

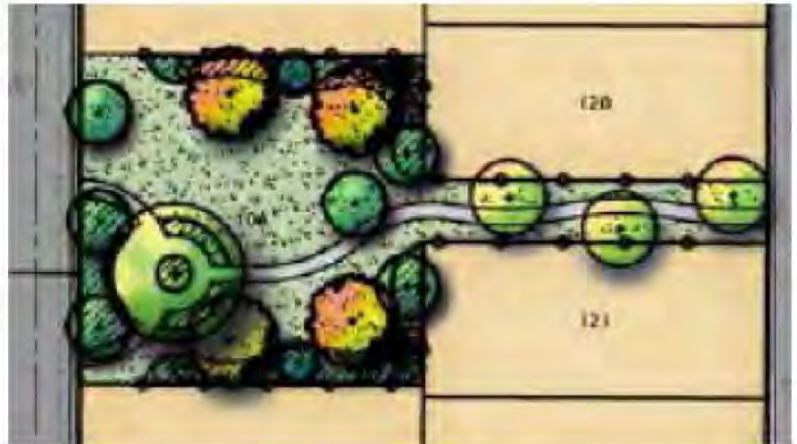
Dog Parks (Block 2, Lot 1 and Block 5, Lot 121) - The Skybreak Neighborhood park will contain two (2) 1/4 Ac small dog, dog parks that will include the following:

- 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

Item #6.

Landscaped Passive Open Spaces – Located throughout the Neighborhood:

- Attractive Landscaping
- Buffering of side yards
- Premier Signage and Entry Monuments



H. Pedestrian Connection Exhibit

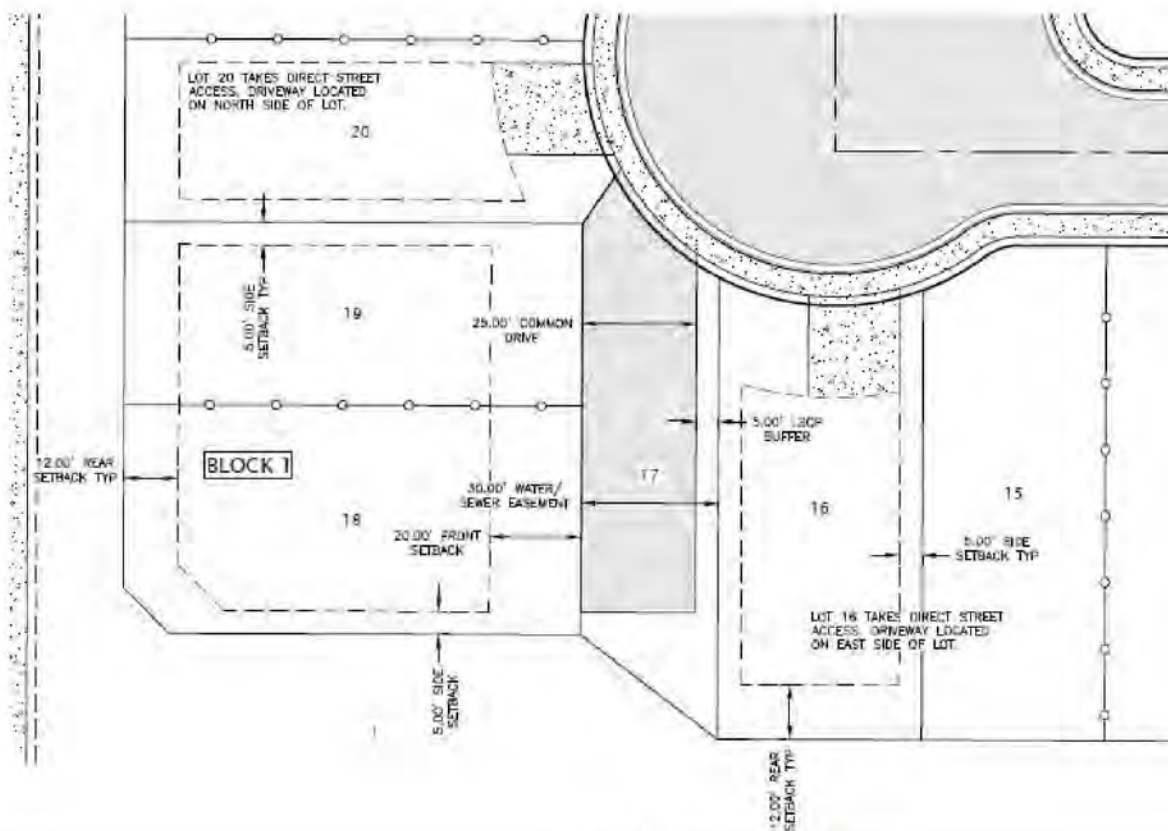
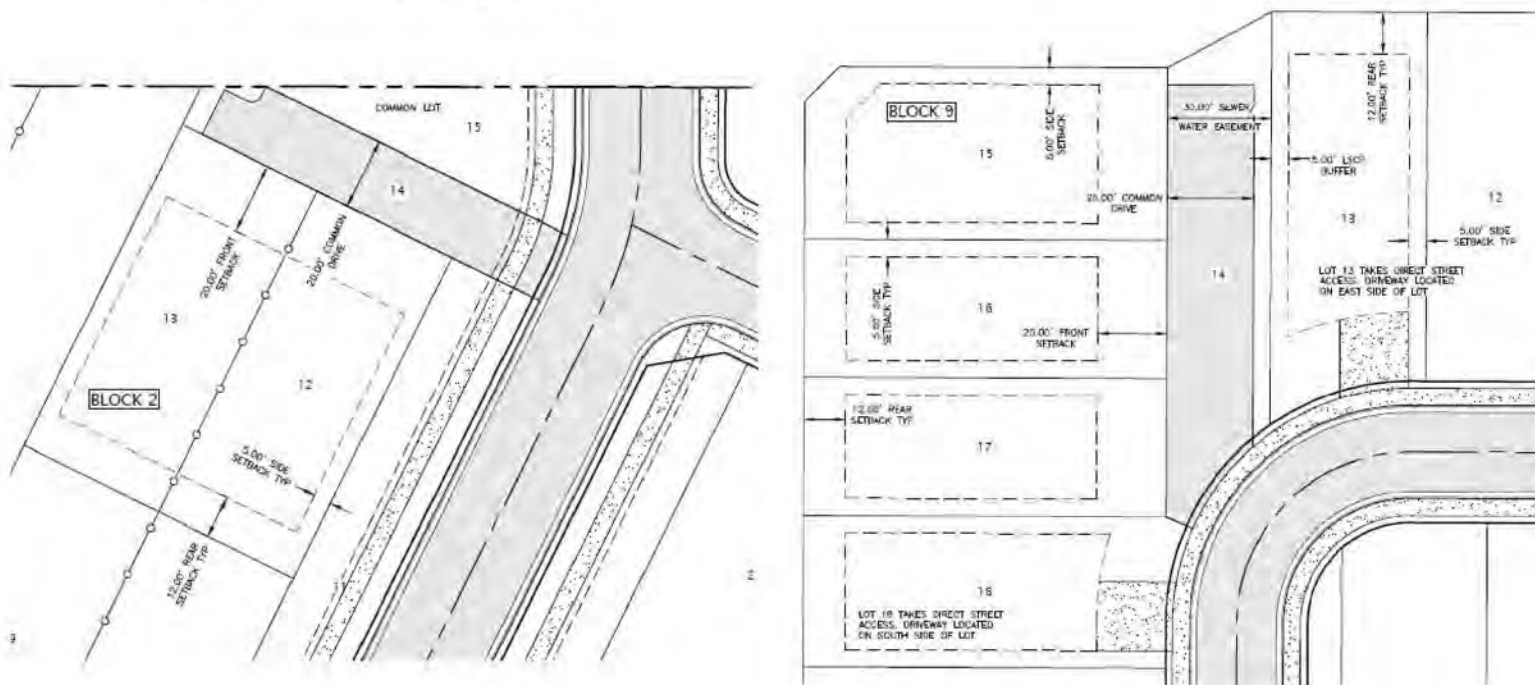


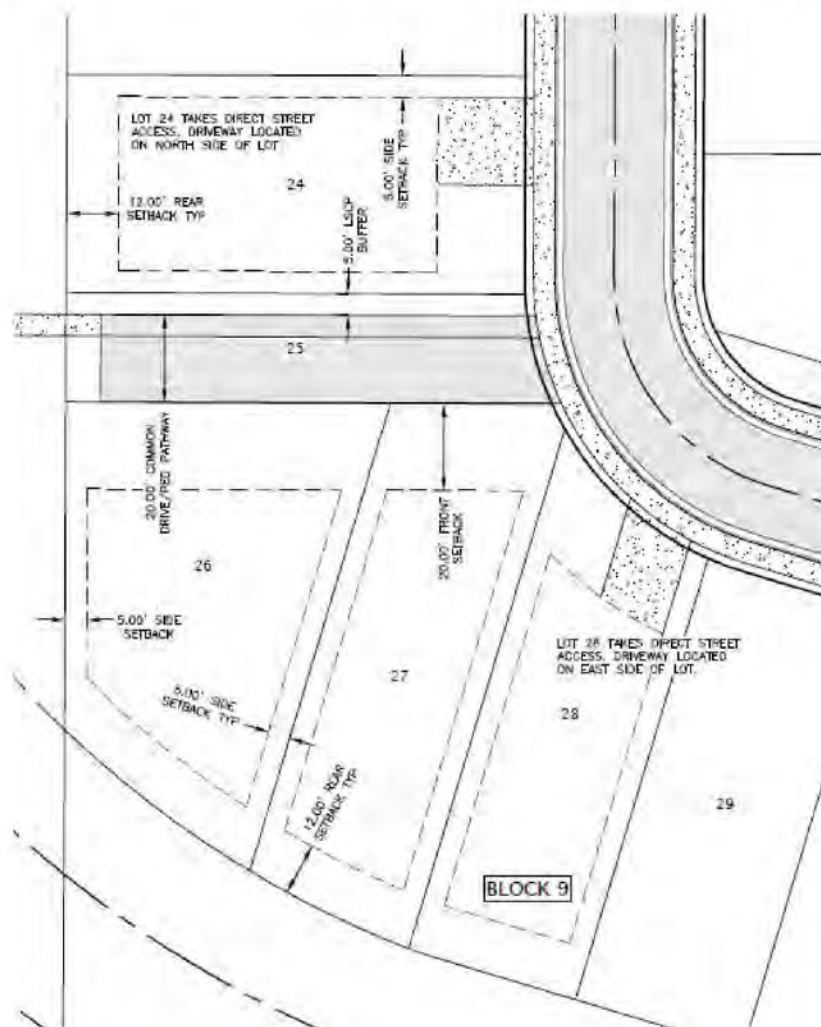
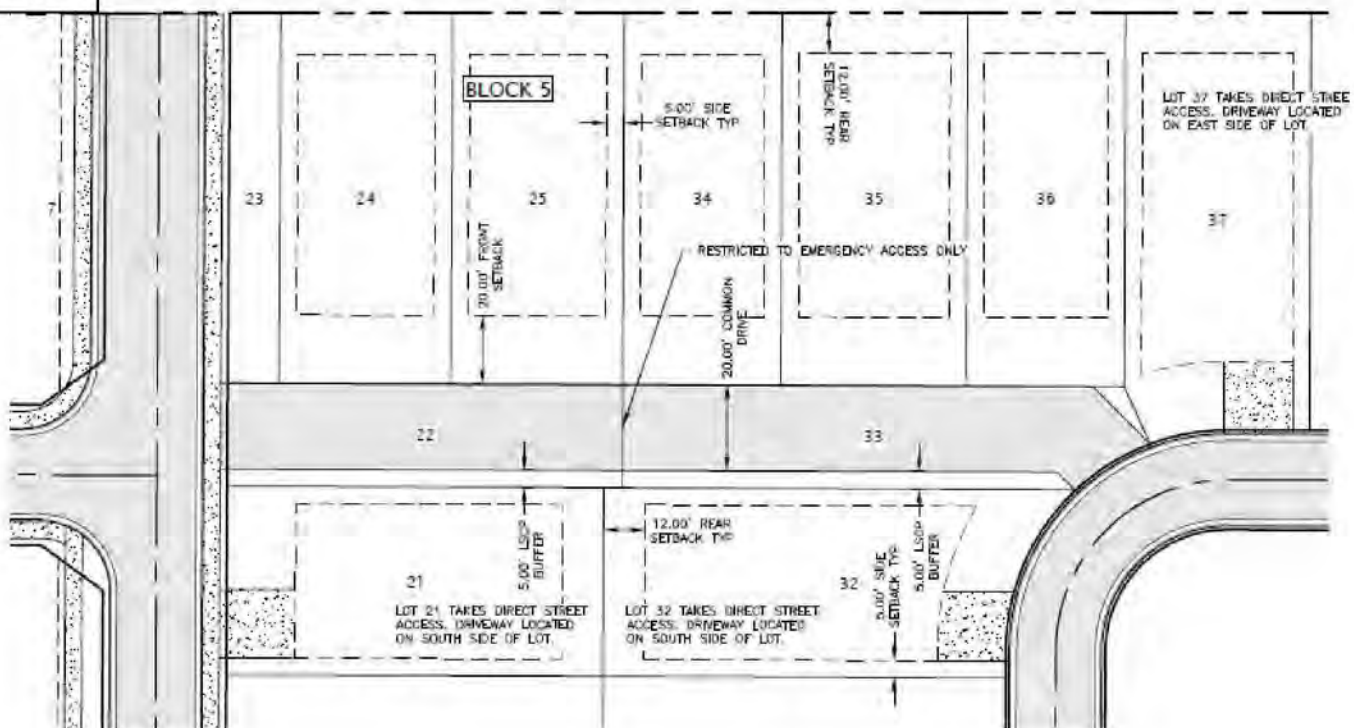
L. Parking Plan (date 6/18/21)

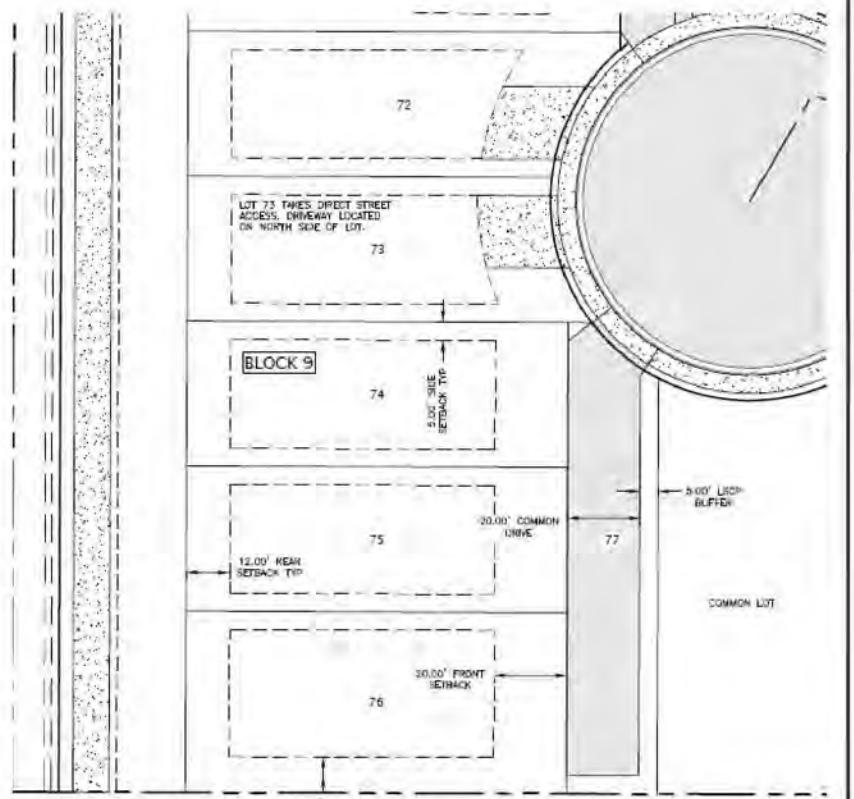


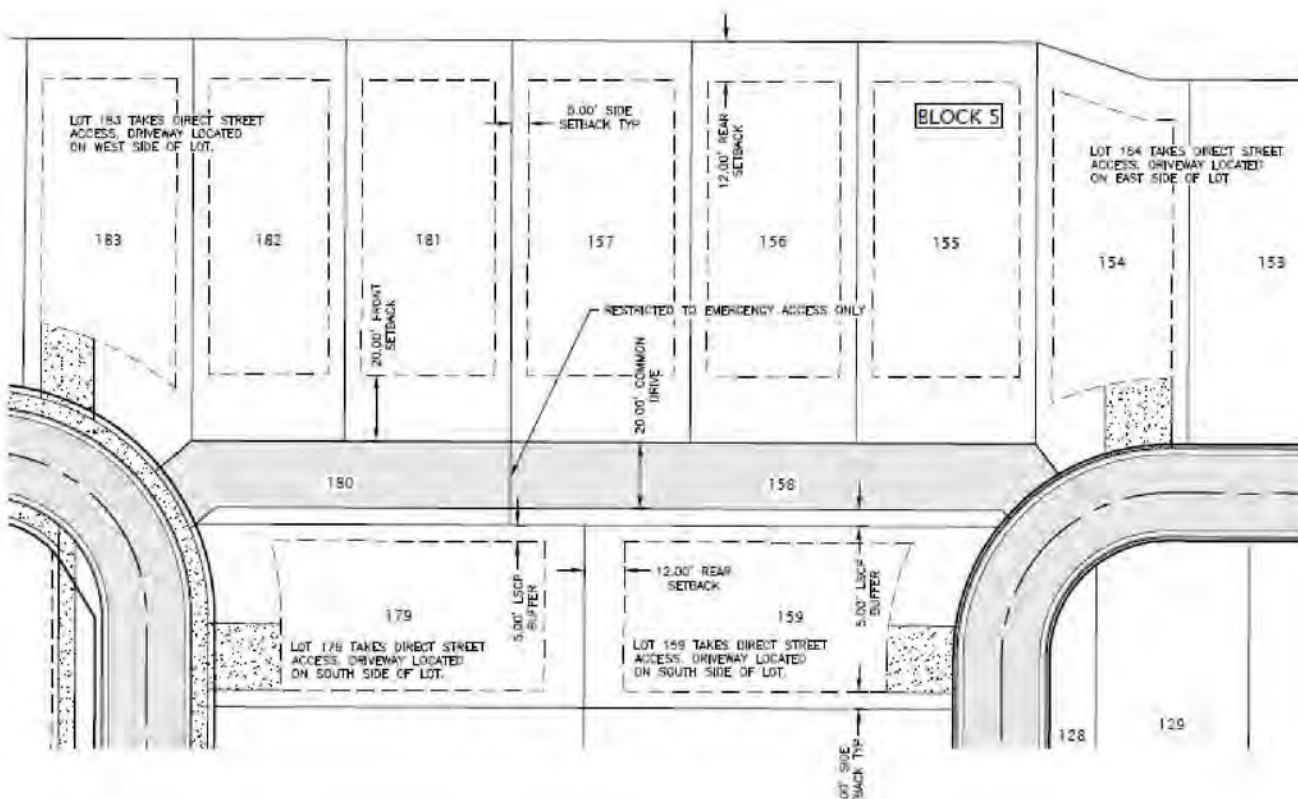
— On-Street Parking
338 Spaces

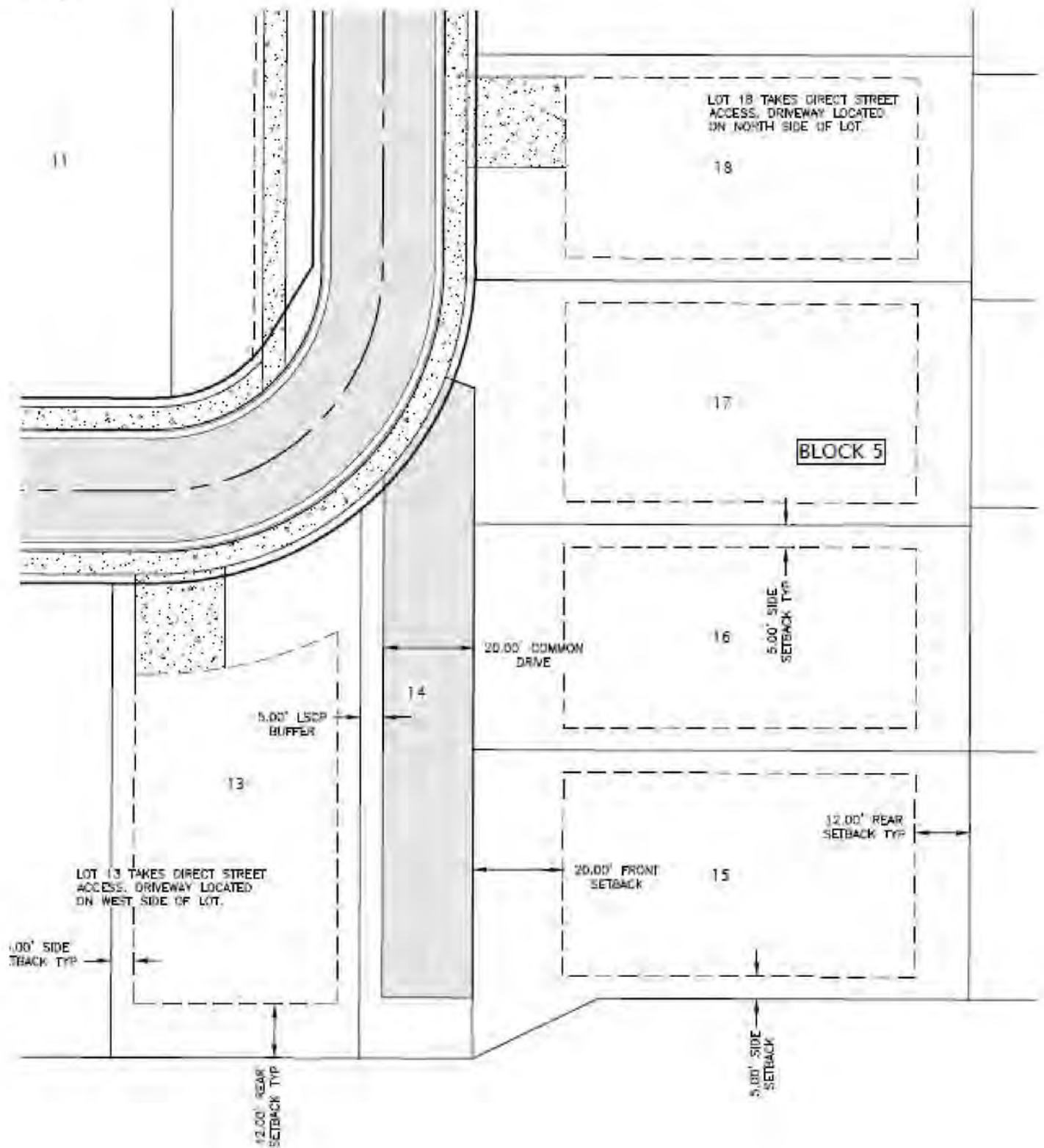
M. Common Driveway Exhibits











N. Building Elevations (date: 12/10/21)



Existing Home to remain (above)



Existing Home to remain (above)



RIDGEVIEW



AVONDALE



CHANDLER



SCOTTSDALE



TEMPE



KIERLAND 'A'



KIERLAND 'B'

VIII. CITY/AGENCY COMMENTS

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 The Skybreak Neighborhood shall follow the approved phasing plan and/or obtain planning and fire department approval for any modifications.
 - b The applicant shall submit a wildland safety plan for the hillside area to be approved by Meridian Fire Department with the first final plat.
 - c The existing residence at 3487 E. Adler Hof Ln. (Lot 45, Block 5) will be required to abandon the well and septic system and connect to City water and sewer with development of the property.
 - d The applicant shall not submit a final plat for Phase 8 and 9 until public street access is provided.
 - e A 30' rear yard setback is required on Lots 74-83, Block 5, abutting Vantage Pointe.
 - f A 15' (external) side yard setback and an increased rear setback (as shown in applicant's plans) is required for Lot 74, Block 5, abutting Vantage Pointe.
 - g The rear and/or sides of any 2-story structures facing S. Eagle Rd (18-21 Block 1, 15-26 and 76-79 Block 9) shall 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.
 - h Future development of this site shall substantially comply with the preliminary plat, landscape plan and conceptual building elevations for the single-family attached and detached dwellings included in the attachments contained herein.
- 2 Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.
- 3 The City Council has approved alternative compliance from UDC 11-3F-4 that limits gated developments to 50 lots, to allow 106 gated lots.
- 4 The City Council has approved alternative compliance from UDC 11-3F-4 prohibiting common driveways off private streets, to allow 3 common driveways.
- 5 The City Council has approved a wavier from UDC 11-6C-3 limiting dead-end streets ending in a cul-de-sac to 500 feet to allow the Phase 8 cul-de-sac in the northeast corner to extend to approximately 610'.
- 6 The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 9, north of the Farr Lateral to be approximately 1,000 feet in length.
- 7 The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 5, along the southern boundary of the property, to be approximately 1,190 feet in length.

- 8 The City Council has approved alternative compliance from UDC 11-3B-12 and UDC 11-3G-3 requiring minimum landscaping along pathways and within common open space to allow the pathway area shown in Lot 46 of Block 5 to remain in a natural state.
- 9 The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B, 11-3G and maintenance thereof as set forth in UDC 11-3B-13.
- 10 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.
- 11 Except as otherwise listed above, the development shall comply with the private street requirements as set forth in 11-3F, including the applicant or owner providing documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private street, including regulations for the funding thereof.
- 12 The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6. The Farr Lateral is allowed to remain open as waived by City Council.
- 13 Except as listed above, the applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
- 14 The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.
- 15 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.
- 16 The Applicant shall have a maximum of two (2) years from the date of City Council approval to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
- 17 The Applicant shall comply with all conditions of ACHD.
- 18 Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. PUBLIC WORKSSite Specific Conditions of Approval

1. Preliminary plat conceptual site plans dated 12/11/2020 must be adjusted as follows
 - a The sewer main stub near intersection of Street C and D needs to end in a manhole.
 - b The sewer main stub at the North end of Street E needs to end in a manhole.
 - c The sewer on the south-eastern boundary (Street J) should not go to the property boundary.
 - d The sewer main should run at 0.60% slope and end in a manhole short of the property boundary.
 - e Water and sewer mains must be covered in a 20-foot-wide easement per utility.
 - f Easements cannot have encroachments of any permanent structures including but not limited to buildings, carports, trash enclosures, fences, trees, deep rooting bushes, etc.
 - g Maintain a minimum 90-degree angle into/out of all manholes.
 - h Slope between manholes shall not exceed 5%. Slopes between SSMH G-3 to SSMH H-1, SSMH G-4 to SSMH J-1, and SSMH G-8 to SSMH K-1 exceeds this.
 - i No public main is allowed in common driveways, sewer line A and F are shown going through private drives.
 - j If you have three or less lots on a common drive, services should be stubbed from the roadway.
 - k Four or more lots, sewer will be allowed in the common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manholes needed in the common drive shall be marked with "Private" on the lid.
 - l A drainage plan is required to be provided and reviewed prior to plan approval.
 - m Current design does not meet minimum fire flow. A possible solution is to upsize some 12" mains and add two more connections, one at the southwest and one at the northeast corner of the development. These changes must be coordinated with Public Works.
 - n A streetlight plan must be provided with the final plat application. Streetlight plan requirements are listed in Meridian Design Standards.
 - o Phase 8 of the proposal is in Flood Zone A. This area requires extending the existing hydraulic and hydrology study and establishing base flood elevations. Other phases are not impacted by flood zone and will not require floodplain study or permits.

General Conditions of Approval

2. 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 than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
3. 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.
4. 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.
5. 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 prior to receiving development plan approval.
6. 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.
7. 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.
8. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment. 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.

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.
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.
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.
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.
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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. All grading of the site shall be performed in conformance with MCC 11-12-3H.
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.
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.
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.
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.
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.
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.

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=223367&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222919&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214368&dbid=0&repo=MeridianCity&cr=1>

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=222788&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&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=219402&dbid=0&repo=MeridianCity>

K. WEST ADA SCHOOL DISTRICT (WASD)

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

L. COMMUNITY DEVELOPMENT SCHOOL IMPACT REVIEW:

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

M. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222984&dbid=0&repo=MeridianCity>

N. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222907&dbid=0&repo=MeridianCity>

IX. 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;

The Council finds the proposed map amendment to R-8 is consistent with the Comprehensive Plan density recommendations of 3-8 dwelling units per acre. The Council finds zoning the property to the R-15 district for purpose of allowing private streets is suitable for providing the necessary infrastructure. The Council also finds this development would be considered infill. The proposed private streets serving a significant portion of the site would meet the intent of the Plan in regard to requiring urban infrastructure being provided for all new developments, including sidewalks.

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

Council finds there is a variety in housing types and diversity in lot sizes which is consistent 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;

Council finds the proposed zoning map amendment would not be detrimental to the public health, safety and welfare. The private streets would be funded by the homeowners through the HOA. Also, the Fire District has voiced they can serve this development when the southern fire station is constructed.

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

The Council finds the map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision.

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

Council has determined this annexation is in the best interest of the City.

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;

The Council finds that the proposed plat is 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, and construction of infrastructure without sidewalks, etc.

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

The Council 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, Council 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;

The Council 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).

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

The Council 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.

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

C. Private Streets (UDC 11-3F-5):

At the June 29, 2021 meeting, the Council overturned the Director's denial of the private streets, with the following findings:

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

The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, and meeting the minimum width of 27 feet. However, the proposal exceeds the limitation of no more than 50 units being served by a gated development, and three common driveways are proposed whereas UDE 1103F-4-5 states common driveways cannot be allowed on private streets. The Council approved Alternative Compliance from these requirements.

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

The Director had safety concerns in regard to whether there could be pedestrian safety issues with residents using private streets with no sidewalks. Per direction from the Council, the applicant added sidewalks on at least one side of all streets, and the Council found the private streets would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

Council finds the private streets with sidewalks meet Comprehensive Plan policies such as requiring new residential neighborhoods to provide complete streets, developing a connected, comfortable, and comprehensive network of multi-purpose pathways, ensuring safe routes and access, encouraging safe, physical activity for pedestrians and bicyclists, and fostering a walkable and bikeable community and providing necessary infrastructure.

- D. The proposed residential development (if applicable) is a new or gated development.**

The proposed development is a gated development.