

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



**In the Matter of the Request for Annexation of 7.09 Acres of Land with an R-8 Zoning District; and Preliminary Plat Consisting of 26 Residential Buildable Lots and 6 Common Lots on 7 Acres of Land in the Proposed R-8 Zoning District, by Penelope Constantikes, Riley Planning Services.**

**Case No(s). H-2019-0133**

**For the City Council Hearing Date of: July 21, 2020 (Findings on August 4, 2020)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 21, 2020, 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 July 21, 2020, 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 and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 21, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

A modification to the development agreement may be initiated prior to signature of the

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

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

1. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **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 July 21, 2020

By action of the City Council at its regular meeting held on the 4th day of August, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

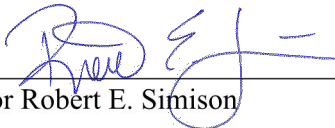
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

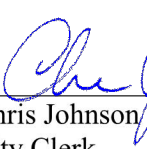
COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT E. SIMISON VOTED       
(TIE BREAKER)

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

Attest:

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



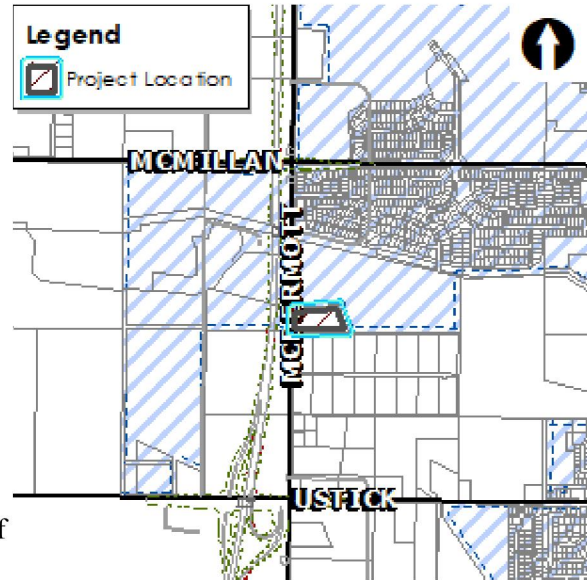
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  Dated: 8-4-2020  
City Clerk's Office

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



HEARING DATE: July 21, 2020  
TO: Mayor & City Council  
FROM: Bill Parsons, Current Planning Supervisor  
208-884-5533  
Bruce Freckleton, Development Services Manager  
208-887-2211  
SUBJECT: H-2019-0133  
Lupine Cove  
LOCATION: 4000 N. McDermott Rd., in the NW ¼ of Section 33, Township 4N., Range 1W.



**I. PROJECT DESCRIPTION**

*NOTE: On April 28, 2020, City Council remanded this project back to Planning and Zoning Commission to provide a recommendation on a revised preliminary plat and landscape plan. Staff has updated the staff report in a strike-through and underline format to represent the proposed changes to the plans. Originally, Staff and the Commission had recommended denial based on previous versions of the plans. With the revisions to the plans, Staff is recommending approval of the project. Staff's recommended development agreement provisions and conditions of approval are provided below.*

Annexation of 7.09 acres of land with an R-8 zoning district and Preliminary Plat consisting of twenty-six~~eight~~ (26~~8~~) buildable lots, six~~seven~~ (6~~7~~) common lots and two (2) other lots on 7 acres of land in the proposed R-8 zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	7 acres	
Future Land Use Designation	Medium Density Residential (MDR) (3-8 units/acre)	
Existing Land Use	Residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR) development	
Current Zoning	RUT in Ada County	
Proposed Zoning	R-8	
Lots (# and type; bldg/common)	<del>268</del> buildable; <del>67</del> common & <del>2</del> other	
Phasing plan (# of phases)	1	
Number of Residential Units (type of units)	<del>257</del> new and 1 existing (SFR detached homes)	
Density (gross & net)	<del>3.714</del> gross/ <del>7.46</del> net	
Open Space (acres, total [%] / buffer / qualified)	Based on the applicant's calculations <del>0.834</del> of an acre ( <del>12.0544.7%</del> ) is being proposed.	

Amenities	Children's play equipment <del>and gazebo and basketball court</del>	
Physical Features (waterways, hazards, flood plain, hillside)	The Five Mile Creek/McFadden Drain runs along the northern and eastern boundary of this site.	
Neighborhood meeting date; # of attendees:	August 28, 2019; 9 attendees	
History (previous approvals)	None	

B. Community Metrics

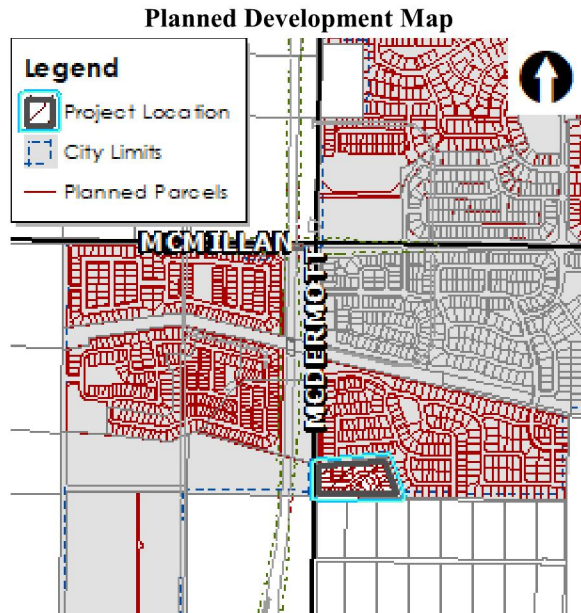
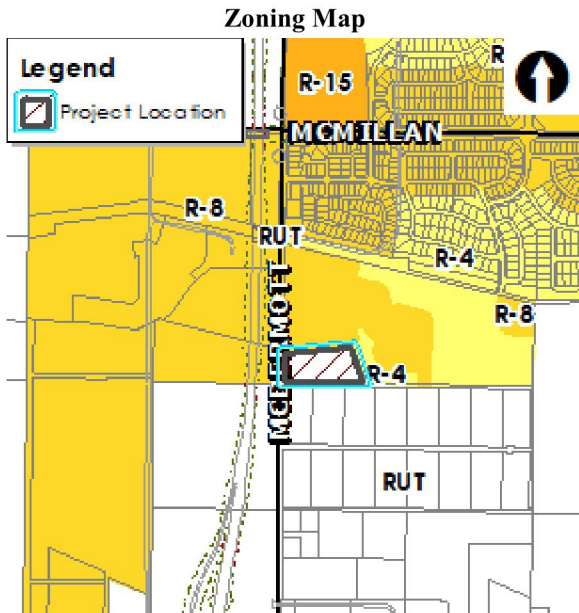
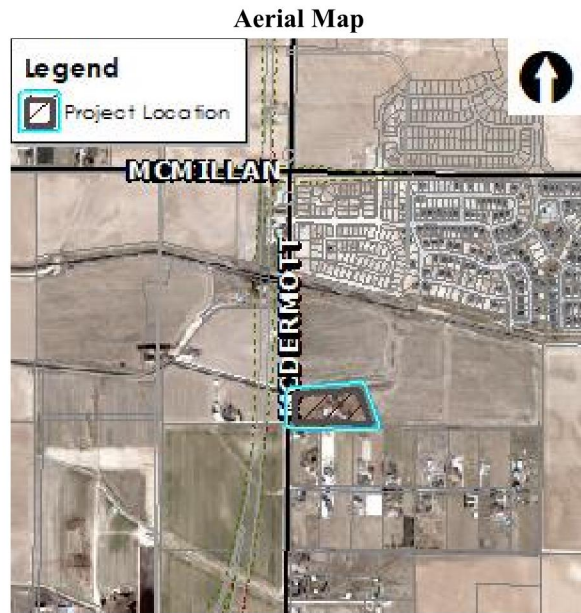
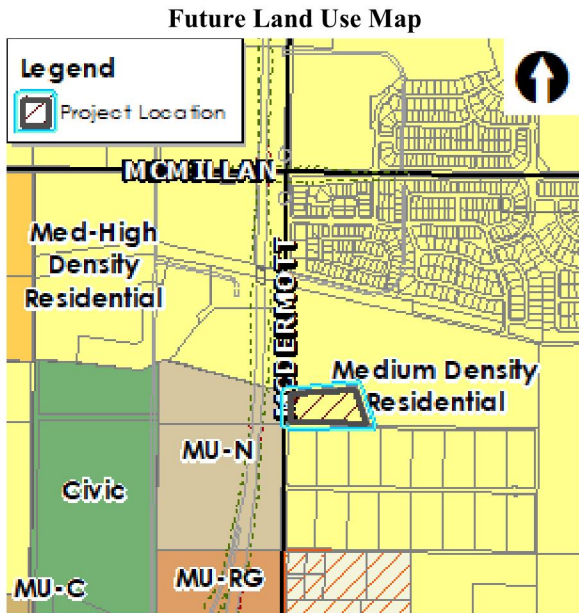
Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) access proposed via N. McDermott Rd., a collector street	
Traffic Level of Service		
Stub Street/Interconnectivity/Cross Access	A stub street was required to the subject property from the Aegean Subdivision to the north. <u>The revised plan depicts the extension of the stub street,</u> <del>but the plan as submitted doesn't contemplate extension with this development.</del> A stub street is proposed at the south boundary.	
Existing Road Network	None	

Fire Service		
• Distance to Fire Station	3 miles from Fire Station #2	
• Fire Response Time	5 minutes under ideal conditions; can meet the response time goals	
• Resource Reliability	81% from Fire Station #2 – does meet the target goal of 80% or greater	
• Risk Identification	Risk factor of 2 – current resources would <i>not</i> be adequate to supply service to this project (see comments in Section VIII.C)	
• Accessibility	Project meets all required access, road widths and turnarounds	
• Special/resource needs	An aerial device is not required; the closest truck company is 12 minutes travel time (under ideal conditions) – Fire Dept. can meet this need in the required timeframe if needed.	
• Water Supply	Requires 1,000 gallons per minute for 1 hour; may be less if buildings are fully sprinklered	
• Other Resources	NA	
Police Service		
• Distance to Police Station	8.5 miles	
• Police Response Time	5:30 minutes	
• Calls for Service	241 for Reporting District M719 (1/1/2019 – 12/31/2019)	
• Accessibility	No issues with the proposed access	
• Specialty/resource needs	This proposed development is on the edge of the city limits. The Meridian Police Department already serves this area with the Oaks Development and Jump Creek. As of now no additional resources are needed at this time. Once all the surrounding developments build out such as Gander Creek, Aegean Estates and Owyhee High School it will require future additional police resources in this geographic area.	
• Crimes	241 (1/1/2019 – 12/31/2019)	
• Crashes	3 (1/1/2019 – 12/31/2019)	
• Other	The Meridian Police Department has no outstanding issues concerning this development application.  All qualified open space provided in the development, to include all amenities, must be in an open area in order to allow for natural observation opportunities. Pathways and landscaping should not create hiding spots or blind spots that would promote criminal opportunities.  The Meridian Police Department will support all Community Development Staff recommendations, Traffic Impact Studies from ITD and or ACHD to improve access, roadways, intersections, pathways and sidewalks before the project if fully completed.	
Wastewater		
• Distance to Sewer Services	Directly adjacent to McDermott Road	
• Sewer Shed	North McDermott Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.81	

<ul style="list-style-type: none"> <li>• Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Impacts/Concerns</li> </ul>	The maximum slope of sewer mainlines is 5.0% due to limitations on our collections televising equipment. Please revise sewer grade between existing SSMH (within McDermott) and the upstream manhole, SSMH A1.	
<b>Water</b>		
<ul style="list-style-type: none"> <li>• Distance to Water Services</li> </ul>	0 feet	
<ul style="list-style-type: none"> <li>• Pressure Zone</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Estimated Project Water ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>• Water Quality Concerns</li> </ul>	Yes - this development results in a long deadend water main which may result in poor water quality. This deadend won't be eliminated until the Count parcels to the south are developed.	
<ul style="list-style-type: none"> <li>• Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Impacts/Concerns</li> </ul>	The water mainline in McDermott Road must be extended to the southern property line extended. Water mainline sizes were not indicated on the plans, however the McDermott line must be 12-inch diameter and the Lupine Lane line as shall be 8-inch diameter.	



C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Penelope Constantikes, Riley Planning Services  
PO Box 405  
Boise, ID 83701

B. Owner:

Justin Fishburn

4000 N. McDermott Rd.  
Meridian, ID 83646

C. Representative:

Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published in newspaper	5/29/2020	7/3/2020
Radius notification mailed to property owners within 300 feet	5/26/2020	7/1/2020
Public hearing notice sign posted on site	6/5/2020	7/8/2020
Nextdoor posting	5/27/2020	7/1/2020

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

*(Note: This project was submitted prior to the new Comprehensive Plan being adopted; therefore, this project is being evaluated under the previous Plan.)*

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Medium Density Residential (MDR).

The purpose of the MDR designation is to allow small lots for residential purposes within City limits. Uses may include single-family homes at gross densities of 3 to 8 dwelling units per acre. As noted above, the submitted plat consists of 268 building lots on approximately 7 acres of land which is 3.714 dwelling units to the acre. Staff finds the proposed density is within the density parameters of the MDR land use designation.

The following Comprehensive Plan Policies are applicable to this development:

- “Support a variety of residential categories (low-, medium-, medium-high and high-density single-family, multi-family, townhouses, duplexes, apartments, condominiums, etc.) for the purpose of providing the City with a range of affordable housing opportunities.” (3.07.01E)

*The proposed single-family detached homes will contribute to the variety of residential categories in the City; Staff is unaware how “affordable” the units will be.*

- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)

*City services are available and will be extended by the developer to the proposed lots upon development of the site in accord with UDC 11-3A-21.*

- “Require useable open space be incorporated into new residential subdivision plats.” (3.07.02A)

***The proposed plat depicts a total of 0.831 of an acre (or 12.054.7%) of qualified open space. To increase the usability of the open space, staff recommends that the applicant relocate the temporary turnaround proposed on Common Lot 10 on the east side of Lupine Lane, however much of the qualified open space is ether developed with imperious surface or ponds which lacks creativity in the design per the purpose statement in UDC 11-6A-1. The applicant has redesigned the open space***

- “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)

*On the south boundary are rural county lots in excess of 4 acres. **The applicant has not provided any real transitional lot sizes along this boundary. The two (2) most impacted rural lots have a 5:1 and 3:1 lot ratio respectively.***

- “Require new urban density subdivision which abut or are proximal to existing low density residential land uses to provide landscaped screening or transitional densities with larger, more comparable lot sizes to buffer the interface between urban level densities and rural residential densities.” (3.05.02F)

**Staff does not believe the transition proposed is adequate to the rural residential lots to the south. Commission should determine if the applicant’s revisions to plan provide a transition as desired by the Comprehensive Plan.**

- “Review new development for appropriate opportunities to connect local roads and collectors to adjacent properties (stub streets).” (3.03.020)

*A stub street was approved at the north boundary of this property with the Aegean Subdivision preliminary plat which is required to be extended on this property with development. This street ~~would~~ provides local street access to this development in accord with UDC 11-3A-3. **The proposed plat does not depict a stub street in the location of the stub street approved with the Aegean Subdivision.***

- “Incorporate creek corridors as an amenity in development design.” (5.09.01E)

*The City’s mapping depicts the Five Mile Creek on the north boundary and the McFadden Drain on the east boundary of the development. **The submitted plans depicts minimal improvements or enhancements in these areas. Staff believes these areas should be improved as an amenity for the development. Both the Parks Department and NMID are not opposed to a pathway in the easement area, however the City’s master pathways plan does not specifically call out one in this area. NMID is amenable to a pathway if the City is willing to amend the master agreement with the district. The Parks Department has indicated a pathway is not desired at this location and one is not required to be constructed with this development. The applicant is proposing to enhance this area with native grasses to preserve as many trees as possible to leave the area undisturbed and natural. This area is designated as common lots so the maintenance of the area is the responsibility of the HOA. Staff is supportive of this area remaining in a natural state however, the applicant should construct an internal pathway network through the internal common lots internal to the development that ties in the creek area for residents use as a recreational amenity (see analysis below for more information).***

- “Develop and implement programs to encourage and promote tree health and preservation throughout the City, including along waterways and within proposed development.” (5.01.01E)

*The subject property contains many mature trees that will be retained or removed with development of the subdivision. The previous landscape plan indicates that 1,958 caliper inches of mature trees exist on the site. Many of them will be removed for various reasons. **The plan indicates of the 1,958 caliper inches, only 184 caliper inches will be mitigated and 134 caliper inches of existing will be retained on the site. If The plat were has been designed with less density, so staff believes more of the existing mature trees can ~~could~~ be preserved with the development. The applicant is indicated that the landscape plan will be updated with a new mitigation plan prior to the City Council hearing.***

Staff believes the ~~proposed~~ revised development plan is generally consistent with the vision of the Comprehensive Plan in regards to land use, open space, connectivity and density; ~~However,~~ **because the plat still lacks transitional lots sizes on the south boundary.**

**VI. UNIFIED DEVELOPMENT CODE ANALYSIS**

**A. ANNEXATION & ZONING**

The Applicant requests annexation of 7.09 acres of land, which includes land to the section line of N. McDermott Rd., with an R-8 zoning district consistent with the Medium Density Residential (MDR) Future Land Use Map (FLUM) designation in the Comprehensive Plan. The legal description and exhibit map for the area proposed to be annexed is included in Section VIII.A below.

**Proposed Use:**

The Applicant proposes to develop the site with 257 new single-family detached homes; the existing home is proposed to remain on a lot in the proposed subdivision.

Single-family detached dwellings are listed as a principal permitted use in the R-8 zoning district per UDC Table 11-2A-2.

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation area is included in Section VII.A. **A development agreement is not being recommended as part of the annexation request because staff is recommending denial.**

**B. PRELIMINARY PLAT**

The proposed preliminary plat consists of 268 buildable lots (include the lot where the existing home is proposed to remain) and 67-common lots and 2 other lots on 7 acres of land in the proposed R-8 zoning district. Lots range in size from 4,353,500 to 13,924,126,74-square feet (s.f.). The plat is proposed to develop in one phase.

**Existing Structures/Site Improvements:**

There is one (1) existing home and some accessory structures on this site; the existing home is proposed to remain on Lot 113, Block 2 – all accessory structures that don't comply with the setbacks of the district are required to be removed prior to signature on the final plat by the City Engineer. If the annexation and subdivision is approved, the existing residence should connect to City services and obtain a new address with development of the property.

**Dimensional Standards:**

Compliance with the dimensional standards listed in UDC Table 11-2A-6 for the R-8 district is required. The minimum property size in the R-8 district is 4,000 square feet with a minimum street frontage of 40 feet. All of the lots conform the dimensional standards in UDC Table 11-2A-6.

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

One access is proposed via N. McDermott Rd., a collector street; local street access is not available to this property at this time, however a local stub street was planned from the Aegean Subdivision to the north. The applicant is ~~not~~ proposing the extension of the roadway for interconnectivity between the two developments in accord with the Plan and UDC. ~~due to the cost associated with crossing over the Five Mile Creek for the extension of the roadway. ACHD did not require half the cost of the crossing from the developer of the Aegean project. Therefore, the crossing half the cost would be absorbed by the subject developer with long term maintenance by ACHD. ACHD is requiring the extension of the road consistent with their policy. Staff believes these two projects should be connected with a public street connection.~~

UDC 11-3A-3 requires access to local streets when available and the Comprehensive Plan requires interconnectivity and the extension of stub streets with development. The stub street to the north is not shown on the proposed plat which is not consistent with the UDC or the Plan.

The local street being proposed (Lupine Lane) does stub at the south boundary. This street does not meet the naming convention of the City and "Lane" should be removed from the street name as this nomenclature is reserved for private streets, not public streets. **The street does exceed 150 feet, therefore a temporary turnaround is required. The applicant is proposing to construct a temporary turnaround on a common lot (Lot 10, Block 2), which decreases the usability of the area. Staff recommends that the applicant construct the temporary turnaround on Lots 13 and 14 in the southeast corner of the development to increase the open space for development. The reason for this recommendation is to ensure open space for the development remains intact without placing a burden on the HOA to remediate the removal of the turnaround area. In discussions with ACHD, this would not violate any of their policies.**

In addition to the stub street not being extended, approximately half of the residential lots take access from common driveways. The long term maintenance of the common driveways will be the responsibility of the HOA. Further, Public Works Department is being less supportive of common driveways because of the separation requirements between the services. They also oppose the extension of any mains (water or sewer) in said driveways as currently proposed by the applicant.

~~Per UDC 11-6A-1, one of the objectives of subdividing land is to promote the extension public streets to improve vehicular network. Staff finds excluding the extension of the stub street and the excessive number of common driveways does not meet this objective of the subdivision regulations in the UDC.~~

#### Pathways (UDC 11-3A-8):

There are no pathways depicted on the Pathways Master Plan for this property. **As noted above, the applicant is making an attempt to incorporate the irrigation facilities into the boundary of the plat. This area will remain a natural waterway that will be maintained by the future HOA. Staff believes the applicant could enhance this development if an internal pedestrian network were provided in the development. Staff recommends that the applicant include a 5-foot wide pathway within the following common lots - Lot 5 and Lot 10 AND provide another micropath lot at south boundary of Lot 14 in the SEC of the development. Further, the 5-foot wide pathway in Lot 10 should stub to southern property boundary for pedestrian connectivity when the property to the south re-develops.** The applicant is proposing a mireopath (Lot 7, Block 2) along the south boundary, preserving pedestrian connectivity in the future. Common Lot 7, Block 2 must be developed in accord with UDC 11-3A-8 and UDC 11-3B-12.

#### Sidewalks (UDC 11-3A-17):

A 5-foot wide detached sidewalk is required along the frontage of this site adjacent to N. McDermott Rd. The proposed plat depicts the 5-foot wide sidewalk outside of the required landscape buffer adjacent to McDermott Road. The applicant should relocate the sidewalk in the 35-foot wide landscape buffer to ensure compliance with the UDC. The plat as submitted complies with this requirement of the UDC.

#### Landscaping (UDC 11-3B):

A 35-foot wide street buffer is required along N. McDermott Rd. (measured from back of curb), landscaped per the standards in UDC Table 11-3B-7C. The proposed landscape plan depicts the buffer in a common lot as required by the UDC and landscaped in accord with UDC 11-3B-7C.

Landscaping is required in common open space areas in accord with the standards listed in UDC 11-3G-3E. Trees are proposed far exceeding UDC standards.

**Tree mitigation is required in accord with the standards listed in UDC 11-3B-10C. As noted above, the property contains many mature trees that are proposed to be removed or retained as part of**

the project (approximately 1,958 caliper inches). With the redesign of the plat, the applicant intends to retain more of the mature trees on the site as desired by the City. However, the revised landscape plan does not depict the number of caliper inches that may be retained as part of the development. The applicant has informed staff that it is their desire to update the plan with the mitigation plan prior to the City Council hearing. Staff is amenable to this request and recommends that 10 days prior to City Council hearing, the applicant should provide a revised landscape plan that includes the caliper inches that are to be retained and removed as part of the development. Further, this should be ~~The applicant is proposing to retain 134 caliper inches in the form of existing trees and mitigate 184 caliper inches. The remaining 1,320 caliper inches are not being mitigated. UDC 11-3B-10C.5(a) requires 100% replacement of the caliper inches. The mitigation plan as proposed by the applicant depicts mitigation of 184 caliper inches which does not comply with UDC standards. The applicant should~~ coordinated with the City Arborist ~~on the mitigation plan~~ to ensure the development can accommodate as many caliper inches as possible.

**Qualified Open Space & Site Amenities (UDC 11-3G):**

Because the area of the preliminary plat is approximately 7 acres in size, the qualified open space and site amenity standards listed in UDC 11-3G-3 apply. The applicant is proposing to approximately 0.83 of an acre of qualified open space in accord with UDC standards. However, as noted above, staff has concerns with the temporary turnaround on Common Lot 10. If the temporary turnaround encumbered buildable lots as recommended above, there would be more useable open space provided within the development. Further, staff is recommending that the applicant provide an additional amenity in the form of an internal walking path system to integrate the irrigation facilities into the proposed development (see pathway analysis above). With the relocation of the turnaround and the inclusion of the internal walking paths, staff is supportive of the open space and amenities proposed for the development.

The applicant has also indicated that a tot lot is proposed on Common Lot 10 however, the revised plan does not provide any details of this amenity. During the public hearing the applicant should clarify if a tot lot is proposed for this development. If one is proposed, the applicant should revise the landscape plan to include details of this amenity. ~~The applicant has provided an open space exhibit to show how she derived at the qualified open space for the development. In reviewing the submitted plan, some of the areas, the applicant is counting towards qualified open space does not meet UDC standards as follows:~~

- ~~1. Lot 7, Block 2 is not landscaped in accord with UDC 11-3B-12.~~
- ~~2. Lot 6, Block 1 is not improved with an amenity (parking lot does not count as an amenity) or meet the dimensional standards (50' X 100') to count towards qualified open space.~~
- ~~3. Lot 15, Block 2 is proposed to be developed with ACHD temporary turnaround. This area must be removed from the open space calculations. If this area is not dimensioned 50' x 100' with the removal of imperious surface, this area does not meet the City's open space standards.~~
- ~~4. Lot 13, Block 1 depicts a pond greater than 25% of the common lot and does not meet UDC standards in accord with UDC 11-3G-3B.7 and 8.~~
- ~~5. Lot 1, Block 1 is not included in the open space calculation. If this area was enhanced and improved in accord with City and the irrigation standards and integrated in the subdivision design as envisioned by the Comprehensive Plan, the applicant could include this lot in the open space calculations. Without this lot, staff finds that the qualified open space proposed with this project does not comply with the standards set forth in UDC 11-3G-3.~~

Amenities for the development include a gazebo, tot lot and basketball court in excess of UDC standards.

**Waterways (UDC 11-3A-6):**

The Five Mile Creek/Mcfadden Drain runs along the northern and eastern perimeter of the property. The applicant is seeking Council waiver to allow the irrigation facilities remain open. This area will be contained in common lot to be owned and maintained by a future HOA. Further, the applicant is proposing to hydroseed this area with native drought tolerant fescue to enhance the area. Although it will not be improved with a pathway, staff finds that the proposed vegetation and retention of existing trees will complement the development and may provide passive open space to be used by future residents who are fond of wildlife viewing.

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

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-6 and 11-3A-7. The master fence plan complies with UDC standards.

The landscape plan submitted with the application details the fencing proposed for the project. Six-foot tall vinyl fencing is proposed along the west, south and a portion of the north boundary. The portion of 6-foot solid fencing along the north boundary is adjacent to a common lot and cannot be 6-foot tall solid fencing as proposed by the applicant. **The fencing along the entire north boundary of the buildable lots, including Lot 14 and 15, Block 1, must be constructed as a 6-foot tall semi-privacy fence** as proposed along the interior common lots within the subdivision.

Six-foot tall semi-privacy fencing is proposed along the internal common lots and the northern boundary of Lots 16-22, Block 1 in accord with UDC standards.

**Utilities (UDC 11-3A-21):**

Connection to City water and sewer services is proposed in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. *See Section VIII.B below for Public Works comments/conditions.*

**Pressurized Irrigation System (UDC 11-3A-15):**

An underground pressurized irrigation (PI) system is required to be provided for each lot within the development as set forth as set forth in UDC 11-3A-15. If a PI pump station is required on the developed property, such station shall be on a lot solely dedicated to that pump station and shall be owned by the entity that owns and maintains the PI system as set forth in UDC 11-3B-6E.

**Storm Drainage (UDC 11-3A-18):**

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

Storm drainage will be mitigated with private drainage ponds at the end of the proposed common driveways and public street drainage is proposed to accommodate in common Lots 2 and 13, Block 1. Because ACHD drainage ponds are proposed within common lots, the proposed ponds must be designed in accord with UDC 11-3B-11 or removed from the open space calculations.

**Building Elevations:**

Conceptual building elevation photos were submitted for the proposed homes, as shown in Section VII.E. Building materials are proposed to consist of a mix of stucco, wood, and stone wainscot. Field and trim materials are distinguished by color and texture; window and door openings are accentuated with trim.

Because the rear and/or side of 2-story structures on lots that abut N. McDermott Rd. will be highly visible, Staff recommends those elevations 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.*

## VII. DECISION

### A. Staff:

Staff recommends ~~approval~~denial of the proposed Annexation and Preliminary Plat in accord with the Findings in Section IX.

### B. The Meridian Planning and Zoning Commission heard these items on June 18, 2020. At the public hearing, the Commission voted to recommend approval of the subject AZ and PP requests.

1. Summary of Commission public hearing:
  - a. In favor: Penelope Constantikes and Derritt Kerner
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: Sue Wag
  - e. Staff presenting application: Bill Parsons
  - f. Other Staff commenting on application: Adrienne Weatherly
2. Key issue(s) of public testimony:
  - a. Will the proposed development affect the wells and water quality of the Apple Valley residents.
3. Key issue(s) of discussion by Commission:
  - a. Lot transition on the south boundary
  - b. Coordination with NMID on allowing the walking path connections to the Five Creek/McFadden Drain easement area
  - c. Relocation of the temporary turnaround on lots 13 and 14
  - d. Future extension of the stub street on the south boundary
4. Commission change(s) to Staff recommendation:
  - a. Struck condition 2e and 3c requiring the relocation of the temporary turnaround on buildable lots on the east side of Lupine Lane
  - b. Modify condition of approval 2b. requiring the pathway connections to the irrigation facilities if allowed by the NMID
5. Outstanding issue(s) for City Council:
  - a. Applicant is seeking Council waiver to keep the waterways (Five Mile Creek/McFadden Drain) open in accord with UDC 11-3A-6.

### C. The Meridian City Council heard these items on July 21, 2020. At the public hearing, the Council moved to approve the subject AZ and PP requests.

1. Summary of the City Council public hearing:
  - a. In favor: Penelope Constantikes
  - b. In opposition: None
  - c. Commenting: Gennie Fishburn
  - d. Written testimony: None
  - e. Staff presenting application: Bill Parsons
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
  - a. None



3. Key issue(s) of discussion by City Council:
  - a. Fencing along the open waterway(s).
  - b. Landscaping proposed in the NMID easement area.
  - c. Methods for restricting access from residents recreating in the NMID easement area.
4. City Council change(s) to Commission recommendation:
  - a. Council granted the waiver to allow the Five Mile Creek/McFadden Drain to remain an open waterway in accord with UDC 11-3A-6.

VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

*Accurate Surveying & Mapping*

A Professional Corporation  
1602 W. Hays St., Suite 306  
Boise, ID 83702  
www accuratesurveyors.com



Land Description - Annexation

A parcel of land being a portion of the Southwest Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho being more particularly described as follows:

**BEGINNING** at the found 2-inch aluminum cap monument in asphalt labeled PLS 7729 at the ¼ corner common to Sections 32 and 33 in said township from which the found 3-½ inch brass cap monument in asphalt with illegible labeling at the section corner common to Sections 28, 29, 32 and 33 in said township bears N 00° 32' 36" E a distance of 2633.71 feet;

Thence N 00° 32' 36" E along the section line and along the centerline of N. McDermott Road for a distance of 334.34 feet to a found 5/8<sup>th</sup> inch iron pin upon which a 2-inch aluminum cap labeled PLS 11463 was placed;

Thence N 85° 03' 27" E along the centerline of the McFadden Drain (aka Teeter Drain) for a distance of 751.67 feet to a found 5/8<sup>th</sup> inch iron pin with a plastic cap labeled PLS 13256;

Thence S 19° 45' 03" E along said centerline and its extension for a distance of 435.77 feet to a found 5/8<sup>th</sup> inch iron pin upon which a 2-inch aluminum cap labeled PLS 11463 was placed;

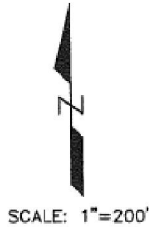
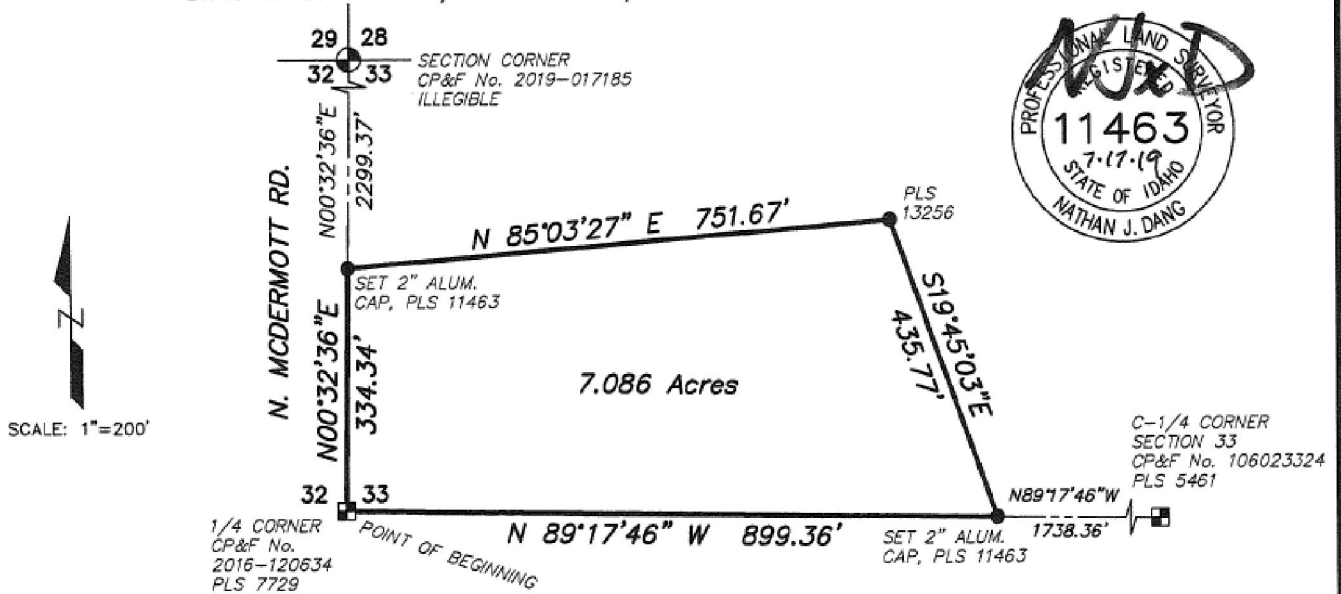
Thence N 89° 17' 46" W along the center section line for a distance of 899.36 feet to the **POINT OF BEGINNING.**

Parcel contains 7.086 acres, more or less.



# ANNEXATION MAP

4000 N. McDERMOTT RD. MERIDIAN ID. 83646  
 LYING WITHIN THE SW 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.1W., B.M.



**LEGEND**

- BOUNDARY LINE
- SECTION LINE
- FOUND 3 1/2" BRASS CAP MONUMENT IN ASPHALT
- FOUND 2" ALUMINUM CAP MONUMENT IN ASPHALT
- FOUND 5/8" IRON PIN, WITH PLASTIC CAP, OR AS NOTED

**BASIS OF BEARING**  
 N 00°32'36" E BETWEEN FOUND MONUMENTS AT THE 1/4 CORNER COMMON TO SECTIONS 32 & 33, AND THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32, & 33.

**Accurate Surveying & Mapping**

1602 W. Hays Street #306  
 Boise, Idaho 83702  
 (208) 488-4227  
 www.accuratesurveyors.com  
 DATE: JULY, 2019 JOB 19-178







D. Conceptual Building Elevation Photos



Item #8.





**IX. CITY/AGENCY COMMENTS & CONDITIONS (~~NO CONDITIONS OF APPROVAL DUE TO STAFF'S RECOMMENDATION OF DENIAL~~)**

**A. PLANNING DIVISION**

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

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

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VIII and the provisions contained herein.
  - b. The rear and/or sides of 2-story structures on Lots 2-4, Block 1 and Lots 2, Block 2 that face N. McDermott Road 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.
2. The preliminary plat included in Section VII.B, dated 05/14/2020, shall be revised as follows:
- a. Add a note to the final plat that prohibits direct lot access to N. McDermott Road.
  - b. Add a micropath lot on the south boundary of Lot 14, Block 1 in the SEC of the development in accord with UDC 11-3A-8 and 11-3B-12, if allowed by NMID.
  - c. The internal streets proposed within the development shall comply with the street naming standards in Title 8.
  - d. The existing residence on Lot 13, Block 2 shall connect to City services and obtain a new address with development of the property.
  - e. ~~The temporary turnaround on Common Lot 10 shall be relocated on the east side of Lupine Lane and encumber buildable lots.~~
3. The landscape plan included in Section VII.C, dated ~~05/20/2020~~ 07/13/2020, shall be revised ~~ten (10)~~ days prior to the City Council hearing as follows:
- a. The applicant shall coordinate with the City Arborist on the tree mitigation plan to ensure the development can accommodate as many caliper inches as possible.
  - b. The applicant shall construct a 5-foot wide pathway within Common Lots 5 and 10 AND provide another micropath lot at south boundary of Lot 14 in the SEC of the development, if allowed by NMID. Further, the 5-foot wide pathway in Common Lot 10 must stub to southern property boundary for pedestrian connectivity when the property to the south develops.

- ~~e. The temporary turnaround area on Common Lot 10 shall be landscaped in accord with UDC 11-3G-3E.~~
- ~~d. During the public hearing the applicant shall clarify if a tot lot is proposed for this development. The applicant shall provide a detail of the children's play structure proposed on Common Lot 10.~~
- 4. Future development shall be consistent with the R-8 dimensional standards listed in UDC Table 11-2A-6.
- 5. 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.
- 6. Applicant shall construct homes consistent with the homes elevation in Exhibit VII (D).
- 7. Developer shall comply with all ACHD conditions of approval.
- 8. The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
- 9. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility for compliance.
- 10. 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.  
**NOTE: The applicant is seeking City Council waiver to leave the adjacent waterways open. The City Council approved the Five Mile Creek and McFadden Drain to remain open.**

**B. PUBLIC WORKS**

**1. Site Specific Condition of Approval**

- 1.1 The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid with the first final plat application.
- 1.2 The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement Fees in the amount of \$185.43 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid with the first final plat application.
- 1.3 As designed, the water mainline will be a long dead-end main, which may result in poor water quality. This dead-end situation won't be eliminated until the parcels to the south are developed.
- 1.4 The water mainline in McDermott Road must be extended to the southern property line extended. Water mainline sizes were not indicated on the preliminary development plans, however the McDermott mainline must be 12-inch diameter and the Lupine Lane mainline shall be 8-inch diameter.

- 1.5 The maximum slope of sewer mainlines is 5.0% due to limitations on our collections televising equipment. Please revise sewer grade between existing SSMH (within McDermott) and the upstream manhole, SSMH A1.
- 1.6 The geotechnical investigative report prepared by SITE Consulting, LLC indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes, and that storm drainage systems function properly. Applicant shall be required to submit updated groundwater monitoring data and any new geotechnical investigative information that has been derived since the initial investigation efforts of April 20, 2019.

## **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 than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 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-foot wide for a single utility, or 30-foot 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used

for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.

- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.14 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.15 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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.

- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
- 2.21 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.
- 2.22 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=181295&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=182011&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=182431&dbid=0&repo=MeridianCity>

**F. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=181358&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=181368&dbid=0&repo=MeridianCity&cr=1>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=183096&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=183480&dbid=0&repo=MeridianCity>

**X. FINDINGS**

**A. Annexation and/or Rezone (UDC 11-5B-3E)**

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

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

*The Council finds the proposed development is consistent with the vision of the Comprehensive Plan in regards to land use, open space, transportation and density however, the plat lacks transitional lots sizes on the south boundary. (See section V. above for more information.)*

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

*The Council finds the proposed map amendment and development complies with the purpose statements of the residential districts in that it will contribute to the range of housing opportunities for the community consistent with the Comprehensive Plan.*

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

*The Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential uses should be compatible with adjacent existing and future residential uses in the area, if transitional lot sizes are provided along the south boundary.*

**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 City services are available to be provided to this development.*

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

*The Council finds the proposed annexation is in the best interest of the City as the proposed development is consistent with the Comprehensive Plan and UDC standards.*

**B. Preliminary Plat (UDC 11-6B-6)**

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

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

*The Council finds the proposed plat is generally in conformance with the Comprehensive Plan and UDC if the Applicant complies with the conditions of approval in Section VIII.*

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

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

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

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

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

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

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

**6. The development preserves significant natural, scenic or historic features.**  
*The Council finds there are natural features (Five Mile Creek and McFadden Drain) that need to be preserved and enhanced as part of the development.*