

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



In the Matter of the Request for Development Agreement Modification (Instrument #114030972) and to allow Preliminary Plat consisting of 94 single family lots, 92 townhouse lots and 26 common lots on 24.54 acres in the R-15 zone, by Engineering Solutions LLP.

Case No(s). H-2020-0093

For the City Council Hearing Date of: December 22, 2020 (Findings on January 5, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 22, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 22, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 22, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 22, 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 December 22, 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 Preliminary Plat and Development Agreement Modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of December 22, 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. **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 December 22, 2020

By action of the City Council at its regular meeting held on the 5th day of January, 2021

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

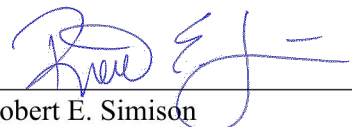
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison

Attest:



Chris Johnson
City Clerk



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

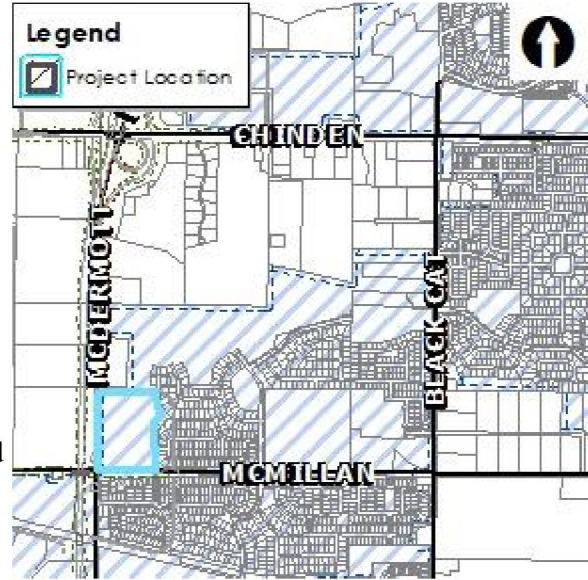
By: Charlene Way Dated: 1-5-2021
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 12/22/2020
 TO: Mayor & City Council
 FROM: Alan Tiefenbach
 208-489-0573
 SUBJECT: H-2020-0093
 Oakwind Estates Subdivision – PP and MDA
 LOCATION: Northeast Corner of N. McDermott Road and W. McMillan Road



I. PROJECT DESCRIPTION

Preliminary Plat (PP) proposal consisting of 94 single family lots, 92 townhouse lots, 3 common driveways and 26 common lots on 24.54 acres in the R-15 zone. A concurrent development agreement modification (Instrument #114030972) is submitted to change the development plan from multifamily and self-storage uses to the single family and townhome uses being proposed with the subject project. NOTE: The Oaks development agreement governs a larger area that what is being proposed with this development application. Therefore, the subject modification will exclude the subject property from the boundary of the overall DA, so the applicant can enter into a new DA with provisions that are relevant to the proposed development.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	24.54	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Single Family Residential	
Lots (# and type; bldg./common)	94 single family lots, 92 townhouse lots, 3 common driveways and 26 common lots	
Phasing Plan (# of phases)	Two Phases	
Number of Residential Units (type of units)	186 – 94 SFR detached and 92 townhomes	
Density (gross & net)	7.58 du / acre gross, 10.13 du / acre net	
Open Space (acres, total [%]/buffer/qualified)	4.97 acres total, 4.16 acres (16.95%) qualified open space.	

Description	Details	Page
Amenities	Pathways, central lawn, playground, fire pit, outdoor kitchen and shelter, additional qualified open space > 20,000 sq. ft.	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	Oct 10, 2019, 2 attendees	
History (previous approvals)	Oakcreek AZ 08-004, Oaks North- RZ-13-015, PP-13-0014, MDA-13-015 & DA Instrument #114030974; and Oakwind H-2018-0119. The previous Oakwind development is not moving forward because the applicant failed to execute the amended development agreement. The new proposal is intended to supersede the previous approval.	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	Yes	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	2 local streets, Cherrybrook Drive and Daphne Street, will connect to N. Trident Way, which connects to W. McMillan Rd (arterial).	
Traffic Level of Service	D	
Existing Road Network	No existing internal roads.	
Existing Arterial Sidewalks / Buffers	McDermott Road – Undeveloped (no sidewalks or buffers) McMillan Road – Undeveloped (no sidewalks or buffers)	
Proposed Road Improvements	Applicant required to construct all internal roads. 10' wide walkway and installation of curb and gutter along N. McDermott and W. McMillan.	
Distance to nearest City Park (+ size)	+/- 2 ½ miles, Seasons Park, Keith Bird Legacy Park	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	3.5 miles	
<ul style="list-style-type: none"> Fire Response Time 	> 5 minutes	
<ul style="list-style-type: none"> Resource Reliability 	86%	
<ul style="list-style-type: none"> Risk Identification 	1	
<ul style="list-style-type: none"> Accessibility 	Roadway access, radio coverage	
<ul style="list-style-type: none"> Special/resource needs 	No aerial device necessary	
<ul style="list-style-type: none"> Water Supply 	1,000 gpm	
<ul style="list-style-type: none"> Other Resources 	None needed	
Police Service		
<ul style="list-style-type: none"> Distance to Police Station 	8 miles	
<ul style="list-style-type: none"> Police Response Time 	> 5 minutes	
<ul style="list-style-type: none"> Calls for Service 	102 within one mile	
<ul style="list-style-type: none"> % of calls for service split by priority 	47% P2, 53% P3	
<ul style="list-style-type: none"> Accessibility 	Satisfactory.	
<ul style="list-style-type: none"> Specialty/resource needs 	None necessary.	
<ul style="list-style-type: none"> Crimes 	14	
<ul style="list-style-type: none"> Crashes 	3	

Description	Details	Page
<ul style="list-style-type: none"> Other Reports 	85	
West Ada School District		
<ul style="list-style-type: none"> Impacted Schools 	Pleasant View ES - 1.8 Miles Star MS – 7.2 Miles Meridian HS – 5.5 Miles	
<ul style="list-style-type: none"> Capacity of Schools 	Pleasant View ES - 650 Star MS – 1000 Meridian HS – 2075	
<ul style="list-style-type: none"> # of Students Enrolled 	Pleasant View ES - 356 Star MS – 701 Meridian HS – 1975	
<ul style="list-style-type: none"> Estimated New Students Generated by Development 	Pleasant View ES - 60 Star MS – 30 Meridian HS – 40	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	0	
<ul style="list-style-type: none"> Sewer Shed 	N. McDermott Trunkshed	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See application	
<ul style="list-style-type: none"> WRRF Declining Balance 	13.97	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
Water		
<ul style="list-style-type: none"> Distance to Water Services 	0	
<ul style="list-style-type: none"> Pressure Zone 	1	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality 	No concerns	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	* Water main should be removed from McDermott Rd. * Water main in Daphne St should be 12", the main shall extend west and stub at McDermott Rd * Alley with both water and sewer shall be 20' wide with 5' easements on either side to a total of 30'. * Each phase of the development will need to be modeled to verify minimum fire flow pressure is maintained.	

C. Representative:

Becky McKay, Engineering Solutions LLP – 1029 N. Rosario St. Ste 100, Meridian ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/16/2020	
Radius notification mailed to properties within 300 feet	10/13/2020	
Public hearing notice sign posted on site	10/27/20	
Nextdoor posting	10/13/2020	

V. STAFF ANALYSIS

This proposal includes platting the subject property to allow 94 single family lots, 92 townhouse lots, 3 common driveways and 26 common lots on 24.54 acres previously conceptually approved to develop with multifamily and self-storage uses. This proposal includes amending the existing development agreement (Instrument #114030972) that only allows multifamily and self-storage on this property. This subdivision is proposed to develop in two (2) phases as shown on the preliminary plat.

In 2008, the subject property received annexation approval (AZ-08-004) for a large master planned residential development (Oak Creek AZ 08-004 and PP-08-003). The original annexation included 318.74 acres, although at the time only 139 lots on 30.72 acres at the SW corner of McMillan Road and Black Cat Road were proposed for platting (including the subject property). This was because city services were only available to this area with the expansion of the Black Cat trunk. The annexation included development agreement instrument # 109009629 (agreement later terminated and replaced with the agreement noted below).

In 2013, the subject property was rezoned to the R-15 zone and was included as a portion of the Oaks North Subdivision. The Oaks North Plat included a lot for both the multifamily and self-storage uses. The lot that was to develop with multi-family was required to at a density range between 8-15 du / acre and the self-storage was allowed on 7.83 acres on the southern portion of the property subject to further approvals per the recorded DA.

In 2018, the 16.71 acre multifamily lot was proposed to be rezoned from R-15 to R-8 to develop eighty-two (82) single-family detached dwellings on lots ranging in size from 5,400 square feet to 8,600 square feet with an average lot size of 5,843 square feet (the Oakwind Subdivision H-2018-0119). This proposal included yet another amendment to the existing development agreement to remove the multifamily uses. This proposal was recommended for approval by the January 17, 2019 Planning Commission, but was withdrawn by the applicant in June of 2019 before proceeding to the City Council. Accordingly, the Oaks North Plat and DA #114030972 still govern this property.

A. Development Agreement Modification (MDA)

The Applicant proposes to revise the following sections of Development Agreement Instrument # 114030972:

- 5.1.4 “Development of the multi-family lots requires conditional use permit approval. The density range in these areas shall be 8 to 15 dwelling units to the acre.”

Proposed for deletion.

- 5.1.9 “The proposed outdoor storage is an accessory use in the R-15 district for the benefit of the proposed residential developments and shall not operate as a stand-alone commercial business. Development of this lot shall not commence until the Owner/Developer obtains certificate of zoning compliance and design review approval of the storage facility.”

Proposed for deletion.

- 5.1.12 “The Owner/Developer shall provide a method for notifying home owners of the future multi-family developments proposed with the Oaks North and Oaks South developments as determined by the Planning Division Manager.”

Proposed revision would strike the reference to the Oaks North.

- B. *Staff supports a modification to the development agreement. As described below, the result would still be a diversity in housing, with a significant amount of useable open space. However, since the development agreement applies to the entire Oaks North and South (of which this property is only a small part) staff believes it would be better to leave the existing development agreement as is and create a new development agreement for this property.* Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

The site is designated MDR (Medium Density Residential), which allows smaller residential lots. Uses may include single-family homes at gross densities of 3 to 8 dwelling units or less per acre (du./acre).

The applicant proposes to develop this 24.54-acre site with 94 single family lots and 92 townhouse lots at a gross density of 7.58 dwelling units per acre (d.u./acre) consistent with the MDR FLUM designation.

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

(Staff analysis is in italics after the cited policy)

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

94 single family homes are proposed on the northern portion of the development on lots between 3,000 square feet and 5,500 square feet, with the average lot size being 3,700 square feet. The southern portion is proposed to develop with 92 townhomes on lots between 2,100 square feet and 3,200 square feet, with the average townhouse lot being 2,481 square feet. With the Oaks North and South Subdivisions being comprised of 963 single family lots with lot sizes averaging 10,000 sq. ft. +/-) this proposal for smaller lot sizes and single family attached provides the “missing middle” housing encouraged by the Comprehensive Plan.

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

As mentioned above, this proposal would allow for a more diverse type of housing.

- 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).

This new subdivision provides a 10’ wide pathway along W. McDermott Rd. and a 10’ wide pathway along W. McMillan Rd. A 5’ wide pathway bisects the proposed development north

– south and links to a 10’ wide pathway connecting the future Gem Innovation School to the Oaks North development. The townhouses are organized along mews with pathways and open space dividing the townhouse rows into groups of 5 and 7 units.

The proposed plat depicts a total of 4.16 acres (or 16.95%) of qualified open space, much of which is usable, and amenities consisting of a central open grassy area, community playground, fire pit, outdoor kitchen and shelter. The development as proposed would result in a pedestrian-friendly community that links to surrounding development and provide quality open space for the residents.

- “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. A regional sewer lift station and pressure sewer line were installed with the Oaks South Subdivision, extending east on McMillan Road and then south on Black Cat Road to the North Black Cat Lift Station. Oakwind Estates (this development) will connect to an existing 15-inch gravity sewer main line in N. Trident Way. An 8-inch sewer main line will be constructed and will be stubbed through a common lot to McDermott Road for future service to the west. The applicant will be required to extend the 12-inch water main located at the intersection of McMillan and McDermott Roads north along the development’s McDermott frontage.

This development cannot be served by Meridian Fire within the 5-minute response time but does meet the resource reliability goal of greater than 80%. Extended response times put the residents and first responders at a higher risk. More than one point of access is available to this property as N. Trident Way and W. Milano Dr. (which provides access to W. McMillan via N. Rustic Oak Way) have already been constructed and stubbed to the subject property as part of the Oaks North No. 1.

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

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

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

The proposed street network stubs two streets to the east – W. Cherrybrook Dr. and W. Daphne St. - which connect to N. Trident Way. N. Trident Way terminates at W. McMillan Rd to the south and W. Milano Dr. in the Oaks North development to the north. This proposal would not provide direct access to an arterial nor would it increase the number of access points to nearby collectors or arterials.

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 proposed density of 7.5 du / acre meets the Comprehensive Plan’s recommendation of 3-8 dwelling units per acre, and provides a diversity of housing anticipated by the Plan for this area. However, staff notes townhouse lots as small as 2,200 sq. ft. are directly across the

street from lots in the Oaks North No. 1 Subdivision which are between 8,000 square feet and 9,100 sf. ft. The applicant has noted Toll Southwest LLC (the owner) is also the developer of the Oaks North No. 1 to the east, and the subject property is part of this larger development.

D. Existing Structures/Site Improvements:

There are no existing structures presently on the property.

E. Proposed Use Analysis:

The applicant proposes single-family detached and townhome dwellings which are listed as a principal permitted use in the R-15 zoning district per UDC Table 11-2A-2.

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

The preliminary plat and future development is required to comply with the dimensional standards listed in UDC Table 11-2A-7 for the R-15 district. All lots meet the minimum 2,000 sq. ft. requirements, and future structures should comply with the minimum setbacks of the district.

UDC 11-6C-3- regulates block lengths for residential subdivisions. Staff has reviewed the submitted plat for conformance with these regulations. The intent of this section of code is to ensure block lengths do not exceed 750 feet, although there is the allowance of an increase in block length to 1000 feet if a pedestrian connection is provided. Two pedestrian connections and a common open space area bisect the lots along N. McDermott Rd. in Block 1 with the longest block face being 628 feet.

G. Access (*UDC 11-3A-3, 11-3H-4*):

This development is estimated to generate 888 additional vehicle trips per day. ACHD previously reviewed this site as part of The Oaks Subdivision in December 2013 and as Oakwind Subdivision in February 2018. ACHD has noted their requirements will remain the same for this project, as the number of lots as proposed would likely be less dense than the 3 multifamily lots that were approved with the previous proposal.

There are presently no local roadways within the site. This proposal includes 2 local streets - Cherrybrook Drive and Daphne Street - that are proposed to stub to the site's east property line. This would connect to N. Trident Way (approved and constructed as part of the Oaks North), which would route traffic to W. McMillian Rd. The applicant also proposes to provide alley-loaded access to townhouses in Block 3 by constructing a 20-foot wide paved alley that runs east/west between Marysville Way and Palustris Way. The proposed new access points are consistent with Comprehensive Plan action item 6.01.02B which restricts access points on arterial streets.

W. McMillan Rd. to the south and McDermott Road to the west are improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. An interim signal is planned to be installed at the W. McMillan Rd / N. Black Cat Rd. intersection in the next two years. Future improvements to W. McMillian Rd include widening W. McMillan Rd to 3-lanes from McDermott Road to Black Cat Road and installing a roundabout at this intersection. Future plans for N. McDermott Rd. include widening to three lanes. At the request of ACHD, the applicant is required to dedicate right-of-way and improve both roads along the frontages. Improvements include a 10' wide walkway along both roads and installation of curb and gutter.

Per ACHD, Marysville Street and Palustris Avenue are proposed to be greater than 750-feet in length and will need to be redesigned to reduce the length of the roadways or to include the use of passive design elements. Stop signs, speed humps/bumps and valley gutter are not accepted as

traffic calming. Prior to City Council, the applicant should be required to submit a revised preliminary plat showing the redesigned roadways and approved by ACHD.

Finally, UDC 11-3H states residential development along McDermott Road from Chinden Blvd to I-84 is required to provide noise abatement by constructing a berm or a berm and wall combination a minimum of ten feet (10') higher than the elevation at the centerline approximately parallel to W. McDermott Rd. The landscape plan does not reflect this improvement. As a condition of approval, staff recommends the applicant submit a landscape plan which meets the requirements of UDC 11-3H-4D prior to City Council.

H. Common Driveways (UDC 11-6C-3):

The proposed preliminary plat shows three common driveways (Lots 17, 47 and 73 Block 1). Lots 17 and 47 will each serve three single family residences, and Lot 73 will serve 4 single family attached units. The common driveways meet the minimum width of twenty feet (20'), and none of the driveways exceed the maximum allowed length of one hundred fifty feet (150').

A perpetual ingress/egress easement for the common driveway(s) is required to 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. A copy of the easement should be submitted to the Planning Division prior to signature on the final plat.

I. Parking (UDC 11-3C):

Off-street parking is required to be provided for single-family attached and detached dwellings based on the number of bedrooms per unit (i.e. 2, 3 and 4 bedroom units require 4 per dwelling unit with at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10' x 20' parking pad) in accord with the standards listed in UDC Table 11-3C-6. All elevations show at least two car garages, and the landscape plan shows parking pads of least 20' x 20' in front of the single family attached.

The applicant has provided a parking exhibit for the single family attached portion of the project (southern portion). The parking plan provides a 33' local street section which allows for additional on-street parking. It is important to note this on-street parking does not count toward meeting minimum requirements. ACHD and Meridian Fire have both reviewed the plan and have not expressed concerns.

J. Pathways (UDC 11-3A-8):

As mentioned in the Comprehensive Plan analysis above, this new subdivision provides a 10' pathway along W. McDermott Rd., a 10' pathway along W. McMillan Rd. and 5' micro-pathways interspersed throughout the development. As required by UDC 11-3A-8, all micro-pathways are within lots of at least 15' in width and contain landscape strips of at least 5' in width with at least 100 tree per hundred linear feet as required by UDC 11-3B-12.

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

Attached sidewalks are proposed throughout the development on both sides of all roads and meet the minimum widths of UDC 11-3A-17.

L. Parkways (UDC 11-3A-17):

No parkways are proposed with this development.

M. Landscaping (UDC 11-3B):

The proposed landscape plan meets the requirements of UDC 11-3B. 15 species of trees are provided where at least 5 different species are required. All proposed trees meet the minimum

sizes as indicated in Table 11-3B-5-2. A 35’ wide landscape buffer is proposed along N. McDermott Rd as is required for an entryway corridor, and a 35’ wide buffer is shown along W. McMillan Rd. whereas 20’ would be required. The minimum landscape buffer density of 1 tree per 35’ linear feet is exceeded, and all pathways include the minimum 5’ landscape strip on each side of the pathway. Several landscaped common open spaces are provided including a central park of approximately 1 acre. Finally, landscaped mews of at least 20’ are provided along the front of each single family attached unit, all containing a pathway and trees.

The proposed landscape plan contains a note which indicates no trees exist on site and therefore tree preservation or mitigation does not apply.

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

The development proposes 4.16 acres (16.95%) of qualified open space. This includes several grassy areas larger than 50’ x 100’, pathways along all the landscape buffers, micro-pathways internal to the development and along mews fronting the single family attached, and a one-acre park central to the development. The development proposes quality open space which exceeds the requirements.

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

The proposal includes a one-acre park with a playground, fire pit, outdoor kitchen and shelter. In addition, 4.16 acres of qualified open space is proposed, which is 1.76 acres over the minimum requirement of 2.4 acres. (Additional qualified open space of at least twenty thousand (20,000) square feet is counted as an additional amenity.) The development exceeds the minimum requirements for qualified site amenities.

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

No waterways bisect this development.

Q. 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-7. A 6-foot tall solid vinyl fence is proposed along N. McDermott Rd. and W. McMillan Rd., and 4’ vinyl fencing is proposed along pathway connections, and common open areas as it allowed by UDC 11-3A-7-A.

As mentioned in the section regarding access above, noise abatement by constructing a berm or a berm and wall combination a minimum of ten feet (10’) is required along W. McDermott Rd. As a condition of approval, staff recommends the applicant submit a landscape plan which meets the requirements of UDC 11-3H-4D prior to City Council.

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

Connection to City water and sewer services is proposed. Street lighting is required to be installed in accord with the City’s adopted standards, specifications and ordinances.

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

Conceptual building elevation renderings were submitted for the future single family detached and townhomes within the development. Home styles for both types of home include the Bungalow, Farmhouse, and Craftsman. Materials include lap siding, pitched composite shingle roofs with gables, and vinyl windows. Several building types include exposed timber frame.

Overall, staff believes the architecture and materials are high quality but does have concerns. One concern is the length of the first story roofs on the single-family homes. It is staff’s opinion that these roofs should extend further over to the garage doors, or there should be another roof

element on the garage side of the house. Staff likewise has concerns with the porch roof elements that are over the doors on the townhouses and recommends these elements comprise a larger percentage of the townhouse façade.

Staff also has concerns with the length of the rooflines of several of the townhouse rows. As a condition of approval, staff recommends no single family attached roofline may exceed more than 50 (fifty) feet without providing variations in roof profile including but not limited at least two of the following: two or more visible roof planes; dormers, lookouts or, turrets. Townhouses will be required to be reviewed with a future design review process and will be required to meet the standards of the Architectural Standards Manual (ASM).

Also, because the rear and/or sides of 2-story homes will be highly visible from the arterial streets (i.e. N. McDermott and W. McMillan Rd.), staff recommends articulation is incorporated 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 that are visible from these roads. One story residences are exempt from this requirement.

VI. DECISION

A. Staff:

The proposed plat includes less density than what was originally approved, but still contains a diverse housing stock in terms of lot sizes, house sizes, and both detached and attached housing product. ACHD reviewed the impacts of earlier projects in this location which included more density and determined roads are either adequate or will be upgraded to satisfactorily serve the project. Water and sewer can be extended to the subject property. Finally, the qualified open space and amenities as proposed exceed the minimum requirements; the amount of qualified open space is almost double what is required, is central to the development and there are numerous pathways integrated into and out of the plat.

Staff recommends approval of the requested preliminary plat and creation of a new development agreement for this property with the conditions noted in Section VII. per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on November 5, 2020. At the public hearing, the Commission moved to recommend approval of the subject preliminary plat and development agreement modification request.

1. Summary of the Commission public hearing:

- a. In favor: Becky McKay, Engineering Solutions LLP
- b. In opposition: None
- c. Commenting: Becky McKay, Engineering Solutions LLP
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons

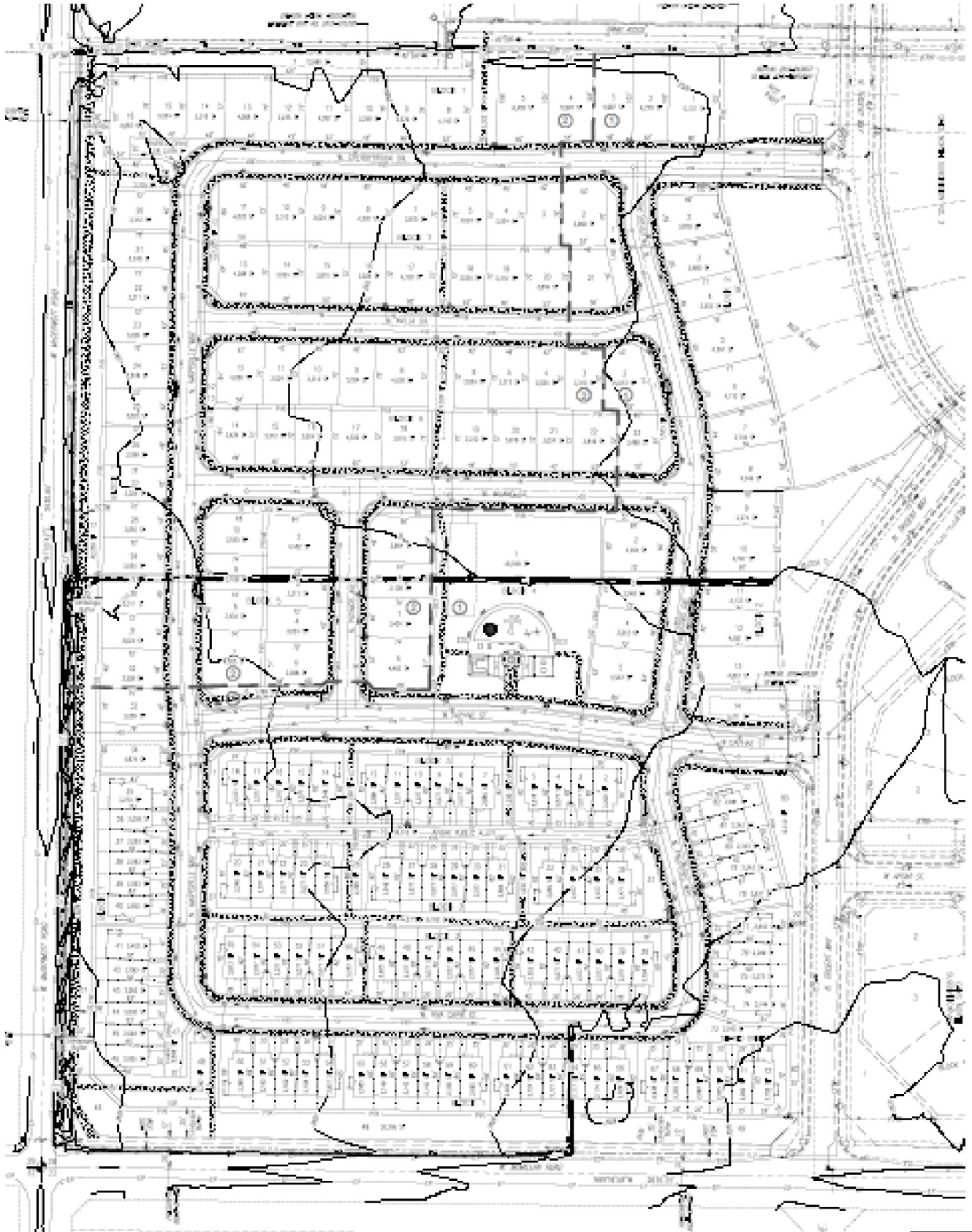
2. Key issue(s) of public testimony:

- a. None
- 3. Key issue(s) of discussion by Commission:
 - a. Inquired how much surrounding development had been built out.
 - b. Discussion regarding limiting shared drives to no more than 3 units.
 - c. Expressed concerns regarding additional parking in the townhouse portion.
 - d. Preferred additional open space for the townhouse portion.
- 4. Commission change(s) to Staff recommendations (A new plat, amenity exhibit, landscape plan and elevations have been updated with the staff report to reflect the changes required by the Commission and ACHD. The applicant has not provided additional open space or parking):
 - a. Recommended DA be modified to include a limitation to no more than 3 units on a common drive.
 - b. Recommended DA be modified to include revised conceptual plans that incorporate additional parking and open space for the townhouses.
 - c. Revised width of pathway along W. McMillian Rd from 10' to 5'.
- C. The Meridian City Council heard these items on December 22, 2020. At the public hearing, the Council moved to approve the subject development agreement modification and preliminary plat requests.
 - 1. Summary of the City Council public hearing:
 - a. In favor: Becky McKay, Deborah Nelson, Jason Jarvis
 - b. In opposition: None
 - c. Commenting: Becky McKay, Deborah Nelson, Jason Jarvis
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - 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. Discussed whether the applicant would be amenable to sprinklering given the Fire Dept response time.
 - b. Discussed whether there was enough parking provided.
 - c. Discussed past issues with too many lots served by common drives and whether they would be used for parking.

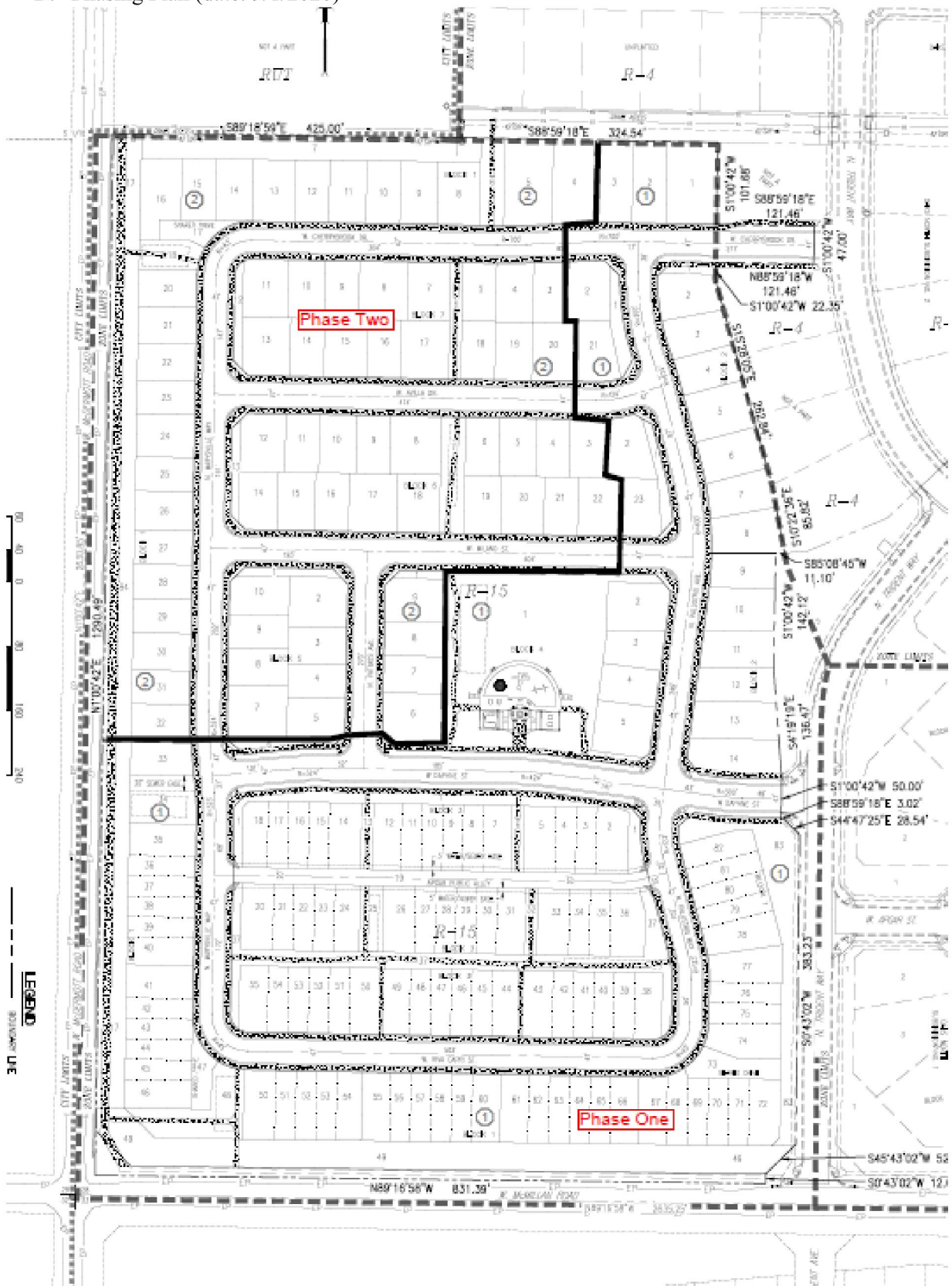
- d. Stated they did not believe the open space was convenient for the residents of the townhouses and inquired into why the pathway lots were so much wider at the northern portion of the development.
 - e. Discussed concerns that the applicant stated the entire development would be rentals.
 - f. Expressed disappointment that the applicant ignored the recommendations of the Planning Commission and was being inflexible.
4. City Council change(s) to Commission recommendation:
- a. Common driveways shall serve no more than 3 units total.
 - b. The north-south oriented pathways shown south of W. Daphne St shall be combined into one pathway of at least 30' in width, and a recreational amenity shall be provided at the intersection of the townhouse mews and the pathway.

EXHIBITS

A. Preliminary Plat (date: 9/1/2020 12/8/2020)



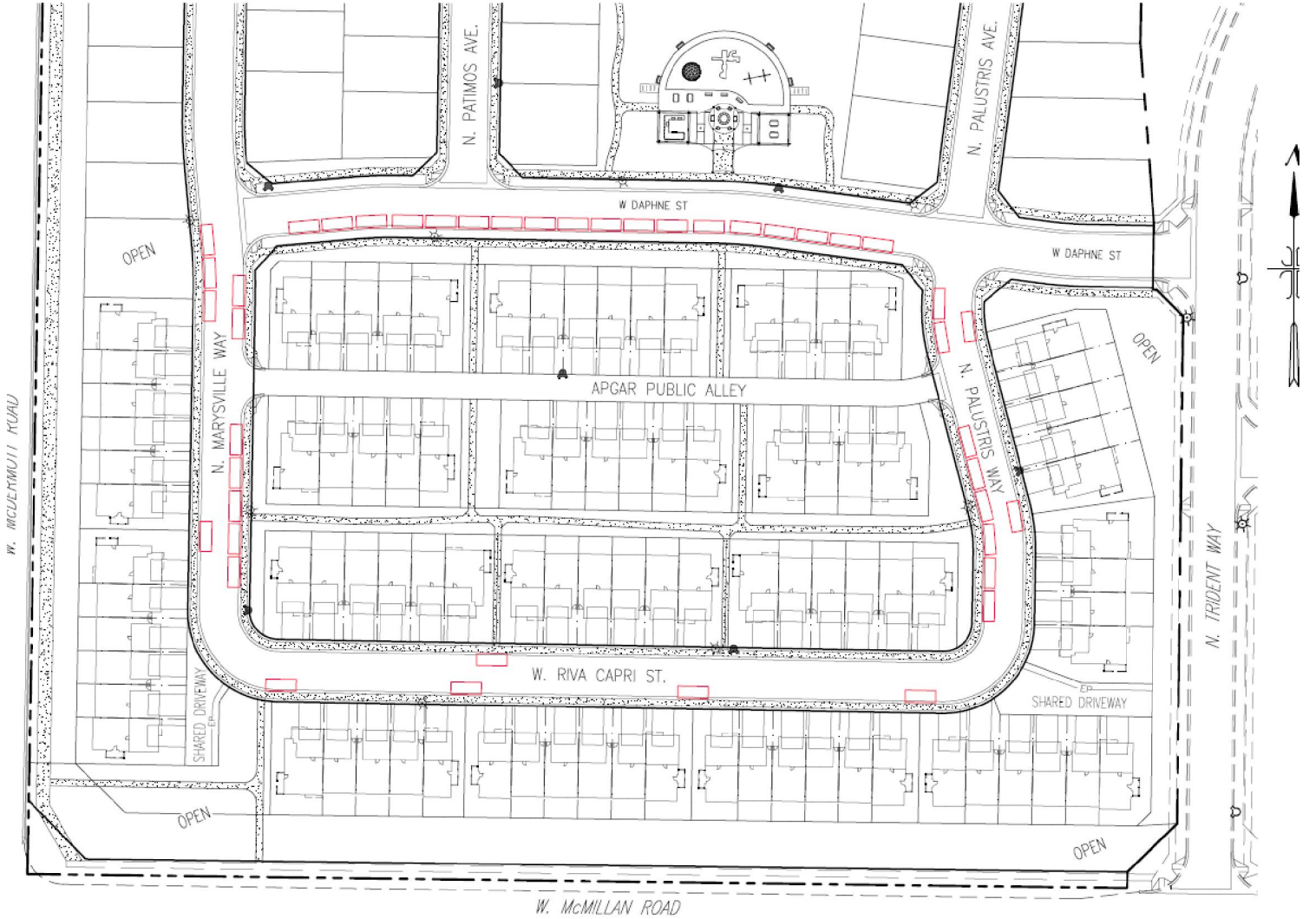
B. Phasing Plan (date: 9/1/2020)



E. Amenity Exhibit (date: 11/18/2020)



F. Townhouse Parking Plan



OAKWIND ESTATES PRELIMINARY PLAT
(TOWNHOUSE PARKING EXHIBIT)
1" = 100'

44± ON STREET PARALLEL PARKIN
9'W x 23'L

EXHIBIT - 1

F.1. Building Elevations (date: 11/5/2020 12/3/2020)



- LEGEND - BUILDING**
- Composite Shingle Roof (No Peak Trim)
 - Siding End Trim
 - Cementitious Lath Siding (8" Exposure at Siding End)
 - First Windows at Decorative Brackets
 - Wood / Cementitious Trim / Surround
 - 2x6 Wood Panels - Large Board
 - Flat Wood Cornice / Trim (Siding)
 - Fiberglass Cementitious Entry Door
 - Decorative Gravel Lights & Recessed Address Sign
 - Sidelight Wood Storage Door
 - Full Depth of Full Columns
 - Five Wood Cementitious Studs

PLAN 1B



- LEGEND - BUILDING**
- Composite Shingle Roof (No Peak Trim)
 - Siding End Trim
 - Cementitious Lath Siding (8" Exposure at Siding End)
 - First Windows at Decorative Brackets
 - Wood / Cementitious Trim / Surround
 - 2x6 Wood Panels - Large Board
 - Flat Wood Cornice / Trim (Siding)
 - Fiberglass Cementitious Entry Door
 - Decorative Gravel Lights & Recessed Address Sign
 - Sidelight Wood Storage Door
 - Full Depth of Full Columns
 - Five Wood Cementitious Studs

PLAN 2A



PLAN 3C



PLAN 3C

PLAN 2A

PLAN 1B

PLAN 4A

F.2.Revised Building Elevations (date: 11/5/2020)



FRONT ELEVATION - FARMHOUSE



FRONT ELEVATION - CRAFTSMAN



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

Item #9.

F.3 Revised Building Elevations (date: 11/5/2020)



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

I. Legal Description

Legal Description
Oakwind Estates

A parcel located in the SW ¼ of the SW ¼ of Section 28, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southwest corner of said Section 28, from which a Brass Cap monument marking the southeast corner of the SW ¼ (S ¼ corner) of said Section 28 bears S 89°16'58" E a distance of 2635.25 feet;

Thence N 1°00'42" E along the west boundary of said SW ¼ of Section 28 a distance of 25.00 feet to a point;

Thence leaving said west boundary S 89°16'58" E a distance of 25.00 feet to the **POINT OF BEGINNING**;

Thence N 1°00'42" E along a line being parallel to and 25.00 feet easterly of said west boundary of the SW ¼ a distance of 1290.49 the north boundary of said SW ¼ of the SW ¼;

Thence along said north boundary S 89°18'59" E a distance of 425.00 feet to a point;

Thence leaving said north boundary S 88°59'18" E a distance of 324.54 feet to a point;

Thence S 1°00'42" W a distance of 101.68 feet to a point;

Thence S 88°59'18" E a distance of 121.46 feet to a point;

Thence S 1°00'42" W a distance of 47.00 feet to a point;

Thence N 88°59'18" W a distance of 121.46 feet to a point;

Thence S 1°00'42" W a distance of 22.35 feet to a point;

Thence S 15°28'05" E a distance of 262.84 feet to a point;

Thence S 10°22'36" E a distance of 85.82 feet to a point;

Thence S 85°08'45" W a distance of 11.10 feet to a point;

Thence S 1°00'42" W a distance of 142.12 feet to a point;

Thence S 4°19'19" E a distance of 136.47 feet to a point;

Thence S 1°00'42" W a distance of 50.00 feet to a point;

Thence S 88°59'18" E a distance of 3.02 feet to a point;

Thence S 44°47'25" E a distance of 28.54 feet to a point;

Thence S 0°43'02" W a distance of 383.23 feet to a point;



Thence S 45°43'02" W a distance of 52.33 feet to a point;

Thence S 0°43'02" W a distance of 12.00 feet to a point;

Thence N 89°16'58" W along a line being 25.00 feet northerly of and parallel to the south boundary of said SW ¼ of the SW ¼ a distance of 831.39 feet to the **POINT OF BEGINNING**.

This parcel contains 24.54 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
September 1, 2020



CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

The subject property shall no longer be subject to the terms of the existing Development Agreement (DA) (Inst. #114030972) upon the property owner(s) entering into a new agreement. The new DA shall be signed by the property owner(s) and returned to the Planning Division within six (6) months of the City Council granting subject modification. Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The new DA shall incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the submitted plat, phasing plan, landscape plan, open space exhibit, amenities and conceptual building elevations for included in Section VII and the provisions contained herein.
 - b. The applicant shall construct the street buffers, pathways and sound attenuation wall along N. McDermott Rd. and W. McMillan Rd with the first phase of development.
 - c. The pathway along W. McMillan Rd shall be reduced from 10’ to 5’ in width.
 - d. No single family attached roofline may exceed more than 50 (fifty) feet without providing variations in roof profile including but not limited at least two of the following: two or more visible roof planes; dormers, lookouts or, turrets. Planning approval will be required at time of building permit.
 - e. The Development Agreement shall require the rear and/or sides of 2-story structures that face the arterial streets (i.e. N. McDermott and W. McMillan Rd.) to 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.
 - f. DA shall include a limitation to no more than 3 units on a common drive.
 - g. The north-south oriented pathways shown south of W. Daphne St shall be combined into one pathway of at least 30’ in width, and a recreational amenity shall be provided at the intersection of the townhouse mews and the pathway.
 - ~~h. DA shall include revised conceptual plans that incorporate additional parking and open space for the townhouses.~~
2. The preliminary plat included in Section VII.A, shall be revised ten (10) days prior to the Council hearing as follows:
 - a. Note #10: Revise to include Lot 84, Block 1 as a common lot to be owned and maintained by the Home Owners Association.
 - b. Marysville Street and Palustris Avenue will need to be redesigned to reduce the length of the roadways or to include the use of passive design elements. Stop signs, speed humps/bumps and valley gutter are not accepted as traffic calming. The applicant shall submit a revised preliminary plat showing the redesigned roadways and approved by ACHD prior to City Council.
 3. The landscape plan included in Section VII.B shall be revised ten (10) days prior to the Council hearing as follows:

- a. ~~The applicant shall revise the landscape plan to include a berm and sound attenuation wall along W. McDermott Rd as required in UDC 11-3H-4D. All required landscaping shall be on the west side of the wall.~~
- 4. ~~Prior to the Planning Commission, the Applicant shall revise the proposed elevations to extend the first floor rooflines on the single family residences further toward the garage or incorporate a similar element, and expand the porch roofs on the townhouses to include a larger percentage of the facade.~~
- 5. For lots accessed by common driveways, an exhibit is required to be submitted with the final plat application that depicts the setbacks, fencing, building envelope and orientation of the lots and structures. Driveways for abutting properties that aren't taking access from the common driveway(s) should be depicted on the opposite side of the shared property line away from the common driveway. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.
 - a. A perpetual ingress/egress easement is required to be filed with the Ada County Recorder for all common driveways, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. A copy of the easement should be submitted to the Planning Division prior to signature on the final plat.
- 6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-7 for all buildable lots.
- 7. 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.
- 8. All townhouses are required to complete design review approval prior to building permits.
- 9. Developer shall comply with all ACHD conditions of approval.
- 10. 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.
- 11. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility.

B. PUBLIC WORKS DEPARTMENT

1. Site Specific Conditions of Approval

- 1.1 The water main in W. Daphne Street needs to be 12-inch diameter. The water main shall extend west, and stub at McDermott Road.
- 1.2 Each phase will need to be modeled at Final Plat to verify there aren't any pressure issues.
- 1.3 Remove the water main in McDermott Rd
- 1.4 Confirm sewer mainline slope from SSMH TL-12 to the first new proposed Manhole (should be 0.04%). Need to ensure that property to the west has adequate depth for future development.
- 1.5 When there are four or more lots on a common drive, a mainline can be installed in lieu of extending service lines.

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 prior to receiving development plan approval.
 - 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
 - 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
 - 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
 - 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
 - 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
 - 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.

- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 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

Item #9.

Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. COMMUNITY DEVELOPMENT (SCHOOLS ANALYSIS)

[HTTPS://WEBLINK.MERIDIANCITY.ORG/WEBLINK/DOCVIEW.ASPX?ID=214998&DBID=0&REPO=MERIDIANCITY](https://weblink.meridiancity.org/Weblink/DocView.aspx?id=214998&dbid=0&repo=MeridianCity)

D. ACHD

<https://weblink.meridiancity.org/Weblink/DocView.aspx?id=214524&dbid=0&repo=MeridianCity>

D. MERIDIAN POLICE DEPARTMENT

<https://weblink.meridiancity.org/Weblink/DocView.aspx?id=203768&dbid=0&repo=MeridianCity>

E. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/Weblink/DocView.aspx?id=203794&dbid=0&repo=MeridianCity>

F. COMPASS

<https://weblink.meridiancity.org/Weblink/DocView.aspx?id=214349&dbid=0&repo=MeridianCity>

G. WEST ADA SCHOOL DISTRICT

<https://weblink.meridiancity.org/Weblink/DocView.aspx?id=214828&dbid=0&repo=MeridianCity>

VII. FINDINGS

Preliminary Plat (UDC 11-6B-6)

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

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

Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, transportation, and circulation. *Please see Comprehensive Plan Policies and Goals, Section VII, of the Staff Report for more information.*

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

Council finds that public services will be provided to the subject property upon development. (See the Comprehensive Plan analysis regarding serving development by critical public facilities as well as the section regarding urban infrastructure.

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;

Council relies upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.) to determine this finding. (See Exhibit B for more detail.)

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

Council is not aware of any health, safety, or environmental problems associated with the platting of this property that should be brought to the Council's attention. ACHD considers road safety issues in their analysis. Council considered any public testimony that was presented when determining whether or not the proposed subdivision may cause health, safety or environmental problems of which Council was unaware.

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

Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.