



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Kent Brown

Project No. 201301546 ZC-S-DA-DA M

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

A. The Board finds that the record is comprised of:

1. Exhibits to the Staff Report.
2. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
3. All other information contained in Ada County Development Services File for Project No. 201301546 ZC-S-DA-DA M.

B. As to procedural items, the Board finds the following:

1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on October 7, 2013.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on July 25, 2013.
3. On October 7, 2013, Development Services accepted Project #201301546 ZC-S-DA-DA M and scheduled it for public hearing before the Ada County Planning and Zoning Commission on December 5, 2013.

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4. On October 18, 2013, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
5. On November 6, 2013, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on November 20, 2013. Notices of the public hearing were posted on the property on November 26, 2013 and a certification sign posting was submitted to the director on November 29, 2013.
6. On December 5, 2013, the Commission tabled the application to their January 9, 2014 public hearing.
7. Notices of the public hearing were posted on the property on December 20, 2013 and a certification sign posting was submitted to the director on December 30, 2013.
8. On January 9, 2014, the Commission voted 4-0 to recommend approval of this application to the Board of Ada County Commissioners.
9. On January 15, 2014, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
10. On February 11, 2014, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in the The Idaho Statesman on February 25, 2014. Notices of the public hearing were posted on the property by March 2, 2014 and a certification sign posting was submitted to the director by March 5, 2014.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201301546 ZC-S-DA-DA M the following:

1. PROPOSED USES: A 164 lot subdivision with 155 residential lots and nine (9) common lots.
2. PROPOSED STRUCTURES: 155 single-family dwellings.
3. PROPOSED SITE IMPROVEMENTS: Sanitary sewer will be provided to the development by the Boise City Public Works Department. Municipal water will be provided to the development by United Water Idaho. Public streets will serve the development and be constructed to the Ada County Highway District standards. Drainage will be handled on-site and will be designed to the standards of all appropriate regulatory agencies.

D. Based on the materials found in the file for Project No. 201301546 ZC-S-DA-DA M, the Board finds the following concerning the project description:

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1. **PARCEL NUMBER AND LOCATION:** The parcel numbers are S1609223210, S1609223300, S1609231100, and S1609231150. The location of the property is located at 5997 E. Columbia Road, Boise, ID 83716 in Section 9, T. 2N, R. 3E.

2. **OWNERSHIP:** Boise II, LLC & Vernon and Cynthia Guyer Trust.

3. **SITE CHARACTERISTICS**

Property size: 41.73 acres.

Existing structures: There is a 1,476 square foot single-family dwelling with a 420 square foot attached garage and two (2) 720 square foot outbuildings.

Existing vegetation: Primarily volunteer grass and sagebrush.

Slope: The property is generally flat with slopes less than 15%.

Irrigation: The property is not within the jurisdictional boundaries of an irrigation district.

Drainage: The natural drainage pattern is towards the west and northwest. Drainage within the subdivision will go to a storm drainage pond.

Views: The property is generally visible from all directions.

E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:

The property is zoned Medium High Density Residential (R8), High Density Residential (R12), and Rural-Urban Transition (RUT). The property consists of a rural residence and land that was historically rangeland.

F. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the surrounding land use and zoning:

North: The site is single-family residential in the Painted Ridge Subdivision No. 1 and the United Water Idaho water treatment plant. The Painted Ridge Subdivision No. 1 is located in the Medium High Density Residential (R8) District. The United Water Idaho water treatment plant is located in the Rural-Urban Transition (RUT) District.

South: The site is rangeland located in the Rural-Urban Transition (RUT) District.

East: The site is rural residential in the Lucky Peak Subdivision located in the Rural-Urban Transition (RUT) District.

West: The site is rangeland located in the Rural-Urban Transition (RUT) District.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201301546 ZC-S-DA-DA M, the Board finds the following concerning services:

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Access Street and Designation: Access is off of E. Columbia Road, E. Green Ridge Street, and S. Red Cliff Avenue. E. Columbia Road is designated as a collector, but is envisioned to be a residential arterial in the future. E. Green Ridge Street and S. Red Cliff Avenue are designated as local streets.

Fire Protection: Whitney Fire District.

Sewage Disposal: Boise City Public Works Department.

Water Service: United Water Idaho.

Irrigation District: None.

Drainage District: None.

H. As to the applicable law, the Board finds the following:

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Board finds that the **Boise City Comprehensive Plan as adopted by Ada County** is applicable because the subject property is located within Boise City's Area of Impact. The Board finds the application complies with the **Boise City Comprehensive Plan as adopted by Ada County**. Regarding the Boise City Comprehensive Plan as adopted by Ada County the Board finds the following:

2.1 SEWER FACILITIES

Goal: Provide efficient, cost-effective and environmentally sound public central sewer collection and treatment facilities for all existing and future land uses within the city's area of impact.

The Board finds as evidenced in the application and the applicant's detailed letter (Exhibit #9) that the subdivision will connect to Boise City central sewer. The Boise City Public Works Department responded in Exhibits 24 and 47 that sanitary sewers are available in Painted Ridge Subdivision and Columbia Road to the north.

2.2 STORM DRAINAGE

Goal: Provide efficient, cost-effective and environmentally sound storm drain, flood control and treatment facilities to protect existing and future land uses, preserve public safety and protect surface and groundwater quality.

Objective 1: Ensure that adequate storm-drain and flood-control facilities are provided and properly maintained to protect from a 100-year storm in the Foothills, and from a 50-year storm in the remainder of the city, provide for surface flooding corridors for storm events of greater magnitude, and undertake a stormwater management program that meets or exceeds the standards of the National Pollution Discharge Elimination System.

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Policy 3: Require that adequate on-site treatment and/or storm-drain and flood facilities be constructed coincident with new development. The city shall make available standard plans for treatment and retention areas.

The Board finds as conditioned that the application and/or owner shall submit a drainage plan and obtain approval from the Ada County Engineer prior to development as a means to protect surface and groundwater quality.

2.4 DOMESTIC WATER

Goal: Ensure safe and adequate water supply, distribution, storage and treatment facilities to support water demand projected by planned land uses in the Boise Comprehensive Plan.

Objective 1: Ensure that new growth does not exceed adequate water supply and appropriate infrastructure levels. Appropriate water service shall require a minimum of 40 psi and a maximum of 85-90 psi, and fire flows of 1,500 gallons per minute.

Policy 3: Coordinate with private water providers and appropriate governmental agencies prior to approval of new development entitlements.

The Board finds that the applicant has stated in the detailed letter (Exhibit #9) that service stubs for United Water of Idaho have been stubbed to the property.

2.10 FIRE PROTECTION

Goal: Protect the community through a comprehensive fire and life safety program.

Objective 1: Maintain standards necessary to maintain an ISO Class 3 rating, including response distance standards, apparatus, staffing levels, training, water delivery system and the communication/dispatch system. Also promote and require installation of traffic signal control devices.

Policy 1: Provide fire station locations that comply with the 1.5 – mile response distance standards and/or 4-minute response standard, as provided in the Boise City Fire Department Master Siting Plan. Building sprinklering and other measures may be considered as an option, subject to approval by the Fire Department.

The Board finds that the subdivision is located in the Whitney Fire District. The closest fire station is Boise City Fire Station #12 located at 3240 State Highway 21, which is approximately 2.4 miles and four (4) minutes from the subdivision.

Policy 7: Plan and coordinate water delivery systems with United Water Idaho and other providers where applicable. Require all new development to provide minimum fire flow requirements as prescribed in the Uniform Fire Code.

The Board finds as conditioned that the development shall comply with minimum fire flow requirements as prescribed in the Uniform Fire Code.

2.14 PUBLIC SCHOOLS

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Goal: Support the maintenance and enhancement of the public educational system and place a strong emphasis on providing quality school facilities in conjunction with new development. Promote the concept of the neighborhood school as an ideal, with schools located and designed to function as focal points for family and community activity.

Objective 1: Support efforts of the school districts to ensure that adequate school sites are provided and that the intended capacity of schools is not exceeded.

Policy 1: Consider the impact of school enrollments and capacities when reviewing higher density infill projects, zone changes and land-use plan amendments.

The Board finds that the subdivision is located in the Boise School District. The Boise School District responded in Exhibits 25 and 48 that at the present time the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District.

3.2 WATER QUALITY

Goal: Maintain the existing high quality of surface and groundwaters, and ensure an adequate supply of water for the future.

Objective 1: Protect the quality of surface waters for appropriate beneficial uses by meeting or exceeding all federal and state standards.

Policy 1: Require all new developments to discharge storm water run-off either to future municipal water treatment facilities or to provide and maintain appropriate on-site treatment.

The Board finds as evidenced on the preliminary plat dated June 26, 2013 (Exhibit #12) that storm water will be collected in storm drain catch basins and routed to an on-site storm drain pond.

Objective 2: Meet or exceed federal and state standards for the quality and quantity of groundwater through appropriate land-use and development practices.

Policy 2: Prohibit septic systems for new urban development within the urban service boundary, except as otherwise provided for in the Public Facilities chapter and the Foothills Plan.

The Board finds that the subdivision is located in Boise City's Urban Service Planning Area and that the Boise City Public Works Department will be providing sanitary sewer to the subdivision.

5.1 PARKS AND RECREATION

Goal: Provide parks, open space, trails systems and recreational facilities for Boise residents; offer safe and efficient recreation programs and activities that meet needs and desires; and enhance urban appearance and environment through use of landscaping, trees and open space.

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Objective 3: Provide trails and pathways that are designed for single or multiple types of users, that create linkages to other areas and facilities and can provide non-vehicular options for travel throughout the community. Strive to provide multiple use recreation trails at a ratio of 0.41 miles per 1,000 population.

Policy 3: Developers shall comply with the pathway plans identified in the Ridge to River pathway plan and the Comprehensive Park and Recreation System plan by designating and preserving multiple-use paths and trails for public acquisition, by dedicating land exchanges or cluster development in exchange for density transfers, or by other development bonuses.

The Board finds that based upon the submitted preliminary plat dated June 26, 2013 (Exhibit #12), that the subdivision layout does not impact the Ridge to Rivers pathway plan. The subdivision layout has two (2) large common lots (Lot 1, Block 6) is approximately 32,587 square feet and (Lot 1, Block 10) is approximately 23,785 square feet. As conditioned, Lot 1 of Block 6 shall be included in the first final plat of Painted Ridge Subdivision No. 2 to provide an open space area for the existing Painted Ridge Subdivision No. 1 and the first phase of Painted Ridge Subdivision No. 2.

5.1 STREETS

Goal: Maintain the function of the street system for current users, emergency response efforts and for use by future generations.

Objective 3: Encourage completion of the existing street system and creation of new links, within reasonable constraints, as the transportation system develops.

Policy 5: New developments shall be required to stub access to adjacent undeveloped parcels, where appropriate.

Policy 6: All new development shall be reviewed for appropriate opportunities to connect to local roads and collectors in adjacent developments.

The Board finds that access to the subdivision is via E. Columbia Road. E. Columbia Road is designated as a collector, but is envisioned to be a residential arterial in the future. All internal roadways within the subdivision will be public. The development will include a connection to W. Columbia Road to the north along with the establishment of a residential collector street along the west side of the project. E. Deer Ridge Street is stubbed to the east. As shown on the revised preliminary plat (Exhibit #35) there are two (2) stub streets to the south from E. Forego Street. Two (2) micro paths from Black Gold Street are provided. E. Black Gold Street is stubbed to the eastern property line.

Objective 6: The owner or developer of all new developments located within incorporated Boise City limits and of all new subdivisions located within the Boise City impact area shall provide for street lights in accordance with the City's Street Light Placement Policy.

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Policy 1: Street lights shall be provided in local residential areas at a maximum spacing of 600 feet and at locations where street lighting will improve public safety. The 600 foot maximum criteria shall apply in areas of relatively straight and level streets that have no locations of obvious traffic conflict. Street intersections and other locations of potential pedestrian or vehicle hazards may require increased levels of street lighting.

The Board finds as conditioned that the Developer, Owner, or Homeowner's Association shall operate and maintain the subdivision's street lights until annexation by the City.

5.2 PATHWAYS

Goal: Provide, in conjunction with ACHD, ITD, Boise Parks and Recreation and others, a safe and effective network of recreational and transportation pathways throughout the planning area.

Objective 1: Implement pathway plans as quickly as funding permits while retaining flexibility in the location and implementation stages of pathway development.

Policy 1: Require the provision of pathways, when consistent with the Ada County Ridge-to-Rivers Pathway Plan and/or Boise Comprehensive Park and Recreation System Plan, in the following cases: a) In new projects, b) When improvements are made to existing bridges, roads, open space areas or other structures by public or private entities, c) If the area in question would provide an important link in the pathway network.

The Board finds that pedestrian access will be from the use of sidewalks located along the internal public roadways providing internal circulation throughout the development. In addition, sidewalks will also be constructed on E. Columbia Road and S. Amber Ridge Avenue. The revised preliminary plat (Exhibit #35) depicts two (2) micro paths from Black Gold Street to E. Forego Street providing greater pedestrian connectivity between Phase 4 and Phase 1 and Phase 3.

7.2 RESIDENTIAL SUBDIVISIONS

Goal: Create a community composed of neighborhoods in which services and amenities are convenient, visually pleasing and properly integrated and designed to encourage walking and cycling.

Objective 4: Reinforce the development of functional and visually appealing neighborhoods.

Policy 1: In order to better connect neighborhoods, require that street configurations involve the interconnection of individual streets.

The Board finds as conditioned, that the subdivision's internal street configuration will provide for interconnection to adjacent properties through stub streets.

Policy 4: Establish a continuous network of sidewalks, bicycle and/or pedestrian paths to establish internal and external linkages within the community.

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The Board finds as conditioned that sidewalks are required along all roadways providing internal and external linkages within the community.

Policy 8: Require that new developments place electrical, telephone, cable television, and other distribution lines shall be installed underground.

The Board finds as conditioned that new electrical, cable television, and other distribution lines shall be installed underground.

8.0 LAND USE

Goal: Achieve a city that minimizes suburban sprawl, that provides for a diverse mixture of lifestyles and atmospheres and a sense of place that varies throughout the different areas of the city, and that efficiently provides basic services and facilities in close proximity to where people live.

Objective 1: The land-use map and attendant policies shall be the official guide for development of the planning area and shall be implemented through zoning and development review.

Policy 4: Unless otherwise stated by a location-specific Planned Community or master plan policy, the land-use map density designations are considered to be maximums, not minimums.

Objective 6: Residential land-uses shall be designated to provide a variety of housing densities, product types and affordable costs, and shall be located and distributed in a manner that is compatible with adjacent uses and promotes transit and pedestrian activity.

Policy 2: Residential development projects greater than 10 acres shall be encouraged to provide a combination of product types and densities, rather than a single product type.

Objective 8: The Planned Community land-use designation shall be used to create cohesive developments that contain a combination of land uses, which protect unique land forms and provide creative designs and built environments.

Policy 2: The master plan for any Planned Community area must depict the general location and distribution of land-uses and public facilities, and must demonstrate compliance and consistency with all requirements of the Comprehensive Plan, including any site-specific requirements.

Objective 15: Land-use and development policies specific to the Southeast shall include the following:

Policy 2: The Columbia Planned Community area shall be developed according to the following principles:

- *Overall developed density of the Columbia area, including open space, roads and other uses, shall not exceed four units per gross acres.*

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- Residential densities shall be higher in areas adjacent to the Micron Tech Park, and other activity areas and shall seek to form a community center.
- The Planned Community area shall identify appropriate locations for neighborhood- and community-serving commercial uses, schools, fire stations and parks.
- Pedestrian pathways and bike lanes shall connect land uses within the Planned Community area.
- Land-use restrictions of the Airport Impact Area shall be adhered to.
- Groundwater restrictions of the Airport Impact Area shall be adhered to.
- Groundwater restrictions of the Southeast Groundwater Management Area shall be adhered to.
- Groundwater supplies of other areas shall not be jeopardized to serve the Columbia area; attainment of the maximum unit count for Columbia shall be contingent on adequate water sources.
- A master plan that demonstrates adherence to these principles shall be submitted to the Planning and Zoning Commission for approval prior to further entitlement in the Columbia area.
- Any master plan shall address a minimum of 100 acres.

The Board finds that the development is consistent with the land use goals, objectives, and policies. The subdivision is located in the Columbia Planned Community area of the southeast planning area. The density of the subdivision is 3.71 dwelling units per acre, which is consistent with the four (4) dwelling units per acre envisioned for this area. The development includes a mix of residential lots ranging from 4,007 square foot to over 9,000 square feet. Twelve (12) of the lots are alley loaded lots. The average lot size for the subdivision is 7,864 square feet. The applicant has stated in the detailed letter (Exhibit #9) that United Water is stubbed to the development.

2. The Board finds **Section 8-6-5 of the Ada County Code** is applicable because the applicant has applied for a subdivision. The Board finds that the application complies with **Section 8-6-5 of the Ada County Code**. Regarding Section 8-6-5 the Board finds the following:

1. *The design conforms to the standards established in Article A of this chapter;*
 - *Section 8-6A-1A – These standards shall be followed in all subdivisions regulated by this title. In addition, to these standards, all subdivisions shall meet the design standards of the applicable zoning district.*

The Board finds that the subdivision consists of land that is currently zoned Medium High Density Residential (R8), High Density Residential (R12), and Rural-Urban Transition (RUT). The applicant has applied for a zoning ordinance map amendment to rezone the ten (10) acres from the Rural-Urban Transition (RUT) District to the Medium High Density Residential (R8) District. It should be noted that 31.73 acres of the subdivision is within the Planned Unit Development Overlay District that was approved through Project #200700124 ZC-DA-S-PUD.

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The Board finds that the residential lots in the Medium High Density Residential (R8) District of the subdivision meet or exceed the minimum lot size of 5,000 square feet and the minimum roadway frontage of 50 feet.

The Board finds that the residential lots in the High Density Residential (R12) District of the subdivision meet or exceed the minimum lot size of 3,500 square feet and the minimum roadway frontage of 35 feet that is allowed under the Planned Unit Development Overlay District.

- *Section 8-6A-1B – Any proposed subdivision in areas of the county where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the county engineer, shall conform with the additional hillside regulations set forth in this title.*

The Board finds that the property where the subdivision is located has slopes that are less than 15%.

- *Section 8-6A-1C – Adequate means for eliminating unsuitable conditions must be approved by the county engineer in order to develop property that has been designated in the applicable comprehensive plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.*

The Board finds as conditioned that a drainage study and drainage plan will need to be submitted to the County Engineer in accordance with Section 8-4A-11 of the Ada County Code. The Ada County Engineer has reviewed the application and responded in Exhibits 33 and 49. She stated that she recommends approval of these documents and along with the Final Plat, a Drainage Study and Drainage Plan needs to be submitted in accordance with Ada County Code 8-4A-11.

- *Section 8-6A-1D – The limits of the subdivision shall encompass the full extent of the owner’s lot or “contiguous parcels”, as herein defined.*

The Board finds that per Ada County Assessor information, all contiguous properties owned by Boise II, LLC and Vernon & Cynthia P. Guyer Trust have been included in this subdivision.

- *Section 8-6A-1E – The decision making body may require modifications where, in its opinion, site planning has not sufficiently addressed the existing natural features.*

The Board finds that a natural features analysis covering the site was submitted during an earlier approved application (Project #200700124 ZC-DA-S-PUD). The Idaho Department of Fish and Game responded in Exhibit #31. In their letter the Idaho Department of Fish and Game stated that deer and pronghorn antelope are known to inhabit the general area of the proposed development. The Idaho Department of Fish and Game has provided a number of preventative measures to avoid conflicts with wildlife that can potentially harm wildlife and lead to

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property damage. They recommend that deer resistant landscaping be used in the development, including common areas, to reduce landscape depredation. They also want residents of the development to know that the area has been identified as wildlife habitat and that damage to property and landscaping is the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Wrought iron fences should be designed and constructed using the following guidelines: A minimum of 6 feet in height to deter deer and other wildlife from entering yards. Horizontal or vertical bars spaced closer than 4 inches apart or wider than 8 inches apart to avoid accidental wildlife entrapment. The top of the fence must include a continuous flat piece or straight edge top boards (no spikes, protruding objects or rails) to help prevent injury to wildlife. They also strongly recommend against chain link fencing anywhere in the development with the exception of enclosed dog runs within a fenced back yard as chain link fences have the potential to trap and injure deer, including impalement when deer attempt to jump over these fences. Fences using horizontal wires or rails can result in negative encounters between deer and fencing. Such fences constructed as property boundaries or for aesthetic purposes should have spacing between the top two horizontal wires or rails of at least 12 inches and 18 inches between the lower cross member and the ground, with a total height not exceeding 40 inches. The site planning for the subdivision addresses the existing natural features as there is a condition of approval to require plat notes regarding resident's responsibility for damage to property and landscaping and also fencing. In addition, there is a condition of approval for a landscaping plan for common areas that will need to include deer resistant landscaping.

- *Section 8-6A-2A – The length, widths, and shapes of blocks shall be determined with due regard to:*
 1. *Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirement as to property sizes and dimensions.*

The Board finds as conditioned that the subdivision provides adequate building sites for the proposed single-family dwellings because the lots comply with the dimensional standards allowed for the Medium High Density Residential (R8) District and dimensional standards allowed under the Planned Unit Development Overlay District for those lots in the High Density Residential (R12) District.

2. *Avoiding double front lots. If unavoidable, one of the frontages shall be restricted from access.*

The Board finds that based on the revised preliminary plat (Exhibit #35) that no double fronted lots exist.

3. *Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.*

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The Board finds that the need for convenient access, circulation, control, safety of street traffic, and the number of intersecting streets with arterials have been taken into consideration. The local streets connect to the street system in Painted Ridge Subdivision No. 1 and will intersect into the new collector street S. Amber Ridge Ave, which will intersect E. Columbia Road.

4. *The limitations and opportunities of topography.*

The Board finds that a natural features analysis covering the site was submitted during an earlier approved application (Project #200700124 ZC-DA-S-PUD). The subdivision has taken into consideration the limitations and opportunities of the topography on the site.

- *Section 8-6A-2B – Residential block lengths should be between four hundred feet (400') and six hundred feet (600').*

The Board finds that the residential block lengths for the subdivision will generally be between 400 and 600 feet with the condition to require stub streets off of E. Forego Street.

- *Section 8-6A-2C – Pedestrian access rights of way not less than ten feet (10') wide, may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right of way shall be a separate platted lot.*

The Board finds that the subdivision will have sidewalks.

- *Section 8-6A-3A – The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.*

The Board finds that the preliminary plat provides appropriate size, width, depth, shape, orientation, and that the minimum setbacks for the Medium High Density Residential (R8) District can be met. Also, the minimum setbacks for the High Density (R12) District allowed under the Planned Unit Development Overlay District can be met.

- *Section 8-6A-3B – The minimum dimensional standards for all lots shall be in accord with the base district. Corner lots in residential zoning districts shall be increased five percent (5%) above the minimum property size of the applicable base district to permit appropriate front and street side setbacks.*

The Board finds that the residential lots within the subdivision comply with the minimum dimensional standards for the applicable base district. The residential lots in the Medium High Density Residential (R8) District meet or exceed the minimum lot size of 5,000 square feet for a single-family detached dwelling and the minimum roadway frontage of 50 feet. Also, the corner lots have been increased five (5) percent above the minimum property size of the R8 District as the corner lots exceed the property size of 5,250 square feet. The residential lots

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in the High Density Residential (R12) District meet or exceed the minimum lot size of 3,500 square feet for a single-family detached dwelling and the minimum roadway frontage of 35 feet that is allowed under the Planned Unit Development Overlay District. In addition, the corner lots have been increased five (5) percent above the minimum property size of the R12 District as the corner lots exceed the property size of 3,675 square feet.

- *Section 8-6A-3C – For a distance of fifty feet (50’), side property lines originating at the front of the lot shall be within twenty degrees (20°) of right angles or radial to the street providing access.*

The Board finds as evidenced on the preliminary plat that side property lines originating at the front of the lot are within twenty (20) degrees of right angles or radial to the street providing access.

- *Section 8-6A-3D – Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten feet (10’) shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access.*

The Board finds as evidenced on the preliminary plat that the subdivision does not contain any through lots.

- *Section 8-6A-3E – Frontage for lots on a cul-de-sac turnaround shall be measured fifty (50’) back from the front property line along an arc parallel to the right of way of the cul-de-sac. See section 8-1A-2, figure 11 of this title.*

The Board finds as a term of approval that frontage for lots on a cul-de-sac turnaround shall be measured fifty feet (50’) back from the front property line along an arc parallel to the right of way of the cul-de-sac.

- *Section 8-6A-3F – Frontage for lots on a knuckle shall be measured fifty feet (50’) back from the front property line along the arc parallel to the right of way of the knuckle. See section 8-1A-2, figure 11 of this title.*

The Board finds as a term of approval that frontage for lots on a knuckle shall be measured 50 feet back from the front property line along the arc parallel to the right of way of the knuckle.

- *Section 8-6A-4A – All lots shall have access that complies with the regulations of section 8-4A-3 of this title. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the Ada County Highway District.*

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The Board finds that all residential lots in the subdivision have frontage onto public roads.

- *Section 8-6A-4B – Where a subdivision borders a railroad right of way or limited access highway right of way, a street approximately parallel to such right of way, at a distance suitable for appropriate use of the intervening property may be required.*

The Board finds that the property does not border a railroad right-of-way or a limited access highway.

- *Section 8-6A-4C – Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands.*

The Board finds that the subdivision has one (1) stub street (E. Deer Ridge Street) to the east that could facilitate future development of abutting areas and provide adequate access to abutting lands as well as provide street connections for the neighborhood. As conditioned, the preliminary plat shall be updated to add two (2) stub streets to the south from E. Forego Street at approximately 500 foot spacing. Also, E. Black Gold Street shall be stubbed to the eastern property line. The stub streets are needed to facilitate the potential of future development to adjacent parcels.

- *Section 8-6A-5 – Alleys may be provided. If alleys are provided, alleys shall comply with ACHD standards and be public.*

The Board finds as conditioned that the alley(s) within the subdivision shall comply with ACHD standards and be public.

- *Section 8-6A-6A – There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right of way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10’).*

The Board finds that there are notes on the preliminary plat depicting easements for utilities, drainage, and irrigation. Note 1 states, “Unless otherwise designated or dimensioned, there shall be a permanent easement for public utilities, lot drainage, sewer, water and street lights over the ten (10) feet adjacent to any driveways and walkways to each lot.” Note 2 states, “Unless otherwise designated or dimensioned, there shall be a permanent easement for public utilities, irrigation and lot drainage over the five (5) feet adjacent to side lot lines.” Note 3 states, “Unless otherwise designated or dimensioned, there shall be a permanent easement for public utilities and lot drainage over the twelve (12) feet adjacent to rear lot lines.”

- *Section 8-6A-7A – There shall be a minimum structural setback of thirty feet (30’) from the normal high water line of all watercourses, whether covered or*

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uncovered. For open watercourses, normal high water line shall be as determined by a licensed surveyor or engineer.

The Board finds that there are no watercourses that traverse the property.

- *Section 8-6A-7B – Only when required by the board shall watercourses within an urban district be covered or fenced.*
 1. *Proposed fences within the southwest planning area shall comply with the regulations of subsection 8-3C-3C of this title.*
 2. *Proposed fences in a designated flood hazard area shall comply with the regulations of chapter 3, article F of this title.*
 3. *Unless otherwise specified by this title, fences shall be a six foot (6') barrier that meets the barrier requirements for swimming pools in the Ada County building code as set forth in title 7, chapter 2 of this code.*

The Board finds that there are no watercourses that traverse the property.

2. *The design complies with the required improvements established in article B of this chapter;*

The Board finds that the subdivision complies with the required improvements established in Chapter 6, Article B in Title 8 of the Ada County Code as follows:

- *Section 8-6B-1 – The owner is responsible to complete the improvements required by this article and any additional improvements that may be required as a condition of approval.*

The Board finds as conditioned, the applicant and/or owner will be required to complete the improvements within two (2) years of the written decision, if approved.

- *Section 8-6B-2 – The owner shall comply with the requirements of Idaho Code sections 50-1302, 50-1303, 54-1227, and 55-1608.*

The Board finds that the final plat will be required to be signed by the County Surveyor, indicating that it meets the requirements of Idaho State Code 50-1302, 50-1303, 54-1227, and 55-1608.

- *Section 8-6B-3A- Public streets shall be accepted by the Ada County Highway District.*

The Board finds that public streets shall be accepted by the Ada County Highway District as they are a signatory on the final plat and their approval will be signified by their signature on the final plat.

- *Section 8-6B-3B – Approved private roads shall be completed in accord with requirements of chapter 4, article D of this title.*

The Board finds that there are no private roads proposed within the subdivision.

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- *Section 8-6B-3C – All new developments shall have adequate sewage facilities as provided for in section 8-4A-22 of this title or the plat shall have a sanitary restriction as approved by the appropriate health authority.*

The Board finds that the subdivision will be served by the Boise City Public Works Department. The Boise City Public Works Department responded in Exhibit #24 that connection to sanitary sewer is required and that sanitary sewers are available in Painted Ridge Subdivision No.1 and Columbia Road to the north.

- *Section 8-6B-3D – Stormwater facilities and drainage improvements shall be constructed by the applicant or owner and approved by the county engineer.*

The Board finds that as conditioned, that applicant and/or owner will be required to submit drainage plans to the County Engineer prior to approval of the final plat.

- *Section 8-6B-3E – Streetlights shall comply with the lighting regulations set forth in chapter 4, article H of this title.*

The Board finds as conditioned that streetlights shall comply with the lighting regulations set forth in chapter 4, article H of this title.

3. *If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in chapter 3 of this title;*

The Board finds according to the Ada County Zoning Map that a portion (approximately 31.73 acres) of the proposed subdivision is located in the Planned Unit Development (PUD) Overlay District. The PUD Overlay District was created and approved through Project #200700124 ZC-DA-S-PUD (Painted Ridge Subdivision #1 aka Racers Ridge Subdivision). The PUD Overlay District allows for specific deviations of certain dimensional standards of the R8 and R12 base districts.

The Board also finds according to the Ada County zoning maps that the entire property is located in the Wildland-Urban Fire Interface (WUFI) Overlay District. The WUFI Overlay District requires for new subdivisions that fire hazards and emergency access roads shall be evaluated by a licensed fire professional engineer retained by the applicant to determine site specific hazards and proper accessibility for emergency vehicles. The Building Division of Ada County Development Services stated in Exhibit #23 that the applicant should be aware that the change in the subdivision design should be reviewed by the design professional for compatibility with the existing fire prevention plan. In order to account for the new subdivision layout and the additional ten (10) acres associated with the Painted Ridge No. 2 Subdivision a fire protection plan will need to be done. As conditioned, a licensed fire professional engineer shall prepare a fire protection plan that is specifically tailored to the proposed subdivision or planned unit development and shall consist of the following: a. Completed fire hazard severity form from the current international urban-wildland interface code, appendix C, using nationally recognized standards; b. A fire protection plan map showing the roadway, turnouts, turnarounds, terminus and lots; c. Determination of fuel model loading; d. Required signage for turnouts, turnarounds and fire lane parking; e. Required number and placement of turnouts

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based on development density and roadway width; f. Requirements for fire resistance rated construction; g. Required road width or required interconnected system of roadways and fire accesses. Also as conditioned, the fire protection plan shall be reviewed by the Whitney Fire District.

4. *The design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures to achieve this purpose;*

The Board finds that the subdivision design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures by having an interconnected street network.

5. *The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity;*

The Board finds that property owners to three (3) properties to the south and the southeast of the subdivision (Dale and Donna Guyer, Bob and Diane Jensen, Jim Arriola, and Ed and Georgia Smith) have expressed concerns that the developer of the Painted Ridge Subdivision is preventing them from selling their land to another developer as the owner of the Painted Ridge development is not providing them with road right-of-way that they believe they are entitled to. It should be noted on Exhibit #65 that the three properties owned by these parties do not have frontage or access to either a public road or an approved private road. In Instrument #113013842 (Exhibit 66), Boise II, LLC, as grantor, and the Vernon L. Guyer and Cynthia P. Guyer Trust (“Guyer Trust”), as grantee, agreed to reduce an access easement located on the eastern portion of the Painted Ridge property from 30 feet down to 10 feet. Subsequently, Dale and Donna Guyer, as grantee, also agreed to modify their own respective access easement in Instrument #113013843 (Exhibit #53), which also operated to reduce the access easement on the eastern boundary of the Painted Ridge property from 30 feet down to 10 feet. Instrument #113013843 also provides that Boise II, LLC intends to subdivide the property owned by Boise II LLC into a residential subdivision, which upon completion shall include a residential street dedicated to the Ada County Highway District, which Dedicated Street shall run along the western boundary of Boise II Property from E. Columbia Road on its northern extremity to the northern boundary of the Grantor’s property. Once the road on the western boundary of Painted Ridge was dedicated to ACHD the Guyer’s property would take access off of the dedicated street and the use of the easterly located easement as a driveway would terminate. The agreement also had a disclaimer indicating that the Grantee (Dale and Donna Guyer) acknowledge that there is no existing improved road, other improved right-of-way on the Modified Easement.

Instrument #113013843 was recorded on February 6, 2013. Dale and Donna Guyer have since filed a letter in objection (Exhibit 52) against further development of Painted Ridge. Without passing judgment on the merits of Dale and Donna Guyer’s allegations, staff defers to the provisions of Instrument #113013843, which appears on its face to be a valid, recorded instrument.

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As to the remaining neighbors, upon a cursory review of deed records, staff is unable to establish whether the properties owned by the Jensens, Arriolas, and/or Smiths are appurtenant to, benefit from, or are otherwise entitled to utilize the easement portion of the Painted Ridge property which was subject to the modified easement agreements in Instruments #113013842 and #113013843. At this point, it is unclear whether the Jensens, Arriolas, and Smiths have standing to complain of or otherwise challenge the modified easement agreements.

6. *An internal street system is designed for the efficient and safe flow of vehicles, bicycles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon the existing transportation and other public services in the surrounding area;*

The Board finds that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area. The internal street system will funnel traffic to E. Columbia Road, which is currently designated as a collector, but is envisioned to be a residential arterial in the future.

The Ada County Highway District (ACHD) responded in Exhibit #40 with a number of site specific conditions of approval. These conditions primarily deal with constructing the internal streets to conform to ACHD policy as some of the proposed streets do not meet ACHD's minimum street width. It should be noted that ACHD is a signatory on the final plat.

7. *Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways;*

The Board finds that community facilities such as the dedicated open space areas are functionally related to all dwelling units as they are located in the central portion of the subdivision and are easily accessible via pedestrian sidewalks. As conditioned, the open space lot (Lot 1 of Block 6) shall be included in the first final plat of Painted Ridge Subdivision No. 2 in order to provide open space to the existing Painted Ridge Subdivision No. 1 and the first phase of Painted Ridge Subdivision No.2.

8. *The proposal complies with the dimension standards set forth in this title for the applicable zoning district;*

The Board finds that the subdivision complies with the dimension standards allowed for the Medium High Density Residential (R8) District and the dimensional standards allowed under the Planned Unit Development Overlay District for those lots in the High Density Residential (R12) District.

9. *The overall plan is in conformance with the applicable comprehensive plan(s), future acquisition maps, area of city impact ordinances including applicable subdivision regulations, and other pertinent ordinances; and*

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The Board finds as stated in Finding H1 that the overall plan is in conformance with the Boise City Comprehensive Plan as adopted by Ada County. The overall plan is also in conformance with the Boise City Area of City Impact Agreement as this land use application was forwarded to Boise City for comment at least 30 days prior to the public hearing before the Planning and Zoning Commission. The subject property is not contiguous to Boise City limits, and thus a request to annex to Boise City is not required.

10. *In addition to the findings required above, the board shall make the following findings for preliminary plats located in a PC base district;*
 - a. *The preliminary plat is in conformance with the approved planned community implementation plan.*
 - b. *Urban public services and urban public facilities are adequately provided according to the standards set forth in chapter 8 of this title, including the transition plan, if any; and*
 - c. *Sufficient funds will be available to construct the urban public facilities and to provide urban public services.*

The Board finds that the preliminary plat is not located in a PC base district.

3. The Board finds **Section 8-7-3C of the Ada County Code** is applicable because the application involves a zoning ordinance map amendment. The Board finds that the application complies with **Section 8-7-3C of the Ada County Code**. Regarding Section 8-7-3C the Board finds the following in regards to the zoning ordinance map amendment.

1. *The zoning ordinance amendment is in accordance with the applicable comprehensive plan;*

The Board finds as evidenced in Finding H1 that the zoning ordinance map amendment complies with the Boise City Comprehensive Plan as adopted by Ada County.

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

The Board finds that the zoning ordinance map amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement. The general purpose statement for residential districts is to implement the applicable comprehensive plan within areas of city impact providing appropriate density for residential development based on the availability of urban public facilities, surrounding land uses, and the applicable comprehensive plan designation. The purpose statement for the Medium High Density Residential (R8) District is to provide regulations and standards for development where urban public facilities are programmed with the maximum density being allowed as eight (8) dwelling units per acre.

The Board finds that the portion of the subdivision associated with the zoning ordinance map amendment complies with the dimension standards for the Medium

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

High Density Residential (R8) District as the residential lots will exceed the minimum lot size of 5,000 square feet for a single-family detached dwelling and the minimum roadway frontage of 50 feet.

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

The Board finds that the zoning ordinance map amendment is not materially detrimental to the public health, safety, and welfare because adequate utilities and public services will be provided to the proposed development. The application was transmitted to applicable agencies and political subdivisions on October 18, 2013 and January 15, 2014. The responses received from the agencies and political subdivisions generally reflect the project as a whole, which includes the subdivision, development agreement, and development agreement modification.

The Building Division of Ada County Development Services replied in Exhibit #23 that they have no objections to the proposed development; however, the applicant should be aware that the change in the subdivision design should be reviewed by the design professional for compatibility with the existing fire prevention plan.

The Boise City Public Works Department responded in Exhibits 24 and 47 that connection to central sewer is required and that sanitary sewers are available in Painted Ridge Subdivision No.1 and Columbia Road to the north. In addition, street lights are required and a provision shall be made by the applicant for a Developer, Owner, or Homeowners' Association to operate and maintain the street lights until annexation by the City.

The Boise School District stated in Exhibits 25 and 48 that at the present time, the Developer and/or Owner has made arrangements to comply with all requirements of the Boise School District.

The Central District Health Department replied in Exhibits 26 and 50 that after written approval from appropriate entities are submitted; they can approve this proposal for central sewage and central water. They also stated that the following plans must be submitted to and approved by the Idaho Department of Environmental Quality: central sewage and central water. Also, infiltration beds for storm water disposal are considered shallow injection wells and an application and fee must be submitted to them.

The Idaho Department of Fish and Game in Exhibit #31 stated that deer and pronghorn antelope are known to inhabit the general area of the proposed development. The Idaho Department of Fish and Game has provided a number of preventative measures to avoid conflicts with wildlife that can potentially harm wildlife and lead to property damage. They recommend that deer resistant landscaping be used in developments, including common areas, to reduce landscape depredation. They also want residents of the development to know that the area has been identified as wildlife habitat and that damage to property and landscaping is the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Wrought iron fences should be designed and

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constructed using the following guidelines: A minimum of 6 feet in height to deter deer and other wildlife from entering yards. Horizontal or vertical bars spaced closer than 4 inches apart or wider than 8 inches apart to avoid accidental wildlife entrapment. The top of the fence must include a continuous flat piece or straight edge top boards (no spikes, protruding objects or rails) to help prevent injury to wildlife. They also strongly recommend against chain link fencing anywhere in the development with the exception of enclosed dog runs within a fenced back yard as chain link fences have the potential to trap and injure deer, including impalement when deer attempt to jump over these fences. Fences using horizontal wires or rails can result in negative encounters between deer and fencing. Such fences constructed as property boundaries or for aesthetic purposes should have spacing between the top two horizontal wires or rails of at least 12 inches and 18 inches between the lower cross member and the ground, with a total height not exceeding 40 inches.

Boise City replied in Exhibit #32 that the City Council found that the application with appropriate conditions is consistent with the policies of the Boise Comprehensive Plan. The City Council recommended approval of the item with the following conditions to be placed on the subdivision:

1. Add two stub streets from south Forego Street, at approximate 500 foot spacing, extending to the southern boundary of the proposed development.
2. Provide two micro paths from Black Gold Street (one on either side of Crimson Ridge Avenue) to Forego Street.
3. Stub East Black Gold Street to the eastern property boundary.
4. Construct South Amber Ridge Avenue (collector proposed on west boundary) with detached sidewalks.
5. Utilize the dimensional standards allowance in section 8-2B-2 of the Ada County Zoning Ordinance which provides a 5 foot front yard setback reduction for homes where the garage is either side loaded, or located behind the front plane of the house on at least 50% of proposed lots.

The Ada County Engineer stated in Exhibits 33 and 49 that she recommends approval of these documents. Along with the Final Plat, a Drainage Study and Drainage Plan need to be submitted in accordance with Ada County Code 8-4A-11. In addition, the Engineering and Surveying Division provided comments in Exhibit #49 on the revised preliminary plat (Exhibit #35) relating to surveying such as depicting “minimum setback lines” in Block 7 and 8 and labeling Lucky Peak Subdivision to the east of the subdivision.

The Ada County Highway District (ACHD) responded in Exhibit #40 with a number of site specific conditions of approval. These conditions primarily deal with constructing the internal streets to conform to ACHD policy as some of the proposed streets do meet ACHD’s minimum street width.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

4. *The zoning ordinance amendment shall not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts, and*

The Board finds that the zoning ordinance map amendment does not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing services within the planning jurisdiction including, but not limited to, school districts because such political subdivisions providing public services have not given any indication that public services would be affected.

5. *For zoning ordinance text amendments within a planned community (PC) base district, the amendment complies with the planned community implementation plan.*

The Board finds that the application is for a zoning ordinance map amendment and is not for a zoning ordinance text amendment within a planned community (PC) base district.

4. The Board finds **Article 8-7C of the Ada County Code** is applicable because the applicant and owner have applied for a development agreement as a part of their application for a zoning ordinance map amendment. The Board finds that the application complies with **Article 8-7C of the Ada County Code** because the applicant and/or owner has submitted a draft development agreement to be reviewed by the Board of Ada County Commissioners as part of the proposed zoning ordinance map amendment.
5. The Board finds **Subsection 8-7C-3C2** is applicable because the applicant has applied for a development agreement modification for 31.73 acres of the proposed subdivision, which is under Development Agreement #8135 for Painted Ridge Subdivision (aka Racers Ridge Subdivision). The Board finds that the application complies with **Subsection 8-7C-3C2 of the Ada County Code** because the applicant and/or owner has submitted a draft modification of the development agreement to be reviewed by the Board of Ada County Commissioners to reflect changes due to the new layout for the 31.73 acres associated with the proposed Painted Ridge Subdivision #2.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Board concludes that Project No. 201301546 ZC-S-DA-DA M complies with the Boise City Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201301546 ZC-S-DA-DA M complies with Section 8-6-5 of the Ada County Code.
3. The Board concludes that Project No. 201301546 ZC-S-DA-DA M complies with Section 8-7-3C of the Ada County Code.
4. The Board concludes that Project No. 201301546 ZC-S-DA-DA M complies with Article 8-7C of the Ada County Code.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

5. The Board concludes that Project No. 201301546 ZC-S-DA-DA M complies with Subsection 8-7C-3C2 of the Ada County Code.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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Boise II, LLC & Vernon and Cynthia Guyer Trust

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of Project #201301546 ZC-S-DA-DA M to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated June 26, 2013.

DATED this _____ day of _____, 20____.

Board of Ada County Commissioners

By: _____

David L. Case, Commissioner

By: _____

Jim Tibbs, Commissioner

By: _____

Rick Yzaguirre, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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EXHIBIT A

CONDITIONS OF APPROVAL

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF PROJECT #201301546 ZC-S-DA-DA M WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND SUBMIT A FINAL PLAT UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.
 - a) Central District Health must approve the infiltration beds for storm water disposal.
 - b) The Whitney Fire District must approve all fire flow requirements and/or building plans.
 - c) Boise City must approve the sewer hook-up.
 - d) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by the Board, the plat shall be modified to include the following items:
 - a) Add two (2) stub streets to the south from E. Forego Street at approximately 500 foot spacing.
 - b) Two micro paths from Black Gold Street shall be provided (one on either side of Crimson Ridge Avenue) to E. Forego Street.
 - c) E. Black Gold Street shall be stubbed to the eastern property line.
 - d) Construct the east side of S. Amber Ridge Avenue with detached sidewalks.
 - e) Lot 1 of Block 6 shall be included in the first phase of Painted Ridge Subdivision No. 2.
3. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
4. The final plat shall be in substantial conformance with the approved preliminary plat.
5. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.

CONDITIONS OF APPROVAL

EXHIBIT A

6. A licensed fire professional engineer shall prepare a fire protection plan that is specifically tailored to the subdivision and shall consist of the following:
 - a) Completed fire hazard severity form from the current international urban-wildland interface code, appendix C, using nationally recognized standards.
 - b) A fire protection plan map showing the roadway, turnouts, turnarounds, terminus and lots.
 - c) Determination of fuel model loading.
 - d) Required signage for turnouts, turnarounds and fire lane parking.
 - e) Required number and placement of turnouts based on development density and roadway width.
 - f) Requirements for fire resistance rated construction.
 - g) Required road width or required interconnected system of roadways and fire accesses.
7. The open space lot (Lot 1 of Block 6) shall be included in the first final plat of Painted Ridge Subdivision No. 2.
8. Before you submit the final plat for approval, the Ada County Street Name Committee must approve all street subdivision names. See Title 2, Chapter 1 of the Ada County Code.
9. Prior to approval by the Board of County Commissioners, the plat shall contain the following certificates and/or endorsements:
 - a) certificate of the owner(s),
 - b) certificate of the plat surveyor,
 - c) certificate of the County Surveyor;
 - d) endorsement of the Central District Health Department,
 - e) approval and acceptance of the Ada County Highway District.
10. The following statements shall appear on the face of the final plat:
 - a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof.”

CONDITIONS OF APPROVAL

EXHIBIT A

- b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
 - c) Painted Ridge Subdivision is subject to Development Agreement # _____, recorded as Instrument # _____ at the Ada County Recorder's office.
 - d) All open space/common lots shall be owned and maintained by the Painted Ridge Subdivision Homeowner's Association.
 - e) This area has been identified as wildlife habitat. Damage to property and landscaping from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Neither Ada County nor the State of Idaho will be liable for wildlife depredation.
 - f) Chain link fences are not allowed anywhere in the development with the exception of enclosed dog runs within a fenced back yard. Fences using horizontal wires or rails need to have spacing between the top two horizontal wires or rails of at least 12 inches and 18 inches between the lower cross member and the ground, with a total height not exceeding 40 inches. Wrought iron fences need to be designed and constructed using the following guidelines:
 - A minimum of 6 feet in height to deter deer and other wildlife from entering yards.
 - Horizontal or vertical bars spaced closer than 4 inches apart or wider than 8 inches apart to avoid accidental wildlife entrapment.
 - The top of the fence must include a continuous flat piece or straight edge top boards (no spikes, protruding objects or rails) to help prevent injury to wildlife.
11. The owner shall submit a final plat within twenty four (24) months of the Board's approval of the preliminary plat. For phased subdivisions, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.
12. No building permits will be issued until the final plat is recorded through the County Recorder's Office and parcel numbers have been issued by the County Assessor's Office.
13. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.
14. Sidewalks are required for new roadways providing internal and external linkage within the development.

CONDITIONS OF APPROVAL

EXHIBIT A

15. Installation of public services facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground. All utility easements shall be shown on the final plat.
16. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
17. The developer, owner, or homeowners's association shall operate and maintain the subdivision's street lights until annexation by Boise City.
18. The owner shall complete all required site improvements, including the public roadways in accordance with Section 8-6B-1 of the Ada County Code.
19. The development shall comply with minimum fire flow requirements as prescribed in the Uniform Fire Code.
20. Installation of fire protection facilities as specifically required by the Whitney Fire District is required.
21. All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application Project #201301546 ZC-S-DA-DA M.
22. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Ada County Engineer. The drainage design plan shall include all proposed site grading.
23. All open space/common lots shall be owned and maintained by the Painted Ridge Homeowners Association. A copy of the CC&R's indicating ownership, maintenance and administration of the open space, common lots and recreation facilities shall be reviewed and approved by the Director prior to the Board's approval of the final plat for Phase 1 of Painted Ridge Subdivision No. 2.
24. The Director shall approve a landscape plan for all open space/common lots within Painted Ridge Subdivision No. 2. The landscape plan shall be drawn and stamped by a professional landscape architect. The stamped landscape plan shall be included with each final plat application. The landscape plan must consist of deer resistant landscaping for open space areas. The landscape plan shall include all required pedestrian/bicycle pathways and shall include all active and passive recreational landscape elements. Active and passive recreational landscape elements shall include, but are not limited to, playgrounds, picnic shelters, park benches, pools and ball courts. Furthermore, the landscape plan shall show the location, size, and types of all proposed or existing planting elements.
25. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10').

CONDITIONS OF APPROVAL

Project #201301546 ZC-S-DA-DA M
Painted Ridge Subdivision No. 2
Boise II, LLC & Vernon and Cynthia Guyer Trust

EXHIBIT A

26. Blocks 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, Lots 2-17 of Block 12, and Lots 1-11 of Block 14 are located in the Planned Unit Development Overlay District. For these lots the dimensional standards (building heights, setback requirements, and street frontage) of the R8 and R12 Districts shall be used for the development of the property except as expressly stated below and as allowed per the PUD Overlay District:
 - a) The minimum front yard setback from the back from the sidewalk or property line, whichever is closer to the front plane of the home, is 10 feet for all residential lots. Garages on front loaded units shall be setback a minimum of 18 from the back from the sidewalk or property line, whichever is closer.
 - b) Rear yard setbacks for front loaded lots, (lots not taking access from an alley), is 10 feet. Lots taking access from an alley shall maintain a 5-foot setback from the alley.
 - c) A 10-foot side yard setback is allowed for all residential lots adjacent to a street.
 - d) The minimum street frontage for Lots 1-6, Blocks 7 and 8, can be reduced to 35 feet, which is below the 45 feet minimum of street frontage required in the R12 District.
27. Lots 18-28 of Block 12, Lots 1-17 of Block 14, Lots 1-7 of Block 15, Lots 1-6 of Block 16, and Lot 1 of Block 17 are not located in the Planned Unit Development Overlay District. Thus, these lots shall comply with the dimensional standards for the R8 District.
28. Residential lots (Lots 1-6 of Block 7 and Lots 1-6 of Block 8) shall take access from the public alley as depicted on the approved preliminary plat. The width of the alley shall not be less than twenty feet (20') and shall be paved the entire width.
29. Prior to Board approval of the final plat, the Ada County Engineer shall approve all drainage improvements and site grading shall be completed. The County Engineer shall inspect and approve all drainage improvements, except where bonding is provided. As-built drawings, acceptable to the County Engineer in form and substance, shall be permitted prior to final inspection and approval of the drainage improvements.
30. Lighting within the development shall comply with the requirements of Article 8-4H of the Ada County Zoning Ordinance. All public street lighting shall be located and constructed per Boise City Street Light Placement Policy and Installation Standards.
31. Compliance with the general regulations and design standards for dedicated open space set forth in Title 8, Chapter 4, Article J of the Ada County Code is required. Documentation of the proposed homeowners association or similar entity responsible for maintenance and operation of the dedicated open space shall be submitted to the Director of Development Services prior to final plat approval by the Board.
32. Prior to final plat approval by the Board, all required improvements shall be completed. In lieu of completing the required improvements, the applicant and/or owner may deposit a surety with the Director and sign a surety agreement in accordance with the regulations

CONDITIONS OF APPROVAL

EXHIBIT A

for surety agreements set forth in Article 8-4K of the Ada County Code. All surety and surety agreements shall comply with Article 8-4K of the Ada County Code.

33. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, and utilities.
34. Update the subdivision CC&Rs specifically Section 4.19 to encourage and allow for xeriscape landscaping within the subdivision.

CONDITIONS OF APPROVAL

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