



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of J.J. Howard LLC

Project No. 201400253 S

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. Exhibit 1 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. 201400253 S.

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

1. In accordance with Section(s) 8-6-3A/8-7-3A2/8-7-4A1 of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on December 17, 2013.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on January 3, 2014.
3. On February 19, 2014, Development Services accepted Project #201400253 S and scheduled it for public hearing before the Ada County Planning and Zoning Commission on April 10, 2014.
4. On February 24, 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 Exhibit 1.
5. On March 10, 2014 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 March 25, 2014. Notices of the public hearing were posted on the property

prior to March 31, 2014 and a certification sign posting was submitted to the director before April 3, 2014.

6. On April 10, 2014 the Commission voted to recommend approval of this application to the Board of Ada County Commissioners.
7. On April 11, 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.
8. On May 5, 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 Idaho Statesman on May 20, 2014. Notices of the public hearing were posted on the property prior to May 25, 2014 and a certification sign posting was submitted to the director before May 28, 2014.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201400253 S the following:

1. PROPOSED USES – A two (2) lot subdivision
2. PROPOSED STRUCTURES – Two attached single family dwellings
3. PROPOSED SITE IMPROVEMENTS - None

D. Based on the materials found in the file for Project No. 201400253 S, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is R7084180270. The location of the property is 7744 N Bogart Lane, Boise, ID in Section 13, T. 4N, R. 1E.
2. OWNERSHIP: Wedgewood Homes LLC.
3. SITE CHARACTERISTICS

Property size: .288 acres

Existing structures: None

Existing vegetation: There are some trees, shrubs along Bogart Lane on the west side of the property.

Slope: Relatively flat with no slopes of 15% or more.

Irrigation: None.

Drainage: Drainage will be retained on site.

Views: The property is generally visible from all directions.

Other Opportunities and/or Constraints: None

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 located in the Medium High Density Residential (R8) District and contains vacant land.

- 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 residential in Pinebrooke Place Subdivision and is located in the Medium High Density Residential (R8) District.

South: The site is residential in Pinebrooke Place Subdivision and is located in the Medium High Density Residential (R8) District.

East: The site is residential in Pinebrooke Place Subdivision and is located in the Medium High Density Residential (R8) District.

West: The site is residential in Stans Homeplace Subdivision No. 2 and is located in the Medium High Density Residential (R8) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201400253 S, the Board finds the following concerning services:

Access Street and Designation: Access to the proposed lots will be off of N. Sunglow Avenue, a local street.

Fire Protection: North Ada County Fire & Rescue

Sewage Disposal: Boise Municipal Sewer

Water Service: United Water of Idaho

Irrigation District: Boise Valley Irrigation Ditch Company and Boise City Canal Company.

Drainage District: Drainage District No. 2

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

The Board finds that the property is designated as Low Density Residential 4 on the Boise City future land use map adopted by Ada County. The purpose of the Low Density Residential 4 District is to allow for standard urban low-density single-family developments with an overall target density of 4 units per gross acre and requires 5,000 square foot lots. The two new lots to be created will be 7,389 and 5,161 square feet respectively which meets the minimum lot size requirement of the zone.

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 as evidenced in the record that the lots in the subdivision comply with the minimum lot size requirement of the Medium High Density Residential (R8) District as the residential lots either meet or exceed the minimum lot size of 5,000 square feet. The Board finds that the applicant has requested a twenty percent (20%) reduction in the street frontage requirement as per Section 8-2B-5 of the Ada County Code as the proposed subdivision is a zero lot line setback development. Both of the proposed parcels have a minimum of forty feet (40') of street frontage which would meet the requirements if the twenty (20%) reduction in street frontage were approved.

- *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 as evidenced in the record that this site does not contain any slopes greater than fifteen percent (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 that this site has not been designated in the applicable comprehensive plan, in the natural features analysis, or elsewhere as being unsuitable for development.

- *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, the application encompasses the full extent of the owner's lot and Wedgewood Homes LLC does not own any contiguous parcels.

- *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 was previously submitted for this site as part of the Pinebrooke Place Subdivision and that a new natural features analysis was not required as part of this application. The subdivision design has taken into consideration the natural features on the property.

- *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 that the subdivision provides adequate building sites because the lots would comply with the dimensional standards for the Medium High Density Residential (R8) District if their request for a twenty percent (20%) reduction in the street frontage requirement as allowed for in Section 8-2B-5 of the Ada County Code for zero lot line setback developments is approved.

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

The Board finds that proposed lots will front both N. Sunglow Avenue and N. Bogart Lane. The parcels will be restricted from taking access onto N. Bogart Lane as was conditioned with the original approval of the Pinebrooke Place Subdivision.

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.

The Board finds that no new streets are proposed as part of this application. The two proposed lots will take access onto N. Sunglow Avenue which is a local street.

4. The limitations and opportunities of topography.

The Board finds that there are no limitations due to the topography of the property.

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

The Board finds that the proposed subdivision will be a part of a block which is approximately 475 feet (475') in length.

- *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 no walkways are necessary for this subdivision as the site only includes .288 acres and is already surrounded on three sides by existing sidewalks.

- *Section 8-6A-3A – The property size, width, depth, 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 applicant has designed and submitted a preliminary plat that provides appropriate size, width, depth, shape, orientation, and that the minimum setbacks for a Zero Lot Line Setback Development in the Medium High Density Residential (R8) 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 Zero Lot Line Setback Developments in the Medium High Density Residential (R8) District as the residential lots either meet or exceed the minimum lot size of 5000 square feet. The applicant has requested a twenty percent (20%) reduction in the required street frontage as is permitted in the Section 8-2B-5 of the Ada County Code for Zero Lot Line Setback Developments. The subdivision does include a corner lot which is more than five percent (5%) above the minimum property size of the Medium High Density Residential (R8) District.

- *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 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 that both of the proposed lots have frontage onto more than one (1) street. Both lots would have frontage onto N. Sun glow Avenue and N. Bogart Lane. The lots will be restricted from taking access onto N. Bogart Lane, as this was a condition of approval for the original Pinebrook Place Subdivision.

- *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 that neither proposed lot fronts onto a cul-de-sac turnaround.

- *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 as evidenced on the preliminary plat that neither of the lots have frontage onto a 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.*

The Board finds that no new streets are proposed as part of this application and that both of the resultant parcels will have frontage and access onto N. Sun glow Avenue, an existing local street.

- *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 no new roads are proposed as part of this subdivision.

- *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 evidenced in the record that there are no alleys proposed for this subdivision.

- *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 according to the site plan submitted by the applicant, the proposed lots have ten foot (10’) easements for utilities, drainage and irrigation abutting all public street rights of way.

- *Section 8-6A-6B – Where a subdivision is transversed by a watercourse, appropriate easements shall be provided.*

The Board finds as evidenced in the record that the subdivision is not transversed by a watercourse.

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

The Board finds as evidenced in the record that the subdivision is not transversed by a watercourse.

- *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 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 as evidenced in the record that the subdivision is not transversed by a watercourse.

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

- *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 no new streets are proposed as part of this application.

- *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 no new streets are proposed as part of this application.

- *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 Boise Municipal Sewer.

- *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 there are existing storm gutters running along the west, north and east property lines, which abut roadways, which were installed as part of a previous subdivision application. The County Engineer did not require any additional drainage improvements by the applicant.

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

The Board finds that the developer is not proposing any streetlights as part of this application, but has designated a ten foot (10') permanent Boise City street light easement adjacent to all public streets which abut the site.

- *Section 8-6B-4 – In lieu of completion of the improvements listed in subsections 8-6B-3A, B, D, and E of this article, the owner may deposit a surety and surety agreement for completion of such improvements with the director on forms provided by the development services department and as specified in chapter 4, article K of this title.*

The Board finds that the owner may submit a surety agreement pursuant to Chapter 8-4K of the Ada County Code.

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 that according to the Ada County Zoning Map that the property is not located in an overlay 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 conforms to the topography and natural landscape features and shows considerations for the location and function of land uses and structures as the topography is relatively flat.

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

The Board finds that there has not been any evidence submitted into the record indicating that the subdivision would cause undue damage, hazard, or nuisance to persons or property in the vicinity.

6. *The 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 existing transportation and other public services in the surrounding area;*

The Board finds that no new streets are proposed as part of this application and that one (1) additional lot that will be created as part of this subdivision will not place an undue burden upon existing transportation and other public service in the surrounding area.

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 no new community facilities or dedicated open space are necessary as part of this application as it is a two (2) lot subdivision on .288 acres of land. Additionally, the site is only approximately 600 feet from the future Magnolia Park site, 930 feet from Shadow Hills Elementary School and 2,900 feet from a Ridge to Rivers Trailhead in the foothills.

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

The Board finds that the proposed subdivision complies with the dimensional standards for lot sizes in the Medium High Density Residential (R8) District as the residential lots meet or exceed the minimum lot size of 5000 square feet. The applicant has requested a twenty percent (20%) reduction in the minimum street frontage requirement, as is allowed for Zero Lot Line Setback Developments in the Medium High Density Residential (R8)

District. If the twenty percent (20%) reduction is approved, the subdivision will meet the frontage requirements.

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*

The Board finds as stated in Finding H1 that the overall plan is in conformance with the Boise Comprehensive Plan as adopted by Ada County. The overall plan is also in conformance with the Boise's 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 Ada County Planning and Zoning Board.

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 the preliminary plat is not located in a PC base district.

3. The Board finds **Section 8-2B-7 of the Ada County Code** is applicable because the applicant has applied for a Zero Lot Line Setback Development. The Board finds that the application complies with Section 8-2B-7 of the Ada County Code. Regarding Section 8-2B-7 the Board finds the following:

Zero lot line development may be allowed in the R6, R8, R12, and R20 districts. For developments containing multiple zero lot line setbacks, an applicant may apply for reduced setback and street frontage requirements concurrent with a preliminary plat application subject to the following standards:

A. *The preliminary and final plats shall designate a building envelope for each property with a zero lot line or abutting a zero lot line setback.*

As conditioned by the County Engineer, the applicant shall submit a revised preliminary plat showing a building envelope for each property with a minimum five foot (5') building setback on the southern property line, and a minimum twenty foot (20') setback from Utahna Street on the northern property line. The revised plat shall also identify the zero lot line properties.

B. *In no case shall a zero lot line setback be allowed adjacent to a property line that is not part of the subdivision.*

As conditioned, the applicant shall submit a revised preliminary plat showing a five foot (5') setback on the southern property line as the property is not part of this subdivision.

C. Within the R12 and R20 districts, no lot shall have more than two (2) zero lot line setbacks.

The Board finds that the subject property is not within an R12 or R20 district.

D. Within the R6 and R8 districts, no lot shall have more than one zero lot line setback.

As conditioned, neither of the lots shall have more than one zero lot line setback.

E. For zero lot line developments within the R6, R8, R12, and R20 districts, the applicant may request reduced street frontage, up to twenty percent (20%) below the district standard.

The applicant has requested a twenty percent (20%) reduction in the street frontage requirement of the R8 District as part of a Zero Lot Line Setback Development. The street frontage requirement in the R8 District is fifty feet (50') per lot. With a twenty percent (20%) reduction, only forty feet (40') of frontage would be required for each lot. The Board finds that a twenty percent (20%) reduction in the street frontage requirement would be appropriate for this subdivision as the subdivision this parcel is currently a part of, Pinebrooke Place Subdivision, was granted this same exception when it was approved and because of this seventeen (17) of the twenty (20) lots which have frontage on N. Sunglow Avenue have less than fifty feet (50') of frontage.

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. 201400253 S complies with the Boise City Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201400253 S complies with Section 8-6 of the Ada County Code.
3. The Board concludes that Project No. 201400253 S complies with Section 8-2B-7 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves Project #201400253 S, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat received February 19, 2014.

DATED this _____ day of _____, 20__.

By: _____
David L. Case, Commissioner

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Yzaguirre, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL FOR PRELIMINARY PLATS

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF FILE #201400253 S 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) The North Ada County Fire & Rescue District must approve all fire flow requirements and/or building plans.
2. If the site contains infiltration beds for storm water disposal an application and fee must be submitted to Central District Health Department.
3. A revised preliminary plat shall be submitted showing the building setback lines and identifying zero lot line properties. The revised preliminary plat shall also show the existing Sanitary Sewer, United Water and PIRR services for each proposed lot, and any proposed improvements required to provide said services to each proposed lot. The revised preliminary plat shall also correct the definition in the legend to refer to the existing "5 Foot Sidewalk Easement."
4. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
5. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
6. The final plat shall include a ten (10) foot easement depicted for utilities, drainage, and irrigation abutting all public right-of-ways and subdivision boundaries.
7. 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.
8. The following statements shall appear on the face of the final plat:

EXHIBIT A

- a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: “No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it.”
 - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
 - c) Neither lot may access N. Bogart Lane.
9. The Board of County Commissioners must approve the final plat within 24 months of the Board of County Commissioner’s approval of the preliminary plat. For subdivisions where the Board approved a phasing plan, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.
 10. The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
 11. 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 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.
 12. 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.
 13. 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.
 14. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a surface runoff drainage design plan from the Ada County Engineer.