



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of KM ENGINEERING LLP

Project No. 201400344-DA-ZC-S-PBA

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 Commission 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. 201400344-DA-ZC-S-PBA.

B. As to procedural items, the Commission 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 May 30, 2013.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on January 27, 2014.
3. On March 10, 2014, Development Services accepted Project #201400344-DA-ZC-S-PBA and scheduled it for public hearing before the Ada County Planning and Zoning Commission on May 8, 2014.
4. On March 19, 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 19, 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 April 22, 2014. Notices of the public hearing were posted on the property

on April 21, 2014 and a certification sign posting was submitted to the director on April 22, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201400344-DA-ZC-S-PBA the following:

1. PROPOSED USES – A 116 lot subdivision. 109 of the lots will be buildable, and 7 will remain common lots.
2. PROPOSED STRUCTURES – 109 single family dwellings.
3. PROPOSED SITE IMPROVEMENTS – A Pedestrian pathway along the New York Canal, and a 12 space parking lot for regional trail access.

D. Based on the materials found in the file for Project No. 201400344-DA-ZC-S-PBA, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: Parcel S1402417460 is located at W Idlewood Road in Section 2, T. 2N, R. 1E. Parcel S1402449000 is located at S Maple Grove Road in Section 2, T. 2N, R. 1E. Parcel S1402449940 is located at S Foremast Avenue in Sections 2 & 11, T. 2N, R. 1E. Parcel S1411110020 is located at 7801 S Maple Grove Road in Sections 2 & 11, T. 2N, R. 1E. Parcel R1376810310 is located at 9671 W Tanglewood Drive in Section 2, T. 2N, R. 1E. Parcel R1376810310 is part of the Property Boundary Adjustment application. Approximately .11 acres of this 10.55 acre parcel is proposed to be added to Parcel S1402449940.
2. OWNERSHIP: Parcels S1402417460 and S1402449940 are owned by Charter Pointe Properties LLC. Parcels S1402449000 and S1411110020 are owned by Yellowstone Bank. Parcel R1376810310 is owned by Charter Pointe HOA.
3. SITE CHARACTERISTICS

Property size: Parcel S1402417460 contains 2.67 acres, Parcel S1402449000 contains 6.25 acres, Parcel S1402449940 contains 12.33 acres, Parcel S1411110020 contains 12.07 acres and Parcel R1376810310 contains 10.55 acres. Only approximately .11 acres of Parcel R1376810310 is proposed to be used as part of this development as part of the Property Boundary Adjustment application. In all, approximately 33.43 acres are proposed to be included in this application.

Existing structures: None

Existing vegetation: agricultural land

Slope: Relatively flat. The only parts of the site containing slopes of 15 percent or more are the portions abutting the New York Canal on the southern part of the property.

Irrigation: Boise Project Board of Control and the Boise-Kuna and New York Irrigation Districts.

Drainage: The site drains to the north.

Views: The property is generally visible from all directions.

Other Opportunities and/or Constraints: The New York Canal runs along the southern boundary of the property.

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

The property is located in the Southwest Community Residential (RSW) District and contains agricultural land.

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

North: The site to the northwest is residential in Charter Pointe Sub No. 11 and is located in the Medium Density Residential (R6) District. The site to the northeast is agricultural and located in the Southwest Community Residential (RSW) District.

South: The site is agricultural and is located in the Rural Preservation (RP) District.

East: The sites are agricultural and located in the Southwest Community Residential (RSW) District.

West: The site to the west of Parcels S1402417460 and S1402449000 is residential in Charter Pointe Sub No. 9 and is located in the Medium Density Residential (R6) District. The site to the west of Parcel R1376810310 is residential in the Fox Ridge Estates Subdivision No. 2 and Fox Ridge Estates Subdivision No. 4 and is located in the Medium Density Residential (R6) District).

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201400344-DA-ZC-S-PBA, the Commission finds the following concerning services:

Access Street and Designation: Access to the proposed lots will be off Cape View Way, Idlewood Drive, Touchstone Drive, Foremast Avenue, and Stonewood Drive which are local streets, as well as off Sea Breeze Way, which is a Collector street.

Fire Protection: Whitney Fire District

Sewage Disposal: Boise Municipal Sewer

Water Service: United Water of Idaho

Irrigation District: Boise Project Board of Control and the Boise-Kuna and New York Irrigation Districts.

Drainage District: None

- H. As to the applicable law, the Commission 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 Commission finds that the **Boise Comprehensive Plan** as adopted by Ada County is applicable because the subject property is located within Boise's Area of City Impact. The Commission finds that the Boise Comprehensive Plan to be used is the 1997 Boise

Comprehensive Plan as this is the last Boise Comprehensive Plan to be adopted by Ada County. The Commission 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 Commission 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 Commission finds as evidenced in the application and the applicant's detailed letter that the subdivision will connect to Boise City central sewer. Boise City Public Works responded that connection to central sewer would be required and that it is available in the area.

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.

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 Commission finds as conditioned that the applicant 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 85-80 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 Commission finds that the applicant has stated in their detailed letter that United Water Idaho is available to serve the property.

2.5 IRRIGATION WATER

Goal: Protect the existing irrigation system and increase the use of surface water for residential and commercial landscape irrigation.

Objective 1: Ensure that new development incorporates the existing irrigation system for landscape irrigation wherever water rights are available.

Policy 2: Encourage policies which result in maintaining and utilizing, rather than abandoning, existing water rights.

Policy 3: Implement separate distribution systems for irrigation water for new developments, through adoption of appropriate ordinances.

The commission finds that the applicant has stated in their detailed letter that the property has shares within the New York Irrigation District which will be utilized to provide pressure irrigation to the project and that the irrigation system will tie into the existing Charter Pointe system.

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 standard 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 Commission finds that as conditioned, the Whitney Fire District must approve all fire flow requirements and building plans.

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 Commission finds as conditioned that the applicant must comply with the minimum fire flow requirements of the Whitney Fire District.

2.14 PUBLIC SCHOOLS

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 Commission finds that the subdivision is a medium density type of development located in the Meridian School District. This application was transmitted to the Meridian School District; however, at this time the Meridian School District has not responded with any concerns on how this development will impact school enrollments and capacities.

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 Commission finds as conditioned that the Central District Health Department must approve the infiltration beds for storm water disposal.

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

5.1 PARKS AND RECREATION

Goal: Provide parks, open space, trails systems and recreation 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.

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 Commission finds that the applicant is proposing to extend the pathway along the New York Canal to the east to Maple Grove road. The applicant will provide two (2) pedestrian pathways from Tanglewood Drive to the New York Canal pathway and one (1) pedestrian pathway connecting W. Seabreeze Way to W. Stonewood Drive. There is also an existing pathway to the west of block 11 which leads to the New York Canal pathway and an existing pathway connecting Touchstone Drive to Idlewood Drive to Hearhside Drive and leading to the existing common area and elementary school to the north of the proposed subdivision. Also a twelve (12) stall parking lot will be installed to serve the users of the regional trail system.

8.1 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 Commission finds that access to the northern part of the subdivision will be via W. Idlewood Drive and W. Touchstone Drive, both local roads. Access to the southern part of the subdivision will be via S. Seabreeze Way and S. Foremast Avenue. S. Seabreeze Way is a collector road and S. Foremast Avenue is a local road. The proposed subdivision will connect to existing stub streets at S. Cape View Way, W. Idlewood Drive, W. Touchstone Drive, S. Foremast Avenue and S. Seabreeze Way and provide one (1) street stub at S. Cape View Way, and two (2) street stubs on S. Boysenberry Avenue for future development. The proposed subdivision will also link S. Seabreeze Way to S. Maple Grove Road, increasing circulation in the area.

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.

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 intersection and other locations of potential pedestrian or vehicle hazards may require increased levels of street lighting.

The Commission 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.

8.2 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 provisions 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 Commission finds that the applicant is proposing to extend the pathway along the New York Canal to the east to Maple Grove road. As conditioned, the applicant will provide two pedestrian pathways from Tanglewood Drive to the New York Canal pathway and one (1) pedestrian pathway connecting S. Seabreeze Way to W. Stonewood Drive. There is also an existing pathway to the west of block 11 which leads to the New York Canal pathway and an existing pathway connecting Touchstone Drive to Idlewood Drive to Hearthside Drive and leading to the existing common area and elementary school to the north of the proposed subdivision. Also a twelve (12) stall parking lot will be installed to serve the users of the regional trail system.

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 Commission finds that the subdivision will connect with five (5) existing stub streets and provide three (3) more stub streets for future development. The proposed subdivision will also connect S. Seabreeze Way to S. Maple Grove Road.

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

The Commission finds that as conditioned, the applicant will be required to provide detached sidewalks on all internal streets. The applicant will also provide one (1) pedestrian pathway connecting S. Seabreeze Way to S. Stonewood Drive and two (2) pedestrian pathways connecting W. Tanglewood Drive to the pedestrian pathway the applicant is proposing to install along the New York Canal. The applicant is also proposing to install sidewalk along S. Maple Grove Road. There is an existing pathway to the west of block 11 which leads to the New York Canal pathway and an existing pathway connecting Touchstone Drive to Idlewood Drive to Hearthside Drive and leading to the existing common area and elementary school to the north of the proposed subdivision.

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

The Commission 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.

The Commission finds that the property is designated as Planned Community on the Boise City future land use map adopted by Ada County. The Planned Community District allows for single-family residential developments and its purpose is to accommodate maximum flexibility in project design, within pre-established parameters on areas with large amounts of vacant land. The Commission finds that the project complies with the Boise Comprehensive Plan as the site contains a large amount of vacant land and connects to a previously approved residential subdivision. The total proposed density is 3.2 units per acre.

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.

The Commission finds that the subdivision has a range in residential lot sizes from 5,027 square feet to 10,835 square feet.

Objective 13: Land-use and development policies specific to the Southwest shall include the following:

Policy 3: New development in the Southwest shall be set back from existing creeks and drainage swales and shall preserve those areas and attendant riparian habitat as natural open space. Clustering of housing units at higher densities shall be permitted as a means of providing this open space. Public trails shall be provided along creeks, drainage swales and canals where appropriate.

The Commission finds that the New York Canal abuts the property to the south and that the applicant has proposed setting aside the land along the canal as open space. According to the site plan submitted by the applicant, new development will be set back from the canal.

Policy 6: Throughout the Southwest area, particular attention shall be paid to new development to ensure compatibility with existing development including street system interconnections:

The Commission finds that the proposed subdivision will connect to existing stub streets at S. Cape View Way, W. Idlewood Drive, W. Touchstone Drive, S. Foremast Avenue and S. Seabreeze Way and provide one (1) street stub at S. Cape View Way, and two (2) street stubs on S. Boysenberry Avenue for future development. The proposed subdivision will also link S. Seabreeze Way to S. Maple Grove Road, increasing circulation in the area.

Policy 7: Open fencing, transitional lot sizes and other design features shall be used to the greatest extent feasible to retain the rural atmosphere of the Southwest area.

The Commission finds that the subdivision has transitional lot sizes ranging in size from 5,027 square feet to 10,835 square feet for residential lots.

Policy 8: Public parks and other open-space areas shall be encouraged for use as community farms and gardens to preserve the rural heritage of the Southwest.

The Commission finds that the subdivision has seven (7) common lots totaling 323,417 square feet (7.29 acres). One of the common lots consists of 273,992 square feet (6.29 acres) and includes the proposed pedestrian trail along the New York Canal and the twelve (12) lot parking lot to be used as a regional trailhead.

2. The Commission finds **Section 8-4C-5 of the Ada County Code** is applicable because the applicant has applied for a property boundary adjustment. The Commission finds that the

application complies with Section 8-4C-5 of the Ada County Code. Regarding Section 8-4C-5 of the Ada County Code the Commission finds the following.

A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this title including regulations for individual wastewater treatment systems and well as set forth in Section 8-4A-22 of this chapter.

The Commission finds that Parcel to be decreased in size, #R1376810310, is located in the Medium Density Residential (R6) District, and that it was dedicated as a common area as part of the Charter Pointe Subdivision No. 10. It is 10.5 acres in size and the proposed property boundary adjustment would reduce it in size by approximately .1 acre. Because this parcel has been dedicated as a common area, and will not be built upon, it is not required to meet the dimensional standards of the R6 District.

The parcel which will be increased in size, #S1402449940, contains 12.3 acres and is located in the Southwest Community Residential (RSW) District. The RSW District requires parcels to be a minimum of 2.5 acres in size and contain 250 feet of roadway frontage. This parcel meets these requirements as it is approximately 12.3 acres in size and has 250 feet of roadway frontage along S Foremast Avenue as per section 8-1A-2, figure 11 of this title.

B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this title, the property boundary adjustment shall not increase the nonconformity.

The Commission finds that neither of the parcels are nonconforming.

C. A property boundary adjustment shall not increase the original number of properties.

The Commission finds as evidenced in the record, that the property boundary adjustment will be between common property boundary lines of existing parcels, and said adjustment will not create any new parcels after the adjustment.

D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.

The Commission finds as evidenced in the record, that the property boundary adjustment does not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.

E. The property boundary adjustment shall not constitute a relocation of a property.

The Commission finds as evidenced in the record, that the property boundary adjustment does not constitute the relocation of property.

F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

The Commission finds that parcel # R1376810310, is a platted lot and was dedicated as a common area as part of the Charter Pointe Subdivision No. 10. It is 10.5 acres in size and the proposed property boundary adjustment would reduce it in size by approximately 5,000 square feet. As this property boundary adjustment will only decrease parcel #R1376810310 by approximately .1 acres, the Commission finds that the adjustment is in substantial conformance to the recorded plat. The other Parcel, #S1402449940 is not a platted lot.

3. The Commission finds **Section 8-6-5 of the Ada County Code** is applicable because the applicant has applied for a subdivision. The Commission finds that the application complies with Section 8-6-5 of the Ada County Code. Regarding Section 8-6-5 the Commission 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 Commission finds as evidenced in the record that the applicant is proposing a re-zone of this property from Southwest Community Residential (RSW) to Medium High Density Residential (R8). The proposed lots would 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 Medium High Density Residential (R8) District requires street frontage of fifty feet (50') for each residential lot. The proposed residential lots would meet the fifty foot (50') street frontage requirement.

- *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 Commission finds as evidenced in the record that only the southern portions of the site along the New York Canal contain slopes of fifteen percent (15%) or greater and that no development is proposed in these areas.

- *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 Commission 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 Commission finds that per Ada County Assessor information, the application encompasses the full extent of the owner’s lots and that neither Charter Pointe Properties LLC nor Yellowstone Bank own any other 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 Commission finds that a natural features analysis was previously approved by the Ada County Board of County Commissioner for this site as part of the Charter Pointe Square Subdivision No. 1 in 2008 (File #200700222-S-ZC-DA-PBA-VAC) 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 Commission finds that the subdivision provides adequate building sites because the lots would comply with the dimensional standards for the Medium High Density Residential (R8).

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

The Commission finds that no double front lots are proposed as part of this 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 Commission finds that there is only one street which would intersect with an arterial as part of this application. The collector street Sea Breeze Way will run along a portion of the development and connect to Maple Grove Road, which is an arterial.

4. The limitations and opportunities of topography.

The Commission finds that there are no limitations due to the topography of the property as there is no development proposed on the portion of the site along the New York Canal which contains slopes of fifteen percent (15%) or greater.

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

Blocks 1 and 2 would belong to blocks longer than six hundred feet (600’), but both of these blocks have pedestrian walkways cutting through them to reduce pedestrian travel distances. Block 6 is considerably shorter than four hundred feet (400’) but it contains adjacent undeveloped land and stub streets which would allow it to become longer in the future. Blocks 8, 9 and 10 are only approximately three hundred feet (300’) long and block 11 is over one thousand feet (1000’) long, but this is due to the fact that the New

York Canal abuts this property to the south, Maple Grove Road, an arterial road, abuts it to the east and Sea Breeze Way, a collector street, abuts it to the north. In order to prevent the residential lots from taking frontage onto an arterial or a collector street, four hundred foot (400') to six hundred foot (600') blocks would not be possible here. The applicant will provide two (2) pedestrian pathways connecting W. Tanglewood Drive with the pedestrian pathway along the New York Canal on block 11 in order to provide pedestrian access through this long block. There is also a pedestrian pathway providing access through block 7, which is slightly longer than six hundred feet (600'). The Commission finds that the residential block lengths proposed for this subdivision are adequate given the characteristics of this site.

- *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 Commission finds that on the northern portion of the subdivision there are existing pedestrian pathways abutting blocks 1 and 2 to the west which allows pedestrians a cut-through to access the nearby recreational amenities and elementary school. The Commission also finds that the applicant has proposed extending the pedestrian pathway along the New York Canal to Maple Grove Road on the southern portion of the subdivision, and that there is an existing pedestrian pathway abutting the western side of block 11 which leads to this pathway. The applicant will also provide one (1) pedestrian pathway connecting Seabreeze Way to Stonewood Drive and two (2) pedestrian pathways connecting Tanglewood Drive to the proposed pedestrian pathway which will follow along the New York Canal.

- *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 Commission 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 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 Commission finds that the residential lots within the subdivision comply with the minimum dimensional standards for Medium High Density Residential (R8) District as the residential lots either meet or exceed the minimum lot size of 5000 square feet. The Commission also finds that all of the corner lots in the subdivision are over five percent (5%) larger than the minimum lot size required in 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 Commission 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 Commission finds that none of the proposed lots have frontage onto more than one (1) street.

- *Section 8-6A-3E – 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. See section 8-1A-2, figure 11 of this title.*

The Commission finds that all the proposed lots in the subdivision meet the minimum frontage requirements of the Medium High Density Residential (R8) District and that lots located on cul-de-sac turnarounds shall have their frontage 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 Commission finds that all the proposed lots in the subdivision meet the minimum frontage requirements of the Medium High Density Residential (R8) District and that lots located 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.

- *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 Commission finds that all the 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 Commission 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 Commission finds that the subdivision will leave three stub streets for future development. There will be two (2) stub streets coming off of S. Boysenberry Avenue and one (1) stub street coming off of S. Cape View Way. These stub streets could facilitate future development of abutting areas and provide adequate access to abutting lands.

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

The Commission 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 Commission 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 Commission finds that the New York Canal traverses through the property. As conditioned there shall be a minimum structural setback of thirty feet (30’) from the normal high water line of all watercourses, whether covered or uncovered.

- *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 Commission finds that the New York Canal traverses through the property. As conditioned there shall be a minimum structural setback of thirty feet (30’) from the normal high water line of all watercourses, whether covered or uncovered.

- *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 Commission finds that the New York Canal traverses the southern boundary of the property and that it will not be covered.

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 Commission 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 Commission 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 Commission finds that as conditioned, the final plat will not be accepted until it has been approved 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 Commission finds that there are no private roads proposed as part of this subdivision.

- *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 Commission 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 Commission finds that as conditioned, the applicant will be required to submit an approved drainage plan 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 Commission finds as conditioned that streetlights shall comply with the lighting regulations set forth in chapter 4, article H of this title.

- *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 Commission 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 Commission finds that according to the Ada County Zoning Map the property is located in the Southwest Planning Area Overlay District. The subdivision is being developed in accordance with Article 8-3C of the Ada County Code as all residential lots will be served by urban public facilities.

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 Commission 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 and there is no development proposed for the portion of the property which contains slopes of fifteen percent (15%) or greater.

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

The Commission 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 Commission 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 on other public services in the surrounding area. The northern portion of the subdivision connects into three existing stub streets and provides three additional stub streets to be used by future developments. The southern portion of the subdivision hooks into two (2) existing stub streets and funnels traffic onto Sea Breeze Way, which is a collector street.

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 Commission finds that there are existing pedestrian pathways on the northern portion of the subdivision adjacent to blocks 1 and 2 which lead to nearby open space and recreational amenities. The Commission also finds that on the southern portion of the subdivision, there is an existing pedestrian pathway abutting the west end of block 11 which leads to a pathway along the New York Canal which the applicant has proposed to extend to Maple Grove Road to the east. The applicant will provide one (1) pedestrian pathways connecting Seabreeze Way to Stonewood Drive and two (2) pedestrian

pathways connecting Tanglewood Drive to the pedestrian pathway along the New York Canal.

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

The Commission 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 proposed lots also meet the minimum street frontage requirements of the Medium High Density Residential (R8) District as they all have a minimum of fifty feet (50') of roadway frontage.

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 Commission 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 Commission.

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

4. The Commission finds that **Section 8-7-3 of the Ada County Code** is applicable as this application includes a request for a zoning ordinance map amendment from the Southwest Community Residential (RSW) District to the Medium High Density Residential (R8) District as well as a development agreement. Section 8-7-3 of the Ada County Code sets forth the process, standards, and required findings for a zoning ordinance map amendment. The findings for a zoning ordinance map amendment are set forth below.

Section 8-7-3C. Required Findings: Upon recommendation from the commission, the board shall make a full investigation and shall, at the public hearing, review the application. In order to grant a map or text amendment to the zoning ordinance, the board shall make the following findings:

1. The zoning ordinance amendment complies with the applicable comprehensive plan;

The Commission finds the proposed zoning ordinance amendment complies with the Boise City Comprehensive Plan as evidenced in Finding H.

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

The Commission finds the proposed zoning ordinance amendment complies with the regulations outlined for the proposed R8 District. The proposed amendment complies with the purpose statement for the R8 District as the proposed development will be connected to a municipal wastewater collection and treatment system provided by Boise City Public Works and a municipal water system provided by United Water of Idaho. As evidenced in the record, the density of the proposed development is 4.1 dwelling units per acre, which is less than the maximum allowed density of eight (8) dwelling units per acre.

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

As conditioned and as evidenced in the record, the Commission finds the proposed zoning ordinance amendment will not be materially detrimental to the public health, safety, and welfare. As evidenced in the record and in the findings of fact, adequate utilities and public services will be provided for the proposed development. This application was transmitted to other local, State, and Federal agencies on March 19, 2014. No evidence has been received from those agencies indicating this application is materially detrimental to the public health, safety, and welfare. As conditioned, a twelve (12) stall parking lot will be installed as part of this subdivision in order to serve the regional trail system.

The Commission finds that parcels S1411110020, S1402449940, S1402449000, S1402417460 and out parcel #S1402449800 previously received preliminary plat approval in 2008 (Project #200700222 S-ZC-DA-VAC-PBA) for a 266 lot subdivision zoned R12 with 5.17 dwelling units per acre. The plat expired on March 26, 2010 and Ada County reverted the zoning back to RSW from R12 (Project #201001235 ZC).

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

The Commission finds the proposed zoning ordinance amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction of the Boise City Area of City Impact. Primary access to the proposed development will be from Sea Breeze Way. The applicant and/or owner or development will be required to comply with site specific and standard conditions of approval set forth by ACHD and ACHD will be required to sign the final plat. This application was transmitted to the City of Boise on March 19, 2014, which is more than 30 days prior to the Commission's public hearing on May 8, 2014.

On April 22, 2014 the Boise City Council recommended approval of the application with eight conditions. Six of these conditions have since been met by the applicant on their revised plat. One of these two conditions was that no building permits be issued until Maple Grove has been paved consistent with an approved ACHD plan. The Commission finds that ACHD will be required to sign the final plat and that the applicant will be required to comply with all ACHD requirements. The other condition was a request for Ada County to consider signage for parcels owned by the Homeowners Association that seek to minimize the conflict between residents and agricultural operations to the east of the proposed project. The Commission finds that Idaho Code §22-4503,

Right to Farm Act text will be required to appear on the final plat as a reminder of the right of the agricultural operation to continue.

Boise Public Works Department has indicated municipal sanitary sewer service is available and the proposed development shall be required to connect to sanitary sewer. Municipal water service is available as provided by United Water Idaho.

5. The Commission finds **Section 8-7C-3 of the Ada County Code** is applicable as the proposed development includes an application for a Development Agreement. This chapter sets forth the purpose, applicability, process, plat specifications and required findings for a proposed Development Agreement. The findings are set forth below.

In order to approve the application, the Commission shall find that the proposed development agreement complies with the regulations of this article.

The Commission finds the applicant and/or owner or developer submitted a draft development agreement and application in accordance with Section 8-7C-3 of the Ada County Code. Staff will forward the draft development agreement to the Ada County Prosecuting Attorney's office prior to final approval by the Board. The Board must approve the development agreement prior to final approval of the zoning ordinance amendment. As conditioned, the approval of this application is subject to the approved development agreement.

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 Commission concludes that Project No. 201400344-DA-ZC-S-PBA complies with the Boise City Comprehensive Plan as adopted by Ada County.
2. The Commission concludes that Project No. 201400344-DA-ZC-S-PBA complies with Section 8-4C-5 of the Ada County Code.
3. The Commission concludes that Project No. 201400344-DA-ZC-S-PBA complies with Section 8-6-5 of the Ada County Code.
4. The Commission concludes that Project No. 201400344-DA-ZC-PBA complies with Section 8-7-3 of the Ada County Code.
5. The Commission concludes that Project No. 201400344-DA-ZC-PBA complies with Section 8-7C-3 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of Project #201400344-DA-ZC-S-PBA to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat received March 10, 2014.

DATED this _____ day of _____, 20____.

By: _____

John Seidl, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary

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 #201400344-DA-ZC-S-PBA 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.

PROPERTY BOUNDARY ADJUSTMENT CONDITIONS OF APPROVAL

1. The applicant and/or owner shall have a Record of Survey completed by a professionally licensed surveyor, and record the Record of Survey with the County Recorder's Office.
2. The applicant and/or owner shall obtain new tax parcel numbers from the Ada County Assessor.
3. The applicant and/or owner shall execute and record the necessary deeds for both properties.
4. The applicant and/or owner shall provide the following documentation to the Director.
 - a) One [8 1/2" x 11" copy and/or full size blueprint] of the recorded Record of Survey.
 - b) Proof of assignment of tax parcel numbers.
 - c) One copy of the recorded deed (s).
5. Upon completing the above tasks, the applicant shall request a letter from the Director stating the Property Boundary Adjustment is final.
6. Appeals. The appeal period shall begin on the date of the written decision of the Director and shall last for 15 calendar days. In the event the decision of the Director is appealed, the zoning certificate will not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.

SUBDIVISION CONDITIONS OF APPROVAL

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 Whitney Fire District must approve all fire flow requirements and/or building plans.
 - b) The Central District Health Department must approve infiltration beds for storm water disposal.
2. The applicant shall submit an approved drainage plan to the County Engineer prior to approval of the final plat.
3. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.

EXHIBIT A

4. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
5. 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.
6. The final plat shall include a structural setback of thirty feet (30') from the normal high water line of all watercourses, whether covered or uncovered.
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:
 - 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.
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. Installation of public service facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground.
12. The developer, owner, or homeowner's association shall operate and maintain the subdivision's street lights until annexation by Boise City.
13. 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

EXHIBIT 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.

14. 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.
15. 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.
16. 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.

REZONE AND DEVELOPMENT AGREEMENT CONDITIONS OF APPROVAL

1. The Applicant and/or owner shall submit a revised legal boundary for the rezone area that includes the entirety of the project site and extends to the centerline of the public right-of-ways.
2. The Applicant and/or owner shall sign and record the Development Agreement.