



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Sabrina Durtschi

Project No. 201400467 S-PR

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. 201400467 S-PR.

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 March 6, 2014.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on April 1, 2014.
3. On April 3, 2014, Development Services accepted Project #201400467 S-PR and scheduled it for public hearing before the Ada County Planning and Zoning Commission on June 5, 2014.
4. On April 7, 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 May 5, 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 May 20, 2014. Notices of the public hearing were posted on the property prior to May

26, 2014 and a certification sign posting was submitted to the director before May 29, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201400467 S-PR the following:

1. PROPOSED USES – A two (2) lot subdivision
2. PROPOSED STRUCTURES – one (1) new single family dwelling
3. PROPOSED SITE IMPROVEMENTS – A gravel road and turn-around extending east from S. Black Cat Road.

D. Based on the materials found in the file for Project No. 201400467 S-PR, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is S1227223305. The location of the property is 3520 South Black Cat Road, Nampa, ID in Section 27, T. 3N, R. 1W.
2. OWNERSHIP: Eugene and Sheila Larson
3. SITE CHARACTERISTICS

Property size: 11 acres

Existing structures: The site contains a 2,643 square foot home with a 952 square foot attached garage and a 964 square foot detached garage.

Existing vegetation: The site contains residential landscaping and agricultural land.

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

Irrigation: Boise-Kuna Irrigation District and the Boise Project Board of Control

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 Commission finds the following concerning the current land use and zoning:

The property is located in the Rural Urban Transition (RUT) District and contains a single family dwelling and 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 is located in the Rural Urban Transition (RUT) District and contains a single family dwelling and agricultural land.

South: The site is located in the Rural Urban Transition (RUT) District and contains a single family dwelling and agricultural land.

East: The site is located in the Rural Urban Transition (RUT) District and contains a single family dwelling and agricultural land.

West: The site is located in the Rural Urban Transition (RUT) District and contains a single family dwelling and agricultural land.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201400467 S-PR, the Commission finds the following concerning services:

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

Fire Protection: Meridian Fire Department

Sewage Disposal: Individual Septic

Water Service: Individual Well

Irrigation District: Boise-Kuna Irrigation District and the Boise Project Board of Control

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 Meridian Comprehensive Plan as adopted by Ada County is applicable because the subject property is located within the Meridian Area of Impact. The Commission finds the application complies with the Meridian Comprehensive Plan as adopted by Ada County. Regarding the Meridian Comprehensive Plan as adopted by Ada County the Commission finds the following:

The Commission finds that the property is designated as a Future Planning and Referral Area on the Meridian City Comprehensive Plan. The nearest land use designation to the site is Low Density Residential. The Low Density Residential District of Meridian allows for single-family homes at densities of three dwelling units or less per acre. As each of the two new lots to be created will be over five acres in size the Commission finds that the proposed development complies with the Meridian Comprehensive Plan as adopted by Ada County.

2. The Commission finds **Section 8-4D-5 of the Ada County Code** is applicable because the applicant has applied for a private road. The Commission finds that the application complies with Section 8-4D-5 of the Ada County Code. Regarding Section 8-4D-5 the Commission finds the following:

A. The design of the private road meets the requirements of this article:

The Commission finds that the design of the private road meets the requirements of Section 8-4D-4A and Section 8-4D-4B. Regarding Section 8-4D-4A (Design Standards) and Section 8-4D-4B (Construction Standards) the Commission finds the following:

- *Subsection 8-4D-4A1 – The private road shall be constructed on a perpetual access easement or a single platted lot that originates from a public street.*

- a. Outside an area of city impact, the easement or lot shall be a minimum of thirty feet (30') in width. Inside an area of city impact, the easement or lot shall be a minimum of fifty feet (50') in width.*

- b. If located on a lot, the primary function of the lot shall be to accommodate the private road. Minimum parcel size requirements shall not apply.*

The Commission finds as evidenced in the record that the private road is located within an area of city impact and as shown the private road will be constructed on a perpetual access easement that is a minimum of fifty (50) feet in width.

- *Subsection 8-4D-4A2 – All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base district, except: If the turnaround for the private road is located within a property as illustrated in section 8-1A-2, “Figure 14”, of this title, the required frontage shall be thirty feet (30') (the width of the private road easement).*

The Commission finds that lot one exceeds the 250 feet of street frontage required in the Rural Urban Transition (RUT) District. Lot 2 contains a hammer head turn-around for the private road and meets the 50 feet of frontage (the width of the private road easement) required in this circumstance.

- *Subsection 8-4D-4A3 – The point of connection of the private road and the public street shall be approved by the Ada County Highway District.*

The Commission finds that as conditioned, the Ada County Highway District will need to approve of the point of connection of the private road to S. Black Cat Road.

- *Subsection 8-4D-4A4 – The private road shall terminate at a forty five foot (45') radius cul-de-sac or other approved turnaround configuration.*

- a. The turnaround may be located in an area of the property other than where the private road enters the property (see section 8-1A-2, “Figure 14”, of this title).*

- b. The private road shall not intersect a public road, except at its origination point. The private road shall not intersect another private road.*

- c. If the applicant proposes an alternate location and/or configuration for the turnaround, the following additional standards shall apply:*

- (1) The applicant shall provide written approval from the appropriate fire district.*

- (2) The county engineer shall review and approve the alternate location and/or configuration.*

The Commission finds as evidenced by the preliminary plat, that the private road has a hammer head turn around and it does not intersect a public road except at its origination point. The Meridian Fire Department responded that they had no issues with this application.

- *Subsection 8-4D-4A5 – New gates or other travelway obstacles shall not be allowed except in exceptional circumstances when the director determines the gate or gates are necessary to improve safety or to halt environmental degradation in the area. Before approving a new gate or other obstacle, the director shall provide the fire district, or if no fire district, the Ada County sheriff, with advice from the Idaho state fire marshal’s office, the opportunity to review the proposal and offer recommendations.*

a. Approved gate openings shall be a minimum of twenty feet (20’) wide, be located a minimum of thirty feet (30’) from the public right of way, and when the gate is open, the travelway, for its entire width shall be clear and unobstructed.

b. Gates located on one-way roads shall open in the same direction that traffic moves. Gates located on two-way roads must open in both the directions that traffic moves. Gates that open upward shall not be allowed.

c. Gates shall have a fail-open lock in the event of a loss of power.

The Commission finds as evidenced in the record that there are no gates or other travelway obstacles proposed for the private road.

- *Subsection 8-4D-4A6 – No segment of the travelway of a private road shall exceed ten percent (10%) grade. Fire apparatus roadways in locations that front buildings, at intersections with other roads, and in front of fire hydrants, shall not exceed eight percent (8%) grade.*

The Commission finds as evidenced in the record, that no segment of the travelway of the private road exceeds ten percent (10%) grade nor does fire apparatus roadways in locations that front buildings, at intersections with other roads, and in front of fire hydrants exceed eight percent (8%) grade.

- *Subsection 8-4D-4A7 – If the private road is located within the wildland-urban fire interface overlay district, the additional design standards listed in section 8-3B-3 of this title shall apply.*

The Commission finds that the private road will not be located within the wildland-urban fire interface overlay district.

- *Subsection 8-4D-4A8 – Upon review of the proposed private road design, the applicant may be required to submit a drainage study prior to action on the private road application.*

The Commission finds as conditioned that the applicant is required to submit a drainage study and drainage plan for the private road to the County Engineer.

- *Subsection 8-4D-4B1 – Private roads that will serve development located within an area of impact and that development will exceed a density of three (3) dwelling units per acre shall be constructed to the Ada County highway district standards for urban local roads.*

The Commission finds as evidenced in the record that the private road will serve properties located in the Meridian area of city impact, but that the density will be less than three (3) dwelling units per acre.

- *All other private roads not defined in subsection B1 of this section shall be constructed to the following standards:*

- a. Private roads that will provide frontage or access to four (4) or fewer properties shall have a travelway with a minimum improved width of twenty feet (20'). Private roads that will provide frontage or access to more than four (4) properties shall have a travelway with a minimum improved width of twenty four feet (24').*

The Commission finds that the private road will provide frontage and access to fewer than four (4) properties. The cross section of the private road shown on the preliminary plat illustrates that the minimum improved width of the private road is twenty feet (20').

- b. The travelway shall have a stable, compacted base.*

The Commission finds as conditioned that the travelway shall have stable, compacted base.

- c. There shall be a crown or transverse slope of two percent (2%) to drain water away from the travelway.*

The Commission finds that there is transverse slope of two percent (2%) to drain water away from the travelway as depicted on the cross section of the private road shown on the preliminary plat.

- d. The improved surface shall consist of six inches (6") of compacted two inch (2") minus crushed gravel or other materials approved by the county engineer. Private roads that provide frontage and/or access to more than four (4) properties shall be paved with 2.5 inches of asphaltic concrete.*

The Commission finds that the private road will provide access to fewer than four (4) properties and that according to the plans submitted by the applicant the improved surface will consist of eight inches (8") of pit run gravel on top of a compacted stable subgrade with 2-1/2" – 3/4" minus crushed gravel. The County Engineer has reviewed the application and approved of this road material.

- e. If the turnaround is located within a property as illustrated in figure 14, section 8-1A-2 of this title, the full length of the travelway to the turnaround shall have a twenty four foot (24') width of improved surface.*

The Commission finds as evidenced in the record that the private road will be constructed on a perpetual access easement.

- f. Any segment of a travelway of a private road greater than five percent (5%) grade shall be improved with asphalt or concrete paving.*

The Commission finds that the private road will does not have any segments with grades greater than five percent (5%).

g. For the purposes of this section, corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots that were created as part of a nonfarm subdivision shall also be counted as taking access off the private road.

The Commission finds that lot one is a corner lot that abuts the private road, and so will be counted as taking access off of the private road.

B. Granting approval of the private road would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

The Commission finds that granting approval of the private road will not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity. As evidenced in the previous finding (Finding H2A) the private road complies with design and construction standards.

C. The use and location of the private road shall not conflict with the applicable comprehensive plan and/or the regional transportation plan.

The Commission finds as evidenced in the record that the use and location of the private road does not conflict with the Meridian Comprehensive Plan as adopted by Ada County.

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 lots in the subdivision comply with the minimum lot size requirement of the Rural Urban Transition (RUT) District as both of the proposed lots exceed the minimum lot size requirement of five acres. The Commission finds that each of the two proposed lots will meet the minimum street frontage requirement of the RUT District. Lot 1 will have more than 250' of frontage along Black Cat Road. Lot 2 has a private road terminus located on the property and so only requires 50' of frontage, the width of the private road easement, according to Section 8-4A-3 of the Ada County Code. Lot 2 does contain over 50' of frontage and so meets the frontage requirements.

- *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 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 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 lot and Eugene and Sheila Larson do 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 Commission finds that a natural features analysis was submitted as part of this application which takes 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 RUT District.

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

The Commission finds that neither of the proposed lots will be double front lots.

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 only one (1) new street is proposed as part of this application.

4. The limitations and opportunities of topography.

The Commission 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 Commission finds that this requirement is not applicable to the proposed subdivision as the subdivision is for two lots of over five acres each located in a rural area.

- *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 this requirement is not applicable to the proposed subdivision as the subdivision is for two lots of over five acres each located in a rural area.
- *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 of the RUT 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 both of the proposed lots meet the minimum dimensional standards of the RUT District and that neither of the proposed lots will be corner lots.

- *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 lot one are within twenty (20) degrees of right angles or radial to the street providing access. The Commission finds that lot two receives its access from a private lane which ends in a hammer-head on the property and so this requirement is not applicable to it.

- *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 both of the proposed lots have frontage onto more than one street. Lot one would have frontage onto S. Black Cat Road and W. Abergheny Lane. Lot two would have frontage onto the newly created private road and W. Abergheny Lane. Both lots will be restricted from taking access onto W. Abergheny Lane.

- *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 Commission 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 Commission 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 Commission finds that only one new private road is proposed as part of this subdivision and that it conforms with the regulations of section 8-4A-3 and is required to grant access to lot two.

- *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 new private road runs along the northern property line and ends in a hammer head turnaround which allows for the possibility of abutting properties to access it in the future.

- *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 as conditioned, the proposed lots shall have ten foot (10’) easements for utilities, drainage and irrigation abutting all public street rights of way and subdivision boundaries.

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

The Commission 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 Commission 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 Commission 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 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 no new public 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 Commission finds that as conditioned, the private road shall be required to be completed in accord with the requirements of chapter 4, article D of this title.

- *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 applicant will be required to submit an engineering report to Central District Health Department.

- *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 as conditioned, the applicant will be required to submit drainage plans to the County Engineer for approval and that those improvements shall be completed, inspected and deemed approved by 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 that the developer is not proposing any streetlights as part of this application.

- *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 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 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.

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 one new private road is proposed as part of this application in order to provide access to lot two. The Commission also finds that only one new lot is proposed as part of this application and that it 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 Commission 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. The Commission finds that there are no parks or open space near this property as it is located in a rural, agricultural area.

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 RUT District as the residential lots meet or exceed the minimum lot size of 5 acres and both lots meet the frontage requirements of the RUT District.

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

The Commission finds as stated in Finding H1 that the overall plan is in conformance with the Meridian Comprehensive Plan as adopted by Ada County. The overall plan is also in conformance with Meridian's Area of City Impact Agreement as this land use application was forwarded to Meridian 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.

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. 201400467 S-PR complies with the Meridian City Comprehensive Plan as adopted by Ada County.
2. The Commission concludes that Project No. 201400467 S-PR complies with Section 8-4D-5 of the Ada County Code.
3. The Commission concludes that Project No. 201400467 S-PR complies with Section 8-6 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of Project #201400467 S-PR to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat received February 19, 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

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF FILE #201400467 S-PR 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 applicant shall submit an engineering report to Central District Health Department.
 - b) The Meridian Fire District must approve all fire flow requirements and/or building plans.
 - c) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
3. 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.
4. The final plat shall label the PLS#, or other appropriate description, for the "Found" monuments shown.
5. A stop sign shall be placed at the approach of the new private road. The size and location shall be in accordance with Ada County Highway District requirements.
6. The Perpetual Access Easement description for the private road shall be reviewed by the Ada County Engineer prior to being filed with the Ada County Recorder.
7. Prior to final plat approval, the private road shall be inspected and approved by the County Engineer or the applicant and/or owner must submit a surety agreement consistent with Title 8, Chapter 4, Article K of the Ada County Code.
8. The private road shall comply with the design and construction standards in Section 8-4D-4 of the Ada County Code.
9. Before you submit the final plat for approval, the Ada County Street Name Committee must approve the new street name. See Title 2, Chapter 1 of the Ada County Code.

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10. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
11. 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.
12. 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.
13. Neither of the resultant lots shall take access onto W. Abergheny Lane.
14. Local irrigation/drainage ditches that cross the property , in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.
15. 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.
16. The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
17. 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.
18. 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

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specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, and utilities.

19. 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.
20. 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.