



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Kent Brown/Corey Barton Homes, Inc.

Project No. 201300822-S, Dashwood Subdivision Final Plat

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

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

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

1. Application forms prepared and submitted by the applicant.
2. Final Plat; and
3. All other information contained in Ada County Development Services File for Project No. 201300822-S.

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

1. On October 2, 2013, the Board of Ada County Commissioners approved the preliminary plat and adopted the Findings of Fact and Conclusions of Law for File No. 201300822-S-ZC-DA, Dashwood Subdivision.
2. Submission of Project No. 201300822-S, Dashwood Subdivision Final Plat occurred on July 15, 2015 and Development Services scheduled it for public meeting before the Board of Ada County Commissioners on September 9, 2015.

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

The Board finds **Section 8-6-5B of the Ada County Code** is applicable because the applicant has submitted a final plat request. The Board finds the application complies with Section 8-6-5B of the Ada County Code. Regarding Section 8-6-5B of the Ada County Code, the Board finds the following:

1. The final plat is in substantial conformance with the preliminary plat; and

The final plat is in substantial conformance with the preliminary plat as there is not an increase in the number or size of lots within this phase.

2. All conditions of the approved preliminary plat have been met; and
 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) Idaho Power Company must approve electrical power service.
Idaho Power approved electrical power service to this subdivision as evidenced by their letter dated July 13, 2015.
 - b) Boise City must approve the sewer hook-up and streetlights.
Boise City approved the sewer and street lights as evidenced by their letter dated August 7, 2015.
 - c) United Water must approve the community water system connection.
United Water approved the community water system connection as evidenced by their letter dated May 5, 2015.
 - d) The County Engineer must approve a surface drainage run-off plan review. The plan shall be designed and constructed in conformance with standards contained in “Catalog for Best Management Practices for Idaho Cities and Counties”. 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.
The drainage plan was approved on February 27, 2015, by Angela Gilman, County Engineer.
 2. A final plat shall be meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
The County Surveyor signed the Dashwood Subdivision final plat on August 25, 2015, signifying compliance with Section 8-6-4.3 of Ada County Code.
 3. A final plat shall be in substantial conformance with the approved preliminary plat.
The Dashwood Subdivision is in substantial conformance with the approved preliminary plat.
 4. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
Where W. Blue Fox Street connects to S. Valley Heights Drive was changed from what was shown on the preliminary plat. The adjustments were made at the request of Ada County Highway District and Boise City. The adjustments conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
 5. Prior to submittal of the final plat, the “Street Name Committee” must approval all street subdivision names. See Title 2, Chapter 1 of the Ada County Code.
All street names for Dashwood Subdivision were approved by the Ada County Street Name Committee on January 22, 2015.

6. Prior to approval by the Board of Ada County Commissioners, the plat shall contain the following certificates and/or endorsements:
 - a) Certificate of the owner(s),
The owner signed the plat on March 31, 2015
 - b) Certificate of the plat surveyor,
The plat surveyor signed the plat on March 31, 2015
 - c) Certificate of the County Surveyor,
The County Surveyor signed the plat on August 25, 2015
 - d) Endorsement of the Central District Health Department,
Central District Health signed the plat on May 7, 2015
 - e) Approval and acceptance of the Ada County Highway District.
Ada County Highway District signed the plat on July 15, 2015
7. 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 re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision.
 - c) Lot 7-10, Block 1, as shown on the preliminary plat, shall only contain single story residences or two story residences with no windows on the second story facing the rear property.

Statements are represented on the plat as Notes #4, #5 and #12.
8. 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.

The preliminary plat for Dashwood Subdivision was approved by the Board of County Commissioners on October 2, 2013. The final plat for Dashwood should be signed prior to October 2, 2015.
9. No building permits will be issued until a final plat is recorded through the County Recorder’s Office and parcel number(s) have been issued by the County Assessor’s Office.

Term of approval

10. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.

Ada County Highway District approval is evidenced by their signature on the final plat dated July 15, 2015.

11. Sidewalks are required for new roadways providing internal and external linkage within the development.

Sidewalk construction design and location are under the jurisdiction of the Ada County Highway District. Ada County Highway District approved the sidewalks as evidenced by their signature on the final plat dated July 15, 2015.

12. Installation of public service facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground. All utility easements shall be shown on the final plat.

Term of approval

13. The developer, owner, or homeowner's association shall operate and maintain the subdivision's street lights until annexation by Boise City.

Term of approval

14. 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.

There are no outstanding improvements to be completed; therefore, a surety bond is not required.

15. 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.

Term of approval

3. For a planned community, the area encompassed by the final plat, together with any previously approved plats, is a self-supporting unit.

The proposed subdivision is not a planned community; therefore, this finding is not applicable.

CONCLUSIONS OF LAW

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

1. The Board concludes that Project No. 201300822-S final plat (Dashwood Subdivision) complies comply with Section 8-6-5B of the Ada County Code.