



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:
Application of Dennis Charters
Project No. 201503397 S

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

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

- A. The Board finds that the record is comprised of:
1. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
 2. All other information contained in Ada County Development Services File for Project No. 201503397 S.
- B. As to procedural items, the Board finds the following:
1. In accordance with Section(s) 8-6-3A/8-7-3A2/8-7-4A1 of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on August 4, 2015.
 2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on April 6, 2015.
 3. On August 11, 2015, Development Services accepted Project #201503397 S and scheduled it for public hearing before the Ada County Planning and Zoning Commission on October 15, 2015.
 4. On August 3, 2015, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report.
 5. On August 4, 2015, property owners within 1000 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 September 22, 2015. Notices of the public hearing were posted on the property on or before September 5, 2014 and a certification sign posting was submitted to the director on or before September 8, 2014.
 6. On October 15, 2015, the Commission voted to recommend approval of this application to the Board of Ada County Commissioners.
 7. On October 16, 2015, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits.

7. On October 29, 2015, property owners within 1000 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on November 24, 2015. Notices of the public hearing were posted on the property on or before November 30, 2015 and a certification sign posting was submitted to the director on or before December 2, 2015.
 8. On December 9, 2015, the Board tabled the application to the January 14, 2016 hearing, due to the sign posting not submitted on time.
- C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201503397-S the following:
1. PROPOSED USES – A two lot residential subdivision is proposed
 2. PROPOSED STRUCTURES – Single-family dwellings.
 3. PROPOSED SITE IMPROVEMENTS – NONE.
- D. Based on the materials found in the file for Project No. 201503397 S, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION

The parcel number is R7468710400 and is located at 6900 W. Charters Lane.
 2. OWNERSHIP

The property is owned by Dennis & Linda Charters.
 3. SITE CHARACTERISTICS

Property size: The property contains 20 acres.

Existing structures: A 2,482 sq. ft. single-family dwelling, a 703 sq. ft. attached garage and a 1,296 sq. ft. detached shop.

Existing vegetation: The site consists of residential landscaping and rangeland.

Slope: The site is has slopes that are 15-50+%.

Irrigation: The property is within Boise Project Board of Control, Boise/Kuna Irrigation District and New York Irrigation District.

Drainage: In general the site drains to the southwest.

Views: The site is visible from all directions.
- E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:
- The property is zoned Rural Residential (RR) District. The property consists of a single-family dwelling and accessory structures.
- F. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the surrounding land use and zoning:
- North: The site is residential and is located in the Rural Residential (RR) District.
- South: The site is residential and is located in the Rural Preservation (RP) District.
- East: The site is residential and is located in the Rural Residential (RR) District.

West: The site is residential and is located in the Rural Residential (RR) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201503397 S, the Board finds the following concerning services:

Access Street and Designation: Access is off W. Charters Lane and is designated as a Private Road.

Fire Protection: Melba Fire District.

Sewage Disposal: Individual Septic.

Water Service: Individual Well.

Irrigation District: Boise Project Board of Control, Boise/Kuna Irrigation District and New York Irrigation District.

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

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

1. The Board finds that the **Ada County Comprehensive Plan** is applicable because the subject property is not located within any city's Area of Impact. The Board finds the application complies with the **Ada County Comprehensive Plan as adopted by Ada County**. Regarding the Ada County Comprehensive Plan the Board finds the following:

Goal 5.6: Development will be allowed in rural areas consistent with this Plan and County zoning ordinances.

The Board finds that the development is being developed consistent with the Ada County Comprehensive Plan land use map which designated this area as Rural. The Board finds as conditioned that the proposed development is consistent with Ada County zoning ordinances.

Policy 5.6-1: Encourage preservation of open space and rural residential lifestyle with limited development in areas that cannot reasonably be served by central sewer systems.

The Board finds that the development preserves the existing rural residences and the existing Rural Residential (RR) zoning designation. The existing residences cannot be served by central sewer systems as there are none in the area of the site and the existing residences are currently being served by septic systems.

Policy 5.6-8: Rural residential development should minimize adverse impacts on the natural environment and agricultural land uses.

The Board finds that the development minimizes any adverse impacts on the natural environment because the land use will continue being utilized as agricultural with rural residence. The Board finds as evidenced in the record that the proposed subdivision is within the Rural Residential District and meets the minimum ten (10) acres.

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

1. *The design conforms to the standards established in Article A of this chapter;*

The Board finds that the design standards for the subdivision conform to the standards established in Chapter 6, Article A in Title 8 of the Ada County Code as follows:

- Pursuant to **Section 8-6A-1A**, the Board finds that the lots in the subdivision comply with the design standards of the Rural Residential (RR) District as the residential lots either meet or exceed the minimum lot size of ten (10) acres and have a minimum roadway frontage to Charter Lane.
- Pursuant to **Section 8-6A-1B**, the Board finds that the some of the property where the subdivision is located has slopes less than 15% and some areas with slopes from 15-50+% and shall conform to the hillside regulations.
- Pursuant to **Section 8-6A-1C**, the Board finds that the Natural Features Analysis was not required per Section 8-8-4E-3B.
- Pursuant to **Section 8-6A-1D**, the Board finds that per Ada County Assessor information, all contiguous properties owned by Dennis & Linda Charters have been included in this subdivision.
- Pursuant to **Section 8-6A-1E**, the Board finds that a natural features analysis was not required per Section 8-8-4E-3B.
- Pursuant to **Section 8-6A-2A**, the Board finds that the subdivision provides adequate building sites because the lots comply with the dimensional standards for the Rural Residential (RR) District. The Board finds that based on the preliminary plat that no double fronted lot exist. The Board finds that needs for convenient access, circulation, control, safety or street traffic, and the number of intersecting streets with arterials have been taken into consideration.
- Pursuant to **Section 8-6A-2B**, the Board finds that the subdivision consists of one (1) block and a single private road. Due to the rural nature of the subdivision and that the minimum lot size for a property in the Rural Residential (RR) is ten (10) acres the residential block lengths exceed six hundred feet (600'). The Ada County Associate County Surveyor is requiring that the lots in the subdivision is to continue the numbering scheme of the recorded plat of Rio Ranch Estates #1.
- Pursuant to **Section 8-6A-2C**, the Board finds that the subdivision is intended to be rural in nature and that walkways are not necessary for this type of development.
- Pursuant to **Section 8-6A-3A**, the Board finds that the developer has designed and submitted a preliminary plat that provides appropriate size, width, depth, shape, orientation, and that the minimum setbacks for the Rural Residential (RR) District can be met.
- Pursuant to **Section 8-6A-3B**, the Board finds that the residential lots within the subdivision comply with the minimum dimensional standards for the Rural Residential (RR) District as the residential lots either meet or exceed the minimum lot size of 10.0 acres and the minimum roadway frontage.
- Pursuant to **Section 8-6A-3C**, the Board finds that side property lines originating at the front of the lot are within twenty (20) degrees of right angles or radial to the street providing access.
- Pursuant to **Section 8-6A-3D**, the Board finds that based on the preliminary plat submitted the subdivision does not contain any through lots.
- Pursuant to **Section 8-6A-3E**, the Board finds as a term of approval that frontage for lots on a cul-de-sac turnaround shall be measured fifty feet (50') back from the front property line along an arc parallel to the right of way of the cul-de-sac.
- Pursuant to **Section 8-6A-3F**, the Board finds that the subdivision does not indicate knuckles within the subdivision.
- Pursuant to **Section 8-6A-4A**, the Board finds that all the residential lots in the subdivision will have frontage onto public and/or private roads.

- Pursuant to **Section 8-6A-4B**, the Board finds that the property does not border a railroad right-of-way or a limited access highway.
- Pursuant to **Section 8-6A-4C**, the Board finds the subdivision is intended to be rural in nature and the lots will be served by a single private road. The setback requirements for the Rural Residential (RR) District along with roadway frontage could facilitate future development of the site and adjoining areas if so desired when the necessary infrastructure and services are available to support a denser development form.
- The Board finds that the developer is not proposing the use of any alleyways; therefore **Section 8-6A-5** is not applicable.
- Pursuant to **Section 8-6A-6A**, the Board finds as conditioned that the applicant will be required to provide 10-foot easements for utilities, drainage and irrigation abutting all public rights-of-way and subdivision boundaries.
- Pursuant to **Section 8-6A-6B**, the Board finds that the subdivision is not traversed by a water course.
- Pursuant to **Section 8-6A-7**, the Board finds that the subdivision is not traversed by a water course (irrigation lateral).
- The Board finds that the property is not subject to the Flood Hazard Overlay District as the property is in Flood Zone X according to the FEMA flood maps; therefore, **Section 8-6A-8** is not applicable.

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

- Pursuant to **Section 8-6B-1**, the Board finds as conditioned, the applicant and/or owner will be required to complete the improvements within two (2) years of the written decision, if approved.
- Pursuant to **Section 8-6B-2**, the Board finds that the final plat will be required to be signed by the County Surveyor, indicating that it meets the requirements of Idaho State Code 50-1302, 50-1303, 54-1227, and 55-1608.
- Pursuant to **Section 8-6B-3A**, the Board finds that the private road is existing and no additional requirements are required by ACHD.
- Pursuant to **Section 8-6B-3B**, the Board finds that the private road is existing and as conditioned the developer is required to submit an updated maintenance agreement.
- Pursuant to **Section 8-6B-3C**, the Board finds that the residential lots will be served by individual septic tanks. As conditioned, the Central District Health Department will need to approve the septic systems.
- Pursuant to **Section 8-6B-3D**, the Board finds that the developer will not be required to submit drainage plans .
- The Board finds that the developer is not required to install streetlights due to the rural nature of the development; therefore, **Section 8-6B-3E** is not applicable.
- Pursuant to **Section 8-6B-4**, the Board finds that the developer may submit a surety agreement pursuant to **Chapter 8-4K of the Ada County Code**.

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

The Board finds that according to the Ada County Zoning Map that the property is not within an Overlay District.

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

The Board finds that the subdivision conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures.

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

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

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

The Board finds that there is an existing a private road. An updated road maintenance agreement will be required with the additional lot. ACHD has no site specific requirements for the preliminary plat.

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

The Board finds due to the larger size lots (10.0 acre +) in the subdivision that there isn't a need for community facilities such as parks, recreational, and dedicated open space areas in the subdivision because the lots are large enough for the property owners to pursue and enjoy recreational activities.

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

The Board finds that the proposed subdivision complies with the dimension standards for the Rural Residential (RR) District as the residential lots exceed the minimum lot size of 10.0 acres and the minimum roadway frontage on a cul-de-sac.

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

The Board finds as stated in Finding H1 that the overall plan is in conformance with the Ada County Comprehensive Plan as adopted by Ada County. The Ada County Building Official has no objections to the proposed subdivision.

10. *In addition to the findings required above, the Board shall make the following findings for preliminary plats located in a PC base district:*

a. The preliminary plat is in conformance with the approved planned community implementation plan.

b. Urban public services and urban public facilities are adequately provided according to the standards set forth in chapter 8 of this title, including the transition plan, if any; and

c. Sufficient funds will be available to construct the urban public facilities and to provide urban public services.

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

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. 201201434 S complies with the Ada County Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201201434 S complies with Section 8-6-5 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves of Project #201503397 S, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated July 15, 2015.

DATED this _____ day of _____, 2015.

Board of Ada County Commissioners

Jim Tibbs, Chairman

Rick Yzaguirre, Commissioner

David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF FILLE #201503397 S WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UP TO 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. An updated recorded road user's maintenance agreement needs to be submitted for the private road.
2. The final plat shall renumber the lots to continue the numbering scheme of the recorded plat of Rio Ranch Estates #1.
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 meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
5. 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.
6. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
7. The final plat shall be in substantial conformance with the approved preliminary plat.
8. Prior to approval by the Board of County Commissioners, the plat shall contain the following certificates and/or endorsements:
 - certificate of the owner(s),
 - certificate of the plat surveyor,
 - certificate of the County Surveyor;
 - endorsement of the Central District Health Department,
 - approval and acceptance of the Ada County Highway District.
9. The following statements shall appear on the face of the final plat:
 - a This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed."
 - b Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.

EXHIBIT A

10. 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.
11. The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
12. No building permits will be issued until the final plat is recorded through the County Recorder's Office and parcel numbers have been issued by the County Assessor's Office.
13. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
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.