



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of KM Engineering

Project No. 201504177-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 Commission finds that the record is comprised of:

1. Exhibits 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. 201504177-S.

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

1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on December 10, 2015.
2. Per Section 8-3I-3C of the Ada County Code no neighborhood meetings shall be required for subdivision applications in the Avimor Planned Community unless the preliminary plat proposes a modification of the Avimor Specific Plan. Thus, a neighborhood meeting was not required to take place for this application.
3. On December 17, 2015, Development Services accepted Project #201504177-S and scheduled it for public hearing before the Ada County Planning and Zoning Commission on February 11, 2016.

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Project #201504177 S

Avimor Subdivision No. 5 / KM Engineering

First American Title Insurance Company

4. On December 21, 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.
5. On January 8, 2016, 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 January 16, 2016. Notices of the public hearing were posted on the property by February 1, 2016 and a certification sign posting was submitted to the director by February 4, 2016.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201504177 S the following:

1. PROPOSED USES: A preliminary plat for an 84 lot subdivision consisting of 76 village residential lots, three (3) village center lots, two (2) village open space lots, two (2) foothills open space lots, and one (1) community services lot.
2. PROPOSED STRUCTURES: Single-family dwellings, public safety buildings, community service structures, park structures, and commercial structures.
3. PROPOSED SITE IMPROVEMENTS: United Water Idaho will provide municipal water service with the extension of water lines. The Avimor Water Reclamation Company will extend sewer lines to serve the subdivision. Storm water retention and drainage systems will be installed. Extension and development of roadways will be approved according to standards set forth by the Ada County Highway District. Slope stabilization and revegetation of the hillside will be required as a component of the previous hillside development approval. Fire hydrants will be located in accordance with the adopted International Fire Code.

D. Based on the materials found in the file for Project No. 201504177 S, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel numbers are S0107110050 and S01180240. The properties are generally located north of Avimor Drive and east of Highway 55.
2. OWNERSHIP: First American Title Insurance Company.
3. SITE CHARACTERISTICS

Property size: The property encompassing the proposed subdivision contains approximately 66.6 acres.

Existing structures: The gazebo in Avimor Heritage Park.

Existing vegetation: Dryland shrubs, grasses, and forbs and turf in the Avimor Heritage Park.

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Slope: There are a variety of slopes throughout the proposed subdivision. The slope is generally flat under 15% towards the western portion of the project by Avimor Heritage Park with slopes greater than 15% along the eastern portion of the project.

Irrigation: The property is not located within the jurisdictional boundaries of an irrigation district. Potable water supplied by United Water and reclaimed water.

Drainage: The developed areas of the property will drain to stormwater detention basins and drainage systems.

Views: The site is generally visible from Highway 55.

- 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 zoned Planned Community (PC) District and is located in the Avimor Planned Community. The property is currently open, but was historically used for ranching.

- 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 an unplatted future phase of the Avimor Planned Community and is located in the Planned Community (PC) District.

South: The site is Avimor's Mixed Use Village Center and single-family residential in the Avimor No.1 Subdivision and Avimor No. 3 Subdivision located in the Planned Community (PC) District.

East: The site is an unplatted future phase of the Avimor Planned Community and is located in the Planned Community (PC) District.

West: The site is rangeland and is located in the Rural Preservation (RP) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201504177 S, the Commission finds the following concerning services:

Access Street and Designation: The subdivision will have frontage and access onto N. Highway 55 and N. McLeod Way. N. Highway 55 is designated as a principal arterial. N. McLeod Way is designated as a collector.

Fire Protection: Eagle Fire District.

Sewage Disposal: Avimor Water Reclamation Company.

Water Service: United Water Idaho.

Irrigation District: None.

Drainage District: None.

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

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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 **Avimor Specific Plan** is the applicable comprehensive plan because the proposed subdivision is located within the Avimor Planned Community and the Avimor Specific Plan sets forth the vision, goals, objectives, and policies for development within the Avimor Planned Community. The Commission finds the application complies with **Avimor Specific Plan**. Regarding the Avimor Specific Plan the Commission finds the following:

The Commission finds as evidenced in the record that the development footprint for the subdivision complies with the Land Use District Map in the Avimor Specific Plan.

Goal: To create Avimor, a new community that meets the social, cultural, economic, employment, educational, spiritual and leisure needs of the people who reside there; and to provide the services and infrastructure necessary to support and sustain that community.

Objectives:

COMMUNITY: Avimor will strengthen the concept of community by bringing people together for social, cultural, economic, intellectual, spiritual and leisure purposes in the village, neighborhoods, streets, public spaces, and institutions.

The Commission finds that the Avimor Planned Community has multiple events throughout the year for residents to strengthen the sense of community in Avimor. The Avimor Heritage Park, which is located in the boundaries of the proposed subdivision, fosters this sense of community by providing a place for residents to gather and recreate.

VILLAGE: Avimor will be an intimate village, providing residents a sense of place, identity and security.

The Commission finds that the concept for the Avimor Planned Community consists of a variety of neighborhoods, which will be connected to each other through a series of trails and walkways. The proposed Avimor Subdivision No. 5 is connected to the existing phases of Avimor through the existing trail system such as those that lead to Avimor Heritage Park, which is located in the proposed subdivision.

MIXED USE CENTER: Avimor will concentrate commercial, civic, and a variety of residential uses in an urban pattern around distinctive public spaces and focal civic buildings.

The Commission finds that a mixed use center has already been included in a previous phase of Avimor (Avimor Subdivision No. 1). The mixed use center already includes Avimor's Community Center. As Avimor grows new businesses will develop in the mixed use center once certain population thresholds are met to support those businesses.

DENSITY: Avimor will be developed at the highest density possible while maintaining village scale ambiance in order to minimize land consumption and provide transit and infrastructure efficiency.

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The Commission finds that the Avimor Planned Community has been designed to offer a mix of housing types on a variety of lot sizes throughout the community. The proposed Avimor Subdivision No. 5 has residential lot sizes ranging from 6,175 square feet to 15,295 square feet.

OPEN SPACE: Avimor will feature an open space system that protects sensitive areas, preserves riparian habitat, and brings nature into the community with a network of trails and amenities that expands recreational opportunities for the community and public.

Policy – Create recreational opportunities with a system of parks and trails for use by residents and the public.

The Commission finds that the proposed Avimor Subdivision No. 5 has a number of recreational opportunities as the Avimor Heritage Park and the trailhead to the Spring Valley Creek trail are located within the boundaries of the proposed subdivision.

LIVABILITY: Avimor’s community facilities, streets, walks, pathways, trails, and residential and mixed-use buildings will foster community interaction.

The Commission finds that the proposed Avimor Subdivision No. 5 consists of a park, streets, pathways, open space, and trails that will foster community interaction in the subdivision and also in the broader Avimor Planned Community.

DIVERSITY: Avimor will establish a heritage of diversity with a variety of housing types, styles, sizes, and prices and a reasonable balance of jobs.

Policy – Create a wide range of land-uses for living, working, shopping, and playing within the community.

The Commission finds that the proposed Avimor Subdivision No. 5 will consist of 76 village residential lots, three (3) village center lots, two (2) village open space lots, two (2) foothills open space lots, and one (1) community services lot. These lots represent a wide range of land-uses in the proposed subdivision. The purpose of the village residential district is to provide for predominately single-family residential uses, in flat land and moderately sloped areas, at densities between 3.5 and eight (8) units per acre. The purpose of the village center district is to provide for civic, commercial, retail and office uses, and for higher density residential uses in a mixed use village environment. The purpose of the village open space district is to provide for natural and improved open spaces, including, without limitation, riparian corridors of natural watercourses, parks and play fields, and wetlands, and drainage facilities. The purpose of the foothills open space lots is to provide for preservation of riparian corridors of natural watercourses, steep hillsides, and major ridges above the 3,500 foot elevation, view corridors and wildlife habitat. The purpose of the community services district is to provide for utilities and public structures, services or facilities outside of the village center district, including, without limitation, schools, fire, police, EMS, and restricted commercial uses that are compatible with open space or recreation.

Policy – Maximize density and offer diverse housing products in and adjacent to the mixed-use village center.

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The Commission finds that the proposed Avimor Subdivision No. 5 will offer a diversity of housing products. The residential lot sizes vary from 6,175 square feet to 15,295 square feet. The subdivision will have level building pads as well as grade adaptive building pads. The grade adaptive building pads will consist of dwellings where the lower level of the home is at grade with the street and upper level is at grade with the backyard. This particular type of grade adaptive dwelling will be a new product type within the Avimor Planned Community, which will further diversify the housing products that Avimor offers.

Policy – Provide homes, offices and shops that appeal to different needs, lifestyles and income levels.

The Commission finds that the Avimor Planned Community has a range of product types to meet the needs, lifestyles, and income levels of differing individuals. Avimor as a whole has a variety of residential options ranging from 45' x 110' village residential lots to custom home lots in the foothills. Avimor's Village Center in Phase 1 will provide offices and shops as certain population thresholds are met. The proposed Avimor Subdivision No. 5 will further enhance the diversity of product types available in Avimor. The subdivision will have level building pads as well as grade adaptive building pads. The grade adaptive building pads will consist of dwellings where the lower level of the home is at grade with the street and the upper level is at grade with the backyard. This particular type of grade adaptive dwelling will be a new product type within the Avimor Planned Community.

SUSTAINABILITY: Avimor will develop the foundation of a sustainable community by preserving the core ecosystem; adopting green building and development practices to sustain biodiversity and natural resources; encouraging water conservation and the reuse of treated water resources to supplement irrigation of public open space, common areas and parks; creating a safe and healthy community; and providing for a flourishing local economy.

The Commission finds that the Avimor Planned Community has developed a foundation of a sustainable community through the adoption of design guidelines in the Avimor Specific Plan and the provision of natural and developed open space along with emergency services being provided by the Eagle Fire District, Ada County Sheriff's Office, and Ada County Emergency Medical Services. The proposed Avimor Subdivision No. 5 contributes to this by having natural open space and developed open space (Avimor Heritage Park).

The design guidelines in Avimor have been developed to help preserve the core ecosystem through the adoption of green building and development practices to sustain biodiversity and natural resources. Numerous water conservation measures have been implemented such as buildings being built with low water use plumbing fixtures and recirculating pumps for hot water delivery. Effluent from the wastewater treatment plan is reused for open space and common area irrigation. Landscaping has been limited to primarily low water use or xeric plant material and is enforced through covenants, deed restrictions, and permitted plant lists.

Policy – Use landscape materials compatible with the climate; preserve native foliage to the greatest extent feasible; revegetate with native materials; restrict non-native landscape to limited lot areas in the foothills; and establish standards to minimize and control the threat of wildfires.

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The Commission finds that landscaping in the Avimor Planned Community has been limited to primarily low water use or xeric plant material and is enforced through covenants, deed restrictions, and permitted plant lists.

The Commission also finds that Avimor is a National Firewise Community. The Firewise Communities Program is co-sponsored by the USDA Forest Service, the US Department of the Interior, and the National Association of State Foresters. Avimor has been a National Firewise Community for a number of years and has also successfully completed recertification. As part of the Firewise development requirements, Avimor has developed a Fire and Vegetation Management Plan. The plan provides guidelines for how the Avimor homeowners, the HOA, and the Avimor Conservation Director can reduce the potential risk of wildfire and improve the health and stability of the surrounding vegetation and wildlife. Avimor has a number of educational pamphlets on their website that discusses firewise landscaping. As evidenced by staff's annual review of Avimor's Wildlife Mitigation Plan. Avimor has an annual Firewise education meeting in the spring with residents. In addition, Avimor's Conservation Director is highly involved with the program as the landscape plans for new dwellings along the wildland urban interface need to be approved by him and dwellings along the interface are evaluated every five (5) years.

Policy – Protect water quality through erosion control, landscape restoration, and enhancement of wetlands and riparian corridors.

The Commission finds that the Avimor Planned Community has a Wildlife Mitigation Plan. A component of the Wildlife Mitigation Plan includes restoration monitoring. As evidenced, in staff's annual review of the Wildlife Mitigation Plan Avimor has completed a number of projects to enhance wetlands and riparian corridors such as planting trees in riparian areas. They have also done a number revegetation projects on hillsides to prevent erosion. A hillside application (Project #200700016-HD) has been approved for the hillside work associated with the proposed Avimor Subdivision No. 5. The approved hillside application has provisions for the revegetation of disturbed areas.

Policy – Under site grading in hillside areas for lots and roadways in accordance with Grading and Drainage Section of B.13.

The Commission finds that a hillside application (Project #200700016-HD) has been approved for the hillside work associated with the proposed Avimor Subdivision No. 5. The approved hillside application has a grading plan that complies with the Grading and Drainage Section of B.13 in the Design Guidelines of Avimor's Specific Plan.

INFRASTRUCTURE: Avimor will provide the roadways, water and wastewater systems, drainage facilities and irrigation systems necessary to serve the community independent of other regional infrastructure systems.

Policy – Design a safe, efficient and convenient network of roads and trails, and a plan for the long-range transportation needs of the area.

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The Commission finds that the roadways for the proposed Avimor Subdivision No. 5 will be constructed under the supervision and will be inspected by the Ada County Highway District (ACHD). In addition, ACHD is a signatory on the final plat.

The Commission finds that Avimor has been working with the Idaho Transportation Department (ITD) regarding the long-range transportation needs of the area. ITD responded in Exhibit #27 that they do not object to the preliminary plat changes within the subdivision. However, they did express concern regarding the north access shown in the application. According to ITD this access was previously permitted by them; and has since expired. As conditioned, the applicant will need to submit a new application for an approach in this location.

Policy – Design residential streets to slow traffic and separate sidewalk, where feasible, to safely accommodate pedestrians.

The Commission finds as evidenced on the preliminary plat that residential streets have been designed to slow traffic. The street sections depicted on the preliminary plat shows sidewalks for all three street sections. As conditioned, the streets with the 64' and 42' typical right-of-way section shall have sidewalks on both sides of the street and 31' one-way right-of-way section shall have sidewalks on the side of street that fronts the dwellings.

COMMUNITY SERVICES: Avimor will assure community safety and security in concert with the Eagle Fire District, Ada County Sheriff and Ada County Emergency Medical Services; and will facilitate education of the community's children through planning and coordination with school district, and by providing sites for elementary schools.

The Commission finds that the application for the proposed subdivision was transmitted to those agencies that will provide community services to Avimor Subdivision No. 5 on December 21, 2015. The Eagle Fire District provided some technical comments in Exhibit #19 regarding how wide a street section needs to be to allow for on-street parking, turning radius requirement, the number of fire hydrants and spacing of those hydrants to be in accordance with Appendix C of the 2012 International Fire Code. The fire district also stated that the secondary emergency access that runs north to Highway 55 shall be maintained and serviceable for this phase of the subdivision.

WILDLIFE: Avimor will minimize impacts to wildlife by preserving native vegetation in delineated wetland riparian corridors and natural open space to the greatest extent feasible; will require wildlife-friendly fencing, clustering of homes in habitat areas, and maximizing open space.

Policy – Work with wildlife agencies to identify and preserve sensitive habitat, and regionally significant wildlife corridors.

The Commission finds that Avimor has a Wildlife Mitigation Plan. The Wildlife Mitigation Plan is implemented, managed, and monitored by Avimor's Conservation Director. The Conservation Director works with wildlife agencies to identify and preserve sensitive habitat and regionally significant wildlife corridors by reporting monitoring data results and enhancement progress to the Avimor Conservation Advisory Committee. The Conservation

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Advisory Committee meets to review monitoring data and the overall progress of the mitigation and makes recommendations to the Conservation Director for changes in management direction or alteration of the Wildlife Mitigation Plan. The committee is made up of seven (7) representatives from the following organizations: Idaho Department of Fish and Game, Bureau of Land Management, Ada County Development Services Department, President of the Avimor Home Owners Association, Ada Soil and Water Conservation Service, the Developer, and the Conservation Director.

2. The Commission finds **Article 8-3B of the Ada County Code** is applicable because the property is located in the Wildland-Urban Fire Interface Overlay District. The Commission finds that the application complies with **Article 8-3B of the Ada County Code** because a fire and vegetation plan was prepared for the Avimor Planned Community and was reviewed and stamped by Jerry O’Neal who is a licensed fire professional engineer. The proposed development consists of an interconnected system of public roadways permitting emergency vehicle access to the lots from more than one direction.

The Eagle Fire District has provided comments on this application in Exhibit #19. They mentioned that roads 20 to 26 feet in width shall be posted on both sides “No Parking Fire Lane” in accordance with Appendix D sections D103.6 and D103.6.1 of the 2012 Edition of the International Fire Code and roads more than 26 feet in width and less than 32 feet in width shall be posted on one side “No Parking Fire Lane”. Access roads in the subdivision will need to include adequate roadway widths, signage, turnarounds and minimum turning radius for fire apparatus. They noticed that the 24 foot street section shown on Sheet C4 of the plat as indicates there will be parking on one side. In order for there to be parking on one side, the street would have to be widen to more than 26 feet in width. As conditioned, the Eagle Fire District must approve of all fire flow requirements. Also, as conditioned the applicant and/or owner shall place “No Parking Fire Lane” signs on both sides of the street for streets that have a width of less than 26 feet and shall place “No Parking Fire Lane” signs on one side of the street for streets that have a width in between 26 feet and 32 feet. In addition, radiuses for curves and intersections shall meet the Eagle Fire District’s turning radius requirements.

3. The Commission finds **Article 8-3H of the Ada County** is applicable because the property is located in the Hillside Overlay District. The Commission finds that the application complies with **Article 8-3H of the Ada County** because a hillside development application was made and approved on the subject property for a subdivision through Project #200700016 S-HD. The grading associated with Avimor Subdivision No. 5 is in the general footprint of the grading approved under Project #200700016 S-HD.
4. 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.*

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The Commission finds that the lots in the subdivision will comply with the design standards of the Village Residential (VR), Village Center (VC), and Community Service (CS) land use districts within the Avimor Planned Community. The lots in the Village Residential District exceed the minimum lot size of 3,500 square feet for detached dwellings as the lot sizes in the subdivision vary from 6,175 square feet to 15,295 square feet and the lots also exceed the minimum street frontage of 30 feet and 35 feet for corner lots. The lots in the Village Center District exceed the minimum lot size of 1,500 square feet as these lots range in size from 33,924 square feet to 124,073 square feet and the lots also exceed the minimum street frontage of 20 feet and 25 feet for corner lots. The 639,119 square foot lot in the Community Service District exceeds the minimum lot size of 1,500 square feet and the minimum street frontage of 20 feet.

- *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 the site contains slopes in excess of 15% or greater. The applicant submitted a hillside development application (Project #200700016 HD) with the previously approved preliminary plat application. The hillside application (Project #200700016 HD) is still applicable to this portion of the site; therefore, an additional hillside application is not necessary with this application.

- *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 there is not any evidence in the record including the Avimor Specific Plan and the approved natural features analysis to indicate that the site is 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 Section 8-3I-3C of the Ada County Code excepts the provisions of section 8-6A-1D of this title in applying to subdivision platting within Avimor.

- *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 with the previously approved preliminary plat encompassing the site. As evidenced on the preliminary plat, the subdivision design has taken into consideration the natural features on the property.

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- *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 requirements as to property sizes and dimensions.*

The Commission finds that the subdivision will provide adequate building sites as the lots will be required to comply with the dimensional standards for the Village Residential, Village Center, and Community Service land use districts.

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

The Commission finds as conditioned, that all lots will have access from internal local roadways. The internal local roadways will tie into N. McLeod Way, a collector roadway. Lots 1-14 of Block 23 have frontage onto both N. Glenisla Avenue and N. McLeod Way. As conditioned, Lots 1-14 of Block 23 are restricted from taking access off of N. McLeod Way. A common area was not placed in between these lots and N. McLeod Way because of the topography. The homes on these lots will be elevated above N. McLeod Way.

3. *Needs for convenient access, circulation, control, and safety of street traffic. The number of intersection streets with arterials of all classes shall be held to a minimum.*

The Commission finds the internal local roadways will have four (4) connections to intersection N. McLeod Way, a collector roadway. The access to N. McLeod Way is necessary as it is the only access to the residential lots.

4. *The limitations and opportunities of topography.*

The Commission finds that there are limitations due to the topography of the property as the applicant is proposing to bisect the middle of Lots 2-16, Block 24, Lots 31-39, Block 24, and Lots 26-27, Block 24 with slopes in excess of 40% after grading of the area. The applicant has indicated that their intent is to create grade adaptive lots where the lower level of the dwelling is at grade with the street and the upper level of the dwelling is at grade with the backyard. Hence the rear portion of the lot would be higher than the front portion of the lot.

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

The Commission finds that the proposed block lengths are approximately between 460 and 920 feet in length. The longer block lengths are necessary due to the topography of the site, and the need to limit the number of local roadway connections to McLeod Way, a collector roadway. Staff is supportive of the block lengths.

- *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,*

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transportation, and other community facilities. Said access right of way shall be a separate platted lot.

The Commission finds that the applicant is proposing five (5) foot wide attached sidewalks along both sides of the internal local streets. Additionally, the applicant is proposing five (5) foot wide detached sidewalks along both sides of McLeod Way.

- *Section 8-6A-3A - The property size, width, depth, shape, 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 the appropriate property size, width, depth, shape, orientation, and minimum structure setback lines that comply with the dimensional standards for Village Residential, Village Center, and Community Service land use districts.

- *Section 8-6A-3B - The minimum dimensional standards for all lots shall be in accord with the applicable 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 the Village Residential District with a minimum lot size of 3,500 square feet. All corner lots exceed the minimum lot size in excess of 5%. The Commission finds that the Village Center lots comply with the minimum dimensional standards of 1,500 square feet. The Commission finds that the Community Service lots comply with the minimum dimensional standards of 1,500 square feet.

- *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 the side property lines originating at the front of the lot are within twenty degrees (20°) 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 as evidenced on the preliminary plat (Exhibit #6) that the majority of the lots in the subdivision are not through lots. However, Lots 1-14 of Block 23 due to topographic constraints has frontage on both N. Glenisla Way and N. McLeod Way. As conditioned, Lots 1-14 of Block 23 are restricted from taking access off of N. McLeod Way. A common area was not placed in between these lots and N. McLeod Way because of the topography. The homes on these lots will be elevated above N. McLeod Way.

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- *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 proposed lots in the subdivision meet the minimum frontage requirements of the applicable district and that frontage for lots located on a cul-de-sac were measured fifty feet (50') back from the property line along the 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 as evidenced on the preliminary plat (Exhibit #6) that there are no lots, which 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 as evidenced on the preliminary plat (Exhibit #6) that all residential lots in the subdivision have frontage onto a public roadway.

- *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 proposed development ties into an existing stub street (N. McLeod Way). Additionally, the proposed development will provide stub streets to the north and the east.

- *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 on the preliminary plat (Exhibit #6) 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 a minimum width of ten feet (10').*

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The Commission finds as conditioned that the applicant shall provide ten (10) foot easements for utilities, drainage, and irrigation abutting all public right-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 that the subdivision is transversed by Spring Valley Creek and the North Fork of Spring Valley Creek. As conditioned, the applicant shall provide an easement encompassing the watercourses.

- *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 conditioned, that 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 of subsection 8-3C-3C of this title.*
 2. *Proposed fences in a designated flood hazard area shall comply with the regulations of subsection 8-3C-3C of this title.*
 3. *Unless otherwise specified by this title, fences shall have a six foot (6') barrier that meets barrier requirements for swimming pools in the Ada County building code as set forth in title 7, chapter 2 of this code.*
 4. *Proposed covers or fences involving an irrigation distribution system shall have the prior approval of the affected irrigation district.*

The Commission finds as conditioned, that any fences proposed adjacent to Spring Valley Creek or the North Fork of Spring Valley Creek shall be constructed just off the easement to ensure public safety and prevent encroachments.

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 that the applicant and/or owner will be required to complete the improvements within two (2) years of the written decision if approved.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

- *Section 8-6B-2 – The owner shall comply with the requirements of Idaho Code sections 50-1302, 50-1303, 54-12227, 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 public streets shall be accepted 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 as evidenced in the record that all streets within the proposed subdivision will be dedicated to the public and there are no roads that will be private.

- *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 connected to Avimor’s sewer system. The Central District Health Department is a signatory on the final plat. The Central District Health Department replied in Exhibit #18 that after written approval from appropriate entities are submitted, they can approve this proposal for central sewer and water and that plans need to be submitted to and approved by the Idaho Department of Environmental Quality.

- *Section 8-6B-3D – Stormwater facilities and drainage improvements shall be constructed by the applicant or owners and approved by the county engineer.*

The Commission finds, as conditioned, that 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 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 **Article 8-4K of the Ada County Code.**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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 located in the Wildland-Urban Fire Interface Overlay District and the Hillside Overlay District.

The Commission finds as evidenced in Findings of Fact Section H(2) that the subdivision complies with the standards of the Wildland-Urban Fire Interface Overlay District as set forth in chapter 3 of this title.

The Commission finds as evidenced in Findings of Fact Section H(3) that the subdivision complies with the standards of the Hillside Overlay District as set forth in chapter 3 of this title.

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 design of the subdivision conforms to the topography and natural landscape features and shows consideration for the location and function of land uses. The Land Use District Map in the Avimor Specific Plan shows the area encompassed by Avimor No. 5 Subdivision as being a footprint for development within the Avimor Planned Community. The street layout and grading of lots minimizes the amount of grading by having the lots 2-16 and 31-38 of Block 24 being grade adaptive lots where the homes built on these lots will consist of a daylight basement facing the street and the second story being grade level with the backyard.

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 and other public services in the surrounding area. The internal street system within the subdivision will funnel traffic to N. McLeod Way then to W. Avimor Drive and eventually to Highway 55. The street sections for the roads within the subdivision show that all street sections have sidewalks, which will connect to sidewalks in the existing phases of the Avimor Planned Community.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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 community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian sidewalks. The proposed subdivision will include the already developed Avimor Heritage Park along with the trailhead for Spring Valley Creek Trail. The preliminary plat shows that the subdivision consists of 12.97 acres located in the Village Open Space District and 12.79 acres located in the Foothills Open Space District.

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 the land use districts in the Avimor Planned Community. The lots in the Village Residential District exceed the minimum lot size of 3,500 square feet for detached dwellings as the lot sizes in the subdivision vary from 6,175 square feet to 15,295 square feet and the lots also exceed the minimum street frontage of 30 feet and 35 feet for corner lots. The lots in the Village Center District exceed the minimum lot size of 1,500 square feet as these lots range in size from 33,924 square feet to 124,073 square feet and the lots also exceed the minimum street frontage of 20 feet and 25 feet for corner lots. The 639,119 square foot lot in the Community Service District exceeds the minimum lot size of 1,500 square feet and the minimum street frontage of 20 feet.

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 Findings of Fact Section H(1) that the overall plan is in conformance with the Avimor Specific Plan.

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 that the Avimor Planned Community was approved prior to Ordinance 766 (adopted December 8, 2010) which required planned communities to submit an implementation plan and provide documentation that there are sufficient funds available to construct urban public facilities.

The Commission finds that urban public facilities are available to the subdivision as Avimor's Wastewater Treatment Facility is in operation and United Water Idaho will

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

provide potable water to the subdivision. Also, this subdivision is located in Avimor's Capital Improvement District (CID).

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. 201504177 S complies with the Avimor Specific Plan.
2. The Commission concludes that Project No. 201504177 S complies with Article 8-3B of the Ada County Code.
3. The Commission concludes that Project No. 201504177 S complies with Article 8-3H of the Ada County Code.
4. The Commission concludes that Project No. 201504177 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 Commission recommends approval of Project #201504177 S to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated December 17, 2015.

DATED this _____ day of _____, 20__.

By: _____
Teri Murrison, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201504177 S
Avimor Subdivision No. 5 / KM Engineering
First American Title Insurance Company

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 201504177 S WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND SUBMIT A FINAL PLAT UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.
 - a) Central District Health must approve the infiltration beds for storm water disposal.
 - b) The Eagle Fire District must approve all fire flow requirements and/or building plans.
 - c) The Avimor Water Reclamation Facility must approve the sewer hook-up.
 - d) United Water Idaho must approve the community water system connection.
 - e) Idaho Power Company must approve electrical power service.
 - f) 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.
 - g) A landscape plan must be submitted to the Ada County Development Services Department for the developed open space areas of the subdivision.
2. As required by the Board, the plat shall be modified to include the following items:
 - a) Provide ten foot (10') easements for utilities, drainage, and irrigation abutting all public rights-of-way and subdivision boundaries.
 - b) An easement shall be depicted along Spring Valley Creek and the North Fork of Spring Valley Creek.
3. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
4. For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.

CONDITIONS OF APPROVAL

Project #201504177 S
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EXHIBIT A

5. The applicant and/or owner shall submit an application to the Idaho Transportation Department (ITD) for the secondary (north) access onto Highway 55.
6. The applicant and/or owner shall provide written documentation that the Eagle Fire District approves of the secondary emergency access (north) to Highway 55.
7. The secondary emergency access (north) to Highway 55 shall be maintained and serviceable for this subdivision.
8. The applicant and/or owner shall place “No Parking Fire Lane” signs on both sides of the street for streets that have a width of less than 26 feet and they shall place “No Parking Fire Lane” signs on one side of the street for streets that have a width in between 26 feet and 32 feet.
9. The applicant and/or owner shall provide written documentation that the Eagle Fire District approves of the street radiuses for curves and intersections in the subdivision.
10. The streets shown on the preliminary plat with the 64’ and 42’ typical right-of-way section shall have sidewalks constructed on both sides of the street and the street with the 31’ one-way right-of-way street section shall have sidewalks constructed on the side of the street that fronts the dwellings.
11. 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.
12. Before you submit the final plat for approval, the Ada County Street Name Committee must approve all street subdivision names. See Title 2, Chapter 1 of the Ada County Code.
13. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
14. 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.
15. The following statements shall appear on the face of the final plat:

CONDITIONS OF APPROVAL

EXHIBIT A

- 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.
 - c) All common lots shall be owned and maintained by a Homeowner’s Association.
 - d) The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved subject to the regulations contained in the Hillside Overlay District set forth in Article 8-3H of the Ada County Code, or a grading permit granted by the Ada County Building Official, shall maintain in perpetuity and repair all graded surfaces and erosion-prevention devices, retaining walls, drainage structures, means, and devices not subject to the jurisdiction of the Ada County Highway District, and plantings and ground cover installed or completed.
 - e) Lots 1 -14 of Block 23 are restricted from taking access from N. McLeod Way.
16. 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.
 17. 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.
 18. All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application Project #201504177 S.
 19. 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.
 20. Prior to Board approval of the final plat, the Ada County Engineer shall approve all drainage improvements and site grading shall be completed. The County Engineer shall inspect and approve all drainage improvements, except where bonding is provided. As-built drawings, acceptable to the County Engineer in form and substance, shall be permitted prior to final inspection and approval of the drainage improvements.
 21. Street lighting within the development shall comply with the requirements of Article 8-4H of the Ada County Code. All lighting within the development shall comply with the design guidelines listed in the Avimor Specific Plan.

CONDITIONS OF APPROVAL

EXHIBIT A

22. 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.
23. Compliance with Section 31-3805 of the Idaho State Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
24. 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.
25. Any fences proposed adjacent to Spring Valley Creek or the North Fork of Spring Valley Creek shall be constructed just off the easement to ensure public safety and prevent encroachments.
26. 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.
27. Compliance with the hillside development permit (Project #200700016 HD) is required.
28. Where open space, parks, and trails are shown on the plat, the applicant and/or developer shall construct, or bond for construction of, all improved open space, all trails, trailhead parking, temporary trailhead parking, and trailhead signs prior to final plat approval as depicted on the Preliminary Plat.
29. 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.

CONDITIONS OF APPROVAL

Project #201504177 S
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