



TO: ADA COUNTY PLANNING & ZONING COMMISSION

HEARING DATE: February 11, 2016

STAFF: Brent Danielson, AICP, Kristy Inselman, and Diana Sanders, Associate Planners

PROJECT NO.: 201503969 CPA-ZOA

APPLICANT: SLN Planning, Inc.

AGENT: Shawn L. Nickel

INTRODUCTION

A comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.

EXECUTIVE SUMMARY

The applicant Shawn L. Nickel is requesting a comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.

Staff finds that the comprehensive plan text amendment and zoning ordinance text amendment is being made prematurely as Ada County has recently kicked off our comprehensive plan update process. We are in the midst of three public outreach campaigns in which we are seeking input from the public on the vision for Ada County's future. Draft policies, based on the public input, will be out in the late winter/early spring. If the public comments guide the County in the direction of cluster subdivisions, the draft policies could potentially address these types of development.

For the comprehensive plan text amendment the applicant is proposing updating the following sections to include recommendations for Rural Cluster Development:

- *Section 1: Implementation Process and Priorities section of the Introduction,*
- *Section 2: Goals & Policies section of Chapter 2 entitled Population & Growth,*
- *Section 3: Rural Residential and Agricultural Areas subsection of the Existing Conditions section of Chapter 5 entitled Land Use,*

- *Section 4: Comprehensive Plan Map subsection of the Existing Conditions section of Chapter 5 entitled Land Use,*
- *Section 5: Issues section of Chapter 5 entitled Land Use to remove discussion of “conflicting uses in transitional areas”,*
- *Section 6: Rural Areas – Residential Development subsection of the Goals & Policies section of Chapter 5 entitled Land Use,*
- *Section 7: Rural Areas – Agricultural Use subsection of the Goals & Policies section of Chapter 5 entitled Land Use,*
- *Section 8: Wastewater Facilities subsection of the Goals & Policies section of Chapter 7 entitled Public Services, Utilities & Energy,*
- *Section 9: Implementation Priorities section of Chapter 13 entitled Implementation,*
- *Section 10: Implementation Actions by Chapter section of Chapter 13 entitled Implementation,*
- *In Section 11 the applicant is updating the Glossary of Terms section of Appendix A to incorporate rural cluster developments in a definition for rural cluster development and modifying the definition for rural residences.*

For the zoning ordinance text amendment the applicant is making the following changes to the zoning ordinance in order to allow for rural cluster development in the Rural Residential (RR) District:

- *Amending Section 8-1A-1 of the Ada County Code to add definitions for “Community Sewage Disposal System” and “Rural Cluster Development” and to amend the definitions for “Open Space, Dedicated” and “Rural Residence” as follows, with the balance of Section 8-1A-1 of the Ada County Code remaining unchanged.*
- *Amending Section 8-2A-2 of the Ada County Code to add a subsection to include a provision for a rural cluster subdivision may be approved in accord with the regulations outlined in Section 8-2A-6 of this article.*
- *Amending Section 8-2A-6 of the Ada County Code to add regulations for Rural Cluster Subdivisions.*
- *Amending Section 8-3B-3 of the Ada County Code to add provisions for fire flow for Rural Cluster Subdivisions.*
- *Amending Section 8-4A-22 of the Ada County Code to add a provision for Rural Cluster Subdivisions in the Urban Public Facilities section of the code.*
- *Amending Section 8-4D-4 of the Ada County Code to require that an easement for a private road in a rural cluster subdivision be fifty feet (50’) in width.*

- *Amending Section 8-4J-3 of the Ada County Code to provide an open space requirement for rural cluster subdivisions.*

Prior to 2008, Ada County had a similar type of development to the proposed rural cluster subdivision called the “Nonfarm Subdivision”. The nonfarm subdivision had provided standards to cluster rural residential development on a portion of the property. The property had to be located in the Rural Residential (RR) District and a minimum of twenty (20) acres. A density bonus was provided for nonfarm subdivisions in exchange for clustering lots and/or providing open space. The density bonus allowed for a total density of two (2) dwelling units per ten (10) acres. The open space area in the nonfarm subdivision was not permanently dedicated as the open space could be developed once it was annexed by a city or the property received development approval and approval for a zoning ordinance map amendment and urban services were available to the proposed development. Nonfarm subdivisions with ten (10) or more residential lots had to provide a community well. Also proposed residential lots had to connect to a “community sewage disposal system”.

Nonfarm subdivisions were repealed from the ordinance based upon the Board’s directive at the time to require urban-type development where urban public facilities are located; and to restrict new development where urban facilities are not located; and to restrict new development within rural areas of the County to low-density residential and low-intensity rural uses. This was seen as a way to implement the recommendations in the Blueprint for Good Growth planning processes. It was also seen as a way to eliminate the disincentives to agricultural and ag-related uses in the rural areas. The current non-farm subdivisions have not been successful in preserving agricultural ground as the open space area has been held as a holding parcel until it could redevelop in a city. In addition, the County had experienced a number of problems regarding the maintenance, upgrade, and replacement of community sewage systems and community wells.

When the current Ada County Comprehensive Plan was adopted in 2007 there was the recommendation that the non-farm (cluster subdivision) be significantly revised or replaced due to the conflicts between rural and urban development patterns. The non-farm (cluster subdivision) should be replaced as to not interfere with future urban development. It also mentioned that new regulations should offer the opportunity for a rural lifestyle to those who desire it and provide mechanisms for incorporating open space into rural development. Specific recommendations in the comprehensive plan for rural development included exploring and adopting measures to permanently protect open space or maintain low densities within rural areas, such as purchase or transfer of development rights, conservation easements or other tools including cluster, conservation or open space subdivisions, additional hillside regulations and protection of habitat and environmentally sensitive areas.

Staff finds that the proposed ordinance for rural cluster subdivisions does not address the issues and reasons behind the repeal of the non-farm subdivisions from the ordinance eight (8) years ago. It appears to staff that the proposed ordinance is essentially the same ordinance that was repealed, but with a few minor tweaks.

The proposed ordinance does not do anything to encourage the preservation of agricultural land as you would only need a minimum of twenty (20) acres and there is an option for the agricultural based open space land to be redeveloped in the future. Also, the remaining acreage

from a rural cluster development that is developed on the minimum requirement of twenty (20) acres would be difficult to farm because of its small size and would likely remain fallow and unkempt. If a rural cluster subdivision were to occur staff deems that the minimum property size would need to be eighty (80) acres to make the open space land viable to farming as the open space would then be a minimum of sixty (60) acres, which would provide enough area for the agricultural equipment to maneuver and be used. In addition, staff believes that all open space land resulting from rural cluster subdivisions need to be placed in a conservation easement to protect the land from further development.

Staff has a number of additional concerns with the proposed ordinance. The proposed ordinance allows for rural cluster lots in the foothills to be separated under certain circumstances. Allowing the lots not to be clustered defeats the purpose of clustering lots together to preserve open space. The provisions for access are also problematic as noted by the Ada County Highway District in Exhibit #17. ACHD stated that they have transportation related concerns with the amendment, which include: lack of connectivity, requests to convert private streets to public roadways, which can be costly and not feasible in many situations, access management, implementation of the Master Street Maps (MSM) and its impact to the open space lots, and frontage improvements.

At the time the staff report was written the following agencies have provided comments. The Pioneer Irrigation District replied in Exhibit #10 that they have experienced occasions where irrigation water is not available to properties that have split off of larger pieces. They have provided two requirements for consideration. The first is to preserve and protect all private irrigation facilities within the property being developed. The second is to provide access to irrigation water to all properties remaining following a property split. The Idaho Transportation Department (ITD) responded in Exhibit #11 that they have no changes to the proposed text amendments and that applicants will still have to meet all requirements for encroachments along the State highway system. The Ada County Building Official stated in Exhibit #12 that the Building Division has no objection to the proposed zoning ordinance text amendment. The Boise City Public Works Department replied in Exhibit #13 that the City of Boise's current Sewer Extension Policy does not allow for developments to extend the City's sewer system and does not allow sewer connection to new developments located outside of Boise City limits. The Eagle Fire District responded in Exhibit #14 that they have no comment at this time. The City of Eagle stated in Exhibit #15 that they are unable to support the proposal and recommend for the amendments to be denied because this type of development would require expansion of public services and they feel that this type of development should only occur within the cities. Megan Basham the Community and Regional Planner for Ada County stated in Exhibit #16 that amending the comprehensive plan at this time seems premature as Ada County recently kicked off our comprehensive plan update process in 2015 are currently seeking input on the vision for Ada County's future. Draft policies, based on public input, will be out in the late winter/early spring and will be available for public input and comment. If the public comments guide the County in the direction of cluster subdivisions, the draft policies could potentially address these types of development. The Ada County Highway District (ACHD) replied in Exhibit #17 that they have transportation related concerns with the amendment, which include: lack of connectivity, requests to convert private streets to public roadways, which can be costly and not feasible in many situations, access management, implementation of the Master Street Maps (MSM) and its impact to the open space lots, and frontage improvements. If Ada County were to

approve the applicant's request ACHD stated that is anticipated that they will implement conditions consistent with access management policies, and public streets will be required to provide future connectivity. New streets, as designated on the MSM will be required to be constructed with development, and stub streets will be required to provide access and connectivity to adjacent parcels, and to open space lots that can be redeveloped in the future. Frontage improvements will be required for the entire development, regardless of the location of the cluster lots. The City of Kuna provided comments in Exhibit #18 on specific sections of the proposed zoning ordinance amendment. Kuna strongly recommends that no septic be allowed within a Nitrate Priority Area and suggested language requiring that the developer propose a finance plan for the services, which may include but not be limited to: an automatic LID or pay connection fee prior to development. The City of Boise replied in Exhibit #21 that they recommend denial of the proposed amendments as they feel that this does not support the regional planning documents: Blueprint for Good Growth and the Communities in Motion Regional Transportation Plan and they encourage Ada County to promote development patterns that are conducive to large-scale sustainable agricultural production.

RECOMMENDATION

Based upon Staff's review of the application, staff concludes that this application does not comply with the Ada County Code and recommends denial to the Commission as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

The Commission should consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application.

EXHIBIT LIST – PROJECT NO.: 201503969 CPA-ZOA

- 1 Preapplication Conference Notes. 5 pages.
- 2 Master Application/Petition Request Form. 2 pages.
- 3 Comprehensive Plan Text Amendment Petition Checklist. 1 page.
- 4 Zoning Ordinance Text Amendment Checklist. 1 page.
- 5 Applicant's Detailed Letter. 7 pages.
- 6 Applicant's Proposed Comprehensive Plan Text Amendment. 7 pages.
- 7 Applicant's Proposed Zoning Ordinance Text Amendment. 12 pages.
- 8 Submittal Letter to Shawn L. Nickel dated November 18, 2015. 1 page.
- 9 Agency Transmittal. 2 pages.
- 10 Agency Response from the Pioneer Irrigation District dated November 20, 2015. 3 pages.
- 11 Agency Response from the Idaho Department of Transportation dated November 20, 2015. 1 page.
- 12 Memorandum from the Ada County Building Official dated November 20, 2015. 1 page.

- 13 Agency Response from the Boise City Public Works Department dated November 27, 2015. 1 page.
- 14 Agency Response from the Eagle Fire District dated December 3, 2015. 1 page.
- 15 Agency Response from the City of Eagle dated December 5, 2015. 4 pages.
- 16 Letter from Megan Basham, Ada County Community and Regional Planner dated December 14, 2015. 1 page.
- 17 Agency Response from the Ada County Highway District dated December 22, 2015. 1 page.
- 18 Agency Response from the City of Kuna dated January 12, 2016. 1 page.
- 19 Public Service Announcement dated January 25, 2016. 1 page.
- 20 Legal Notice from the Idaho Statesman published January 26, 2016. 2 pages.
- 21 Agency Response from the City of Boise dated January 27, 2016. 2 pages.
- 22 Maps of the Rural Residential (RR) District. 4 pages.
- 23 Project #200800005 CPA Staff Report & Findings of Fact. 6 pages.
- 24 Resolution No. 1556. 13 pages.
- 25 Ordinance No. 699. 42 pages.



ADA COUNTY
DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Preapplication Number: 201400116 - PREAP - A

Status: Active

Date Received: 10/22/2014

Date Closed:

Meeting Date: 10/30/2014 Date Assigned: 10/22/2014

Project Description:

Applicant's Name:
SLN PLANNING INC

Ordinance Amendment to RR zone to allow Cluster Lot Subdivisions.

No. of Lots/Units: 0 Total Acres:

Development Services Staff Assigned To Meeting:

Unique Features:

Staff Name:	Attended Meeting?
BRENT DANIELSON	<input type="checkbox"/>
BRENT MOORE	<input type="checkbox"/>

Sewer/Septic:

Water/Well:

General Property Location:

Parcel Info:

Zone Info:

Tw n / Rng / Sec Info:

Overlay Areas Info:

Comp Plan:

Agencies To Contact:

Agency Name:
ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT - (208)-387-6170

Contact Person:
LITTLE CHRISTY

Comments:

CENTRAL DISTRICT HEALTH DEPARTMENT - (208)-327-8517

RENO MIKE

Comments:

IDAHO POWER COMPANY - (208)-388-2699

HORNSBY COURTNEY

Comments:

Proposed Allowed Uses:

TEXT AMENDMENT

Required Applications:

App Type:	Descriptive Name:
CPA	COMPREHENSIVE PLAN AMENDMENT
ZOA	ZONING ORDINANCE TEXT AMENDMENT

Notes:





**ADA COUNTY
DEVELOPMENT SERVICES**

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

The potential applicant is looking a zoning ordinance text amendment to allow for Cluster Lot Subdivisions in the Rural Residential (RR) District.

This will also require a comprehensive plan amendment. The applicant will need to submit a proposal of how he will do the comp plan amendment as the amendment will need to be built from the ground up.

This will require public scoping sessions with key agencies and probably registered neighborhood groups. Key agencies would include ACHD, DEQ and Central Distict Health and possibly others.

Neighborhood Associations in RR Districts would also need to be included in a scoping session.

The applicant will be driving the petition and development services staff will be overseeing it.

Sewer and/or septic will need to be addressed.

MEETING NOTES:

Applicant's proposal:

The applicant is proposing Community Septic Systems to be provided instead of the Package Treatment Plants that were used in the past.

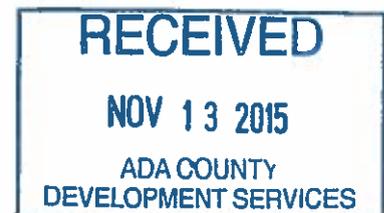
The applicant is proposing a Cluster Subdivision provision similar to the previously existing non-farm subdivision provision, which would include around 75% open space with lot sizes between .5 to .75 acres in size with a one unit per 5 acres overall density. As of now he is only proposing this in the RR District.

The applicant is not proposing that dry lines be required as it could be a long time before sewer reaches some of the areas in the RR District.

Additional Preap Conference: Required

Neighborhood Meeting Required? Yes

Cross References:





ADA COUNTY
DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Preapplication Number: 201400116 - PREAP - A

Status: Active

Date Received: 10/22/2014

Date Closed:

Meeting Date: 11/17/2014 Date Assigned: 11/12/2014

Project Description:

Applicant's Name:
SLN PLANNING INC

Ordinance Amendment to RR zone to allow Cluster Lot Subdivisions.

No. of Lots/Units: 0 Total Acres:

Development Services Staff Assigned To Meeting:

Unique Features:

Staff Name:	Attended Meeting?
BRENT DANIELSON	<input checked="" type="checkbox"/>
BRENT MOORE	<input checked="" type="checkbox"/>
MARK PERFECT	<input checked="" type="checkbox"/>
MEGAN BASHAM	<input checked="" type="checkbox"/>

Sewer/Septic:

Water/Well:

General Property Location:

Parcel Info:

Zone Info:

Twn / Rng / Sec Info:

Overlay Areas Info:

Comp Plan:

Agencies To Contact:

Agency Name:
ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT - (208)-387-6170
Comments:

CENTRAL DISTRICT HEALTH DEPARTMENT - (208)-327-8517
Comments:

IDAHO POWER COMPANY - (208)-388-2699
Comments:

Contact Person:
LITTLE CHRISTY

RENO MIKE

HORNSBY COURTNEY

Proposed Allowed Uses:

TEXT AMENDMENT

Required Applications:

App Type:	Descriptive Name:
CPA	COMPREHENSIVE PLAN AMENDMENT
ZOA	ZONING ORDINANCE TEXT AMENDMENT

Notes:





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PREAPPLICATION CONFERENCE NOTES

The potential applicant is looking a zoning ordinance text amendment to allow for Cluster Lot Subdivisions in the Rural Residential (RR) District.

This will also require a comprehensive plan amendment. The applicant will need to submit a proposal of how he will do the comp plan amendment as the amendment will need to be built from the ground up.

This will require public scoping sessions with key agencies and probably registered neighborhood groups. Key agencies would include ACHD, DEQ and Central Distict Health and possibly others.

Neighborhood Associations in RR Districts would also need to be included in a scoping session.

The applicant will be driving the petition and development services staff will be overseeing it.

Sewer and/or septic will need to be addressed.

MEETING NOTES:

Applicant's proposal:



The applicant is proposing Community Septic Systems to be provided instead of the Package Treatment Plants that were used in the past.

The applicant is proposing a Cluster Subdivision provision similar to the previously existing non-farm subdivision provision, which would include around 75% open space with lot sizes between .5 to .75 acres in size with a one unit per 5 acres overall density. As of now he is only proposing this in the RR District.

The applicant is not proposing that dry lines be required as it could be a long time before sewer reaches some of the areas in the RR District.

11/17/2014 Meeting:

Shawn is looking at using the old ordinance as a guideline. The last non-farm subdivision had required a package system that was regulated by DEQ.

Shawn was not looking at a package system, but would have a large community septic system. Could have individual septic systems with a large drainfield.

Staff would like to stay open with the systems upon talking with DEQ and Central District Health.

One of the issues is the systems being turned over to the home owners association and not being properly managed by the HOA.

Comp plan amendment needs to be out in the forefront. The comp plan needs to be started from the ground up and not cut and paste.

You will need to have a project management plan that lays out timelines. Look at the State Law of what is required (items that need to be in a comp plan).

You will need to have a project scoping session. Identify stakeholders and their roles. Facilitating meetings so the public can be involved. You will need to identify the sewer based on constraints and the public comments.

The ordinance will based off the comp plan.



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PREAPPLICATION CONFERENCE NOTES

You will need to go through the various state elements of the state code to see how the cluster subdivisions would affect or mesh with those elements.

Submit a project management plan that lays out the scope and schedule. Also, a public involvement process of who you are inviting. You want to consider other people in the development community or peer group.

Staff can observe and guide, but would not be partners.

The P&Z Commission will likely require a work session or two. They would need to be involved before it would come back before them. You might consider getting some of the members involved if they are willing to volunteer.

For the zoning ordinance could be placed in Chapter 2, Article A or in Chapter 6.

Additional Preap Conference: Required

Neighborhood Meeting Required? Yes

Cross References:





MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702. www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

TYPE OF ADMINISTRATIVE APPLICATION:

- ACCESSORY USE*
- FARM DEVELOPMENT RIGHT
- FLOODPLAIN PERMIT
- HILLSIDE DEVELOPMENT*
- HIDDEN SPRINGS ADMINISTRATIVE
- HIDDEN SPRINGS SPECIAL EVENT
- LIGHTING PLAN
- LANDSCAPE PLAN
- DRAINAGE PLAN
- MASTER SITE PLAN*
- EXPANSION NONCONFORMING USE
- ONE TIME DIVISION
- PRIVATE ROAD
- PROPERTY BOUNDARY ADJUSTMENT
- PLANNED UNIT DEVELOPMENT (PUD)
- SIGN PLAN
- TEMPORARY USE*

TYPE OF HEARING LEVEL APPLICATION:

- CONDITIONAL USE
- DEVELOPMENT AGREEMENT
- SUBDIVISION, PRELIMINARY*
- PLANNED COMMUNITIES*
- SUBDIVISION, SKETCH PLAT*
- VACATION
- VARIANCE
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT

TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

TYPE OF ADDENDA:

- APPEAL
- ADMINISTRATIVE MODIFICATION
- DEVELOPMENT AGREEMENT MODIFICATION
- FINAL PLAT
- TIME EXTENSION

REQUIRED SUBMITTALS:

- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- *SUPPLEMENTAL WORKSHEET REQUIRED

SITE INFORMATION:

Section: _____ Township: _____ Range: _____ Total Acres: _____
 Subdivision Name: _____ Lot: _____ Block: _____
 Site Address: _____ City: _____
 Tax Parcel Number(s): _____
 Existing Zoning: _____ Proposed Zoning: _____ Area of City Impact: ADA
 Overlay District(s): _____

RECEIVED
 NOV 13 2015
 ADA COUNTY
 DEVELOPMENT SERVICES

OFFICE USE ONLY

Project #: <u>201503969-ZOA-CPA</u>	Planning Fees/GIS:	Engineering Fees:
Received By: _____	Date: _____	Stamped <input type="checkbox"/>

ZOA \$850.00
CPA 800.00

1650.00

APPLICANT/AGENT: (Please print)	ADDITIONAL CONTACT if applicable: (Please Print)
Name: <u>Shawn L. Nickel, SLN Planning</u>	Name: _____
Address: <u>1589 N. Estancia Place</u>	Address: _____
City: <u>Eagle</u> State: <u>ID</u> Zip: <u>83616</u>	City: _____ State: _____ Zip: _____
Telephone: <u>794-3013</u> Fax: _____	Telephone: _____ Fax: _____
Email: <u>shawn@slnplanning.com</u>	Email: _____
I certify this information is correct to the best of my knowledge.	ENGINEER / SURVEYOR if applicable: (Please Print)
	Name: _____
<u>11-11-15</u>	Address: _____
	City: _____ State: _____ Zip: _____
	Telephone: _____ Fax: _____
	Email: _____
Signature: (Applicant) _____ Date _____	

OWNER (S) OF RECORD: (Please Print)	OWNER (S) OF RECORD: (Please Print)
Name: _____	Name: _____
Address: _____	Address: _____
City: _____ State: _____ Zip: _____	City: _____ State: _____ Zip: _____
Telephone: _____	Telephone: _____
Fax: _____	Fax: _____
Email: _____	Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.
Signature: All Owner (s) of Record _____ Date _____	Signature: All Owner (s) of Record _____ Date _____

ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)

If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.



ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83702. www.adaweb.net phone: (208)287-7900 fax: (208)287-7909



COMPREHENSIVE PLAN TEXT OR MAP AMENDMENT PETITION CHECKLIST

A Comprehensive Plan Text Or Map Amendment Petition requires a public hearing.

GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
✓	One paper copy and one electronic copy of all required submittals.	✓
✓	Completed and signed Master Petition	✓
✓	DETAILED LETTER by the applicant fully describing the petition or project and addressing the following:	✓
	<ul style="list-style-type: none"> ✓ Proposed change to the Comprehensive Plan Text or Map. ✓ Reason for request. 	✓
N/A	METES AND BOUNDS LEGAL DESCRIPTION of the property to be amended including a Microsoft Word® electronic Word document.	
✓	PRE-APPLICATION CONFERENCE NOTES	✓
N/A	NEIGHBORHOOD MEETING CERTIFICATION (If applicable)	
N/A	MUST COMPLY WITH SIGN POSTING REGULATIONS (ACC 8-7A-5) (If applicable)	
✓	FEE: Call County for Current Planning Fee or go to www.adaweb.net	800.00

PETITION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORM ARE SUBMITTED.



ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83702 www.adaweb.net phone: (208)287-7900 fax: (208)287-7909



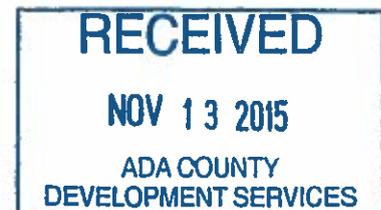
ZONING ORDINANCE TEXT AMENDMENT CHECKLIST (ACC 8-7-3)

A Zoning Ordinance Text Amendment request requires a public hearing.

GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
✓	One paper copy and one electronic copy of all required submittals.	✓
✓	Completed and signed Master Application	✓
✓	DETAILED LETTER by the applicant fully describing the request or project and addressing the following:	✓
	<input checked="" type="checkbox"/> Proposed change to the Ordinance. <input checked="" type="checkbox"/> Reason for request. <input checked="" type="checkbox"/> Compliance with Comprehensive Plan. <input checked="" type="checkbox"/> Compliance with base district purpose statement. <input checked="" type="checkbox"/> Zoning Ordinance Sections to be amended. <input checked="" type="checkbox"/> Specific proposed language and existing language. <input checked="" type="checkbox"/> All applicable or cross-referenced Sections from the Zoning Ordinance. <input checked="" type="checkbox"/> Other pertinent plans or ordinances.	✓
✓	PRE-APPLICATION CONFERENCE NOTES	✓
np	PLANNED COMMUNITY SUPPLEMENTAL INFORMATION	
	Land Use Districts	
	Dimensional Standards	
	Land Use Regulations (allowed, conditional, etc.)	
	Additional Service Standards	
	Community Design (if applicable)	
850.00	APPLICATION FEE: Call County for Current Planning Fee or go to www.adaweb.net	

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORM ARE SUMITTED.



RECEIVED

NOV 13 2015

ADA COUNTY
DEVELOPMENT SERVICES

SLN PLANNING

RESIDENTIAL & COMMERCIAL LAND USE PLANNING, CONSULTING, ENTITLEMENTS, DUE DILIGENCE
1589 N. Estancia ♦ Eagle, Idaho 83616 ♦ 208.794-3013 ♦ shawn@slnplanning.com

Ada County Development Services
200 W. Front Street
Boise, ID 83702

November 11, 2015

RE: Rural Cluster Development Comprehensive Plan and Zoning Ordinance Amendment

Dear Development Services:

Please accept this application for a Comprehensive Plan Text Amendment and a Zoning Ordinance Amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.

Cluster developments, and specifically “non-farm developments” were a prominent land use application in Ada County until 2008, when the development allowance was repealed from the Zoning Ordinance. The simplest definition for the most recent, and common, non-farm development (up until 2008) was to develop property in the RR (Rural Residential) zoning district at a density bonus of one dwelling unit per five acres (the minimum density in the RR zone is one dwelling unit per ten acres). This development would “cluster” the residential lots, usually with lot sizes in the range of .5 to 1.0 acre and an overall development area of 25% of the total property. The remaining 75% of the property would be “set aside” as open space until a time that the open space was rezoned to a higher intensity land use and zoning, and urban services, including sewer and water, were provided. For the record, there was also an Ordinance that was also repealed that allowed for cluster developments in the RUT & RSW zones within the City Impact Areas. This requested amendment, however, is not proposing allowances in those zoning areas at this time.

Application Justification

The applicant is proposing the re-introduction of the cluster development in the RR zone for a number of reasons. The most obvious would be that the non-farm developments of 2008 and prior were popular options for development in the rural zoned areas by developers and private property owners alike to provide for smaller lots than the allowed 10 acre minimum in the RR, with only a minimal overall density bonus allowance (1 unit per 5 acres rather than 1 unit per 10 acres). Homes on smaller lots in a more rural area is very desirable to certain homeowners that don't necessarily want to be in a densely populated area, but want to be closer to equestrian areas, or even have equestrian amenities built right into the development through trails or riding arenas that are part of the open space. In addition, the non-farm development allowed a farmer that could not feasibly continue their farming practice due to circumstances beyond their control, the option of developing, or selling off for development, a small portion of their property while being able to

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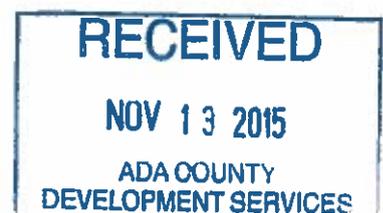
keep the majority of the farm in their ownership. A second reason to consider allowing cluster developments is that they prevent the splitting up of larger parcels into lots that tend to block future urban development, annexation pathways and growth by basically putting up a wall of 10 acre lots that will have a difficult time redeveloping because of placement of homes, barns and other structures, or just by the lack of planning for such things as future roads and public services. This is most prevalent in areas that are close to City Impact Areas, and areas already slated for future expansion by Cities. And finally, there is a real possibility that a new Ordinance, such as the one proposed within this application, can be adopted to address most of the issues and concerns that were part of the reasons why the County repealed the previous Ordinance in the first place. For example, issues of redevelopment of the open spaces, future roads, services, transition, compatibility, are proposed to be part of the initial approval of the cluster development, thus allowing proper redevelopment if and when the time comes.

History

A History of Cluster Developments in Ada County¹, previously referred to as “Non-Farm” and “Cluster Developments” goes back to the 1970s and started in what is now known as the Southwest Boise Planning Area and included lot densities of up to 2 dwelling units per acre with community wastewater and a central water systems servicing the clustered development areas and the undeveloped areas set aside for redevelopment once municipal sewer was available. In the 1980’s, the concept of the cluster development or non-farm subdivision was extended to the RR Zoning District. This was also referred to as a Planned Development Residential – Non-Farm. The maximum overall density was increased to one (1) dwelling unit per five (5) acres with a minimum lot size of one (1) acre. The intent was to allow for innovative site design that preserves the rural character of properties that had basic public services such as public street access and fire protection. The open space was required to be dedicated to either a public entity, maintained by the HOA, or held in private ownership and deed restricted to prevent development for a minimum of 15 years. There were no apparent, specific sewage disposal requirements other than the development couldn’t require excessive expansion of public services and the provision of wastewater needed to comply with Federal, State and County regulations. These provisions were in place until the year 2000, when Ada County adopted a complete overhaul of the zoning code. At that time, the County adopted Ordinance 389, which repealed the previous zoning code in its entirety and enacted a new Title 8. This Ordinance (which is the most recent Ordinance before it was repealed in 2008) had the following requirements for Non-Farm subdivisions:

- Definition for Community Sewage Disposal System: A system where clustered homes are connected to a common waste disposal treatment system that shall be designed to accommodate connection to a municipal wastewater collection and treatment facility when reasonably available;
- Definition for Rural Residence: The term rural residence shall include farm development right parcels and non-farm subdivision lots.
- Purpose of the non-farm subdivision is to allow limited rural residential development where compatible with the existing uses. Provided standards to cluster rural residential development with the goals of:
 - Creating open space and trails; and/or

¹ History Provided by Ada County Development Services



- Preserve prime agricultural lands rangelands, wildlife management areas, scenic resources, historic resources, cultural resources, steep slopes, ridgelines, canyon rims, benches, wetlands, riparian corridors, ponds, and other natural, historic or cultural resources of the County
- Non-farms were allowed in the RR:
- Minimum Lot Size: 0.5 acres
- Maximum Lot Size: 0.75 (with opportunity to increase to 2.5 acres to support individual septic systems or up to 1 acre if property had an irrigation right)
- Needed a minimum of 20 acres of contiguous land
- Density bonus of 2 dwelling units/10 acres when clustering and/or provision of open space
- Non-farm subdivisions with 10 or more lots required a community well
- All residential lots must connect to a community sewage disposal system and required a note on the plat that connection to municipal sewer was required when reasonably available.
- The open space shall comply with section 8-4J (Open Space Standards)
- Not less than 75% of the total area of a non-farm shall be designated as, and used exclusively for, dedicated open space.
- All development restrictions shall be shown on the recorded final plat or as a conservation easement
- Open space areas restricted from development until both conditions are met:
 - Property has received development approval and approval for rezone to either a commercial district, an industrial district or a residential or rural district that allows a density of less than or equal to 5 acres/dwelling; and
 - Urban services are available to the proposed subdivision

In 2008, Ada County repealed the Non-Farm Subdivision allowance by adopting Ordinance 699 for the following reasons (as stated in the staff report for Ordinance 699)²:

- Require urban-type development to locate where urban public facilities are located;
- Restrict new development in the rural areas to low density residential and low intensity rural uses;
- Stop the establishment of community sewage systems and community wells which have, or had the potential for problems regarding maintenance, upgrades, replacement and eventual connection to urban water and sewer;
- Encourage cities, planned communities, utilities and taxing districts to work together to plan and program areas where urban public facilities will be provided; and
- Implement many of the agreements from the Blueprint for Good Growth planning process.

Comprehensive Plan/Ordinance Amendment Process

During this amendment process, the applicant has made every effort to involve citizens, neighborhood groups, local, state and federal jurisdictions, including the Cities within Ada County, along with professionals in the field including civil engineers, and the local development community. The applicant identified sixteen registered neighborhood groups that would be

² Information provided by Ada County Development Services



directly and indirectly affected by the proposed cluster developments and scheduled meetings to educate the groups and obtain concerns and comments that would go into the drafting of the Ordinance amendment. The applicant also held scoping and work sessions with the Department of Environmental Quality, Central District Health, Idaho Department of Water Resources, Ada County Highway district and ITD, and local Fire Districts to review and discuss concerns regarding existing subdivisions of this nature and future comments and concerns in bringing these developments back into existence. The Cities of Boise, Eagle, Kuna, Meridian and Star were also consulted and their input was also crucial in the drafting of the Ordinance. The applicant held two work sessions with the Ada County Planning and Zoning Commission on March 12, 2015 and June 4, 2015 to review the amendment process, discuss the history of cluster and non-farm developments and provide discussion and feedback for the applicant moving forward. And finally, Ada County Development Services has been consulted throughout the planning process and has provided guidance to the applicant.

The outcome of this public participation process has yielded some very supportive information that the applicant has included within the Comprehensive Plan amendment, and has drafted into the Ordinance amendment. The key components that have been identified throughout the process include current and future sewer and water service, and open space protection, utilization, and future redevelopment.

Sewer and Water: A key concern with cluster developments of the past was with sewer and water services. Concerns over maintenance, ownership and long term reliability of community sewer and water systems were a main reason for the removal of the non-farm developments in 2008. After meeting with representatives at DEQ, CDH and IDWR, it was discussed and determined that the package treatment systems, which were basically miniature sewer treatment plants, were of major concern with these agencies. On the other hand, individual, septic systems or community systems that were designed with shared drain fields that could be located within the open space areas were the preferred options of the agencies. The reason for this is that these systems are partially or exclusively owned by individual lot owners. Only the common drain field would be owned by the home owners association, and the maintenance, operation or replacement costs are a fraction of what a package treatment system would be. Regarding water, the representing agencies believed that individual wells would be appropriate with no reason to require community wells for the developments. As with sewer, using a community well in a development increases the maintenance, operation and replacement costs and places that burden directly on the property owners and the home owner associations.

In addition, suggestions from all of the agencies that were part of the scoping and work sessions have been incorporated into the draft Ordinance. These include, but are not limited to the following:



1. Potential well digging requirements;
2. Proper transmittals of proposed applications to the State Water Office;
3. Recommendation for at least an upfront (at time of submittal) Level 1 Nutrient Pathogen Study for all proposed cluster developments to determine potential waste concerns;
4. Establish requirements for maintenance and operation of any community system and adopt into approval requirements;
5. Supportive of individual on-site septic systems and multiple clusters to help separate septic areas;
6. Upfront homeowner awareness of community systems and responsibilities to those systems;
7. Fire protection through static water source ponds, secondary access, cul-de sac lengths.
8. Continuation of streets into open space for future redevelopment

Open Space: The intent of the original non-farm and cluster developments was to group residential development in a clustered area, while setting aside open space for a period of time for redevelopment. Open space in previous non-farm and cluster developments has been used for everything from golf courses and lakes, to more traditional rural uses such as equestrian uses and productive agricultural activities. When meeting with the neighborhood association representatives during the scoping and work sessions for the proposed application, open space, particularly in the foothills, became an important topic. Specifically, ways of preserving open areas, trails, and equestrian access were vocalized. Therefore, it is being proposed through the new Ordinance that cluster developments in the foothill/hillside areas be permitted to have the lots spread out over the property and not specifically clustered in exchange for providing permanent open space, trails or preserved ridgelines in the form of conservation easements to the public. This incentive benefits both the developer and the public by allowing the developer to create up to 2.5 acre lots that are designed to the topography of the entire property, while deeding permanent open space to the public for access and use of the undeveloped property. In developments that are not within the foothill/hillside areas, the Ordinance proposes the location of the open space portion of the development within the prime agricultural portions of the property, thus promoting the continuance of agricultural production when possible. The Ordinance will also require a redevelopment plan be submitted at the time of application that would show how the open space would be developed once municipal services are provided.

Some of the previous concerns from the County and other jurisdictions regarding cluster developments were over the redevelopment of the open space once future urban development reached the property. Compatibility of the previously developed one-acre



cluster lots with the future urban density lots, access and connection from existing roads, and connection to future municipal services were some of those concerns brought up during the scoping sessions with the cities that participated in the review of the new proposal. To address these concerns and provide the new cluster developments with the best potential for successful redevelopment, the new Ordinance has been written to contemplate those concerns. As stated above, all new cluster developments that do not intend to dedicate permanent open space to the public use, will be required to submit a redevelopment plan at the time of submittal. This plan will demonstrate how the open space will develop in the future at urban densities, how it will connect to future municipal services, including possible dry-line sewers, permanent sewer easements, and how existing streets will be extended and constructed. Through the new Ordinance, the development process will also provide additional safeguards designed to insure that a hardship is not placed on existing or future residents with the redevelopment of the open space and also with surrounding land use compatibility. This would include initial requirements for stub streets in the residential clusters extending to the open space properties. It would also include notification to new residential lot owners in the development that the open space is subject to redevelopment at urban densities in the future and that the existing lots are subject to connection to municipal services once they are readily available. This would be accomplished with plat notes and deed restrictions during the recording phase of the new cluster subdivision. Regarding compatibility with existing rural activities or existing residential uses on adjacent properties at the time of the initial cluster development, the Ordinance anticipates the creation of open space buffers between adjacent, actively farmed parcels and the new cluster lots in order to reduce conflicts with the two uses. The Ordinance also contemplates the transitioning of lots adjacent to existing homes on adjacent parcels.

Finally, additional agencies such as ACHD and Fire Districts were consulted during the scoping process in order to provide input into the proposed Ordinance amendment. These agencies did not indicate initial concerns with the concept of rural cluster developments, stating that standard, existing policy requirements and codes would be applied to a proposed development at that time of application.

In conclusion, the applicant feels strongly that the reintroduction of the cluster subdivision within the RR zone will be a positive option for livability in the rural areas. At the same time, it could provide a public benefit with the potential ability to gain accessible open space in the foothills in the form of permanent trails and access easements. The new Ordinance has been submitted in draft form and highlights the feedback from citizens, agencies, professionals and the development community. The applicant anticipates detailed discussions, revisions and improvements to the Ordinance by Staff and the P&Z Commission as the application moves forward in the planning process. The purpose of re-establishing these developments is not to

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create large, urban neighborhoods in the rural areas, but to provide for regulated rural living options in areas that are rural in nature. And in the process, it can prevent larger lot subdivision in the RR zones from hampering future development and expansion of services by responsibly developing smaller areas, while setting aside larger areas for future development consideration.

Thank you for your consideration, and I look forward to working with you, staff and the Commission, and will be prepared to address any questions and concerns that come up during the process.

Sincerely,



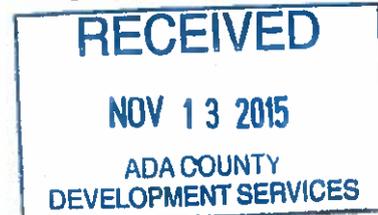
Shawn L. Nickel
Land Planning & Entitlement Consultant



COMPREHENSIVE PLAN AMENDMENT FOR RURAL CLUSTER DEVELOPMENTS

SECTION 1: *Update the "Implementation Process and Priorities" section of the Introduction to include recommendations for Rural Cluster Development zoning ordinances as follows, with the balance of the section remaining unchanged:*

Implementation Process and Priorities



In addition to these general processes, this plan recommends a wide variety of specific implementation actions. These are described in each Chapter of the Plan and summarized again in Chapter 13. That Chapter also identifies a series of implementation priorities which include the following:

- Adopt zoning ordinance amendments and other tools needed to implement future sub-area plans.
- Prepare, or work in conjunction with other jurisdictions or entities to prepare, additional sub-area plans in priority planning areas.
- Refine and adopt open space standards for Planned Communities.
- Explore the feasibility of implementing a Transfer of Development Rights program.
- Identify priorities for open space protection and development of a Countywide open space conservation and acquisition program, in partnership with other jurisdictions and citizens of Ada County.
- Continue to coordinate with transportation agencies for major future transportation corridors.
- Adopt amendments to the County's zoning ordinance to create eliminate "non-farm subdivision" provisions rural cluster development provisions that would provide for a rural lifestyle option that addresses the issues of agricultural use, open space, redevelopment and service issues.
- Adopt amendments to the County's zoning ordinance to require urban public facilities for new development, except for limited rural uses, including rural cluster developments.
- Adopt amendment to County's zoning ordinance to further define urban development or rural development as it relates to rural cluster developments.
- Adopt amendments to County Zoning Ordinance for Planned Communities in areas of city impact and rural areas.

- Adopt appropriate Blueprint for Good Growth policies into this Comprehensive Plan.
- Complete the Boise River Greenbelt in the unincorporated portion of the County.
- Develop mutually agreed upon development standards within areas of impacts

SECTION 2: *Update the "Goals & Policies" section of Chapter 2 entitled "Population & Growth" to incorporate Rural Cluster Developments as follows, with the balance of the section remaining unchanged:*

Goals & Policies

Goal 2.1: Anticipate continuing growth and development demand.

Policy 2.1-2: Development that occurs outside an Area of City Impact should ~~shall either~~ be located within a Planned Community, a Rural Cluster Development, or it shall be rural in nature.

SECTION 3: *Update the "Rural Residential and Agricultural Areas" subsection of the "Existing Conditions" section of Chapter 5 entitled "Land Use" to incorporate Rural Cluster Developments as follows, with the balance of the subsection remaining unchanged:*

Rural Residential and Agricultural Areas

Outside of Areas of City Impact, most land is zoned for a combination of rural residential or rural preservation. The types of uses allowed in these areas include the following:

- Farm, forest and rangeland uses
- Residential development with minimum lot sizes of 10 or 40 acres
- Planned Communities
- Rural Cluster Developments in the Rural Residential Zoned Areas
- Selected industrial, commercial and resource extraction uses compatible with surrounding residential or agricultural use and consistent with plan policies and locational criteria
- Transportation Corridors and improvements
- Department of Defense Orchard Combat Training Center, Hazardous Area
- Snake River Birds of Prey National Conservation Area
- Other dedicated open space, park or recreation facilities or areas



SECTION 4: Update the "Comprehensive Plan Map" subsection of the "Existing Conditions" section of Chapter 5 entitled "Land Use" to incorporate Rural Cluster Development provisions as follows, with the balance of the subsection remaining unchanged:

Comprehensive Plan Map

The generalized map of future land uses identifies the current vision for a future mix of land uses to implement the county's many diverse goals. Generalized land use recommendations set forth in this plan emphasize the importance of cooperative planning and development among the various jurisdictions and agencies throughout the county. The general types of areas reflected on the Comprehensive Land Use Map are as follows:

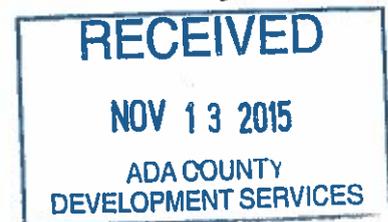
- Rural area. The unincorporated portion of Ada County outside of the areas of impact of Boise, Meridian, Star, Eagle, Garden City and Kuna. The rural area applies to privately owned land in unincorporated Ada County and may include the following, more specific, existing and future land uses:

- Rural Residential uses. Future rural residential development in this area should help address the desires of some County residents for a rural lifestyle, while minimizing impacts on agricultural uses, promoting permanent conservation of open space and reducing obstacles to long-term urbanization as cities or Planned Communities expand. Towards this end, a Rural Cluster Development ordinance is recommended in order to provide for a rural lifestyle option that addresses the issues of agricultural use, open space, redevelopment and service issues.

SECTION 5: Update the "Issues" section of Chapter 5 entitled "Land Use" to remove discussion of "conflicting uses in transitional areas" as follows, with the balance of the section remaining unchanged:

Issues

- ~~Conflicting uses in transitional areas. Historically, the County has allowed "non farm subdivisions" in rural areas. These developments have provided landowners and residents with opportunities to enjoy a rural residential lifestyle in unincorporated portions of the County. However, as some of these areas have been annexed or urbanized, conflicts between rural and urban development patterns have arisen. In addition, they present challenges for the provision of services in newly incorporated areas.~~



SECTION 6: Update the "Rural Areas—Residential Development" subsection of the "Goals & Policies" section of Chapter 5 entitled "Land Use" to incorporate Rural Cluster Development provisions as follows, with the balance of the subsection remaining unchanged:

Rural Areas—Residential Development

Goal 5.6: Low-density, low-impact residential development will be allowed in rural areas.

Policy 5.6-2: Densities and lot sizes for rural residential developments, outside of Planned Communities, should be regulated to allow only Rural Cluster Developments or development that is of a rural character, ~~including rural cluster developments, outside of Planned Communities.~~

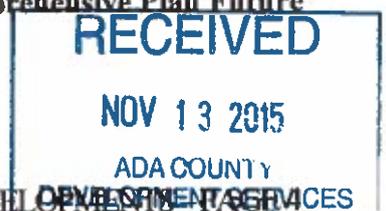
Policy 5.6-3: Encourage use of innovative planning techniques such as conservations subdivisions, Rural Cluster Developments, transfer of development rights, purchases of land, conservations easements and other approaches to preserve open space, agricultural uses and the rural environment as rural residential development occurs.

Implementation Action: ~~Replace Non farm subdivision development with~~ Create provisions for Rural Cluster Developments that allow for ~~limited~~ rural residential development that ~~will~~ is designed so as not to interfere with future urban development as rural areas are urbanized as part of Area of City Impact expansion or annexation processes. New Rural Cluster Development regulations should offer the opportunity for a rural lifestyle to those who desire it and provide mechanisms for incorporating open space into ~~rural~~ the development, while ensuring the feasibility of future redevelopment. (see Chapter 13 of this plan for more specific recommendations).

SECTION 7: Update the "Rural Areas—Agricultural Use" subsection of the "Goals & Policies" section of Chapter 5 entitled "Land Use" to incorporate Rural Cluster Development provisions as follows, with the balance of the subsection remaining unchanged:

Rural Areas—Residential Development

Goal 5.6: Ada County will continue to support the agricultural industry and preservation of prime agricultural land in areas designated as Rural on the Comprehensive Plan Future Land Use Map.



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Policy 5.9-16: Allow for Rural Cluster Developments in the rural areas that are not in direct conflict with Policies 5.9-1 thru 5.9-15.

SECTION 8: *Update the "Wastewater Facilities" subsection of the "Goals & Policies" section of Chapter 7 entitled "Public Services, Utilities & Energy" to incorporate Rural Cluster Development provisions as follows, with the balance of the subsection remaining unchanged:*

Wastewater Facilities

Goal 7.4: Assist in coordinating the provision of wastewater treatment and collection services and facilities in a cost effective, efficient and environmentally sound manner.

Policy 7.4-5: In order to protect groundwater quality and to facilitate cost effective wastewater treatment and collection, require all new residential development with lot sizes smaller than ten acres, except rural residences and rural cluster developments, to be served by urban public facilities.

SECTION 9: *Update the "Implementation Priorities" section of Chapter 13 entitled "Implementation" to incorporate Rural Cluster Development provisions as follows, with the balance of the section remaining unchanged:*

13.8 Implementation Priorities

Each chapter of this plan identifies a variety of recommended implementation measures to achieve the goals, objectives and policies of this plan. A number of these measures were identified as of particularly high priority. These include:

- Adoption of an amendment to the County's zoning ordinance to create provisions for a Rural Cluster Development. In the past, these types of developments, previously called "Non-Farm Developments", created land use conflicts and other issues as areas in which they were originally permitted have urbanized. Issues have included conflicts between rural and urban residential or other land uses, including agricultural, obstacles to efficient use of land for commercial or other non-residential development, difficulties in extending roads and/or other public facilities, conflicts with large acreage property owners, misperception that open space is permanently protected, and issues regarding maintenance and operation of sewer and water systems.

An update of the ordinance to a Rural Cluster Development, should focus on alternatives that eliminate these potential future conflicts, while providing some opportunities for rural residential development as a key implementation measure for this Plan. One possible incentive to development would be permanent open space conservation, particularly in sensitive areas of the County such as the foothills or along the Boise River. Other cluster developments, while either permanently protecting open space or ensuring it is available for development at a later date, should be designed in ways that reduce future conflicts with other landowners and allow for the construction of future roads or other utilities.

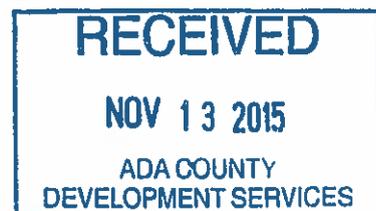
SECTION 10: *Update the "Implementation Actions by Chapter" section of Chapter 13 entitled "Implementation" to incorporate Rural Cluster Development provisions as follows, with the balance of the section remaining unchanged:*

Implementation Actions by Chapter

Following is a summary of implementation actions identified in each chapter of this Plan, along with proposed responsibilities for each action.

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

IMPLEMENTATION ACTIONS	Proposed Responsibility
<p>Replace Non farm subdivision development with <u>Create an updated ordinance with provisions that allow for limited rural residential Rural Cluster Developments</u> that will not interfere with future urban development as rural areas are urbanized as part of Area of City Impact expansion or annexation processes, <u>will not create negative service issues (septic service)</u>, and will offer the opportunity for a rural lifestyle to those who desire it and provide mechanisms for incorporating open space into rural development (see Chapter 13 of this plan for more specific recommendations).</p>	<p>CC, P&Z, S</p>



SECTION 11: *Update the "Glossary of Terms" section of Appendix A to incorporate Rural Cluster Development provisions as follows, with the balance of the section remaining unchanged:*

Appendix A Glossary of Terms

RURAL CLUSTER DEVELOPMENT. A development that redirects, concentrates or focuses a permitted number of residences on a specific portion or portions of one or more properties in a way that permanently preserves or temporarily sets aside open space and unique natural features while providing for potential redevelopment of the temporary set aside open space with an emphasis on future public services, roadway extensions and compatibility with future and/or existing adjacent land uses. These developments should have a maximum gross density of one dwelling unit per 5 acres.

RURAL RESIDENCES. Residential lots in rural areas with lot sizes smaller than five acres due to legal nonconforming status; ~~or~~, due to having been approved as a farm development right on property forty acres or larger, or created as part of a Rural Cluster Development.



ORDINANCE NO. _____

AN ORDINANCE AMENDING ADA COUNTY CODE TITLE 8 TO ALLOW FOR RURAL CLUSTER DEVELOPMENT IN THE RURAL RESIDENTIAL (RR) DISTRICT: AMENDING ADA COUNTY CODE SECTION 8-1A-1 TO DEFINE COMMUNITY SEWAGE DISPOSAL SYSTEM, DEDICATED OPEN SPACE, RURAL CLUSTER DEVELOPMENT, AND RURAL RESIDENCE; AMENDING ADA COUNTY CODE SECTION 8-2A-2 TO ALLOW FOR APPROVAL OF RURAL CLUSTER SUBDIVISIONS; AMENDING ADA COUNTY CODE SECTION 8-2A-6 TO REDESIGNATE FOR RURAL CLUSTER SUBDIVISIONS AND TO DELINEATE THE PURPOSE, APPLICABILITY, PROCESS, AND STANDARDS FOR RURAL CLUSTER SUBDIVISIONS; AMENDING ADA COUNTY CODE SECTION 8-3B-3 TO PROVIDE WILDLAND-URBAN FIRE INTERFACE STANDARDS FOR RURAL CLUSTER SUBDIVISIONS; AMENDING ADA COUNTY CODE SECTION 8-4A-22 TO PROVIDE SERVICE STANDARDS FOR RURAL CLUSTER SUBDIVISIONS; AMENDING ADA COUNTY CODE SECTION 8-4D-4 TO PROVIDE PRIVATE ROAD STANDARDS FOR RURAL CLUSTER SUBDIVISIONS; AMENDING ADA COUNTY CODE SECTION 8-4J-3 TO PROVIDE OPEN SPACE REQUIREMENTS FOR RURAL CLUSTER SUBDIVISIONS. ANY VIOLATION OF THIS ORDINANCE IS PUNISHABLE AS A MISDEMEANOR.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 8, CHAPTERS 1A, 2A, 3B, 4A, 4D, AND 4J BE AMENDED AS FOLLOWS:

SECTION 1: Amending Ada County Code § 8-1A-1 to add definitions for "Community Sewage Disposal System" and "Rural Cluster Development," and to amend the definitions for "Open Space, Dedicated" and "Rural Residence" as follows, with the balance of § 8-1A-1 remaining unchanged:

COMMUNITY SEWAGE DISPOSAL SYSTEM: A system where clustered homes are connected to a common waste disposal treatment system or drain field that shall be designed to accommodate connection to a municipal wastewater collection and treatment facility when reasonably available.

OPEN SPACE, DEDICATED: An area that has been designated on a master site plan or subdivision plat as open space. In a rural cluster subdivision, dedicated open space shall include temporary and permanent open space.

RURAL CLUSTER DEVELOPMENT: A development that redirects, concentrates or focuses a permitted number of residences on a specific portion or portions of one or more properties in a way that permanently preserves or temporarily sets aside open space and unique natural features while providing for potential redevelopment of the temporary set aside open space with an emphasis on future public services, roadway extensions and compatibility with future and/or existing adjacent land uses. These developments shall have a maximum gross density of one dwelling unit per 5 acres.

ORDINANCE NO. _____ - PAGE 1

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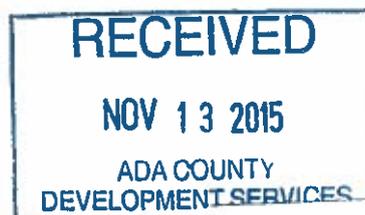


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~~RURUAL RESIDENCE: Farm development right parcels, and nonconforming residential properties in a rural base district. Residential lots in rural areas with lot sizes smaller than five acres due to legal nonconforming status, due to having been approved as a farm development right on property forty acres or larger, or created as part of a Rural Cluster Development.~~

SECTION 2: Amending Ada County Code § 8-2A-2 as follows:

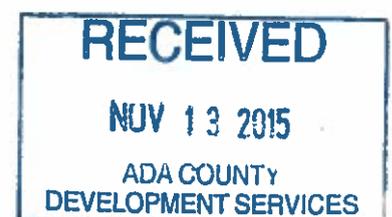
8-2A-2: GENERAL REQUIREMENTS:

- A. All development shall be in accord with the regulations in chapter 4, article A of this title and, where applicable, according to a master site plan as approved subject to the standards of chapter 4, article E of this title.
- B. Access shall comply with the regulations of section 8-4A-3 of this title or private road requirements of chapter 4, article D of this title.
- C. A farm development right may be approved in accord with regulations outlined in section 8-2A-5 of this article. (Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008)
- D. A rural cluster subdivision may be approved in accord with the regulations outlined in section 8-2A-6 of this article.

SECTION 3: Amending Ada County Code § 8-2A-6 to add regulations for Rural Cluster Subdivisions as follows:

8-2A-6: ~~NONFARM~~ RURAL CLUSTER SUBDIVISION:

- A. Purpose: The purpose of a rural cluster subdivision is to allow limited rural residential development in the rural residential zoning based district, to reduce the obstacles that impede the long-term capability of cities and planned communities to expand and to identify standards that allow the clustering of residential lots on a specific area of a large acreage property to achieve the following:
 - 1. Preserve property that can be farmed until urban public services become available;
 - 2. Create temporary and/or permanent open space and trails; and/or lots to foster future urban redevelopment when urban public facilities are available;
 - 3. Promote vineyards, permaculture, hobby farms, or other unique agricultural activities.
 - 4. Preserve prime agricultural lands, rangelands, wildlife management areas, scenic resources, historic resources, cultural resources, steep slopes, ridgelines, habitat, canyon rims, benches, wetlands, riparian corridors, ponds, and other natural, historic, or cultural resources of the county.



5. Promote creative design, including permanent open space for golf courses, lakes, riding facilities, preserve conservation open space, equestrian facilities, connections to established or planned trail systems.

B. Applicability: These regulations may be applied to any property that meets the following criteria:

1. The property is located within the rural residential (RR) district; and
2. The property is a minimum of twenty (20) acres in size of contiguous property.

C. Process:

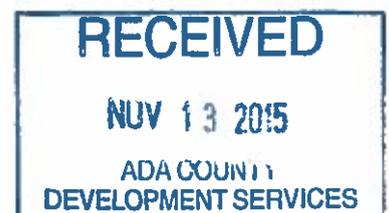
1. Application: An application and fees for a preliminary plat, as set forth in chapter 7, article A of this title, along with any additional information identified in this subsection as being required with the application, shall be submitted to the director on forms provided by the development services department.
2. Standards: The preliminary plat shall be reviewed subject to the standards of subsection D of this section and the standards for subdivisions as set forth in chapter 6, of this title.
3. Required findings: In addition to the findings required for a preliminary plat, the commission and/or board shall make the following findings:
 - a. The proposed rural cluster subdivision meets the applicability requirements of subsection B of this section; and
 - b. The proposed rural cluster subdivision complies with the standards of subsection D of this section.

D. Standards:

1. Density: The base density allowed in the rural residential base district is set forth in table 8-2A-2 of this article. A density bonus of one (1) dwelling unit per five (5) acres may be approved for rural cluster subdivisions in exchange for the following:
 - a. Clustering the rural residential lots together in one (1) or more locations within the subdivision; and
 - b. Utilizing the remaining property saved by clustering to provide open space as set forth in chapter 4, article J.
2. Foothills: On properties that contain areas with slopes that exceed 10%, rural cluster lots need not be clustered and may be separated individually if one (1) or more of the following is provided:



- a. Required Open Space is placed in a permanent conservation easement that is dedicated to the public.
 - b. Trails are developed in the required open space within easements dedicated to the public, or within separate open space lots dedicated to the public via real property transfer.
 - c. Lots are developed away from ridgelines and ridgelines are protected by conservation easement dedicated to the public.
3. Dimensional Standards: Residential lots within a rural cluster subdivision shall meet the following dimensional standards and table 8-2A-2:
- a. Minimum Lot size .5 acres; Maximum Lot size 1.0 acres;
 - b. Maximum Lot size in Hillside/Foothills with Permanent Open Space 2.5 acres
4. Design: The overall design of rural cluster subdivisions shall comply with the following standards:
- a. Access:
 - (1). Individual lot access and frontage shall be as required by section 8-4A-3 of this title.
 - (2). Internal street networks shall be stubbed to adjacent properties to support future redevelopment and street interconnectivity. If access and frontage for individual lots is achieved on a private road, future roadway easements shall be provided to preserve the possibility of future ROW dedication that will enable interconnectivity. A condition of approval that requires submission of recorded easements that demonstrate compliance with this section prior to the issuance of the first residential building permit within the subdivision.
 - b. Open Space: The overall design of open space lots shall comply with the standards for dedicated open space in chapter 4, article J of this title.
 - (1). Agricultural Use: When contemplating the overall design of a rural cluster subdivision, applicant shall consider the following:
 - (a). Locate any prime agricultural soils, as herein defined, that may be on the property within an open space lot.
 - (b). Locate residential lots on the least productive agricultural land



- (c). Provide an open space buffer area between residential clusters and adjacent property that is actively farmed to reduce conflicts between existing agricultural uses and new rural residential uses.
- (d). Provide larger lots to transition adjacent to existing residential developments.
- (2). Redevelopment Plan: If the open space is going to be redeveloped in the future and not be placed within a conservation easement, a redevelopment plan shall be submitted at the time of application that demonstrates how the subject property can reasonably be redeveloped in the future with a minimum residential density of three dwelling units (3/DU) per acre.
- (3). Notice to Future Owners: A note will be placed on the face of the final plat and on all deeds indicating future redevelopment of temporary open space areas at urban densities.
- c. Residential Use: When contemplating the overall design of a rural cluster subdivision, applicants are strongly encouraged to consider the following:

 - (1). When residential clusters will be located adjacent to existing residential lots, or on the exterior boundary of the subdivision consider transitioning the lot sizes to increase compatibility with existing and future residential uses and development.

5. Services:

- a. Sewer: All proposed residential lots and other approved uses shall be provided with either an individual subsurface wastewater disposal system, or be connected to a shared community drain field system. Either system shall be approved by Central District Health.

 - (1). Submittal Requirements: A Level I Nutrient and Pathogen study, prepared by a licensed professional, shall be submitted with the application.
 - (2). Operation & Maintenance: If a shared community drain field system is proposed the applicant shall submit a draft financing plan, and a draft operation and maintenance agreement with the application that demonstrate how the shared system will be operated & maintained and describe how such operation & maintenance will be funded when the system is turned over to the property owners. The financing plan and operation and maintenance agreement shall be a required condition of preliminary plat approval and shall be executed before the first building permit is issued for any residential structure within the approved subdivision.



(3). Future Connection to Municipal Sewer Services: The applicant shall demonstrate how each lot being served by an individual subsurface wastewater disposal system, or a shared community drainfield system, will connect to Municipal Sewer Services in the future, if redevelopment of the open space is proposed. This may include, but not be limited to, dry-line sewer lines, permanent sewer easements or other means to insure reasonable redevelopment is considered, and to insure that an unnecessary hardship is not placed on existing or future residents of the subdivision.

(4). Municipal Sewage Connection: A note shall be placed on the subdivision plat and on the deed of each lot notifying the individual lot owner that they shall connect to a municipal sewage collection and treatment facility when reasonably available.

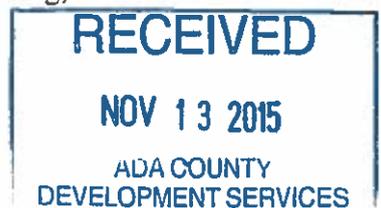
b. Water: All proposed residential lots and other approved uses shall be connected to an on-site individual well as approved by the Idaho Department of Water Resources. In addition to standard transmittal recipients, all rural cluster subdivision applications shall be transmitted to both state and regional water offices for review and potential comment.

c. Fire: All lots must be provided with fire suppression that meets the standards of the applicable fire district

SECTION 4: Amending Ada County Code § 8-3B-3 as follows, with the balance of § 8-3B-3 remaining unchanged:

C. New Subdivisions And Planned Unit Developments

1. Fire hazards and emergency access roads shall be evaluated by a licensed fire professional engineer retained by the applicant to determine site specific hazards and proper accessibility for emergency vehicles. The licensed fire professional engineer shall also prepare a fire protection plan that is specifically tailored to the proposed subdivision or planned unit development and shall consist of the following:
 - a. Completed fire hazard severity form from the current international urban-wildland interface code, appendix C, using nationally recognized standards;
 - b. A fire protection plan map showing the roadway, turnouts, turnarounds, terminus and lots;
 - c. Determination of fuel model loading;
 - d. Required signage for turnouts, turnarounds and fire lane parking;



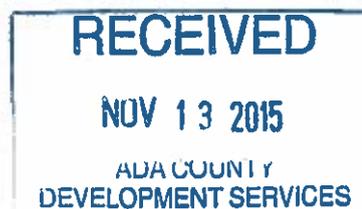
- e. Required number and placement of turnouts based on development density and roadway width;
 - f. Requirements for fire resistance rated construction;
 - g. Required road width or required interconnected system of roadways and fire accesses.
2. The fire protection plan shall be reviewed by the applicable fire district, or if no fire district, the Ada County sheriff, with advice from the Idaho state fire marshal, as part of the agency review process of subdivisions and planned unit developments.
3. All rural cluster subdivisions shall provide fire flow as adopted by the applicable fire authority. The appropriate fire authority shall provide a written statement to the development services department approving such fire flow.
- a. The fire flow water supply shall come from approved draft site (i.e., a swimming pool, pond, or other impoundment), a hydrant, or another source approved by the applicable fire authority.
 - b. Pumper access to a draft site shall only be allowed as an alternative when the appropriate fire authority provides a written statement declaring that pumper trucks are available and would provide the best form of fire protection. Pumper access points shall be designed such that the pumping apparatus shall not obstruct a roadway or driveway

SECTION 5: Amending Ada County Code § 8-4A-22 as follows:

8-4A-22: URBAN PUBLIC FACILITIES:

Options for sewage disposal facilities shall include the following methods:

- A. New development located within an urban service planning area or within a planned community shall be served by urban public facilities.
 - B. Other new development shall be served by an on site individual wastewater treatment system and an on site well, both of which have been approved by the Central district health department.
 - C. Rural cluster subdivisions shall be provided with services that comply with the standards identified in section 8-2A of this title.
- Ⓔ. If an existing wastewater treatment system fails, as determined by the Central district health department, the property owner(s) shall connect to a city's or sewer district's wastewater collection and treatment system, if a collection line is located within three hundred feet (300'). If a collection line is not located within three hundred feet (300'),



then the existing wastewater treatment system may be replaced with a system approved by the Central district health department.

DE. If an existing community well fails, the property owner(s) shall connect to a city's, water district's, or utility's water system if a distribution line is located within three hundred feet (300'). If a distribution line is not located within three hundred feet (300'), then the community well may be replaced with a water system approved by the Central district health department and Idaho department of environmental quality.

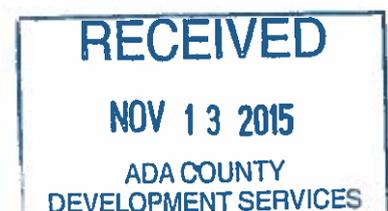
SECTION 6: Amending Ada County Code § 8-4D-4 as follows, with all other paragraphs in § 8-4-D-4 remaining unchanged:

8-4D-4: STANDARDS:

All private roads (including extensions of previously approved private roads) shall be constructed to the following standards (see also section 8-1A-2, "Figure 13", of this title):

A. Design Standards:

1. The private road shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties.
 - 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 or within a rural cluster subdivision, 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.
2. 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).
3. The point of connection of the private road and the public street shall be approved by the Ada County highway district.
4. 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).

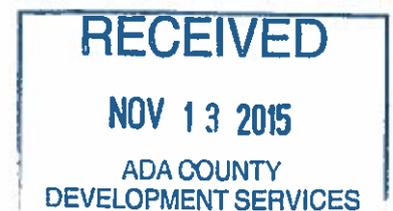


- b. The private road shall not intersect a public road, except at its origination point. The private road shall not intersect another private road.
 - c. If the applicant proposes an alternate location and/or configuration for the turnaround, the following additional standards shall apply:
 - (1) The applicant shall provide written approval from the appropriate fire district.
 - (2) The county engineer shall review and approve the alternate location and/or configuration.
5. 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.
6. 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.
7. 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.
8. 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.

SECTION 7: Amending Ada County Code § 8-4J-3 as follows:

8-4J-3: GENERAL REGULATIONS:

- A. **Dedicated Open Space Plan:** The dedicated open space plan shall include the following information on a map of an appropriate scale and may be accompanied by any associated documents as may be necessary:



1. The boundaries and legal description of all dedicated open space areas;
2. Existing distinctive natural characteristics including, but not limited to, prime agricultural land and topographical elements;
3. The dedicated open space uses;
4. Depiction of all impervious surfaces including, but not limited to, structure footprints, driveways, or roadways; and
5. Description of the manner in which the dedicated open space area shall be maintained, managed, and administered.

B: Required Dedicated Open Space:

1. Planned Unit Development: Not less than ten percent (10%) of residential areas of planned unit developments shall be designated as, and used exclusively for, dedicated open space, as set forth in this article.

2. Rural Cluster Subdivision:

- a. Not less than seventy five percent (75%) of the total area of a rural cluster subdivision, as described in section 8-2A-6 of this title, shall be designated as, and used exclusively for, dedicated open space, as set forth in this article. Any area not included in the residential development areas or common areas shall be dedicated open space.

C. Allowed Open Space Uses: The allowed open space uses shall include, but not be limited to, the following:

1. Natural areas;
2. Agriculture;
3. Community garden plots for cultivation by residents;
4. Recreational areas designed for specific passive and/or active recreational uses including, but not limited to, golf courses, tot lots, tennis courts, swimming pools, and ball fields;
5. Greenways identified on the adopted Ada County ridge to rivers pathway plan;
6. Lawns or ground cover with or without trees;
7. Riding trails and common pasture;



8. Use associated with a historic structure; or

9. Any combination of uses listed above.

D. Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:

1. Condominium: If ownership of the proposed development is held as a condominium in conformance with Idaho Code, title 55, chapter 15, the dedicated open space may be held as a common area of the condominium.

2. Homeowners' Association: The dedicated open space may be held in common ownership by an incorporated homeowners' association.

3. Fee Simple Dedication:

a. The dedicated open space may be dedicated to a federal, state, or municipal government body empowered to hold an interest in real property subject to the laws of Idaho or the United States, or a charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreation, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

b. The applicant or owner shall submit for county review and approval any offer of dedication and the terms and conditions thereof that demonstrate the dedicated open space shall be maintained as dedicated open space.

c. The board may, but shall not be required to, accept any portion or portions of the dedicated open space, provided the land is accessible to the residents of the county, there is no cost of acquisition other than any costs incident to ownership, such as title insurance, and the board agrees to and has access to maintain such lands.

E. Maintenance Requirement: In the event any owner of dedicated open space fails to maintain same according to the standards of this title, Ada County may, in accord with the dedicated open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and enter the dedicated open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the dedicated open space.

F. Improvements: Required improvements including, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the



applicant or owner. A surety agreement, as set forth in article K of this chapter, may be required to cover costs of installation or maintenance of such improvements.

G: Rural Cluster Subdivision Restrictions:

1. All development restrictions shall be noted and/or shown on the recorded plat and shall be recorded as either a deed restriction, or as a conservation easement prepared subject to the regulations of Idaho Code section 55-2105.
2. Temporary Open Space shall be restricted from further development until one (1) of the following conditions has been met:
 - a. The dedicated open space property is annexed into the corporate limits of a city;
or
 - b. The dedicated open space property is rezoned to a residential base district that has a minimum lot size dimensional standard of one (1) acre or less.

ADOPTED this ____ day of _____, 2015.

Board of Ada County Commissioners

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Yzaguirre, Commissioner

By: _____
David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

PUBLISHED: _____





ADA COUNTY
Development Services Department

Megan M. Leatherman, MCRP
Director

Ada County Courthouse
200 West Front Street
Boise ID 83702
208.287.7900
Fax 208.287.7909
www.adacounty.id.gov

Department Divisions
Building
Engineering & Surveying
Permitting
Planning & Zoning

Ada County Commissioners
Jim Tibbs, First District
Rick Yznaguirre, Second District
David L. Case, Third District

November 18, 2015

Shawn L. Nickel
SLN Planning
1589 N. Estancia Place
Eagle, ID 83616

RE: PROJECT #201503969 CPA-ZOA; RURAL CLUSTER DEVELOPMENT

Dear Mr. Nickel;

This is to notify you that your application has been scheduled to be heard by the Ada County Planning and Zoning Commission on **February 11, 2015**. This hearing will begin at 6:00 p.m. and will be held in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID. You or your representative must be present.

A copy of the staff report will be sent to you (and available online) prior to the meeting. Please contact me if you have any questions or comments regarding this application, the staff report, or any conditions, which may be attached to the staff report. I can be reached at 287-7913 or via e-mail at bdanielson@adaweb.net.

In accordance with State law, "**Notice of Public Hearing**" must be posted on the site. Ada County recently amended the code to require the applicant to post the sign.

Sincerely,

A handwritten signature in cursive script that reads "Brent Danielson".

Brent Danielson, AICP
Associate Planner
Ada County Development Services, Planning & Zoning Division

EXHIBIT 8
201503969 CPA-ZOA
SLN PLANNING, INC.

Brent Danielson

From: Brent Danielson
Sent: Friday, November 20, 2015 8:26 AM
To: cschmidt@gardencityidaho.org; nancy@drycreekcemetary.com; lynnmoser@qwestoffice.net; adam.straubinger@idpr.idaho.gov; chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; hatch.lohrea@meridianschools.org; gordon.m.hamilton@williams.com; sdouglas@idl.idaho.gov; john.lee@unitedwater.com; terry_humphrey@blm.gov; kclare@usbr.gov; ddoan@cityofboise.org; rgervais@cityofboise.org; Amy Aaron; Scott Williams; mary@benchsewer.org; drh1294@gmail.com; lanette.daw@boiseschools.org; laurenboehlke@yahoo.com; carla.bernardi@cableone.biz; newts@q.com; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; centralrimna@gmail.com; wnuj@chevron.com; mwigley@cityofboise.org; dabo@cityofboise.org; dfluke@cityofboise.org; sbeecham@cityofboise.org; kyokom@cityofboise.org; lflook@cityofboise.org; mwilliams@cityofeagle.org; wendy@cityofkuna.com; cward@staridaho.org; Greg Timinsky; xraygal2012@cableone.net; sdkel01@hotmail.com; cmiller@compassidaho.org; tfuller@compassidaho.org; pkgann8061@aol.com; bryce@sawtoothlaw.com; chalberg@cableone.net; twnonas@msn.com; kmccleddy@eaglefire.org; sbuck@eaglefire.org; boisecook@yahoo.com; scott.eaton@faa.gov; smm5156@gmail.com; lisa.harm@outlook.com; jamie.huff@dhs.gov; fergyriver@msn.com; borahna@gmail.com; joel.yeager@simplot.com; neal.murphy@ang.af.mil; james.heuring@bgab.afcent.af.mil; alan.clarke@ang.af.mil; ryan.odneal@ang.af.mil; mark.lessor@itd.idaho.gov; rward@idfg.idaho.gov; peoplesm@dhw.idaho.gov; klangford@idl.idaho.gov; danielle.robbins@deq.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; jim.morrison@itd.idaho.gov; jim.morrison@itd.idaho.gov; mark.wasdahl@itd.idaho.gov; msinglet@intgas.com; idprospect@aol.com; kunacemetery@gmail.com; jtillman@kunafire.com; kbekkedahl@kunaschools.org; annh_1@yahoo.com; agrover@melbaschools.org; tmcmmorrow@spro.net; mhill@meridiantcity.org; meridianfire@meridiantcity.org; gretchen@mld.org; mm_mi@juno.com; mm_mi@juno.com; velta@nyid.org; sp@nacfa.net; rgervais@cityofboise.org; jpoe@cityofboise.org; nwbsd@msn.com; mark@pioneerirrigation.com; dgordon@cityofboise.org; fryguy@cableone.net; starcemetery@msn.com; terraestradaswd@cableone.net; sunset; jangels10@cableone.net; greg.j.martinez@usace.army.mil; greg.j.martinez@usace.army.mil; bob_kibler@fws.gov; suelynn.d.williams@usps.gov; swidrcd@idahorcd.org; wbsdmb@qwestoffice.net; wbestates@aol.com; bryce@ringertlaw.com; info@payetteriverscenicbyway.com; fromm.carla@epa.gov; ethan.morton@ishs.idaho.gov; sbumgarner@cityofeagle.org; Darby Weston; Darby Weston; clittle@achdidaho.org; syarrington@achdidaho.org; Scott Koberg; Carolyn Nitz; Bob Batista; info@westernada.com; fernsworth13@gmail.com; cityofmelba@aol.com; tonym222@msn.com; president@collistercna.org; edmillier@givenspursley.com; rh2board@yahoo.com; kyle.e.carpenter.mil@mail.mil; lee.d.rubel.mil@mail.mil; farin.d.schwartz.mil@mail.mil; cernusak@cableone.net; rennross@cableone.net; rgervais@cityofboise.org; Brian Wilbur; cherylwright@cwidaho.cc; Brent Danielson; pdonalds@idoc.idaho.gov; mdewalt@adalib.org; gordon@cityofkuna.com; tdrb@hiddensprings.com; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; nathan@settlersirrigation.org; boiseccc@qwestoffice.net; Jerry Servatius; dmorris@ctctele.com; jthorn@gardencityidaho.org; jtomlinson@cityofboise.org; richard.hedrick.1@us.af.mil; richard.hedrick.1@us.af.mil; rkinney@republicservices.com; kimberly.bose@ferc.gov; brandon.w.hobbs@usace.army.mil; mikereinek@mac.com; michaelmcglathery@gmail.com; cdishner@imd.idaho.gov; jstuber@republicservices.com; Brent Danielson
Cc: Diana Sanders; Kristy Inselman; Megan Basham
Subject: Ada County Application Transmittal Notice.



Ada County Development Services Planning & Zoning Division Transmittal

File Number: <u>201503969-CPA / ZOA</u>	X-Reference: NONE
Description: A comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.	
Reviewing Body: P AND Z	Hearing Date: 2/11/2016
Applicant: SLN PLANNING INC	P&Z Recommendation:
Property: Countywide	

Ada County Development Services is requesting comments and recommendations on the application referenced above. To review detailed information about the request please either click on the file number identified above, or visit the Ada County Development Service's Application Tracking System (ATS) web site at gisx.adaweb.net/acdsv2/ and search by file number. Hover over the pushpin that appears on the map with your mouse and select "Additional Info" from the pop-up box. You will then be able to review individual documents, drawings and other information detailing the request.

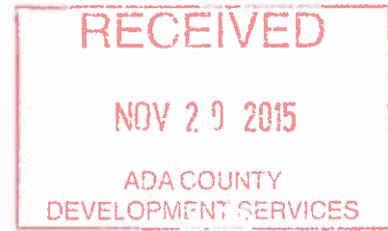
We request that you submit your comments or recommendations by 12/5/2015. When responding, please reference the file number identified above. If responding by email, please send comments to bdanielson@adaweb.net.

To request a hard copy of materials associated with this application, for additional information, or to provide comment on Ada County's Development Services ATS, please call me at the number listed below.

Sincerely yours,
 BRENT DANIELSON, ASSOCIATE PLANNER
 200 W Front Street
 Boise ID 83702
bdanielson@adaweb.net
 (208) 287-7913

Brent Danielson

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Friday, November 20, 2015 12:44 PM
To: Brent Danielson
Subject: 201503969-CPA / ZOA



Brent,

Regarding the above referenced matter, please find the following.

I have experienced occasions where irrigation water is not available to properties that have split off of larger pieces. It either is accessible by one property or the other, then resulting in a dispute over water or an exclusion request through the irrigation entity.

Please consider two requirements.

- Preserve and protect all private irrigation facilities within the property being developed.
- Provide access to irrigation water to all properties remaining following a property split.

Thank you for the opportunity to comment on this matter.

Mark Zirschky – Superintendent
PIONEER IRRIGATION DISTRICT
Office – 208-459-3617
Mobile – 208-250-8481

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: Brent Danielson [mailto:bdanielson@adaweb.net]
Sent: Friday, November 20, 2015 8:26 AM
To: cschmidt@gardencityidaho.org; nancy@drycreekcemetery.com; lynnmoser@qwestoffice.net; adam.straubinger@idpr.idaho.gov; chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; hatch.lohrea@meridianschools.org; gordon.m.hamilton@williams.com; sdouglas@idl.idaho.gov; john.lee@unitedwater.com; terry_humphrey@blm.gov; kclare@usbr.gov; ddoan@cityofboise.org; rgervais@cityofboise.org; Amy Aaron <aaaron@adaweb.net>; Scott Williams <opwillis@adaweb.net>; mary@benchsewer.org; drh1294@gmail.com; lanette.daw@boiseschools.org; laurenboehlke@yahoo.com; carla.bernardi@cableone.biz; newts@q.com; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; centralrimna@gmail.com; wnuj@chevron.com; mwigley@cityofboise.org; dabo@cityofboise.org; dfluke@cityofboise.org; sbeecham@cityofboise.org; kyokom@cityofboise.org; lflook@cityofboise.org; mwilliams@cityofeagle.org; wendy@cityofkuna.com; cward@staridaho.org; Greg Timinsky <gttiminsky@starfirerescue.org>; xraygal2012@cableone.net; sdel01@hotmail.com; cmiller@compassidaho.org; tfuller@compassidaho.org; pkgann8061@aol.com; bryce@sawtoothlaw.com; chalberg@cableone.net; twononas@msn.com; kmccleddy@eaglefire.org; sbuck@eaglefire.org; boisecook@yahoo.com; scott.eaton@faa.gov; smm5156@gmail.com; lisa.harm@outlook.com; jamie.huff@dhs.gov; fergyriver@msn.com; borahna@gmail.com; joel.yeager@simplot.com; neal.murphy@ang.af.mil; james.heuring@bgab.afcent.af.mil; alan.clarke@ang.af.mil; ryan.odneal@ang.af.mil; mark.lessor@itd.idaho.gov; rward@idfg.idaho.gov; peoplesm@dhw.idaho.gov; klangford@idl.idaho.gov; danielle.robbs@deq.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; jim.morrison@itd.idaho.gov; jim.morrison@itd.idaho.gov; mark.wasdahl@itd.idaho.gov; msinglet@intgas.com;

idprospect@aol.com; kunacemetery@gmail.com; jtillman@kunafire.com; kbekkedahl@kunaschools.org; annh_1@yahoo.com; agrover@melbaschools.org; tmcmmorrow@spro.net; mhill@meridiancity.org; meridianfire@meridiancity.org; gretchen@mld.org; mm_mi@juno.com; mm_mi@juno.com; velta@nyid.org; sp@nacfa.net; rgervais@cityofboise.org; jpoe@cityofboise.org; nwbsd@msn.com; Mark Zirschky <mark@pioneerirrigation.com>; dgordon@cityofboise.org; fryguy@cablone.net; starcemetery@msn.com; terraestrasswd@cablone.net; sunset <boise@yahoo.com>; jangels10@cablone.net; greg.j.martinez@usace.army.mil; greg.j.martinez@usace.army.mil; bob_kibler@fws.gov; suelynn.d.williams@usps.gov; swidrcd@idahorcd.org; wbsdmb@qwestoffice.net; wbestates@aol.com; bryce@ringertlaw.com; info@payetteriverscenicbyway.com; fromm.carla@epa.gov; ethan.morton@ishs.idaho.gov; sbumgarner@cityofeagle.org; Darby Weston <darby@adaweb.net>; Darby Weston <darby@adaweb.net>; clittle@achdidaho.org; syarrington@achdidaho.org; Scott Koberg <skoberg@adaweb.net>; Carolyn Nitz <cnitz@adaweb.net>; Bob Batista <bbatista@expoidaho.com>; info@westernada.com; fernsworth13@gmail.com; cityofmelba@aol.com; tonym222@msn.com; president@collistercna.org; edmiller@givenspursley.com; rh2board@yahoo.com; kyle.e.carpenter.mil@mail.mil; lee.d.rubel.mil@mail.mil; farin.d.schwartz.mil@mail.mil; cernusak@cablone.net; rennross@cablone.net; rgervais@cityofboise.org; Brian Wilbur <wpwilbbk@adaweb.net>; cherylwright@cwidaho.cc; Brent Danielson <bdanielson@adaweb.net>; pdonalds@idoc.idaho.gov; mdewalt@adalib.org; gordon@cityofkuna.com; tdrb@hiddensprings.com; Mark Ferm <MARKF@adaweb.net>; Angela Gilman <agilman@adaweb.net>; Jerry Hastings <jhastings@adaweb.net>; Jean Schaffer <jschaffer@adaweb.net>; Dale Ann Barton <dbarton@adaweb.net>; nathan@settlersirrigation.org; boiseccc@qwestoffice.net; Jerry Servatius <SO4157@adaweb.net>; dmorris@ctctele.com; jthorn@gardencityidaho.org; jtomlinson@cityofboise.org; richard.hedrick.1@us.af.mil; richard.hedrick.1@us.af.mil; rkinney@republicservices.com; kimberly.bose@ferc.gov; brandon.w.hobbs@usace.army.mil; mikereinek@mac.com; michaelmclathery@gmail.com; cdishner@imd.idaho.gov; jstuber@republicservices.com; Brent Danielson <bdanielson@adaweb.net>
 Cc: Diana Sanders <dsanders@adaweb.net>; Kristy Inselman <kinselmann@adaweb.net>; Megan Basham <mbasham@adaweb.net>
 Subject: Ada County Application Transmittal Notice.

	<h2 style="margin: 0;">Ada County Development Services</h2> <h3 style="margin: 0;">Planning & Zoning Division Transmittal</h3>
--	--

File Number: 201503969-CPA / ZOA	X-Reference: NONE
Description: A comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.	
Reviewing Body: P AND Z	Hearing Date: 2/11/2016
Applicant: SLN PLANNING INC	P&Z Recommendation:
Property: Countywide	

Ada County Development Services is requesting comments and recommendations on the application referenced above. To review detailed information about the request please either click on the file number identified above, or visit the Ada County Development Service's Application Tracking System (ATS) web site at gisx.adaweb.net/acdsv2/ and search by file number. Hover over the pushpin that appears on the map with your mouse and select "Additional Info" from the pop-up box. You will then be able to review individual documents, drawings and other information detailing the request.

We request that you submit your comments or recommendations by 12/5/2015. When

responding, please reference the file number identified above. If responding by email, please send comments to bdanielson@adaweb.net.

To request a hard copy of materials associated with this application, for additional information, or to provide comment on Ada County's Development Services ATS, please call me at the number listed below.

Sincerely yours,
BRENT DANIELSON, ASSOCIATE PLANNER
200 W Front Street
Boise ID 83702
bdanielson@adaweb.net
(208) 287-7913

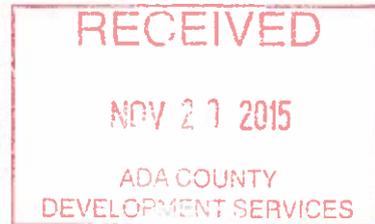


IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

November 20, 2015

Brent Danielson
Ada County Development Services
200 W Front Street
Boise ID 83702



VIA EMAIL

RE: 201503969-CPA-ZOA RURAL CLUSTER DEVELOPMENTS

The Idaho Transportation Department (ITD) has reviewed the referenced comprehensive plan and zoning ordinance amendment to the City zoning code for Rural Cluster Developments. ITD has the following comments:

1. ITD has no has no changes to the proposed text amendments.
2. Applicants will still have to meet all requirements for encroachments along the State highway system.

If you have any questions, you may contact me at 332-7191.

Sincerely,

A handwritten signature in blue ink that reads 'James K. Morrison'.

James K. Morrison
Development Services Manager
jim.morrison@itd.idaho.gov

EXHIBIT 11
201503969 CPA-ZOA
SLN PLANNING, INC.

MEMORANDUM

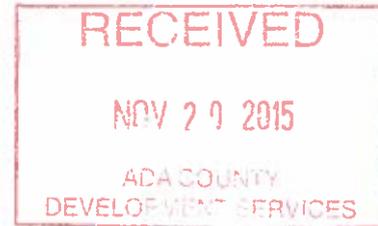


DATE: 11/20/2015

RE: 201503969-CPA/ZOA SLN Planning

TO: Brent Danielson, Associate Planner

FROM: Mark Ferm, Ada County Building Official



Summary of Project:

A comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.

Findings and Conditions:

The Building Division has no objection to the proposed zoning ordinance text amendment.

Conclusion:

Approved as Submitted.

Mark Ferm
Ada County Building Official
200 W Front Suite 2125
Boise Idaho 83702
Phone 287-7910

markf@adaweb.net

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: November 27, 2015

To: Boise City Planning & Zoning

Re: 201503969-CPA-ZOA; 200 W. Front St.

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

The City of Boise's current Sewer Extension Policy does not allow for developments to extend the City's sewer system and does not allow sewer connection to new developments located outside of Boise City limits.

DRAINAGE/STORMWATER CONDITIONS – BRIAN MURPHY (384-3752)

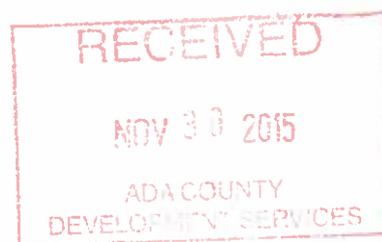
No comment.

STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)

No comment.

PERSON MAKING OTHER COMMENTS –

OTHER COMMENTS -



**Rob
Bousfield**

Digitally signed by Rob Bousfield
DN: cn=Rob Bousfield, o,
ou=Asst. City Engineer,
email=rbousfield@cityofboise.org,
c=US
Date: 2015.11.30 11:34:59 -0700

PUBLIC WORKS REPRESENTATIVE

**Mike
Sheppard, P.E.**

Digitally signed by Mike Sheppard,
P.E.
DN: cn=Mike Sheppard, P.E.,
o=Public Works, ou=Civil Engineer,
email=msheppard@cityofboise.org,
c=US
Date: 2015.11.30 11:35:23 -0700

PUBLIC WORKS REPRESENTATIVE

I:\PWA\Subjects\Review Comments\CUs\2015-CU\201503969-CPA-ZOA.doc

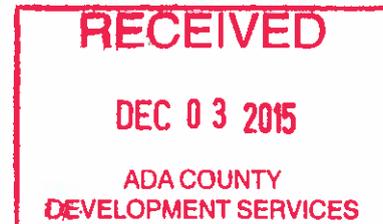
Brent Danielson

From: Scott Buck <sbuck@eaglefire.org>
Sent: Thursday, December 03, 2015 2:11 PM
To: Brent Danielson
Subject: File # 201503969-CPA/ZOA

Brent,

Based on the proposed language for the amendment to the ordinance, the Eagle Fire department has no comment at this time.

Scott Buck
Deputy Fire Marshal
Eagle Fire Department
O 208-939-6463
C 208-914-8294





City of Eagle

P.O. Box 1520
Eagle, Idaho 83616
208-939-6813



James D. Reynolds
Mayor

Council Members:
Mark L. Butler
Mary McFarland
Jeff Kunz
Stan Ridgeway

Ada County Development Services
Attn: Brent Danielson
200 W. Front Street
Boise, ID 83702

December 5, 2015

RE: 201503969-CPA/ZOA- Cluster Subdivisions

Dear Ada County Commissioners,

Thank you for the opportunity to comment on the above referenced applications. After review of the applications, the City of Eagle is unable to support the proposal and recommends that the above mentioned application be denied for the following reasons:

- 1) **Rural Residential (RR) Clusters are in conflict with Ada County's Rural Goals:** The proposed cluster subdivisions would allow lots in the Rural Residential (RR) zone to be reduced from a 10 acre minimum to .5 to 1 acres minimum. The applicant's stated purpose for the application is to keep large open space areas intact "until urban services are available." This concept is in direct conflict with the purposes statement in Ada County Code 8-2A-1(B)(1) which states:
"Rural Residential District: Permit low density residential uses that would provide a rural lifestyle and that do not require excessive expansion of public services." (emphasis added)
- 2) **RR Clusters are "unplanned" growth:** Under the previous Rural Urban Transition (RUT) cluster subdivision ordinance, which was repealed by the County, the intent of the smaller cluster lot sizes was to ensure compatibility with the planned urban lot sizes and densities contained in the mutually adopted comprehensive plan. The area of city impact negotiations ensured that the expansion of urban services and land use pattern were consistent regardless of the approving jurisdiction. The current proposal, if approved, would create a series of small lots within the rural county without first planning for the provision of services and the urban land use pattern that is the premise of City planning and the purpose of the Idaho Local Land Use Planning Act:
67-6502(f): To encourage urban and urban-type development within incorporated cities.

- 3) Rural Urban Transition (RUT) didn't work: Rural Urban Transition (RUT) clusters were repealed because they did not work and often created areas that, at the time of approval and even after redevelopment, were not consistent with the adopted comprehensive plans. The City is currently processing the Garrigan Estates Subdivision, a previously approved RUT Cluster which allowed for .5 to 1 acre lots in the RUT zone (5 acre minimum) without consideration of the densities and lot sizes prescribed in the County/City's mutually adopted comprehensive plan. The cluster lots are significantly smaller in size than the 5 acres lots called for in the comprehensive plan. As the open space is being redeveloped consistent with the adopted comprehensive plan (5-acre lots) the density and lot sizes of the previously approved cluster subdivision is not compatible with the overall land uses in the area.
- 4) Proactive planning is better than patchwork planning: The City of Eagle has spent significant time and effort working with land owners and service providers within the Eagle Foothills to establish the City's Foothills Subarea within the City's comprehensive plan. While within the City's subarea and planning boundary the majority of the land is not within the City's negotiated Area of City Impact (AOIC). The City and County have tried to negotiate a shared planning document, but an agreement has not been reached. One assurance that has been provided to the City by the County has been that due to the County's description of the RR and RP zones the overall development intensity of the foothills is limited to 10 and 40 acre lots. If the cluster subdivision zoning ordinance amendments were approved, large area of the Eagle Foothills would be eligible for the RR cluster provisions. The potential fragmentation of ownership and open space could have significant negative impacts on the implementation of the planning that has been conducted in the area. The Eagle Foothills has very limited development and the majority of the areas is owned by 15 major land owners. The City's foothills plan is a constraints-based plan that directs development away from sensitive lands including: slopes in excess of 25%, habitat areas, floodways, and visually sensitive areas. In order to achieve the goals of the plan large tracts of land need to be retained in order to develop the transects (an interconnected series of land use densities and transition zones) identified in the City's plan. The goal of the plan is to retain 40% of the land area in permanent open space. The RR cluster, as proposed, would not meet and achieve the long term development goals. Specifically this proposal is in conflict with the following policies of the City's plan:

6.8.10.B:

1. Recognizing that the foothills are a complex land form the overall density of the foothills should be limited while encouraging clustering of the available units into a transect plan that includes regional activity centers with urban type densities transitioning into permanent open space areas.
 - a. The base residential density for all lands within the Foothills Planning Area should be 1 unit per 40 acres and 1 unit per 10 acres until annexed into the City of Eagle and the provision of adequate public facilities is secured or demonstrated.
 - b. Lands with slopes in excess of 25%, floodways due to their sensitive nature and the potential impacts to the health safety and welfare of the general public, and key habitat areas as identified by State and Federal agencies should be priority areas for open space and sending area for units being

developed in less constrained area as described in the land use transects of this plan.

- 3: Use a regional open space overlay to establish areas where clustering and conservation development should be used opposed to standard large lot development in order to provide for habitat and a regional open space network connecting the Eagle/BLM land to points in and outside the area including Rocky Canyon, Stack Rock, Montour, the Boise Front and the Boise National Forest.
4. Development should be designed to fit within the natural features of the area. To maximize the preservation of these features development should be clustered so to preserve as much open space as possible.
 - a. Open space should be designed to capitalize on and expand the open space areas around natural feature and environmentally sensitive areas. Priorities for preservation should include:
 1. The most sensitive resources on the property – Floodways (including riparian and wetland areas), slopes in excess of 25%, locally significant features, & scenic viewpoints.
 2. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network. This can be accomplished through various engineering and design tools, i.e. super pads, hillside engineering, and others.
 3. Open space areas should be designed as part of the larger continuous foothills area and regional open space network. Where possible open space should be located to be contiguous to public lands and existing open space areas.
5. Work with landowners and developers to establish a structure for funding the long-term stewardship and maintenance of large areas of open space.

6.8.10. E.1:

- a. All development in the foothills should be limited until the provision of basic municipal services can be established these include: sewer, municipal water, and transportation.
2. All development within the Foothills Sub-area should connect to the City of Eagle Municipal water service unless otherwise indicated by the City of Eagle.

The City of Eagle has significant concerns about the potential impact of the proposed RR cluster provisions and requests that Ada County deny 201503969-CPA/ZOA. If the County chooses to proceed, the City requests that the area located between State Highway 16 and State Highway 55 to the

Boise/Gem County lines be excluded from these provisions as they are in conflict with the City of Eagle's Comprehensive Plan.

The City looks forward to working with Ada County on Urban/Rural interface issues now and in the future. If you have any further questions please contact Nichoel Baird Spencer, Planner III, in the Eagle Planning Department by phone at 939-0227 or by e-mail at nbaird@cityofeagle.org.

Sincerely,


James D. Reynolds
Mayor



Megan M. Leatherman, MCRP
Director

Ada County Courthouse
200 West Front Street
Boise ID 83702
208.287.7900
Fax 208.287.7909
www.adacounty.id.gov

Department Divisions
Building
Engineering & Surveying
Permitting
Planning & Zoning

Ada County Commissioners
Jim Tibbs, First District
Rick Yzaguirre, Second District
David L. Case, Third District

ADA COUNTY
Development Services Department

December 14, 2015

Brent Danielson, AICP (via email)

RE: File #201503969 CPA-ZOA, Rural Cluster Development

Dear Mr. Danielson;

This is in your response to your transmittal received on November 20, 2015 for File #201503969 CPA-ZOA, Rural Cluster Development. The above-mentioned application is a comprehensive text amendment and zoning ordinance amendment to allow for rural cluster developments in unincorporated Ada County, outside areas of city impact.

Ada County Development Services recently kicked off our comprehensive plan update process in October 2015. We are in the midst of our first of three public outreach campaigns. Currently, we are asking residents to identify the most pressing issues facing Ada County and the opportunities to face those challenges. We are also seeking input on the vision for Ada County's future.

Draft policies, based on the public input, will be out in the late winter/early spring and will be available for public input and comment. It is anticipated that the comprehensive plan update will be complete by Fall 2016. This comprehensive planning process includes at least three (3) public outreach campaigns, plus the public hearing process.

If the public comments guide us in the direction of cluster subdivisions, the draft policies could potentially address these types of development. In light of the ongoing process, amending the comprehensive plan at this time seems premature.

If you have any questions, please call 287-7944 or via mbasham@adaweb.net.

Sincerely,

A handwritten signature in cursive script that reads "Megan Basham".

Megan Basham, AICP
Community and Regional Planner

cc: Meg Leatherman, Director, Ada County Development Services

RECEIVED

DEC 14 2015

ADA COUNTY
DEVELOPMENT SERVICES



Jim D. Hansen, President
Sara M. Baker, Vice President
Rebecca W. Arnold, Commissioner
Kent Goldthorpe, Commissioner
Paul Woods, Commissioner

December 22, 2015

To: Brent Danielson, Associate Planner
Ada County Development Services
200 W. Front Street
Boise, ID 83702



Subject: ADA15-0085/201503969-ZOA-CPA
Rural Cluster Development Comprehensive Plan and Zoning Ordinance Amendment

Mr. Danielson,

Thank you for the opportunity to review and provide comments on the proposed Rural Cluster Development Comprehensive Plan and Zoning Ordinance Amendment application. Contrary to the information provided by the applicant, ACHD does have concerns regarding the applicant's proposal to revive cluster developments also known as non-farm subdivisions.

These transportation related concerns include: lack of connectivity, requests to convert private streets to public roadways, which can be costly and not feasible in many situations, access management, implementation of the Master Street Map (MSM) and its impact to the open space lots, and frontage improvements. These concerns stem from prior development of non-farm subdivisions and the subsequent reviews of the open space lots as they redevelop.

If Ada County approves the applicant's request and non-farm subdivisions are considered again, then it should be anticipated that ACHD will implement conditions consistent with access management policies, and public streets will be required to provide future connectivity. New streets, as designated on the MSM will be required to be constructed with development, and stub streets will be required to provide access and connectivity to adjacent parcels, and to open space lots that can be redeveloped in the future. Frontage improvements will be required for the entire development, regardless of the location of the cluster lots. The entire development will be subject to all ACHD requirements.

Please let me know if you have any questions.

Mindy Wallace, AICP
Planner III
ACHD Development Services

CC: SLN Planning – Shawn Nickel

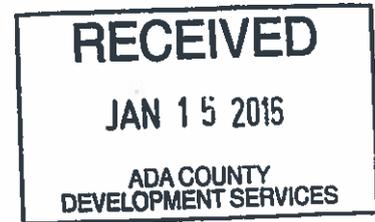


City of Kuna

PO Box 763 • 763 W Avalon St • Phone: 208.922.5274 • www.kunacity.id.gov

January 12, 2016

Ada County Development Services
c/o Brent Danielson
200 W. Front
Boise, ID 83702



Re: Case No. 201503969-CPA / ZOA

Dear Planning and Zoning Commissioners;

This letter is in response to the agency notification for the above referenced case. The following are the City of Kuna's recommendations for the proposed Ordinance document:

- Section 1, 8-1A-1, Rural Residence definition: Change the spelling from "RURUAL" to "RURAL".
- Section 3, 8-2A-6-A: Purpose should include a reference to a redevelopment plan as an option.
- Section 3, 8-2A-6-D-2b: Recommend verbiage that references the Master Pathway Plan for the area.
- Section 3, 8-2A-6—D-5a: Kuna strongly recommends that no septic be allowed within a Nitrate Priority Area.
- Section 3, 8-2A-6-D-5a, Sewer: Add sentence after the last sentence, "... Central District Health." The potential future service provider shall review the system.
- Section 3, 8-2A-6-D-5.a(1): Add language that if the Level 1 Nutrient and Pathogen study requires a Level 2 study, one be required.
- Section 3, 8-2A-6-D-5.a(3): Add language that the service provider shall review the plan prior to the public hearing.
- Section 3, 8-2A-6-D-5.a(3): Add language that the developer shall propose a finance plan for the services which may include but not limited to: an automatic LID or pay connection fee prior to development.
- Section 4, 8-3B-3-C-3.a: Add language that the water supply shall be a year-round source.

Thank you for this opportunity to comment on the proposed ordinance amendment for Ada County.

Sincerely,

Wendy I. Howell, PCED
Planning and Zoning Director



ADA COUNTY

Ada County
200 W. Front Street
Boise, ID 83702

FOR IMMEDIATE RELEASE
January 25, 2016

Contact: **Jessica Donald**
Communications Specialist
208-287-6998
jdonald@adaweb.net

PUBLIC SERVICE ANNOUNCEMENT

The following announcement is intended to help notify Ada County residents of proposed development applications that will soon appear before the Planning and Zoning Commission or the Ada County Board of Commissioners.

The Ada County Planning and Zoning Commission will hold a public hearing on February 11, 2016, at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, at 200 W. Front Street, Boise, ID to discuss Project #201503969-CPA-ZOA. A comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan, and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance.

Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 or 287-7979 (TDD) by 5:00 p.m. prior to this public hearing so that arrangements can be made.

Planner assigned to project: Brent Danielson, 287-7913

LEGAL NOTICE OF PUBLIC HEARING Legal notice is hereby given that the Ada County Planning and Zoning Commission will hold a public hearing on February 11, 2016 at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, to hear a request for: 201400392-DA-M & 201503797-S-ZC, TEALEYS LAND SURVEYING; Preliminary Plat, Zoning Ordinance Map Amendment and Development Agreement Modification applications for Running Springs Sub No 3. This phase consists of 14 residential lots, and 5 common lots. The zoning ordinance map amendment is to rezone the property from a Medium High Density Residential (R8) District to a High Density Residential (R12) District. This is a revised preliminary plat application to change the originally approved duplex lots to single family attached lots. The property contains 2.93 acres and is located at 10333 W. Lake Hazel Rd., Boise ID 83709 in Section 2, T. 2N, R. 1E. Kristy Inselman 287-7998. 201500547-CU, VERIZON WIRELESS; A conditional use for an 80 foot monopole tower, a 6" lightning rod, 12 panel antennas and 2 future microwave dishes. The property contains 2.214 acres and is located at 5220 N Linder Rd. Meridian ID 83646 in Section 25, T. 4N, R. 1W. Diana Sanders 287-7905. 201503969-CPA-ZOA, SLN PLANNING INC; A comprehensive plan text amendment and zoning ordinance text amendment to create a rural cluster development allowance within the Ada County Comprehensive Plan and the adoption of standards and regulations for cluster developments within the Ada County Zoning Ordinance. Brent Danielson 287-7913 201504098-ZOA, L&R ENVIRONMENTAL; Zoning Ordinance Text Amendment to amend current Ada County Code to allow Private Septage Treatment & Disposal Facilities in the Rural Preservation (RP) District outside any city area of impact. Diana Sanders 287-7905. 201504177-S, KM ENGINEERING LLP; A preliminary plat for an 84 lot subdivision (Avimor Subdivision No. 5) in the Avimor Planned Community 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. This is a revised preliminary plat to change roadway configuration and lot product type from what was approved in 2007 through Project #200700016 S-HD. The property encompassing the proposed subdivision contains approximately 66.6 acres and is located at the Avimor Planned Community contains 670.57 acres and is located at 18700 N. Highway 55. Boise ID 83714 in Sections 7 and 18, R. 5N, R. 2E. Brent Danielson 287-7913. Staff Reports Available On-Line 5 Days before Hearing Date - adaweb.net Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 or 287-7979

(TDD) by 5:00 p.m. three days prior to this public hearing so that arrangements can be made. ADA COUNTY PLANNING AND ZONING COMMISSION Mark Perfect, Planning & Zoning Administrator Pub. Jan. 26, 2016
Publish Dates: 1/26/2016 -2/9/2016 1



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

January 27, 2016

Brent Danielson, Associate Planner
Ada County Development Services Department
200 W Front Street
Boise ID 83702

RECEIVED

JAN 27 2016

ADA COUNTY
DEVELOPMENT SERVICES

RE: Ada County Referral #201503969-ZOA-CPA, County-wide Comprehensive Plan and Zone Code Amendments

Dear Mr. Danielson,

The City of Boise would like to provide the following comments in regard to the above-listed applications to amend to the Ada County Comprehensive Plan and Ada County Zoning Ordinance.

It is our understanding that the amendments will essentially reinstate the non-farm urban development allowances that existed in Ada County in the past, with additional density provisions related to clustering. While we normally endorse clustering and density strategies, these are not sustainable development practices where urban services are limited and are not protective of natural resources including agriculture or rangeland.

These amendments may have little applicability within the existing Boise Area of Impact, but they may certainly have long-term impacts on properties immediately outside of the City's service area. This would include the RR zoned properties in the foothills, in the southwest Ten Mile Creek Planning Area and in other areas where urban services have not been contemplated or are not yet provided. Indeed, the financial and other impacts of dispersed development in rural areas may be felt by all local jurisdictions in the region.

The various local and regional governments in the Treasure Valley, including Ada County, have invested considerable effort over the past 10-years to establish predictable and serviceable patterns of development that are financially and environmentally responsible. The regional documents *Blueprint for Good Growth*, and *Communities in Motion Regional Transportation Plan* both promote the concept of directing urban development to established Areas of Impact where services are available or can be efficiently provided. This is widely recognized as good planning and conservative fiscal policy.

The City of Boise supported the repeal of the RR Zone “nonfarm subdivision option” in 2008 through Ordinance 699. That previous allowance did not protect farmland or create healthy communities; it only resulted in a random pattern of poorly served development which remains problematic to this day.

Boise believes that the outlying rural areas of the County do have an important role to play in the economic health and vitality of the valley. Local food production, animal processing and even vineyards are crucial parts of the regional economy. These are essentially industrial uses that are not logically combined with urban residential development, clustered or otherwise. We would encourage Ada County to be a leader in supporting those industries by promoting development patterns that are conducive to large-scale sustainable agricultural production. There are some legitimate zoning strategies, such as transfer of development rights programs (TDR’s) that may be well worth pursuing. But we do not believe that reinstating the failed concept of rural subdivision clustering is a valid approach to this issue.

The City of Boise respectfully recommends denial of the proposed amendments to the Ada County Comprehensive Plan and the Ada County Code.

Thank you for soliciting and accepting our comments on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Hal Simmons". The signature is written in a cursive, flowing style.

Hal Simmons
City of Boise Planning Director

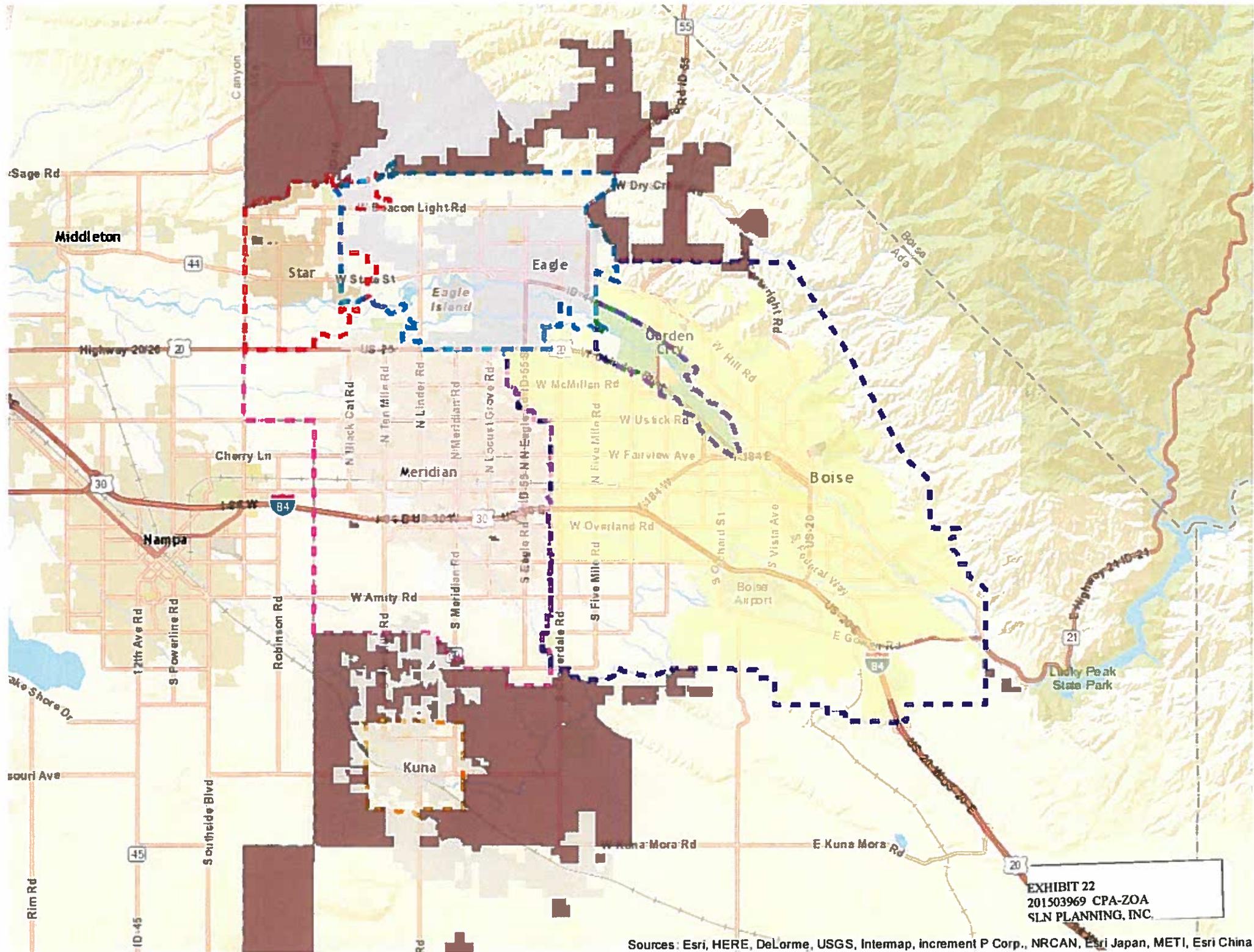
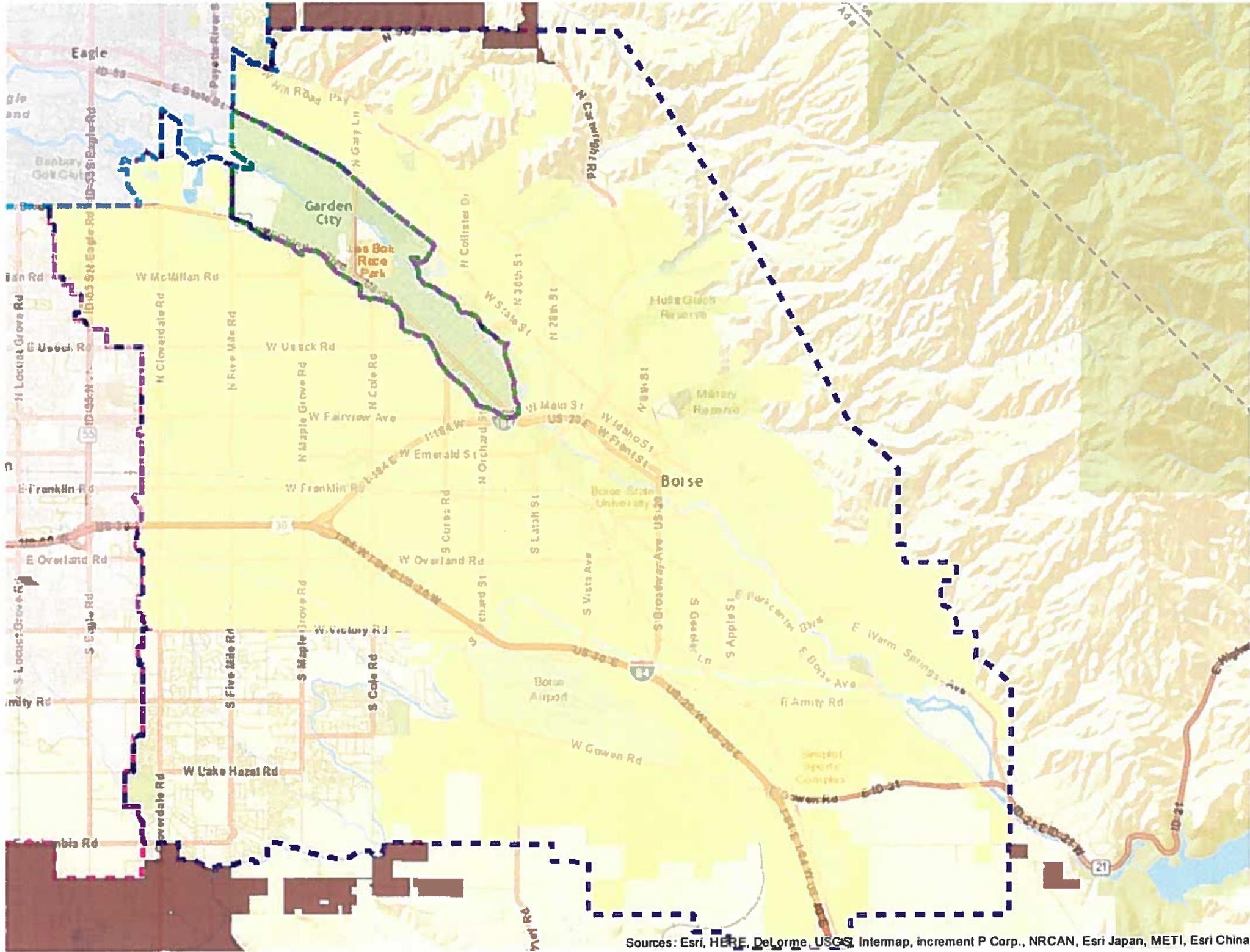
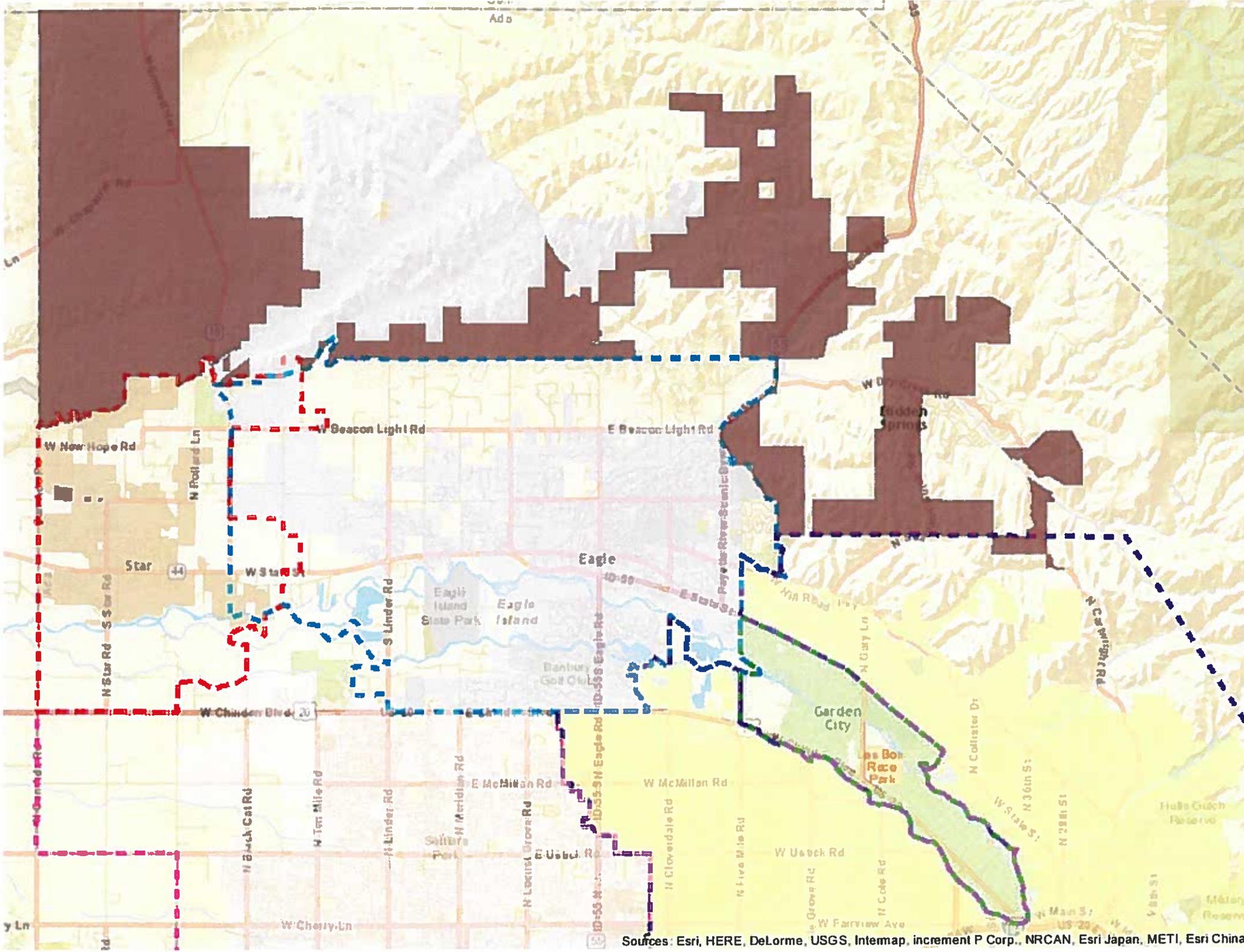


EXHIBIT 22
 201503969 CPA-ZOA
 SLN PLANNING, INC.

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China



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ADA COUNTY DEVELOPMENT SERVICES

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200 W. FRONT, BOISE, IDAHO 83702-7300



BUILDING • ENGINEERING • PLANNING • ZONING

MEMORANDUM

TO: File 200800005-CPA

FROM: Jay Gibbons
Planning & Zoning Administrator
Ada County Development Services

RE: Board of Ada County Commissioners Action

On June 18, 2008, the Board of Ada County Commissioners acted on the above captioned application.

The Board voted to approve this application based on the findings of fact and conclusions of law in the staff report, (with the following amendments/conditions:)

JG/mlc

EXHIBIT 23
201503969 CPA-ZOA
SLN PLANNING, INC.



TO: BOARD OF ADA COUNTY COMMISSIONERS

HEARING DATE: June 18, 2008

REPORT DATE: June 13, 2008

STAFF: Jay Gibbons, Planning & Zoning Administrator

PROJECT NO.: 200800005-CPA

APPLICANT: Ada County Development Services

SUMMARY

ADA COUNTY DEVELOPMENT SERVICES IS PROPOSING AN AMENDMENT TO THE 2007 ADA COUNTY COMPREHENSIVE PLAN TO STRENGTHEN THE BASIS FOR REQUIRING URBAN PUBLIC FACILITIES FOR NEW DEVELOPMENT IN URBANIZING AREAS, AND FOR LIMITING THE OPTIONS FOR WATER AND SEWER PROVISION IN RURAL AREAS OF ADA COUNTY. AMENDMENTS INCLUDE CHANGES TO THE INTRODUCTION, CHAPTERS 2 THROUGH 8, CHAPTERS 10 THROUGH 13, AND APPENDIX A.

This application is comprised of:

1. APPLICATION FORM PREPARED AND SUBMITTED BY ADA COUNTY DEVELOPMENT SERVICES ON JANUARY 10, 2008.
2. LETTER OF APPLICATION DATED RECEIVED JANUARY 10, 2008.
3. ALL OTHER INFORMATION CONTAINED IN FILE NUMBER 200800005.
4. PROPOSED AMENDMENT TO 2007 ADA COUNTY COMPREHENSIVE PLAN REGARDING URBAN PUBLIC FACILITIES, DATED APRIL 24, 200~~8~~.

ANALYSIS

Purpose. The purpose of the proposed amendment is to provide the policy framework for requiring urban-type development to locate where urban public facilities are located; and, to plan for new development within the rural areas of the county to be low-density residential and low-intensity rural uses. While the 2007 Ada County Comprehensive Plan was intended to implement the recommendations that came out of the Blueprint for Good Growth Planning

Process, some Blueprint recommendations were made after the bulk of the public hearings had been held on the 2007 Comprehensive Plan. This proposed amendment reflects those Blueprint recommendations.

Related Programs:

Encouraging agricultural uses. A broad-based committee has been established as an off-shoot of the Blueprint for Good Growth planning process, to make recommendations for promoting and encouraging agricultural and ag-related uses in Ada County. A package of incentives and resources the county (and potentially the cities) may use to encourage agricultural uses is the desired outcome. Development Services staff will provide the Planning and Zoning Commission regular updates on these programs.

Concurrent Ada County Zoning Ordinance amendment. Proposed zoning ordinance amendment 200700118-ZOA takes the policy framework that came from the Blueprint process and the comprehensive plan regarding urban public facilities, and implements it. While the comprehensive plan provides the goals and policies, the zoning ordinance provides the details.

In reviewing the proposed Zoning Ordinance amendment and the proposed Comprehensive Plan amendment it is important to keep in mind that the Zoning Ordinance applies to both the rural areas of Ada County AND the urbanizing areas within the cities' areas of city impact. The Comprehensive Plan applies only to the rural areas of Ada County.

Comments. No substantive comments have been received to date.

RECOMMENDATION

Planning staff recommends approval of the proposed amendment in Exhibit 2, as set out in the draft Resolution in Exhibit 1.

ATTACHMENTS

Exhibit 1: Draft Resolution.

Exhibit 2: Draft comprehensive plan amendment dated April 24, 2007.

Exhibit 3: Letter from Boise City Public Works dated January 30, 2008.

Exhibit 4: Letter from North Ada County Fire & Rescue District dated February 12, 2008.

Exhibit 5: Letter from the City of Meridian dated February 15, 2008.

Exhibit 6: Letter from the City of Boise dated March 6, 2008.

Exhibit 7: Letter from Kastera Development dated March 13, 2008.

Exhibit 8: Letter from Elmore-Ada Water Project received April 21, 2008.

Exhibit 9: Letter from Givens-Pursley dated April 22, 2008.

- Exhibit 10: Letter from Chevron Pipe Line Company dated April 28, 2008.
- Exhibit 11: Letter from Chevron Pipe Line Company dated May 6, 2008.
- Exhibit 12: Letter from Boise City Public Works dated May 6, 2008.
- Exhibit 13: Letter from Idaho Transportation Department dated May 20, 2008.
- Exhibit 14: Letter from Boise City Public Works dated May 19, 2008.
- Exhibit 15: Letter from Star Joint Fire Protection District dated May 27, 2008.

ORDER

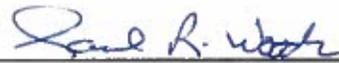
Based upon the foregoing Findings of Fact and Conclusions of Law and the information contained in the Staff Report, the Board approves the proposed amendment to 2007 Comprehensive Plan as contained in Exhibit 2 attached, file no. 200800005 CPA.

DATED this 18 day of June, 2008

Board of Ada County Commissioners



By: Fred Tilman, Chairman



By: Paul R. Woods, Commissioner

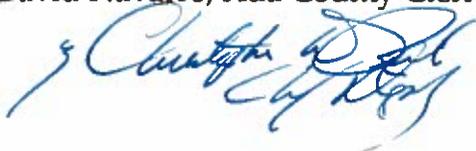


By: Rick Yzaguirre, Commissioner

ATTEST:



J. David Navarro, Ada County Clerk



RESOLUTION NO. 1556

**RESOLUTION OF THE BOARD OF ADA COUNTY COMMISSIONERS
ADOPTING AN AMENDMENT TO THE 2007 ADA COUNTY
COMPREHENSIVE PLAN**

At a meeting of the Board of Ada County Commissioners, State of Idaho, held on the 24th day of June, 2008, the following Resolution was unanimously adopted, to wit:

WHEREAS, on November 27, 2007, the Board of Ada County Commissioners adopted the 2007 Ada County Comprehensive Plan by Resolution No. 1518; and,

WHEREAS, the Board of Ada County Commissioners finds that the Blueprint for Good Growth joint city-county planning process has substantially changed growth goals and policies in Ada County; and,

WHEREAS, application forms were prepared and submitted by Ada County Development Services on January 10, 2008, along with a letter of application dated January 10, 2008, and a draft amendment to the 2007 Ada County Comprehensive Plan, dated August 1, 2007; and,

WHEREAS, Development Services staff scheduled the draft amendment for public hearing before the Planning and Zoning Commission of Ada County ("Commission"), to be held on March 13, 2008, notified the six cities and other agencies of this application and solicited their comments; and,

WHEREAS, legal notice of the Commission's hearing was published in The Idaho Statesman on February 26 and March 4, 2008; and public service announcements were released to the media on March 4, 2008; and,

WHEREAS, the Commission held a public hearing on the draft comprehensive plan amendment on March 13, 2008 to receive public testimony; the matter was tabled to April 24, 2008; and,

WHEREAS, on April 24, 2008, the Commission held a public hearing on the draft comprehensive plan amendment and made a recommendation to adopt the comprehensive plan amendment to the Board of Ada County Commissioners; and,

WHEREAS, Development Services staff scheduled the proposed comprehensive plan amendment for public hearing before the Board of Ada County Commissioners, to be held on June 18, 2008, notified the six cities and other agencies of this proposed comprehensive plan amendment and solicited their comments; and,

WHEREAS, legal notice of the Board of Ada County Commissioners hearing was published in The Idaho Statesman on June 3 and June 10, 2008; and public service announcements were released to the media on June 10, 2008; and,

WHEREAS, Idaho Code § 67-6509(a) allows the Planning and Zoning Commission to recommend the plan, amendment to the plan, or repeal of the plan to the governing board.

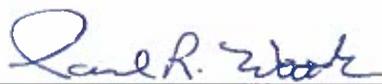
WHEREAS, Idaho Code § 67-6509(b) provides that the Board may adopt, amend or repeal a Comprehensive Plan.

BE IT THEREFORE RESOLVED by the Board of Ada County Commissioners that the proposed amendment to the 2007 Comprehensive Plan, dated April 24, 2008, as contained in Exhibit A attached, be adopted.

APPROVED AND ADOPTED this 24th day of June, 2008.

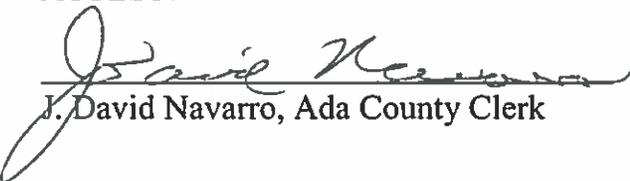
Board of Ada County Commissioners

By: 
Fred Tilman, Chairman

By: 
Paul R. Woods, Commissioner

By: 
Rick Yzaguirre, Commissioner

ATTEST:


J. David Navarro, Ada County Clerk

Ada County

COMPREHENSIVE PLAN



Update

Recommended Revisions Urban Public Facilities Issues

April 24, 2008

This document summarizes additional recommended changes to the draft Ada County Comprehensive Plan to strengthen the basis for requiring public water and sewer in new development.

The proposed revisions are in strike-out/underline format.

INTRODUCTION

Recommended Changes

1. Page 8: Adopt amendments to the county's zoning ordinance to ~~replace~~ eliminate "non-farm subdivision" provisions. Adopt amendments to the County's zoning ordinance to require urban public facilities for new development, except for limited rural uses.

CHAPTER 2. POPULATION AND GROWTH ISSUES

Recommended Changes

1. **Issues**, Page 6, second bullet point:

Coordination and cooperation. Continued monitoring of the expected location of future population and employment growth and development is important for planning future public facilities, including transportation corridors, water, sewer and drainage systems, schools and park and recreation facilities. Recognizing that the county is rapidly urbanizing, the county will, in cooperation with the cities, require new urban development to locate where urban public facilities exist or are planned and programmed.

2. **Goals & Policies**, Page 6

- a. **Policy 2.1-1:** New ~~residential~~ urban development should be limited to occur within Planned Communities in the rural areas and within each community's city's Urban Service Planning Area (i.e. Areas of City Impact and "referral areas") or other in areas that ~~primarily~~ have existing or planned and programmed urban public facilities services to accommodate growth.
- b. Add new Policy 2.1-2: Development that occurs outside an Area of City Impact shall either be located within a Planned Community, or it shall be rural in nature.

- c. Re-number remaining policies correspondingly.

3. Implementation Actions, Page 7

Add an implementation action as follows:

Implementation Action: Amend zoning ordinance to require new urban development to locate where urban public facilities exist or are programmed.

CHAPTERS 3. SCHOOLS

Recommended Changes

1. Goals and Policies, page 7

- a. Policy 3.1-4: The adequacy of school facilities may be considered by the Planning and Zoning Commission and the ~~County Board~~ of County Commissioners in reviewing proposed ~~residential subdivisions and planned developments~~ development based on recommendations from the affected school districts.
- b. ~~Policy 3.1-5: Large developments (100 or more units) should be required to set aside land for or otherwise contribute to the need for land for school site, in correlation to the demand that the development will create.~~
- c. Delete all policies under Objective 3.2, except for policy 3.2-6. Re-number remaining policies accordingly.
- d. Policy 3.2-6: New development ~~adjacent to~~ near schools or school sites should provide ~~for~~ adequate pedestrian and bicycle access for school children. ~~along both internal and connecting roads and pathways.~~
- e. Add a new policy as follows:
Policy 3.2-7: County staff should work with the cities, school districts, ACHD, ITD and transit providers to develop special standards for transportation facilities near schools and school sites.
- f. Policy 3.3-1: Schools and school sites should be protected from the encroachment of incompatible land uses.

2. Implementation Actions

- a. Revise the third implementation action, page 9, as follows:
Assist school districts, as needed, in identifying future school sites, including by providing information about potential Planned Communities ~~future developments~~ ~~proposed~~ in unincorporated portions of the county.
- b. Delete fourth and fifth implementation actions.

CHAPTER 4. ECONOMIC DEVELOPMENT

Recommended Changes

1. Goals and Policies

- a. Delete goal 4.1 and policies 4.1-1 through 4.1-4. Re-number remaining policies accordingly.

- b. Add new Goal 4.1: Direct industries and businesses toward cities and Planned Communities and limit industries and businesses in the rural areas.
- c. Policy 4.1-5: Encourage the location of industries and businesses in areas that are served by existing or planned and programmed urban public facilities. ~~including water, sewer and transportation, and that have access to public transit.~~
- d. Policy 4.1-6: Encourage the development of mixed use neighborhoods centers which can include ~~incorporate~~ smaller commercial uses and provide employment within walking or short commute distances from residential areas.
- e. Policy 4.1-7: Participate in discussions of regional economic issues ~~Coordinate County economic development efforts with those of~~ chambers of commerce, ~~other~~ business groups and agencies.
- f. Add new Policy 4.1-8: Limit industries and business in the rural areas to those related to agriculture, traveler services, neighborhood services, and land-intensive uses with low service needs such as landfills.

2. Implementation Actions

- a. Delete the first implementation action.
- b. Implementation Action: ~~Continue~~ Amend zoning ordinance to require that needed ~~services are or can be made available to support proposed or planned~~ high-intensity commercial or and industrial land uses development to locate where urban public facilities exist.

CHAPTER 5. LAND USE

Recommended Changes

1. Existing Conditions, page 1, *second paragraph*

~~This Plan identifies the following major land use categories to plan for development in existing and future areas of growth, and to preserve the integrity and amenities of residential areas as well as the economic vitality of industrial and commercial activity centers. Existing development within Ada County includes:~~

- Residential – (final sentence) Multi-family dwelling units with densities ranging from eleven to twenty dwelling units per acre are located in Areas of City Impact and planned communities.
- Commercial, Office and Retail – (second sentence) Community and regional These land uses are typically established located along major arterials; neighborhood businesses are located within or adjacent to residential areas. ~~(delete third sentence)~~
- Industrial – (third sentence) Most industrial uses are located within Areas of City Impact; some agriculture-related industries, rock crushing, landfill and recycling activities and truck stops are ~~Outside of Areas of Impact, the County does not have any established industrial zones but does allow some industrial uses as~~ conditional or outright allowed uses in selected rural areas.

2. Regional Planning Recommendations

First bullet point:

- Clarify policies and criteria related to Area of City Impact expansion and annexation to ensure those processes are sequenced to actual growth and tied to the planned ability to provide ~~sewer, water and other~~ urban public facilities services in a timely manner.
- Coordinate development decisions with the ability to provide urban public facilities services.
- Improve intergovernmental coordination related to the provision of urban public facilities services.

3. Goals and Policies

- a. Goal 5.1: Encourage new urban growth within cities, Areas of City Impact and Planned Communities. ~~and other areas designated for future growth on the Blueprint for Good Growth "Growth Tiers Map" and as identified on the Comprehensive Plan Future Land Use Map.~~
- b. Policy 5.1-2: Encourage growth in areas where public investments in necessary urban public facilities, ~~services and utilities~~ have already been made or are planned and programmed.
- c. Delete Policy 5.1-4. Re-number remaining policies accordingly.
- d. Policy 5.1-10: Consider lands adjacent to ~~manufacturing~~ industrial areas and the Boise Airport as possible park and open space opportunities. ~~or as transitional land use (ie, land that provides a transition between different types of land uses).~~
- e. Revise the third implementation action:

Work with cities and ~~other agencies~~ public facility providers to establish a process for regular communication and coordination about the location and provision of services to areas where future growth is encouraged ~~is expected~~ to occur. Also address the sequence and timing of future growth, particularly potential or planned expansions of areas of city impact.
- f. Delete the ninth implementation action that refers to PUD's.
- g. Add an implementation action as follows:

Implementation Action: Amend zoning ordinance to require new urban development to locate where urban public facilities exist or are programmed.
- h. Policy 5.2-4: Encourage inter-jurisdictional planning partnerships between the county, cities, and ~~other local, state and regional entities~~ public facility providers in matters pertaining to urban public facilities ~~sewer, roads, schools and other capital improvements~~.
- i. Policy 5.2-5: For those portions of the Areas of City Impact outside the city limits of the incorporated cities, the County will support the land-use and development policies expressed in the officially adopted city comprehensive plans. ~~and ordinances pursuant to Area of City Impact or other mutual agreements.~~
- j. Policy 5.2-7: Within city areas of impact where urban public facilities ~~central water and sewer service~~ are available, residential development should occur at urban densities consistent with the cities' ~~comprehensive plans of incorporated cities~~.
- k. Delete Policy 5.2-8.
- l. Delete Policy 5.2-9.

- m. Goal 5.3: ~~Support~~ Encourage commercial development to locate in Planned Communities and in areas of impact, that is consistent with Planned Community or city comprehensive plan policies and location of existing and planned programmed urban public facilities. and services, and that is compatible with existing and future adjacent development.
- n. Delete all policies in Goal 5.3 and delete second implementation action.
- o. Goal 5.4: ~~Encourage and support well-planned, orderly and industrial development that is necessary to achieve the county's economic needs to locate in Planned Communities and in Areas of Impact, consistent with Planned Community or city comprehensive plan policies and location of existing and programmed urban public facilities.~~
- p. Delete all policies in 5.4.
- q. Delete goal 5.5 and all policies and implementation actions in 5.5.
- r. Goal 5.6: ~~Low-density, low-impact residential development will be allowed in rural areas. consistent with County zoning ordinances and the ability to accommodate future urban level development in Areas of City Impact, transitional areas or Planned Communities.~~
- s. Policy 5.6-1: ~~Support~~ Encourage preservation of open space and a rural residential lifestyle with limited by strictly limiting development in areas that cannot be reasonably served are not Planned Communities and are not within an area of city impact. by central sewer systems.
- t. Policy 5.7-1: Neighborhood commercial uses may be considered at selected locations outside Planned Communities and areas of city impact, but must meet specific development criteria ~~in these areas~~ related to availability of existing services, sufficiency of individual septic tank and well to serve the use, impacts on surrounding agricultural or rural residential uses, and impacts on traffic. Such uses should primarily serve the surrounding area, travelers passing through or the agricultural community.
- u. Delete policy 5.7-2.
- v. Policy 5.8-1: High intensity industrial development shall not occur outside Planned Communities or areas of city impact. unless centralized sewer and water systems are provided.
- w. Delete policies 5.8-2 through 5.8-5.
- x. Add a new policy as follows and re-number remaining policies accordingly:
Low intensity industrial uses may be considered at selected locations outside Planned communities and areas of impact, but must meet specific development criteria related to sufficiency of individual septic tank and well to serve the use, impacts on surrounding agricultural or rural residential uses, and impacts on traffic. Such uses should primarily serve the surrounding area, travelers passing through, the agricultural community, or uses like landfills requiring large tracts of land and few services.
- y. Policy 5.9-2: delete second sentence.
- z. Policy 5.9-14: Activities in conjunction with a farm that provide additional income to the farm operation may be allowed through conditional use procedures in those areas ~~of the County that remain rural in anticipated use and that~~ do not interface with ~~either~~ planned communities. ~~or transitional urban uses.~~

- aa. Policy 5-11-3: *(second sentence)* ~~Planned~~ Other developments should be required to prepare assessment of impacts on wildlife and provide mitigation plans as appropriate, in consultation with the Idaho Department of Fish and Game.

CHAPTER 6. NATURAL RESOURCES AND HAZARDOUS AREAS

Recommended Changes

1. Goals and Policies

- a. Revise the first implementation action under 6.1.

Develop measures for protection of resources, including incentives, consideration of new forms of development, ~~such as conservation subdivisions,~~ and protection and reclamation of gravel resources.

- b. Policy 6.3-5: ~~As a condition of approval of development, require new sub-surface sewage disposal systems proposed in areas of high soil permeability, shallow water tables, shallow aquifers or geologic hazards to meet DEQ and Central District Health Department regulations.~~ Limit the density and intensity of land uses in areas proposed to be served by new individual wastewater treatment systems and where high soil permeability, shallow water tables, shallow aquifers or geologic hazards exist.

- c. Delete Policy 6-3-14.

- d. Revise the fourth implementation action under 6.5:

Update the county's zoning ordinance to require applicants ~~for large developments such as PUD's and large subdivisions~~ to prepare wildlife protection and mitigation plans as when appropriate. ~~similar to existing requirements for Planned Communities~~ Require that such studies undergo a peer or independent review prior to approval.

CHAPTER 7. PUBLIC SERVICES, FACILITIES & UTILITIES

Recommended Changes

1. **Existing Conditions**, page 9, first paragraph:

The use of community, or central septic systems, has occurred in some areas ~~is an option~~ when a municipal system is has not been available. Such systems ~~A central system, which includes any system that serves two or more homes or greater than 2500 gallons per day, allows communities to independently~~ independent collection, treatment and disposal of wastewater by two or more homes. Delete the remainder of paragraph one and all of paragraph two.

2. Delete the second and third sentences of paragraph three and move the first sentence in paragraph three to paragraph four.

3. Delete the final sentence in paragraph four.

4. Delete paragraph five.

5. **Issues, Wastewater**, page 18.

- **Coordination.** Wastewater service providers note a lack of coordination among wastewater treatment systems. ~~developed for different planned communities in terms of potential impacts on existing systems and or cost effectiveness of building individual,~~

~~separate systems, with the inability to potentially expand them to achieve economies of scale.~~

- Prevention of failing systems. Service providers recommend oversight for existing community and central septic systems ~~individual treatment systems~~ to ensure proper long-term operation and maintenance and to avoid system failures.
- Impacts of septic systems. Members of the public and service providers expressed concern about the potential impacts of on-site, individual septic wastewater treatment systems on water quality, particularly in areas where rural lots are small and growth is increasing. At the same time, larger rural lot sizes (~~over 2 - 5 acres and larger~~) make it difficult for cities or sewer districts to cost-effectively provide ~~community~~ wastewater treatment systems.

6. Goals and Policies

- a. Policy 7.3-8: Proposed roads, ~~water supply systems~~ on-site individual wastewater treatment systems, ~~sewage disposal systems~~ storm drainage systems, irrigation systems and other improvements must be approved by the responsible agencies before final development approval.
- b. Revise the fourth implementation action under 7.3:
Incorporate energy conservation requirements as an approval criteria for planned communities. ~~and planned unit developments.~~
- c. Policy 7.4-2: In order to minimize the number of facilities and to ensure cost effective provision of wastewater services, encourage long-term regional planning of city and sewer district collection and wastewater treatment facilities. ~~and require adherence to these plans if they exist.~~
- d. Policy 7.4-3: Coordinate with cities and sewer districts ~~sewer providers~~ to develop long-term planning area boundaries to accommodate future expansion to help ensure that wastewater treatment and collection facilities can be provided cost-effectively and efficiently over the long term (beyond twenty years) as ~~unincorporated~~ areas outside areas of impact are ~~developed and urbanized.~~ ~~or incorporated.~~
- e. Delete Policy 7.4-4.
- f. Policy 7.4-5: In order to protect groundwater quality and to facilitate cost effective wastewater treatment and collection, ~~generally~~ require all new residential development with lot sizes smaller than ~~five~~ ten acres, except rural residences, to be served by ~~central wastewater collection and treatment~~ urban public facilities.
- g. Implementation Action: Adopt ~~and implement guidelines and~~ requirements for coordination with wastewater service providers in review of planned community applications, consistent with policies of this plan.
- h. Implementation Action: Develop a process to improve coordination with city and sewer district wastewater service providers in identifying long-term (20 years or beyond) wastewater service and facility needs.

7. Water Facilities, Goals and Policies, page 25:

- a. Policy 7.5-1: Involve water service providers in the Planned Community development review and development process; encourage consideration of municipal service from the nearest ~~adjacent city, or water district,~~ or water utility as one option for alternative to water service provision.

- b. Policy 7.5-2: Coordinate with cities, water districts and water utilities ~~water providers~~ to help ensure that water treatment and distribution facilities can be provided cost-effectively and efficiently over the long term (beyond twenty years) as ~~unincorporated~~ areas outside areas of impact are developed urbanized.
- c. Delete policies 7.5-3, 7.5-4 and 7.5-6.
- d. Revise the first Implementation Action: Adopt and implement ~~guidelines and~~ requirements for coordination with water service providers in review of planned community applications, consistent with policies of this plan.
- e. Delete third implementation action.

CHAPTER 8. PUBLIC FACILITIES AND SERVICES

Recommended Changes

1. Delete Policy 8.7-8.
2. Delete the second implementation action.

CHAPTER 9 – NO COMMENTS

CHAPTER 10. SPECIAL AREAS OF SITES

Recommended Changes

1. **Goals and Policies**
 - a. Policy 10.1-6: Consider incentives ~~such as clustering and density bonuses~~ for development that preserves historically or culturally significant sites or buildings.

CHAPTER 11. HOUSING

Recommended Changes

1. **Goals and Policies**
 - a. Policy 11.1-2: Cooperate with ~~other county and~~ community partners such as the Ada County Housing Authority, city of Boise and other municipalities to explore, develop, update and implement strategies to improve housing affordability in Ada County. ~~Strategies may include, but not be limited to, inclusionary zoning, streamlining of permitting processes, density bonuses, and accessory dwelling units.~~
 - b. Delete Policy 11.1-8.
 - c. Delete Policy 11.1-9.
 - d. Delete the fourth implementation action.

CHAPTER 12. COMMUNITY DESIGN & SUSTAINABILITY

Recommended Changes

1. Goals and Policies

- a. Delete Policy 12.1-7.
- b. Delete the second Implementation Action.
- c. Delete the third Implementation Action.
- d. Delete Policy 12.2-4.
- e. Policy 12.3-5: Ensure that essential public services and utilities are provided to all residents, acknowledging that essential services and utilities in rural areas will differ from those in urban areas.
- f. Policy 12.6-1: Encourage the location of high density ~~and affordable~~ housing within areas of impact where they may locate near public transportation, shopping and urban recreational areas.
- g. Delete Policy 12.6-2.
- h. Delete Policy 12.6-3.
- i. Delete Policy 12.6-4.
- j. Delete Policy 12.6-6. Re-number policies accordingly.
- k. Policy 12.8-3: Use BMP's and other methods described under goal 7.5 to minimize groundwater and surface water contamination from ~~industrial development~~, solid waste management or hazardous waste sites.
- l. Policy 12.9-1: Explore expanding the allowable use of bio-solids from wastewater treatment systems as an agricultural fertilizer in the rural areas.
- m. Delete Policy 12.11-1. Re-number policies accordingly.
- n. Delete Policy 12.12-2. Re-number policies accordingly.
- o. Policy 12.13-2: Encourage use of innovative ~~planning techniques such as conservation subdivisions, land transfers, transfer of development rights, purchases of land, conservation easements and other approaches~~ to preserve open space and the rural environment as rural residential development occurs.
- p. Delete Policy 12.15-2.
- q. Delete Policy 12.15-3. Re-number policies accordingly.

CHAPTER 13. IMPLEMENTATION

Recommended Changes

1. Delete last bullet point on page 1.
2. Section 13.7, amend the second list of bullet points to delete "Mixed use (commercial/residential) centers" and "Employment centers".

3. Section 13.8, amend the following bullet points under 'Short-term Measures', page 8:
 - ✓ Identify areas appropriate for development in an ultimate buildout scenario.
 - ✓ Establish recommended densities in ultimate buildout.
 - ✓ ~~Adopt clustering ordinance provisions to~~ Provide development incentives for permanently protecting open space.
4. Amend second bullet point on page 10:
 - Adoption of amendments to the County's zoning ordinance to eliminate ~~replace~~ "non-farm subdivision" provisions. (Leave paragraph one as-is and delete paragraph two.)
5. Amend the first bullet point under the second section bullet point on page 11:
 - ✓ ~~Residential and non-residential~~ Design guidelines.
6. Update the Implementation Actions by Chapter tables on pages 13 – 40 to insure all goals reflect the amendments represented within this document.

APPENDIX A. GLOSSARY OF TERMS

Recommended Changes

Add or amend the following definitions:

1. ~~Capital improvement program: A plan that describes when a community's major urban public facilities e.g. roads, libraries, sewer systems, police stations, etc. will be built, how much they will cost, and the source of funding. A CIP usually covers a period of between three and ten years.~~
2. Intensity: The degree of impact of an office, commercial or industrial use on surrounding properties or on the environment; or, the degree of the quantity of services required to operate the office, commercial or industrial use.
3. Programmed: Urban public facilities included in the Capital Improvements Plan of a city, a planned community provider outside an area of city impact, a taxing district or a regulated public utility, as being constructed within five years.
4. ~~Public mass Transit: A public common carrier transportation system having established routes and schedules including bus, rail, light rail or shuttle services.~~
5. ~~Public facility: Includes, but is not limited to: (a) pumping station for water, sewer or gas; (b) power substation, electric substation, grid switching site, electric transmission line, electric sub-transmission line, electric distribution line, or any major structure connected to a public utility; (c) municipal wastewater collection and treatment facility or interim wastewater treatment system; (d) utility shop, garage or storage facility; (e) park and ride lot; (f) water reservoir and water tank; and, (g) storm drainage facility and storm detention facility.~~
6. Public utility: A facility or service regulated by the Idaho Public Utility Commission. Any institution or municipal department duly authorized to furnish the public under public regulation, electricity, gas, steam, telephone, transportation or water.

7. Residential, urban: All Residential development within areas of city impact, or within planned communities.
8. Rural residences: Residential lots in rural areas with lot sizes smaller than five acres due to legal nonconforming status; or, due to having been approved as a farm development right on property forty acres or larger.
9. Urban: Uses characteristic of city life, including a variety of housing types and densities, a variety of commercial and industrial types and intensities, availability of goods, services and employment, and urban public facilities.
10. Urbanization: The transition from rural usage of the land to urban uses characteristic of city life; or, an increase in the density and intensity of suburban or city land uses. Urbanized areas are characterized by a variety of housing types or densities, availability of goods, services and employment and provision of urban services public facilities.
11. Urban public facilities: Library, park, electricity, telephone, water system, central wastewater collection and treatment, streets, transit, police, fire and paramedic capital facilities provided by a city, a planned community provider outside an area of city impact, a taxing district or a regulated public utility
12. Urban service planning area: The area within an area of city impact where urban services public facilities are available or planned, as provided and described in the city's comprehensive plan.
13. ~~Urban services: Facilities, utilities and other services that are typically provided to residents within areas of city impact which include central water, municipal or central wastewater collection and treatment, public safety, public schools, street maintenance, parks and recreation, public transportation, libraries and storm drainage.~~

ORDINANCE NO. 699

AN ORDINANCE AMENDING ADA COUNTY CODE, TITLE 8, CHAPTER 1A, SECTION 1; AMENDING TITLE 8, CHAPTER 1A, SECTION 2 TO DELETE FIGURES 7 AND 8; AMENDING TITLE 8, CHAPTER 2A, SECTION 1 TO REFINE THE DESCRIPTION OF RURAL RESIDENTIAL DISTRICT IN SUBSECTION 1(B)(2); AMENDING TITLE 8, CHAPTER 2A TO DELETE SUBSECTION 2(D) RELATED TO NONFARM SUBDIVISION; AMENDING TITLE 8, CHAPTER 2A, SECTION 3; AMENDING TITLE 8, CHAPTER 2A, SECTION 4, TABLE 8-2A-2 TO REVISE PROPERTY SIZE (IN ACRES) FOR RURAL RESIDENCE AND TO DELETE MAXIMUM LOT WIDTH AND DEPTH (IN FEET); AMENDING TITLE 8, CHAPTER 2A, SECTION 5 TO DELETE SUBSECTIONS D (6) AND (7); DELETING TITLE 8, CHAPTER 2A, SECTION 6 IN ITS ENTIRETY; AMENDING TITLE 8, CHAPTER 2B, CHAPTER 1 TO REPLACE REFERENCES TO URBAN SERVICES WITH URBAN PUBLIC FACILITIES; AMENDING TITLE 8, CHAPTER 2B, SECTION 3, TABLE 8-2B-1 TO DELETE THE "STANDARD" DESIGNATION FROM RUT AND RSW AND TO ADD "EXISTING" TO RUT CLUSTER LOT AND RSW CLUSTER LOT; AMENDING ALLOWED USES BY ADDING ADULT RESPITE CARE CENTER, DAYCARE CENTER, FAMILY DAYCARE HOME, AND GROUP DAYCARE FACILITY; AMENDING TITLE 8, CHAPTER 2B, SECTION 4, TABLE 8-2B-2 TO DELETE "STANDARD" DESIGNATION FROM RUT AND RSW AND TO ADD "EXISTING" TO RUT CLUSTER LOT AND RSW CLUSTER LOT AND TO DELETE DIMENSIONAL STANDARD FOR CLUSTER REMAINDER LOT; DELETING TITLE 8, CHAPTER 2B, SECTION 6 IN ITS ENTIRETY; DELETING TITLE 8, CHAPTER 2B, SECTION 7, INCLUDING TABLE 8-2B-3, IN ITS ENTIRETY; DELETING TITLE 8, CHAPTER 3B, SECTION 3(C)(3) RELATING TO NONFARM SUBDIVISIONS; AMENDING TITLE 8, CHAPTER 3C, SECTION 1 TO CHANGE THE REFERENCE FROM ESSENTIAL PUBLIC SERVICES TO URBAN PUBLIC FACILITIES; AMENDING TITLE 8, CHAPTER 3C, SECTION 3 TO DELETE REFERENCES TO COMMUNITY WATER SYSTEM AND TO REQUIRE HOOKUP TO THE BOISE SEWER SYSTEM IN THE EVENT OF FAILURE OF AN EXISTING WASTEWATER TREATMENT SYSTEM; AMENDING TITLE 8, CHAPTER 3D, SECTION 1 TO REPLACE THE REFERENCE TO ESSENTIAL SERVICES WITH URBAN PUBLIC FACILITIES; AMENDING TITLE 8, CHAPTER 4A, SECTION 22 TO RESTRICT OPTIONS FOR SEWAGE DISPOSAL FACILITIES; DELETING TITLE 8, CHAPTER 4A, SECTION 23 IN ITS ENTIRETY; AMENDING TITLE 8, CHAPTER 4D, SECTION 4(B)(2)(g); AMENDING TITLE 8, CHAPTER 4J, SECTION 3 TO DELETE SUBSECTIONS B(1) AND (2) AND SUBSECTION D; AMENDING TITLE 8, CHAPTER 4J, SECTION 4 TO DELETE SUBSECTION G AND TO REVISE SUBSECTION H TO DELETE REFERENCE TO NONFARM SUBDIVISIONS AND REMAINDER LOTS IN CLUSTER SUBDIVISIONS; AMENDING TITLE 8, CHAPTER 5, SECTION 3, SUBSECTION 103 TO DELETE APPROVAL OF WASTEWATER SYSTEM AND WATER SUPPLY; AMENDING TITLE 8, CHAPTER 5, SECTION 3, SUBSECTION 112 TO REQUIRE ADEQUATE SEWER AND WATER FACILITIES; AMENDING TITLE 8, CHAPTER 6, SECTION 1 TO DELETE SUBSECTIONS 8-6-1 (B) AND (C); AMENDING TITLE 8, CHAPTER 6, SECTION 2 TO DELETE SUBSECTIONS 8-6-2 (A)(1), (2), and (3) AND TO ADD SUBSECTIONS 8-6-2 (B)(2) AND (3); AMENDING TITLE 8, CHAPTER 6, SECTION 3 TO DELETE

SUBSECTIONS 8-6-3 (K)(1) and (2); AMENDING TITLE 8, CHAPTER 6B, SECTION 4 TO DELETE SUBSECTION 4(B).

SECTION 1: Ada County Code § 8-1A-1 is amended as follows:

8-1A-1: DEFINITIONS:

CAPITAL IMPROVEMENTS PROGRAM (CIP): A plan that describes when urban public facilities will be built, how much they will cost, and the source of funding. A CIP usually covers a period of between three and ten years.

~~COMMUNITY SEWAGE DISPOSAL SYSTEM: A system where clustered homes are connected to a common waste disposal treatment system that shall be designed to accommodate connection to a municipal wastewater collection and treatment facility when reasonably available.~~

~~OPEN SPACE, DEDICATED: An area that has been designated on a master site plan or subdivision plat as open space. In a nonfarm subdivision, dedicated open space shall include temporary and permanent open space.~~

~~PLAT, SKETCH: A sketch preparatory to the preliminary plat submitted to the commission for review at the option of the subdivider to save time and expense in reaching general agreement with the commission as to the form of the plat and the objectives of these regulations, and containing the elements and requirements set forth in section 8-6-4-1 of this title.~~

PROGRAMMED: Included in the Capital Improvements Program of a city, Ada County, a planned community provider outside of an area of impact, a taxing district, or a regulated public utility, as being constructed within five years. If a Capital Improvements Program has not been adopted, "programmed" shall mean a transferable Memorandum of Understanding between the provider of the urban public facility and the applicant, that a needed public facility will be provided within one year.

~~REASONABLY AVAILABLE: A municipal wastewater collection and treatment system shall be considered reasonably available when it is within three hundred feet (300') of any property line of the subject property.~~

~~RURAL RESIDENCE: Shall include fFarm development right parcels and nonconforming residential properties in a rural base district, and nonfarm subdivision lots. See chapter 2, article A of this title.~~

URBAN SERVICE PLANNING AREA: The land area within an area of city impact where urban services public facilities are available or planned, as provided and described in the applicable city's comprehensive plan, and designated on the adopted area of city impact boundary map in title 9 of this code.

URBAN SERVICES PUBLIC FACILITIES: Library, park, electricity, telephone, water, sewer, streets, transit, police, fire and paramedic capital facilities provided by a city, taxing district or regulated public utility; or, when located outside an area of impact, a planned community provider. Shall include, but not be limited to: a) community water system, b) municipal or central wastewater collection and treatment system, c) public safety services, such as urban fire protection, law enforcement, and emergency medical services, d) schools, e) urban standard streets and roadways, f) parks and recreation facilities, g) public transportation, h) libraries, I) storm drainage facilities, j) utility facilities, and k) urban irrigation systems.

~~WASTEWATER COLLECTION AND TREATMENT FACILITY, MUNICIPAL: Facilities for the central collection and treatment of wastewater, provided and operated by a legally created special district or municipality, that: a) provides for the transportation of sewage and the removal of polluting constituents for wastewater, b) is designed to meet local, state, and federal standards, and c) complies with areawide wastewater management plans.~~

~~WASTEWATER TREATMENT SYSTEM, INTERIM: An installation that: a) collects and treats domestic wastewater from a subdivision or conditional use and utilizes, at a minimum, subsurface disposal of effluent, and b) conforms to all applicable local, state, and federal regulations pertaining to interim sewer systems including areawide wastewater management plans.~~

~~WATER SYSTEM, COMMUNITY: A central water supply system that serves more than two (2) dwellings and provides a domestic water supply meeting local, state, and federal drinking water standards and fire flow requirements.~~

~~WATER SYSTEM, INDIVIDUAL WELL, ON-SITE: A domestic water system well that serves up to two (2) dwellings one property, and is located on the property it serves.~~

SECTION 2: Ada County Code § 8-1A-2 is amended to delete Figure 7: RUT and RSW Subdivision (Example) and Figure 8: RSW Subdivision Sketch Plat (Example) as follows:

8-1A-2: FIGURES:

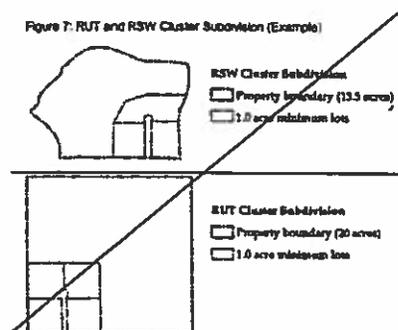
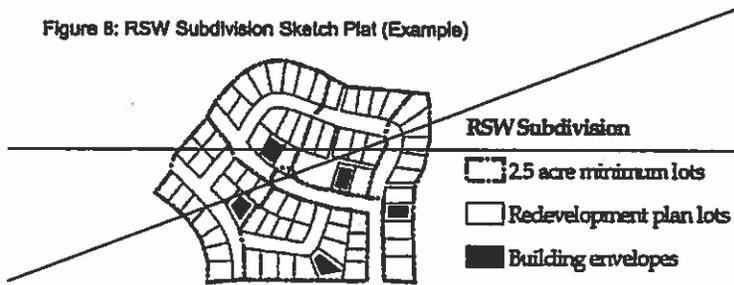


Figure 8: RSW Subdivision Sketch Plat (Example)



SECTION 3: Ada County Code § 8-2A-1 is amended to refine the description of Rural Residential District in Subsection 1(B)(2) as follows:

8-2A-1: PURPOSE:

A. Common Purpose Statements Of The Rural Preservation (RP) District And The Rural Residential (RR) District:

1. Promote the public health, safety, and welfare of the people of Ada County by encouraging the protection of prime agricultural lands; to ensure the important environmental features of the state and Ada County are protected and enhanced; to direct urban density development inside areas of city impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the "local land use planning act", Idaho Code section 67-6501 et seq., as amended;
2. Implement the Ada County comprehensive plan goal to protect prime agricultural land and to maximize opportunities for agricultural activities and an agricultural lifestyle in areas designated as agriculture/rural lifestyle on the comprehensive plan generalized future land use map;
3. Allow the development of agricultural industries and agriculture service establishments when such uses do not take prime agricultural land out of crop production;
4. Protect agricultural and rangeland uses and wildlife management areas from undue adverse impacts from adjacent development;
5. Permit the development of schools, churches, and other public and quasi-public uses in rural areas consistent with the applicable comprehensive plan; and
6. In addition to directing urban density development inside areas of city impact, allow urban density development within planned communities in accordance with article E of this chapter.

B. Additional Purpose Statements:

1. Rural Preservation District: Permit the continued use of agricultural lands, rangelands, and wildlife management areas within the Boise front foothills (in areas designated as the

foothills planning area in the Boise City comprehensive plan and the Ada County comprehensive plan). Limit development of hazardous areas including, but not limited to, fault lines, landslides, subsidence, shallow soils, steep slopes, unstable slopes, flooding, and seeps. Allow a limited number of uses with excessive space requirements or buffering needs on nonprime agricultural lands.

2. Rural Residential District: Permit ~~the development of rural~~ low-density residential uses ~~where the property is annexed into a fire district, public street access is available, and such development would~~ that would provide a rural lifestyle, and that do not require excessive expansion of public services.

SECTION 4: Ada County Code § 8-2A-2 is amended to delete Subsection 2(D) related to nonfarm subdivision as follows:

8-2A-2: GENERAL REQUIREMENTS:

- A. All development shall be in accord with the regulations in chapter 4, article A of this title and, where applicable, according to a master site plan as approved subject to the standards of chapter 4, article E of this title.
- B. Access shall comply with the regulations of section 8-4A-3 of this title or private road requirements of chapter 4, article D of this title.
- C. A farm development right may be approved in accord with regulations outlined in section 8-2A-5 of this article.
- ~~D. A nonfarm subdivision may be approved in accord with regulations outlined in section 8-2A-6 of this article.~~

SECTION 5: Ada County Code § 8-2A-3 is amended as follows:

8-2A-3: ALLOWED USES:

Unless otherwise specified in the specific use standards of chapter 5 of this title, table 8-2A-1 of this section lists principal permitted (P), accessory (A), conditional (C), or prohibited (-) uses within each rural base district, including rural residences.

- ~~A. For the purposes of this article, the term "rural residence" shall refer to farm development right parcels, residential nonfarm subdivision lots in a rural base district, and nonconforming properties in a rural base district.~~
- A. B. Principal permitted uses shall be reviewed in accord with the specific use standards in chapter 5 of this title and the master site plan standards of chapter 4, article E of this title, unless specifically exempt under subsection 8-4E-2B of this title.

B. C. Accessory uses shall be reviewed in accord with the procedures in chapter 7 of this title, the specific use standards in chapter 5 of this title, and the use regulations of chapter 5, article A of this title.

C. D. Conditional uses shall be approved in accord with the procedures in chapter 7 of this title, the specific use standards in chapter 5 of this title, and the use regulations of chapter 5, article B of this title.

SECTION 6: Ada County Code § 8-2A-4, Table 8-2A-2 is amended to revise property size (in acres) for Rural Residence and to delete Maximum lot width and depth (in feet) as follows:

8-2A-4: DIMENSIONAL STANDARDS: Table 8-2A-2 of this section shall be used for development in the respective rural base district.

A. Institutional uses (including children’s treatment facility, church, drug and alcohol treatment facility, portable classroom, public or quasi-public use, residential care facility, and school, which are proposed within residential base districts, shall be permitted an increase of the maximum coverage from 5 percent to 20 percent.

B. Stable or riding arena, commercial, which is proposed within residential base districts, shall be permitted an increase of the maximum coverage from 5 percent to 20 percent.

Table 8-2A-2: DIMENSIONAL STANDARDS FOR RURAL BASE PROPERTY

Dimensional Standards	RP	RR	Rural Residence
Property size (in acres)	40 minimum	10 minimum	0.75 maximum 10.5 minimum <u>1 minimum, 2.5 maximum</u>
Minimum street frontage (in feet)	100	100	100
Minimum setback (in feet) from:			
1. Arterial, collector, or section line street	50	50	50
2. Other roadway	30	30	30
3. Property line not fronting a roadway	25	25	25 ¹
Maximum coverage (in percent)	5	5	20
Maximum height (in feet)	35	35	35
Maximum lot width and depth (in feet)	n/a	1,320 or aliquot³	n/a

Minimum property width and depth (in feet) 100 100 100

Note:

1. A side property line setback of 10 feet shall be allowed adjacent to other rural residences.
- ~~2. Except as allowed by subsections 8-2A-5D6, D7 and 8-2A-6D2 of this section.~~
- ~~3. Refers to the 1/16 section containing the lot. See definition of "aliquot."~~

SECTION 7: Ada County Code § 8-2A-5 is amended to delete Subsections D (6) and (7) as follows:

8-2A-5: FARM DEVELOPMENT RIGHT:

- A. Purpose: This regulation allows owners of a qualifying property in the rural preservation district (RP) to create one residential parcel for conveyance. If the qualifying property is decreased below the minimum property size as a result of granting the farm development right, the remainder of the qualifying property shall still be considered a conforming property.
- B. Applicability: This regulation shall apply to any property that meets all of the following criteria:
1. The property is within the rural preservation district;
 2. The property is a minimum of forty (40) acres of contiguous land; and
 3. The property was of record in the Ada County recorder's office as of January 1, 1985 (hereinafter referred to as the "property of record"), the boundaries of which shall not have changed except as the result of a governmental action. (See section 8-4A-19 of this title.)
 - a. The property of record shall be entitled to a maximum of one farm development right.
 - b. For the purposes of this title, parcels approved prior to the effective date of this title subject to the one acre lot regulations or one acre parcel regulations shall be considered farm development rights.
- C. Process:
1. Application: An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.
 2. Required Findings: The director shall make the following findings in order to approve, or approve with conditions, the farm development right:

a. The proposed farm development right meets the applicability requirements of subsection B of this section; and

b. The proposed farm development right complies with standards of subsection D of this section.

3. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to the regulations of section 8-7A-6 of this title, the applicant or owner shall have one year to complete all of the following tasks:

a. Cause the property to be surveyed and a record of survey recorded;

b. Execute and record the necessary deeds to convey the farm development right parcel;

c. Obtain new tax parcel numbers from the Ada County assessor; and

d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.

4. Issuance Of Letter: Upon determination by the director that the farm development right is in conformance with this section, the director shall issue a letter stating that the farm development right has been approved.

D. Standards:

1. The farm development right parcel shall meet the dimensional standards for a rural residence as established by table 8-2A-2 of this article.

2. Access and frontage shall be as required by section 8-4A-3 of this title.

3. If the qualifying property has more than one permanent dwelling, the farm development right parcel shall contain one of the extra dwellings. This standard shall not apply to temporary living quarters.

4. The proposed farm development right division shall maximize to the greatest extent possible the preservation of prime agricultural soils.

5. The farm development right parcel shall be located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards of this section.

~~6. As part of the application, an applicant may request an increase in property size to a maximum of 2.5 acres to accommodate one of the following:~~

~~a. Additional property is needed to support an individual wastewater treatment system; or~~

~~b. The farm development right parcel separates an existing dwelling (either principal permitted or other) from the qualifying property (section 8-4A-12 of this title), and such dwelling cannot obtain proper street frontage or setback requirements unless granted a larger property size.~~

~~7. An applicant may also request an increase in property size when the property under consideration for the farm development right parcel is separated by a barrier that prevents the use of the qualifying property as one unit.~~

SECTION 8: Ada County Code § 8-2A-6 is deleted in its entirety:

8-2A-6: NONFARM SUBDIVISION:

~~A. Purpose: The purpose of the nonfarm subdivision is to allow limited rural residential development where it will be compatible with existing uses in the vicinity. The purpose is also to provide standards to cluster rural residential development on a portion of a property in order to:~~

~~1. Create open space and trails; and/or~~

~~2. Preserve prime agricultural lands, rangelands, wildlife management areas, scenic resources, historic resources, cultural resources, steep slopes, ridgelines, canyon rims, benches, wetlands, riparian corridors, ponds, and other natural, historic, or cultural resources of the county.~~

~~B. Applicability: This regulation shall apply to any property that meets the following criteria:~~

~~1. The property is within the rural residential (RR) district;~~

~~2. The property is a minimum of twenty (20) acres of contiguous land.~~

~~C. Process:~~

~~1. Application: An application and fees for a preliminary plat, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.~~

~~2. Standards: The sketch plat and/or preliminary plat shall be reviewed subject to the standards of subsection D of this section and the standards for subdivisions as set forth in chapter 6 of this title.~~

~~3. Required Findings: In addition to the findings required for a preliminary plat, the commission and/or board shall make the following findings:~~

~~a. The proposed nonfarm subdivision meets the applicability requirements of subsection B of this section; and~~

~~b. The proposed nonfarm subdivision complies with standards of subsection D of this section.~~

~~D. Standards:~~

~~1. The base density in the rural residential base district is one dwelling unit per ten (10) acres. A density bonus may be approved for nonfarm subdivisions in exchange for clustering lots and/or for providing open space. The density bonus shall allow a total density of two (2) dwelling units per ten (10) acres.~~

~~2. The residential lots shall meet the dimensional standards for a rural residence as established by table 8-2A-2 of this article, except as follows: residential lots that have an irrigation right shall have a maximum lot size of one acre.~~

~~3. All proposed residential lots and other approved uses must have an adequate water supply as provided for in section 8-4A-23 of this title. Nonfarm subdivisions with ten (10) or more residential lots shall provide a community well. The director may recommend approval of an alternative water supply system when: a) the overall design, as proposed by the applicant, meets or exceeds the intent and requirements of this section and shall not be detrimental to the public health, safety, and welfare and b) where the strict application of this standard will create an undue hardship due to characteristics of the site including, but not limited to, geologic impediments.~~

~~4. All proposed residential lots and other approved uses must connect to a "community sewage disposal system" as herein defined.~~

~~5. Access and frontage shall be as required by section 8-4A-3 of this title.~~

~~6. The design of open space lots shall comply with the standards for dedicated open space in chapter 4, article J of this title. Where prime agricultural soils, as herein defined, are present on the property, the applicant is encouraged to locate the prime agricultural soils on the open space lot.~~

~~7. The design of lots within the developable area shall comply with the following standards:~~

~~a. Nonfarm subdivisions with less than ten (10) residential lots may have two (2) development areas.~~

~~b. For nonfarm subdivisions with ten (10) or more residential lots, there may be up to three (3) development areas. An applicant may request additional development areas when the following findings can be made:~~

~~(1) The need for additional development areas is based on specific site constraints and/or opportunities; and~~

~~(2) The overall design is consistent with subsection 8-4J-4I of this title.~~

~~e. Within a development area, each residential lot shall share at least one hundred feet (100') of property line with another residential lot. This standard shall not be deemed as prohibiting a development area with a single residential lot.~~

~~8. The proposed nonfarm subdivision shall protect all gravity flow irrigation systems.~~

~~9. The director may approve, or recommend approval of, an alternative lot configuration when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare.~~

~~10. If the proposed residential lots are within an animal feeding operation (AFO) sphere of influence as set forth in section 8-5-3-62 of this title, a note shall be placed on the plat and on the deed of each lot noting the proximity to the AFO.~~

~~11. A note shall be placed on the plat and on the deed of each lot noting that the individual lot owner shall connect to a municipal sewage collection and treatment facility when reasonably available.~~

~~E. Additional Requirements: Additional application requirements for nonfarm subdivisions that involve six hundred forty (640) acres or more of property:~~

~~1. General land use patterns on site and within a minimum of one mile of the nonfarm subdivision site.~~

~~2. The natural features analysis, as set forth in this title, shall include a description of the impact of the project on area ground water quality.~~

~~3. Public services and utilities plan describing and depicting the location and type of electric service, natural gas service, storm drainage and flood control systems, wastewater treatment and collection, water service, irrigation, telephone and television cable service, public safety services, and schools.~~

~~4. Circulation plan depicting location, design, and dimensions for the various types of streets, trails, and paths.~~

~~5. Dedicated open space plan depicting both active and passive recreation areas and pedestrian, equestrian, and bicycle trails.~~

~~6. A phasing plan indicating the sequence of development and anticipated commencement and completion times of each phase. The phasing plan shall indicate anticipated population levels and essential public services to serve the anticipated population of that phase. Essential public services shall include, but not limited to: utilities, circulation, open space, landscaping and other public improvements.~~

~~7. The applicant shall submit a determination by the community planning association of southwest Idaho on whether the proposed project shall necessitate an update to the adopted regional transportation plan. The board may require the applicant to fund the cost of any necessary update to the regional transportation plan as a provision of a development agreement as set forth in subsection 8-7C-2A of this title.~~

SECTION 9: Ada County Code § 8-2B-1 is amended to replace references to urban services with urban public facilities as follows:

8-2B-1: PURPOSE:

The purpose of this article is to implement the applicable comprehensive plans within areas of city impact. These base districts are intended to provide appropriate density for residential development based on the availability of ~~essential public services~~ urban public facilities, the surrounding land uses, and the applicable comprehensive plan designation. The purpose statements of the individual residential base districts are as follows:

A. Rural-Urban Transition (RUT) District:

1. Provide standards and regulations for the development of property within areas of city impact, ~~except for the foothills planning areas designated in the Boise city comprehensive plan within the Boise area of city impact, that may not presently be served by urban services,~~ consistent with the goals and policies of the applicable city comprehensive plan; ~~The maximum density shall not exceed one dwelling unit per five (5) acres;~~
2. Allow agriculture and rural residential uses to continue within areas of city impact until urban ~~services~~ public facilities are extended;
3. Provide design standards that shall permit redevelopment of property to higher densities when urban ~~services~~ public facilities are extended; and
4. Limit new agricultural uses within the areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, odor, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities with three hundred one (301) or more animal units. This article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

B. Southwest Community Residential (RSW) District:

1. Implement the Boise city comprehensive plan for the southwest planning area. After the effective date of this title, ~~future rezones to designate additional land the “southwest community residential” district shall be prohibited; not be approved;~~
2. Allow agriculture and rural residential uses to continue within areas of city impact until urban ~~services~~ public facilities are extended;

~~3. Provide regulations and standards for development when urban public facilities a municipal wastewater collection and treatment system and community water system are provided. The maximum density shall not exceed one dwelling unit per 2.5 acres; and~~

~~4. Provide design standards that shall permit redevelopment of a site to urban densities.~~

C. Estate Residential (R1) District, Low Density Residential (R2) District, Medium Low Density Residential (R4) District, Medium Density Residential (R6) District, And Medium High Density Residential (R8) District:

1. Provide regulations and standards for development where urban public facilities a municipal wastewater collection and treatment system and community water system are provided programmed. The maximum allowed density shall be as follows:

- a. R1 - One dwelling unit per acre;
- b. R2 - Two (2) dwelling units per acre;
- c. R4 - Four (4) dwelling units per acre;
- d. R6 - Six (6) dwelling units per acre;
- e. R8 - Eight (8) dwelling units per acre;

2. Provide options for applicants so they may develop areas with the most appropriate density as it relates to the surrounding land uses and the applicable comprehensive plan designation.;

and

~~3. Accommodate single family detached dwellings, single family attached dwellings, and duplexes within an urban service planning area.~~

D. High Density Residential (R12) District And Very High Density Residential (R20) District:

1. Provide regulations and standards for development ~~when~~ where urban public facilities a municipal wastewater collection and treatment system and community water system are provided programmed;

2. The maximum allowed density shall be as follows:

- a. R12 - Twelve (12) dwelling units per acre;
- b. R20 - Twenty (20) dwelling units per acre;

3. Accommodate multiple-family dwellings including, but not limited to, townhouses and/or apartments, consistent with the applicable comprehensive plan designation; and

4. Accommodate zero lot line developments of single-family detached, single-family attached, and multi-family dwellings consistent with the applicable comprehensive plan designation.

E. Manufactured Home Districts (R1M And R8M):

1. To accommodate existing M base districts and recognize the existing development rights of residential properties within a manufactured home base district; and

2. Establish standards and regulations governing the location of manufactured homes in existing M base districts for the purpose of protecting property rights and enhancing property values while making accommodations for other necessary types of development, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code section 67-6501, et seq., as amended. The maximum allowed density shall be as follows:

- a. R1M - One dwelling unit per acre.
- b. R8M - Eight (8) dwelling units per acre.

SECTION 10: Ada County Code § 8-2B-3, Table 8-2B-1 is amended to delete the RUT Standard and RSW Standard and to add "Existing" to RUT Cluster Lot and RSW Cluster Lot as follows:

8-2B-3: ALLOWED USES:

TABLE 8-2B-1: ALLOWED USE BY RESIDENTIAL BASE DISTRICT

Allowed Use	RUT Stan- dard	RUT <u>Existing</u> Cluster Lot	RSW Stan- dard	RSW <u>Existing</u> Cluster Lot	R1/ R1M	R2	R4	R6	R8/ R8M	R12	R20
Accessory structure	A	A	A	A	A	A	A	A	A	A	A
Adult Respite Care Center	C	C	C	C	C	C	C	C	C	C	C
Agricultural structure	A	-	A	-	A	A	A	A	A	A	A
Agricultural use	P	P	P	P	P	P	P	P	P	P	P
Amusement or recreation facility, indoor (only)	-	-	-	-	-	-	-	-	-	-	C
Amusement or recreation facility, outdoor (only)	C	-	C	-	C	C	C	C	C	-	-

Animal boarding with outside runs	C	-	C	-	-	-	-	-	-	-	-
Animal clinic, animal hospital, or veterinary office	C	-	C	-	-	-	-	-	-	-	-
Automotive, hobby	A	A	A	A	A	A	A	A	A	A	A
Bed and breakfast establishment	C	C	C	C	C/-	-	-	-	-	-	-
Boarding house	-	-	-	-	-	-	-	-	-	C	C
Cemetery	C	C	C	C	C	C	C	C	C	C	C
Children's treatment facility	C	C	C	C	C/-	C	C	C	C/-	-	-
Church	C	C	C	C	C	C	C	C	C	C	C
Club or lodge or social hall	C	C	C	C	C	C	C	C	C	C	C
Dangerous or protected animals	C	C	C	C	C	C	C	C	C	C	C
Day Care Center	C	C	C	C	C	C	C	C	C	C	C
Drug and alcohol treatment facility	C	C	C	C	C/-	C	C	C	C/-	-	-
Duplex or single-family attached dwelling	-	-	-	-	-	-	P	P	P/P	P	P
Dwelling, secondary attached	C	C	C	C	C	C	C	C	-	-	-
Dwelling, secondary detached	C	C	C	C	C	-	-	-	-	-	-
Dwelling, single-family detached	P	P	P	P	P/P	P	P	P	P/P	P	P
Dwelling, townhouse	-	-	-	-	-	-	-	-	-	P	P
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A
Fence, barbed wire or electric wire	A	C	C	C	C	C	C	C	C	C	C
Fence, barbed wire or electric wire accessory to a	A	A	A	A	A	A	A	A	A	A	A

livestock confinement facility

Fence, other	A	A	A	A	A	A	A	A	A	A	A
Foster home, group	C	C	C	C	C/-	C	C	C	C/-	C	C
Fuel cell	A	A	A	A	A	A	A	A	A	A	A
Golf course and country club	C	C	C	C	C	C	C	C	C	C	C
Group Day Care Facility	A	A	A	A	A	A	A	A	A	A	A
Home occupation	A	A	A	A	A	A	A	A	A	A	A
Kennel, commercial	C	-	C	-	-	-	-	-	-	-	-
Kennel, hobby	A	A	A	A	A	A	A	A	A	A	A
Livestock confinement facility, € 300 AU	A	A	A	A	A	A	A	A	A	A	A
Manufactured home	-	-	-	-	-/P	-	-	-	-/P	-	-
Manufactured home in a manufactured home subdivision or park			P		P/P	P	P	P	P/P	P	P
Manufactured home park	-	-	C	-	C/P	C	C	C	C/P	C	C
Manufactured home subdivision	-	-	-	-	-/P	-	-	-	-/P	-	-
Mortuary	A	-	-	-	-	-	-	-	-	-	-
Multi-family development	-	-	-	-	-	-	-	-	-	P	P
Nursery, wholesale (only)	P	-	-	-	-	-	-	-	-	-	-
Nursing facility, skilled	-	-	-	-	-	C	C	C	C	C	C
Office, relating to an approved use	A	-	-	-	-	-	-	-	-	-	-
Office, temporary construction	A	A	A	A	A	A	A	A	A	A	A
Outdoor storage	A	A	A	A	A	A	A	A	A	A	A

Pit, mine, or quarry	A or C	A	A or C	A	A	A	A	A	A	A	A
Portable classroom	A	A	A	A	A	A	A	A	A	A	A
Public or quasi-public use	C	C	C	C	C	C	C	C	C	C	C
Remediation, in situ	P	P	P	P	P	P	P	P	P	P	P
Residential care facility	C	C	C	C	C	C	C	C	C	C	C
Roadside produce stand	A	-	A	-	-	-	-	-	-	-	-
School, public or private	C	C	C	C	C	C	C	C	C	C	C
Signs, nonaccessory, off premises	-	-	-	-	-	-	-	-	-	-	-
Stable or riding arena, commercial	C	-	-	-	-	-	-	-	-	-	-
Swimming pool, private	A	A	A	A	A	A	A	A	A	A	A
Tower or antenna structure, commercial	C	C	C	C	C	C	C	C	C	C	C
Tower or antenna structure, private	A	A	A	A	A	A	A	A	A	A	A

Note: Where 2 designations are noted (e.g., C/P), the first designation applies to the first base district noted in the column heading. Likewise, the second designation applies to the second base district noted in the column heading.

SECTION 11: Ada County Code § 8-2B-4, Table 8-2B-2 is amended to add “Existing” to RUT Cluster Lot and RSW Cluster Lot and to delete dimensional standard for cluster remainder lot as follows:

8-2B-4: DIMENSIONAL STANDARDS:

Table 8-2B-2 of this section shall be used for development in the respective residential base districts.

- A. Institutional uses (including children’s treatment facility, church, daycare center, group day care facility, adult respite care center, drug and alcohol treatment facility, portable classroom, public or quasi-public use, residential care facility, and school, which

are proposed within residential base districts, shall be permitted an increase of the maximum coverage from 5 percent to 20 percent.

B. Stable or riding arena, commercial, which is proposed within residential base districts, shall be permitted an increase of the maximum coverage from 5 percent to 20 percent.

TABLE 8-2B-2: DIMENSIONAL STANDARDS BY RESIDENTIAL BASE DISTRICT

Dimensional Standard	RUT Standard	RUT Existing Cluster Lot	RSW Standard	RSW Existing Cluster Lot	R1/R1M	R2	R4	R6	R8/R8M	R12	R20
Minimum property size ¹ :	5.0 acres	1.0-acre n/a	2.5 acres ⁶	1.0-acre n/a	1.0 acre	16,000	8,000	6,000	5,000	3,500	2,000
1. Single-family detached dwelling											
2. Single-family attached dwelling	N/a	n/a	n/a	n/a	n/a	n/a	8,000	6,000	5,000	3,500	2,000
3. Duplex	N/a	n/a	n/a	n/a	n/a	n/a	8,000	9,000	7,500	5,000	4,000
4. Cluster remainder lot	N/a	5.0 acres	n/a	2.5 acres	n/a						
Roadway frontage (in feet) ²	250	100 n/a	250	100 n/a	100	85	60	60	50	45	45
Setback (feet) from:	30	30	30	30	30	30	25	25	25	25	20
1. Any property line on an arterial or collector street											
2. Front property line on a local street or private road	25	25	25	25	25	25	20	20	20	20	20

3. Front property line where alley provides access to garage or where the garage is side loaded or located behind the front plane of the house	25	20	25	20	20	20	15	15	15	15	15
4. Interior side property line ³	25	10	25	10	10	5/ story ⁴	5	5	5	5	5
5. Side property line on local street or private road ⁵	20	20	20	20	20	20	20	20	20	20	20
6. Rear property line	25	25	25	25	20	20	15	15	15	15	15
7. Side or rear property line on an alley (see section 8-6A-5 of this title)	0	0	0	0	0	0	0	0	0	0	0
Maximum coverage (in percent)	5 ⁷	20	10	20	20	25	n/a	n/a	n/a	n/a	n/a
Maximum height in feet	35	35	35	35	35	35	35	35	35	40	40

Notes:

1. In square feet unless otherwise noted. (See subsection 8-6A-3B of this title regarding lot size for corner lots.)

2. See subsection 8-6A-3E of this title for property frontage on a cul-de-sac turnaround or street knuckle.

3. See section 8-2B-5 of this article regarding zero lot line developments.

4. Minimum interior side setback not to exceed 10 feet.

5. If vehicle access is restricted on such street, a setback of 15 feet is permitted.

6. In high water-table areas, a 5-acre minimum lot size is required.

7. 20 percent (20%) on nonconforming property.

SECTION 12: Ada County Code § 8-2B-6 is deleted in its entirety:

~~8-2B-6: RUT AND RSW CLUSTER SUBDIVISION:~~

~~A. Purpose: This regulation allows owners of qualifying properties in the rural-urban transition district or southwest community residential district to create a limited number of clustered residential lots before urban services are available. The intent is to: 1) create a means whereby farm owners may sell off a small portion of their property before urban services are available while still enabling agricultural production as an interim use, and 2) cluster such residential lots on a portion of the property to facilitate redevelopment of the remainder lot.~~

~~B. Applicability: This regulation shall apply to any property that meets the following criteria with the exception of property located within the Eagle area of city impact boundary:~~

- ~~1. The property is within the rural-urban transition district or southwest community residential district;~~
- ~~2. The qualifying property has a minimum of two hundred fifty feet (250') of frontage along a public street; and~~
- ~~3. The applicant proposes a density that does not exceed the standard in subsections 8-2B1A and B of this article as applicable.~~

~~C. Process:~~

- ~~1. Application: A preliminary plat application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.~~
- ~~2. Standards: The preliminary plat shall be reviewed subject to the standards of subsection D of this section and the standards for subdivisions as set forth in chapter 6 of this title.~~
- ~~3. Required Findings: In addition to the findings required for a preliminary plat, the commission and/or board shall make the following findings:~~
 - ~~a. The proposed subdivision shall not create undue adverse impacts to adjacent agriculture;~~
 - ~~b. If the qualifying property is currently used for agriculture, the proposed subdivision shall maximize, to the extent possible, the continuation of such use on the remainder lot; and~~

~~e. The proposed subdivision protects all gravity flow irrigation systems to the remainder lot.~~

D. Standards:

~~1. The residential lots shall meet the dimensional standards for cluster lots noted in table 8-2B-2 of this article. See also figure 7, section 8-1A-2 of this title.~~

~~a. The minimum residential lot size for dwellings on individual sewage disposal systems shall be 1.0 acre. The maximum residential lot size shall be 1.25 acres.~~

~~b. Reduced property size standards may be approved when the applicant can demonstrate the following: 1) the property size and dimensional standards comply with the applicable comprehensive plan, and 2) a community sewage disposal system shall serve the lots.~~

~~2. A community sewage disposal system shall serve any cluster subdivision or each dwelling shall be required to plumb the house for connection to a municipal sewer system.~~

~~3. Access and frontage for all residential lots shall be as required by section 8-4A-3 of this title.~~

~~4. The subdivision plat shall note the remainder lot as dedicated open space until the property is annexed to a city or obtains a zoning ordinance map amendment. Allowed dedicated open space uses shall be as specified in subsection 8-4J-3C of this title.~~

~~5. The subdivision plat shall preserve two (2) means of future access to the remainder lot. Such access shall be a dedicated easement or a minimum of one hundred twenty five feet (125') of street frontage for each access point. If the qualifying property has frontage on two (2) or more streets, at least two (2) streets shall maintain a means of future access as noted above.~~

~~6. All proposed residential lots shall be able to provide potable water and adequate sewage facilities as provided for in sections 8-4A-23 and 8-4A-22 respectively of this title.~~

SECTION 13: Ada County § 8-2B-7, including Table 8-2B-3, is deleted in its entirety:

~~8-2B-7: RUT AND RSW SUBDIVISION:~~

~~A. Purpose: This regulation allows owners of qualifying properties in the rural urban transition district or southwest community residential district to create a limited number of residential lots. The intent is to facilitate redevelopment of the property at some future time by requiring a sketch plat of such development.~~

~~B. Applicability: This regulation shall apply to any property that meets all the following criteria:~~

- ~~1. The property is within the rural-urban transition (RUT) district or southwest community residential (RSW) district;~~
- ~~2. The qualifying property has a minimum two hundred fifty feet (250') of frontage along a public street; and~~
- ~~3. The applicant proposes a density that does not exceed the standard in subsections 8-2B-1A and B of this article as applicable.~~

~~C. Process:~~

- ~~1. Application: A sketch plat and preliminary plat application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.~~
- ~~2. Standards: The sketch plat and preliminary plat shall be reviewed subject to the standards of subsection D of this section and the standards for subdivisions as set forth in chapter 6 of this title.~~
- ~~3. Required Findings: In addition to the findings required for a preliminary plat, the commission and/or board shall make the following findings:
 - ~~a. The location of lots provides future locations for urban streets and allows interconnection of development on the property or adjacent properties; and~~
 - ~~b. The proposed subdivision protects all gravity flow irrigation systems.~~~~

~~D. Standards:~~

- ~~1. The proposed lots meet the size and dimensional standards for the applicable base district as set forth in table 8-2B-2 of this article.~~
- ~~2. Access and frontage for all residential lots shall be as required by section 8-4A-3 of this title.~~
- ~~3. Municipal wastewater collection and treatment systems shall be provided to subdivisions in the RSW base district.~~
- ~~4. The applicant shall submit and receive approval of a sketch plat that demonstrates subdivision development at the density proposed in the applicable comprehensive plan. Where the applicable comprehensive plan does not indicate an urban density for development, the minimum density as shown on the sketch plat shall be three (3) dwelling units per acre. The sketch plat may be submitted concurrently with the preliminary plat.~~
- ~~5. The preliminary plat shall accommodate and/or combine the sketch plat lots to meet the minimum property size for that base district as shown in figure 8, section 8-1A-2 of this title.~~

~~6. Each preliminary plat lot shall designate a building envelope. Such envelope shall be solely within one of the sketch plat lots and shall meet the setback standards from the sketch plat property boundaries as specified in table 8-2B-3 of this section. Such building envelopes shall be designated on the final plat.~~

~~TABLE 8-2B-3: BUILDING ENVELOPE SETBACKS~~

~~FOR RUT OR RSW SUBDIVISION PRELIMINARY PLAT~~

Dimensional Standards	Setback From Sketch Plat Lot
Setback (feet) from:	30
Any property line on an arterial or collector street	
Front property line on other roadway¹	25
Interior side property line	10
Side property line on other roadway	20
Rear property line	20

~~Note:~~

~~1. For the purposes of this section, the term "roadway" shall include any existing or planned public rights of way and private roads as designated on the sketch plat.~~

~~SECTION 14: Ada County § 8-3B-3(C)(3) relating to nonfarm subdivisions is deleted in its entirety:~~

~~8-3B-3: STANDARDS:~~

~~A. Vegetation Control:~~

~~1. Any new construction, alteration, moving, or change of use of a habitable structure shall be required to establish a minimum fifty foot (50') defensible space around the perimeter of any habitable structure. Property owners shall be responsible for maintaining the defensible space, unless such responsibility is transferred to another party through a binding contract. The defensible space shall meet the following criteria:~~

~~a. Only single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed within the defensible space, provided any such plants do not form a means of readily transmitting fire. All other vegetation shall be removed from the defensible space. See figure 9, section 8-1A-2 of this title.~~

~~b. All deadwood shall be removed from trees within the defensible space. Clusters or groups of trees shall be thinned such that the tree crowns do not overlap. Trees within the~~

defensible space shall be pruned to remove all limbs located below six feet (6') from the adjacent grade. See figure 10, section 8-1A-2 of this title.

c. Tree crowns shall be pruned to maintain a minimum horizontal clearance of ten feet (10') from any structure or outlet of a chimney.

d. Liquefied petroleum gas containers shall be located within the defensible space in accord with the applicable code as adopted by the state of Idaho.

e. Firewood and combustible material shall not be stored in unenclosed spaces beneath structures, on decks, or under eaves, canopies, or other projections or overhangs. All firewood and combustible material stored in the defensible space shall be located a minimum of twenty feet (20') from structures and separated from the crown of trees by a minimum horizontal distance of fifteen feet (15').

f. Agricultural structures, as herein defined, shall not be allowed within the defensible space.

g. All accessory structures within the defensible space must meet the fire resistive construction standards for structures as established by the Ada County building code as set forth in title 7, chapter 2 of this code.

h. If an abutting public street or approved private road meets the standards for the defensible space as set forth above, the width of such roadway shall be counted as part of the defensible space.

2. All areas adjacent to private roads and driveways shall be cleared of vegetation. Single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed provided any such plants do not form a means of readily transmitting fire.

a. For driveways, all areas within five feet (5') of each side of the driveway shall be cleared.

b. For private roads, the area encompassed by the travelway plus five feet on each side of the travelway, measured from the outside edge of the travelway, shall be cleared of all flammable vegetation.

3. All vegetation shall be cleared from within thirty one inches (31") of any above grade electrical distribution and transmission lines.

4. All vegetation shall be cleared from within ten (10) radial feet of any noninsulated energized electrical conductor and associated live parts. Cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a

maximum height of four inches (4"), are allowed provided any such plants do not form a means of readily transmitting fire.

5. For new driveways, new construction, or moving of structures on a site, the areas that require vegetation removal shall be located within the property boundaries. The director may approve a lesser standard if one or both of the following findings can be made:

- a. The property abuts a public or approved private road as set forth in subsection A1h of this section; and/or
- b. Severe topographic or other site constraints exist that prohibit locating new construction to meet the specified standard.

6. For the purposes of this section, the term "cleared" shall mean the removal of all vegetation with the following exception: single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), and native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed provided any such plants do not form a means of readily transmitting fire.

7. It is not the intent of this section to require an owner to relocate existing habitable structures, driveways, or utilities, nor to require an owner to remove vegetation from an abutting property.

B. Private Roads:

1. Vehicular turnouts for emergency vehicles shall be required on all new private roads. Such turnouts shall be spaced at a maximum interval of seven hundred feet (700') and shall be a minimum of eight feet (8') wide and thirty feet (30') long. Road construction and vehicular turnarounds shall meet the private road standards as set forth in section 8-4D-4 of this title. Driveways that meet turnout standards shall be counted as turnouts, provided they are a minimum of twenty feet wide and thirty feet long.

2. Maintenance of the private road shall include vegetation control as specified in subsection A2b of this section.

C. New Subdivisions And Planned Unit Developments:

1. Fire hazards and emergency access roads shall be evaluated by a licensed Fire Professional Engineer retained by the applicant to determine site-specific hazards and proper accessibility for emergency vehicles. The licensed Fire Professional Engineer shall also prepare a Fire Protection Plan that is specifically tailored to the proposed subdivision or planned unit development and shall consist of the following:

- a. Completed Fire Hazard Severity Form from the current International Urban-Wildfire Interface Code, Appendix C, using nationally-recognized standards;

- b. A Fire Protection Plan Map showing the roadway, turnouts, turnarounds, terminus and lots;
- c. Determination of Fuel Model Loading;
- d. Required signage for turnouts, turnarounds and fire lane parking;
- e. Required number and placement of turnouts based on development density and roadway width;
- f. Requirements for Fire-Resistance Rated Construction;
- g. Required road width or required interconnected system of roadways and fire accesses.

2. The Fire Protection Plan shall be reviewed by the applicable fire district, or if no fire district, the Ada County Sheriff, with advice from the Idaho State Fire Marshal, as part of the agency review process of subdivisions and planned developments.

~~3. All nonfarm subdivisions shall provide fire flow as adopted by the applicable fire authority. The appropriate fire authority shall provide a written statement to the development services department approving such fire flow.~~

~~a. The fire flow water supply shall come from either an approved draft site (i.e., a swimming pool, pond, or other impoundment) or hydrant.~~

~~b. Pumper access to a draft site shall only be allowed as an alternative when the appropriate fire authority provides a written statement declaring that pumper trucks are available and would provide the best form of fire protection. Pumper access points shall be designed such that the pumper apparatus shall not obstruct a roadway or driveway.~~

C. Alternative Development Proposal: The director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to public health, safety, and welfare.

SECTION 15: Ada County Code § 8-3C-1 is amended to change the reference from essential public services to urban public facilities as follows:

8 -3C-1: PURPOSE: To establish standards to accommodate urban density development in the southwest planning area of the Boise city comprehensive plan that is compatible with high ground water and drainage conditions and to ensure provision of urban public facilities ~~essential public services~~, in addition to other applicable standards and procedures in this title.

SECTION 16: Ada County Code § 8-3C-3 is amended to delete references to community water system and to require hookup to the Boise wastewater collection treatment system in the event of failure of an existing wastewater treatment system as follows:

8-3C-3: STANDARDS:

- A. ~~All~~ New development, excluding existing principal-permitted single-family detached dwellings on existing platted lots or on properties 2.5 acres or larger, shall be served by urban public facilities. ~~a community water system and municipal wastewater collection and treatment facility.~~
- ~~B. For principal-permitted single-family detached dwellings, the maximum net density for individual wastewater treatment systems shall be one dwelling unit per 2.5 acres, provided the central district health department determines the project site is not in a high-ground water area. If the central district health department determines the project site is in a high-ground water area, the maximum net density for individual wastewater treatment systems shall be one dwelling unit per five (5) acres.~~
- ~~B. C.~~ If an existing individual wastewater treatment system fails, as determined by the central district health department, the property owner shall connect to the Boise a municipal wastewater collection and treatment sewer system, if a collection line is located within three hundred feet (300'). ~~it is reasonably available.~~ If a collection line is not located within three hundred feet (300') municipal wastewater collection and treatment system is not reasonably available, then the existing individual wastewater treatment system may be replaced with a system approved by the central district health department.
- ~~C. D.~~ Creeks, streambeds, and riparian areas within new southwest community development shall be left in a natural state, not channeled, and kept free of any obstructions to water flows, excluding any necessary road and/or public service crossings.

SECTION 17: Ada County Code § 8-3D-1 is amended to replace the reference to essential services with urban public facilities as follows:

SECTION 8-3D-1: PURPOSE: The purpose of the planned unit development (PUD) overlay district is to ~~at the applicant's request~~ allow flexibility in site design and dimensional standards to develop residential, commercial and/or industrial uses not allowed individually within specific zoning districts, resulting in:

- A. A more efficient, aesthetic and desirable use of open space and recreational amenities;
- B. A density compatible with abutting development;
- C. An integrated development that is served by urban public facilities ~~essential services~~;
- D. Protection of existing natural, scenic, and historic resources; and,

E. Protection of existing neighborhoods through buffering techniques including screen planting, open space, and landscaping.

SECTION 18: Ada County Code § 8-4A-22 is amended to restrict options for sewage disposal facilities as follows:

SECTION 8-4A-22: WASTEWATER TREATMENT SYSTEMS URBAN PUBLIC FACILITIES: ~~For any dwelling or approved use, the owner or applicant shall provide and maintain sewage disposal facilities that meet the approval of the central district health department.~~ Options for sewage disposal facilities shall include, ~~but not be limited to,~~ the following methods:

- ~~A. New development located within an urban service planning area or within a planned community shall be served by urban public facilities. A community sewage disposal system for sewage with a maintenance and operation plan approved by the state of Idaho division of environmental quality.~~
- ~~B. An individual sewage disposal system where each residential lot has a permanent drain field area on the lot and/or a delineated easement on a portion of an open space lot; or,~~
- B. C. Other new development shall be served by an on-site individual wastewater treatment system and an on-site well, both of which have been approved by the central district health department. A municipal wastewater collection and treatment system.
- C. If an existing wastewater treatment system fails, as determined by the central district health department, the property owner(s) shall connect to a city's or sewer district's wastewater collection and treatment system, if a collection line is located within three hundred feet (300'). If a collection line is not located within three hundred feet (300'), then the existing wastewater treatment system may be replaced with a system approved by the central district health department.
- D. If an existing community well fails, the property owner(s) shall connect to a city's, water district's, or utility's water system if a distribution line is located within three hundred feet (300'). If a distribution line is not located within three hundred feet (300'), then the community well may be replaced with a water system approved by the central district health department and Idaho department of environmental quality.

SECTION 19: Ada County Code § 8-4A-23 is deleted in its entirety:

~~**8-4A-23: WATER:**~~

~~For any dwelling or approved use, the owner or applicant shall provide and maintain an adequate water supply for the intended use.~~

~~A. The applicant shall provide evidence that a valid water right either exists or is in the process of being obtained or that the development is exempt from obtaining a water right to supply adequate water.~~

~~B. All wells constructed or modified to supply water for the development shall be constructed in accordance with the "Well Construction Standards" adopted by the Idaho water resource board (IDAPA 37.03.09), the "Idaho Rules For Public Water Systems" adopted by the Idaho board of health (IDAPA 16.01.08) if applicable, and any additional conditions included in a drilling permit issued by the Idaho department of water resources.~~

SECTION 20: Ada County Code § 8-4D-4(B)(2)(g) is amended as follows, with the balance of Ada County Code § 8-4D-4 remaining unchanged:

8-4D-4: STANDARDS:

All private roads (including extensions of previously approved private roads) shall be constructed to the following standards (see also figure 13, section 8-1A-2 of this title):

A. Design Standards:

1. The private road shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties.

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.

2. 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 figure 14, section 8-1A-2 of this title, the required frontage shall be thirty feet (30') (the width of the private road easement).

3. The point of connection of the private road and the public street shall be approved by the Ada County highway district.

4. 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 figure 14, section 8-1A-2 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.

5. 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.

6. 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.

7. 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.

8. 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.

B. Construction Standards ¹:

1. 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.

2. 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').

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

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

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.

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.

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

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.

C. Alternative Design Allowed For Private Road: Upon recommendation of the county engineer, the director may approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

SECTION 21: Ada County Code § 8-4J-3 is amended to delete Subsections B(1) and (2) and Subsection D as follows:

8-4J-3: GENERAL REGULATIONS:

A. Dedicated Open Space Plan: The dedicated open space plan shall include the following information on a map of an appropriate scale and may be accompanied by any associated documents as may be necessary:

1. The boundaries and legal description of all dedicated open space areas;
2. Existing distinctive natural characteristics including, but not limited to, prime agricultural land and topographical elements;
3. The dedicated open space uses;

4. Depiction of all impervious surfaces including, but not limited to, structure footprints, driveways, or roadways; and

5. Description of the manner in which the dedicated open space area shall be maintained, managed, and administered.

B. Required Dedicated Open Space:

~~1. Nonfarm Subdivision: Not less than seventy five percent (75%) of the total area of a nonfarm subdivision, as described in section 8-2A-6 of this title, shall be designated as, and used exclusively for, dedicated open space, as set forth in this article. Any area not included in the residential development areas shall be dedicated open space.~~

~~2. RUT And RSW Cluster Subdivision: Not less than seventy five percent (75%) of the total area of a cluster subdivision, as described in section 8-2B-6 of this title, shall be designated as, and used exclusively for, dedicated open space, as set forth in this article.~~

~~3. Planned Unit Development: Not less than ten percent (10%) of residential areas of planned unit developments shall be designated as, and used exclusively for, dedicated open space, as set forth in this article.~~

C. Allowed Open Space Uses: The allowed open space uses shall include, but not be limited to, the following:

1. Natural areas;
2. Agriculture;
3. Community garden plots for cultivation by residents;
4. Recreational areas designed for specific passive and/or active recreational uses including, but not limited to, golf courses, tot lots, tennis courts, swimming pools, and ball fields;
5. Greenways identified on the adopted Ada County ridge-to-rivers pathway plan;
6. Lawns or ground cover with or without trees;
7. Riding trails and common pasture;
8. Use associated with an historic structure; or
9. Any combination of uses listed above.

~~**D. Term And Form Of Restrictions For Dedicated Open Space:**~~

~~1. Nonfarm Subdivision: All development restrictions shall be noted and/or shown on the final plat and shall be recorded as either a deed restriction or a conservation easement prepared subject to the regulations of Idaho Code section 55-2105.~~

~~a. Open space areas shall be restricted from development until both the following conditions have been met:~~

~~(1) The subject property has received development approval and approval for a zoning ordinance map amendment to: a) a commercial or industrial district, or b) a residential or rural district that allows a minimum lot size of less than or equal to five (5) acres; and~~

~~(2) Urban services are available to the proposed development.~~

~~2. RUT And RSW Cluster Subdivision: Areas designated as dedicated open space shall be restricted from development until the site is annexed by a city or receives approval of a zone change to an urban zone. Development shall occur in conformance with the applicable zone at time of development. Development restrictions shall be noted and/or shown on the final plat and shall be recorded as either a deed restriction or conservation easement prepared subject to the regulations of Idaho Code section 55-2105.~~

D. ~~E.~~ Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:

1. Condominium: If ownership of the proposed development is held as a condominium in conformance with Idaho Code, title 55, chapter 15, the dedicated open space may be held as a common area of the condominium.

2. Homeowners' Association: The dedicated open space may be held in common ownership by an incorporated homeowners' association.

3. Fee Simple Dedication:

a. The dedicated open space may be dedicated to a federal, state, or municipal government body empowered to hold an interest in real property subject to the laws of Idaho or the United States, or a charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreation, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

b. The applicant or owner shall submit for county review and approval any offer of dedication and the terms and conditions thereof that demonstrate the dedicated open space shall be maintained as dedicated open space for the required term as specified in subsection D of this section.

c. The board may, but shall not be required to, accept any portion or portions of the dedicated open space, provided the land is accessible to the residents of the county, there is no cost of acquisition other than any costs incident to ownership, such as title insurance, and the board agrees to and has access to maintain such lands.

~~[4. Private Ownership: Private ownership.]~~

~~E. F.~~ Maintenance Requirement: In the event any ~~[private]~~ owner of dedicated open space fails to maintain same according to the standards of this title, Ada County may, in accord with the dedicated open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and enter the dedicated open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the dedicated open space.

~~E. G.~~ Improvements: Required improvements including, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the applicant or owner. A surety agreement, as set forth in article K of this chapter, may be required to cover costs of installation or maintenance of such improvements.

SECTION 22: Ada County § 8-4J-4 is amended to delete Subsection G and to revise Subsection H to delete reference to nonfarm subdivisions and remainder lots in cluster subdivisions as follows:

8-4J-4: DESIGN STANDARDS:

A. Consistent With Adopted Plans: The design shall be consistent with adopted regional or local open space and recreation plans including the Ada County ridge-to-rivers pathway plan.

B. Accessibility: The dedicated open space shall be easily accessible to residents of the subdivision or planned unit development. For dedicated open space within a master site plan, the dedicated open space shall be easily accessible to patrons of the use.

C. Roadways: The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.

D. Structures: The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, well houses, and storm water retention basins.

E. Storm Water Basins: Storm water retention or detention basins designed and approved as part of the storm water management system for the property may be located within the dedicated open space area.

F. Impervious Surface: No more than ten percent (10%) of the dedicated open space shall be impervious surface.

~~G. Additional Standards For Dedicated Open Space In A Nonfarm Subdivision:~~

~~1. Dedicated open space shall not be less than one hundred feet (100') in width at any point and not less than twenty thousand (20,000) square feet of contiguous area, except when part of a trail system or pathway network.~~

~~2. All residential lots shall be clustered into designated development areas to enable the most efficient use of the dedicated open space as noted in the open space plan.~~

G. H. Additional Standards For Dedicated Open Space In A Planned Unit Development Or Subdivision, Excluding Nonfarm Subdivisions And Remainder Lots In Cluster Subdivisions:

1. The dedicated open space shall not be less than one hundred feet (100') in width at any point and not less than twenty thousand (20,000) square feet of contiguous area, except when part of a trail system, pathway network, or pocket park for active recreational use.

2. The dedicated open space shall be connected to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems.

3. The dedicated open space shall have the required number of automobile and bicycle parking spaces as set forth in article G of this chapter.

a. Parking areas shall have safe and convenient access from an abutting public street or other rights of way or easements capable of accommodating pedestrian, bicycle, or vehicle traffic.

b. Required parking areas for outdoor amusement or recreation facilities may be included in calculating the amount of dedicated open space.

4. When children's play equipment is proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment on the west and southern exposure. Additional trees shall be at the discretion of the applicant.

H. I. Alternative Open Space Plan: The director may approve, or recommend approval of, an alternative open space plan when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare.

SECTION 23: Ada County Code § 8-5-3-103 is amended to delete approval of wastewater system and water supply as follows:

8-5-3-103: SEASONAL FARMWORKER HOUSING:

- A. The applicant shall specify the season and crop for which the housing is required. The facility shall not be occupied or otherwise used as dwelling units other than during the specifically permitted period.
- B. All dwellings or dormitories within the facility shall have adequate sewage and water facilities as provided for in section 8-4A-22 of this title. If recreational vehicles are proposed as dwelling units, such recreational vehicles shall have power, water, and sewer hookups. ~~The applicant or owner shall provide written documentation that the central district health department has approved the proposed wastewater system, and the state of Idaho division of environmental quality has approved the water supply.~~
- C. Accessory uses including, but not limited to, management headquarters, recreation areas, coin operated laundry facilities, and communal toilets and showers, may be allowed if such facilities are designated on the facility master site plan and are to be used only by residents of the facility.
- D. No structure shall be closer than one hundred feet (100') from an abutting property within a residential district. No structure shall be closer than ten feet (10') from any other structure.
- E. Access drives and parking areas shall have a durable and dust free surface, and the area shall be graded so as to drain all surface water from the driveways.
- F. If the applicant and/or owner are found to be in violation of any of the standards listed in this section, the facility approval shall be revoked. Upon revocation of a permit, the owner may not reapply for a facility for any location in the county for a period of three (3) years following the date of revocation.

SECTION 24: Ada County Code § 8-5-3-112 is amended to require adequate sewer and water facilities as follows:

8-5-3-112: TANNERY:

- A. The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.
- ~~B. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.~~
- B. C. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

~~C. D. The tannery shall have adequate sewer and water facilities as provided in sections 8-4A-22 be connected to a wastewater collection and treatment system as approved by the Idaho division of environmental quality.~~

SECTION 25: Ada County Code § 8-6-1 is amended to delete Subsections 8-6-1(B) and (C) as follows:

8-6-1: PURPOSE:

~~A. The purpose of this chapter is to provide uniform standards for the subdivision of property, to protect property, and to protect the health, safety, and general welfare of the people of Ada County.~~

~~B. The purpose of the optional sketch plat regulation is to allow applicants to get initial feedback on a proposed subdivision without going to the expense of undertaking a preliminary plat application.~~

~~C. The purpose of the sketch plat when required for an RUT subdivision or RSW subdivision as set forth in section 8-2B-7 of this title, is to ensure that the property being subdivided may be feasibly redeveloped at a later date.~~

SECTION 26: Ada County Code § 8-6-2 is amended to delete Subsections 8-6-2(A)(1), (2), and (3), and to add Subsections 8-6-2(B)(2) and (3) as follows:

8-6-2: APPLICABILITY:

A. Subdivision In Unincorporated Areas: This chapter shall apply to the subdivision of all property within the unincorporated area of Ada County except as may be modified by title 9 of this code.

~~1. No plat or any instrument passing title to any portion of a plat, shall be offered for recording unless approved in accord with the regulations of this title.~~

~~2. Within the RR base district, the applicant may choose to do a nonfarm subdivision⁹ or a standard subdivision.~~

~~3. Within the RUT and RSW base districts, the applicant may choose to do a cluster subdivision⁴⁰ or standard subdivision with redevelopment sketch plat⁴¹.~~

B. Unlawful:

1. It shall be unlawful to make a subdivision of property until the requirements of this chapter are satisfied.

2. No plat or any instrument passing title to any portion of a plat, shall be offered for recording unless approved in accord with the regulations of this title.

3. No building permit shall be issued on any property being considered in the subdivision process until: a)the final plat has been recorded, b)assessor's parcel numbers have been assigned, and c)all required public improvements have been constructed and approved by the appropriate authority or a surety agreement and a performance bond has been submitted to and approved by the director.

C. Exceptions: The following divisions of property shall not constitute a subdivision:

1. A "property boundary adjustment" in accord with chapter 4, article C of this title and as defined in section 8-1A-1 of this title.
2. An approved one time division in accord with chapter 4, article B of this title.
3. The division of property as a result of condemnation, as defined and allowed in the Idaho Code.
4. The expansion or acquisition of street rights of way by a public highway agency.
5. An approved farm development right in accord with the regulations of section 8-2A-5 of this title.
6. Abutting parcels that qualify as an exception to the contiguous parcel regulation as set forth in section 8-4A-8 of this title.

SECTION 27: Ada County Code § 8-6-3 is amended to delete Subsections 8-6-3(K)(1) and (2) as follows:

8-6-3: PROCESS:

- A. Preapplication Conference: The applicant shall complete a preapplication conference with the director prior to submittal of an application for a sketch or preliminary plat for the purpose of reviewing the proposed lot layout and discussing the procedures and requirements of this title.
- B. Neighborhood Meeting: The applicant or owner shall conduct a neighborhood meeting according to the regulations outlined in section 8-7A-3 of this title prior to submittal of an application for a sketch plat or preliminary plat.
- C. Application And Fees: All applications and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.
 1. A digital format of the plat may be required by the county surveyor.
 2. Sketch and preliminary plats shall concurrently submit a natural features analysis as set forth in subsection D of this section.

3. Codes, covenants, and restrictions, if applicable, shall be submitted concurrent with a sketch or preliminary plat application.

4. The sketch plat or preliminary plat application for subdivisions in an overlay district shall contain any additional reports or materials required by chapter 3 of this title.

5. If an applicant or owner intends to complete the final platting of the subdivision in phases, the proposed phasing shall be submitted with the application.

6. If an irrigation right exists to the property, the applicant shall submit an irrigation plan that is consistent with Idaho Code section 31-3805.

D. Natural Features Analysis: The following features shall be mapped, described, or noted as not applicable in the natural features analysis:

1. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site.

2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Ada County soils survey (United States department of agriculture, natural resources conservation service).

3. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty five percent (25%), between fifteen percent (15%) and twenty five percent (25%), between eight percent (8%) and fifteen percent (15%), and less than eight percent (8%). Contour lines based on USGS datum of 1988 with intervals of not more than five feet (5') for properties with a general slope of greater than five percent (5%), or intervals of not more than two feet (2') for properties with a general slope of less than or equal to five percent (5%). Contour lines shall extend a minimum of three hundred feet (300') beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility.

4. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.

5. Sensitive Plant And Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho conservation data center (state of Idaho department of fish and game).

6. Historic Resources: Analysis of existing historic resources as identified on the Ada County historic resources inventory.

7. **Hazardous Areas:** Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.

8. **Impact On Natural Features:** The applicant shall provide a written statement explaining how the design of the plat protects or mitigates impacts on the natural features of the site.

9. **Map Features:** The map shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines.

10. **Other Supplemental Data:** Other supplemental data may be required by the county engineer including, but not limited to, the following:

- a. Approximate location of any areas of fill.
- b. The elevations of all corner points on the boundaries of the proposed plat.

E. **Proposed Plat:** The commission and board shall apply the design standards listed in article A of this chapter, the required improvements listed in article B of this chapter, and the findings listed in section 8-6-5 of this chapter to review the proposed plat.

1. For sketch plats, the commission shall be the decision making body. The commission's decision on the sketch plat shall be nonbinding on the applicant and the county.

2. For preliminary plats, the commission shall forward a recommendation to the board as set forth in section 8-7-2 of this title.

F. **Approved Preliminary Plat:** If approved by the board, the preliminary plat for a phased subdivision shall include an approval period in which all final plats must be completed.

G. **Preliminary Plat Final Decision:** A decision of the board on a preliminary plat shall be final as to all matters set forth in said preliminary plat. This decision may be appealed under the regulations of section 8-7-7 of this title.

H. **Final Plat Approval:** Following board approval of a preliminary plat, the owner may cause the subdivision, or any phase thereof, to be surveyed and a final plat prepared. The board shall approve a final plat within twenty four (24) months of the board's approval of the preliminary plat.

I. **Recording Final Plat:** The owner shall record a final plat and any proposed covenants with the Ada County recorder within one year after the board signs such final plat, otherwise, the approval shall become null and void. For phased subdivisions, the board shall approve final plats for the phases of the subdivision in successive one year intervals.

J. Time Extension: The applicant or owner may apply for a time extension, as set forth in section 8-7-6 of this title, if needed to extend the time allowed to approve the final plat or phase of a final plat, if applicable.

K. Platted Lot: Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.

~~1. No subdivision plat or dedication, or any instrument passing title to any portion thereof, shall be offered for recording unless approved in accord with the regulations of this title.~~

~~2. No building permit shall be issued on any property being considered in the subdivision process until: a) the final plat has been recorded, b) assessor's parcel numbers have been assigned, and c) all required public improvements have been constructed and approved by the appropriate authority or a surety agreement and a performance bond has been submitted to and approved by the director.~~

SECTION 28: Ada County Code § 8-6B-4 is amended to delete Subsection 4(B) as follows:

8-6B-4: SURETY AND SURETY AGREEMENT:

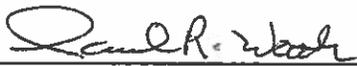
~~A. In lieu of completion of the required minimum street and other improvements listed in required by section subsections 8-6B-3 (A), (B), (D) and (E) of this article, or any portion thereof, the owner may deposit a surety and surety agreement for completion of such improvements with the director on forms provided by the development services department and as specified in chapter 4, article K of this title.~~

~~B. Bonds for wastewater collection, wastewater treatment systems, and/or community water systems shall be deposited with the appropriate health authority in accord with Idaho Code section 50-1326.~~

APPROVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 18 DAY OF June, 2008.

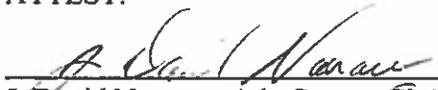
Board of Ada County Commissioners

By: 
Fred Tilman, Chairman

By: 
Paul R. Woods, Commissioner

By: 
Rick Yzaguirre, Commissioner

ATTEST:


J. David Navarro, Ada County Clerk



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