



TO: BOARD OF ADA COUNTY COMMISSIONERS

HEARING DATE: April 6, 2016

STAFF: Brent Danielson, AICP, Associate Planner

PROJECT NO.: 201504172 PBA-V

APPLICANT: Clair Bowman

INTRODUCTION

A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide. The property contains approximately 12 acres and is located at 4050, 4260, and 4400 W. Legacy Lane in Section 34, T. 3N, R. 1W.

EXECUTIVE SUMMARY

The subject properties are a part of Dreamcatcher Subdivision that was developed as a non-farm subdivision with a private road (File #98-26-PDR-NF & 98-09-PR). Dreamcatcher Subdivision was platted in 2000 and the plat has a plat note that states, "Lots 3 and 9, Block 1 are deed restricted lots and may only be used for agricultural purposes, natural open space (as defined by the Ada County) and the private road. These lots are ineligible for any development for a period of fifteen (15) years from the recording date of the final plat." It has been fifteen (15) years since the plat was recorded on June 9, 2000 and the applicant would like to build a home on Lot 3 of Block 1, which was the open space lot. The applicant would like to build a new home on Lot 3 of Block 1. In preparing to build a new home on Lot 3 the applicant has run into some adversities, which necessitates the property boundary adjustment and the first variance seeking relief from a development standard for platted lots in a property boundary adjustment to have a deviation greater than 25% in dimensional standards. The applicant has stated in his detailed letter (Exhibit #8) that the challenges he faces to building on Lot 3 results from the septic drainfields for the homes on Lots 2, 4, and 5 being partially or wholly within the adjacent parcel Lot 3. For instance, his credit union will not finance the new home because of the drain field excursions onto Lot 3 and the Central District Health Department will not lift sanitary restrictions

STAFF REPORT

Project #201504172 PBA-V
Clair Bowman
Bowman, Kezar, and Glover

on Lot 3 with drain field excursions. With substantial conformance the parcels can only be adjusted by just 25%. However, this adjustment allowance does not provide enough land to adjust the common property lines so that the septic drainfields for Lots 2, 4, and 5 can be wholly within their respective lot. Thus, the first variance is needed to allow the property boundary adjustment to exceed a 25% deviation from the Dreamcatcher Subdivision plat.

It should be noted that the Board has approved similar variances for the property boundary adjustment to not be in substantial conformance in the past. In 2014, the Board approved a variance (Project #201400952 PBA-V) for a similar property boundary adjustment between a residential lot and a common lot in a “non-farm” subdivision to add all the outbuildings in the farmstead to the residential farmstead lot. Also, in 2015 the Board approved a variance (Project #201500685 PBA-V) to adjust the common property line between two (2) lots to an irrigation lateral.

The applicant has requested a second variance seeking relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide. The private road provides frontage and access to six (6) residential lots. When Dreamcatcher Subdivision and the private road (Legacy Lane) were approved condition of approval #17 for Files #98-26-PDR-NF & #98-16-PR stated that the minimum improved width for the private road needed to be 20 feet (Exhibit #1). The Meridian Fire District responded in Exhibit #37 that they have responded to various locations on W. Legacy Lane, without difficulty or issue and finds that the current width and shoulders would be sufficient. In Exhibit #36, the County Engineer provided observations of her site visit to the private road and recommends that the applicant widen the private road to twenty (20) feet with asphalt or with an approved alternative drivable surface. Therefore, staff is recommending approval of the second variance with the following condition: “The applicant and/or owner shall improve the entire length of the private road (Legacy Lane) with a drivable surface consisting of a material approved by the County Engineer so that the minimum improved width for the majority of Legacy Lane is 20 feet with the exception of those areas of the road that are physically constrained. Following the improvement of Legacy Lane the applicant and/or owner shall schedule an inspection of the private road from the Ada County Engineer.” The applicant has indicated in Exhibit #40 that he is appreciative of staff’s suggestion to widen Legacy Lane to 20 feet minimum.

At the time the staff report was written the following agencies or political subdivisions have responded. The Ada County Building Official replied in Exhibit #19 that the Building Division has no objection to the proposed property boundary adjustment; however, the applicant should be aware that the eighteen foot wide roadway would be contrary to the Idaho State Fire Code and should be reviewed by the Meridian Fire District. The Central District Health Department responded in Exhibit #20 that they have no objection provided that the existing septic systems are encompassed to their respective lots and dwellings and that we are provided with an updated plat for this subdivision when completed. The Ada County Highway District in Exhibit #21 stated that they do not have any comments on this application. The Ada County Engineer and Associate County Surveyor replied in Exhibit #22 with the following comments: 1) The extent of the “A” Flood Zone along Mason Creek needs to be depicted and noted on the Record of

STAFF REPORT

Project #201504172 PBA-V
Clair Bowman
Bowman, Kezar, and Glover

Survey. 2) The “Individual Sewage Disposal Easement Area to benefit Lots 4 & 5, Block 1” as shown on the recorded plat of Dreamcatcher Sub., affecting Lot 3, Block 1, needs to be shown on the Record of Survey. It may be necessary to vacate a portion of said easement in order to build on the proposed parcel between Lots 4 and 5, Block 1. 3) The variance request to waive the private road width standards doesn’t provide sufficient justification to grant the request. Per Ada County Code 8-4D-4.B.2.a, private roads that will provide frontage or access to more than four (4) lots shall have a travelway with a minimum improved width of twenty four feet (24’). In Exhibit #36, the Ada County Engineer provided observations of her site visit to the private road and recommends that we request that the applicant widen the private road to twenty (20) feet with asphalt or with an approved alternative drivable surface. The Idaho Department of Environmental Quality provided general comments in Exhibit #24 regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Boise Project Board of Control replied in Exhibit #25 that they do not oppose the proposed plat adjustments or the adjustment of the proposed roadway. The Nampa & Meridian Irrigation District responded that the private road crosses their Burke Canal which has a minimum easement of 75 feet, 35 feet, and 40 feet right from centerline and must be protected. Any changes to this roadway will require approval by the Nampa Meridian Irrigation District. The Meridian Fire District replied in Exhibit #37 that the road widths and base material were approved by the Meridian Fire Department via then Fire Chief Kenny Bowers, and were subsequently approved by ACHD. Since that time, the fire department has responded to various locations on W. Legacy Lane, without difficulty or issue. The current Fire Marshall, Perry Palmer, has also physically visited the site and has informed Fire Chief Mark Niemeyer that the current condition of the road meets their needs to respond with multiple apparatus without difficulty or obstruction. Chief Niemeyer was also informed that the current width and shoulders would be sufficient to allow for a large fire apparatus and oncoming vehicle to pass one another. Based on this information, the Fire Department’s official position is no additional improvements are needed to accommodate the Fire Department response on W. Legacy Lane.

One of the property owners (Steve Glover) did express some concerns in Exhibit #38 that there was no mention of their easement agreement in the application package and provided a copy of the recorded easement agreement that they have with the applicant. They also expressed concern that the site plan does not include their whole easement. The applicant responded to these concerns in Exhibit #39 that he has anticipated all along that the easement was going to be wholly within the Glover’s property once the property boundary adjustment was approved and executed.

RECOMMENDATION

Based upon Staff’s review of the application, staff concludes that this application complies with the Ada County Code and recommends approval to the Board as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

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

STAFF REPORT

Project #201504172 PBA-V
Clair Bowman
Bowman, Kezar, and Glover

EXHIBIT LIST – PROJECT NO.: 201504172 PBA-V

- 1 Board of Ada County Commissioners Action Letter and Conditions of Approval dated December 17, 1998. 5 pages.
- 2 Preapplication Conference Notes. 4 pages.
- 3 E-mail from Clair Bowman to Mike Reno with the Central District Health Department dated November 5, 2015. 3 pages.
- 4 E-mail from Lori Badigian with the Central District Health Department to Clair Bowman dated November 6, 2015. 1 page.
- 5 Master Application Form. 3 pages.
- 6 Property Boundary Adjustment Checklist. 2 pages.
- 7 Variance Checklist. 1 page.
- 8 Detailed Letter. 2 pages.
- 9 Site Plan. 1 page.
- 10 Site Map – Lot Designations. 1 page.
- 11 Record of Survey #6274. 1 page.
- 12 Deeds. 11 pages.
- 13 Neighborhood Meeting Certification. 4 pages.
- 14 Vicinity Map. 1 page.
- 15 Aerial Map. 1 page.
- 16 Zoning Vicinity Map. 1 page.
- 17 Submittal Letter dated December 22, 2015. 1 page.
- 18 Agency Transmittal. 2 pages.
- 19 Memorandum from the Ada County Building Official dated December 22, 2015. 1 page.
- 20 Agency Response from the Central District Health Department dated December 23, 2015. 1 page.
- 21 Agency Comment from the Ada County Highway District dated December 28, 2015. 2 pages.
- 22 Memorandum from the Ada County Engineer and Associate County Surveyor dated December 28, 2015. 1 page.
- 23 E-mail correspondence between the Ada County Engineer and the Deputy Chief of Fire Prevention at the Meridian Fire District dated December 29, 2015. 3 pages.
- 24 Agency Response from the Idaho Department of Environmental Quality dated January 6, 2016. 4 pages.

STAFF REPORT

Project #201504172 PBA-V
Clair Bowman
Bowman, Kezar, and Glover

- 25 Agency Response from the Boise Project Board of Control dated January 12, 2016. 1 page.
- 26 Agency Response from the Nampa & Meridian Irrigation District dated January 14, 2016. 1 page.
- 27 Radius Map. 1 page.
- 28 Mailing List. 1 page.
- 29 Radius Notice. 1 page.
- 30 Legal Notice of Public Hearing published on February 16, 2016. 2 pages.
- 31 E-mail correspondence between Deputy Fire Chief Perry Palmer and Associate Planner, Brent Danielson dated February 19, 2016. 5 pages.
- 32 Sign Posting Certification Form and Photos. 5 pages.
- 33 Vicinity Map of the Area. 1 page.
- 34 E-mail from Deputy Fire Chief Perry Palmer dated March 2, 2016. 1 page.
- 35 Pictures of the private road taken by the Ada County Engineer on March 2, 2016. 5 pages.
- 36 E-mail from the Ada County Engineer summarizing her site visit of the private road with Deputy Fire Chief Palmer dated March 2, 2016. 1 page.
- 37 E-mail from Fire Chief Mark Niemeyer dated March 4, 2016. 1 page.
- 38 E-mail from Steve Glover with attachments dated March 10, 2016. 16 pages.
- 39 E-mail from Clair Bowman dated March 10, 2016. 2 pages.
- 40 E-mail from Clair Bowman dated March 14, 2016. 1 page.

STAFF REPORT

Project #201504172 PBA-V
Clair Bowman
Bowman, Kezar, and Glover



ADA COUNTY

COMMISSIONERS
OFFICE
650 Main Street
Boise, Idaho 83702
(208) 364-2333
Fax 364-2331

Frank Walker
Commissioner, First District

Roger Simmons
Commissioner, Second District

Vernon L. Bisterfeldt
Commissioner, Third District

December 17, 1998

Clair & Barbara Bowman
David & Sharon Ferguson
5600 S. Black Cat Road
Meridian ID 83642

RE: 98-26-PDR-NF DREAMCATCHER SUB

Dear Applicant:

This is to notify you of the action taken by the Board of Ada County Commissioners (hereinafter Board) on the above captioned application.

The Board voted (3-0) at their December 16, 1998 public hearing to approve 98-26-PDR-NF. The Board reached this determination based on the Findings of Fact and Conclusions of Law contained in the staff report. The Board's approval is subject to the Conditions of Approval attached to this letter.

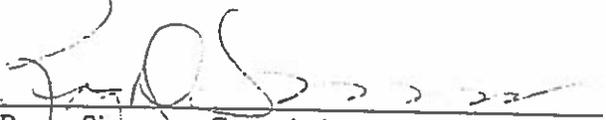
If you should have any questions, please contact the Development Services Department at 364-2277.

Sincerely,

BOARD OF ADA COUNTY COMMISSIONERS


Vernon L. Bisterfeldt, Chairman


Frank Walker, Commissioner


Roger Simmons, Commissioner

BOCC/DF/dd

Enclosure

RECEIVED

JAN 21 2000

ADA COUNTY
DEVELOPMENT SERVICES

EXHIBIT 1
Page 1 of 5
Project # 201504172 PBA-V

EXHIBIT A

CONDITIONS OF APPROVAL
FILE # 98-26-PDR-NF/98-16-PR
DREAMCATCHER SUBDIVISION

STANDARD REQUIREMENTS

1. The final plat must be approved by the Board of County Commissioners within twenty-four (24) months of the Board of County Commissioner's approval of the preliminary plat, unless a time extension is granted as per Ada County Code Section 8-9-3C7. Consecutive phases of phased projects shall be platted within one (1) year of the approval date of the final plat of the prior phases by the Board as per Ada County Code Section 8-9-3C7b.
2. The final plat shall be in conformance with Section 8-10-14-3 of the Ada County Code.
3. The approved final plat must be recorded with the County Recorder's Office within one (1) year of the Board of County Commissioner's approval per Ada County Code Section 8-12-10A.
4. No building permits will be issued until the final plat is recorded, parcel numbers are issued by the County Assessors office, and all required improvements have been constructed and approved by the appropriate authority or a surety agreement and performance bond have been posted and accepted by the Director.
5. All street and subdivision names shall be approved by the Ada County Street Name Committee prior to submitting the final plat for approval.
6. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to obtain a permit, contact Ada County Highway District Development Services at 345-7662. Your application File # 98-26-PDR-NF/98-16-PR is required.
7. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
8. Installation of fire protection facilities as specifically required by the Meridian City-Rural Volunteer Fire Department is required.
9. The applicant shall comply with all requirements of the Central District Health Department.
10. Installation of service facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground. All utility easements shall comply with Section 8-10A-6 of the Ada County Code. All utility easements shall be shown on the final plat.
11. All site improvements are prohibited prior to approval of the preliminary development plan, approval of the surface runoff drainage plan by the Ada County Engineer, and the approval of the appropriate public agencies having jurisdiction over the facility being constructed.

12. The development standards (including lot coverage, building heights, setback requirements, and street frontage) of the RR Zone shall be used for the development of this parcel, unless otherwise stated.

REQUIRED SUBMITTALS

13. Prior to the approval of the final plat, the applicant shall submit to Development Services written approval from the following agencies. The approval may be either on agency letterhead referring to the approved plan or may be written/stamped upon a copy of the approved plans.
- a) Boise Project Board of Control (approval of irrigation plan).
 - b) Meridian City-Rural Volunteer Fire Department (approval of private road).
 - c) Ada County Engineer (approval of private road).
14. A drainage design plan and any subsequent revisions shall be submitted to and approved by the Ada County Engineer prior to submittal of the Final Plat. The drainage design plan shall include, but is not limited to, the following: identification of high ground water areas, poorly drained areas, and areas being developed over soils with poor drainage characteristics, poor soil-bearing capacity, hydric soils, liquefaction and soil strength loss. These areas shall be identified on the drainage plans and specific measures included in the design to overcome the adverse effects of these characteristics (i.e., concentration of ground water in building crawl spaces, subsidence of foundations, etc.). The plan shall comply with Section 2905, Foundation Investigation, of the Uniform Building Code (1997 Edition) as adopted by Ada County. Special submittals including a site specific geotechnical report may be required by the Ada County Engineer. The drainage design plan shall be prepared and submitted by a Professional Engineer licensed in the State of Idaho.

The construction of drainage improvements, including site grading, shall not begin prior to approval of the drainage design plans by the Ada County Engineer. As-built drawings, acceptable to the County Engineer in form and substance, shall be submitted prior to final approval of the drainage improvements.

Prior to acceptance of a final plat by the County Engineer the above conditions must be satisfied and all drainage improvements completed, and inspected, and approved by the County Engineer, except where bonding is provided. Please contact the County Engineer at (208) 364-2277 for fee and application information (your file number 98-26-PDR will be required).

PLAT STATEMENTS

15. The following statements shall appear on the face of the final plat:
- a) This development recognizes Section 22-4503 of the Idaho Code, Right to Farm Act, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."
 - b) Lots 3 & 9, Block 1 (legal description of open space lots) are deed restricted lots and may only be used for agricultural purposes and natural open space (as defined by the

Ada County Code) and the private road. These lots are ineligible for any development for a period of fifteen (15) years from the recording date of the final plat.

- c) Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of Ada County.
 - d) Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision.
 - e) The Mason Creek Feeder shall be labeled as "United States Mason Creek Feeder Easement" on the final plat.
16. Prior to approval by the Board of County Commissioners, the final plat shall contain the following certificates and endorsements:
- a) signature of the owner(s);
 - b) certificate of the plat surveyor;
 - c) certificate of the County Surveyor;
 - d) endorsement of the Central District Health Department;
 - e) endorsement of the Ada County Highway District.

PRIVATE ROAD REQUIREMENTS

17. The private road shall comply with the following standards and is subject to field verification by the County Engineer:
- a) Private streets are to be named and provided with approved street signs which comply with the provisions of the Ada county Uniform Street Name Ordinance.
 - b) Private streets shall originate at a public right of way and terminate at a forty five foot (45') radius cul-de-sac or other approved turnaround area. If the terminus is other than a cul-de-sac, written approval from the Meridian City-Rural Volunteer Fire Department for the turnaround area shall be submitted to Development Services.
 - c) Any private street greater than four hundred feet (400') shall not be allowed more than four (4) lots with residence fronting on it. However, if the street meets the public street construction standards, as specified in the Ada County Highway District Development Policy Manual (as it may be amended from time to time) and as verified by the Highway District, this provision shall not apply.

- d) Construction Standards:

Minimum right of way width	30 feet
Minimum improved width	20 feet
6" of 2" crushed gravel, compacted	X
2% slope from centerline	X
Improved surface	All weather, dustless material

18. The private road must be constructed or bonded for prior to the Board's approval of the final plat. No permits shall be issued until the private road has been constructed and verified by the County Engineer.

19. A copy of the recorded perpetual use easement shall be submitted to Development Services prior to the issuance of any permits.

SITE SPECIFIC REQUIREMENTS

20. All open space lots within the development shall maintain a minimum dimension of one hundred feet (100') per 8-4B-7E of the Ada County Code.
21. The open space lots within this development may only be used as natural open space, for agricultural purposes, and for the private road. Structures are prohibited on the open space lots.
22. Compliance with Section 8-13-13 of the Ada County Code pertaining to lighting is required.



ADA COUNTY
DEVELOPMENT SERVICES

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

PREAPPLICATION CONFERENCE NOTES

Preapplication Number: 201501145 - PREAP - A

Status: Active

Date Received: 9/22/2015

Date Closed:

Meeting Date: 10/15/2015 Date Assigned: 9/23/2015

Project Description:

Applicant's Name:
BOWMAN CLAIR

Would like to develop parcel to buildable lot, would like to
discuss variance and property boundary adjustment.

No. of Lots/Units: 0 Total Acres: 12.498

Development Services Staff Assigned To Meeting:

Unique Features:

Table with 2 columns: Staff Name, Attended Meeting?
Brent Danielson, Diana Sanders, Mark Perfect

Sewer/Septic:

Water/Well:

General Property Location:

Parcel Info:

Table with 3 columns: Parcel Num, Street Address, City/State/Zip
Rows for parcels R1928150010 through R1928150055

Zone Info:

Table with 2 columns: Zone Type, Zone
Existing Zone, RUT

TwN / Rng / Sec Info:

Table with 3 columns: TwN, Rng, Sec: Qtr
3N 1W 34

Overlay Areas Info:

Table with 4 columns: Overlay Area, Overlay Value, Code Ref, Comments
Rows for Flood, Hillside, Impact Area

Comp Plan:

Agencies To Contact:

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

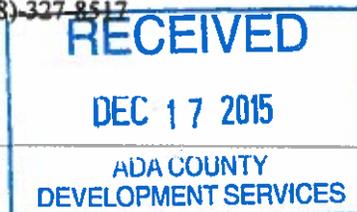
Contact Person:
LITTLE CHRISTY

Comments:

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

RENO MIKE

Comments:





ADA COUNTY
DEVELOPMENT SERVICES

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

PREAPPLICATION CONFERENCE NOTES

IDAHO POWER COMPANY - (208)-388-2699

HORNSBY COURTNEY

Comments:

Proposed Allowed Uses:

Dwelling, single-family detached

Required Applications:

App Type:	Descriptive Name:
PBA	PROPERTY BOUNDARY ADJUSTMENT
V	VARIANCE

Notes:

The applicant is proposing a property boundary adjustment and a variance from Ada County Code. If both applications are submitted together they will both go directly to the Board.

See Section 8-7-4 of the Ada County Code for information on variances.

A variance will require a public hearing in front of the Board of Ada County Commissioners. In order to grant a variance the Board needs to make the following findings:

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;
2. The variance relieves an undue hardship due to characteristics of the site; and
3. The variance shall not be detrimental to the public health, safety, and welfare.

Prior to the submission of a variance application, a neighborhood meeting is required. You may obtain the mailing labels from this office for a \$26.50 fee. See Section 8-7A-3 of the Ada County Code for information on neighborhood meetings.

The applicant is required to post the property with the hearing information at least 10 days before the public hearing. A signed certification form is required to be submitted at least 7 days before the public hearing. See Subsection 8-7A-5F of the Ada County Code for information on Sign Posting.

CODE REFERENCES:

- Article 8-2A ~ Rural Residential District
- Section 8-7-4 ~ Variances
- Section 8-7A-3 ~ Neighborhood Meetings
- Subsection 8-7A-5F ~ Sign Posting Requirements

Property Boundary Adjustment

8-4C-1: PURPOSE:

The regulations of this article allow for the adjustment of parcel lines or platted lot lines between existing legal or nonconforming properties. A property boundary adjustment does not vacate the platted lot lines of a recorded subdivision.

8-4C-2: APPLICABILITY:

A. These regulations apply to existing lots and parcels in Ada County.

8-4C-3: PROCESS:

A. 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.

B. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to any applicable conditions of approval and the regulations of subsection 8-7-2A of this title, the applicant or owner shall have one year to



ADA COUNTY DEVELOPMENT SERVICES

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

PREAPPLICATION CONFERENCE NOTES

complete the following tasks:

1. Cause the property to be surveyed and a record of survey recorded;
2. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
3. Obtain new tax parcel numbers from the Ada County assessor; and
4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.

C. Issuance Of Approval Letter: Upon determination by the director that the final property boundary adjustment is in conformance with this article, the director shall issue a letter stating that the property boundary adjustment has received final approval.

8-4C-4: STANDARDS:

A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this title including regulations for individual wastewater treatment systems and wells as set forth in section 8-4A-22 of this chapter.

B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this title, the property boundary adjustment shall not increase the nonconformity.

C. A property boundary adjustment shall not increase the original number of properties.

D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.

E. The property boundary adjustment shall not constitute a relocation of a property.

F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

8-4C-5: REQUIRED FINDING:

In order to approve the application, the decision making body shall find that the proposed property boundary adjustment complies with the standards in section 8-4C-4 of this article.

Prior to the submission of the application, a neighborhood meeting is required. You may obtain the mailing labels from this office for a \$26.50 fee. See Section 8-7A-3 of the Ada County Code for information on neighborhood meetings.

The applicant is required to post the property with the hearing information at least 10 days before the public hearing. A signed certification form is required to be submitted at least 7 days before the public hearing. See Subsection 8-7A-5F of the Ada County Code for information on Sign Posting.

MEETING NOTES:

A property boundary adjustment to adjust the former open space lot in Dreamcatcher's Subdivision with the three (3) existing residences in Dreamcatcher's Subdivision. The property boundary adjustment is needed as the septic systems are not on the lots that they serve. The property boundary adjustment will adjust the lots so that the septic system is on the same lot as the dwelling.

A variance will be needed to seek relief from substantial conformance for the property boundary adjustment. The variance will also seek relief from private road standards specifically the width of the private road.

The existing private road is already improved and paved.

The radius notice will be based on the boundaries of Dreamcatcher Subdivision.



**ADA COUNTY
DEVELOPMENT SERVICES**

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

PREAPPLICATION CONFERENCE NOTES

Additional Preap Conference: Not Recommended

Neighborhood Meeting Required? Yes

Cross References:

Clair

From: Clair <cmbavalon@safelink.net>
Sent: Thursday, November 5, 2015 7:37 PM
To: 'mreno@cdhd.idaho.gov'
Subject: Dreamcatcher Subdivision Septic Drain Fields
Attachments: 2015-11-04 Lots 1-5 Annotated.pdf; 2015-11-04 Neighborhood Meeting letter.docx

Mike, here is a draft of my neighborhood meeting letter explaining what I am proposing for Lots 1-5 and an annotated graphic showing intended changes.

Let me know if you would like anything more...

~ Clair Bowman
208 / 484-4414
cmbavalon@safelink.net
4400 W Legacy Ln
Meridian, ID 83642

EXHIBIT 3
Page 1 of 3
Project # 201504172 PPA-V

4400 W Legacy Lane
Meridian, ID 83642
November 4, 2015

Dear Neighbor:

RE: Neighborhood Meeting
Thursday, November 12, 2015 at 6:30 PM
At 4400 W Legacy Lane, Meridian, Idaho 83642

Please plan to attend a neighborhood meeting to comment upon proposed changes to lot lines and roadway width for several lots in Dreamcatcher Subdivision (off the east side of Black Cat Road south of Amity Road).

Dreamcatcher Subdivision was approved by the Ada County Commission in February, 2000. Lot 1 is the access road into the subdivision – Legacy Lane. Lot 3 was designated as a 7-acre open space through February, 2015. Lots 2, 4 and 5 are 1-acre building lots with homes on all of them.

Each of the three building lots has a well and septic with drain field. In all three cases, drain fields were located in Lot 3, the open space lot. Now that Lot 3 is no longer open space, control of these drain fields must be transferred to the three homeowners. One avenue open to Ada County to accomplish this transfer is to adjust the lot lines of Lots 2, 4 and 5 to add sufficient area from Lot 3 to include the home's existing drain field plus sufficient additional acreage to accommodate any future need to replace the existing drain field.

I intend to propose to Ada County just such a property boundary adjustment to accomplish these changes, taking septic field land out of Lot 3 and attaching it to each of the three residential lots. That would leave approximately two acres of Lot 3 available for constructing another home for which it is now entitled. I will also propose a variance to the roadway width requirement for Legacy Lane, as it was constructed as an 18' roadway and current regulations would require it at significant expense to be re-constructed as a 20' roadway.

Ada County requires this neighborhood meeting before I can submit the above requests. Please come join me on November 12 at my home – 4400 W Legacy Lane. I have attached a hand-drawn graphic to illustrate proposed lot line changes.

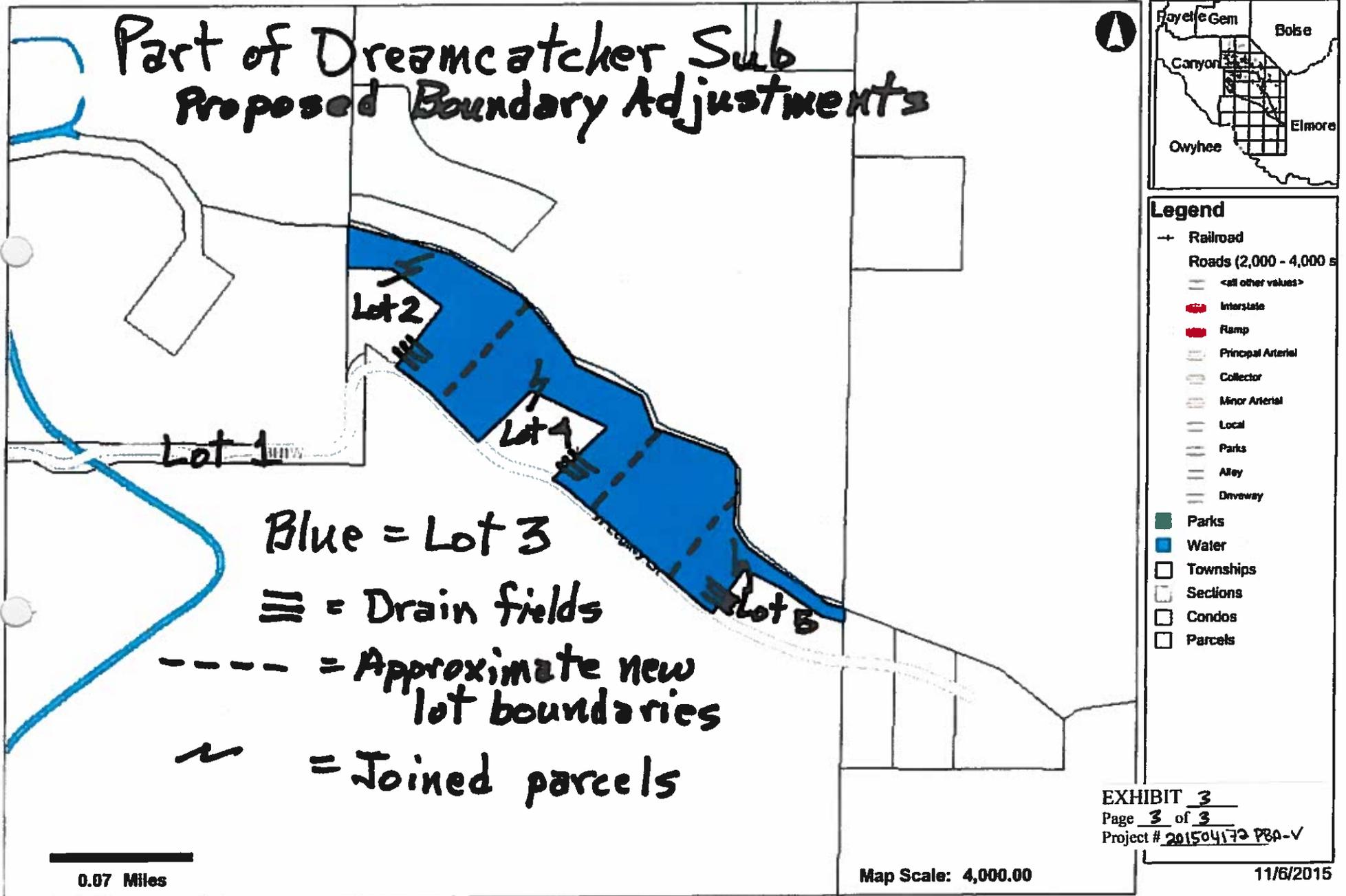
Thank you!



Clair Bowman
208/484-4414
cmbavalon@safelink.net

One attachment

EXHIBIT 3
Page 2 of 3
Project # 201504172 PBA-V



Clair

From: Lori Badigian <LBadigia@cdhd.idaho.gov>
Sent: Friday, November 6, 2015 8:06 AM
To: cmbavalon@safelink.net
Subject: Dreamcatcher subdivision

Clair,

The proposal submitted to Mike appears that it will meet requirements. Before we can lift sanitary restrictions we will require an official site map that has the exact location of the new lot lines. This map will also need to show the location of each existing drainfield will be within its own property boundary and at least 5' from all not lot lines. You will also need to make application for test holes for the new lot 3.

Thank you and please contact me if you have additional questions.

Lori Badigian, REHS | Sr. Environmental Health Specialist
Central District Health
707 N. Armstrong Place | Boise, ID 83704
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

 [Twitter](#) |  [Facebook](#) | W: cdhd.idaho.gov

CDHD: Healthy People in Healthy Communities

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you have received this information in error. Also, please delete this email after replying to the sender.



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: 3N-1W Township: 34 Range: _____ Total Acres: 12
 Subdivision Name: Dreamcatcher Lot: 2,3,4&5 Block: 1
 Site Address: 0 W Legacy Ln Meridian City Meridian
 Tax Parcel Number(s): 192815-0020, -0035, -0040, -0055
 Existing Zoning: RUT Proposed Zoning: RUT Area of City Impact: Meridian Overlay
 District(s) _____



OFFICE USE ONLY

Project #.: <u>201504172-V-PBA</u>	Planning Fees/GIS: <u>V 550.00</u>	Engineering Fees:
Received By: <u>BAlcala</u> Date: <u>12/17/15</u> Stamped <input checked="" type="checkbox"/>	<u>PBA</u> <u>309.00</u>	
	<u>859.00</u>	

EXHIBIT 5
 Page 1 of 3
 Project # 201504172 PBA V

APPLICANT/AGENT: (Please print)	ADDITIONAL CONTACT if applicable: (Please Print)
Name: <u>Clair Bowman</u>	Name: _____
Address: <u>4400 W. Legacy Ln</u>	Address: _____
City: <u>Meridian</u> State: <u>ID</u> Zip: <u>83642</u>	City: _____ State: _____ Zip: _____
Telephone: <u>208/484-4414</u> Fax: _____	Telephone: _____ Fax: _____
Email: <u>cg@safelink.net</u>	Email: _____
I certify this information is correct to the best of my knowledge.	ENGINEER / SURVEYOR if applicable: (Please Print)
	Name: _____
	Address: _____
	City: _____ State: _____ Zip: _____
	Telephone: _____ Fax: _____
	Email: _____
<u>Clair M. Bowman</u> <u>11/12/15</u>	
Signature: (Applicant) Date	

OWNER (S) OF RECORD: (Please Print) Lot 2	OWNER (S) OF RECORD: (Please Print) Lot 3
Name: <u>Clair Bowman, Trustee</u>	Name: <u>Clair M. Bowman, Trustee</u>
Address: <u>4400 W. Legacy Ln</u>	Address: <u>4400 W. Legacy Ln</u>
City: <u>Meridian</u> State: <u>ID</u> Zip: <u>83642</u>	City: <u>Meridian</u> State: <u>ID</u> Zip: <u>83642</u>
Telephone: <u>208/484-4414</u>	Telephone: <u>208/484-4414</u>
Fax: _____	Fax: _____
Email: <u>cg@safelink.net</u>	Email: <u>cg@safelink.net</u>
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.
<u>Clair M. Bowman, Trustee</u> <u>11/12/15</u>	<u>Clair M. Bowman, Trustee</u> <u>11/12/15</u>
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.

EXHIBIT 5
Page 2 of 3
Project # 201504172 PBA-V

OWNER (S) OF RECORD: (Please Print)			OWNER (S) OF RECORD: (Please Print)		
Name: KEZAR, Jeffrey & Monique			Name: GLOVER, Lowell S. & Carla F.		
Address: 4260 W Legacy Ln.			Address: 4050 W Legacy Ln.		
City: Meridian	State: ID	Zip: 83642	City: Meridian	State: ID	Zip: 83642
Telephone: 208-284-0780			Telephone: 208 869-4755		
Fax:			Fax:		
Email: jeffkezar@gmail.com			Email: SNCglover@a.com		
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: 12/7/15	Signature: All Owner (s) of Record		Date: 12-4-15

Jeff Kezar
Carla F. Glover
Lowell S. Glover

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:



ADA COUNTY DEVELOPMENT SERVICES

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

PROPERTY BOUNDARY ADJUSTMENT CHECKLIST (ACC 8-4C)

A Property Boundary Adjustment request is a staff level application.

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:	
	✓ Reason for the property boundary adjustment.	
	✓ Is a vacation or variance involved with the property boundary adjustment? YES (X) NO ()	
✓	SITE PLAN showing all existing and proposed easements, property lines, adjusted property lines, and structures drawn to scale on 8 1/2" X 11" paper .	
✓	DEED or evidence of proprietary interest.	
SITE INFORMATION PROPERTY #1		
	Location:	
	Site Address: 4400 W. Legacy Ln City: Meridian	
	1/4 Section: Section: 34 Township: 3N Range: 1W	
	Total Acres: 1	
	Subdivision Name: Dreamcatcher	
	Lot: 2 Block: 1	
	Tax Parcel Number(s): R1928150020	
	Zoning: RUT	
	Area of City Impact: Meridian	
	Owners(s) of record (All owners must sign master application.)	
	Name: Clair Bowman, Trustee	
✓	SITE INFORMATION PROPERTY #2	
	Location:	
	Site Address: W. Legacy Lane City: Meridian	
	Section: 34 Township: 3N Range: 1W	
	Total Acres: 7.5	
	Subdivision Name: Dreamcatcher	
	Lot: 3 Block: 1	
	Tax Parcel Number(s): R1928150035	
	Zoning: RUT	
	Area of City Impact: Meridian	
	Owners(s) of record (All owners must sign master application.)	
	Name: Clair M. Bowman, Trustee	
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 FORMS ARE SUBMITTED.

EXHIBIT 6

Page 1 of 2

Project # 201504172 P&A-V



ADA COUNTY DEVELOPMENT SERVICES

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

PROPERTY BOUNDARY ADJUSTMENT CHECKLIST (ACC 8-4C)

A Property Boundary Adjustment request is a staff level application.

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:	
	Reason for the property boundary adjustment.	
	Is a vacation or variance involved with the property boundary adjustment? YES () NO ()	
	SITE PLAN showing all existing and proposed easements, property lines, adjusted property lines, and structures drawn to scale on 8 1/2" X 11" paper.	
	DEED or evidence of proprietary interest.	
	SITE INFORMATION PROPERTY #13	
	Location:	
	Site Address: 4260 W. Legacy Ln City: Meridian	
	1/4 Section: Section: 34 Township: 3N Range: 1W	
	Total Acres: 1	
	Subdivision Name: Dreamcatcher	
	Lot: 4 Block: 1	
	Tax Parcel Number(s): R1928150040	
	Zoning: RUT	
	Area of City Impact: Meridian	
	Owners(s) of record (All owners must sign master application.)	
	Name: [Signature]	
	SITE INFORMATION PROPERTY #14	
	Location:	
	Site Address: 4050 W. Legacy Ln City: Meridian	
	Section: 34 Township: 3N Range: 1W	
	Total Acres: 1	
	Subdivision Name: Dreamcatcher	
	Lot: 5 Block: 1	
	Tax Parcel Number(s): R1928150055	
	Zoning: RUT	
	Area of City Impact: Meridian	
	Owners(s) of record (All owners must sign master application.)	
	Name: [Signature]	
	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 FORMS ARE SUBMITTED.

ADA COUNTY DEVELOPMENT SERVICES

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



VARIANCE CHECKLIST (ACC 8-7-4)

A Variance 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 address the following:	
✓	Reason for the variance. Be specific.	
✓	Explain how the variance does not grant a right or special privilege that is not otherwise allowed in the base district.	
✓	Explain how the variance relieves an undue hardship due to the characteristics of the site.	
✓	Explain how the variance is not detrimental to the public health, safety, and welfare.	
✓	What is the hardship if the variance is denied?	
✓	Are there characteristics of the property that are unusual and make it necessary to obtain the variance?	
✓	Were you aware of this hardship prior to purchasing or developing your property?	
✓	How does the request comply with Idaho Code 67-6516?	
✓	CURRENT SITE PLAN One reduced copy to 8 1/2 X 11.	
✓	DEED or evidence of proprietary interest.	
✓	NEIGHBORHOOD MEETING CERTIFICATION	
✓	PRE-APPLICATION CONFERENCE NOTES	
	MUST COMPLY WITH SIGN POSTING REGULATIONS (ACC 8-7A-5)	
	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 SUBMITTED.

December 12, 2015

Board of Ada County Commissioners
200 W. Front Street
Boise, ID 83702

RE: Property Boundary Adjustment (ACC 8-4C); and
Variance (ACC 8-7-4)

I am requesting property boundary adjustments for Lots 2-5 in Dreamcatcher Subdivision and a variance on private road width for West Legacy Lane. I will provide some relevant background and an explanation of why conditions prompting this request represent undue hardship because of characteristics of the way drain fields and Legacy Lane were constructed. I believe this request is precisely the kind of circumstance envisioned by the Idaho Legislature as warranting a variance (IC 67-6516).

Lot 3 in Dreamcatcher Subdivision, platted in February 2000, was declared an open space lot for a fifteen year period, after which it would be entitled to a building permit. Nevertheless, residential construction on Lots 2, 4 and 5 (all completed prior to 2005) included septic drain fields that lay wholly or partially within Lot 3. This condition presents multiple adverse circumstances now that the open space limitation has expired.

Adversities became most apparent this past summer as I contemplated selling my current home on Lot 2 and constructing a new residence on Lot 3. After some discussion, I was told by Idaho Central Credit Union that they could not finance a new home on Lot 3 because of the drain field incursions into it even if I granted permanent easements to all three residences for their drain fields. A realtor underscored the problem, noting that selling my home on Lot 2 with an easement for the drain field would make it harder to sell my home than if the drain field were titled to Lot 2. A call to Central District Health confirmed that they have sanitary restrictions on Lot 3 because of the drain field incursions; their preferred way to remove those restrictions was to re-title the drain field sites to adjacent residential properties. All of these limitations were unexpected and grew out of an apparent misunderstanding in 2000 regarding duration of the open space designation. In the end, it appears today the only way to fully resolve all the issues is to adjust property boundary lines, adjustments that extend well beyond 10% modifications in lot acreages.

A second variance need became apparent during a Pre-Application meeting with Ada County Development Services staff. Original development conditions for Dreamcatcher Subdivision required West Legacy Lane to have a "hard surface." The roadway was graded to approximately 19' width and 18' of chip seal was applied in 2000 and again in 2006. The chip seal deteriorated badly and homeowners agreed this summer to re-pave it with regular asphalt. The entire roadbed was re-graded to its maximum width – approximately 19' – and paved 18' wide. That project is complete and cost approximately \$93,000 dollars. There are limitations on both sides of portions of the roadway that prevent it being further widened.

Therefore, purposes for this variance request on Lots 2-5 in Dreamcatcher Subdivision are:

EXHIBIT 8
Page 1 of 2
Project # 201504172 PPA-V



1. Re-configure Lots 2, 4 and 5 by adding land from Lot 3 sufficient to incorporate all of their existing drain fields within their own property boundary, specifically including requirements of Central District Health:
 - a. A minimum of 5' clearance of the drain fields from all new lot lines; and
 - b. Adequate additional space to provide for a secondary drain field in the event the current drain field fails.
2. Adjust Lot 3 to satisfy all the above requirements in a manner that does not create any new parcels and that leaves the Lot 3 remnant with no encumbrances.
3. Waive the current 20' roadway width requirement in favor of an 18' requirement.

I have provided the required site plan as well as a hand-annotated graphic of Lots 2-5 showing the general alignment of new property boundaries. This graphic was mailed along with an explanatory cover letter to all addresses on the mailing labels provided by Development Services staff.

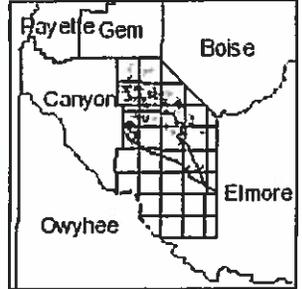
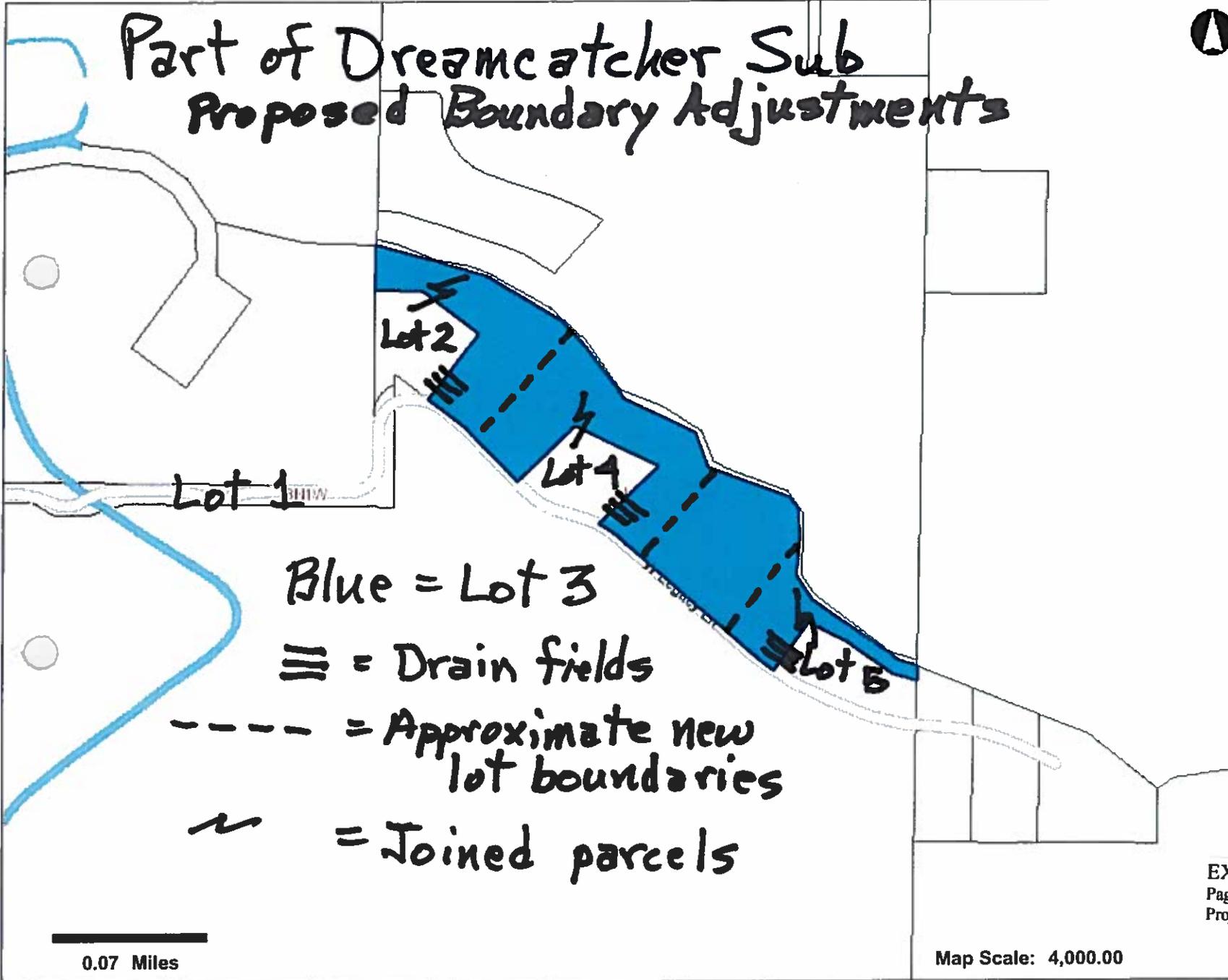
Failure to approve the boundary adjustments would leave me with a 7-acre lot having so many encumbrances I could neither sell nor develop it. Failure to approve the roadway variance would result in an enormously expensive addition of two feet to 6/10 mile of roadway that has served Dreamcatcher residents and the adjacent agricultural landowner well and safely for 15 years.

Granting these requested variances from existing Ada County development code does not grant nor provide any right or special privilege that is not otherwise allowed in the RUT zone. It would relieve substantial hardships that currently attain to all four lots, with no negative impacts to public health and safety.

Thank you.



Clair Bowman



- ### Legend
- + Railroad
 - Roads (2,000 - 4,000 s)
 - <all other values>
 - Interstate
 - Ramp
 - Principal Arterial
 - Collector
 - Minor Arterial
 - Local
 - Parks
 - Alley
 - Driveway
 - Parks
 - Water
 - Townships
 - Sections
 - Condos
 - Parcels

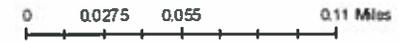


Site Map - Lot designations



EXHIBIT 10
 Page 1 of 1
 Project # 2050472 PBA-V

- | | | | |
|---------|--------------|----------|---------------|
| Parcels | EAGLE | MERIDIAN | Major Streets |
| BOISE | GARDEN CITY | STAR | Parks |
| KUNA | Street Names | | |



Date: 12/2/2015



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

UNLESS OTHERWISE NOTED ALL RECORDS ARE ON FILE AT THE ADA COUNTY RECORDER'S OFFICE

SUBDIVISIONS
DREAMCATCHER SUBDIVISION

PARCEL AREAS

ORIGINAL AREA ACRES	ADJUSTED AREA ACRES
LOT 3 = 7.448	PARCEL A = 7.448
LOT 5 = 1.005	PARCEL B = 1.005

NOTE

1. THESE PARCELS ARE ZONED RR

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS RECORD OF SURVEY IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT OF IDAHO CODE 55-1601 THROUGH 55-1612.



COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF ADA }

INSTRUMENT NO. 201504172

FILED FOR RECORD AT THE REQUEST OF B.A. FROGMAN
AT 33 MINUTES PAST 4 O'CLOCK, P.M. THIS 17th DAY OF SEPTEMBER, 2003.

J. J. J. J. J.
DEPUTY COUNTY RECORDER
FEE: \$5.00

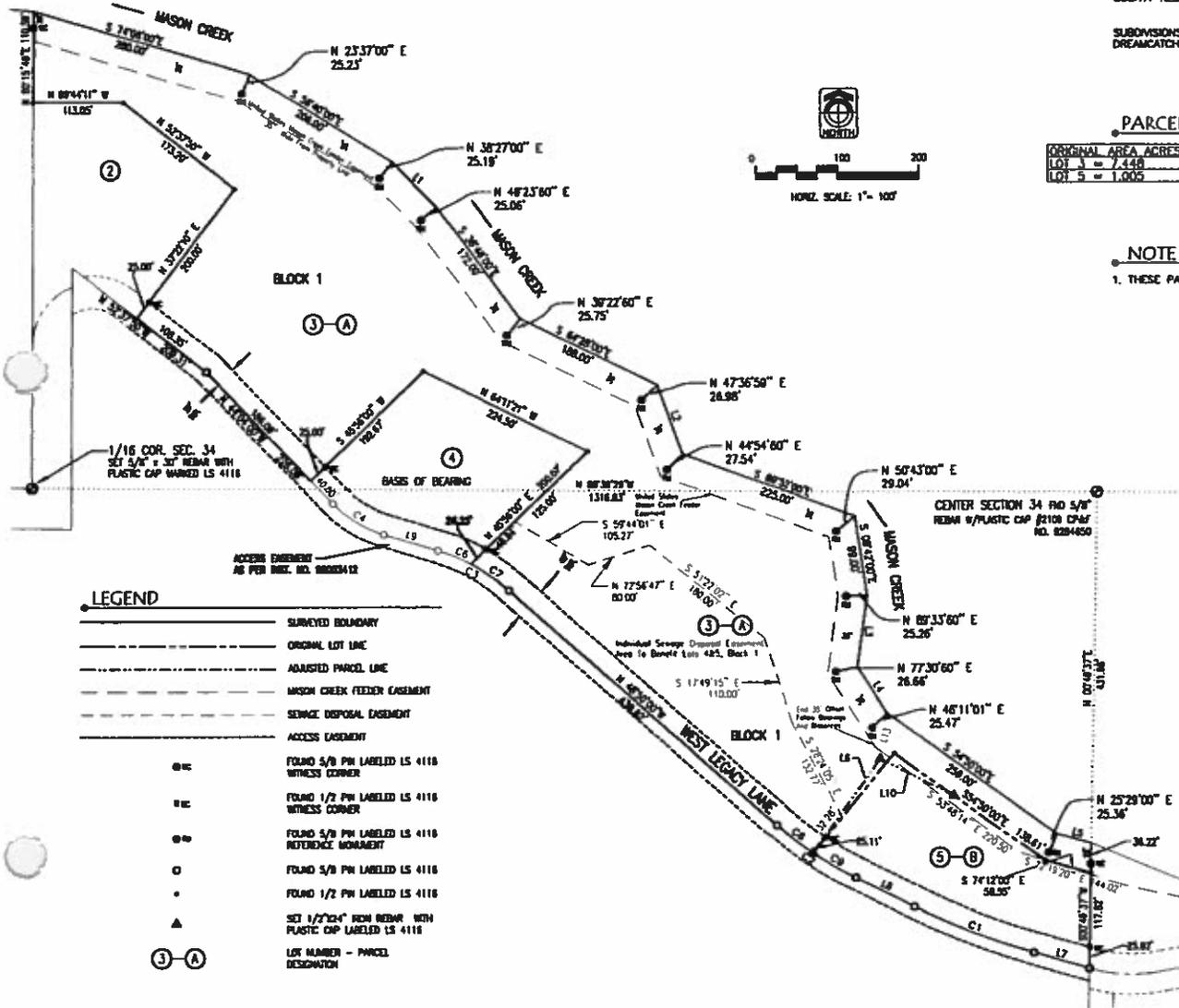
PROPERTY BOUNDARY
ADJUSTMENT FOR:
BOWMAN TRUST

LOTS 3 & 5 BLOCK 1, OF DREAMCATCHER SUBDIVISION RECORDED IN BOOK 80 AT PAGES 8638-8641, ADA COUNTY RECORDS, BEING SITUATE IN A PORTION OF THE WEST HALF OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

DATE: JUNE 25, 2003
SURVEY BY: JRU - DWS
DRAWN BY: D.A. CRAWFORD

EXHIBIT 11

Page 1 of 1
Project # 201504172 PBA-V



LEGEND

- SURVEYED BOUNDARY
- ORIGINAL LOT LINE
- ADJUSTED PARCEL LINE
- MASON CREEK FEEDER EASEMENT
- SEWAGE DISPOSAL EASEMENT
- ACCESS EASEMENT
- FOUND 5/8 PIN LABELED LS 4118 WITNESS CORNER
- FOUND 1/2 PIN LABELED LS 4118 WITNESS CORNER
- FOUND 5/8 PIN LABELED LS 4118 REFERENCE MONUMENT
- FOUND 5/8 PIN LABELED LS 4118
- FOUND 1/2 PIN LABELED LS 4118
- SET 1/2" X 1/2" IRON REBAR WITH PLASTIC CAP LABELED LS 4118
- LOT NUMBER - PARCEL DESIGNATION

LINE TABLE

LINE	BEARING	DISTANCE
L 1	S 44°26'00" E	77.00'
L 2	S 28°18'00" E	90.00'
L 3	S 07°50'00" W	68.00'
L 4	S 32°48'00" E	68.00'
L 5	S 74°12'00" E	43.22'
L 6	N 35°45'30" E	141.78'
L 7	N 73°34'00" W	71.20'
L 8	N 63°34'00" W	81.45'
L 9	N 73°20'00" W	88.73'
L 10	N 63°24'00" W	102.20'
L 13	N 20°52'36" E	43.41'
L 14	S 78°28'20" E	81.36'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	10°20'00"	865.00'	159.61'	80.02'	158.39'	N 68°44'00" W
C 2	1°44'00"	455.00'	117.00'	56.83'	118.68'	N 58°12'00" W
C 3	2°43'00"	235.00'	100.48'	51.02'	99.72'	N 81°05'00" W
C 4	28°18'00"	145.00'	74.07'	37.86'	73.26'	S 58°42'00" E
C 5	45°08'04"	85.00'	66.81'	35.30'	85.18'	S 75°10'48" E
C 6	10°40'21"	235.00'	43.77'	21.85'	43.71'	S 67°39'50" E
C 7	13°48'38"	235.00'	56.72'	28.50'	56.58'	S 55°44'38" E
C 8	07°08'20"	455.00'	56.43'	28.25'	56.39'	S 52°23'22" E
C 9	07°37'40"	455.00'	60.57'	30.33'	60.53'	S 58°45'10" E
C 10	28°56'42"	185.00'	93.46'	47.75'	92.47'	S 88°22'21" E

RECEIVED
DEC 17 2015
ADA COUNTY
DEVELOPMENT SERVICES

ADA COUNTY RECORDER Christopher D. Rich AMOUNT 10.00 1
BOISE IDAHO 12/30/11 11:00 AM
DEPUTY Lisa Ball
RECORDED - REQUEST OF
Clair Bowman
111106617

Lot 1

QUITCLAIM DEED

FOR VALUE RECEIVED, the Clair M. and Barbara L. Bowman Trust under Trust Agreement dated March 22, 1993, Grantors, do hereby convey, release, remise and forever quit claim unto the Dreamcatcher Homeowners Association, Grantee, whose current address is:

4400 W. Legacy Lane
Meridian, ID 83642-6879

the following described premises:

Lot 1, Block 1, Dreamcatcher Subdivision as legally recorded in Book 80 of Ada County Plats on June 9, 2000 at pages 8639, 8640, 8641 as Instrument No. 100044402 in the office of the County Recorder, Ada County Idaho.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: Dec. 28, 2011

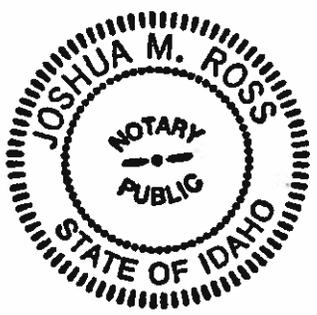
THE CLAIR M. AND BARBARA L. BOWMAN TRUST UNDER TRUST AGREEMENT DATED MARCH 22, 1993

By: Clair M. Bowman Trustee
Clair M. Bowman, Trustee

By: Barbara L. Bowman Trustee
Barbara L. Bowman, Trustee

State of Idaho)
) S.S.
County of Ada _____)

On this 28th day of December, in the year 2011, before me Joshua M. Ross, personally appeared Clair M. Bowman and Barbara L. Bowman, husband and wife, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the above instrument, and acknowledged that they executed the same.



Joshua M. Ross
Notary Public

My Commission Expires on 9/13/2016

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 1800 TITLE ONE
DEPUTY *J. Navarro*

2001 JA 22 PM 4:36

101005424

Lot 3

When Recorded Return To:

Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701
Attn: Kenneth R. McClure

A000767 AG

QUITCLAIM DEED

FOR VALUE RECEIVED, Clair M. Bowman and Barbara L. Bowman, husband and wife (collectively "Grantor"), whose address is 5600 S. Black Cat Road, Meridian, Idaho, 83642, hereby remise and quitclaim to The Clair M. and Barbara L. Bowman Trust Under Agreement Dated March 22, 1993 ("Grantee") whose address is 5600 S. Black Cat Road, Meridian, Idaho, 83642, all right, title, or interest in the following described real property situated in Ada County, Idaho:

See Exhibit "A" attached hereto and incorporated herein by this reference.

This Quitclaim Deed is intended to correct that certain Quitclaim Deed dated February 16, 1999 and recorded February 17, 1999 as Instrument No. 99015549 in the County Recorder's Office of Ada County, Idaho, on, to which an incomplete legal description was attached.

The Grantor hereby ratifies and approves of that certain Warranty Deed recorded December 13, 2000, as Instrument No. 100100000 in the County Recorder's Office of Ada County, Idaho.

Dated effective the 16th day of February, 1999.

Clair M. Bowman

Clair M. Bowman

Barbara L. Bowman

Barbara L. Bowman

STATE OF IDAHO)
) ss.
County of Ada)

On this 18th day of January, 2001, before me, a Notary Public in and for the State of Idaho, personally appeared Clair M. Bowman and Barbara L. Bowman, husband and wife, known or identified to me to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.



Jeanne Urzaga
NOTARY PUBLIC for Idaho
Residing at Boise, Idaho
My commission expires: 05/08/2004

EXHIBIT "A"
LEGAL DESCRIPTION

Quitclaim Deed - 3
S:\CLIENTS\4970\1\Quitclaim - Trust.wpd

EXHIBIT 12
Page 5 of 11
Project # 201504172 PBA-V

A tract of land situated in the West half of Section 34, Township 3 North, Range 1 West of the Boise Meridian, Ada County, Idaho, said tract includes all of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter, lying between the center of the Mason Creek Feeder and a line fifteen feet Northeastly from the Northeastly side of a concrete lined irrigation ditch, a road across the Northerly portion of the Northwest Quarter of the Southwest Quarter, across the Northwest corner of the Northeast Quarter of the Southwest Quarter, and across a portion of the West side of the Southeast Quarter of the Northwest Quarter and is more particularly described as follows:

Beginning at the West quarter corner of said Section 34; thence South 89°12'09" East a distance of 1323.25 feet on the North line of the Southwest Quarter of said Section 34 along a fence line to a fence corner and a 5/8 inch diameter bar at the center west one sixteenth corner; thence North 0°15'43" East, a distance of 381.60 feet on the West line of the Southeast Quarter of the Northwest Quarter along a fence line to the center of the Mason Creek Feeder; thence along the center of the said Mason Creek Feeder

South 74°06'00" East a distance of 380.00 feet; thence
 South 58°48'00" East a distance of 206.00 feet; thence
 South 44°24'00" East a distance of 77.00 feet; thence
 South 36°46'00" East a distance of 172.00 feet; thence
 South 54°28'00" East a distance of 188.00 feet; thence
 South 20°18'00" East a distance of 90.00 feet; thence
 South 69°52'00" East a distance of 275.00 feet; thence
 South 8°42'00" East a distance of 99.00 feet; thence
 South 7°50'00" West a distance of 88.00 feet; thence
 South 32°48'00" East a distance of 69.00 feet; thence
 South 54°50'00" East a distance of 239.00 feet; thence
 South 74°12'00" East a distance of 41.56 feet to a point on the East line of the Southwest Quarter of said Section 34; thence South 2°01'00" West a distance of 151.21 feet on said East line along a fence line to a 5/8 inch diameter bar 15 feet Northeastly from the Northeastly side of a concrete lined ditch; thence on a line 15 feet Northeastly from and parallel with the said Northeastly side of the concrete lined ditch

North 73°54'00" West a distance of 68.34 feet to a 5/8 inch diameter bar at a point of curvature; thence Northwestly on an 823 foot radius curve right a distance of 159.61 feet, the chord of said curve running North 68°44'00" West a distance of

continued

LEGAL DESCRIPTION CONTINUED
Page 3

158.19 feet to a 5/8 inch diameter bar at a point of tangency; thence
North 61°34'00" West a distance of 61.45 feet to a 5/8 inch diameter bar at a point of curvature; thence
Northwesterly on a 445 foot radius curve right a distance of 117.00 feet, the chord of said curve running North 56°12'00" West a distance of 114.48 feet to a 5/8 inch diameter bar at a point of tangency; thence
North 42°50'00" West a distance of 439.62 feet to a 5/8 inch diameter bar at a point of curvature; thence
Northwesterly on a 335 foot radius curve left a distance of 100.49 feet, the chord of said curve running North 61°05'00" West a distance of 99.72 feet to a 5/8 inch diameter bar at a point of tangency; thence
North 71°30'00" West a distance of 88.73 feet to a 5/8 inch diameter bar at a point of curvature; thence
Northwesterly on a 145 foot radius curve right a distance of 74.07 feet, the chord of said curve running North 38°42'00" West a distance of 73.25 feet to a 5/8 inch diameter bar at a point of tangency; thence
North 44°04'00" West a distance of 326.08 feet to a 5/8 inch diameter bar opposite the end of the ditch; thence
North 51°17'50" West a distance of 289.32 feet to a 5/8 inch diameter bar 50 feet East from the West line of the said Southeast Quarter of the Northwest Quarter; thence
South 0°15'49" West a distance of 320.47 feet parallel with the said West line to a 5/8 inch diameter bar 50 feet South of the North line of the said Northwest Quarter of the Southwest Quarter; thence
North 89°12'09" West a distance of 450.47 feet parallel with said north line to a 5/8 inch diameter bar on the Easterly side of the Rippenbaugh Highline Canal; thence
South 72°38'04" West a distance of 96.24 feet to a 5/8 inch diameter bar on the Westerly side of said canal and 80 feet South of the North line of the said Northwest Quarter of the Southwest Quarter; thence
North 89°12'09" West a distance of 80.80 feet parallel with the said North line to a 5/8 inch diameter bar; thence
North 89°12'00" West a distance of 68.00 feet to a 5/8 inch diameter bar 50 feet South of the said north line; thence
North 89°12'09" West a distance of 391.67 feet parallel with the said north line to a 5/8 inch diameter bar; thence
South 40°41'03" West a distance of 130.33 feet to a 5/8 inch diameter bar; thence

continued

LEGAL DESCRIPTION CONTINUED
Page 3

North $89^{\circ}12'09''$ West a distance of 25.00 feet parallel with the
said north line to a steel nail on the West line of the said
Section 34; thence
North $0^{\circ}34'18''$ East a distance of 110.00 feet to the POINT OF
BEGINNING.



ADA COUNTY RECORDER
J. DAVID HAVARRO
BOISE, IDAHO

2001 AU 15 PM 4:35

RECORDED - REQUEST OF

FEE 3.00 DEPUTY Maple

101083504

TitleOne

Lot 4

17011862 TCLA6

QUITCLAIM DEED

FOR VALUE RECEIVED, JEFFREY R. KEZAR AND MONIQUE KEZAR, HUSBAND AND WIFE

Does hereby convey, release, remise and forever quit claim unto

JEFFREY R. KEZAR AND D. MONIQUE KEZAR, HUSBAND AND WIFE

whose current address is: 4260 W. LEGACY LANE, MERIDIAN ID 83642

the following described premises:

Lot 4 in Block 1 of DREAMCATCHER SUBDIVISION, according to the official plat thereof, filed in Book 80 of Plats at Pages 8639 and 8640, records of Ada County, Idaho; as affected by Surveyors Affidavit filed August 31, 2000 as Instrument No. 100069940.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

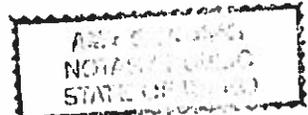
Date: 8/14/2001

By: [Signature]
JEFFREY R. KEZAR
By: [Signature]
MONIQUE KEZAR

STATE OF ID)
)ss.
COUNTY OF ADA)

On this 14th day of August, 2001, before me, the undersigned, a notary public in and for said state, personally appeared JEFFREY R. KEZAR AND MONIQUE KEZAR, known or proven to me on the basis of satisfactory evidence to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing At: BOISE, ID
Comm. Exp: 6/19/06



+note
light
seal



775 S. Riverside Lane, Suite 120 / Eagle
Idaho 83616 / (208) 938-8075

315339

CB/SB

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/02/10 04:15 PM
DEPUTY Bonnie Oberbiffig
RECORDED - REQUEST OF
Pioneer

AMOUNT 6.00 2



110051140

WARRANTY DEED

Lot 5

For Value Received LEGACY TRUST, TRUSTEE SERVICES, INC., TRUSTEE

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

LOWELL S. GLOVER and CARLA F., GLOVER, Husband and Wife

hereinafter referred to as Grantee, whose current address is 4050 W. Legacy Ln., Meridian, ID 83642

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

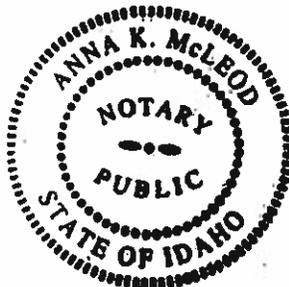
Dated: June 2, 2010

Legacy Lane Trust, Trustee Services, Inc.,
Trustee

Lance D. Churchill, President of
Trustee Services, Inc., Trustee
of Legacy Trust

STATE OF Idaho, County of Ada, ss.

On this 2nd day of June, in the year of 2010, before me the Undersigned, a notary public personally appeared Lance D. Churchill, President of Trustee Services, Inc., known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of Legacy Trust and acknowledged to me that he/she/they executed the same as such Trustee.



Notary Public of Idaho
Residing at
Commission expires
December 6 2010

EXHIBIT A

A parcel of land sitsuate in the Northeast quarter of the Southwest quarter of Section 34, Township 3 North, Range 1 West, Boise Meridian, Ada County Idaho, being a portion of lots 3 and 5 in Block 1 of Dreamcatcher Subdivision, according to the official plat thereof, filed in Book 80 of Plats at Pages 8639 and 8640, AS AMENDED by Affidavit recorded August 31, 2000 as Instrument No. 100069940, records of Ada County, Idaho and being more particularly described as follows:

Beginning at the most Southerly corner of said Lot 5, which is the REAL POINT OF BEGINNING;

Thence the following courses and distances along the boundary of said Lot 5:

North 73°54'00" West a distance of 71.20 feet; along a tangent curve to the right, having a radius of 885.00 feet, a central angle of 10°20'00", a chord bearing of North 68°44'00" West, and a chord distance of 159.39 feet, for an arc length of 159.61 feet;

North 63°34'00" West a distance of 81.45; along a tangent curve to the right, having a radius of 455.00 feet, a central angle of 07°37'40", a chord bearing of North 59°45'10" West, and a chord distance of 60.53 feet, for an arc length of 60.57 feet;

Thence North 35°45'30" East a distance of 141.76 feet;

Thence South 63°24'07" East a distance of 102.20 feet to the Northeasterly boundary of said Lot 5;

Thence South 54°50'00" East a distance of 138.61 feet along the Northeasterly boundary of said Lot 5;

Thence South 74°12'00" East a distance of 58.55 feet along the Northeasterly boundary of said Lot 5 to the Northeast corner of said Lot 5;

Thence South 00°49'37" West a distance of 117.82 feet to the REAL POINT OF BEGINNING

Neighborhood Meeting Certification

ADA COUNTY DEVELOPMENT SERVICES, 200 W. Front Street, Boise, Idaho 83702

www.adaweb.net (208) 287-7900

GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Ada County Code or ask one of our planners for more information on neighborhood meetings.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes all involved Neighborhood Associations and property owners within 300, 1,000, or 2,640 feet of the subject property boundary need to be invited to your meeting. See ACC 8-7A-5C (1) & (2) for uses and districts requiring the 1000' or 2,640' notification.

Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.

Description of proposed project: lot line adjustment - variance; accept 18' paved width on Legacy Ln.

Date and time of neighborhood meeting: November 12, 2015 6:30 PM

Location of neighborhood meeting: 4400 W. Legacy Ln - Lot 2 in Dreamcatcher Sub.

SITE INFORMATION:

Location: Quarter: 3N Section: 1W Township: 34 Range: _____ Total Acres: 12
Subdivision Name: Dreamcatcher Lot: 2, 3, 4 & 5 Block: 1

Site Address: 4400 W. Legacy Ln Meridian Tax Parcel Number(s): 192815-0010, -0020, -0035, -0040, -0055

APPLICANT:

Name: Clair Bowman
Address: 4400 W. Legacy Ln
City: Meridian State: ID Zip: 83642
Telephone: 208/484-4414 Fax: _____
Email: cg@50felix.net



I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Ada County Code.

Signature: (Applicant) Clair M. Bowman

Date 11/12/2015

OFFICE USE ONLY			
File No.:	Received By:	Date:	Stamped:

8/4/11

EXHIBIT 13
Page 1 of 4
Project # 201504172 PBA-V

4400 W Legacy Lane
Meridian, ID 83642
November 4, 2015

Dear Neighbor:

RE: Neighborhood Meeting
Thursday, November 12, 2015 at 6:30 PM
At 4400 W Legacy Lane, Meridian, Idaho 83642

Please plan to attend a neighborhood meeting to comment upon proposed changes to lot lines and roadway width for several lots in Dreamcatcher Subdivision (off the east side of Black Cat Road south of Amity Road).

Dreamcatcher Subdivision was approved by the Ada County Commission in February, 2000. Lot 1 is the access road into the subdivision – Legacy Lane. Lot 3 was designated as a 7-acre open space through February, 2015. Lots 2, 4 and 5 are 1-acre building lots with homes on all of them.

Each of the three building lots has a well and septic with drain field. In all three cases, drain fields were located in Lot 3, the open space lot. Now that Lot 3 is no longer open space, control of these drain fields must be transferred to the three homeowners. One avenue open to Ada County to accomplish this transfer is to adjust the lot lines of Lots 2, 4 and 5 to add sufficient area from Lot 3 to include the home's existing drain field plus sufficient additional acreage to accommodate any future need to replace the existing drain field.

I intend to propose to Ada County just such a property boundary adjustment to accomplish these changes, taking septic field land out of Lot 3 and attaching it to each of the three residential lots. That would leave approximately two acres of Lot 3 available for constructing another home for which it is now entitled. I will also propose a variance to the roadway width requirement for Legacy Lane, as it was constructed as an 18' roadway and current regulations would require it at significant expense to be re-constructed as a 20' roadway.

Ada County requires this neighborhood meeting before I can submit the above requests. Please come join me on November 12 at my home – 4400 W Legacy Lane. I have attached a hand-drawn graphic to illustrate proposed lot line changes.

Thank you!



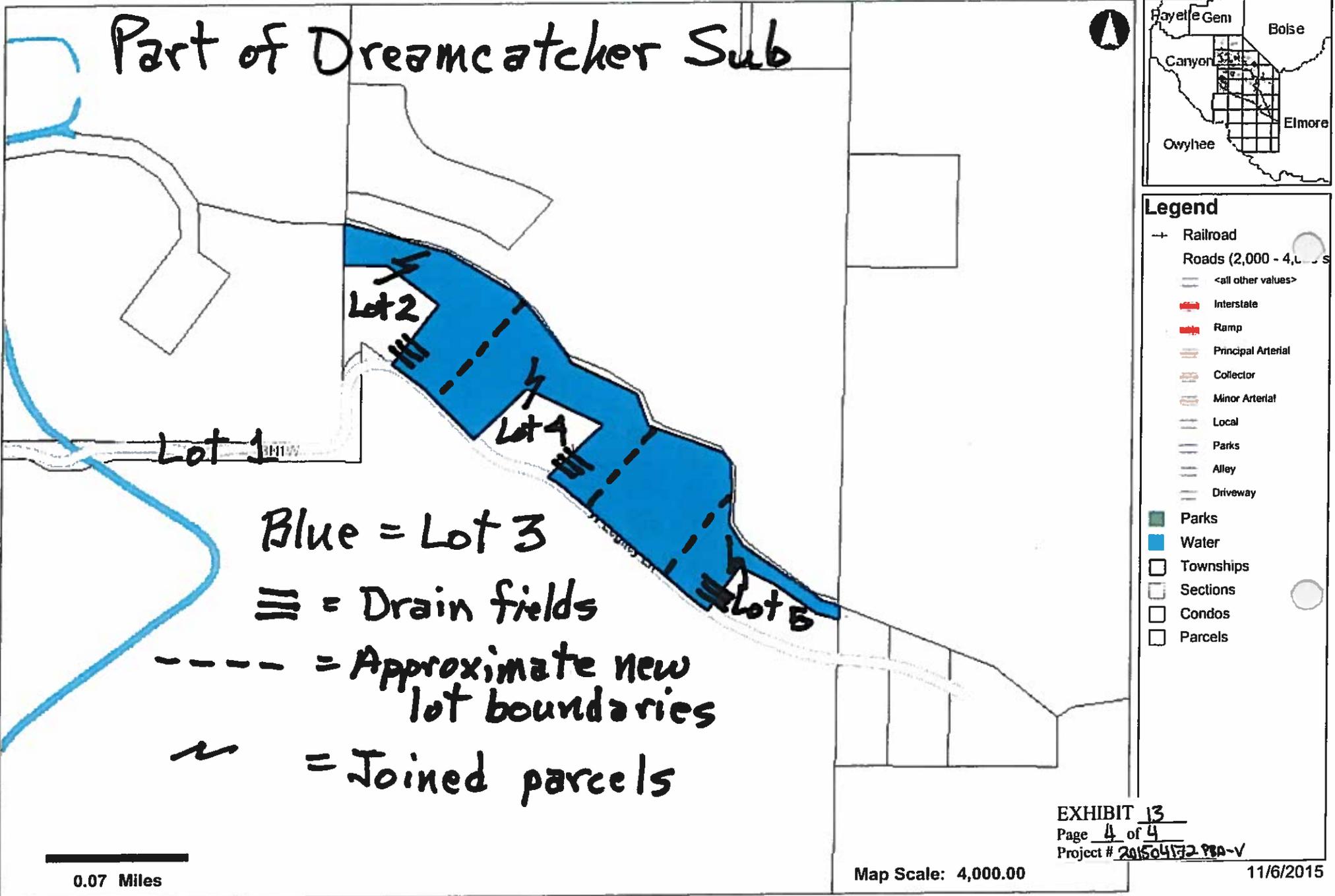
Clair Bowman
208/484-4414
cmbavalon@safelink.net

One attachment

EXHIBIT 13
Page 2 of 4
Project # 201504172 PBA-V

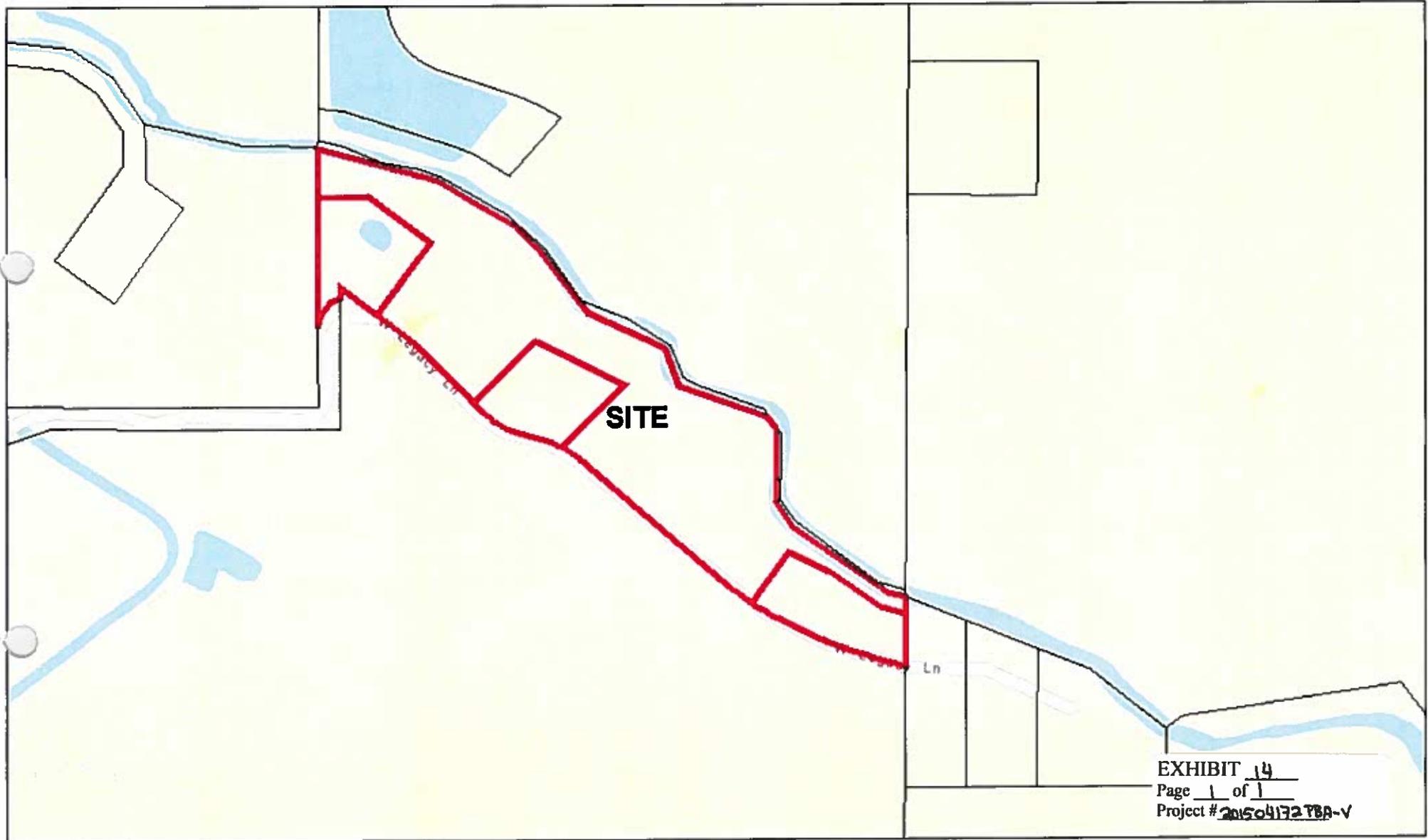
Dreamcatcher Lot 3 Boundary Adjustments
to Lots 2, 4 & 5 and Roadway Variance
November 12, 2015

Name	Address (please add email address)
Chuck Johnson	3655 W LAKE HAZEL rd Meridian
Jack B. Potter	5435 S. Black Rd Meridian
STEVE GLOVER	4050 W. LEGACY LN. MERIDIAN
CARLA GLOVER	
David J. Ferguson	3430 W Late Hazel Rd Meridian
DENNIS DURRANT	8352 S. OLD FARM PL. Meridian





Project #201504172 PBA-V Vicinity Map



Search Results:
Parcels

-  Parcels
-  Parks

0 0.0325 0.065 0.13 Miles

Date: 12/22/2015



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Project #201504172 PBA-V Aerial

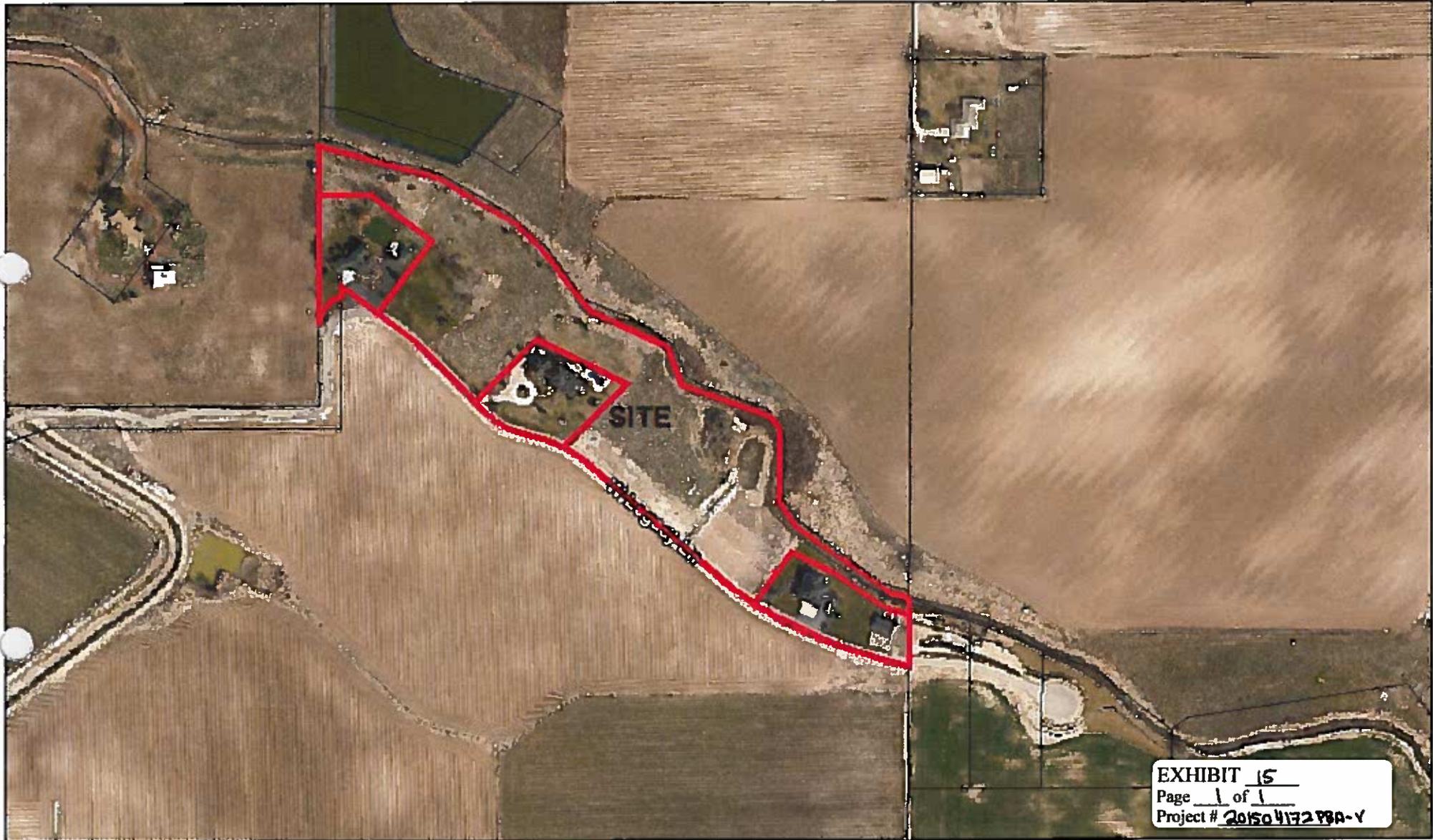


EXHIBIT 15
Page 1 of 1
Project # 201504172 PBA-V

0 0.0325 0.065 0.13 Miles

Date: 12/22/2015

- Search Results: — Major Streets
Parcels
- Parcels
- Street Names
- 🌳 Parks

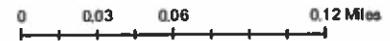


This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



EXHIBIT 16
Page 1 of 1
Project # 201504172 PBA-V

- Search Results: — Major Streets
Parcels
- Parcels  Parks
- Street Names



Date: 12/22/2015



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



ADA COUNTY
Development Services Department

December 22, 2015

Clair Bowman
4400 W. Legacy Ln.
Meridian, ID 83692

RE: PROJECT #201504172 PBA-V, DREAMCATCHER

Dear Mr. Bowman;

This is to notify you that your application has been scheduled to be heard by the Board of Ada County Commissioners on **March 2, 2016**. 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.

The sign is required to be posted ten (10) days in advance of the hearing. If the property is not posted correctly or the certification form is not submitted to Development Services at least seven (7) days prior to the public hearing, the application will be tabled until the next available hearing date. The certification form is available to download on our website at <https://adacounty.id.gov/Development-Services>. The sign is required to be taken down no later than three (3) days after the final decision. If there are multiple hearings on the application, the sign does not need to be taken down between hearings. However, the sign will need to be updated with the new hearing dates as the application goes through the hearing process.

Sincerely,

Handwritten signature of Brent Danielson in cursive.

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

Cc: Jeffrey & Monique Kezar, 4260 W. Legacy Ln., Meridian, ID 83642
Lowell & Carla Glover, 4050 W. Legacy Ln, Meridian, ID 83642

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

EXHIBIT 17
Page 1 of 1
Project # 201504172 PBA-V

Brent Danielson

From: Brent Danielson
Sent: Tuesday, December 22, 2015 9:16 AM
To: chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; carla.bernardi@cableone.biz; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; cmiller@compassidaho.org; tfuller@compassidaho.org; jamie.huff@dhs.gov; danielle.robbs@deq.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; msinglet@intgas.com; mhill@meridiantcity.org; meridianfire@meridiantcity.org; greg.j.martinez@usace.army.mil; greg.j.martinez@usace.army.mil; swidrcd@idahorcd.org; fromm.carla@epa.gov; clittle@achdidaho.org; syarrington@achdidaho.org; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; Jerry Servatius; rkinney@republicservices.com; brandon.w.hobbs@usace.army.mil; jstuber@republicservices.com; Brent Danielson
Cc: Brent Danielson
Subject: Ada County Application Transmittal Notice.



**Ada County Development Services
Planning & Zoning Division Transmittal**

File Number: <u>201504172-PBA / V</u>	X-Reference: NONE
Description: A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide.	
Reviewing Body: BOCC	Hearing Date: 3/2/2016
Applicant: BOWMAN CLAIR	P&Z Recommendation:
Property: The property contains 10.515 acres and is located at 4400 W LEGACY LN MERIDIAN 83642, Section 34 T. 3N, R. 1W.	

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 1/6/2016. 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

MEMORANDUM



DATE: 12/22/2015

RE: 201504172-PBA/V Legacy Lane

TO: Brent Danielson, Associate Planner

FROM: Mark Ferm, Ada County Building Official



Summary of Project:

A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide.

Findings and Conditions:

The Building Division has no objection to the proposed boundary adjustment. However the applicant should be aware that the eighteen foot wide roadway would be contrary to the Idaho State Fire Code and should be reviewed by Meridian Fire.

Conclusion:

Approved as Submitted.

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

markf@adaweb.net

EXHIBIT 19
Page 1 of 1
Project # 201504172 PBA-V



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

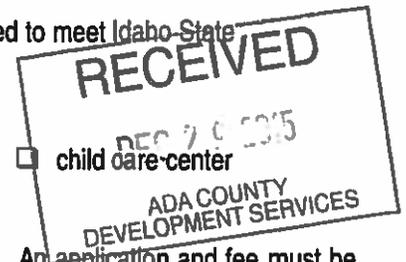
Rezone # 201504172-PBA/V

Conditional Use # _____

Preliminary / Final / Short Plat _____

Sub 34 Dream Catcher Sub

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water waste flow characteristics
 - bedrock from original grade other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
 - central sewage community sewage system community water well
 - interim sewage central water
 - individual sewage individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage community sewage system community water
 - sewage dry lines central water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. We will require plans be submitted for a plan review for any:
 - food establishment swimming pools or spas
 - beverage establishment grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.



14. CDHD Has no objection provided the existing Reviewed By: [Signature]

Septic systems are encompassed to their respective lots and dwelings Date: 12/23/15
And that we are provided with an updated plat
for this subdivision when completed.

EXHIBIT 20
 Page 1 of 1
 Project # 201504172 PBA-V

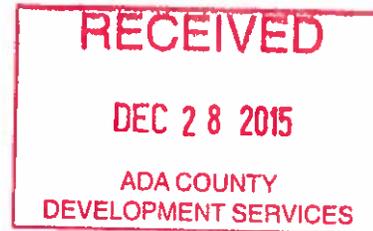
Brent Danielson

From: Dawn Battles <Dbattles@achdidaho.org>
Sent: Monday, December 28, 2015 2:46 PM
To: Brent Danielson
Subject: RE: Ada County Application Transmittal Notice.

We do not have any comments on this application. Have a great day.

Thanks,

Dawn Battles
Planner I
Ada County Highway District
3775 Adams St.
Garden City, ID 83714
Tel:208.387.6218
dbattles@achdidaho.org



"We drive quality transportation for all Ada County-Anytime...Anywhere!"



From: Christy Little
Sent: Tuesday, December 22, 2015 12:53 PM
To: Dawn Battles
Subject: FW: Ada County Application Transmittal Notice.

From: Brent Danielson [<mailto:bdanielson@adaweb.net>]
Sent: Tuesday, December 22, 2015 9:16 AM
To: chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; carla.bernardi@cableone.biz; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; cmiller@compassidaho.org; tfuller@compassidaho.org; jamie.huff@dhs.gov; danielle.robbs@deq.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; msinglet@intgas.com; mhill@meridiancity.org; meridianfire@meridiancity.org; greg.j.martinez@usace.army.mil; greg.j.martinez@usace.army.mil; swidrcd@idahorcd.org; fromm.carla@epa.gov; Christy Little; Stacey Yarrington; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; Jerry Servatius; rkinney@republicservices.com; brandon.w.hobbs@usace.army.mil; jstuber@republicservices.com; Brent Danielson
Cc: Brent Danielson
Subject: Ada County Application Transmittal Notice.



Ada County Development Services
Planning & Zoning Division Transmittal

Description: A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide.

Reviewing Body: BOCC

Hearing Date: 3/2/2016

Applicant: BOWMAN CLAIR

P&Z Recommendation:

Property: The property contains 10.515 acres and is located at 4400 W LEGACY LN MERIDIAN 83642, Section 34 T. 3N, R. 1W.

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 1/6/2016. 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

MEMORANDUM



DATE: December 28, 2015

RE: Recommendation Regarding File 201504172 PBA/V for 4400 W. Legacy Ln., Meridian, ID

TO: Brent Danielson, Associate Planner

FROM: Angela Gilman, Ada County Engineer, and Dale Meyers, Associate County Surveyor

Brent,

Per your request I have reviewed the project referenced above. The documents reviewed include:

- Detailed Letter
- Site Plan
- Site Map

My comments and Conditions of Approval are as follows:

- 1) The extent of the "A" Flood Zone along Mason Creek needs to be depicted and noted on the Record of Survey.
- 2) The "Individual Sewage Disposal Easement Area to Benefit Lots 4 & 5, Block 1" as shown on the recorded plat of Dreamcatcher Sub., affecting Lots 3 Block 1, needs to be shown on the Record of Survey. It may be necessary to vacate a portion of said easement in order to build on the proposed Parcel between Lots 4 & 5 Block 1.
- 3) The variance request to waive the private road width standards doesn't provide sufficient justification to grant the request. Per Ada County Code 8-4D-4.B.2.a, private roads that will provide frontage or access to more than four (4) lots shall have a travelway with a minimum improved width of twenty four feet (24').

Please let me know if you have any questions.

Angela



EXHIBIT 22
Page 1 of 1
Project # 201504172 PBA-V

Angela Gilman

From: Perry Palmer <ppalmer@meridiantcity.org>
Sent: Tuesday, December 29, 2015 1:11 PM
To: Angela Gilman
Subject: RE: Ada County Application Transmittal Notice.

Angie,

I do support your position.
Thanks,
Perry

**Perry Palmer, Deputy Chief of Fire Prevention
Meridian Fire Department
208-888-1234**



Dedication, Loyalty, Tradition

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are confidential and privileged and intended for receipt and use solely by the individual or entity named in this email transmission. If you are not the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Please notify the sender immediately that you have received this message in error and destroy this message.

From: Angela Gilman [mailto:agilman@adaweb.net]
Sent: Tuesday, December 29, 2015 12:04 PM
To: Perry Palmer
Cc: Mark Ferm
Subject: FW: Ada County Application Transmittal Notice.

Hi Perry,

We have an application for a variance on roadway width for a private road. The private road serves 7 lots. It currently has a paved width of 18 ft. We require min 20 ft for 4 lots or less and 24 ft for more than 4 lots. I'm inclined to stick with the requirements of our code, but wanted to get your input as it's in your area to protect. Feel free to email or give me or Mark Ferm a call to discuss. My office # is 287-7925.

Thanks – Happy New Year,

Angie

EXHIBIT 23
Page 1 of 3
Project # 201504172 PBA-V



Ada County 2025

Collaborate. Innovate. Thrive
www.adacounty2025.com

Angela M. Gilman, PE, CFM
County Engineer

Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7925 office
(208) 287-7909 fax

From: Brent Danielson

Sent: Tuesday, December 22, 2015 9:16 AM

To: chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; carla.bernardi@cableone.biz; mreno@cdhd.idaho.gov; lbadigja@cdhd.idaho.gov; cmiller@compassidaho.org; tfuller@compassidaho.org; jamie.huff@dhs.gov; danielle.robbins@deg.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; msinglet@intgas.com; mhill@meridiancity.org; meridianfire@meridiancity.org; greg.i.martinez@usace.army.mil; greg.i.martinez@usace.army.mil; swidrcd@idahorcd.org; fromm.carla@epa.gov; clittle@achdidaho.org; syarrington@achdidaho.org; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; Jerry Servatius; rkinney@republicservices.com; brandon.w.hobbs@usace.army.mil; jstuber@republicservices.com; Brent Danielson

Cc: Brent Danielson

Subject: Ada County Application Transmittal Notice.



Ada County Development Services Planning & Zoning Division Transmittal

File Number: 201504172-PBA / V	X-Reference: NONE
Description: A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide.	
Reviewing Body: BOCC	Hearing Date: 3/2/2016
Applicant: BOWMAN CLAIR	P&Z Recommendation:
Property: The property contains 10.515 acres and is located at 4400 W LEGACY LN MERIDIAN 83642, Section 34 T. 3N, R. 1W.	

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 1/6/2016. 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



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550



DEQ Response to Request for Environmental Comment

Date: 01/06/2016
Agency Requesting Comments: Ada County Development Services
Date Request Received: 12/22/2015
Applicant/Description: 201504172-PBA/V Property Boundary Adjustment

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieq/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

EXHIBIT 24
Page 1 of 4
Project # 201504172-PBA-V

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*
- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- ***Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- ***Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

For questions, contact Dean Ehlert, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.

Sincerely,

Danielle Robbins

Danielle Robbins
danielle.robbs@deq.idaho.gov
Boise Regional Office
Idaho Department of Environmental Quality

C: File # 2105

EXHIBIT 24
Page 4 of 4
Project # 201504172 P&A-V

WILL PATTERSON
CHAIRMAN OF THE BOARD

MAX SVATY
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

12 January 2016

Ada County Development Services
Courthouse
200 West Front Street 2nd floor
Boise, Idaho 83702

RE: Clair Bowman **201504172-PBA / V**
4400 W Legacy Ln, Meridian 83642
Mason Creek Feeder
Sec. 34, T3N, R1W, BM.

Brent Danielson, Associate Planner:

The United States' Mason Creek Feeder lies within the boundary of the above-mentioned location. The easement for this lateral is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 28 feet north and 27 feet south of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping including trees and/or shrubs (other than grass) within its easements, as this will certainly increase our cost of maintenance.

With the above being noted Boise Project does not oppose the proposed plat adjustments or the adjustment of the proposed roadway.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



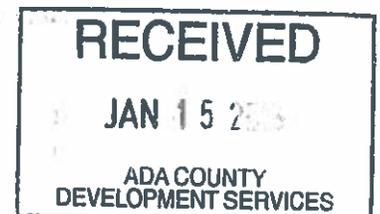
Thomas Ritthaler
Entry Management / GIS

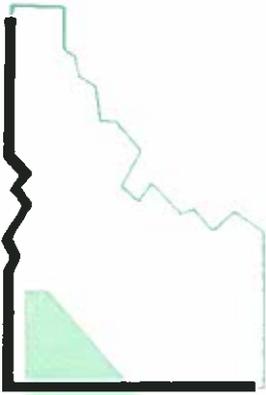
tbr/tr

cc: Clint McCormick
File

Watermaster, Div; 2 BPBC

EXHIBIT 25
Page 1 of 1
Project # 201504172 PBA-V





Nampa & Meridian Irrigation District

RECEIVED
 1503 FIRST STREET
 ADA COUNTY
 DEVELOPMENT SERVICES
 NAMP, IDAHO 83651-4395
 FAX # 208-463-0092

January 14, 2016

Phones: Area Code 208

Ada County Development Services
 200 W Front St.
 Boise, ID 83702-7300

OFFICE: Nampa 466-7861
 SHOP: Nampa 466-0663

RE: 201504172-PBA/ V/ Dreamcatcher Subdivision; 4400 W. Legacy Lane

Dear Development Services:

Nampa & Meridian Irrigation District (NMID) will not comment on the requests regarding lots two through five (2-5) as they border the Mason Creek Feeder Canal operated by the Boise Project Board of Control. Please contact Bob Carter at 208-344-1141, 2463 Overland Road Room 202 Boise, ID 83705-3173 for comments regarding this request.

The private roadway (Lot 1) leading to these proposed lots (2-5) crosses NMID's Burke Canal which has a minimum easement of seventy-five feet (75'); thirty-five feet (35') left, and forty feet (40') right from centerline and must be protected. Any changes to this roadway will require an approval by NMID.

All laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, Nampa & Meridian Irrigation District (NMID) must review drainage plans.

Sincerely,

Greg G. Curtis
 Greg G. Curtis
 Water Superintendent
 Nampa & Meridian Irrigation District
 GGC/gnf

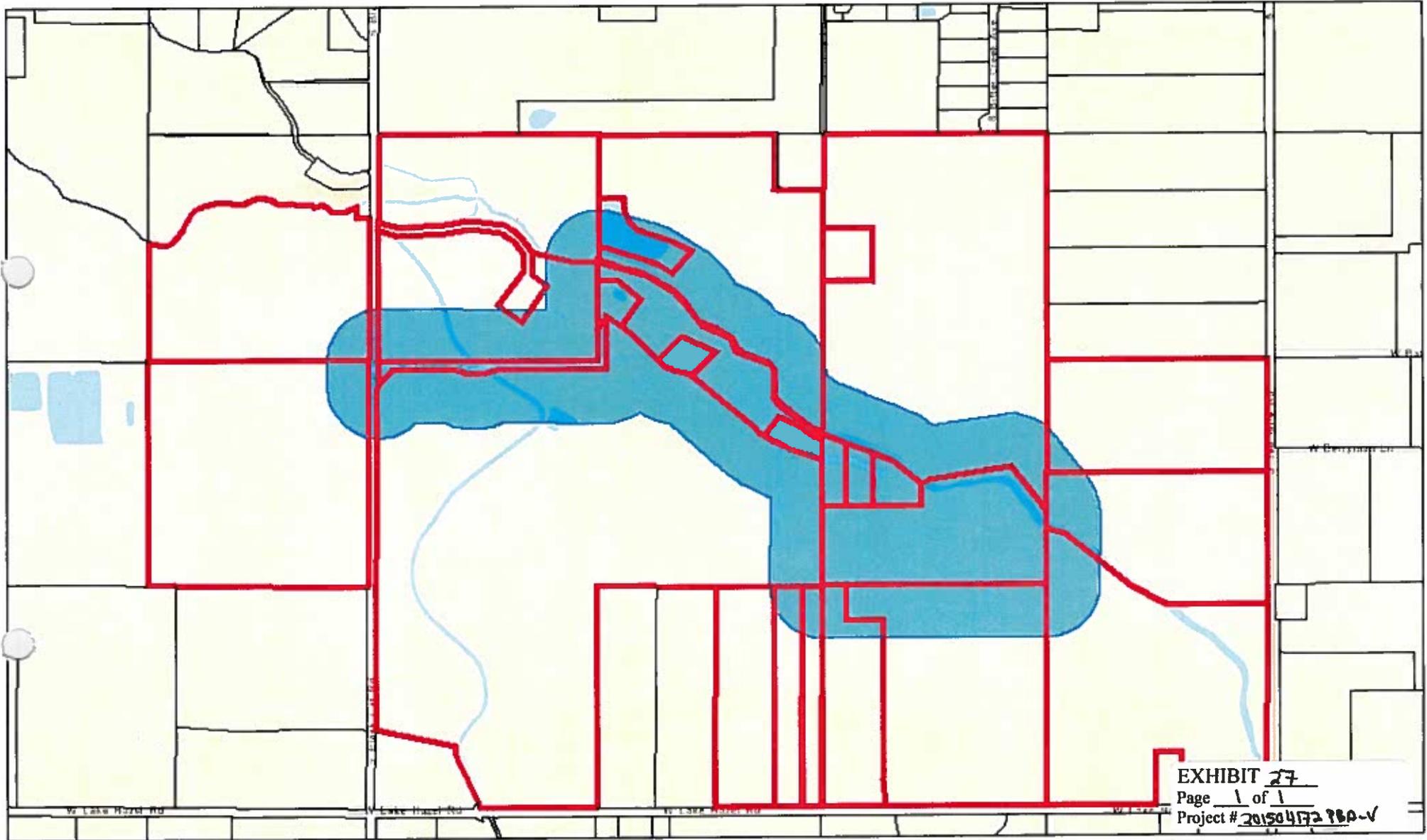
PC: Office/File
 B. Carter, Boise Project Board of Control



EXHIBIT 26
 Page 1 of 1
 Project # 201504172 PBA-V

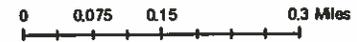
APPROXIMATE IRRIGABLE ACRES
 RIVER FLOW RIGHTS - 23,000
 BOISE PROJECT RIGHTS - 40,000

201504172 PBA-V Radius Map



Search Results:
Parcels

- Parcels
- Parks



Date: 2/4/2016



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

PRIMOWNER

BERGETTE DAVID
BITTERCREEK MEADOWS SUB HOA INC
BLACK CAT DAIRY LLC
BOWMAN CLAIR M & BARBARA L TRUST
COLSON G ALAN &
DREAMCATCHER HOMEOWNERS ASSOCIATI
EDMUNDS JAY C &
FERGUSON DAVID J &
FRENCH CRAIG A
GENTRY RICHARD J JR
GENTRY RICHARD L
GLOVER LOWELL S &
KEZAR JEFFREY R
MANN TERRENCE
POTTER JACK B LIFE ESTATE
RENASCENCE FARM LLC
SCHOOP RENE A &
TATEM BETTY &

SECOWNER

KATHRYN A
NADENE E
SHARON J

CARLA F
KEZAR D MONIQUE

CHERYL K
CLIFFORD

ADDCONCAT

4090 W LAKE HAZEL RD
3891 W DAISY CREEK ST
5655 S BLACK CAT RD
4400 W LEGACY LN
5975 S TEN MILE RD
4400 W LEGACY LN
4100 W LAKE HAZEL RD
3430 W LAKE HAZEL RD
PO BOX 1232
5340 S BLACK CAT RD
5340 S BLACK CAT RD
4050 W LEGACY LN
4260 W LEGACY LN
967 E PARKCENTER BLVD # 335
5435 S BLACK CAT RD
6152 W HALF MOON LN
3822 W LAKE HAZEL RD
5695 S TEN MILE RD

STATCONCAT

MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-6879
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-7106
MOUNTAIN HOME, ID 83647-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
BOISE, ID 83706-0000
MERIDIAN, ID 83642-6803
EAGLE, ID 83616-0000
MERIDIAN, ID 83642-7106
MERIDIAN, ID 83642-0000

ADA COUNTY DEVELOPMENT SERVICES
200 W FRONT ST BOISE ID 83702



February 5, 2016

Dear Property Owner:

LEGAL NOTICE IS HEREBY GIVEN THAT the Board of Ada County Commissioner's will hold a public hearing on **March 2, 2015** at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, to hear the following:

201504172 PBA-V, A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide. The property contains approximately 12 acres and is located at 4050, 4260, and 4400 W. Legacy Lane in Section 34, T. 3N, R. 1W, Meridian, ID.

Contact, Brent Danielson, AICP, Associate Planner, at 287-7913 for more information.

This is an Official Notice of Public Hearing regarding the use of a property near your own. You have been notified because records indicated that you own property near or within **300'** of the applicant's project boundary. You are invited to attend the public hearing and offer your comments for consideration. If you are unable to attend, you may send comments to our office before the hearing date, and they will be entered in the public hearing record.

This application can be viewed by completing the following:

- 1 Type <http://gisx.adaweb.net/acdsv2>
- 2 Enter "**201504172-PBA**" in search application by file number.
- 3 Click on 'Application Information'.
- 4 Review documents by clicking on 'Supporting Documents'.

5 days prior to the hearing you can go to <https://adacountv.id.gov> to view the agenda or staff report.



NOTES:

- This item may not be heard at the scheduled time of 6:00 p.m., as multiple items may be considered during the hearing.
- Video, audio, PowerPoint, or other computer-generated visuals used to present testimony, must be provided to the Planner ½ hour prior to the start of the hearing: file format compatibility cannot be guaranteed.
- Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 or 287-7979 (TDD) three days prior to this public hearing to make arrangements.

EXHIBIT 29
Page 1 of 1
Project # 201504172 PBA-V

LEGAL NOTICE OF PUBLIC HEARING Legal notice is hereby given that the Board of Ada County Commissioners will hold a public hearing on March 2, 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: 201503999-CU-DA-FP-MSP-ZC, NUXOLL MIKE; A Zoning Map Amendment from RSW to M3 with a development agreement. A Conditional Use and Master Site Plan for a Contractor Yard. The property is within the AE and Floodway Flood Zones. The property contains 5 acres and is located at 4501 S. Banner St. Boise, ID 83709 in Section 30, T. 3N, R. 2E Diana Sanders 287-7905. 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. 201504099-CU-MSP, L&R ENVIRONMENTAL; Conditional Use / Master Site Plan Application to operate a Private Septage Disposal Facility. The property contains 160 acres and is located at 1100 W Thompson Rd. Kuna, ID 83634 in Section 15, T. 1N, R. 2E. Diana Sanders 287-7905. 201504172-PBA-V, BOWMAN CLAIR; A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide. The property contains 12 acres and is located at 4050, 4260, 4400 W. Legacy Ln. Meridian ID 83642 in Section 34, T. 3N, R. 1W. Brent Danielson 287-7913 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 on Highway 55 in Sections 7 and 18, T. 5N, R. 2E, Boise, ID. Brent Danielson 287-7913 Staff Reports Available On-Line 5 Days before Hearing Date -

EXHIBIT 30
Page 1 of 2
Project # 201504172 PBA-V

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. BOARD OF ADA COUNTY COMMISSIONERS Mark Perfect Planning & Zoning Administrator Pub. Feb. 16, 2016
Publish Dates: 2/16/2016 -3/1/2016 1

EXHIBIT 30
Page 2 of 2
Project # 201504172 P80-V

Brent Danielson

From: Perry Palmer <ppalmer@meridiancity.org>
Sent: Friday, February 19, 2016 10:57 AM
To: Brent Danielson
Subject: RE: Ada County Application Transmittal Notice.

Follow Up Flag: Follow up
Flag Status: Completed



Brent,

I spoke with the gentleman yesterday about this project. He told me he was just made aware of this and the project was done 18 years ago and was approved back then?? If this was approved and there are no proposed changes, I have some reservations about requiring them to now come into compliance 18 years after the fact. If, on the other hand, they are requesting new lots or revise/change property boundaries or any other substantial changes, then I would agree with the 20 foot minimum (that is the fire code minimum). This is consistent with what we do with developers who make substantial changes; they need to come into compliance with current code.

If I am missing something in all of this please let me know or give me a call for us to discuss.

Thanks,
Perry

Perry Palmer, Deputy Chief of Fire Prevention
Meridian Fire Department
208-888-1234



Dedication, Loyalty, Tradition

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are confidential and privileged and intended for receipt and use solely by the individual or entity named in this email transmission. If you are not the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Please notify the sender immediately that you have received this message in error and destroy this message.

From: Brent Danielson [mailto:bdanielson@adaweb.net]
Sent: Friday, February 19, 2016 9:21 AM
To: Perry Palmer
Subject: RE: Ada County Application Transmittal Notice.

Perry,

I was reviewing the original applications for Dreamcatcher Subdivision and Legacy Lane. It appears that the private road standards back in 1998 when the subdivision and private road was approved required the minimum improved width of

20 feet. The subdivision/private road application (Files 98-26-PDR-NF/98-16-PR). My recommendation to the Board is deny the 2nd variance for relief from the private road standards and I am going to recommend a condition of approval for the property boundary adjustment for the applicant to improve the private road so that the minimum improved width is either 24 feet or 20 feet. If you are comfortable with 20 feet I will draft the condition to be 20 feet; however, if you feel that the road needs to 24 feet I will draft the condition to be 24 feet. Thanks.



Ada County 2025

Collaborate. Innovate. Thrive
www.adacounty2025.com

Brent Danielson, AICP
Associate Planner

Ada County Development
Services
200 W. Front St., Boise, ID 83702
(208) 287-7913 office
(208) 287-7909 fax

<http://www.adacounty2025.com>

From: Perry Palmer [<mailto:ppalmer@meridiacity.org>]
Sent: Wednesday, February 17, 2016 5:08 PM
To: Brent Danielson
Subject: RE: Ada County Application Transmittal Notice.

Brent,

Sure, that is no problem.

**Perry Palmer, Deputy Chief of Fire Prevention
Meridian Fire Department
208-888-1234**



Dedication, Loyalty, Tradition

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are confidential and privileged and intended for receipt and use solely by the individual or entity named in this email transmission. If you are not the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Please notify the sender immediately that you have received this message in error and destroy this message.

From: Brent Danielson [<mailto:bdanielson@adaweb.net>]
Sent: Wednesday, February 17, 2016 4:51 PM
To: Perry Palmer
Subject: FW: Ada County Application Transmittal Notice.

Perry,

Is it okay for me to have your e-mail to Angie as exhibit for my staff report (Project #201504172 PBA-V)? Thanks.



Ada County 2025

Collaborate. Innovate. Thrive
www.adacounty2025.com

<http://www.adacounty2025.com>

Brent Danielson, AICP
Associate Planner

Ada County Development
Services
200 W. Front St., Boise, ID 83702
(208) 287-7913 office
(208) 287-7909 fax

From: Angela Gilman
Sent: Tuesday, December 29, 2015 2:13 PM
To: Brent Danielson
Cc: Mark Ferm; Mark Perfect
Subject: FW: Ada County Application Transmittal Notice.

FYI



Ada County 2025

Collaborate. Innovate. Thrive
www.adacounty2025.com

Angela M. Gilman, PE, CFM
County Engineer
Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7925 office
(208) 287-7909 fax

From: Perry Palmer [<mailto:ppalmer@meridianscity.org>]
Sent: Tuesday, December 29, 2015 1:11 PM
To: Angela Gilman
Subject: RE: Ada County Application Transmittal Notice.

Angie,

I do support your position.
Thanks,
Perry

Perry Palmer, Deputy Chief of Fire Prevention
Meridian Fire Department
208-888-1234



Dedication, Loyalty, Tradition

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are confidential and privileged and intended for receipt and use solely by the individual or entity named in this email transmission. If you are not the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Please notify the sender immediately that you have received this message in error and destroy this message.

From: Angela Gilman [<mailto:agilman@adaweb.net>]
Sent: Tuesday, December 29, 2015 12:04 PM
To: Perry Palmer
Cc: Mark Ferm
Subject: FW: Ada County Application Transmittal Notice.

Hi Perry,

We have an application for a variance on roadway width for a private road. The private road serves 7 lots. It currently has a paved width of 18 ft. We require min 20 ft for 4 lots or less and 24 ft for more than 4 lots. I'm inclined to stick with the requirements of our code, but wanted to get your input as it's in your area to protect. Feel free to email or give me or Mark Ferm a call to discuss. My office # is 287-7925.

Thanks – Happy New Year,

Angie



**Ada County
2025**

Collaborate. Innovate. Thrive
www.adacounty2025.com

Angela M. Gilman, PE, CFM
County Engineer
Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7925 office
(208) 287-7909 fax

From: Brent Danielson
Sent: Tuesday, December 22, 2015 9:16 AM
To: chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; carla.bernardi@cablone.biz; mreno@cdhd.idaho.gov; lbadiqia@cdhd.idaho.gov; cmiller@compassidaho.org; tfuller@compassidaho.org; jamie.huff@dhs.gov; danielle.robbyns@deg.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; msinglet@intgas.com; mhill@meridiacity.org; meridianfire@meridiacity.org; greg.j.martinez@usace.army.mil; greg.j.martinez@usace.army.mil; swidrcd@idahorcd.org; fromm.carla@epa.gov; clittle@achdidaho.org; syarrington@achdidaho.org; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; Jerry Servatius;

Cc: Brent Danielson

Subject: Ada County Application Transmittal Notice.



Ada County Development Services Planning & Zoning Division Transmittal

File Number: [201504172-PBA / V](#)

X-Reference: NONE

Description: A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travelway with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide.

Reviewing Body: BOCC

Hearing Date: 3/2/2016

Applicant: BOWMAN CLAIR

P&Z Recommendation:

Property: The property contains 10.515 acres and is located at 4400 W LEGACY LN MERIDIAN 83642, Section 34 T. 3N, R. 1W.

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 1/6/2016. 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

RECEIVED

FEB 23 2016

ADA COUNTY
DEVELOPMENT SERVICES

Sign Posting Certification

ADA COUNTY DEVELOPMENT SERVICES, 200 W Front Street, Boise, Idaho 83702

www.adaweb.net | (208) 287-7900

GENERAL INFORMATION:

You must post the property at least ten (10) days prior to the scheduled public hearing. The Certification form must be submitted at least seven (7) days prior to the scheduled public hearing. Please review Section 8-7A-5 of the Ada County Code for all sign posting requirements.

Please attach dated photographs of each sign with the certification.

PROJECT INFORMATION:

Location:	Quarter: <u>3N</u>	Section: <u>1W</u>	Township: <u>34</u>	Range:	Total Acres: <u>12</u>
Project Name:	<u>Variance for lot line adjustment and private road width</u>			Lot: <u>2, 3, 4 & 5</u>	Block: <u>1</u>
Site Address:	<u>4050, 4260, 4400 E. 00 W. Legacy Ln Meridian ID</u>			Tax Parcel Number(s):	
File Number:	<u>201504172 PBA-V</u>			Date Posted: <u>2/18/2016</u>	

APPLICANT:

Name:	<u>Clair Bowman</u>		
Address:	<u>4400 W. Legacy Ln</u>		
City:	<u>Meridian</u>	State:	<u>ID</u>
Telephone:		Zip:	<u>83612</u>
		Fax:	

I certify that the property was posted at least ten (10) days prior to the scheduled public hearing and have attached dated photographs of each sign in accordance with Section 8-7A-5 of the Ada County Code.

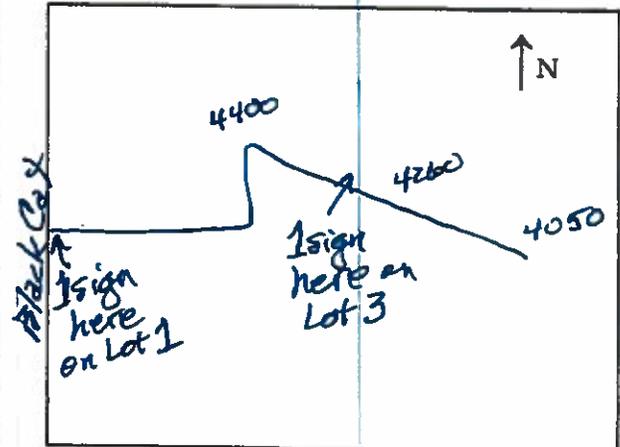
Clair M. Bowman

2/23/16

Signature: (Applicant)

Date

Please draw a diagram of sign location(s) on the property



OFFICE USE ONLY

File No.: 201504172 PBA-V Received By: Brent

Date: 2/23/2016

Stamped:

EXHIBIT 32

Page 1 of 5

Project # 201504172 PBA-V

RECEIVED

FEB 23 2016

ADA COUNTY
DEVELOPMENT SERVICES

ADA COUNTY PUBLIC HEARING NOTICE

BOARD OF ADA COUNTY COMMISSIONERS

WHEN: ADA COUNTY will hold a public hearing on March 2, 2016 at 6:00pm in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID.

PURPOSE: A property boundary adjustment between common property lines of four (4) platted lots. Variance seeking relief from substantial conformance, to allow for the property boundary adjustment to have a deviation greater than 25%. A second variance to grant relief from a development standard for private roads, to allow for the private road to have a travel-way of 18 ft. instead of 24 ft.

PROPERTY SIZE & LOCATION: The property contains approximately 12.5 acres and is located 4050, 4260 and 4400 W. Legacy Lane, Meridian, ID; Section 34, T 3N, R. 1W.

APPLICATION BY: Clair Bowman

Project # 201504172 PBA-V; Planner: Brent Danielson 287-7913

EXHIBIT 32
Page 2 of 5
Project # 201504172 PBA-V

RECEIVED

FEB 7 3 2016

ADA-COUNTY
DEVELOPMENT SERVICES

ADA COUNTY PUBLIC HEARING NOTICE

BOARD OF ADA COUNTY COMMISSIONERS

WHEN: ADA COUNTY will hold a public hearing on March 2, 2016 at 6:00pm in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID.

PURPOSE: A property boundary adjustment between common property lines of four (4) platted lots. Variance seeking relief from substantial conformance, to allow for the property boundary adjustment to have a deviation greater than 25%. A second variance to grant relief from a development standard for private roads, to allow for the private road to have a travel-way of 18 ft. instead of 24 ft.

PROPERTY SIZE & LOCATION: The property contains approximately 12.5 acres and is located 4050, 4260 and 4400 W. legacy Lane, Meridian, ID: Section 34, T. 3N, R. 1W.

APPLICATION BY: Clair Bowman

Project # 201504172 PBA-V; Planner: Brent Danielson 287-7913

EXHIBIT 32

Page 3 of 5

Project # 201504172 PBA-V

RECEIVED

FEB 23 2016

ADA COUNTY
DEVELOPMENT SERVICES

ADA COUNTY PUBLIC HEARING NOTICE

BOARD OF ADA COUNTY COMMISSIONERS

WHEN: ADA COUNTY will hold a public hearing on March 2, 2016 at 6:00pm in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID.

PURPOSE: A property boundary adjustment between common property lines of four (4) platted lots. Variance seeking relief from substantial conformance, to allow for the property boundary adjustment to have a deviation greater than 25%. A second variance to grant relief from a development standard for private roads, to allow for the private road to have a travel-way of 18 ft instead of 24 ft.

PROPERTY SIZE & LOCATION: The property contains approximately 12.5 acres and is located 4050, 4260 and 4400 W. Legacy Lane, Meridian, ID. Section 84, T. 8N, R. 1W.

APPLICATION BY: Blair Bowman

Project # 201504172 P&A-V; Planner: Brent Danielson 287-7913

EXHIBIT 32
Page 4 of 5
Project # 201504172 P&A-V

RECEIVED

FEB 23 2016

ADA COUNTY
DEVELOPMENT SERVICES

ADA COUNTY PUBLIC HEARING NOTICE

BOARD OF ADA COUNTY COMMISSIONERS

WHEN: ADA COUNTY will hold a public hearing on March 2, 2016 at 6:00pm in the Commissioners' Main Hearing Room # 1235, on the first floor, 200 W. Front Street, Boise, ID.

PURPOSE: A property boundary adjustment between common property lines of four (4) platted lots. Variance seeking relief from substantial nonconformance, to allow for the property boundary adjustment to have a deviation greater than 25%. A second variance to grant relief from a development standard for private roads, to allow for the private road to have a travel way of 18 ft. instead of 24 ft.

PROPERTY SIZE & LOCATION: The property contains approximately 12.5 acres and is located 4050, 4260 and 4400 W. Legacy Lane, Meridian, ID: Section 34, T: 8N, R: 1W.

APPLICATION BY: Dale Bowman

Project #: 20150472 PBA-V; **Planner:** Brent Baillinger 287-7913

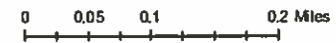


Ada County Development Services



EXHIBIT 33
 Page 1 of 1
 Project # 201504172 PBA-V

- | | | |
|--------------------|-------------|----------|
| Parcels | EAGLE | MERIDIAN |
| City Limits | GARDEN CITY | STAR |
| BOISE | KUNA | Parks |



Date: 3/1/2016



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Brent Danielson

From: Perry Palmer <ppalmer@meridiancity.org>
Sent: Wednesday, March 02, 2016 8:22 AM
To: Brent Danielson
Subject: Claire Bowman Property

Hi Brent;

Let me first apologize for this letter being late to you. For some reason it went into my draft folder when I thought I had sent it to you.

I know you have had conversations with Mr. Bowman as have I about his property on Legacy Lane off of South Black Cat. As I stated earlier, I understand if your process coupled with his request would trigger a need to come into compliance with current code. That said, we did approve the road as currently built (right, wrong or otherwise) 18 years ago. I still support that approval and as built it will satisfy our needs. It would not be the fire districts intent to impose the burden and cost of improving the driveway beyond what was approved previously. I do however, recognize that your process with the other variables at play (adjustments, variances, etc.) may bring the improvements into play that we have no bearing.

Please feel free to call me if you want or need to discuss this further.

Thanks Brent,
Perry

**Perry Palmer, Deputy Chief of Fire Prevention
Meridian Fire Department
208-888-1234**



Dedication, Loyalty, Tradition

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are confidential and privileged and intended for receipt and use solely by the individual or entity named in this email transmission. If you are not the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Please notify the sender immediately that you have received this message in error and destroy this message.

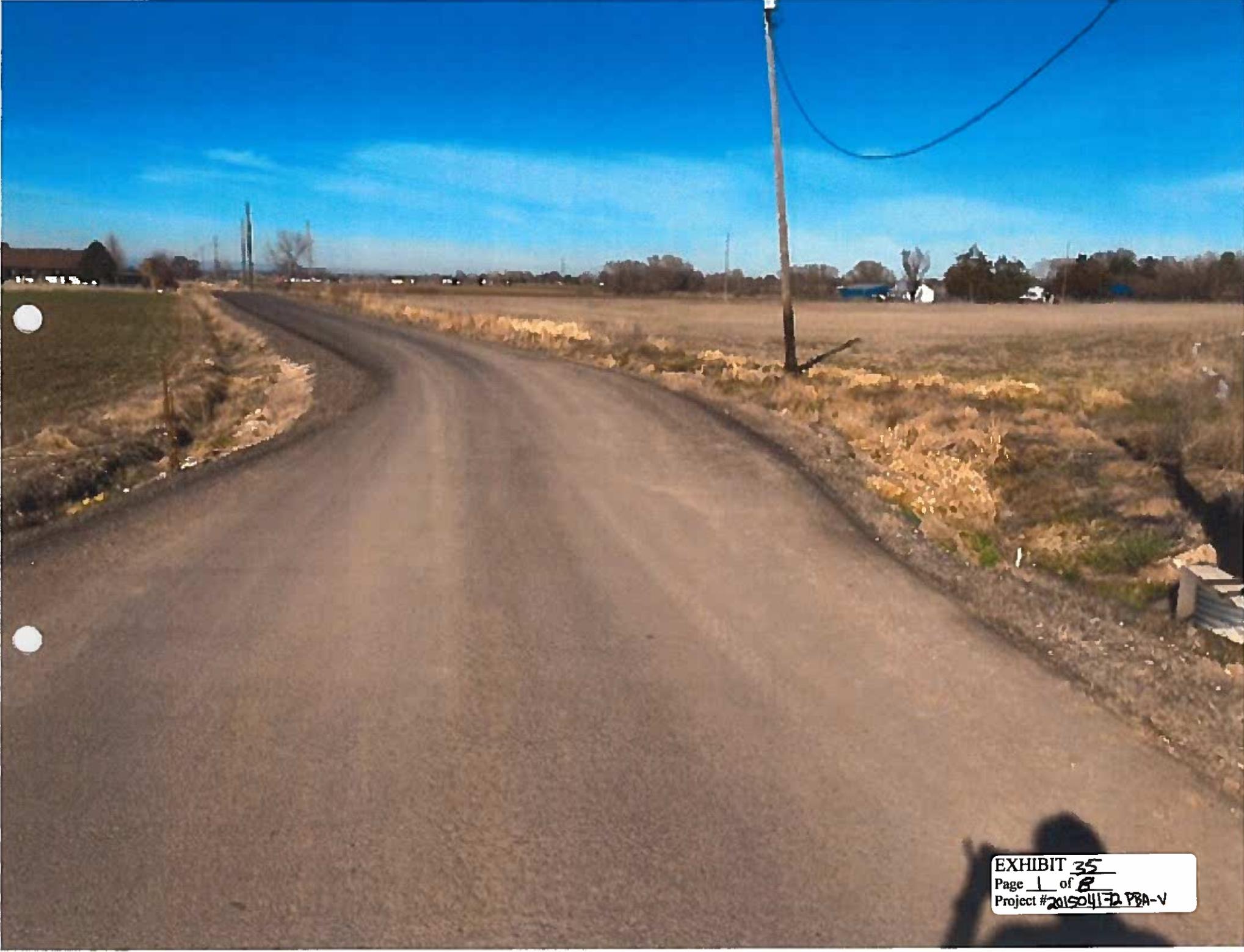


EXHIBIT 35
Page 1 of 8
Project # 201504172 PBA-V



EXHIBIT 35
Page 2 of 8
Project # 201504172 PBA-V



EXHIBIT 35
Page 3 of 8
Project # 201509172 PBA-V



EXHIBIT 35
Page 4 of 8
Project # 201904172 PBA-V

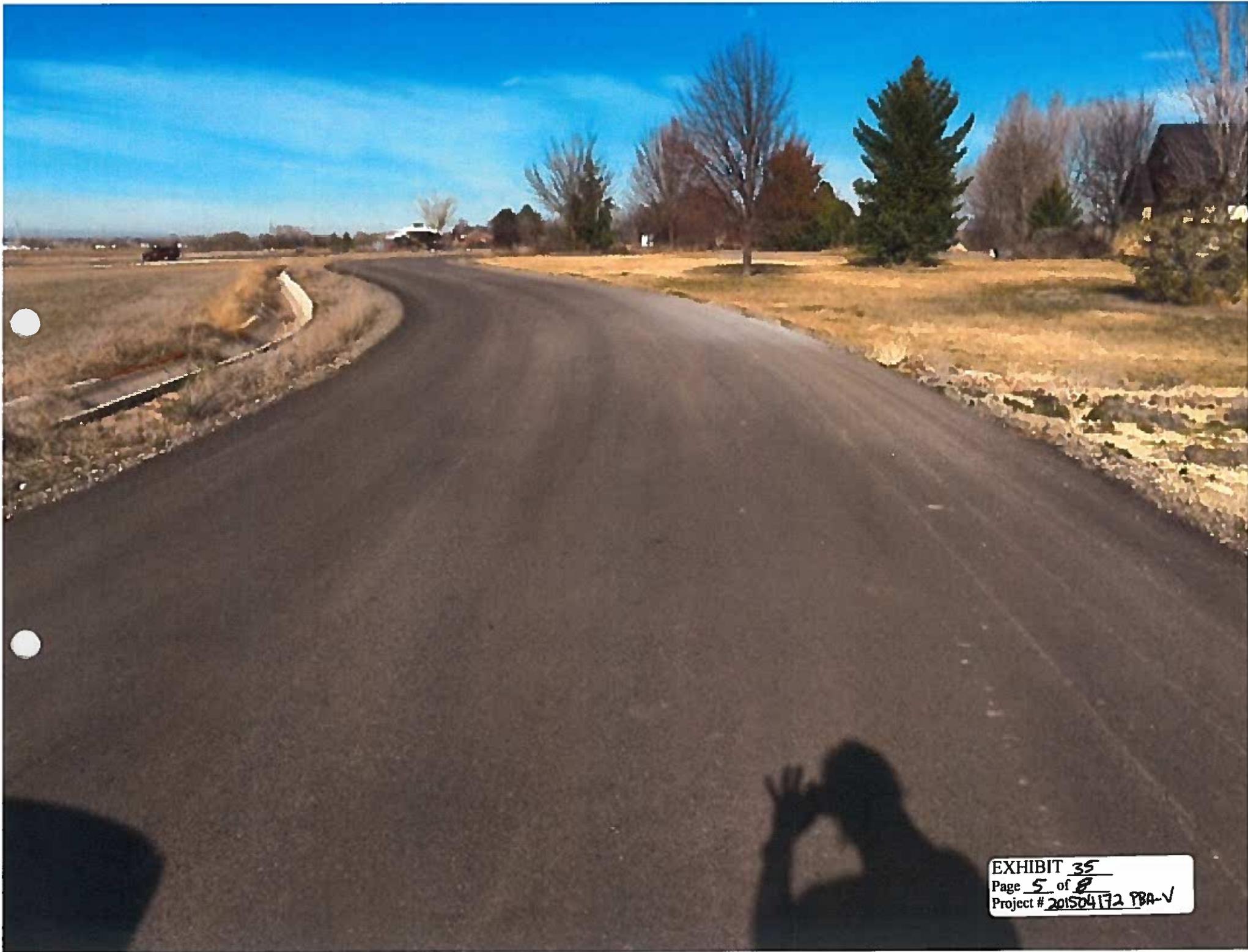


EXHIBIT 35
Page 5 of 8
Project # 201504172 PBA-V

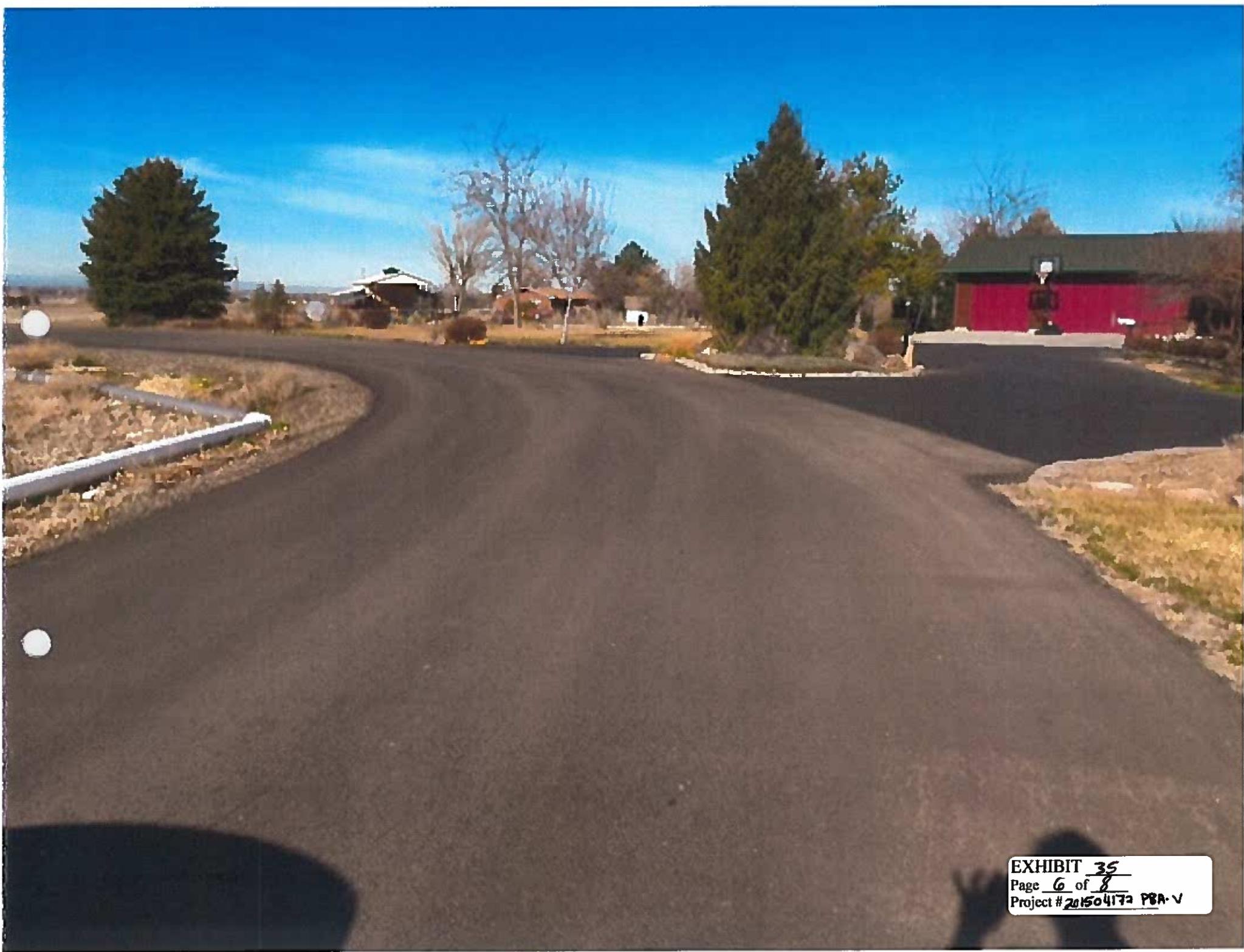


EXHIBIT 35
Page 6 of 8
Project # 20150417a PBA-V



EXHIBIT 35
Page 7 of 8
Project # 201504172 PBA-V



EXHIBIT 35
Page 8 of 8
Project # 201504172 PBA-V

Brent Danielson

From: Angela Gilman
Sent: Wednesday, March 02, 2016 12:17 PM
To: Brent Danielson; Mark Perfect
Subject: legacy

Guys,

The first portion of Legacy would difficult to widen much as it drops off quickly. Beyond the bridge, which is 20' wide, it could easily be widened. Perry and I agreed that widening with compacted gravel would be suitable. It has to be a drivable surface capable of bearing the weight of a fire truck. I would recommend we request that the applicant widen to 20' with asphalt or with an approved alternative drivable surface. Let me know if you need anything else.

Thanks,

Angie



Ada County
2025

Collaborate. Innovate. Thrive
www.adacounty2025.com

Angela M. Gilman, PE, CFM
County Engineer
Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7925 office
(208) 287-7909 fax

Brent Danielson

From: Mark Niemeyer <mniemeyer@meridiantcity.org>
Sent: Friday, March 04, 2016 10:38 AM
To: Clair Bowman
Cc: Brent Danielson
Subject: Bowman property- Legacy Lane

RECEIVED
MAR 04 2016
ADA COUNTY
DEVELOPMENT SERVICES

Mr. Bowman and Mr. Danielson-

I am writing to you as the Fire Chief, having final authority per the adopted Fire Code for the Meridian Fire Department, regarding the road surface conditions on W. Legacy Lane. We understand Mr. Bowman is requesting a lot line adjustment for one or more of the lots, which has triggered a discussion regarding road widths. The road widths and base material were approved by the Meridian Fire Department via then Fire Chief Kenny Bowers, and were subsequently approved by ACHD. Since that time, we have responded to various locations on W. Legacy Lane without difficulty or issue. Our current Fire Marshall, Perry Palmer, has also physically visited the site and has informed me the current condition of the road meets our needs to respond multiple apparatus without difficulty or obstruction. I was also informed the current width and shoulders would be sufficient to allow for a large fire apparatus and oncoming vehicle to pass one another. Based on this information, our Department's official position is no additional improvements are needed to accommodate the Fire Department response on W. Legacy Lane.

In also taking this position, I want to offer full transparency. As you may or may not know, Mr. Bowman is a Meridian Rural Fire District Commissioner. As I explained to Mr. Bowman during a recent meeting on the issue, I am treating his issue without any regard to his position as a Commissioner. We evaluate issues based on the facts, and provide the most reasonable solution regardless of the person or persons involved. I will attest we have evaluated and treated this issue no different than any other based on the specific circumstances involved.

Please feel free to contact me with any questions-

Sincerely,
Mark Niemeyer

Mark Niemeyer, Fire Chief
Meridian Fire Department
208-888-1234



"Dedication, Loyalty, Tradition"

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are confidential and privileged and intended for receipt and use solely by the individual or entity named in this email transmission. If you are not the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Please notify the sender immediately that you have received this message in error and destroy this message.

EXHIBIT 37
Page 1 of 1
Project # 201504172 PBA-V

Brent Danielson

From: Steve Glover <snvglover@q.com>
Sent: Thursday, March 10, 2016 9:01 AM
To: Brent Danielson
Subject: Bowman Application Package 201504172-PBA
Attachments: 4050 Easement Agreement copy.pdf; ATT00001.htm; Lot Revised Boundaries.pdf; ATT00002.htm

Brent,

Thanks for your promptness in sending me the information I requested last week. That was very helpful. The fact that there is no mention of our easement agreement in the application package is troublesome to us.....and a big deal. I'm attaching the recorded easement agreement that we have with Mr. Bowman. While I'm all for the property boundary adjustments, we have no intention of settling on the property boundary adjustments that give up our easement property rights. I'm also attaching a PDF file of what Mr. Bowman has proposed versus what the record of survey for the easement depicts. As you can see there is a difference between the two.

Steve Glover



EXHIBIT 38
Page 1 of 16
Project # 201504172 PBA-V

0300016307 SDI
RECEIVED
MAR 10 2016
ADA COUNTY
DEVELOPMENT SERVICES

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/11/03 04:23 PM
DEPUTY Kathy Ingraham
RECORDED - REQUEST OF
Transaction Title
AMOUNT 42.00

103204251

17
14 17

TRAIL/BOWMAN EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made and entered into effective this 8th day of November 2003, by the CLAIR M. AND BARBARA L. BOWMAN TRUST UNDER TRUST AGREEMENT DATED MARCH 23, 1993 ("Bowman Trust"), and Mark and Rhonda Trail, husband and wife (the "Trails").

RECITALS:

- I. The Bowman Trust is the owner of certain real property located in Ada County, Idaho, legally described as Lot 3, Block 1 of the Dreamcatcher Subdivision recorded as Instrument No. 100044902 in Book 80 of Plats at pages 8639, 8640, and 8641 ("Bowman Property"). The Dreamcatcher Subdivision shall be referred to herein as "Subdivision".
- II. The Trails are the owners of certain real property located in Ada County, Idaho, legally described as Lot 5, Block 1 of the Subdivision ("Trail Property").
- III. The Subdivision has certain development restrictions, imposed by the Board of Ada County Commissioners, which are attached hereto as Exhibit A and made a part of this Agreement ("Development Restrictions"), including but not limited to, a prohibition on development on the Bowman Trust Property until at least June 9, 2015.
- IV. The Bowman Trust desires to grant to the Trails a perpetual, exclusive easement on, over, across and through a portion of the Bowman Property (the "Easement Parcel"). The Easement Parcel is legally described in Exhibit B, which is attached and made a part of this Agreement.
- V. The Bowman Trust desires to provide to the Trails the right to convert this easement interest in the Easement Parcel to fee simple title ownership of the Easement Parcel until December 31, 2020, based on the terms and conditions herein.

NOW, THEREFORE, in consideration of the above recitals that are incorporated below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- A. **GRANT OF EASEMENT:** The Bowman Trust hereby grants to the Trails, subject to the terms and conditions contained herein, a perpetual, exclusive easement on, over, across and through the Easement Parcel for open space usages, pasture usages, and/or passive landscaping, lawn-related activities and for the purpose of creating a visual screening provided that all activities are in compliance with the Development Restrictions and applicable governmental laws and ordinances ("Allowed Uses").
- B. **USE OF EASEMENT:** The Trails may use the Easement Parcel for the purposes described in Section 1. However, the Trails agree and covenant that the Easement Parcel shall be only used for activities which comply with (i) the Allowed Uses (ii) the Development Restrictions; (iii) the terms and conditions of the Dreamcatcher Subdivision Conditions, Covenants and Restrictions, recorded in the records of the county recorder's office of Ada County, Idaho as Instrument

No. 100090308 as the same may be amended from time to time ("CCRs"), and (iv) all applicable government standards.

- C. EASEMENT PARCEL IMPROVEMENTS/MAINTENANCE:** Subject to the terms and conditions contained herein, the Trails may landscape the Easement Parcel, and shall repair, replace and maintain the Easement Parcel at their sole cost and expense. The Trails acknowledge and agree that their landscaping improvements on the Easement Parcel shall comply with (i) the Allowed Uses (ii) the Development Restrictions, (iii) all of the terms and conditions of CCRs and (iv) all applicable government standards.
- D. CONVERSION TO OWNERSHIP:** Subject to the Development Restrictions and the terms and conditions contained herein, the Trails shall have the right to convert their easement interest to fee simple ownership of the Easement Parcel subject to the following terms and conditions: The Trails, at their sole cost and expense, obtain a lot line adjustment for (or replat of) Lots 3 and 4, Block 1 of the Subdivision approved by all appropriate governmental entities and by the Bowman Trust ("Lot Line Adjustment"). It is the intent of the parties to work together to obtain the Lot Line Adjustment. The Bowmans will use their best efforts to help the Trails obtain a Lot Line Adjustment. However, the Trails acknowledge that obtaining a Lot Line Adjustment is not guaranteed and will not hold the Bowman Trust responsible in any way for failure to obtain a Lot Line Adjustment. If the Trails do not obtain a Lot Line Adjustment by December 31, 2020, the Trails' right to convert the Trails' easement interest in the Easement Parcel into fee simple title ownership of the Easement Parcel shall terminate and the Trails shall have only the easement interest described herein.
- E. BINDING EFFECT:** All of the easements, covenants, conditions and declarations contained herein shall run with the land, be appurtenant to, and inseparable from, the Trail Property and are binding upon and inure to the heirs, successors and assigns of the parties hereto.
- F. EXCLUSIVE RIGHT:** The easement established, granted and conveyed under this Agreement is for the exclusive use and benefit of the Trail Property, and its owners' respective guests and invitees. This Agreement is not intended to confer any benefit or right upon the general public.
- G. REMEDIES:** In the event of a breach of this Agreement by any party, the non-breaching party shall have all remedies available at law or in equity, including injunctive or other equitable relief. In any suit, action or appeal to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred, including reasonable attorneys' fees and disbursements, and also including reasonable attorney's fees and costs associated with any appeal of a judgment.
- H. TAXES:** The Trails shall be responsible for all taxes due and payable relating to the Easement Parcel. The amount of taxes shall be a proportionate amount of

the taxes due on the entire acreage (land value only) of the Bowman Property compared to the acreage of the Easement Parcel.

- I. **INDEMNITY:** The Trails shall have the same responsibility as would the fee simple owner of the Easement Parcel and shall indemnify, defend and hold the Bowmans, their successors, assigns and agents, harmless from any and all claims, liability, losses, costs, charges, or expense which the Trails may incur as a result of any act or omission of the Trails' use of the Easement Parcel, or the Trails' attempt to obtain a Lot Line Adjustment under this Agreement. The Trails agree and covenant that the Trails will not damage the Easement Parcel or violate any applicable laws or government standards which apply to the Easement Parcel, including but not limited to, environmental laws.
- J. **INSURANCE:** The Trails shall name the Bowman Trust as an additional insured on their existing homeowners' insurance policy regarding the Trails' activities on the Easement Parcel pursuant to this Agreement. The policy shall contain an endorsement providing thirty (30) days' notice to all named additional insureds before change or cancellation of the policy.
- K. **NOTICE:** All notices, demands, requests and other communications required or desired to be given hereunder ("Notice") shall be in writing and shall be deemed delivered on the earlier of (i) posting of registered or certified mail, addressed to the addressee at its address set forth below or at such other address as such party may have specified theretofore by notice delivered in accordance with this Section, (ii) attempted delivery or refusal to accept delivery if sent by courier or other personal delivery service, or (iii) actual receipt by the addressee regardless of the method of delivery.

If to the Bowman Trust: Clair M. Bowman and Barbara L. Bowman
4400 W. Legacy Lane
Meridian, Idaho 83642-6879

If to the Trails: Mark and Rhonda Trail
1280 S. Cloverdale Road
Boise, Idaho 83709

- L. **MODIFICATION:** This Agreement shall not be modified unless expressly agreed to in writing by the Bowman Trust and the Trails, or their successors or assigns.
- M. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof. There are no representations or covenants between the parties not set forth herein that modify the terms of this Agreement. This Agreement supersedes any and all prior written and oral agreements between the parties (or their predecessors) concerning the subject matter of this Agreement. [end of text]

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed the day and year first above written.

THE CLAIR M. AND BARBARA L. BOWMAN TRUST
UNDER TRUST AGREEMENT DATED MARCH 22, 1993:

Clair M. Bowman Trust
CLAIR M. BOWMAN, TRUSTEE

Barbara L. Bowman, Trustee
BARBARA L. BOWMAN, TRUSTEE

TRAILS:

Mark Trail
MARK TRAIL

Rhonda Trail
RHONDA TRAIL

EXHIBIT A

Development Restrictions

EASEMENT AGREEMENT - 6
C:\DOCUMENTS AND SETTINGS\CLAIR BOWMAN\MY DOCUMENTS\DREAMCATCHER\DREAMCATCHER SALES
DOCUMENTS\TRAIL EASEMENT AGREEMENT.DOC

EXHIBIT 38
Page 7 of 16
Project # 201504172 PBA-V



ADA COUNTY

COMMISSIONERS
OFFICE
650 Main Street
Boise, Idaho 83702
(208) 364-2333
Fax 364-2331

Frank Walker
Commissioner, First District

Roger Simmons
Commissioner, Second District

Vernon L. Bisterfeldt
Commissioner, Third District

December 17, 1998

Clair & Barbara Bowman
David & Sharon Ferguson
5600 S. Black Cat Road
Meridian ID 83642

RE: 98-26-PDR-NF DREAMCATCHER SUB

Dear Applicant:

This is to notify you of the action taken by the Board of Ada County Commissioners (hereinafter Board) on the above captioned application.

The Board voted (3-0) at their December 16, 1998 public hearing to **approve** 98-26-PDR-NF. The Board reached this determination based on the Findings of Fact and Conclusions of Law contained in the staff report. The Board's approval is subject to the Conditions of Approval attached to this letter.

If you should have any questions, please contact the Development Services Department at 364-2277.

Sincerely,

BOARD OF ADA COUNTY COMMISSIONERS

Handwritten signature of Vernon L. Bisterfeldt in cursive.
Vernon L. Bisterfeldt, Chairman

Handwritten signature of Frank Walker in cursive.
Frank Walker, Commissioner

Handwritten signature of Roger Simmons in cursive.
Roger Simmons, Commissioner

BOCC/DF/dd

Enclosure

EXHIBIT 38
Page 8 of 16
Project # 201504172 PRA V

EXHIBIT A

**CONDITIONS OF APPROVAL
FILE # 98-26-PDR-NF/98-16-PR
DREAMCATCHER SUBDIVISION**

STANDARD REQUIREMENTS

1. The final plat must be approved by the Board of County Commissioners within twenty-four (24) months of the Board of County Commissioner's approval of the preliminary plat, unless a time extension is granted as per Ada County Code Section 8-9-3C7. Consecutive phases of phased projects shall be platted within one (1) year of the approval date of the final plat of the prior phases by the Board as per Ada County Code Section 8-9-3C7b.
2. The final plat shall be in conformance with Section 8-10-14-3 of the Ada County Code.
3. The approved final plat must be recorded with the County Recorder's Office within one (1) year of the Board of County Commissioner's approval per Ada County Code Section 8-12-10A.
4. No building permits will be issued until the final plat is recorded, parcel numbers are issued by the County Assessors office, and all required improvements have been constructed and approved by the appropriate authority or a surety agreement and performance bond have been posted and accepted by the Director.
5. All street and subdivision names shall be approved by the Ada County Street Name Committee prior to submitting the final plat for approval.
6. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to obtain a permit, contact Ada County Highway District Development Services at 345-7662. Your application File # 98-26-PDR-NF/98-16-PR is required.
7. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
8. Installation of fire protection facilities as specifically required by the Meridian City-Rural Volunteer Fire Department is required.
9. The applicant shall comply with all requirements of the Central District Health Department.
10. Installation of service facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground. All utility easements shall comply with Section 8-10A-6 of the Ada County Code. All utility easements shall be shown on the final plat.
11. All site improvements are prohibited prior to approval of the preliminary development plan, approval of the surface runoff drainage plan by the Ada County Engineer, and the approval of the appropriate public agencies having jurisdiction over the facility being constructed.

12. The development standards (including lot coverage, building heights, setback requirements, and street frontage) of the RR Zone shall be used for the development of this parcel, unless otherwise stated.

REQUIRED SUBMITTALS

13. Prior to the approval of the final plat, the applicant shall submit to Development Services written approval from the following agencies. The approval may be either on agency letterhead referring to the approved plan or may be written/stamped upon a copy of the approved plans.
- a) Boise Project Board of Control (approval of irrigation plan).
 - b) Meridian City-Rural Volunteer Fire Department (approval of private road).
 - c) Ada County Engineer (approval of private road).
14. A drainage design plan and any subsequent revisions shall be submitted to and approved by the Ada County Engineer prior to submittal of the Final Plat. The drainage design plan shall include, but is not limited to, the following: identification of high ground water areas, poorly drained areas, and areas being developed over soils with poor drainage characteristics, poor soil-bearing capacity, hydric soils, liquefaction and soil strength loss. These areas shall be identified on the drainage plans and specific measures included in the design to overcome the adverse effects of these characteristics (i.e., concentration of ground water in building crawl spaces, subsidence of foundations, etc.). The plan shall comply with Section 2905, Foundation Investigation, of the Uniform Building Code (1997 Edition) as adopted by Ada County. Special submittals including a site specific geotechnical report may be required by the Ada County Engineer. The drainage design plan shall be prepared and submitted by a Professional Engineer licensed in the State of Idaho.

The construction of drainage improvements, including site grading, shall not begin prior to approval of the drainage design plans by the Ada County Engineer. As-built drawings, acceptable to the County Engineer in form and substance, shall be submitted prior to final approval of the drainage improvements.

Prior to acceptance of a final plat by the County Engineer the above conditions must be satisfied and all drainage improvements completed, and inspected, and approved by the County Engineer, except where bonding is provided. Please contact the County Engineer at (208) 364-2277 for fee and application information (your file number 98-26-PDR will be required).

PLAT STATEMENTS

15. The following statements shall appear on the face of the final plat:
- a) This development recognizes Section 22-4503 of the Idaho Code, Right to Farm Act, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."
 - b) Lots 3 & 9, Block 1 (legal description of open space lots) are deed restricted lots and may only be used for agricultural purposes and natural open space (as defined by the

Ada County Code) and the private road. These lots are ineligible for any development for a period of fifteen (15) years from the recording date of the final plat.

- c) Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of Ada County.
 - d) Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision.
 - e) The Mason Creek Feeder shall be labeled as "United States Mason Creek Feeder Easement" on the final plat.
16. Prior to approval by the Board of County Commissioners, the final plat shall contain the following certificates and endorsements:
- a) signature of the owner(s);
 - b) certificate of the plat surveyor;
 - c) certificate of the County Surveyor;
 - d) endorsement of the Central District Health Department;
 - e) endorsement of the Ada County Highway District.

PRIVATE ROAD REQUIREMENTS

17. The private road shall comply with the following standards and is subject to field verification by the County Engineer:
- a) Private streets are to be named and provided with approved street signs which comply with the provisions of the Ada county Uniform Street Name Ordinance.
 - b) Private streets shall originate at a public right of way and terminate at a forty five foot (45') radius cul-de-sac or other approved turnaround area. If the terminus is other than a cul-de-sac, written approval from the Meridian City-Rural Volunteer Fire Department for the turnaround area shall be submitted to Development Services.
 - c) Any private street greater than four hundred feet (400') shall not be allowed more than four (4) lots with residence fronting on it. However, if the street meets the public street construction standards, as specified in the Ada County Highway District Development Policy Manual (as it may be amended from time to time) and as verified by the Highway District, this provision shall not apply.
 - d) Construction Standards:

Minimum right of way width	30 feet
Minimum improved width	20 feet
6" of 2" crushed gravel, compacted	X
2% slope from centerline	X
Improved surface	All weather, dustless material

18. The private road must be constructed or bonded for prior to the Board's approval of the final plat. No permits shall be issued until the private road has been constructed and verified by the County Engineer.

19. A copy of the recorded perpetual use easement shall be submitted to Development Services prior to the issuance of any permits.

SITE SPECIFIC REQUIREMENTS

20. All open space lots within the development shall maintain a minimum dimension of one hundred feet (100') per 8-4B-7E of the Ada County Code.
21. The open space lots within this development may only be used as natural open space, for agricultural purposes, and for the private road. Structures are prohibited on the open space lots.
22. Compliance with Section 8-13-13 of the Ada County Code pertaining to lighting is required.

The following policy is for all buildings being built in the Meridian Rural Fire District for fire flow water requirements.

All Commercial and Multi-Family units will meet the Uniform Fire Code in use at the time.

All one and two family units shall meet the following requirements:

- Section 1. Structures up to 1500 square feet in size including garage will have no requirements as long as they are 50 feet from property lines and no other buildings over 120 square feet are within 50 feet. If this requirement cannot be met, go to Section 2.
- Section 2. Structures 1501 to 3600 square feet in size, including attached garages, shall have a fire sprinkler system or a water flow of 500 GPM for 1 hour installed.
- Section 3. Structures 3601 to 5000 square feet in size, including attached garages, shall have a fire sprinkler system and a water flow of 250 GPM for 30 minutes installed.
- Section 4. Structures over 5001 square feet in size, including attached garages, shall have a fire sprinkler system and a water flow of 500 GPM for 30 minutes installed.

All fire sprinkler systems in housing units shall meet the minimum requirements of NFPA 13-D. Only state certified installers to install systems.

All water storage shall be designed in accordance with good engineering practices and reviewed and approved by the Meridian Rural Fire District.

EXHIBIT B

Legal Description of Easement Parcel

A parcel of land situate in the northeast quarter of the southwest quarter of Section 34, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being a portion of Lots 3 and 5, Block 1 of DreamCatcher Subdivision, as shown on the official plat thereof on file in the office of the Ada County, Idaho, Recorder, and being more particularly described as follows:

Beginning at the most westerly corner of Lot 5, Block 1 of said DreamCatcher Subdivision, which is the **Real Point of Beginning**:

Thence 56.43 feet along the southwesterly boundary of said Lot 3 along a curve deflecting to the right, with a radius of 455.00 feet, a central angle of 07°06'20", a long chord of 56.39 feet and a chord bearing of N52°23'22"W;

Thence N48°50'00"W, 143.99 feet along the southwesterly boundary of said Lot 3;

Thence N45°56'00"E, 299.80 feet to the northeasterly boundary of said Lot 3;

Thence the following courses and distances along the northeasterly boundary of said Lot 3:

S08°42'00"E, 22.12 feet;

S07°50'00"W, 88.00 feet;

S32°48'00"E, 69.00 feet;

S54°50'00"E, 259.00 feet;

S74°12'00"E, 43.22 feet to the easterly boundary of said Lot

3;

Thence S00°49'37"W, 36.22 feet along the easterly boundary of said Lot 3 to the most easterly corner common to said Lots 3 and 5;

Thence N74°12'00"W, 58.55 feet along the northeasterly boundary of said Lot 5;

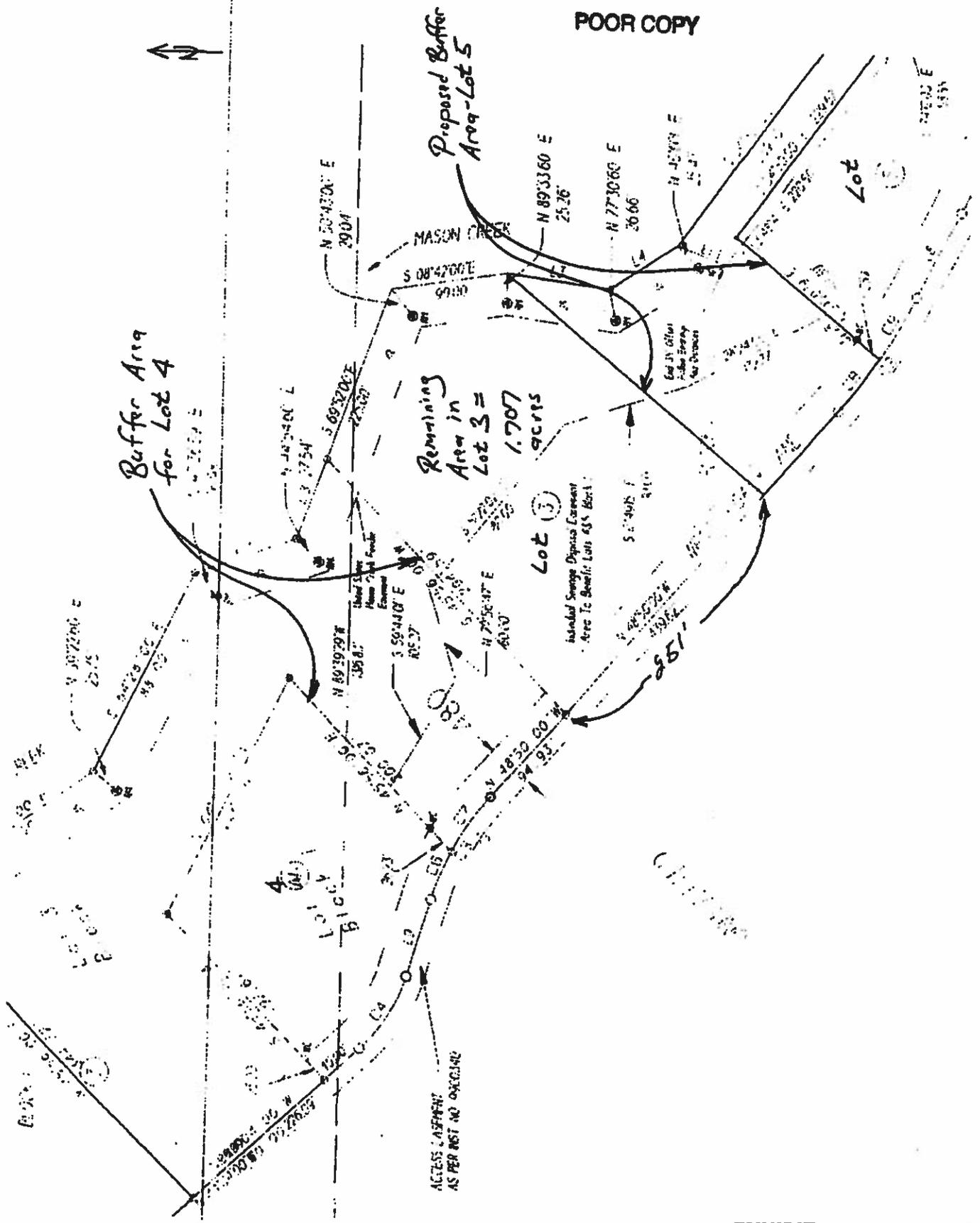
Thence N54°50'00"W, 138.61 feet along the northeasterly boundary of said Lot 5;

Thence N63°24'07"W, 102.20 feet;

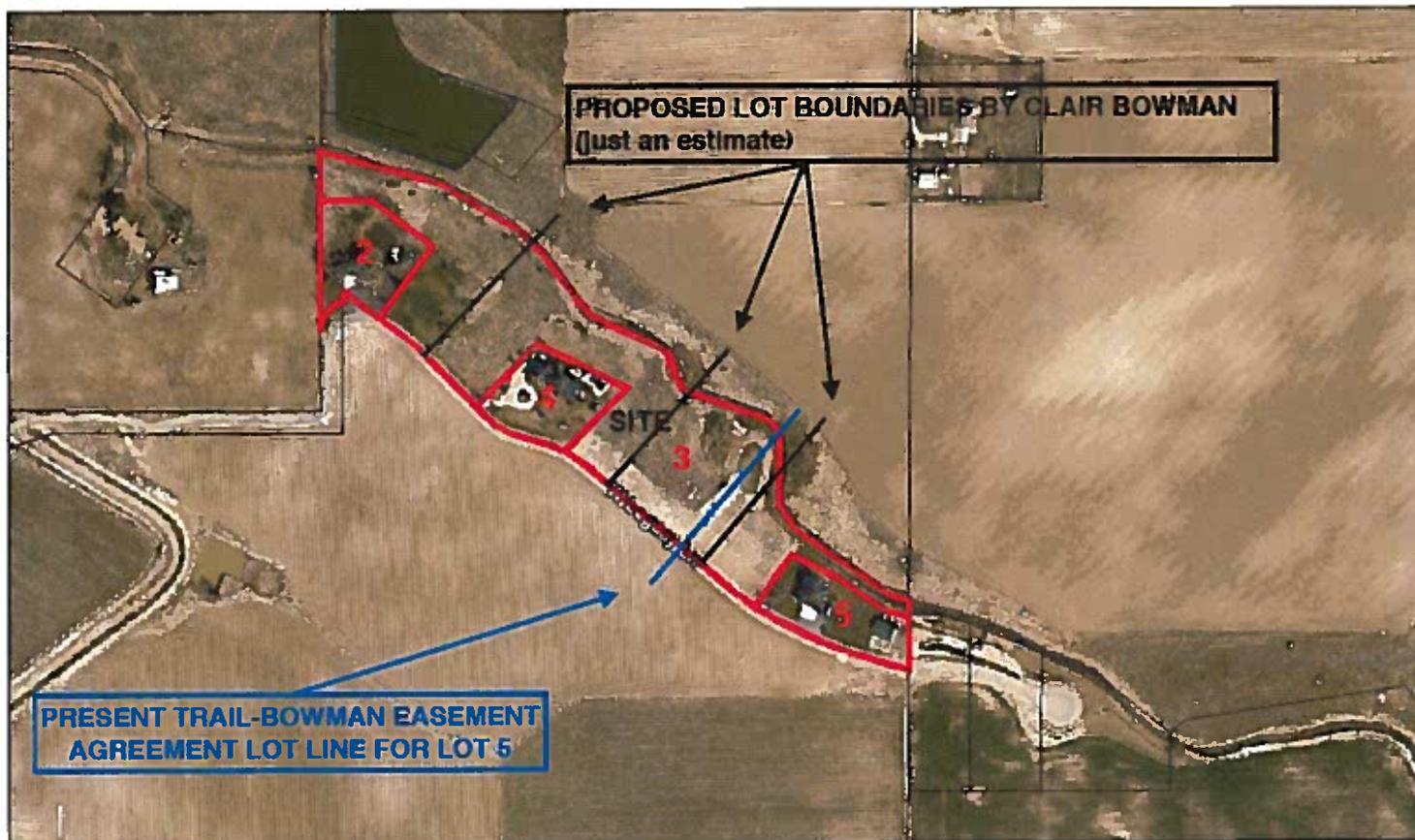
Thence S35°45'30"W, 141.76 feet to the **Real Point of Beginning**.

Comprising 1.182 acres, more or less.

POOR COPY



Project #201504172 PBA-V Aerial



PRESENT TRAIL-BOWMAN EASEMENT AGREEMENT LOT LINE FOR LOT 5

PROPOSED LOT BOUNDARIES BY CLAIR BOWMAN (Just an estimate)

Search Results: — Major Streets
 Parcels
 Parcels Parks
 Street Names



Date: 12/22/2015



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

RECEIVED
 MAR 10 2016
 ADA COUNTY
 DEVELOPMENT SERVICES

EXHIBIT 38
 Page 16 of 16
 Project #201504172 PBA-V

Brent Danielson

From: Clair <cmbavalon@safelink.net>
Sent: Thursday, March 10, 2016 12:48 PM
To: Brent Danielson
Cc: Steve Glover
Subject: RE: Neighbor Comment for Project #201504172 PBA-V



Brent,

It was my oversight that I did not mention that easement in the application package. In my testimony I had prepared for March 2, I was going to place the topic into the record. It is a permanent easement that was created to allow Trails to control their septic system, a narrow band of Lot 3 between their home and Mason Creek, and a pond that he wanted to create. The easement covers approximately 1.2 acres. The driving force to create the easement was the bank that was going to finance construction of their home wanting to insure that the septic system would be under their control. Subsequently, the easement has apparently been acceptable to lenders considering financing the home on Lot 5.

Language in the easement – Section D. Conversion to Ownership – provides for converting the easement to fee simple ownership, provided a lot line adjustment can be effected. I have anticipated all along that conversion to fee simple title for Glovers (current owners of Lot 5 and the easement) would be accomplished through Variance #1 and the easement would then be dissolved. Financing on Lot 3, of course, does not work as long as that easement and the other septic systems are encumbrances on it.

I have talked to Mr. Glover about the discrepancy between my hand-drawn sketch of property-boundary changes for Variance #1. I drew the first version of that graphic while I was in a meeting with Commissioner Yzaguirre and Mark Perfect. Later, I re-drew it and added the “key” while I was in your lobby waiting on the pre-app meeting. I never went back to proof either version against the easement before I sent it out for the neighborhood meeting or included it in the application packet.

Is there anything else you need from me on this subject prior to your staff report?

~ Clair

From: Brent Danielson [<mailto:bdanielson@adaweb.net>]
Sent: Thursday, March 10, 2016 10:26 AM
To: Clair (cmbavalon@safelink.net) <cmbavalon@safelink.net>
Cc: Mark Perfect <DSPERFMA@adaweb.net>
Subject: Neighbor Comment for Project #201504172 PBA-V

Clair,

I want to make you aware of an e-mail that I received from your neighbor (Steve Glover) regarding the property boundary adjustment. He is concerned about the placement of the proposed adjustment of the property line between your lot and his lot. He feels that the proposed property line doesn't address the easement agreement you had made with the previous property owner (Trails). This something that we will need to address. Attached is a copy of the e-mail with attachments.

EXHIBIT 39
Page 1 of 2
Project # 201504172 PBA-V



Ada County 2025

Collaborate. Innovate. Thrive
www.adacounty2025.com

<http://www.adacounty2025.com>

Brent Danielson, AICP
Associate Planner

**Ada County Development
Services**
200 W. Front St., Boise, ID 83702
(208) 287-7913 office
(208) 287-7909 fax

Brent Danielson

From: cq@safelink.net
Sent: Monday, March 14, 2016 10:38 AM
To: Brent Danielson
Cc: Mark Perfect
Subject: Project #201504172 PBA-V



Brent,

I forgot to submit the email that I agreed to send after I met with you and Mark. I hope this is in time to work for you.

I appreciate the staff perspective on Variance request #1. I know there is a lot of work for me to do afterwards (septic fields surveys; lot line surveys; test holes on remainder of Lot 3; legal descriptions; records of survey; etc.). I accept that responsibility. For Variance request #2, I appreciate staff's suggestion of how to widen Legacy Lane to 20' minimum. If staff's recommendation is approved, I agree to hire a professional contractor (probably the same ones who did the road) to widen Legacy Lane east of the bridge by adding sufficient well-compacted gravel or crushed asphalt to bring the level up to the level of the recently-installed asphalt surface and 20' total width.

Clair Bowman

EXHIBIT 40
Page 1 of 1
Project # 201504172 PBA-V