BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Tealey's Land Surveying

Project No. 201503797 S-ZC-DA (Running Springs Subdivision No. 3)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

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

A. The Board finds that the record is comprised of:
   1. Exhibits to the Staff Report.
   2. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
   3. All other information contained in Ada County Development Services File for Project No. 201503797-S-ZC-DA.

B. As to procedural items, the Board finds the following:
   1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on April 28, 2015.
   2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on July 13, 2015 for the preliminary plat and development agreement.
   3. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on December 14, 2015 for the zoning ordinance map amendment.
   4. On October 8, 2015, Development Services accepted Project No. 201503797-S-DA and scheduled it for public hearing before the Ada County Planning and Zoning Commission on December 10, 2015.
   5. On October 13, 2015, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
   6. On November 13, 2015, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on November 24, 2015.

7. On December 10, 2015, the Planning and Zoning Commission tabled Project No. 201503797-S-DA to the February 11, 2016 hearing.

8. On December 15, 2015, Development Services accepted Project No. 201503797-ZC and scheduled in for public hearing before the Ada County Planning and Zoning Commission on February 11, 2016.

9. On December 21, 2015, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.

10. On December 24, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on January 26, 2016. Notices of the public hearing were posted on the property on January 22, 2016, and a sign posting certification was submitted to the Director.

11. On February 11, 2016, the Planning & Zoning Commission recommended approval of Project No. 201503797-S-ZC-DA to the Board. The application was scheduled before the Board of Ada County Commissioners on April 6, 2016.

12. On February 18, 2016, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.

13. On March 4, 2016, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on March 22, 2016. Notices of the public hearing is required to be posted on the property ten days prior to the public hearing and a sign posting certification is required to be submitted to the Director seven days prior to the public hearing

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201503797-S-ZC-DA the following:

1. PROPOSED USES: A nineteen (19) lot residential subdivision with fourteen residential lots and five (5) common lots.

2. PROPOSED STRUCTURES: Four (4) single family detached dwellings and ten (10) single family attached dwellings.

3. PROPOSED SITE IMPROVEMENTS: New public streets to serve the residential lots, and pedestrian pathway connecting the subdivision to the existing commercial properties to the west.

D. Based on the materials found in the file for Project No. 201503797-S-ZC-DA, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is S1402223010. The property is located on the south side of Lake Hazel Road approximately 600-feet east of Five Mile Road in Section 2, T.2N, R.1E.

2. OWNERSHIP: LHV Running Springs, Inc.

3. SITE CHARACTERISTICS:
Property size: 10.37-acres (although the proposed project consists of only 2.93-acres)

Existing structures: None.

Existing vegetation: Native grasses and a few trees.

Slope: The site is relatively flat with slopes less than 15%.

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

Drainage: Drainage will be retained on site.

Views: The site is generally visible from all directions.

Other Opportunities and/or Constraints: A covered irrigation lateral runs diagonally across the property from the northwest corner to near the center of the southern boundary.

E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:

The property is zoned Medium High Density Residential (R8) District. The land is currently vacant.

F. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the surrounding land use and zoning:

North: The properties to the north are single family homes in the Southwest Community Residential (RSW) District.

South: The properties to the south are single family homes in the Low Density Residential (R2) District in the Fox Meadow Subdivision.

East: The properties to the east are single family homes in the Medium High Density Residential (R8) District in the Devonshire Subdivision.

West: The properties to the west contain a commercial shopping center in the Community Commercial (C2) District.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201503797-S-ZC-DA, the Board finds the following concerning services:

Access Street and Designation: Primary access is off W. Lake Hazel Road. W. Lake Hazel Road is designated as a principal arterial roadway.

Fire Protection: Whitney Fire District.

Sewage Disposal: Boise Municipal Sewer.

Water Service: United Water of Idaho.

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

Drainage District: None.

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

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

1. The Board finds that the **Boise City Comprehensive Plan as adopted by Ada County** is applicable because the subject property is located within Boise's Area of Impact. The Board finds that the application complies with the **Boise City Comprehensive Plan as adopted by Ada County**. Regarding the Boise City's Comprehensive Plan as adopted by Ada County, the Board finds the following:

The Boise's Comprehensive Plan identifies this site as Compact Neighborhood on the Land Use Map.

Boise's Comprehensive Plan identifies that compact neighborhoods feature small lots (typically between 5,000-7,000 square feet), with an interconnected network of sidewalks and streets, and in some cases, alley-loaded garages. This designation encompasses many of the older portions of the city, such as the North End, as well as some more recent developments designed with similar characteristics, such as Harris Ranch.

Density Range: 6-15 dwelling units/acre typical

Primary: Predominately detached single-family homes on small lots; however, may also include a range of attached units (duplex, triplex, townhomes) and apartments and condominiums.

The Board finds that as conditioned, the development is being developed consistent with the Boise City Comprehensive Plan and Future Land Use Map which designated this area as Compact Neighborhood. The applicant's proposed density will be less than the density range identified.

This site is also located in Boise's Southwest Planning Area.

Goal SW-CCN 2.6 (Lake Hazel Road Extension (Area to the South): (a) Incorporate a variety of residential housing types, densities, and price points, including: townhouses, row houses, multi-family, or condominiums, small lot patio homes, accessory dwellings, live/work, and detached single family dwellings. (f) Connect residential areas using a system of pedestrian pathways, bike paths and interconnected streets.

The Board finds that the proposed development offers a variety of housing options that include single family attached and detached units in a variety of lot sizes. Additionally, the development will provide interconnectivity between the commercial development to the west and the residential development to the east through sidewalks and pedestrian pathways.

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

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

      <u>*Section 8-6A-1: General:*</u>

      A. *These standards shall be followed in all subdivisions regulated by this title. In addition to these standards, all subdivisions shall meet the design standards of the applicable zoning district*.

         The Board finds that the lots in the subdivision comply with the design standards of the High Density Residential (R12) District. The lot frontages meet the minimum dimensions as allowed for cul-de-sac streets and zero lot line developments.

      B. *Any proposed subdivision in areas of the county where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the county engineer, shall conform with the additional hillside regulations set forth in this title.*

         The Board finds as evidenced in the record that the site does not contain any slopes of 15% or greater.

C. *Adequate means for eliminating unsuitable conditions must be approved by the county engineer in order to develop property that has been designated in the applicable comprehensive plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered*.

The Board finds that this site has not been designated in the applicable comprehensive plan, in the natural features analysis, or elsewhere as being unsuitable for development.

D. *The limits of the subdivision shall encompass the full extent of the owner's lot or "contiguous parcels", as herein defined*.

The Board finds that per Ada County Assessor information, LHV Running Spring, Inc. does not own any other parcels contiguous to the subject property.

E. *The decision making body may require modifications where, in its opinion, site planning has not sufficiently addressed the existing natural features*.

The Board finds that a natural features analysis was submitted with the original preliminary plat application. The subdivision design has taken into consideration the natural features on the property.

Section 8-6A-2: Blocks:

A. *The length, widths, and shapes of blocks shall be determined with due regard to*:

1. *Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirements as to property sizes and dimensions*.

The Board finds that the subdivision will provide adequate building sites as the lots comply with the dimensional standards for the High Density Residential (R12) District.

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

The Board finds all the lots will have access from internal local roadways, which will access W. Lake Hazel Road.

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

The Board finds the internal local roadways will connect to only one street that will intersect W. Lake Hazel Road (a principal arterial). The access to W. Lake Hazel Road is necessary as it is the only access to the residential lots.

4. *The limitations and opportunities of topography*.

The Board finds that there are no limitations due to the topography of the property as there are no slopes of 15% or greater on the site.

B. *Residential block lengths should be between four hundred feet (400') and six hundred feet (600').*

The Board finds that the proposed block lengths are approximately between 272 and 393-feet in length. The proposed blocks create an internal loop internal to the site. However, due to the fact that the property is surrounded by developed property with no possibility for roadway connection to create lot lengths between 400 and 600-feet in length.

C. *Pedestrian access rights of way not less than ten feet (10') wide, may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right of way shall be a separate platted lot*.

The Board finds that as conditioned, the preliminary plat will be required to provide a pedestrian pathway to the commercial shopping center to the west. The common lot designated on the preliminary plat as Lot 30, Block 3 shall be revised to show a pathway connecting to the commercial shopping center to the west.

Section 8-6A-3: Lots:

A. *The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated*.

The Board finds that the applicant has designed and submitted a preliminary plat that provides appropriate size, width, depth, shape, orientation, and that the minimum setbacks for the High Density Residential (R12) District can be complied with.

B. *The minimum dimensional standards for all lots shall be in accord with the applicable base district. Corner lots in residential zoning districts shall be increased five percent (5%) above the minimum property size of the applicable base district to permit appropriate front and street side setbacks*.

The Board finds that the residential lots within the subdivision comply with the minimum dimensional standards for the High Density Residential (R12) District with a minimum lot size of 3,500-square feet.

C. *For a distance of fifty feet (50'), side property lines originating at the front of the lot shall be within twenty degrees (20°) of right angles or radial to the street providing access*.

The Board finds that side property lines originating at the front of the lot are within twenty (20) degrees of right angles or radial to the street providing access.

D. *Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten feet (10') shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access*.

The Board finds as evidenced on the preliminary plat (Exhibit #4) that there are no through lots proposed as part of this application.

E. *Frontage for lots on a cul-de-sac turnaround shall be measured fifty feet (50') back from the front property line along an arc parallel to the right of way of the cul-de-sac. See section 8-1A-2, figure 11 of this title*.

The Board finds as evidenced on the preliminary plat (Exhibit #4) that there are no lots, which have frontage onto a cul-de-sac.

F. *Frontage for lots on a knuckle shall be measured fifty feet (50') back from the front property line along the arc parallel to the right of way of the knuckle. See section 8-1A-2, figure 11 of this title*.

The Board finds that all proposed lots in the subdivision meet the minimum frontage requirements of the applicable district and that lots located on a knuckle shall be measured fifty feet (50') back from the property line along the arc parallel to the right of way of the knuckle

Section 8-6A-4: Access:

A. *All lots shall have access that complies with the regulations of section 8-4A-3 of this title. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the Ada County highway district*.

The Board finds that all the residential lots in the subdivision will have frontage onto a public roadway.

B. *Where a subdivision borders a railroad right of way or limited access highway right of way, a street approximately parallel to such right of way, at a distance suitable for appropriate use of the intervening property may be required*.

The Board finds that the property does not border a railroad right-of-way or a limited access highway.

C. *Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands*.

The Board finds that there are no existing stub streets for the subdivision to tie into and that no stub streets will be required to be constructed by the applicant because all of the abutting properties are already developed.

Section 8-6A-5: Alleys:

Alleys may be provided. If alleys are provided, alleys shall comply with ACHD standards and be public.

The Board finds as evidenced on the preliminary plat (Exhibit #4) that there are no alleys proposed for this subdivision.

Section 8-6A-6: Easements:

A. *There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right of way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10')*.

The Board finds as conditioned the applicant will be required to provide 10-foot easements for utilities, drainage, and irrigation abutting all public right-of-way and subdivision boundaries.

B. *Where a subdivision is transversed by a watercourse, appropriate easements shall be provided*.

The Board finds as conditioned and according to the letter from the Boise Project Board of Control (Exhibit #20) that the subdivision is transversed by the Hon Lateral. As conditioned, based on Exhibit #20 from the Boise Project Board of Control, the applicant and/or owner shall identify an easement on the plat showing 20 feet north and east and 22 feet south and west of the centerline of the lateral.

Section 8-6A-7: Watercourses:

A. *There shall be a minimum structural setback of thirty feet (30') from the normal high water line of all watercourses, whether covered or uncovered. For open watercourses, normal high water line shall be as determined by a licensed surveyor or engineer.*

   The Board finds as conditioned, and according to the letter from the Boise Project Board of Control (Exhibit #42) the subdivision is transversed by a watercourse and structures shall be setback a minimum of 30-feet from the watercourses.

B. *Only when required by the board shall watercourses within an urban district be covered or fenced.*

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

      The Board finds that as conditioned, the subdivision is transversed by the Hon Lateral and any fences proposed adjacent to the watercourse should be constructed just off the lateral easement to ensure public safety and prevent encroachments.

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

Section 8-6B-1: Owner's Responsibility:

The owner is responsible to complete the improvements required by this article and any additional improvements that may be required as a condition of approval.

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

Section 8-6B-2: Monument Requirements:

The owner shall comply with the requirements of Idaho Code sections 50-1302, 50-1303, 54-1227, and 55-1608.

The Board finds that the final plat will be required to be signed by the County Surveyor, indicating that it meets the requirements of Idaho State Code 50-1302, 50-1303, 54-1227, and 55-1608.

Section 8-6B-3: Street and Other Improvements:

Prior to signing of any final plat the following requirements shall be satisfied as applicable:

A. *Public streets shall be accepted by the Ada County highway district*.

The Board finds that as conditioned, the final plat will not be accepted until it has been approved by the Ada County Highway District as they are a signatory on the final plat and their approval will be signified by their signature on the final plat.

B. *Approved private roads shall be completed in accord with requirements of chapter 4, article D of this title*.

The Board finds that there are no proposed private roads associated with the subdivision.

C. *All new developments shall have adequate sewage facilities as provided for in section 8-4A-22 of this title or the plat shall have a sanitary restriction as approved by the appropriate health authority*.

The Board finds that the subdivision will be served by Boise Municipal Sewer.

D. *Stormwater facilities and drainage improvements shall be constructed by the applicant or owner and approved by the county engineer*.

The Board finds that as conditioned, the applicant will be required to submit an approved drainage plan to the County Engineer prior to approval of the final plat.

E. *Streetlights shall comply with the lighting regulations set forth in chapter 4, article H of this title*.

The Board finds that as conditioned, streetlights shall comply with the lighting regulations set forth in Chapter 4, Article H of this title.

Section 8-6B-4: Surety and Surety Agreement:

In lieu of completion of the improvements listed in subsections 8-6B-3A, B, D and E of this article, the owner may deposit a surety and surety agreement for completion of such improvements with the director on forms provided by the development services department and as specified in chapter 4, article K of this title.

The Board finds that the owner may submit a surety agreement pursuant to Article 8-4K of the Ada County Code.

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

The Board finds that the property is located in the Southwest Planning Area Overlay District. The subdivision is proposed to be developed in accordance with Article 8-3C of the Ada County Code as all residential lots will be served by urban public facilities.

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

The Board finds that the preliminary plat conforms to the topography and natural landscape features and shows considerations for the location and function of land uses and structures as the topography is relatively flat and the site does not contain any slopes of 15% or greater.

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

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

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

   The Board finds that as conditioned, the preliminary plat will have access to pedestrian pathways leading to the properties to the east and to the west. The Board finds that the internal street system and pedestrian pathways will provide for an efficient and safe flow of vehicles, bicycles and pedestrians throughout the site.

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

   The Board finds that there will be pedestrian pathways connecting the subdivision to the properties to the east and west. The subdivision will contain 5 common lots totaling 0.59 acres. Additionally, there is a 64 acre park planned by the City of Boise to be located approximately 550-feet east of the proposed subdivision on the north side of W. Lake Hazel Road (Pearl Jensen Park).

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

   The Board finds that as conditioned, the preliminary plat shall comply with the dimensional standards for the High Density Residential (R12) District. The proposed lots meet the minimum lot size of 3,500 square feet for single family attached/detached lots. The proposed lots meet the minimum street frontage requirements as identified in Section 8-2B-4 & 8-2B-5 for zero lot line developments.

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

   The Board finds as evidenced in Finding H(1) that the overall plan is in conformance with the Boise Comprehensive Plan as adopted by Ada County Code. The overall plan is also in conformance with the Boise's Area of Impact Agreement as this land use application was forwarded to Boise City for comment at least 30 days prior to the public hearing.

10. *In addition to the findings required above, the board shall make the following findings for preliminary plats located in a PC base districts;*

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

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

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

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

3. The Board finds that **Section 8-7-3 of the Ada County Code** is applicable as this application includes a request for a zoning ordinance map amendment for the property to be re-zoned from the Medium High Density Residential (R8) District to the High Density Residential (R12) District. A development agreement modification will be required as part of the zoning ordinance map amendment.

   Section 8-7-3 of the Ada County Code sets forth the process, standards, and required findings for a zoning ordinance map amendment. The findings for a zoning ordinance map amendment are set forth below.

   Section 8-7-3C. Required Findings: Upon recommendation from the Commission, the board shall make a full investigation and shall, at the public hearing, review the application. In order to grant a map or text amendment to the zoning ordinance, the board shall make the following findings:

   1. *The zoning ordinance amendment complies with the applicable comprehensive plan;*
      The Board finds the proposed zoning ordinance amendment complies with the Boise City Comprehensive Plan as evidenced in Finding H1.

   2. *The zoning ordinance amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement;*

      The Board finds the proposed zoning ordinance amendment complies with the regulations outlined for the proposed R12 District. The proposed amendment complies with the purpose statement for the R12 District as the proposed development will be connected to a municipal wastewater collection and treatment system provided by Boise City Public Works and a municipal water system provided by United Water of Idaho. As evidenced in the record, the density of the proposed development will be approximately 5 dwelling units per acre, which is less than the maximum allowed density of twelve (12) dwelling units per acre.

   3. *The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare; and*

      As conditioned and as evidenced in the record, the Board finds the proposed zoning ordinance amendment will not be materially detrimental to the public health, safety, and welfare. As evidenced in the record and in the findings of fact, adequate utilities and public services will be provided for the proposed development. This application was transmitted to other local, State, and Federal agencies on December 21, 2015. No evidence has been received from those agencies indicating this application is materially detrimental to the public health, safety, and welfare.

   4. *The zoning ordinance amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts.*

      The Board finds the proposed zoning ordinance amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction of the Boise City Area of City Impact. The applicant and/or owner or development will be required to comply with site specific and standard conditions of approval set

4. The Board finds **Section 8-7C-3 of the Ada County Code** is applicable as the proposed development includes an application for a Development Agreement. This chapter sets forth the

purpose, applicability, process, plat specifications and required findings for a proposed development agreement. The findings are set forth below.

In order to approve the application, the Board shall find that the proposed development agreement complies with the regulations of this article.

Staff will forward the current development agreement to the Ada County Prosecuting Attorney's office prior to final approval by the Board. The Board must approve the development agreement prior to approval of the final plat. As conditioned, the approval of this application is subject to the approved Development Agreement.

CONCLUSIONS OF LAW

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

1. The Board concludes that Project No. 201503797-S-ZC-DA complies with the Boise Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201503797-S-ZC-DA complies with Section 8-6-5 of the Ada County Code.
3. The Board concludes that Project No. 201503797-S-ZC-DA complies with Section 8-7-3 of the Ada County Code.
4. The Board concludes that Project No. 201503797-S-ZC-DA complies with section 8-7C-3 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Board approves Project No. 201503797-S-ZC-DA, subject to the Conditions of Approval attached as Exhibit A and the revised Preliminary Plat dated December 2, 2015.

DATED this _____ day of _____, 20___.

Board of Ada County Commissioners

_____
By: Jim Tibbs, Chairman

_____
By: Rick Yzaguirre, Commissioner

_____
By: David L. Case, Commissioner

ATTEST:

_____
Christopher D. Rich, Ada County Clerk

CONDITIONS OF APPROVAL

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF PROJECT #201503797-S-ZC-DA WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND SUBMIT A FINAL PLAT UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.
   a) The Whitney Fire District.
   b) The Central District Health Department must approve infiltration beds for storm water disposal.
   c) Boise Project Board of Control.
   d) Boise City Public Works.
2. The applicant and/or owner shall submit a revised preliminary plat to include the following items noted below. The revised preliminary plat shall be submitted within 30 days after the approval of the Board. All site improvements are prohibited prior to the submittal of the revised preliminary plat.
   a) Ten (10) foot easements shall be depicted for utilities, drainage, and irrigation abutting all public right-of-ways and subdivision boundaries.
   b) Label the widths of all existing and proposed public right-of-ways, per Ada County Code 8-6-4-2-29.
   c) Lot 30, Block 3 shall be revised to show a pedestrian pathway connecting to the commercial shopping center to the west.
3. The name "Running Springs Subdivision No. 3" can only be used if the following occur:
   a) The applicant and/or owner provide the Ada County Surveyor with a recorded document granting approval from the original developer to use said subdivision name.
   b) The phases are developed so that #2 is contiguous to the original subdivision boundary and a "consecutive" Lot and Block numbering scheme is perpetuated throughout #2 and #3.
4. Prior to Board approval of the final plat, the Ada County Engineer shall approve all drainage improvements and site grading shall be completed. The County Engineer shall inspect and approve all drainage improvements, except where bonding is provided. As-built drawings, acceptable to the County Engineer in form and substance, shall be permitted prior to final inspection and approval of the drainage improvements.
5. Any fences proposed adjacent to the Hon Lateral should be constructed just off the lateral easement to ensure public safety and prevent encroachments.

6. The final plat shall include a ten (10) foot easement depicted for utilities, drainage, and irrigation abutting all public right-of-ways and subdivision boundaries.
7. The final plat shall include a note that states that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statues, Title 42-1209.
8. The final plat shall include a structural setback of thirty feet (30') from the normal high water line of all watercourses, whether covered or uncovered.
9. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
10. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
11. The final plat shall be in substantial conformance with the approved preliminary plat.
12. The applicant and/or owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
13. Installation of public service facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground.
14. The developer, owner, or homeowner's association shall operate and maintain the subdivision's street lights until annexation by Boise City. Streetlights shall comply with the lighting regulations set forth in Chapter 4, article H of the Ada County Code.
15. Prior to final approval by the Board, all required improvements, the applicant and/or owner may deposit a surety with the Director and sign a surety agreement in accordance with the regulations for surety agreements set forth in Article 8-4K of the Ada County Code. All surety and surety agreements shall comply with Article 8-4K of the Ada County Code.
16. Prior to approval by the Board of County Commissioners, the plat shall contain the following certificates and/or endorsements:
    a) Certificate of the owner(s),
    b) Certificate of the plat surveyor,
    c) Certificate of the County Surveyor,
    d) Endorsement of the Central District Health Department,
    e) Approval and acceptance of the Ada County Highway District.
17. The following statements shall appear on the face of the final plat:
    a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
    b) Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision.

18. The Board of County Commissioners must approve the final plat within 24 months of the Board of County Commissioner's approval of the preliminary plat. For subdivisions where the Board approved a phasing plan, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.
19. The owner shall complete all required site improvements in accordance with Section 8- 6B-1 of the Ada County Code.
20. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, and utilities.
21. No building permits will be issued until the final plat is recorded through the County Recorder's Office and parcel numbers have been issued by the County Assessor's Office.
22. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a surface runoff drainage design plan from the Ada County Engineer.

DEVELOPMENT AGREEMENT CONDITIONS OF APPROVAL

1. The applicant and/or owner shall sign and record the Development Agreement prior to final plat approval.