



## **BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS**

In re:

Application of Riley Planning Services, LLC

Project No. 201600664 S

### **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

#### **FINDINGS OF FACT**

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

A. The Board finds that the record is comprised of:

1. 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. 201600664 S.

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 March 10, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on January 30, 2016.
3. On May 3, 2016, Development Services accepted Project #201600664 S and scheduled it for public hearing before the Ada County Planning and Zoning Commission on July 14, 2016.
4. On May 10, 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.

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5. On June 14, 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 June 28, 2016. Notices of the public hearing were posted on the property by July 4, 2016 and a certification sign posting was submitted to the director by July 7, 2016.
6. On July 14, 2016, the Commission recommended approval of Project #201600664 S to the Board.
7. On July 18, 2016, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and attached as Exhibits.
8. August 5, 2016, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on August 23, 2016. Notices of the public hearing were posted on the property by September 4, 2016 and certification sign posting was submitted to the director by September 7, 2016.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201600664 S the following:

1. PROPOSED USES: Four (4) lot residential subdivision.
2. PROPOSED STRUCTURES: Single family dwellings.
3. PROPOSED SITE IMPROVEMENTS: An easement area at the northeast quadrant of the property to preserve the wastewater channel. Dedication of right-of-way to the Ada County Highway District.
4. OTHER

D. Based on the materials found in the file for Project No. 201600664 S, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is S0232449405. The property is located at 60 W. Beacon Light Road, which is the northwest corner of Beacon Light Road and Eagle Road in Section 32 of T.5N, R.1E.
2. OWNERSHIP: Richard Sanchez
3. SITE CHARACTERISTICS

Property size: 20.91 acres

Existing structures: An 899 square foot secondary dwelling and a couple of outbuildings. A 3,687 square foot single-family dwelling with an 890 square foot attached garage and 1,061 square feet of covered porches is under construction on the property.

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Existing vegetation: Agricultural crops.

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

Irrigation: The property is located within the jurisdictional boundaries of the Capitol View Irrigation District.

Drainage: The site generally drains towards the south.

Views: In general the site is visible from all directions.

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

The property is agricultural with a residence and is zoned Rural-Urban Transition (RUT).

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

North: The site is rural residential in the Eagle Bench Subdivision located in the Rural-Urban Transition (RUT) District.

South: The site is large lot residential in the Thornwood Estates Subdivision located in the City of Eagle in their Residential-Estates (R-E) District.

East: The site is rural residential and is located in the Rural-Urban Transition (RUT) District.

West: The site is agricultural and rural residential in the Honey Creek Subdivision and unplatted and is located in the Rural-Urban Transition (RUT) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201600664 S, the Board finds the following concerning services:

Access Street and Designation: Access is off of W. Beacon Light Road and N. Eagle Road. W. Beacon Light Road is designated as a minor arterial and N. Eagle Road is designated as a collector.

Fire Protection: Eagle Fire District.

Sewage Disposal: Individual Septic System.

Water Service: Individual Well.

Irrigation District: Capitol View Irrigation District.

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.

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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

The Board finds that the Future Land Use Map designates the property as Residential Rural. This land use designation is suitable primarily for single-family residential development on large acreages, which may be in transition from agricultural to residential use or may combine small scale agricultural uses with residential uses.

*Goal 6.5 – To preserve the rural transitional identity.*

*Implementation Strategies 6.7 –*

*b. Establish land use patterns and zoning districts that do not exhaust available services such as sewer, water, police, fire, recreational areas, highways and transportation systems.*

The Board finds as conditioned that the Inspiration Point Subdivision does not exhaust available services. The lots will be on individual wells and septic systems. The Eagle Fire District replied in Exhibit #19 that available water for fire protection is a requirement. As conditioned, the Eagle Fire District must approve all fire flow requirements. Since the lots are (5.0 acre +) there is not a need for recreational areas in the subdivision because the lots are large enough for the property owners to pursue and enjoy recreational activities. There has been no evidence entered into the record by the Ada County Highway District that the subdivision would have an adverse effect on the transportation system.

*c. Provide for a broad spectrum of housing types including apartments, townhouses, condominiums, single family attached, manufactured homes, affordable and subsidized housing and large acreage developments.*

The Board finds that Inspiration Point Subdivision will add to the broad spectrum of housing types in the Eagle area by providing a large acreage development where potential buyers can build a home and still pursue small scale agricultural activities.

*h. Residential subdivisions outside the City limits but within the Impact Area should comply with the Land Use Map. Cluster developments located outside the City limits but within the Impact Area shall not be permitted. Furthermore, residential subdivisions outside the City limits but within the Impact area shall be developed with lot sizes consistent with the respective land use designation as stated in Section 6.3 within this Chapter.*

The Board finds that Inspiration Point Subdivision is being developed with lot sizes consistent with the Residential Rural land use designation as stated in Section 6.3 of the Eagle Comprehensive Plan as adopted by Ada County as the density is one (1) lot per five (5) acres and the lot sizes are greater than 4.7 acres.

*k. Protect gravity flow irrigation systems including canals, laterals and ditches to assure continued delivery of irrigation water to all land serviced by such systems, to protect*

*irrigation systems as a long range economical method for water delivery and to coordinate surface water drainage to be compatible with irrigation systems.*

The Board finds that gravity flow irrigation systems are being protected within the subdivision and surface water drainage is compatible with irrigation systems. The Capital View Irrigation District stated in Exhibit #18 that they are not opposed to the development and that the developer was agreeable to their request for the following condition of approval: Protect and maintain the existing wasteway drainage channel that diagonals across the northeast corner of the property, or replace it in kind. The preliminary plat (Exhibit #7) depicts a proposed no build easement on the northeast corner of the property. After reviewing the Commission's recommended conditions of approval to the Board the Capital View Irrigation District stated in Exhibit #31 that the conditions of approval adequately address their concerns.

*1. Farm related uses and activities should be protected from land use conflicts or interference created by residential, commercial, or industrial development. The Idaho Right to Farm Act should be promoted.*

The Board finds that farm related uses and activities are protected from land use conflicts or interference created by residential development through the Idaho Right to Farm Act. As conditioned, the applicant shall put the following statement on the face of the final plat: "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."

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;*

- *Section 8-6A-1A – These standards shall be followed in all subdivisions regulated by this title. In addition, to these standards, all subdivisions shall meet the design standards of the applicable zoning district.*

The Board finds as evidenced on the preliminary plat (Exhibit #7) that the lots in the subdivision comply with the design standards for the Rural-Urban Transition (RUT) District as the residential lots either meet or exceed the minimum lot size of 5.0 acres and have a minimum roadway frontage of 250 feet.

- *Section 8-6A-1B – Any proposed subdivision in areas of the county where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the county engineer, shall conform with the additional hillside regulations set forth in this title.*

The Board finds as depicted on the natural features analysis (Exhibit #7) that the majority of the site slopes at an average of 3% toward the southwest corner and slopes adjacent to the existing drainage overflow ditch in the northeast quadrant of the site average around 15%. The County Engineer has reviewed the preliminary plat and has indicated that no additional hillside regulations are required in Exhibit #20.

- *Section 8-6A-1C – Adequate means of 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 in Exhibit #20 that the County Engineer has reviewed the application and replied that the applicant shall comply with Eagle Fire and Capital View Irrigation District requirements and she recommends approval of this preliminary plat. The Capital View Irrigation District stated in Exhibit #18 that they are not opposed to the development and that the developer was agreeable to their request for the following condition of approval: Protect and maintain the existing wasteway drainage channel that diagonals across the northeast corner of the property, or replace it in kind. The preliminary plat (Exhibit #7) depicts a proposed no build easement on the northeast corner of property. After reviewing the Commission's recommended conditions of approval to the Board the Capital View Irrigation District stated in Exhibit #31 that the conditions of approval adequately address their concerns.

- *Section 8-6A-1D – The limits of the subdivision shall encompass the full extent of the owner's lot or "contiguous parcels", as herein defined.*

The Board finds that per Ada County Assessor information all contiguous properties owned by Richard Sanchez have been included in this subdivision.

- *Section 8-6A-1E – The decision making body may require modifications where, in its opinion, site planning has not sufficiently addressed the existing natural features.*

The Board finds that a natural features analysis has been submitted with the application (Exhibit #7). The natural features analysis depicts that there is a ridge running northwest to southeast in the north half of the site. Surface drainage on site to the northeast of this ridge flows toward an existing drainage overflow ditch. A proposed no build easement has been placed on the preliminary plat to maintain and protect the surface drainage on the site.

- *Section 8-6A-2A – The length, widths, and shapes of blocks shall be determined with due regard to:*
  1. *Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirements as to property sizes and dimensions.*

The Board finds that the subdivision provides adequate building sites because the lots comply with the dimensional standards for the Rural-Urban Transition (RUT) District.

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

The Board finds that there are no double fronted lots.

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

The Board finds that the need for convenient access, circulation, control, and safety of street, and the number intersecting streets with arterials have been taken into consideration. The lots will take access off of an existing collector (N. Eagle Road).

4. *The limitations and opportunities of topography.*

The Board finds that there are no limitations due to the topography of the property.

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

The Board finds that the subdivision consists of one (1) block whereby the lots front W. Beacon Light Road and N. Eagle Road. Due to the rural nature of the subdivision and that the minimum lot size for a property in the Rural-Urban Transition (RUT) District is five (5) acres the residential block lengths exceed six hundred feet (600').

- *Section 8-6A-2C – Pedestrian access rights of way not less than ten feet (10') wide, may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right of way shall be a separate platted lot.*

The Board finds that the subdivision is intended to be rural in nature and that walkways are not necessary for this type of development.

- *Section 8-6A-3A – The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.*

The Board finds that the applicant has submitted a preliminary plat that provides appropriate size, width, depth, shape, and orientation, and that the minimum setbacks for the Rural-Urban Transition (RUT) District can be met.

- *Section 8-6A-3B – The minimum dimensional standards for all lots shall be in accord with the applicable base district. Corner lots in residential zoning districts shall be increased five percent (5%) above the minimum property size of the applicable base district to permit appropriate front and street side setbacks.*

The Board finds that the lots within the subdivision comply with the minimum dimensional standards for the Rural-Urban Transition (RUT) District as the residential lots either meet or exceed the minimum lot size of 5.0 acres and the minimum roadway frontage of 250 feet.

- *Section 8-6A-3C – For a distance of fifty feet (50’), side property lines originating at the front of the lot shall be within twenty degrees (20°) of right angles or radial to the street providing access.*

The 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.

- *Section 8-6A-3D – Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten feet (10’) shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access.*

The Board finds that through lots have been avoided.

- *Section 8-6A-3E – Frontage for lots on a cul-de-sac turnaround shall be measured fifty feet (50’) back from the front property line along an arc parallel to the right of way of the cul-de-sac. See section 8-1A-2, figure 11 of this title.*

The Board finds as evidenced on the preliminary plat (Exhibit #7) that there are no lots, which have frontage on a cul-de-sac turnaround.

- *Section 8-6A-3F – Frontage for lots on a knuckle shall be measures 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 as evidenced on the preliminary plat (Exhibit #7) that there are no lots, which have frontage onto a knuckle.

- *Section 8-6A-4A – All lots shall have access that complies with the regulations of section 8-4A-3 of this title. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the Ada County Highway District.*

The Board finds that all lots in the subdivision have frontage and access onto N. Eagle Road, which is a public street.

- *Section 8-6A-4B – Where a subdivision borders a railroad right of way or limited access highway right of way, a street approximately parallel to such right of way, at a distance suitable for appropriate use of the intervening property may be required.*

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

- *Section 8-6A-4C – Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands.*

The Board finds that the subdivision is intended to be rural in nature and access to the lots will be from N. Eagle Road, which is a public road. The setback requirements for the Rural-Urban Transition (RUT) District along with the roadway frontage could facilitate future development of the site and adjoining areas if so desired when the necessary infrastructure and services are available to support a denser development form.

- *Section 8-6A-5 – 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 #7) that there are no alleys proposed for this subdivision.

- *Section 8-6A-6A – There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right of way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10’).*

The Board finds as conditioned that the applicant will be required to provide 10 foot easements for utilities, drainage, and irrigation abutting all public street right of way and subdivision boundaries. Pre-Plat Note #8 on the preliminary plat (Exhibit #7) states that a permanent utility, drainage, and irrigation easement is hereby designated as follows, unless otherwise dimensioned: - 10’ wide centered on all interior lot lines and 12’ wide along all exterior lot lines.

- *Section 8-6A-6B – Where a subdivision is transversed by a watercourse, appropriate easements shall be provided.*

The Board finds that a drainage overflow ditch traverses the northeast corner of the property. As conditioned, there shall be a minimum structural setback of thirty feet (30’) from the normal high water line of all water courses, whether covered or uncovered. The preliminary plat shows a proposed no build easement along the northeast corner of the property.

- *Section 8-6A-7A – There shall be a minimum structural setback of thirty feet (30’) from the normal high water line of all watercourses, whether covered or uncovered. For open watercourses, normal high water line shall be as determined by a licensed surveyor or engineer.*

The Board finds as conditioned that there shall be a minimum structural setback of thirty feet (30’) from the normal high water line of all water courses, whether covered or uncovered.

- *Section 8-6A-7B – Only when required by the board shall watercourses within an urban district be covered or fenced.*

1. *Proposed fences within the southwest planning area shall comply with the regulations of subsection 8-3C-3C of this title.*
2. *Proposed fences in a designated flood hazard area shall comply with the regulations of 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 the property is transversed by a drainage overflow ditch and there are no plans to cover the ditch.

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

- *Section 8-6B-1 - The owner is responsible to complete the improvements required by this article and any additional improvements that may be required as a condition of approval.*

The 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 – 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-3A – Public streets shall be accepted by the Ada County Highway District.*

The Board finds that the lots within the subdivision will be taking their frontage and access off of N. Eagle Road, which is an existing public street already accepted by the Ada County Highway District.

- *Section 8-6B-3B – Approved private roads shall be completed in accord with requirements of chapter 4, article D of this title.*

The Board finds that the subdivision does not have any private roads as the lots have frontage and will take access off of a public street.

- *Section 8-6B-3C – All new developments shall have adequate sewage facilities as provided for in section 8-4A-22 of this title or the plat shall have a sanitary restriction as approved by the appropriate health authority.*

The Board finds that the subdivision will be served by individual septic systems. As conditioned, the Central District Health Department will need to approve the septic systems.

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

The Board finds as conditioned that the application will be required to submit drainage plans to the Ada County Engineer for approval.

- *Section 8-6B-3E – Streetlights shall comply with the lighting regulations set forth in chapter 4, article H of this title.*

The Board finds that the developer is not required to install streetlights due to the rural nature of the development; therefore, **Section 8-6B-3E** is not applicable.

- *Section 8-6B-4 – In lieu of completion of the improvements listed in subsection 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 a small portion of the subject property is in the Hillside Overlay District because some of the slopes adjacent to the drainage overflow ditch in the northeast corner are over 15%.

The Board finds that the subdivision is in compliance with the Hillside Overlay District because areas where the slope is greater than 15% are not being disturbed.

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

The Board finds that the subdivision conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures as the majority of the site is relatively flat and the southern lot will contain the single-family dwelling currently under construction, secondary dwelling, and outbuildings.

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 not cause undue damage, hazard, or nuisance to persons or property in the vicinity.

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

The Board finds that the applicant is proposing for the four (4) lots in the subdivision to have frontage and take access from N. Eagle Road, which is an existing public street. There are no new streets proposed with this subdivision.

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

The Board finds due to the larger size lots (5.0 acre +) in the subdivision that there is not a need for community facilities such as parks, recreational, and dedicated open space areas in the subdivision because the lots are large enough for the property owners to pursue and enjoy recreational activities.

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

The Board finds that the proposed subdivision complies with the dimensional standards for the Rural-Urban Transition (RUT) District as the residential lots meet or exceed the minimum lot size of 5.0 acres and the minimum roadway frontage of 250 feet.

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

The Board finds as stated in Findings of Fact section H(1) that the overall plan is in conformance with the Eagle Comprehensive Plan as adopted by Ada County.

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

- a. *The preliminary plat is in conformance with the approved planned community implementation plan;*
- b. *Urban public services and urban public facilities are adequately provided according to the standards set forth in chapter 8 of this title, including the transition plan, if any; and*
- c. *Sufficient funds will be available to construct the urban public facilities and to provide urban public services.*

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

3. The Board finds **Subsection 9-2-3B of the Ada County Code** is applicable because the applicant has applied for a subdivision in Eagle's Area of City Impact. The Board finds that the application complies with **Subsection 9-2-3B of the Ada County Code**. Regarding Subsection 9-2-3B the Board finds the following:

The Board finds that the subdivision has been evaluated and is in conformance to the design and improvements standards contained in the Eagle City Code, Title 9, Chapter 3, and in Chapter 4, Sections 9-4-1-1 through 9-4-1-12 as the Eagle City Code existed on November 15, 1983.

### **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. 201600664 S complies with the Eagle Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201600664 S complies with Section 8-6-5 of the Ada County Code.
3. The Board concludes that Project No. 201600664 S complies with Subsection 9-2-3B 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 #201600664 S to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated May 2, 2016.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Board of Ada County Commissioners**

\_\_\_\_\_  
By: Jim Tibbs, Commissioner

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By: Rick Yzaguirre, Commissioner

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By: David L. Case, Commissioner

ATTEST:

\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk

## EXHIBIT A

### CONDITIONS OF APPROVAL

**REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF PROJEC #201600664 S WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND SUBMIT A FINAL PLAT UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.**

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.
  - a) Central District Health must approve the septic permit.
  - b) The Eagle Fire District must approve all fire flow requirements and/or building plans.
  - c) The Capitol View Irrigation District must approve all proposed modifications to the existing irrigation system.
  - d) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by the Board, the plat shall be modified to include the following items:
  - a) Provide ten foot (10') easements for utilities, drainage, and irrigation abutting all public rights-of-way and subdivision boundaries.
3. The applicant and/or owner shall provide the Central District Health Department with a full engineer report and additional data regarding high seasonal ground water.
4. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
5. For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.
6. Before you submit the final plat for approval, the Ada County Street Name Committee must approve all street subdivision names. See Title 2, Chapter 1 of the Ada County Code.
7. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.

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### CONDITIONS OF APPROVAL

## EXHIBIT A

8. 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.
9. The following statements shall appear on the face of the final plat:
  - a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed.”
  - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
10. The Board of County Commissioners must approve the final plat within 24 months of the Board of County Commissioner’s approval of the preliminary plat. For subdivisions where the Board approved a phasing plan, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.
11. The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
12. No building permits will be issued until the final plat is recorded through the County Recorder’s Office and parcel numbers have been issued by the County Assessor’s Office.
13. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
14. Protect and maintain the existing wasteway drainage channel that diagonals across the northeast corner of the property, or replace it in kind.
15. Prior to final plat approval by the Board, all required improvements shall be completed. In lieu of completing the required improvements, the applicant and/or owner may deposit a surety with the Director and sign a surety agreement in accordance with the regulations for surety agreements as 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. 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

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### CONDITIONS OF APPROVAL

## EXHIBIT A

contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, and utilities.