



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Sean Moorhouse

Project No. 201601093-S-PR (Moorhouse Villa Subdivision)

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. 201601093-S-PR.

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 August 18, 2015.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on June 14, 2016.
3. On June 29, 2016, Development Services accepted Project No. 201601093-S-PR and scheduled it for public hearing before the Ada County Planning and Zoning Commission on September 15, 2016.
4. On July 8, 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.
5. On August 8, 2016, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on August 23, 2016. Notices of the public hearing were posted on the property on August 30, 2016, and a certification sign posting was submitted to the director on September 6, 2016.

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6. On October 5, 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.
 7. On October 6, 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 October 18, 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. 201601093-S-PR the following:
1. PROPOSED USES: A two (2) lot residential subdivision.
 2. PROPOSED STRUCTURES: None.
 3. PROPOSED SITE IMPROVEMENTS: None.
- D. Based on the materials found in the file for Project No. 201601093-S-PR, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: The parcel number is S0429346600. The property is located at 7230 W McMillan Rd., Meridian, ID in Section 29, T.4N, R.1W.
 2. OWNERSHIP: Sean & Denise Moorhouse
 3. SITE CHARACTERISTICS:
 - Property size: 23.97-acres
 - Existing structures: There is one (1) existing single family dwelling on the subject property and a few agriculture structures on the site.
 - Existing vegetation: The majority of the site is agriculture with some residential landscaping adjacent to the existing home.
 - Slope: The site is relatively flat with slopes less than 15%.
 - Irrigation: Nampa & Meridian 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.
- 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 currently zoned Rural Urban Transition (RUT) District. The property is a single family residential and agricultural use.
- 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 property is single family residential and agricultural use in the Rural Urban Transition (RUT) District in Sunshine Estates Subdivision.

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South: The property is agriculture use in the Rural Urban Transition (RUT) District.

East: The property is agriculture use in the Rural Urban Transition (RUT) District.

West: The properties are single family dwellings in the Rural Urban Transition (RUT) District in the Baylor Subdivision.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201601093-S-PR, the Board finds the following concerning services:

Access Street and Designation: Access is currently off W. McMillan Road. W. McMillan Road is designated as a minor arterial roadway. The applicant is proposing a private roadway that will provide frontage and access to both lots.

Fire Protection: Star Fire District.

Sewage Disposal: Septic.

Water Service: Well.

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

Medium Density: to allow smaller lots for residential purposes within City limits. Uses may include single-family homes at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of public amenities such as open space, pathways, or land dedicated for public services.

Objective 3.03.02N: Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads.

Goal 3.05.03: Plan for appropriate uses within rural areas.

Objective 3.05.03B: Permit low-density (one unit per 5-10 acres) residential uses where City services can not be provided.

The Board finds that the development is being developed consistent with the City of Meridian Comprehensive Plan land use map which designated this area as Residential. The Board finds as conditioned that the proposed development is consistent with Ada County zoning ordinances. The properties cannot be served by central sewer systems as

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there are none in the area of the site and the existing residences are currently being served by septic systems. The Board finds that as conditioned, the development will reduce the number of access points on the arterial streets with the requirement to restrict access to McMillan Road, a minor arterial roadway.

2. The Board finds **Section 8-4D-5 of the Ada County Code** is applicable because the applicant has applied for a private road. The Board finds that the application complies with **Section 8-4D-5 of the Ada County Code**. Regarding Section 8-4D-5, the Board finds the following:

- A. *The design of the private road meets the requirements of this article;*

The Board finds that the design of the private road meets the requirements of **8-4D-4A and Section 8-4D-4B**. Regarding Section 8-4D-4A (Design Standards) and Section 8-4D-4B (Construction Standards) the Board finds the following:

- *Subsection 8-4D-4A1 – The private road shall be constructed on a perpetual access easement or a single platted lot that originates from a public street.*
 - a. *Outside an area of city impact, the easement or lot shall be a minimum of thirty feet (30') in width. Inside an area of city impact, the easement or lot shall be a minimum of fifty feet (50') in width.*
 - b. *If located on a lot, the primary function of the lot shall be to accommodate the private road. Minimum parcel size requirements shall not apply.*

The Board finds as evidenced in the record that the private road is located within Meridian's Area of Impact and as conditioned, the applicant shall be required to submit a revised preliminary plat showing that the private road will be constructed on a perpetual access easement that is a minimum of fifty feet (50') in width.

- *Subsection 8-4D-4A2 – All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base district, except: If the turnaround for the private road is located within a property as illustrated in section 8-1A-2, "Figure 14" of this title, the required frontage shall be thirty feet (30') (the width of the private road easement).*

The Board finds as conditioned, and as evidenced on the preliminary plat that all properties abutting the private road comply with the minimum street frontage for the Rural Urban Transition (RUT) District. The proposed private roadway is approximately 260-feet in length, the applicant will be required to provide a 50-foot wide easement, and the private roadway is located along the shared property line between the proposed lots, with the turnaround located wholly within Lot 2, Block 1.

- *Subsection 8-4D-4A3 – The point of connection of the private road and the public street shall be approved by the Ada County Highway District.*

The Board finds as conditioned, the Ada County Highway District (ACHD) must approve the point of connection between the private road and the public road. ACHD replied that the location of the proposed private road should be approved, as proposed.

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- *Subsection 8-4D-4A4 – The private road shall terminate at a forty five foot (45’) radius cul-de-sac or other approved turnaround configuration.*
 - a. *The turnaround may be located in an area of the property other than where the private road enters the property (see sections 8-1A-2, “Figure 14,” of this title).*
 - b. *The private road shall not intersect a public road, except at its origination point. The private road shall not intersect another private road.*
 - c. *If the applicant proposes an alternate location and/or configuration for the turnaround, the following additional standards shall apply:*
 - 1) *The applicant shall provide written approval from the appropriate fire district.*
 - 2) *The county engineer shall review and approve the alternate location and/or configuration.*

The Board finds that as conditioned, the private road shall terminate in a cul-de-sac with a 45’ radius. As conditioned, the applicant and/or owner shall provide written documentation that the Star Fire District approves of the proposed private road and turnaround.

The Board also finds that the private road does not intersection a public road except at its origination point.

- *Subsection 8-4D-4A5 – New gates or other travelway obstacles shall not be allowed except in exceptional circumstances when the director determines the gate or gates are necessary to improve safety or to halt environmental degradation in the area. Before approving a new gate or other obstacle, the director shall provide the fire district, or if no fire district, the Ada County sheriff, with advice from the Idaho state fire marshal’s office, the opportunity to review the proposal and offer recommendations.*
 - a. *Approved gate openings shall be a minimum of twenty feet (20’) wide, be located a minimum of thirty feet (30’) from the public right of way, and when the gate is open, the travelway, for its entire width shall be clear and unobstructed.*
 - b. *Gates located on one-way roads shall open in the same direction that traffic moves. Gates located on two-way roads must open in both directions that traffic moves. Gates that open upward shall not be allowed.*
 - c. *Gates shall have a fail-open lock in the event of a loss of power.*

The Board finds as evidenced in the record that there are no gates or obstacles proposed for the private road.

- *Subsection 8-4D-4A6 – No segment of the travelway of a private road shall exceed ten percent (10%) grade. Fire apparatus roadways in locations that front buildings, at intersections with other roads, and in front of fire hydrants shall not exceed eight percent (8%) grade.*

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The Board finds as evidenced in the record, that no segment of the travelway of the private road exceeds ten percent (10%) grade nor does fire apparatus roadways in locations that front buildings, at intersections with other roads, and in front of fire hydrants exceed eight percent (8%) grade.

- *Subsection 8-4D-4A7 – If the private road is located within the wildland-urban fire interface overlay district, the additional design standards listed in section 8-3B-3 of this title shall apply.*

The Board finds as evidenced in the record, that the private road is not located in the wildland-urban interface overlay district.

- *Subsection 8-4D-4A8 – Upon review of the proposed private road design, the applicant may be required to submit a drainage study prior to action on the private road application.*

The Board finds as conditioned that the applicant is required to submit a drainage study and drainage plan for the private road to the County Engineer.

- *Subsection 8-4D-4B1 – Private roads that will serve development located within an area of impact and that development will exceed a density of three (3) dwelling units per acre shall be constructed to the Ada County Highway District standards for urban local roads.*

The Board finds as evidenced in the record, the private road will serve properties located in Meridian's area of city impact with a density of less than three (3) dwelling units per acre.

- *Subsection 8-4D-4B2 – All other private roads not defined in subsection B1 of this section shall be constructed to the following standards:*
 - a. Private roads that will provide frontage or access to four (4) or fewer properties shall have a travelway with a minimum improved width of twenty feet (20'). Private roads that will provide frontage or access to more than four (4) properties shall have a travelway with a minimum improved width of twenty four feet (24').*

The Board finds that the private road will provide frontage and access to four (4) or fewer properties. The cross section of the private road depicts the minimum improved width of the private road as twenty feet (20') and constructed of concrete.

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

The Board finds as conditioned that the travelway shall have a stable, compacted base. The cross section drawing of the private road depicts that the base will consist of a compacted stable subgrade or compacted structural fill on stable subgrade.

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

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The Board finds that the cross section drawing of the private road illustrates that there is a transverse slope of two percent (2%) to drain water away from the travelway.

- d. *The improved surface shall consist of six inches (6") of compacted two (2") minus crushed gravel or other materials approved by the county engineer. Private roads that provide frontage and/or access to more than four (4) properties shall be paved with 2.5 inches of asphaltic concrete.*

The Board finds as that the cross section drawing of the private road illustrates that the improved surface shall consist of six inches (6") of compacted three quarter inch (3/4") minus crushed gravel and four inches (4") of concrete.

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

The Board finds as evidenced in the record that there are no segments of the private road's travelway that is greater than five percent (5%) grade.

- f. *For the purposes of this section, corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots that were created as part of a nonfarm subdivision shall also be counted as taking access off the private road.*

The Board finds as evidenced in the record that there are no corner properties being created with this private road.

- B. *Granting approval of the private road would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and*

The Board finds as conditioned that granting approval of the private road will not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity. The Ada County Building Official replied that the Building Division has no objection to the proposed private road. The Nampa & Meridian Irrigation District replied that they have no comment on the development. The Ada County Engineer and Associate County Surveyor provided a number of comments and conditions of approval for both the private road and preliminary plat.

- C. *The use and location of the private road shall not conflict with the applicable comprehensive plan and/or regional transportation plan.*

The Board finds as evidenced in the record that the use and location of the private road does not conflict with the Meridian Comprehensive Plan as adopted by Ada County.

- 3. 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;*

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Section 8-6A-1: General:

- 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 as conditioned that the lots in the subdivision comply with the design standards of the Rural Urban Transition (RUT) District as the residential lots shall be required to meet the minimum lot size of 5.0 acres even after the dedication of right-of-way for W. McMillan Road to Ada County Highway District (ACHD) and meet or exceed the minimum roadway frontage of 250 feet. The applicant is proposing a private roadway to provide the minimum roadway frontage for Lot 1, Block 1.

- 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 natural features analysis (Exhibit #5) that there are no areas of soils susceptible to erosion and the soils indicated hereon are suitable for development though certain areas may require specific engineering and/or testing. The natural features analysis stated also shows that the site is essentially flat with no slopes greater than 15 percent are present.

- 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. The Board finds as conditioned that the applicant will need to submit a full engineering report to the Central District Health Department due to their response in Exhibit #16. The Central District Health Department stated that an application, test holes, and full engineering report are required.

- 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, the limits of the subdivision encompasses the full extent of the owners' lot and does not own any contiguous properties.

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

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The Board finds that a natural features analysis has been submitted with the application (Exhibit #5). 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 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 both properties will have access from the proposed private roadway (N. Mas Casa Ln.). The Board finds that as conditioned, both lots shall be restricted from taking access onto W. McMillan Road, as the applicant is proposing to take access from a private roadway.

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 that needs for convenient access, circulation, control, safety, or street traffic, and the number of intersection streets with arterials have been held to a minimum. The applicant has stated in his detailed letter (Exhibit #3) that both lots will take access and frontage off the proposed private roadway. In Exhibit #19, the Ada County Highway District (ACHD) responded that the proposed preliminary plat is approved without conditions. The applicant will need to submit a driveway approach request, receive approval and obtain a permit from ACHD prior to construction of any future driveway approaches on W. McMillan Road. Thus, as conditioned the applicant shall submit a driveway approach request and obtain a permit from ACHD prior to construction of any future driveway approaches on W. McMillan Road and Lot 1, Block 1 shall be restricted from direct access to W. McMillan Road.

4. *The limitations and opportunities of topography.*

The Board finds based upon the natural features analysis (Exhibit #5) that there are no limitations due to the topography of the property. The natural features analysis showed the site's terrain with no slopes greater than the fifteen percent are present and that the majority of the site is essentially flat.

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- B. *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 and will take access off the proposed private roadway (N. Mas Casa Ln.). Due to the 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').

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

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 Rural Urban Transition (RUT) District can be complied with the buildings on the site.

- 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 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.

- 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*

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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 lots that are through lots.

- 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 on a cul-de-sac turnaround.

- 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 as evidenced on the preliminary plat (Exhibit #4) that there are no lots, which have frontage onto a 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 as conditioned, that the lots in the subdivision shall have frontage and access onto the proposed private roadway (N. Mas Casa Ln.). In addition, the Ada County Highway District will approve of all required public street improvements as they are signatory to the final plat. City of Meridian Comprehensive Plan (Objective 3.03.02N) recommends restricting access points to arterial streets. Therefore, the Board finds as conditioned that access onto W. McMillan Road should be restricted.

- 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.*

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The Board finds that the subdivision is intended to be rural in nature and access to the lots are proposed to be from the proposed private roadway (N. Mas Casa Ln.) for both lots. The setback requirements for the Rural Urban Transition (RUT) District along with 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:

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 evidenced on the preliminary plat (Exhibit #4) the applicant is proposing to provide 12-foot easements for utilities, drainage, and irrigation abutting the subdivision boundaries. The Board finds as conditioned, that the applicant shall be required to provide a minimum of 10-foot wide easement for utilities, drainage, and irrigation abutting all public street right of way.

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

The Board finds as conditioned and according to the natural features analysis (Exhibit #5) that the subdivision is bisected by an irrigation ditch through the southwest portion of the site. Additionally, there is an irrigation ditch that runs along the northern boundary of the site. As conditioned, the applicant and/or owner shall identify an easement on the plat for both irrigation ditches.

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 evidenced by the natural features analysis (Exhibit #5) that the subdivision is transversed by a watercourse (irrigation ditch) and future structures shall be required to 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.*

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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 according to the natural features analysis (Exhibit #5) that the subdivision is bisected by an open irrigation ditch and due to the rural nature of this development, fences adjacent to watercourses should not be required.

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 the lots of the subdivision will take access and frontage from N. Mas Casa Ln., which is a proposed private roadway.

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

The Board finds that as evidenced in Item #H2 and as conditioned, the applicant and/or owner shall be required to construct the proposed private

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roadway (N. Mas Casa Lane) in conformance with Ada County Code Chapter, 4, Article D.

- 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 existing and future individual septic tanks. As conditioned, the Central District Health Department will need to approve the septic systems.

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

The Board finds that the developer is not proposing or required to install any roadway or stormwater facilities therefore, Section 8-6B-3E is not applicable.

- E. *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: 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 according to the Ada County Zoning Map that the property is not located in an overlay district.

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 considerations for the location and function of land uses and structures as the topography is relatively flat.

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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 the lots in the subdivision are proposed to have frontage and access off a proposed private roadway (N. Mas Casa Ln.).

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. The Board finds that as conditioned, the lots within the subdivision will be required to meet the minimum lot size of 5.0 acres even after the dedication of roadway right of way to Ada County Highway District for McMillan Road.

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 Finding H1 that the overall plan is in conformance with the City of Meridian Comprehensive Plan as the Future Land Use Map designates the site as Residential.

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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. 201601093-S-PR complies with the Meridian Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201601093-S-PR complies with 8-4D of the Ada County Code.
3. The Board concludes that Project No. 201601093-S-PR complies with Section 8-6-5 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. 201601093-S-PR, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated June 29, 2016.

DATED this _____ day of _____, 20__.

Board of Ada County Commissioners

By: Jim Tibbs, Commissioner

By: Rick Yzaguirre, Commissioner

By: David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project No. 201601093-S-PR
Sean Moorhouse
Moorhouse Villa Subdivision

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 PROJECT NO. 201601093-S-PR 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 from these agencies.
 - a) Central District Health must approve the septic permit.
 - b) The Star Fire District must approval all fire flow requirements and/or building plans.
 - c) 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. 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) Revise the preliminary plat to show a 20-foot wide private road as required. The private road as shown on the preliminary plat (and in Google Map photos) doesn't appear to be 20-feet wide.
 - b) Show existing features including the irrigation ditches and associated easements. All natural drainage patterns through the site shall be perpetuated.
 - c) The private road easement needs to be delineated on the face of the plat, and monumented or sufficiently referenced to the Lot lines and Lot corners.
 - d) Plat note restricting access onto McMillan Road for both lots unless otherwise approved by Ada County and Ada County Highway District.
 - e) Ten (10) foot easements shall be depicted for utilities, drainage, and irrigation abutting all public right-of-ways.
 - f) Correct the "Deed No. 27392318" listed for the Idaho Power Easement in the Legend to reference Ada County Recorder's Instrument #113116944.
 - g) Provide design plans for the private road and fire truck turn around. Show how stormwater from the road will be managed.
3. All lots shall be required to meet the minimum lot size of 5.0 acres, even after the dedication of right-of-way for W. McMillan Road to Ada County Highway District (ACHD).
4. The applicant and/or owner shall submit a copy of the recorded maintenance agreement that details ongoing maintenance activities, maintenance responsibilities and financial responsibilities

CONDITIONS OF APPROVAL

201601093-S-PR

Sean Moorhouse

Moorhouse Villa Subdivision

EXHIBIT A

for the private roadway (N. Mas Casa Ln.). The maintenance agreement shall be recorded in the Ada County Recorder's Office and a copy submitted prior to the signature of the final plat.

5. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
6. The final plat shall be substantial conformance with the approved preliminary plat.
7. Any adjustments to the preliminary plat must conform to design standards in Title 8, Chapter 6, Article A of the Ada County Code.
8. The applicant and/or owner shall submit a full engineering report to the Central District Health Department and received approval of the report from the Central District Health Department.
9. For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.
10. Prior to final plat approval, the private road shall be inspected and approved by the County Engineer or the applicant and/or owner must submit a surety agreement consistent with Title 8, Chapter 4, Article K of the Ada County Code.
11. Before submittal of 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.
12. 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.
13. 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 resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
14. 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.

CONDITIONS OF APPROVAL

201601093-S-PR

Sean Moorhouse

Moorhouse Villa Subdivision

EXHIBIT A

15. The owner shall complete all required site improvements in accordance with Section 8- 6B-1 of the Ada County Code.
16. 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.
17. 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.
18. 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.
19. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Ada County Engineer. The drainage design plan shall include all proposed site grading.
20. Applicant and/or owner shall notify the County Engineer when construction on the project is completed, to schedule a Final Inspection of the Improvements.
21. At the conclusion of the approved project, the Engineer of Record shall submit a report to the Director stating that all work has been executed in compliance with the approved plans.
22. Prior to final plat approval by the Board, all required improvements shall be completed. In lieu of completing the required improvements, the applicant and/or owner may deposit a surety with the Director and sign a surety agreement in accordance with the regulations for surety agreements shall comply with Article 8-4K of the Ada County Code.
23. The private road shall comply with the requirements of the Star Fire District.
24. The private road shall comply with the design and construction standards in Section 8-4D-4 of the Ada County Code.
25. The travelway for the private road shall have a stable and compacted base.
26. All drainage shall be retained onsite.
27. 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.

***Note:**

Language was added to Condition #2(d) at the Commission's public hearing on September 15, 2016.

CONDITIONS OF APPROVAL

201601093-S-PR

Sean Moorhouse

Moorhouse Villa Subdivision