



**BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION**

In re:

Petition/Application of Avimor Development, LLC

Project No. 201601401 CPA-ZC-ZOA-S & 200600069 DA-M

**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 Commission 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 Nos. 201601401 CPA-ZC-ZOA-S & 200600069 DA-M.

B. As to procedural items, the Commission 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 May 19, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on July 7, 2016.
3. On August 18, 2016, Development Services accepted Project #201601401 CPA-ZC-ZOA-S and Project #200600069 DA-M and scheduled it for public hearing before the Ada County Planning and Zoning Commission on November 10, 2016.
4. On August 29, 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 October 17, 2016, property owners within 1,000 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 and October 25, 2016. Notices of the public hearing were posted on the property by October 31, 2016 and a certification sign posting was submitted to the director by November 10, 2016.
6. In accordance with Section 8-7A-5E of the Ada County Code, a public service announcement was issued on October 21, 2016.

C. As to the project description, the Commission finds based on the application materials found in the file for Project Nos. 201601401 CPA-ZC-ZOA-S & 200600069 DA-M the following:

1. **PROPOSED USES:** The Avimor Planned Community is a community that will have upon build out a mix of residential, commercial, public uses, and natural and developed open space.
2. **PROPOSED STRUCTURES:** The Avimor Planned Community is a community that will have a variety of residential dwellings, commercial and mixed use structures, and public buildings (i.e. school and fire station).
3. **PROPOSED SITE IMPROVEMENTS:** Expansion of the public utility infrastructure, roads, parks, and trails.

D. Based on the materials found in the file for Project Nos. 201601401 CPA-ZC-ZOA-S & 200600069 DA-M, the Commission finds the following concerning the project description:

1. **PARCEL NUMBER AND LOCATION:** All parcels within the boundaries of the Avimor Planned Community. Avimor is located at N. Highway 55.
2. **OWNERSHIP:** First American Title Insurance Company.
3. **SITE CHARACTERISTICS**

Property size: 919 acres.

Existing structures: 287 single-family dwellings that have been or are currently under construction, Avimor Community Center, sales office, wastewater treatment facility, telecommunications equipment building and tower, and a water storage tank.

Existing vegetation: Residential landscaping and dryland shrubs, grasses, and forbs. Also there are riparian grasses, shrubs, and trees along Spring Valley Creek and the North Fork Spring Valley Creek.

Slope: Varies throughout the community. There are areas where the slopes are relatively flat and there are areas with steep slopes greater than 15%.

Irrigation: The property is not located in the jurisdictional boundaries of an irrigation district. Potable water supplied by United Water and reclaimed water.

Drainage: The developed areas of the property drain to stormwater detention basins.

Views: The site is generally visible from Highway 55.

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

The Commission finds that the property is zoned Planned Community (PC) and is in the Avimor Planned Community. The community is currently being developed and has 287 single-family dwellings that have been or are currently under construction, a community center, parks, trails, and public infrastructure such as roads and utilities.

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

North: The site is a ranch consisting of agricultural and rangeland and is located in Boise County.

South: The site is rangeland and is located in the Rural Preservation (RP) District.

East: The site is rangeland and is located in the Rural Preservation (RP) District.

West: The site is rangeland and is located in the Rural Preservation (RP) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project Nos. 201601401 CPA-ZC-ZOA-S & 200600069 DA-M, the Commission finds the following concerning services:

Access Street and Designation: N. Highway 55, which is designated as a principal arterial.

Fire Protection: Eagle Fire District.

Sewage Disposal: Avimor Water Reclamation Company.

Water Service: United Water Idaho.

Irrigation District: None.

Drainage District: None.

- H. As to the applicable law, the Commission 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 Commission finds **Idaho State Code §67-6508** is applicable because it sets forth the duty to conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan. The Commission finds the petition complies

with **Idaho State Code §67-6508** as it involves adding an additional 89 acres resulting from a more precise delineation of the Ada/Boise County Line and the eastern property line because of a missing surveying pin and making changes to the previously approved comprehensive plan (Avimor Specific Plan) and the changes are in compliance with the goals set forth in the Plan. The Avimor Specific Plan is the applicable comprehensive plan for the Avimor Planned Community.

The proposed changes to the comprehensive plan (Avimor Specific Plan) include modifying the Land Use District Map (Section 6 of the Specific Plan) to reflect a revised street and lot layout and the update of acreages on the map resulting from the change in lot layout and the addition of 89 acres to the Avimor Planned Community. With the additional acreage, Avimor is taking the opportunity to make some changes to reconfigure some of the lots to take advantage of the 89 acres as well react to changing market conditions that have occurred since the initial entitlement of the planned community over ten (10) years ago as well as adding an additional 155 residential dwellings necessitating the comprehensive plan map amendment. The addition of the residential lots does not disturb the scale of the development nor affects the development process. Density ratios remain similar to what was approved under the initial entitlement. Avimor has planned for growth since the beginning of their planning process as they anticipate on developing other planned communities on their acreage that is not a part of the Avimor Planned Community. The infrastructure has already been designed for additional development and thus the existing infrastructure can easily handle the additional 155 residential units. The addition of the 89 acres will increase the Village Open Space and Foothills Open Space from 491 acres to 548 acres. The ratio of Open Space increases from 59.2% to 59.6%.

The updated land use map shows some changes to development areas with the reconfiguration of lots in the proposed preliminary plat. The reconfiguration of the lots is better suited for current market conditions. The recession and market fluctuations had caused Avimor to change their phasing and grading schedule. Avimor had initially intended to bring on 100 to 200 lots a year, which would have allowed for extensive grading and relocation of dirt and fill. The intent was to take vast quantities of fill from the southeastern portion of the development and move it to the flat lower lots at the northern nob of the development. When Avimor minimized its grading activity, it kept the dirt in the same general area. This has required Avimor to reconfigure future lots in the southeastern portion of the development. Now it makes more sense for Avimor to take dirt from the northern foothills area and relocate it in the northern nob, which has opened up the opportunity for new lots in the northern foothills. With the reconfigured lots in the southeastern portion of the development, Avimor has decided to abandon the lots shown on the 2007 preliminary plat (Exhibit #22) along the upper ridge of the Spring Valley Creek.

The additional acreage and the increase of 155 residential units have resulted in numerous tables and graphics in the Specific Plan needing to be updated. These changes are reflected in Exhibit #25. In reviewing Exhibit #25 staff noticed that there were some sections, which were from an earlier draft of the specific plan that was not adopted.

These include Section 1 the Vision Statement, Section 4 the topography, vegetation, and sensitive plan & wildlife species of the Natural Features Analysis along with Figure 12B and 16B, Section 5 the village center vision subsection of the Density/Intensity of Proposed Land Uses, Section 8 the projected population and households section along with the cover page of the Assessment of Development and Population Trends, Section 11 the cover page of the Open Space and Trails Plan, and Section 14 the cover page of the Phasing Plan.

The Commission finds prior to the Board's public hearing that the following items noted in Exhibit #25 shall be updated: Revise Section 1 the Vision Statement in its entirety. In Section 4 (Natural Features Analysis) revise the Topography Section, Figure 12 B, Vegetation Section, Sensitive Plant & Wildlife Species Section, and add Figure 16 B. In Section 5 (Density/Intensity of Proposed Land Uses) revise the Village Center Vision Subsection. In Section 8 (Assessment of Development and Population Trends) revise the cover page. In Section 11 (Open Space and Trails Plan) revise the cover page. In Section 14 (Phasing Plan) revise the cover page.

Within the Specific Plan changes have been made to the conceptual phasing plan in Section 14 to show the proposed phasing and planning schedule. It should be noted that the conceptual phasing plan is subject to change as market conditions and absorption rates will determine the number of lots to be platted with each phase.

Due to the increase in dwelling units an updated Economic Impact Analysis was submitted. The updated Economic Impact Analysis (Exhibit #28) was completed by Development Planning & Financing Group, Inc (DPFG). Based upon their analysis DPFG found that the proposed changes to the development plan will have additive financial impact on the County's General Fund, Special Revenue Funds, and other Taxing Districts from that outlined in the Prior Report. In the Economic Impact Analysis DPFG has updated estimates of the gross Revenues anticipated to be received by the County in Table 1 of the analysis. DPFG has also updated the Fiscal Impact Study as shown in Table 2 of the analysis. Table 3 of the analysis compares the anticipated annual revenues between the 2005 Report and the 2016 Review. The analysis indicates annual gross revenues will be more than was previously estimated to be in the 2005 report for both the County and other Taxing Districts.

The Avimor Fire & Vegetation Management Plan is being updated to clarify conflicting and unclear provisions. These updates include: prohibit outdoor wood-burning fireplace/firepits except for special events sponsored by Avimor. Otherwise, only gas outdoor fireplace/firepits are allowed. Require that all indoor fireplaces be gas fireplaces unless a spark/ember screen is installed. Set forth a restriction that all Firework use will comply with Ada County Ordinances. Deem the "Fire Season" as April 1 through October 31 annually. The Eagle Fire District in Exhibit #46 has requested for specific language to be included in the fire plan.

The Commission finds that the language requested by the Eagle Fire District shall be incorporated into the Avimor Fire & Vegetation Management Plan prior to the Board's public hearing.

The Avimor Recreation Plan, which is an appendix of Avimor Wildlife Mitigation Plan, is being updated to include the following: Allow the Avimor Trail Board ‘ATB’ to add a larger number of members to expand the technical capabilities and knowledge of the Board when needed. Revise the ATB process to graft the Avimor Stewardship Organization ‘ASO’ and the Board of Ada County Commissioners into the decision making process. Specifically, the ATB will make recommendations to the ASO, who in turn will make recommendations to the Board of Ada County Commissioners. Add an updated Trail Map and Seasonal Trail Map. Elaborate on and fine-tune the handling of seasonal trail closures. Designate additional trails for specific uses. Scott Koberg the Director of the Ada County Parks & Waterways Department provided comments regarding the changes to the Recreation Plan in Exhibit #63. In general, the comments are related to the role of the Board of Ada County Commissioners versus the role of the Ada County Parks & Waterways Department in the administration of the Recreation Plan. Most of the references to the Board of Ada County Commissioners should be changed to the Ada County Parks & Waterways Department.

The Commission finds that the Recreation Plan shall be updated prior to the Board’s public hearing.

2. The Commission finds **Subsection 8-7B-1A of the Ada County Code** is applicable because it sets forth for the Commission to prepare, implement, review, and make subsequent recommendations for amendments to the comprehensive plan as set forth in **Idaho Code section 67-6509**. The Commission finds as evidenced in Findings of Fact Section B and H1 that the petition complies with **Subsection 8-7B-1A of the Ada County Code**.
3. The Commission finds **Idaho State Code §67-6537(4)** is applicable because it sets forth when considering, amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity, and quality of ground water in the area.

The Commission finds that the proposed changes to the Comprehensive plan do not change or otherwise affect the existing goals or policies addressing the source, quantity, and quality of ground water. The Avimor Specific Plan lists as one of its Policy Implementation Measures “Protect water quality through erosion control, landscape restoration, and enhancement of wetlands and riparian corridors.” The proposed changes to the comprehensive plan will not affect the source, quantity, and quality of groundwater in the area because irrigation of individual lots comes from a municipal system operated by Suez Water and reclaimed water from the Avimor Water Reclamation Company is used to irrigate common areas.

4. The Commission finds **Section 8-7-3 of the Ada County Code** is applicable because the application is for a zoning ordinance map and text amendment. The Commission finds that the application complies with **Section 8-7-3 of the Ada County Code**. Regarding Section 8-7-3 the Commission finds the following in regards to the zoning ordinance map and text amendment.

1. *The zoning ordinance amendment complies with the applicable comprehensive plan;*

The Commission finds that the zoning ordinance map and text amendment is in accordance with the applicable comprehensive plan (Avimor Specific Plan) as the amendment will not be detrimental to the community goal, objectives, and policies in the Avimor Specific Plan.

The Commission finds that the zoning ordinance map amendment adds an additional 89 acres to the Avimor Planned Community resulting from a more precise delineation of the Ada/Boise County Line and the eastern property line because of a missing surveying pin. The additional acreage will be zoned Planned Community (PC) and located within the Avimor Planned Community Overlay District.

The Commission finds that the zoning ordinance text amendment amends Article 8-3I to revise Avimor's Land Use District Map (Table 8-3I-3); provide clarifying language regarding the issuance of building permits for single-family dwellings with a semi-detached garage or private living quarters; and provide regulations for food trucks.

The Commission finds that the land use district map is also being modified in the Avimor Specific Plan as part of the comprehensive plan amendment. The map is being modified to include the additional 89 acres along the northern and eastern border of the planned community. With the addition of the 89 acres Avimor is taking the opportunity to make some changes to reconfigure some of the lots to take advantage of the 89 acres as well react to changing market conditions that have occurred since the initial entitlement of the planned community over ten (10) years ago.

The Commission finds that Avimor has a product type that includes a semi-detached garage. With this product type the garage is separate from the main dwelling and is connected to the dwelling by a covered breezeway. Currently, when Avimor builds this product they need to obtain two (2) building permits: one (1) for the single-family dwelling and one (1) for the garage. The clarifying language in the zoning ordinance text amendment will only require one (1) building permit for both the single-family dwelling and the semi-detached garage or private living quarters.

The Commission finds that there is growing interest for food vehicle or trailer concessions (*aka Food Trucks*) in the Avimor Planned Community. The ordinance doesn't address food trucks as a food truck in Avimor is currently considered a restaurant. This is problematic for food trucks in Avimor as the regulations for a restaurant reflect brick and mortar establishments. The proposed zoning ordinance amendment provides definitions for a food truck or trailer concessions and for a self-sufficient vehicle or trailer. Food truck/trailer concessions have been added as an allowed use in the Avimor Planned Community Land Use Table (Table 8-3I-3) as a principal permitted use in the Village Center and Village Open Space Land Use Districts. It also provides regulations and standards for food truck/trailer concessions such as applying for and obtaining a zoning certificate, providing a copy of their Mobile Food Establishment license from the Central District Health Department, and submitting a scaled site plan showing the location of the truck/trail concessions with suitable off-street parking, and ADA accessibility.

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

The Commission finds that the zoning ordinance map and text amendment complies with the regulations outlined for the Planned Community base district, specifically, allowing for community specific comprehensive plans and zoning regulations for each planned community. The zoning ordinance map amendment adds an additional 89 acres to the Avimor Planned Community, which will be zoned Planned Community (PC) and located within the Avimor Planned Community Overlay District. The zoning ordinance text amendment amends the Avimor Planned Community Overlay District, which are the zoning regulations specific to the Avimor Planned Community.

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

The Commission finds that the zoning ordinance map amendment is not materially detrimental to the public health, safety, and welfare as it is simply an inclusion of 89 acres to the Avimor Planned Community resulting from a more precise delineation of the Ada/Boise County Line and the eastern property line because of a missing surveying pin.

The Commission finds that the zoning ordinance text amendment revises Avimor's Land Use District Map (Table 8-3I-3); provides clarifying language regarding the issuance of building permits for single-family dwellings with a semi-detached garage or private living quarters; and provide regulations for food trucks.

The Commission finds that revising the Land Use District Map in Table 8-3I-2 is not materially detrimental to the public health, safety, and welfare as it reflects the changes to the land use district map being modified in the Avimor Specific Plan. The map is being modified to include the additional 89 acres along the northern and eastern border of the planned community.

The Commission finds that providing clarifying language regarding the issuance of building permits for single-family dwellings with a semi-detached garage or private living quarters is not materially detrimental to the public health, safety, and welfare because someone building a single-family dwelling with a semi-detached garage or private living quarters is still required to obtain a building permit and zoning certificate. The Ada County Building Official stated in Exhibits #40 and #58 that the Building Division has no objection to the proposed amendment.

The Commission finds that providing regulations for food trucks is not materially detrimental to the public health, safety, and welfare because the amendment provides definitions for a food truck or trailer concessions and for a self-sufficient vehicle or trailer; indicates where food trucks are allowed within the Avimor Planned Community; and provides regulations and standards that take into consideration the public health, safety, and welfare. Such as making sure there is suitable off-street parking, the facility is ADA accessible, and that the proprietor has obtained a Mobile Food Establishment license from the Central District Health Department.

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 Commission finds that the zoning ordinance map and text amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction (Avimor Planned Community) including, but not limited to, school districts because such political subdivisions providing public services have not given any indication that public services would be affected. The Ada County Building Official replied in Exhibits #40 and #58 that the Building Division has no objection to the proposed amendments. The Central District Health Department responded in Exhibit #42 that they have no objection to this proposal. The Idaho Department of Environmental Quality in Exhibit #45 provided general comments regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Eagle Fire District replied in Exhibits #46 and #62 that they have no comment regarding the zoning ordinance text or map amendment. The Idaho Transportation Department (ITD) responded in Exhibit #47 that they have no objection to the zoning ordinance map amendment. The City of Eagle stated in Exhibit #60 that their review found that this application is in substantial conformance with the application #201502322 CPA/DA/DA-DM/PR/ZC/ZOA and the City's comment provided on September 25, 2015.

5. The Commission finds **Article 8-7C of the Ada County Code** is applicable because the owner has applied for a development agreement as a part of their application for a zoning ordinance map amendment and the applicant has also applied for a development agreement modification due to the proposed changes associated with the comprehensive plan amendment. The Commission finds that the application complies with **Article 8-7C of the Ada County Code** because a development agreement will be reviewed by the Board of Ada County Commissioners as part of the proposed zoning ordinance map amendment and comprehensive plan amendment.
6. The Commission finds **Article 8-3B of the Ada County Code** is applicable because the property is located in the Wildland-Urban Fire Interface Overlay District. The Commission finds that the application complies with **Article 8-3B of the Ada County Code** because a fire and vegetation plan was prepared for the Avimor Planned Community and was reviewed and stamped by Jerry O'Neal who is a licensed fire professional engineer. The proposed development consists of interconnected systems of public roadways permitting emergency vehicle access to the lots from more than one direction.

The Eagle Fire District responded in Exhibit #46 it is their understanding from the Project Engineer and Developer that S. Burnt Car Place will be extended in the future to connect to another through street. By connecting the street in the future it corrects the access issue that existed in Planning Area A. During the re-plat Howell Road was removed which served as the secondary access to the subdivision. The Project Engineer Kevin McCarthy had indicated to them that Lot 24 is the secondary access; however, it is not

clearly identified as such on the plans or plat and that it is to connect at Highway 55 and N. McLeod Way. This access shall be required so the subdivision has secondary emergency access. Roads 20 to 26 feet in width shall be posted on both side “No Parking Fire Lane” in accordance with Appendix D sections D103.6 and D103.6.1 of the 2012 edition of the International Fire Code. As conditioned, the applicant and/or owner shall revise the preliminary plat and provide a secondary fire access plan for the subdivision.

7. The Commission finds **Article 8-3H of the Ada County Code** is applicable because the property is located in the Hillside Overlay District. The Commission finds as conditioned that the application complies with **Article 8-3H of the Ada County Code**. The applicant had submitted a hillside development application (Project #200700016 HD) with a previously approved preliminary plat application that covers the majority of the property. As conditioned, a new hillside application needs to be submitted for the areas that were not covered under the last hillside application.
8. The Commission finds **Section 8-6-5 of the Ada County Code** is applicable because the applicant has applied for a subdivision. The Commission finds that the application complies with **Section 8-6-5 of the Ada County Code**. Regarding Section 8-6-5 the Commission 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 Commission finds that the lots in the subdivision will comply with the design standards of the Village Residential (VR), Foothills Residential (FR), and the Community Service (CS) land use districts. The lots in the Village Residential District exceed the minimum lot size of 3,500 square feet for detached dwellings as the lot sizes in the Village Residential District range from 5,040 square feet to 29,597 square feet and the lots also exceed the minimum street frontage of 20 feet and 25 feet for corner lots. The lots in the Foothills Residential District exceed the minimum lot size of 9,000 square feet as the lot sizes in the Foothills Residential District range from 11,732 square feet to 110,765 square feet. Part of Lot 24 of Block 12 is within the Community Service District and this lot exceeds the lot size of 1,500 square feet and the minimum street frontage of 20 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 Commission finds as evidenced in the record that the site contains slopes in excess of 15% or greater. The applicant submitted a hillside development application (Project #200700016 HD) with a previously approved preliminary plat application that covers a portion of the property. As conditioned, a new hillside

application needs to be submitted for the areas that were not covered under the last hillside application.

- *Section 8-6A-1C – 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 Commission finds that there is not any evidence in the record including the Avimor Specific Plan and the approved natural features analysis to indicate that the site is unsuitable for development. As conditioned, the applicant and/or owner shall submit a Drainage Study and Drainage Plan in accordance with Section 8-4A-11 of the Ada County Code.

- *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. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the district in which they are located.*

The Commission finds that Section 8-3I-3C of the Ada County Code excepts the provisions of section 8-6A-1D of this title in applying to subdivision platting within Avimor.

- *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 Commission finds that a natural features analysis was submitted with the project that entitled the Avimor Planned Community as found in the Avimor Specific Plan. As evidenced on the preliminary plat, the subdivision design has taken into consideration the natural features on the property.

The Commission finds that the Idaho State Historical Society responded that while portions of the development have been evaluated and consulted with their office in regards to potential effects to historic properties (properties which are eligible or potentially eligible for the National Register of Historic Places), Planning Areas B and D as depicted on the 2015 Revised Preliminary Plat have not. Their preliminary review indicates the presence of known historic properties within the area of potential effect for these planning areas. These historic properties have the potential to be directly and indirectly adversely effected by development within these planning areas. These properties include the Spring Valley Ranch (IHSI #15-2375) and portions of the Boise to Pearl Wagon Road (10AA619). They recommend that the County require the developer to conduct a survey of the area of potential effect to identify and evaluate known and unknown resources, assess any adverse effect to any historic properties, and propose avoidance or mitigation if warranted. As conditioned, for Planning Area B and D,

the applicant and/or owner shall conduct a historical and cultural resources survey of these areas to identify and evaluate known and unknown resources, assess any adverse effect to any historic properties, and propose avoidance or mitigation if warranted. The survey shall be conducted by a professional that meets the Secretary of Interior Standards for Archaeology and Architectural History.

- *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 Commission finds that the subdivision will provide adequate building sites as the lots will be required to comply with the dimensional standards for the Village Residential, Foothills Residential, and Community Service land use districts.

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

The Commission finds as evidenced on the preliminary plat (Exhibit #20) that there are no double fronted lots.

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 Commission finds as evidenced on the preliminary plat (Exhibit #20) that the number of intersecting streets with arterials have been held to a minimum. The primary connection to Highway 55 a principal arterial is with Avimor Drive a collector. Streets within the proposed subdivision connect to Avimor Drive via the collector and local street system within the Avimor Planned Community.

4. *The limitations and opportunities of topography.*

The Commission finds that there are both limitations and opportunities relating to the topography of the site. As evidenced in the record, the applicant has placed the majority of the residential lots in the less slope-constrained portions of the property. In addition, Avimor decided to abandon the lots shown on the 2007 preliminary plat along the upper ridge of the Spring Valley Creek. Avimor has stated, “Although the ridge is developable land, Avimor has determined that it will help preserve sensitive wildlife and improve the view shed by placing homes in Southeastern portion rather than along this beautiful ridge.

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

The Commission finds that the proposed block lengths are generally between four hundred feet (400’) and six hundred (600’) in Planning Area D, which is a valley

portion of Avimor. Planning Areas A, B, and C are in the foothills and some of the block lengths are longer than six hundred feet (600'). In these areas, the longer block lengths are necessary due to the topography of the site. Staff is supportive of the block lengths.

- *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 Commission finds that the applicant is proposing five (5) foot wide attached or detached sidewalks along both sides of the internal local streets with the exception of Planning Area B due to the larger lot sizes and topographic constraints in that area. Additionally, the preliminary plat (Exhibit #20) shows a pathway through the Planning Area D neighborhood.

- *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 Commission finds that the applicant has designed and submitted a preliminary plat that provides the appropriate property size, width, depth, shape, orientation, and minimum structure setback lines that comply with the dimensional standards for the Village Residential and Foothills Residential land use districts.

- *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 Commission finds that the residential lots within the subdivision comply with the minimum dimensional standards for the Village Residential District and the Foothills Residential District. The lots in the Village Residential District exceed the minimum lot size of 3,500 square feet. The lots in the Foothills Residential District exceed the minimum lot size of 9,000 square feet. All corner lots exceed the minimum lot sizes in excess of 5%.

- *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 Commission finds that the side property lines originating at the front of the lot are within twenty degrees (20°) 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 Commission finds as evidenced on the preliminary plat (Exhibit #20) that the lots in the subdivision are not through lots.

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

The Commission finds that frontage for lots located on a cul-de-sac were measured fifty feet (50') back from the property line along the arc parallel to the right of way of the cul-de-sac.

- *Section 8-6A-3F – 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 figure 11, section 8-1A-2, of this title.*

The Commission finds that frontage for lots located on a knuckle were measured fifty feet (50') back from the property line along the arc parallel to the right of way of the 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 street, 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 Commission finds as evidenced on the preliminary plat (Exhibit #20) that all residential lots in the subdivision have frontage onto a public roadway.

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

- *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 Commission finds that the street layout has been planned to facilitate future development of abutting areas and the entire neighborhood, and provides adequate access to abutting lands. N. McLeod Way and N. Cantybay Way stub to the County Line providing future connections to future Avimor developments to the north in Boise County.

- *Section 8-6A-5A – Alleys may be provided in residential, commercial, and industrial zoning districts as recommended by the commission and approved by the board.*

The Commission finds as evidenced on the preliminary plat (Exhibit #20) that there are no alleys proposed for this subdivision.

- *Section 8-6A-5B – The width of an alley shall not be less than twenty feet (20') and shall be paved its entire width.*

The Commission finds as evidenced on the preliminary plat (Exhibit #20) that there are no alleys proposed for this subdivision.

- *Section 8-6A-5C – Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.*

The Commission finds as evidenced on the preliminary plat (Exhibit #20) that there are no alleys proposed for this subdivision.

- *Section 8-6A-5D – Dead end alleys shall be prohibited.*

The Commission finds as evidenced on the preliminary plat (Exhibit #20) 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 Commission finds as conditioned that the applicant shall provide ten (10) foot easements for utilities, drainage, and irrigation abutting all public right-of-way and subdivision boundaries.

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

The Commission finds that the subdivision is transversed by Spring Valley Creek and the North Fork of Spring Valley Creek. As conditioned, the applicant shall provide an easement encompassing the watercourses.

- *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 Commission finds as conditioned, that a minimum structural setback of thirty feet (30') from the normal high water line of all watercourses, 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 Commission finds as conditioned, that any fences proposed adjacent to Spring Valley Creek or the North Fork of Spring Valley Creek shall be constructed just off the 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 – 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 Commission 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 the preliminary plat is 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 and any work required shall be verified by the county surveyor prior to certification of the plat. Monuments in the field shall agree with those shown on the plat at the time of inspection. The regulations of such sections as to monuments, stakes, and other markings shall be considered minimum requirements, and the county surveyor may establish higher standards.*

The Commission 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 Commission finds that public streets shall be accepted 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.

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

The Commission finds as evidenced in the record that all streets within the proposed subdivision will be dedicated to the public and there are no roads that will be private.

- *Section 8-6B-3C – All new developments shall 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 Commission finds that the subdivision will be connected to Avimor’s sewer system. The Central District Health Department is a signatory on the final plat. The Central District Health Department replied in Exhibit #20 that they have no objections to this proposal.

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

The Commission finds, as conditioned, that the applicant and/or owner will be required to submit drainage plans to the County Engineer for approval and that those improvements shall be completed, inspected, and deemed approved by the County Engineer prior to approval of the final plat.

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

The Commission finds as conditioned that streetlights shall comply with the lighting regulations set forth in chapter 4, article H of this title.

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

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

- *Section 8-6B-4B – Bonds for wastewater collection, wastewater treatment systems, and/or community water systems shall be deposited with the appropriate health authority in accord with Idaho Code section 50-1326.*

The Commission finds that the Avimor Wastewater Reclamation Treatment Facility has been constructed and is in operation.

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 Commission finds that according to the Ada County Zoning Map that the property is located in the Wildland-Urban Fire Interface Overlay District, Flood Hazard Overlay District, and the Hillside Overlay District.

The Commission finds as evidenced in Findings of Fact Section H(7) that the subdivision complies with the standards of the Wildland-Urban Fire Interface Overlay District as set forth in chapter 3 of this title.

The Commission finds as evidenced in Findings of Fact Section H(8) that the subdivision complies with the standards of the Hillside Overlay District as set forth in chapter 3 of this title.

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 Commission finds that the design of the subdivision conforms to the topography and natural landscape features and shows consideration for the location and function of land uses. A number of lots have been reconfigured since the previous subdivision entitlement associated with Project #200700016-S such as moving development to the southeastern portion of Avimor and avoiding a developable ridge above Spring Valley Creek to improve the view shed and preserve sensitive wildlife.

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

The Commission 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. *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 Commission finds that the internal street system is designed for the efficient and safe flow of vehicles 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 internal street system within the subdivision will funnel traffic to N. McLeod Way and/or W. Avimor Drive and eventually to Highway 55. The street sections in Avimor with the exception of the rural right-of-way have either sidewalks or meandering asphalt pathways, which will connect to sidewalks and paths in the existing phases of the Avimor Planned Community.

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 Commission finds that community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian sidewalks and paths. The proposed subdivision will include a neighborhood park in Planning Area D and natural open space and trails through all four planning areas associated with the subdivision. Planning Area A includes 94.87

acres of natural open space and .07 acres of developed open space. Planning Area B includes 196.33 acres of natural open space. Planning Area C includes 8.26 acres of natural open space. Planning Area D includes 65.73 acres of natural open space and 13.39 acres of developed open space. Overall 70.0% of the preliminary plat is open space.

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

The Commission finds that the proposed subdivision complies with the dimensional standards for the land use districts in the Avimor Planned Community. The lots in the Village Residential District exceed the minimum lot size of 3,500 square feet for detached dwellings as the lot sizes in the Village Residential District range from 5,040 square feet to 29,597 square feet and the lots also exceed the minimum street frontage of 20 feet and 25 feet for corner lots. The lots in the Foothills Residential District exceed the minimum lot size of 9,000 square feet as the lot sizes in the Foothills Residential District range from 11,732 square feet to 110,765 square feet. Part of Lot 24 of Block 12 is within the Community Service District and this lot exceeds the lot size of 1,500 square feet and the minimum street frontage of 20 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 Commission finds that the **Avimor Specific Plan** is the applicable comprehensive plan because the proposed subdivision is located within the Avimor Planned Community and the Avimor Specific Plan sets forth the vision, goals, objectives, and policies for development within the Avimor Planned Community. The Commission finds that the preliminary plat complies with the **Avimor Specific Plan**. Regarding the Avimor Specific Plan the Commission finds the following:

The Commission finds as evidenced in the record that the development footprint for the subdivision complies with the Land Use District Map in the Avimor Specific Plan.

*Goal: To create Avimor, a new community that meets the social, cultural, economic, employment, educational, spiritual and leisure needs of the people who reside there; and to provide the services and infrastructure necessary to support and sustain that community.*

*Objectives:*

*COMMUNITY: Avimor will strengthen the concept of community by bringing people together for social, cultural, economic, intellectual, spiritual and leisure purposes in the village, neighborhoods, streets, public spaces, and institutions.*

The Commission finds that the Avimor Planned Community has multiple events throughout the year for residents to strengthen the sense of community in Avimor. The neighborhood park in Planning Area D and trails through the proposed

subdivision fosters this sense of community by providing a place for residents to gather and recreate.

*VILLAGE: Avimor will be an intimate village, providing residents a sense of place, identity, and security.*

The Commission finds that the concept for the Avimor Planned Community consists of a variety of neighborhoods, which will be connected to each other through a series of trails and walkways. The proposed subdivision is connected to the existing phases of Avimor through sidewalks, paths, and trails.

*DENSITY: Avimor will be developed at the highest density possible while maintaining village scale ambiance in order to minimize land consumption and provide transit and infrastructure efficiency.*

The Commission finds that the Avimor Planned Community has been designed to offer a mix of housing types on a variety of lot sizes throughout the community. The proposed subdivision has residential lot sizes ranging from 5,040 square feet to 2.54 acres.

*OPEN SPACE: Avimor will feature an open space system that protects sensitive areas, preserves riparian habitat, and brings nature into the community with a network of trails and amenities that expands recreational opportunities for the community and public.*

*Policy – Create recreational opportunities with a system of parks and trails for use by residents and the public.*

The Commission finds that the proposed subdivision has a number of recreational opportunities such as the neighborhood park in Planning Area D and a number of trails within the boundaries of the subdivision.

*LIVABILITY: Avimor’s community facilities, streets, walks, pathways, trails, and residential and mixed-use buildings will foster community interaction.*

The Commission finds that the proposed subdivision consists of a park, streets, pathways, open space, and trails that will foster community interaction in the subdivision and also in the broader Avimor Planned Community.

*DIVERSITY: Avimor will establish a heritage of diversity with a variety of housing types, styles, sizes, and prices and a reasonable balance of jobs.*

*Policy – Create a wide range of land-uses for living, working, shopping, and playing within the community.*

The Commission finds that the proposed subdivision will have 357 residential lots further consisting of 196 lots in the village residential land use district and 161 lots in the foothills residential land use district. There are 365.19 acres of natural open space and 13.46 acres of developed open space. This represents a wide range of land-uses in the proposed subdivision. The purpose of the village residential district is to provide for predominately single-family residential uses, in flat land and moderately sloped areas, at densities between 3.5 and eight (8) units per acre. The purpose of

foothills residential district is to provide for larger lot, single-family residential uses in hillside and valley areas at densities ranging from 0.5 to two (2) units per acre.

*Policy – Provide homes, offices and shops that appeal to different needs, lifestyles and income levels.*

The Commission finds that the Avimor Planned Community has a range of product types to meet the needs, lifestyles, and income levels of differing individuals. Avimor as a whole has a variety of residential options ranging from 45' x 110' village residential lots to custom home lots in the foothills. Avimor's Village Center in Phase 1 will provide offices and shops as certain population thresholds are met. The proposed subdivision provides village residential lots and custom home lots in the foothills.

*SUSTAINABILITY: Avimor will develop the foundation of a sustainable community by preserving the core ecosystem; adopting green building and development practices to sustain biodiversity and natural resources; encouraging water conservation and the reuse of treated water resources to supplement irrigation of public open space, common areas and parks; creating a safe and healthy community; and providing for a flourishing local economy.*

The Commission finds that the Avimor Planned Community has developed a foundation of a sustainable community through the adoption of design guidelines in the Avimor Specific Plan and the provision of natural and developed open space along with emergency services being provided by the Eagle Fire District, Ada County Sheriff's Office, and Ada County Emergency Medical Services. The proposed subdivision contributes to this by having natural open space and developed open space.

The design guidelines in Avimor have been developed to help preserve the core ecosystem through the adoption of green building and development practices to sustain biodiversity and natural resources. Numerous water conservation measures have been implemented such as buildings being built with low water use plumbing fixtures and recirculating pumps for hot water delivery. Effluent from the wastewater treatment plant is reused for open space and common area irrigation. Landscaping has been limited to primarily low water use or xeric plant material and is enforced through covenants, deed restrictions, and permitted plant lists.

*Policy – Use landscape materials compatible with the climate; preserve native foliage to the greatest extent feasible; revegetate with native materials; restrict non-native landscape to limited lot areas in the foothills; and establish standards to minimize and control the threat of wildfires.*

The Commission finds that landscaping in the Avimor Planned Community has been limited to primarily low water use or xeric plant material and is enforced through covenants, deed restrictions, and permitted plant lists.

The Commission also finds that Avimor is a National Firewise Community. The Firewise Communities Program is co-sponsored by the USDA Forest Service, the US Department of the Interior, and the National Association of State Foresters. Avimor

has been a National Firewise Community for a number of years and has also successfully completed recertification. As part of the Firewise development requirements, Avimor has developed a Fire and Vegetation Management Plan. The plan provides guidelines for how the Avimor homeowners, the HOA, and the Avimor Conservation Director can reduce the potential risk of wildfire and improve the health and stability of the surrounding vegetation and wildlife. Avimor has a number of educational pamphlets on their website that discusses firewise landscaping. As evidenced by staff's annual review of Avimor's Wildlife Mitigation Plan. Avimor has an annual Firewise education meeting in the spring with residents. In addition, Avimor's Conservation Director is highly involved with the program as the landscape plans for new dwellings along the wildland urban interface need to be approved by him and dwellings along the interface are evaluated every five (5) years.

*Policy – Protect water quality through erosion control, landscape restoration, and enhancement of wetlands and riparian corridors.*

The Commission finds that the Avimor Planned Community has a Wildlife Mitigation Plan. A component of the Wildlife Mitigation Plan includes restoration monitoring. As evidenced, in staff's annual review of the Wildlife Mitigation Plan Avimor has completed a number of projects to enhance wetlands and riparian corridors such as planting trees in riparian areas. They have also done a number of revegetation projects on hillsides to prevent erosion.

*Policy – Under site grading in hillside areas for lots and roadways in accordance with Grading and Drainage Section of B.13.*

The Commission finds as conditioned that under site grading in hillside areas for lots and roadways shall be in accordance with the Grading and Drainage Section of B.13.

*INFRASTRUCTURE: Avimor will provide the roadways, water and wastewater systems, drainage facilities and irrigation systems necessary to serve the community independent of other regional infrastructure systems.*

*Policy – Design a safe, efficient and convenient network of roads and trails, and a plan for the long-range transportation needs of the area.*

The Commission finds that the roadways for the proposed subdivision will be constructed under the supervision and will be inspected by the Ada County Highway District (ACHD). ACHD is a signatory on the final plat.

The Commission finds that Avimor has been working with the Idaho Transportation Department (ITD) regarding the long-range transportation needs of the area. ITD responded in Exhibit #47 that they do not object to the preliminary plat modification changes within the subdivision.

*Policy – Design residential streets to slow traffic and separate sidewalk, where feasible, to safely accommodate pedestrians.*

The Commission finds as evidenced on the preliminary plat that residential streets have been designed to slow traffic. The street sections depicted on the preliminary plat shows sidewalks or a meandering asphalt pathway with the exception of the 56'

typical rural right-of-way section. This right-of-way section serves a constrained area above Spring Valley Creek consisting of twenty (20) residential lots. As conditioned all streets in Planning Area A, Planning Area C, and Planning Area D shall have sidewalks or asphalt pathways according to corresponding right-of-way sections on the preliminary plat. Also, as conditioned the 56' typical rural right-of-way section is only allowed in Planning Area B.

*COMMUNITY SERVICES: Avimor will assure community safety and security in concert with the Eagle Fire District, Ada County Sheriff and Ada County Emergency Medical Services; and will facilitate education of the community's children through planning and coordination with school district, and by providing sites for elementary schools.*

The Commission finds that the application for the proposed subdivision was transmitted to those agencies that will provide community services on August 29, 2016.

The Eagle Fire District responded in Exhibit #46 it is their understanding from the Project Engineer and Developer that S. Burnt Car Place will be extended in the future to connect to another through street. By connecting the street in the future it corrects the access issue that existed in Planning Area A. During the re-plat Howell Road was removed which served as the secondary access to the subdivision. The Project Engineer Kevin McCarthy had indicated to them that Lot 24 is the secondary access; however, it is not clearly identified as such on the plans or plat and that it is to connect at Highway 55 and N. McLeod Way. This access shall be required so the subdivision has secondary emergency access. Roads 20 to 26 feet in width shall be posted on both side "No Parking Fire Lane" in accordance with Appendix D sections D103.6 and D103.6.1 of the 2012 edition of the International Fire Code. As conditioned, the applicant and/or owner shall revise the preliminary plat and provide a secondary fire access plan for the subdivision.

*WILDLIFE: Avimor will minimize impacts to wildlife by preserving native vegetation in delineated wetland riparian corridors and natural open space to the greatest extent feasible; will require wildlife-friendly fencing, clustering of homes in habitat areas, and maximizing open space.*

*Policy – Work with wildlife agencies to identify and preserve sensitive habitat, and regionally significant wildlife corridors.*

The Commission finds that Avimor has a Wildlife Mitigation Plan. The Wildlife Mitigation Plan is implemented, managed, and monitored by Avimor's Conservation Director. The Conservation Director works with wildlife agencies to identify and preserve sensitive habitat and regionally significant wildlife corridors by reporting monitoring data results and enhancement progress to the Avimor Conservation Advisory Committee. The Conservation Advisory Committee meets to review monitoring data and the overall progress of the mitigation and makes recommendations to the Conservation Director for changes in management direction or alteration of the Wildlife Mitigation Plan. The committee is made up of seven (7) representatives from the following organizations: Idaho Department of Fish and

Game, Bureau of Land Management, Ada County Development Services Department, President of the Avimor Home Owners Association, Ada Soil and Water Conservation Service, the Developer, and the Conservation Director.

9. The Commission finds **Article 8-7C of the Ada County Code** is applicable because the owner has applied for a development agreement as a part of their application for a zoning ordinance map amendment and the applicant has also applied for a development agreement modification due to the proposed changes associated with the comprehensive plan amendment. The Commission finds that the application complies with **Article 8-7C of the Ada County Code** because a development agreement will be reviewed by the Board of Ada County Commissioners as part of the proposed zoning ordinance map amendment and comprehensive plan amendment.

### 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 Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Idaho State Code §67-6508.
2. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Subsection 8-7B-1A of the Ada County Code.
3. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Idaho State Code §67-6537(4).
4. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Section 8-7-3 of the Ada County Code.
5. The Commission concludes that Project No. 200600069 DA-M complies with Article 8-7C of the Ada County Code.
6. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Article 8-7C of the Ada County Code.
7. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Article 8-3B of the Ada County Code.
8. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S complies with Article 8-3H of the Ada County Code.
9. The Commission concludes that Project No. 201601401 CPA-ZC-ZOA-S 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 Commission recommends approval of Project #200600069 DA-M and Project #201601401 CPA-ZC-ZOA-S to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated April 20, 2016.

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

By: \_\_\_\_\_  
Teri Murrison, Chairperson  
Ada County Planning and Zoning Commission

ATTEST:

\_\_\_\_\_  
Mark A. Perfect, Secretary

## 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 #201601401 CPA-ZC-ZOA-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 infiltration beds for storm water disposal.
  - b) The Eagle Fire District must approve all fire flow requirements and/or building plans.
  - c) The Avimor Water Reclamation Facility must approve the sewer hook-up.
  - d) Suez Water Idaho must approve the community water system connection.
  - e) Idaho Power Company must approve electrical power service.
  - f) 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.
  - g) The County Engineer must approve a hillside application for areas that were not covered under the previous hillside application (Project #200700016-HD)
  - h) A landscape plan must be submitted to the Ada County Development Services Department for the developed open space areas of the subdivision.
  - i) For Planning Areas B and D, the applicant and/or owner shall conduct a historical and cultural resources survey of these areas to identify and evaluate known and unknown resources, assess any adverse effect to any historic properties, and propose avoidance or mitigation if warranted. The survey shall be conducted by a professional that meets the Secretary of Interior Standards for Archaeology and Architectural History.
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-ways and subdivision boundaries.

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### CONDITIONS OF APPROVAL

## EXHIBIT A

- b) An easement shall be depicted along Spring Valley Creek and the North Fork of Spring Valley Creek.
- c) Secondary emergency fire accesses shall be depicted on the plat.
3. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
4. For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.
5. The applicant and/or owner shall provide written documentation that the Idaho Transportation Department (ITD) has approved of a secondary (north) access onto Highway 55.
6. The applicant and/or owner shall provide written documentation that the Eagle Fire District approves of the secondary emergency access (north) to Highway 55.
7. The secondary emergency access (north) to Highway 55 shall be maintained and serviceable for this subdivision.
8. The applicant and/or owner shall place “No Parking Fire Lane” signs on both sides of the street for streets that have a width of less than 26 feet and they shall place “No Parking Fire Lane” signs on one side of the street for streets that have a width in between 26 feet and 32 feet.
9. The applicant and/or owner shall provide written documentation that the Eagle Fire District approves of the street radiuses for curves and intersections in the subdivision.
10. All streets in Planning Area A, Planning Area C, and Planning Area D shall have sidewalks or asphalt pathways according to corresponding right-of-way sections on the preliminary plat.
11. The 56’ typical rural right-of-way section is only allowed in Planning Area B.
12. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.
13. 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.
14. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
15. 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),

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### CONDITIONS OF APPROVAL

## EXHIBIT A

- 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.
16. 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.
  - c) All common lots shall be owned and maintained by a Homeowner’s Association.
  - d) The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved subject to the regulations contained in the Hillside Overlay District set forth in Article 8-3H of the Ada County Code, or a grading permit granted by the Ada County Building Official, shall maintain in perpetuity and repair all graded surfaces and erosion-prevention devices, retaining walls, drainage structures, means, and devices not subject to the jurisdiction of the Ada County Highway District, and plantings and ground cover installed or completed.
17. 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.
18. Installation of work has been performed pursuant to a grading plan approved subject to the regulations contained in the Hillside Overlay District set forth in Article 8-3H of the Ada County Code, or a grading permit granted by the Ada County Building Official, shall maintain in perpetuity and repair all graded surfaces and erosion-prevention devices, retaining walls, drainage structures, means, and devices not subject to the jurisdiction of the Ada County Highway District, and plantings and ground cover installed or completed.
19. 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.
20. 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-

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### CONDITIONS OF APPROVAL

## EXHIBIT A

- built drawings, acceptable to the County Engineer in form and substance, shall be permitted prior to final inspection and approval of the drainage improvements.
21. Site grading in hillside areas for lots and roadways shall be in accordance with the Grading and Drainage Section of B.13.
  22. Street lighting within the development shall comply with the requirements of Article 8-4H of the Ada County Code. All lighting within the development shall comply with the design guidelines listed in the Avimor Specific Plan.
  23. 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 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.
  24. Compliance with Section 31-3805 of the Idaho State Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
  25. 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.
  26. Any fences proposed adjacent to Spring Valley Creek or the North Fork of Spring Valley Creek shall be constructed just off the easement to ensure public safety and prevent encroachments.
  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.
  28. Compliance with the hillside development permit (Project #200700016 HD) is required.
  29. Where open space, parks, and trails are shown on the plat, the applicant and/or developer shall construct, or bond for construction of, all improved open space, all trails, trailhead parking, temporary trailhead parking, and trailhead signs prior to final plat approval as depicted on the Preliminary Plat.
  30. 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.

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### CONDITIONS OF APPROVAL