



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Shem & Susan Steppe

Project No. 201601397 S-PR

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. 201601397 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 June 23, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on July 6, 2016.
3. On August 16, 2016, Development Services accepted Project #201601397 S-PR and scheduled it for public hearing before the Ada County Planning and Zoning Commission on October 6, 2016.
4. On August 19, 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 September 12, 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 September 13, 2016. Notices of the public hearing were posted on the property by September 26, 2016 and a certification sign posting was submitted to the director by September 29, 2016.
 6. On October 6, 2016, the Commission voted to recommend approval of this application to the Board of Ada County Commissioners.
 7. On October 12, 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.
 8. On November 14, 2016, property owners within 1,000 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on November 22, 2016. Notices of the public hearing were posted on the property on December 2, 2016 and a certification sign posting was submitted to the director on December 2, 2016.
- C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201601397 S-PR the following:
1. PROPOSED USES: A three (3) lot residential subdivision with a private road.
 2. PROPOSED STRUCTURES: Single-family dwellings.
 3. PROPOSED SITE IMPROVEMENTS: A private road to assess two (2) of the three (3) lots.
- D. Based on the materials found in the file for Project No. 201601397 S-PR, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: The parcel number is R7626810010 and it is located at 2525 N. Brandon Road in Section 5 of T. 4N, R.1W.
 2. OWNERSHIP: Shem & Susan Steppe.
 3. SITE CHARACTERISTICS
Property size: 16.828 acres.
Existing structures: 6,272 square foot single-family dwelling with a 984 square foot attached garage, 1,494 square foot accessory structure, 954 square foot pool in a 2,736 square foot pool house, 5,400 square foot agricultural barn, 1,800 square foot agricultural barn, and a 158 square foot chicken coop.

Existing vegetation: Agricultural crops and residential landscaping that includes a mix of evergreens, deciduous trees, and turf.

Slope: The property consists of slopes less than 8%. The majority of the site contains slopes less than 2% and is nearly flat.

Irrigation: The property is within the jurisdiction of the Farmers Union Ditch Company.

Drainage: The property is within the jurisdiction of Drainage District #2.

Views: The property 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 Board finds that the property is a small farm with a single-family dwelling in the Rusty Spur Ranchettes #3 Subdivision and is zoned Rural-Urban Transition (RUT).

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

North: The site is agricultural (small farm) in the Rusty Spur Ranchettes #3 Subdivision and is located in the Rural-Urban Transition (RUT) District.

South: The site is a proposed subdivision (Fallbrook) in the City of Star in their Medium Low Density Residential (R-3) District and rural residential in the Rural-Urban Transition (RUT) District.

East: The site is agricultural with residences and is located in the Rural-Urban Transition (RUT) District.

West: The site is agricultural with a residence in the Rusty Spur Ranchettes #2 Subdivision and is located in the Rural-Urban Transition (RUT) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201601397 S-PR, the Board finds the following concerning services:

Access Street and Designation: Access is off N. Brandon Road, which is designated as a collector.

Fire Protection: Star Fire District.

Sewage Disposal: Individual Septic Systems.

Water Service: Individual Wells.

Irrigation District: Farmers Union Ditch Company.

Drainage District: Drainage District #2.

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

The Board finds that the Future Land Use Map designates the property as Medium Density Residential. Medium-Density Residential is suitable for single-family residential development and the appropriate residential densities are four (4) dwelling units or fewer per gross acre.

Goal: To enhance land uses, balance and guide future development in order to maintain the living and working environment of Star, Idaho.

The Board finds that the density of one (1) dwelling unit per five (5) acres is an appropriate density for the subdivision as the lots will be served by individual wells and septic systems. In addition, this subdivision will create three (3) rural residential lots adding to the variety of land uses in the Star area.

Policies:

- *Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.*

The Board finds as evidenced in the natural features analysis (Exhibit #8) 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 as the topography is flat. The natural features analysis also mentions that based on a review of information maintained in the Idaho Conservation Data Center there are no known sensitive plant and wildlife species within the project area.

- *Promote compatible development of residential lands within the area of impact.*

The Board finds that the subdivision is compatible to surrounding neighborhood as there are other rural residences and small farms in the neighborhood.

- *Development shall be designed to minimize impacts on existing adjacent neighborhoods.*

The Board finds as evidenced in the record that the subdivision will consist of three (3) lots with one of the lots already having an existing residence. The addition, of two (2) more residences will have a minimal impact upon the adjacent neighborhood.

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 proposed private road meets the requirements of this article;*

The Board finds that the design of the proposed private road meets the requirements of **Section 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 proposed private road is located in Star's area of city impact and as shown on Exhibit #7, the private road will be constructed on a fifty (50) foot perpetual access easement.

- *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 that all properties abutting the proposed private road (Lots 2 and 3) have the minimum required street frontage of 250 feet for the Rural-Urban Transition (RUT) District.

- *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 that the Ada County Highway District replied in Exhibit #30 that the applicant will be required to pave the private roadway a minimum of 20 to 24 feet wide and at least 30 feet into the site beyond the edge of pavement of all public streets and pavement tapers with 15-foot curb radii abutting the existing roadway edge.

- *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 area of the property other than where the private road enters the property (see section 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 as shown on Exhibit #7 that the proposed private road terminates at a forty five foot (45') radius cul-de-sac. In addition, the proposed private road does not intersect a public road except at its origination point with N. Brandon Road.

- *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 the 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 other travelway 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.*

The Board finds as depicted on the preliminary plat (Exhibit #7) that no segment of the travelway of the proposed private road exceeds 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 on the Ada County Zoning Map that the private road is not located within the wildland-urban fire 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 shall a drainage study if required by 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 that the proposed private road is located in Star’s Area of City Impact; but the development will not exceed a density of 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:*

- 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 only provide frontage and access to less than four (4) properties. The private road cross section on the preliminary plat (Exhibit #7) depicts a minimum improved width of twenty feet (20’).

- 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 (Exhibit #7) states that the base will consist of 6” of 2” minus crushed aggregate.

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

The Board finds as depicted on the cross section drawing of the private road (Exhibit #7) that there will be a crown of two percent (2%) to drain water away from the travelway.

- The improved surface shall consist of six inches (6”) of compacted three-fourths inch (3/4”) 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 that private road provides frontage and/or access to less than four (4) properties. The cross section drawing of the private road (Exhibit #7) shows that the improved surface will be 6” of 2” minus crushed aggregate. The County Engineer has indicated in her response (Exhibit #23) that the proposed improved surface materials are acceptable.

- 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 depicted on the preliminary plat (Exhibit #7) that there are no segments of private road travelway that are 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 that Lot 3 the corner property is counted as taking access off the 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 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. As conditioned, the private road shall comply with the design and construction standards found in Section 8-4D-4 of the Ada County Code.

- 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 that the private road does not conflict with the Star Comprehensive Plan as adopted by Ada County. In addition, the Ada County Highway District in their response (Exhibit #30) did not indicate that the proposed private road conflicts with any regional transportation plan.

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;*

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

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

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

The Board finds as evidenced on the Natural Features Analysis (Exhibit #8) that there are no slopes of more than eight (8) percent present and the majority of the site contains slopes less than two (2) percent.

- *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 Board finds in Exhibit #23 that the County Engineer has reviewed the preliminary plat and according to the natural features analysis (Exhibit #8) there are no unsuitable conditions that prohibit the property from being developed.

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

The Board finds that per Ada County Assessor information all contiguous properties owned by Shem & Susan Steppe have been included in this subdivision.

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

The Board finds that a natural features analysis (Exhibit #8) has been submitted with the application. The subdivision design has taken into consideration the natural features on the property.

- *Section 8-6A-2A – The length, widths, and shapes of blocks shall be determined with due regard to:*

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

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

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

The Board finds that there are no double fronted lots.

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

The Board finds that the needs for convenient access, circulation, control, safety or street traffic, and the number of intersecting streets with arterials

have been taken into consideration. The private road only intersects with N. Brandon Road, which is designated as a collector.

4. *The limitations and opportunities of topography.*

The Board finds that the applicant has taken into consideration the limitations and opportunities of topography. The applicant has submitted a natural features analysis (Exhibit #8), which shows that there are no slopes of more than eight (8) percent and the majority of the site contains slopes less than two (2) percent.

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

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

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

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

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

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

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

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

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

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

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

The Board finds that through lots have been avoided.

- *Section 8-4A-3E – Frontage for lots on a cul-de-sac turnaround shall be measured fifty feet (50') back from the front property line along an arc parallel to the right of way of the cul-de-sac. See section 8-1A-2, figure 11 of this title.*

The Board finds as a term of approval that frontage for lots on a cul-de-sac 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.

- *Section 8-4A-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 section 8-1A-2, figure 11 of this title.*

The Board finds as evidenced on the preliminary plat (Exhibit #7) that there are no lots, which have frontage onto a knuckle.

- *Section 8-6A-4A – All lots shall have access that complies with the regulations of section 8-4A-3 of this title. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned 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 Board finds that all lots in the subdivision have frontage and access onto either a private road or a public road.

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

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

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

The Board finds that the subdivision is intended to be rural in nature. The setback requirements for the Rural-Urban Transition (RUT) District along with the roadway frontage could facilitate future development of the site and adjoining

areas if so desired when the necessary infrastructure and services are available to support a denser development form.

- *Section 8-6A-5 – Alleys may be provided. If alleys are provided, alleys shall comply with ACHD standards and be public.*

The Board finds as evidenced on the preliminary plat (Exhibit #7) that there are no alleys proposed for this subdivision.

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

The Board finds that easements with a minimum width of ten feet (10’) have been depicted on the preliminary plat (Exhibit #7) for utilities, drainage, and irrigation abutting all subdivision boundaries.

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

The Board finds according to the natural features analysis (Exhibit #8) that the subdivision is not transversed by a watercourse.

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

The Board finds according to the natural features analysis (Exhibit #8) that the subdivision is not transversed by a watercourse.

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

1. *Proposed fences within the southwest planning area shall comply with the regulations of subsection 8-3C-3C of this title.*

2. *Proposed fences in a designated flood hazard area shall comply with the regulations of chapter 3, article F of this title.*

3. *Unless otherwise specified by this title, fences shall be a six foot (6’) barrier that meets the barrier requirements for swimming pools in the Ada County building code as set forth in title 7, chapter 2 of this code.*

4. *Proposed covers or fences involving an irrigation distribution system shall have the prior approval of the affected irrigation district.*

The Board finds according to the natural features analysis (Exhibit #8) that the subdivision is not transversed by a watercourse.

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

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

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

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

- *Section 8-6B-3A – Public streets shall be accepted by the Ada County Highway District.*

The Board finds as conditioned that the point of connection of the proposed private road and the public street shall be approved by the Ada County Highway District.

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

The Board finds that the applicant has submitted a private road application with this project and the private road will be completed in accord with the requirements of chapter 4, article D of this title.

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

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

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

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

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

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

The Board finds that the subdivision is not located within 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 according to the natural features analysis (Exhibit #8) 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 and structures.

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

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

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

The Board finds that the applicant is proposing a private road to serve two (2) of the lots and the third lot will take frontage and access from the public street (N. Brandon Road). The private road will keep access points onto N. Brandon Road to a minimum and the private road will be maintained by the property owners who utilize the road.

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 subdivision complies with the dimensional standards for the Rural-Urban Transition (RUT) District as the lots exceed the minimum lot size of 5.0

acres and they meet or exceed the minimum roadway frontage of 250 feet. In addition, the existing structures comply with the required setbacks from the proposed lot lines.

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

The Board finds as stated in Findings of Fact Section H(1) that the overall plan is in conformance with the Star Comprehensive Plan as adopted by Ada County. The overall plan is also in conformance with the Star Area of City Impact Agreement as this land use application was forwarded to the City of Star for comment at least 45 days prior to the public hearing before the Ada County Planning and Zoning Board.

10. *In addition to the findings required above, the board shall make the following findings for preliminary plats located in a PC base district:*
 - a. *The preliminary plat is in conformance with the approved planned community implementation plan;*
 - b. *Urban public services and urban public facilities are adequately provided according to the standards set forth in chapter 8 of this title, including the transition plan, if any; and*

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

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. 201601397 S-PR complies with the Star Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201601397 S-PR complies with Section 8-4D-5 of the Ada County Code.
3. The Board concludes that Project No. 201601397 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 #201601397 S-PR, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated August 9, 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, 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 201601397 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 of these agencies.
 - a) Central District Health must approve the septic permit.
 - b) The Star Fire District must approve all fire flow requirements and/or building plans.
 - c) The Farmers Union Ditch Company must approve all proposed modifications to the existing irrigation system.
 - d) The Drainage District #2 must approve all proposed modifications to the existing drainage system.
 - e) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by the Board, the plat shall be modified to include the following items:
 - a) Proposed Lot 1, Block 1 is subject to a Shared Access easement per the recorded plat of Rusty Spur Ranchettes Subdivision #3. Clarify whether this access point will be relinquished in order to have the new driveway location 150' south. Show the proposed driveway access location. The driveway access location shall be approved by the Ada County Highway District.
 - b) Show descriptions of all "Found ..." monuments (PLS#, No Cap, etc), and list the instrument numbers of the most current CP&F record on file for any land corners.
3. The final plat shall be 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.

EXHIBIT A

5. 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.
6. Before you submit the final plat for approval, the Ada County Street Name Committee must approve all street subdivision names. See Title 2, Chapter 1 of the Ada County Code.
7. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
8. Prior to approval by the Board of County Commissioners, the plat shall contain the following certificates and/or endorsements:
 - a) certificate of the owner(s),
 - b) certificate of the plat surveyor,
 - c) certificate of the County Surveyor;
 - d) endorsement of the Central District Health Department,
 - e) approval and acceptance of the Ada County Highway District.
9. The following statements shall appear on the face of the final plat:
 - a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed.”
 - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
10. The Board of County Commissioners must approve the final plat within 24 months of the Board of County Commissioner’s approval of the preliminary plat. For subdivisions where the Board approved a phasing plan, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.
11. The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
12. No building permits will be issued until the final plat is recorded through the County Recorder’s Office and parcel numbers have been issued by the County Assessor’s Office.
13. 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-

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.
14. Prior to final plat approval by the Board, all required improvements shall be completed. In lieu of completing the required improvements, the applicant and/or owner may deposit a surety with the Director and sign a surety agreement in accordance with the regulations for surety agreements as set forth in Article 8-4K of the Ada County Code. All surety and surety agreements shall comply with Article 8-4K of the Ada County Code.
 15. 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.
 16. The Ada County Highway District must approve the point of connection between the private road and the public road.
 17. Contact the Ada County Highway District to install an approved street name sign that complies with the regulations of the Ada County Uniform Street Name Ordinance (See Title 2, Chapter 1 of the Ada County Code).
 18. The private road shall comply with the design and construction standards for a private road as stated in Article 8-4D of the Ada County Code.
 19. The private road shall comply with the requirements of the Star Fire District.
 20. The travelway of the private road shall have a stable and compacted base.
 21. The improved private road surface shall consist of six inches (6") of compacted three-fourths inch (3/4") minus crushed gravel or other materials approved by the County Engineer.
 22. The travelway of the private road shall have a crown or transverse slope of two percent (2%) to drain water away from the travelway.