



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Petition of Ada County Development Services

File #201601258 ZOA-CPA-S-DA-M-HD-FP, Dry Creek Ranch Amendment-BHH, LLC

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 No. 201601258 ZOA-CPA-S-DA-M-HD-FP.

B. As to procedural items, the Commission finds the following:

1. The applicant met with Ada County Development Services staff for a pre-application meeting on July 14, 2016.
2. The applicant held a neighborhood meeting with property owners within ½ mile of the project site on July 18, 2016.
3. Submission of File #201601258 ZOA-CPA-S-DA-M-HD-FP occurred on July 22, 2016 and Development Services scheduled it for public hearing before the Ada County Planning and Zoning Commission on October 6, 2016.
4. On August 2, 2016, staff notified other agencies and neighborhood associations of this petition and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits to the staff report.

5. A radius notice was mailed to property owner's within ½ mile of the project site on September 16, 2016.
6. Legal notice of the Commission's hearing was published in The Idaho Statesman on September 13 and September 20, 2016. A Public Service Announcement was published on September 26, 2016.
7. The Commission voted to table the application at their October 6, 2016 public hearing to November 10, 2016.
8. A radius notice was mailed to property owners within ½ mile of the project site on October 7, 2016.
9. Notice of revised materials submitted was transmitted to agencies and neighborhood associations on October 11, 2016.
10. Legal notice of the Commission's hearing was published in The Idaho Statesman on October 18 and October 25, 2016. A public service announcement was published on October 21, 2016.
11. Certification of sign posting was submitted on October 27, 2016.
12. The Commission voted to table the application at their November 10, 2016 public hearing to December 15, 2016.
13. Certification of sign posting was submitted on December 5, 2016

C. As to the project description, the Commission finds based on the application materials found in the file for File #201601258 ZOA-CPA-S-DA-M-HD-FP the following:

1. *PROPOSED USES: A planned community consisting of 10 land use designations and residential densities including: Parks, Natural Open Space; Equestrian Density; Low Density, Medium Density, Hillside Density, Village Center, Institutional, Commercial and Mixed Use. The Parks land use designation refers to developed parks to provide recreational opportunities to the residents; Natural Open Space will provide undeveloped active and passive open space with regional trails; the residential uses provide for a mix of lot sizes and densities; multi-family residential will be required in the Mixed Use District, the Village Center will provide community gathering spaces—both built and open and embrace the equestrian and agricultural heritage of the area; the Mixed Use areas in addition to multi-family will provide the opportunity for complementary commercial uses; the Commercial District allows opportunities for neighborhood office and retail uses; and the Institutional District is where the elementary school will be located.*
2. *PROPOSED STRUCTURES: The proposed structures will reflect the diverse uses allowed within the DCRPC.*
3. *PROPOSED SITE IMPROVEMENTS: As a planned community, the developer is required to construct, provide, fund and maintain (if necessary) the infrastructure*

required to serve the development without being a burden to the tax payers. As such, the developer is proposing to build a public street network in compliance with ACHD and ITD requirements. Additionally, the developer is constructing and funding a private wastewater collection, pressurized irrigation, and potable water delivery system that will serve the residents of the DCRPC. The wastewater and community water systems will be approved by DEQ. The developer and, eventually the residents, of the DCRPC will be required to financially maintain and operate the systems in compliance with state and federal regulations. Other improvements include stormwater infrastructure, a local and regional trail system, including a greenbelt on both sides of Dry Creek; installation of all the required utilities including power, gas, telecommunications, etc.

4. OTHER: *The existing farmhouse and ice house will be preserved in its current location and the developer will continue to work with the Ada County Historic Preservation Council to develop ideas for its continued use. As part of the Wildlife Mitigation Plan, the developer has included three (3) wildlife corridors to provide passage from the foothills to Dry Creek, a conservation fund will be established to provide funding for the acquisition of land and conservation easements of critical habitat areas. The expenditure of these funds will be determined by a Conservation Advisory Committee consisting of Ada County, Idaho Fish & Game, Ada Soil and Water Conservation District, the DCR HOA representative, and the Developer.*

D. Based on the materials found in the file for File #201601258 ZOA-CPA-S-DA-M-HD-FP, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: *S0225439500; southeast corner of the Brookside Lane/SH 55 intersection*
2. OWNERSHIP: *BHH, LLC*
3. SITE CHARACTERISTICS

Property size: Approximately 1414 acres

Existing structures: Single-family dwelling and associated agricultural structures.

Existing vegetation: The flat portion of the property along Dry Creek is currently under agricultural use; there is riparian vegetation along Dry Creek; the foothills area demonstrates the grasses and vegetation typical of the Boise Foothills.

Slope: The central portion of the property is relatively flat, with areas of steep slope in the northern portion and south of Dry Creek Road.

Irrigation: The property is not within an irrigation district but it does have surface water rights currently being used for agricultural uses. A pressurized irrigation system will be built for the homes within the current agricultural area.

Drainage: The property generally drains toward Dry Creek. The developer will be required to maintain all drainage on site and will construct the appropriate storm water systems to accommodate the drainage.

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

The property is currently zoned Planned Community (PC) and the existing land use is agriculture with a single-family dwelling.

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

North: A mix of Rural Residential (RR) and Rural Preservation (RP) zoning; large lot single-family dwellings (5+ acres) exist on the north side of Brookside Lane; the Avimor Planned Community is a little over a mile to the north.

South: A mix of RR and RP zoning; the land to the south is publicly owned by the BLM or Ada County. The Eagle-Ada Bike Park is to the south as well as the Ada County landfill. The BLM property is vacant.

East: A mix RR, RP, and PC zoning; large lot single-family dwellings (10+ acres); Peaceful Belly Farm and the Hidden Springs Planned Community, is approximately one (1) mile away.

West: A mix of RR and Rural Urban Transition (RUT) zoning; large lot single-family dwellings (5+ acres), the Shadow Valley Golf Course, agricultural, and vacant land on the west side of SH 55.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for File #201601258 ZOA-CPA-S-DA-M-HD-FP, the Commission finds the following concerning services:

Access Street and Designation: The property is served by State Highway 55, Brookside Lane and Dry Creek Road—all designated as arterials on the Ada County Functional Classification Map

Fire Protection: The property is located within the Eagle Fire District

Sewage Disposal: The property is currently served by individual septic. The developer is proposing a private wastewater treatment facility subject to approval and monitoring by the Department of Environmental Quality (DEQ) and Central District Health Department.

Water Service: The property is currently served by individual well. The Idaho Department of Water Resources (IDWR) has approved a permit for the development for 5 cfs for municipal water use and 2.5 cfs for irrigation. Per the approved permit, the developer is required to monitor the ground water on neighboring properties on an annual basis. The developer is proposing a private water system subject to approval and monitoring by DEQ.

Irrigation District: *The property is not within an irrigation district but it does have surface water rights. The developer is proposing pressurized irrigation from the surface water rights to the area currently served by this water, which encompasses the large area of flat agricultural ground.*

Drainage District: *The property is not within a drainage district*

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

1. The Commission finds **Ada County Code Article 8-2E from the zoning ordinance in effect on September 15, 2006** is applicable, per the recorded Development Agreement #8205 because it sets forth the requirements for planned communities. The Commission finds that the application complies with **Ada County Code Article 8-2E-7 (9/15/2006)** because:

General Findings

- a. The proposal complies with Ada County Comprehensive Plan Element 5.8 and all other applicable local, state, and federal plans and regulations

The Commission finds that the proposed Dry Creek Ranch Planned Community (DCRPC) amendment is not located within any federal or state planned areas. However, the proposal encompasses federal waters and therefore, Condition of Approval #10 is provided to ensure that the necessary approvals are received from the Federal Emergency Management Agency (FEMA) at the appropriate time.

The Commission finds that the proposal was transmitted to all applicable federal, state, and local agencies to ensure that the project complies with the applicable regulations. The following agency comments are received and integrated into the proposed Conditions of Approval for the Dry Creek Ranch Planned Community amendment to ensure compliance with their applicable regulations: Department of Environmental Quality, Central District Health, Idaho Department of Fish and Game, Idaho Transportation Department, Idaho State Historical Society, Eagle Fire District, Ada County Sherriff, Ada Community Library, Ada County Landfill, and West Ada School District.

The Commission finds that the application complies with the 1996 Ada County Comprehensive Plan Element 5.8. The Goal Statement of the Comprehensive Plan Element 5.8 states: "Allow Planned Communities, with a mixture of compatible land uses, trip capture, connectivity within the community, and conservation of open space, that are intended to be developed under the guidance of Planned Community Comprehensive Plans and contain integrated design themes for all aspects of such projects, an assessment of their social, economic and environmental effects on the County. Planned Communities are intended to have a high degree of self-sufficiency in that they include essential public services, and include or are in close proximity to a wide variety of commercial and community facilities. Planned Communities place an emphasis on community character and heritage and on forming a sense of community; and must demonstrate that the community's utilities and services

are self-supporting and not subsidized by residents living outside the community. They may be located in varying locations within the County and are expected to be innovative in their approach to site planning and development.”

As evidenced in Exhibit # 7, the Commission finds that the proposed DCRPC amendment provides for innovative tools to implement its “farm-to table” vision, where residents honor their Idaho heritage through agricultural and equestrian opportunities. The Commission finds that the DCRPC amendment provides a variety of compatible land uses and companion amenities, including community gardens, parks, trails, and greenbelts interconnecting the proposed community.

The Commission finds that the DCRPC amendment provides for two Village Centers located on the eastern and western sides of the site to serve as gathering places for the future residents of this community. These village centers further the farm-to-table vision by promoting agricultural opportunities for the future residents through neighborhood farms and orchards, along with equestrian facilities and community gathering places such as amphitheaters. The Village Centers also provide for limited neighborhood serving commercial activities. In addition, the Commission finds that the proposed DCRPC amendment provides commercial and mixed use along Highway 55 on the western side of the project site. The Commission finds that the traffic study submitted by Kittleson & Associates on September 2, 2016, included as Exhibit 7t shows an internal trip capture of 9% for a total # of trips of 20,518. This was verified by ACHD as demonstrated in their staff report, included as Exhibit 32. The Commission finds that Sub-element F-4 estimates that the commercial area will generate approximately 200 jobs, which is consistent with the jobs/households ratio in the Communities in Motion 2040 Vision.

The Commission further finds that the proposal provides a variety of housing choices for diversified lifestyles and price ranges, with lower densities on the outer areas of the project site and higher densities near the center of the project, near Dry Creek. The Commission finds that the proposed planned community policies create six interconnected neighborhoods/districts, each representing their unique natural setting. The Commission finds that the proposed DCRPC amendment links each neighborhood with the others through parks, open spaces and trails to create a cohesive community with a variety of housing, recreation and agricultural opportunities. The Commission further finds that the proposed planned community provides for approximately 31% of the total project site in developed and natural open spaces. The developed open spaces provide both active and passive recreational opportunities through an extensive network of pocket parks, community gardens, trails and greenbelts. The natural open space areas allow for protection of environmentally sensitive lands with characteristics such as steep slopes, habitats or biological uniqueness.

The Commission finds that the proposal demonstrates that the Community's utilities and services are self-supporting and not subsidized by other residents of Ada County as evidenced in the updated Economic Impact Analysis (Element E). It provides a financial plan which outlines funding and financing of a private wastewater collection system and potable water delivery system. The construction of these systems will be funded by the developer through cash reserves and the on-going maintenance and operation will be provided by through connection fees and HOA dues (user fees). The Commission finds that the applicant is required to provide a Technical Financial Management Plan to be approved by the Department of Environmental Quality as part of the overall approval of the wastewater collection and water delivery system and that the developer will be required to provide a copy DEQ's approval to Ada County prior to any site improvements taking place within the DCRPC. The Commission further finds that the proposal provides other community utilities and services to comply with requirements of other local agencies, including, but not be limited to, Eagle Fire District, Ada County Sherriff, Ada County Emergency Management Services, Ada Community Library, West Ada School District etc.

- b. The proposed planned community provides innovative development tools to accommodate compatible, mixed use, small town or urban type development outside of existing areas of city impact

The Commission finds that the proposed DCRPC amendment provides for a master planned, farm-to table community, where residents honor their Idaho heritage through agricultural and equestrian opportunities. As evidenced in Exhibit # 7, the Commission finds that the DCRPC amendment provides a variety of housing choices and amenities, including community gardens, parks, trails, and greenbelts interconnecting the planned community. The Commission further finds that the proposal provides a variety of housing for diversified lifestyles and price ranges, with lower densities on the outer areas of the project site and higher densities near the center of the project, near Dry Creek.

The Commission finds that the DCRPC amendment provides for two Village Centers, encompassing approximately 20 acres. The Village Centers are located on the eastern and western sides of the site to serve as gathering places for the future residents of this community and are connected with the proposed Dry Creek greenbelt. These village centers further the farm-to-table vision by promoting agricultural opportunities for the future residents through neighborhood farms and orchards, along with equestrian facilities and community gathering places such as amphitheaters. The Village Centers also provide for limited neighborhood serving commercial activities.

The Commission finds that the proposed planned community policies create six interconnected neighborhoods/districts, each representing their unique natural setting. The Commission finds that the proposed DCRPC amendment links each neighborhood with the others through parks, open spaces and

trails to create a cohesive community with a variety of housing, recreation and agricultural opportunities. On the north, the planned community abuts larger residential acreages. To provide consistency with these neighboring properties, the Equestrian District provides larger lots in a more rural setting. At the center of the proposed planned community, the Central Valley District is located along Dry Creek and provides for suburban and urban residential densities. The greenbelt along Dry Creek connects the Central Valley to two other districts - the Cross Roads, which is the commercial and mixed use area and the East Valley, which provides a mixture of suburban residential densities at the eastern boundary. As one proceeds from the center to the southern property boundary, the proposed Foothills-East and Foothills-West districts cover hilly terrains with suburban residential densities.

The Commission further finds that the proposed planned community provides for a total of 440 acres of developed and natural open spaces within its 1414 acre boundary. That amounts to approximately 31% of the total project site. The developed open spaces encompass approximately 83 acres and provide both active and passive recreational opportunities through an extensive network of pocket parks, community gardens, trails and greenbelts. The natural open space areas encompass approximately 356 acres and allow for protection of environmentally sensitive lands with characteristics such as steep slopes, habitats or biological uniqueness.

In addition, the Commission finds that the proposed DCRPC amendment provides 10 acres of commercial along Highway 55 on the western side of the project site. The Commission finds that the proposal allows for approximately 85,000 square feet of various community level commercial and office uses for serving approximately 1821 residential units and 4552 future residents. As evidenced in the Economic Study (Element E), this anticipated commercial is adequate to serve its residential population.

The Commission finds that the proposed planned community additionally provides for a 15 acre Mixed-Use district along Dry Creek Road near Highway 55. It provides a variety of opportunities to combine single family units, multi-family units and commercial uses. The Commission finds that by requiring a minimum 25% and a maximum 50% of this district to be used for multi-family residential units at 7-20 DU/acres (Condition of Approval #45), this district will provide for at least 50 multi-family units for the project.

- c. The planned community, as proposed, does provide reasonable on site commercial and community facilities and employment opportunities for its residents commensurate with its size.

The Commission finds that the proposed DCRPC amendment provides for reasonable onsite commercial and community facilities within the Cross Roads or Crossing District along Highway 55 corridor for its residents as evidence in Exhibit #7. The Commission finds that additional commercial opportunities are

proposed within two village centers and an extensive network of parks, trails and open spaces allow for additional community facilities for its residents.

The Commission finds that the proposal provides 10 acres of commercial along Highway 55 on the western side of the project site. This commercial allows for approximately 85,000 square feet of various community level commercial and office uses for serving approximately 1821 residential units and 4552 future residents. As evidenced in the Economic Study (Element E), this anticipated commercial is adequate to serve its residential population. The Commission finds that Condition of Approval # 44 provides further assurance that the necessary commercial and employment opportunities would be available for its residents. The Commission finds that Sub-Element F-4 estimates that the commercial area will generate approximately 200 jobs, which is consistent with the jobs/households ratio in the Communities in Motion 2040 Vision. The Commission finds that the proposed planned community additionally provides for a 15 acre Mixed-Use district along Dry Creek Road near Highway 55. It provides a variety of opportunities to combine single family units, multi-family units and commercial uses.

The Commission finds that the DCRPC amendment provides for two Village Centers, encompassing approximately 20 acres. The Village Centers are located on the eastern and western sides of the site to serve as gathering places for the future residents of this community and are connected with the proposed Dry Creek greenbelt. The Village Centers also provide for limited neighborhood serving commercial activities. The Commission further finds that the proposed planned community provides approximately 31% of the total project site for developed and natural trails and open spaces.

Findings to approve planned community comprehensive plan

- d. The planned community comprehensive plan establishes design concepts for all aspects of the development.

The Commission finds that the applicant has submitted Design Guidelines (Sub-Element F-9) that establish design concepts for the single-family residential and commercial portions of the development. The Commission finds that the applicant will be required to submit design guidelines for the village center and multi-family residential uses prior to the execution and recordation of the development agreement.

- e. The planned community comprehensive plan addresses all required components.

The Commission finds that the amendment package submitted by the applicant addressed all of the required components including:

- *Element B-1: Establishing the vision of the DCRPC as a “farm-to-table” community to honor the agricultural history of the property;*

- *Element B-2: Establishing the comprehensive plan for the DCRPC through goals and policies for the entire development;*
- *Element B-3: Establishing the land use map with densities along with the circulation systems including streets and trails*
- *Element B-4: Establishing the cross sections for the streets, greenbelt and trail system.*

Findings to approve zoning ordinance map amendment

- f. The zoning ordinance map amendment complies with the regulations outlined for this article.

The Commission finds that this is a proposal to amend the Dry Creek Planned Community and that the applicant is not proposing a zoning ordinance map amendment as the property is already zoned PC.

- g. The zoning ordinance map amendment shall not be materially detrimental to the public health, safety and welfare.

The Commission finds that this is a proposal to amend the Dry Creek Planned Community and that the applicant is not proposing a zoning ordinance map amendment as the property is already zoned PC.

- h. The development agreement meets the requirements of chapter 7, article C of this title as made applicable by this article.

The Commission finds that the applicant has submitted a modification to the development agreement to amend the conditions of approval as it relates to the current proposal and that it meets the requirements of Ada County Code as discussed in Finding H.3.

Findings to approve zoning ordinance text amendment

- i. The zoning ordinance amendment complies with the regulations outlined in this article.

The Commission finds that the zoning ordinance amendment complies with the regulations outlined in the article because, as demonstrated in Element D, the text amendment provides the following: purpose statement, applicability, allowable use tables, dimensional standards, landscaping, open space requirement, frontage and access, off-street parking, signage, grading, energy and water conservation and design standards. Additionally, the Commission finds that the bulk of this DCR Zoning Ordinance (8-3N) was approved in 2006 and the applicant is proposing changes to meet the updated vision for the property.

- j. The zoning ordinance text amendment shall not be materially detrimental to the public health, safety and welfare.

The Commission finds the zoning ordinance text amendment is not materially detrimental to public, health, safety and welfare because it provides development standards, or refers to the Ada County Zoning Ordinance, for all development within the DCRPC. All lots will have access to a public or County-approved private road and allowable uses and applicable land use application processes have been defined to ensure the public health, safety and welfare.

- k. The zoning ordinance text amendment implements specific and coordinated design standards for all aspects of the development.

The Commission finds that the zoning ordinance implements specific and coordinated design standards as it requires development of all allowable uses to go through the DCR design review process. The Commission finds that this design review process is supplemental, and not in lieu of, any land use/building approvals as required by Ada County.

- l. The landscaping and design standards in the zoning ordinance text amendment include appropriate standards for beautification along state highways, arterials and collector streets, and local streets.

The Commission finds that the zoning ordinance text amendment provides for landscaping along streets as demonstrated in 8-3N-17-7, a 50-foot landscape buffer is required along SH 55, a 20-foot landscape buffer is required along collector roads, and as conditioned, a 30-foot landscape buffer is required along arterial roads.

- m. The zoning ordinance text amendment does not conflict with the planned community comprehensive plan.

The Commission finds that the zoning ordinance text amendment does not conflict with the DCR comprehensive plan because it provides standards for the land use designations as set forth in the Element B-3 to achieve the applicant's vision for a farm-to-table community.

Findings to approve planned community development plan

- n. The planned community development plan complies with the zoning ordinance text amendment and follows the guidance of the planned community comprehensive plan.

The Commission finds that the DCRPC development plan (Element F) complies with the DCRPC zoning ordinance because the zoning ordinance contains requirements that the development within DCRPC must follow. In turn, the development plan illustrates how the DCRPC will develop. The development plan contains objectives and design standards for the development within the community that comply with zoning ordinance such as open space requirements, landscaping and water conservation.

The Commission finds that the development plan (Element F) follows the guidance of the DCR comprehensive plan (Element B) because the development plan contains a natural features analysis; proposed land uses;

assessments of the impacts to public services; environmental and transportation impacts; a transportation mobility plan; an open space, parks, and trails plan; wildlife mitigation plan; central design concepts; phasing plan; utilities plan; and the stormwater management plan. The development plan has been written to show the suitability of the site for development and how that development will take place. The components of the development plan have been developed in that they comply with the goals, objectives and policies of the comprehensive plan.

- o. The planned community development plan provides for a variety of housing types and designs, including single-family attached and detached, and multi-family.

The Commission finds that the planned community provides for a variety of housing types as the lot sizes range from 4,000 square feet to over an acre and that the Low Density, Medium Density and Hillside land use districts allow for single-family detached, single-family attached, duplexes and townhouses. The Commission finds that the applicant will be required to provide a minimum amount of multi-family units within the Mixed Use District.

- p. The planned community development plan for the planned community provides effective and aesthetically pleasing mitigation of environmental constraints.

The Commission finds that the planned community provides effective and aesthetically pleasing mitigation of environmental constraints as evidenced in Exhibits #7 and 9. The Commission further finds that the proposed site-design for the planned community takes into account some of the environmental constraints of the site and integrates them to create a livable community for its future residents.

The Commission finds that the project is located in the Boise foothills west of the Hidden Springs development. The project extends north and south of Dry Creek into the foothills. The proposed planned community proposes to leave Dry Creek and Spring Valley Creek in their natural state and further provides fifty feet (50') buffer around them to create large open space corridors traversing the site from the eastern boundary to the western one as well as the northern boundary to the southern one.

The project consists of lowland farms and rolling hills. There are several rural homes to the north and west of the project boundary. Shadow Valley golf course is located to the northwest adjacent to Highway 55. As the project sits in a valley, it is not visible south of the land fill, north from the golf-course and east of Hidden Springs. The proposed Central Valley Neighborhood will not be visible as they will be shrouded by the existing Spring Creek and Dry Creek tree line as well as rolling hills to the north and south.

However, the project proposes residential homes in Equestrian and Foothills districts, which will be located on ridgelines and up out of the valley and will

be seen by the adjacent home owners. As evidenced in Element B-4 (Street, Trail and Path Cross-sections), the application proposes street and trail cross-sections to provide aesthetically pleasing mitigation to buffer those future homes from the surrounding areas. Additionally, as evidenced in Exhibit 9-B, the planned community provides recommendations for slope preparation and revegetation to ensure that effective mitigations are provided for the hilly terrain.

- q. The planned community development plan adequately avoids, reduces or mitigates negative effects on natural wildlife habitat.

The Commission finds that the community development avoids, reduces or mitigates negative effects on natural wildlife habitat through the implementation of the Wildlife Mitigation Plan (WMP) in Sub-Element F-8. The Commission finds that the applicant is proposing a 50-foot buffer along Dry Creek and Spring Creek as agreed upon with the Idaho Fish Game. The Commission finds that the applicant is providing three (3) north-south wildlife corridors to allow for wildlife movement to and from Dry Creek as demonstrated in Figure F-7.a and per the density table submitted on November 18, 2016, approximately 356 acres of the site will be left and maintained as natural open space. Additionally, to mitigate the effects of the development per the WMP, the developer will establish a conservation fund with \$20,000 seed money to be administered by the Dry Creek Ranch conservation advisory committee. This committee will be made up of Ada County Development Service, Idaho Fish and Game, Ada Soil and Water Conservation District (who will hold the conservation funds), the developer (who will leave after completion of the project) and a representative of the HOA. The conservation fund will continue to collect monies through transfer fees of home sales and HOA dues. The money is required to be spent every 5 years on conservation projects including off-site land acquisition and/or conservation easements.

- r. A financial plan has been provided by the applicant that essential public services will be provided, created and financed.

The Commission finds that the applicant has submitted an update to the Economic Impact Analysis (Element E) that provides a financial plan for the provision of the wastewater collection system and potable water delivery system by a private entity. The construction of the system will be funded by the developer through cash reserves and the on-going maintenance and operation will be provided by through connection fees and HOA dues (user fees). The Commission finds that the applicant is required to provide a Technical Financial Management Plan to be approved by the Department of Environmental Quality as part that agency's overall approval of the wastewater collection and water delivery system and that the developer will be required to provide a copy DEQ's approval to Ada County prior to any site improvements taking place within the DCRPC.

- s. The planned community development plan implements the following practices to the extent appropriate for the site: keep trip generation per use below the Ada County average; contribute to the area's jobs-housing balance; place higher density housing near commercial centers, public transportation and parks, and phase non-residential uses and recreational opportunities to keep pace with housing.

The Commission finds that the traffic study submitted by Kittleson & Associates on September 2, 2016, included as Exhibit 7-T shows an internal trip capture of 9% for a total # of trips of 20,518. This was verified by ACHD as demonstrated in their staff report, included as Exhibit 32. The Commission finds that Sub-element F-4 estimates that the commercial area will generate approximately 200 jobs, which is consistent with the jobs/households vision in the Communities in Motion 2040 Vision. The Commission finds that in Phase 1, the higher density housing surrounds the school site, the village center, and the north side of Dry Creek. All of these areas have access to pedestrian and bike corridors linking the smaller lots and community areas, as shown in Figure B-3.b, submitted on November 18, 2016. Additionally, in Phase 2, the multi-family dwellings will be located in the mixed use district which is between the commercial district and the village district, providing access the commercial and non-residential areas. Additionally, the parks and open space area will be developed and/or set aside (if natural) in each applicable phase per Element F-7.

The proposed planned community complies with applicable overlay districts.

The Commission finds that the DCRPC is within the Wildland Urban Fire Interface Overlay District, the Flood Hazard Overlay District and the Hillside Overlay District and has complied, or has been conditioned as such, with each of these overlay districts in the following manner:

- The applicant has submitted a Fire Protection Plan stamped by a licensed Fire Engineer; the project is conditioned to meet all of the requirement of the Eagle Fire District; any structures within the development will be required to meet the Ada County Building Code material and defensible space requirements;*
- The applicant has submitted a floodplain application and is currently proposing to stay out of any designated floodplains; furthermore, if any development is to occur in the floodplain, the applicant will be required to submit a flood elevation study and go through the Letter of Map Change process through FEMA;*
- The applicant has submitted a hillside application which is part of this application package and has been conditioned, as such, by the County Engineer. Any development of steep slopes occurring outside of Project #201601258 HD will be required to submit a hillside development application.*

- t. Adequate facilities and programs are provided to promote the use of alternative transportation.

The Commission finds the applicant is promoting the use of alternative transportation by including a 20-space Park and Ride lot within the Commercial area as demonstrated in Figure B.3b: Neighborhood Amenities Plan submitted on November 18, 2016.

- u. Every building within the planned community will be served by a central wastewater collection and treatment facility and a community water system. Septic tanks and/or septic systems shall not be permitted in planned communities.

The Commission finds that the 2006 Ada County Zoning Ordinance distinguishes wastewater treatment into the following categories: 1) community sewage disposal system with maintenance and operation plan approved by the State of Idaho Division of Environmental Quality, 2) An individual sewage disposal system where each residential lot has a permanent drainfield on the lot and/or on a dedicated easement on a part of an open space lot; or 3) a municipal wastewater collection and treatment system.

The Commission finds that the planned community will be served by a community wastewater collection and treatment facility and that no lot will be served by individual septic systems. As demonstrated in Element F-6, the wastewater collection system will be developed in two phases because wastewater collection systems require a certain amount of input to function. Accordingly, the applicant is proposing that the initial phase of the wastewater collection system will use a Large Soil Absorption System (LSAS) that will consist of a primary sedimentation tank, a macerator, an equalization tank, a aeration pretreatment tank, a dosing tank and the drainfield. A lift station will also be included in the first phase. The second phase of the wastewater collection system will transition from the LSAS to a mechanical treatment plant known as a sequencing batch reactor (SBR). This system has a modular design and can be expanded easily.

The Commission finds that based on Figure B-3.b: Neighborhood Amenities Plan, the wastewater treatment facility is planned for the southwestern portion of the DCRPC.

The Commission finds that the plans, including the TFM, for proposed wastewater collection system will require the approval of the DEQ and that approval will need to be provided to Ada County prior to any site improvements taking place. Additionally, prior to the Board approval of any final plats, DEQ will be required to sign off on the construction and installation of the wastewater system and the applicant will be required to provide a copy to Ada County.

The Commission finds that the DCRPC will provide a community water system as demonstrated in Element F-6. The Commission finds that there are existing water rights on the property and the IDWR has approved the conversion of those rights to municipal water rates at a rate of 5 cfs per permit #63-32423. The Commission finds that the water system will operated and maintained by private company. The Commission finds that the plans for the community water system, including the TFM, will require approval from DEQ and that the approval will need to be provided to Ada County prior to any site improvements taking place. Additionally, prior to the Board approval of any final plats, DEQ will be required to sign off on the construction and installation of the water system and the applicant will be required to provide a copy to Ada County. The water provider will be required to test the water quality of the system on an annual basis in compliance with state and federal regulations.

- v. The proposed developed recreation park sites meet or exceed minimum requirements and are adequate to serve the anticipated population.

The Commission finds that the DCRPC meets the requirement to provide a minimum of 10 acres of developed park per 1,000 population based on 2.5 per dwelling unit because the applicant is provided 83.5 acres of developed park space for a projected population of 4,600 people which would translate to 46 acres of developed park space. The projected population is shown on the density table submitted November 18, 2016 and included as Exhibit 7-C. The density table shows 1821 dwelling units (labeled as lots but it includes 50 multi-family units which does not necessarily translate to a specific number of lots or buildings).

- w. The proposed natural area open space and trails plan is adequate to preserve views, special sites, important natural features, riparian areas, wetland areas, wildlife habitat and rare plants; provides path and trail linkages between parks, schools, neighborhoods and commercial centers; and provides connectivity with nearby public trails and public lands where appropriate.

The Commission finds that the proposed natural open space and trails plan is adequate because a minimum of 10% of the gross area is required to be dedicated as open space, which translates to approximately 140 acres, and based on the density table submitted on November 18, 2016 and included as Exhibit 7-C, the applicant is dedicating 356 acres to natural open space. Additionally, based on Figure B-3.c and F-7.e, the trail plan provides connectivity both internally to the school, village centers, mixed use, and commercial areas via the greenbelt system and/or sidewalks or trails along the rights-of-way as well as two (2) connections to the regional trail system (one in the northeastern corner to the Avimor trail system and one in the south to the Ada County-owned bike park property).

- x. The phasing plan for development within the planned community ensures the integrity of the planned community is maintained that the end of each phase.

The Commission finds that the phasing plan demonstrated in F-10 ensures the integrity of the planned community because a variety of lot sizes will be available in each phase, each phase contains some developed park and natural open space areas, and the necessary infrastructure improvements to serve each phase will be installed and verified by several public agencies including DEQ, Central District Health, ACHD, ITD, and Ada County. The applicant will be required to demonstrate approvals from these agencies prior the Board signing each final plat.

- y. The proposed planned community provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service provision levels to all directly affected municipalities and other agencies and/or districts.

The Commission finds that the applicant had proposed mitigation for all tax and/or fee revenue shortfalls as demonstrated in Element E. Mitigation measures include: payment of extraordinary impact fee to ACHD, payment of mitigation fee to Eagle Fire District and Ada County Sheriff, dedication of a lot for a shared fire station and Ada County Paramedic station, dedication of library space and computer in the community center for the Ada County Library District, dedication of an elementary school site for West Ada School District, and improvements to SH 55 as required by ITD. The agreements between the applicant and the service providers are reflected in the conditions of approval.

- 2. The Commission finds **Ada County Code Article 8-7-3 from the zoning ordinance in effect on September 15, 2006** is applicable per the recorded Development Agreement #8205 because it sets forth the requirements for a zoning ordinance text amendment. The Commission finds that the application complies with **Ada County Code Article 8-7-3 from the zoning ordinance in effect on September 15, 2006** because:

- a. The zoning ordinance amendment complies with the applicable comprehensive plan.

The Commission finds that the applicable comprehensive plan for the proposed zoning text amendment is the Dry Creek Ranch Comprehensive Plan. The Commission finds that the proposed amendments to Article 8-3N comply with this plan because the 8-3N is being amended to align with the “farm-to-table” vision of the DCRPC and that the zoning ordinance has regulations for lot sizes, allowable uses, landscaping, signage and lighting, among others, in order to carry out the vision of the Dry Creek Ranch Comprehensive Plan.

- b. 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 text amendment complies with the proposed base district because the property is already zoned Planned Community and the applicant is proposing amendments to the existing DCRPC and has submitted materials meeting the standards of Article 8-2E (September 15, 2006) and the Ada County Comprehensive Plan Element 5.8 as discussed in Finding H.1a.

- c. The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare.

The Commission finds that the proposed amendments to Article 8-3N shall not be detrimental to the public health, safety, and welfare because it provides development standards to properties located within the DCRPC and it was transmitted to outside agencies through the transmittal process and staff has not received any comments to date regarding the zoning text amendment.

- d. 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 proposed zoning ordinance amendment shall not result in an adverse impact upon the delivery of services, including school districts because it has been transmitted to outside agencies and staff has not received any comments to date regarding the zoning text amendment. Additionally, the applicant has agreed to donate an elementary school site to the West Ada School District.

- 3. The Commission finds **Ada County Article 8-7C** is applicable because it sets forth the requirements for amending development agreements. The Commission finds that the application complies with **Ada County Article 8-7C** because:

The Commission finds that Development Agreement #8205 was signed in February 2010 by the Board of Ada County Commissioners and the developer of Dry Creek at that time, in accordance with Article 8-7C as the property was rezoned to PC, with all elements of the Dry Creek Ranch Planned Community and conditions of approval attached. The Commission finds that the proposed modification is leaving the text of the development agreement in-tact and is proposing to modify the conditions of approval attached to Development Agreement #8205, as necessary to carry out the proposed amendments to the Dry Creek Ranch Comprehensive Plan (Element B), the Dry Creek Ranch Zoning Ordinance (Element D), the updated Economic Impact Analysis (Element E) the Dry Creek Ranch Development Plan (Element F), and other studies as included in Element G. Additionally, the Commission finds that all of the amended elements will be attached as exhibits to the development agreement. The Commission finds that the proposed development agreement modification materials were submitted

on July 2, 2016 and is going through the public hearing process in accordance with Ada County Code.

4. The Commission finds **Ada County Article 8-6 from the zoning ordinance in effect on September 15, 2006** is applicable because it sets forth the requirements for preliminary plats. The Commission finds that the application complies with **Ada County Article 8-6** because:
 - a. 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 as conditioned, the applicant will be required to submit a revised preliminary plat based on the November 18, 2016 submittal subject to Commission input, prior to the Ada County Board of Commissioners public hearing.

- 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 has submitted a hillside development application (HD#201601258) with the County Engineer concurrent with this preliminary plat. After reviewing this application, the County Engineer proposes Conditions of Approval #5, 13, 27, 28, 32, 68 and 69 to ensure that the necessary mitigation measures are in place prior to allowing any development within areas with slopes greater than 15% or where adverse conditions associated with slope stability, erosion or sedimentation are present. These mitigation measures ensure that area wide and parcel specific hillside grading is conducted throughout various construction phases in compliance with Article 8-3H (Hillside Overlay District) of the Ada County Code.

- 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 no evidence in the record including the proposed Dry Creek Ranch Comprehensive Plan and natural features analysis to indicate that the site is unsuitable for development. Furthermore, the applicant has submitted a floodplain development

application (FP#201601258) with the County Engineer concurrent with this preliminary plat. After reviewing this application, the Ada County Engineer proposes Conditions of Approval #5, 10, 13, 27, 28, 29, 30, 31 and 32 to ensure that necessary mitigation measures are in place prior to allowing any development in close proximity to Dry Creek, Spring Valley Creek or other hillside tributaries. Through these conditions, the County Engineer will require that that a Drainage Study/Plan be submitted in accordance with Section 8-4A-11 of the Ada County Code. The mitigations will require the applicant to provide groundwater monitoring data for the site, flood elevation data for Spring Valley Creek and Dry Creek and a final Wetland Delineation Report. These mitigation measures ensure that area wide and parcel specific development solutions will be provided to avoid, reduce and minimize impacts of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions.

- 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 BHH, LLC is the owner of the entire parcel— Parcel # S0225439500.

- 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 as evidenced in the record and Finding D that the proposed preliminary plat sufficiently addresses existing natural features of the site, and therefore, makes no modifications.

As evidenced in the proposed Land Use Map and Neighborhood Plan (Exhibit 7-C), the application creates six interconnected neighborhoods, each representing their unique natural landscape features – Foothills West, Foothills East, Equestrian, East Valley, Central Valley and the Crossroads. The proposed Preliminary Plat encompasses four of these six neighborhoods and its subdivision design and layout takes into consideration the natural features on the property. The proposed preliminary plan provides for appropriate land use densities, minimum parcel sizes, and lot frontage according to their natural landscape. For example, the Central Valley district, due to its flat valley floors, provides for higher residential densities with smaller residential parcel sizes requiring smaller frontage requirements. Conversely, the Equestrian district, due to its close proximity to other equestrian lots in surrounding areas and hilly topography, provides lesser densities with larger parcel sizes requiring larger frontage. These districts further enhance their natural settings in their roadway sections as evidenced in Element B-4.

- Section 8-6A-2, 3, 4, and 5 – Block, Lots, Access, and Alleys:

The Commission finds that as conditioned, the applicant will be required to submit a revised preliminary plat based on the November 18, 2016 submittal subject to Commission input, prior to the Ada County Board of Commissioners public hearing.

- Section 8-6A-6 – Easements:

The Commission finds that the preliminary plat will provide the necessary easements as required in Condition of Approval #70. The Commission further finds that two fifty feet (50') open space buffers are provided along Dry Creek and Spring Valley Creek as evidenced in Element F-7.

- Section 8-6A-7 – Watercourses:

The commission finds that the preliminary plat will meet the necessary requirements for natural watercourses through conditions of approval #29 and 66 and ensure their safe integration into the planned community design.

- Section 8-6A-6 – Flood Hazard Overlay District:

The Commission finds that there is no evidence in the record including the proposed Dry Creek Ranch Comprehensive Plan and natural features analysis to indicate that the site is unsuitable for development. Furthermore, the applicant has submitted a floodplain development application (FP#201601258) with the County Engineer concurrent with this preliminary plat. After reviewing this application, the Ada County Engineer proposes Conditions of Approval #5, 10, 13, 27, 28, 29, 30, 31 and 32 to ensure that necessary mitigation measures are in place prior to allowing any development in close proximity to Dry Creek, Spring Valley Creek or other hillside tributaries. Through these conditions, the County Engineer will require that that a Drainage Study/Plan be submitted in accordance with Section 8-4A-11 of the Ada County Code. The mitigations will require the applicant to provide groundwater monitoring data for the site, flood elevation data for Spring Valley Creek and Dry Creek and a final Wetland Delineation Report. These mitigation measures ensure that area wide and parcel specific development solutions will be provided to avoid, reduce and minimize impacts of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions.

b. The design complies with the required improvements established in article B of this chapter.

- Section 8-6B-1 – Owner’s Responsibility:

The Commission finds that the owner will be responsible for completing improvements required by this article and any additional improvements that may be required as a condition of approval.

- Section 8-6B-2 – Monument Requirements:

The Commission finds that the owner will comply with the requirements of Idaho Code Section 50-1302, 50-1303, 45-1227 and 55-1608 and get it verified by the County Surveyor prior to certification of the plat.

- Section 8-6B-3 – Streets and Other Improvements:

The Commission finds that condition of approval #49 will ensure that all public streets be dedicated to Ada County Highway District. The commission further finds that the proposed preliminary plat does not provide any private roads.

The Commission finds that the proposed preliminary plat will have adequate sewage facilities. The Commission further finds that since the proposed subdivision will be served by a private sewer company, the Central District Health and Idaho Department of Environmental Quality will be involved in requiring the necessary sanitary restrictions. As evidenced in Conditions of Approval #5, 6, 7, 13, 14, and 50, these health authorities will be involved during various stages of construction.

The Commission finds that the necessary stormwater facilities and drainage improvements will be constructed as approved by the County Engineer as required in Conditions of Approval #5, 10, 13, 27, 28, 29, 30, 31 and 32.

The Commission finds that condition of approval #67 will ensure that streetlights will comply with Ada County regulations.

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

The Commission finds that condition of approval #26 will ensure that the necessary improvements are completed prior to allowing residential units within a phase and the necessary surety agreements are in place in lieu of their construction.

- c. 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 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 this article because a Wildland-Urban Fire Interface Review is prepared for the Dry Creek Ranch Planned Community, dated August 11, 2016 and stamped by Jerry O'Neal who is a licensed fire professional engineer. The proposed Preliminary Plat consists of an interconnected system of public roadways permitting emergency vehicle access to the lots from more than one direction. The Eagle Fire District has provided comments on this application in Exhibit #34. Staff proposes Conditions of Approvals #3, 5, 13, 22, 57, and 59 to address those comments. These conditions provides the necessary mitigation measures to avoid, reduce or minimize impacts associated with the interface of proposed residential uses with natural open space areas surrounding the project site.

The Commission finds that Article 8-3F is applicable because the property is located within the Floodplain Development Overlay District. Furthermore, the applicant has submitted a floodplain development application (FP#201601258) with the County Engineer concurrent with this preliminary plat. After reviewing this application, the Ada County Engineer proposes Conditions of Approval # 5, 10, 13, 27, 28, 29, 30, 31 and 32 to ensure that necessary mitigation measures are in place prior to allowing any development in close proximity to Dry Creek, Spring Valley Creek or other hillside tributaries. Through these conditions, the County Engineer will require that that a Drainage Study/Plan be submitted in accordance with Section 8-4A-11 of the Ada County Code. The mitigations will require the applicant to provide groundwater monitoring data for the site, flood elevation data for Spring Valley Creek and Dry Creek and a final Wetland Delineation Report. These mitigation measures ensure that area wide and parcel specific development solutions will be provided to avoid, reduce and minimize impacts of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions.

The Commission further finds that Article 8-3H of the Ada County Code is applicable because the property is located in the Hillside Overlay District. The Commission finds the applicant has submitted a hillside development application (HD#201601258) with the County Engineer concurrent with this preliminary plat. After reviewing this application, the Ada County Engineer proposes Conditions of Approval #5, 13, 27, 28, 32, 68 and 69 to ensure that the necessary mitigation measures are in place prior to allowing any development within areas with slopes greater than 15% or where adverse conditions associated with slope stability, erosion or sedimentation are present. These mitigation measures ensure that area wide and parcel specific hillside grading is conducted throughout various construction phases in compliance with Article 8-3H (Hillside Overlay District) of the Ada County Code.

- d. 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 Article 8-2E of the Ada County Code is applicable because the proposed subdivision is located within a planned community. The Commission further finds that a Natural Features Analysis is submitted concurrent with this preliminary plat for the Planned Community (Element F-1). The Commission finds that based on that analysis, the proposed Planned Community establishes a unique vision of “farm-to-table” and policies for honoring this site’s agriculture heritage in Element F-2.

As evidenced in the proposed Land Use Map and Neighborhood Plan, the application creates six interconnected neighborhoods, each representing their unique natural landscape features – Foothills West, Foothills East, Equestrian, East Valley, Central Valley and the Crossroads. The proposed Preliminary Plat

encompasses four of these six neighborhoods and its subdivision design and layout takes into consideration the natural features on the property. The proposed preliminary plan provides for appropriate land use densities, minimum parcel sizes, and lot frontage according to their natural landscape. For example, the Central Valley district, due to its flat valley floors, provides for higher residential densities with smaller residential parcel sizes requiring smaller frontage requirements. Conversely, the Equestrian district, due to its close proximity to other equestrian lots in surrounding areas and hilly topography, provides lesser densities with larger parcel sizes requiring larger frontage. These districts further enhance their natural settings in their roadway sections as evidenced in Element B-4.

The proposed preliminary plat also preserves the two structurally sound historic structures, farmhouse and icehouse, in its layout. Conditions of Approval #38 and 63 are proposed to ensure that these structures are not only preserved, but utilized, enhanced and integrated into the overall site-design and connected with other open space areas and trails.

The proposed preliminary plat also proposes to leave Dry Creek in its natural state and further provides fifty feet (50') buffer around it to create a large open space corridor traversing the site from the eastern boundary to the western one. Similarly, the proposed preliminary plat provides an approximately 10 acre open space parcel to enhance Spring Valley Creek on its western edge.

- e. 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. The Commission finds that the proposed Preliminary Plat is subject to Water Permit #63-32423 of the Idaho Department of Water Resources as well as the Water Rights Agreement with the Dry Creek Rural Neighborhood Association dated January 14, 2008. Condition of approval #15 is proposed to ensure compliance with the permit and agreement prior to allowing any development, including residential units. Furthermore, Conditions of approval #13 and 52 ensures that the operation of County Landfill is not adversely impacted by the proposed subdivision.

- f. 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 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. As evidenced in Staff report, Agency Comments (Exhibit X) and Conditions of approval #39-49, the proposed subdivision is subject to review and approval by Ada County Highway District and Idaho Transportation Department at multiple thresholds of development phases to ensure that.

The Commission further finds that the proposed subdivision is required to realign Brookside Lane and Dry Creek Road, creating safer east-west circulation corridors for vehicles in the future. The Commission finds that the internal street system within the subdivision funnels traffic through Hells Canyon Drive (north-south primary connector) to Dry Creek Road and Brookside Lane and eventually to Highway 55. The street sections for the roads within the subdivision (Element B-4) show that most street sections have sidewalks or alternative pedestrian paths, which provides for safe pedestrian connectivity to recreation, commercial and open space areas of the subdivision without interfering with vehicular circulation.

- g. 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 or paths as evidenced in Element F-7. The proposed Preliminary Plat encompasses four of the six phases of the Planned Community and creates 1144 lots with potential 2860 future residents. The preliminary plat provides for a total 62.5 acres of developed open spaces, predominantly through parks of various types, and 225.8 acres of natural open spaces, predominantly along Dry Creek and Spring Valley Creek as well as Equestrian District and Foothills-East District.

The preliminary plat further provides for a robust network of trails/sidewalks internally and connects Dry Creek with Equestrian District to the north and Foothills-East District to the south. Additionally, the proposed preliminary plat extends trails from the Ada County Bicycle Park on the south to Avimor community and Ada County trails in the north and along Dry Creek from the east to the west. Conditions of approval #35, 36, 37, and 62 are proposed to ensure that the aforementioned improvements are provided through various construction phases of the proposed preliminary plat.

- h. The proposal complies with the dimension standards set forth in this title for the applicable zoning district.

The Commission finds that as conditioned, the applicant will be required to submit a revised preliminary plat based on the November 18, 2016 submittal subject to Commission input, prior to the Ada County Board of Commissioners public hearing.

- i. 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.

The Commission finds that Article 8-2E of the Ada County Code is applicable because the proposed preliminary plat is located within Planned Community Base District. The Commission further finds a proposed amendment to Article 8-3N for the Dry Creek Ranch Planned Community (DCRPC) is processed concurrently with this preliminary plat. Therefore, the proposed Comprehensive Plan Amendment for the DCRPC is applicable to this preliminary plat. As evidenced in the record, the proposed preliminary plat is in accordance with the Land Use Map (Element B-3), and encompasses approximately 870 (of approximately 1414) acres and four (of the six) neighborhood phases of the proposed DCRPC Community Plan. It proposes to create approximately 1144 (of approximately 1821) single family residential parcels with necessary streets, trails, and open spaces (Element B-4) to implement “farm-to-table” vision of the proposed comprehensive plan. The Board finds as evidenced in the record that the development footprint for the subdivision complies with the proposed DCRPC comprehensive plan amendment.

The Commission finds that the subdivision is not within a future acquisition map or area of city impact.

5. The Commission finds **Ada County Article 8-3F from the zoning ordinance in effect on September 15, 2006** is applicable because it sets forth the requirements for development within the floodplain. The Commission finds that the application complies with **Ada County Article 8-3F from the zoning ordinance in effect on September 15, 2006** because:

The Commission finds that proposed subdivision and development within the planned community including new construction or substantial improvements meets the standards of Ada County Article 8-3F. The applicant has submitted a floodplain development application (FP#201601258) with the County Engineer concurrent with this application. After reviewing this application, the Ada County Engineer proposes Conditions of Approval # 5, 10, 13, 27, 28, 29, 30, 31 and 32 to ensure that necessary mitigation measures are in place prior to allowing any development in close proximity to Dry Creek, Spring Valley Creek or other hillside tributaries. Through these conditions, the County Engineer will require that that a Drainage Study/Plan be submitted in accordance with Section 8-4A-11 of the Ada County Code. The mitigations will require the applicant to provide groundwater monitoring data for the site, flood elevation data for Spring Valley Creek and Dry Creek and a final Wetland Delineation Report. Additionally, the applicant will be required to place a note on their final plat and a Letter of Map Change if necessary, for development within floodplain. These mitigation measures ensure that area wide and parcel specific development solutions will be provided to avoid, reduce and minimize impacts of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions.

6. The Commission finds **Ada County Article 8-3H from the zoning ordinance in effect on September 15, 2006** is applicable because it sets forth the requirements for development within the Hillside Overlay District. The Commission finds that the application complies with **Ada County Article 8-3H from the zoning ordinance in effect on September 15, 2006** because:

- a. The site is physically suitable for the design and siting of the proposed development. The proposed development shall result in minimum disturbance of hillside areas.

The Commission finds that there is no evidence in the record including the proposed Dry Creek Ranch Comprehensive Plan and natural features analysis to indicate that the site is unsuitable for development. The Ada County Engineer proposes Conditions of Approval #5, 13, 27, 28, 32, 68 and 69 to ensure that the necessary mitigation measures are in place prior to allowing any development within areas with slopes greater than 15% or where adverse conditions associated with slope stability, erosion or sedimentation are present. The Commission finds that the applicant has submitted a revegetation report and revegetation plan found in Exhibit 9 and that the County Engineer has approved these documents.

These mitigation measures ensure that area wide and parcel specific hillside grading is conducted throughout various construction phases in compliance with Article 8-3H (Hillside Overlay District) of the Ada County Code.

- b. The grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability or fire hazard that would adversely affect the public health, safety, and welfare.

The Commission finds that the applicant has submitted a revegetation report and revegetation plan found in Exhibit 9 and that the County Engineer has approved these documents. The Commission finds that all improvements will need to be approved by the County Engineer and that the engineer of record will be required to submit a letter of completion to the County Engineer.

- c. Areas not suited for development because of soil, geology, vegetation, or hydrology limitations are designated as open space use.

The Commission finds that based on the density table submitted on November 18, 2016 and included as Exhibit 7-C, the applicant is dedicating 356 acres to natural open space and that based on Figure F-1.5, the natural open space encompasses the majority of the area that exceeds 25% slopes.

- d. Disruption of existing native vegetation and wildlife habitat is minimized.

The Commission finds that the disruption of the native vegetation and wildlife habitat is minimized because riparian area along Dry Creek and Spring Creek will be minimized with the required 50-foot setback as described in Element F-8: Wildlife Mitigation Plan. The Commission finds that the applicant is proposing three (3) north-south wildlife corridors to provide passage to Dry

Creek. The Commission finds that that area currently under agriculture use will be developed with the retention of approximately 10 acres at the southeast corner of the SH-55 and Brookside Lane intersection. The Commission finds that Figure F-1.6b describes the foothills vegetation as grass and shrub and that there is a large portion of the those areas dedicated as natural open space per the Preliminary Plat and Neighborhood Amenities Plan submitted on November 18,2016 and included as Exhibit 7.

- e. The proposal sets forth sufficient and adequate mitigation for the identified visual impacts beyond the normally expected impact of hillside development.

The Commission finds that the applicant is providing sufficient and adequate mitigation for visual impacts beyond the normally expected impact of hillside development as evidenced in Exhibits #7 and 9. The Commission further finds that the proposed site-design for the planned community takes into account some of the environmental constraints of the site and integrates them to create a livable community for its future residents.

The Commission finds that the project is located in the Boise foothills west of the Hidden Springs development. The project extends north and south of Dry Creek into the foothills. The proposed planned community proposes to leave Dry Creek and Spring Valley Creek in their natural state and further provides fifty feet (50') buffer around them to create large open space corridors traversing the site from the eastern boundary to the western one as well as the northern boundary to the southern one.

The project consists of lowland farms and rolling hills. There are several rural homes to the north and west of the project boundary. Shadow Valley golf course is located to the northwest adjacent to Highway 55. As the project sits in a valley, it is not visible south of the land fill, north from the golf-course and east of Hidden Springs. The proposed Central Valley Neighborhood will not be visible as they will be shrouded by the existing Spring Creek and Dry Creek tree line as well as rolling hills.

However, the project proposes residential homes in Equestrian and Foothills districts, which will be located on ridgelines and up out of the valley and will be seen by the adjacent home owners. As evidenced in Element B-4 (Street, Trail and Path Cross-sections), the application proposes streets and trail cross-sections to provide aesthetically pleasing mitigation to buffer those homes from the surrounding areas. Additionally, as evidenced in Exhibit 9-B, the planned community provides recommendations for slope preparation, and revegetation to ensure that effective mitigations are provided for the hilly terrain.

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 File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with the 1996 Ada County Comprehensive Plan.
2. The Commission concludes that File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with Article 8-2E (September 15, 2006) of the Ada County Code.
3. The Commission concludes that File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with Article 8-7-3 (September 15, 2006) of the Ada County Code.
4. The Commission concludes that File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with Article 8-7C of the Ada County Code.
5. The Commission concludes that File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with Article 8-6 of the Ada County Code.
6. The Commission concludes that File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with Article 8-3F of the Ada County Code.
7. The Commission concludes that File #201601258 ZOA-CPA-S-DA-M-HD-FP complies with Article 8-3H of the Ada County Code

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of File #201601258 ZOA-CPA-S-DA-M-HD-FP, subject to the Conditions of Approval attached as Exhibit A.

DATED this _____ day of _____, 20__.

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

ATTEST:

Mark Perfect, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL FOR DRY CREEK PLANNED COMMUNITY AMENDMENT –FILE #201601258 ZOA-CPA-S-DA-M-HD-FP

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF PROJECT #201601258 ZOA-CPA-S-DA-M-HD-FP 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. Prior to the final approval of the Dry Creek Ranch Planned Community amendment by the Board, the applicant shall provide a fully executed modification to Development Agreement # 8205.
2. Prior to the execution of the modified Development Agreement by the Board, the applicant shall provide all revised documents associated with the Dry Creek Ranch Planned Community amendment, including at least the following:
 - a. Comprehensive Plan Amendment;
 - b. Zoning Ordinance Text Amendment;
 - c. Economic Impact Analysis; and
 - d. Development Plan.
3. Prior to the final approval of the Dry Creek Ranch Planned Community preliminary plat by the Board of County Commissioners, the owner shall provide a revised Preliminary Plat to Development Services in accordance with the approved Land Use Map (Exhibit 7-C of Staff Report). These revised engineering drawings shall include accurate depiction of at least the following:
 - a. Location of elementary school site,
 - b. 50' Buffer along Dry Creek and Spring Creek
 - c. Alignment and classifications of all roadways within the project site,
 - d. Residential lot configurations,
 - e. Location of historic structures being preserved, and
 - f. Fire access roads, cul-de-sac lengths and turnarounds, and fire flow/redundant fire flow in accordance with the 2012 edition of the International Fire Code.
4. Prior to the final approval of the Dry Creek Ranch Planned Community by the Board, the applicant shall provide MS Word and GIS/AutoCAD files for all approved documents to Ada County Development Services.
5. Prior to any site improvements, the applicant shall obtain written approval from the following agencies:

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- a. Department of Environmental Quality for water quality, drinking water system, collection system, and wastewater treatment facility plans;
 - b. Central District Health for groundwater monitoring, collection system and wastewater treatment;
 - c. Eagle Fire District for all fire access roads, cul-de-sac lengths and turnarounds, fire flow and redundant fire flow requirements, implementation of the approved Wildland Urban Fire Interface (Element G) and Article 8-3B of the Ada County Code;
 - d. Ada County Engineer for Flood Elevation Study for Dry Creek and Spring Valley Creek, Drainage Plan/study including groundwater monitoring data, and Hillside Application;
 - e. Ada County Development Services for revised Landscape Plan;
 - f. Ada County Engineer approval of the pressurized irrigation system construction plans;
 - g. Ada County Highway District for Transportation Impact Analysis and necessary mitigation measures;
 - h. Idaho Transportation Department for Traffic Study and mitigation measures; and
 - i. Federal Emergency Management Agency (FEMA) for the Letter of Map Change, if applicable, associated with the flood elevation study for applicable final plat.
6. Prior to any site improvements, the applicant shall provide reports to the Department of Environmental Quality and Central District Health demonstrating compliance with all applicable federal, state, and local rules and laws for wastewater treatment, including Idaho Administrative Rules IDAPA 58.01.02 (Water Quality Standards), 58.01.03 (Individual Subsurface Sewage Disposal Rules), 58.01.16 (Wastewater Rules) and 58.01.17 (Recycled Water Rules). The applicant shall receive the necessary approvals and provide a copy to Ada County Development Services for their proposed collection system and wastewater treatment facilities.
7. Prior to any site improvements, the owner shall demonstrate to Ada County Development Services that they have received approval of Technical, Financial and Managerial Review to construct, operate and maintain the approved collection system and wastewater treatment facilities from the Department of Environmental Quality.
8. Prior to any site improvements, the applicant shall provide reports to the Department of Environmental Quality demonstrating compliance with all applicable federal, state, and local rules and laws for drinking water system, including Idaho State Administrative Rules IDAPA 58.01.08 (Public Drinking Water Systems) and 58.01.02 (Water Quality Standards). The applicant shall receive the necessary approvals and provide a copy to Ada County Development Services for their proposed drinking water system.

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9. Prior to any site improvements, the owner shall demonstrate to Ada County Development Services that they have received approval of Technical, Financial and Managerial Review to construct, operate and maintain the approved drinking water system from the Department of Environmental Quality.
10. Prior to any site improvements within each applicable final plat affecting federal waters, the owner shall provide a copy of 404 permit approval from the US Army Corp of Engineers and Idaho Department of Water Resources if applicable.
11. Prior to any site improvements within each final plat, the applicant shall develop and submit the following documents:
 - a. Dust Control Plan to Ada County Development Services;
 - b. Compliance with Rules for the Control Air Pollution (IDAPA 58.01.01) to Idaho Department of Environmental Quality;
 - c. A signed letter to Ada County Development Service demonstrating compliance with the approved Dry Creek Ranch Inadvertent Discovery Plan as incorporated Element G.
12. Prior to submitting initial final plat and each subsequent final plat for approval, the applicant shall receive approval of subdivision street names from the Ada County Street Name Committee as per Title 2, Chapter 1 of the Ada County Code.
13. Prior to the approval of the initial final plat, the applicant shall provide master Covenants, Conditions and Restriction (CC&Rs) to Development Services for review and approval to ensure incorporation of at least the following information:
 - a. Wildlife Mitigation Plan,
 - b. Wildland Urban Fire Interface Overlay,
 - c. Flood Hazard Overlay,
 - d. Hillside Overlay,
 - e. Wildlife depredation,
 - f. Landfill location,
 - g. Pressurized irrigation system
 - h. Private wastewater company, and
 - i. Private drinking water system.
14. Prior to the approval of the initial final plat and each subsequent final plat, the applicant shall demonstrate that the backbone collection system and wastewater treatment facilities are constructed to adequately serve the applicable plat area and managed by a private wastewater treatment company or a sewer district as set forth in Idaho Code Section 42-3202. The applicant shall ensure that the Department of Environmental Quality and Central District Health have completed their construction inspections and provided a Final Systems Approval Letter and a

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- written authorization to that private company/district to serve the public. A copy of this letter shall be provided to Ada County Development Services.
15. Prior to the approval of the initial final plat and each subsequent final plat, the applicant shall provide documents to Ada County Development Services that they have complied with all the requirements of their Water Permit (#63-32423) and that that they are monitoring the groundwater levels and are complying with the Water Rights Agreement with the Dry Creek Rural Neighborhood Association dated January 14, 2008.
 16. Prior to the approval of the initial final plat, and each subsequent final plat, the applicant shall demonstrate that the backbone drinking water system is constructed to adequately serve the applicable plat area and managed by a private drinking water company or district as set forth in Idaho Code Section 42-3202. The applicant shall ensure that the Department of Environmental Quality has completed their construction inspections and provided a Final Systems Approval Letter and a written authorization to that private company/district to serve the public. A copy of this letter shall be provided to Ada County Development Services.
 17. Prior to the approval of the initial final plat, and each subsequent final plat, the applicant shall demonstrate to the Ada County Engineer that the pressurized irrigation system is constructed to adequately serve the applicable plat area and managed by a private entity.
 18. Prior to the approval of the initial final plat, a conservation advisory committee shall be established to ensure implementation of the approved Dry Creek Ranch Planned Community Wildlife Mitigation Plan (Element F-8). The committee shall meet at least one time per year to safeguard that short-term and long-term conservation goals of the approved WMP are achieved by establishing necessary conservation easement criteria and appropriate use of conservation funds. The committee shall be comprised of at a minimum the following:
 - a. Ada County Development Services;
 - b. Idaho Department of Fish and Game;
 - c. Ada Soil and Water Conservation District;
 - d. The Developer (only during the course of project construction);
 - e. Homeowner's Association; and
 - f. Conservation Director (voting only in the event of tie vote).
 19. Prior to the approval of the initial final plat, the owner shall establish a dedicated account and deposit \$20,000 seed money for the conservation funds as outlined in the approved WMP (Section 4).
 20. Prior to the approval of the initial final plat, the owner shall enter into a legal agreement with Ada Soil and Water Conservation District to safeguard conservation funds should the Conservation Advisory Committee fails to utilize

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them in acquiring easements in a timely manner. A copy of this agreement shall be submitted to Ada County Development Services.

21. Prior to the first Periodic Evaluation, the conservation advisory committee shall develop a Recreation Plan that reviews and assesses compatibility of wildlife with new and existing recreation uses outlined in the approved WMP (Section 3.7).
22. Prior to the approval of the initial final plat, the owner shall enter into a legal agreement with Eagle Fire District, through a development agreement or memorandum of understanding, and provide a copy thereof to Ada County Development Services.
23. Prior to the approval of the initial final plat, the owner shall enter into a legal agreement with Ada Community Library to dedicate a space within a Community Center for book landing shelves and a donated computer and work-station.

24. Prior to the approval of each final plat by the Board, the applicant shall receive certificates and/or endorsements from the following entities:
 - 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, and
 - e. Approval and acceptance of the Ada County Highway District.

25. Prior to the approval of each final plat, the owner shall provide a digital version of the final plat in a format as specified by Development Services.
26. Prior to the approval of each final plat, all required improvements within the applicable phase shall be completed by the owner as required by Article 8-6B of the Ada County Code. In lieu of completing the required improvements, the owner may deposit a surety with the Director of Ada County Development Services and sign a surety agreement in accordance with the regulations for surety agreements set forth in Article 8-4K of the Ada County Code.
27. Prior to the approval of each final plat, the Ada County Engineer shall be sent a letter of completion by the engineer of record to approve all drainage improvements and site grading for that phase. The County Engineer must inspect and approve all drainage improvements, except where bonding is provided. As-built drawings, acceptable to the County Engineer in form and substance, shall be provided prior to final inspection and approval of these drainage improvements.
28. Prior to the approval of any final plat encompassing or adjoining Spring Valley Creek, Dry Creek, or hillside tributary floodways, the owner shall demonstrate compliance with the Ada County Flood Hazard Overlay District standards as set forth in Article 8-3F of the Ada County Code. A floodplain development permit is required for any manmade change to improved or unimproved real-estate,

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including, but not limited to, structures, filling, mining, dredging, grading, or excavation within areas of special flood hazard. No construction or grading within the floodplain or hillside tributary floodway is allowed to begin until a floodplain application is submitted and approved.

29. Prior to the approval of each final plat, the owner shall show a minimum structural set-back of thirty feet (30') from the normal high-water line of all watercourses, including Spring Valley Creek and Dry Creek.
30. Prior to the approval of each final plat, the owner shall identify all tributary floodways and demonstrate that notifications will be provided, by deed restriction or other similar method, to prospective buyers if the property is within a floodplain, tributary floodway or wetlands/alluvial fan.
31. Prior to the approval of each final plat, the owner shall demonstrate that any crossing or grading over gulleys that drain more than 10 acres within that phase is designed for the 100-year flood event and certified to be sized effective for the flood flows and velocities anticipated.
32. Prior to the approval of each final plat, the Ada County Engineer shall be sent a letter of completion by the engineer of record to approve all work for that phase associated with grading permit as set forth in the Article 8-3H (Hillside Overlay District) of the Ada County Code. The County Engineer must inspect and approve all hillside improvements, except where bonding is provided. As-built drawings, acceptable to the County Engineer in form and substance, shall be provided prior to final inspection and approval of these hillside improvements.
33. Prior to the approval of each final plat, the owner shall demonstrate that the General Neighborhood Design recommendations of the approved WMP (Section 3.5) are utilized for area-wide and site-specific planning and construction activities to avoid, minimize, and mitigate impacts to wildlife species and plant communities.
34. Prior to the approval of each final plat, the owner shall ensure compliance with Mitigations and Enhancement of the approved WMP for area-wide and site-specific planning and construction activities to avoid, minimize, and mitigate impacts on riparian and foothill areas (Section 3.6).
35. Prior to the approval of each final plat, the owner shall develop, or bond for, pathways, trails, trailheads, parks, and recreation areas in accordance with approved Element F-7 (Open Spaces, Parks and Trails) and Element F-10 (Phasing Plan) of the approved Dry Creek Ranch Planned Community. All developed open space and recreation areas, including common lots, shall be owned and maintained by a Homeowner's Association unless otherwise specified.
36. Prior to the approval of each final plat, the owner shall demonstrate that all open space and trails are accessible to the residents of the planned community and that open space and trails along Dry Creek and Spring Valley Creek, as well as equestrian and foothills districts, are accessible to the public in accordance with approved Element F-7 (Open Spaces, Parks and Trails).

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37. Prior to the approval of each final plat, the owner shall place a permanent deed restriction, and a note on the face of the final plat to ensure that the natural open space areas are permanently preserved. Furthermore, the owner shall record easements on the publicly accessible open spaces and trails in accordance with approved Element F-7 (Open Spaces, Parks and Trails).
38. Prior to the approval of the final plat encompassing the historic farmhouse and icehouse, the owner shall submit a conceptual plan to Ada County Development Services showing how these structures are utilized, enhanced, and integrated into overall site-design of the Dry Creek Ranch Planned Community. The applicant shall ensure that the proposed reuse of the historic structures is an allowed use in the approved Land Use Districts (Table 8-3N-6A), and receive appropriate development approvals if one is required. The plan shall be reviewed by the Ada County Historic Preservation Council.
39. Prior to the approval of the final plat which contains 151st single family residential lot, the owner shall receive an approval of Traffic Signal Warrant Study for State Highway 55 (SH-55) at Brookside Lane by Idaho Transportation Department (ITD). A copy of this approval shall be provided to Ada County Development Services.
40. Prior to the approval of the final plat which contains 151st single family residential lot, the owner shall submit a copy to Ada County Development Services of a signal agreement with Ada County Highway District and of temporary plan approvals for the SH-55/Brookside Lane intersection from Ada County Highway District and Idaho Transportation Department.
41. Prior to the approval of the final plat which contains 551st single family residential lot, the owner shall demonstrate to Ada County Development Services that they have widened SH-55 and Brookside Lane as required by Idaho Transportation Department and Ada County Highway District.
42. Prior to the approval of the final plat which contains 551st single family residential lot, the owner shall demonstrate to Ada County Development Services that they have submitted a revised traffic study to Idaho Department of Transportation for the SH-55/Dry Creek Road intersection and have modified that intersection to a right-in/right-out/left-in or a right-in/right-out only intersection.
43. Prior to the approval of the final plat which contains 1,001th single family residential lot, the owner shall provide a revised Transportation Impact Analysis to Idaho Transportation Department that identifies a permanent solution for the SH-55/Brookside Lane intersection at buildout of this project.
44. Prior to approval of the final plat which contains 1,001th single family residential lot, the owner shall provide a market analysis for neighborhood serving commercial uses if those uses are not yet constructed within the planned community. During the following Periodic Evaluation, the owner shall provide an updated Economic Feasibility Study (Element E) for those commercial uses to the Ada County Development Services Director.

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45. Prior to approval of the final plat which contains 1,001th single family residential lot, the owner shall provide a conceptual plan of the Mixed Use District showing that a minimum 25% of the district is used for multi-family units with density range of 7-20 dwelling unit/acre. During the following Periodic Evaluation, the owner shall provide an updated Economic Feasibility Study (Element E) for multi-family units to the Ada County Development Services Director.
46. Prior to the approval of the final plat which contains 1,301th single family residential lot, the owner shall submit a copy of proposed permanent mitigation measures for the SH-55/Brookside Lane intersection from Ada County Highway District and Idaho Transportation Department to Ada County Development Services.
47. Prior to the approval of the final plat which contains 1,301th single family residential lot, the owner shall demonstrate to Ada County Development Services that they have allocated the necessary right-of-way for the permanent improvement solution recommended by Idaho Transportation Department within the project boundary at the SH-55/Brookside Lane intersection.
48. Starting the July after final approval of the Dry Creek Ranch Planned Community, the owner shall start collecting annual traffic counts at the SH-55/ Brookside Lane intersection each July, to track the PM peak hour trips for the development, up to 1300 PM peak hour trip equivalent.
49. All public rights-of-way shall be dedicated and constructed to the applicable transportation department/highway district standards. No public street/road construction can begin without approval from the appropriate agency.
50. A note shall be placed on the face of each final plat and included in the approved and recorded Covenants, Conditions and Restriction (CC&Rs) that discloses the ownership and management structure of the wastewater treatment facilities to buyers: "This subdivision is serviced by a private sewer company or district, which is not regulated by the Idaho Public Utilities Commission. And fees, including user fees and maintenance fees, are subject to fluctuation."
51. A note shall be placed on the face of each final plat and included in the approved and recorded Covenants, Conditions and Restriction (CC&Rs) that discloses the ownership and management structure of the drinking water system to buyers: "This subdivision is serviced by a private drinking water system, which is not regulated by the Idaho Public Utilities Commission. And fees, including user fees and maintenance fees, are subject to fluctuation."
52. A note shall be placed on the face of each final plat and included in the approved and recorded Covenants, Conditions and Restriction (CC&Rs) that discloses the location of Ada County Landfill to buyers: "The Ada County Landfill adjoins Dry Creek Ranch property on its southern boundary, with two active landfill sites envisioned to operate for eighty five (85) more years on approximately twenty seven hundred (2700) acres where trespassing is prohibited."

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53. A note shall be placed on the face of each final plat and included in the approved and recorded Covenants, Conditions and Restriction (CC&Rs) that recognizes Idaho State Code 22-4503, Right to Farm Act: “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof”.
54. A note shall be placed on the face of each final plat and included in the approved and recorded Covenants, Conditions and Restriction (CC&Rs): “There is wildlife habitat identified in Dry Creek Ranch area. Damage to landscaping from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Neither Ada County nor the State of Idaho will be liable for wildlife depredation.”
55. A note shall be placed on the face of each final plat that no development is allowed within the floodplain. If any such development within the floodplain occurs, approval of a floodplain application is required.
56. Prior to the approval of all subsequent Preliminary Plats, the owner shall submit a Landscape Plan to Ada County Development Services for review and approval. The landscape plan shall include all parks, all improved open spaces, common areas, trails, drainage swales, and street buffers within the applicable phase.
57. Prior to the issuance of each building permit, the owner shall pay a mitigation fee of \$500 to Eagle Fire District.
58. Prior to the issuance of each building permit, the owner shall pay a special patrol fee of \$310.87 to Ada County Sheriff.
59. Prior to the issuance of any building permit within the final plat encompassing future fire station site, the owner shall have donated a ½ acre lot to Eagle Fire District as identified in the approved Element F-6 (Services and Utilities). This lot could accommodate a joint use facility between Eagle Fire District and Ada County Emergency Medical Services.
60. Prior to the issuance of any building permit within the final plat encompassing future elementary school site, the owner shall have donated seven (7) acre parcel to West Ada School District as identified in the approved Element F-6 (Services and Utilities).
61. Prior to the issuance of any building permit within the final plat encompassing a Park and Ride lot, the owner shall provide at least 20+ parking spaces with specific location and required number of park and ride lots to be determined by Ada County Highway District and Valley Regional Transit.

CONDITIONS OF APPROVAL

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Terms of Approval

62. All developed and natural open space and trails, recreation areas, common lots, etc. shall be owned and maintained by a Homeowner's Association, unless otherwise specified.
63. The original farmhouse and icehouse shall be preserved and reused by the owner to signify farming history of this project site.
64. When appropriate, the developer should reuse materials from the structures to be removed in the design and construction of the community center or other common areas.
65. The phases shall be completed in accordance with the approved Phasing Plan (Element F-10).
66. Natural watercourses within the development shall not be covered or fenced off.
67. The streetlights within the development shall comply with Article 8-4H of the Ada County Code and approved WMP.
68. A licensed engineer shall monitor all work covered by Hillside Application #201601258 HD. After the work is complete and the site has obtained final inspection approval from Ada County Development Services, the monitoring engineer shall provide documentation indicating that all work performed on site was in compliance with the documentation, plans, and reports submitted with 201601258 HD. This document will be reviewed by the Ada County Building Official and upon acceptance a final approval letter will be issued by the Ada County Development Services Director.
69. Any additional site grading, filling, or excavation of any kind not covered under Hillside Application #HD 201601258, shall require a new hillside application.
70. Ten foot (10') easements for utilities, drainage and irrigation shall be provided along all public rights-of-way and subdivision boundaries.
71. Installation of public service facilities must comply with the requirements of the public utility providing the services. All new utilities serving the DCRPC shall be installed underground. All utility easements shall be shown on the final plat and the minimum width of said easement shall be determined by the entities responsible for the construction and/or maintenance of the utility.
72. Temporary overhead powerlines may be allowed to serve the wastewater treatment plant but they shall be placed underground prior to the approval of the final plat for that area.
73. All utility work shall use design, materials, and construction methods that preclude failure due to flooding and assure continued service during flood events. All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the system. New and replacement sewage treatment works and sewage collection and disposal systems shall be designed to eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

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74. All development shall be in compliance with the Dry Creek Ranch Comprehensive Plan (Element B) and the Dry Creek Ranch Zoning Ordinance (Element D) and the Ada County Zoning Ordinance, where applicable.
75. All development shall be in compliance with the Dry Creek Ranch Development Plan (Element F).
76. All development shall be in compliance with the Ada County Wildland Urban Fire Interface Overlay District, the Flood Hazard Overlay District, and the Hillside Overlay District.
77. Throughout all phases of construction, 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.
78. 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.
79. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
80. The Board of County Commissioners must approve the initial final plat within 24 months of the Board's approval of the preliminary plat. Where developments are made in successive phases in an orderly and reasonable manner, such phases if submitted within one (1) year intervals will be considered for final plat approval. The owner may request a time extension pursuant to the provisions of, and limitations set forth in, Section 8-7-6 of the Ada County Code.
81. The owner shall request a "Periodic Evaluation" every two (2) years after the recordation of the first final plat in the Dry Creek Ranch planned community, as required by Ada County Ordinance. The periodic evaluation request shall be submitted on the appropriate application form and with the appropriate application fee at the time of submittal.