



**BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS**

In re:

Application of Hazelwood Village Subdivision #9

Project No. 200600071 S final plat

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

**FINDINGS OF FACT**

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

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

1. Application forms prepared and submitted by the applicant;
2. Final plat; and
3. All other information contained in Ada County Development Services File for Project No. 200600071 S.

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

1. On October 26, 2006 the Board of Ada County Commissioners approved the preliminary plat and adopted the Findings of Fact and Conclusion of Law for File 200600071 S, Hazelwood Village Subdivision.
2. On March 10, 2014, Development Services Staff scheduled the final plat for review by the Board at the April 9, 2014 BOCC hearing.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 200600071 S the following:

1. PROPOSED USES: A forty-eight (48) lot subdivision for phase 9 of Hazelwood Village.
2. PROPOSED STRUCTURES: Single-family dwellings.
3. PROPOSED SITE IMPROVEMENTS: Continuation of public roads.

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**FINDINGS OF FACT**

Project number 200600071 S FINAL PLAT  
HAZELWOOD VILLAGE SUBDIVISION #9

D. Based on the materials found in the file for Project No. 200600071 S, the Board finds the following concerning the project description:

1. **PARCEL NUMBER AND LOCATION:** The parcel number is S1403120800. The location of the property is off Valley Heights, Red Shine Way and Dulcina Way, Boise, ID in Section 03, T.2N, R.1E.
2. **OWNERSHIP:** Skyline-HV, Inc.
3. **SITE CHARACTERISTICS**

Property size: The property is approximately 8.13 acres.

Existing structures: None.

Existing vegetation: The site was historically used for agricultural purposes.

Slope: The property is relatively flat.

Irrigation: The property is served by pressurized irrigation.

Drainage: The property drains to stormwater detention basins.

Views: The property is generally visible from all directions.

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

The land use will be a subdivision of single-family dwellings and the zoning for the property is Medium High Density Residential (R8).

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

North: The land use is currently bare ground, but is located in Limited Office (LO) District in Almira Way Subdivision.

South: The land use is single-family residential in the Hazelwood Village No. 2 Subdivision and the property is located in the Medium High Density Residential (R8) District.

East: The land use is currently bare ground, but will be single-family residential for future phases of the Hazelwood Village development and the property is located in the Medium High Density Residential (R8) District.

West: The land use is single-family residential located in the Low Density Residential (R2) District.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 200600071 S final plat, the Board finds the following concerning services:

Access Street and Designation: Access is off of W. Napia Street designated as a local road.

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**FINDINGS OF FACT**

Fire Protection: Whitney Fire Protection District.

Sewage Disposal: Boise City Public Works Department.

Water Service: United Water Idaho.

Irrigation District: The property is within the jurisdictional boundaries of the Boise-Kuna Irrigation District, New York Irrigation District, and Boise Project Board of Control.

Drainage District: None.

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

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Board finds that Section 50-1308 of the Idaho State Code is applicable because this section of Idaho State Codes provides the basis for which subdivisions are approved. The Board finds that the application complies with Section 50-1308 of the Idaho State Code based upon the above noted procedural items in Findings A, B, C, D, E, F, and G and the evidence presented in the record that Hazelwood Village Subdivision #9 final plat is not within the corporate limits of a city and as such, is under the jurisdiction of Ada County and have been reviewed by the Board in accordance with the provisions of Section 50-1308 of Idaho State Code.

2. The Board finds that Section 8-6-5B of the Ada County Code is applicable because the applicant has applied for a final plat for a subdivision. The Board finds that the application complies with Section 8-6-5B of the Ada County Code:

1. *The final plat is in substantial conformance with the preliminary plat;*

The Board finds that the final plat for Hazelwood Village Subdivision #9 is in substantial conformance with the approved preliminary plat as there is no increase in the number of lots as depicted by the preliminary plat and there is less than a ten percent (10%) deviation from the preliminary plat.

2. *All conditions of the approved preliminary plat have been met; and*

*1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.*

*a) The Ada County Building Official (Whitney Fire District) must approve all fire flow requirements and/or building plans.*

The Board finds that the Ada County Building Official, representing the Whitney Fire District, indicated in a memo dated November 5, 2007, that the Hazelwood Village project received approval for fire hydrant locations.

*b) Boise City Public Works Department must approve the sewer hook-up/street lights.*

The Board finds that the Boise City Public Works Department has issued a letter dated February 21, 2014 approving the sewer hook-up. In addition, the

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## FINDINGS OF FACT

Boise City Engineer signed the final plat on March 10, 2014, indicating that all recommend conditions of approval to Ada County have been met. The Board finds that the City Engineer signed the final plat on.

*c) The Boise Project Board of Control must approve all irrigation and pathway plans.*

The Board finds that the Boise Project Board of Control approves the irrigation plan as shown by a letter dated February 23, 2014 included in the application file.

*d) United Water Idaho must approve the community water system connection.*

The Board finds that a letter from United Water Idaho dated February 26, 2014, was submitted with the final plat indicating that the project is serviceable.

*e) Idaho Power Company must approve the electrical service.*

The Board finds that the applicant has submitted a copy of the engineered plans from Idaho Power. The applicant has also stated in his detailed letter that installation is complete. A letter from Idaho Power Company dated October 24, 2012 was submitted with the final plat indicating that all phases of the Hazelwood Village development are serviceable.

*f) The County Engineer must approve a surface drainage run-off plan. As recommended by Central District Health Department, the plan should be designed and constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties". Please contact the Ada County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.*

The Board finds as evidenced in the record that the County Engineer has approved a surface drainage run-off plan for this subdivision on June 25, 2007.

*2. The final plat shall be meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.*

The Board finds that the final plat meets the final plat specifications listed in Section 8-6-4.3 of the Ada County Code as the County Surveyor has reviewed the final plat in accordance with these specifications. In addition, the County Surveyor signed the final plat on March 27, 2014.

*3. The final plat shall be in substantial conformance with the approved preliminary plat.*

The Board finds that the final plat is in substantial conformance with the approved preliminary plat as there is no increase in the number of lots as depicted by the preliminary plat and there is less than a ten percent (10%) deviation from the preliminary plat.

*4. Prior to submittal of the final plat, the "Street Name Committee" must approve all street /alley subdivision names. See Title 2, Chapter 1 of the Ada County Code.*

The Board finds that the Ada County Street Name Committee has approved all street and subdivision names associated with Hazelwood Village Subdivision No.9.

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## FINDINGS OF FACT

5. *Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.*

because

The Board finds that no specific action is required to satisfy this condition it is required as a term of approval.

6. *Prior to approval by the Board of County Commissioners, the plat shall contain the following certificates and/ or endorsements:*

- a) signature of the owner(s),*
- b) certificate of the plat surveyor,*
- c) certificate of the County Surveyor,*
- d) endorsement of the Central District Health Department,*
- e) endorsement of the Ada County Highway District,*

The Board finds that the required signatures and endorsements noted above are on the final plat. The owner signed the final plat on February 24, 2014. The plat surveyor has stamped the final plat on February 21, 2014. Central District Health Department signed and endorsed the final plat on February 27, 2014. Ada County Highway District signed and endorsed the final plat on March 5, 2014. In addition, the County Surveyor signed the final plat March 27, 2014.

7. *The following statements shall appear on the face of the final plat:*

- a) This development recognizes Idaho Code § 224503, Right to Farm Act, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."*

The Board finds that the required note is found on Sheet No. 1 of 4 of the final plat as note #9.

- b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.*

The Board finds that the required note is found on Sheet No. 1 of 4 of the final plat as note #8.

- c) All open space/common lots shall be owned and maintained by the Hazelwood South Subdivision Homeowner's Association.*

The Board finds that the required note is found on Sheet No. 1 of 4 of the final plat as note #12.

- d) Hazelwood Village Subdivision is subject to Development Agreement #7641 recorded as Instrument # 106172712 at the Ada County Recorder's office.*

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FINDINGS OF FACT

The Board finds that the required note is found on Sheet No. 1 of 4 of the final plat as note #11 with the following amendments: Amended by Instrument No. 112006904 and as amended by Development Agreement No. 7641-3-14 recorded as Instrument No. 114002763.

8. *The Board of County Commissioners must approve the final plat within 24 months of the Board of County Commissioner's approval of the preliminary plat. For subdivisions where the Board approved a phasing plan, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.*

because The Board finds that no specific action is required to satisfy this condition it is required as a term of approval.

9. *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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

10. *All public right of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to obtain a permit, contact Ada County Highway District Development Services at 387-6100. Your Project # 200600071 S-ZC-DA-PUD is required.*

constructed The Board finds that all public rights of way have been dedicated and Highway to the standards of the Ada County Highway District as the Ada County District signed the final plat on March 5, 2014.

11. *All utilities shall be installed underground.*

because The Board finds that no specific action is required to satisfy this condition it is required as a term of approval. The applicant has stated that all utilities are underground.

12. *Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the specific requirements of the Boise Project Board of Control is required.*

The Board finds that the plat complies with Section 31-3805 of the Idaho Code pertaining to irrigation waters as the Boise Project Board of Control stated in a letter dated February 23, 2014 that the pressurized irrigation to be acceptable as water is available to each lot.

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13. *Installation of fire protection facilities as specifically required by the Ada County Building Official (Whitney Fire District) is required.*

The Board finds that the Ada County Building Official, representing the Whitney Fire District, indicated in a memo dated November 5, 2007, that the Hazelwood Village project complies with the requirements of the International Fire Code.

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

The Board finds that the required easements have been included on the final plat as provided by note #3 on Sheet 1 of 4.

15. *All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application Project # 200600071 S-ZC-DA-PUD.*

The Board finds that no specific action is required to satisfy this condition

because

it is required as a term of approval.

16. *No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Ada County Engineer. The drainage design plan shall include all proposed site grading.*

The Board finds as evidenced in the record that the County Engineer approved a drainage design plan for the subdivision on June 25, 2007.

17. *Upon approval of the drainage design plan, the applicant shall obtain a grading permit or waiver from the Ada County Building Official. The grading permit shall conform to the approved drainage design plan. The drainage design plan shall include, but is not limited to, the following:*

*a. Identification of high ground water areas, poorly drained areas, and areas being developed over soils with poor drainage characteristics, poor soil-bearing capacity, hydric soils, liquefaction and soil strength loss. These areas shall be identified on the drainage design plan and specific measures included in the design to overcome the adverse effects of these characteristics (i.e., concentration of ground water in building crawl spaces, subsidence of foundations, etc.). The plan shall comply with Section 1804.04, Foundation Investigation, of the Uniform Building Code (1997 Edition) as adopted by Ada County. Special submittals including a site-specific geotechnical report may be required by the Ada County Engineer. The drainage design plan shall be prepared and submitted by a Professional Engineer or design professional Licensed in the State of Idaho.*

The Board finds as evidenced in the record that the County Engineer has approved a surface drainage run-off plan for the subdivision on June 25, 2007.

18. *Prior to acceptance of a final plat by the Ada County Engineer all drainage improvements and site grading shall be completed. The County Engineer shall inspect and approve all drainage improvements, except where bonding is provided. As-built*

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*drawings, acceptable to the County Engineer in form and substance, shall be submitted prior to final inspection and approval of the drainage improvements.*

The Board finds that a drainage plan was approved on June 25, 2007. Also, the Ada County Highway District has signed the final plat indicating approval and acceptance of constructed drainage improvements.

*19. Prior to Board approval of the final plat, the applicant shall have obtained and completed any required grading permit.*

The Board finds that a grading permit was not required for this phase of the subdivision.

*20. Individual lot pressurized irrigation shall be provided. Boise Project Board of Control must approve an irrigation plan prior to submitting the final plat for approval. Irrigation water shall only be applied by sprinkling methods. Documentation of the proposed homeowners association or similar entity responsible for maintenance and operation of the sprinkler irrigation system shall be submitted to the Director of Development Services prior to final plat approval by the Board.*

The Board finds that the Boise Project Board of Control approves the irrigation plan as shown by a letter dated February 23, 2014 included in the application file.

*21. Lighting within the development shall comply with the requirements of Article 8-4H of the Ada County Zoning Ordinance and the standards established by Boise City Public Works Department.*

The Board finds that the Boise City Engineer signed the final plat on March 10, 2014.

*22. Compliance with tile final development agreements is required. Upon approval by the Board, the final development agreements shall be recorded in the Ada County Recorder's Office.*

The Board finds that no specific action is required to satisfy this condition

because

it is required as a term of approval, and that the development agreement was recorded in the Ada County Recorder's Office on November 1, 2006 with Instrument #106172712. The Board finds that the required note is found on Sheet No. 1 of 4 of the final plat as note #11 with the following amendments: Amended by Instrument No. 112006904 and as amended by Development Agreement No. 7641-3-14 recorded as Instrument No. 114002763.

*23 All surety and surety agreements shall comply with Article 8-4K of the Ada County Code.*

The Board finds that the applicant submitted a surety bond on March 27, 2014 for the landscaping and the shared driveway.

*24. Compliance with the regulations of the SW Planning Area Overlay District is required.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

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## FINDINGS OF FACT

25. *Compliance with the regulations of the Planned Unit Development Overlay District is required.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

26. *The applicant/owner shall extend W. Lockwood Street (Kuhnen Street) to connect to S. Valley Heights Road.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

27. *The applicant/owner shall construct four (4) stub streets within the subdivision boundary. Stub Street # 1 shall be located between Lot 1, Block 47 and Lot 1, Block 54. Stub Street # 2 shall be located between Lot 10, Block 45 and Lot 1, Block 43. Stub Street # 3 shall be located between Lot 12, Block 47 and Lot 1; Block 25 and Stub Street # 4 shall be located between Lots 16, Block 21 and Lot 19, Block 47 connecting to Lot 17, Block 21.*

The Board finds that no specific action is required to satisfy this condition

because

it is not applicable to this phase of the subdivision.

28. *The applicant/owner shall keep the Cunningham Lateral open and free of any structures and shall construct a minimum five foot (5') wide paved pedestrian/bicycle along the Cunningham Lateral beginning in the southeast corner boundary of the subdivision and terminating at the northern property line of Lot 11, Block 10. The paved pedestrian/bicycle pathway shall be located on separate common lot. The lot shall be a minimum of ten feet (10') wide.*

The Board finds that no specific action is required to satisfy this condition

because

it is not applicable to this phase of the subdivision.

29. *The applicant/owner shall keep the Paris Lateral open and free of any structures.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

30. *The applicant/owner shall construct a minimum of five foot (5') wide paved pedestrian/bicycle pathway along the entire length of Lot 8, Block 19, Lot 7, Block 31, Lot 8, Block 30 and Lot 12, Block 21. The paved pedestrian/bicycle pathway shall be located on separate common lot. The lot shall be a minimum of ten feet (10') wide.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

31. *The applicant/owner shall construct a minimum five foot (5') wide paved pedestrian/bicycle pathway along the entire length of Lot 7, Block 17, Lot 6, Block 12, Lot 7, Block 23, Lot 20, Block 1, Lot 14, Block 54 and Lot 12, Block 21. The paved pedestrian/bicycle pathway shall be located on separate common lot. The lot shall be a minimum of ten feet (10') wide.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

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#### FINDINGS OF FACT

32. *The applicant/owner shall construct a minimum five foot (5') wide paved pedestrian/bicycle pathway from Mulan Drive to the playground area of the Meridian Joint School District property between Lots 5 and 22, Block 43. The paved pedestrian/bicycle pathway shall be located on a separate common lot. The lot shall be a minimum of ten feet (10') wide. The 10' wide lot shall be left open. The applicant/owner and school district personnel shall agree upon the exact location of the paved pedestrian/bicycle pathway.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

33. *The applicant/owner shall construct an outdoor recreation facility on Lot 16, Block 19. The recreation facility shall include a swimming pool and associated clubhouse with restrooms/changing rooms. The outdoor recreational facility shall require master site plan and conditional use approval. The outdoor recreation facility shall be constructed prior to the Board's final plat approval for Phase 2 of Hazelwood South Subdivision.*

The Board finds that no specific action is required to satisfy this condition because it was completed in a previous phase.

34. *The applicant/owner shall install a landscape buffer along S. Valley Heights Road beginning at the northern property line of Lot 22, Block 1 and terminating at the intersection of W. Lockwood Street and along S. Five Mile Road beginning at the intersection of W. Lockwood Street and terminating in the southeast corner boundary of Hazelwood South Subdivision. The landscape buffer shall be located on separate common lot(s). A landscape plan for the landscape buffer shall be submitted to the Director for review prior to installation of the landscape elements.*

The Board finds that a surety bond for the landscaping and screening plan for Hazelwood Village Sub #9 has been submitted.

35. *The applicant/owner shall construct detached sidewalks with a minimum eightfoot (8') parkway adjacent to all public streets, including S. Valley Heights, W. Lake Hazel and S. Five Mile Roads.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval and Ada County Highway District signed the final plat on March 5, 2014 and the applicant has provided bonding to ACHD.

36. *Fifty percent (50%) of Lot 2, Block 3 shall be developed with multi-family at a density range of 8-12 units per acre. The residential product types shall be townhouses, patio homes or other forms of attached housing.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

37. *Fifty percent (50%) of Lot 17, Block 21 shall be developed with multifamily at a density range of 15-20 dwelling units per acre. The residential product types shall be townhouses, patio homes or other forms of attached housing.*

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The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*38. Lot 2, Block 3 and Lot 17, Block 21 are Planned Unit Development (PUD) lots and multifamily residential, office and commercial uses are allowed in accordance with the Planned Unit Development Overlay District of the Ada County Code. All multifamily residential, office and commercial uses for Lot 2, Block 3 and Lot 17, Block 21 shall require master site plan and/or conditional use approval. All future master site plan or conditional use applications shall include a written statement detailing how the proposed development complies with the Boise City Comprehensive Plan's new urbanism design policies. All master site plan and conditional use applications will be transmitted to Boise City for comments in accordance with the city impact ordinance set forth in Title 9, Chapter 3 of the Ada County Code.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*39. All multifamily residential, office and commercial uses for Lot 2, Block 1 (LO District Lot) and Lot 13, Block 10 (C2 District Lot) shall require master site plan and/or conditional use approval. All future master site plan or conditional use applications shall include a written statement detailing how the proposed development complies with the Boise City Comprehensive Plan's new urbanism design policies. All master site plan and conditional use applications will be transmitted to Boise City for comments in accordance with the city impact ordinance set forth in Title 9, Chapter 3 of the Ada County Code.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*40. The applicant/owner shall construct single-family attached dwellings or townhouses on Lots 1-16 and Lots 18-24, Block 43, Lots 2-13, Block 38 and Lots 2-12, Block 36. The final plat shall designate or note building envelopes for each property with a zero lot line setback.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*41. All open space/common lots shall be owned and maintained by the Hazelwood South Homeowner's Association. A copy of the CC&R's indicating ownership, maintenance and administration of the open space, common lots and recreation facilities shall be reviewed and approved by the Director prior to the Board's approval of the final plat for Phase 1 of Hazelwood South Subdivision.*

The Board finds as evidenced in the record that the applicant has submitted a copy of the CC&R's indicating ownership, maintenance, and administration of the open space and common lots for Hazelwood Village #9.

*42. The Director shall approve a landscaping and screening plan for all open space/common lots within Hazelwood South Subdivision. The landscape and screening plan shall be drawn and stamped by a professional landscape architect.*

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*The stamped landscape and screening plan shall be included with each final plat application. The landscape plan shall include all required pedestrian/bicycle pathways and shall include all active and passive recreational landscape elements. Active and passive recreational landscape elements shall include, but are not limited to, playgrounds, picnic shelters, park benches, pools and ball courts. Furthermore, the landscaping and screening plan shall show the location, size and types of all proposed or existing planting elements.*

The Board finds as evidenced in the record that the applicant has submitted a Surety bond for the landscaping and screening plan for Hazelwood Village Sub #9.

*43. If applicable, all existing dwellings and other structures on site shall obtain a building permit prior to demolition.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*44. The three (3) existing single-family dwellings and associated outbuildings located at 11207, 11041 and 10975 W. Lake Hazel Road, can remain on site until the lots are developed or until ten (10) years after the zoning ordinance map amendment to the LO and R8 Districts was approved on October 25, 2006 by the Board, whichever comes first.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*45. All private alleys shall be located on a lot. The lots shall be owned and maintained by the lot owners who property accesses and fronts on the private alleys. A copy of the CC&R's indicating ownership, maintenance and administration of the private alley lots shall be reviewed and approved by the Director prior to the Board's approval of the final plat for Phase 1 of Hazelwood South Subdivision.*

The Board finds that no specific action is required to satisfy this condition because the alley will be public and the common driveway providing access to Lots 21 and 22 Block 19 is referred to as an alley in the amendment of the CCR's and specify the users of the alley are responsible for the maintenance.

*46. All private and shared driveways shall be located on a lot. The lot shall be owned and maintained by the lot owners whose property accesses and fronts on the private and shared driveway. A copy of the CC&R's indicating ownership, maintenance and administration of the private and shared driveway lot shall be reviewed and approved by the Director prior to the Board's approval of the final plat for Phase 1 of Hazelwood South Subdivision.*

The Board finds that no specific action is required to satisfy this condition because the alley will be public and the common driveway providing access to Lots 21 and 22 Block 19 is referred to as an alley in the amendment of the CCR's and specify the users of the alley are responsible for the maintenance.

*47. All private alleys and private shared driveways shall comply with the minimum*

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*design/construction requirements of the Whitney Fire District and the Boise City Fire Department. The developer’s “Engineer of Record” shall inspect all private alleys and private shared driveways for design and construction compliance. A letter from the “Engineer of Record” must be forwarded to the Director indicating approval of all private alleys and private shared driveways prior to the Board’s approval of the final plat for each Phase.*

The Board finds that the applicant has submitted a surety bond for the private alley and private shared driveways.

*48. Alley-loaded detached garages shall be allowed secondary dwelling units above the garage. The first story shall be a garage or private storage area and the secondary dwelling unit shall be on the second story. The secondary dwelling unit portion of the structure shall not be greater than nine hundred (900) square feet in floor area. Furthermore, all alley-loaded detached garages with or without dwelling units shall be considered an accessory use to the principal permitted dwelling on site and shall only require zoning certificates and building permits.*

The Board finds that no specific action is required to satisfy this condition because it is a term of approval.

*49. The following table indicates the allowed use modifications that shall apply to Hazelwood South Subdivision:*

<i>Allowed Use</i>	<i>LO</i>	<i>PUD lots</i>	<i>C2</i>
<i>Animal clinic, animal hospital, or veterinary office</i>	-	P	P
<i>Bank</i>	P	P	P
<i>Bed and breakfast establishment</i>	-	C	C
<i>Car wash</i>	-	C	C
<i>Church</i> C	C		C
<i>Clinic, medical (excluding animal or veterinary)</i>	P	P	P
<i>Club or lodge or social hall</i>	C	C	C
<i>Daycare facility</i>	C	C	C
<i>Drive-up window service</i>	C	C	P
<i>Dwelling, caretaker for an approved use</i>	A	A	A
<i>Farm, garden, lumber, or building supply store</i>	-	-	P
<i>Fence, other</i>	A	A	A
<i>Gasoline or diesel fuel sales facility</i>	-	C	P
<i>Laundromat</i>	-	P	P
<i>Multifamily dwelling</i>	-	P	-
<i>Nursery, retail (only)</i>	-	P	P
<i>Off street parking facility</i>	-	P	P
<i>Office building</i> P	P		P
<i>Office, relating to an approved use</i>	A	A	A
<i>Office, temporary construction</i>	A	A	A
<i>Outdoor storage</i>	-	C	A
<i>Package and letter delivery service</i>	-	-	P
<i>Personal, business, or professional service</i>	P	P	P
<i>Public or quasi-public use</i>	C	C	C
<i>Recycling center</i>	-	-	P
<i>Residential care facility</i>	C	C	-
<i>Restaurant or eating place</i>	C	P	P

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Retail sales relating to an approved use	A	A	A
Retail store	C	P	P
School, public or private	C	-	-
School, vocational or trade	C	-	P
Sign, nonaccessory, off premises	P	P	P
Storage facility, self-service	C	C	P
Structure >10,000 square feet	-	-	P
Studio	C	P	P
Swimming pool, private	A	A	A
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	A	A
Transit facility	-	P	P

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval and the proposed subdivision complies with the uses identified in the table.

50. The following table indicates the dimensional standard modifications that shall apply to Hazelwood South Subdivision:

**Dimensional Standards**

dimensions noted are  
minimums

measurements taken from property line/public right-of-way

Dwelling Type	lot size	MINIMUM SETBACKS						
		front, dwelling	front, garage	interior <sup>(1)</sup> side	corner <sup>(2)</sup> dwelling	rear dwelling	alley, dwelling	alley, garage
Detached	2800 sf							
front load		11'	26'	3' <sup>(3)</sup>	11'	15'	n/a	n/a
alley load		11'	n/a	3'	11'	6'0" <sup>(4)</sup>	6'0" <sup>(4)</sup>	2'
Attached SF/Townhome	3600 sf							
front load		11'	26'	0'3'	11'	15'	n/a	n/a

**FINDINGS OF FACT**

	2800							
Detached - On the green	sf							
eyebrow drive		5'	20'	3' <sup>(3)</sup>	11'	15'	n/a	n/a
alley load <sup>(5)</sup>		5'	n/a	3'	11'	6'0" <sup>(4)</sup>	6'0" <sup>(4)</sup>	2'

**Notes:**

*Alley = Rear Loaded*

*Eyebrow Drive = Front Loaded*

<sup>(1)</sup> *no side yard utility easements except where noted on the plat*

<sup>(2)</sup> *vision triangle requirements must be met*

<sup>(3)</sup> *cross use easements on side properties allowed*

<sup>(4)</sup> *allows living space above alley loaded garage with min. first floor setback = 6' and min. second floor setback= 0'.*

<sup>(5)</sup> *access and frontage allowed on alley*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

*51. Upon the construction of Almira Way, the applicant/owner shall provide an access approach along the southern property line for the property (Parcel No. S1403120652) located at 11125 W. Lake Hazel Road, Boise, ID.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

*52. Any residential lot that has both public street frontage and a rear alley shall be accessed via the rear alley only. Access via the public street is prohibited.*

The Board finds that plat note #15 addresses this condition.

*53. Prior to the Board's approval of the final plat for Phase 1 of Hazelwood South Subdivision, the applicant/owner shall receive application approval from the Board for a one-time division, zoning ordinance map amendment and development agreement for Assess Tax Parcel # S1403120652, located at 11125 W. Lake Hazel Road, Boise, Idaho and owned by Catharine D. Rexrode.*

The Board finds that the required one-time division, zoning ordinance map amendment and development agreement for Assessor Tax Parcel #S1403120652 received approval on February 14, 2007 (File #200600247 ZC-DA-OTD).

*54. The applicant/owner must work together with their neighbors, Bonnie J. Barcus and Steven F. Banks to obtain an agreed upon timeline for the installation of a*

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**FINDINGS OF FACT**

*fence along their common property lines.*

The Board finds that no specific action is required to satisfy this condition because it is not applicable to this phase of the subdivision.

### **CONCLUSIONS OF LAW**

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

1. The Board concludes that Project No. 200600071 S final plat complies with Section 50-1308 of the Idaho State Code.
2. The Board concludes that Project No. 200600071 S final plat complies with Section 8-6-5B of the Ada County Code.