



**BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS**

In re:

Application of Calvin L. Dillabaugh

Project No. 200800159 CU-MSP-TE

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

**FINDINGS OF FACT**

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

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

1. Exhibits to the Staff Report.
2. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
3. All other information contained in Ada County Development Services File for Project No. 200800159 CU-MSP-TE.

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

1. On December 27, 2013, Development Services accepted Project #200800159 CU-MSP-TE and scheduled it for public hearing before the Board of Ada County Commissioners on March 12, 2014.
2. On December 31, 2013, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
3. On February 10, 2014, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on February 25, 2014. Notices of the public hearing were posted on the property by March 2, 2014 and a certification sign posting was submitted to the director by March 5, 2014.

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

Project #200800159 CU-MSP-TE  
Calvin L. Dillabaugh  
DFC Investments, LLC

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 200800159 CU-MSP-TE the following:

1. PROPOSED USES: Retail Store.
2. PROPOSED STRUCTURES: 14,600 square foot retail store.
3. PROPOSED SITE IMPROVEMENTS: Installation of parking facilities, drainage facilities, landscaping, and fencing.

D. Based on the materials found in the file for Project No. 200800159 CU-MSP-TE, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel numbers are R7334200110, R7334200121, and R7334200123. The property is located at 9998 W. State Street, which is the northwest corner of the intersection of W. State Street and N. Gardner Lane, east of Horseshoe Bend Road in Section 14, T. 4N, R.1E.

2. OWNERSHIP: DFC Investments, LLC.

3. SITE CHARACTERISTICS

Property size: 1.31 acres.

Existing structures: None.

Existing vegetation: Trees and native and invasive grasses.

Slope: The property is generally flat with slopes less than 15%.

Irrigation: The property is located in the jurisdictional boundaries of the Boise Valley Irrigation Ditch Company and the Boise City Canal Company.

Drainage: The property is located in the jurisdictional boundaries of Drainage District No. 2.

Views: The property generally has clear views in all directions.

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

The property is currently zoned Neighborhood Commercial (C1). The current land use is a vacant lot.

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

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

North: The site is a mix of single-family residences and manufactured homes in the Randall Acres No. 9 Subdivision located in the Medium High Density Manufactured Home (R8M) District.

South: The site is bare ground located in Garden City in their M and C-2 Districts.

East: The site consists of a commercial shop and retail and office space in the Randall Acres No. 9 Subdivision located in the Community Commercial (C2) District.

West: The site is single-family residential in the Randall Acres No. 9 Subdivision located in the Medium High Density Manufactured Home (R8M) District.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 200800159 CU-MSP-TE, the Board finds the following concerning services:

Access Street and Designation: Access is off W. State Street and N. Gardner Lane. W. State Street is designated as a principal arterial and N. Gardner Lane is designated as a local street.

Fire Protection: Eagle Fire District.

Sewage Disposal: Boise City Public Works (to be extended).

Water Service: United Water Idaho (to be extended).

Irrigation District: Boise Valley Irrigation Ditch Company and Boise City Canal Company.

Drainage District: Drainage District No. 2.

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

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

1. The Board finds **Section 8-7-6** is applicable because the applicant has applied for a board granted time extension. The Board finds the application complies with **Section 8-7-6 of the Ada County Code**. Regarding Section 8-7-6 of the Ada County Code the Board finds the following:

1. *The application was submitted in a timely manner; and*

The Board finds that the application was submitted in a timely manner. The application for the second board-granted time extension was received on December 27, 2014, which was before the first board-granted time extension expired on January 28, 2014.

2. *The applicant has submitted reasons that justify the granting of the time extension.*

The Board finds that the applicant has submitted reasons that justify the granting of the time extension. The applicant stated in his detailed letter (Exhibit 3) that the climate, which has not been conducive to growth the new storefront has not been

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

financially feasible. The applicant also stated that it is still an asset with growth potential in the hopefully not too distant future.

### **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. 200800159 CU-MSP-TE complies with Section 8-7-6 of the Ada County Code.

**ORDER**

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves Project #200800159 CU-MSP-TE, subject to the Conditions of Approval attached as Exhibit A.

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

**Board of Ada County Commissioners**

By: \_\_\_\_\_  
David L. Case, Commissioner

By: \_\_\_\_\_  
Jim Tibbs, Commissioner

By: \_\_\_\_\_  
Rick Yzaguirre, Commissioner

ATTEST:

\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #200800159 CU-MSP-TE  
Calvin L. Dillabaugh  
DFC Investments, LLC

EXHIBIT A

**CONDITIONS OF APPROVAL**  
**PROJECT NO. 200800159 CU-MSP-TE**

1. The applicant and/or owner shall comply with the original conditions of approval as set forth in File #200800159 CU-MSP, excepting expiration time frames modified herein.
2. The period for meeting the conditions of approval for File #200800159 CU-MSP is extended until January 28, 2016.