



ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Kevin McCarthy, KM Engineering

Project No. 201302032 S

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. 201302032 S.

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

1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on October 17, 2013.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on November 20, 2013.
3. On December 31, 2013, Development Services accepted Project #201302032 S and scheduled it for public hearing before the Ada County Planning and Zoning Commission on March 13, 2014.

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Project #201302032 S
Ethridge Square Subdivision
Margie Ethridge Family Trust

4. On January 8, 2014, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
5. On February 11, 2014, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on February 25, 2014. Notices of the public hearing were posted on the property on February 25, 2014 and a certification sign posting was submitted to the director on February 25, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201302032 S the following:

1. PROPOSED USES: A ten (10) lot residential subdivision.
2. PROPOSED STRUCTURES: Ten (10) single-family dwellings.
3. PROPOSED SITE IMPROVEMENTS: Sanitary sewer will be provided to the development by the Boise City Public Works Department. Municipal water will be provided to the development by United Water Idaho. Public streets will serve the development and be constructed to the Ada County Highway District standards.

D. Based on the materials found in the file for Project No. 201302032 S, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is S1126438850 and is located at 9414 W. Amity Road, Boise, ID 83709 in Section 26, T. 3N., R. 1E.

2. OWNERSHIP: Margie Ethridge Family Trust.

3. SITE CHARACTERISTICS

Property size: 2.07 acres.

Existing structures: A 1,512 square foot single-family dwelling.

Existing vegetation: Mature trees, pasture and lawn grasses.

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

Irrigation: A pressurized irrigation system will be constructed to serve the lots.

Drainage: The property will drain to Silverspring Street.

Views: The property is generally visible from all directions.

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

The property is zoned Medium High Density Residential (R8). The property consists of a single-family residence and a pasture.

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

North: The site is single-family residential in the Silverpine Subdivision located in the Medium High Density Residential (R8) District.

South: The site is single-family residential in the Bluemeadows Subdivision No. 1 located in the Medium High Density Residential (R8) District and the Medium Low Density Residential (R4) District.

East: The site is agricultural and is located in the Southwest Community Residential (RSW) District.

West: The site is single-family residential in the Silverpine Subdivision located in the Medium High Density Residential (R8) District.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201302032 S, the Commission finds the following concerning services:

Access Street and Designation: Access is off of W. Amity Road and W. Silverspring Street. W. Amity Road is designated as a Residential Arterial. W. Silverspring Street is designated as a local street.

Fire Protection: Whitney Fire District.

Sewage Disposal: Boise City Public Works.

Water Service: United Water Idaho.

Irrigation District: Boise-Kuna Irrigation District, New York Irrigation District, and the Boise Project Board of Control.

Drainage District: None.

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

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

1. The Commission finds that the **Boise City Comprehensive Plan as adopted by Ada County** is applicable because the subject property is located within Boise City's Area of Impact. The Commission finds the application complies with the **Boise City**

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Comprehensive Plan as adopted by Ada County. Regarding the Boise City Comprehensive Plan as adopted by Ada County the Commission finds the following:

2.1 SEWER FACILITIES

Goal: Provide efficient, cost-effective and environmentally sound public central sewer collection and treatment facilities for all existing and future land uses within the city's area of impact.

The Commission finds as evidenced in the application (Exhibit #7) and the applicant's detailed letter (Exhibit #8) that the subdivision will connect to Boise City central sewer. The Boise City Public Works Department responded in Exhibit #19 that connection to central sewer is required and that sanitary sewers are available in W. Silverspring Street.

2.2 STORM DRAINAGE

Goal: Provide efficient, cost-effective and environmentally sound storm drain, flood control and treatment facilities to protect existing and future land uses, preserve public safety and protect surface and groundwater quality.

Objective 1: Ensure that adequate storm-drain and flood-control facilities are provided and properly maintained to protect from a 100-year storm in the Foothills, and from a 50-year storm in the remainder of the city, provide for surface flooding corridors for storm events of greater magnitude, and undertake a stormwater management program that meets or exceeds the standards of the National Pollution Discharge Elimination System.

Policy 3: Require that adequate on-site treatment and/or storm-drain and flood facilities be constructed coincident with new development. The city shall make available standard plans for treatment and retention areas.

The Commission finds as conditioned that the applicant and/or owner shall submit a drainage plan and obtain approval from the Ada County Engineer prior to development as a means to protect surface and groundwater quality. Note #6 on the preliminary plat (Exhibit #31) states that storm drainage from the public road shall be collected in curb and gutter and routed to discharge to below grade infiltration systems.

2.4 DOMESTIC WATER

Goal: Ensure safe and adequate water supply, distribution, storage and treatment facilities to support water demand projected by planned land uses in the Boise Comprehensive Plan.

Objective 1: Ensure that new growth does not exceed adequate water supply and appropriate infrastructure levels. Appropriate water service shall require a minimum of 40 psi and a maximum of 85-80 psi, and fire flows of 1,500 gallons per minute.

Policy 3: Coordinate with private water providers and appropriate governmental agencies prior to approval of new development entitlements.

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The Commission finds that the applicant has stated in the application (Exhibit #7) and the detailed letter (Exhibit #8) that United Water is available to serve the property.

2.5 IRRIGATION WATER

Goal: Protect the existing irrigation system and increase the use of surface water for residential and commercial landscape irrigation.

Objective 1: Ensure that new development incorporates the existing irrigation system for landscape irrigation wherever water rights are available.

Policy 2: Encourage policies which result in maintaining and utilizing, rather than abandoning, existing water rights.

Policy 3: Implement separate distribution systems for irrigation water for new developments, through adoption of appropriate ordinances.

The Commission finds that the subdivision will have a pressure irrigation system to serve the subdivision. Note #10 on Sheet No. 3 of 3 of the preliminary plat (Exhibit #31) states that the pressure irrigation system shall be designed during the final design phase.

2.10 FIRE PROTECTION

Goal: Protect the community through a comprehensive fire and life safety program.

Objective 1: Maintain standards necessary to maintain an ISO Class 3 rating, including response distance standards, apparatus, staffing levels, training, water delivery system and the communication/dispatch system. Also promote and require installation of traffic signal control devices.

Policy 1: Provide fire station locations that comply with the 1.5 – mile response distance standard and/or 4-minute response standard, as provided in the Boise City Fire Department Master Siting Plan. Building sprinklering and other measures may be considered as an option, subject to approval by the Fire Department.

The Commission finds that the subject property is within a 4 minute response time from Fire Station #14 on 2515 S. Five Mile Road.

Policy 7: Plan and coordinate water delivery systems with United Water Idaho and other providers where applicable. Require all new development to provide minimum fire flow requirements as prescribed in the Uniform Fire Code.

The Commission finds as conditioned that the development shall comply with minimum fire flow requirements as prescribed in the Uniform Fire Code.

2.14 PUBLIC SCHOOLS

Goal: Support the maintenance and enhancement of the public educational system and place a strong emphasis on providing quality school facilities in conjunction with new

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development. Promote the concept of the neighborhood school as an ideal, with schools located and designed to function as focal points for family and community activity.

Objective 1: Support efforts of the s to ensure that adequate school sites are provided and that the intended capacity of schools is not exceeded.

The Commission finds that the subdivision is a medium density type of development located in the Boise School District. The Boise School District replied in Exhibit #20, that at the present time, the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District.

3.2 WATER QUALITY

Goal: Maintain the existing high quality of surface and groundwaters, and ensure an adequate supply of water for the future.

Objective 1: Protect the quality of surface waters for appropriate beneficial uses by meeting or exceeding all federal and state standards.

Policy 1: Require all new developments to discharge storm water run-off either to future municipal water treatment facilities or to provide and maintain appropriate on-site treatment.

The Commission finds as evidenced on the preliminary plat dated February 21, 2014 that storm drainage from the public road shall be collected in curb and gutter and routed to discharge to below grade infiltration systems.

Objective 2: Meet or exceed federal and state standards for the quality and quantity of groundwater through appropriate land-use and development practices.

Policy 2: Prohibit septic systems for new urban development within the urban service boundary, except as otherwise provided for in the Public Facilities chapter and the Foothills Plan.

The Commission finds that the Boise City Public Works Department will be providing sanitary sewer to the development.

6.1 STREETS

Goal: Maintain the function of the street system for current users, emergency response efforts and for use by future generations.

Objective 3: Encourage completion of the existing street system and creation of new links, within reasonable constraints, as the transportation system develops.

Policy 5: New developments shall be required to stub access to adjacent undeveloped parcels, where appropriate.

Policy 6: All new development shall be reviewed for appropriate opportunities to connect to local roads and collectors in adjacent developments.

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The Commission finds that access to the subdivision is via W. Silverspring Street, which is an existing local street.

Objective 6: The owner or developer of all new developments located within incorporated Boise City limits and of all new subdivisions located within the Boise City impact area shall provide for street lights in accordance with the City's Street Light Placement Policy.

Policy 1: Street lights shall be provided in local residential areas at a maximum spacing of 600 feet and at locations where street lighting will improve public safety. The 600 foot maximum criteria shall apply in areas of relatively straight and level streets that have no locations of obvious traffic conflict. Street intersections and other locations of potential pedestrian or vehicle hazards may require increased levels of street lighting.

The Commission finds as conditioned that the Developer, Owner, or Homeowner's Association shall operate and maintain the subdivision's street lights until annexation by the City.

5.2 PATHWAYS

Goal: Provide, in conjunction with ACHD, ITD, Boise Parks and Recreation and others, a safe and effective network of recreational and transportation pathways throughout the planning area.

Objective 1: Implement pathway plans as quickly as funding permits while retaining flexibility in the location and implementation stages of pathway development.

Policy 1: Require the provision of pathways, when consistent with the Ada County Ridge-to-Rivers Pathway Plan and/or Boise Comprehensive Park and Recreation System Plan, in the following cases: a) In new projects, b) When improvements and made to existing bridges, roads, open space areas or other structures by public or private entities, c) If the area in question would provide an important link in the pathway network.

The Commission finds that pedestrian access will be from the use of sidewalks located along the internal public roadways providing internal circulation throughout the development.

7.2 RESIDENTIAL SUBDIVISIONS

Goal: Create a community composed of neighborhoods in which services and amenities are convenient, visually pleasing and properly integrated and designed to encourage walking and cycling.

Objective 4: Reinforce the development of functional and visually appealing neighborhoods.

Policy 1: In order to better connect neighborhoods, require that street configurations involve the interconnection of individual streets.

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The Commission finds that the subdivision is connected to Silverpine Subdivision.

Policy 4: Establish a continuous network of sidewalks, bicycle and/or pedestrian paths to establish internal and external linkages within the community.

The Commission finds as conditioned that sidewalks are required along all roadways providing internal and external linkages within the community.

Policy 8: Require that new developments place electrical, telephone, cable television, and other distribution lines shall be installed underground.

The Commission finds as conditioned that new electrical, cable television, and other distribution lines shall be installed underground.

8.0 LAND USE

Goal: Achieve a city that minimizes suburban sprawl, that provides for a diverse mixture of lifestyles and atmospheres and a sense of place that varies throughout the different areas of the city, and that efficiently provides basic services and facilities in close proximity to where people live.

Objective 1: The land-use map and attendant policies shall be the official guide for development of the planning area and shall be implemented through zoning and development review.

Policy 4: Unless otherwise stated by a location-specific Planned Community or master plan policy, the land-use map density designations are considered to be maximums, not minimums.

The Commission finds that the property is designated as Estate Density (3 DU/acre) on the land use map. This land use designation allows for slightly higher density in the developed portion of the Southwest area with an overall target density of three (3) units per gross acre. The total proposed density for the subdivision is 4.8 units per acre are consistent with the overall target of three (3) units per gross acre for the general area. The subdivision is consistent with the dimensional standards of the existing zoning on the property of Medium High Density Residential (R8).

Objective 13: Land-use and development policies specific to the Southwest shall include the following:

Policy 3: New development in the Southwest shall be set back from existing creeks and drainage swales and shall preserve those areas and attendant riparian habitat as natural open space. Clustering of housing units at higher densities shall be permitted as a means of providing this open space. Public trails shall be provided along creeks, drainage swales and canals where appropriate.

The Commission finds that there are no existing creeks that are located in the subdivision.

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Policy 6: Throughout the Southwest area, particular attention shall be paid to new development to ensure compatibility with existing development including street system interconnections:

The Commission finds that the subdivision interconnects to the street system in Silverpine Subdivision.

Policy 7: Open fencing, transitional lot sizes and other design features shall be used to the greatest extent feasible to retain the rural atmosphere of the Southwest area.

The Commission finds that the subdivision has transitional lot sizes ranging in size from 5,092 square feet to 9,201 square feet.

2. The Commission finds **Section 8-6-5 of the Ada County Code** is applicable because the applicant has applied for a subdivision. The Commission finds that the application complies with **Section 8-6-5 of the Ada County Code**. Regarding Section 8-6-5 the Commission finds the following:

1. *The design conforms to the standards established in Article A of this chapter;*

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

The Commission finds that the subject property is located in the Medium High Density Residential (R8) District.

The Commission finds that the lots within the subdivision exceeds the minimum lot size of 5,000 square as the lots range in size from 5,092 square feet to 9,201 square feet. In addition, the lots also comply with the minimum roadway frontage of 50 feet.

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

The Commission finds that the property where the subdivision is located has slopes that are less than 15%.

- *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 formations, buried pipelines, or other similar conditions likely to be encountered.*

The Commission finds that the natural features analysis (Exhibit #10) does not show any unsuitable conditions on the property. The Ada County Engineering

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and Surveying Division has reviewed the application and responded in Exhibit #18 that the applicant will need to submit a drainage study and drainage plan with the final plat.

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

The Commission finds that per Ada County Assessor information, all contiguous properties owned by the Margie Ethridge Family Trust have been included in this subdivision.

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

The Commission finds that a natural features analysis (Exhibit #10) was submitted with the application. The subdivision design has taken into consideration the natural features on the property.

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

1. *Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirement as to property sizes and dimensions.*
2. *Avoiding double front lots. If unavoidable, one of the frontages shall be restricted from access.*
3. *Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.*
4. *The limitations and opportunities of topography.*

The Commission finds as conditioned that the subdivision provides adequate building sites for the proposed single-family dwellings because the lots comply with the dimensional standards for the Medium High Density Residential (R8) District. The Commission finds based on the revised preliminary plat dated February 21, 2014 (Exhibit #31) that no double fronted lots exist. The Commission also finds that the need for convenient access, circulation, control, and the safety of street traffic has been taken into consideration because the ten (10) residential lots in the subdivision will either have access onto an existing local street or a cul-de-sac, which takes access off of the local street.

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

The Commission finds that the residential block length of the subdivision is 300 feet by 300 feet.

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

The Commission finds that the subdivision will have sidewalks.

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

The Commission finds that the preliminary plat provides appropriate size, width, depth, shape, orientation and that the minimum setbacks for the Medium High Density Residential (R8) District can be met.

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

The Commission finds the minimum dimensional standards for all lots in the subdivision are in accord with the Medium High Density Residential (R8) District as the residential lots exceed the minimum lot size of 5,000 square feet for a single-family detached dwelling and comply with the minimum roadway frontage of 50 feet. In addition, the corner lots in the subdivision have been increased five (5) percent above the minimum property size of the Medium High Density Residential (R8) District as the corner lots exceed the property size of 5,250 square feet.

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

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

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

The Commission finds as conditioned that the frontage of lots on Amity Road shall be restricted from access.

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

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The Commission finds as a term of approval that frontage for lots on a cul-de-sac turnaround shall be measured fifty feet (50') back from the front property line along an arc parallel to the right of way of the cul-de-sac.

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

The Commission finds as a term of approval that frontage for lots on a knuckle shall be measured 50 feet back from the front property line along the arc parallel to the right of way of the knuckle.

- *Section 8-6A-4A – All lots shall have access that complies with the regulations of section 8-4A-3 of this title. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the Ada County Highway District.*

The Commission finds that all the residential lots in the subdivision have frontage onto public roads.

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

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

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

The Commission finds that this subdivision is connecting to the street network within Silverpine Subdivision.

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

The Commission finds that the developer is not proposing the use of any alleyways; therefore, Section 8-6A-5 is not applicable.

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

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The Commission finds as conditioned that ten (10) foot easements shall be provided for utilities, drainage, and irrigation abutting to all public street right of way subdivision boundaries.

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

The Commission finds as evidenced in the record that there are no watercourses that traverse the subdivision.

- *Section 8-6A-7B – Only when required by the board shall watercourses within an urban district be covered or fenced.*
 1. *Proposed fences within the southwest planning area shall comply with the regulations of subsection 8-3C-3C of this title.*
 2. *Proposed fences in a designated flood hazard area shall comply with the regulations of chapter 3, article F of this title.*
 3. *Unless otherwise specified by this title, fences shall be a six foot (6’) barrier that meets the barrier requirements for swimming pools in the Ada County building code as set forth in title 7, chapter 2 of this code.*

The Commission finds as evidenced in the record that there are no watercourses that traverse the subdivision.

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

The Commission finds that the subdivision complies with the required improvements established in Chapter 6, Article B in Title 8 of the Ada County Code as follows:

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

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

- *Section 8-6B-2 – The owner shall comply with the requirements of Idaho Code sections 50-1302, 50-1303, 54-1227, and 55-1608.*

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

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

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The Commission finds that public streets shall be accepted by the Ada County Highway District as they are a signatory on the final plat and their approval will be signified by their signature on the final plat.

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

The Commission finds that there are no private roads proposed within the subdivision.

- *Section 8-6B-3C – All new developments shall have adequate sewage facilities as provided for in section 8-4A-22 of this title or the plat shall have a sanitary restriction as approved by the appropriate health authority.*

The Commission finds that the subdivision will be served by the Boise City Public Works Department. The Boise City Public Works Department responded in Exhibit #19 that connection to central sewer is required and sanitary sewers are available in W. Silverspring Street.

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

The Commission finds as conditioned that the applicant and/or owner will be required to submit drainage plans to the County Engineer prior to approval of the final plat.

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

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

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

The Commission finds that according to the Ada County Zoning Map that the property is located in the Southwest Planning Area Overlay District. The subdivision is being developed in accordance with Article 8-3C of the Ada County Code as all the residential lots will be served by urban public facilities. The applicant has stated in the detailed letter (Exhibit #8) and preliminary plat checklist (Exhibit #7) that United Water Idaho will be providing municipal water and that the Boise City Public Works Department will be providing municipal sewer. The Boise City Public Works Department replied in Exhibit #19 that connection to central sewer is required and sanitary sewers are available in W. Silverspring Street.

4. *The design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures to achieve this purpose;*

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Commission finds that the subdivision design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures by connecting to the already established local street system.

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

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

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

The Commission finds the subdivision will connect into the established internal street system and will not place an undue burden upon the existing transportation or other public services in the surrounding area.

7. *Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways;*

The Commission finds that there no parks, recreational, and dedicated open space areas proposed within the subdivision.

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

The Commission finds that the subdivision complies with the dimensional standards for the Medium High Density Residential (R8) District as the residential lots exceed the minimum lot size of 5,000 square feet for a single-family detached dwelling and complies with the minimum roadway frontage of 50 feet.

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

The Commission finds as stated in Finding H1 that the overall plan is in conformance with the Boise City Comprehensive Plan as adopted by Ada County. The overall plan is also in conformance with the Boise City Area of City Impact Agreement as this land use application was forwarded to Boise City for comment at least 30 days prior to the public hearing before the Planning and Zoning Commission. The subject property is not contiguous to Boise City limits, and thus a request to annex to Boise is not required.

10. *In addition to the findings required above, the board shall make the following findings for preliminary plats located in a PC base district;*

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

- a. *The preliminary plat is in conformance with the approved planned community implementation plan.*
- b. *Urban public services and urban public facilities are adequately provided according to the standards set forth in chapter 8 of this title, including the transition plan, if any; and*
- c. *Sufficient funds will be available to construct the urban public facilities and to provide urban public services.*

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

CONCLUSIONS OF LAW

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

1. The Commission concludes that Project No. 201302032 S complies with the Boise City Comprehensive Plan as adopted by Ada County.
2. The Commission concludes that Project No. 201302032 S complies with Section 8-6-5 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of Project #201302032 S to the Board, subject to the Conditions of Approval attached as Exhibit A and the Preliminary Plat dated February 21, 2014.

DATED this _____ day of _____, 20____.

By: _____

John Seidl, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary

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Project #201302032 S
Ethridge Square Subdivision
Margie Ethridge Family Trust

EXHIBIT A

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF PROJECT #201302032 S WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND SUBMIT A FINAL PLAT UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.
 - a) Central District Health must approve the infiltration beds for storm water disposal.
 - b) The Whitney Fire District must approve all fire flow requirements and/or building plans.
 - c) Boise City must approve the sewer hook-up.
 - d) The New York Irrigation District and/or the Boise-Kuna Irrigation District and/or the Boise Project Board of Control must approve all proposed modifications to the existing irrigation system.
 - e) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by the Board, the plat shall be modified to include the following items:
 - a) Ten (10) foot easements shall be depicted for utilities, drainage, and shall be depicted for utilities, drainage and irrigation abutting all public right-of-ways and subdivision boundaries.
 - b) A plat note stating that lots that have frontage on Amity Road shall be restricted from taking access from Amity Road.
3. The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.
4. For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.
5. Before you submit the final plat for approval, the Ada County Street Name Committee must approve all street subdivision names. See Title 2, Chapter 1 of the Ada County Code.

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6. Any adjustments to the preliminary plat must conform to the design standards in Title 8, Chapter 6, Article A of the Ada County Code.
7. The final plat shall be in substantial conformance with the approved preliminary plat.
8. Prior to approval by the Board of County Commissioners, the plat shall contain the following certificates and/or endorsements:
 - a) certificate of the owner(s),
 - b) certificate of the plat surveyor,
 - c) certificate of the County Surveyor;
 - d) endorsement of the Central District Health Department,
 - e) approval and acceptance of the Ada County Highway District.
9. The following statements shall appear on the face of the final plat:
 - a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. 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.”
 - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
10. The Board of County Commissioners must approve the final plat within 24 months of the Board of County Commissioner’s approval of the preliminary plat. For subdivisions where the Board approved a phasing plan, the Board shall approve the phases in successive one-year intervals as required in Section 8-6-3 of the Ada County Code.
11. The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.
12. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.
13. Sidewalks are required for new roadways providing internal and external linkage within the development.
14. Sidewalks shall be constructed on Amity Road along the subdivision’s boundary.

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15. Installation of public service facilities must comply with the requirements of the public utility providing the services. All new utilities shall be installed underground. All utility easements shall be shown on the final plat.
16. The developer, owner, or homeowner's association shall operate and maintain the subdivision's street lights until annexation by Boise City.
17. The owner shall complete all required site improvements, including the public roadways in accordance with Section 8-6B-1 of the Ada County Code.
18. 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.
19. Installation of fire protection facilities as specifically required by the Whitney Fire District is required.
20. 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.
21. All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application Project #201302032 S.
22. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a surface runoff drainage design plan from the Ada County Engineer.
23. Prior to Board approval of the final plat, the Ada County Engineer shall approve all drainage improvements and site grading shall be completed. The County Engineer shall inspect and approve all drainage improvements, except where bonding is provided. As-built drawings, acceptable to the County Engineer in form and substance, shall be permitted prior to final inspection and approval of the drainage improvements.
24. Individual lot pressurized irrigation shall be provided. An irrigation plan must be approved by the Boise Project Board of Control prior to submitting the final plat for approval. Irrigation water shall only be applied by sprinklering methods. Documentation and operation of the sprinkler irrigation system shall be submitted to the Director of Development Services prior to final plat approval by the Board.
25. Lighting within the development shall comply with the requirements of Article 8-4H of the Ada County Zoning Ordinance. All public street lighting shall be located and constructed per Boise City Street Light Placement Policy and Installation Standards.
26. Prior to final plat approval by the Board, all required improvements shall be completed. In lieu of completing the required improvements, the applicant and/or owner may deposit a surety with the Director and sign a surety agreement in accordance with the regulations for surety agreements set forth in Article 8-4K of the Ada County Code. All surety and surety agreements shall comply with Article 8-4K of the Ada County Code.

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27. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, and utilities.

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