



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Tall Timber Consulting

File #201400166 S-ZC-DA, Moonridge Subdivision No. 13

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. 201400166 S-ZC-DA.

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

1. In accordance with Section(s) 8-6-3A 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 21, 2013.
3. Submission of File #201400166 S-ZC-DA occurred on January 31, 2014 and Development Services scheduled it for public hearing before the Ada County Planning and Zoning Commission on March 13, 2014.
4. On February 3, 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 to the staff report.
5. On February 13, 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 or before March 3, 2014 and a certification sign posting was submitted to the Director on or before March 6, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for File #201400166 S-ZC-DA the following:

1. PROPOSED USES: Subdivision with three (3) residential lots and two (2) common lots.
2. PROPOSED STRUCTURES: No structures are proposed with the subdivision
3. PROPOSED SITE IMPROVEMENTS: Connection to municipal sewer and water; landscaping along West Lake Hazel Road and pedestrian path along the southern boundary.
4. OTHER: None

D. Based on the materials found in the file for File #201400166 S-ZC-DA, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: R5793840010, 8801 West Lake Hazel Road
2. OWNERSHIP: Moonridge Development, LLC
3. SITE CHARACTERISTICS

Property size: 0.481 acres

Existing structures: None

Existing vegetation: None

Slope: The site is flat with no slopes exceeding 15%

Irrigation: The property is within an irrigation district and has a valid water right.

Drainage: In general, the site drains to the public rights-of-way.

Other Opportunities and/or Constraints: None

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

The property is currently Neighborhood Commercial (C1) and is vacant.

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

North: R8/Single-family residential/Common Area (Fiddler's Glen Subdivision)

South: R12/Single-family residential (Moonridge Subdivision No 12)

East: R4/Single-family residential (Moonridge Subdivision No 1)

West: C1/Vacant (Moonridge Subdivision No 12)

G. Based on the officially adopted Ada County land use maps and materials found in the file for File #201400166 S-ZC-DA, the Commission finds the following concerning services:

Access Street and Designation: South Zither Avenue, Local Road

Fire Protection: Whitney Fire Department

Sewage Disposal: Boise City

Water Service: United Water

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

Drainage District: None

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

1. The Commission finds **Section 8-7-3** is applicable because the applicant has is requesting a zoning ordinance map amendment. The Commission finds the application complies with **Section 8-7-3C: Required Findings** because:

A. The zoning ordinance amendment is in accordance with the applicable comprehensive plan;

The Commission finds that property is within the Boise Impact Area and that the Boise City Comprehensive Plan is applicable and that the proposed amendment is in accordance with the Plan in the following ways:

- *Objective 2.1.2, Policy 1: Sewer Facilities – The developer will be connecting to the Boise City public sewer system;*
- *Objective 2.2.1, Policy 3: Storm Drainage – The developer will be utilizing the existing stormwater drainage facilities within the ACHD right-of-way*
- *Objective 2.4.1, Policy 3: Domestic Water – The developer will be connecting to the United Water system;*
- *Objective 2.4.2, Policies 2 and 3: Domestic Water – The developer will utilize drought tolerant landscaping and will be served by a pressurized irrigation system;*
- *Objective 2.10.1, Policy 7: Fire Protection – The property is located in the Whitney Fire District and the developer will be required to obtain their approval regarding fire flow and building plan requirements ;*
- *Objective 6.1.4, Policies 1 and 6: Streets – The developer will take access from South Zither Avenue, a local road. There is no direct access to West Lake Hazel Road, an arterial, proposed with this development.*
- *Objective 8.0.1, Policies 1 and 2: Land Use – The land use map designates the area as Planned Community which is a mix of uses and residential densities.*

B. The zoning ordinance amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement;

The Commission finds that the purpose of the High Density Residential Base District (R12) is to provide regulations for development where urban public facilities are programmed and to provide for a maximum density of 12 dwelling units per acre as it relates to the surrounding land uses and applicable comprehensive plan. The Commission finds that the proposed preliminary plat meets the purpose statement of the R12 District because the applicant will

be connecting to urban public facilities and the proposed density is 12.47 dwelling units per acre if the developer builds duplexes and 6.23 dwelling units per acre if the developer builds single-family detached homes. The Ada County Code rounds density calculations to the nearest whole number, which in this case would be 12; thereby, meeting the maximum density of the R12 District.

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

The Commission finds that the zoning amendment shall not materially detrimental to the public health, safety and welfare because it is in conformance with the Boise City Comprehensive Plan, the subdivision takes access from South Zither Avenue, and the developer is providing public services to the lots.

- D. The zoning ordinance amendment shall not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts ;

The Commission finds that the zoning ordinance amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction, including school districts because the developer will need to construct the improvements required by ACHD in order to obtain their signature on the final plat, the developer will be extending public sewer and water to the site, and the project is in conformance to the Boise City Comprehensive Plan.

- E. For zoning ordinance text amendments within a planned community (PC) base district, the amendment complies with the planned community implementation plan;

The Commission finds that this finding is not applicable because the property is not within the PC base district.

2. The Commission finds **Section 8-6** is applicable because the applicant is proposing a preliminary plat. The Commission finds the application complies with **Section 8-6-5A: Required Findings** because:

- A. The design conforms to the standards established in article A of this chapter;

The Commission finds that the design conforms to the standards established in Article A of Chapter 8-6 of the Ada County Code because:

- *Pursuant to Section 8-6A-1A, the Commission finds that the residential lots meet the dimensional standards of the R12 base district because*
 - *The minimum proposed lot size is 5,800 square feet and the required minimum lot size is 5,000 square feet (for a duplex); and*
 - *Each lot has a minimum of 60 feet of road frontage and the required road frontage is 45 feet.*
- *Pursuant to Section 8-6A-1B, the Commission finds that based on the previously approved natural features analysis, included as Exhibit 6, that no areas of slope are present on the property; and therefore, not subject to the hillside regulations of this title.*
- *Pursuant to Section 8-6A-1C, the Commission finds that based on the previously approved natural features analysis that there are no areas unsuitable for development*

such as steep slope, floodplain, high ground water, rock formations, pipelines or poorly drained areas. Further, the County Engineer has recommended approval of the project based on the items submitted (Exhibit 21).

- *Pursuant to Section 8-6A-1D, the Commission finds that based on Ada County Assessor information, all contiguous parcels owned by Moonridge Development LLC have been included in this subdivision.*
- *Pursuant to Section 8-6A-1E, the Commission finds that the natural features have been adequately addressed because the County Engineer approved the original application in 2004 and the current County Engineer has recommended approval of the project based on the items submitted.*
- *Pursuant to Section 8-6A-2A, the Commission finds that the subdivision provides adequate building sites for the proposed uses because:*
 - *The buildable lots are large enough to accommodate single-family dwellings or duplexes;*
 - *There are no lots which are double-fronted;*
 - *Access to the individual lots will be from South Zither Avenue. No vehicular access to West Lake Hazel Road is proposed;*
 - *The site is relatively flat with no slopes exceeding 15%.*
- *Pursuant to Section 8-6A-2B, the Commission finds that there are no interior streets or block lengths proposed with this application. All access is from South Zither Avenue which is an existing public road.*
- *Pursuant to Section 8-6A-2C, the Commission finds that pedestrian circulation is provided along West Lake Hazel Road and South Zither Avenue via existing sidewalks and the developer is proposing to extend the existing pedestrian path from the east along the southern property boundary in Lot 23, Block 1.*
- *Pursuant to Section 8-6A-3A, the Commission finds that the applicant has designed and submitted a preliminary plat that provides appropriate size, width, depth, shape, orientation and that the minimum setbacks for the R12 District can be met.*
- *Pursuant to Section 8-6A-3B, the Commission finds that the dimensional standards are in accord with the applicable base district and there are no corner lots.*
- *Pursuant to Section 8-6A-3C, the Commission finds that the side property lines originating from the front property lines are within 20 degrees of right angles.*
- *Pursuant to Section 8-6A-3D, the Commission finds that the preliminary plat does not show any through lots and there is a 2251 square foot common lot between the residential lots and West Lake Hazel Road.*
- *Pursuant to Section 8-6A-3E and F, the Commission finds that there are no cul-de-sacs or knuckles proposed with this development.*
- *Pursuant to Section 8-6A-4A, the Commission finds that all lots have access frontage along public rights-of-way and that ACHD staff has recommended approval of the*

subdivision with conditions to their Board and, if approved, will be required to sign the final plat, prior to the Board's signature.

- *Pursuant to Section 8-6A-4B, the Commission finds that the subdivision does not abut a railroad right-of-way or limited access highway.*
- *Pursuant to Section 8-6A-4C, the Commission finds that the applicant is proposing infill development, that sufficient access exists to nearby vacant lands and there are no interior streets proposed with this development.*
- *Pursuant to Section 8-6A-5, the Commission finds that the applicant is not proposing any alleyways.*
- *Pursuant to Section 8-6A-6A and B, the Commission finds that the applicant will be required to show or note 10 foot easements along all public rights-of-way, subdivision boundaries and centered along interior property lines on the final plat. The Commission finds that the no watercourses are on the subject property.*
- *Pursuant to Section 8-6A-7A, the Commission finds that there are no watercourses present on the property.*
- *Pursuant to section 8-6A-7B, the Commission finds that there are no watercourses present on the property.*
- *Pursuant to Section 8-6A-8, the Commission finds that based on the FEMA flood maps, the property is not within a floodplain and is not subject to the Flood Hazard Overlay District.*

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

The Commission finds that the proposed subdivision complies with the required improvements established in Article B of Ada County Code because:

- *Pursuant to Section 8-6B-1, the Commission finds that as conditioned, the owner/developer will be required to complete the improvements within two (2) years of the written decision.*
- *Pursuant to Section 8-6B-2, 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.*
- *Pursuant to Section 8-6B-3A, the Commission finds that the applicant will be required to obtain a signature from ACHD on the final plat, prior to the Board signing the final plat.*
- *Pursuant to Section 8-6B-3B, the Commission finds that the applicant is not proposing any private roads with this subdivision.*
- *Pursuant to Section 8-6B-3C, the Commission finds that the subdivision will be served by United Water and Boise City sewer services and that the owner/developer will be required to install those improvements prior to the approval of the final plat.*
- *Pursuant to Section 8-6B-3D, the Commission finds that drainage plans for the property were approved with Moonridge Subdivision #12 and that the County Engineer is not requiring a new drainage study; however, the applicant will be required to submit a site*

grading plan and confirm that the previously designed storm drainage system is adequate for the proposed development.

- *Pursuant to Section 8-6B-3E, the Commission finds that street lights are not required by Ada County Code.*
- *Pursuant to Section 8-6B-4, the Commission finds that the owner/developer may submit a surety agreement pursuant to Chapter 8-4K of the Ada County Code.*

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

The Commission finds that the proposed development is located within the Southwest Planning Area Overlay district and complies with the standards because the development will be served by municipal sewer and water and that no creeks, streambeds or riparian areas exist on the project site.

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

The Commission finds that the arrangement of uses conforms to the topography and natural landscape features because the site is relatively flat with no areas exceeding 15%.

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

The Commission finds that as conditioned, the development would not cause undue damage, hazard or nuisance to persons or property in the vicinity because the surrounding properties are developed at similar densities.

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

The Commission finds that there are no internal streets proposed with this development and that all residential lots will take access from South Zither Avenue, an existing public road. Additionally, there are existing sidewalks located along West Lake Hazel Road and South Zither Avenue and the developer is proposing an extension to the existing pedestrian path from the east along the southern property line.

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

The Commission finds that the community facilities and open space areas are functionally related and accessible to all residents because the applicant is proposing an open space landscape buffer along West Lake Hazel Road and a pedestrian pathway along the southern property line. All open space/pedestrian paths are connected with public sidewalks.

- H. The proposal complies with the dimensional standards set forth in this title for the applicable zoning district;

The Commission finds that the applicant is requesting an R12 zone and the proposed residential lots meet the dimensional standards for that zone as discussed in the first bullet point under H.2.A.

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

As discussed in Finding H.1.A, the preliminary plat is in conformance with the Boise City Comprehensive Plan.

- J. In addition to the findings required above, the board shall make the following findings for preliminary plats located in the PC base district.

The Commission finds that this finding is not applicable because the proposed preliminary plat is not within the 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 File #201400166 S-ZC-DA complies with Article 8-7-3 of the Ada County Code.
2. The Commission concludes that File #201400166 S-ZC-DA complies with Chapter 8-6 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of File #201400166 S-ZC-DA, subject to the Conditions of Approval attached as Exhibit A to the Board of Ada County Commissioners.

DATED this _____ day of _____, 20____.

By: _____
John Seidl, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL FOR PRELIMINARY PLATS, ZONING ORDINANCE MAP AMENDMENTS, PLANNED UNIT DEVELOPMENT AND DEVELOPMENT AGREEMENT

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF 201400166 S-ZC-DA WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND OBTAIN THE BOARD'S SIGNATURE ON A FINAL PLAT UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

Rezone Required Actions

1. Sign and record the development Agreement

Preliminary Plat Required Actions

2. The applicant and/or owner shall obtain written approval of the development (site plan and/or use) from the agencies noted below. All site improvements are prohibited prior to approval of these agencies:
 - a) The County Engineer shall approve a site grading plan.
 - b) The Whitney Fire District must approve all fire hydrant locations, fire flow requirements and/or building plans.
 - c) Boise City shall approve the sewer hook-up.
 - d) The New York Irrigation District and/or the Boise Project Board of Control shall approve the pressurized irrigation system.
 - e) A landscape plan shall be submitted to Ada County Development Services for the open space areas of the subdivision.
3. Build an ADA accessible path in Lot 23, Block 1. The path shall match the existing path in Moonridge Subdivision No. 1.
4. The final plat shall meet the specifications listed in Section 8-6-4-3 of the Ada County Code.
5. The final plat shall demonstrate, either graphically or in a note, ten foot (10') easements along all public street rights-of-way, subdivision boundaries and centered along interior property lines as required by 8-6A-6A and 6B of the Ada County Code.
6. Any adjustments to the preliminary plat must conform to the design standards in 8-6A of the Ada County Code.
7. Prior to approval by the Board of 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

EXHIBIT A

8. The following statements shall appear on the face of the final plat:
 - a) This development recognized Idaho Code §22-4503, Right to Farm Act, which states, “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation facility or expansion was not a nuisance at the time it began or was constructed.
 - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.

Preliminary Plat Terms of Approval

9. The Board of Ada County Commissioners must approve the final plat within 24 months of the Board’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 by Section 8-6-3 of the Ada County Code.
10. 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.
11. All public rights-of-way shall be dedicated and constructed to ACHD’s Standards, as evidenced by their signature on the final plat.
12. All utilities shall be installed underground.
13. The homeowner’s association shall operate and maintain all common areas.
14. 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.
15. 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.
16. Prior to Board approval of the final plat, the Ada County Engineer shall approve all drainage improvement 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.
17. Individual lot pressurized irrigation shall be provided. An irrigation plan must be approved by the applicable irrigation district 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.
18. 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 Placements Policy and Installation Standards.
19. 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.

EXHIBIT A

20. 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.