



## BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Tealey's Land Surveying

File #201400307 S-ZC-DA, Homeplace Hollow Subdivision

### 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. 201400307 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 September 12, 2013.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on February 13, 2014.
3. Submission of File #201400307 S-ZC-DA occurred on March 3, 2014 and Development Services scheduled it for public hearing before the Ada County Planning and Zoning Commission on May 8, 2014.
4. On March 12, 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 April 8, 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 April

22, 2014. Notices of the public hearing were posted on the property on or before April 27, 2014 and a certification sign posting was submitted to the Director on or before May 1, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for File #201400307 S-ZC-DA the following:

1. PROPOSED USES: Subdivision with 13 residential lots and two (2) common lots.
2. PROPOSED STRUCTURES: No structures are proposed with the subdivision
3. PROPOSED SITE IMPROVEMENTS: Extensions of West Steve Street, North Rooney Avenue and North Abe Avenue; connection to municipal sewer and water; extension of power, gas and telephone lines; piping of Drainage District No. 2 drains 15 and 18; and a pressurized irrigation system
4. OTHER: None

D. Based on the materials found in the file for File #201400307 S-ZC-DA, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: S0514417730 and S0514417701, 7380 North Abe Avenue and 7392 North Rooney Avenue
2. OWNERSHIP: Asin Homes, LLC
3. SITE CHARACTERISTICS

Property size: 3.8 acres

Existing structures: None

Existing vegetation: Alfalfa fields

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

Irrigation: Drainage District No. 2 drains 15 and 18 are on the western boundary of the property

Drainage: Property drains to the west into the existing drains

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 Estate Residential (R1) 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 (Stan's Homeplace Subdivision No. 2)

South: R1/Single-family residential and agriculture

East: R1/Single-family residential and future park (Magnolia Park)

West: R8/Single-family residential (Stan's Homeplace Subdivision)

G. Based on the officially adopted Ada County land use maps and materials found in the file for File #201400307 S-ZC-DA, the Commission finds the following concerning services:

Access Street and Designation: West Steve Street, North Rooney Avenue, North Abe Avenue, Local Roads

Fire Protection: North Ada Fire Department and Eagle Fire Department

Sewage Disposal: Boise City

Water Service: United Water

Irrigation District: Boise Valley Irrigation District

Drainage District: Drainage District No. 2

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 required to submit and receive approval of a drainage plan from the County Engineer. The applicant has indicated that all stormwater will be retained on-site or will utilize the existing drainage ditch.*
- *Objective 2.4.1, Policy 3: Domestic Water – The developer will be connecting to the United Water system;*
- *Objective 2.4.2, Policies 2: Domestic Water – The subdivision will be served by a pressurized irrigation system;*
- *Objective 2.10.1, Policy 7: Fire Protection – The property is located in the North Ada County Fire District and the Eagle Fire District and the developer will be required to obtain approval from both regarding fire flow and building plan requirements ;*
- *Objective 6.1.3, Policy 5: Streets – The developer will stub North Rooney Avenue and North Abe Avenue to the undeveloped parcels to the south.*
- *Objective 8.0.1, Policies 1 and 2: Land Use – The land use map designates the area as Low Density Residential with four (4) dwelling units per acre and the proposed density is 3.4 dwelling units per acre.*

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 Medium High Density Residential Base District (R8) is to provide regulations for development where urban public facilities are programmed and to provide for a maximum density of 8 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 R8 District because the applicant will be connecting to urban public facilities and the proposed density is 3.4 dwelling units per acre, while surrounding subdivisions have densities of 4.4 dwelling units per acre (Stan's Homeplace) and 5.4 dwelling units per acre (Pinebrook Place).*

- 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 will take access from public roads approved by ACHD, the developer is required to submit a drainage plan, 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 R8 base district because*
  - *The minimum proposed lot size is 6,825 square feet and the required minimum lot size is 5,000 square feet; and*
  - *Each lot has a minimum of 50 feet of road frontage and the required road frontage is 50 feet.*

- Pursuant to Section 8-6A-1B, the Commission finds that based on the natural features analysis submitted, included as Exhibit #6, that no areas of slope exceeding 15% 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 natural features analysis submitted 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 #16).
- Pursuant to Section 8-6A-1D, the Commission finds that based on Ada County Assessor information, all contiguous parcels owned by Asin Homes LLC have been included in this subdivision. Further, the Commission finds that the property located at 7373 North Bogart Lane does not qualify as a contiguous parcel, even though is under the same ownership, because it complied with the regulations at the time it was created and was recorded under a separate deed as allowed in Section 8-4A-8 of the Code.
- Pursuant to Section 8-6A-1E, the Commission finds that the natural features have been adequately addressed because the 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;
  - There are no lots which are double-fronted;
  - ACHD approval of the street layout, signified by their signature, will be required on the final plat and that there are no proposed intersections with arterial roads;
  - The site is relatively flat with no slopes exceeding 15%.
- Pursuant to Section 8-6A-2B, the Commission finds that there the proposed block lengths are between 400 and 600 feet;
- Pursuant to Section 8-6A-2C, the Commission finds that pedestrian circulation is provided within the public right-of-way with sidewalks, which is suitable for this development.
- 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 R8 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 the corner lots exceed the required 5% increase over the minimum lot size.
- 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.

- Pursuant to Section 8-6A-3E, the Commission finds that there is a cul-de-sac at the eastern end of West Steve Street and that there is adequate road frontage for those lots when measured 50 feet back from the property line.
- Pursuant to Section 8-6A-3F, the Commission finds that there are no 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 is approving the subdivision with conditions, including a redesign of the West Steve Street and North Rooney Avenue, and that ACHD 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 three internal streets proposed with this subdivision are all extensions of the existing streets and that their proposed alignments could continue to be extended with future 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 applicant shall show or a note an easement for Drains 15 and 18, which are located on the western boundary of the subdivision.
- Pursuant to Section 8-6A-7A, the Commission finds that there are drains along the western boundary of the property and that the nearest building lot is approximately 140 feet away to the east.
- Pursuant to section 8-6A-7B, the Commission finds that the applicant is proposing to pipe the drainage ditches.
- 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 the applicant will be required to submit a drainage study and plan in accordance with Section 8-4A-11 to be approved by the County Engineer.
  - Pursuant to Section 8-6B-3E, the Commission finds that street lights are not required by Ada County Code but the Boise City has required street lights to be installed in three (3) places.
  - 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 not located within any overlay districts as set forth in Chapter 3 of this title.*
- 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 the three internal streets proposed with this subdivision are all extensions of the existing streets and that their proposed alignments could be extended with future development. The Commission finds that ACHD is recommending the intersection of West Steve Street and North Rooney Avenue be redesigned to a "T" configuration and as such, the Commission is requiring a revised preliminary plat with an approved ACHD intersection.*
- 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 are not required with this subdivision because it is not a PUD but that there is an open space area on the western boundary of the subdivision which can be accessed by the public sidewalks. Additionally, the Commission finds that Magnolia Park (to be developed by Boise City) is across Bogart Lane to the east and is accessible via public roads and 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 R8 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 #201400307 S-ZC-DA complies with Article 8-7-3 of the Ada County Code.
2. The Commission concludes that File #201400307 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 #201400307 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 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 201400307 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. Submit a revised legal description per Jerry Hasting's email dated April 18, 2014.
2. Sign and record the development Agreement

**Preliminary Plat Required Actions**

3. 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 surface drainage run-off plan. The plan shall contain all proposed site grading. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
  - b) The North Ada County Fire District shall approve all fire hydrant locations, fire flow requirements, cul-de-sac design and/or construction plans.
  - c) The Eagle Fire District shall approve all fire hydrant locations, fire flow requirements, turnarounds and/or construction plans.
  - d) Boise City shall approve the sewer hook-up.
  - e) The Boise Valley Irrigation District and/or the Boise City Canal Company shall approve the pressurized irrigation system.
  - f) ACHD shall approve the intersection design of West Steve Street and North Rooney Avenue.
4. A revised preliminary plat showing the redesigned intersection of West Steve Street and North Rooney Avenue.
5. The final plat shall meet the specifications listed in Section 8-6-4-3 of the Ada County Code.
6. 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.
7. Any adjustments to the preliminary plat must conform to the design standards in 8-6A of the Ada County Code.
8. Prior to approval by the Board of Commissioners, the plat shall contain the following certificates and/or endorsements:
  - a) Certificate of the owner(s)

EXHIBIT A

- 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 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**

- 10. 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.
- 11. 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.
- 12. All public rights-of-way shall be dedicated and constructed to ACHD’s Standards, as evidenced by their signature on the final plat.
- 13. All utilities shall be installed underground.
- 14. The homeowner’s association shall operate and maintain all common areas.
- 15. No direct access to Bogart Lane is allowed.
- 16. 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.
- 17. 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.
- 18. 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.
- 19. 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.

## EXHIBIT A

20. 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.
21. 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.
22. 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.