



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Brandon Whallon

Project No. 200600020 VAC

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

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

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

1. Exhibit 1 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. 200600020 VAC.

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

1. In accordance with Section(s) 8-6-3A/8-7-3A2/8-7-4A1 of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on March 4, 2015.
2. On March 26, 2015, property owners within 300 feet of the site were notified of the hearing by certified mail, and a notice of the application was mailed to the Mayor of the City of Boise, as the vacation is located in the Boise Area of City Impact. Legal notice of the Board's hearing was published in The Idaho Statesman on two (2) consecutive weeks, with the last notice being published before May 5, 2015. Notices of the public hearing were posted on the property on April 27, 2015 and a sign posting certification was submitted to the director on April 28, 2015.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 200600020 VAC the following:

1. PROPOSED USES: Vacate the recorded plat.
2. PROPOSED STRUCTURES: None
3. PROPOSED SITE IMPROVEMENTS: None

4. OTHER: The easement for Ada County will remain (Instrument #112134142) and Idaho Power (Instrument #96097867).

D. Based on the materials found in the file for Project No. 200600020 VAC, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION

R8518340010, R8518340020, R8518340030, R8518340040, R8518340050, R8518340060, R8518340070, R8518340080, R8518340090, R8518340100, R8518340110 and R8518340120 located on E. Plexi Drive.

2. OWNERSHIP

PATRIOT CAPITAL PARTNERS LLC

3. SITE CHARACTERISTICS

Property size: 60.07 total acres

Existing structures: None

Existing vegetation: Sagebrush and dry grazing

Slope: Relatively flat

Irrigation: None

Drainage: None

Views: Open views in all directions

Other Opportunities and/or Constraints: The property is located in the WUFI Overlay District.

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

The property is vacant land within the Rural Residential (RR) District.

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

North: The site is vacant land located in the Rural Preservation (RP) District.

South: The site is vacant land located in the Rural Preservation (RP) District.

East: The site is vacant land located in the Rural Preservation (RP) District.

West: The site is vacant land located in the Rural Preservation (RP) District and a portion is located in the Rural Residential (RR) District containing a portion of the Oregon Trail.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 200600020 VAC, the Board finds the following concerning services:

Access Street and Designation: ACHD has approved the vacation of right of way in the Trailblazer Subdivision on March 18, 2015. E. Plexi Court stubs into the property.

Fire Protection: Whitney Fire District

Sewage Disposal: None

Water Service: None

Irrigation District: None

Drainage District: None

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

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

1. The Board finds Section 8-6-6 of the Ada County Code is applicable because the applicant is petitioning for the Board to vacate Trailblazer Subdivision, a recorded plat. The Board finds the petition complies with Section 8-6-6 of the Ada County Code. Regarding Section 8-6-6 the Board finds the following:

An applicant or owner may petition the board for a total or partial vacation of a recorded subdivision plat, including easements. Vacation shall be processed in accord with the regulations set forth in Idaho Code section 50-1306A and recorded in accord with the regulations set forth in Idaho Code section 50-1324.

The Board finds this petition has been processed in accord with the regulations as set forth in Idaho Code Section 50-1306A. As evidenced in the record, written notice of the Board's public hearing was given by certified mail with return receipt on March 26, 2015, to all property owners within 300 feet of the boundaries of the subject property, which is at least ten (10) days prior to the Board's public hearing on May 13, 2015. Legal notice of the Board's hearing was published in The Idaho Statesman on two (2) consecutive weeks, with the last notice being published before May 5, 2015, which is more than seven (7) days prior to the public hearing. Also, as the property is located within one (1) mile of the Boise City Limits, a notification of the vacation request was mailed to the Mayor of Boise on March 26, 2015.

The Board finds that the Trailblazer Subdivision was approved through Files #200600020 ZC-DA-S-PR. The final plat for the subdivision was signed by the Board on January 22, 2013.

The Board finds that the request to vacate the plat for Trailblazer Subdivision because Idaho Power, Qwest, Central District Health Department, ACHD, Compass, Intermountain Gas, Clearwire, City of Boise, Ada County Development Services, and the Ada County Assessor have been notified of the request. All property owners within 300' of the subject property were notified by certified mail of the vacation request and as of this time, no one has commented on the application or expressed any opposition to the request.

The Board finds that in accord with Idaho Code Section 50-1324 before a vacation of a plat can be recorded, the Ada County Treasurer must certify that all taxes due are paid and such certification is recorded as part of the records of the vacation. The treasurer shall withhold the certification only when property taxes are due, but not paid. Upon payment of the appropriate fee therefore, the Ada County Recorder shall index and record, in the same manner as other instruments affecting the title to real property, a certified copy of the order by which the plat has been vacated. Such certification shall be by the officer having custody

of the original document and shall certify that the copy is a full, true and correct copy of the original.

CONCLUSIONS OF LAW

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

1. The Board concludes that Project No. 201401800 V-VAC complies with Section 8-6-6 of the Ada County Code, with regard to the vacation of Trailblazer Subdivision a recorded subdivision plat.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves Project #200600020 VAC, subject to the Conditions of Approval attached as Exhibit A.

DATED this _____ day of _____, 20____.

Board of Ada County Commissioners

By: Jim Tibbs, Commissioner

By: Rick Yzaguirre, Commissioner

By: David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

TERMS OF APPROVAL. THE FOLLOWING TERMS MUST BE COMPLIED WITH AT ALL TIMES OR YOUR APPROVAL MAY BE REVOKED.

1. Ada County easement will remain (Instrument #112134142).
2. Idaho Power easement will remain (Instrument #96097867).