



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of KM Engineering, LP

Project No. 201302032-S, Ethridge Square 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 Board finds that the record is comprised of:

1. Application forms prepared and submitted by the applicant.
2. Ethridge Square Subdivision Final Plat.
3. All other information contained in Ada County Development Services File for Project No. 201302032-S.

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

1. On May 7, 2014, the Board of Ada County Commissioners approved the preliminary plat and adopted Findings of Fact and Conclusions of Law for Project #201302032-S.
2. On April 20, 2015, Development Services staff scheduled the final plat of Ethridge Square Subdivision for review by the Board of Ada County Commissioners at the Board's June 3, 2015 public hearing.

C. As to the project description, the Board 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.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201302032-S
Ethridge Square Subdivision

2. PROPOSED STRUCTURES: Single-family dwelling(s).

D. Based on the materials found in the file for Project No. 201302032-S, the Board 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: Ethridge Square Properties, LLC.

3. SITE CHARACTERISTICS

Property size: 2.07 acres.

Existing structures: None.

Existing vegetation: Mature trees, pasture, and lawn grasses.

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

Irrigation: A pressurized irrigation system.

Drainage: Storm drainage detention system.

Views: The property is generally visible from all directions.

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

The land use will be a subdivision of single-family dwellings and the zoning for the property is Medium High Density Residential (R8).

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 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.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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 Board finds the following concerning services:

Access Street and Designation: Access is off of W. Silverspring Street. 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: New York Irrigation District and Boise Project Board of Control.

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 50-1308 of the Idaho State Code** is applicable because this section of Idaho State Code provides the basis for which subdivisions are approved. The Board finds the application complies with **Section 50-1308 of the Idaho State Code** based upon the noted procedural items in Findings A, B, C, D, E, F, and G and the evidence presented in the record that the Ethridge Square Subdivision final plat is not within the corporate limits of a city and as such, is under the jurisdiction of Ada County and have been reviewed by the Board in accordance with the provisions of Section 50-1308 of Idaho State Code.
2. The Board finds **Section 8-6-5B of the Ada County Code** is applicable because the applicant has applied for a final plat for a subdivision. The Board finds that the application complies with **Section 8-6-5B of the Ada County Code**. Regarding Section 8-6-5B the Commission finds the following:
 1. *The final plat is in substantial conformance with the preliminary plat.*

The Board finds that the final plat for Ethridge Square Subdivision is in substantial conformance with the approved preliminary plat as there is no increase in the number of lots as depicted by the preliminary plat.
 2. *All conditions of the approved preliminary plat have been met; and*

The Board finds that all conditions of the approved preliminary plat have been satisfied as evidenced by the following:

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.*

The Board finds that the Central District Health Department has approved the infiltration beds for storm water disposal through their signature on the final plat.

b) *The Whitney Fire District must approve all fire flow requirements and/or building plans.*

The Board finds as evidenced in a letter dated May 14, 2014 that the Whitney Fire District approves the fire flow requirements.

c) *Boise City must approve the sewer hook-up.*

The Board finds as evidenced in a letter dated March 23, 2015 that Boise City has approved 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.*

The Board finds as evidenced in a letter dated February 9, 2015 from the Boise Project Board of Control that the pressurized irrigation system is operational.

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.*

The Board finds as evidenced in the record that the Ada County Engineer approved a surface drainage run-off plan on June 27, 2014.

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.*

The Board finds that ten (10) foot easements have been depicted for utilities, drainage, and irrigation abutting all public right-of-ways and subdivision boundaries as noted on plat notes 5-7 on sheet 2 of 3.

b) *A plat note stating that lots that have frontage on Amity Road shall be restricted from taking access from Amity Road.*

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Board finds that plat note #14 on sheet 2 of 3 states that direct lot or parcel access to Amity Road is prohibited.

3. *The final plat shall meet the final plat specifications listed in Section 8-6-4.3 of the Ada County Code.*

The Board finds that the final plat meets the final plat specifications listed in Section 8-6-4.3 of the Ada County Code as the County Surveyor has reviewed the final plat in accordance with these specifications. In addition, the County Surveyor will sign the final plat prior to the Board signing the final plat.

4. *For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

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.*

The Board finds as evidenced in the record that the Ada County Street Name Committee has approved all street subdivision names.

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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

7. *The final plat shall be in substantial conformance with the approved preliminary plat.*

The Board finds that the final plat is in substantial conformance with the approved preliminary plat as there is no increase in the number of lots as depicted by the preliminary plat and there is less than a ten percent (10%) deviation from the 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.*

The Board finds that the required signatures and endorsements noted above are on the final plat. The owner signed the final plat on January 9,

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

2015. The plat surveyor signed the final plat on December 22, 2014. The Central District Health Department signed and endorsed the final plat on October 8, 2014. The Ada County Highway District signed and endorsed the final plat on April 15, 2015. The County Surveyor will sign the final plat prior to the Board signing the final plat.

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.”*

The Board finds that the required note is found on Sheet No. 2 of 3 of the final plat as Note #4.

- b) *Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.*

The Board finds that the required note is found on Sheet No. 2 of 3 of the final plat as Note #1.

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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

11. *The owner shall complete all required site improvements in accordance with Section 8-6B-1 of the Ada County Code.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

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.*

The Board finds that all public rights of way have been dedicated and constructed to the standards of the Ada County Highway District as the Ada County Highway District signed the final plat on April 15, 2015.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

13. *Sidewalks are required for new roadways providing internal and external linkage within the development.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval. The applicant has stated that sidewalks are provided as required.

14. *Sidewalks shall be constructed on Amity Road along the subdivision's boundary.*

The Board finds as evidenced in the record that the applicant has stated that sidewalks have been constructed on Amity Road along the subdivision's boundary.

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.*

The Board finds that the installation of public service facilities complying with the requirements of the public utility providing the services and new utilities being installed underground is a term of approval and that no specific action is required.

The Board finds that all utility easements have been shown on the final plat and referenced on plat notes 5-7.

16. *The developer, owner, or homeowners's association shall operate and maintain the subdivision's street lights until annexation by Boise City.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

19. *Installation of fire protection facilities as specifically required by the Whitney Fire District is required.*

The Board finds as evidenced in a letter dated May 14, 2014 that the Whitney Fire District has approved of the fire protection facilities. The applicant stated that fire protection facilities are installed as approved by the Whitney Fire District.

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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

21. *All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application Project #201302032 S.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

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.*

The Board finds as evidenced in the record that the Ada County Engineer approved a surface runoff drainage plan on June 27, 2014.

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.*

The Board finds as evidenced in the record that the Ada County Engineer approved a surface drainage plan on June 27, 2014.

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.*

The Board finds as evidenced by a letter dated February 9, 2015 that the Boise Project Board of Control has approved the irrigation plan.

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.*

The Board finds as evidenced in the record that the applicant has stated that the street lights in the project have been installed as required.

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*

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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.

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

- 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.*

The Board finds that no specific action is required to satisfy this condition because it is required as a term of approval.

- 28. The developer makes every effort to annex into the current HOA (Silverpine) if that is not possible then create a HOA for the 10 lot subdivision.*

The Board finds as evidenced by the applicant's statement that the developer was unable to reach an agreement with the Silverpine HOA and therefore they are creating their own HOA for this subdivision.

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. 201302032-S, Ethridge Square Subdivision final plat complies with Section 8-6-5B of the Ada County Code.