



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Wendy Shrief/Horrocks Engineers

Project No. 201200872 S-TE

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. 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. 201200872 S-TE.

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

1. On February 8, 2016, Development Services accepted Project #201200872 S-TE and scheduled it for public hearing before the Board of Ada County Commissioners on March 23, 2016.
2. On February 10, 2016, staff notified other agencies of this application and solicited their comments.
3. On March 2, 2016, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on March 8, 2016. Notices of the public hearing were posted on the property on March 10, 2016 and a certification sign posting was submitted to the director on March 10, 2016.

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Wendy Shrief/Horrocks Engineers
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4. On March 23, 2016, the Board approved the application and tabled it to the April 6, 2016 public hearing for staff to prepare revised Findings of Fact.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201200872 S-TE the following:

1. PROPOSED USES: A 51 lot subdivision with 45 residential lots and six (6) common lots.
2. PROPOSED STRUCTURES: 45 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. Drainage will be handled on-site and will be designed to the standards of all appropriate regulatory agencies. Common area landscaping will include buffers along Amity Road, in addition, to a park site with a pathway along Eight Mile Creek.
4. OTHER: Eight Mile Creek runs through the property.

D. Based on the materials found in the file for Project No. 201200872 S-TE, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel numbers are S1134141950 and S1134110202. The property is located at 10951 and 10971 W. Amity Road in Section 34, T. 3N, R. 1E.
2. OWNERSHIP: Corey Barton Homes, Inc. and Dean & Emma Jensen
3. SITE CHARACTERISTICS

Property size: 15.792 acres.

Existing structures: Parcel #S1134110202 has a 1,876 square foot single-family dwelling with a 462 square foot attached garage.

Existing vegetation: None as the property has been recently graded for the subdivision improvements that have been installed.

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

Irrigation: A pressurized irrigation system will be constructed to serve the lots. The system is planning to utilize surface water from the gravity irrigation delivery lateral located along the southerly line of Amity Road.

Drainage: The natural drainage pattern is towards Eight Mile Creek, which runs across the southern portion of the property.

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 property is zoned Medium High Density Residential (R8) and is the site for Caden Creek Subdivision. A number of improvements related to the subdivision have been installed on the site.

- 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 that is unplatted and in the Five Mile Estates West Subdivision located in the Estate Residential (R1) District.

South: The site is single-family residential in the Five Mile Estates South No. 2 Subdivision located in the Estate Residential (R1) District.

East: The site is large lot residential in the Southwest Community Residential (RSW) District and the Estate Residential (R1) District.

West: The site is large lot residential in the Cayuse Creek Estates Amd. Subdivision located in the Low Density (R2) District and single-family residential in the Southwest Community Residential (RSW) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201200872 S-TE, the Board finds the following concerning services:

Access Street and Designation: Access is off of W. Amity Road. W. Amity Road is designated as a minor arterial.

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 Board finds the following:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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 8-7-6 of the Ada County Code** is applicable because the applicant has applied for a board granted time extension. The Board finds that the application does not comply with **Section 8-7-6 of the Ada County Code**. Regarding Section 8-7-6 of the Ada County Code the Board finds the following:

1. *The application was submitted in a timely manner; and*

The Board finds that the application for the board-granted time extension was submitted on February 8, 2016, which was past the expiration date of January 9, 2016. However, due to extenuating circumstances the approval of the time extension is warranted as the developer has already made a substantial investment into the project as evidenced by the streets and utilities that have been constructed for the subdivision. Since the plat is practically built it doesn't make sense to bring it back for a future application because it would be the same application that was already approved.

2. *The applicant has submitted reasons that justify the granting of the time extension.*

The Board finds that the applicant has submitted reasons that justify the granting of the time extension. The time extension is needed to wrap up a few details before the final plat for the subdivision is submitted to the County Surveyor for review and ultimately to the Board for their approval of the final plat. The applicant has stated in her detailed letter (Exhibit #3) that they are requesting the time extension to record the plat for Caden Creek Subdivision; streets and utilities have been constructed for the subdivision and their client is ready to submit and record the Final Plat for Caden Creek 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. 201200872 S-TE complies with Section 8-7-6 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Board approves Project #201200872 S-TE.

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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EXHIBIT A

**CONDITIONS OF APPROVAL
PROJECT #201200872 S-TE**

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF PROJECT #201200872 S-TE WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL JANUARY 9, 2018 TO COMPLETE THESE TASKS AND SUBMIT A FINAL PLAT.

1. The applicant and/or owner shall comply with the original conditions of approval as set forth in Project #201200872 ZC-DA-S.
2. The approval for Project #201200872 S is extended to **January 9, 2018.**

CONDITIONS OF APPROVAL

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