



**BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS**

In re:

Application of Matt Schultz

Project No. 201600567 S, Cameo Creek 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. Exhibits to the Staff Report.
2. All other information contained in Ada County Development Services File for Project No. 201600567 S.

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

1. On July 13, 2016, the Board of Ada County Commissioners approved the preliminary plat and adopted Findings of Fact and Conclusions of Law for Project #201600567 S.
2. On July 28, 2016, Development Services staff scheduled the final plat of Cameo Creek Subdivision for review by the Board at the Board's September 14, 2016 public hearing.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201600567 S the following:

1. PROPOSED USES: A two (2) lot industrial subdivision.
2. PROPOSED STRUCTURES: None mentioned in the application.
3. PROPOSED SITE IMPROVEMENTS: Demolish the existing dwelling for Phase 2 of Project #201500347 CU-MSP-FP and construct a storage yard on Lot 2 and the area of

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201600567 S  
Cameo Creek Subdivision

Lot 2 south of the Five Mile Creek. A future private access bridge to the south/west side of the Five Mile Creek will be constructed, but its location is not yet known at this time.

D. Based on the materials found in the file for Project No. 201600567 S, the Board finds the following concerning the project description:

1. **PARCEL NUMBER AND LOCATION:** The parcel numbers are R7334131132 and R733413124. The parcels are located at 6303 W. Cameo Street and 6333 W. Cameo Street.
2. **OWNERSHIP:** KTMAC Investments, LLC.
3. **SITE CHARACTERISTICS**

Property size: 4.693 acres.

Existing structures: There is a 2,960 square foot shop and an existing 2,175 square foot single-family dwelling. In a previous conditional use and master site plan application on the property (Project #201500347 CU-MSP-FP) the applicant stated in the application that the existing single-family dwelling will be removed with phase 2. Condition of approval #8 for Project #201500347 CU-MSP-FP requires for the single-family dwelling on the property to be demolished prior to the commencement of Phase 2 of the project.

Existing vegetation: Native vegetation and bare dirt.

Slope: The property has slopes less than eight (8) percent.

Irrigation: Individual well.

Drainage: The site drains to Five Mile Creek, which runs through the middle of the property.

Views: The site is visible from all directions.

Other Opportunities and/or Constraints: Five Mile Creek runs through the middle of the property.

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

The northern portion of the property is currently a contractor's yard with a shop and a single-family dwelling while the rest of the property is fallow. The property is zoned Airport Industrial (M3).

- 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 primarily industrial with some single-family residences in Randall Acres Subdivision No. 1 and the properties are located in the Airport Industrial (M3) District, Medium Density (R6) District, and the Southwest Community Residential (RSW) District.

South: The site is fallow ground in the Randall Acres Subdivision No. 2 and a race track on an unplatted parcel. The fallow ground is located in the Airport Industrial (M3) District and the race track is located in the Rural Preservation (RP) District.

East: The site is industrial in Randall Acres Subdivision No. 1 and Randall Acres Subdivision No. 2 and the properties are located in the Airport Industrial (M3) District.

West: The site is a race track on an unplatted parcel and is located in the Rural Preservation (RP) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201600567 S, the Board finds the following concerning services:

Access Street and Designation: The property has frontage onto W. Cameo Street and W. Gowen Road. Access to the lots will be off of W. Cameo Street. W. Cameo Street is designated as a local street and W. Gowen Road is designated as a major collector.

Fire Protection: Whitney Fire District.

Sewage Disposal: Boise Public Works Department.

Water Service: Individual Well.

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

Drainage District: None.

- H. As to the applicable law, the Board/Commission 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 above noted procedural items in Findings A, B, C, D, E, F, and G and the evidence presented in the record that Cameo Creek 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 Cameo Creek 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 and there is less than a ten percent (10%) deviation from 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) *If central sewer is not available Central District Health must approve the septic permit.*

The Board finds that the Central District Health Department signed the final plat on July 20, 2016. The Board finds that the Boise City Public Works Department provided a letter dated July 19, 2016 that states that the existing structures on the property are currently served by them.

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

The Board finds in a letter dated June 16, 2015 that the Whitney Fire District has approved fire flow requirements for the site.

- c) *If central sewer is available the Boise City Public Works Department must approve the sewer hook-up.*

The Board finds that central sewer is available by the Boise City Public Works Department for the existing structures in the subdivision and the Public Works Department provided a letter dated July 19, 2016 that states that the existing structures on the property are currently served by them.

- d) *You must have signed an avigation easement with the Boise Airport Commission.*

The Board finds that the applicant has provided a signed avigation easement with the Boise Airport Commission that was recorded in the Ada County Recorder's Office on August 4, 2016.

- e) *The Boise Project Board of Control must approve all proposed modifications to the existing irrigation system.*

The Board finds that that applicant has stated in their detailed letter that there are no modifications proposed to the existing irrigation system since irrigation is from an existing well.

2. *As required by the Board, the plat shall be modified to include the following items:*

- a) *Provide ten foot (10') easements for utilities, drainage, and irrigation abutting all public rights-of-way and subdivision boundaries.*

The Board finds that a ten foot (10') easement for utilities, drainage, and irrigation has been depicted on the final plat and that it abuts all public rights-of-way and subdivision boundaries.

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 during the week of September 5, 2016. If the County Surveyor has not signed the final plat then the Board should not sign the final plat.

4. *If the property is still connected to an individual septic system and city sewer is not available then test holes and a full engineer report is required to be submitted to the Central District Health Department. Infiltration beds for storm water disposal are considered shallow injection wells and an application and fee must be submitted to the Central District Health Department.*

The Board finds that the property is not connected to an individual septic system as the existing structures on the property are connected to Boise City sewer. The Boise City Public Works Department provided a letter dated July 19, 2016 that states that the existing structures on the property are currently served by them.

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

The Board finds that there is a not a phasing plan with the subdivision. However, there is a phasing plan associated with a conditional use and master site plan (Project #201500347 CU-MSP) on the property.

6. *The applicant and/or owner shall construct a sidewalk on Gowen Road along the subdivision's boundary and a sidewalk on Cameo Street along the subdivision's boundary.*

The Board finds as evidenced in the record that sidewalks have been constructed along Gowen Road and Cameo Street on the subdivision's boundary.

7. *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.

8. *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.

9. *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 June 20, 2016. The plat surveyor stamped the final plat on June 23, 2016. The Central District Health Department signed and stamped the final plat on July 20, 2016. The Ada County Highway District signed and endorsed the final plat on July 27, 2016. In addition, the County Surveyor signed the final plat during the week of September 5<sup>th</sup>, 2016.

10. *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 Board finds that the required note is found on Sheet No. 1 of 3 of the final plat as Note #7.

- 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. 1 of 3 of the final plat as Note #4.

11. *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.

12. *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.

13. *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.

14. *There shall be a minimum structural setback of thirty feet (30') from the normal high water line of all water courses, whether covered or uncovered.*

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

15. *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.

16. *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 as 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 as evidenced in the record that all required improvements have been completed.

17. *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.

18. *Any fences in a designated flood hazard area shall comply with the regulations of Article 8-3F 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.

3. *For a planned community, the area encompassed by the final plat, together with any previously approved plats, is a self-supporting unit.*

The Board finds that the proposed subdivision is not a planned community.

### **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. 201600567 S, Cameo Creek Subdivision complies with Section 8-6-5B of the Ada County Code.