



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Dave Evans Construction

File No. 201600795 ZC-DA-MSP

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. 201600795 ZC-DA-MSP.

B. As to procedural items, the Board 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 April 25, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on April 19, 2016.
3. Submission of File No. 201600795 ZC-DA-MSP occurred on May 19, 2016, and Development Services scheduled it for public hearing before the Board of Ada County Commissioners on July 14, 2016.
4. On May 24, 2016, 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 May 25, 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 June 28, 2016.

6. On July 14, 2016, the Planning & Zoning Commission recommended approval of Project No. 201600795-ZC-DA-MSP for the proposed zoning ordinance map amendment to Very High Density Residential (R20) District with development agreement and the Master Site Plan to the Board.
 7. On July 14, 2016, the Planning & Zoning Commission recommended denial of Project No. 201600795-ZC-DA-MSP for the proposed zoning ordinance map amendment to the Community Commercial (C2) District to the Board. The application was scheduled before the Board of Ada County Commissioners on September 14, 2016.
 8. On July 28, 2016, 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.
 9. On July 28, 2016, 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 August 23, 2016. Notices of the public hearing is required to be posted on the property ten days prior to the public hearing and a sign posting certification is required to be submitted to the Director seven days prior to the public hearing
- C. As to the project description, the Board finds based on the application materials found in the file for File No. 201600795 ZC-DA-MSP the following:
1. PROPOSED USES: 120-unit Multi-family development with future commercial use.
 2. PROPOSED STRUCTURES: Six three-story multi-family structures, clubhouse, and playground
 3. PROPOSED SITE IMPROVEMENTS: 253-parking stalls, landscaping and fencing.
 4. OTHER: None
- D. Based on the materials found in the file for File No. 201600795 ZC-DA-MSP, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: Parcel numbers S1402110011, S1402110030, and S1402110052. The property is located at the southwest corner of S. Maple Grove Road and W. Lake Hazel Road. Section 2, T2N, R1E.
 2. OWNERSHIP: Richard Murgoitio
 3. SITE CHARACTERISTICS

Property size: Parcel No. S1402110011 contains 1.422 acres, S1402110030 contains .814 acres, and S1402110052 contains 6.64 acres. Total site acreage is 8.876 in size.

Existing structures: None.

Existing vegetation: Agricultural.

Slope: The property is relatively flat.

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

Drainage: Drainage will be retained onsite.

Other Opportunities and/or Constraints: None.

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

The properties are currently agricultural land and are within the Medium Density Residential (R6) 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 property to the north is vacant land within the Community Commercial (C2) District.

South: The property to the south is residential use within the Medium Density Residential (R6) District and is in the Charter Pointe Village 4-Plex Condos Subdivision.

East: The property to the east is vacant land within the Neighborhood Commercial (C1) District and is in the Moonridge Subdivision.

West: The property to the west is single family residential within the Medium Density Residential (R6) and is in the Charter Pointe Place Subdivision.

G. Based on the officially adopted Ada County land use maps and materials found in the file for File No. 201600795 ZC-DA-MSP, the Board finds the following concerning services:

Access Street and Designation: W. Lake Hazel Road is classified as a principal arterial roadway and S. Maple Grove Road is classified as a minor arterial roadway.

Fire Protection: Whitney Fire District.

Sewage Disposal: Boise Sewer

Water Service: Suez Water

Irrigation District: New York Irrigation, Boise-Kuna Irrigation District and the 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 that the **Boise City Comprehensive** Plan as adopted by Ada County is applicable because the subject property is located within Boise's Area of Impact. The Board finds that the application complies with the **Boise City Comprehensive Plan as adopted by Ada County**. Regarding the Boise City's Comprehensive Plan as adopted by Ada County, the Board finds the following:

The Board finds that the property is designated as Neighborhood Activity Center and Compact residential on Boise's Future Land Use Map as adopted by Ada County.

Goal PDP5: Require adequate public facilities and infrastructure for all development.

The Board finds that adequate public facilities and infrastructure is being provided for the multi-family facility as the facility will hook up the Boise's sanitary sewer system, United

Water Idaho's municipal water system, and the property has frontage and access to Ada County Highway District's road system.

PDP5.3: On-Site Stormwater Improvements

(a) Require construction of adequate on-site treatment and/or storm drain and flood-control facilities coincident with new development.

The Board finds as conditioned that the applicant and/or owner shall submit a Drainage Study and Drainage Plan to the County Engineer for review. An approved drainage study and drainage plan will ensure construction of adequate on-site treatment and storm drain control facilities.

Boise's Comprehensive Plan identifies that compact neighborhoods feature small lots (typically between 5,000-7,000 square feet), with an interconnected network of sidewalks and streets, and in some cases, alley-loaded garages. This designation encompasses many of the older portions of the city, such as the North End, as well as some more recent developments designed with similar characteristics, such as Harris Ranch.

Density Range: 6-15 dwelling units/acre typical

Primary: Predominately detached single-family homes on small lots; however, may also include a range of attached units (duplex, triplex, townhomes) and apartments and condominiums.

The Board finds that as conditioned, the development is being developed consistent with the Boise City Comprehensive Plan and Future Land Use Map which designated this area as Compact Neighborhood.

This site is also located in Boise's Southwest Planning Area.

Goal SW-CCN 1: Provide a diverse land use pattern that increases opportunities for housing and community and neighborhood services while retaining the distinctive rural elements of the Southwest.

Goal SW-CCN 1.1: Designated Activity Centers

Five mixed-use activity centers have been designated to serve the Southwest. They include:

- *Overland and Five Mile;*
- *Victory and Five Mile;*
- *Lake Hazel and Five Mile;*
- *Lake Hazel and Maple Grove; and*
- *I-84 and Overland.*

Additional activity centers may be designated in accordance with the location criteria provided in Chapter 5

Goal SW-CCN 2.6 (Lake Hazel Road Extension (Area to the South): (a) Incorporate a variety of residential housing types, densities, and price points, including: townhouses,

row houses, multi-family, or condominiums, small lot patio homes, accessory dwellings, live/work, and detached single family dwellings. (f) Connect residential areas using a system of pedestrian pathways, bike paths and interconnected streets.

The Board finds that the proposed development offers a variety of housing options that include multi-family. Additionally, the development will provide interconnectivity between the residential development to the west and south through sidewalks and pedestrian pathways. The Board finds that the subject property is designated as commercial on the future land use map and is located within one of the five mixed-use activity centers (Lake Hazel & Maple Grove). The Board finds that the proposed mix of commercial and multi-family residential complies with the Boise comprehensive plan as adopted by Ada County because the uses will complement the existing residential uses in this area and the Commercial Mixed use Community Activity Center.

2. The Board finds **Article 8-4E** is applicable because the applicant has submitted a Master Site Plan. The Board finds the application complies with **Section 8-4E-5: Required Findings** because:

A. The master site plan complies with this title and the applicable comprehensive plan;

The Board finds as evidenced by Findings of Fact Section H that the master site plan complies with Title 8 of the Ada County Code because it complies with the applicable required findings of fact as outlined herein. As evidenced in Findings of Fact Section H (1) herein, the master site plan complies with the Boise City Comprehensive Plan.

B. The applicant has submitted a natural features analysis (subsection 8-4E-4D of this article) identifying constraints presented by such natural features, and the proposed development sufficiently addresses such features;

The Board finds that a natural features analysis was previously approved as part of the original Charter Pointe Subdivision; therefore this is not required with the application.

C. The proposed landscaping meets the requirements of article F of this chapter;

The Board finds that the applicant has not submitted a landscape plan that meets the requirements of article F; therefore, as conditioned the applicant will be required to submit a landscape plan that meets the requirements of article F.

D. The proposed parking and loading spaces meet the requirements of article G of this chapter;

The Board finds that as conditioned, the proposed parking plan will be required to comply with Article 8-4G. The required number of parking spaces for a multi-family development is one and a half (1.5) per 1 dwelling unit with 1 bedroom, two (2) per 1 dwelling unit with 2-3 bedrooms, and one-quarter (.25) per dwelling unit for visitor parking. The number of parking spaces required is two hundred and fifty eight (258) parking spaces for a multi-family development. The parking plan depicts two hundred twenty nine (229) parking spaces, fourteen (14) of which are ADA stalls. The parking plan also shows twenty five (25) garages. This totals two hundred and fifty four (254) parking stalls, which does not meet the minimum requirement. The parking plan does not identify wheel restraints to prevent cars from encroaching upon

private and public property or overhanging beyond the designated parking stall dimensions. Therefore, the applicant and/or owner will be required to provide a revised parking plan that identifies wheel restraints.

The parking spaces meet the minimum stall width of 9'0" and the minimum depth of 20'0". The twenty-five (25) foot wide two way drive aisles also meet the minimum width for two-way continuous service drive aisle. The continuous service drives connect to both Lake Hazel Road and Maple Grove Road. As conditioned, the applicant and/or owner will be required to provide written approval for the continuous serve drives from the fire district. Since the property is located in Boise's Area of Impact, one (1) bicycle parking space is required to be provided for every proposed 25 parking spaces. The master site plan identifies seven (7) bicycle racks, which exceeds the minimum requirements.

E. *The proposed lighting plan meets the requirements of article H of this chapter;*

The Board finds that no lighting plan has been submitted with the application and as conditioned, a lighting plan will be required to comply with Article 8-4H.

F. *The proposed master site plan complies with the applicable base district standards, overlay district standards, and specific use standards of this title;*

The Board finds that the proposed master site plan complies with the applicable base district standards, overlay district standards, and specific use standards of this title due to the following:

- a) The subject property, which includes approximately 8.8 acres, exceeds the minimum property size requirement of 4,000 square feet within the R20 District and 6,000 square feet in the C2 District.
- b) The subject property has approximately 840-feet of roadway frontage along W. Lake Hazel Road and approximately 400-feet of roadway frontage along S. Maple Grove Road. The R20 District requires a minimum of 45 feet of street frontage, and the C2 District requires a minimum of 30 feet of street frontage.
- c) The property is proposed to be rezoned to the R20 and C2 Districts. The master site plan submitted as Exhibit #10 that the multi-family development complies with the minimum setback requirements of 20 feet from any property on an arterial or collector street and 5 feet from the side yard setback and 15-feet from the rear property line and a maximum of 40-feet in height. The master site plan does not identify any proposed uses on the C2 portion of the property, therefore the Commission is unable to make a finding that the commercial portion meets the dimensional standards of the proposed zone until such time that a master site plan is submitted.

The Board finds that the subject property is located in the Southwest Planning Area Overlay District. As evidenced by Findings of Fact Section H(1), the master site plan complies with the Southwest Planning Area Overlay District.

G. *The proposed master site plan is consistent with the APA ridge-to-rivers pathways plan; and*

The Board finds that based on the property location, the proposed use is within the APA Ridge-to-Rivers Pathways Plan and as proposed meets the requirements of on-street bike paths along Lake Hazel Road.

- H. *Adequate utilities and public services are available or provided for the proposed development, and the development would not be premature by reason of lack of utilities, transportation, schools, fire protection, or other essential services.*

The Board finds that adequate utilities and public services are available or provided for the proposed development because the application was transmitted to applicable agencies and political subdivisions on May 24, 2016.

The Building Division in Exhibit #21 stated that they have no objection to the proposed amendment and master site plan. The Ada County Engineering Division responded in Exhibit #24 that they have the following conditions of approval: (1) A Drainage Study and Drainage Plan need to be submitted in accordance with Ada County Code 8-4A-11, (2) Provide documentation that all requirements of the local irrigation district have been satisfied, (3) the applicant/engineer of record shall schedule a final inspection with her upon completion of the project, (4) At the construction of the approved work, the engineer of record shall submit a letter stating that the work has been executed in compliance with the approved plans.

Central District Health responded in Exhibit #23 stated that they have no objection to this proposal. The Boise City Public Works Department responded in Exhibit #22 that sewer service will be provided to the lot containing the multi-family units, prior to granting final sewer approval, the Boise City Council recommendations of approval must be adopted, street lights are required, Provision shall be made by the applicant for a Developer, Owner, or Homeowners Association to operate and maintain the street lights until annexation by the City of Boise, at which time the City of Boise will take over ownership and maintenance, As per Idaho Power requirements the lights along the following street frontage must be installed on a metered service. Meter service cabinet location to be in the right-of-way or in a developer designated City Streetlight Easement. They shall meet the requirements of the Idaho Standards for Public Works Construction, Standard Drawings, and the Boise City Standard Revisions for ISPWC Division 1102 Street Lights. New Street Light installations shall conform to the 2015 version of the Boise Standard Revisions, Idaho Standards for Public Works Construction (ISPWC) using approved LED fixtures listed in Attachment A to the Boise Standard Revisions. The Developer shall not connect, or allow any subcontractor to connect any irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices to any street lighting circuits. Any and all irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices shall be connected directly to Idaho Power at an Idaho Power approved location.

The Ada County Highway District stated in Exhibit #30 that the applicant shall (1) Dedicate additional right-of-way to accommodate the construction of a multi-lane roundabout at the Lake Hazel/Maple Grove intersection, (2) Dedicate right-of-way to total 50-feet of right-of-way from the centerline Lake Hazel Road abutting the site, (3)

Construct a 5-foot wide detached concrete sidewalk located a minimum of 53-feet from the centerline of Lake Hazel Road abutting the site. Provide a permanent right-of-way easement if public sidewalks are placed outside of the dedicated right-of-way on Lake Hazel Road, (4) Widen the pavement on Lake Hazel Road to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder abutting the site, (5) Install “NO PARKING” signs on both sides of Lake Hazel Road abutting the site, (6) Dedicate 37-feet of right-of-way from the centerline of Maple Grove Road abutting the site, (7) Construct a 5-foot wide detached concrete sidewalk located a minimum of 30-feet from the centerline to Maple Grove Road abutting the site. Provide a permanent right-of-way easement if public sidewalks are placed outside of the dedicated right-of-way on Maple Grove Road, (8) Widen the pavement on Maple Grove Road to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site, (9) Install “NO PARKING” signs on both sides of Maple Grove Road abutting the site, (10) Construct one 36-foot wide right-in/right-out driveway onto Lake Hazel Road located 365-feet west of Maple Grove Road. Install a 6” raised median in Lake Hazel Road to restrict the driveway to right-in/right-out only. Begin the median at the Maple Grove Road and extend it west 75-feet beyond the driveway. Coordinate the location and design of the median with District Development Review staff, (11) Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of Lake Hazel Road and install pavement tapers with a radius of 30-feet, (12) Construct one 30-foot wide temporary full access driveway onto Maple Grove Road located 330-feet south of Lake Hazel Road, (13) The temporary full access driveway onto Maple Grove will be restricted to right-in/right-out only when Maple Grove Road is widened to 3 lanes, the Lake Hazel/Maple Grove intersection is improved, or as conditions warrant, as determined by ACHD, (14) Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of Maple Grove Road and install pavement tapers with a radius of 30-feet, (15) Other than the access specifically approved with this application, direct lot access is prohibited to Lake Hazel Road and Maple Grove Road, (16) Payment of impact fees are due prior to issuance of a building permit.

3. The Board finds that **Section 8-5-71 of the Ada County Code** is applicable because the applicant has submitted an application for a multi-family development. The Board finds the application complies with **8-5-71 of the Ada County Code** because:

A. *The minimum roadway frontage shall be fifty feet (50') for multi-family developments in the R12 and R20 districts.*

The Board finds that the proposed multi-family development has approximately 840-feet of frontage on Lake Hazel Road and approximately 400-feet of frontage on Maple Grove Road.

B. *The minimum dedicated open space requirement shall be thirty percent (30%) for multi-family developments in the R12 and R20 districts.*

The Board finds as conditioned that the applicant and/or owner shall be required to provide a minimum of 30% of open space for the multi-family development. The

multi-family portion accounts for approximately 6.8 acres which requires a minimum of 2.04 acres of open space.

- C. *Dedicated open space shall abut multi-family development within a planned unit development.*

The Board finds that the proposed development is not within a planned unit development, therefore this does not apply.

- D. *Multi-family site development shall comply with the design standards specified in section 8-4E-4 of this title.*

The Board finds as conditioned, that the site shall be required to comply with the design standards in Section 8-4E-4 of Ada County Code.

The Board finds as conditioned, the multi-family structures shall be required to have varied setbacks within the same structure and staggered and/or reversed unit plans to provide a more varied outward appearance of the structures. The site plan submitted as part of this application (Exhibit #10) shows that the structures have variations within the structures, but the site plan does not identify staggered and/or reversed unit plans to provide a varied outward appearance.

The Board finds that the site plan for the multi-family use provides safe and well defined pedestrian walkways from structures to each parking space, from structures to the abutting streets, and among structures on the same site, the walkways within ten feet (10') of a street are separated from the street shoulder by vegetation and/or swales. The Board finds as conditioned, the walkways within the parking areas and abutting the drive aisles and parking spaces will be required to be separated by curbs, intervening vegetation, and/or wheel restraints. The proposed site plan shows walkways that cross the driving aisles are proposed to be striped to indicate a pedestrian crossing. The Board finds that the proposed site also provides a safe non-vehicular circulation system including, pedestrian and bicycle walkways that link to abutting neighborhoods.

- E. *The applicant may request an indoor amusement or recreation facility as an accessory use to the multi-family development.*

The Board finds that the applicant and/or owner is proposing a clubhouse and playground as an accessory use to the multi-family development as evidenced on the site plan in Exhibit #10.

4. The Board finds that **Section 8-7-2 of the Ada County Code** is applicable as the Board of County Commissioners have the authority to act on agreements, applications, and petitions including joint applications with items listed in subsections A4, A5, D2 and/or D3 of this section. This includes the review of Master Site Plans and Landscaping and Screening Plans.

The Board finds that the application for a zoning ordinance map amendment to Very High Residential (R20) District complies with this code as the applicant has submitted a master site plan application and draft landscape plan to be reviewed and acted on jointly by the Board. The Board finds that the application for a zoning ordinance map amendment to

Community Commercial (C2) does not comply with this code as the applicant has not provided a mater site plan or landscape plan to be reviewed by the Board. If submitted separately, it removes the ability of the Board to review as they are administrative applications.

5. The Board finds that **Section 8-7-3 of the Ada County Code** is applicable as this application includes a request for a zoning ordinance map amendment for the property to be re-zoned from the Medium Density Residential (R6) District to the Very High Density Residential (R20) District for the majority of the site (6.8 acres) and for the portion of the property located at the corner of the intersection to be rezoned from Medium Density Residential (R6) to Community Commercial (C2) District (2.0 acres). A development agreement will be required as part of the zoning ordinance map amendment:

Section 8-7-3 of the Ada County Code sets forth the process, standards, and required findings for a zoning ordinance map amendment. The findings for a zoning ordinance map amendment are set forth below.

Section 8-7-3C. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the application. In order to grant a map or text amendment to the zoning ordinance, the board shall make the following findings:

1. *The zoning ordinance amendment complies with the applicable comprehensive plan;*

The Board finds the proposed zoning ordinance amendment complies with the Boise City Comprehensive Plan as evidenced in Finding H1.

2. *The zoning ordinance amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement;*

The Board finds the proposed zoning ordinance map amendment complies with the regulations outlined for the proposed R20 and C2 Districts. The proposed amendment complies with the purpose statement for the R20 and C2 Districts as the proposed development will be connected to a municipal wastewater collection and treatment system provided by Boise City Public Works and a municipal water system provided by United Water of Idaho. As evidenced in the record, the density of the proposed development will be approximately nineteen (19) dwelling units per acre, which is less than the maximum allowed density of twenty (20) dwelling units per acre.

3. *The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare; and*

As conditioned and as evidenced in the record, the Board finds the proposed zoning ordinance map amendment will not be materially detrimental to the public health, safety, and welfare. As evidenced in the record and in the findings of fact, adequate utilities and public services will be provided for the proposed development. This application was transmitted to other local, State, and Federal agencies on May 24, 2016. No evidence has been received from those agencies indicating this application is materially detrimental to the public health, safety, and welfare.

4. *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, but not limited to, school districts.*

The Board finds the proposed zoning ordinance map amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction of the Boise City Area of City Impact. The applicant and/or owner or development will be required to comply with site specific and standard conditions of approval set.

6. The Board finds **Article 8-7C of the Ada County Code** is applicable because the owner has applied for a development agreement as a part of their application for a zoning ordinance map amendment. The Board finds that a draft development agreement will be reviewed by the Board of Ada County Commissioners as part of the proposed zoning ordinance map amendment:

In order to approve the application, the Board shall find that the proposed development agreement complies with the regulations of this article.

The Board finds that the proposed zoning ordinance map amendment for the Very High Residential (R20) District meets the purpose statement for a development agreement. However, the Board finds that the proposed zoning ordinance map amendment for the Community Commercial (C2) District does not meet the purpose statement for ACC 8-7C-1 which identifies that the development agreement should be based on the “use and/or development of that land.” Without a master site plan showing how the property will develop, there would nothing to tie the applicant and/or owner to. This would also remove the ability of the Commission and Board to review the development of the site as a future master site plan application would be administrative for principally permitted uses. Conditional uses would only be reviewed by the Commission. It also sets precedence on future zoning ordinance map amendments to submit an application for rezone without a master site plan of what the proposed use and site design will be.

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 File No. 201600795 ZC-DA-MSP complies with Boise City Comprehensive Plan.
2. The Board concludes that File No. 201600795 ZC-DA-MSP complies with Article 8-4E of the Ada County Code.
3. The Board concludes that File No. 201600795 ZC-DA-MSP complies with Section 8-7-3 of the Ada County Code for the proposed R20 District.
4. The Board concludes that File No. 201600795 ZC-DA-MSP does not comply with Section 8-7-3 of the Ada County Code for the proposed C2 District.

5. The Board concludes that File No. 201600795 ZC-DA-MSP complies with Section 8-7C-3 of the Ada County Code for the proposed R20 District.
6. The Board concludes that File No. 201600795 ZC-DA-MSP does not comply with Section 8-7C-3 of the Ada County Code for the proposed C2 District.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Board approves Project No. 201600795 ZC-DA-MSP for the proposed zoning ordinance map amendment to Very High Density Residential (R20) District with development agreement and the Master Site Plan, subject to the Conditions of Approval attached as Exhibit A and the site plans submitted on May 19, 2016 and July 14, 2016.

DATED this _____ day of _____, 20__.

Board of Ada County Commissioners

By: Jim Tibbs, Commissioners

By: Rick Yzaguirre, Commissioner

By: David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Board denies Project No. 201600795 ZC-DA-MSP for the proposed zoning ordinance map amendment to the Community Commercial (C2) District until such time that a master site plan and/or conditional use application are submitted and approved.

DATED this _____ day of _____, 20____.

Board of Ada County Commissioners

By: Jim Tibbs, Commissioners

By: David L. Case, Commissioner

By: Rick Yzaguirre, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF 201600795 ZC-DA-MSP WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-1 AND 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

1. 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 applicant/owner shall connect to Boise sewer.
 - b) The applicant and/or owner shall satisfy ACHD's site specific requirements and pay the applicable traffic impact fees.
 - c) The applicant and/or owner shall provide written approval for the continuous serve drives from the fire district.
 - d) The applicant and/or owner shall satisfy the Boise City's site specific requirements for the street lights.
2. The applicant shall submit a revised parking plan showing four (4) additional parking spaces and wheel restraints that meet Ada County Code Section 8-4F. The revised parking plan provided on July 14, 2016 showing the additional parking and compact spaces shall be submitted and approved prior to the issuance of a building permit.
3. The applicant shall submit a revised master site plan showing that the multi-family structures staggered and/or reversed unit plans to provide a more varied outward appearance of the structures. The revised master site plan shall be submitted and approved prior the issuance of a building permit.
4. If required by the Ada County Building Code as set forth in Title 7, Chapter 2, of the Ada County Code, the applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the County Building Official at 287-7900 for fee and application information. The design and construction of the development shall comply with the approved and stamped master site plan and the Ada County Code.
5. Once construction is complete, the applicant shall request a zoning compliance inspection from the Development Services Department with each phase of development as identified on the revised site plan provided on July 14, 2016. Staff will check for compliance with the approved master site plan. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.

EXHIBIT A

6. The applicant shall submit a landscape plan in compliance with ACC 8-4F. The landscape plan shall identify a minimum of 30% open space. The landscape plan shall be submitted and approved prior to the issuance of a building permit.
7. The applicant shall submit a lighting plan in compliance with ACC 8-4H.
8. The applicant shall submit a Drainage Study and Drainage Plan in accordance with Ada County Code 8-4A-11 prior to the issuance of a building permit.
9. The applicant shall provide documentation that all requirements of the local irrigation district have been satisfied prior to the issuance of a building permit.
10. The applicant shall schedule a final inspection with the County Engineering & Survey Division upon completion of the project.
11. At the conclusion of the approved work, the engineer or record shall submit a letter to the County Engineer stating that the work has been executed in compliance with the approved plans.
12. A Certificate of Occupancy will be issued when all of the above conditions have been met. In the event conditions cannot be met by the desired date of occupancy, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.
13. The applicant and/or owner shall obtain written verification from ACHD that they have approved the construction of the driveway and that all their conditions of approval are met. The verification must be on agency letterhead referring to the approved use.

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

14. A zoning certificate and/or a building permit may not be issued until 15 days after the Commission issued the written decision on the proposed development. In the event the decision of the Commission is appealed, the building permit may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.
15. The use shall comply with all federal, state and county codes.
16. 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, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
17. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
18. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.

EXHIBIT A

19. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
20. All drainage shall be retained on site during construction.
21. Any proposed drainage system shall be maintained by the property owner, homeowners' association, or irrigation or drainage entity, as applicable.