



Boise County Planning and Zoning Commission
ELKHORN ESTATES SMP 2024-002

Findings of Fact, Conclusions of Law, Conditions of Approval and Recommendation

November 19, 2024

The Boise County Planning and Zoning Commission (Commission) held a public hearing on October 17, 2024 to consider Centurion Engineers Inc. (collectively, "Applicant") application for a Minor Subdivision, application number SMP #2024-002 ("Application"), pursuant to Boise County Amended Unified Land Use Ordinance #2024-002 (ULO) Section 2.5.

FINDINGS OF FACT

Based upon the file, hearing, and evidence received in the above-noted matter, the Commission issues the following Findings of Fact and Conclusions:

A. Documents Received Into the Record

1. The Planning and Zoning Department's ("Department") file and record in this matter:
 - a. Minor Subdivision Application #2024-002.
 - b. Exhibits 1-24.
 - c. Planning and Zoning Staff Report dated October 17, 2024.

B. Procedural History

1. On August 29, 2024, the Department accepted the Application and necessary fees.
2. On September 6, 2024, the Department sent notice of the Minor Subdivision application and public hearing to agencies and surrounding properties in accordance with the ULO and applicable law.
3. On September 18, 2024 and September 25, 2024, notice of the Minor Subdivision application and public hearing was published in The Idaho World in accordance with the ULO and applicable law.
4. On September 19, 2024, notice of the Minor Subdivision application and public hearing was posted on the subject property in accordance with the ULO and applicable law.
5. The Planning and Zoning Administrator made a site visit on October 10, 2024.
6. The Commission held a public hearing on October 17, 2024. Applicant and the public provided testimony regarding the Minor Subdivision.
7. After hearing all testimony from Applicant and the public, the Commission deliberated the application and recommended approval with site-specific conditions.

C. Facts

1. The public had the opportunity to provide testimony at the October 17, 2024 public hearing. No member of the public was prevented from testifying.
2. The property subject to this Minor Subdivision is located at parcel number RP06N05E342761.
3. The property consists of 9.01 acres of vacant land.
4. The property has legal access to Lodgepole Lane, a private road that accesses state highway 21.
5. The applicant has completed all required studies and reports and there are no adverse conditions found that would inhibit the development of the parcel as envisioned.

6. Central District Health has approved locations for septic drain fields on each lot.
7. Water will be provided by individual well.
8. No public services or emergency services commented that they could not provide service to the proposed lots.
9. The use is compatible with surrounding uses.
10. No development will be allowed in the flood zone.

CONCLUSIONS OF LAW

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Minor Plat application (**Chapter 5, Section 5.16**):

Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or disapprove the minor subdivision plat. Copies of the Commission's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

Conclusion: The applicant has made proper application for the Elkhorn Estates Minor Subdivision, and, with the recommended conditions of approval, the application meets the requirements in the ULO.

RECOMMENDED CONDITIONS OF APPROVAL

1. Plat shall include requirements contained in the County Surveyor's letters dated October 1 and October 2, 2024.
2. Applicant shall complete Six Point Lane in conformance with Boise County PCU Minor Standards and prepare a Sediment and Erosion Control Plan and an Easement along the same for slopes and slope maintenance in conformance with the ULO Section 5.9 and 3.2.D.1.
3. Applicant shall include the obligation for each lot to pay Bavarian Village Road dues in the CC&Rs for each lot in Elkhorn Estates.
4. Applicant shall comply with all applicable federal, state, and county laws, rules, and regulations governing solid waste and noxious weeds.
5. County Treasurer and Assessor certification that all taxes applicable to the Applicant's property have been paid prior to signing of the final plat by the Board of County Commissioners.
6. The Applicant shall provide a copy of the final plat in digital form as reasonably approved by the Assessor.
7. Applicant shall increase the width of the Lodgepole Lane Easement on the plat to 60' to accommodate the PCU Collector Road standard.
8. Applicant shall resolve drainage issues to the property to the east caused by excavation on the applicant's property to the reasonable satisfaction of the owner of the property to the east and the Administrator.

RECOMMENDATION:

Based upon the Findings of Fact, Conclusions of Law and Recommended Conditions of Approval contained herein the Planning and Zoning Commission recommends to the Board of County Commissioners approval, with the above conditions, SMP 2024-002, Elkhorn Estates Minor Subdivision.

APPROVED this 19th day of November, 2024.

PLANNING AND ZONING COMMISSION
BOISE COUNTY, IDAHO



Commissioner Steve Moore,
for Douglas Bergey, Chairman