



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of Sunshine Landscape

Project No. 201400074 CU-MSP-V

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. 201400074 CU-MSP-V.

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

1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on November 26, 2013.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on December 28, 2013.
3. On January 15, 2014, Development Services accepted Project #201400074 CU-MSP-V and scheduled it for public hearing before the Board of Ada County Commissioners on March 12, 2014.

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Project #201400074 CU-MSP
Sunshine Landscaping
Marc Johnson

4. On January 27, 2014, 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.
5. On February 5, 2014 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 February 25, 2014. Notices of the public hearing were posted on the property by March 2, 2014 and a certification sign posting was submitted to the director by March 5, 2014.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201400074 CU-MSP-V the following:

1. PROPOSED USES: A contractor's yard/shop
2. PROPOSED STRUCTURES: A 5,218 square foot shop. The existing dwelling on the property would be used as accessory office space.
3. PROPOSED SITE IMPROVEMENTS: A 4,480 square foot gravel parking lot located near Franklin Road that will allow for approximately 15 parking stalls. A landscaped berm along Franklin Road. A six (6) foot cedar fence extending approximately 250' from Franklin Road along the east and west property lines. A gravel driveway leading from Franklin Road back to the proposed shop and a large gravel parking area abutting the proposed shop to the north and the east.

D. Based on the materials found in the file for Project No. 201400074 CU-MSP-V, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel numbers are S1210336375 and S1210336320. The location of the property is 4610 W Franklin Road, which is approximately 500 feet east of Black Cat Road in Section 10, T.3N, and R.1W.

2. OWNERSHIP: Marc Johnson

3. SITE CHARACTERISTICS

Property size: 5.0 acres

Existing structures: A single-family dwelling with an attached garage and a detached shed.

Existing vegetation: Pasture grass and residential landscaping.

Slope: The property has no slopes of 15% or greater.

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Irrigation: The property is located within the jurisdictional boundaries of the Nampa & Meridian Irrigation District and the Boise Project Board of Control.

Drainage: The site drains generally to the north.

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 Rural-Urban Transition (RUT). The property has a single-family residence and is a mix of residential landscaping and pasture.

- 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 agricultural in the Rural-Urban Transition (RUT) District.

South: The site is agricultural in the Rural-Urban Transition (RUT) District.

East: The site is agricultural with a rural residence and is located in the Rural-Urban Transition (RUT) District.

West: One site is a contractor's yard in the Limited Industrial (M1) District and another is agricultural in the Rural-Urban Transition (RUT) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201400074 CU-MSP-V, the Board finds the following concerning services:

Access Street and Designation: Access is off of W Franklin Road. W Franklin Road is designated as a principal arterial.

Fire Protection: Meridian Fire District

Sewage Disposal: Individual Septic System.

Water Service: Individual Well

Irrigation District: Nampa & Meridian 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 that the **Meridian Comprehensive Plan** as adopted by Ada County is applicable because the subject property is located within Meridian's Area of Impact. The Board finds the application complies with the **Meridian Comprehensive Plan as**

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adopted by Ada County. Regarding the Meridian Comprehensive Plan as adopted by Ada County the Board finds the following:

The Board finds that the property is located in the Ten Mile Interchange Specific Plan Area. The Ten Mile Interchange Specific Area Plan is intended to place an emphasis on a mix of uses, both residential and commercial. The Ten Mile Specific Area Plan map shows the area as Medium High Density Residential. Though the property is designated as residential; contractor's yards and shops are conditional uses in the Rural-Urban Transition (RUT) District, which is a residential district. A contractor's yard or shop in the RUT District can be authorized for up to five (5) year increments up until annexation as limited by the standards identified in Subsection 8-5-3-30B2 of the Ada County Code. Based on the five (5) year increment approval the contractor's yard/shop is envisioned to be temporary in nature and will cease to be valid once the subject property is annexed into the City of Meridian. It should be noted that the subject property is adjacent to a property that is zoned Limited Industrial (M1), which has a contractor's yard.

2. The Board finds **Section 8-4E-5 of the Ada County Code** is applicable because the applicant has applied for a master site plan for a contractor's yard. The Board finds that the application complies with **Section 8-4E-5 of the Ada County Code**. Regarding Section 8-4E-5 of the Ada County Code the Board finds the following:

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

The Board finds that the master site plan is for a contractor's yard/shop complies with Title 8 of the Ada County Code because it meets the applicable required findings of fact as outlined herein. As evidenced in Finding H1 the master site plan for the contractor's yard/shop complies with the Meridian Comprehensive Plan as adopted by Ada County.

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 the applicant has submitted a natural features analysis for the project that identifies constraints presented by such natural features and shows how the development sufficiently addresses such features. The natural features analysis provides a detailed narrative regarding hydrology, soils, topography, vegetation, sensitive plant and wildlife species, historic resources, hazardous areas, and impact on natural features.

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

The Board finds as conditioned that the applicant shall submit a landscape plan that is prepared and stamped by a licensed landscape design professional.

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

The Board finds as conditioned that the parking and loading spaces will meet the requirements of article G of Chapter 4. The required number of parking spaces for a

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contractor's yard or shop is one (1) per 1,000 square feet of gross floor area plus one (1) per employee. The gross floor area of the contractor's yard/shop and accessory office space is 6,918 square feet. There will be six (6) full-time employees and 30-35 seasonal employees. Thus, according to the number of employees and the gross floor area of the structures on the property, 43 parking spaces will need to be provided to the site. The applicant is proposing fifteen (15) improved parking spaces in the parking lot adjacent to the accessory office space in the existing dwelling on the property. In addition, there is a gravel lot adjacent to the contractor's shop, which will provide additional parking. Since the property is located within Meridian's Area of Impact one bicycle parking space is required to be provided for every proposed 25 parking spaces. As conditioned, the applicant and/or owner will need to provide two (2) bicycle parking spaces. Exhibit #10 depicts 90° parking spaces for the front parking lot. These parking spaces are dimensioned 9' 1/8" x 18'6" with a 26 foot drive aisle. These parking spaces meet or exceed the minimum stall width of 9'0" and the minimum two-way driving aisle of 25'0"; and minimum stall depth of 20'0". It should be noted that Subsection 8-4G-5B3 allows for parking stall dimensions to be reduced two (2) feet in length when a bumper overhangs onto a sidewalk or landscape area; therefore, the stall depth of 18'6" complies with minimum dimensional standard for a 90° parking space. Therefore, as conditioned the applicant will need to submit a revised off-street parking and loading plan that depicts the 43 parking spaces as well as the required two (2) bicycle parking spaces. Also, as conditioned if the parking areas are not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material.

The Board also finds that the number of ADA accessible parking spaces provided complies with the number required under the International Building Code. The parking plan (Exhibit 10) shows that there will be two (2) ADA accessible parking spaces, which is equal to the two (2) ADA accessible parking spaces that are required.

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

The Board finds that the applicant is not proposing any new outdoor lighting. If there is any new outdoor lighting installed on the property then 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 master site plan along with the approval of the variance to allow for the contractor's yard/shop to be closer than 100 feet from any property line. The property is located in the Rural-Urban Transition (RUT) District. The property complies with the minimum property size of 5.0 acres for the RUT District. The footprint of the proposed contractor's shop and the existing dwelling to be used as accessory office space does not exceed the allowable coverage of 10,890 square feet. It should be noted that the property is nonconforming in terms of street frontage as it only has 205 feet of street frontage along W. Franklin Road instead of the required 250 feet of street frontage for the RUT District.

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

The Board finds that the master site plan is consistent with the APA ridge-to-rivers pathways plan as the master site plan will not impede the installation of any pathways along W. Franklin 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 adequate utilities and public services are available or provided for the proposed contractor's yard and shop, and the development would not be premature by reason of lack of utilities, transportation, schools, fire protection, or other essential services. The application was transmitted to applicable agencies and political subdivisions on January 27, 2014. The site is currently served by an existing individual septic system and private well. The Meridian Fire Department replied in Exhibit #18 that they have concerns regarding water for fire flow. The needed fire flow is going to be 2,000 gallons per minute with a 5,200 square foot type VB construction. As conditioned, the Meridian Fire District will need to approve all fire flow requirements or building plans. The Idaho Department of Environmental Quality (DEQ) in Exhibit #20 provided standards regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Central District Health Department stated in Exhibit #19 that an accessory use application must be submitted to them. The Ada County Building Division responded in Exhibit #23 that they have no objection to the proposed use; however, the applicant should be aware that building permits will be required for each structure. Also, plans will need to be prepared by a licensed Architect including a thorough code analysis based on the 2012 International Building Code. The Nampa & Meridian Irrigation District replied in Exhibit #21 that they have no comment. The Ada County Engineer stated in Exhibit #28 that a drainage plan needs to be submitted in accordance with Section 8-4A-11 of the Ada County Code. The Ada County Highway District provided site specific conditions of approval in Exhibit #30

3. The Board finds **Section 8-5-3-30 of the Ada County Code** is applicable because the applicant has applied for a conditional use and master site plan to operate and construct a contractor's yard/shop. The Board finds that the application complies with **Section 8-5-3-30 of the Ada County Code**. Regarding Section 8-5-3-30 the Board finds the following:

A. *General Standards:*

1. *If the structure is located in a residential or rural base district, all structures or outdoor storage areas shall be located a minimum of one hundred feet (100') from any property line abutting other property. The one hundred foot (100') buffer from the property line shall have a vegetative ground cover and shall be*

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regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.

The Board finds that the contractor's yard/shop is located in the Rural-Urban Transition District, which is a residential base district.

The Board finds that the proposed 5,218 square foot shop and the existing dwelling converted into an office are not located a minimum of one hundred feet (100') from property lines abutting other property. The shop is 40 feet from the west property line and 84 feet from the east property line. The existing dwelling (office) is just a few away from the east property line.

The Board finds that the applicant has applied for a variance to grant relief from this development standard, which requires all structures and storage areas to be located a minimum of 100 feet from any property line because the subject property is located in a residential district. In addition, the width of the subject property is only 205.90 feet.

2. *Outdoor storage areas shall be screened year round and comply with section 8-5-3-78 of this chapter.*

The Board finds as conditioned that outdoor storage areas shall be screened year round and comply with Section 8-5-3-78 of this chapter.

3. *The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.*

The Board finds as evidenced in the applicant's detailed letter (Exhibit 7) that the contractor's yard or shop is for a commercial landscape maintenance company who will use the property to park their trucks and trailers and for the storage of equipment and tools. In addition, the shop will be used to perform routine maintenance and repairs to their equipment and tools. As conditioned, the site shall not be used as a "junkyard" or "automobile wrecking yard".

4. *For the purposes of this title, a contractor's yard or shop is not a home occupation.*

The Board finds as evidenced in the record that the contractor's yard or shop is a conditional use in the Rural-Urban Transition (RUT) District and that the applicant has applied for a conditional use and master site plan to operate and construct a contractor's yard/shop.

5. *The property shall have approved access from an improved public roadway for the use.*

The Board finds as evidenced in the record that the property has frontage and access to Franklin Road, which is an improved public roadway.

6. *Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.*

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The Board finds as conditioned that the maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and that the incidental use shall only include minor repair. The applicant has stated in their detailed letter (Exhibit 7) that the shop will be used to perform routine maintenance and repairs to their equipment and vehicles.

7. *Accessory office space shall comply with section 8-5-3-75 of this chapter and shall be identified on the master site plan.*

The Board finds as evidenced in the record that the applicant is planning on having accessory office in the existing 1,700 square foot dwelling on the property. Section 8-5-3-75 of the Ada County Code states that an accessory office shall be allowed for an approved use and the office shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. If the approved primary use is not located in a structure, the office structure shall not occupy more than five percent (5%) of the property area on which the primary use is located or five thousand (5,000) square feet, whichever is less.

The Board finds that the contractor's shop consists of 5,218 square feet. Twenty five percent (25%) of the gross floor area of the contractor's shop is 1,304.5 square feet. The applicant has stated in his detailed letter (Exhibit 7) that he wants to utilize the entire square footage of the 1,700 square feet dwelling on the property. Therefore, the applicant has applied for a variance from the development standard for accessory office space to comply with Section 8-5-3-75 of the Ada County Code in order to exceed 25% of the gross floor area of the use. As conditioned, the accessory office space shall not exceed 25% of the gross floor area of the use.

8. *Parking area improvements shall comply with the standards found in chapter 4, article G of this title and shall be delineated on the master site plan or parking plan. No on street parking of vehicles or equipment associated with the use is allowed.*

The Board finds as conditioned that the parking and loading spaces will meet the requirements of article G of Chapter 4. The required number of parking spaces for a contractor's yard or shop is one (1) per 1,000 square feet of gross floor area plus one (1) per employee. The gross floor area of the contractor's yard/shop and accessory office space is 6,918 square feet. There will be six (6) full-time employees and 30-35 seasonal employees. Thus, according to the number of employees and the gross floor area of the structures on the property, 43 parking spaces will need to be provided to the site. The applicant is proposing fifteen (15) improved parking spaces in the parking lot adjacent to the accessory office space in the existing dwelling on the property. In addition, there is a gravel lot adjacent to the contractor's shop, which will provide additional parking. Since the property is located within Meridian's Area of Impact one bicycle parking space is required to be provided for every proposed 25 parking spaces. As conditioned, the applicant and/or owner will need to provide two (2) bicycle parking spaces.

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Exhibit #10 depicts 90° parking spaces for the front parking lot. These parking spaces are dimensioned 9' 1/8" x 18'6" with a 26 foot drive aisle. These parking spaces meet or exceed the minimum stall width of 9'0" and the minimum two-way driving aisle of 25'0"; and minimum stall depth of 20'0". It should be noted that Subsection 8-4G-5B3 allows for parking stall dimensions to be reduced two (2) feet in length when a bumper overhangs onto a sidewalk or landscape area; therefore, the stall depth of 18'6" complies with minimum dimensional standard for a 90° parking space. Therefore, as conditioned the applicant will need to submit a revised off-street parking and loading plan that depicts the 43 parking spaces as well as the required two (2) bicycle parking spaces. Also, as conditioned if the parking areas are not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material.

The Board also finds that the number of ADA accessible parking spaces provided complies with the number required under the International Building Code. The parking plan (Exhibit 10) shows that there will be two (2) ADA accessible parking spaces, which is equal to the two (2) ADA accessible parking spaces that are required.

9. *Use of the property shall comply with title 5, chapter 13, "Noise", of this code.*

The Board finds that the use of the property will comply with Title 5, Chapter 13, "Noise", of the Ada County Code.

10. *Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.*

The Board finds that the hours of operation will be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. based upon statements in the applicant's detailed letter (Exhibit 7). The detailed letter states that the business operates within typical business hours structure, Monday thru Friday and 7:00 A.M. to 5:00 P.M. In addition, they only operate starting at 7:00 during the peak season, which is usually from May to October. The rest of the year they begin operations at 8:00 A.M. Also, they have one or more crews working on Saturdays during peak season, but it would still be within the 7:00 A.M. to 5:00 P.M. time frame.

11. *No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.*

The Board finds as conditioned that no retail sales associated with a contractor's yard or shop shall occur on the property. The applicant has affirmed in the detailed letter (Exhibit 7) that they do not sell any products from the business location.

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12. *A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.*

The Board finds that a building permit is required to convert the existing single-family dwelling into accessory office space.

13. *For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.*

The Board finds that the use of the property as a contractor's yard or shop is subject to zoning inspection upon advanced notice and request by the Ada County Development Services Department. If the permit holder refuses to allow inspection of the premises by the development services department then the approved zoning certificate may be revoked.

B. Additional Standards: Additional standards for a contractor's yard or shop permitted as a conditional use:

1. *The following shall be considered as part of the review of an application for a conditional use permit for a contractor's yard or shop:*
 - a. *The proximity of existing dwellings;*
 - b. *The number of employees;*
 - c. *The hours and days of operation;*
 - d. *Dust;*
 - e. *Noise;*
 - f. *Outdoor loading;*
 - g. *Traffic;*
 - h. *Landscaping and screening;*
 - i. *Other.*

The Board finds that the proximity of existing dwellings, number of employees, hours and days of operation, dust, noise, outdoor loading, traffic, landscaping and screening have been considered in the review of the conditional use application.

2. *The duration of a conditional use permit for a contractor's yard or shop shall be limited. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.*

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The Board finds as conditioned that the conditional use permit for the contractor's yard/shop is limited and shall expire five (5) years following the approval date, or upon annexation of the subject property into a city. Also, upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.

4. The Board finds **Section 8-5B-5 of the Ada County Code** is applicable because the applicant has applied for a conditional use to operate and construct a contractor's yard/shop. The Board finds that the application complies with **Section 8-5B-5 of the Ada County Code**. Regarding Section 8-5B-5 the Board finds the following:

- A. *The proposed use is not detrimental to the public health, safety, or welfare;*

The Board finds that as conditioned the contractor's yard/shop is not detrimental to the public health, safety and welfare because it is in conformance with the specific use standards for a (Contractor's Yard or Shop). In addition, the applicant and/or owner will need to obtain building permits and required agency approvals.

- B. *The proposed use shall not create undue adverse impact on surrounding properties;*

The Board finds as conditioned that the contractor's yard/shop does not create undue adverse impacts to the surrounding properties. The applicant and/or owner is required to submit a landscape and screening plan to screen the contractor's yard/shop from neighboring properties. In addition, there is an existing contractor's yard to the west of the property, which is compatible with the proposed contractor's yard/shop.

- C. *The proposed use is consistent with the applicable comprehensive plan;*

The Board finds as evidenced in Finding H1 that the contractor's yard/shop is consistent with the Meridian Comprehensive Plan as adopted by Ada County.

- D. *The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;*

The Board finds that the contractor's yard/shop complies with the purpose statement of the Rural Urban Transition (RUT) District because a contractor's yard or shop is conditional use in the RUT District.

The Board finds as evidenced in Finding H3 that the contractor's yard/shop complies with the specific use standards for a (Contractor's Yard or Shop).

- E. *The proposed use complies with all applicable county ordinances;*

The Board finds that the contractor's yard/shop along with the approval of the variance allowing the contractor's shop and storage areas to be within 100 feet of any property line complies with all applicable county ordinances as outlined in Finding B and as outlined herein.

- F. *The proposed use complies with all applicable state and federal regulations;*

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The Board finds that all uses are innately required to comply with all applicable state and federal regulations as a matter of law.

G. The proposed use and facilities shall not impede the normal development of surrounding property;

The Board finds that the proposed use does not impede the normal development of surrounding property because there is approved access from a public road and as conditioned the contractor's yard/shop will need to be screened. Based on the five (5) year increment approval in Subsection 8-5-3-30B2 the contractor's yard/shop is envisioned to be temporary in nature and will cease to be valid once the subject property is annexed into the City of Meridian. In addition, the subject property is adjacent to a property that is zoned Limited Industrial (M1), which has a contractor's yard.

H. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.

The Board finds that as conditioned adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are provided for the proposed use. The application was transmitted to applicable agencies and political subdivisions on January 27, 2014. The Meridian Fire Department replied in Exhibit xx that they have concerns regarding water for fire flow. The needed fire flow is going to be 2,000 gallons per minute with a 5,200 square foot type VB construction. As conditioned, the Meridian Fire District will need to approve all fire flow requirements or building plans. The Idaho Department of Environmental Quality (DEQ) in Exhibit #20 provided standards regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Central District Health Department stated in Exhibit #19 that an accessory use application must be submitted to them. The Ada County Building Division responded in Exhibit #23 that they have no objection to the proposed use; however, the applicant should be aware that building permits will be required for each structure. Also, plans will need to be prepared by a licensed Architect including a thorough code analysis based on the 2012 International Building Code. The Nampa & Meridian Irrigation District replied in Exhibit #21 that they have no comment. The Ada County Engineer stated in Exhibit #28 that a drainage plan needs to be submitted in accordance with Section 8-4A-11 of the Ada County Code. The Ada County Highway District provided site specific conditions of approval in Exhibit #30.

I. Political subdivisions, including school districts, will be able to provide services for the proposed use;

The Board finds that the application was transmitted to political subdivisions including the Meridian School District on January 27, 2014 and that there has not been any evidence submitted into the record to indicate that political subdivisions would not be able to provide services for the contractor's yard.

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5. The Board finds **Section 8-7-6C of the Ada County Code** is applicable because the application involves a variance to grant relief from a development standard requiring all structures and storage areas to be located a minimum of 100 feet from any property line because the subject property is located in a residential district. Also, a second variance from the development standard for accessory office space to comply with Section 8-5-3-75 of the Ada County Code in order to exceed 25% of the gross floor area of the use. The Board finds that the application complies with **Section 8-7-6C of the Ada County Code**. Regarding Section 8-7-6C the Board finds the following in regards to the variances.

1. *The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;*

For the development standard that requires all structures and storage areas of a contractor's yard/shop to be located a minimum of 100 feet from any property line the Board finds that the variance does not grant a right or special privilege that is not otherwise allowed in the Rural-Urban Transition (RUT) District. A contractor's yard/shop is an allowed use through the approval of a conditional use application in the RUT District and there have been a number of contractor's yards/shops that have been approved in the RUT District.

For the second development standard for accessory office space to exceed 25% of the gross floor area of the use the Board finds that the variance would grant a special privilege as applicant would have accessory office space that exceeds the allowed 25% of gross floor area.

2. *The variance relieves an undue hardship due to characteristics of the site; and*

For the development standard that requires all structures and storage areas of a contractor's yard/shop to be located a minimum of 100 feet from any property line the Board finds that the variance relieves an undue hardship due to a physical characteristic of the site. The physical characteristic of the site is that the property only has a width of 205.90 feet. Therefore, only 5.90 feet of the property (east-west) could be used for a contractor's yard/shop. The 5.90 feet does not leave enough room to construct a shop or yard. Granting the variance would allow the applicant ample room to construct the contractor's yard/shop.

For the second development standard for accessory office space to exceed 25% of the gross floor area of the use the Board finds that variance does not relieve an undue hardship due to characteristics of the site. Since the applicant could only devote 1,304.5 square feet of the existing dwelling for accessory office.

3. *The variance shall not be detrimental to the public health, safety, and welfare.*

The Board finds that the variances are not detrimental to the public health, safety, and welfare because the applicant/owner will be required to secure the necessary building permits and agency approvals to construct the contractor's yard/shop. In addition, information regarding the variances was transmitted to affected public agencies charged with the protection of the health, safety, and welfare of the public. A number of agencies responded to the project which also included applications for a

conditional use and master site plan. The Meridian Fire Department replied in Exhibit xx that they have concerns regarding water for fire flow. The needed fire flow is going to be 2,000 gallons per minute with a 5,200 square foot type VB construction. As conditioned, the Meridian Fire District will need to approve all fire flow requirements or building plans. The Idaho Department of Environmental Quality (DEQ) in Exhibit #20 provided standards regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Central District Health Department stated in Exhibit #19 that an accessory use application must be submitted to them. The Ada County Building Division responded in Exhibit #23 that they have no objection to the proposed use; however, the applicant should be aware that building permits will be required for each structure. Also, plans will need to be prepared by a licensed Architect including a thorough code analysis based on the 2012 International Building Code. The Nampa & Meridian Irrigation District replied in Exhibit #21 that they have no comment. The Ada County Engineer stated in Exhibit #28 that a drainage plan needs to be submitted in accordance with Section 8-4A-11 of the Ada County Code. The Ada County Highway District provided site specific conditions of approval in Exhibit #30.

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. 201400074 CU-MSP-V complies with the Meridian Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201400074 CU-MSP-V complies with Section 8-4E-5 of the Ada County Code.
3. The Board concludes that Project No. 201400074 CU-MSP-V complies with Section 8-5-3-30 of the Ada County Code.
4. The Board concludes that Project No. 201400074 CU-MSP-V complies with Section 8-5B-5 of the Ada County Code.
5. The Board concludes that Project No. 201400074 CU-MSP-V complies with Section 8-7-6C of the Ada County Code for the variance to grant relief from a development standard requiring all structures and storage areas to be located a minimum of 100 feet from any property line because the subject property is located in a residential district.
6. The Board concludes that Project No. 201400074 CU-MSP-V does not comply with Section 8-7-6C of the Ada County Code for the variance to grant relief from a development standard for accessory office space to comply with Section 8-5-3-75 of the Ada County Code in order to exceed 25% of the gross floor area of the use.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves Project #201400074 CU-MSP, subject to the Conditions of Approval attached as Exhibit A and the Master Site Plan dated December 20, 2013.

DATED this _____ day of _____, 20__.

Board of Ada County Commissioners

By: David L Case, Chairman

By: Rick Yzaguirre, Commissioner

By: Jim Tibbs, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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Marc Johnson

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REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF PROJECT #201400074 CU-MSP-V WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS. IF A BUILDING PERMIT IS REQUIRED, THE ZONING CERTIFICATE SHALL BE ISSUED WITH THE BUILDING PERMIT. THIS APPROVAL SHALL BECOME VOID IF A VALID ZONING CERTIFICATE HAS NOT BEEN ISSUED BY THAT DATE. SITE IMPROVEMENTS ARE NOT ALLOWED UNTIL THE ZONING CERTIFICATE HAS BEEN ISSUED.

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 Central District Health Department must approve the septic permit.
 - b) The Meridian Fire District must approve all fire flow requirements and/or building plans.
 - c) If applicable, the Nampa & Meridian Irrigation District and/or Boise Project Board of Control must approve any proposed modifications to the existing irrigation system.
 - d) 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.
2. The master site plan shall be modified to include the following items. The modified master site plan shall be submitted to Development Services prior to any site improvements.
 - a) The applicant and/or owner shall submit a revised off-street parking and loading plan that depicts the 43 parking spaces as well as the required two (2) bicycle parking spaces.
 - b) The applicant and/or owner shall submit a landscape plan prepared and stamped by a licensed landscape design professional that complies with Article 8-4F of the Ada County Code.
3. 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.

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4. If the off-street parking areas are not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material.
5. The applicant and/or owner shall either install placards or striping that clearly identifies and demarcates the ADA accessible parking spaces.
6. The applicant and/or owner shall obtain written verification from ACHD that they have approved the construction of the driveway approach for proper ingress and egress of the development site. The verification must be on agency letterhead referring to the approved use.
7. Once construction is complete, the applicant shall request a zoning compliance inspection from the Development Services Department. 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.
8. 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.

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

9. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
10. The use must comply with the specific use standards for a (Contractor's Yard or Shop) in Section 8-5-3 of the Ada County Code.
11. 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.
12. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
13. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
14. Outdoor storage areas shall be screened year round and comply with Section 8-5-3-78 of the Ada County Code.
15. The site shall not be used as a "junkyard" or "automobile wrecking yard".
16. The accessory office space shall not exceed 25% of the gross floor area of the use.
17. No retail sales associated with a contractor's yard or shop shall occur on the property.
18. The bicycle parking facilities shall comply with the bicycle parking facilities standards in

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Section 8-4G-5C.