



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Breckon Land Design, Inc.

Project No. 201400463 CU-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 Commission 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. 201400463 CU-MSP.

B. As to procedural items, the Commission 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 January 31, 2012.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on March 27, 2014.
3. On April 3, 2014, Development Services accepted Project #201400463 CU-MSP and scheduled it for public hearing before the Ada County Planning and Zoning Commission on June 5, 2014.

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Breckon Land Design, Inc.
Tim Elam

4. On April 7, 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 May 5, 2014, 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 May 20, 2014. Notices of the public hearing were posted on the property on May 13, 2014 and a certification sign posting was submitted to the director on May 21, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201400463 CU-MSP the following:

1. PROPOSED USES: A contractor's yard/shop.
2. PROPOSED STRUCTURES: 3,620 square foot shop.
3. PROPOSED SITE IMPROVEMENTS: Asphalt parking for eight (8) vehicles, stormwater retention pond, and landscaping and screening of the parking area.

D. Based on the materials found in the file for Project No. 201300465 CU-MSP, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is R7334122450. The property is located at 6398 W. Gowen Road in Section 30, T. 3N, and R. 2E.

2. OWNERSHIP: Tim Elam.

3. SITE CHARACTERISTICS

Property size: 1.0 acre.

Existing structures: None.

Existing vegetation: Native and blown in non-native grass species.

Slope: Slopes are generally less than 25%; however, there is a small area along the rear property line where the slopes are greater than 25%.

Irrigation: The property is located within the jurisdictional boundaries of the Boise-Kuna Irrigation District and the New York Irrigation District.

Drainage: The site generally drains towards the northwest.

Views: The property is generally visible from all directions.

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

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The property is zoned Airport Industrial (M3). The property is currently vacant and fallow.

- F. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the surrounding land use and zoning:

North: The site is fallow ground and is located in Boise City in their Limited Industrial (M-1) District.

South: The site is a single-family residence in the Randall Acres No. 1 Subdivision located in the Airport Industrial (M3) District.

East: The site is a recycling yard and the New York Canal and is located in Boise City in their Limited Industrial (M-1) District.

West: The site is fallow ground in the Randall Acres No. 1 Subdivision located in the Airport Industrial (M3) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201400465 CU-MSP, the Commission finds the following concerning services:

Access Street and Designation: Access is off of W. Gowen Road. W. Gowen Road is designated as a collector.

Fire Protection: Whitney Fire District.

Sewage Disposal: Individual Septic System.

Water Service: United Water Idaho.

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 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 Commission 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 City Impact. The Commission finds the application complies with the **Boise City Comprehensive Plan as adopted by Ada County**. Regarding the Boise Comprehensive Plan as adopted by Ada County the Commission finds the following:

2.2 STORM DRAINAGE

Goal: Provide efficient, cost-effective and environmentally sound storm drain, flood control and treatment facilities to protect existing and future land uses, preserve public safety and protect surface and groundwater quality.

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Policy 3: Require that adequate on-site treatment and/or storm-drain and flood-control facilities be constructed coincident with new development. The city shall make available standard plans for treatment and retention areas.

The Commission finds as conditioned that the County Engineer must approve a surface drainage run-off plan. The Natural Features Analysis (Exhibit #9) states that all stormwater will be retained on site. In addition, the applicant has depicted the location for a stormwater retention pond on the master site plan (Exhibit #8).

3.2 WATER QUALITY GOALS, OBJECTIVES AND POLICIES

Goal: Maintain the existing high quality of surface and ground waters, and ensure an adequate supply of water for the future.

Policy 1: Require all new developments to discharge storm water run-off either to future municipal water treatment facilities or to provide and maintain appropriate on-site treatment.

The Commission finds as conditioned that the County Engineer must approve a surface drainage run-off plan. In addition, the applicant has depicted the location for a stormwater retention pond on the master site plan (Exhibit #8).

3.3 NOISE GOALS, OBJECTIVES AND POLICIES

Goal: Protect a peaceful, quiet and healthy environment free from excessive noise and disruptions.

Objective 2: Prevent and mitigate adverse impacts of excessive noise exposure.

Policy 2d: All development within Airport Influence Area C is affected by average sound levels greater than 70 DNL. The approved Airport Noise Compatibility Plan identifies existing residential uses in this area to undergo sound insulation. Residential uses in this area shall be considered non-conforming and no new residential development is allowed. Non-noise sensitive manufacturing, industrial and commercial uses are allowed. All compatible uses shall be required to provide sound insulation in noise sensitive areas of the facility.

The Commission finds as evidenced in the record that the property is located in Airport Influence Area C and that the applicant is proposing a contractor's yard/shop, which is a non-noise sensitive industrial use. In addition, the Boise Airport stated in Exhibit #2 that they have no objections to the project as proposed, with the following conditions: All noise sensitive areas of the facility shall be sound insulated for a noise level reduction (NLR) of 30 dB. To minimize interference with aircraft operations, exterior lighting must be directed downward, visible emissions should be restricted, and standing water that would attract birds should not be allowed. As conditioned, the applicant and/or owner will need to comply with the standards in Article 8-3A of the Ada County Code.

7.2 COMMUNITY DESIGN

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Goal: Create a community composed of neighborhoods in which services and amenities are convenient, visually pleasing and properly integrated and designed to encourage walking and cycling.

Objective 6: Achieve an environment through urban design that creates, maintains and enhances the City's industrial, office and institutional areas.

Policy 1: Require that new projects achieve a high level of quality, distinctive character and compatibility with existing uses.

Policy 2: Require that new and recycled structures and sites be designed to convey visual interest, character and compatibility by using the following review criteria:

- a) Architectural design treatment of all building elevations;*
- b) Use of landscaping in open spaces and parking lots; including broad landscaped setbacks from principal peripheral streets;*
- c) Enclosure of storage areas with decorative screening or walls;*
- d) Location of site entries to minimize conflicts with adjacent residential neighborhoods;*
- e) Mitigation of noise, odor, lighting and other impacts.*

Policy 4: Require that new developments place electrical, telephone, cable television, mechanical equipment and other distribution lines underground.

The Commission finds the applicant has submitted a landscaping and screening plan with the application that complies with Article 8-4F of the Ada County Code. As conditioned, all utilities for the contractor's shop shall be installed underground.

8.0 LAND USE

Goal: Achieve a city that minimizes suburban sprawl, that provides for a diverse mixture of lifestyles and atmospheres and a sense of place that varies throughout the different areas of the city, and that efficiently provides basic services and facilities in close proximity to where people live.

Objective 5: Industrial uses shall be located to take advantage of shipping access and to promote compatibility with adjacent uses.

Policy 1: Heavy industries and industrial uses that generate unusual noises and/or odors, shall be located within the industrial districts in the vicinity of the Boise Air Terminal.

The Commission finds the contractor's yard/shop is compatible with adjacent uses as the general area contains other industrial uses and the contractor's yard/shop is a non-noise sensitive use.

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Objective 14: Land-use and development policies specific to the Airport area shall include the following:

Policy 2: The building standards and land-use restrictions of the Airport Influence Area shall be strictly enforced.

The Commission finds as conditioned that the applicant and/or owner shall comply with the standards in Article 8-3A.

2. The Commission finds **Article 8-3A of the Ada County Code** is applicable because the subject property is located in the Boise Air Terminal Influence Areas Overlay District. The Commission finds that the application complies with **Article 8-3A of the Ada County Code** because the contractor's yard/shop as conditioned complies with the general airport influence area standards as the use does not create hazards to aircraft and/or impairs landing, takeoff, or maneuvering of aircraft. In a letter to the applicant the Boise Airport stated in Exhibit #2 that they have no objections to the project as proposed, with the following conditions: All noise sensitive areas of the facility shall be sound insulated for a noise level reduction (NLR) of 30 dB. To minimize interference with aircraft operations, exterior lighting must be directed downward, visible emissions should be restricted, and standing water that would attract birds should not be allowed. As conditioned, the storm water retention pond shall be designed in way that eliminates the attraction of the pond to birds. Also, as conditioned any exterior lighting shall be directed downward.

3. The Commission 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/shop. The Commission 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 Commission finds the following:

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

The Commission finds that the master site plan is for the 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 Boise City 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 Commission 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 describing the hydrology, soils, topography, vegetation, sensitive plants/wildlife, historic resources, hazardous areas, drainage, important features, and natural features mitigation. The map on the natural features

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analysis depicts topography of the site as well as the New York Canal and an irrigation ditch. In addition, the Idaho Department of Fish and Game provided a letter (Exhibit #3) to the applicant stating that the site had been developed in the past and contains no native habitat and that they have no records of any federally listed threatened or endangered species or critical habitat within or immediately adjacent to the proposed project area.

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

The Commission finds that the landscaping meets the requirements of article F of chapter 8 as the applicant has submitted a landscaping and screening plan. As evidenced by the landscape and screening plan (Exhibit #10) the requirements of article F of chapter 8 have been satisfied as the landscape point totals meet or exceed what is required. The plan also shows that wheel stops have placed for the parking spaces to protect landscaping from damage by vehicles. In addition, the landscape architect has provided extensive notes on the plan for the landscape contractor in terms of the quality of planting material, topsoil, and planting specifications for the shrub and tree plantings.

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

The Commission finds that the parking and loading spaces meet the requirements of Article 8-4G of the Ada County Code. 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 is 3,620 square feet and the applicant has stated in the detailed letter (Exhibit #7) that the number of employees during the largest shift is two (2). Thus, according to the number of employees and the gross floor area of the shop, six (6) parking spaces will need to be provided to the site. As shown on Exhibit #8 the applicant is proposing eight (8) parking spaces with one (1) of those parking spaces being ADA accessible. The number of parking spaces provided exceeds the required six (6) parking spaces.

The Commission finds that the number of ADA accessible parking spaces provided complies with the number required under the International Building Code. The parking plan (Exhibit #8) shows that there will be one (1) ADA accessible parking space, which is equal to the one (1) ADA accessible parking space that is required.

The Commission finds that the parking spaces are 90° parking spaces. These parking spaces meet the minimum stall width of 9'0", the minimum stall depth of 20'0", and the minimum two-way driving aisle of 25'0".

In addition, the Commission finds that the bicycle rack is being provided that is capable of parking three (3) and is in close vicinity to the building entrance.

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

The Commission 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.

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

The Commission finds that the master site plan complies with the standards of the Airport Industrial (M3) District. The property complies with the minimum front yard setback of 20 feet as the contractor's shop is greater than 20 feet from the front property line. The property complies with the minimum rear and side yard setback of 0 feet. The footprint for the contractor's shop does not exceed 80% coverage of the property.

The Commission finds as evidenced by Finding H2 that the master site plan complies with the Boise Air Terminal Airport Influence Areas Overlay District.

The Commission finds as evidenced by Finding H4 that the master site plan complies with the specific use standards for a contractor's yard or shop.

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

The Commission finds that the master site plan is consistent with the APA ridge-to-rivers pathways plan as there are no proposed pathways on the section of W. Gowen Road that fronts the property.

- 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 Commission finds that adequate utilities and public services are available or provided for the contractor's yard/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 April 7, 2014. The property will be served by United Water Idaho for water and an individual septic system for sewer. The Ada County Building Division responded in Exhibit #17 that they have no objection to the proposed development; however, the applicant should be aware that a permit will be required for the construction proposed. Plans and specifications bearing an Idaho licensed architect's stamp will be required followed by review and issuance of a building permit prior to construction. The Boise Public Works Department replied in Exhibit #18 that a drainage plan for this development must be submitted and approved by Ada County. The Boise School District stated in Exhibit #19 that the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District. The Boise Project Board of Control responded in Exhibit #20 that there is a federal easement 25 feet out and parallel to the lower embankment of the canal. They also expressed a concern in regards to the placing of the proposed septic system and storm water retention pond and their impact on the integrity of the New York Canal embankment. As conditioned, the applicant and/or owner shall work with the Boise Project Board of Control on the location of the septic system and storm water retention pond. The applicant and/or owner shall provide Ada County Development Services with a letter from the Boise Project Board of Control approving the location

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of the septic system and storm water retention pond. The Central District Health Department replied in Exhibit #21 that a permit for the septic system has been issued, but not yet installed and that they have no objection. The Ada County Highway District provided site specific conditions of approval in Exhibit #22. The Ada County Engineer stated in Exhibit #26 that a drainage study and drainage plan need to be submitted in accordance with Ada County Code 8-4A-11.

4. The Commission 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 Commission finds that the application complies with **Section 8-5-3-30 of the Ada County Code**. Regarding Section 8-5-3-30 the Commission 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 regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.*

The Commission finds that the contractor's yard/shop is located in the Airport Industrial (M3) District.

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

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

The Commission finds as conditioned that the site shall not be used as a "junkyard" or "automobile wrecking yard" as defined in the Ada County Code.

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

The Commission finds as evidenced in the record that the contractor's yard or shop is a principal permitted use in the Airport Industrial (M3) and a conditional use within airport influence area C in the Boise Air Terminal Airport Influence Areas Overlay District. The applicant has applied for a conditional use and master site plan application 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 Commission finds as evidenced in the record that the property has frontage and access to W. Gowen Road, which is an improved public roadway.

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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.*

The Commission 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.

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 Commission finds that accessory office space has been depicted on the contractor's shop floor plan. As conditioned, the accessory office space shall comply with Section 8-5-3-75 of the Ada County Code.

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 Commission finds that the parking area improvements comply with the standards found in chapter 4, article G of this title and have been delineated on the master site plan. 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 is 3,620 square feet and the applicant has stated in the detailed letter (Exhibit #7) that the number of employees during the largest shift is two (2). Thus, according to the number of employees and the gross floor area of the shop, six (6) parking spaces will need to be provided to the site. As shown on Exhibit #8 the applicant is proposing eight (8) parking spaces with one (1) of those parking spaces being ADA accessible. The number of parking spaces provided exceeds the required six (6) parking spaces. The number of ADA accessible parking spaces provided complies with the number required under the International Building Code. The parking plan (Exhibit #8) shows that there will be one (1) ADA accessible parking space, which is equal to the one (1) ADA accessible parking space that is required. The parking spaces also meet the dimensional standards for 90° parking spaces. There is also a bicycle rack capable of parking three (3) bicycles provided for the site.

The Commission finds as conditioned that no on street parking of vehicles or equipment associated with the contractor's yard/shop is allowed.

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

The Commission 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.*

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The Commission finds that the applicant has stated in the detailed letter (Exhibit #7) that the hours of operation will be typical business hours, Monday through Friday, 8:00 A.M. – 5:00 P.M. As conditioned, the 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.

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 Commission finds as conditioned that no retail sales associated with a contractor's yard or shop shall occur on the property.

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 Commission finds that a building permit is required. The Ada County Building Division replied in Exhibit #17 that plans and specifications bearing an Idaho licensed architect's stamp will be required followed by review and issuance of an Ada County building permit prior to construction.

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 Commission 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 and conditional use permit 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;*

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- h. *Landscaping and screening;*
- i. *Other.*

The Commission 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.*

The Commission finds that a contractor's yard/shop is a principal permitted use in the Airport Industrial (M3) District, but it requires a conditional use since the property is located in the Boise Air Terminal Airport Influence Areas Overlay District. Hence, there is no requirement for the conditional use to expire.

- 5. The Commission 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 Commission finds that the application complies with **Section 8-5B-5 of the Ada County Code**. Regarding Section 8-5B-5 the Commission finds the following:

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

The Commission finds as conditioned that 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 Commission finds as conditioned that the contractor's yard/shop does not create undue adverse impacts to the surrounding properties. The applicant has submitted a landscape and screening plan. In addition, there are a number of industrial land uses in proximity to the property.

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

The Commission finds as evidenced in Finding H1 that the contractor's yard/shop is consistent with the Boise City 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 Commission finds that the contractor's yard/shop complies with the purpose statement of the Airport Industrial (M3) District as the contractor's yard/shop is compatible with the safe operation of the Boise Air Terminal. In addition, the Boise

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Airport stated in Exhibit #2 that they have no objections to the project as proposed, with the following conditions: All noise sensitive areas of the facility shall be sound insulated for a noise level reduction (NLR) of 30 dB. To minimize interference with aircraft operations, exterior lighting must be directed downward, visible emissions should be restricted, and standing water that would attract birds should not be allowed.

The Commission finds as evidenced in Finding H4 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 Commission finds that the contractor's yard/shop 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;*

The Commission 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 Commission finds that the contractor's yard/shop does not impede the normal development of surrounding property because there is approved access from a public road and the property will be landscaped and screened. In addition, the contractor's yard/shop is compatible with surrounding industrial properties.

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 Commission finds that adequate utilities and public services are available or provided for the contractor's yard/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 April 7, 2014. The property will be served by United Water Idaho for water and an individual septic system for sewer. The Ada County Building Division responded in Exhibit #17 that they have no objection to the proposed development; however, the applicant should be aware that a permit will be required for the construction proposed. Plans and specifications bearing an Idaho licensed architect's stamp will be required followed by review and issuance of a building permit prior to construction. The Boise Public Works Department replied in Exhibit #18 that a drainage plan for this development must be submitted and approved by Ada County. The Boise School District stated in Exhibit #19 that the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District. The Boise Project Board of Control responded in Exhibit #20 that there is a federal easement 25 feet out and parallel to the lower embankment of the canal. They also expressed a concern in regards to the placing of the proposed septic system and storm water retention pond and their impact on the integrity of the New York Canal embankment. As conditioned, the applicant and/or owner shall work with the Boise

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Project Board of Control on the location of the septic system and storm water retention pond. The applicant and/or owner shall provide Ada County Development Services with a letter from the Boise Project Board of Control approving the location of the septic system and storm water retention pond. The Central District Health Department replied in Exhibit #21 that a permit for septic system has been issued, but not yet installed and that they have no objection. The Ada County Highway District provided site specific conditions of approval in Exhibit #22. The Ada County Engineer stated in Exhibit #26 that the drainage study and drainage plans need to be submitted in accordance with Ada County Code 8-4A-11.

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

The Commission finds that the application was transmitted to political subdivisions including the Boise School District on April 7, 2014 and 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/shop.

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 Commission concludes that Project No. 201400465 CU-MSP complies with the Boise City Comprehensive Plan as adopted by Ada County.
2. The Commission concludes that Project No. 201400465 CU-MSP complies with Article 8-3A of the Ada County Code.
3. The Commission concludes that Project No. 201400465 CU-MSP complies with Section 8-4E-5 of the Ada County Code.
4. The Commission concludes that Project No. 201400465 CU-MSP complies with Section 8-5-3-30 of the Ada County Code.
5. The Commission concludes that Project No. 201400465 CU-MSP complies with Section 8-5B-5 of the Ada County Code.

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ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission approves Project #201400463 CU-MSP, subject to the Conditions of Approval attached as Exhibit A and the Master Site Plan dated March 28, 2014.

DATED this _____ day of _____, 20____.

By: _____

John Seidl, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary

EXHIBIT A

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF PROJECT #201400463 CU-MSP 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) Central District Health must approve the septic permit.
 - b) The Whitney Fire District must approve all fire flow requirements and/or building plans.
 - c) A signed avigation easement with the Boise Airport Commission.
 - d) If applicable, the New York Irrigation District, Boise Kuna Irrigation District, and/or the Boise Project Board of Control must approve all proposed modifications to the existing irrigation system.
 - e) 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. As required by the Commission, the master site plan shall be modified to include the following items:
 - a) The applicant and/or owner shall work with the Boise Project Board of Control on the location of the septic system and storm water retention pond. The applicant and/or owner shall provide Ada County Development Services with a letter from the Boise Project Board of Control approving the location of the septic system and storm water retention pond.
 - b) The storm water retention pond shall be designed in way that eliminates the attraction of the pond to birds.
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.
4. The applicant and/or owner shall obtain written verification from ACHD that they have

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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.

5. 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.
6. 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.

7. 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.
8. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
9. The use must comply with the standards in Article 8-3A 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. Any exterior lighting shall be directed downward.
14. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
15. Outdoor storage areas shall be screened year round and comply with Section 8-5-3-78 of the Ada County Code.
16. The site shall not be used as a "junkyard" or "automobile wrecking yard" as defined in Ada County Code.
17. The maintenance of vehicles shall be incidental to the contractor's yard.

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18. The accessory office space shall not exceed 25% of the gross floor area of the use.
19. No retail sales associated with a contractor's yard or shop shall occur on the property.
20. No on-street parking of vehicles or equipment is allowed.
21. The hours of operation are limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
22. The bicycle parking facilities shall comply with the bicycle parking facilities standards in Section 8-4G-5C.
23. All utilities for the contractor's shop shall be installed underground.

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