



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Idaho Parks and Recreation

File #201400614 CU-MSP, Breckon Land Design

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. 201400614 CU-MSP.

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

1. In accordance with Section(s) 8-6-3A of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on April 3, 2014.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on April 14, 2014.
3. Submission of File #201400614 CU-MSP occurred on January 23, 2013 and Development Services scheduled it for public hearing before the Ada County Planning and Zoning Commission on April 30, 2014.
4. On May 5, 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 to the staff report.
5. On June 10, 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 June

24, 2014. Notices of the public hearing were posted on the property on or before June 30, 2014 and a certification sign posting was submitted to the director on or before July 3, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for File #201400614 CU-MSP the following:

1. PROPOSED USES: Public/Quasi-Public Use – Off-highway vehicle training course.
2. PROPOSED STRUCTURES: No new structures are being proposed with this application.
3. PROPOSED SITE IMPROVEMENTS: If approve, the applicant will replace the dead trees located around the existing off highway vehicle track. No other improvements are proposed.
4. OTHER: The applicant has applied a layer of gravel over the track and has installed a sprinkler system with remote control to help with dust mitigation.

D. Based on the materials found in the file for File #201400614 CU-MSP, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: S0928336020; 5657 East Warm Springs Avenue
2. OWNERSHIP: Idaho State
3. SITE CHARACTERISTICS

Property size: 18.01 acres

Existing structures: There is an existing office building, shop, restrooms, pump house, and maintenance building on the property

Existing vegetation: The track is surrounded by a berm with landscaping that includes grasses, trees and evergreen trees.

Slope: The site is relatively flat with steep slopes along the southern boundary. No development is proposed within these areas.

Irrigation: The property is within an irrigation district

Drainage: A drainage ditch parallels the eastern property line and in a northerly flow

Other Opportunities and/or Constraints: There is FEMA Flood Zone A on the property.

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

The property is currently zoned General Industrial (M2) and the land use is a Public/Quasi-Public (Idaho State Department of Parks and Recreation)

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

North: SP-02 (City of Boise)/Single-Family Residential

South: M2/Vacant-Idaho Park Foundation

East: M2/Vacant

West: L-OD/School

- G. Based on the officially adopted Ada County land use maps and materials found in the file for File #201400614 CU-MSP, the Commission finds the following concerning services:

Access Street and Designation: East Warm Springs Avenue, a Minor Arterial

Fire Protection: Whitney Fire District

Sewage Disposal: Individual Septic

Water Service: United Water

Irrigation District: Boise Valley Irrigation District and Boise City Canal

Drainage District: None

- H. As to the applicable law, the Commission finds the following:

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

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

The Commission finds that the conditional use and master site plan comply with the Ada County Zoning Ordinance as outlined in the required findings herein and the conditions of approval attached as Exhibit A.

The Commission finds that the property is within the City of Boise Area of Impact and that the City has no objection to the proposed use and is in conformance with the Comprehensive Plan in the following ways:

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.

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.

2.10 Fire Protection

Goal: Protect the community through a comprehensive fire and life safety program.

Policy 1: Provide fire station locations that comply with 1.5-mile response distance standard and/or 4-minute response standard, as provided in the Boise City Fire Department Master Siting Plan. Building sprinkling and other measures may be considered as an option, subject to approval by the Fire Department.

3.2 Water Quality

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

Objective 1: Protect the quality of surface waters for appropriate beneficial uses by meeting or exceeding all federal and state standards.

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.
Policy 7: Promote implementation of Best Management Practices for residential, commercial, industrial and construction activities to protect surface and ground water quality.

8.0 Land Use

Goal: Achieve a city that minimizes suburban sprawl, that provides for a diverse mixture of life-styles 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 1: The land-use map and attendant policies shall be the official guide for development of the planning area and shall be implemented through zoning and development review.

Policy 1: The Land Use/Zoning Consistency Matrix shall identify the zoning districts that are permissible within each land use designation. Conformance with the Land Use/Zoning Consistency Matrix shall be a necessary finding of approval for all zone changes and conditional uses, unless one or more of the forms of flexibility identified in the policies under Objective 2 is implemented.

As evidenced by the master site plan, drainage will be retained on site. The development is located in the Whitney Fire District and as evidenced by the District's letter there is adequate facilities to serve the property. Access to the development is achieved via an existing driveway on E. Warm Springs Ave. a public road that is classified as a minor arterial street and as evidenced by the record, ACHD has no additional requirements for the proposed use.

The subject site is designated as Open Space on the Boise City Comprehensive Plan Land Use Map. With conditional use review, the proposed use will be compatible with surrounding uses. Based on Table 8.1-1 of the Boise City Comprehensive Plan, the proposed conditional use is in conformance with the Land Use Consistency Matrix.

- 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 received approval of a natural features analysis in 2009 and that the applicant addressed the constraints by obtaining approval of a floodplain permit.

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

The Commission finds that the applicant received approval of the landscaping plan in 2009 and that no changes are proposed. The Commission finds that the existing landscaping meets Ada County Code and that the applicant will be required to replace any dead trees prior to conducting any classes on-site.

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

The Commission finds that there are currently 221 parking spaces available on the property and that exceeds the minimum required for a public/quasi public use (1/500 sq. ft.). The Commission finds that there is adequate parking for the students and staff that will be attending the proposed classes.

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

The Commission finds that the applicant is not proposing any outdoor lighting at this time based on the detailed letter based on the master site plan. If in the future, the applicant decides to install outdoor lighting, a lighting plan will be required.

- F. The proposed master site plan complies with the applicable design and dimensional standards of chapters 2 and 3 of this title;

The Commission finds that the property is zoned M2, which does not require a minimum lot size; a minimum road frontage of 30 feet; and front yard setback of 20 feet and side and rear yard setbacks of 0. The Commission finds that based on the submitted master site plan that the property meets the minimum dimensional standards for the M2 District and that there are no new structures proposed and that the proposed track is approximately 70 feet from the front property line along Warm Springs Avenue.

The Commission finds that the property is located within FEMA Flood Zone A and that the applicant received a floodplain permit for the proposed track in 2009.

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

The Commission finds that the property is not located within the APA ridge-to-rivers pathway plan, therefore; this finding is not applicable.

- 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 the existing utilities and public services that serve on the property are adequate for the proposed vehicle track because the existing access point to Warm Springs Avenue will be used, there is adequate parking facilities for the potential students, no outdoor lighting is proposed, the applicable irrigation districts have approved the proposed use; the Whitney Fire District has confirmed that the property is adequately served, and there are existing restroom facilities on-site.

2. The Commission finds **Section 8-5B** is applicable because the applicant is proposing a Public/Quasi-Public Use, which requires a conditional use permit in the M2 District. The Commission finds the application complies with **Section 8-5B-5: Required Findings** because:

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

The Commission finds that the proposed use is not detrimental to the public health, safety or welfare because it is in conformance with the Boise City Comprehensive Plan and that the activities proposed with the off-highway vehicle track are educational in nature and will help educate riders of safety, courtesy and ethical issues associated with off-highway vehicles. The Commission finds that since 2009, several more residences have been built across Warm Springs Avenue but that the dust mitigation plan proposed, the limited number of classes to be conducted during daylight hours, the existing berm and landscaping (with dead trees to be replaced) will help to mitigate the effect on the neighboring properties.

- B. The propose use shall not create undue adverse impacts on surrounding properties;

The Commission finds that the proposed use shall not create undue adverse impacts to the surrounding property because the applicant is conditioned to mitigate the dust per the submitted dust plan, Warm Springs is an arterial road, the existing landscaping and berm

help to mitigate noise and provide a visibility barrier and there is a limited number of classes allowed, to be conducted during daylight hours.

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

The Commission finds that the proposed use is consistent with the City of Boise Comprehensive Plan as discussed in Finding H.1.

- 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 proposed use complies with the purpose statement of the M2 base district because the zoning allows for a public or quasi-public use and it allows for heavy industrial development subject to standards that protect public health, safety and welfare.

The Commission finds that the specific use standards found in Section 8-5-3-86 for Public or Quasi-Public Use are applicable and the proposed use meets or is conditioned to meet the standards in the following ways:

• **Section 8-5-3-86 – Public or Quasi-Public Use**

- Minimum Setbacks; Compatibility: All structures shall meet the minimum required setbacks for the applicable base district, except within a residential district where there shall be a minimum setback of thirty-five feet (35') from any public street and twenty five feet (25') from any other property line. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.

The proposed use does not include any new structures. The classroom portion of the classes will be held in existing buildings. Additionally, and the track is setback from Warm Springs Avenue a minimum of 65 feet and a minimum of 80 feet from all other property lines.

- Public Recreation Facilities: The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities;

Based on the materials submitted, the proposed use is not considered a public recreation facility because it is being used for educational purposes and is not open to the public at-large.

- Storm Drainage and Storm Detention Facilities: A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, the contiguous parcel regulations of section 8-4A-8 of this title shall not apply;

Based on the master site plan submitted, the proposed use is not a storm drainage or storm detention facility.

- Underground Utilities: Underground utilities within an easement or within a public street right of way shall not require additional approval;

Based on the materials submitted, the proposed use is not an underground utility.

- Correctional Facilities: Any privately owned correctional facility designed for residence by incarcerated individuals shall meet the following standards:
 - No structure or outdoor recreation area shall be located within one thousand feet (1000') of a property line that abuts a residential district.
 - No structure or outdoor recreation area shall be located within one thousand feet (1000') of a public or private school, daycare center, or church.

Based on the materials submitted, the proposed use is not a correctional facility.

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

The Commission finds that as conditioned, the use complies with all applicable county ordinances.

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

The Commission finds that as conditioned, the use complies with all applicable state and federal regulations.

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

The Commission finds that the proposed use has been in place since 2009 and has not impeded development of the surrounding properties; therefore, the Commission finds that the continued use of the property in this manner will not impede the continuing development of surrounding 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 ACHD has previously approved the driveway approach on Warm Springs and is not requiring any additional traffic measures; the property is adequately served by existing utilities; the existing parking lot is sufficient for the proposed use; the applicable irrigation districts have given approval of the proposed use; the Whitney Fire District has confirmed that there are adequate facilities on the site; and the applicant has an approved landscaping plan but will be required to replace any dead trees prior to classes being conducted on-site.

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 File #201400614 CU-MSP complies with Article 8-4E of the Ada County Code.
2. The Commission concludes that File #201400614 CU-MSP complies with Chapter 8-5B of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission approves File #201400614 CU-MSP, subject to the Conditions of Approval attached as Exhibit A.

DATED this _____ day of _____, 20____.

By: _____

John Seidl, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL FOR CONDITIONAL USES AND MASTER SITE PLANS

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF 201400614 CU-MSP WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.

Required Actions

1. Replace any dead trees located within the buffer prior to any classes being conducted on-site.
2. The applicant shall request a zoning compliance inspection from the Development Services Department when the improvements are complete and prior to any commencement of work on-site. Staff will check for compliance with the approved master site plan. The applicant and/or owner shall submit a final inspection request form and pay the applicable fee.
3. The applicant and/or owner shall secure a zoning certificate when the required improvements are completed and staff has conducted the site visit and verified compliance with the approved master site plan.
4. In the event conditions cannot be met by the desired start date for excavation, 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.

5. A zoning certificate may not be issued until 15 days after the Commission issues the written decision on the proposed development. In the event the decision of the Commission is appealed, the zoning certificate 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.
6. The use shall continuously comply with the approved master site plan.
7. The track area shall be watered before and after every class and on an as-needed basis.
8. The magnesium chloride treatment shall be applied, at a minimum, twice per year to help mitigate dust.
9. The maximum number of machines shall not exceed 14 on the course.
10. The maximum number of students shall not exceed 10 on the course.
11. The classes on Monday through Friday shall be between the hours of 8:00 am and 5:00 pm.
12. The classes on Saturday shall be between the hours of 9:00 am and 4:00 pm.
13. Classes shall be between April 1 and October 31.
14. The maximum number of classes shall be 15 per month, allowing for 3 classes per month on Saturdays.
15. All vehicles used on the course shall meet the noise standards of Idaho State Statutes for off highway vehicles.

EXHIBIT A

16. Dead trees shall be replaced within 30 days of the tree dying.
17. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
18. 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.
19. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.