



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of JR Simplot Company

File #201500634 CU-CU-MSP-V, JR Simplot Company

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. 201500634 CU-CU-MSP-V.

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

1. In accordance with Section(s) 8-6-3A of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on January 22, 2015.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on January 26, 2015.
3. Submission of File #201500634 CU-CU-MSP-V occurred on April 14, 2015 and Development Services scheduled it for public hearing before the Board of Ada County Commissioners on June 17, 2015.
4. On April 24, 2015, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits to the staff report.

5. On May 15, 2015, property owners within one (1) mile of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on June 2, 2015. Notices of the public hearing were posted on the property on or before June 7, 2015 and a certification sign posting was submitted to the director on or before June 10, 2015.
- C. As to the project description, the Board finds based on the application materials found in the file for File #201500634 CU-CU-MSP-V the following:
1. PROPOSED USES: Slaughterhouse with accessory meatpacking plant and rendering facility with an on-site remediation facility.
 2. PROPOSED STRUCTURES: 327,014 sq. ft. main processing building (slaughterhouse & meatpacking); two (2) 352 sq. ft. entry buildings; 47,520 sq. ft. rendering building; a 8,922 truck wash building; and a 24,093 future expansion to the main building. **Total square footage: 408,253 square feet.**
 3. PROPOSED SITE IMPROVEMENTS: Paved parking area with 616 parking stalls with loading docks; storm drainage basins, and perimeter landscaping.
 4. OTHER: None
- D. Based on the materials found in the file for File #201500634 CU-CU-MSP-V, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: Slaughterhouse facility: S2006324810 – 17365 South Cole Road; Agriculture Parcels: S2112212500, S2112231100, S2112310000, S2112449000, S2112449990, S2113110000, S2113120000, S2113140000, S2113210000, S2113221100, S2114110000, S2114130000, S2114310000, and S211430000

Slaughterhouse Facility: Section 6, T1N, R2E; Agricultural Parcels: Sections 1 & 12, T1N, R1E
 2. OWNERSHIP: JR Simplot Company
 3. SITE CHARACTERISTICS

Property size: Slaughterhouse Parcel – 87.77 acres; Agricultural Parcels – 1,038.15 acres

Existing structures: None

Existing vegetation: Native grasses

Slope: No slopes exceeding 15%

Irrigation: None

Drainage: Drainage in the area typically goes in southwesterly direction

Other Opportunities and/or Constraints: There is some FEMA floodplain Zone A on the agricultural parcels; the properties are within the Wildland Urban Fire Interface Overlay District
- E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:
- The properties are currently vacant/agricultural and all property are zoned Rural Preservation (RP).

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

North: Agricultural/Rural Preservation (RP)

South: Agricultural & Industrial (Darling and former Tyson Plants)/Rural Preservation (RP)

East: Agricultural/Rural Preservation (RP)

West: Agricultural/Rural Preservation (RP)

G. Based on the officially adopted Ada County land use maps and materials found in the file for File #201500634 CU-CU-MSP-V, the Board finds the following concerning services:

Access Street and Designation: South Cole Road, Principal Arterial

Fire Protection: None (Slaughterhouse Parcel); Kuna Fire District (Agriculture Parcels)

Sewage Disposal: Individual Septic

Water Service: Individual Well

Irrigation District: Pleasant Valley Irrigation Company (Slaughterhouse Parcel); None (Agricultural Parcels)

Drainage District: None

H. As to the applicable law, the Board finds the following:

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

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

The Board finds that the master site plan complies with the Ada County Zoning Ordinance because:

- *The applicant will be required to submit a drainage plan per Section 8-4A-11;*
- *As required for structures greater than 10,000 square feet, the applicant has provided architectural renderings demonstrating that the building will have a minimum of 20% variation in the facades; the building has a minimum of 60% of windows along Cole Road; that there is variation in the building height of at least five feet (5);.*
- *As allowed in Section 8-4I-6-M, any signs not regulated in this title shall be considered under the conditional use process and the applicant has included the proposed monument sign as part of the conditional use. The sign face will be 19'4" wide by 10'6" high on a brick base. The base is 30 feet wide by 8 feet high. The overall size of the sign, including base is 30' x 13'6". The sign will be lighted with four (4) floodlights which will be shielded and meet the lighting code as discussed in Finding H.1.E.*
- *As outlined in the required findings herein and the conditions of approval attached as Exhibit A.*

The Board finds that the master site plan complies with the Ada County Comprehensive Plan Policy 4.1-4: Limit industries and business in the rural areas to those related

agriculture, traveler services, neighborhood services, and land-intensive uses with low service needs such as landfills because:

- *The proposed use is part of the agriculture industrial;*
- *It is low service use because members of the public will rarely visit the plant;*
- *The property can be served by a septic system as approved by Central District Health and the private wells; and*
- *Based on the ACHD staff report, the road improvements are limited to a right-hand turn lane at the intersection of Kuna-Mora Road and Cole Road.*

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

The Board finds that a natural features analysis is not required per Section 8-4E-2C because the proposed use is a slaughterhouse with accessory meatpacking facility in a rural base district.

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

The Board finds that the proposed landscaping meets the requirements of article F of this chapter because the submitted landscaping plan shows the required 20 foot buffer along Cole Road and Barker Road with the required number of landscape points per 10 linear feet and a 10 foot landscape buffer along the northern and eastern property lines with the required number of landscape points per 10 linear feet.

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

The Board finds that the off-street parking and loading spaces meet the requirements of Article G of this chapter based on the master site plan submitted because:

- *The applicant is providing 602 parking spaces with 16 ADA spaces based on the maximum number of employees and patrons on-site at any one time, which is 586. The Ada County Code requires a one (1) space/500 square feet for office space and one (1) space/1000 square feet for industrial space. Based on the submitted site plan there is 54,248 square feet of office (109 required parking spaces) and 345,005 square feet of industrial (345 parking spaces). Based on the Code, 454 parking spaces are required. The 618 parking spaces (including ADA spaces) exceeds the amount required by Ada County Code;*
- *The drive aisle width is a minimum of 25 feet for a two-way drive aisle;*
- *The parking stall dimension meets minimum requirements;*
- *There are striped pedestrian walkways from the parking area to the building;*
- *Cars will not be backing onto the roadways;*
- *The parking plan indicates a route for the truck traffic and the car traffic;*

- *All parking is located on the same site as the proposed use;*
- *No parking spaces are located in required landscape buffers;*
- *There is adequate turnaround for cars and trucks;*
- *There are no tandem parking spaces proposed;*
- *The proposed parking surface is asphalt and will be striped;*
- *No bicycle parking is required as this property is outside an impact area;*
- *The applicant is proposing 28 loading spaces that meet the minimum size of 10' x 30' with 14' height clearance. All loading spaces are designed so that the trucks will not back out onto the street and are located a minimum of 50' from the abutting rural property. Two (2) loading spaces associated with the hide and rendering plant are located within the required 300' setback required for a slaughterhouse and are part of the variance request discussed below.*

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

The Board finds that the off-street parking and loading spaces meet the requirements of Article G of this chapter based on the master site plan submitted because:

- *The applicant has submitted a plan that shows the location, height, and orientation of the fixtures along with a photometric plan and the lighting cutsheets. The Board finds that the proposed lighting plan meets the requirements of article H of this chapter because:*
- *Based the submitted lighting cut sheets, the proposed free-standing and wall mounted lighting is downward facing and do not exceed 25 feet in height;*
- *Based on the submitted lighting cut sheets, the lighting for the monument sign will be approximately 840 lumens. Based on Ada County Code, lighting that generates between 260 lumens and 1000 lumens is required to have an opaque top to prevent uplighting. Based on the cut sheets provided, the proposed lamps do have a shield to prevent uplighting as required.*
- *There will be 53 wall mounted lights ranging in height from 12' to 25', which is less than the height of the buildings. The lights will be downward facing as required by Ada County Code;*
- *The 33 freestanding lighting in the parking area, cattle pen, and truck wash will be a combination single or double headed light poles 24 feet in height and meet the required setback of 63 feet based on Table 8-4H-1 with the exception of one (1) light at the driveway which is required for safety and can be approved under an alternate lighting plan; and*
- *The photometric report demonstrates that light will not trespass onto adjacent parcels.*

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

The Board finds that proposed master site plan complies with the applicable design and dimensional standards of Chapter 2 of this title because the slaughterhouse property is 80 acres and exceed 100 feet of road frontage on Cole Road. The proposed use requires a setback of 300' from any property line, which exceeds the 25-foot setback required by the RP District. The applicant has requested a variance from the 300-foot setback along the eastern property boundary and is discussed below.

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

The Board finds that based on the property location, the proposed use is not within the APA Ridge-to-Rivers Pathways Plan.

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

The Board finds that adequate utilities and public services are available or provided for the proposed development because the property can be served by Idaho Power, the applicant will require approval from the Central District Health Department for the private septic system, based on the ACHD staff report the existing roads can accommodate the increased traffic and will only require a right-hand turn lane at the intersection of Kuna Mora Road and Cole Road and the State Fire Marshall and Ada County Sheriff will be responsible for the fire protection. The State Fire Marshall is responsible for the approval the building plans and fire flow and the Ada County Sheriff will handle emergency calls as they come in and designate the responding fire district.

2. The Board finds **Section 8-5B** is applicable because the applicant is proposing a Slaughterhouse and a Water Remediation (Remediation) facility, both of which are Conditional Uses in the RP District. The Board 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 Board finds that the proposed use is not detrimental to the public health, safety or welfare because it is in conformance with the Ada County Comprehensive Plan and the applicant will be required to obtain approval from the Central District Health Department, Department of Environment Equality (DEQ), Ada County Highway District (ACHD), and the Ada County Building Department before beginning construction on the proposed Slaughterhouse and Remediation facilities.

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

The Board finds that the Slaughterhouse and Remediation facilities do not create undue adverse impacts on surrounding properties as other existing structures of similar use are in the vicinity of the site. The master site plan (Exhibit 6) depicts proposed landscaping that will border the property on all sides. The north and east property lines are proposed to have ten (10) foot wide landscape buffers and the south and west property lines are proposed to have twenty (20) foot wide landscape buffers. Additionally, the land on all sides (north, south, east and west) are zoned Rural Preservation (RP) and are either rangeland or agricultural in nature.

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

The Board finds as evidenced in Findings of Fact H(1) that the Slaughterhouse and Remediation facilities are consistent with the Ada County Comprehensive Plan.

- 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 subject property is located in the Rural Preservation (RP) District. The proposed use complies with the purpose statement of the Rural Preservation (RP) District because both a Slaughterhouse and Remediation facility are allowed as conditional uses in the Rural Preservation (RP) District.

Slaughterhouse is defined in Section 8-1A-1 of the Ada County Code as: “An establishment where animals are killed and rendered for commercial sale. A slaughterhouse may include a meatpacking facility as an accessory use.” The proposed Slaughterhouse consists of a 351,107 square foot main process building and a 47,520 square foot rendering building.

Remediation is defined in Section 8-1A-1 of the Ada County Code as: “Structures and/or activities that remove contaminants from soil or water.”

The Board finds that the specific use standards found in Section 8-5-3-105 for Slaughterhouse are applicable and the proposed use meets or is conditioned to meet the standards in the following ways:

- **Section 8-5-3-105: Slaughterhouse**

- The applicant or owner shall obtain written approval of the state of Idaho Department of Health and Welfare for elimination of waste materials;

The Board finds that the applicant and/or owner will be conditioned to obtain written approval from the Idaho Department of Environmental Quality who is the jurisdictional authority for the elimination of waste materials.

- All structures or outdoor activity areas shall be located a minimum of three hundred feet (300’) from any property line. The use shall be located a minimum of one thousand (1,000’) from any residential district or approved hospital use;

The Board finds that the applicant and/or owner has submitted a variance application requesting relief from the requirement that all structures or outdoor activities be located a minimum of 300-feet from any property line. The main structure meets the 300’ setback. The setback for the hide & rendering structure (60’), the brine lagoon (30), anaerobic lagoon (80), bio-gas building (200’), iron sponge (225’) and the flare (150’) are the only structures that encroach into the 300 foot setback. There are also two loading docks on the eastern portion of the rendering plant that are within the 300’ setback. The structures are all located on the eastern side of the property. The brine lagoon and the anaerobic lagoon will act as a buffer to the east property line with landscaping on the lagoons. The adjacent

properties to the east are within the Rural Preservation District and are primarily used for agricultural purposes and rangeland. The Board finds that the proposed use is located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

- A meatpacking facility may be an accessory use to the slaughterhouse;

The Board finds that the applicant and/or owner is proposing a meatpacking facility as an accessory use to the slaughterhouse, and has applied for a conditional use to be used in conjunction with the slaughterhouse use.

The Board finds that the specific use standards found in Section 8-5-3-69 for Meatpacking Facility are applicable and the proposed use meets or is conditioned to meet the standards in the following ways:

- **Section 8-5-3-69: Meatpacking**

- All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand (1,000') from any residential district or approved hospital use;

The Board finds that the applicant and/or owner has submitted a variance application requesting relief from the requirement that all structures or outdoor activities be located a minimum of 300-feet from any property line. The main structure meets the 300' setback. The setback for the hide & rendering structure (60'), the brine lagoon (30), anaerobic lagoon (80), bio-gas building (200'), iron sponge (225') and the flare (150') are the only structures that encroach into the 300 foot setback. There are also two loading docks on the eastern portion of the rendering plant that are within the 300' setback. The structures are all located on the eastern side of the property. The brine lagoon and the anaerobic lagoon will act as a buffer to the east property line with landscaping on the lagoons. The adjacent properties to the east are within the Rural Preservation District and are primarily used for agricultural purposes and rangeland. The Board finds that the proposed use is located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

- The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, and Idaho Department of Water Resources;

The Board finds that, as conditioned, the applicant and/or owner will be required to provide written approval from all federal, state, and local agencies having jurisdiction.

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

The Board finds that the Slaughterhouse and Remediation facilities, as conditioned, comply with all applicable county ordinances as outlined in Findings of Fact Section B and as outlined herein.

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

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; and

The Board finds that there is no evidence of record that indicates that the Slaughterhouse and/or Remediation facility will impede the normal development of surrounding properties as the use is compatible with 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 Board finds as conditioned that adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are provided for the slaughterhouse and remediation facility. The application was transmitted to applicable agencies on April 24, 2015.

- *The Central District Health replied in Exhibit #25 that the applicant must apply for an accessory use to construct a septic system. As conditioned, the Central District Health Department must approve the septic permit.*
- *The Ada County Building Official responded in Exhibit #31 that the building division has no objection to the proposed construction; however, the applicant should be aware that a building permit will be required for the building. As conditioned, the applicant and/or owner must obtain a building permit. The applicant should also be aware that the property is not located in a fire prevention district and as described in Idaho Statute 41-256 #1 the County Sheriff shall be assistant to the State Fire Marshall who will review the fire suppression system and fire flows required for these structures.*
- *The Ada County Highway District (ACHD) stated in Exhibit #27 received on May 18, 2015, that the applicant will need to construct and dedicate an east bound right turn lane on Kuna Mora at the intersection of Cole Road and Kuna Mora Road. Additionally, the applicant will need to construct a driveway as a curb return type driveway with 15-foot radii, paved its full width (40-foot maximum), and a minimum of 30-feet into the site beyond the edge of pavement on Cole Road, located approximately $\frac{3}{4}$ of a mile south of Kuna Mora Road (measured from centerline). The applicant will need to comply with all ACHD Standard Conditions of Approval. They also stated that a traffic impact fee will be assessed by them and will be due prior to the issuance of a building permit. Also, prior to construction, repair, or installation of any roadway improvements, a permit must be obtained from ACHD.*
- *The Idaho Transportation Department (ITD) stated in Exhibit #20 received on April 28, 2015, that they have no objection to the proposed project and require no mitigation.*

- *The Kuna Fire District replied on May 12, 2015, in Exhibit #23 that the project does not lie within the boundaries of the Kuna Rural Fire District and would not generate a response for fire protection, although a petition for annexation could be submitted for review as we would be the closest provider of Fire Prevention services. Currently this project is in what is referred to as “no man’s land” and is regulated by the Sheriff’s Department. The Kuna Rural Fire District was approached by the Engineers on this project for comment on water supply and road access requirements. I made comment referring to the 2012 version of the International Fire Code which the District has adopted. The fire plan in the application does not reflect the final plan for hydrant addition and placement.*
 - *The Department of Environmental Quality (DEQ) stated in Exhibit #21 received on May 6, 2015, that the applicant and/or owner should contact them in order to determine what permits and approvals will be required prior to construction with regard to the following categories: Air Quality, Wastewater and Recycled Water, Drinking Water, Surface Water, Hazardous Waste, Water Quality Standards, Ground Water Contamination, Underground or Aboveground Storage Tanks, and Best Management Practices (BMP’s) associated with the development. DEQ requests that the applicant and/or owner contact them for an applicability determination on their proposal to ensure they remain in compliance with the rules and for further discussion and recommendations for plan development and implementation.*
 - *The Idaho Department of Fish and Game stated in Exhibit #16 received on April 14, 2015, that they recommend that the brine lagoon should not be fenced so as to not encourage nesting birds that may become a nuisance. They also recommend that the berm surrounding the brine lagoon should be constructed as low as possible and sloped gradually from the surrounding ground so as to discourage burrowing rodents and badgers. The Idaho Department of Fish and Game has no record of any federally listed threatened or endangered species or critical habitat within or immediately adjacent to the proposed project area. Localized impacts to wildlife are expected, such as displacement of burrowing rodents and associated loss of foraging opportunity for species that prey on them, as well as additional wildlife mortality resulting from increased traffic accessing the site. However, given the relatively small size of the parcel and history of ground-disturbing activities there, population-level effects to wildlife are not expected.*
3. The Board finds **Section 8-7-4** is applicable because the applicant is requesting Variances for building height, lot coverage and building setbacks. The Board finds the application complies with **Section 8-7-4C: Required Findings** because:
- A. The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;

The Board finds that the variance from the 5% maximum coverage does not grant a right or special privilege that is not allowed in the base district, because the applicant has stated in the detailed letter that calculating the coverage on 822.02 acres for the facility, in its entirety, would bring the coverage to approximately 2.2%. There are several properties with a rendering facility, slaughter house and meat packing facility in the area that do not meet today’s code for the maximum coverage of 5%.

The Board finds that the variance for the height exceeding the maximum 35 feet does not grant a right or special privilege that is not allowed in the base district because there is a vacant meatpacking facility to the south of the property, which has structures that exceed the maximum height. Also, the heights of the structures are required to operate an efficient process facility and in some instances the structure heights are required to meet the federal and state air permitting model. The main structure has an estimated height of 44'5" for a portion of the structure, which allows for compliance with 8-4A 26, requiring a variation in the height and rooflines. A portion of the rendering facility has an estimated height of 46'6". The maximum height limitation does not apply to the water tower. Mechanical units are not measured in the structure height. Structure height is measured as the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof per ACC 8-1-5B1. The Chimney or smokestack has a maximum height limit of 60' or if it exceeds 60' will require the variance. According to the site plan submitted the boiler stacks, tallow tanks and towers exceed the maximum height and require a variance.

The Board finds that the variance for the 300 foot setback from all property lines does not grant a right or special privilege that is not allowed in the base district because Darling International (rendering plant), located to the southwest of the property is a nonconforming use and encroaches within the 300 foot setback. The main structure meets the 300' setback. The setback for the hide & rendering structure (60'), the brine lagoon (30), anaerobic lagoon (80), bio-gas building (200'), iron sponge (225') and the flare (150') are the only structures that encroach into the 300 foot setback. There are also two loading docks on the eastern portion of the rendering plant that are within the 300' setback. The structures are all located on the eastern side of the property. The brine lagoon and the anaerobic lagoon will act as a buffer to the east property line with landscaping on the lagoons. The adjacent properties to the east are within the Rural Preservation District and are primarily used for agricultural purposes and rangeland.

B. The variance relieves an undue hardship due to characteristics of the site;

The Board finds that the maximum coverage variance relieves an undue hardship due to the characteristics of the site because the proposed structures will be constructed on the non-irrigated property and would limit the loss of irrigated agricultural land. The location of the facility is located north of the Union Pacific Railroad line, which is a main line for the railroad. If the facility is located south of the railroad tracks it may provide additional life safety issues with the number of employees and trucks coming into the meat packing facility. The property where the facility is located is at the southwest corner of Cole Road and Barker Road. There is additional property to the southwest of the proposed facility, which will be land applied farm ground.

The Board finds that the variance does relieve an undue hardship for the height because a smaller footprint on non-irrigated land and limits the loss of adjacent irrigated agricultural land because the design is more vertical and is confined to a smaller parcel. The main structure has an estimated height of 44'5" for a portion of the structure, which allows for compliance with 8-4A 26, requiring a variation in the height and rooflines. A portion of the rendering facility has an estimated height of 46'6", which requires the variance. The entire structure does not exceed the height limitation. The maximum height limitation does not

apply to the water tower. Mechanical units are not measured in the structure height. Structure height is measured as the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof per ACC 8-1-5B1. The Chimney or smokestack has a maximum height limit of 60' or if it exceeds 60' will require the variance. According to the site plan submitted the boiler stacks, tallow tanks and towers exceed the maximum height and require a variance.

The Board finds that the variance for the 300 foot setback does relieve an undue hardship due to the characteristics of the site because the proposed facility will need to be contained on one property and allows the facility to occupy a smaller footprint on non-irrigated land and limits the loss of adjacent irrigated agricultural land, which is consistent with the purpose of the Rural Preservation District to protect agricultural land and maximizes opportunities for agricultural activities. The brine lagoon and the anaerobic lagoon will act as a buffer to the east property line with landscaping on the lagoons.

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

The Board finds that the variance for the maximum coverage will not be detrimental to the public health, safety, and welfare because the applicant/owner will be required to secure the necessary building permits and agency approvals. In addition, information regarding the variance was transmitted to affected public agencies charged with the protection of the health, safety, and welfare of the public. The location of the facility is located north of the Union Pacific Railroad, which is a main line for the railroad. If the facility is located south of the railroad tracks it may provide additional life safety issues with the number of employees and trucks coming into the meat packing facility.

The Board finds that the site for the facility is non-irrigated property and is not used as agricultural land. Therefore, if the facility is allowed, it will protect the surrounding agricultural acreage and will be land applying the processed water from the facility, which is consistent with the purpose statement of the Rural Preservation District to protect agricultural land and maximizes opportunities for agricultural activities.

The Board finds that the variance for the height of the structures will not be detrimental to the public health, safety, and welfare because the application has been transmitted to affected public agencies charged with the protection of the health, safety, and welfare of the public and no objections have been submitted. Also the height allows the facility to operate an efficient process and in some instances the structure height is required to meet the federal and state air permitting modeling.

The Board finds that the variance for the setback for the hide & rendering structure (60'), the brine lagoon (30), anaerobic lagoon (80), bio-gas building (200'), iron sponge (225') and the flare (150') are the only structures that encroach into the 300 foot setback along with the two loading docks and will not be detrimental to the public health, safety, and welfare because the application has been transmitted to the affected public agencies charged with the protection of the health, safety, and welfare of the public and no objections have been submitted. The adjacent properties to the east are within the Rural Preservation District and are primarily used for agricultural purposes and rangeland. The brine lagoon and the anaerobic lagoon will act as a buffer to the east property line with landscaping on the lagoons.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Board concludes that File #201500634 CU-CU-MSP-V complies with Article 8-4E of the Ada County Code.
2. The Board concludes that File #201500634 CU-CU-MSP-V complies with Chapter 8-5B of the Ada County Code.
3. The Board concludes that File #201500634 CU-CU-MSP-V complies with Section 8-7-4 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves File #201500634 CU-CU-MSP-V, subject to the Conditions of Approval attached as Exhibit A and the site plans, lighting plan and landscaping plan submitted on April 14, 2015.

DATED this 17th day of June, 2015.

Board of Ada County Commissioners

By: Jim Tibbs, Commissioner

By: Rick Yzaguirre, Commissioner

By: David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL FOR CONDITIONAL USES, MASTER SITE PLANS, AND VARIANCES

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF 201500634 CU-CU-MSP-V 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. 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 shall approve the septic permit.
 - b) The Idaho State Fire Marshall shall approve all fire flow requirements and building plans.
 - c) The County Engineer shall approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. Obtain building permit and zoning certificate from Ada County Development Services prior to beginning any new construction. No building permit or zoning certificate can be issued until Condition #1 is completed.
3. Construct the parking lot improvements as shown on the approved parking plan.
4. Install the outdoor lighting as shown on the approved lighting plan.
5. Install the signage as shown on the approved master site plan.
6. Install the landscaping and irrigation as shown on the approved landscape plan.
7. Obtain the appropriate permits from Department of Environmental Quality (DEQ) prior to Certificate of Occupancy for the Main Processing Building.
8. Obtain final approval from ACHD prior to issuance of the first Certificate of Occupancy.
9. The applicant shall request a zoning compliance inspection from the Development Services Department and/or the County Engineer when the improvements are complete. Staff will check for compliance with the approved master site plan.
10. The engineer of record shall submit a report at the conclusion of the work stating that the work has been executed in accordance with approved plans prior to final Certificate of Occupancy for the last building in Phase 1.
11. 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, 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.

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Required Actions for Future Expansion

12. 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 shall approve the septic permit.
 - b) The Idaho State Fire Marshall shall approve all fire flow requirements and building plans.
 - c) The County Engineer shall approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
13. Obtain building permit and zoning certificate from Ada County Development Services prior to beginning any new construction. No building permit or zoning certificate for the future expansion can be issued until Condition #12 is completed.
14. The engineer of record shall submit a report at the conclusion of the work stating that the work has been executed in accordance with approved plans prior to Certificate of Occupancy for the expansion building.
15. A Certificate of Occupancy will be issued for the expansion building when conditions #12-14 have been met. In the event conditions cannot be met by the desired date, 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.

1. A zoning certificate and/or a building permit may not be issued until after the written decision on the proposed development.
2. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
3. The use shall comply with all federal, state and county codes.
4. The hours of operation are 7 days a week, 24 hours a day.
5. The use must comply with the specific use standards for Slaughterhouse and Meatpacking in Section 8-5-3 of the Ada County Code.
6. Rendering is allowed per the definition of Slaughterhouse in Section 8-1A-1.
7. Provide signage demonstrating the truck routes through the development prior to issuing the Certificate of Occupancy for the Main Processing Building.
8. Construct the berm surrounding the brine lagoon as low as possible per Idaho Fish and Game recommendation.
9. Any gravel areas shall be required to be maintained to be dust-free.
10. 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,

EXHIBIT A

hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.

11. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
12. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.