



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of ALC Architecture

Project No. 201500930 ZC-DA-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 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. 201500930 ZC-DA-MSP.

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

1. In accordance with Section 8-7a-2 of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on April 24, 2014 and April 15, 2015.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on December 8, 2014.
3. On June 2, 2015, Development Services accepted Project #201500930 ZC-DA-MSP and scheduled it for public hearing before the Ada County Planning and Zoning Commission on July 16, 2015.
4. On June 8, 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 Exhibit 1.
5. On June 8, 2015, 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 30, 2015. Notices of the public hearing were posted on the property on or before July 6, 2015 and a certification sign posting was submitted to the director on or before July 9, 2015.
6. On July 16, 2015, the Commission recommended approval of this application to the Board of Ada County Commissioners.

7. On July 24, 2015, Staff notified other agencies and solicited their comments for the September 9, 2015 public hearing before the Board of Ada County Commissioners. Any comments received were incorporated into the staff report and are attached as exhibits.
 8. On August 6, 2015, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on August 25, 2015. Notices of the public hearing were posted on the property on or before August 31, 2015 and a sign posting certification submitted to the director on or before September 3, 2015.
- C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201500930 ZC-DA-MSP the following:
1. PROPOSED USES: Outdoor self-service storage facility and a caretaker unit.
 2. PROPOSED STRUCTURES: None.
 3. PROPOSED SITE IMPROVEMENTS: The site is proposed to be constructed with 1" crushed & washed dustless gravel. An emergency turnout is proposed west of the gate for emergency services. A six foot vinyl fence is proposed around the self-service storage facility.
- D. Based on the materials found in the file for Project No. 201500930 ZC-DA-MSP, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: Parcel number S1216325400 and is located at 782 S. McDermott Road.
 2. OWNERSHIP: The property is owned by Mark & Louise Bird.
 3. SITE CHARACTERISTICS
 - Property size: The property contains 5.92 acres.
 - Existing structures: There is an existing 1,152 sq. ft. single-family dwelling.
 - Existing vegetation: There is existing residential landscaping and pasture.
 - Slope: The property is relatively flat.
 - Irrigation: The property is within the Boise Project Board of Control and Nampa & Meridian Irrigation District.
 - Drainage: The property is not within a Drainage District.
 - Views: Views are open in all directions.
- E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:
- The property has a single-family residence and is currently within the Rural Urban Transition (RUT) District.
- F. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the surrounding land use and zoning:
- North: The site is vacant land within the Rural Urban Transition (RUT) District.
- South: Interstate 84 is to the south of the property.
- East: The site is single-family residence within the Rural Urban Transition (RUT) District.

West: The site is single-family residence within Canyon County.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201500930 ZC-DA-MSP, the Board finds the following concerning services:

Access Street and Designation: The property has access to S. McDermott Road and is a principal arterial road.

Fire Protection: Meridian Fire District.

Sewage Disposal: Individual Septic System.

Water Service: Individual Well.

Irrigation District: Boise Project Board of Control and Nampa & Meridian Irrigation District.

Drainage District: None.

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

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. *The Board finds **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 as outlined in the required findings herein and the conditions of approval attached as Exhibit A.

The Board finds that the site is located in the Meridian City Area of Impact. According to the applicable Meridian City Comprehensive Plan, the property is designated as Industrial, which is suitable for an outdoor storage facility-self serve. The applicant submitted an email from Bruce Freckleton from the City of Meridian stating that they have no objections to the proposed self-serve storage facility. The Board finds that this project complies with the Meridian Comprehensive Plan.

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 find that the applicant has submitted a natural features analysis and the proposed development sufficiently addresses such features.

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

The Board finds that as conditioned the applicant shall submit a landscape plan from a licensed landscape design professional.

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

The Board finds that as conditioned the applicant shall submit a revised parking plan which will meet the requirements of article G of Chapter 4. The required number of parking spaces for a self-serve storage facility is one (1) per entrance to the site, thus one (1) parking space will need to be provided to the site.

The Board also finds that as conditioned, one (1) ADA accessible parking spaces will be provided as required under the International Building Code.

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

The Board finds that the as conditioned the applicant shall submit a lighting plan and will be required to comply with Article 8-4H.

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 the property is being rezoned to General Industrial (M2) and will comply with the required setbacks concerning the self-serve outdoor storage facility.

8-5-3-108: STORAGE FACILITY, SELF-SERVICE:

A. Storage Facility, Self-Service: Specific standards for storage facilities, self-service, shall be as follows:

1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.

The Board finds that the applicant is proposing outdoor storage only.

2. The maximum size of individual storage areas shall be five hundred (500) square feet.

The Board finds that the application is for outdoor storage areas only.

3. The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.

The Board finds that the applicant is not proposing any structures at this time.

4. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.

The Board finds that as conditioned, the applicant shall construct a six (6) foot vinyl fence along the perimeter of the storage facility.

5. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.

The Board finds that the property abuts residential property on all sides and as conditioned will submit a revised site plan showing the drive lane outside of the twenty feet (20") of the residential district.

6. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

The Board finds that as conditioned the hours of operation are limited to eight (8:00) A.M. to eight (8:00) P.M. seven (7) days a week.

7. Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

The Board finds as conditioned, storage of hazardous materials is prohibited.

B. Storage Facility, Self-Service - Outdoor Only: Specific standards for storage facilities, self-service - outdoor only, shall be as follows:

1. Parcel Size; Site Coverage: A minimum parcel size of five (5) acres shall be required for any proposed outdoor only storage facility. Any eligible property shall be limited to an overall

maximum site coverage of twenty percent (20%), and no facility shall be greater than fifteen (15) acres in size.

The Board finds that the property contains 5.8 acres total with 4.5 acres used for the storage facility and the overall coverage of the site is seven (7) percent.

2. Frontage: The property shall have frontage to an arterial street.

The Board finds that the property is located on McDermott Road, which is classified as a Principal Arterial road.

3. Distance Between Stored Vehicles: The distance between stored vehicles, including RVs and trailers, shall be a minimum of ten feet (10') side to side, while maintaining a minimum of twenty feet (20') access aisle on at least one end or as approved by the local fire authority. The distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority. Each space shall have access from an access aisle that is a minimum of twenty feet (20').

The Board finds that 38 storage spaces are approximately 12'X25' and 75 storage spaces are 12'X30' with 40' to 50' drive aisles.

4. Screening: The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from the public right of way, and comply with chapter 4, article F of this title. For the purpose of perimeter landscaping and screening, property lines, as described in section 8-4F-6 of this title, shall refer to the specific facility boundaries.

The Board finds that a six (6') vinyl fence is proposed along the perimeter of the self-serve storage facility.

5. Location: No boundary of the facility shall be located within one hundred feet (100') of a residential property line, with the exception of a boundary adjacent to a public roadway.

The Board finds that the north and eastern property lines abut a residential district and are not within 100' of the facility. The south and western property lines abut a public roadway.

6. Dwellings; Places Of Business: Stored vehicles, including RVs and trailers, shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at an outdoor only self-service storage facility is specifically prohibited.

The Board finds as conditioned that the storage of vehicles will not be used as dwellings or as commercial or industrial place of business. Manufacturing or sales are prohibited.

7. Storage Of Hazardous Materials: Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

The Board finds as conditioned storage of hazardous materials are prohibited.

8. Design Standards: Minimum design standards for the facility shall include the following:

a. The storage facility shall be screened year round and comply with chapter 4, article F of this title. This article provides for the minimum required screening. The commission may require additional or modified screening and/or buffering in order to prevent or enhance the blocking of views of existing adjacent residences and to maintain the rural and residential character of the RUT district.

b. Access locations into the facility shall be approved by the applicable transportation jurisdiction.

c. All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material.

d. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on site at all times.

e. Outdoor storage areas shall further comply with the requirements for outdoor storage, as set forth in section 8-5-3-78 of this chapter.

The Board finds that the outdoor self-serve storage area complies with the requirements for outdoor storage.

9. Use As A Junkyard Prohibited: The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.

The Board finds that as conditioned the site will not be used as a junkyard or automobile wrecking yard.

10. Storage: The storage of any items and materials other than vehicles, RVs, or trailers is prohibited unless otherwise approved by the commission; provided, that items and materials contained within a vehicle, RV or trailer are permitted.

The Board finds that as conditioned, the outdoor storage is specifically for vehicles, RV's and trailers.

11. Maintenance, Repair, Or Rebuilding: Maintenance, repair, or rebuilding of vehicles or machinery on the property is prohibited.

The Board finds that as conditioned maintenance, repair or rebuilding of vehicles or machinery is prohibited.

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

The Board finds that as conditioned the property shall comply with ACC 5-13.

13. Hours Of Operation: Unless otherwise approved or restricted through the conditional use, 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. Facilities abutting residential uses (section 8-1A-2, figure 5 of this title) shall be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

The Board finds that as conditioned the hours of operation are limited to eight (8:00) A.M. to eight (8:00) P.M. seven (7) days a week.

14. Prohibited Locations: Vehicles shall not be stored within the required yards.

The Board finds that as conditioned vehicles shall not be stored within the required yards.

15. Use Of Site: The site shall not be used as a "contractor's yard" as herein defined unless such use has been approved.

The Board finds that as conditioned the site shall not be used as a contractor's yard.

16. Compliance: The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F, of this title.

The Board finds that the property is not within the flood hazard overlay.

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

The Board finds that the property is subject to zoning inspections per ACC.

18. On Site Office Prohibited: An on-site office within the confines of the storage facility is prohibited. If the facility owner has a dwelling located on the remaining property, and if that dwelling will be used by the owner to administer the facility, or if the owner intends to administer the facility from an off-site dwelling, then the owner shall obtain a home occupation permit and comply with the requirements of section 8-5-3-54 of this chapter.

The Board finds that as conditioned the applicant will submit an accessory use application for a caretaker dwelling located on the property. The caretaker dwelling is not to be used as an office or for a single-family residence.

19. Additional Standards:

a. The following shall be considered as part of the review of an application:

(1) The proximity of existing dwellings;

(2) The number of vehicles anticipated to be stored upon the property;

(3) The hours of operation;

(4) Dust;

(5) Noise;

(6) Traffic and circulation;

(7) Landscaping and screening;

(8) Other.

The Board finds that all of the above were considered with the review of the application.

b. The duration of a conditional use permit for an outdoor only storage facility 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. If the applicant wishes to continue the use beyond the five (5) year period, a new conditional use permit shall be submitted prior to expiration of the original conditional use permit and approved by the commission. Upon expiration of the conditional use permit, all stored vehicles shall be removed within thirty (30) days from the subject property.

The Board finds that the Self-Serve Outdoor Storage Facility is an allowed use in the General Industrial (M2) District.

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

The Board 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 Board finds that adequate utilities and public services are available for the project and that 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 June 8, 2015. The site is currently served by an existing individual septic system and private well. Central District Health Department stated that if they are not connecting to city sewer and accessory use application will need to be submitted.

2. The Board finds **Section 8-7-3C of the Ada County Code** is applicable because the application involves a zoning ordinance map amendment. The Board finds that the application complies with **Section 8-7-3C of the Ada County Code**. Regarding Section 8-7-3C the Board finds the following in regards to the zoning ordinance map amendment.

1. *The zoning ordinance amendment is in accordance with the applicable comprehensive plan;*

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

The Board finds as evidenced in the record, that the subject property is designated as "Industrial" on the Meridian Comprehensive Plan Map. The Industrial land use designation is suitable for a self-serve outdoor storage facility.

The Board finds that the zoning ordinance map amendment from the Rural Urban Transition (RUT) District to General Industrial (M2) will provide development that allows for industrial uses.

2. *The zoning ordinance amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement;*

The Board finds that the zoning ordinance map amendment complies with the regulations outlined for the proposed base district General Industrial (M2), specifically the purpose statement. The purpose of the M2 District is to provide standards and regulations for the development of property within areas of city impact, consistent with the goals and policies of the applicable city comprehensive plan. Allow industrial uses based on the availability of urban services, the surrounding land uses, and the applicable comprehensive plan designation for the area. Sewer is not available to the site, but has an existing septic system for the caretaker dwelling. Services for the self-serve facility are not required.

3. *The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare;*

The Board finds that the zoning ordinance map amendment is not materially detrimental to the public health, safety, and welfare because adequate utilities and public services are provided to the property. The application was transmitted to applicable agencies and political subdivisions on June 8, 2015. The responses received from the agencies and political subdivisions generally reflect the project as a whole, which includes the development agreement and master site plan.

The Ada County Engineer provided comments requiring a drainage plan and documentation of the Fire Department approval, Nampa Meridian Irrigation District approval. The applicant must submit a plan showing how the storage space and drive isles will be delineated, Ada parking and the depth of surface material and source information for the 1” clean gravel. The applicant shall comply with all EPA requirements regarding Notice of Intent and erosion and sediment control plans that is required for sites that disturb more than 1 acre. A final inspection is required upon the completion of the project from the County Engineer. The Ada County Building Official has no objections to the application. The Ada County Highway District responded that a driveway approach application is required, pave the driveway its full width and 30’ into the site. The Idaho Transportation Department (ITD) replied with conditions concerning right-of-way, signage and access. Central District Health Department initially responded that they have no objections to this proposal if connected to city sewer. In further conversations with CDHD an accessory use application will be required. The Meridian Fire Department is requiring more information concerning the proposal.

4. The zoning ordinance amendment shall not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts, and

The Board finds that the zoning ordinance map amendment does not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing services within the planning jurisdiction including, but not limited to, school districts because such political subdivisions providing public services have not given any indication that public services would be affected.

5. For zoning ordinance text amendments within a planned community (PC) base district, the amendment complies with the planned community implementation plan.

The Board finds that the application is for a zoning ordinance map amendment and is not for a zoning ordinance text amendment within a planned community (PC)base district.

3. The Board finds **Article 8-7C of the Ada County Code** is applicable because the owner has applied for a development agreement as a part of their application for a zoning ordinance map amendment. The Board finds that the application complies with **Article 8-7C of the Ada County Code** because the owner has submitted a draft development agreement to be reviewed by the Board of Ada County Board as part of the proposed zoning ordinance map amendment.

CONCLUSIONS OF LAW

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

1. The Board concludes that Project No. 201500930 ZC-DA-MSP complies with Section 8-4E of the Ada County Code.
2. The Board concludes that Project No. 201500930 ZC-DA-MSP complies with Section 8-7-3C of the Ada County Code.
3. The Board concludes that Project No. 201500930 ZC-DA-MSP complies with Article 8-7C of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board approves Project #201500930 ZC-DA-MSP , subject to the Conditions of Approval attached as Exhibit A and the revised Master Site Plan.

DATED this _____ day of _____, 20_____.

Board of Ada County Commissioners

By: Jim Tibbs, Chairman

By: Rick Yzaguirre, Commissioner

By: David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF #201500930 ZC-DA-MSP WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAVE UNTIL SEPTEMBER 9, 2017 TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING INSPECTION UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS THIS APPROVAL SHALL BECOME VOID IF A VALID ZONING INSPECTION HAS NOT BEEN COMPLETED BY THAT DATE.

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 accessory use.
 - b) The Meridian Fire Department must approve all fire flow requirements and/or building plans.
 - c) The Nampa & Meridian Irrigation District must approve construction plans for the piping of the remaining portion of open ditch.
 - d) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by Board, the master site plan shall be modified to include the following items:
 - a) Parking Plan including how the storage spaces and drive isles are delineated, ADA parking space and the source information for the 1" clean gravel and the up keep and depth of the material.
 - b) A Landscape Plan.
 - c) A Lighting Plan.
3. The applicant and/or owner shall submit an accessory use application for the caretaker dwelling.
4. The applicant/owner shall submit a revised site plan identifying the drive lane outside of the twenty feet (20") of the residential districts.
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.

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

6. The applicant and/or owner shall comply with all EPA requirements.
7. The applicant and/or owner shall construct a six (6) foot vinyl fence along the perimeter of the outdoor storage facility.

EXHIBIT A

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 specific use standards for storage, self-serve and a caretaker dwelling in Section 8-5-3 of the Ada County Code.
10. The proposed caretaker dwelling shall only be used for an employee of the outdoor storage facility.
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.
13. The days and hours of operation are seven days a week between 8:00 a.m. and 8:00 p.m.
14. Storage of hazardous materials is prohibited.
15. 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.
16. Any signage must comply with Title 8, Chapter 4, Article I.
17. The use must comply with all applicable county regulations.