



## BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of David Dorrough

Project No. 201503899 MSP-M, DA-DM

### 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. 201503899 MSP-M, DA-DM.

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

1. On February 10, 2016, the Board approved Project #201503899 ZC-MSP-DA.
2. On July 12, 2016, Development Services accepted Project #201503899 MSP-M, DA-DM and scheduled it for public hearing before the Board of Ada County Commissioners on September 14, 2016.
3. On July 21, 2016, 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.
4. On August 11, 2016, 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 23, 2016. Notices of the public hearing were posted on the property on August 5, 2016 and a certification sign posting was submitted to the director on August 9, 2016.

C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201503899 MSP-M, DA-DM the following:

1. PROPOSED USES: 37,822 square foot research and development facility.
2. PROPOSED STRUCTURES: A 25,322 square foot structure in Phase 1 and a 12,500 square foot structure in Phase 2.
3. PROPOSED SITE IMPROVEMENTS: Parking lots, drive aisles, lighting, and landscaping.

D. Based on the materials found in the file for Project No. 201503899 MSP-M, DA-DM, the Board finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is S0421336500. The parcel is located at N. Pollard Lane in Section 21 of T. 4N, R. 1W.
2. OWNERSHIP: Meridian Research Park, LLC.
3. SITE CHARACTERISTICS

Property size: 10.27 acres.

Existing structures: None.

Existing vegetation: Agricultural Crops (Tree Farm).

Slope: The property has slopes less than eight (8) percent.

Irrigation: The property is within the jurisdictional boundaries of the Settlers Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, and the Boise Project Board of Control.

Drainage: The site drains toward the northwest.

Views: The site is visible from all directions.

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

The property is currently fallow ground and is zoned Limited Industrial (M1).

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 Highway 16 and is located in the Rural-Urban Transition (RUT) District.

South: The site is rural residential and is located in the Rural-Urban Transition (RUT) District.

East: The site is a rural residence located in the Estate Residential (R1) District and the site is agricultural located in the Rural-Urban Transition (RUT) District.

West: The site is Highway 16 and is located in the Rural-Urban Transition (RUT) District.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201503899 MSP-M, DA-DM, the Board finds the following concerning services:

Access Street and Designation: Access is off N. Pollard Lane, which is designated as a local street. The property also has frontage onto Chinden Boulevard (U.S. Highway 20/26) and Highway 16, and both are designated as expressways.

Fire Protection: Meridian Fire District.

Sewage Disposal: Individual Septic System.

Water Service: Individual Well.

Irrigation District: Settler's Irrigation District, Boise Kuna Irrigation District, New York Irrigation District, and Boise Project Board of Control.

Drainage District: None.

- H. As to the applicable law, the 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 **Subsection 8-4E-3F of the Ada County Code** is applicable because the applicant has applied for a minor modification to a master site plan. The Board finds the application complies with **Subsection 8-4E-3F of the Ada County Code**. Regarding Subsection 8-4E-3F of the Ada County the Director finds that the provisions for minor modifications are set forth for approved master site plans in subsection 8-4E-3F of this title.

*F. Minor Modifications: The director may approve specified minor modifications to an approved master site plan, provided such minor modifications were not subject to review or appealed during the original approval or at the public hearing and will not adversely impact adjacent properties. Such minor modifications include, but are not limited to, the following:*

1. *Minor relocation of building pads for practical reasons such as road alignment, topography or access, provided that the minimum setback requirements are met.*
2. *Increase in building square footage, not exceeding twenty percent (20%) provided that the minimum dimensional standard, off street parking and loading, landscaping and screening, sign and/or lighting requirements of this title are met.*
3. *Minor modifications to an approved off street parking plan, landscape and screening plan, sign plan and/or outdoor lighting plan that was part of an*

*approved master site plan, provided that the off street parking and loading, landscaping and screening, sign and/or lighting requirements of this title are met.*

The Board finds that the proposed modification is to relocate the building pads for the first two (2) phases of the development that will be developed in the County. The building pads are being relocated due to road alignment. When the initial master site plan application was presented before the Board the Idaho Transportation Department (ITD) had an east-west access road (Agnew Drive) connecting Pollard Lane to Levi Lane as ITD has plans to close off the Pollard Lane access point to Chinden Boulevard. The applicant had designed the project so that the entrance to the Meridian Research Park will align with the new east-west access road (Agnew Drive). On June 24, 2016, ITD notified the applicant that the new east-west access road (Agnew Drive) was being realigned to approximately 170 feet south of the original alignment. The applicant has applied for the administrative modification in order to create a research park that is both aesthetically pleasing and functional. To do this the site plan has been modified so that the entrance to the facility is aligned with the new east-west access road. Accordingly, the Phase 1 building has been shifted south approximately 170 feet and the Phase 2 building has been moved just south of the Phase 1 building.

The Board finds that the applicant's rationale is a practical reason to relocate the building pads for the structures in Phase 1 and 2 of the project. In addition, Phases 1 and 2 of the relocated Research and Development Facility still complies with the setback standards for the Limited Industrial (M1) District. The structures exceed the front yard setback and flanking street setback of 20 feet abutting a residential base district and the rear yard setback and side yard setback of 15 feet abutting a residential base district.

The Board finds that the following agencies have provided comments on the modification. The Ada County Building Official replied in Exhibit #13 that the Building Division has no objection to the proposed development; however, the applicant should be aware permits will be required for each proposed structure. The Central District Health Department responded in Exhibit #14 that they have no objections to this proposal. The Ada County Engineer stated in Exhibit #15 that she has no new comments or conditions and that the previous ones still apply. The previous ones included: A Drainage Study and Drainage Plan to be submitted in accordance with Ada County Code 8-4A-11 and storm drainage should be retained on site. All existing irrigation facilities passing through the site shall be perpetuated and provide documentation of approval for the project from the local irrigation company. The applicant/engineer or record shall schedule a final inspection with the County Engineer upon completion of the project. The Idaho Transportation Department replied in Exhibit #16 that they have no objection to a Research Park being built in this location. They also mention that the site plan shows future building 5 and other amenities encroaching into ITD's irrigation easement. The Developer needs to show how they will mitigate the impacts to the

easement and irrigation conveyance or remove these items from the easement. It should be noted as indicated on the modified master site plan (Exhibit #6) that easement does not encroach into the County approved portion of the master site plan, which is phases 1 and 2. Building #5 and the other amenities in ITD's easement are conceptual in nature and will require municipal water and sewer before being constructed. The applicant's representative in Exhibit #17 stated that he is working with ITD and is waiting to finalize the site plan and design irrigation sheets accordingly to submit with an encroachment permit with ITD. The applicant and ITD will need to resolve this issue prior to submitting applications to construct Building #5.

The Board finds that only phases #1 and #2 are being considered at this time and that future phases beyond the initial two (2) phases on the modified master site plan as conceptual. The proposed septic system and well can only support the first two (2) phases; therefore, additional phases of the project will require connection to municipal water and sewer.

2. The Board finds **Subsection 8-7C-3C2** is applicable because the applicant has applied for a development agreement modification for the subject property at N. Pollard Lane due to a modification of the approved master site plan. The Board finds that the application complies with **Subsection 8-7C-3C2 of the Ada County Code** because the modification to the development agreement has been reviewed by the Board of Ada County Commissioners to reflect the changes to the approved master site plan.

### 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. 201503899 MSP-M, DA-DM complies with Subsection 8-4E-3F of the Ada County Code.
2. The Board concludes that Project No. 201503899 MSP-M, DA-DM complies with Subsection 8-7C-3C2 of the Ada County Code.

**ORDER**

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Board approves Project #201503899 MSP-M, DA-DM, subject to the Conditions of Approval attached as Exhibit A and the Master Site Plan/Site Plan Drawing dated July 12, 2016.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Board of Ada County Commissioners**

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By: Jim Tibbs, Commissioner

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By: Rick Yzaguirre, Commissioner

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By: David L. Case, Commissioner

ATTEST:

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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 PROJECT #201503899 ZC-MSP-DA WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS. IF A BUILDING PERMIT IS REQUIRED, THE ZONING CERTIFICATE SHALL BE ISSUED WITH THE BUILDING PERMIT. THIS APPROVAL SHALL BECOME VOID IF A VALID ZONING CERTIFICATE HAS NOT BEEN ISSUED BY THAT DATE. SITE IMPROVEMENTS ARE NOT ALLOWED UNTIL THE ZONING CERTIFICATE HAS BEEN ISSUED.**

1. The applicant and/or owner shall obtain written approval of the development (site plan and/or use) from the agencies noted below. All site improvements are prohibited prior to approval of these agencies.
  - a) Central District Health must approve the septic permit.
  - b) The Meridian Fire District must approve all fire flow requirements and/or building plans.
  - c) The Settlers Irrigation District or the Boise Project Board of Control must approve all proposed modifications to the existing irrigation system.
  - d) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by the Board, the master site plan shall be modified to include the following items:
  - a) If the right-of-way for N. Pollard Lane is not vacated between Chinden Blvd. and the proposed W. Agnew Drive the applicant and/or owner shall submit a new landscape and parking plan for Phase 2 of the project.
3. If required by the Ada County Building Code as set forth in Title 7, Chapter 2, of the Ada County Code, the applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the County Building Official at 287-7900 for fee and application information. The design and construction of the development shall comply with the approved and stamped master site plan and the Ada County Code.
4. The applicant and/or owner shall obtain written verification from ACHD that they have approved the construction of the driveway approach for proper ingress and egress of the development site. The verification must be on agency letterhead referring to the approved use.
5. Phase 2 is **NOT** to be constructed until such time as the future connection is constructed

## EXHIBIT A

for the new section of Levi Lane and Agnew Drive; and the access at SH-20/26/Chinden Boulevard and Pollard Lane is closed.

6. 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.
7. A Certificate of Occupancy will be issued when all of the above conditions have been met. In the event conditions cannot be met by the desired date of occupancy, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.

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

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. Any future phases beyond the initial two (2) phases shown on the master site plan shall require connection to municipal water and sewer.
10. The use must comply with the specific use standards for a Research and Development Facility in Section 8-5-3 of the Ada County Code.
11. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this Article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
12. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
13. Any signage must comply with Title 8, Chapter 4, Article I, of the Ada County Code.
14. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
15. For projects where the Board approved a phasing plan, the phases shall be completed as noted in the phasing plan.