



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of

Project No. 201601663 CU-MSP-V

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. 201601663 CU-MSP-V.

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

1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the Director prior to the submittal of the application on February 16, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on March 24, 2016.
3. On September 23, 2016, Development Services accepted Project No. 201601663 CU-MSP-V and scheduled it for public hearing before the Board of Ada County Commissioners on November 9, 2016.
4. On September 27, 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.
5. On September 28, 2016, property owners within 1,000 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 October 18, 2016. Notices of the public hearing is required to be posted on the property ten days prior to the public hearing and a sign posting certification is required to be submitted to the Director seven days prior to the public hearing.

- C. As to the project description, the Board finds based on the application materials found in the file for Project No. 201601663 CU-MSP-V the following:
1. PROPOSED USES: Contractor's Yard (Cabling business).
 2. PROPOSED STRUCTURES: None.
 3. PROPOSED SITE IMPROVEMENTS: None.
- D. Based on the materials found in the file for Project No. 201601663 CU-MSP-V, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: The parcel number is R7977000060. The property is located at 4664 N. Skyline Road, on the east side of Skyline Drive, north of Homer Road.
 2. OWNERSHIP: Tony Brown.
 3. SITE CHARACTERISTICS:
Property size: 5.24-acres

Existing structures: There is an existing 3,208 square foot single family dwelling and a 648 square foot garage on the site.

Existing vegetation: The majority of the site is residential landscaping and natural vegetation.

Slope: The majority of the site is has with slopes between 15%-33%.

Irrigation: Surface.

Drainage: Drainage will be retained on site.

Views: The site is generally visible from all directions.

Other Opportunities and/or Constraints: The property is located in the Wildland Urban Fire Interface (WUFI).
- 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 in the Rural Residential (RR) District. The property is a single family residential use in the Skyline Acres Subdivision.
- F. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the surrounding land use and zoning:
- North: The property to the north is in the Rural Residential (RR) District. The property is a single family residential use in the Skyline Acres Subdivision.
- South: The property to the south is in the Rural Residential (RR) District. The property is a single family residential use in the Skyline Acres Subdivision.
- East: The property to the east is in the Rural Residential (RR) District. The property is a single family residential use in the Skyline Acres Subdivision.

West: The property to the west is in the Rural Residential (RR) District. The property is a single family residential use in the Skyline Acres Subdivision.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201601663 CU-MSP-V, the Board finds the following concerning services:

Access Street and Designation: Access is off N. Skyline Drive. N. Skyline Drive is designated as a local roadway.

Fire Protection: Eagle Fire District.

Sewage Disposal: Septic.

Water Service: Individual well.

Irrigation District: None.

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 that the **Ada County Comprehensive Plan as adopted by Ada County** is applicable because the subject property is not located within any City's Area of Impact. The Board finds the application complies with the **Ada County Comprehensive Plan as adopted by Ada County**. Regarding the Ada County Comprehensive Plan as adopted by Ada County, the Board finds the following:

The Board finds that the property is designated as Rural Residential (RR) in the Ada County Comprehensive Plan and the proposed use is in conformance with the Plan in the following ways:

Goal 5.7: Allow for a limited amount and range of commercial uses in rural areas, consistent with rural character.

Policy 5.7-1: Neighborhood commercial uses may be considered at selected locations outside Areas of Impact, but must meet specific development criteria in those areas related to availability of existing services, impact on surrounding agricultural or residential uses and impacts on traffic.

The Board finds that the contractor's yard is allowed through a conditional use in the Rural Residential (RR) District. The Board finds as conditioned that the contractor's yard will preserve the rural identity of the area as the property will retain the existing native vegetation throughout the site, there will be no structures added to the property and the applicant is will be required to provide visual barriers in the form of landscaping. The Board finds that the property is located in the WUFI overlay district and as conditioned, the applicant and/or owners will be required to comply with fire safety standards.

2. The Board finds that **Title 8, Chapter 3B of the Ada County Code** is applicable as the proposed development is located in the Wildland Urban Fire Interface Overlay District. **Article 8-3B of the Ada County Code** sets forth the purpose, applicability, standards

and prohibited uses for development in the Wildland Urban Fire Interface Overlay District.

The Board finds that as conditioned, the applicant and/or owner shall comply with the Ada County Code Section 8-3B (Wildland Urban Fire Interface Overlay District). The applicant and/or owner identified in the detailed letter (Exhibit #3) that they will comply with the requirements for the WUFI overlay district.

The Board finds that the application was transmitted to the Eagle Fire District (Exhibit #22) which they responded that they have no comments or concerns.

3. The Board finds **Article 8-4E-5 of the Ada County Code** is applicable because the applicant has applied for a master site plan for a contractor's yard. The Board finds that as conditioned the application complies with **Section 8-4E-5 of the Ada County Code**. Regarding Section 8-4E-5 the Board finds the following with regard to the master site plan:

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

The Board finds that as conditioned the master site plan for the contractor's yard complies with Title 8 of the Ada County Code because it meets the applicable required findings of fact as outlined herein. As evidenced in Finding H1, the master site plan complies with the Ada County Comprehensive Plan as adopted by Ada County.

2. *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 the applicant has submitted a natural features analysis (Exhibit #5) for the project that identifies constraints presented by such natural features and shows how the development sufficiently addresses such features. The natural features analysis has detailed narratives regarding hydrology, soils, topography, vegetation, sensitive plant and wildlife species, hazardous areas, and impact on natural features. In addition, the Idaho Department of Fish and Game provided a letter stating that their department has no records of any federally threatened or endangered species or critical habitat within or immediately adjacent to the proposed project area; nor do they anticipate undue adverse effects to fish and wildlife resources from the proposed project.

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

The Board finds that the applicant did not submit a landscape plan with the application, however the detailed letter (Exhibit #3) the applicant stated that there is existing landscaping along the west property line, a portion of the south property line and adjacent to the existing residential dwelling. The Board finds that as conditioned, applicant and/or owner shall submit a landscape and screening plan that provides screening adjacent to the northern, western, and southern areas of the parking to screen it from view.

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

The Board finds that as part of the variance application, the applicant is requesting relief from the parking requirements. The required number of parking spaces for a contractor's yard is one (1) per 1,000 square feet of gross floor area plus one (1) per employee. The applicant has identified that they have six (6) employees; however, they work out of the primary location on State Street in Eagle and only visit this site when driven there to pick up a truck by the owner. Therefore, with the variance approval, no additional parking would be required. The Board finds that parking area is currently gravel and rock. The Board finds that as conditioned, if the parking area is not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material.

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

The Board finds that the applicant is not proposing any new outdoor lighting. If there is any new outdoor lighting installed on the property, then a lighting plan will be required to comply with Article 8-4H of the Ada County Code.

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

The Board finds that the proposed master site plan along with the approval of the variance to allow for the contractor's yard to be closer than 100-feet from any property line complies with the Rural Residential (RR) District standards as well as the specific use standards for contractor's yard or shop. The Board finds as evidenced in Finding #H3 that the master site plan complies with the specific use standards for a contractor's yard listed in Section 8-5-3-30 of the Ada County Code.

7. *The proposed master site plan is consistent with the APA ridge to rivers pathways plan, and;*

The Board finds that the proposed master site plan is consistent with the Ada County Ridge-To-Rivers Pathway Plan because this section of Skyline Drive is not identified on the Plan.

8. *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 contractor's yard. The application was transmitted to applicable agencies and political subdivisions on September 27, 2016. The Building Division in Exhibit #16 stated that they have no objection to the proposed use; however, the applicant should be aware that if any structures are to be constructed on this parcel a building permit will required and if the building is to be used for the business the plans will have to designed by a licensed architect including a complete code analysis. The Eagle Fire Department in Exhibit #22 stated they have reviewed the above referenced application. The fire department has no comments or concerns. The Central District

Health Department responded in Exhibit #20 that they have no objection to the application and recommend that no parking occur over the drain field. Ada County Highway District in Exhibit #24 that they have determined that ACHD has no site specific conditions of approval for this application and there is no impact fee due for this application and an ACHD inspection is not required

4. The Board finds **Section 8-5-3-30 of the Ada County Code** is applicable because the applicant has applied for a contractor's yard. The Board finds that the application complies with the specific use standards found in **Section 8-5-3-30 of the Ada County Code**. Regarding Section 8-5-3-30 of the Ada County Code, the Commission finds the following:

A. *General Standards:*

1. *If the structure is located in a residential or rural base district, all structures or outdoor storage areas shall be located a minimum of one hundred feet (100') from any property line abutting other property. The one hundred foot (100') buffer from the property line shall have a vegetative ground cover and shall be regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.*

The Board finds that the contractor's yard is located in the Rural Residential (RR) District, which is a rural base district. The Board finds that the proposed parking area is not located a minimum of one hundred feet (100') from the property lines abutting other rural properties. The Board finds that the applicant has applied for a variance to grant relief from this development standard, which requires all structures and storage areas to be located a minimum of 100-feet from any property line because the subject property is located in a rural district.

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

The Board finds as conditioned that outdoor storage areas shall be screened year round and comply with Section 8-5-3-78 of this chapter.

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

The Board finds as evidenced in the applicant's detailed letter (Exhibit #3) that the contractor's yard is for a cable business that will use the property to store three (3) boom trucks and trailers for the use. As conditioned, the site shall not be used as a "junkyard" or "automobile wrecking yard".

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

The Board finds as evidenced in the record that the contractor's yard is a conditional use in the Rural Residential (RR) District and that the applicant has applied for a conditional use and master site plan to operate and construct a contractor's yard.

5. *The property shall have approved access from an improved public roadway for the use.*

The Board finds as evidenced in the record that the property has frontage and access to Skyline Drive, which is an improved public roadway.

6. *Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.*

The Board finds as conditioned that the maintenance of vehicles or machinery shall be incidental to the contractor's yard and that the incidental use shall only include minor repair.

7. *Accessory office space shall comply with section 8-5-3-75 of this chapter can shall be identified on the master site plan.*

The Board finds that the applicant and/or owner did not identify any accessory office space in the principal permitted dwelling.

8. *Parking area improvements shall comply with the standards found in chapter 4, article G of this title and shall be delineated on the master site plan or parking plan. No on street parking of vehicles or equipment associated with the use is allowed.*

The Board finds that as part of the variance application, the applicant is requesting relief from the parking requirements. The required number of parking spaces for a contractor's yard is one (1) per 1,000 square feet of gross floor area plus one (1) per employee. The applicant has identified that they have six (6) employees; however, they work out of the primary location on State Street in Eagle and only visit this site when driven there to pick up a truck by the owner. Therefore, with the variance approval, no additional parking would be required. The Board finds that parking area is currently gravel and rock. The Board finds that as conditioned, if the parking area is not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material. The Board finds that as conditioned, no on street parking of vehicles or equipment associated with the use shall be allowed.

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

The Board finds as conditioned that the use of the property will comply with Title 5, Chapter 13, "Noise", of the Ada County Code.

10. *Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.*

The Board finds that the hours of operation will be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Based upon statements in the applicant's detailed letter (Exhibit #3) the hours of operation for the contractor's yard are proposed to be from 8:00 A.M. to 6:00 P.M. Monday through Friday.

11. *No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.*

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

12. *A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.*

The Board finds that there are no structures proposed with this application. The Board finds that as conditioned, if a structure is being proposed in the future, the applicant would be required to obtain a building permit from the Ada County Building Division.

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

The Board finds that the use of the property as a contractor's yard is subject to zoning inspection upon advanced notice and request by the Ada County Development Services Department. If the permit holder refuses to allow inspection of the premises by the development services department then the approved zoning certificate may be revoked.

- B. *Additional Standards: Additional standards for a contractor's yard or shop permitted as a conditional use.*

1. *The following shall be considered as part of the review of an application for a conditional use permit for a contractor's yard or shop:*

- a) *The proximity of existing dwellings;*
- b) *The number of employees;*
- c) *The hours and days of operation;*
- d) *Dust;*
- e) *Noise;*
- f) *Outdoor loading;*
- g) *Traffic;*
- h) *Landscaping and screening;*
- i) *Other*

The Board finds that the proximity of existing dwellings, number of employees, hours and days of operation, dust, noise, outdoor loading, traffic, landscaping and screening have been considered in the review of the conditional use application.

2. *The duration of a conditional use permit for a contractor's yard or shop shall be limited. The conditional use permit shall expire five (5) years following the*

approval date, or upon annexation of the subject property into a city, whichever occurs first. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.

The Board finds as conditioned that the conditional use permit for the contractor's yard is limited and shall expire five (5) years following the approval date, or upon annexation of the subject property into a city. Also, upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.

5. The Board finds **Section 8-5B-5 of the Ada County Code** is applicable because the applicant has applied for conditional use for a contractor's yard. The Board finds that the application complies with **Section 8-5B-5 of the Ada County Code**. Regarding Section 8-5B-5 of the Ada County Code the Board finds the following:

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

The Board finds as conditioned that the contractor's yard is not detrimental to the public health, safety and welfare because it is in conformance with the specific use standards for a (Contractor's Yard or Shop). In addition, the applicant and/or owner will need to obtain required agency approvals, if necessary.

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

The Board finds as conditioned that the contractor's yard does not create undue adverse impacts to the surrounding properties. The applicant and/or owner shall be required to submit a landscape and screening plan to screen the contractor's yard from neighboring properties.

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

The Board finds as evidenced in Findings of Fact Section H(1) herein that the contractor's yard is consistent with the Ada County Comprehensive Plan as adopted by Ada County.

- D. *The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;*

The Board finds that the contractor's yard complies with the purpose statement of the Rural Residential (RR) District because a contractor's yard is a conditional use in the RR District. The Board finds as evidenced in Findings of Fact Section H(3) that the contractor's yard complies with the specific use standards for a (Contractor's Yard or Shop).

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

The Board finds that the contractor's yard along with the approval of the variance allowing the contractor's storage areas to be within 100 feet of any property line

complies 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;*

The Board finds that the proposed use does not impede the normal development of surrounding property because there is approved access from a public road and as conditioned the contractor's yard will need to be screened. Based on the five (5) year increment approval in Subsection 8-5-3-30(B2) and the applicant's detailed letter in Exhibit #3, the contractor's yard is not envisioned to add any structures or expand beyond the need for the three spaces for the boom trucks and will cease to be valid once the subject property is annexed into the City of Eagle.

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; and*

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 contractor's yard. The application was transmitted to applicable agencies and political subdivisions on September 27, 2016. The site is currently served by an existing individual well and septic systems. The Building Division in Exhibit #16 stated that they have no objection to the proposed use; however, the applicant should be aware that if any structures are to be constructed on this parcel a building permit will required and if the building is to be used for the business the plans will have to designed by a licensed architect including a complete code analysis. The Eagle Fire Department in Exhibit #22 stated they have reviewed the above referenced application. The fire department has no comments or concerns. The Central District Health Department responded in Exhibit #20 that they have no objection to the application and recommend that no parking occur over the drain field. Ada County Highway District in Exhibit #24 that they have determined that ACHD has no site specific conditions of approval for this application and there is no impact fee due for this application and an ACHD inspection is not required

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

The Board finds that there has not been any evidence submitted into the record to indicate that political subdivisions would not be able to provide services for the contractor's yard.

6. The Board finds **Section 8-7-6C of the Ada County Code** is applicable because the application involves a variance to grant relief from parking requirements and a

development standard requiring all structures and storage areas to be located a minimum of 100 feet from any property line because the subject property is located in a rural district. The Board finds that the application complies with **Section 8-7-6C of the Ada County Code**. Regarding Section 8-7-6C the Board finds the following in regards to variances.

1. *The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;*

The Board finds that the applicant is requesting a variance for relief from a development standard for contractor's yard. Specifically, the standard requiring all structures and storage areas for a contractor's yard/shop to be located a minimum of 100 feet from any property because the subject property is located in a rural district. Additionally, the applicant is requesting a variance for relief from the parking requirements of a contractor's yard. The Board finds that the variance does not grant a right or special privilege that is not otherwise allowed in the Rural Residential (RR) District. A contractor's yard is an allowed use through the approval of a conditional use application in the RR District and there have been a number of contractor's yards that have been approved in the RR District as well as variances granted for setback and parking relief.

2. *The variance relieves an undue hardship due to characteristics of the site; and*

The Board finds that the variance relieves an undue hardship due to characteristics of the site. The principal residence and proposed parking area for the boom trucks are located along the north property line. The majority of the site is encumbered with steep slopes that limit the location on the site where the storage of the vehicles and the parking could occur. Additionally, this area is already improved with a dust free gravel base, and in order to meet the setback requirements, slopes would be disturbed.

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

The Board finds that the variance is not detrimental to the public health, safety, and welfare because the applicant/owner will be required to secure the necessary building permits and agency approvals to operate the contractor's yard. 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. A number of agencies responded to the project which also included applications for a conditional use and master site plan. The Building Division in Exhibit #16 stated that they have no objection to the proposed use; however, the applicant should be aware that if any structures are to be constructed on this parcel a building permit will required and if the building is to be used for the business the plans will have to designed by a licensed architect including a complete code analysis. The Eagle Fire Department in Exhibit #22 stated they have reviewed the above referenced application. The fire department has no comments or concerns. The Central District Health Department responded in Exhibit #20 that they have no objection to the application and recommend that no parking occur over the drain field. Ada County Highway District in Exhibit #24 that they have

determined that ACHD has no site specific conditions of approval for this application and there is no impact fee due for this application and an ACHD inspection is not required.

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. 201601663 CU-MSP-V complies with the Ada County Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201601663 CU-MSP-V complies with Section 8-4E-5 of the Ada County Code.
3. The Board concludes that Project No. 201601663 CU-MSP-V complies with Section 8-5-3-30 of the Ada County Code.
4. The Board concludes that Project No. 201601663 CU-MSP-V complies with Section 8-5B-5 of the Ada County Code.
5. The Board concludes that Project No. 201601663 CU-MSP-V complies with Section 8-7-6C 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 No. 201601663 CU-MSP-V, subject to the Conditions of Approval attached as Exhibit A and the Master Site Plan dated September 23, 2016.

DATED this _____ day of _____, 20____.

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

REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF PROJECT #201601663 CU-MSP-V 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.

1. The applicant and/or owner shall submit a revised landscape plan showing screening materials adjacent to the northern, western, and southern sides of the parking area. The revised landscape plan shall be submitted and approved by staff prior to issuance of a zoning certificate.
2. If the parking area is not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material. Approval of materials shall be obtained prior to issuance of a zoning certificate.
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. 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 landscape and 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.

5. The approval of this conditional use permit for a contractor's yard shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.
6. Compliance with Ada County Code Section 8-3B (WUFI Overlay District). (*Including but not limited to: vegetation control adjacent to all parking areas and driveways, etc.*).
7. The site shall not be used as a "junkyard" or "automobile wrecking yard."
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 a Contractor's Yard/Shop in Section 8-5-3-30 of the Ada County Code.

EXHIBIT A

10. Hours of operation shall be 8:00am to 6:00pm, Monday through Friday.
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 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.
13. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.
14. No on street parking of vehicles or equipment associated with the contractor's yard/shop is allowed.
15. Any signage on the site shall comply with the sign regulations in Title 8, Chapter 4, Article I, of the Ada County Code.
16. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
17. No retail sales associated with a contractor's yard or shop shall occur on the property.
18. Any new utilities associated with the approved use shall be installed underground, in accordance with section 8-4A-21 of the Ada County Code.
19. 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.