



## ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of NEU Design Architecture

Project No201601516-CU-MSP-PBA

### FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

#### FINDINGS OF FACT

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

A. The Commission finds that the record is comprised of:

1. Exhibit 1 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 No201601516-CU-MSP-PBA.

B. As to procedural items, the Commission 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 June 12, 2014 and March 31, 2015.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on August 24, 2016.
3. On August 30, 2016, Development Services received Project #201601516-CU-MSP-PBA and scheduled it for public hearing before the Ada County Planning and Zoning Commission on November 10, 2016.
4. On September 9, 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 12, 2016, 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 October 18, 2016. Notices of the public hearing were posted on the property on or before October 31, 2016 and a certification sign posting was submitted to the director on or before November 3, 2016.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No201601516-CU-MSP-PBA the following:

1. PROPOSED USES – A social hall.

2. PROPOSED STRUCTURES - The applicant is proposing to use an existing 7,326 sq. ft. historical barn and a 195 sq. ft. gazebo.

3. PROPOSED SITE IMPROVEMENTS – Parking, a pond and landscaping

D. Based on the materials found in the file for Project No201601516-CU-MSP-PBA, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION- The property is parcel #S0431212565 and is located at 9107 W. McMillan Road and parcel #S0431212530 and is located at 9909 W. McMillan Road..

2. OWNERSHIP – Parcel #S0431212565: Thomas and Sandra Johnson and parcel #S0431212530: Jerry Payne.

3. SITE CHARACTERISTICS

Property size: Parcel #S0431212530 contains 5 acres and parcel #S0431212565 contains 4 acres.

Existing structures: Parcel #S0431212530 has a 3,797 sq. ft. single-family residence with a 378 sq. ft. detached garage, a 7,326 sq. ft. barn and a 572 sq. ft. covered porch. Parcel #S0431212530 has a 6,117 sq. ft. residence, 1,296 sq. ft. attached garage, and a 5,600 sq. ft. accessory structure.

Existing vegetation: The property has residential landscaping and some pasture area.

Slope: The property is relatively flat.

Irrigation: The property currently has irrigation rights.

Drainage: All drainage is retained on site.

Views: The property is open views in all directions.

Other Opportunities and/or Constraints: The southern portion of the property is within the unnumbered floodplain.

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

The property is currently single-family residential within the Rural Urban Transition (RUT) District.

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 vacant land within the Rural Urban Transition (RUT) District.

South: The property to the south is vacant land within the Rural Urban Transition (RUT) District.

East: The property to the east is single-family residential within the Rural Urban Transition (RUT) District.

West: The property to the west is vacant land within 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 No201601516-CU-MSP-PBA, the Commission finds the following concerning services:

Access Street and Designation: The property currently has access on W. McMillan Road, a minor arterial road.

Fire Protection: Star Fire District

Sewage Disposal: Individual Septic System

Water Service: Individual Well

Irrigation District: Pioneer Irrigation District

Drainage District: None

H. As to the applicable law, the Commission 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 Commission finds **Section 8-4C-5 of the Ada County Code** is applicable because the applicant has applied for a property boundary adjustment. The Commission finds the application complies with **Section 8-4C-5 of the Ada County Code**. Regarding Section 8-4C-5 of the Ada County Code the Commission finds the following:

*A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this title including regulations for individual wastewater treatment systems and wells as set forth in section 8-4A-22 of this chapter.*

The Commission finds that the parcels are located in the Rural Urban Transition (RUT) District.

The Commission finds that the property was split through File #85-15-OA and remains in its current configuration. The applicant is proposing a property boundary adjustment that leaves the properties with the same acreage in order to simplify the lot lines. Central District Health Department has no objection to the property boundary adjustments as long as each septic system remains on its own property and a minimum of 5' from the property line. The event center must submit an accessory use application from CDHD.

*B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this title; the property boundary adjustment shall not increase the nonconformity.*

The Commission finds as evidenced in the record, the parcels are non-conforming for the Rural Urban Transition (RUT) District dimensional standards; however the property was approved in its current configuration through File #85-15-OA. The property boundary adjustment will leave each property with the same acreage.

*C. A property boundary adjustment shall not increase the original number of properties.*

The Commission finds as evidenced in the record, that the property boundary adjustment will not increase the original number of properties.

*D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.*

The Commission finds as evidenced in the record, that the property boundary adjustment does not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.

*E. The property boundary adjustment shall not constitute a relocation of a property.*

The Commission finds as evidenced in the record, that the property boundary adjustment does not constitute the relocation of property.

*F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.*

The Commission finds as evidenced in the record, that the properties are not platted lots.

2. The Commission finds **Article 8-4E of the Ada County Code is applicable** because the applicant has applied for a conditional use and master site plan for a social hall for weddings and social events. The Commission finds that the application complies with **Article 8-4E of the Ada County Code**. Regarding Article 8-4E the Commission finds the following in regards to the social hall:

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

*The Commission finds that the site (parcel #S0431212565) is within the Meridian's Area of City Impact and is subject to the Meridian Comprehensive Plan. The future land use map identifies the property as Low Density Residential, which allows single-family homes on large lots. The Rural Urban Transition (RUT) District allows for a social hall with a conditional use/master site plan application.*

5.02.02 Preserve and enhance historic and cultural resources.

5.02.02O Encourage the rehabilitation and restoration of existing historic structures.

*The Commission finds that the proposed Event Center is in compliance with the Meridian's Comprehensive Plan because the Barn is identified within Ada County Historic Preservation Sites and will enhance the historic and cultural resource of the barn.*

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

*The Commission finds that a natural features analysis was submitted with the application that identifies constraints on the property.*

- C. The proposed landscaping meets the requirements of Article 4F of this Chapter.

*The Commission finds that as conditioned the applicant shall submit a landscape plan in compliance with Article 8-4F of the Ada County Code.*

- D. The proposed parking and loading spaces meets the requirements of Article G of this Chapter.

*The Commission finds that the proposed parking and loading spaces do meet the requirements of Article G because Table 8-4G-1 which requires a stall depth of 20' for 90° parking. The site plan does identify the width of the driving aisle at twenty-five (25') feet and the spacing of the parking stalls at nine (9') feet. The applicant is proposing forty (40) stalls and four (4) ADA parking stalls.*

*The applicant indicated that up to two-hundred (200) people may be present at the events. The Planning & Zoning Commission can require a greater number of spaces in any application involving discretionary approval. Thirty-eight (38) parking spaces are required base on 1 parking space per 200 sq. ft.*

*The Institute of Transportation Engineers Trip Generation Manual, 9th edition shows the average vehicle daily trips (AVT) and PM peak hour trips associated with the following uses. Based on the ITE multi-purpose recreational facility (acre) the number of parking spaces would be 361.52 estimating four acres.*

<i>Use</i>	<i>AVT</i>	<i>PM Pk Hr</i>
<i>Multi-purpose Recreational Facility (acre)</i>	<i>90.38</i>	<i>5.77</i>
<i>Multi-purpose Recreational Facility (1,000 sf)</i>	<i>n/a</i>	<i>3.58</i>
<i>Recreational Community Center (1,000 sf)</i>	<i>33.82</i>	<i>2.74</i>

*The Commission finds based on staff's recommendation, that an additional twenty-six (26) additional parking spaces are required to bring the total number of parking spaces to seventy (70). This would mitigate any negative impact to the surrounding area by ensuring that there is adequate parking for the event center on site and people do not park along the road. .*

*In addition, the County Engineer require the applicant to provide written approval from the fire district for the parking areas, including surface material.*

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

*The Commission finds that as conditioned the applicant shall submit a lighting plan in compliance with Article 8-4H of the Ada County Code.*

- F. The proposed master site plan complies with the applicable design and dimensional standards of Chapter 2 and Chapter 3

*The Commission, based on the officially adopted Ada County Zoning Map that the subject property is located in the RUT (Rural-Urban Transition) and thus Article 8-2B of the Ada County Code governs allowed uses, conditional uses, and dimensional standards for the property. The Commission finds that the applicant is proposing a 195 sq. ft. gazebo for the events which complies with the setbacks within the RUT District. The applicant is also proposing to use an existing 7,326 sq. ft. agricultural structure with the gazebo. As conditioned the applicant shall submit a building permit for the agricultural structure and the gazebo.*

- G. The proposed master site plan is consistent with the APA Ridge-to-Rivers Pathways Plan

*The Commission finds that the APA Ridge-to-Rivers Pathways Plan does not incorporate this area of the Treasure Valley; and is therefore, not applicable.*

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

*The Commission finds that adequate utilities and public services are available because the Central District Health Department is requiring an accessory use for the event center. The Commission finds that as conditioned the applicant shall submit a new site plan indicating the location of any outdoor music to lessen the impact of the noise to the surrounding properties .*

*The access is provided from McMillan road, a public road designated as a residential arterial road. ACHD reviewed the project and provided a staff report dated October 3, 2016, which states that ACHD is requiring dedication of right-of-way on McMillan Road, widen the pavement on McMillan Road, and impact fees will be assessed.*

2. The Commission finds **Section 8-5-3-28 of the Ada County Code** governing conditional uses is applicable because the applicant has applied for a social hall. The Commission finds that the application complies with the specific use standards found in **Section 8-5-3-28 of the Ada County Code**. Regarding Section 8-5-3-28 of the Ada County Code, the Commission finds the following:

- A. All structures shall meet the minimum required setbacks for the applicable base district, or a minimum setback of thirty feet (30') from any arterial road, twenty-five feet (25') from interior side property line and twenty five feet (25') from the rear property line.

*The Commission finds that as evidenced in the record that the applicant is proposing a 195 sq. ft. gazebo and to use the existing agricultural structure for the social hall. As conditioned, the gazebo and the change of occupancy for the agricultural structure will require a building permit. The gazebo and the existing agricultural structure complies with the required*

*setbacks by being at least of thirty feet (30') from any arterial road, and twenty five feet (25') from the interior side property lines and rear property lines.*

B. Any food service shall be approved by the central district health department.

*The Commission finds that the applicant is not providing food service for the events, however if an event proposes food service the applicant shall obtain accessory use approval from Central District Health Department.*

3. The Commission finds **Article 8-5B** of the Ada County Code governing conditional uses is applicable because a Social Hall requires a conditional use in the RUT District.

Section 8-5B-5: Required Findings:

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

*The Commission finds that the proposed use is not detrimental to the public health, safety or welfare because the proposed conditional use will be required to comply with all county, state, and federal regulations. The proposed use was transmitted to public agencies on September 9, 2016, such as fire, police, and emergency service providers The following agencies commented on the application; ACHD, Ada County Building Official, Ada County Engineer, Pioneer Irrigation District, Idaho State Historical Society, and Central District Health Department. The applicant as conditioned shall comply with Idaho Code Title 23 concerning Alcohol Catering Permit. The Ada County Engineer stated that the flood study done in 2007 by the applicant was never submitted to FEMA and therefore is not valid. The proposed pond will require a floodplain application because it is located in the A zone. Also, the plan does not identify the dust free surface and where it will be used. A drainage plan may be required. The Ada County Building Official will require a change of use and occupancy for the Historical Barn. The plans must be prepared by a licensed Architect and/or Engineer including a thorough Code analysis based on the 2012 International Building Code and ANSI 116.1 2009.*

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

*The Commission finds that the proposed use shall not create undue adverse impacts on surrounding properties because the event center will be utilized for events to be held on Friday from 5:00 p.m.-10:00 p.m. and Saturday through Sunday from 10:00 a.m. to 10:00 p.m. The applicant did not indicate the use of a sound system in the application however in an email they indicated they will have a DJ or a band for outdoor events.*

*The Commission finds as conditioned that the social hall will not create undue adverse impacts on surrounding properties. The following conditions of approval mitigate the adverse impacts:*

- *The applicant shall submit a map of the location for the band or DJ's and the direction of the speakers to mitigate the noise away from the neighbors.*
- *The hours for the event center will be limited to the following hours Friday 5:00 p.m.-10:00 p.m. and Saturdays and Sundays 10:00 a.m.-10:00 p.m. All activities must end at 10:00 p.m.*
- *The applicant shall obtain a building permit for the gazebo and to change the occupancy of the agricultural structure.*
- .

- *The applicant shall submit a new parking plan to identify seventy (70) parking spaces to address the potential of two-hundred (200) people present for an event.*
- C. The proposed use is consistent with the applicable comprehensive plan;  
*The Commission finds that the proposed use is consistent with the applicable comprehensive plan as described in Finding H.1.A.*
- D. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;  
*The Commission finds that the proposed use complies with the purpose statement of the RUT District (Rural-Urban Transitional) because the social hall will allow agriculture and rural residences to continue in the area. The social hall also complies with the Meridian Comprehensive Plan as discussed in Finding H.1.A.*
- E. The proposed use complies with all county regulations;  
*The Commission finds that the social hall 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 Commission finds that the use complies with all applicable state and federal agencies because the County has transmitted the application to the applicable agencies and those comments have been submitted into the record. The applicant as conditioned shall comply with Idaho Code Title 23 concerning Alcohol Catering Permit.*
- G. The proposed use and facilities shall not impede the normal development of surrounding property; and  
*The Commission finds that the proposed use and facilities shall not impede the normal development of the surrounding property because the events will be held Friday from 5:00 p.m.-10:00 p.m. and Saturday through Sunday from 10:00 a.m. to 10:00 p.m. All activities must cease at 10:00 p.m.*  
*The Commission finds based on staff's recommendation, that an additional twenty-six (26) additional parking spaces are required to bring the total number of parking spaces to seventy (70). This would mitigate any negative impact to the surrounding area by ensuring that there is adequate parking for the event center on site and people do not park along the road. In addition a landscape and screening plan shall be submitted to ensure the social hall does not impede the development of the surrounding properties.*
- H. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.  
*The Commission finds as conditioned that adequate public and private facilities have been provided for the social hall. The property will be served by an individual septic system and well. The Central District Health Department will need to approve an accessory use application. As conditioned, a landscaping plan and maintenance agreement shall be submitted. In addition, ACHD is requiring dedication of right-of-way and pavement widening on McMillan Road and will assess impact fees for the use on the property.*

## CONCLUSIONS OF LAW

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

1. The Commission concludes that Project No201601516-CU-MSP-PBA complies with the Meridian Comprehensive Plan as adopted by Ada County.
2. The Commission concludes that Project No201601516-CU-MSP-PBA complies with Article 8-4C.
3. The Commission concludes that Project No201601516-CU-MSP-PBA complies with Article 8-4E.
4. The Commission concludes that Project No201601516-CU-MSP-PBA complies with Section 8-5-3-28.
5. The Commission concludes that Project No201601516-CU-MSP-PBA complies with Article 8-5B.

**ORDER**

Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Commission approves Project #201601516-CU-MSP-PBA, subject to the Conditions of Approval attached as Exhibit A.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
Teri Murrison, Chairperson  
Ada County Planning and Zoning Commission

ATTEST:

\_\_\_\_\_  
Mark A. Perfect, Secretary

## EXHIBIT A

### CONDITIONS OF APPROVAL

**REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF 201601516-CU-MSP-PBA WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAVE UNTIL NOVEMBER 11, 2018 TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED FOR THE CONDITIONAL USE AND MASTER SITE PLAN. THE APPLICANT AND/OR OWNER HAS UNTIL NOVEMBER 11, 2017 TO COMPLETE THE REQUIRED ACTIONS FOR THE PROPERTY BOUNDARY ADJUSTMENT AND OBTAIN A FINAL APPROVAL LETTER. 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) The applicant shall receive approval from Central District Health Department.
  - b) The applicant shall submit approval from the Meridian Fire District for the parking areas, including surface material.
  - c) The applicant shall submit a floodplain application for the construction of the pond.
  - d) The applicant shall submit a drainage plan if required by the Ada County Engineer.
  - e) 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.
2. All social hall events and site improvements are prohibited prior to the approval of the following:
  - a) The applicant shall submit a flood plain application for the proposed pond.
  - b) The applicant shall submit a new parking plan showing a total of seventy (70) parking spaces which will include four (4) ADA parking spaces.
  - c) The applicant shall submit a landscape plan and landscape maintenance agreement in compliance with ACC 8-4F.
  - d) The applicant shall submit a lighting plan in compliance with ACC 8-4H.
  - e) The applicant shall submit a map of the location for the band or DJ's and the direction of the speakers to mitigate the noise away from the neighbors.
  - f) 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 364-2277 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.

## EXHIBIT A

- g) 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.
- h) 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.
- i) The applicant and/or owner shall have a Record of Survey completed by a professionally licensed surveyor, and record the Record of Survey with the County Recorder's office.
- j) The applicant and/or owner shall obtain new tax parcel numbers for the Ada County Assessor.
- k) The applicant and/or owner shall execute and record the necessary deeds for all properties.
- l) The applicant and/or owner shall provide the following documentation to the Director:
  - a) One 8 ½ " x 11" copy and/or one full size blueprint of the recorded Record of Survey.
  - b) Proof of assignment of tax parcel numbers.
  - c) One copy of the recorded deed(s).
- m) Upon completing h-l, the applicant shall request a letter from the Director stating the Property Boundary Adjustment is final.

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

- 3. A zoning certificate and/or a building permit may not be issued until 15 days after the Commission issued the written decision on the proposed development. In the event the decision of the Commission is appealed, the building permit may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.
- 4. Hours of operation for the social hall shall be from Friday from 5:00 p.m. to 10:00 p.m. and Saturdays and Sundays from 10:00 a.m. to 10:00 p.m. All activities shall end at 10:00 p.m.
- 5. The applicant shall comply with **Idaho Code Title 23 concerning Alcohol Catering Permit.**
- 6. All parking must be contained onsite.
- 7. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Ada County Engineer. The drainage design plan shall include all proposed site grading.
- 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 the social hall in Section 8-5-3-28 of the Ada County Code.

## EXHIBIT A

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, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
11. The property must be managed and maintained consistent with the standard regulations in Title 5, Chapter 9, of the Ada County Code. Please note that this Chapter contains specific regulations regarding public nuisance of weeds.
12. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
13. This conditional use permit may be revoked for violation of any of the conditions of approval or upon violation of any federal, state or local regulations.
14. Compliance with the design and dimensional standards and permitted uses of the RUT District is required.
15. Compliance with the approved master site plan is required.
16. No irrigation and/or drainage water shall be impeded by the construction on site.
17. The applicant or owner shall obtain all necessary permits, as may be required under federal, state or local statues, regulations or ordinances.
18. The applicant or owner shall comply with Central District Health Department requirements concerning any food service for the social hall.