



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of

Project No. 201600465-V, Rick Sattler

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. 201600465-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 August 2, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on September 1, 2016.
3. On October 5, 2016, Development Services accepted Project No. 201600465-V and scheduled it for public hearing before the Board of Ada County Commissioners on December 14, 2016.
4. On October 6, 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 November 4, 2016, property owners within 2,000 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 November 22, 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. 201600465-V the following:
1. PROPOSED USES: Vehicle racetrack.
 2. PROPOSED STRUCTURES: Concession stand restrooms, grandstand, practice arena and covered pit area, storage buildings, bike storage, and seventeen (17) light poles.
 3. PROPOSED SITE IMPROVEMENTS: 41,600 square foot indoor arena, 40,500 square foot outdoor practice arena, 400-square foot covered pit area, 1,800 square foot restroom and concession, 1,300 square foot storage building, 1,300 square foot equipment storage building, 7,500 square foot bike storage, 6,000 square foot bike storage, additional 20 parking stalls, 17 light poles.
- D. Based on the materials found in the file for Project No. 201600465-V, the Board finds the following concerning the project description:
1. PARCEL NUMBER AND LOCATION: The parcel number is S2021210000. The property is located at 21000 S. Pleasant Valley Rd., Section 21, T.1N, R.2E.
 2. OWNERSHIP: B&B Holdings, LP.
 3. SITE CHARACTERISTICS:
 - Property size: 80.00-acres
 - Existing structures: Score tower, an announcer tower, a storage building, a concessions stand, and bleachers on the property.
 - Existing vegetation: Dry brush, natural vegetation.
 - Slope: The site is relatively flat with slopes less than 15%.
 - Irrigation: None.
 - Drainage: Drainage will be retained on site.
 - Views: The site is generally visible from all directions.
 - Other Opportunities and/or Constraints: WUFI, Floodplain (Unnumbered A zone).
- 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 in the Rural Preservation (RP) District. The property has been used as a racetrack in the past.
- 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 is vacant land in the Rural Preservation (RP) District.
 - South: The property is vacant land in the Rural Preservation (RP) District.
 - East: The property is vacant land in the Rural Preservation (RP) District.
 - West: The property is vacant land in the Rural Preservation (RP) District.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201600465-V, the Board finds the following concerning services:

Access Street and Designation: Access is off S. Pleasant Valley Road. S. Pleasant Valley Road is designated as a principal arterial roadway.

Fire Protection: No Fire District (Sheriff Department/State Fire Marshall).

Sewage Disposal: Septic.

Water Service: 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 **Section 8-7-6C of the Ada County Code** is applicable because the application involves a variance to allow a reduction to the required 300-foot setback from the property lines for all structures or outdoor activity areas associated with a racetrack. The Board finds that the application does not comply 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 racetracks; specifically the standards that requires all structures or outdoor activity areas be located a minimum of three hundred feet (300') from any property line. The applicant is proposing the following items within the 300-foot setback: indoor arena, an outdoor practice arena, a covered pit area, restrooms and concessions, a storage building, an equipment storage building, starting gate relocation, two (2) bike storage structures, additional parking stalls, and seventeen (17) light poles. The Board finds that the variance does grant a special right or privilege as other racetracks and uses that require conditional approval and have similar setback requirements have met the setback requirements.

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

The Board finds that the variance does not relieve an undue hardship due to characteristics of the site. The Board finds that the site does have an unnumbered A zone along the north portion of the property; however, the areas the applicant is seeking a variance for do not have any site characteristics that are causing the need for a variance and creating a hardship. The applicant is seeking to utilize as much of the property as possible for the use, including the area within the required 300-foot setback.

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 for all proposed structures. 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. At the time this staff report was written, the following agencies have provided comments: Ada County Building Division, Ada County Engineer, Nampa & Meridian Irrigation District, and Central District Health. The Ada County Building Official responded in Exhibit #13 that the Building Division has no objection to the proposed land use; however, the applicant should be aware that any structure for any use or occupancy will require a building permit. Plans prepared by a licensed Architect and/or Engineer including a thorough Code analysis based on the 2012 International Building Code will be necessary along with the permit application. The Ada County Engineer responded in Exhibit #14 that she has no comments for the variance. The Nampa & Meridian Irrigation District responded in Exhibit #15 that they have no comment on the above-referenced application. Central District Health Department responded in Exhibit #16 that the applicant must submit an application for a septic permit.

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. 201600465-V complies with the Ada County Comprehensive Plan as adopted by Ada County.
2. The Board concludes that Project No. 201600465-V does not comply 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 denies Project No. 201600465-V.

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