



**BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION**

In re:

Application of Jane Suggs, WHPacific, Inc.

Project No. 201601847 CU-MSP-AC

**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. 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. 201601847 CU-MSP-AC.

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 March 15, 2016.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on September 15, 2016.
3. On October 18, 2016, Development Services accepted Project #201601847 CU-MSP-AC and scheduled it for public hearing before the Ada County Planning and Zoning Commission on December 15, 2016.
4. On October 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.

5. On November 15, 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 November 22, 2016. Notices of the public hearing were posted on the property by December 5, 2016 and a certification sign posting was submitted to the director by December 8, 2016.

C. As to the project description, the Commission finds based on the application materials found in the file for Project No. 201601847 CU-MSP-AC the following:

1. PROPOSED USES: Contractor's Yard/Shop and a Caretaker's Dwelling.
2. PROPOSED STRUCTURES: 7,200 square foot contractor's shop, 672 square foot office trailer, 1,280 square foot caretaker's dwelling, and a 640 square foot shed for the caretaker's dwelling.
3. PROPOSED SITE IMPROVEMENTS: Parking lot, material stockpile area, six (6) foot security fence, and security lighting.

D. Based on the materials found in the file for Project No. 201601847 CU-MSP-AC, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: The parcel number is S1533428000. The property is located at W. Kuna Mora Road approximately ½ mile east of Pleasant Valley Road in Section 33, T. 2N, R. 2E.

2. OWNERSHIP: Joseph & Janalee Thomas

3. SITE CHARACTERISTICS

Property size: 74.452 acres.

Existing structures: None.

Existing vegetation: Sage and high-desert grasses.

Slope: The property has slopes less than 15%.

Irrigation: None.

Drainage: The property generally drains towards the northwest.

Views: The property is generally visible from all directions.

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 zoned Rural Preservation (RP) and is rangeland.

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 site is the Idaho State Correctional Facility located in the Rural Preservation (RP) District.

South: The site is rangeland located in the Rural Preservation (RP) District.

East: The site is a light manufacturing facility and rangeland located in the Rural Preservation (RP) District. Previous conditional uses granted for the light manufacturing facility include manufacturing of agricultural related projects and helicopter parts.

West: The site is rangeland located 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. 201601847 CU-MSP-AC, the Commission finds the following concerning services:

Access Street and Designation: The property has frontage and access onto Kuna-Mora Road. Kuna-Mora Road is designated as a future expressway.

Fire Protection: Kuna Fire District.

Sewage Disposal: Individual Septic Systems.

Water Service: Individual Wells.

Irrigation District: None.

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 that the **Ada County Comprehensive Plan** is applicable because the property is not located within an area of city impact. The Commission finds the application complies with the **Ada County Comprehensive Plan**. Regarding the Ada County Comprehensive Plan the Commission finds the following:

*Rural Areas – Industrial Development*

*Goal 5.8: Allow for a limited amount and range of industrial uses in rural areas, consistent with rural character.*

*Policy 5.8-1: High intensity industrial development shall not occur outside Planned Communities or areas of city impact.*

The Commission finds that proposed contractor's yard/shop is considered to be a form of light industrial development as the contractor's yard will be used for the storing and staging of equipment and materials and associated office functions related to the

construction business. The applicant has stated in the application (Exhibit #5) that the number of employees during the largest shift is ten (10) with three (3) patrons expected. A contractor's yard/shop is allowed in the Rural Preservation (RP) District as a conditional use.

*Policy 5.8-2: Low intensity industrial uses may be considered at selected locations outside Planned communities and areas of impact, but must meet specific development criteria related to sufficiency of individual septic tank and well to serve the use, impacts on surrounding agricultural or rural residential uses, and impacts on traffic. Such uses should primarily serve the surrounding area, travelers passing through, the agricultural community, or uses like landfills requiring large tracts of land and few services.*

The Commission finds that the Central District Health Department, which regulates individual septic tanks and the Idaho Department of Water Resources, which regulates wells were both transmitted for this application. The Central District Health Department replied in Exhibit #20 that the applicant will need to submit an application for septic permits. As conditioned, the applicant and/or owner shall obtain approval of the septic systems from the Central District Health Department. Also, as conditioned, the Kuna Fire District must approve all fire flow requirements and/or building plans.

The Commission finds that there are other low intensity industrial uses in the general vicinity. Directly to the east there is a light manufacturing facility and a 1/3 of a mile to the east is a warehouse. Also, a number of correctional facilities are located nearby to the north and west of the site.

*Policy 5.8-3: All non-agricultural development occurring adjacent to agricultural land should be required to install and provide for continued maintenance of fences or other appropriate barriers to prevent intrusion of people and/or domestic animals onto agricultural land.*

The Commission finds that as conditioned the applicant and/or owner is required to install and provide for the continued maintenance of any needed fencing or other appropriate barriers to prevent intrusion of people and/or domestic animals onto agricultural land.

#### *Natural Resources and Hazardous Areas*

*Goal 6.1: Protect and manage natural resources to retain the benefits they provide to County residents.*

*Policy 6.1-4: Minimize development allowed within critical winter range areas, the wildlife habitat of federal and state listed or sensitive species, rare plant species, and/or minimize the impacts of development on those areas.*

*Policy 6.1-5: Manage development to maintain wildlife habitat migration and movement corridors.*

The Commission finds that the Idaho Department of Fish and Game provided the applicant with a letter (Exhibit #2) that their department has no records of any federally

listed threatened or endangered species or critical habitat within or immediately adjacent to the proposed project area. However, their records indicate that slickspot peppergrass has been located in the general area. They suggest that the applicant contact the U.S. Fish and Wildlife Service. As conditioned, the applicant and/or owner shall contact the U.S. Fish and Wildlife Service for further guidance on a mitigation strategy and shall develop a mitigation plan based on this guidance if slickspot peppergrass is found during construction activities on the property. The mitigation plan will need to be submitted to the Director prior to the issuance of a building permit. Also, the property is not located in a wildlife migration or movement corridor.

2. The Commission finds **Article 8-3B of the Ada County Code** is applicable because the property is located in the Wildland-Urban Fire Interface Overlay District. The Commission finds as conditioned that the application complies with **Article 8-3B of the Ada County Code**. As conditioned, building plans shall be prepared by a licensed architect or engineer including a complete code analysis to show compliance with the 2012 International Building Code, ANSI 117.1 and the 2012 International Wildland Urban Interface Code. Also, as conditioned any new construction shall have a minimum fifty foot (50') defensible space around the perimeter of any habitable structure. All areas within five feet (5') of each side of the driveway shall be cleared.
3. The Commission finds **Section 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/shop. The Commission finds that the application complies with **Section 8-4E-5 of the Ada County Code**. Regarding Section 8-4E-5 the Commission finds the following in regards to the master site plan.

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

The Commission finds as evidenced by Findings of Fact Section H that the master site plan complies with Title 8 of the Ada County Code because it complies with the applicable required findings of fact as outlined herein. As evidenced in Findings of Fact Section H(1) herein, the master site plan complies with the Ada County 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 Commission finds that the applicant has submitted a natural features analysis (Exhibit #9) for the property. The natural features analysis has identified and depicted the soil types, hydrology, topography, vegetation, hazardous areas, sensitive plant and wildlife species, and historic resources, as well as stated the impact the development would have on natural features. The soil types on the property include Chilcot-Sebree Complex, Elijah Silt Loam, and Kunaton Silty Clay Loam. These are well drained soils. The site generally drains to the northwest. There is no irrigation on the site as the property does not have surface water rights. The site is relatively flat sloping generally to the northwest. The site is sparsely vegetated with sage and high-desert grasses. No sensitive species of plants or wildlife were encountered during site visits;

however, the Idaho Department of Fish and Game suggests the possibility of slickspot peppergrass in this area of Ada County. According to the Ada County Historic Site Inventory, the site contains no identified historic resources. The Williams Brothers Gas Pipelines are located off-site approximately 130 feet from the southeast corner of the subject property and the pipelines generally run in a northwest direction. The natural features analysis stated that the contractor's yard/shop will not have any detrimental impact on the site or on the natural features.

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

The Commission finds that the applicant is requesting a waiver of landscaping for this project because there are no surface water rights.

The Commission finds that the request for the waiver is justified because the property is not located in an irrigation district and does not have irrigation water rights. However, the Commission finds that nontraditional landscaping materials could be utilized in the area between the front property line and the parking/drive aisle area. The nontraditional landscaping materials could include landscape boulders, rock mulch, and/or drought tolerant plants, which do not require irrigation. As conditioned, the applicant and/or owner shall submit to the director a plan to landscape the area in between the front property line and the parking area/drive aisle with rocks and/or drought tolerant plants.

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

The Commission finds as conditioned that the parking and loading spaces meet the requirements of Article 8-4G of the Ada County Code. The required number of parking spaces for a contractor's yard or shop is one (1) per 1,000 square feet of gross floor area plus one (1) per employee. The gross floor area of the contractor's shop and office trailer is 7,872 square feet and the applicant has stated on the master site plan checklist (Exhibit #5) that the number of employees during the largest shift is ten (10). Therefore, the number of required parking spaces for the contractor's yard/shop is eighteen (18). The parking plan on the master site plan depicts fourteen (14) parking spaces. As conditioned, the applicant and/or owner shall submit a revised parking plan with a minimum of eighteen (18) parking spaces. The fourteen (14) parking spaces that are depicted on the parking plan are 90° parking spaces. These spaces meet the minimum stall width of 9'0", the minimum stall depth of 20'0", and the minimum two-way driving aisle of 25'0".

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

The Commission finds that the applicant has deferred in submitting a lighting plan. As conditioned, if there is outdoor lighting installed on the property including the proposed security lighting on the property then a lighting plan will be required to comply with Article 8-4H.

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

The Commission finds that the master site plan complies with the applicable design and dimensional standards in chapter 2 of this title. The property is located in the Rural Preservation (RP) District. The minimum setback standard from a property line fronting an arterial is 50 feet and the minimum setback standard for a property line not fronting a roadway is 25 feet. The master site plan (Exhibit #8) shows that contractor's shop and office trailer is more than 50 feet from the front property line fronting Kuna-Mora Road and 25 feet from the property lines not fronting a roadway. However, the Ada County Highway District (ACHD) has stated in Exhibit #21 that right-of-way on Kuna-Mora Road needs to be preserved as Kuna-Mora Road could be a future expressway. Therefore, ACHD has requested for a minimum building setback of 150' from the centerline of Kuna-Mora Road. As conditioned, the master site plan shall be modified to depict that the contractor's shop and office trailer are at least 150' from the centerline of Kuna-Mora Road. The structures located on the property do not exceed the maximum coverage of 5% allowed in the RP District as the footprint of the structures are less than 162,152.10 square feet.

The Commission finds as evidenced in the record that the subject property is located in the Wildland-Urban Fire Interface Overlay District. As evidenced by Findings of Fact Section H(2) herein, the master site complies with the Wildland-Urban Fire Interface Overlay District.

The Commission finds as evidenced in Findings of Fact Section H(4) herein, that the master site plan complies with the specific use standards of this title.

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

The Commission finds that the proposed master site plan is consistent with the APA ridge-to-rivers pathways plan as the plan does not show any proposed pathways through the property.

H. *Adequate utilities and public services are available or provided for the 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 or provided for the contractor's yard/shop. The application was transmitted to applicable agencies and political subdivisions on October 21, 2016.

The Ada County Building Official replied in Exhibit #19 that the Building Division has no objection to the proposed contractors yard; however, the applicant should be aware the proposed buildings will require building permits, plans will have to be designed by a licensed architect or engineer including a complete code analysis to show compliance with the 2012 International Building Code, ANSI 117.1 and the 2012 International Wildland Urban Interface Code.

The Central District Health Department responded in Exhibit #20 that the applicant must submit an application for a septic permit.

The Ada County Highway District (ACHD) mentioned in Exhibit #21 that Kuna Mora Road is envisioned to be an expressway and the importance of maintaining the necessary right-of-way. ACHD has six (6) site specific conditions of approval.

- Provide a minimum building setback of 150' from the centerline of Kuna-Mora Road.
- Construct 3 return type driveways on Kuna Mora Road located approximately 2,950 feet, 3,200, and 3,500 feet east of Pleasant Valley Road. The driveway may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops or as necessary for safety and traffic operation needs as determined by ACHD.
- Pave the driveways their full width and at least 30-feet into the site beyond the edge of pavement on Kuna-Mora Road.
- The access gate or keypad for the proposed driveway shall be located a minimum of 50-feet from the edge of pavement on Kuna-Mora Road and a turnaround shall be provided.
- A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact Austin Miller for information regarding impact fees.
- Plans shall be submitted to the ACHD Development Review Department for plans acceptance, and impact fee assessment (if an assessment is applicable).

The Ada County Engineer replied in Exhibit #22 that the gravel surface is acceptable for the parking area and contractor's yard as long as it is maintained and remains dust free. All drainage from the proposed improvements shall be retained on site, during and after construction, so as to not negatively impact adjacent property. The applicant shall schedule an inspection with the County Engineer when the parking and driveway area improvements are complete.

4. The Commission finds **Section 8-5-3-30 of the Ada County Code** is applicable because the applicant has applied for a conditional use and master site plan to operate and construct a contractor's yard/shop. The Commission finds that the application complies with **Section 8-5-3-30 of the Ada County Code**. Regarding Section 8-5-3-30 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 Commission finds that contractor's yard and shop is located in Rural Preservation (RP) District, which is a rural base district. The master site plan

(Exhibit #8) shows that all structures and outdoor storage areas associated with the contractor's yard/shop have a 100 foot buffer from property lines abutting other property.

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

The Commission finds as conditioned that that outdoor storage areas shall be enclosed year round and comply with Section 8-5-3-78 of this chapter. All outdoor storage areas shall be completely fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6'), but not greater than ten feet (10') in height. One side of the outdoor storage area may be left unenclosed or unscreened, provided that the materials stored in the area shall not be visible from a public roadway or an abutting property.

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

The Commission finds as conditioned that the site shall not be used as a "junkyard" or "automobile wrecking yard" as defined in Title 8 of the Ada County Code.

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

The Commission finds as evidenced in the record that the contractor's yard and shop is not a home occupation.

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

The Commission finds as conditioned that the applicant and/or owner shall obtain written verification from the Ada County Highway District (ACHD) that they have approved the construction of the driveway approach for proper ingress and egress of the development site.

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

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

The Commission finds as conditioned that any accessory office space shall comply with Section 8-5-3-75 of the Ada County Code.

8. *Parking area improvements shall comply with the standards found in chapter 4, article G of this 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 Commission finds as conditioned that the parking and loading spaces meet the requirements of Article 8-4G of the Ada County Code. The required number of parking spaces for a contractor's yard or shop is one (1) per 1,000 square feet of gross floor area plus one (1) per employee. The gross floor area of the contractor's shop and office trailer is 7,872 square feet and the applicant has stated on the master site plan checklist (Exhibit #5) that the number of employees during the largest shift is ten (10). Therefore, the number of required parking spaces for the contractor's yard/shop is eighteen (18). The parking plan on the master site plan depicts fourteen (14) parking spaces. As conditioned, the applicant and/or owner shall submit a revised parking plan with a minimum of eighteen (18) parking spaces. The fourteen (14) parking spaces that are depicted on the parking plan are 90° parking spaces. These spaces meet the minimum stall width of 9'0", the minimum stall depth of 20'0", and the minimum two-way driving aisle of 25'0".

The Commission finds as conditioned that no on street parking of vehicles or equipment associated with the contractor's yard/shop is allowed.

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

The Commission finds as conditioned that the use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.

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 Commission finds as evidenced in the record, that the applicant has stated in the master site plan checklist (Exhibit #5) that the hours of operation are between the hours of 7:00 A.M. and 10:00 P.M.

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 Commission finds as evidenced in the record, there are no retail sales associated with the contractor's yard or shop.

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 Commission finds that there are no existing structures on the subject property. A building permit is required for any structure placed or constructed on the property.

13. *For the duration of the approval, the use shall be subject to zoning inspection.*

The Commission finds as conditioned, 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.

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 Commission finds that the proximity of existing dwellings, number of employees, hours and days of operation, dust, noise, outdoor lighting, 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 (30) days from the subject property.*

The Commission finds as conditioned that the conditional use permit for the contractor's yard/shop 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 Commission finds **Section 8-5A-5 of the Ada County Code** is applicable because the applicant has applied for a caretaker's dwelling for a contractor's yard/shop. The Commission finds that the application complies with **Section 8-5A-5 of the Ada County Code**. Regarding Section 8-5A-5 the Board finds the following:

- A. *The proposed use shall not be detrimental to the public health, safety, or welfare. The proposed use shall not adversely impact the health and safety of surrounding residents, nor shall it create undue adverse impacts on surrounding properties.*

The Commission finds as conditioned that the caretaker's dwelling is not detrimental to the public health, safety, and welfare. The Central District Health Department responded in Exhibit #20 that the applicant will need to submit an application for a septic permit.

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

The Commission finds as evidenced in Findings of Fact Section H(1) herein that the caretaker's dwelling complies with the Ada County Comprehensive Plan.

*C. 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 as evidenced in the record that the subject property is located in the Rural Preservation (RP) District. The caretaker's dwelling complies with Article 8-2A of the Ada County Code because the use complies with the purpose statement of the Rural Preservation (RP) District since a caretaker's dwelling is accessory to the contractor's yard and shop proposed on the property. The caretaker's dwelling also complies with the specific use standards in Section 8-5-3-39 of the Ada County Code. Regarding Section 8-5-3-39 the Director finds the following:

*A. The caretaker dwelling is needed to house the owner or the owner's employee of an approved use.*

The Commission finds that the caretaker dwelling is needed to house the property owner's employee of the contractor's yard/shop.

*B. Need for the caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.*

The Commission finds that the need for the caretaker dwelling is for the guarding of materials stored on site of the contractor's yard.

*C. No more than one permanent additional dwelling (including, but not limited to, principally permitted dwelling, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.*

The Commission finds as evidenced in the record that this is the only permanent dwelling on the property.

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

The Commission finds that the caretaker dwelling complies with all applicable county ordinances as outlined in Findings of Fact Section B and as outlined herein.

*E. The proposed use complies with all applicable state and federal regulations;*

The Commission finds that all uses are innately required to comply with all applicable state and federal regulations as a matter of law.

*F. The proposed use and facilities shall not adversely affect or conflict with abutting uses or impede the normal development of surrounding property;*

The Commission finds as conditioned that the caretaker dwelling does not adversely affect or conflict with abutting uses or impedes the normal development of surrounding properties as the caretaker dwelling is an accessory use to the proposed contractor's yard on the property.

- G. *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 that this application was transmitted to agencies, utility companies, and political subdivisions on October 21, 2016 and there was no indication that adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures could not be provided for the caretaker dwelling. The master site plan (Exhibit #8) shows a driveway from Kuna-Mora Road to the caretaker dwelling along with the required off-street parking space for the caretaker dwelling.

- H. *For private tower structures, the proposed tower complies with any applicable federal communications commission decisions and regulations;*

The Commission finds as evidenced in the record that the accessory use is not for a private tower structure, but it is for a caretaker dwelling.

- I. *For signs, the sum of the area of all building and freestanding signs on the property conform to the standards specified in chapter 4, article I of this title.*

The Commission finds as evidenced in the record that the accessory use is not for a sign, but it is for a caretaker dwelling.

6. The Commission finds **Section 8-5B-5 of the Ada County Code** is applicable because the applicant has applied for a contractor's yard/shop.

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

The Commission finds as conditioned that the contractor's yard/shop 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) as evidenced by Findings of Fact Section H(4) herein. In addition, the applicant and/or owner will need to obtain required agency approvals.

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

The Commission finds that the contractor's yard/shop does not create undue adverse impacts on surrounding properties as it is in conformance with the specific use standards for a (Contractor's Yard or Shop) as evidenced by Findings of Fact Section H(4) herein. In addition, there are a couple of light industrial uses in close proximity to the property. Directly to the east is a light manufacturing facility and 1/3 mile to the east is a warehouse. Also, correctional facilities are close by to the north and west of the site.

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

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

- 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 contractor's yard/shop complies with the purpose statement of the Rural Preservation (RP) District as the use does not take prime agricultural land out of production or is located in a hazardous area.

The Commission finds as evidenced in Findings of Fact Section H(4) herein, that the contractor's yard/shop complies with the specific use standards for a (Contractor's Yard or Shop).

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

The Commission finds that the contractor's yard/shop 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 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 Commission finds that there is no evidence in the record that indicates that the contractor's yard/shop will impede the normal development of surrounding properties as the use is compatible with 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 that adequate utilities and public services are available or provided for the contractor's yard/shop. The application was transmitted to applicable agencies and political subdivisions on October 21, 2016.

The Ada County Building Official replied in Exhibit #19 that the Building Division has no objection to the proposed contractors yard; however, the applicant should be aware the proposed buildings will require building permits, plans will have to be designed by a licensed architect or engineer including a complete code analysis to show compliance with the 2012 International Building Code, ANSI 117.1 and the 2012 International Wildland Urban Interface Code.

The Central District Health Department responded in Exhibit #20 that the applicant must submit an application for a septic permit.

The Ada County Highway District (ACHD) mentioned in Exhibit #21 that Kuna Mora Road is envisioned to be an expressway and the importance of maintaining the necessary right-of-way. ACHD has six (6) site specific conditions of approval.

- Provide a minimum building setback of 150' from the centerline of Kuna-Mora Road.
- Construct 3 return type driveways on Kuna Mora Road located approximately 2,950 feet, 3,200, and 3,500 feet east of Pleasant Valley Road. The driveway

may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops or as necessary for safety and traffic operation needs as determined by ACHD.

- Pave the driveways their full width and at least 30-feet into the site beyond the edge of pavement on Kuna-Mora Road.
- The access gate or keypad for the proposed driveway shall be located a minimum of 50-feet from the edge of pavement on Kuna-Mora Road and a turnaround shall be provided.
- A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact Austin Miller for information regarding impact fees.
- Plans shall be submitted to the ACHD Development Review Department for plans acceptance, and impact fee assessment (if an assessment is applicable).

The Ada County Engineer replied in Exhibit #22 that the gravel surface is acceptable for the parking area and contractor's yard as long as it is maintained and remains dust free. All drainage from the proposed improvements shall be retained on site, during and after construction, so as to not negatively impact adjacent property. The applicant shall schedule an inspection with the County Engineer when the parking and driveway area improvements are complete.

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

The Commission finds that the application was transmitted to political subdivisions including the West Ada School District on October 21, 2016 and there has not been any evidence submitted into the record to indicate that political subdivisions would not be able to provide services to the contractor's yard/shop.

## 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 No. 201601847 CU-MSP-AC complies with the Ada County Comprehensive Plan.
2. The Commission concludes that Project No. 201601847 CU-MSP-AC complies with Article 8-3B of the Ada County Code.
3. The Commission concludes that Project No. 201601847 CU-MSP-AC complies with Section 8-4E-5 of the Ada County Code.
4. The Commission concludes that Project No. 201601847 CU-MSP-AC complies with Section 8-5-3-30 of the Ada County Code.

5. The Commission concludes that Project No. 201601847 CU-MSP-AC complies with Section 8-5A-5 of the Ada County Code.
6. The Commission concludes that Project No. 2016018447 CU-MSP-AC complies with Section 8-5B-5 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 Commission approves Project #201601847 CU-MSP-AC, subject to the Conditions of Approval attached as Exhibit A and the Master Site Plan dated October 17, 2016.

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

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 PROJECT #201601847 CU-MSP-AC WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAS UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE FOR THE CONTRACTOR'S YARD/SHOP UNLESS A TIME EXTENSION IS GRANTED. THE APPLICANT AND/OR OWNER HAS UNTIL ONE YEAR OF THE WRITTEN DECISION TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE FOR THE CARETAKER DWELLING. 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 permits.
  - b) The Kuna Fire District must approve all fire flow requirements and/or building plans.
  - c) The applicant and/or owner shall contact the U.S. Fish and Wildlife Service for further guidance on a mitigation strategy for slickspot peppergrass. The applicant and/or owner shall develop a mitigation plan based on this guidance if slickspot peppergrass is found during construction activities on the property. The mitigation plan will need to be submitted to the Director prior any site improvements.
  - 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 Commission, the master site plan shall be modified to include the following items:
  - a) The applicant and/or owner shall submit a revised master site plan that depicts that the contractor's shop and office trailer are at least 150 feet from the centerline of Kuna-Mora Road.
  - b) The applicant and/or owner shall submit a revised parking plan with a minimum of eighteen (18) parking spaces with one (1) of the parking spaces being ADA accessible.

## EXHIBIT A

- c) The applicant and/or owner shall submit to the Director a plan to landscape the area in between the front property line and the parking area/drive aisle with rocks and/or drought tolerant plants.
- d) The applicant and/or owner shall submit a lighting plan for any outside light fixtures that complies with Article 8-4H of the Ada County Code.
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. Building plans for the contractor's shop shall be prepared by a licensed architect or engineer including a complete code analysis to show compliance with the 2012 International Building Code, ANSI 117.1 and the 2012 International Wildland Urban Interface Code.
5. 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.
6. The applicant and/or owner shall pave the driveways their full width and at least 30-feet into the site beyond the edge of pavement on Kuna-Mora Road.
7. The access gate or keypad for the proposed driveway shall be located a minimum of 50-feet from the edge of pavement on Kuna-Mora Road and a turnaround shall be provided.
8. The applicant and/or owner shall pay any applicable impact fees to the Ada County Highway District.
9. If the off-street parking areas are not surfaced with asphaltic concrete then the County Engineer must approve some comparable all weather dustless material.
10. The applicant and/or owner shall either install a placard or striping that clearly identifies and demarcates the ADA accessible parking space.
11. The application and/or engineer shall schedule a final inspection with the County Engineer upon completion of the project.
12. 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.
13. 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.

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### CONDITIONS OF APPROVAL

Project #201601847 CU-MSP-AC  
Jane Suggs, WHPacific Inc.

## EXHIBIT A

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

14. 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.
15. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
16. The use must comply with the specific use standards for a Contractor's Yard or Shop and Dwelling, Caretaker for an Approved Use in Section 8-5-3 of the Ada County Code.
17. The hours of operation shall be limited between the hours of 7:00 A.M. and 10:00 P.M.
18. 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.
19. The site shall not be used as a "junkyard" or "automobile wrecking yard" as defined in the Ada County Code.
20. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.
21. No on street parking of vehicles or equipment associated with the contractor's yard or shop is allowed.
22. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
23. The accessory office space shall comply with Section 8-5-3-75 of the Ada County Code.
24. No retail sales associated with a contractor's yard or shop shall occur on the property.
25. Outdoor storage areas shall be screened year round and comply with Section 8-5-3-78 of the Ada County Code.
26. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
27. Any new construction shall have a minimum fifty foot (50') defensible space around the perimeter of any habitable structure.
28. All areas within five feet (5') of each side of the driveway shall be cleared.
29. The applicant and/or owner shall install and provide for the continued maintenance of any needed fencing or other appropriate barriers to prevent intrusion of people and/or domestic animals onto agricultural land.
30. The conditional use permit for the contractor's yard/shop is limited and shall expire five (5) years following the approval date, or upon annexation of the subject property into a

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#### CONDITIONS OF APPROVAL

## EXHIBIT 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.

31. 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.