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BOISE COUNTY
PLANNING & ZONING

June 1, 2020

To Whom It May Concern,

Please accept this letter as a request to extend by 1 year the time allowed to complete the work for the CUP #2016-0004 – KDM Enterprise Boise County parcel RP002080010040, RP002080010030 and RP002080010010.

Due to numerous time constraints and conflicts, I have not been able to complete the work required for this project. I continue to make efforts and plan to proceed with the original plans for this CUP.

Please advise if any further action is required at this time in order to secure a 1 year extension.

Kind Regards,

Edwin McReynolds

Keith McReynolds

KDM Enterprise

EXHIBIT 1

Instrument # 252344
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Boise County Planning and Zoning Commission
KDM Enterprise, CUP #2016-004
Findings of Fact, Conclusions of Law, Conditions of Approval and Order

September 15, 2016

Findings of Fact

1. The applicants are seeking a Conditional Use Permit approval for a storage rental facility to a residential/commercial property.
2. The storage rental facility business is a commercial use on these lots requiring a Conditional Use Permit.
3. The approximate 6.5 - 8.65 acres is located at Hwy 55 and Hanson Drive, Horseshoe Bend, ID 83629, on parcels RP002080010030, RP002080010040, RP002080010010 and RP002080010020 contingent upon purchase.
4. The subject site will have access from Hanson Drive to Highway 55.
5. There is one (1) existing building currently on Lot 1 (RP002080010010) which the applicant has submitted as Phase 3 of the plans. The other lots are bare land.
6. The applicant has proposed up to 8 total buildings for public storage; either open or enclosed buildings.
7. The subject property is located within the Horseshoe Bend #73 School District, Horseshoe Bend Fire Protection District, and Horseshoe Bend Ambulance District. These districts did not respond to the Notice of Public Hearing on this application.
8. Notice of the public hearing was properly given to surrounding property owners and agencies on May 6, 2016 and re-noticed on August 1, 2016.
9. Posting of the property for the public hearing was given on May 31, 2016 and September 6, 2016 by the applicant.
10. Legal notice of the public hearing was published in the Idaho World on July 27, 2016 and the continued public hearing on August 24, 2016.
11. The Commission conducted a public hearing on the application on June 16, 2016 and continued the public hearing to September 15, 2016 for additional information.
12. Public testimony was presented by: in opposition Illona Montay, Pauline Grant and Jim Grant.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Required Findings (ULO Chapter 4, Section 4.3.E):

1. **That the use will in fact, constitute a conditional use as specified in Table 4.1.D.1 through 4.1.D.7, or as determined by the Commission. (Sec. 4.3.E.1)**
   Conclusion: The proposed use requires approval of a conditional use permit.
   Finding: Commission finds that the Boise County Unified Land Use Ordinance 2016-01, Chapter 4 Tables 4.1.D.1 through 4.1.D.7, provides that a storage rental facility are proposed uses requiring a conditional use permit. This application to operate a storage rental facility meets the commercial use.

2. **That the use will be in accordance with the goals and policies of the Boise County Comprehensive Plan.**
   Conclusion: The proposed use meets the goals and policies of the Boise County Comprehensive Plan.
   Finding: Commission finds the proposed use is consistent with the Boise County 2010 Comprehensive Plan, Chapter 2-Private Property Rights, Chapter 4-Economic Development, and Chapter 5-Land Use.

EXHIBIT 30

3. **That the use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character and uses of the vicinity and that such use will not change the essential character of the same area.**
   Conclusion: The proposed use will be harmonious in appearance and in character with the uses of the vicinity. This application will not change the essential character of the area as proposed.
   Finding: Commission finds the storage rental facility will not be injurious to other properties in the vicinity nor will it negatively change the essential character of this area, with site specific approved conditions applied.

4. **That the use will not be hazardous or in conflict with existing neighboring uses.**
   Conclusion: The proposed use is not considered hazardous or in conflict with existing neighboring uses.
   Finding: Commission finds the proposed uses should not be hazardous or disturbing to existing or future neighborhood uses. The proposed use is compatible with the general area and should not produce any conflict with adjacent land uses, with site specific approved conditions applied.

5. **That the use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, schools, etc., at reasonable marginal cost.**
   Conclusion: Essential services will be provided to accommodate the proposed use.
   Finding: Commission finds that the request will not affect essential services nor will it negatively impact them and services will continue to be provided to the area, with site specific approved conditions applied.

6. **That the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.**

   Conclusion: The proposed use will not create any additional cost on public facilities and services.
   Finding: Commission finds that the proposed use will not affect public facilities nor will it negatively impact them and services will continue to be provided to the area.

7. **That the use will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.**

   Conclusion: The proposed use will not be detrimental to any persons, property, or the general welfare.
   Finding: Commission finds that the proposed use should not affect essential services nor should it negatively impact them and services will continue to be provided to the area, with site specific approved conditions applied.

8. **That the use will not have vehicular approaches to the property which create hazardous interference with traffic on surrounding thoroughfares.**
   Conclusion: The proposed use does not have vehicular approaches that create any road hazards.
   Finding: This request has proposed roadway; and, has a good line of sight distance. Commission finds this project will not significantly increase the existing or future traffic patterns and should not interfere with traffic on Hanson Drive or Highway 55.

EXHIBIT 30

9. **That the use will not result in the destruction of any significant natural, scenic or historic feature.**

   Conclusion: The proposed use will not result in any destruction of any natural, scenic or historic feature.

   Finding: Commission finds that the project would not result in the destruction of any significant natural, scenic or historic feature.

SITE SPECIFIC CONDITIONS OF APPROVAL:

All conditions will need to be met prior to issuance of the CUP and opening for business.

1. Application shall be approved to operate a phased storage rental facility on parcels RP002080010030, RP002080010040, RP002080010010 and RP002080010020 contingent upon purchase.
2. The days and hours of operation shall be set as: seven (7) days per week, twenty-four (24) hours per day.
3. This conditional use permit is non-transferable to another property and is only valid for the parcels RP002080010030, RP002080010040, RP002080010010 and RP002080010020 contingent upon purchase, Boise County, Idaho.
4. Applicant shall apply for upgraded building permits for any and all proposed new structures and for any remodeling of any existing structures.
5. Applicant shall fence the boundary of each parcel/lot for each Phase of this project.
6. Applicant shall provide appropriate natural screening, and/or materials, along the common boundaries of the CUP commercial property of Lots 3 & 4 and the residential subdivision lots of Hanson's River View Subdivision.
7. All lighting installed by the Applicant shall be downward facing and where appropriate be equipped with motion sensors.
8. Applicant shall provide to the P&Z Department a copy of their Fire Mitigation Plan, signed and approved by the Horseshoe Bend Volunteer Fire Department prior to operating; which shall include the emergency evacuation plan, the number and location of fire extinguishers on the parcel(s) and other information required by the Horseshoe Bend Volunteer Fire Department.
9. Applicant shall provide the P&Z Department with a copy of their current paid insurance policy suitable to this type of business, and maintain insurance each year.
10. Applicant shall apply for a sign permit, if a sign(s) is to be installed, with the applicable fees paid; and, any on-site signage shall comply with the Boise County Unified Land Use Ordinance #2016-01, Chapter 3.6., current or as amended, and ITD Scenic By-Ways Standards. No signs are permitted within any public right-of-way.
11. Applicant shall obtain from the P&Z Department a Certificate of Completion of Conditions prior to the opening of either business.
12. Failure of Applicants to comply with all conditions of this conditional use permit will be cause for revocation of conditional use permit.
13. Applicant shall comply with all federal, state and county applicable laws.

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

EXHIBIT 30

REQUIRED STANDARD CONDITIONS OF APPROVAL, ULO, Section 4.3.D:

4.3.D.1 The property must be in compliance, or brought into compliance by this action, with all applicable Idaho State Statutes and Boise County Ordinances prior to commencement of approved conditional use activity. All permits must be secured prior to commencement of work subject to permit approval.

4.3.D.2 Applicant must provide proof of property ownership or valid leasehold from the property owner.

4.3.D.3 All property taxes, including current year taxes, shall be paid in full

4.3.D.4 Prior to commencement of work, applicant must provide proof of legal access and proof of the authority to alter/improve the access to accommodate fire and ambulance services.

4.3.D.5 Fire Department vehicular access shall meet the standards as set forth in this Ordinance.

4.3.D.6 The applicant shall comply with any required conditions imposed by Central District Health Department.

4.3.D.7 The applicant shall identify the days and hours of operation of the conditional use permit activity.

4.3.D.8 Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41.

4.3.D.9 Applicant shall prepare and present to the Planning & Zoning Department its Emergency Services Action Plan, specifically, but not limited to, fire and ambulance services.

4.3.D.10 The conditional use shall be considered null and void if not started within a period of twelve (12) months from the date of approval by the Commission.

4.3.D.11 Prior to the expiration of the conditional use permit, the Administrator may, upon written request by the holder, grant a one (1) year time extension. Any extension request beyond one (1) year shall be subject to the review and approval by the Commission. A review before the Commission shall be scheduled for public hearing and with public notice. The hearing shall be for the purpose of modifying, amending or revoking approval of the Applicant's Conditional Use Permit. A maximum of three (3) extensions may be granted if good cause is shown. The Commission shall make the final decision on the extension request.

4.3.D.12 CUP approval does not include approval of any signage. A separate Sign Permit will be required from the Boise County Planning and Zoning Department prior to installation of a sign(s).

4.3.D.13 The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps of Engineers.

4.3.D.14 No change in the terms and conditions of the conditional use approval shall be valid unless in writing and signed by the applicant or an authorized representative. Any change in the terms and conditions shall be reviewed and approved or denied by the Commission.

4.3.D.15 Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the County of its intent to change the planned use of the property;

4.3.D.16 All development authorized by this conditional use approval must be completed within four (4) years from the date of the Commission's approval; and

4.3.D.17 Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Commission.

4.3.D.18 The Applicant shall comply with all local, state and federal rules and regulations.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Planning and Zoning Commission approves **KDM Enterprise, Case # CUP 2016-004**, a conditional use permit on parcels RP002080010030, RP002080010040, RP002080010010 and RP002080010020 contingent upon purchase, to operate a storage rental facility, as conditioned.

APPROVED this 21st day of Sept., 2016.

PLANNING AND ZONING COMMISSION
BOISE COUNTY, IDAHO

Mitchel Tain, Chair

SECTION 2.10 APPEALS PROCEDURES:

Any decision or action may be appealed as set forth in this Ordinance. The appellant shall be an affected person as defined in Idaho Code §67-6521(1) (a). Any request for reconsideration or appeal must be filed on an application as provided by the P&Z Department such request for reconsideration or appeal must identify specific deficiencies in the decision for which reconsideration or appeal is sought, and must otherwise comply with Idaho Code §67-6535(b).

2.10.B APPEAL OF PLANNING AND ZONING COMMISSION DECISION:

2.10.B.1 An affected person aggrieved by a decision of the Commission that was made pursuant to the provisions of this Ordinance may appeal to the Board.

2.10.B.2 A request for reconsideration or appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the Findings, Conclusions and Order were signed by the Commission or the Findings, Conclusions and Order were reconsidered and a final reconsidered decision is made.

2.10.B.3 For an appeal, the Board shall hold a public hearing to consider the decision of the Commission and any additional evidence that may be offered by the public, applicant or Administrator.

2.10.B.4 The Board may affirm, reverse or modify, in whole or in part, the Commission's decision.