

Type of Review Requested (check all that apply)

- Annexation
- Appeal/Amendment
- Comprehensive Plan Map Change
- De-Annexation
- Ordinance Amendment
- Rezone
- Special Use Permit
- Subdivision- Preliminary Plat
- Subdivision- Final Plat
- Subdivision- Short Plat
- Time Extension
- Variance
- Other \_\_\_\_\_

**STAFF USE ONLY:**  
 File number(s): SUP-17-01  
 Project name: Outdoor Advertising Structure  
 Date filed: 2/28/17 Date complete: \_\_\_\_\_  
 Related files: \_\_\_\_\_

Subject Property Information

Address: 3816 E. Linden St. Parcel Number(s): 35897000 0  
 Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: 15.4 Zoning: M-1  
 Prior Use of the Property: \_\_\_\_\_  
 Proposed Use of the Property: Outdoor Advertising Structure

Applicant Information:

Applicant Name: Meadow Outdoor Advertising Phone: (509) 939-2366 (Casey Gray)  
 Address: P.O. Box 331 City: The Dalles State: OR Zip: 97058  
 Email: cgray@meadowoutdoors.com Cell: (509) 939-2366  
 Owner Name: Linden Holdings, LLC Phone: (208) 941-7163 (Matt Reed)  
 Address: 14405 Goodson Rd. City: Caldwell State: ID Zip: 83607  
 Email: reedenterprises@outlook.com Cell: (208) 941-7163  
 Agent Name: (e.g., architect, engineer, developer, representative) Meadow Outdoor Adv./Casey Gray  
 Address: P.O. Box 331 City: The Dalles State: OR Zip: 97058  
 Email: cgray@meadowoutdoors.com Cell: (509) 939-2366

Authorization

Print applicant name: Matt Reed (Linden Holdings, LLC) Tom Mortensen  
 Applicant Signature: [Signatures] Date: 2-27-17

Project Name: <i>Meadow Outdoor Outdoor Advertising</i>	File #: <i>SUP-17-01</i>
Applicant/Agent: <i>Casey Gray</i>	

Applicant (v)	Description	Staff (v)
<i>X</i>	Completed & signed Hearing Review Master Application	
<i>X</i>	Narrative fully describing the proposed use/request	
<i>X</i>	Recorded warranty deed for the subject property	
<i>X</i>	Signed Property Owner Acknowledgement (if applicable)	
<i>X</i>	Vicinity map, showing the location of the subject property (8 1/2" x 11")	
	Site Plan	
<i>X</i>	<b>The following are suggested items that may be shown on the site plan:</b>	
<i>X</i>	• Property boundaries of the site	
<i>X</i>	• Existing buildings on the site	
<i>X</i>	• Parking stalls and drive aisles	
<i>X</i>	• Sidewalks or pathways (proposed and existing)	
<i>X</i>	• Fencing (proposed and existing)	
<i>N/A</i>	Floor Plan	
<i>N/A</i>	Landscape Plan (if applicable)	
<i>X</i>	Neighborhood Meeting sign-in sheet	
<i>X</i>	Fee	

**STAFF USE ONLY:**

Date Application Received: *2/28/17*

Received by: *JW*

Proposed Hearing Date: *Apr 4/11/17*

Hearing Body: *P2*



OUTDOOR ADVERTISING

P. O. Box 331 (mailing) • 1201 Bargeway Road (shipping) • The Dalles, Oregon 97058  
541-296-9684 • FAX 541-296-1855

February 27<sup>th</sup>, 2017

City of Caldwell  
Planning & Zoning Division  
621 Cleveland Blvd.  
Caldwell, ID 83605

Re: Special Use Permit for Meadow Outdoor Advertising @ 3816 E. Linden St.

Dear Planning & Zoning Division,

Meadow Outdoor Advertising has been in business and in operation since 1916. The headquarters is located in The Dalles, OR. A regional office is located in Meridian, ID. Meadow Outdoor Advertising is one of the leading outdoor advertising companies in the northwest and currently has several operating structures in the Treasure Valley.

Meadow Outdoor Advertising is requesting your review of a proposal to permit the construction of an outdoor advertising structure on the above subject property. A site map with location is attached to the application checklist. The subject property is a M-1 zone. The proposed structure itself and its location meets the stipulations of the current Caldwell City ordinance. This includes the size, height and required setbacks. The structure will be a 2 sided, "V" configuration, mono pole, 14' wide by 48' long structure. The overall height will be 50'. The setback from E. Linden St. property line will be 235' and the set back from the I-84 property line will be 30'. The advertising faces will be viewed/visible to vehicular traffic on I-84. Meadow Outdoor has been given verbal approval from the ID State DOT for this proposed structure and will apply for that permit once approved by the City of Caldwell. Upon approval by ID State DOT a copy of the permit will be forwarded to the City of Caldwell. The proposed structure will not pose any conflicts with the current use of the property or adjoining properties.

On behalf of Meadow Outdoor Advertising, I want to thank you for your consideration, time and the opportunity to work with the City of Caldwell.

Sincerely,

Casey Gray  
Meadow Outdoor Advertising  
Real Estate Manager

**Casey Gray**  
Real Estate Manager



OUTDOOR ADVERTISING

1201 Bargeway Road  
P. O. Box 331  
The Dalles, Oregon 97058  
541-296-9684  
800-221-4114  
509-939-2366 Cell  
541-296-1855 Fax

[meadowoutdoor.com](http://meadowoutdoor.com)

[cgray@meadowoutdoor.com](mailto:cgray@meadowoutdoor.com)

A 2

**Meadow Outdoor Advertising  
proposed B/B 14'x48' Structure**

Legend

3816 E Linden St, Caldwell, ID

Existing

525'

235'

Proposed

30' from setback

Boat  
Repair/Sales

E Chicago St



Google Earth

114

©2016 Google

# Meadow Outdoor Advertising

Legend



AK

# Jinden Holdings

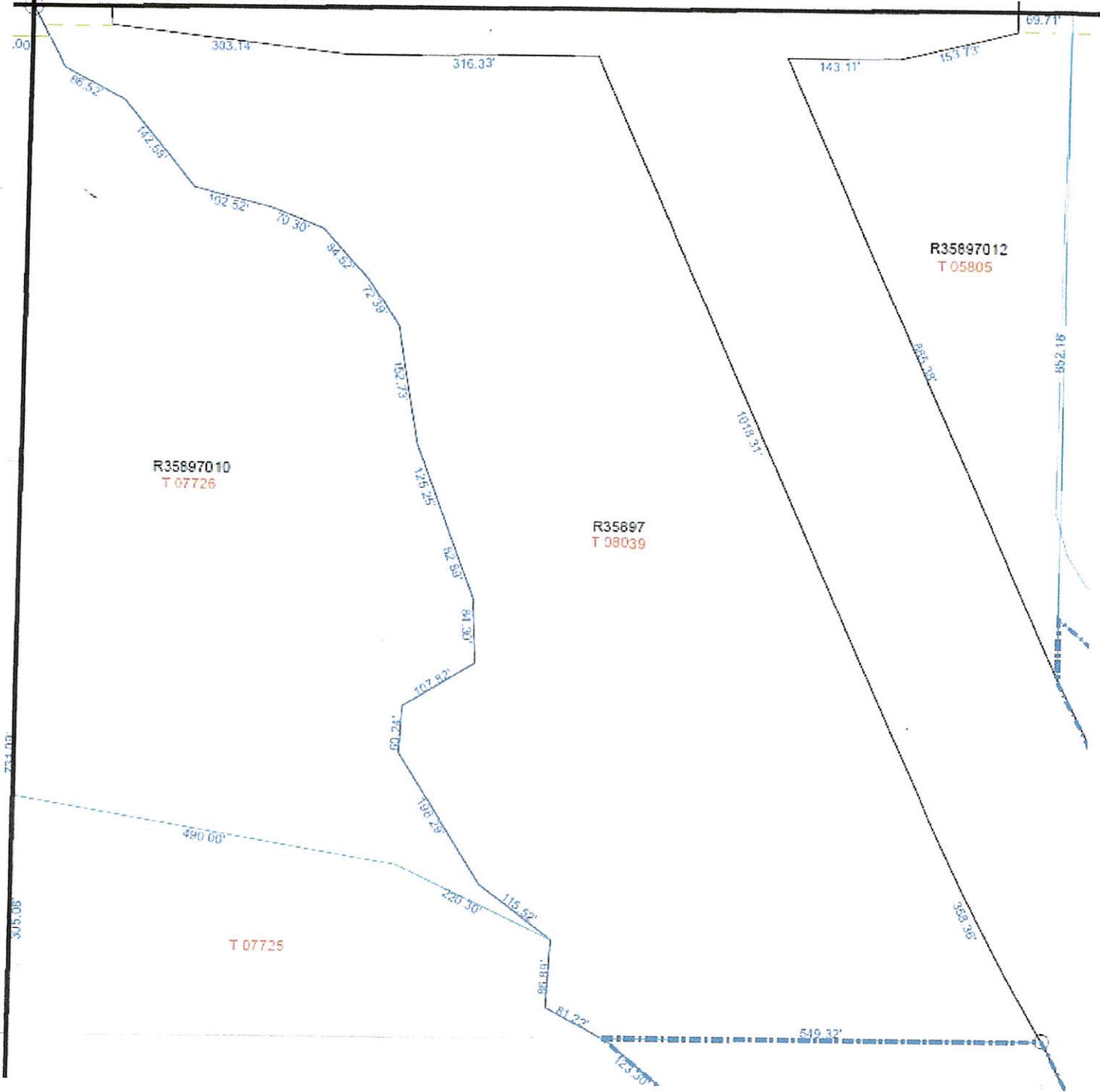
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Jan 31 2017 03:20:33 PM.

A4

INDT. #3626882



NY

CALDWELL HEARING EXAMINER MINUTES

May 2, 2017

- I. **Call to Order** – Hearing Examiner, Mr. Jerome Mapp, opened the meeting for the public hearing at 7:04 p.m.
- II. **Review of Proceedings** – Mr. Jerome Mapp outlined the procedures for the public hearing.

Members Present: Jarom Wagoner (Senior Planner/Development Team Leader); Robb MacDonald (City Engineer); Lori Colligan (Administrative Secretary)

Members Absent: Brian Billingsley (Planning Director)

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III. **Old Business:**

Mr. Mapp approved the Minutes of the March 14, 2017 meeting as previously signed by Hearing Examiner Mapp.

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IV. **New Business:**

**Case Number SUP-16-21** At the request of the applicant, this case is being deferred to the July 11, 2017 Hearing Examiner Meeting.

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**Case Number SUP-17-03:** A request by Vallivue School District and Design West for a special-use permit to construct an animated reader board within the R-1 (Low Density Residential) Zone. The animated reader section is proposed to be approximately 20 square feet in size. The subject property is located at 19430 Ward Road in Caldwell, Idaho

Testimony:

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting special use permit approval to construct a 20 square foot animated reader board within the R-1 (Low Density Residential) zone.

Aaron Vance, 2904 S Illinois, Caldwell, ID 83605, Mr. Vance is here on behalf of the School District. He indicated that the signs are a cost savings for the school, as opposed to sending out letters to each individual parent. The reader board is fully capable of being shut down at any point in the evening. He will make a recommendation that they do shut the sign down in the evening. The signs are also a safety issue as no one has to go out and individually change letters on the sign.

Ms. Brenda Ghigliotto, 19432 Brush Creek, Caldwell, ID 83605, signed up in opposition but after speaking to Mr. Vance prior to the meeting she is no longer opposed to the reader board and does not wish to speak.

Mr. Mapp asked Mr. Vance what Ms. Ghigliotto's concerns were.

Mr. Vance indicated she was not opposed to the sign but the lighting on the sign. He will make a recommendation that the sign be shut off in the evenings.

Mr. Mapp agrees that the lighting could be dimmed a little for safety reasons for people driving by.

**MR. MAPP CLOSED THE PUBLIC TESTIMONY.**

Comprehensive Plan Analysis for **SUP-17-03 (Special Use Permit)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-17-03 (Special Use Permit)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUP-17-03 (Special Use Permit)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

**ORDER OF DECISION FOR SUP-17-03 (Special Use Permit)**: The Hearing Examiner **ORDERED** that case number **SUP-17-03 BE APPROVED** with the following conditions 8.2 and 8.3 as written in the staff report.

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**Case Number SUP-17-02:** A request by Arturo Santana for a special-use permit to operate an automotive wrecking yard/salvage yard within the M-1 (Light Industrial) Zone. The subject property is comprised of 2 parcels (R0167801100 and R0167801000) located on the south side of Summers Street approximately 1,100 feet east of Kit Avenue in Caldwell, Idaho.

Testimony:

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting special use permit approval to operate an automotive wrecking yard/salvage yard within the M-1 (Light Industrial) zone. Staff is proposing the applicant enter into a deferral agreement with the City for the future construction of Summers Street. Summers Street is somewhat improved, however, there is not curb, gutter, or sidewalk in the area. Therefore, rather than having Mr. Santana construct that at this time we would have him enter into a deferral agreement. We are also requesting a condition of approval regarding landscaping, a 10 foot wide landscape buffer along Summer Street, either vegetative or dry.

Arturo Santana, 309 Blaine Street, Caldwell, ID 83605 testified that he is requesting a special use permit for a wrecking yard/salvage yard. He owns a used car business and rebuilds them. He often buys the whole car to use parts for other cars. The wrecking yard will store the cars he buys for parts.

Mr. Mapp asked if he will be crushing cars.

Mr. Santana said he will not crush cars; he would take those to a crusher. His main use will be storage.

Mr. Mapp asked about the storage of contaminate liquids like oil or antifreeze – does he have a place to store these liquids?

Mr. Santana said he has a shop on Main Street where he rebuilds the cars; he takes cars there to remove any liquids.

Mr. Mapp asked about outdoor storage and if he would have any tires stacked in the area.

Mr. Santana said no.

Mr. Mapp asked any noise.

Mr. Santana said there wouldn't be any noise; he doesn't have any air tools or anything of that nature.

Mr. Mapp asked about the hours of operation.

Mr. Santana said he is rarely there but when he is it is during the day. He will not have any customers coming and going.

Mr. Mapp asked about lighting in the area.

Mr. Santana said there would not be lighting in the area.

Mr. Mapp asked if he was in agreement with the staff report.

Mr. Santana said he was in agreement.

Dana Dobson, 22286 Rutledge Dr., Caldwell, ID 83607 presented Hearing Examiner Minutes from June 3, 2008 (Exhibit PZ 1001). Mr. Dobson attended this meeting in 2008 for the same type of Special Use Permit at this property and spoke in opposition of the request. He is still in

opposition of the request. There is a fence on this property on the curb line and it should be moved back 15 feet.

Mr. Mapp stated on the Order of Decision for SUP-308-08 there are general conditions 8.2 through 8.13. However, he does not have those conditions here. It states 8.11 is modified: If the existing fence is on the property line it shall remain and have slats placed in the chain link in order to provide a site-obscuring fence around the entire property. If the fence is in the right-of-way area, it shall be torn down and replaced with an 8 foot high sight-obscuring fence around the entire property on the property line. Condition 8.14 Manufactured home will have to be removed prior to Certificate of Completion issuance.

Mr. Mapp asked staff if they are aware of a manufacture home still being on the property.

Mr. Wagoner stated there is one east of the site but he does not believe there is one on the site.

Mr. Mapp is assuming that it may have been removed. In regards to the fence, is staff aware of anything being done with the fence?

Mr. Wagoner stated he believes the fence is still located along the back edge of the curb, if that is case it would be appropriate to add a condition to relocate the fence on the back side of the landscape buffer. It would be appropriate to require that to be a site-obscuring fence.

**MR. MAPP CLOSED THE PUBLIC TESTIMONY.**

Comprehensive Plan Analysis for **SUP-17-02 (Special Use Permit)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-17-02 (Special Use Permit)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUP-17-02 (Special Use Permit)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

**ORDER OF DECISION FOR SUP-17-02 (Special Use Permit)**: The Hearing Examiner **ORDERED** that Case Number SUP-17-02 (Special Use Permit) **BE APPROVED** with the following conditions: 8.2 through 8.4 and the addition of 8.5 to relocate the fence 15 feet beyond the back edge of curb and that it be a site-obscuring fence and condition 8.6 that all vehicles must be stored on the property (behind the fence) and there will be no outdoor storage of tires, oil, gasoline, or other liquids. Mr. Santana has 3 months from the signing of the Order of Decision to construct the fence according to code.

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**Case Number ZON-17-01**: A request by Bob Unger and ULC Management LLC to rezone two parcels totaling 8.12 acres, more or less, from R-1 (Low Density Residential) to R-3 (High Density

Residential) with a development agreement. The subject properties are located at 4918 Laster Lane and 4920 Laster Lane in Caldwell, Idaho.

Testimony:

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant requests to rezone approximately 8.12 acres from R-1 (Low Density Residential) to R-3 (High Density Residential) with a Development Agreement. The applicant intends to construct 7 multi-family structures with a total of 144 dwelling units.

Mr. Robert Unger, ULC Management, 6104 N. Grey Lane, Boise, ID 83714 stated he represents Mr. Dellon Smith who is the owner and developer of the property. He met with staff to go over the design of the project and he is in agreement with the Staff Report, Conditions of Approval and the Development Agreement.

Mr. Mapp asked when the public space (club house and amenities) for the residents will be constructed.

Mr. Unger stated they will be constructed as a part of the project and the entire project will be constructed at one time.

**MR. MAPP CLOSED THE PUBLIC TESTIMONY.**

Comprehensive Plan Analysis for **ZON-17-01 (Rezone)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-17-01 (Rezone)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-17-01 (Rezone)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

**ORDER OF DECISION FOR ZON-17-01 (Rezone)**: The Hearing Examiner **RECOMMENDED** that Case Number ZON-17-01 (Rezone) **BE APPROVED** with the following conditions: 8.2 through 8.15 as written in the staff report.

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**Case Number SUP-17-01**: A request by Casey Gray and Meadow Outdoor Advertising for a special-use permit to construct an off-premise sign (billboard) within the M-1 (Light Industrial) Zone. The sign is proposed to be approximately 670 square feet in size and 50 feet tall. The subject property is located at 3816 E. Linden Street in Caldwell, Idaho.

Testimony:

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting special use permit approval to construct an off-premise sign (billboard) within the M-1 (Light Industrial) zone. The billboard is proposed to be approximately 640 square foot in size and 50 feet tall. The subject property does have frontage onto Linden Street which is a minor arterial roadway. Staff does have some recommendations of approval. The first being the property itself; as it sits today it is out of compliance in regards to the standards and requirements of city code. There was a driveway that was constructed approximately 1.5 years ago without proper permissions or approvals. We realize the applicant did not have anything to do with this as he is not the property owner, however, since this request does involve the property itself we want to make sure that gets rectified. We do request a deferral agreement for Conditions 8.5 and 8.6 for improvements to the property in the future.

Mr. Mapp mentioned that Condition 8.3 mentions IDT but does not mention FAA.

Mr. Wagoner stated we could add that as an additional Condition. We would also like to modify Condition 8.7 regarding the non-compliant driveway. The conditions currently states closing the driveway with vertical curb, gutter and sidewalk. That will be part of the deferral agreement so it should instead state that the non-compliant driveway be closed by removing the driveway and placing boulders/rocks at the entrance.

Mr. Casey Gray, 619 E. Havasu Falls, St., Meridian, ID 83642 testified there is a great demand for these types of outdoor structures. We have a long term lease agreement with Linden Holdings, LLC who owns this property. They actually only lease about 600-800 square feet of the property itself. We use prismatic lenses that are right in front of the picture part, it is a 2 sided sign. The lights just hit the face of the structure. We typically turn them off at 11pm. As far as FAA approval, this would be in compliance and we will get written approval from FAA. We really don't have much control over the property owner, the only contact we've had with him is over this particular issue. He has acknowledged that the property is not in compliance. He realizes he will have to put in curbs, gutters and sidewalks. We had no idea the driveway was non-compliant, but he would volunteer to speak to the owner about this. He appreciates the City would like these updates but he doesn't feel like they are responsible for them as a tenant of the property.

Mr. Mapp stated he does have an issue with the driveway.

Mr. Gray said he would highly recommend to the owner that they block off the illegal driveway.

**MR. MAPP CLOSED THE PUBLIC TESTIMONY.**

Comprehensive Plan Analysis for **SUP-17-01 (Special Use Permit)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-17-01 (Special Use Permit)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUP-17-01 (Special Use Permit)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

**ORDER OF DECISION FOR SUP-17-01 (Special Use Permit)**: The Hearing Examiner **ORDERED** that Case Number SUP-17-01 (Special Use Permit) **BE APPROVED** with the following conditions: 8.2 and 8.3 add a Condition that the applicant will provide to staff the approval from the FAA and IDT and that the lighting will face downward not toward I-84. Strike Conditions 8.4, 8.5, 8.6 and 8.7; although Mr. Mapp acknowledged that as staff he would have also put those conditions in the staff report. He feels however, that they are conditions for the property owner and are not appropriate to pass on to Mr. Gray.

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**Case Number: ANN-17-02/SUB-17P-02**: A request by Providence Properties, LLC to annex 4.54 acres, more or less, with an R-2 (Medium Density Residential) zoning designation, amendment of Development Agreement, and Preliminary Plat approval of Mason Creek Landing Amendment Subdivision consisting of 51 residential lots and 6 common lots. The subject property is located at 19506 Middleton Road in Caldwell, Idaho.

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to annex 4.54 acres, more or less with an R-2 (Medium Density Residential) zoning designation and approval of a Preliminary Plat for Mason Creek Landing Amendment Subdivision, consisting of 51 residential lots. The 4.54 acres will become part of the recently approved Mason Creek Landing Subdivision.

Mr. Kent Brown, 3161 Springwood, Meridian, ID 83642 stated that when they did the preliminary plat last Fall for Mason Creek Landing they tried to incorporate this parcel as best as they could. As you look at the configuration of the angles and so forth we had to increase the size of our preliminary plat. Our preliminary plat is 14.3 acres and our annexation is only 4.54 acres. Any lot that was changed is included in our new plat. Overall, we increased 17 lots even though there are 51 lots in this preliminary plat. We plan to incorporate that into our phasing as if it was originally and always there.

Mr. Mapp asked Mr. Brown if he was in agreement with all the conditions.

Mr. Brown said yes he was in agreement with the conditions.

**MR. MAPP CLOSED THE PUBLIC TESTIMONY.**

Comprehensive Plan Analysis for **ANN-17-02**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ANN-17-02**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ANN-17-02**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

**ORDER OF DECISION FOR ANN-17-02**: The Hearing Examiner **RECOMMENDED** that Case Number ANN-17-02 **BE APPROVED** with the following conditions: 8.2 and 8.3 as listed in the Staff Report.

Comprehensive Plan Analysis for **SUB-17P-02**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUB-17P-02**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUB-17P-02**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

**ORDER OF DECISION FOR SUB-17P-02**: The Hearing Examiner **RECOMMENDED** that Case Number SUB-17P-02 **BE APPROVED** with the following conditions: 12.2 through 12.12 as listed in the Staff Report.

V. Planning Issues – None

VI.

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VII. Adjournment

The Hearing Examiner adjourned the meeting at approximately 8:48 p.m.

MINUTES APPROVED AND SIGNED BY THE HEARING EXAMINER, M. JEROME MAPP, ON THE DATE NOTED BELOW:

 6/5/17 ATTEST:  
Mr. Jerome Mapp Date

 6-5-17  
Jarom Wagoner, Senior Planner / Development Team Leader Date

**For detailed Minutes, please request a copy of the digital recording.**

**ORDER OF DECISION  
BY THE HEARING EXAMINER  
CITY OF CALDWELL, IDAHO  
PUBLIC HEARING HELD MAY 2, 2017**

**Subject:** Case No. SUP-17-01 (Meadow Outdoor Advertising Billboard)

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The following Land Use Action is the primary feature of this application:

- Special-Use-Permit request to construct an Off-Premise sign (Billboard) within the M-1 (Light Industrial) zone.

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**I COURSE OF PROCEEDINGS**

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application SUP-17-01 to be held on May 2, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, April 17, 2017, notice was published in the Idaho Press Tribune, and on, or before, April 15, 2017 notice was mailed to all political subdivisions providing services to the site and to all property owners within 300 feet of the project site; and on, or before, April 21, 2017 notice was posted on the site.
- 1.2 On May 2, 2017 the Hearing Examiner **APPROVED** the request.
- 1.3 Files and exhibits relative to this application are available for review in the Planning and Zoning Department, 621 Cleveland Boulevard, Caldwell and at applicable public hearings.

**II GENERAL FACTS**

- 2.1 APPLICANT: Meadow Outdoor Advertising, P.O. Box 331, The Dalles, Oregon, 97058.
- 2.2 PROPERTY OWNER: Linden Holdings, LLC, 14405 Goodson Road, Caldwell, Idaho, 83607.
- 2.3 REPRESENTATIVE: Casey Gray, Meadow Outdoor Advertising, P.O. Box 331, The Dalles, Oregon, 97058.

2.4 REQUEST: The applicant is requesting special use permit approval to construct an off-premise sign (billboard) within the M-1 (Light Industrial) zone. The billboard is proposed to be approximately 640 square foot in size and 50 feet tall.

2.5 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is Industrial.

**Industrial** – Suitable for the manufacturing, processing, assembling, packaging or fabricating of previously prepared materials; research and development activities; and warehousing. Also suitable for limited commercial activities involving large areas for storage/display and limited residential uses such as manufactured home parks.

2.6 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:

Land Use: The subject property is zoned C-3 (Service Commercial) and is surrounded by:

<u>Direction</u>	<u>Zone</u>	<u>Comprehensive Map</u>	<u>Use</u>
Site	M-1	Industrial	Repair Shop/Residential Home
North	M-1	Industrial	Vacant
South	M-1	Industrial	Retail, Auto Sales
East	M-1	Institutional	I-84, Airport
West	M-1	Industrial	Mobile Home Park

2.7 Transportation/Connectivity: The subject property has frontage onto Linden Street, a minor arterial roadway.

2.8 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, Pioneer Irrigation District, Idaho Transportation Department, and the City Airport Manager were all sent a request for comment.

2.9 Right-of-Way/Street Improvements: The applicant should be required to provide right-of-way (ROW) dedication and street improvements as part of this request.

The applicant should be required to dedicate 40 feet of ROW measured from the centerline of Linden Street, abutting the site. The applicant should be required to widen Linden Street as one-half of a minor arterial including, but not limited to, pavement widening, vertical curb, gutter, and either 7-foot wide attached sidewalk or a 5-foot wide detached sidewalk.

2.10 Landscaping: As per Section 10-07-02(2) of City Code, landscaping should be required for this project. City Code requires a 20-foot wide vegetative (grassed) landscape buffer along Linden Street. The site has approximately 600 feet of frontage along Linden Street, which would require a minimum of 17 Class II trees and 85 shrubs, along with vegetative ground cover (grassed) within the buffer area.

2.11 Access: The property is currently out of compliance in regards to access as there is an existing prohibited driveway. According to aerial photography this driveway was constructed sometime between June 6, 2014 and April 29, 2015 without proper permission. The non-compliant driveway is located approximately 400 feet east of Chicago Street. The driveway does not meet separation distances for a minor arterial roadway. There are 2 other driveways on the property, both of which are approved. They are located approximately 250 feet east of Chicago Street, and the other in alignment with Chicago Street.

Typically staff would either recommend denial of the application or request that it be tabled until the property is brought into compliance. However, staff is recommending certain conditions to ensure

that the driveway is removed. Given this fact, staff is recommending moving forward with the application. The applicant should be required to remove the non-compliant driveway and replace it with vertical curb, gutter, and sidewalk.

### **III PUBLIC TESTIMONY**

#### **3.1 BEFORE THE HEARING EXAMINER, May 2, 2017**

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting special use permit approval to construct an off-premise sign (billboard) within the M-1 (Light Industrial) zone. The billboard is proposed to be approximately 640 square foot in size and 50 feet tall. The subject property does have frontage onto Linden Street which is a minor arterial roadway. Staff does have some recommendations of approval. The first being the property itself; as it sits today it is out of compliance in regards to the standards and requirements of city code. There was a driveway that was constructed approximately 1.5 years ago without proper permissions or approvals. We realize the applicant did not have anything to do with this as he is not the property owner, however, since this request does involve the property itself we want to make sure that gets rectified. We do request a deferral agreement for Conditions 8.5 and 8.6 for improvements to the property in the future.

Mr. Mapp mentioned that Condition 8.3 mentions IDT but does not mention FAA.

Mr. Wagoner stated we could add that as an additional Condition. We would also like to modify Condition 8.7 regarding the non-compliant driveway. The conditions currently states closing the driveway with vertical curb, gutter and sidewalk. That will be part of the deferral agreement so it should instead state that the non-compliant driveway be closed by removing the driveway and placing boulders/rocks at the entrance.

Mr. Casey Gray, 619 E. Havasu Falls, St., Meridian, ID 83642 testified there is a great demand for these types of outdoor structures. We have a long term lease agreement with Linden Holdings, LLC who owns this property. They actually only lease about 600-800 square feet of the property itself. We use prismatic lenses that are right in front of the picture part, it is a 2 sided sign. The lights just hit the face of the structure. We typically turn them off at 11pm. As far as FAA approval, this would be in compliance and we will get written approval from FAA. We really don't have much control over the property owner, the only contact we've had with him is over this particular issue. He has acknowledged that the property is not in compliance. He realizes he will have to put in curbs, gutters and sidewalks. We had no idea the driveway was non-compliant, but he would volunteer to speak to the owner about this. He appreciates the City would like these updates but he doesn't feel like they are responsible for them as a tenant of the property.

Mr. Mapp stated he does have an issue with the driveway.

Mr. Gray said he would highly recommend to the owner that they block off the illegal driveway.

### **IV APPLICABLE LEGAL STANDARDS**

- 4.1 City of Caldwell Zoning Ordinance No. 1451, as amended
- 4.2 City of Caldwell Comprehensive Plan, as amended
- 4.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

### **V COMPREHENSIVE PLAN ANALYSIS**

The Caldwell Hearing Examiner accepts the Comprehensive Plan Components as listed below.

5.1 The proposed project is consistent with the following Comprehensive Plan Components:

**GOALS AND POLICIES – Property Rights**

*Goal 1: Ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of the property.*

Policy 1-1: Establish a sound basis for land use and environmental regulations through comprehensive planning and adopted policies and ordinances.

**GOALS AND POLICIES – Land Use**

*Goal 1: Establish land-use management policies that protect property rights and the environment, maintain a high quality of life, provide adequate land for all types of development, and adequately buffer non-compatible uses.*

Policy 1-1: Guide the growth and development of land uses in such a way that the health, safety, and general welfare of residents will be protected.

5.2 The request was not found to be inconsistent with any portion of the Comprehensive Plan Components.

**VI FINDINGS OF FACT**

6.1 The Caldwell Hearing Examiner accepts the facts outlined in the staff report, public testimony and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application. The proposed use is conditionally permitted by the terms of the ordinance and is subject to conditions of approval.

**VII CONCLUSIONS OF LAW**

7.1 The Caldwell Hearing Examiner has the authority to hear this case and order that it be approved or denied. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and City ordinances.

**VIII ORDER OF DECISION**

8.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Hearing Examiner hereby orders that Case Number SUP-17-01 a request by Casey Gray Meadow Outdoor Advertising for a special-use permit to construct an off-premise sign (billboard) within the M-1 (Light Industrial) Zone for the property located at 3816 E. Linden Street in Caldwell, Idaho, is **approved** with the following conditions of approval:

8.2 Comply with the all applicable city codes, ordinances, policies, and standards.

8.3 Comply with all requirements of the Idaho Transportation Department.

CASE NUMBER SUP-17-01 WAS HEARD BY THE CALDWELL HEARING EXAMINER AT A PUBLIC HEARING HELD MAY 2, 2017.

THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF DECISION WERE ADMINISTRATIVELY APPROVED AND SIGNED BY THE CALDWELL HEARING EXAMINER ON THE DATE NOTED BELOW.

  
M. Jerome Mapp, Hearing Examiner

6/5/17  
Date

ATTEST:

  
Jarom Wagener, AICP  
Senior Planner