



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Shawn Wilson

February 4, 2025

Jeffrey Maffuccio
Idaho Power Company
1221 W Idaho St
Boise, ID 83714
jmaffuccio@idahopower.com
(sent via email)

Re: CUP24-00041 / 2001 E Amity Rd

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for modification of a conditional use permit to expand an existing electric substation on 45.6 acres located at 2001 E Amity Road within an I-1/AI-O/WUI-O (Light Industrial with Airport Influence Overlay and Wildland Urban Interface Overlay) zone.

The Boise City Planning and Zoning Commission, at their hearing of **February 3, 2025**, **approved** your request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

May we also take this opportunity to inform you of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: <http://pds.cityofboise.org/>.
3. All appeals of this permit must be filed by **5:00 P.M., on February 13, 2025**.
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit.

Questions can be directed to me, David Moser, at (208) 608-7087 or dmoser@cityofboise.org.

Sincerely,



Davide Moser
Associate Planner, Planning and Zoning
Boise City Planning and Development Services

DM/nn

cc: Erik Berg / Southeast Boise Neighborhood Association / iceberg210@hotmail.com

The City of Boise Planning and Development Services Department acknowledges the ancestral, cultural, traditional, and unceded territory of the Shoshone, Bannock, and Northern Paiute people on which our land use and development decisions are made.



REASON FOR THE DECISION

Conditional Use Permit

The proposed conditional use modification is consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05.3.C* (Conditional Use Permit). The conditional use modification for the expansion of an electric substation and energy storage facility is uniquely suited for this location since it is adjacent to the existing Boise Bench substation electrical infrastructure, which has been in operation since the 1950's. The energy storage facility will not create material impacts to other uses in the area as there will continue to be considerable separation and buffering from the residential neighborhood and similar uses have existed in this location for decades. The expansion will provide a benefit to the public as the battery storage facility will help Idaho Power meet the future energy demands of the City of Boise. The storage batteries are setback about 200 feet from the adjacent residential neighborhood and located behind an 11-foot-high screen wall. The site is large enough to accommodate the proposed substation expansion and all required setbacks are being met or exceeded. The substation expansion is a secured facility, and it is not open to the public. It will not adversely impact the delivery of services from public utilities. The substation expansion and battery storage facility is consistent with the Comprehensive Plan which promotes an increased use of renewable energy and provides public facilities and infrastructure that meet the future needs of the city (*Goal ES 12 and Goal PDP6*). *Policy PDP7.3* promotes the development of energy facilities that meet public needs.

CONDITIONS OF APPROVAL

Site Specific

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department date received **January 6, 2025**, except as expressly modified by the following conditions:
2. A Design Review application will need to be approved by the city prior to submittal of building permits.
3. The applicant shall install vertical curb and gutter, 10-foot-wide landscape buffer and 12 foot wide detached multiuse pathway along Holcomb Road to the Intersection with Amity Road abutting the subject property.
4. The 10-foot-wide landscape buffer shall contain 32 Class I trees planted every 40 feet or appropriately clustered along the street frontage.
5. The area around the batteries will be gravel and kept free of weeds to reduce fire risk.

Agency Requirements



6. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
 - a. Sewer;
 - b. Drainage;
 - c. Solid Waste (**January 15, 2025**);
 - d. Street Lights (**January 6, 2025**).

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

7. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
 - a. Ada County Highway District (**January 14, 2025**);
 - b. Boise City Parks Department (**January 6, 2025**);
 - c. Boise City Airport Department (**January 9, 2025**); and
 - d. Boise City Fire Department (**January 22, 2025**).

Standard Conditions of Approval

8. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
9. Fences, Walls, and Screening shall conform with the standards outlined in BCC 11-04-09.10.
10. All improvements must comply with the zoning code in regard to accessibility requirements.
11. All vehicular access points shall be consolidated to the maximum extent possible as required by Section 11-04-07.4.
12. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Development Code. Contact the Planning Division at (208)608-7100 regarding questions pertaining to this condition.
13. A City of Boise Erosion and Sediment Control (ESC) permit must be obtained prior to site development and construction activities disturbing 2500 square feet or more of the parcel(s). The ESC permit is obtained from the PDS Building Division. If the project requires a Grading (GRD) permit, the GRD application includes the ESC submittal information. If no GRD permit is required, a "stand-alone" ESC permit shall be applied for by completing the ESC Application form #701 and submitting to permits@cityofboise.org. For questions and more information, please contact the ESC division. Documentation verifying that the ESC permit has been obtained and



is in compliance must be provided prior to City Engineer's Certification of the Final Plat.

14. To obtain a City of Boise ESC permit, the applicant must meet site specific submittal requirements. If an ESC plan is required, an ESC site map drawing and a separate ESC plan document must be submitted for review and approval. For projects requiring a GRD permit, the ESC plan drawing and document will be submitted with the GRD application submittal requirements. Please review submittal checklists for details or contact the ESC division for further information. Projects that are required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for Idaho Construction General permit may submit the SWPPP for review.
15. Prior to issuance of an ESC permit, an individual with a valid ESC Responsible Person (RP) certification license must be designated on the permit. The RP may be designated at time of application/ESC plan submittal, or once a contractor has been determined. The RP must be onsite regularly and have operational control at the site. Any updates or changes should be submitted to permits@cityofboise.org or the ESC division.
16. All landscaping areas on the site and within the right-of-way adjacent to the site shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have an approved mulch, such as bark or soil aid.
17. Prior to the installation of lawn or other plant materials in areas that have been disturbed or compacted by construction activity, soils shall be amended in accordance with *Section 11-04-09.3.E(1)* to increase soil water holding capacity.
18. All required landscape trees shall be pruned in accordance with the American National Standards Institute's [*Standard Practices for Tree Care Operations*](#) (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at (208)608-7700 for information regarding tree care operations.
19. In compliance with Boise City Code *Section 07-02-09*, anyone planting, pruning, removing, or trenching/excavating near any tree(s) in public areas or on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling (208)608-7700. Species shall be selected from the [*Boise City Tree Selection Guide*](#).
20. Minimum plant sizes at time of planting are as follows; 1 ½ to 2 ½ inch caliper for deciduous, shade, and ornamental trees, six feet for evergreen trees, three gallons for shrubs, and one gallon for perennials, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.



21. Existing healthy trees shall be saved where not in conflict with building locations or required driveways, as determined by the Boise City Forester and approved by the Planning staff. Existing grading shall be altered as little as possible, with a minimum compaction of topsoil within the tree dripline area. Soil sterilants shall not be applied near the dripline of these trees. Pervious paving shall be provided within the dripline area, unless otherwise approved by the Boise City Forester and the Planning staff, to allow surface air and water penetration to the feeder root zone of trees near paved areas.
22. In the event a tree with four-inch caliper or greater is removed without prior approval, the tree shall be replaced with a tree with trunk caliper one-and-one-half inch caliper or greater than the one removed or with a sufficient number of trees, as approved by the Planning Director or prevailing Decision Body. Caliper shall be as measured by the American Nurseryman's Association standards. For example, if a 12-inch caliper tree is removed, it must be replaced with either one 18-inch caliper tree, three six-inch caliper trees, or five four-inch caliper trees. The replacement requirement may be modified upon a showing made to the Planning Director or prevailing Decision Body of disease or death of the tree which was not caused by neglect. Required replacement trees shall be located either on-site or off-site based on the recommendation of the City Forester.
23. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.
24. All required parking areas and driveways shall be paved from the public right-of-way and provided with approved wheels restraints and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.
25. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
26. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provision of Boise City Code, including lot frontage on a public or approved private street, dimension and design standards, and all requirements for preliminary and final platting.
27. All signs will require additional approval from the Planning and Development Services Department prior to installation.
28. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.



29. Rain gutters shall be provided on eaves projecting over pedestrian entries and walkways to protect the occupants from undesirable storm runoff. Through-wall mechanical units shall be architecturally integrated into the building design, as approved by the Planning staff. Roof vents shall be screened or painted to match the roof color.
30. Any exterior residential light or streetlight fixtures shall be of a design that complies with *Section 11-04-11* of Boise City code and will focus light downwards in order to prevent light to trespass outside the project.
31. Any outside lighting shall be reflected away from adjacent property and streets. All lighting shall be designed so that the lighting level at each property line that does not front on a public or private street shall not exceed one (1) footcandle. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line.
32. Lighting fixtures and poles shall not be located in planter islands or landscape buffers or in any location that will in the future interfere with the natural growth of required trees.
33. Exterior light fixture details shall be submitted to Planning staff for approval prior to issuance of a Building Permit. Impacts on residential areas shall not be permitted.
34. Vision Triangles, as defined under *Section 11-06-03* of the *Boise City Code*, shall remain clear of sight obstructions.
35. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.
36. Except for Industrial Uses, as listed in *Table 11-03.1: Table of Allowed Uses*, swales shall not be located in required landscape buffers along streets and shall meet the design requirements of *Section 11-04-09.9.B.1*.
37. Utility services shall be installed underground.
38. Boise City Fire Department requires water mains, fire hydrants, and temporary Fire Department access to be installed, inspected, and approved by the Fire Department prior to commencement of combustible construction. Note: Temporary water and temporary access during construction may be permitted upon request to, and approval by, the Fire Department.
39. No obstructions (landscaping, signs, fences, or other elements) shall encroach upon any required fire access or fire facility.
40. All amenities, landscaping, fencing, sidewalks, streetlights, sewer, and underground irrigation shall be installed or bonded for prior to the issuance of a building permit.



For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials, and the installation. The bond shall be for 110% of the highest bid and submitted to the Building Department on the 2nd floor of City Hall. For additional information, please call (208) 608-7100.

41. All required improvements shall be completed and all conditions met before the issuance of the first Certificate of Occupancy to the maximum extent practicable, unless phasing or another time for completion is stated as a written condition of approval. If no condition of approval allows additional time for the completion of improvements, the Planning Director may allow an extension of time of up to one year following the issuance of the first Certificate of Occupancy. Once the year extension is completed, no further Certificates of Occupancy shall be granted until all conditions and improvements have been completed.
42. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or an authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
43. 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 successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
44. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
45. This approval shall be valid for a period not to exceed twenty-four (24) months from the date of approval by the Planning and Zoning Commission, unless otherwise indicated in *Section 11-05-05, Specific Procedures* or in *Table 11-05.2*. Within this period, the holder of the permit must:

Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, building foundations, or other utilities;

OR

Initiate the allowed use or activity, modify the property, or take other actions to use the authority granted in that permit or development approval;

OR



For projects that require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected, or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.

46. Prior to the expiration of this approval, the Planning Director may, upon written request by the holder, grant a one-year time extension. A maximum of two (2) extensions may be granted.
47. All loading activities and site maintenance (with the exception of snow removal) are limited to Mondays through Fridays between the hours of 7:00 a.m. and 10:00 p.m. and Saturdays and Sundays between the hours of 8:00 a.m. and 8:00 p.m.
48. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday, unless otherwise approved by the Planning Director for temporary construction activity. Low noise impact activities such as surveying, layout, and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.

