



## PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Shawn Wilson

January 9, 2025

Scott Wendell  
Lombard Conrad Architects  
1221 W Shoreline Dr  
Boise, ID 83702  
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**Re: CVA24-00012 & CUP24-00028 / 7210 W Barrister Drive**

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 to a conditional use permit to expand an existing jail as a phase development with a parking reduction and expansion of a legal nonconforming use located on 22.36 acres at 7210 W Barrister Drive in an MX-3 (Mixed Use: Active) and I-1 (Light Industrial) zones. A variance to encroach into the Interstate setback and to waive required street improvements associated with the jail expansion is also included.

The Boise City Planning and Zoning Commission, at their hearing of **January 6, 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 hearing date. 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: [cityofboise.org/pds-appeal](https://cityofboise.org/pds-appeal).
3. All appeals of this permit must be filed by **5:00 P.M., on January 16, 2024**.
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.
5. If this approval for a variance is not fulfilled or extended pursuant to the Boise City Code, within 24 months, it will become null and void without further notification from this department.

This letter constitutes your Conditional Use Permit & Variance Permit.

Questions can be directed to me David Moser, at (208) 608-7087 or [DMoser@cityofboise.org](mailto:DMoser@cityofboise.org).

Sincerely,



David Moser  
Senior Planner, Planning and Zoning  
Boise City Planning and Development Services

DM/nn

cc: Brent Pitts / Lombard Conrad Architects / [bpitts@lcarch.com](mailto:bpitts@lcarch.com)  
Alex Murray / Ada County Treasurer – Authorized Rep / [amurray@adacounty.id.gov](mailto:amurray@adacounty.id.gov)  
Neil Jenkins / Liberty Park Neighborhood Association / [neil.david.jenkins@gmail.com](mailto:neil.david.jenkins@gmail.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 conditional use modification to expand the existing Ada County Jail facility and to grant a parking reduction is consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05.3.C* (Conditional Use Permit). The proposed conditional use modification is appropriate for the location as it is an expansion to an existing facility that was approved with a conditional permit in 1975. In addition, a majority of the site is located within the public/quasi-public land use designation, which supports the project. It is consistent with the comprehensive plan which encourages the expansion of police facilities to ensure public safety and a reduction of crime rates (*Goal SHCC5*). The proposed modification will not create material impacts to other uses in the area and will support an ongoing beneficial use to the community. Expanding the capacity of the jail facility provides needed public safety infrastructure for the city. With the parking reduction, the site provides an adequate amount of parking, as the subject property is adjacent to public transit route with a bus stop located in front of the building and, as conditioned, will provide ample bicycle parking. The facility expansion is located inside the secured fence line and will not impact the existing public pedestrian and bicyclist pathways. The project includes variances that comply with the required approval criteria as per *Section 11-05-05.3L*.

### **Legal Nonconforming Use – Major Expansion**

The expansion of the legal nonconforming Ada County Jail facility is consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05.3.G* (Legal Nonconforming Use - Major). The jail expansion is consistent with the historic use of the site, which has been a jail and public safety building for about 49 years. The increase in the jail capacity will not generate a significantly amount of additional traffic. As such, the proposed expansion will not unduly burden transportation or service facilities in the vicinity. The proposed expansion will not result in material negative impacts to surrounding properties. The site improvements are located within the fenced security area. In addition, the legal nonconforming expansion of the jail facility will provide a public benefit. Increasing the facilities capacity will provide needed public safety infrastructure for the city. It will not increase the degree of nonconformity of any portion of the building. The overall use of the property is not being changed by the proposed expansion. The proposed expansion is supported by *Blueprint Boise; Goals SHCC5, Policy SHCC5.1, and Policy SHCC5.2*. These goals encourage that public safety is ensured as the city grows. Specifically, this includes expanding existing public safety and police facilities in locations that are consistent with the city's long term planning goals.

### **Variance**

The proposed variances for the fire lane to encroach into the I-184 Interstate setback and to deviate from the requirement to install a five-foot-wide detached sidewalk and



approximately six-foot-wide landscape buffer along Allumbaugh Street are consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05.3.L (Variance)*. There is an undue hardship associated with the property that justifies granting these variances. The variance from the I-184 Interstate setback is required since the existing fire lane was constructed in the setback and the new fire lane is required to connect into the existing fire lane to provide a functional service drive along the north property boundary. In addition, there is an undue hardship associated with the site that justifies a variance from the required 10-foot-wide detached sidewalk and eight-foot-wide landscape buffer along Allumbaugh Street. Ada County Highway District (ACHD) is planning on improving Allumbaugh Street adjacent to the site in 2025 with five-foot-wide detached sidewalk and six-foot-wide landscape buffer. Granting the variance would prevent the removal and replacement of the new street improvements, which is a waste of resources. The proposed variances will not be in conflict with the public interest. The expansion of the jail facility is necessary for Ada County and Boise City to protect and serve its citizens and the community as the region grows. Additionally, providing sidewalks that comply with ACHD policies and standards is in the best public interest. Granting the variances to encroach into the I-184 Interstate setback and from the required sidewalk improvements does not grant a special privilege to the subject property. Several properties within the surrounding area maintain a similar setback since they were constructed prior to establishment of this I-184 Interstate setback and the ACHD will install the street improvements along Allumbaugh Street in 2025. The variances will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements of other property owners since the setback along I-184 interstate is intended to provide space for a landscape buffer along the property line which is not allowed in this situation for security reasons.

## **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 **August 8, 2024**, except as expressly modified by the following conditions:
2. A Design Review application will need to be approved by the City of Boise prior to submittal of building permits.
3. The applicant shall install 31 EV capable parking spaces located primarily within the new parking lot area. The remaining EV capable parking spaces shall be located within the existing public parking lot.
4. The applicant shall provide at least 23 short-term, and at least 57 long-term bike park spaces that comply with the dimensional requirements of the development code. Bike spaces must be located within 50 feet of entrances and the long-term bike parking spaces are not required to be covered, but must be located inside the security fence.



5. The applicant shall provide five-foot wide detached sidewalks with an approximately six-foot-wide landscape buffer along Allumbaugh Street.
6. ADA accessible parking shall comply with the requirements of BCC Section 11-04-08.
7. The service drive shall be setback a minimum of five feet from property line adjacent to the I-184 Interstate.
8. The applicant shall work with the West Boise Sewer District and Nampa and Meridian Irrigation District on protecting these sewer and irrigation easements located on the subject property. The applicant shall provide an approval letter from the irrigation district for any proposed changes to the irrigation lateral located onsite.

### **Agency Requirements**

9. 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 (**September 6, 2024**);
  - b. Drainage;
  - c. Solid Waste (**September 20, 2024**);
  - d. Street Lights (**September 10, 2024**).

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.

10. The applicant shall comply with the requirements of the following:

- a. Ada County Highway District (**January 8, 2020**);
- b. Boise City Parks Department (**September 6, 2024**);
- c. Boise City Building Department;
- d. Boise City Fire Department (**September 9, 2024**);
- e. West Boise Sewer District (**September 18, 2024**);
- f. Nampa Meridian Irrigation District (**September 12, 2024**);
- g. Central District Health Department;
- h. School District

### **Standard Conditions of Approval**

11. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
12. All improvements must comply with the zoning code in regard to accessibility requirements.



13. All vehicular access points shall be consolidated to the maximum extent possible as required by *Section 11-04-07.4*.
14. 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.
15. 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](mailto: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.
16. 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.
17. 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](mailto:permits@cityofboise.org) or the ESC division.
18. 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.
19. 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.
20. No trees within the property, as shown on the plan and approved by the Planning Director or prevailing Decision Body, shall be removed without the approval of the



Planning Director or prevailing Decision Body, and in compliance with Boise City Code.

21. 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.
22. 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\*](#).
23. 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.
24. 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.
25. 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.
26. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.





27. All sidewalks and pathways shall be five-feet minimum and are to remain unobstructed.
28. 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.
29. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
30. 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.
31. All signs will require additional approval from the Planning and Development Services Department prior to installation.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.





38. Vision Triangles, as defined under *Section 11-06-03* of the *Boise City Code*, shall remain clear of sight obstructions.
39. 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.
40. 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*.
41. Utility services shall be installed underground.
42. 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.
43. No obstructions (landscaping, signs, fences, or other elements) shall encroach upon any required fire access or fire facility.
44. 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 2<sup>nd</sup> floor of City Hall. For additional information, please call (208) 608-7100.
45. 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.
46. 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.
47. 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.

48. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
49. 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.

50. 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.
51. 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.
52. 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.

