

BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, NOVEMBER 2, 2011
6:00 P.M.

The Board of Ada County Commissioners (Board) met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff present: Megan Johnson, Mark Perfect and Brent Danielson, Development Services; and Claire Tardiff, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner Rick Yzaguirre called the meeting to order at 6:00 p.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners Rick Yzaguirre, Sharon M. Ullman and Vernon L. Bisterfeldt were present.

III. IN THE MATTER OF CHANGES TO THE AGENDA:

There were no changes to the agenda.

IV. IN THE MATTER OF UNFINISHED BUSINESS:

ACTION: S. ULLMAN MOVED TO REMOVE APPLICATION NOS. 201000405 A (B) AND 201100625 MSP-A AS LISTED ON THE AGENDA FROM THE TABLE FOR CONSIDERATION. V. BISTERFELDT SECONDED. S. ULLMAN, AYE, V. BISTERFELDT, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 1. 201000405 A (B) SLN PLANNING:** Appeal of the Director's decisions to deny an administrative time extension for Guthrie Stone. The property contains 4.130 acres and is located at 6161 N Bogart Ln Boise 83714, Section 23 4N 1E. (*Tabled From 10/12/2011; Public Hearing Left Open*)

R. Yzaguirre stated the public hearing was left open. He said the Board would receive an updated report from Staff and then continue.

Megan Johnson submitted and read into the record Exhibit Nos. 17 - 20. She then presented an updated Staff report.

The Board and M. Johnson discussed the remaining outstanding conditions that need to be addressed by Applicant.

Shawn L. Nickel stated his name and address for the record and presented testimony addressing the outstanding conditions identified by Staff. S. Nickel stated that as a show of good faith, he would be willing to accept an additional condition requiring Applicant to have the conditions of the building permit finalized within one year after the issuance of a building permit.

The Board and S. Nickel discussed the outstanding issues and his testimony in further detail.

Justin Lucas, representing Ada County Highway District (ACHD), stated his name and business address for the record. J. Lucas presented testimony relating to ACHD's impact fees. He stated that until ACHD receives specific plans from Applicant, he could not provide exact numbers of what Applicant's impact fees would be. The Board and J. Lucas discussed how ACHD determined the impact fees and the various factors taken into consideration. J. Lucas discussed some of the conditions that may be required by ACHD relating to the project.

S. Ullman suggested this item be tabled to allow Applicant and ACHD to work towards attaining approval from ACHD to move forward.

S. Nickel re-approached the podium to address the testimony provided by J. Lucas and the comments made by the Board.

The Board discussed S. Nickel's testimony and the history of the project in further detail.

V. Bisterfeldt requested S. Nickel re-approach the podium to answer additional questions. V. Bisterfeldt posed questions to S. Nickel and suggested Applicant's attorney start working with ACHD if Applicant is unable to do so. The Board and S. Nickel continued to discuss ACHD's prior conditions and Applicant's need to resolve the outstanding issues with ACHD.

ACTION: S. ULLMAN MOVED TO TABLE APPLICATION NO. 201000405 A (B) AS LISTED ON THE AGENDA TO DECEMBER 7, 2011. V. BISTERFELDT SECONDED. S. ULLMAN, AYE, V. BISTERFELDT, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

The public hearing was left open.

2. **201100625 MSP-A BLAKE HANSEN:** An appeal of a condition of approval of File 201100625-MSP, which requires that the user connect to municipal sewer. The property contains .252 acres and is located at 1035 E Fairview Ave, Meridian 83642, Section 7 3N 1E. *(Tabled From 10/12/2011; Public Hearing Left Open)*

R. Yzaguirre stated the public hearing was left open. He said the Board would receive an updated report from Staff and then continue.

Mark Perfect presented the Staff report. He stated that Applicant did provide proof of the sign posting of the Notice of Hearing. He said that Applicant requested this item be tabled to December 7, 2011. He stated that the sign posting the Notice of Hearing was posted a day late, and therefore would need to be tabled to comply with the time requirement.

ACTION: S. ULLMAN MOVED TO TABLE APPLICATION NO. 201100625MSP-A AS LISTED ON THE AGENDA TO DECEMBER 7, 2011. V. BISTERFELDT SECONDED. S. ULLMAN, AYE, V. BISTERFELDT, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

The public hearing was left open.

V. IN THE MATTER OF NEW BUSINESS:

1. **201100737 ZOA ADA COUNTY:** A zoning ordinance text amendment for swearing-in of individuals prior to providing testimony at a hearing.

R. Yzaguirre opened the public hearing.

Brent Danielson presented the Staff report.

The Board and Staff discussed the applicability of the ordinance to the Planning and Zoning Commission (P&Z) and the additional time and cost that would be required to rewrite the ordinance to include P&Z.

R. Yzaguirre closed the public hearing.

ACTION: V. BISTERFELDT MOVED TO ADOPT THE SWEARING IN POLICY FOR THE ADA COUNTY COMMISSIONERS' PUBLIC HEARINGS AS WELL AS THE PLANNING AND ZONING COMMISSION AND ANY OTHER COMMISSION THAT HAS TO

TAKE SWORN TESTIMONY IN A PUBLIC HEARING.

DISCUSSION: THE BOARD DISCUSSED V. BISTERFELDT'S MOTION. THEY ALSO DISCUSSED THE WORD "MAY" VERSUS "SHALL" IN THE LANGUAGE OF THE PROPOSED ORDINANCE.

ACTION: V. BISTERFELDT WITHDREW HIS MOTION.

ACTION: S. ULLMAN MOVED, WITH REGARD TO APPLICATION NO. 201100737 ZOA ADA COUNTY, TO ADOPT THE ZONING ORDINANCE TEXT AMENDMENT AS ORIGINALLY PROPOSED AND DIRECT STAFF TO CREATE A SIMILAR ZONING TEXT AMENDMENT ORDINANCE THAT WOULD ALSO COVER THE PLANNING & ZONING COMMISSION. V. BISTERFELDT SECONDED. S. ULLMAN, AYE, V. BISTERFELDT, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

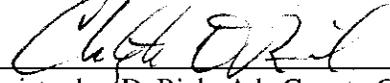
VI. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 6:41 p.m.



Rick Yzaguirre, Chairman

ATTEST:



Christopher D. Rich, Ada County Clerk