

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, APRIL 11, 2012
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: Kelly Woodworth, Diana Sanders and Richard Beck, Development Services; and Lorna Jorgensen, 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 and Sharon M. Ullman were present.

III. IN THE MATTER OF CHANGES TO THE AGENDA:

There were no changes to the agenda.

IV. IN THE MATTER OF NEW BUSINESS:

1. STREET NAME CHANGE: E. Bradley St., Garden City

Kelly Woodworth presented the Staff report.

R. Yzaguirre opened the public hearing.

S. Ullman and K. Woodworth discussed the proposed name change. S. Ullman confirmed with Staff that all emergency agencies would be timely notified of the name change.

R. Yzaguirre closed the public hearing.

ACTION: S. ULLMAN MOVED TO CHANGE THE NAME OF EAST BRADLEY STREET TO EAST CREATION STREET AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

2. 05007-DA-DM BAILEY ENGINEERING, INC.: Development Agreement Modification to modify the phasing of Peppertree Subdivision. The property contains 16.256 acres and is located at 5430 S. Valley St., Section 34 3N 1E

R. Yzaguirre opened the public hearing.

Diana Sanders presented the Staff report.

Kent Brown stated his name and address for the record and explained the reason Applicant is requesting a modification to the existing Development Agreement.

S. Ullman and K. Brown discussed the lot sizes and the alley loaded lots.

R. Yzaguirre closed the public hearing.

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 05007-DA-DM BAILEY ENGINEERING, INC. AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

3. 201101223 ZOA ADA COUNTY: A zoning ordinance text amendment to amend Ada County Code Title 5, Chapter 7, Section 2, and Title 8, Chapter 5, Section 3, Subsection 62. The request is being made to add a definition of domesticated animal,

and to clarify that written verification is required for livestock being raised for an educational purpose.

R. Yzaguirre opened the public hearing.

Richard Beck presented the Staff report.

S. Ullman discussed the ordinance amendment in further detail.

Deborah Tackman stated her name and address for the record and presented testimony in opposition of the ordinance text amendment. She explained that she believed the proposed language in the amended ordinance was too restrictive.

S. Ullman discussed the proposed language with D. Tackman and explained why the ordinance was being amended. S. Ullman suggested this item be tabled to the next public hearing in order to allow D. Tackman an opportunity to provide alternative language for consideration.

R. Yzaguirre left the public hearing open.

ACTION: S. ULLMAN MOVED TO TABLE APPLICATION NO. 201101223 ZOA ADA COUNTY TO MAY 9, 2012. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

- 4. 201101232 ZOA ADA COUNTY:** Renewable Energy Amendment to add a definition of a Fall Zone. Add two figures for examples of a fall zone and setbacks for freestanding wind facilities. Amend Specific Use Standards amending the parking requirement for sub transmission lines, raise the DBA for freestanding wind facilities, clarify the DBA for rooftop wind facilities, clarify measurement of the DBA and require documentation of noise levels expected to be generated and how they will meet the maximums allowed.

R. Yzaguirre opened the public hearing.

D. Sanders presented the Staff report.

Craig Kulchak stated his name and address for the record. He thanked Staff for their efforts drafting the amendment, although he did not agree with all the changes. He said he believed the amendment should be passed.

S. Ullman explained her concerns with the increased decibel level and the language regarding the measurement from “any” external property line. S. Ullman suggested that language be more inclusive to specify that the maximum decibel level, to be agreed upon, will not be exceeded at each and all property lines.

R. Yzaguirre closed the public hearing.

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 201101232 ZOA ADA COUNTY AS PROPOSED BY STAFF WITH THE EXCEPTIONS STATED EARLIER, INCLUDING CHANGING THE LANGUAGE TO INDICATE CLEARLY THAT THE MAXIMUM DECIBEL LEVEL SHALL NOT BE EXCEEDED AT ANY AND ALL OF THE PROPERTY LINES; THAT THE MAXIMUM DECIBEL LEVEL BE CHANGED TO 45; AND TABLE THE FINAL ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE APRIL 24, 2012, DEVELOPMENT SERVICES MEETING. R. YZAGUIRRE SECONDED.

DISCUSSION: R. YZAGUIRRE ASKED STAFF TO CONFIRM THE DECIBEL LEVEL RECOMMENDED IN THE PROPOSED ORDINANCE AS PRESENTED. STAFF ADVISED THAT THE PROPOSED DECIBEL LEVEL WAS INCREASED FROM 35 TO 60. THE BOARD AND

STAFF DISCUSSED CHANGING THE MAXIMUM DECIBEL LEVEL TO 45.

ACTION: R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

V. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 6:31 p.m.

Rick Yzaguirre, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk