

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, AUGUST 15, 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: Diana Sanders, Mark Perfect, Brent Danielson and Richard Beck, Development Services; and Claire Tardiff, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris/Terri Broome.

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 David L. Case 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. 201200784-SEW BOISE CITY PUBLIC WORKS:** Sewer extension project for 11180 W. Highlander Road

R. Yzaguirre opened the public hearing.

Diana Sanders turned the meeting over to Jim Pardy.

J. Pardy of the city of Boise stated his name and address for the record. He advised the Board that Boise City Public Works was contacted by a property owner. They were informed that the property owner's septic system was failing and they were interested in connecting to city sewer. The owner has paid their fees and consented to the annexation as the city requires. He said they polled the neighborhood to see if anyone else was interested. Of the people polled, nine people opposed, seven people weren't opposed, but did not want to be connected, and one individual was interested but did not want to consent to annexation.

Larry Reynolds stated his name and address for the record. He advised the Board that he is the individual that requested the sewer extension. He explained that he has been without sewer since May 17, 2012.

R. Yzaguirre closed the public hearing.

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 201200784-SEW BOISE CITY PUBLIC WORKS. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 2. 201000405-MSP-TE GUTHRIE STONE:** An application for a Board approved time extension as it relates to the Guthrie Stone Master Site Plan approved in Ada County File 201000405-MSP. The property contains 2.7 acres and is located at 8900 W. State Street Boise 83714, Section 23 4N 1E [6:03:28 PM](#)

Mark Perfect advised the Board that Applicant had not posted the site as required and requested this item be tabled to October 10, 2012.

ACTION: S. ULLMAN MOVED TO TABLE APPLICATION NO. 201000405-MSP-TE GUTHRIE STONE TO OCTOBER 10, 2012. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 3. 201200505-ZC-MSP-FP-DA AMY WAKAGAWA:** A zoning ordinance map amendment to zone a portion of the property from Southwest Community Residential (RSW) to Airport Industrial (M3), a development agreement, floodplain permit and a

master site plan for a contractor's yard and shop. The property contains 5.22 acres and is located at 7222 W. McGlochlin Street, Section 30 3N 2E [6:04:29 PM](#)

R. Yzaguirre opened the public hearing.

Brent Danielson submitted additional exhibits into the record and presented the Staff report.

S. Ullman and Staff discussed the zoning and the restroom requirement.

Amy Wakagawa, Applicant, stated her name and address for the record. She explained the purpose of the proposed building and how it will be utilized. She stated that four of five neighbors directly surrounding the property supported the building. She explained that they made modifications to their initial plan in response to suggestions from their neighbors. She stated that the one neighbor opposed to the project does not live on his property. The Applicant presented and discussed slides showing the area and the proposed project.

[6:21:28 PM](#)

Jerry Berggren stated his name and address for the record. He submitted documentation into the record and presented testimony in opposition of the application. He advised the Board that his property overlooks McGlochlin Street. He explained his concerns that the project may adversely affect the value of his property along with the 43 other residential properties in the area. He discussed Ordinance No. 743. He requested the Board deny the rezoning, limit the contractor's yard to a conditional use for not more than five years and revoke Ordinance No. 743.

Doug Craven stated his name and address for the record. He presented testimony opposing the application. He explained that the property owners lived in the area because it is a residential area. He presented and discussed photographs of houses across from the proposed project. He discussed his concerns that the project would create dust, additional noise and other issues. He stated that he is concerned that the business should be operating under a conditional use permit.

S. Ullman requested that B. Danielson identify where J. Berggren and D. Craven's properties were in relation to the proposed contractor's yard. R. Yzaguirre inquired if the gravel pit in the photograph was an active operation. D. Craven stated he believed the gravel pit was semi-active. He said they have been in the process of closing the pit down.

D. Craven then submitted a petition from adjacent homes on Diamond Street and Rim Acres affected by view and traffic. He stated those signatures were provided to the Planning and Zoning Commission. He said he had since obtained additional signatures.

S. Ullman discussed the area. She stated that there was at least one lot in the area with a lot of clutter or art in the front yard. D. Craven stated that was the case in different areas, but the concerns of the neighbors were the safety involved with traffic, the noise, smoke and commercialization of the property which would reduce the property value.

D. Case inquired if D. Craven knew if the church in that area was still functioning as a daycare. D. Craven stated that it was on Cole Road and, to his knowledge, was still operating as a daycare.

R. Yzaguirre asked D. Craven what was currently on his property. He responded that he has planted trees and is sustaining the property until he is ready to build.

The Board requested J. Berggren re-approach the podium. S. Ullman requested J. Berggren identify where his residence was located in relation to the proposed project. He showed the Board on a google map where his property was located.

Applicant re-approached the podium to address the testimony presented. She advised the Board that the owners of the houses in the photos provided by D. Craven were in support of the project. She said the dust was a temporary issue until the property was developed. She stated the noise was from the vehicles driving to and from the site.

She discussed the concerns raised regarding the safety and traffic issues. She provided letters from neighbors in support of the project.

S. Ullman inquired how many vehicle trips per day the project would generate compared to just residential use. Applicant responded that their typical work day would consist of three vehicles, a tool truck, a dump truck and chipper and a boom truck.

She discussed their plan for screening the area so it would not adversely affect views of the surrounding properties.

[6:50:20 PMB](#). Daniels assigned exhibit numbers to the various documents submitting during the hearing and entered them into the record.

R. Yzaguirre closed the public hearing.

The Board discussed the application and proposed conditions of approval.

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 201200505-ZC-MSP-FP-DA AMY WAKAGAWA; TABLE IT TO THE AUGUST 28, 2012, DEVELOPMENT SERVICES MEETING FOR THE ADOPTION OF REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW TO ENSURE THAT THE DEVELOPMENT AND COMMERCIAL ACTIVITY TAKES PLACE ON THE PROPERTY THAT IS CURRENTLY ZONED M3 AND THE PORTION THAT IS CURRENTLY ZONED RSW ONLY BE USED FOR INGRESS AND EGRESS PURPOSES, AND THAT THE VEHICLE TRIPS BE RESTRICTED TO A REASONABLE NUMBER TO ACCOMMODATE THE TRAFFIC THAT CAN BE REASONABLY EXPECTED EVEN IF THE BUSINESS GROWS. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.[6:56:53 PM](#)

4. **201200852-AC-V JOHN FOLEY:** An accessory use and variance application to allow the construction of a 2,520 sq. ft. detached accessory structure and to authorize relief from Ada County Code Standard 8-5-3-1.C, which limits the size of accessory structures within a required front yard to no more than 50% of the square footage of the footprint of the principal permitted dwelling or 1,500 square feet, whichever is less. The property contains 4.8 acres and is located at 5250 N. Willow Creek Road, Section 29 5N 1E

R. Yzaguirre opened the public hearing.

Richard Beck presented the Staff report.

John Foley, Applicant, stated his name and address for the record. He discussed the application and the proposed building. He presented photographs of the location for the building.

R. Yzaguirre closed the public hearing

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 201200852-AC-V JOHN FOLEY, AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.[7:01:34 PM](#)

5. **201200520-ZC ADA COUNTY:** A zoning ordinance map amendment and the termination of a development agreement, to revert the zoning designation of the subject property from Medium High Density (R8) to Southwest Community Residential (RSW) and Medium Low Density (R4) due to entitlement expiration, and

to terminate Development Agreement #7660. The property contains 12.189 acres and is located at 4430 S. Seabiscuit Ave, 4499 S. Cloverdale Road, and 4377 S. Cloverdale Road, Section 28 3N 1E

R. Yzaguirre opened the public hearing.

Brent Danielson presented the Staff report.

S. Ullman and B. Danielson discussed the property boundaries and current zoning. R. Yzaguirre requested B. Danielson explain the two Planning and Zoning votes against the application.

R. Yzaguirre closed the public hearing.

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 201200520-ZC ADA COUNTY AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 7:06 p.m.

Rick Yzaguirre, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk