

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, OCTOBER 10, 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: Megan Basham, Brent Danielson, Mark Perfect and Diana Sanders, Development Services; and Lorna Jorgenson, 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 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 UNFINISHED BUSINESS:**

- 1. 201000405-MSP-TE: GUTHRIE STONE:** An application for a Board granted 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 West State Street, Section 23 4N 1E. *(Tabled from 8/15/12)*

**ACTION: DAVE CASE MOVED TO REMOVE APPLICATION NO. 201000405-MSP-TE: GUTHRIE STONE FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

R. Yzaguirre opened the public hearing and requested Staff provide an updated report.

Megan Basham presented the Staff report.

Sean Nickel, representing Applicant, stated his name and address for the record. He advised the Board that Applicant was working on the landscaping. He said the only improvement remaining was the planting additional buffer plants, which Applicant anticipated being complete by June 14, 2013. He requested that the Board lift the requirement for Applicant to bond for completion of the improvements.

D. Case asked M. Basham to explain the bond requirement. M. Basham explained the bond requirement was for completion of the paving and landscaping. She confirmed the paving was completed, so the bond would only be applicable to the landscaping.

R. Yzaguirre closed the public hearing.

**ACTION: D. CASE MOVED TO APPROVE THE TIME EXTENSION FOR APPLICATION NO. 201000405-MSP-TE: GUTHRIE STONE, EXTENDING THE COMPLETION DATE TO JUNE 14, 2013; AND WAIVE THE BOND REQUIREMENT. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

**V. IN THE MATTER OF NEW BUSINESS:**

- 1. 201201158-SEW: CITY OF BOISE PUBLIC WORKS:** The City of Boise is seeking the Board of Ada County Commissioners' approval for a proposed sanitary sewer extension project, located in a portion of the southwest community. The purpose of the sewer extension is to provide sanitary sewer to a property located at 11249 W. Highlander Road.

R. Yzaguirre opened the public hearing.

Brent Danielson submitted a letter in support of the extension as Exhibit 7. He advised the Board that he did not have any additional information to provide at this time.

Applicant, Jim Pardy of Boise City Public Works, stated his name and address for the record. He explained that the sewer extension was heard and originally approved on August 15, 2012. He advised that at that time, there was one property owner that had requested the sewer extension but did not have support from the surrounding neighbors. He said one neighbor was interested in the extension at that time, but did not agree with the language in the city policy relating to consenting to annexation. He stated that since that time, that property owner has signed the necessary documentation that says they are willing to connect and will consent to annexation. The city is requesting the Board approve to extend the sewer an additional 300 feet to accommodate the new property owner wanting the sewer.

David E. Palumbo stated his name and address for the record. He presented testimony supporting the application. He explained that he was the property owner requesting to be connected to the sewer. He stated he is requesting connection at this time because it has taken the city five months to hook up the original property owner since their sewer failed. He said those owners have been without a septic system for that time and he did not want to be in a position to wait for a sewer extension if his septic system failed. He stated that by requesting the sewer hook-up he was agreeing to be annexed. He inquired if the property owners that had not hooked up to the sewer would be exempt from annexation when that time comes. He also expressed his concerns regarding submitting to the jurisdiction of the police power of the city that's found in the agreement to finance the connection fee. He stated that was a very broad statement and he didn't believe it should be in the financing agreement. He said the Assistant City Attorney provided him, in writing, a statement that that language specifically refers to the sewer system that the property owner connects to and issues relating to that because the agreement did not specifically say that.

J. Pardy re-approached the bench to address D. Palumbo's concerns. He explained that the initial delay was due to certain statutes and bidding requirement that govern the process. He believes this hook-up would go quicker. He said the city has worked with D. Palumbo to clarify the policies. He stated that the city has reviewed the policies and don't feel that changes are warranted at this time.

R. Yzaguirre closed the public hearing.

**ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201201158-SEW: CITY OF BOISE PUBLIC WORKS. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

2. **05001-S-TE: DYVER DEVELOPMENT LLC:** An application for a Board granted time extension for Bridgeview Subdivision Phase #4. The property contains approximately 10.95 acres and is located on West Snohomish Street, Section 36 3N 1E.

R. Yzaguirre opened the public hearing.

M. Basham presented the Staff report.

Applicant, Kent Brown, stated his name and address for the record. He presented testimony supporting the application and discussed the status of the construction plans.

R. Yzaguirre closed the public hearing.

**ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 05001-S-TE: DYVER DEVELOPMENT LLC, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

3. **200600065-S-TE: BECKMAN ESTATES LLC:** An application for a Board granted two-year time extension for an approved preliminary plat for Beckman Subdivision Phase #2. The property contains 29.56 acres and is located at West Quarter Drive, Section 29 5N 1E

R. Yzaguirre opened the public hearing.

Mark Perfect stated that Staff was requesting this item be tabled to December 5, 2012, to allow the property owner additional time to submit a modification to the existing development agreement.

**ACTION: D. CASE MOVED TO TABLE APPLICATION NO. 200600065-S-TE: BECKMAN ESTATES LLC TO DECEMBER 5, 2012. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

4. **201000749-HD-TE: COOPER VANCE STEVEN:** An application for a Board granted time extension for a hillside application associated with the construction of a single-family dwelling

R. Yzaguirre opened the public hearing.

B. Danielson requested this item be tabled to November 14, 2012, due to an error relating to the sign posting.

**ACTION: D. CASE MOVED TO TABLE APPLICATION NO. 201000749-HD-TE: COOPER VANCE STEVEN, TO NOVEMBER 14, 2012. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

5. **201200631-ZC: ADA COUNTY:** A zoning ordinance map amendment to revert the zoning of Risen Creek Subdivision from medium-low density residential (R4) district back to the property's original zoning designation of Southwest Community Residential (RSW). The property contains 37.31 acres and is located at 7635 South Cloverdale Road and 4470 East Columbia Road, Section 04 2N 1E

R. Yzaguirre opened the public hearing.

M. Basham presented the Staff report

R. Yzaguirre closed the public hearing

**ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201200631-ZC: ADA COUNTY, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, AND REVERT THE ZONING BACK FROM MEDIUM-LOW DENSITY RESIDENTIAL TO SOUTHWEST COMMUNITY RESIDENTIAL. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

6. **201200669-ZC: ADA COUNTY:** A zoning ordinance map amendment to revert the zoning of Rosco Butte Subdivision from Rural Residential (RR) district back to the property's original zoning designation of Rural Preservation (RP) and termination of Development Agreement #7782. The property contains 160 acres and is located at East Poen Road, Section 19 1N 1E.

R. Yzaguirre opened the public hearing.

Diana Sanders presented the Staff report.

R. Yzaguirre closed the public hearing.

**ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201200669-ZC: ADA COUNTY, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, AND REVERT THE ZONING BACK FROM RURAL RESIDENTIAL TO RURAL PRESERVATION. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

7. **201200947-V-MSP-CU: BROWNE CHRISTINE AND STEVEN:** An application for a variance to allow a reduced setback from the 100 foot minimum setback for the swimming pool, and a conditional use and master site plan application to allow water safety classes at the residence. The property contains 0.86 acres is located at 2435 East Springwood Drive, Section 17 3N 1E.

R. Yzaguirre opened the public hearing

D. Sanders submitted into the record Exhibit No. 14, the sign posting, and Exhibit Nos. 15, 16, 17, 18, and 19, which were comments from neighbors received as late exhibits. She then presented the Staff report.

R. Yzaguirre inquired how Staff became aware of the issue. D. Sanders stated that an individual had contacted Code Enforcement.

Kent Brown, representing Applicants, stated his name and address for the record and presented testimony supporting the application. He stated that Applicants are good neighbors and he believed the majority of the neighbors were in favor of the variance. He said Applicants have been in business for 19 years and were unaware that a violation existed.

David Ballard stated his name and address for the record and presented testimony supporting the application.

K. Brown re-approached the podium to explain the classes provided by Applicants. He discussed the parking and traffic around the residence related to the business.

R. Yzaguirre closed the public hearing.

**ACTION: D. CASE MOVED TO APPROVE APPLICATION 201200947-V-MSP-CU: BROWNE CHRISTINE AND STEVEN, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, AND GRANT THE VARIANCE TO ALLOW A REDUCED SET BACK AND THE CONDITIONAL USE PERMIT. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.**

**VI. IN THE MATTER OF ADJOURNMENT:**

There being no further business to come before the Board on this date, the meeting was adjourned at 6:32 p.m.

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Rick Yzaguirre, Chairman

ATTEST:

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Christopher D. Rich, Ada County Clerk