

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, JUNE 19, 2013  
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: Brent Danielson, Development Services; and Ax Yewer and Justin Cafferty, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

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**I. IN THE MATTER OF CALL TO ORDER:**

Commissioner David L. Case called the meeting to order at 5:59 p.m.

**II. IN THE MATTER OF ROLL CALL:**

Commissioners David L. Case, Jim Tibbs and Rick Yzaguirre 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:**

- **201300550-A: X-REF: 04-09-CU-MSP-MSP-M: TREE TOP RECYCLING, INC. / 4 HIM LLC:** An appeal of the Planning and Zoning Commission's decision to revoke approval of Tree Top Recycling's Conditional Use Permit and Master Site Plan (Project #04-09-CU-MSP-MSP-M). The property contains 7.73 acres and is located at 3608 South Banner Street, which is northwest of the intersection of Contractors Street and Gowen Road, Boise, ID; Section 30, T. 3N, R. 2E. (*Tabled From 6/5/13; Public Hearing Closed; Record Left Open Until 6/12/13 to Receive Written Comments*)

**ACTION: R. YZAGUIRRE MOVED TO REMOVE APPLICATION NO. 201300550-A: X-REF: 04-09-CU-MSP-MSP-M: TREE TOP RECYCLING, INC. / 4 HIM LLC FROM THE TABLE FOR CONSIDERATION. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

D. Case stated that public testimony was closed on this matter. He also explained that the record was closed as of June 12, 2013, 5:00 p.m. with regard to receiving additional written comments. He stated, for the record, that the Board reviewed the additional information received and those items were assigned Exhibit Nos. 39 through 57. He said this was the decision phase of this item.

**ACTION: R. YZAGUIRRE MOVED TO DENY APPLICATION NO. 201300550-A: X-REF: 04-09-CU-MSP-MSP-M: TREE TOP RECYCLING, INC. / 4 HIM LLC; UPHOLD THE PLANNING AND ZONING COMMISSION'S DECISION TO REVOKE THE APPROVAL OF 04-09-CU-MSP-MSP-M; DIRECT STAFF TO PREPARE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONSISTENT WITH THIS DECISION; AND TABLE THE MATTER TO THE JULY 24TH DEVELOPMENT SERVICE'S MEETING TO ADOPT THE REVISED FINDINGS OF FACT AND CONCLUSION OF LAW. J. TIBBS SECONDED.**

**DISCUSSION: R. YZAGUIRRE STATED THAT THE DECISION TONIGHT IS FINAL. HE EXPLAINED THAT THE REASON THE ITEM HAS BEEN TABLED IS TO ALLOW STAFF TIME TO FINALIZE THE PAPERWORK. HE NOTED, FOR THE RECORD, THAT THERE HAS BEEN A LOT OF CONVERSATION ON BOTH SIDES OF THIS ITEM OVER THE PAST FEW MONTHS. HE SAID HE'S REACHED THE CONCLUSION THAT APPELLANT HAS OUTGROWN THE SITE. HE ALSO STATED THAT APPELLANT DOES HAVE THE OPTION TO APPLY FOR A NEW CONDITIONAL USE. J. TIBBS CONCURRED WITH R.**

**YZAGUIRRE'S COMMENTS. HE SAID HE DID APPRECIATE EVERYONE'S WORK AND INPUT ON THIS MATTER. D. CASE REITERATED R. YZAGUIRRE AND J. TIBB'S COMMENTS.**

**ACTION: R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, 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 6:05 p.m.

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David L. Case, Chairman

ATTEST:

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Christopher D. Rich, Ada County Clerk