

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, SEPTEMBER 11, 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: Diana Sanders 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 David L. Case called the meeting to order at 5:57 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. NEW BUSINESS:**
- 1. 200600180-S-TE: CARTWRIGHT RANCH:** A request for a third time extension before the Board for Neville Ranch Subdivision to allow two additional years. The property is located west of Cartwright Rd, south of Hidden Springs, in Sections 04, 05, 08, and 09, T. 4N, R. 2E.
- D. Case opened the public hearing.
- D. Sanders entered Exhibit 9, the Sign Posting Certification, into the record and presented the Staff report. She explained Applicant is also requesting Condition No. 1 be removed and Condition No. 2 be modified to have the economic study submitted concurrently with the initial final plat application.
- Barry Semple was present on behalf of Applicant and stated his name and address for the record. He stated he is in agreement with the Staff report and stood for questions.
- Tony Jones stated his name and address for the record. He presented testimony opposing the removal of Condition Nos. 1 and 2, stating that he believes that a new economic study is needed.
- Leslie Nona stated her name and address for the record. She said she was present on behalf of the Dry Creek Rural Neighborhood Association. She supported T. Jones' testimony and said that she believes both conditions should be left as is. She said the economic study is necessary to show that the planned community will be self-sustaining.
- D. Case asked D. Sanders to confirm that the condition being requested to be removed only applied to the build out of the first phase. D. Sanders affirmed that Condition No. 2 would remain and Applicant would still be required to submit a new economic study.
- B. Semple re-approached the podium and affirmed that Applicant would be submitting an updated economic study with the first phase plat. He explained that they were requesting the first condition be removed as the study supports starting the development in smaller phases due to the economic conditions.
- J. Tibbs inquired if Applicant has a phasing plan at this time. B. Semple stated that Applicant is currently preparing an application for a 40-lot first phase.
- R. Yzaguirre stated he understood the need to begin with 40 lots versus 275. He asked B. Semple if Applicant has a phasing plan to complete the 275 lots contemplated in Condition No. 1. B. Semple responded that they currently don't have a phasing plan for the full 275 lots at this time. He stated that all the improvement requirements contained within the original approval would occur. He said they were just asking for more time to complete the requirements.

R. Yzaguirre asked Staff what the life of a final plat is once it's approved. D. Sanders responded once the final plat has been approved, Applicant has to record the plat within a year based on the Surveying Board requirements.

J. Tibbs inquired how many extensions were allowed. D. Sanders stated that the preliminary plat could be extended three times. She affirmed that this request is the final time extension available to Applicant at this time.

D. Case closed the public hearing.

The Board discussed Applicant's request and proposed reduction of lots. R. Yzaguirre expressed a concern regarding not having a phasing plan for the 275 lots. J. Tibbs said he sees the build out of 40 lots as a commitment by Applicant to keep the development moving forward.

ACTION: J. TIBBS MOVED TO APPROVE THE TIME EXTENSION FOR APPLICATION NO. 200600180-S-TE: CARTWRIGHT RANCH, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT; REMOVE CONDITION NO. 1 AND REQUIRE 40 RESIDENTIAL LOTS BUILT OUT IN THE FIRST PHASE; AND MODIFY CONDITION NO. 2.

DISCUSSION: J. TIBBS ASKED IF HE NEEDED TO PROVIDE ADDITIONAL DETAIL REGARDING THE MODIFICATION OF CONDITION NO. 2. D. CASE RESPONDED IT WAS INCLUDED IN THE FINDINGS OF FACT.

ACTION: R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. **201300588-ZC-DA-S-CU-MSP: NORTHSIDE MANAGEMENT:** A zoning ordinance map amendment to rezone approximately 5.68 acres from the Very High Density Residential (R20) District to the Community Commercial (C2) District with a development agreement. Also, a two (2) lot subdivision with a master site plan for a 180 unit multi-family development and a conditional use for a clubhouse consisting of a pool, spa, and sun deck. The property contains 19.958 acres and is located at 8640 W State St, in Sections 13 and 24, T. 4N, R. 1E.

D. Case opened the public hearing.

B. Danielson entered several exhibits into the record and presented the Staff report. He explained that Applicant was requesting the building permits be issued before final approval of the plat. He advised the Board that Staff has proposed a modification to Condition No. 11 to allow Applicant and/or Owner to proceed so long as certain other conditions are meant. He said the final Certificate of Occupancy for the project would not be issued until the final plat for the subdivision was recorded. He advised the Board that if the Board chooses to approve the project, the Development Agreement will need to be tabled to the September 19, 2013, Development Services meeting to be finalized.

Scott Nuriyuki stated his name and address for the record. He thanked Staff for their assistance with the application process. He provided a brief background of the proposed project. He said he has been working diligently to meet as many conditions as possible set by Staff prior to the hearing to show good faith. He explained that he is working with ACHD and ITD to install a light at the Bogart and State Street intersection. He said they want the light installed, or in the process of being installed, to coincide with the beginning of their project. He explained the reasoning for acquiring the building permits before filing a final plat was to start the foundations and infrastructure before winter arrives. He advised that he was informed that he could accomplish the subdivision without going through the final plat process, however, he wanted to keep the public hearing procedure intact. He is willing to put up all letters of credit as collateral should the project not be approved after the structures have been started.

D. Case clarified that if Applicant did proceed without the approved final plat, he would be doing so at his own risk. He acknowledged the process and said he understood the risks.

J. Tibbs stated that this flexibility has been granted on occasion in the past and confirmed that this is not a special case.

R. Yzaguirre inquired what the status was on the final plat. S. Noriyuki advised the Board that a final plat has been produced and is being circulated for review. He said that, procedurally, the plat cannot be submitted until the application is approved by the Board.

D. Case closed the public hearing.

R. Yzaguirre and B. Danielson discussed the Development Agreement and revised Findings of Fact. B. Danielson said the final documents would need to be tabled to the September 19, 2013, Development Services meeting to be executed.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201300588-ZC-DA-S-CU-MSP: NORTHSIDE MANAGEMENT, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT; AND TABLE FURTHER CONSIDERATION ON THE APPLICATION TO SEPTEMBER 19, 2013, FOR THE MODIFIED CONDITION NOS. 1 AND 28 AND CHANGES TO EXHIBIT NO. 37. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

IV. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 6:42 p.m.

David L. Case, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk