

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, DECEMBER 4, 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 members present: Diana Sanders and Brent Danielson Development Services; and Amber Ellis, 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 6:00 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:**

1. **201301339-V: KAREN HOFF:** An application for a Variance from the one hundred foot (100') setback from the floodway boundary as required in the Boise River Greenway Overlay District set forth in Article 8-3G of the Ada County Code. The subject properties are Assessor's Tax Parcel R1472050575 & R1472050580, located at 7893 N. Vue Estates Road, R1472050600, located at 7885 N. Vue Estates Road, R1472050655, located at 410 E. Clear Creek Drive and R1472050690, located at 200 E. Clear Creek Drive, Meridian, Idaho; Clearvue Estates Subdivision; Section 18, T. 4N., R. 1E. (*Tabled from 11/6/13*)

**ACTION: J. TIBBS MOVED TO REMOVE THE UNFINISHED BUSINESS FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

D. Case opened the public hearing.

D. Sanders presented the Staff report and explained that the Applicants are requesting a variance from the Boise Greenway Overlay District's 100 foot set-back requirement from the floodway boundary. She stated that Staff has met with the property owners regarding moving certain areas of the fences out of the floodway. She stated that if the Board chooses to deny the variance, the property owners would be unable to use portions of their property because they would be unable to put fences up to contain livestock. She said approving the variance did not grant a special right or privilege as there have been similar variances in that area giving relief from the Greenway set-back. She advised the Board that the Army Corps of Engineers did not have a problem with the existing structures and fences.

J. Tibbs inquired if Staff anticipated additional variance requests in this area in the future. D. Sanders explained the possibility exists but the majority of the properties close to this area are now within Eagle city limits.

R. Yzaguirre inquired what event caused this issue to rise to the Board's level. D. Sanders stated that a complaint had been filed with the County by the Army Corps to verify the fences were not in the floodway.

Brian Hoff, an Applicant, stated his name and address for the record. He stated he was speaking on behalf of himself and the three other parties included on the application. He explained he and his neighbors have lived on their properties 5 - 14 years and were recently advised that some portions of some fences and small portion of one barn were within the 100 foot set-back from the floodway boundary. He said they were requesting the Board approve the variance so the Applicants can keep their existing outbuildings and fences. He explained the fences were open style, allowing water to run through them. He stated that without fences, the agriculture use of the property would be impaired.

D. Sanders advised that Staff has put a condition of approval that only the fences located on the floodway would need to be removed.

D. Case inquired of B. Huff if he was aware of that condition and whether or not he or his neighbors had an issue with it. B. Huff said they were fine with that condition.

Karen Huff stated her name and address for the record. She stated she believed the request for the variance was justified as the structures were included on the property and reiterated the testimony provide by B. Huff. She explained that the bank stream around their properties has been eroding, so she and her neighbors worked with the various agencies to develop a solution. During the process, the Army Corp of Engineers wrote them up for violating the fences being within the set-back.

D. Case closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201301339-V: KAREN HOFF BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, INCLUDING THE CONDITION DEALING WITH THE FENCES IN THE FLOODWAY. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

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

1. **200600071-S: FINAL PLAT - HAZELWOOD VILLAGE SUB NO. 8:** A final plat including seventeen (17) residential lots and six (6) common lots. The property contains 4.94 acres and is located at the stub of W. Lockwood Drive, which is generally southwest of the intersection of Lake Hazel Road and Five Mile Road; Section 03, T. 2N., R. 1E.

D. Case opened the public hearing.

B. Danielson presented the Staff report and stated that the final plat is ready for the Chairman's signature.

D. Case closed the public hearing.

**ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 200600071-S: FINAL PLAT - HAZELWOOD VILLAGE SUB NO. 8, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT; AND AUTHORIZE THE CHAIRMAN TO SIGN AND STAMP THE FINAL PLAT ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

2. **201100764-CU-MSP-TE: GENE ULMER:** A Board level time extension for a conditional use/master site plan for a church. The property is located at 6291 S. Almira Way; Section 03, T. 2N., R. 1E.

D. Case opened the public hearing.

B. Danielson presented the Staff report. He advised that should the Board choose to approve the application, the time could be extended to October 13, 2015.

Gene Ulmer, architect on behalf of the LDS Church, stated his name and address for the record. He explained the church is waiting on growth in the area to justify proceeding with their project.

D. Case closed the public hearing.

R. Yzaguirre inquired if this was the first time extension requested. B. Danielson responded this was the first Board level time extension. They received an administrative time extension that just expired.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE TIME EXTENSION FOR APPLICATION NO. 201100764-CU-MSP-TE: GENE ULMER, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. J. TIBBS SECONDED.**

**DISCUSSION: D. CASE INQUIRED IF THE LENGTH OF TIME NEEDED TO BE INCLUDED IN THE MOTION. B. DANIELSON ADVISED THAT THE FINDINGS STATED THE EXTENSION WOULD GO TO OCTOBER 13, 2015, BUT THE BOARD COULD INCLUDE IT IF THEY SO DESIRED.**

**ACTION: R. YZAGUIRRE STATED HE WOULD INCLUDE THAT THE EXTENSION WOULD GO TO OCTOBER 13, 2015. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- 3. 200600131-S-TE(2): FINAL PLAT – SOUTHCREEK SUB (FORMERLY SILVERPINE SUB NO. 2):** A Board level time extension for a final plat. The property is located on S. Maple Grove Road north of Amity Road; Section 26, T. 3N., R. 1E.

D. Case opened the public hearing.

D. Sanders submitted Exhibit No. 7, the Sign Posting Certification and photos, Exhibit No. 8, a public comment, Exhibit No. 9, Boise Project Board of Control Comment and Exhibit No. 10, a public comment, into the record. She then presented the Staff report. She explained that construction plans are presently being finished, but the submittal of the final plat will not be ready by the end of 2013.

Kent Brown stated his name and address for the record. He explained Applicant has received approval for the initial construction. He said Applicant's goal is to complete the plans for the first phase by the beginning of April.

D. Case closed the public hearing.

**ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 200600131-S-TE(2): FINAL PLAT – SOUTHCREEK SUB (FORMERLY SILVERPINE SUB NO. 2), BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- 4. 201301558-V: STEVEN BAKER:** A variance to allow for a swimming pool to encroach within the rear setback. The property is located at 2156 E. Hyper Drive; Section 32, T. 3N., R. 1E.

D. Case opened the public hearing.

D. Sanders submitted Exhibit No. 6, the Sign Posting Certification and photos, into the record and presented the Staff report. She stated that if the Board chose to approve the variance, the matter would need to be tabled to December 17, 2013, in order to allow Staff to revise the Findings of Fact and Conclusions of Law.

The Board and D. Sanders discussed the pools on the surrounding properties.

Jim Band of J Bar K & Associates stated his name and address for the record and reviewed the site plan for the pool area. He explained that an adjoining subdivision will be going in directly behind the property and the building pad is

anticipated to be 25 feet below the pool area. He stated that with the landscaping design, the pool would not be visible to the adjoining properties.

D. Case closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201301558-V: STEVEN BAKER, AND TABLE IT TO THE DECEMBER 17, 2013, DEVELOPMENT SERVICES MEETING FOR REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW. J. TIBBS SECONDED.**

**DISCUSSION: J. TIBBS EXPLAINED THAT THESE ISSUES ARISE OCCASIONALLY WHERE A VARIANCE SHOULD BE GRANTED.**

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

- 5. **201301351-ZOA: ADA COUNTY:** A zoning ordinance text amendment to repeal Section 8-5-3-99H which states “Additional practices, uses and related improvements that reduce waste level shall be considered ancillary to a restricted landfill.” Previous uses that were under consideration as ancillary will now be required to comply with the existing Ada County Code.

D. Case opened the public hearing.

D. Sanders presented the Staff report.

**ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 201301351-ZOA: ADA COUNTY: BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED.**

**DISCUSSION: J. TIBBS STATED THIS ORDINANCE IS TO ENSURE THE PUBLIC’S INVOLVEMENT IN FUTURE ANCILLARY TYPES OF USES AROUND THE LANDFILL.**

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

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

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

\_\_\_\_\_  
David L. Case, Chairman

ATTEST:

\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk