

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, FEBRUARY 12, 2014
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: Megan Basham and Diana Sanders, Development Services; and Ax Yewer, 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:

- **201301718-ZC-MSP-PBA-DA, VINEYARD SENIOR COMMUNITY CENTER:**
A request for a zone change from R8M to R20, a master site plan, property boundary adjustment and a development agreement for a 30-unit multi-family structure to provide senior housing. The development will be known as the Vineyard Senior Community. The property is located at 8100 N. Horseshoe Bend Road and 10482 W. Utahna; 4N 1E Sec. 14 (*PUBLIC HEARING CLOSED; TABLED FROM 1/22/14 FOR EXECUTION OF THE DEVELOPMENT AGREEMENT*)

ACTION: J. TIBBS MOVED TO REMOVE APPLICATION NO. 201301718-ZC-MSP-PBA-DA, VINEYARD SENIOR COMMUNITY CENTER FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

M. Basham advised the Board that Applicant requested the signing of the Development Agreement be tabled to the February 25, 2014, Development Services meeting.

ACTION: J. TIBBS MOVED TO TABLE APPLICATION NO. 201301718-ZC-MSP-PBA-DA, VINEYARD SENIOR COMMUNITY CENTER, TO THE FEBRUARY 25, 2014, DEVELOPMENT SERVICES MEETING. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. IN THE MATTER OF NEW BUSINESS:

1. **201301024-A, JAMES BAKER & LOREN MACEY TRUST:** Appeal of P&Z Commission decision to deny a 6,746 sq. ft. expansion to an existing riding arena. The total square footage of the riding arena would be 17,598 square feet. The property is located at 9605 W Beacon Light Rd, in Section 5, T. 4N, R. 1W

D. Case opened the public hearing.

M. Basham entered Exhibit Nos. 15 - 22 into the record and presented the Staff report. She advised that Appellant has agreed to the condition that the arena would be for personal use only and to put in additional landscaping along the Eastern property boundary. She stated that if the current or a future property owner decided to open the arena to the public, it would require an additional conditional use and public hearing. Based on the additional information, she advised that Staff is recommending the Board overturn the Planning and Zoning Commission's (P&Z) decision and approve the riding arena, subject to the conditions of approval.

J. Tibbs confirmed that the major concern raised by P&Z related to the possible commercial use of the arena. M. Basham affirmed and said they were also concerned with the proposed size of the arena.

R. Yzaguirre inquired what was the P&Z vote. M. Basham responded it was a split vote of 3 - 2.

Todd Lakey was present on behalf of Applicant/Appellant and stated his name and address for the record. He presented testimony and stated that Applicant intended on keeping the arena private and discussed the training and events that occur at the arena. He explained the agricultural character of the area. He discussed the existing structures surrounding the property and showed various views of the current arena and its expansion area. He stated Applicant meets the zoning ordinance and would comply with the specific conditions for additional landscaping and that no commercial events or competitions would be held in the arena.

Brian Frost stated his name and address for the record. He explained that he was representing several neighbors and presented testimony opposing the expansion of the arena. He compared the proposed expansion to other buildings in Ada County. He argued that the size of the structure would have a negative impact on the surrounding area.

Carolyn Meador stated her name and address for the record and stated she was in favor of the expansion.

Jerrold Martens stated his name and address for the record and presented testimony supporting the project. He stated that he believed Applicant would not use the arena for commercial uses. He said the existing arena is barely visible from Beacon Light and argued it does not block any of the surrounding views.

James Baker, Applicant, stated his name and address for the record. He explained that the arena expansion was for his private use. He stated that he and his family needed the additional area for safely training their horses for events. He restated that the facility is not going to be used for commercial events.

Julie Maswen stated her name and address for the record and presented testimony in support of the expansion. She said Applicant and his wife have been good neighbors and have added value to the surrounding properties with the improvements they have made to their own property.

David O'Neal stated his name and address for the record and presented testimony supporting the application and restated previous testimony.

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Elizabeth Dillon stated her name and address for the record and reiterated previous testimony supporting the expansion.

Loren Macey, Applicant, stated her name and address for the record. She affirmed that they are willing to abide by the conditions set by Staff and intended on only using the arena for personal training.

Jesse Dillon stated his name and address for the record and stated he was in favor of the application.

Dee Craig stated his name and address for the record and presented testimony supporting the application. He explained that the expansion was necessary to properly train Applicant's horses for national shows.

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T. Lakey re-approached the podium and submitted additional exhibits into the record. He reiterated that the arena would not be large enough to host commercial events and would not negatively impact the surrounding views.

D. Case closed the public hearing.

R. Yzaguirre asked M. Basham to confirm the issues raised by P&Z. She affirmed that P&Z was concerned with the size of the arena and possible commercial use. R.

Yzaguirre stated he believes the application complies with Ada County Code and the Comprehensive Plan.

ACTION: R. YZAGUIRRE MOVED TO OVERTURN THE PLANNING AND ZONING COMMISSION'S DECISION TO DENY AND APPROVE APPLICATION NO. 201301024-A, JAMES BAKER & LOREN MACEY TRUST BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY HEARD. J. TIBBS SECONDED.

DISCUSSION: J. TIBBS COMMENTED THAT HE WOULD BE SUPPORTING THE MOTION. HE EXPLAINED THAT IN CONSIDERING AN APPEAL, HE LOOKS FOR A LEGAL REASON TO APPROVE OR DENY AN APPLICATION. R. YZAGUIRRE STATED HE APPRECIATES THE TESTIMONY GIVEN AND SAID THERE APPEARS TO BE GENERAL SUPPORT OF THE NEIGHBORHOOD. D. CASE THANKED EVERYONE FOR COMING OUT AND TESTIFYING.

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

2. **201301927-VAC, LARRY HELLHAKE:** A request for a vacation of a roadway easement through a portion of lot 14 Block 1 in Spring Creek Estates No. 2. The property is located on Lot 14, Block 1, W. Stack Rock Drive; 5N 1E Sec. 25

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D. Case opened the public hearing.

D. Sanders submitted Exhibit No. 13, the Sign Posting Certification, into the record and presented the Staff report.

Larry Hellhake, Applicant, stated his name and address for the record. He thanked Staff for their assistance. He stated that he mailed correspondence to the objecting land owner attempting to resolve his concerns. He submitted his correspondence into the record and advised the Board that the opposing party has not responded.

Joe Stadlek stated his name and address for the record and presented testimony supporting the application. He provided history of the property in question and said there is a road accessible to the objecting party.

Judy Hudd stated her name and address for the record and presented testimony supporting the application. She reiterated previous testimony.

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L. Hellhake re-approached the podium and reiterated his previous testimony.

D. Case closed the public hearing.

ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 201301927-VAC, LARRY HELLHAKE, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY HEARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

3. **201301789- S-PR-PBA, WILLOWCREEK SUBDIVISION:** A request for a preliminary plat, private road and property boundary adjustment for a six lot subdivision in the RUT District (5 acre minimum lot size). The existing private road will be relocated and the property boundary adjustment is to correct a setback issue. The property is located at 4141 and 4435 N. Willow Creek Road; 5N 1E Sec. 32

D. Case opened the public hearing.

D. Sanders presented the Staff report.

Lance Warnick, Applicant, stated his name and address for the record. He presented testimony explaining the preliminary plan and proposed boundary adjustments. He discussed the conditions for the water rights for the wells in the subdivision and stated they are in compliance. He said they are in agreement with the recommended conditions of approval for the plat.

Penelope Riley stated her name and address for the record and presented testimony supporting the application. She explained that the use of the private lane will provide continued access to the property on the West side of the subdivision and stated that additional traffic on Willow Creek Road would be minimal.

Gary Heikes stated his name and address for the record. He said his only concern was whether or not this project would adversely affect the development of his five acres adjacent to the property.

L. Warnick responded to G. Heikes that paving the private road may be of benefit to him, as it allows for more development.

D. Case closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201301789- S-PR-PBA, WILLOWCREEK SUBDIVISION, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY HEARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, 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 6:59 p.m.

David L. Case, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk