

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, MAY 7, 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: Mark Perfect, Brent Danielson, Megan Basham and Diana Sanders, Development Services; and Claire Tardiff, Prosecuting Attorney's Office. Minutes Recorder: Angel Dicus.

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 NEW BUSINESS:

1. 201301484-ZOA – SLN PLANNING, INC: A zoning ordinance text amendment to provide specific regulations to allow Outdoor, Self Service Storage Facilities within the Rural-Urban Transition (RUT) District.

D. Case opened the public hearing.

B. Danielson presented the Staff report.

J. Tibbs posed questions to B. Danielson regarding adverse effects on the surrounding neighbors and explained the surrounding properties are farms and one acre homesteads.

D. Case posed questions regarding the zone ordinance process.

Shawn Nickel stated his name and address for the record. He presented testimony explaining the zoning ordinance. He stated if approved it would be five year maximum ordinance.

R. Yzaguirre posed questions to S. Nickel regarding the buffer zones. S. Nickel advised that it would depend on where the zones were because County code would govern it.

D. Case closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201301484-ZOA, SLN PLANNING, INC. BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. J. TIBBS SECONDED.

DISCUSSION: J. TIBBS STATED HE FELT COMFORTABLE VOTING IN SUPPORT BECAUSE, PRIOR TO BUILDING, A PUBLIC HEARING WOULD BE HELD. R. YZAGUIRRE AGREED AND STATED THAT THE COUNTY HAS CONTROLS IN PLACE AND SHOULD ISSUES ARRISE THEY WOULD BE DEALT WITH AT THE APPROPRIATE TIME. D. CASE AGREED.

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

2. 201400069-S – DERRY SUBDIVISION: A preliminary plat application for a three (3) lot residential subdivision. The property is located at 7085 S. Eagle Road; 2N 1E Sec. 5.

D. Case opened the public hearing.

B. Danielson entered Exhibit No. 38 into the record and presented the Staff report.

Shawn Nickel stated his name and address for the record. He presented testimony for the three lot residential subdivision.

D. Case closed the public hearing.

ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 201400069-S, DERRY SUBDIVISION, 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.

3. **201302032-S – ETHRIDGE SQUARE SUBDIVISION:** A preliminary plat application for a ten (10) lot residential subdivision. The property is located at 9414 W. Amity Road; 3N 1E Sec. 26.

D. Case opened the public hearing.

B. Danielson entered Exhibit Nos. 57 and 58 into the record and presented the Staff report.

Kevin McCarthy stated his name and address for the record. He presented testimony for the ten lot residential subdivision, including annexing into the Home Owners' Association (HOA) and emergency vehicle access from Amity.

D. Case posed questions to K. McCarthy regarding the HOA.

Randy Clarno stated his name and address for the record. He advised that he is currently in discussions with the HOA.

D. Case closed the public hearing.

R. Yzaguirre stated he would like Applicant to be required to annex into the HOA.

D. Case inquired if having a condition of approval that Applicant must annex into the HOA would hold up the project if it wasn't possible. B. Danielson stated that the language could be worded to be a preference, rather than condition.

M. Perfect stated that if there was not a zoning change and the condition to be annexed into the HOA was not met, there would need to be a public hearing for the project to proceed. He stated that using preference in the language would be a good direction.

The Board and Staff discussed possible language regarding annexation.

R. Yzaguirre expressed his concerns about portions of neighboring subdivisions and addressed the HOA.

Randy Clarno restated his name for the record. He explained his efforts and experiences with negotiating with HOAs.

D. Case closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201302032-S, ETHRIDGE SQUARE SUBDIVISION, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, WITH THE CONDITION TO ANNEX INTO THE CURRENT HOA OR CREATE AN NEW HOA. J. TIBBS SECONDED.

DISCUSSION: J. TIBBS EXPRESSED HIS SUPPORT FOR THE APPLICATION AND THE LANGUAGE IN THE MOTION.

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

4. **201400166-S-ZC-DA – MOONRIDGE SUBDIVISION #13:** A request for a rezone from C1 to R12, a five (5) lot residential subdivision (3 residential, 2 common lots) and a development agreement for a 0.481-acre property at the southeast corner of West Lake Hazel Road and South Zither Avenue. This is a re-subdivision of Lot 14, Block 1 of the Moonridge Subdivision No. 12. The property is located at 8801 W. Lake Hazel Road; 2N 1E Sec. 1.

D. Case opened the public hearing.

M. Basham presented the Staff report.

Dave Yorgason stated his name and address for the record. He discussed the rezoning of a five lot residential subdivision. He mentioned he was planning on joining an HOA.

Tami Gwynn stated her name and address for the record. She inquired as to what was going to be built on the three lots. She stated she would be in support if there were single family homes built on the lots but opposed if there were duplexes or four-plexes. She stated traffic and safety of the neighborhood were her concerns

Micah Farrell stated his name and address for the record. He reiterated the comments of T. Gwynn and expressed his concerns about parking.

D. Yorgason restated his name for the record. He explained that he will not be putting in four-plexes but duplexes or single family homes with adequate parking. He said he plans on joining the HOA but not the sub-HOA.

M. Basham advised that four-plexes are considered multi-family per Ada County Code and are not allowed in R12 zoning.

J. Tibbs inquired what type of structures would be allowed if the subdivision remained a C1 under Ada County Code.

M. Basham explained that C1 was neighborhood commercial and would allow structures such as office buildings, nurseries, outdoor storage or convenience stores.

D. Case closed the public hearing.

ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 201400166-S-ZC-DA, MOONRIDGE SUBDIVISION #13, 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.

5. **201400202-CU-MSP-ZC-DA-HD-FP – IDAHO POWER COMPANY:** Swan Falls Improvement. A rezone and development agreement to remove a portion of the property out of the WUFI. A conditional use/ master site plan for the addition of camping areas, boat ramps and improvements to the existing park. A hillside development and flood plain application for the disturbance of steep slopes and work within the unnumbered A flood plain. The property is located at the end of S. Swan Falls Road; 2S 1E Sec.7, 18, 19, 30, 31 and 2S 1W Sec. 12.

D. Case opened the public hearing.

D. Sanders entered Exhibit Nos. 25 and 26 into the record and presented the Staff report.

Alison Murray stated her name and address for the record. She stated she appreciated the Boards' consideration. She explained the development of the Swan Falls area and Idaho Power's commitment to stewardship for expanding use.

R. Yzaguirre asked to A. Murray how Idaho Power manages situations in the event of a fire.

A. Murray explained that Kuna Fire Department would be the first responders. She advised that there is a commitment of mutual assistance to adjacent property with the BLM for fire suppression in the event federal land is threatened. She extended an invitation for Staff and the Board to tour the Swan Falls area.

D. Case closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201400202-CU-MSP-ZC-DA-HD-FP IDAHO POWER COMPANY, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. J. TIBBS SECONDED.

DISCUSSION: J. TIBBS AND D. CASE STATED THEY APPRECIATED IDAHO POWER'S EFFORTS TO UPGRADE AND IMPROVE THE AREA, AND ARE IN SUPPORT OF THE APPLICATION.

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 6:55 p.m.



David L. Case, Chairman

ATTEST



Christopher D. Rich, Ada County Clerk