

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, SEPTEMBER 10, 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: Brent Danielson, Diana Sanders, and Mark Perfect, Development Services; and Claire Tardiff, Prosecuting Attorney's Office. Larry Maneely, Commissioners' Office. Minutes Recorder: Angel Dicus.

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

Commissioner David L. Case called the meeting to order at 5:58 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:**

**ACTION: J. TIBBS MOVED 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.**

1. **201300588-S, SILVERCLOUD SUB, FINAL PLAT:** A request for a final plat for 2 lots. The property is located on the northeast corner of W. State Street and N. Bogart Lane, Section 24, T. 4N, R. 1E. (*Tabled from 8/26/14 Development Services Public Hearing Follow Up Meeting*)

B. Danielson stated the final plat was not ready for signature.

D. Case suggested this item be removed from consideration.

**ACTION: R. YZAGUIRRE MOVED TO REMOVE APPLICATION NO. 201300588-S, SILVERCLOUD SUB, FINAL PLAT FROM THE AGENDA UNTIL THE FINAL DETAILS ARE WORKED OUT AND STAFF BRINGS IT BACK BEFORE THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

2. **201400337-A - LAYNE THORNTON:** An appeal of the Planning & Zoning Commission's approval of a conditional use and master site plan for a cemetery. The property is located at 15000 S. Cloverdale Road in Section 34, T. 2N R. 1E. (*Public Hearing Closed; Tabled from 8/13/14 Public Hearing*)

D. Case stated that tonight's testimony was limited to the availability of water, landscaping plan and fencing. He then reopened the public hearing on those three items.

B. Danielson presented the Staff report, corrected the Findings of Fact noting notices of the public hearing were posted on the property on August 31, 2014 and submitted the following exhibits for consideration: 57, sign posting certification; 58, letter from Charles and Ardella Dorsey; 59, E-mail from Earnest & Janet Stanley; 60, Letter from Carol Berheim; 61, E-mail from Lloyd & Kim Capley; and 62, E-mail from Todd & Kimberly Woods. He discussed the site plan and exhibited a printout of the landscape plans.

D. Case stated he was interested in the landscaping plans. B. Moore suggested Applicant present the plans.

Gary Allen, representing Appellants, stated his name and address for the record. He advised that Appellant has received a copy of the landscape plans and suggested Applicant present testimony first.

Sabrina Durtschi, on behalf of Applicant, stated her name and address for the record. She discussed the landscaping plans including fencing, xeriscaping, water system and the phasing strategy. She advised that Applicant is compliant with State and Federal laws.

The Board asked S. Durtschi to provide additional detail regarding the phasing plan for the fencing and trees. S. Durtschi provided additional information. The Board expressed concerns with the proposed phasing as presented. S. Durtschi said the plan could be revised.

Midhat Smajic, Applicant, stated his name and address for the record. He reviewed the proposed landscaping plan and addressed water availability. He also discussed the phasing plan. He argued that the project meets all the legal requirements and conditions of approval and should be allowed to proceed.

J. Tibbs clarified that phase 7 would be incorporated in phase 1 to extend the fence and trees to the East. Applicant affirmed.

Gary Allen re-approached the podium and restated his name and address for the record. He discussed the landscaping plan, water availability and fencing. He reviewed the County code landscape requirements and compared properties surrounding the area. He discussed the lack of landscaping in the South East corner of the property. He expressed concerns regarding phasing the landscaping and suggested the fence requirement be 6 feet high and 4 feet below the surface due to the wild animals in the area.

J. Tibbs inquired if the landscaping plan met County code. B. Danielson explained that the code allows for a waiver of the landscaping standards or for an alternative landscaping plan. B. Danielson explained that there were different standards for specific project types.

D. Case inquired if the plan met ACHD requirements with regard to setbacks. B. Danielson affirmed. D. Case reiterated that the County was not the only jurisdiction that reviewed and approved the plans.

D. Case restated that the public hearing was open.

Ronalee Linsenmann stated her name and address for the record. She questioned whether the appeal was properly noticed. She inquired whether this cemetery would fall under a cemetery district and if they would be taxed.

John Walker stated his name and address for the record. He presented testimony in support of the cemetery. He advised that he is familiar with the wildlife and stated that the proposed height of 4 feet is not an issue. He also supported xeriscaping as a way to conserve water.

Ardella Dorsey stated her name and address for the record and presented testimony opposing the cemetery. She reiterated previous concerns regarding landscaping, water availability, burrowing animals and settling of the ground.

Hikmet Muhic, President of the Islamic Community, stated his name and address for the record. He advised that the community will maintain the area and deal with any animal or other issues as they arise.

Linda Ostolasa stated her name and address for the record. She explained the chained linked fencing around the Kuna cemetery, was appropriate because of the location and burial requirements of the cemetery. She said the approval of this cemetery should be conditioned upon appropriate fencing and landscaping surrounding the cemetery.

Foad Roghani stated his name and address for the record and presented testimony in support of the cemetery.

Mohamed Belhadj stated his name and address for the record and presented testimony in support of the cemetery. He explained the proposed landscaping conserves necessary resources. He also stated that a fence two feet deep is sufficient to deter burrowing animals.

Al Shoushtarian stated his name and address for the record. He addressed concerns raised by Appellant regarding replacement of dead trees and the proposed height of the fencing. He argued that the additional height and depth recommendation were unnecessary. He reminded the Board that the Planning & Zoning Commission has approved the application.

Nilab M. Mousa stated her name and address for the record and presented testimony supporting the cemetery.

Layne Thornton, Applicant, stated his name and address for the record. He explained that the burrowing animals are dessert dwelling and deterred from plush landscaping.

G. Allen re-approached the podium to rebut testimony presented. He argued that the landscaping code should be met and discussed conditions of approval. He addressed concerns raised by others and restated his initial testimony.

B. Danielson stated the notice was published August 26, 2014 in the Idaho Statesman.

D. Case explained the conditions of approval address many of the concerns raised by Appellant. He then closed the public hearing.

J. Tibbs clarified that this hearing was to address the appeal before the Board.

R. Yzaguirre suggested Staff contact R. Linsenmann to address her questions.

The Board and Staff discussed the landscaping plans, fencing and water issues in further detail.

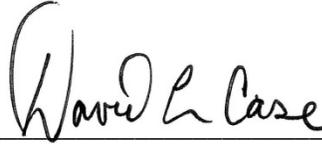
**ACTION: R. YZAGUIRRE MOVED TO DENY THE APPEAL FOR APPLICATION NO. 201400337-A - LAYNE THORNTON, UPHOLD THE PLANNING AND ZONING COMMISSION'S DECISION FOR APPROVAL SUBJECT TO THE CONDITIONS ATTACHED IN EXHIBIT A, THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY PRESENTED; DIRECT STAFF TO REVISE THE LANDSCAPE PLAN TO ELIMINATE PHASE 7 AND INCORPORATE THE ASSOCIATED GRASS AND FENCING IN PHASES 2 THROUGH 6.**

**DISCUSSION: D. CASE INQUIRED IF THE BOARD WANTED TO ADDRESS THE TREES ACROSS THE SOUTHERN BOUNDARY.**

**ACTION: R. YZAGUIRRE AMENDED HIS MOTION TO INCLUDE THE EXTENSION OF THE TREES TO THE BACK OF THE PROPERTY LINE AND ON THE SOUTHERN BOUNDARY IN THIS PHASE. J. TIBBS SECONDED. 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 7:41 p.m.



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David L. Case, Chairman

ATTEST:



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Christopher D. Rich, Ada County Clerk