

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, NOVEMBER 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: Mark Perfect, Brent Danielson, Diana Sanders, Brent Moore, Megan Basham, Development Services; and Ax Yewer, 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 5:59 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. 201400281-ZC-ZOA-CPA – ADA COUNTY:** A comprehensive plan map and text amendment to adopt Blueprint Boise as the applicable comprehensive plan for the Boise Area of Impact as was adopted by the Boise City Council on November 15, 2011. Also, a zoning ordinance map amendment for the adjustment of the Boise and Meridian Impact Area boundary line and for the expansion of the Boise Impact Area boundary line to include the Ten Mile Creek Area. In addition, a zoning ordinance text amendment for changes made to Chapter 3 of Title 9. *(Tabled from 11/12/14; Public Hearing Open)*

**ACTION: J. TIBBS MOVED TO REMOVE APPLICATION NO. 201400281-ZC-ZOA-CPA - ADA COUNTY FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

D. Case clarified that Staff and the City of Boise requested this item be tabled because it is not ready for presentation. B. Danielson affirmed.

**ACTION: J. TIBBS MOVED TO TABLE APPLICATION NO. 201400281-ZC-ZOA-CPA - ADA COUNTY TO JANUARY 14, 2015. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

D. Case encouraged anyone unable to attend the January hearing to submit written testimony prior to January 14<sup>th</sup>.

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

**1. 201300588-S - SILVERCLOUD SUB, FINAL PLAT:** A request for a final plat for two (2) lots. The property is located on the northeast corner of W. State St. and N. Bogart Ln., Section 24, T. 4N., R. 1E.

D. Case opened the public hearing.

B. Danielson presented the Staff report and presented the final plat for execution.

*[There was no public testimony.]*

D. Case closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE FINAL PLAT FOR APPLICATION NO. 201300588-S - SILVERCLOUD SUBDIVISION BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW; AND AUTHORIZE THE CHAIRMAN TO SIGN AND**

**STAMP THE FINAL PLAT ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

2. **200600065-S – BECKMAN SUB; PHASE 2, FINAL PLAT:** A request for a final plat for one (1) residential lot. The property is located at W. Quarter Dr.; Section 29, T. 5N. R. 1E. (Public Hearing Open; Tabled to 12/03/14)

D. Case opened the public hearing.

M. Basham requested this item be tabled to December 3, 2014. D. Case advised that the Public Hearing will be left open.

*[There was no public testimony.]*

**ACTION: J. TIBBS MOVED TO TABLE APPLICATION NO. 200600065-S - BECKMAN SUBDIVISION PHASE 2, FINAL PLAT, TO DECEMBER 3, 2014. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

3. **201400166-S - MOONRIDGE SUB NO. 13, FINAL PLAT:** A request for a final plat for a five (5) lot subdivision. The property is located at the southeast corner of W. Lake Hazel Rd. and S. Zither Ave.; Section 1, T.2N. R. 1E.

D. Case opened the public hearing.

M. Basham presented the Staff report and the final plat for execution.

*[There was no public testimony.]*

D. Case closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE FINAL PLAT FOR APPLICATION NO. 201400166 - S - MOONRIDGE SUBDIVISION NO. 13 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. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

4. **201401470 -V - SKINNER LAND SURVEY CO.:** A request for a variance to the 100' building setback from the designated Floodway as required by the Boise River Greenway Overlay District. A 2.3-acre area was removed from the floodway with a LOMR. Applicant would like to build a single-family residence in this area. The property is located at 2040 S. Artesian Rd.; Section 24, T. 4N. R. 1W.

D. Case opened the public hearing.

M. Basham presented the Staff report. She displayed a map and explained floodway and setbacks.

R. Yzaguirre requested clarification on the LOMR. M. Basham stated the variance had expired.

T. J. Wellard, Applicant, stated his name and address for the record. He explained the history of the property and the current variance request.

D. Case closed the public hearing.

**ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 201401470-V - SKINNER LAND SURVEY COMPANY, 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. **201400078-CPA-ZOA –AVIMOR SPECIFIC PLAN UPDATE:** A comprehensive plan amendment to the Avimor Specific Plan to revise the Land Use District Map; miscellaneous revisions to Chapter 13 Design Guidelines of the Specific Plan; and miscellaneous revisions to the Avimor Wildlife Mitigation Plan and addition of a Recreation Plan as an appendix to the Wildlife Mitigation Plan. A zoning ordinance text amendment for Avimor to revise Table 8-3I-2 by revising the Land Use District Map; amending Table 8-3I-3 to allow “Recreational area, play field and facilities, including school fields” as a principal permitted use in the Foothills Open Space and Village Open Space Land Use Districts; adding a process for reviewing community events in Section 8-3I-3. The property is located at N. Hwy 55; 5N 1E Sec. 13, 5N 2E Sec. 07, 5N 2E Sec. 08, 5N 2E Sec. 17, 5N 2E Sec. 18, 5N 2E Sec. 19.

*[This item was heard with 200600069-DA-DM.]*

6. **200600069-DA-DM - AVIMOR DEVELOPMENT AGREEMENT MODIFICATION:** An amendment to the Avimor Development Agreement resulting from changes being made to the Avimor Specific Plan associated with Project #201400078 CPA-ZOA. These changes include the revision of the Avimor Land Use District Map, miscellaneous revisions to Chapter 13 Design Guidelines; and miscellaneous revisions to the Avimor Wildlife Mitigation Plan and addition of a Recreation Plan as an appendix to the Wildlife Mitigation Plan. The property is located at N. Hwy 55; 5N 1E Sec. 13, 5N 2E Sec. 07, 5N 2E Sec. 08, 5N 2E Sec. 17, 5N 2E Sec. 18, 5N 2E Sec. 19.

*[This item was heard with 201400078-CPA-ZOA.]*

Dan Richter, Applicant, stated his name and address for the record. He expressed his appreciation for Staff and gave a brief history of the trails.

D. Case opened the public hearing for case nos. 201400078-CPA-ZOA and 200600069-DA-DM.

B. Danielson presented the Staff report for 201400078-CPA-ZO. He entered exhibit nos. 50, the Sign Posting Certification; 51, an email from Dr. Charlie Baun; and 52, a PowerPoint Presentation into the record. He then presented the Staff report for 200600069-DA-DM and entered exhibit no. 14, the Sign Posting Certification into the record.

D. Case requested clarification from Staff on when these items would need to be tabled to for finalizing the documents if approved. B. Danielson stated November 17, 2014, Development Services Public Hearing Follow-Up Meeting.

B. Danielson clarified the actual publication date in the Findings of Fact.

D. Case closed the public hearing on both matters.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201400078-CPA-ZOA -AVIMOR SPECIFIC PLAN UPDATE, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, AND TABLE IT TO NOVEMBER 17, 2014, DEVELOPMENT SERVICES MEETING TO ALLOW STAFF TIME TO PREPARE THE FINAL DOCUMENTS. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 200600069-DA-DM - AVIMOR DEVELOPMENT AGREEMENT MODIFICATION, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT, AND TABLE IT TO THE NOVEMBER 17, 2014, DEVELOPMENT SERVICES MEETING TO ALLOW STAFF TIME TO PREPARE THE FINAL DOCUMENTS. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

7. **201400957-S – LUCY IN THE SKY SUBDIVISION:** A preliminary plat application for a two (2) lot residential subdivision. The property is located at 4795 N. Hartley Rd.; Section 34, T. 5N. R.1W.

B. Danielson advised that Applicant requested this matter be tabled in order to discuss conditions of approval with Staff.

**ACTION: J. TIBBS MOVED TO TABLE APPLICATION NO. 201400957-S – LUCY IN THE SKY SUBDIVISION TO DECEMBER 3, 2014. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

8. **201400959-S-PR – SPRINGVIEW ESTATES SUB:** A preliminary plat application for a six (6) lot subdivision and a private road. The property is located at 4095 N. Pollard Ln.; Section 33, T.5N. R. 1W.

D. Case opened the public hearing.

D. Sanders entered Exhibit No. 11, the Sign Posting Certification and photos, and 12, a comment from John Tomkinson into the record and presented the Staff report..

D. Case requested clarification on the easement for the irrigation ditch. D. Sanders explained that the property owner would need to put a deed restriction granting access to maintain the irrigation ditch, as there is not an existing easement. The Board and D. Sanders discussed the conditions of approval.

Kent Brown, Applicant, stated his name and address for the record. He restated Staff's comments.

John Tomkinson stated his name and address for the record. He explained the difference between a ditch company and an irrigation district and expressed his concerns regarding enforcing the deed restriction.

J. Tibbs questioned J. Tomkinson regarding the benefits of piping the irrigation ditch. J. Tomkinson explained the value of piping.

J. Tibbs asked Staff if there were fence restrictions around the ditch. D. Sanders stated the code only restricts the height of the fence in the area of impact.

R. Yzaguirre inquired who owned the irrigation ditch. J. Tomkinson responded that the owner is Emmett Lateral Water Users Association.

K. Brown re-approached the podium. He explained that the project land does not receive water from the irrigation ditch that J. Tomkinson discussed. He stated that State law allows access to irrigation ditches for maintenance 24 hours a day, 7 days a week.

J. Tibbs and Applicant discussed responsibility for damaged property around the irrigation ditch and easement rights.

D. Case closed the public hearing.

The Board discussed the testimony given.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201400959-S-PR – SPRINGVIEW ESTATES SUBDIVISION, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY PRESENTED. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- 9. 201400392-S-ZC-DA – RUNNING SPRINGS SUB NO. 02:** A preliminary plat application for a 52 lot subdivision which will include 40 residential lots, 11 common lots and one (1) commercial lot. Also, a zoning ordinance map amendment and development agreement application to rezone the property from C-2 and RSW to R8. The property is located at 10333 W. Lake Hazel Rd.; Section 2, T. 2N. R. 1E.

D. Case opened the public hearing.

B. Moore presented the Staff report.

Pat Tealey, owner representative, stated his name and address for the record and thanked Staff for their help in the process.

D. Case asked P. Tealey to provide the width of the lateral. P. Tealey responded that it is a 44 foot easement.

Andrew Krivy, stated his name and address for the record. He raised concerns regarding traffic and population density.

B. Moore stated Applicant must meet Ada County Highway District and Boise City's requirements for streets and sewer connections.

D. Case inquired about sidewalk requirements. P. Tealey stated that sidewalk requirements are dictated by ACHD and explained the standards.

D. Case closed the public hearing.

**ACTION: J. TIBBS MOVED TO APPROVE APPLICATION NO. 201400392-S-ZC-DA - RUNNING SPRINGS SUBDIVISION NO. 02, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND TESTIMONY PRESENTED. R. YZAGUIRRE SECONDED.**

**ACTION: J. TIBBS AMENDED HIS MOTION TO TABLE FINALIZATION OF THE DEVELOPMENT AGREEMENT TO DECEMBER 17, 2014. R. YZAGUIRRE SECONDED.**

**DISCUSSION: STAFF CORRECTED THE DATE TO NOVEMBER 17, 2014.**

**DISCUSSION: THE BOARD THANKED EVERYONE FOR TESTIFYING AND ATTENDING THE HEARING. R. YZAGUIRRE ADDED THAT THE DEVELOPER WAS CARRYING OUT THE DENSITY REQUIREMENTS PUT ON THEM BY THE CITY.**

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

- 10. 201401441-CU-MSP-V – SPITERI, STEVE:** A request for a conditional use and master site plan for a contractor's yard and a variance for a reduced side-yard setback.

The property is located at 1335 E. McMillan Rd.; Section 31, T. 4N. R. 1E.

D. Case opened the public hearing.

B. Moore corrected the conditions of approval requiring the approved parking and landscaping plan to be submitted within 30 days from Board approval of the application and requiring all landscaping to be installed by June 1, 2015. He submitted Exhibit Nos. 21, the Sign Posting Certification, 22, an updated site plan, and 23, a response from ACHD, into the record. He then presented the Staff report.

R. Yzaguirre expressed concerns regarding timely completion due to past problems concerning Code Enforcement at this location. B. Moore stated that a new application is required every five years and the landscaping is required to be installed by June 1, 2015.

Steve Spiteri, Applicant, stated his name and address for the record. He stated the property would be used to park his business equipment and to teach the community about sustainable farming.

J. Tibbs asked if Applicant was currently parking his equipment on the property. Applicant confirmed he was.

R. Yzaguirre questioned Applicant about prior Code Enforcement issues. Applicant stated he is the new owner and is currently working with one of the Code Enforcement officers.

The Board expressed the importance of complying with Code Enforcement and the landscaping plan. Applicant stated he has already started working on the landscaping.

D. Case closed the public hearing.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201401441-CU-MSP-V - SPITERI, STEVE, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND REQUIRE AN UPDATED LANDSCAPING PLAN WITHIN 30 DAYS. J. TIBBS SECONDED.**

**DISCUSSION: D. CASE INQUIRED ABOUT THE JUNE 1, 2015, LANDSCAPING COMPLETION DATED.**

**ACTION: R. YZAGUIRRE EMPHASIZED THAT THE LANDSCAPING BE COMPLETED BY JUNE 1, 2015. J. TIBBS SECONDED.**

**DISCUSSION: R. YZAGUIRRE WISHED THE APPLICANT THE BEST AND SAID HE LIKED WHAT WAS PRESENTED. D. CASE AND J. TIBBS CONCURRED.**

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

**11. 201401023-A - SHULTZ, MATT:** An appeal of an administrative decision to approve a 2100 square foot greenhouse. The property is located at 3976 S. Genesee Dr.; Section 27, T. 3N. R. 1E.

D. Case opened the public hearing.

B. Moore corrected a typo on the executive summary and submitted Exhibit No. 25, a comment from Tom Fry, into the record and then presented the Staff report

Matt Shultz, Appellant, stated his name and address for the record. He presented testimony arguing that the code is intended to prohibit high tunnel facilities, which he believes the proposed greenhouse falls under. He entered Exhibit No. 26, a

commercial photo of a greenhouse, into the record, and reviewed it's characteristics with the Board. He explained that proposed structure will be visually obstructive to the surrounding properties.

Laura Larson stated her name and address for the record. She reiterated the testimony of M. Shultz.

Curtis Larson stated his name and address for the record. He presented testimony expressing concerns regarding increased traffic and the structure's size.

Henry Koerner stated his name and address for the record. He stated he agreed with M. Shultz's testimony. He presented testimony objecting to the location of the proposed structure.

Pat Thomas stated his name and address for the record. He presented testimony objecting to the greenhouse.

Tom Bridges stated his name and address for the record. He presented testimony in favor of the appeal. He stated the proposed greenhouse is larger than his residence.

J. Tibbs questioned T. Bridges about a structure on his property. T. Bridges responded it was a shell and provided its dimensions.

John Bird stated his name and address for the record. He presented testimony in favor of the appeal and reiterated that the structure did not belong in that area.

Mike Lott, Applicant, stated his name and address for the record. He presented testimony giving a history of the lot.

D. Case questioned Applicant about the grant. M. Lott explained that the grant is intended to extend the growing season.

Rick Burrows stated his name and address for the record. He presented testimony in support of the green house.

Michelle Albertson stated her name and address for the record. She restated previous testimony in favor of the appeal.

D. Case asked Staff to clarify the placement of the greenhouse. B. Moore stated the greenhouse could be placed either way and still meet setbacks.

The Board and B. Danielson discussed the code restrictions raised by Appellant relating to the greenhouse.

M. Shultz re-approached the podium to rebut testimony presented. He reiterated his prior testimony and argued that the proposed greenhouse falls under the definition of a high tunnel facility.

D. Case closed the public hearing and explained the Board's role in the hearing process.

J. Tibbs stated that he looked to the law to determine how a case should be decided. He advised that should the application be approved, he'd like a condition added to include landscaping around the greenhouse.

R. Yzaguirre discussed landscaping and stated he was inclined to support the appeal based on the size of the proposed greenhouse.

D. Case restated R. Yzaguirre's concerns and stated he didn't feel this was within the code restrictions.

B. Moore requested the matter be tabled to January 14, 2014, to allow him time to revise the findings of fact.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE APPEAL OF APPLICATION NO. 201401023-A - SHULTZ, MATT,**

**AND TABLE IT TO JANUARY 14, 2014, TO ALLOW STAFF TIME TO RE-WRITE THE FINDINGS OF FACTS TO FOLLOW THE ACTION TAKEN BY THE BOARD. J. TIBBS SECONDED.**

**DISCUSSION: J. TIBBS EXPLAINED THE HEARING PROCESS AND THE IMPORTANCE OF PEOPLE TESTIFYING AND ATTENDING THE HEARING. D. CASE AGREED.**

**ACTION: 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 8:31 p.m.

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ATTEST:



Christopher D. Rich, Ada County Clerk