

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, FEBRUARY 11, 2015
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, Diana Sanders, Brent Moore and Brent Danielson, Development Services; and Lorna Jorgensen, Prosecuting Attorney's Office. Minutes Recorder: Angel Dicus.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner Jim Tibbs called the meeting to order at 6:00 p.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners Jim Tibbs, Rick Yzaguirre and David L. Case 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:

- **201401483-A, VANESSA STUCKER:** An appeal of the Director's denial of an accessory use application for an attached secondary dwelling. The property is located at 1001 S. Meridian Road; T. 2N, R. 1E, Section 25 & 30 (*Tabled from 1/14/15; Public Hearing Closed*)

ACTION: D. CASE MOVED TO REMOVE APPLICATION NO. 201401483-A FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

D. Sanders asked the Board to approve the revised Findings of Facts and Conclusions of Law.

ACTION: R. YZAGUIRRE MOVED TO REVERSE THE PLANNING AND ZONING COMMISSIONS' DECISION AND APPROVE APPLICATION NO. 201401483, VANESSA STUCKER, BASED ON THE REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED.

V. IN THE MATTER OF NEW BUSINESS:

1. **201401800-V-VAC, GERRIE RILEY:** An application for a Variance to grant relief from a side-yard setback and an application for a Vacation in order to vacate an irrigation easement. A driveway covering was constructed within the side-yard setback and irrigation easement by a previous property owner. The property is located at 3108 S. Jupiter Avenue; T. 3N, R.1E, Section 25

J. Tibbs opened the public hearing.

B. Moore presented the Staff report

[There was no public testimony.]

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201401800-V-VAC, GERRIE RILEY, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

2. **201401847-V, GREG STEINER:** Homeowner is requesting a variance of setback for a shed built without a Building Permit and Zoning Certificate. The variance would allow for homeowner to permit building. The property is located at 4282 W. Saddle Ridge Drive; T. 2N, R. 1W, Section 3

J. Tibbs opened the public hearing.

D. Sanders entered Exhibit No. 10, the Sign Posting Certificate, into the record. She then presented the Staff report.

Greg Steiner stated his name and address for the record. He presented two letters in support of this application.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201401847-V, GREG STEINER, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED.

3. **201401641-A, TOM ARD:** An appeal of the Director's denial of an accessory use application for hobby kennel. The property is located at 11289 W. Gila Drive; T. 2N, R. 1E, Section 27

J. Tibbs opened the public hearing.

D. Sanders entered Exhibit Nos. 12 through 15 into the record. She then presented the Staff report.

Tom Ard, Applicant, stated his name and address for the record. He entered a letter and a petition in support of his appeal into the record.

The Board and Applicant discussed the number of dogs and the petition submitted by the Applicant.

J. Tibbs closed the public hearing.

The Board and Staff discussed the lot size, neighbors' dogs and code for a hobby kennel. D. Case expressed concerns for the community.

ACTION: D. CASE MOVED TO DENY APPLICATION NO. 201401641, TOM ARD, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

4. **201401447-A, MICK YSURSA:** An appeal of a conditional use and master site plan application to utilize an existing structure on the property as a social hall to host weddings, receptions, and similar events. The property is located at 4499 W. Hatchery Road; T. 4N, R. 1W, Section 13

J. Tibbs opened the public hearing.

B. Danielson presented the Staff report. He then entered Exhibit Nos. 31 through 33 into the record.

The Board and Staff discussed the facility operating for two years without a conditional use permit.

J. Tibbs disclosed he received a phone call from Clay Christensen regarding direction for testimony, if he was unable to attend the hearing.

Mick Ysursa, Appellant, stated his name and address for the record. He presented a PowerPoint which discussed the history and characteristics of the property. He raised concerns regarding noise.

Josh Liddell stated his name and address for the record. He played an audio clip demonstrating the noise volume and showed slides of the facility to show proximity of area homes to the pavilion. He argued the berm is ineffective maintaining noise.

J. Tibbs and B. Danielson discussed the fire code and process to ensure Applicant is compliant.

James Magdish stated his name and address for the record. He displayed a drawing illustrating the property and surrounding properties. He stated he has a degree in audio engineering and expressed concerns regarding the validity of the sound/noise reports submitted by Applicant and displayed an audio wave document in support of his findings.

Audrey Gilbert stated her name and address for the record. She presented testimony in favor of the appeal and reiterated previous testimony.

Valerie Music stated her name and address for the record. She read a letter into the record in opposition of the appeal.

Gary Hanes, caterer, stated his name and address for the record. He presented testimony in opposition of the appeal and stated the number of attendees is generally 100-125 people.

Duayne Didericksen stated his name and address for the record. He presented testimony in opposition of the appeal.

D. Case disclosed that the Board knows D. Didericksen.

Doug Foote stated his name and address for the record. He presented testimony in favor of the appeal and expressed concerns regarding the noise. He stated the Sheriff's office was phoned many times, but never cited the event center.

Tawnja Elison, Applicant, stated her name and address for the record. She presented testimony describing the history of the property and surrounding area businesses.

D. Case inquired what the distance is to Eagle Island State Park. Applicant responded that it is less than a quarter of a mile.

Michael Horwitz stated his name and address for the record. He presented testimony addressing trash complaints and offered to clean up any debris. He reiterated previous testimony in opposition of the appeal.

Robert Sigmon stated his name and address for the record. He presented testimony regarding the sound system at Eagle Island Event Center.

J. Tibbs disclosed knowing Jim Zamzow.

Jim Zamzow stated his name and address for the record. He gave a brief history of the property and reiterated previous testimony in support of the appeal.

Faye Zamzow stated her name and address for the record. She reiterated previous testimony in support of the appeal.

Todd Thompson stated his name and address for the record. He reiterated previous testimony in support of the appeal.

Jack McCartney stated his name and address for the record. He reiterated previous testimony in opposition of the appeal.

Natasha Guzman stated her name and address for the record. She presented testimony in opposition of the appeal and reiterated previous testimony.

Ann Mescher stated her name and address for the record. She reiterated previous testimony in support of the appeal.

Bob Marshall stated his name and address for the record. He reiterated previous testimony in support of the appeal.

Vincent Cavanagh stated his name and address for the record. He noted his credentials regarding the sound study exhibit, explained the findings and reiterated previous testimony in opposition of the appeal.

D. Case asked V. Cavanagh if he had provided his sound report to staff. V. Cavanagh confirmed. B. Danielson advised D. Case where the report was located within the application package.

William Rode stated his name and address for the record. He reiterated previous testimony in support of the appeal and discussed potential safety and health risks.

Mike Wolfe stated his name and address for the record. He reiterated previous testimony in support of the appeal.

Sara Liddell stated her name and address for the record. She reiterated previous testimony in support of the appeal.

Bill Ford stated his name and address for the record. He reiterated previous testimony in support of the appeal and displayed photos of the berm to reference the distance of his property to the event center property.

Carol Joblin stated her name and address for the record. She reiterated previous testimony in support of the appeal.

Ron Rippey stated his name and address for the record. He reiterated previous testimony in support of the appeal.

Todd Lakey, Appellant's representative, stated his name and address for the record. He submitted late exhibits for the record. He presented a PowerPoint containing information on the facility that he believes show why the appeal should be denied.

D. Case posed questions to T. Lakey regarding the comprehensive plans asking which one is legal. T. Lakey responded it is the 2004 plan. B. Danielson confirmed that the 2004 comprehensive plan is the current plan adopted by the County.

Paul Johnson stated his name and address for the record. He reiterated previous testimony in support of the appeal.

Jim Colburn stated his name and address for the record. He presented rebuttal testimony reiterating opposition of the application.

Larry Grapp stated his name and address for the record. He reiterated previous testimony in opposition of the appeal.

J. Tibbs asked B. Danielson for the definition of a social home. B. Danielson read the definition into the record. The Board and B. Danielson discussed the possibility of Eagle annexing the area, zoning change possibilities.

J. Tibbs closed the public hearing.

The Board expressed thanks for those who testified, agreed the idea is good but the location does not fit. They discussed the importance of the Cities updating their comprehensive plans with the County.

ACTION: R. YZAGUIRRE MOVED TO OVERTURN THE PLANNING AND ZONING COMMISSIONS DECISION, BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND THE TESTIMONY THAT WAS PROVIDED; APPROVE THE APPEAL FOR APPLICATION NO. 201401447-A; AND TABLE IT TO

MARCH 11, 2015, TO ALLOW STAFF TIME TO PREPARE THE FINAL DOCUMENTS. D. CASE SECONDED. R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED.

VI. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 8:52 p.m.



Jim Tibbs, Chairman

ATTEST:



Christopher D. Rich, Ada County Clerk