

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
MONDAY, MAY 4, 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: Megan Basham, Brent Danielson and Mark Perfect, 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 NEW BUSINESS:**

**1. 201401869-A, SHAWN NICKEL:** An appeal of the Planning and Zoning Commission's decision to deny a request for a conditional use and master site plan for a six (6) acre gravel pit. The property is located at 2999 & 3199 W. Victory Road; T.3N., R.1W., Section 26

J. Tibbs opened the public hearing.

D. Case disclosed that Mark Russell, Appellant, did make a campaign contribution, but stated he can remain impartial.

M. Basham presented the Staff report.

Shawn Nickel stated his name and address for the record. He stated that since his first application, a Comprehensive plan was adopted and pointed out that the two applications can function separately. He explained all the limits and improvements proposed, if the application is approved.

The Board, M. Basham and Applicant discussed estimated daily truck traffic.

George Rogers stated his name and address for the record. He presented testimony in opposition of the appeal expressing concerns regarding potential health issues, increased traffic and environmental effects.

Dave Smartt stated his name and address for the record. He reiterated previous testimony in opposition of the appeal and expressed his concerns about property value.

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

Richard Reilly stated his name and address for the record. He reiterated previous testimony in opposition of the appeal and discussed his experience with other gravel pits.

Steve Pezybos stated his name and address for the record. He presented testimony in favor of the appeal citing the economic benefits.

Charlene Lang stated her name and address for the record. She reiterated previous testimony in opposition of the appeal.

Judie Mayne stated her name and address for the record. She presented testimony in opposition of the appeal and suggested developing housing.

Maureen Brewer stated her name and address for the record. She reiterated previous testimony in opposition of the appeal.

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

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

Dennis Falconer stated his name and address for the record. He presented testimony providing a history of code enforcement violations and development of the surrounding property.

J. Tibbs disclosed he knows D. Falconer but stated he will not be prejudiced.

S. Nickel reproached the podium and addressed the concerns raised. He presented an aerial photo of surrounding property and submitted alternative proposals.

The Board and S. Nickel discussed the alternative proposals and the neighbors' concerns.

D. Case stated that clearing up the debris would show good faith.

M. Basham advised that Staff recommends remanding it back to Planning and Zoning so they may review the alternative plans.

J. Tibbs closed the public hearing and advised that the Board would be making their decision on the application before them.

The Board discussed previous applications, code enforcement issues and property rights.

**ACTION: R. YZAGUIRRE MOVED, BASED ON THE TESTIMONY PRESENTED AND THE INFORMATION CONTAINED IN THE STAFF REPORT, TO DENY THE APPEAL FOR APPLICATION NO. 201401869-A, SHAWN NICKEL; AND UPHOLD THE PLANNING AND ZONING COMMISSION'S DECISION TO DENY THE CONDITIONAL USE MASTER SITE PLAN, AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS PRESENTED. D. CASE SECONDED.**

**DISCUSSION: D. CASE EXPRESSED HIS RESPECT FOR PERSONAL PROPERTY RIGHTS AND SUPPORT OF MERIDIAN'S COMPREHENSIVE PLAN. J. TIBBS STATED HE SUPPORTED THE MOTION.**

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

*[The Board took a short break before taking up the next matter.]*

**2. 201401872-A, SHAWN NICKEL:** An appeal of the Planning and Zoning Commission's decision to deny a conditional use and master site plan application for an outdoor only self-service storage facility. The property is located at 2999 & 3199 W. Victory Road; T.3N., R.1W., Section 26

J. Tibbs opened the public hearing.

B. Danielson presented the Staff report and submitted additional exhibits into the record.

S. Nickel stated his name and address for the record. He stated the area is deemed a mixed use neighborhood and explained landscaping phases.

The Board, B. Danielson and S. Nickel discussed landscaping plans, surrounding storage facilities and capacity of this storage facility.

D. Case and B. Danielson discussed gravel and asphaltic material.

D. Smartt stated his name and address for the record. He presented testimony in opposition of the appeal stating he believed it would be an eyesore and he believes it was justification for the gravel pit.

G. Rogers stated his name and address for the record. He presented testimony in opposition of the appeal and advised that there are five outdoor storage facilities in the area with available spaces to rent.

G. Aldenson stated his name and address for the record. He presented testimony in opposition of the appeal expressing security concerns.

P. Eisenman stated his name and address for the record. He reiterated testimony in opposition of the appeal.

C. Lang stated her name and address for the record. She presented testimony in opposition of the appeal explaining why she felt a storage facility was not a good fit for that area.

Paula Connelly stated her name and address for the record. She reiterated testimony in opposition of the appeal and, in addition, stated her neighborhood's CCNRs require outside storage be at least covered.

Eric Erickson stated his name and address for the record. He reiterated testimony in opposition of the appeal.

Kaelyn Coltrin stated her name and address for the record. She reiterated testimony in opposition of the appeal.

S. Nickel reapproached the podium and addressed the concerns raised. He reiterated the project plan and phases.

J. Tibbs noted that there isn't anyone present in support of this application.

D. Case and S. Nickel discussed fencing, landscaping and gravel surface maintenance.

B. Danielson defined a Contractor's Yard.

D. Case and B. Danielson discussed conditions of approval.

J. Tibbs closed the public hearing.

The Board discussed trying to find a compromise and the challenges over the past 13 years.

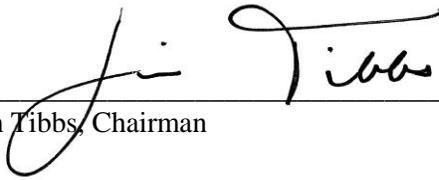
**ACTION: R. YZAGUIRRE MOVED TO DENY THE APPEAL AND UPHOLD PLANNING AND ZONING'S DECISION FOR APPLICATION NO. 201401872-A, SHAWN NICKEL, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED.**

**DISCUSSION: J. TIBBS STATED THERE WAS A LACK OF TRUST BETWEEN APPLICANT AND SURROUNDING NEIGHBORS. D. CASE THANKED THOSE WHO TESTIFIED AND STATED HE SUPPORTED THE MOTION.**

**ACTION: R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, 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 8:44 p.m.

  
\_\_\_\_\_  
Jim Tibbs, Chairman

ATTEST:

  
\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk