

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 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, Brent Danielson, Diana Sanders and Kristy Inselman, Development Services; and Kale Gans, 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:

- **200700036-CU-TE, A TEAM LAND CONSULTANTS:** A request for a third time extension for an additional two years for an approved golf cart storage structure. The property is located at 11102 S. Cloverdale Road and contains 97 acres; T. 2N., R. 1E., Section 15 (*Tabled from 8/12/15; Public Hearing Left Open*)

ACTION: D. CASE MOVED TO REMOVE APPLICATION NO. 200700036-CU-TE, A TEAM LAND CONSULTANTS FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

K. Inselman presented the Staff report requesting a final extension and entered late exhibits into the record.

J. Tibbs closed the public hearing.

D. Case inquired why the applicant is requesting a third extension. K. Inselman stated it was due to economic reasons.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 20070036-CU-TE, A TEAM LAND CONSULTANTS BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED.

DISCUSSION: D. CASE CORRECTED THE APPLICATION NO. TO 200700036-CU-TE.

ACTION: R. YZAGUIRRE AMENDED HIS MOTION TO CORRECT THE APPLICATION NO. TO 200700036-CU-TE. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. IN THE MATTER OF NEW BUSINESS:

1. **201300822-S, DASHWOOD SUB:** A request for final plat for a 44 lot subdivision with 36 residential lots and eight (8) open space lots. The property is located at 8109 S. Gantz Avenue; T. 2N., R. 1E., Section 10

K. Inselman presented the Staff report.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201300822-S, DASHWOOD SUB, AND AUTHORIZE THE CHAIRMAN TO SIGN AND STAMP THE FINAL PLAT ON BEHALF OF THE BOARD. R. YZAGUIRRE

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

2. **04-15-S, DEVONSHIRE SUB #7:** A request for a final plat for a 43 lot subdivision with 42 residential lots and one (1) common lot. The property is located at 10151 W. Rustica Street and 10021 W. Mossywood Drive; T. 2N., R. 1E., Section 2

B. Danielson stated that the final plat complies with the conditions of approval and is ready for the Board's signature.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 04-15-S, DEVONSHIRE SUB #7, AND AUTHORIZE THE CHAIRMAN TO SIGN AND STAMP THE FINAL PLAT ON BEHALF OF THE BOARD. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

3. **201501224-AC-V, LAWTON RICHARD:** An accessory use application to construct a 3,500 square foot accessory structure. Also, a request for a variance for the accessory structure to encroach five (5) feet into the 25 foot side yard setback and ten (10) feet into the 25 foot rear yard setback. The property is located at 3145 N. Osprey Road in T. 5N., R. 1E., Section 32

J. Tibbs opened the public hearing.

B. Danielson submitted late exhibits and presented the Staff report.

Richard Lawton, Applicant, stated his name and address for the record. He explained he would like to have the structure to store personal vehicles.

R. Yzaguirre questioned Applicant regarding a Facebook page and his intent for commercial restoration. Applicant explained restorations would not be performed at this location.

Anne Ritter stated her name and address for the record. She presented testimony in opposition of the application. She requested the structure not encroach into the setback, suggested downsizing the structure and encouraged the use of landscaping.

D. Case and B. Danielson discussed the structure's dimensions.

Dick Lagerstrom stated his name and address for the record. He presented testimony in opposition of the application and reiterated previous testimony.

R. Lawton presented rebuttal testimony. He stated there will be a garden room built in the structure. He stated his structure could move to a 20 foot setback and expressed fire hazard concerns with landscaping.

The Board and Applicant discussed a possible recessed setback and landscaping.

J. Tibbs closed the public hearing.

The Board discussed options for this application.

ACTION: D. CASE MOVED TO DENY APPLICATION NO. 201501224-AC-V, LAWTON RICHARD. R. YZAGUIRRE SECONDED.

DISCUSSION: D. CASE STATED HE MOVED TO DENY DUE TO APPLICANT'S LACK OF COMPROMISE. R. YZAGUIRRE AGREED.

ACTION: D. CASE AMENDED HIS PRIOR MOTION TO INCLUDE TABLING THIS TO OCTOBER 14, 2015, TO REVISE THE FINDINGS OF FACT AND CONCLUSIONS OF

LAW. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

4. **201500930-ZC-MSP, ALC ARCHITECTURE:** A zoning ordinance map amendment to rezone approximately 5.923 acres from the Rural Urban Transition (RUT) District to the General Industrial (M2) District with a development agreement. Also, a master site plan for a self-serve outdoor storage facility. The property is located at 782 S. McDermott Road; T. 3N., R. 1W., Section 16

J. Tibbs opened the public hearing.

D. Sanders recommended tabling this item to October 14, 2015, to insure the sign posting certification is received.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO TABLE FURTHER CONSIDERATION OF APPLICATION NO. 201500930-ZC-MSP, ALC ARCHITECTURE TO OCTOBER 14, 2015, AND LEAVE THE PUBLIC HEARING OPEN. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

5. **201501245-CU-MSP-PR-V-FP, ID SOLAR 1:** A Conditional Use/Master Site Plan for a Centralized Power Facility, which consists of a 40 Mwa solar photovoltaic facility and a transmission line along with a floodplain application; a private road application to extend W. Chief's Farm Lane and add gates for security; and a Variance for the facility to exceed 5% property coverage for the solar units. The property is located on W. Chiefs Farm Lane, east of Cloverdale Road; T. 1N., R. 1E., Section 10

J. Tibbs opened the public hearing.

D. Sanders entered a late exhibit into the record and presented the Staff report.

D. Case and D. Sanders discussed the Idaho Fish and Game (IF&G) study.

Michael Chestone, Applicant, stated his name and address for the record. He stated the project would bring tax revenue, create jobs and complies with all legal requirements. He gave a brief history of the Orbis Company and how it operates these types of projects. He stated this project does not use hazardous materials and will not impact wildlife.

R. Yzaguirre inquired why M. Chestone did not annex his county land into the city of Kuna. He stated there were scheduling issues and an additional tax levy.

Tiffany Hales, attorney, stated her name and address for the record. She stated she is representing some of the home owners. She presented testimony in opposition of the application, raising concerns regarding residential preservation and the project taking up prime agricultural land.

Tony Weston stated his name and address for the record. He presented testimony in opposition of the projects location and expressed his concerns for increased traffic.

Curtis Derr stated his name and address for the record. He presented testimony in opposition of the application including its impact on wildlife. He reiterated previous testimony.

Sid Anderson stated his name and address for the record. He presented testimony in favor of the application and stated he believes this project is environmentally friendly and pointed out benefits to the community.

J. Tibbs and S. Anderson discussed the anticipated impact on current views.

Craig Wheeler stated his name and address for the record. He presented testimony in opposition of the application. He reiterated previous testimony and stated he enjoys living in the county.

Sherrie Derr stated her name and address for the record. She presented testimony in opposition of the application. She restated previous testimony.

Sarah Perdue stated her name and address for the record. She presented testimony in opposition of the application, reiterating previous testimony.

George Mansfeld stated his name and address for the record. He presented testimony in opposition of the application and inquired about the financial aspects of the project.

Boyd Anderson presented testimony in favor of the project. He discussed previously proposed projects at the site.

Dustin Shively stated his name and address for the record. He presented testimony in favor of the application noting that development happens, and explained educational, job and economic benefits.

Andrea Pierce stated her name and address for the record. She reiterated previous testimony in favor of the application and stated she believes this project is safe for the community.

M. Chestone reproached the podium and addressed concerns raised. He stated Orbis does not have any lawsuit against it and that only 33% of the property would be covered with the solar panels. He stated these projects are commonly placed near homes and he believes the landscape idea presented by Mr. Derr does not accurately represent this project.

Deb Nelson, Attorney, stated her name and address for the record. She addressed a few points brought up in testimony including variance and zoning compliance. She reiterated previous testimony in favor of the application.

J. Tibbs and Applicant discussed the landscaping and fencing options.

The parties discussed the conflict of comprehensive plans, the project's exit strategy, the variances and rural preservation.

M. Chestone stated if the project is not repowered it could easily be converted back to agricultural land. He also explained that demand and pricing of power is regulated by the Public Utility Commission.

The parties discussed the City of Kuna's Comprehensive plan and the County's ordinance.

The parties discussed a landscaping plan being a condition of approval, IF&G's monitoring program, wildlife impact and dual jurisdiction.

J. Tibbs questioned K. Gans on whether Kuna could force annexation. K. Gans stated legal Staff will need to look into that.

[The Board took a short break.]

M. Chestone explained details on the dry ground and potential improvements, if the project is approved.

J. Tibbs closed the public hearing.

The Board discussed the location impact and possibly tabling the application for more information.

ACTION: R. YZAGUIRRE MOVED TO TABLE APPLICATION NO. 201501245-CU-MSP-PR-V-FP, ID SOLAR 1, TO

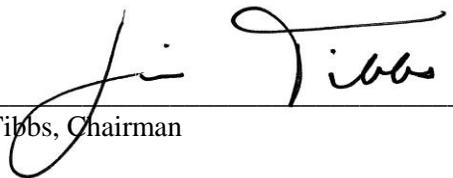
**OCTOBER 14, 2015, AND LEAVE THE RECORD OPEN.
D. CASE SECONDED.**

DISCUSSION: R. YZAGUIRRE STATED HE WANTS TO SEE A LANDSCAPING PLAN. J. TIBBS ADVISED THAT HE NEEDED ADDITIONAL TIME TO CONSIDER THE TESTIMONY PRESENTED BEFORE MAKING A DECISION AND THANKED ALL FOR THEIR TESTIMONY. THE BOARD DISCUSSED THEIR CONCERNS AND SPECIFIC INFORMATION THEY WANT SUBMITTED BY APPLICANT.

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

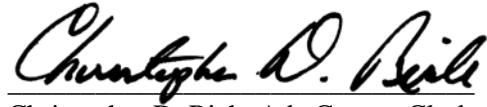
VI. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 8:39 p.m.



Jim Tibbs, Chairman

ATTEST:



Christopher D. Rich, Ada County Clerk