

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, MARCH 2, 2016
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 Ax Yewer and Catie Freeman, 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. **201503999-ZC-DA-CU-MSP-FP, MIKE NUXOLL:** A Zoning Map Amendment from RSW to M3 with a development agreement. A Conditional Use and Master Site Plan application for a Contractor Yard. The property is within the AE and Floodway Flood Zones and is located at 4501 S. Banner St, Boise, ID in Section 30, T. 3N., R. 2E.

[This application was heard after application no. 201504172-PBA-V, CLAIR BOWMAN.]

D. Sanders presented the Staff report.

J. Tibbs opened the public hearing.

Mike Nuxoll, Applicant, stated his name and address for the record and presented testimony explaining his request.

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201503999-ZC-DA-CU-MSP-FP, MIKE NUXOLL, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. **201504098-ZOA and 201504099-CU-MSP, L&R ENVIRONMENTAL:**

- a. **201504098-ZOA:** An application for a Zoning Ordinance Text Amendment to amend current Ada County Code to allow Private Septage Treatment & Disposal Facilities in the Rural Preservation (RP) District outside any city area of impact.

- b. **201504099-CU-MSP:** A Conditional Use and Master Site Plan Application to operate a Private Septage Disposal Facility. The property contains 160 acres and is located at 1100 W Thompson Rd., Kuna, ID 83634 in Section 15, T. 1N., R. 2E.

K. Inselman presented the Staff report for application 201504098-ZOA. D. Sanders presented the Staff report for application 201504099-CU-MSP.

J. Tibbs opened the public hearing.

Ryan Hardy, Applicant, stated his name and address for the record. He presented testimony requesting approval of the application.

J. Tibbs asked for clarification on Applicant's request for the setback. Applicant clarified stating that they are requesting a variance of 280 feet, but would comply with the 300 feet setback requirement.

Dave Gibson stated his name and address for the record. He presented testimony in favor of the application.

Ken Blevins stated his name and address for the record. He presented testimony in favor of the application.

D. Case requested clarification on the variance. D. Sanders explained the text amendment requires a 300 foot setback and a condition of the site plan is that Applicant must apply for a variance.

D. Case stated that to be consistent, he would like Applicant to request the variance. R. Yzaguirre concurred.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201504098-ZOA.

DISCUSSION: THE PARTIES DISCUSSED THE TWO APPLICATIONS.

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

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201504099-CU-MSP, L&R ENVIRONMENTAL, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED.

DISCUSSION: J. TIBBS THANKED THOSE WHO TESTIFIED AND STATED HE BELIEVES THIS IS A VALUABLE PROJECT.

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

3. **201504172-PBA-V, CLAIR BOWMAN:** A property boundary adjustment between common property lines of four (4) platted lots. A variance to grant relief from a development standard for platted lots in a property boundary adjustment to be in substantial conformance to a recorded plat, specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. Also, a variance to grant relief from a development standard for private roads, specifically to allow for a private road that provides frontage or access to more than four (4) properties to have a travel-way with a minimum improved width of less than 24 feet as the existing private road is only 18 feet wide. The property contains 12 acres and is located at 4050, 4260, and 4400 W. Legacy Ln., Meridian, ID 83642 in Section 34, T. 3N., R. 1W.

[This application was heard first.]

Clair Bowman, Applicant, stated his name and address for the record. He requested this Application be tabled to April 6, 2016, to give him time to work out details for variance no. 2.

ACTION: R. YZAGUIRRE MOVED TO TABLE APPLICATION NO. 201504172-PBA-V, CLAIR BOWMAN, TO APRIL 6, 2016 FOR FURTHER CONSIDERATION. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

4. **201504177-S; KM ENGINEERING, LLP:** An application for preliminary plat for an 84 lot subdivision (Avimor Subdivision No. 5) in the Avimor Planned Community consisting of 76 village residential lots, three (3) village center lots, two (2) village open space lots, two (2) foothills open space lots, and one (1) community services lot. This is a revised preliminary plat to change roadway configuration and lot product type from what was approved in 2007 through Project #200700016 S-HD. The property encompassing the proposed subdivision contains approximately 66.6 acres and is located at the Avimor Planned Community at 18700 N. Highway 55, Boise, ID 83714 in Sections 7 and 18, R. 5N., R. 2E.

[This application was heard after application nos. 201504098-ZOA and 201504099-CU-MSP, L&R Environmental.]

B. Danielson presented the Staff report.

J. Tibbs opened the public hearing.

Applicant, Dan Richter, stated his name and address for the record. He presented testimony in favor of the application.

J. Tibbs and Applicant discussed the pathways being part of the Foothills standards.

D. Case disclosed that Dan Richter and Avimor have been supportive of his reelection but stated he could remain impartial.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201504177-S; KM ENGINEERING, LLP, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

The parties discussed rewording or striking out condition no. 10 regarding pathways.

ACTION: R. YZAGUIRRE WITHDREW HIS ORIGINAL MOTION. D. CASE SECONDED.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201504177-S; KM ENGINEERING, LLP, AND STRIKE CONDITION NO. 10, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT; AND DIRECT STAFF TO REVISE CONDITION NO. 10. D. CASE SECONDED. 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 6:47 p.m.



Jim Tibbs, Chairman

ATTEST:



Christopher D. Rich, Ada County Clerk