

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, SEPTEMBER 14, 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 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:

- Added Item V (b) Request for Mediation

ACTION: R. YZAGUIRRE MOVED TO AMEND THE AGENDA AND ADD ITEM V (B) A REQUEST FOR MEDIATION ON APPLICATION 20160036-1A; NOTED IT IS NOT A PUBLIC HEARING. D. CASE SECONDED. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

IV. ADMINISTRATIVE ITEMS (*No Public Testimony*)

- **201600567-S, CAMEO CREEK SUBDIVISION FINAL PLAT:** The applicant is requesting a final plat for a two (2) lot industrial subdivision. The property is located at 6303 and 6333 W. Cameo Street, Boise ID; Sections 30 & 31, T. 3N, R. 2E.

B. Danielson requested this item be tabled to the September 22, 2016, Development Services Meeting to allow the county surveyor time to sign the final plat.

ACTION: D. CASE MOVED TO TABLE APPLICATION NO. 201600567-S, CAMEO CREEK SUBDIVISION FINAL PLAT TO SEPTEMBER 22, 2016, DEVELOPMENT SERVICES MEETING. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. UNFINISHED BUSINESS:

- **201600361-A; BOISE CITY, GREAT OLD BROADS FOR WILDERNESS, AND ADA COUNTY FISH & GAME LEAGUE:** An appeal from the City of Boise and a joint appeal from Great Old Broads for Wilderness and Ada County Fish & Game League. All appellants are appealing the Planning & Zoning Commission's decision to approve a conditional use and master site plan application for a private aircraft landing field (1,200 feet long & 40 feet wide) and a 3,600 square foot accessory structure. The accessory structure will be used as a shop and hangar. The property contains 149.43 acres and is located at E. Table Rock Rd., Boise, ID 83712 in Sections 7 and 8, T. 3N., R. 3E (*Approved; Tabled from 8/10/16 for Revised Findings of Fact and Conclusions of Law*)

B. Danielson presented the revised Findings of Fact and Conclusions of Law.

ACTION: R. YZAGUIRRE MOVED TO REMOVE THE UNFINISHED BUSINESS FOR CONSIDERATION. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

ACTION: R. YZAGUIRRE MOVED TO APPROVE THE REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR APPLICATION NO. 201600361-A, BOISE CITY, GREAT OLD BROADS FOR WILDERNESS, AND ADA COUNTY FISH & GAME LEAGUE. J. TIBBS SECONDED.

DISCUSSION: D. CASE STATED HE WILL BE VOTING AGAINST THIS TO BE CONSISTENT WITH HIS ORIGINAL STANCE.

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

- b. **REQUEST FOR MEDIATION** - Application No. 201600361-A (*Administrative*)
****ADDED****

J. Tibbs stated the office received a letter requesting mediation from Mark Butler. He advised that the Board responded to Mr. Butler denying the request.

VI. IN THE MATTER OF NEW BUSINESS:

1. **201600928-AC-V, ACTION STEEL BUILDERS INC.:** A request for Variance for two detached structures built with permits and then joined as one without a permit making the total sq. ft. 1,680. The structures are located in the front plane of the dwelling. An Accessory Use for the structure that is now over 1,500 sq. ft. The property contains 10 acres and is located at 3622 N. Fry Homestead Ln., Eagle ID; Section 35, T. 5N., R. 1W.

J. Tibbs opened the public hearing.

D. Sanders presented the Staff report.

Applicant Renee New stated her name and address for the record and advised that she is in agreeance with Staff findings.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201600928-AC-V, ACTION STEEL BUILDERS INC., 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.

2. **201503899-MSP-M-DA-DM, DAVID DORROUGH:** An Administrative Modification to the Board approved Master Site Plan and a corresponding Development Agreement Modification due to ITD realigning the east-west access road (Agnew Drive) between Pollard Lane and Levi Lane. The property contains 10.27 acres and is located at N. Pollard Ln. (NW corner of Pollard Ln. & Chinden Blvd.), Meridian ID; Section 21, T. 4N., R. 1W.

J. Tibbs opened the public hearing.

B. Danielson presented the Staff report.

Applicant stated his name and address for the record. He explained the request for adjustment is because the access road shifted.

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201503899-MSP-M-DA-DM, DAVID DORROUGH, 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.

3. **201600664-S, RILEY PLANNING SERVICES:** A preliminary plat application for a four (4) lot residential subdivision. The property contains 20.91 acres and is located at 60 W. Beacon Light Rd., Eagle ID; Section 32, T. 5N., R. 1E.

B. Danielson requested this be tabled to October 5, 2016, to meet sign posting requirements.

ACTION: R. YZAGUIRRE MOVED TO TABLE APPLICATION NO. 201600664-S, RILEY PLANNING SERVICES, TO OCTOBER 5, 2016. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

4. **201600795-DA-MSP-ZC, DAVE EVANS CONSTRUCTION:** A Zoning Ordinance Map Amendment, Master Site Plan and Development Agreement application for a 120-unit multi-

family development with a clubhouse and playground. The applicant is seeking to rezone the property from R6 to R20 with C2 zoning near the intersection to be developed in the future. The applicant is proposing 253 parking stalls and access onto both Lake Hazel Road and Maple Grove Road. The property contains 8.876 acres and is located at 6267 S. Maple Grove Rd., Boise ID; Section 2, T. 2N., R. 1E.

J. Tibbs opened the public hearing.

K. Inselman presented the Staff report.

Applicant stated his name and address for the record. He explained he believes there is a need for this mixed-use project. He advised he will return with the commercial phase of the project and that he is in total agreement with the proposed conditions of approval.

D. Case, Applicant and Staff discussed restructuring the Master Site Plan to accommodate five additional parking spaces to meet Ada County Code.

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201600795-DA-MSP-ZC, DAVE EVANS CONSTRUCTION, BASED ON THE FACTS OF FINDINGS AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. R. YZAGUIRRE SECONDED.

DISCUSSION: R. YZAGUIRRE INQUIRED ABOUT THE C2 ZONE.

ACTION: D. CASE AMENDED HIS MOTION TO APPROVE THE R20 ZONING AND DENY THE C2 ZONING. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

5. **201600646-A, ROBERT & LANA LEAKE, GUY WHITTEMORE, JERRY JONES, DOROTHY MINOR, CAROLYN LINDSEY, SANDRA SEWARD, AND JAKE & BROOK JONES, DAVID BENSINGER, MARJORIE LYNN, LONNIE FLYNN, BOBBI & LYLE MCFADDAN, JODE & MONICA STELLA, ERIC HALLSTROM:** Two (2) joint Appeals for the Planning & Zoning Commission's approval of a go-kart racetrack. The property contains 100.25 acres and is located at 8700 W. Chaparral Rd., Eagle ID; Section 9, T. 5N., R. 1W.

J. Tibbs opened the public hearing.

R. Yzaguirre disclosed that during a recent meeting with the Mayor of Eagle, the Mayor advised he was in favor of the application. R. Yzaguirre stated this would not impact his decision.

D. Case disclosed he raced go carts about twenty years ago, but this would not have an impact on his decision.

K. Inselman presented the Staff report.

The parties discussed possible annexation with the Eagle Fire District.

Bob Leake, representing the first group of Appellants, stated his name and address for the record. He gave a brief description of his background to support his expertise in racing. He presented testimony in favor of the appeal explaining parking, camping, fire risk and noise issues.

D. Case reminded Applicants to be careful about accusations of others and that their testimony is part of the public record.

David Bensinger, representing the second group of Appellants, stated his name and address for the record. He introduced Fire Safety Consultant, Mark Larson; Environmental Attorney and Wild Lines Defense Board President, Brian Ertz; and Sound Expert, Earnest Harper.

M. Larson stated his name and address for the record. He submitted documents for consideration and presented expert testimony supporting the appeal. He argued the four areas

not addressed were fire department access, turn around; onsite water supply; use of the 1800 square foot building and fuel storage/dispensing. He explained the go kart racing guidelines do not meet Idaho Fire Code guidelines. He stated he believes this application should not be approved as it is, because nothing has been done to address the hazards for use of the facility. He feels annexation into a fire district would be a reasonable mandate. He advised that the Eagle Fire District denied the application for Annexation.

B. Ertz, an environmental attorney, stated his name and address for the record. He presented testimony in favor of the appeal explaining wildlife and water impacts.

E. Harper stated his name and address for the record. He presented testimony, within his expertise, supporting the appeal. He compared the noise levels of local races all of which exceeded 55 dBA and discussed fall off rates. He requested the noise findings be rejected and asked that the appeal be approved.

Greg Hall stated his name and address for the record. He presented testimony in opposition of the appeal. He stated he believes noise impact does not affect the sale of homes in Chaparral.

D. Bensinger restated his name and address for the record. He presented testimony in favor of the appeal. He stated he believes his property's value will be negatively impacted by the proposed racetrack. He advised the developer has seemingly already started the project and has been in EPA violation. He asked the appeal be approved.

J. Tibbs and K. Inselman discussed zoning certificates and code enforcement checks.

Cheyenne Kimball stated her name and address for the record. She presented testimony in favor of the appeal explaining her concerns for the noise possibly affecting her children's hearing.

J. Tibbs and C. Kimball discussed whether her or her neighbors have ATV vehicles that could affect hearing.

Elmer Patterson stated his name and address for the record. He presented testimony in opposition of the appeal stating the racetrack would be an asset to the community. He explained the benefits of the carting clubs for the youth.

Karen Smith stated her name and address for the record. She presented testimony in opposition of the appeal advising that many childhood developmental issues are caused by the lack of physical stimulation. She discussed benefits of carting gained by her son.

Stafford Smith stated his name and address for the record. He presented testimony in opposition of the appeal. He explained the many benefits carting has provided for him.

Ron Hayes stated his name and address for the record. He requested his testimony time be given to Dave Aizpitarte.

D. Aizpitarte stated his name and address for the record. He presented testimony in opposition of the appeal expressing his belief that Appellant's noise study is inaccurate. He explained that he is an expert noise witness for Idaho Transportation Department and Ada County Highway District. He advised that the loudest noise measurement he has ever taken was 82 decibels. He offered his expert opinion that noise was not an issue with this application.

John Wood, Applicant, stated his name and address for the record. He presented testimony in opposition of the appeal stating he would like to offer a mentoring program for troubled youth.

R. Yzaguirre and J. Wood discussed annexation into a fire district. J. Wood stated he intended to apply for annexation with the Star Fire District. The parties discussed the proposed 1000 gallons per minute well.

R. Yzaguirre and K. Inselman discussed conditions requested by Staff. J. Woods explained his request to operate on weekends.

R. Yzaguirre inquired on how sanctioned events would work. J. Woods stated he is not planning to have sanctioned events and does not want a big production.

R. Yzaguirre and K. Inselman discussed parking spaces.

Kent Smith stated his name and address for the record. He presented testimony in opposition of the appeal. He stated this project is for kart racing and is not like Owyhee Motor Cross. He reiterated previous testimony and added that they purposely choose smaller motors to limit noise.

David Sterling stated his name and address for the record. He presented testimony in opposition of the appeal. He discussed the 2007 flood plain study and provided a revised study to FEMA. He requested condition numbers 5, 13 and 19 be amended.

D. Case inquired about the time frame on Sunday and berm length. D. Sterling stated hours on Sunday would be 10:00 a.m. to 5:00 p.m.; and the berms were shortened to avoid the flood plain.

Brooke Jones stated her name and address for the record. She presented testimony in favor of the appeal stating she would like to enjoy her Sunday. She presented a map showing those who testified in favor of the appeal are neighbors of the proposed racetrack while those in opposition did not live in the area.

Jacob Jones stated his name and address for the record. He presented testimony in favor of the appeal explaining the negative affect the racetrack would have on his home's value.

D. Case asked how far away J. Jones lived from Firebird Raceway. J. Jones responded he was three miles from Firebird Raceway.

Shelly Brock stated her name and address for the record. She presented testimony in opposition of the appeal stating Applicant plans to raise cattle and grow lavender. She stated the State has leased surrounding land to be used for oil and gas wells which will impact home values more than a go kart racetrack.

Jerry L. Jones stated his name and address for the record. He presented testimony in favor of the appeal explaining his concerns for the lack of water supply and recommended that the installation of the well be done first.

Lana Leake stated her name and address for the record. She reiterated prior testimony in favor of the appeal.

Jode Stella stated her name and address for the record. She presented testimony in favor of the appeal asking that this be tabled to allow the Board to review all the testimony and exhibits. She explained that over the past four years Applicant's property has continuously grown and codes have been violated.

John Boehm stated his name and address for the record. He reiterated previous testimony in favor of the appeal and explained how fires in that area are fought.

[The Board took a short break.]

B. Leake restated his name and address for the record. He presented rebuttal testimony stating he believes in racing but explained his noise and fire concerns. He asked, as a precondition, that Applicant be required to get the well done and be annexed into a fire district.

D. Bensinger and E. Harper restated their names and addresses for the record. E. Harper presented rebuttal testimony on the sound studies. D. Bensinger clarified that most races run at 206 ccs and presented rebuttal testimony regarding the use of existing buildings, area wells and road expansion. He stated he believes this will reduce property values and the location is not appropriate for this project.

J. Tibbs closed the public hearing.

R. Yzaguirre thanked those who testified and stated he believes time is needed to review all the information. He recommended tabling the application. D. Case and J. Tibbs concurred.

ACTION: R. YZAGUIRRE MOVED TO TABLE APPLICATION NO. 201600646-A, ROBERT & LANA LEAKE, GUY WHITTEMORE, JERRY JONES, DOROTHY MINOR, CAROLYN LINDSEY, SANDRA SEWARD, AND JAKE & BROOK JONES, DAVID

BENSINGER, MARJORIE LYNN, LONNIE FLYNN, BOBBI & LYLE MCFADDAN, JODE & MONICA STELLA, ERIC HALLSTROM, TO OCTOBER 5, 2016. D. CASE SECONDED.

DISCUSSION: J. TIBBS ASKED THAT THE RECORD BE CLOSED.

ACTION: R. YZAGUIRRE AMENDED HIS MOTION TO ADD THAT THE PUBLIC HEARING BE CLOSED.

DISCUSSION: J. TIBBS THANKED THOSE WHO TESTIFIED. D. CASE EXPLAINED WHEN THE RECORD IS CLOSED NO MORE TESTIMONY WILL BE CONSIDERED.

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

VII. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 9:17 p.m.



Jim Tibbs, Chairman

ATTEST:



Christopher D. Rich, Ada County Clerk