

Brant Petersen
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6883 E. Warm Springs
Boise, Idaho 83716

To: Planning and Zoning Commissioners
City of Boise Planning and Development Services
150 N. Capitol Blvd
Boise, Id 83702

April, 3 2016

RE: PUD 16-00005, SUB 16-00006, CAR 16-00002 Ben's Crow Inn property

CC: Susan Riggs City of Boise, Cody Riddle City of Boise, Boise Mayor David Bieter

Dear Commissioners,

We write to express our opposition to the application submitted by Jim Conger, owner of the DevCo, LLC, for the above-identified planned use development. We live at 6883 E. Warm Springs, which is located next to this proposed development. The proposed development fails to meet the City's established planning and zoning requirements and Comprehensive Zone, is completely out of character for the existing developments in the area and will have a negative impact on existing development, will disrupt current recreational uses of an ecological sensitive area next to the Boise River, will disrupt establish wildlife, lacks clear access to the greenbelt and the Boise River, and, if approved, will set a bad precedence for future development along the Boise River corridor. For these reasons, as more fully set forth below, we urge you to reject DevCo's application.

Our single family home sits on approximately 3 acres at 6883 E. Warm Springs. If this development is approved our home will be surrounded on two sides by a twenty four high density 2 and 3 story row house development. As proposed, the developer will construct a two to three story home approximately 55 feet directly outside our family's front door.

We also own a linear parcel of property that runs the entire length of DevCo's proposed development on the west side (see attached map). This parcel lies between the proposed development, Greenbelt path and the Barber Wildlife Reserve. As a result, owners in DevCo's proposed development will not have access to the greenbelt without trespassing.

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Mr. Conger has not approached us about access across our property during any part of DevCo's planning, including plat development. In fact, Mr. Conger did not speak to us until an impromptu "neighborhood" meeting was held to display DevCo's proposed development. When we notified Mr. Conger we own the property between his proposed development and the greenbelt he asked if we were "giving" him access across our land. We definitively and unequivocally told him NO at that time. We also notified Mr. Conger there is no easement on file for the "access" path across our private property to the greenbelt that his proposed plat development displayed. Our conversations with Mr. Conger about DevCo's lack of access to the greenbelt were prior to DevCo submitting its application to Boise City Planning and Zoning Commission.

If you approve this application as proposed a "pathway" will be constructed that dead ends at our property short of the greenbelt. This pathway will invite users to travel onto and across our private property where there is no existing "pathway" agreement or easement. When we discussed this issue with Mr. Conger during our initial meeting he explained to us that Boise City can require us to allow greenbelt access. Contrary to Mr. Conger's representations to us, we do not believe Boise City has the authority take our property or require us to grant an access easement across our property for DevCo's use. Additionally, this pathway proposed in DevCo's application will not have a trailhead and offers limited user parking inside the development due to the narrow streets. As a result, the most likely parking for anyone access to the greenbelt from this pathway will be on Warm Springs Avenue. The only other viable area open to parking is the road (East Highland Valley Lane) that leads to our home. These parking options are unsafe and neighboring residential streets should not be the only viable option for greenbelt user parking.

Negative impacts on the surrounding residents:

The 4 acre parcel on which DevCo proposes to build twenty-four 2 and 3 story homes is truly an exceptional setting. This parcel is situated between the Barber Pool Wildlife Reserve, the Boise River, the Greenbelt and the Highland Valley Trail, an arterial trail in Boise's Ridge to Rivers Trail system. It is a unique parcel that serves as a trailhead and hub for hundreds of Boise recreationalist who currently park and gather in and around Ben's Crow Inn to access these incredible areas in the Barber Valley. The construction of twenty-four high-density buildings with zero trails, no parking for recreational use or a single square foot of open space will have irreversible negative consequences for all Boise residents.

DevCo's application is out-of-line with Blueprint Boise, the comprehensive area planning policy. The policy states Goal BV-CCN 1: "Respect the Barber Valley's unique development context" and BV-CNN 1.1: "Context Sensitive development, Design

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development to preserve wildlife habit and connectivity, open space, and context-sensitive recreational opportunities.” DevCo's proposed development has no “context sensitive elements.” The only element considered in the proposed application is packing as many houses as possible onto the smallest possible lots to maximize DevCo's profits. This only comes at an unacceptably a high cost to current Barber Valley residents and users of the river, greenbelt, reserve, and trail system, which includes all Boise residents.

DevCo's proposed construction of homes will have an incredibly negative impact on our own home. DevCo plans to build 3 houses in front of our home with the back of one house to be constructed 55 feet directly in front of our family's front door. As proposed, these 3 houses will be constructed on a very narrow strip of land in front of our house. As initially proposed, DevCo's construction plans for these 3 homes in particular would have encroached on our property. We again approached Mr. Conger concerning his application and pointed out his survey showed DevCo's development will build homes on our property. At first Mr. Conger adamantly denied this and advised us he was certain his survey was correct. Mr. Conger stated it was up to us to prove otherwise. This forced us to retain and pay a surveyor to provide a correct and accurate landline survey. We provided this survey to Mr. Conger. Only after incurring that expense DevCo submitted an amended landline survey. The effect is to further narrow the already incredible narrow swath of land on which DevCo plans to build 3 homes directly in front of our existing home. With this additional decrease in depth of this strip of land we believe offsets will be pushed or reduced in an effort to pack as many structures as possible into this narrow space between Warm Springs Ave and our family's property. The most likely result will be homes with at least 2 stories built directly in front of our home.

Finally, Boise City's current Build Boise initiative states: “[Boise City's] goal is to inspire a shared vision for the built environment and preserve Boise's livability for present and future generations.” DevCo's proposed development has no “vision” or plan to “preserve Boise's livability.” The proposal is to cram 24 houses into four acres along the Boise River. Twenty-one of these houses will comprise a row 1,000 feet long and 2 and 3 stories high. This wall of 2 and 3 story homes will run parallel to the Greenbelt, Boise River, and will be the primary feature visible from the Barber Pool Wildlife Reserve. The current residential development adjacent to the Greenbelt and Barber Pool Reserve is a total of 5 homes built on lots ranging from 2.5 to 13 acres. The proposed development is clearly out of place for the existing neighborhood and setting. Is this proposal what the City of Boise envisions for our “inspired built environment”? Is this how we should plan construction adjacent to one of our last and best natural environmentally sensitive and recreation areas in South East Boise? Does this meet the goals noted in the Boise

City comprehensive Build Boise initiative? The answer to these questions is a clear and adamant NO!

Negative impacts on recreation;

The **Blueprint Boise**, Boise City's Planning and Zoning Comprehensive Plan's GOAL; Connect the Community,

Boise has a well-established network of roadways and an award winning Greenbelt running through the heart of our community. But many trips could be made easier and healthier if pedestrian, bicycle and transit alternatives were given equal consideration when planning and funding our transportation system.

DevCo's proposed development will close the existing parking area currently used by patrons of Ben's Crow Inn and many recreationalists and bike commuters. It is the largest existing paved parking area in the surrounding area. The parking area is filled to maximum capacity every weekend, providing residents of Boise an ideal meeting location to start trips on the adjacent Greenbelt, the River to Ridge Trails system, the Boise River or the Barber Pool Wildlife Reserve.

Blueprint Boise specifically notes, in relation to greenbelt access, on page BV-11: "Provide a safe crossing across Warm springs at two points: from Highland Valley Road to the Greenbelt." DevCo's proposed development will close the only existing "safe access from Highland Valley Road to the Greenbelt." DevCo's proposed development has no greenbelt access, no open spaces, and will close the only existing public parking for these important recreation areas in the Barber Valley.

The effects of this proposed development will negatively impact all Boise residents and set bad precedence for future development. Blueprint Boise recognizes the need for connected recreational routes; BV-C2.1: Connections to new development states: "Make connections between Barber Valley trails, new developments, and existing developments, as well as the Greenbelt. Link gaps in the existing sidewalks system to provide connectivity and public safety along Warm Springs." BV- C2.3: Trail Connections further states: "Maintain alternative transportation routes for bicycles and provide bike lanes on the redesigned Warm Springs Avenue. Ensure bicycle routes and sidewalks connect the Boise River Greenbelt to the foothills." DevCo's proposed development flouts these policies to ensure access and to increase recreation opportunities along the Boise River corridor and the foothills.

With regard to greenbelt access specifically we clearly informed Jim Conger, on two separate occasions, that DevCo has no legal access through our private property to the Greenbelt before his application was submitted. In four different places locations in DevCo's application Mr. Conger falsely represents "Homeowners will have access to amenities such as the Boise River Greenbelt." Mr. Conger knows this is false and DevCo knowingly submitted this application misrepresenting Greenbelt access and connectively as a feature that DevCo has no actual legal right to. DevCo's proposal gives no consideration to the existing recreational amenities, connectivity or trailhead parking. Due to this negative impact on all Boise recreational users and because DevCo has no actual legal right to access the Greenbelt, the Commissioners should reject this application.

Impacts on existing wildlife:

Hundreds of species of wildlife inhabit the Barber Valley. Three unique wildlife preserves, the Barber Pool wildlife reserve, the Idaho Department of Fish and Game Cooperative Wildlife Management Area and the Boise River, boarder or are adjacent to DevCo's proposed development. Current Barber Valley recreationalists and residents coexistence in this mixed natural and residential setting. The presence of wildlife are a major draw to this area for many Boise residents. This is a unique and exceptional natural environmental setting only three miles from downtown Boise. This natural setting is what makes Boise a livable desirable city.

DevCo gives zero consideration to the existing wildlife in its proposal for development, including the high use big game corridors on both the north and south end of the proposed development. Boise residents and visitors value the rich diversity of wildlife and the natural setting hundreds of species utilizes as habitat on and adjacent to the proposed development. The Idaho Department of Fish and Game sent to City of Boise Planning and Development Services in a March 2016 letter "The Department strongly believes that increased development will have an adverse cumulative impact on local wildlife."

The Barber Pool Wildlife Reserve is immediately adjacent to the proposed development. The Reserve was designated as critical habitat for Bald Eagles and is a key component of winter big game habitat. If this development is built the view looking east from the Barber Pool Wildlife Reserve will be a 1,000 foot long wall of twenty-one 2 and 3 story homes. This will clearly have a negative impact on the aesthetics of the Wildlife Reserve.

If approved, Boise City will set precedence that wildlife and natural areas are not valued. Blueprint Boise, on page BV-1, states the Barber Valley "hosts the largest wintering deer herd in the State of Idaho." DevCo's proposal does not considered wildlife and the impact a wall of 2 and 3 story homes will have on the Barber Pool Wildlife Reserve, the

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Boise River or the largest wintering deer herd in the State. The only potential consideration for area wildlife in DevCo's proposed development was recognized in the Fish and Game's review of the application. The Fish and Game stated a secondary wildlife corridor was included in the plan. Once again, this secondary wildlife corridor is the proposed access to the greenbelt through our property, which DevCo does not have authorization or legal access to use. The utter lack of consideration for the natural ecosystems in the area and the wildlife that use these environmentally sensitive areas is another reason to deny DevCo's application.

Setting a precedence for future development:

Approving DevCo's application will set an irreversible precedence for future development decisions along the Barber Pool Wildlife Conservation Area, and will further limit existing public access to the greenbelt, Boise River and Foothills Rivers to Ridge trail system.

If approved this will be the first development along this unique corridor. DevCo utterly fails to consider the needs of current residents, recreational users from all across Boise City and wildlife in these sensitive areas in its application for this planned use development. DevCo's single consideration its application is financial gain. If Boise City approves DevCo's application it will fail to meet the high standards for thoughtful development envisioned in Blueprint Boise.

In conclusion, we request the denial of this development application for all of the reasons set forth above. In particular, the application was submitted, in part, based on misrepresentations of Greenbelt access. It also lacks any consideration for adjacent natural areas, wildlife, and fails to explain potential impacts on the construction of a 1,000 foot long wall of 2 and 3 story on the Greenbelt, Boise River and Barber Pool Wildlife Reserve. DevCo's proposed development will create significant negative natural, recreational, environmental, and social costs for Boise Residents. The proposed development does not meet the goal stated in the Boise City's comprehensive plan Blueprint Boise that: "[Boise City's] goal is to inspire a shared vision for the built environment and preserve Boise's livability for present and future generations"

We Appreciate Your Consideration,



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