



Planning & Development Services

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Planning & Zoning Commission: Excerpt of Minutes

Hearing Date: April 11, 2016

Items: CAR16-00002, PUD16-00005, SUB16-00006

[CAR16-00002](#) / Devco, LLC

Location: [6781 E. Warm Springs Avenue](#)

ANNEXATION OF 4.2 ACRES. APPROXIMATELY 2.4 ACRES ARE PROPOSED AS R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT -14.5 UNITS/ACRE) AND 1.8 AS R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT - 4.8 UNITS/ACRE) [Susan Riggs](#)

[PUD16-00005](#) / Devco, LLC

Location: [6781 E. Warm Springs Avenue](#)

CONDITIONAL USE PERMIT FOR A 24-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. [Susan Riggs](#)

[SUB16-00006](#) / Ben's Crow Inn Subdivision

Location: [6781 E. Warm Springs Avenue](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 24 BUILDABLE LOTS AND 1 COMMON LOT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. [Susan Riggs](#)

Chairman Gillespie: The next item for us is item 3, 3a, and 3b. This is a planned unit development located at 6781 e Warm Springs, and, Ms. Riggs.

Susan Riggs (City of Boise): Good evening...

Before you tonight are 3 applications. First is an annexation of 4.2 acres. 2.4 acres are proposed as R-2D and 1.8 acres as R-1B. A Preliminary plat has also been submitted for a residential subdivision comprised of 24 buildable and 1 common lot and a Conditional Use Permit for a 24-unit planned development. A development agreement was submitted to restrict the number of units 24 SF detached homes.

Tonight you will hear from the Barber Valley NA and several neighbors who are opposed to this development. A short summary of their concerns are as follows: the need for continued public access to the greenbelt, lack of public parking for greenbelt users, disturbance to wildlife, neighborhood privacy, **noncompliance** with the Comprehensive Plan & development code, and the need for a safe crossing on

Warm Springs. Many feel the development is out of character with the neighborhood and that it creates a wall of 2 & 3 story homes adjacent to the greenbelt and Boise River. Some believe a portion of the land should remain commercial or mixed-use. And finally, is the concern that homes will be built on two sides of the neighboring home to the north and will be 55' from their front door.

The project report addresses several of these concerns, and I will also try to address some of them in my presentation tonight.

Beginning with the Annexation

The property is currently zoned RP (Rural Preservation). The site is located in Barber Valley on the west side of Warm Spring Avenue and north of Highland Valley Road. Ben's Crow Inn has occupied the site for over 30 years. As illustrated in this slide, the site has two Land Use Map designations. The larger northern portion of the site is designated Commercial and the remaining is Large Lot. The proposed zones are appropriate in this designation. The proposed density of 5.72 DU/acre is slightly higher than the R-1B zone and is significantly lower than the R-2 and will be compatible with Eastvalley Subdivision across Warm Spring Avenue approved for 115 single-family lots with R-1C zoning.

Although the neighbors would like the applicant to retain the existing commercial zoning as a location for a coffee shop or small restaurant/bar, the applicant states the 2,600 vehicle trips per day will not support a commercial or mixed-use development, and there is sufficient commercial development in nearby Harris Ranch. The Planning Team understands the neighborhood's perspective. However, the overwhelming majority of existing homes, and those anticipated to develop are located on the east side of Warm Springs Avenue.

Approximately 3.2 acres of commercial zoning, with significant development/redevelopment potential exists adjacent to these homes. Planning recommends approval of the annexation as it is within the Area of Impact and Sewer Planning Area and is contiguous to Boise City.

Moving on to the Subdivision& PUD

Planning finds the preliminary plat and planned development to be in conformance with the Boise City Comprehensive Plan and development Code. Based on the requested reductions to the minimum dimensional standards, a conditional use permit for a PUD is required. Two lots types are proposed: Type 1 is comprised of the narrower 40' wide lots and type 2 is the larger more standard lot sizes.

All lots will have frontage on Warm Springs Avenue; and all but 3 will be accessed via a 20 foot wide service drive thus minimizing direct access to the public street. The 3 proposed driveways have been approved by ACHD. The applicant is proposing a 5' wide detached sidewalk with a 5'-6" wide landscape strip adjacent to the public street.

Blueprint Boise calls for a 'safe crossing' across Warm Springs at Highland Valley Road. This was originally a condition placed on Eastvalley Subdivision; however it was removed. In a recent email from

ACHD, Christy Little stated the City should not require the developer to provide this crossing as it may not be feasible, or the location may not be right at this time. ACHD will examine the warrants to determine the safest location.

Barber Valley Policy C 2.3 addresses trail connections and the requirement to connect Ridge to Rivers trails to each other and the Greenbelt. A 10' wide pathway is proposed to stub to the existing pathway to the south on private property before connecting to the Greenbelt.

This pathway connection has historically been used for public access to the Greenbelt. The neighborhood association prefers a pathway that is aligned with Sky Bar Street. A pathway at this location raises some concerns with steeper slopes and a new access thru private property.

Because the existing pathway has been used for a number of years, there is likely a prescriptive easement that would allow continued access to the Greenbelt.

The landscape plan proposes two 5 foot wide sidewalks that align with Sky Bar Street. The sidewalk extends through the 20 foot wide landscape buffer and connects to the proposed sidewalk on Warm Springs and ultimately to the proposed public pathway to the Greenbelt. This provides a direct connection without having to deal with private property and slopes. The applicant has also agreed to provide signage to be placed at the entrance to the pathway indicating a public pathway to the GB. Planning finds the project is compatible with the variety of uses in the neighborhood and those reasonably expected to develop. Thru the planned development process the applicant is requesting waivers to reduce the interior side yards from 10 feet to 5 feet, lots widths from 50 feet to 40 feet and reduced lot sizes. While waivers are requested, the lots are still large enough to accommodate the homes, vehicular access and parking.

The 2 & 3 story homes will be similar the homes pictured here which are located in Triplett Ranch in Barber Valley. The neighbors stated they would like to see more vibrant colors on the buildings and perhaps some accent details. The applicant stated his goal is for the structures to blend with the natural landscape and not to boldly stand out.

This is an example of the homes proposed on the 3 southern most lots.
This is a photo of Eastvalley subdivision across the street.

Two amenities are required as part of the PUD. The applicant is proposing water conservation measures utilized for lawns and landscaping, approximately 18% open space and a public pathway ultimately connecting to the Boise Greenbelt system.

Planning finds with the attached conditions of approval, the project will not adversely affect other property in the vicinity. The greater neighborhood is comprised primarily of residential uses that will not be affected by the development.

Correspondence received from commenting agencies indicate the proposed use will not place an undue burden on transportation or other public services. Warm Springs Avenue is operating at an acceptable level of service at better than “D”.

The project is consistent with a number of the principles, and policies in the Comprehensive Plan which support the proposed development. I won’t recite them as they are detailed throughout the project report. Based on the findings of fact outline in the project report, the Planning team recommends approval of the 3 applications.

This project requires 3 separate motions. The annexation and subdivision shall be recommendations to Council and the Commission shall render a final decision on the PUD.

Should the Commission approve the PUD, staff recommends the deletion of condition 2 (n) which states “The development shall become part of the Harris Ranch Wildlife Mitigation Association. In addition, residents shall be required to pay annual homeowner’s association fees to the Harris Ranch Wildlife Mitigation Fund.” This condition was included for Eastvalley subdivision because it was part of the purchase agreement when the property was acquired from the Harris Family. I do not believe this condition is applicable to this development.

This concludes my presentation, thank you for your time this evening.

Chairman Gillespie: Thank you Susan. Is the applicant present? Mr. Conger, 10 minutes, and then we’ll go from there.

APPLICANT TESTIMONY

Jim Conger (4824 W Fairview): Thank you. That’ll be no problem. Mr. President, members of the commission, Jim Conger at 4824 W Fairview Avenue. I’ll let Marcel load our PowerPoint here. First of all, thank you and we’re excited to be in front of you tonight to go over the project that we’re calling the Ben’s Crow Inn Subdivision. The City planning team has been wonderful and we very much appreciate their experience and guidance throughout this design phase of this project. This is a perfect blend of matching a highly sought-after housing product with a wonderful location. We are in agreement with all staff recommendations and are very much looking forward to getting an approval tonight. As the staff report outlines and Susan presented, we are in conformance with the Boise City comp plan, we are well under the density allowance for these zones, we’re meeting all building setbacks and height requirements with no exceptions, and we have satisfied not only the City, but ACHD, Fire, Police, Fish & Game. That in itself is no small feat when you’re planning in East Boise.

Here are the homes that we have designed for this project. They are very thoughtfully and purposefully designed. Exteriors are primarily all stucco. They range in sizes from 2300 to 2800 square feet. They’re well built, and they’re very low maintenance, and exactly what today’s new homebuyer is looking for. The next slide gives a perspective of the scale of these homes as viewed from Warm Springs, and also lets you get an understanding of our landscape buffer that’s not only put in place to buffer our homes from

travelers on Warm Springs, but again protect our homes from the travelers on Warm Springs – two way buffer, it's good for both sides.

Tahoe started with these designs four years ago. We have been in front of this commission, in front of the council with similar projects: Elevation Ridge which is up on Highway 21 that overlooks the Simplot Park, and we also successfully did this project less than two years ago at Triplet Ranch, which is just on the east edge of Harris Ranch, both in east Boise. Both projects were well received and sold out before they could finish construction.

I would like to touch on a few issues we have heard from some neighbors that do not like the idea of change.

The Comprehensive Plan: As we noted and as you heard Susan say, our plan, our project is in complete compliance with the Comprehensive Plan, and all of the many other planning maps and documents that are associated with the Barber Valley.

The next item is the Greenbelt pathway connection stub. I would like to elaborate on and try to clear some confusion that was brought up through several occasions with the neighbors regarding the connection to the Greenbelt. I would like to remind everyone we are not building Greenbelt, we are providing the sidewalk that stubs to the edge of our property. This was an original requirement from the City in our pre-application meetings and has always been supported by us. It was in our original plan, so there are petitions and other things going around. We have always supported stubbing the sidewalk to the edge of our property. If the City chooses to leave it in our design location then we will actually stub and connect to the existing pathway that currently connects down and goes to the Greenbelt.

As you can see in the exhibit, our property does not abut the actual Greenbelt. You can see the little green pathway is off of our property prior to getting to the large Greenbelt that's below the Penitentiary Canal. We again, are going to provide a pathway connection through our development to the exact point it connects today. And of course we, with our future homeowners, are as interested as anyone in the room of continuing this pathway to have its connection back to the Greenbelt. And, I think we can boldly say we're very encouraged to see all the neighbors' support around this item, that's going to continue to support the access that currently is to the Greenbelt.

You also have in your packet the Ada County letter that was written last Tuesday that is in support of our location, and I think the words they used were "stub in the general vicinity of the existing path," so Ada county has looked at the plan and has looked at our location.

As far as safety goes, Susan addressed it. This pathway location actually works well with our overall design from a safety standpoint. We have four receiving sidewalks as you can see, that will all feed in to our main sidewalk that's required along Warm Springs, that will then run to our pathway connection. Thus, you can get to this pathway connection without getting on the inside of our interior intersection, which is indicated by the little brown circle. We do not think it to be healthy to have the pathway location conflict with that intersection of our private drive. As people are racing to get off Warm Springs, they

won't have a chance to slow down and address pedestrians and bikes and things of that nature properly. We have also designed a very significant cast-in-place, concrete and metal sign, as you can see here, that will identify the public access point for first-time users.

Lastly, I will discuss the three southern lots that are adjacent to our Ada County neighbor that Susan alluded to at the south end of the project. Our current site plan was carefully crafted so that the development minimizes its impact as much as possible. We originally had nine alley-loaded lots in this area that fronted Warm Springs. We were below our density threshold; the whole project is below, if we're at 24, the allowed density is 48. We are below our density, however, we just felt that it was too intense with the county neighbor and scaled it back to the three you see today, which are the red lines versus the nine blue lines.

We positioned the homes to be sideways to the lot as you can see in the three lots in 23, 24 and 25, so we didn't have any homes backing up to them, and Tahoe also designed this homes to have hip roofs to keep a lower profile as you can see in the bottom elevations. We feel this is a great compromise specifically with this county neighbor as on the top photo, you will see their house is primarily orientated with the back taking advantage of the views over the Boise River. In the bottom photo, it is very apparent that the front, that is adjacent to our development, is primarily used as trailer storage, parking, and garage/shop area.

In closing, we are very excited to have a project and look forward to approval of this staff report, which we are in complete agreement with the conditions that were stated through Susan. Thank you.

Chairman Gillespie: Thank you. Any questions from the Commission?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: I've got a few that I think I'll start with Susan. Susan, so the applicant is proposing, as I recall, a pathway connection down toward the existing bike path through their project at 10 feet wide. Is that standard for this sort of use, or is there a standard?

Susan Riggs (City of Boise): Mr. Chair and members of the Commission, Commissioner Bradbury. A standard pathway for a subdivision is a seven-foot pathway with five-foot landscaping on each side. If you desired a larger pathway at this location, that could be a condition of approval. It could also be included in the development agreement.

Commissioner Bradbury: So, you said seven feet with five-foot landscaping on either side?

Susan Riggs (City of Boise): Correct

Commissioner Bradbury: Alright.

Susan Riggs (City of Boise): Seventeen foot wide

Commissioner Bradbury: Pardon me?

Susan Riggs (City of Boise): Seventeen foot wide pathway.

Commissioner Bradbury: Thank you. Can I keep asking questions, Mr. Chairman?

Chairman Gillespie: Yes sir.

Commissioner Bradbury: I've got just a few. I'll try not to take everybody's time up. So follow up on the easement. I think I heard you say that the issue of the existence of the easement, or the pathway, as it leaves the applicant's property, between the applicant's property and the existing bike path, the existence of that easement, whether it's there or not there, legal or illegal, is not something that this commission can decide on, is that right?

Susan Riggs (City of Boise): Mr. Chair, Commissioner Bradbury that is correct.

Commissioner Bradbury: Alright, thank you. So, are the heights of the proposed structures within our code?

Susan Riggs (City of Boise): Mr. Chair, Commissioner Bradbury, they are. The height limit is 35 feet.

Commissioner Bradbury: Okay. May I?

Chairman Gillespie: Please.

Commissioner Bradbury: Mr. Conger

Jim Conger (4824 W Fairview): Commissioner Bradbury

Commissioner Bradbury: So one of the questions that I think is likely to come up is this mix of two- and three-story houses that you're proposing in your project. I think there is some sentiment expressed out there in the materials that we've received that that presents kind of an, a dominating view. How do you decide which lots get a two-story house and which get a three-story house? How do you figure out the mix? Is that something you can address?

Jim Conger (4824 W Fairview): Absolutely. Mr. Chairman, Commissioner Bradbury, no, that's a very fair question. We run right around 50% with the two- versus three-story, so...can I tell you exactly which lots yet? No, Tahoe is working through that, but with that three-story product, about half of it will be two, half of it will be three, and on that third story, it is recessed back in, not only from the front and the back, it's a plate that sits in the middle of the house and is really the master bedroom. So it's not an active

bonus-type room, but it sits in the middle of the property, and I think it's extremely important to understand that we have a WUI requirement for our rear setbacks – R-1B is 30 foot anyhow, so we are 30 foot back from our property line and our property line to the greenbelt ranges from 55 to 125 feet in distance, so at any point we are either 85 to, all the way to the, whatever the math is, 155, I guess, is the math, but...

Commissioner Bradbury: How would you react to the suggestion that a condition of approval be included that would limit the number of three story houses to your proposal, say in the 50% range?

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Bradbury. We had discussed this earlier, and that would be acceptable.

Commissioner Bradbury: Um...

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Thank you. Probably the last one unless there's a follow up – I'm kind of curious what kind of coordination or conversation you've had with Ada County about their proposed redesign of that bike path down below the project. Have you had occasion to speak with the county or try to coordinate with them.

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Bradbury. Yes, we have dealt with Scott at Ada County to understand where they are. I think there's several neighbors, one in particular that's on the Ada County Park's Board that probably can speak a little better than I, but we do know that Ada County did not get the first grant that was hopefully going to fund this. They have been working on plans and will have a little more detailed packet supposedly by the end of August that will allow them to go look and procure some additional, or not additional funds. Best case scenario this would be a 2017 project, and worst case is another grant doesn't come through.

Commissioner Bradbury: And you don't, you wouldn't object to coordinating your work, your design work with theirs, would you? I mean, that wouldn't be a problem for you, would it?

Jim Conger (4824 W Fairview): No, Commissioner Bradbury that would be extremely intelligent. We have worked, with our current location, as far as with the topos, it's pretty constrained to where this probably ought to go, and there's probably no surprise why this path, that was in place prior to 1969, is where it is, and it was enhanced in the 1983 or '84 when the Greenbelt came in by Ben himself. And all of that, because of the existing grades and topo at the current location. So we believe we are setting Ada County up for the best location possible to take from and they will have different ADA rules than currently what's there of course, but the starting point up at our stub location gives them the best success of manipulating and working their grades for a final design.

Commissioner Bradbury: So I actually have one more question.

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Thank you. I just remembered I forgot to actually write it down. So, your, the neighboring property on, or to the south, the southerly end of your project – where does that property take access? Is it further south of your southerly border?

Jim Conger (4824 W Fairview): Go to our slide. Mr. Chairman, Commissioner Bradbury, there is a common drive to the right of our lot 25 straight across from Highland Valley Road that feeds two home sites, one being our adjacent neighbor, who then has his common drive up his property line, which is our shared property line.

Commissioner Bradbury: Alright, thank you very much.

Commissioner Ansotegui: Mr. Chairman

Chairman Gillespie: Commissioner Ansotegui

Commissioner Ansotegui: Just a quick question, and forgive me if you stated this and I was asleep or something, but is the access from Warm Springs to the Greenbelt ADA compliant.

Jim Conger (4824 W Fairview): No, Ma'am. I said...

Commissioner Ansotegui: I'm sorry.

Jim Conger (4824 W Fairview): ...by taking off from our stub point would give ADA county the best chance at, when they, under their rules they will have to be ADA compliant compared to when this went in prior to 1969, and then enhanced in 1983.

Commissioner Ansotegui: Okay. But your path, the straightaway path is not ADA now.

Jim Conger (4824 W Fairview): It will be ADA compliant.

Commissioner Ansotegui: It will be. That's the question, thank you.

Jim Conger (4824 W Fairview): Yes.

Commissioner Gibson: Mr. Chairman

Chairman Gillespie: Commissioner Gibson

Commissioner Gibson: Question for staff. The current subdivision across the street to the east has both an accel- and the decel-lane on it. Doesn't appear from the exhibit presented today that the developer is

proposing either a decel-lane for Warm Springs at the main entry or an accelerating lane. Is that a requirement when you get over a certain number of units within a subdivision?

Susan Riggs (City of Boise): Mr. Chair, members of the commission, all I can say is that the ACHD has approved this development and they did not include that, I don't believe, as conditions of approval. Perhaps the applicant can address it further.

Commissioner Gibson: Mr. Chairman

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: So the question can be redirected to the applicant please.

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Gibson. I believe that there is a threshold of numbers, however, the East Valley which we developed across the street has tapers, they are not a decel- or an accel-lane, so we were required to meet certain policies with ACHD which was tapers. So they're currently, with the traffic load of Warm Springs which is approximately 33% of capacity, they've never hit the thresholds for turn lanes or decel-, accel-, and turn lanes in general. So no, they would not be required.

Commissioner Gibson: Mr. Chairman.

Chairman Gillespie: Commissioner Gibson

Commissioner Gibson: Then, I guess another specific question relative to on-site circulation...you said that the drives are to be 20 feet, is that what I'm hearing? The one that runs parallel to Warm Springs?

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Gibson. Our entry road will be at 24, and 20 is required. Once you get on the interior, it will be 20 feet wide which is the required amount and is identical at the Triplet Ranch which is the development I alluded to that's a couple years old that we did right next to Harris Ranch. It had the identical service road inside of it as well, which is the private, common – it's not a common, but the private drive that's 20 foot wide to satisfy Fire, and then our two access points.

Commissioner Gibson: And...

Chairman Gillespie: Commissioner Gibson

Commissioner Gibson: So as far as guest parking, where would you propose guest parking be allocated?

Jim Conger (4824 W Fairview): I'll let Marcel put the mouse in three different locations. We don't have guest parking at the previous Triplet development. We put three pods in three locations right there,

right there and right there for parallel parking, which is identical to what we did at our Elevation Ridge project up off Highway 21 that looks over the Simplot Park and those work out pretty well.

Commissioner Gibson: Thank you.

Chairman Gillespie: I'd like to ask staff a question if I may. So, you had a number of choices for what zone we bring this into the City as. Could you just review for us the current land use map status of the parcel and why you picked these two zones to bring it into the City as?

Susan Riggs (City of Boise): Mr. Chair, these were two most restrictive zones, under large lot R-1A would have been slightly more restrictive, the R-2 is the... R-1B is 4.8 dwelling units per acre and I believe the R-1A is 2.4 per acre, and, but either way you look at it, the allowed density, even with the R-1A, we're severely under density.

Chairman Gillespie: May I ask another question? So it's, what's the land use map designation now of the parcel?

Susan Riggs (City of Boise): Commercial on the north.

Chairman Gillespie: Top

Susan Riggs (City of Boise): ...and large-lot on the bottom (south).

Chairman Gillespie: So that's where we see the R-1B, R-2 split.

Susan Riggs (City of Boise): Correct

Chairman Gillespie: It reflects. So what would the impact be making the commercial part, bringing it in in R-1B? It would basically take out four or five of the lots – is my math correct on that? 'Cause you've got four acres and you'd lose, you'd lose...

Susan Riggs (City of Boise): They're proposing R-1B.

Chairman Gillespie: For the bottom part.

Susan Riggs (City of Boise): They are proposing R-1B at the northern end of the parcel and R-2 on the southern end.

Chairman Gillespie: If you went R-1B on the top, what would the density work – you'd lose about four houses I calculate, three or four.

Susan Riggs (City of Boise): Then you're probably correct.

Chairman Gillespie: Have you done that calculation of what it looks like if we bring the whole project in at R-1B into the City.

Jim Conger (4824 W Fairview): Mr. Commissioner, the Commission. I have a slide in front of you that breaks out in the red the R-2 area, and in yellow what is the R-1B area. So that R-1B is the least restrictive zone, as Susan said, besides the R-1 which was really what you saw Parks asking for earlier tonight. And I want to be crystal clear in the commercial, I won't answer your question, but I'm getting to it. The red area which R-2 is the smallest zone which you can get in that. So you have a choice of about 10 zones, R-2 is the least restrictive in that, so with our two zones combined, you have the potential of 43 lots and we're of course submitting on 24. As you can do the math, if we have four acres against 4.8, you're around 20 units. If it were – if this were a different comprehensive plan, and was just all large-lot, you would be at about 19-20 units. That's, I guess, the beauty of the commercial comp plan portion.

Chairman Gillespie: Thank you. Quick question again for Susan. So, for a commercial land use designation on the land-use map, could we bring it in at an R-1B zone or do we have to go to R-2?

Susan Riggs (City of Boise): Mr. Chair, Commissioner Gillespie, no, it would have to be R-2 the intent of doing residential in a commercial zone is to be higher density. R-3 is the other residential zone that would be allowed

Chairman Gillespie: Okay, so, you're saying the code says we can't bring in that northern portion at R-1B.

Susan Riggs (City of Boise): That's correct.

Chairman Gillespie: That's alright. Thank you. Any other questions by the commission? Thank you.

Jim Conger (4824 W Fairview): Thank you for your time.

Chairman Gillespie: Okay. So now we hear from a registered neighborhood association, that would be the Barber Valley Neighborhood Association. And, there you are. So, you get 10 minutes just as the applicant did.

NEIGHBORHOOD ASSOCIATION TESTIMONY

Sabrina Durtski (1800 W Overland): I'll try my best. Let's get the PowerPoint up.

Chairman Gillespie: We'll hold the clock for you.

Sabrina Durtski (1800 W Overland): Chairman, members of the Commission, hello and good evening. For the record, my name is Sabrina Durtski. And I'm actually tonight on behalf of myself. I'm here on behalf of some of the residents of the East Valley Subdivision, and I'm here on behalf of the Barber Valley Neighborhood Association. So, for those that may not know me, I'm actually the land use planner

for Briggs Engineering, and I'm typically representing the applicant, so this is a little different situation for me, for being on the opposite end.

Some of our main concerns this evening are going to be, we want to protect our commercial corridors, we want to honor our comprehensive plan, protect and preserve our public access to Greenbelt. We want to hold the developers to a higher standard when it comes to PUD development. We want to question the impact of the quality of life to adjacent neighbors, and we want to also question what will the impacts be to adjacent property, the Barber Pool Reserve and existing wildlife. And also, we're setting a precedent for new development out in this area. This will redevelop and this is going to be setting a standard. So I'd like to start with the removal of Ben's Crow Inn. Again, this is an established landmark. People have talked about it: Iconic, it's an institution. And really, this restaurant is what makes the City of Boise so special and unique. You know a lot of towns can have McDonald's or Applebee's, but this is a very special institution, so you can see my daughter's there. She's such a picky eater, she's two years old, but she will eat a half a bucket of clams at the Ben's Crow Inn. And it's really an important corridor and activity center for us. This is also, Mr. Conger discusses how there's not enough trip generation to support commercial, but we've been supporting commercial out there for over 30 years, so I would have to disagree.

A little, small introduction to Barber Valley. First of all, you have some passionate neighbors that live out here, and it's been an honor to be able to meet them, to work with them, and to represent them tonight at the hearing.

So let's talk about the importance of our commercial corridor. I don't have a pointer, but as you can see, there's three activity centers through Barber Valley, and the last, third one, has Ben's Crow Inn, was actually designated as a larger commercial area, and you can see East Valley right at the corner, has already taken a significant portion of that commercial designation, and so, Mr. Conger is here before you again this evening trying to take another significant chunk of this commercial. We feel like this commercial spot is extremely important for various reasons. One, it's located in a really unique situation. It has Greenbelt access, and has access to an arterial road. This provides a lot of transportation options for people. Bikers, pedestrians, people in vehicles. This is a really rare commercial site. Also think about it, we're on the fringe out here. We don't have commercial, so when you think about sustainability, walkability, we need to have this for us out there. You know, Harris Ranch, is a good jog for me, it's probably 20 minutes if I don't take any breaks, and I always do, so I mean, we're not close. Let's protect this important commercial corridor that we have out here. One of the things, let's take a look at what the comprehensive plan says. As a primary source, a primary use and a secondary one – the primary one is that we need to have neighborhoods, community regional shopping centers, restaurants. Secondary is housing. Secondary is housing, and this is what our comprehensive plan says. So what does commercial enable for a community? It enables walkability, sustainability – we don't have to drive across Treasure Valley to get to the stores or restaurants. We're asking for predictable development pattern. This has already been established as commercial for decades. We want it to remain commercial. Economic, social development opportunities, giving us a higher quality of life and stabilization for our neighborhoods, access to mixed use activity centers, and really place-making opportunities. This is what commercial brings to an area that we need. Examples are Hyde Park and Bown Crossing. If we look at this, and one of

the things when we talked to staff was like, how about let's have a compromise? Let's do mixed use, let's have some residential and let's have some commercial. All these places here, Bown Crossing, what makes them great, is that there's commercial available to the residents.

So, the connection to the Greenbelt is a really big concern. The Greenbelt access is not located on the subject's site, as stated. We did this survey for the Peterson's at Briggs, and I scoured easements. There's no recorded easement. There's talk about a prescriptive easement, there's no court order, there's nothing, there's nothing tangible, nothing written. There's nothing. So the Peterson's are here tonight, and I think they're going to touch base on this topic a little bit more in-depth. Currently, here's a picture of the parking lot and this was done in the morning when, before Crow's Inn was open, and this is people accessing the Greenbelt. People park here, it's safe, there's lighting. On the bottom, see all the bicyclists that come out here and use this access point to the Greenbelt? It's used; we need to protect our public Greenbelt access. So we propose this – we're worried about a number of things. We're worried about safe crossing, location where they have the Greenbelt at, we're worried about meeting state code, we're worried about jay-walking. We want it ADA accessible for the entire public. We want usable open space, maybe some place where people can get off, sit down, get situated before they go on the Greenbelt. We want paved public parking for our public, you know, what are they going to do, access on Warm Springs? Or park in the 20 foot service drive? I don't think the residents would be very happy about that. Next slide, please.

Planned Unit Development standards. So let's get to this fun topic. To paraphrase is, basically, they're supposed to go above and beyond what a lot by lot development does. And I'm taking this straight out of the staff report from the Barber Mill estates that Hal Simmons wrote. But there needs to be a public good, a public good, and a good for the developer from both ends. So if you can take a look at the next slide, thank you Mike, he's proposing draught tolerant landscaping. Well as been noted, he's in the Wildland Urban Interface, and one of their requirements is that they have to have draught tolerant plants, so how is he going above and beyond, how is this an amenity? That's my question. Next slide please. So, he's also proposing public open space, public bicycle circulation. He has no easement – he does not have permission to cross that private property, so how can he count that?

So let's take a breakdown of the lots. If you look in green, the next one down is orange, it's the service drive, and the red is the setbacks. What we're left with are these tiny footprints. Tahoe's wanting to build 3,000 sq. ft. homes on these tiny footprints. They're going to be garage dominated, there's going to be zero design interest. And that also's telling me they're going, most of them I worry they're going to be three stories, because where are they going to get their square footage? They have to go up. Now if you look at Triplet Subdivision vs. Elevation Ridge which Mr. Conger has noted, there's no interior sidewalks being proposed. Now, Triplet Ranch doesn't have sidewalks, as you can see. Elevation Ridge does. This is just trying to illustrate that he is trying to bring minimum standards in and asking for all of these exceptions. Why do we not have interior sidewalks with this high of a density? Next slide.

So let's take a look about the location as compatible to other general uses in the neighborhood. Everything surrounding it is single level homes. And one of the really important things that's, very important to me, is that if you go to the next slide, Mr. Conger did a street cross section showing, well,

there's plenty of space between the backyard and the front of the garage. Well, you know what, I decided to go into the buildings at Triplet and take pictures from the windows, and this is what I found. These neighbors were nice enough to let me in – this is a two-story building, looking out that window. And what you see from the view of the second story is, you know, you can see in their back yards, but it's not terrible, and that's something I can live with. But the next slide is very upsetting, because you can obviously see from that third story window very clearly into the backyard. Now, this subdivision, (unintelligible) Subdivision, was recorded in '78. They have mature landscaping. East Valley does not, and when I think of my daughter, playing out in her backyard and the invasive of her privacy, this is concerning. As adults, as just adults, if it was just my husband and I, it wouldn't be as concerning, but I want to protect the privacy of my daughter. I do not feel the landscaping is sufficient, the berm and the four-foot separation of the fencing – absolutely unacceptable.

Brianna McNall (City of Boise): Time

Sabrina Durtski (1800 W Overland): Yes, yes, I'm almost done, thank you. So I feel like we're at the losing end, we're losing this beloved commercial restaurant; we're losing our important commercial corridor which we should be protecting. We're losing access to the Greenbelt, and we're losing our privacy, so what benefits do we have? And I had a few more slides, I'm sorry I thought I was told I had 20 minutes, so, again, we're just questioning the impact on the environment, on the Barber Pool area, and again, here's a for sale sign down the street. This is going to set a precedent for this area – let's make sure it's done right. And with that I'll thank you for your consideration, and respectfully request denial. And I'll stand for any questions that you may have.

Chairman Gillespie: Thank you very much. So we normally move to public testimony at this point but thank you.

PUBLIC TESTIMONY

Chairman Gillespie: So the first, so now we're going to go through the sign-up sheet. It's pretty full. I note that Ms. Durtski was number two, so we'll skip over her. The first person on the signup sheet is Brent Petersen, and Tim McCam is on deck. So Mr. Petersen, please. And Mr. Petersen you have three, every, the public gets three minutes, thank you.

Brant Petersen (6883 E Warm Springs): Okay, thank you. Thanks for your time, and I appreciate the commission's time and willingness to listen to this tonight. So, as several...

Chairman Gillespie: Could you state your name and address for the record, please?

Brant Petersen (6883 E Warm Springs): I'm sorry, my name's Brant Petersen. I live at 6883 E Warm Springs...

Chairman Gillespie: Thank you

Brant Petersen (6883 E Warm Springs): And if you look at the map, I didn't know we were going to have this PowerPoint slide available, I'm actually the owner of that lot that's going to be as Jim puts it fortunately, built on two sides there. So a couple things I just wanted to hit – I've submitted a letter and I don't want to go through that line by line, plus I don't have time so I'll be real brief. I kind of see this as four points of concern for myself and my family. First of all, we live there and so we will literally be built on two sides. We own three acres and we bought in the county for that reason, right? We bought out and we bought a little bit further out of town, hoping to have a little bit of open space. We have dogs and that sort of thing, and I measured the other day, and it's hard to exactly place this, but out my front door, the very front of my house, about 50-55 feet out will be another house. That is the furthest it could be away, and three stories. So I'm sure most of you, if you stood at your front door and thought about what that would look like when we open our front door, we'll literally be looking at the side of someone's house. There'll be a house on both sides of that as well. That's my first and primary concern, and obviously for me that means a lot, for my family that means a lot. We bought there for a reason, and we hope to preserve some of that open space. And I think secondary, and it's been mentioned a lot here as well, we also own a long narrow strip on the west side of the development. Starts on our property, underneath my house, runs the entire length of the west side of that. That strip that we own separates the proposed development and the Greenbelt, and we've had an agreement with Ben, Mr. Hamilton, since the time we've been there. We've discussed it several times, talked it back and forth, nothing formally about a land exchange, and just didn't get around to it and he got ready to sell. So we own that property, there is no prescriptive easement. There is none of that. There is no legal easement, and we did have title insurance, so we've checked into that. So that doesn't exist, and I know a lot of people are here for that reason. And it puts me in this awkward situation, but when we look at that, we believe that this is an exceptional parcel of land and from the minute we knew this was going to be developed, we thought that it would be, again, when I look at the associated houses there, there's five homes ranging from 2.5 to 13 acres, so we envisioned something like that. Again, I'm not naïve, I didn't think they would, somebody would buy this single lot and build a single house. What I hoped for is what's currently there – some open space, some parking, some reasonable accommodations for the recreation, and again, we've had Greenbelt access for some period of time, we had an agreement with Mr. Hamilton, and we were always willing to talk to him and obviously allowed that to continue. If those things were considered, and we looked at this again, it's a PUD development, which, in looking, means that there should be something more for the public betterment there than simply 24 houses crammed on those small lots. And again, made an attempt to contact Jim, Mr. Conger...

Brianna McNall (City of Boise): Time

Brant Petersen (6883 E Warm Springs): ...and wasn't able to do that, so, thank you.

Chairman Gillespie: The next person on the signup is Tim McCam? And on deck is Richard Rapp.

Tim Markham (7067 E Sky Bar): Hi, I'm Tim Markham at 7067 E Sky Bar, and you know, my biggest question is the Greenbelt access. We have many kids upward of 30 already in East Valley subdivision, and it's only a third full, and those kids, all last summer, all spring, all fall, going across the street on their bikes, walking dogs, getting on to the Greenbelt, and I'm very concerned. If there is no access, what's

going to happen? Where are the kids going to go? How are they going to get down there? Who's going to get hurt trying to get down there where there is no access? And I, and that was what I'd really like to have you consider is looking at this and waiting until we know for sure there's going to be access, until this plan is put into place. It's just really concerning to me, and I guess that would be my biggest question is, is I'm not against development, I have no problems with it at all, but I do have some concern for safety of the children, everywhere from newborn babies up to the oldest that I'm aware of is 14 years old right now. And so, there are 30 of them at least at this point, more everyday moving in there, crossing that road constantly, and trying to get access to the Greenbelt like kids do. That's all I have to say with the time left over, but I thank you for your consideration.

Chairman Gillespie: Thank you, sir. The next person on the list is Richard Rapp, and it looks like David A. Wood is on deck.

Richard Rapp (5331 E Softwood): Mr. Chairman, members of the commission, my name is Richard Rapp. I live at 5331 E Softwood Court in Boise, and having lived at that location in Harris Ranch since the year 2000, I was a little dismayed when I first learned that I only had three minutes to testify, but after taking a look at the plan, I realized they probably didn't spend any more time than that. Looking at the schematic, I was reminded of a Pete Seeger hit, popular back when I was a college student in the 1960s. It's a piece written by Malvina Reynolds, makes fun of an atrocious design, approved and developed in San Francisco. I've seen that from BART as I left the airport going into the city, and let me give you some relevant lines from that Pete Seeger hit, called "Little Boxes."

Little boxes on the hillside, little boxes made of ticky-tackey, little boxes on the hillside, little boxes all the same. And they're all made out of ticky-tackey, and they all look just the same.

I would've sung that, but my singing voice is about as good as their plan. Hopefully the developer will be sent back to the drawing board to come up with a plan that complies with the comprehensive plan, or better yet, that we maintain the commercial zoning and the commission won't wind up being embarrassed like I'm sure the people were who approved that development in San Francisco. And I'd just like to ask anyone here who's opposed to this development to stand up. (Pause, rustling in the background) Thank you.

Chairman Gillespie: Thank you. Mr. Wood, would you like to pass? Mr. Wood is passing, so the next person on the signup is Krista Petersen and after that is Barbara Wood.

Krista Petersen (6883 E Warm Springs): Hello, my name is Krista Petersen. I live at 6883 E Warm Springs Avenue. I'm also the owner of the land that is going to be built around at the two sides. First of all, I think everyone here is going to be affected by this, but no one more than me. Like my husband said, there will be a house 55 feet in front of us, and our property runs the whole length of the development – there is nowhere that this development would not touch our property. And the Greenbelt access, the first time I met Mr. Conger was the first time I found out about this proposed subdivision. He asked me at that time if he had access across the Greenbelt. I told him no, that we were not going to grant him access across the Greenbelt. This was prior to him submitting his application, yet in four places in his application

he put that he had access across the Greenbelt. We have let Mr. Hamilton use that for people to access his restaurant. If you look at the bottom of the bridge it says "Access to Ben's Crows Inn." There's nowhere listed that it lists, that it has access to the Greenbelt on either side. And so because we disagree with this proposed plan, we don't think this gives the public access to the Greenbelt. This gives his neighborhood access to the Greenbelt. There's nowhere for the public to park. His proposed parking is parallel parking along Warm Springs Avenue, which is dangerous for everyone coming, going and trying to park on that street. We know that they will try and park on our driveway because that would be the next accessible parking, so we have denied access to the Greenbelt with this proposal, and Mr. Hamilton was made aware of that, Mr. Conger was made aware of that before he submitted his proposal. We are not granting access across our Greenbelt.

Chairman Gillespie: Thank you. Next person is Barbara Wood.

Barbara Wood (4039 E Barber): I will defer to the next person.

Chairman Gillespie: Alright. Next person is John Crow and then Debra Hardy. So is John Crow here?

John Crow (6627 Glacier): Yeah? What am I up here for?

Chairman Gillespie: Mr...

John Crow (6627 Glacier): I didn't ask to speak!

Chairman Gillespie: Alright, thank you very much, appreciate it. Thank you very much, appreciate it. Debra Hardy?

Debra Hardy (6712 Glacier): My name is Debra Hardy, I live at 6712 Glacier Drive, and I thank you for allowing us to come in and express our concerns with the development. I have lived out at Glacier Drive for probably 25 years, have been working with the commission and staff with all of the planning for the Harris Ranch and Barber Valley, and, you say we are Boise City, but we are Barber Valley, and three-story homes, wall-to-wall is inner-city housing, not within the Barber Valley plan. I think it should stay compatible with the houses that are out there on two different levels. One, it's just incongruent with anything we have out there, to be driving and looking across the Greenbelt, and be blocked with these big, tall, single, three-storied homes. And if you're on the Greenbelt looking up, all you have is a concrete wall, so you lose the vibrancy and what is the Greenbelt and what is Barber Valley. There is great concern with the wildlife and the Barber Valley pool below. None of those concerns have been met. Greenbelt access needs to be put somewhere or people will get there and the road is not safe. The more cars we get out there to turn, to come out, to cross, darting across trying to miss traffic is not a way for it to be dealt with either for the public or the animals. So please, I strongly recommend that this whole thing be denied and come back with a plan that works for Barber Valley, which is now part of the City of Boise, but we are unique and should stay that way. Thank you.

Chairman Gillespie: Thank you. Next person is James Widmerer? And then on deck is Pete White.

James Widmeyer (7003 Highland Valley): Hello, James Woodmeyer, 7003 Highland Valley Road, Boise. Okay, my speech is, well, if you look at surrounding properties as he said range from two and a half to 13 acres, and I think that thousand, so many thousand square foot lots are completely incompatible, and the Blueprint for Boise chapter one first page, the Vision for Boise: Boise will be known for environmental stewardship, first item on the list. Second item, a predictable development pattern. First off, nobody's mentioned this adjoins Barber Pool preserve, nature preserve. We have threatened species out there – we have Bald Eagles, Great Blue Herons, a lot of other species out there that should be protected. Slamming high-density residential as a wall along that short – if you look across the other side of Barber Pools, you see nothing like this. You look along this side of Barber Pool, you see nothing like this. Only in this one tiny little, several-hundred-foot area is produced crazy high-density, three-story, two, three-story houses on 40 foot wide lots, it's just amazing. Environmental stewardship – it says here, Boise is committed to taking steps to reduce its impact on the environment. The City will also strive to address many other aspects of sustainability, such as the protection of environmentally sensitive areas. The Barber Pool is a big-time sensitive area; it should not be confronted with high-density development. Here, I'm open to some commercial use there; I think it would be a good thing. I think appropriate zoning for this in consideration of everything on that side of Warm Springs is A-1, for one-acre homes. That would be appropriate, that would be compatible and that would be a predictable development pattern. Also, it says wintering Bald Eagles, it's on page 2-13, is to implement the goals or program recommendations including setbacks, use restrictions, the extent foreseeable bylaw by the wintering Bald Eagle conservation plan, nobody's mentioned that, I'm sure planning has not even looked at it in regard to this development, adjoins that nature preserve area. Increase the awareness of Boise's wintering Bald Eagle population, this is a goal of the plan, and its habitat needs by public-private cooperation to protect and maintain lands along the Boise River by the public and by cooperation protect and maintain lands of the Boise River system. New development, says here, provide long term availability of Bald Eagle habitat, provide a buffer zone to protect wildlife habitat and other natural resources and minimize that impact on such lands. That's on another ordinance here, we have ES4 action plan, page 510. Strengthen the protection of environmentally significant areas and waterways. Gone with this development.

Brianna McNall (City of Boise): Time

Chairman Gillespie: Thank you, sir.

James Widmeyer (7003 Highland Valley): And I could go on, it's just an egregious, completely inappropriate proposal for this area. The density is in no way comparable to the surrounding two and a half to 13 acre parcels...

Chairman Gillespie: Thank you

James Widmeyer (7003 Highland Valley): It's a mess. Reject.

Chairman Gillespie: Thank you, sir. Next person on the list is Pete White, and Dan Connors is on deck.

Pete White (6706 Glacier): Good evening commissioners. My name is Pete White, 6706 Glacier. And we've heard a lot of talk tonight about, let's say the negative aspects of this development, which I agree with, but I'd like to change a bit and come up with some positive items that we might put into the conditions of approval that would change it from maybe having negative attitude to being more compatible to the area. First of those would come up with a lot width with a minimum of 50 feet, and that would give a buildable area of about 5000 square feet, which is now about 4000 square feet, so these people are trying to put a 2500-3500 square foot house on a 4000 square foot lot, with a 5-foot setback. The side setback should be set back to 10 feet, so that the houses don't look like they're just jammed next together. A sort of frightening and overpowering view if you're going along the Greenbelt and look up at this, so you need some spaces for a little air. And additionally, a two-story height requirement, no more than two stories, because where the Greenbelt is, it's about 20 or 30 feet lower than the edge of the property, so you're down in a hole anyway, and looking up, you'd see just these giant houses set on top of that, that could be 50 feet or more higher than you are on the Greenbelt. That can be helped somewhat by a minimum setback of 30 feet from the west side which is the side facing the Greenbelt. And we need some fences and trees along that edge to further shield and protect the Greenbelt from the people above. I feel that if we were to keep a portion of the land, which is currently zoned commercial, if we can keep that, keep a portion of it zoned, that gives the opportunity for some type of business of whatever nature, you know, a bar or restaurant, little convenience store, whatever. That would give them the opportunity in there. We've talked a bit about the Greenbelt access, and I think it's just so important that there continue to be access at this point, and it be handicapped, because it's not handicapped accessible right now – the gradient is too steep and there's broken pavement and lots of roots breaking up the pavement, so I think although that's not a matter that the developer can handle, he can coordinate the placement of his access strip to the little bridge that's there, so that the grade can be appropriate for a handicapped. And finally, with the good access to the Greenbelt that's...

Brianna McNall (City of Boise): Time

Pete White (6706 Glacier): ...going to be in place, and access to a commercial operation, we're going to need more parking, because parking on Warm Springs Avenue is just not satisfactory. It's unsafe, and won't handle the load of clients who will be coming through there. I thank you.

Chairman Gillespie: Thank you, Mr. White. Next person on the sheet is Dan Connors, followed by Kerri Connors.

Dan Connors (5191 S Boven): Thank you, I'll be really brief. I just want to challenge...

Chairman Gillespie: Could you give your name and address for the record?

Dan Connors (5191 S Boven): Dan Connors, 5191 S Boven Avenue. I just want to challenge anybody who's never spent time out there to go and visit the area. It's a really special place, and my concern is a development of this density and the precedent that it will set and what the impact, the long-term impact, on one of Boise's truly special places it'll have. So, appreciate your consideration.

Chairman Gillespie: Thank you Mr. Connors. Next person is Kerri Connors followed by Chris Hendrickson. Kerri Connors is going to pass. Is Chris Hendrickson here? And on deck now is Eric Wilson.

Chris Hendrickson (5264 E Branchwood): Mr. Chairman, commissioners, let me get it straight. Chris Hendrickson, 5264 E Branchwood. While staff dismisses the need for commercial in the eastern Barber Valley because 14 acres of Harris Ranch are designated commercial, in fact there are only two commercial public gathering properties – the Ranch Market and Lucky 13 Pizza, both in the central valley, which is about a mile and half from Ben’s Crow Inn. There’s no assurance that the 14 other Harris Ranch acres will be developed as commercial or opened to the public. For example, the five acres now called the Mill Station was once designated as commercial/mixed use, but was built out as residential with 28 houses and no commercial. A mixed-use development with retail in the eastern valley will serve the residents of River Heights, East Valley, Highland Valley Road, Pet Haven, and Brian subdivision – that’s well over 400 homes, what, when built out. So why shouldn’t this area have retail like other parts of the Barber Valley. In the spirit of trip-capture, which is a key component and directive of SP01 and SP02, I feel it’s prudent to preserve some of the commercial classification on this parcel. The Barber Valley is a very unique area, so I ask for your careful and responsible consideration, and deny this application until a more thoughtful and prudent plan can be brought forward. Thank you.

Chairman Gillespie: Thank you, sir. Next person is Eric Wilson, and it looks like Mike Reiner is on deck.

Eric Wilson (6668 Glacier): Good evening commissioners, my name is Eric Wilson, I live at 6668 Glacier Drive in Boise. I’m one of your newest residents to the City of Boise against my fondest wishes. This parcel should have been annexed along with us at the first of the year, along with all other parcels five acres or less in that area of Warm Springs, so I just want to put in that plug. Wildlife mitigation is required for all Barber Valley developments in the comprehensive plan, and adjacency to the Barber Pools requires consideration for these impacts. Greenbelt access is needed and I can’t stress that enough. The City, here’s something for you to do, you should use your open space levy funds that you just acquired to purchase land needed to guarantee Greenbelt access. We understand the Petersen’s concerns, I share many of them. I think the City should open a dialogue with them to get some permanent access. The Ada County parks letter was already mentioned – it supports that Greenbelt connection, especially given their pending improvements on the Greenbelt. There is a safe crossing that’s needed for Warm Springs Avenue. We asked for this previously when East Valley was approved, we were summarily denied by the City and ACHD. We ask for this again before we start experiencing these pedestrian-car interactions. And again, commercial is needed in east Barber Valley. Areas previously zoned commercial have already been built on as residential as pointed out near the main intersection at Lucky 13 and across the way, so, at some point in the future we’re going to want more commercial, and then you’re going to have a fight trying to re-rezone what’s residential back to commercial. That’ll happen at some point in the future. Why go down that road, why not just keep it commercial, and then you don’t have to fight that battle in the future. Thank you.

Chairman Gillespie: Thank you. Next person on the list is Mike Reiner or Rainier?

Mike Reineck (4760 E Arrow Junction): I prefer the beer.

Chairman Gillespie: And then, looks like Bev Hamilton is next.

Mike Reineck (4760 E Arrow Junction): As I always say here, it's Mike Reineck, but that sometimes gets confusing and comes out Mike Redneck. It's my standing joke. Mr. Chairman and commissioners, Mike Reineck, 4760 E Arrow Junction Drive, Boise. Blueprint Boise and City Code like other foundational documents, such as the constitution and state law, are open to disputed interpretations regarding conflicted goals and objectives. Often the same principles, goals and objectives are cited both sides as supportive of their position. In this instance, both sides have presented conflicting interpretations. In addition to Neighborhood Association also offers recommendations for improvement, as a lot of our fellow residents have, and suggests a pause to consider the course of actions possible that does not compromise the interests of the property owners, the developer, or the community, and that includes using the open space funds, but there's other options, too. With Ben's Crow Inn not closing until Labor Day, there is time to see if a more commercially-oriented buyer or public entity or foundation might step forward to lead an effort, much the same as the Idaho foundation of Parks and Land did to add 12 acres to the Barber Pool conservation area, right next to Shakespeare. The applicant would be indemnified for development expenses. If approved, if you approve this application, I recommend, and I'm on the Barber Valley Neighborhood Association board, the following three conditions, which the board also concurs with. The applicant coordinates with the county to create an easement to transfer the Greenbelt through there, and I have the Ada County letter here that was referenced by Mr. Conger. It does say pathway in the vicinity of the existing connection. The next sentence, we recommend a condition of approval to maintain a path through the parcel to provide safe and consistent connection. So the county is recommending a condition of approval to the City. The second condition that we're recommending is that the property incorporate mixed use with residential, such as a work-live type unit or lots of other options in that area. And we believe a pause of six weeks to allow for considered, further consideration, coordination and possible some of these development changes is more than important, it's called for so Boise can maintain its vision for congruity, livability and connectivity, that should not be compromised by this development. Are there any questions?

Chairman Gillespie: Thank you. Next person is I believe it's Bev Hamilton? Hamilton? Sorry, Ben. Ah, the famous Ben.

Ben Hamilton (6916 Pet Haven): I'm Ben...

Chairman Gillespie: And on deck is Mark Templeton. Could you give your name and address please?

Ben Hamilton (6916 Pet Haven): Pardon?

Chairman Gillespie: Could you give your name and address please?

Ben Hamilton (6916 Pet Haven): Ben Hamilton, 6916 Pet Haven Lane, Boise, Idaho, 83716. I'm Ben, I started back there in 1969. Been there 48 years, and when me and my wife decided to give it up after 48 years, we thought about it. Our first thought, first since it was commercial property, had an offer of a nightclub with all that and then we decided we're not going anywhere, we're staying there, we live right there about 400 yards away. And we thought about that, and then we got a better offer for houses. And I thought, and my wife thought, that it would be better to have a nice home beside of your home, than a nightclub. The noise, one, two, three o'clock in the morning. I have served and took care of people for 48 years there. I don't understand all this other stuff, but if you want dinner I can fix it. And, I'm going to stay there regardless of what happens. And they offered us a good price for the property, and it's going to be homes instead of some business or a mall or something, and we thought that was the best idea, so... And we aren't going anywhere, I hope not. So me and my wife after cleaning up after them and serving them and putting up with the public for 48 years, it's time for us to hang it up.

Chairman Gillespie: Thank you, Mr. Hamilton. The next and last person on the list is Mark Templeton.

Mark Templeton (5131 E Sawmill): I'm Mark Templeton, 5131 E Sawmill Way, Boise, ID. Losing the Boise Ben's Crow Inn is a blow to the area, and it will definitely be missed. However, losing the commercial designation of that site would be an even bigger blow, and that will be a huge loss to Barber Valley. A few years back I was at the meetings when the phasing aspect of the master plan was dropped, which opened the door for bypassing the planned commercial areas in favor of more residential development. Since then we've seen full speed ahead on residential. Bown Crossing on steroids that we all heard about was bypassed and that's really not on the table any time soon. However, these builders and developers have been able to benefit from these future phases which no longer require those to have precedence. As a resident of the area, my hope is that you will consider the cost of losing one last commercial space in that area. If you do decide to consider the application, annexation, my second hope is that you will ask for significant changes to the proposed development that address the concerns of the Barber Valley Neighborhood Association and the residents who have spoken here tonight. And my third hope is that the developer is willing to work with the community. I think the community and the Barber Valley Neighborhood Association is always open for dialogue, had great discussions with other builders and developers and other, smaller subdivisions as well as the larger subdivisions, so my hope is that at a minimum we'll at least be able to have that dialogue and come up with something that enhances the area rather than deters from it. Thank you.

Chairman Gillespie: Thank you. So that concludes the signup sheet. So now, anybody who wants to testify and didn't sign up has an opportunity to do that. So if you'd like to testify, now's your chance. Please, come forward. And you'd be next. And you'll be third. So state your name and address, and somewhere up there's a piece of paper, I hope, and we'd like to write your name and address on that and give it to this fine-looking fellow on my right.

CJ George (5855 S Brian): My name is CJ George. I live at 5855 S Brian Way. I have been in that area for 24 years. I'd like to thank Ben, the Hamiltons, for their wonderful establishment. They are great cooks. I've loved being in their establishment. I don't begrudge them for selling their place. I will miss their place. I am concerned about these three-story developments. I don't...I was not happy with Harris

Ranch coming out. I've loved being out in the middle of nowhere, but development is development, and it's going to come. But, I am concerned that the privacy that was pointed out by some, and the safety of the Greenbelt. There's not the safety on Warm Springs. When we moved out there 24 years ago, we used to be able to go 55 down Warm Springs all the way in to the golf course. It has become increasingly, increasingly dangerous. I don't know what you guys can do about that, how you can establish that between the developers and with ACHD, but please, consider it greatly in the development and the safety of the many children. My children are gone, my grandchildren don't live in the area, but there are increasingly more children there and the safety is of great concern. Seeing those homes built, and I'm sorry, gentlemen, they're an eyesore. Them up on where they're built off Highway 21 and up on Triplet, they're in small sections, they're not built in beautiful subdivisions. Nobody wants an entire subdivision of those three-story, plain homes. They don't add beauty to what is Barber Valley. I'm not begrudging them to build, but please, find something else. Add to the beauty of our Valley. Thank you.

Chairman Gillespie: Thank you. So we'll give everybody a chance.

Chairman Gillespie: Please. (Laughter) Yeah, no, this good-looking guy. Right, so please state your name and address for the record.

Richard Kinney (3081 S Shortleaf): My name is Richard Kinney. My address is 3081 S Shortleaf Avenue, Boise. I did not plan to speak publicly tonight, and I simply wanted to go ahead and echo my concurrence with the very good positions that have been expressed by a variety of the people who oppose this particular project. I will not repeat what they said, but I totally subscribe with what Mr. Hendrickson said about trying to find the opportunity to come up with a more thoughtful, more prudent plan. And I also would like to subscribe to what Mr. Templeton said, that the people out at Harris Ranch historically have been very open to meet with developers, people who present these proposals, and talk about them, and come up with workable solutions. So once again, I wanted to go on to the record to join my own personal opinion with the ones that have been expressed to deny and call for a more prudent, thoughtful discussion where people can come to some kind of agreement, consensus, and coordinate the efforts in the future, because like people said, this can set a precedent, and we live out there, and we'll have to live with that precedent in future. I thank you for your time tonight.

Chairman Gillespie: Thank you Mr. Kinney. And if anybody else would like to testify after this lady, why don't you come on up and start working on your sign in sheets, so we can keep it rolling.

Elena Velasquez (3008 S Longleaf): Hi, my name is Elena Velasquez, and I live in 3008 S Longleaf Avenue. And I don't live so close as everybody in here, but I was here in front of you three, no, you two, when the hill that is being developed in there, was put up to here, and you did nothing to stop that, so I'm here to support this person, because I do believe that one attraction, I moved here, I didn't live here, I haven't been here for 40 years, whatever. The hills were an attraction, the wildlife that, in the plan you say that is so important for the City of Boise to take stewardship, you did nothing about that. Now if you have the eagles, those are endangered animals. I hope that you consider, this time, make a difference. Thank you.

Chairman Gillespie: Would you make sure you fill out that slip for us. There's a pen... Thank you.

Jack Snyder (2566 E Plateau): Hi, my name's Jack Snyder, 2566 E Plateau, Boise, 83712. I'm here this evening to speak on behalf of five grandchildren I have that live in the East Valley neighborhood, and somehow to ensure their access to the Greenbelt, one of the crown jewels of this City. I did some research though, about this, and I don't know at what point you're at, but in respect for the Petersen's private property, yes, true, but they pay zero taxes on that parcel because it's deemed a waste parcel, undevelopable. It's some 608, how long, and so narrow, it's been deemed undevelopable. And my only point is something has to be worked out to guarantee access to the Greenbelt at that location. It's been that way for 48 years, Ben, is that what you're saying? And then I found out Ada County owns the bike path in that area, and that's Ada County, that's not Boise City Parks & Rec, so there's no, there's a lot of conflicting jurisdictional issues going on here that I hope you appreciate, but my sole point is guaranteed access to the Greenbelt at that location.

Chairman Gillespie: Thank you, Mr. Snyder. Thank you both.

Marge Mooney (6191 E Playwright): My name is Marge Mooney, 6191 E Playwright Street, Boise, Idaho. Sometimes I still have to look at the paper because I don't come with the history here. I have been in the Barber Valley for 20 months. My husband retired 19 years ago. We had a second home in Sun River, Oregon; we went there and decided we're going to stay here until we figure out what to do. He was born in central Oregon, I married him 57 years ago, and that was heaven, to me. Why am I here? Have you been to Bend, Oregon lately? That's all I've got to ask you, because the decision you're going to make is going to be whether people like me, years and years later, say, we can't take it anymore. I am emotional about it because I've, we built a home we were going to be in 'til the end, so I can't give you all the wonderful information you've had tonight, but please think about the decision you're going to make. Thank you.

Chairman Gillespie: Thank you, Ms. Mooney. And so, could you drop that off?

John Mooney, Jr. (6209 E Playwright): My name is John Mooney Jr., 6209 E Playwright. I'm on the Barber Valley Neighborhood Association board, and first, once again thank you Ben and thanks to DevCo and to Tahoe for their thoughts about this development. The board wanted to be on record with one last point, which is the product is obviously been kind of controversial, discussed in two- and three-story and the 50% mix and all that. That product, we also wanted to be on record as stating that the Triplet Ranch piece of it is up against the foothills, so it's kind of an isolated piece of Barber Valley, so it's not right down there in the middle of the valley and on the flats, it's right up there in the foothills, so that's a consideration for how this is viewed from the planning and zoning, and we just wanted to make sure that we're on the record, the board is on the record saying, hey, yeah, it's a product and it works in the valley, but it works off in a corner. It may not work up against the Greenbelt, and that's, we wanted to be, make sure that's on the record. Thank you.

Chairman Gillespie: Thank you, Mr. Mooney. Is there anyone else who'd like to testify? Seeing none, the applicant has 10 minutes for rebuttal. Sorry, Mr. Conger, I'm getting the five sign, so you get five minutes. Thank you.

APPLICANT REBUTTAL

Jim Conger (4824 W Fairview): Mr. Chairman, members of the commission, thank you. Yeah, five minutes will not be an issue. Kind of running down in what we've heard tonight, and again, all of these aren't new items to us, and we really want to appreciate one last time, or give thanks to the Boise City staff for running this through the comprehensive plan and all the other plans and codes that kept us in compliance. The first item, as far as the commercial use debate, I'll be brief, because that one could go on. You know, the first and foremost evidence that commercial is not buyable in this area is Ben's Crow Inn was for sale for six to eight months. He did have a nightclub type, gentlemen's club talking with them. They did not produce an offer. We didn't even come after this property for the first seven months it was on the market. After it was evident that the highest and best use wasn't commercial, we then started our negotiations with Ben. You have two parcels across the street that are still in a commercial designation, per the comp plan, just like this one. They are a partially-used two acre piece that is the rental store for the jet-skis up at Lucky Peak, mostly just storage area, and then there is a day spa at the other one, that is an old double-wide trailer that is kind of a contractor's yard in the back that is awaiting redevelopment. I think that gives a background of the commercial not viable here. I think at one time, when there was going to be Hammer Flats of 3000 homes and things of that nature that all got, you know everybody in this room was also at those hearings. Once those rooftops went away, the commercial viability at this end of town disappeared. You do have Harris Ranch, I guess one other thing I'll talk about is the Bown Crossing which we all love Bown Crossing, we all love Hyde Park. They can't spring up everywhere, you don't see those everywhere in your city. They are in a more urban-type mixed use and they function as a mixed use urban. So we love Bown Crossing, you can't produce that out on the east end of town with a couple hundred homes, it's not possible, you will go broke. I think the SP01 which was the Harris Family and Linnear, and you have SP02, which is the Brighton, both of those plans are required plans that we have to live to. If you study the SP01 and the SP02, they have residential in those two plans, all the way out to us at the Ben's Crow Inn and they were all the way out to our project across the street at East Valley. Neither one of those two developers had commercial in their SP01s and 02s, except back in the core of Harris Ranch, and for Brighton it was the core at the Parkcenter Bridge. Harris Ranch has 500,000 plus square foot to do. Any neighbors or commercial developers that want a coffee shop, Doug Fowler at Harris Ranch has a coffee shop pad shovel ready that we developed over two years ago when the Chevron station went in, the convenience store. It is available today, it's been for sale for two years. So with that, we've shown that we don't see the need for commercial – the highest and best use of Ben's retirement which was his land, is not commercial, and we have adhered with every portion of the Boise City comp plan all the way down to the SP plans. Building height versus number of stories, I think we're getting awful confused, from what I'm hearing, on the two versus three. That isn't an issue in your code, the issue is are we complying with the height of the structure. I, you know, of the, you know ability to not do three story, we're adhering to three story, we're adhering to the code, and your code doesn't go into three stories. And again, we're 85 to 155 feet from the Greenbelt, so we are a great distance away. As far as defending our amenities and kind of going through the PUD process, Tahoe homes and I do a lot of

projects together. We have done as many PUDs as we've done straight subdivisions. If you look in the City of Boise records you will see a vast majority of projects come in as straight subdivisions, because it is super simple and there're not very many rules. The PUD process with the neighbor involvement is very helpful, but it also puts most developers away from going through the PUD process. They will come in and do a half-baked, straight-up subdivision which you see over and over and over again. The PUD process is not easy, we do not go down a PUD process without serious thought; understanding the end product; many, many meetings with your planning staff at the City of Boise, which are very good; and we all understand what we are doing before we bring that project in. Again, the PUD process is extremely difficult. We have...

Brianna McNall (City of Boise): Time

Jim Conger (4824 W Fairview): But then, really quick, let me finish on the PUD.

Chairman Gillespie: That's fine.

Jim Conger (4824 W Fairview): You have very specific language in your code at City of Boise, so we're not making up our amenities. You have to get two of the listed amenities, and when I say additional landscape open space, we're 18% versus 10%, that's word for word out of the code. It isn't restricted because of the fire as you heard from a neighbor. WUI only impacts the back 30 feet of our residential lots. Our employing best water conservation management is the entire common areas and everything of that nature, and we should all be water-wise, especially with the way the world's going. Pedestrian public circulation, public access to a public open space, word for word, are our amenity packages. As far as the easement goes, I'm not going to comment on it, we are stubbing to the property, I have my attorney here to address any legal questions for an easement. I think that's off and outside the purview of this approval. Thank you

Chairman Gillespie: Thank you. And with that, the matter is before the commission. I will let folks think a minute. Well, you will anyway.

PUBLIC TESTIMONY CLOSED

Commissioner Bradbury: Mr. Chairman

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Just kind of a point of procedure, how do you want to do this, do you want to separate the motions, do one motion, how would you like to go about this.

Chairman Gillespie: We need to do three, I think; we need two recommendations and an approval. You can take them in any order you want and I think the discussion will be self-explanatory.

Commissioner Bradbury: Alright then, let's start with the, maybe the annexation and the zoning, those two go together, probably.

Chairman Gillespie: We'll need a separate motion in each one, but we can treat them how you want.

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE THE ANNEXATION CAR16-00002 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN

Chairman Gillespie: So we have a motion to approve CAR16-00002 for the reasons and with conditions as stated in the staff report. Is there a second?

SECONDER: COMMISSIONER ANSOTEGUI

Chairman Gillespie: We have a second on CAR...to approve CAR16-00002. Is there any discussion?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Please, Commissioner Bradbury.

Commissioner Bradbury: I don't think there's any serious opposition to the notion of annexing the property into the City of Boise. I know that the rest of what we're about to do tonight that's probably keeping everybody in this room on edge, developers and neighbors alike. But I don't think, I didn't hear anybody oppose the notion of annexation, and it's for that reason that I've made the motion to approve. Sorry, recommend approval to the Council.

Chairman Gillespie: So, I'll be voting against the motion, because I think the land use, within the annexation recommendation it recommends the zone as R-2D for the top section which is currently designated as commercial use in the land use map. And while I'm sympathetic to the applicant's argument, I think the language of the comp plan, with respect to commercial, the designation is clear. It says in part, the secondary use is housing, offices, entertainment and other complementary uses are encouraged as ancillary uses within commercial projects. R-2 is an enabled zone, within the comp plan, but I just think in this particular case this seems like the primary use for this parcel and this land use and I don't think that's appropriate for the land use map. So I think the land use map and the plan are strongly encouraging a mixed-use sort of game plan with respect to the part that's designated as commercial in the land use map.

Commissioner Ansotegui: Mr. Chairman, may I ask for some clarification on R-2D zone?

Chairman Gillespie: Yes, you may.

Commissioner Ansotegui: Okay, thank you. Susan, does that zoning designation does not preclude residential in there, it could still be built as all residential but it would also allow commercial uses?

Susan Riggs (City of Boise): Mr. Chair, members of the commission, the R-2D is a residential zone and it does not allow for commercial uses...

Commissioner Ansotegui: Okay.

Chairman Gillespie: So, my understanding is commercial uses would not be allowed in the R-2D zone.

Commissioner Ansotegui: Would not be allowed, okay.

Commissioner Gibson: Mr. Chairman?

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: Thank you very much for your input. I was kind of on the fence either way and based upon your understanding and my reading of the code I would take part with not voting in favor of this motion based upon that interpretation of the comprehensive plan.

Commissioner Ansotegui: Okay...

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: Thank you. New commissioner on board. So, can you tell me, Mr. Chairman, what were you proposing there instead of the R-2D designation?

Chairman Gillespie: I think it, I would propose that it be a mixed-use designation of some kind and that the plan brought before us be some sort of a mixed-use proposal. At least on the parts of the property that are subject to the commercial land use designation. And there are a bunch of enabling zones that we could bring it in at – they're listed on the bottom, if you look at the comp plan, page 330. Do people want to think for a minute or is there any further discussion.

Commissioner Ansotegui: Mr. Chairman?

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: I am inclined to go with you on this one, but I'm not sure what my move is here in terms of my second on that motion.

Chairman Gillespie: You can, your second has no effect on how you choose to vote.

Commissioner Ansotegui: Okay, thank you.

Chairman Gillespie: Is there any further discussion on the motion to approve CAR16-00002?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Although I can count, I think I will say why I am, why I headed down the path I headed down, and that is because, by the way, I'm really going to miss the Crow Inn as well, but I really have a to question the viability of commercial development out there. There's been, let's see, my grandparents had a drive-up restaurant right across the street from the Crow Inn back in the 60's. And of course it's no longer there and hasn't been for a long, long time, and there's a reason for that. It's because there is not sufficient need for commercial on that end of the valley, and I think that if we're going to try to require commercial uses out there, we're going to end up with vacant land. That's why, that is the basis for my motion.

Chairman Gillespie: So I guess where I'm at, sort of procedurally though is the land use map is, I think reasonably clear about what it wants, is the next appropriate step for the property owner to seek a change in the land use map to fit what you think are the evolved commercial realities on the ground there. Is that the next, you know, we're trying to create alternatives or a path forward. Either come forth with a mixed-use proposal or seek some change to the land use map that would fit what they want to do.

Commissioner Bradbury: Well I guess we're arguing what the comprehensive plan envisions for the area, right?

Chairman Gillespie: Right.

Commissioner Bradbury: Okay. And I think what staff has told us is that these zones are allowed under the existing comprehensive plan designations. Now, we may disagree with selecting those zones, but it doesn't require a comprehensive plan amendment. Because if it did staff would have told us that.

Chairman Gillespie: Right. No, I agree with you. You're right about that. Okay any further discussion on this one? Hearing none, all in favor of the motion to approve CAR16-00002, please say aye.

**TWO IN FAVOR, TWO OPPOSED (COMMISSIONER GIBSON, CHAIRMAN GILLESPIE),
MOTION DEFEATED.**

Chairman Gillespie: So we have a tie two-two so the motion does not carry. So procedurally, we can proceed to the PUDs or the SUBs, but without a motion to complete the rezoning, we're kind of done.

Commissioner Bradbury: We'd better get some help from legal counsel.

Chairman Gillespie: Please.

Andrea Carroll | Attorney II (City of Boise): Mr. Chair, commissioners, I'll refer to staff after I'm done speaking for additional comments, but it's my understanding that without the annexation you don't have the jurisdiction to move forward on the additional motions. I'm seeing some nods from Mr. Riddle in the back, so I'm going to go for that.

Chairman Gillespie: Alright, yeah, makes sense to me. Mr. Spjute?

Scott Spjute (City of Boise): Mr. Chairman, a failure to get to approve the application is tantamount to a denial, and as this goes on to City Council, you'll need to make a decision on the conditional use permit that can be appealed one way or the other. We'll need a decision on the...

Chairman Gillespie: PUD

Scott Spjute (City of Boise): ...on the PUD and the subdivision. Since you've failed to approve...

Commissioner Bradbury: Well actually we just recommended denial, it's still up to the council.

Scott Spjute (City of Boise): ...this annexation, you'll need to, you'll need to deny the CU and recommend denial of the subdivision.

Chairman Gillespie: Okay. So now we'll consider, before the commission is PUD16-00005. This is a final decision on the planned unit development, and it's before the commission.

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: I thought this was going to be the hard question. Just so we can get the conversation started and see where this ends up, I'm going to move to approve PUD16-00005 in accordance with the findings of the staff report and conditions of approval, however, with some additional conditions, as follows. One, that no more than 50% of the homes on lots 1-15 and 17-22 be three-story, three stories in height, and no two adjacent to each other. Second, that the proposed public pathway be placed in a 17-foot wide lot with 5-foot landscaping on either side, and I guess that means it's a 7-foot wide paved area. Three, that the applicant shall coordinate the location and design of the proposed public pathway with Ada County. Four, that the minimum lot widths be 50 feet rather than the required 40 feet, and that the side yard setbacks be 10 feet rather than the proposed five feet.

Chairman Gillespie: May I make a point of clarification? So the last two were changes in setbacks, and the first one was required, I think you meant proposed.

Commissioner Bradbury: Okay, let me back up and try again. An additional condition that the lot widths be 50 feet, rather than the proposed 40 feet...

Chairman Gillespie: Thank you.

Commissioner Bradbury: ...and that the side setbacks be 10 feet rather than the proposed 5 feet, that there be a landscape buffer required behind the, the, at the rear of the lots to help shield the existing bike path, existing public bike path, and that was everything.

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE PUD16-00005 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN WITH MODIFICATIONS TO THE SITE SPECIFIC CONDITIONS: THAT NO MORE THAN 50% OF THE HOMES ON LOTS 1-15 AND 17-22 BE THREE STORIES IN HEIGHT, AND NO TWO ADJACENT TO EACH OTHER; THAT THE PROPOSED PUBLIC PATHWAY BE PLACED IN A 17-FOOT WIDE LOT, WITH A 7-FOOT PAVED AREAD AND 5-FOOT LANDSCAPING ON EITHER SIDE; THAT THE APPLICANT SHALL COORDINATE THE LOCATION AND DESIGN OF THE PROPOSED PUBLIC PATHWAY WITH ADA COUNTY; THAT THE LOT WIDTHS BE 50 FEET, RATHER THAN THE PROPOSED 40 FEET WITH SIDE SETBACKS OF 10 FEET RATHER THAN THE PROPOSED 5 FEET; AND THAT THERE BE A LANDSCAPE BUFFER REQUIRED BEHIND AT THE WEST END OF THE LOTS TO HELP SHIELD THE EXISTING PUBLIC BIKE PATH

Chairman Gillespie: Thank you. Is there a second to the motion to approve PUD16-00005?

SECONDER: COMMISSIONER GIBSON

Commissioner Gibson: Second.

Chairman Gillespie: The second by Gibson. Is there discussion on the motion?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: So a couple things I want to talk about. First of all, what I'm attempting to do, and I think it's at least obvious to Mr. Conger and his team, that I'm attempting to affect the density by increasing the lot sizes and, or lot widths, I should say, and requiring greater setbacks. And also to try to decrease the visual impact because I do happen to think that this area is special, it is unique, it requires some special treatment. I think the surrounding land uses demand that as well. Although, but I don't disagree with the notion of residential development on that site, with respect to the Greenbelt, the pathway connection, I think that almost everybody in the room is in favor of it, but we do have a property owner who's apparently opposed at least with respect to this project, but maybe that can still be worked out. And I'm looking for a little bit of protection kind of consistent with what in the old days back when there was more river front or riverside development, trying to create a little bit more buffering and protection against the bike path area and the adjacent development. And I'm open to other ideas, if anybody has them, by the way.

Chairman Gillespie: Thank you. Any further discussion?

Commissioner Gibson: Mr. Chairman?

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: I seconded the motion because I agree with the density provision. One of the items that I was really listening for this evening from the applicant was specific, specifically addressing the special nature of this site. And public testimony, and having had also been out to Ben's Crow Inn, this is a unique feature of the valley and we understand the economics of the property owner and their desire to transact for the most reasonable profit, but the fact that this is the third project that this developer's done that is proposing a similar exterior elevation, exterior design, that, first and foremost, leads me to believe that it is part and parcel more of a cookie-cutter approach to putting as many units on a parcel as possible. As an architect I have aesthetic designs that I think make more sense in these areas. It's not my job to make that determination, but I wanted to go on the record as saying I didn't like Triplet, didn't like the one up on 21, this design doesn't do much for me either, and it's a, a lot of people travel this corridor and I think that the fact that they don't have a decel lane coming off of Warm Springs for residents, I think that may be a long-term safety hazard. And then finally, the lot 23, 24 and 25, the building design for those structures as proposed isn't consistent with the smaller lots, and so, I'd like to believe that at the end of the day, that there could be a compatible design so the development, at completion, would be consistent, and would not appear to have had been done by different developers. That's my point.

Chairman Gillespie: Thank you. Let me interject a point of information here. I think Mr. Spjute has a point he'd like to make to the commission.

Scott Spjute (City of Boise): Thank you. I thought I made it before and what the attorney and I have tried to say is that you cannot approve a conditional use permit when you've just recommended denial of the annexation.

Chairman Gillespie: Thank you.

Scott Spjute (City of Boise): Now this is sort of unclear waters that you're treading here, and we're not maybe as clear as we should be, but I'm pretty certain that since you've just recommended denial of the annexation, you cannot turn around and approve the conditional use permit, so the discussion on conditions and things is...

Chairman Gillespie: Not germane. So for that reason I'm going to move that the motion is out of order, unless there's an objection from the council, and consider the matter done, since I assume the same logic would apply to the SUB decision? Or would you like us to also rule on the SUB.

MOTION RULED OUT OF ORDER BY CHAIRMAN GILLESPIE

Scott Spjute (City of Boise): And since we need findings, I mean, presumably your finding for denial would be non-compliance with the comprehensive, the same reasons...

Chairman Gillespie: Right.

Scott Spjute (City of Boise): ...that you chose not to approve the annexation, and the subdivision doesn't work without the annexation and the zoning, so it's, it goes away as well.

Chairman Gillespie: Okay. So this matter is done. Thank you. No, please don't.

Andrea Carroll | Attorney II (City of Boise): I'll defer back to Mr. Spjute as well, but I think what Mr. Spjute is asking is for findings that support a denial on all three applications.

Chairman Gillespie: So you want a motion and a vote for denial?

Andrea Carroll | Attorney II (City of Boise): Correct.

Chairman Gillespie: With the findings on each of the three.

Andrea Carroll | Attorney II (City of Boise): And the reason why that would be is that with a final decision, there is something to appeal on all three applications, as opposed to just on the annexation.

Chairman Gillespie: Okay, I understand. Okay, so for that reason I guess I need a specific motion to deny PUD16-00005.

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Mr. Bradbury.

Commissioner Bradbury: There's a motion on the floor. I ruled it out of order, given what Mr. Spjute said, but I suppose we could take it up and if it is voted down it would constitute a denial.

OUT OF ORDER RULING REVERSED BY CHAIRMAN GILLESPIE

Commissioner Bradbury: I think we're getting, procedurally we're just about to fall off a cliff, because all we've done, all we've done is reach a tie vote on a recommendation to the council on annexation. And the council can approve or deny. If the council approves the annexation, we will have, whether we wanted to or not, we're being told we must now deny the conditional use permit. I think that's wrong. I think procedurally, we're like I said, we're about to fall off a cliff.

Chairman Gillespie: I'll defer to the attorney and staff on this one.

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: I have a, another suggestion.

Chairman Gillespie: I'm open to your suggestion.

Commissioner Bradbury: I know that we've created a little problem here because there's four of us and we can't break a tie and we've kind of gotten hung up here. But, perhaps what needs to happen, and this is just a suggestion, perhaps what needs to happen is we just defer action on the PUD pending the outcome of the annexation and, and the zoning request.

Chairman Gillespie: And would you also recommend we defer the subdivision, pending the...?

Commissioner Bradbury: Subdivision is also a recommendation, so, anyway, I suppose we can maybe reach another tie on the subdivision.

Scott Spjute (City of Boise): I don't...

Chairman Gillespie: Mr. Spjute.

Scott Spjute (City of Boise): I don't disagree with anything Commissioner Bradbury said, including the possibility of being dangerously close to the precipice. Nevertheless, the commission should not be approving a conditional use permit when it's just recommended denial of the annexation. It would probably be well, if it's not horribly abhorrent to the applicant for this to be set over until the very next meeting so we can sort of flesh this out. But we would set it over before you make the decisions I guess and if indeed the way to go is to make whatever decision you want on the CUP and the SUB, then you can do it then.

Chairman Gillespie: Alright. So what's, let me ask the applicant, with respect to PUD16-00005 and SUB16-00006, given where we're at, would you like to set this over to the next meeting for us to get this sorted, or would you prefer to have some kind of decision tonight.

Jim Conger (4824 W Fairview): (Indecipherable)

Chairman Gillespie: What?

Jim Conger (4824 W Fairview): It's awful unique, for sure. We will work with staff the rest of the week and resolve on next Monday. That work for you, Mr. Spjute?

Chairman Gillespie: Well the next meeting would be...

Scott Spjute (City of Boise): You don't convene again until May 2nd.

Chairman Gillespie: The next meeting would be the first meeting in, first meeting in May.

Scott Spjute (City of Boise): First meeting in May.

Jim Conger (4824 W Fairview): I think you need to come to (indecipherable) on the CUP and the subdivision.

Chairman Gillespie: So you'd prefer not to defer. So given that I think we need to proceed and see what the vote turns out to be?

Scott Spjute (City of Boise): The decision to defer is up to you, you're procedurally correct in doing that, but if you want to go ahead and make a decision on the CUP and the SUB, then we'll deal with that the best we can.

Chairman Gillespie: So here's where we're at. So I'll reverse my disqualification of the earlier motion by Commissioner Bradbury so we have a live motion on the table, seconded by Commissioner Gibson, to approve PUD16-00005. Is there anybody who would like to make a motion to defer this matter, which can be done as a minor, you can defer it to the next meeting.

Commissioner Bradbury: Mr. Chairman.

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: Yes, I'd move that we defer further action on PUD16-00005, SUB16-00006 until our next meeting in order to permit staff and legal counsel to help us find our way through the thicket.

MOTION: COMMISSIONER BRADBURY MOVED TO DEFER PUD16-00005 AND SUB16-00006 TO A CERTAIN DATE OF MAY 2, 2016

SECONDER: COMMISSIONER ANSOTEGUI

Chairman Gillespie: So we have a motion to defer items 3a and 3b to the, to the first meeting in May. Is there any discussion on that motion? Hearing none, all in favor, please say aye.

Chairman Gillespie: All opposed? So, 3a and 3b are set over to the first meeting in May.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.