

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

MINUTES • September 19, 2016

City Hall – Council Chambers

6:00PM

FINAL

COMMISSION MEMBERS PRESENT

- ☒ Rich Demarest, Chair
- ☐ Milt Gillespie, Vice-Chair
- ☒ Stephen Bradbury
- ☒ Douglas Gibson
- ☒ Jennifer Stevens
- ☒ Tamara Ansotegui
- ☒ Paul Faucher (Student Commissioner)

PDS MEMBERS PRESENT

Scott Spjute, Cody Riddle, Leon Letson, Céline Acord, David Moser, Sarah Schafer, Todd Tucker, Brianna McNall, Teri Thompson and Andrea Carroll (Legal).

I. CONSENT AGENDA

AUGUST 1, 2016 MEETING MINUTES

AUGUST 8, 2016 MEETING MINUTES

MOTION: COMMISSIONER GIBSON MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: THE MEETING MINUTES FROM AUGUST 1, 2016 AND AUGUST 8, 2016.

SECONDER: COMMISSIONER ANSOTEGUI

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

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II. DEFERRAL AGENDA

CVA16-00043 / Dan Cobb

Location: [245 S. Capitol Boulevard](#)

Sign variance to exceed the size and number of signs allowed through the Capitol Boulevard Sign Ordinance for The Grove Hotel and Century Link Arena in a C-5DDC (Central Business District with Downtown Design Review and Capitol Boulevard overlay) zone. [Sarah Schafer](#)

MOTION: COMMISSIONER ANSOTEGUI MOVED TO DEFER CVA16-00043 TO A DATE CERTAIN OF OCTOBER 3, 2016.

SECONDER: COMMISSIONER BRADBURY

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

III. REGULAR AGENDA

CAR16-00023 / Suggs Community Solutions

Location: [6022 N. Roe Street](#)

Rezone of 17.14 acres from R-1A (Single Family Residential) to R-2 (Medium Density Residential). [Leon Letson](#)

PUD16-00022 / Suggs Community Solutions

Location: [6022 N Roe Street](#)

Conditional use permit for a 155-unit planned residential development comprised of 1 single family home and 154 attached townhomes on 17.14 acres located in a proposed R-2 (Medium Density Residential) zone. [Leon Letson](#)

SUB16-00046 / Roe Street Townhomes

Location: [6022 N. Roe Street](#)

Preliminary plat for a residential subdivision comprised of 155 buildable and 21 common lots on 17.14 acres located in a proposed R-2 (Medium Density Residential) zone. [Leon Letson](#)

Leon Letson (City of Boise): Good evening Chairman, Commissioners. The application before you is a conditional use permit for a 154 unit planned development on a 17-acre site generally located at 6022 North Roe Street on a proposed R2 zone. The project also includes a preliminary plat for a 176 lot subdivision comprised of 154 buildable lots and 22 common lots. Let me get back to my second slide, my apologies. The subject property is located on the east side of Roe Street, approximately 500 feet north of State Street. Detached single-family homes on large lots are located to the north, south, and west of the

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property. Also located to the west is a large multi-family development. Detached single-family homes on smaller R1C lots are located to the east.

Located in the northwest planning area, the subject property is designated mixed use which supports a rezone to R2. Other than the neighborhoods to the northeast, the surrounding properties are also designated mixed use, and are anticipated to redevelop in a similar or more intense fashion. Blueprint Boise identifies the subject property as part of an area the City anticipates to experience significant new development. The subject property is also within a State Street transit oriented development node identified as a neighborhood transit zone in the State Street plan.

The applicant's proposal aligns with the vision for neighborhood transit zones which are anticipated to develop as primarily residential, have a density between 10 to 25 units per acre, and consist of one to four-story buildings. As a condition of approval, the planning team is recommending the inclusion of the design review overlay in the rezone which will make the project subject to design review approval moving forward. The applicant's proposal includes a preliminary plat for 154 buildable lots and 22 common lots. The original proposal consisted of 155 buildable lots for 154 townhomes and one single-family detached home.

Based on feedback from the planning team regarding the need for additional on-street parking and guest parking within the development, the applicant converted the lot for the detached single-family home to guest parking, and worked with ACHD and the Fire Department as well as the City to widen streets throughout the project to allow for more on-street parking. This project involves the creation of .78 miles of new public roadways, including the extension of Limelight Dr. to the east across Roe Street and a connection to Hastings Ave to the north. Minor local streets provide an alley-like system of roadways which will allow for homes to front onto large common areas, or mews.

Finally, there is an extensive pathway system that links the various common areas to the surrounding street system and offers a future connection to the large commercial area at the northwest corner of Gary Ln. and State Street as adjacent properties redevelop. And as you see here in the lower right hand corner, there is a small circle for that pathway which would eventually, again if properties redevelop, link this site to that larger commercial and more intense housing area there pictured in red. The applicant has made use of the planning and development application for relief of the minimal lot sizes and lot widths of the R2 zone. The applicant is also seeking to reduce the internal setbacks for the development.

The project also does not exceed the maximum density for the proposed zone. In accordance with planned unit developments of this size, two amenities have been provided. These include leaving more than 10 percent of the gross site area in landscaped open space, and providing several common areas with gazebos and interconnected pathway systems. Reviewing agencies approved the project with standard conditions of approval. ACHD estimates the development to generate 895 vehicle trips per day, with 80 during the PM peak hour. Roadway improvements are also required as previously noted in my presentation.

The Boise School District included in their approval a request to have sidewalk gaps closed along Roe Street to Caswell Street to allow for schoolchildren to more safely walk to the schools located to the north of the site – and here's an image of the larger neighborhood – two schools located to the north. The

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subject property is highlighted there in yellow. The planning team contacted ACHD regarding that request, which would be to make off-site improvements. And ACHD confirmed that improvements to streets in the area, such as Roe Street has been one of the top priorities for this area over the last few years.

Regarding public comments, the planning team received one comment regarding the project and they requested the following: to utilize xeric landscaping for common areas, for the vinyl fence proposed along the perimeter of the site they would like any color other than white, and they would like to retain as many existing mature trees as possible. In conclusion, the planning team recommends approval of all three applications. And as a reminder three motions are needed, a final decision on the planning and development, and recommendations on the rezone and the subdivision. Thank you.

Chairman Demarest: Thank you. Okay, let's hear from the applicant. Come on up. Please state your name and address for the record after you get your technology setup there.

APPLICANT TESTIMONY

Jane Suggs: Good afternoon Commissioners. My name is Jane Suggs, 200 Louisa Street in Boise.

Chairman Demarest: Ms. Suggs, so you're eligible for up to 30 minutes. It sounds like we can come in way under that for time's sake. Can we start with ten?

Jane Suggs: We can do ten or less.

Chairman Demarest: Alright. So ten, let's go with ten.

Jane Suggs: Alright. So I'm representing Trilogy Development and the Roe Street townhomes. And first, a great job by Leon going over the high points of the project. I wanted to start off by showing some of the guidance that this City provides when we're doing development – new development or redevelopment in this particular area. We don't get this in every neighborhood, but in this neighborhood we had a lot of guidance. I think Leon outlined many of these policies just now in his report but also in the staff report. This is your map showing the areas of stability and change. Are you seeing that, I'm not seeing that here?

Chairman Demarest: No, let's get you some help.

Jane Suggs: It doesn't really matter, but I don't know what you're seeing.

Chairman Demarest: We're seeing that right there. Is that what you're seeing?

Jane Suggs: No. No, that's not mine.

Chairman Demarest: That's what I thought. We need to get some help. Let's put you on hold for a bit. There, how's that?

Jane Suggs: There we go.

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Chairman Demarest: Let's go back to ten, you barely got started.

Jane Suggs: I'll be quick, I promise. We have our project site shown in the area called Areas of Stability and Change and this is definitely an area the darker, the tannish color brown showing areas of significant redevelopment. Of course, this is from the northwest portion of your comprehensive plan. It shows the property is mixed use, which includes the R2 designation. And R2 by definition provides for attached housing and moderate densities integrated with the neighborhoods. I think this is actually exemplified by Roe Street townhomes.

This was also in your staff report, and it just shows some of the compatibility – the yellow being the R1C existing single-family neighborhood. We looked at chapter four of the comprehensive plan from the northwest planning area and we are meeting the policy that supports the assemblage of smaller parcels to accommodate redevelopment, and the policy that encourages mixed use of housing. We are providing links, both vehicular and pedestrian to adjacent properties, and of course, maintaining on-street parking. Leon also pointed out that the Roe Street townhomes support the principles, goals, and policies for a connected community, encouraging infill development in order to avoid costly extensions of transportation facilities and decreasing vehicle miles travelled. That's right out of your comprehensive plan.

In supporting the principles of infill development for neighborhoods, including the compatibility of scale and massing with the adjacent homes; transition of building heights; using complementary setbacks, sidewalks, and street trees as part of the infill; and providing garage access through alleys – even though these are actually minor local urban streets. Or I might have that backwards – minor urban local streets. Let's take a look at the plan. This is a nice rendering of our landscape plan. Taking a look at that, first it's a townhome project, not an apartment complex. I know that was a concern of some of the neighbors at one point. Each unit will be for sale, so each of the 154 units will be for sale. We had it originally planned for one more single-family home, but that's a parking lot now.

We didn't expect the properties to the east, so these properties here were here to redevelop. So we are putting two-unit townhomes there, they are one-story. So when you see the backs of those units, they're front loaded – but when you see the backs of those units they'll look like a single home. So that's good compatibility there with one-story units. The rest of the townhomes are two-story. Along the north and the south boundaries, next to larger lots, they are located here and down here. We talked to Planning and Development, and they said they did not expect those lots necessarily to redevelop into density – maybe be split at some point. So we're buffering those lots with fences, landscaping, and you'll see streets. So on the north and south sides, you'll see a buffered street location. So there's about a 50-foot separation between the property boundary and the sides of units.

Once again, orienting those blocks – those units, so that you see the sides of the building. You won't see a big mass of buildings behind those other properties. Let's see – even in the streets, you'll see where we have the streets, we have actually oriented the streets so they're in a 42-foot right of way, 29-foot streets with an 8-foot planting area. We've shifted the street itself on the north and south within the right of way so that we can leave 8 feet to put the columnar trees along with the fence, which is designated to be tan or

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other something than white, which is good. The alleys, like I said, are not really alleys even though they're serving as such. They're 24-foot wide minor local urban streets in a 28-foot right of way.

This is one of those situations where ACHD and the Fire Department's for all the Cities got together and talked about what would be best to service the vehicular access when there is no street in the front. So we're facing the mews – the green spaces, and we've got really ACHD maintains streets serving like an alley in the back. Again, I want to add, because there was some discussion about parking – we have two-car garages for each unit. We have enough space 20 feet outside the right of way for driveway parking. So there's already guest parking and a 179 on-street parking. We've widened the streets to make sure we have plenty of parking on both sides. So more than 1 to 1 parking for guests. I think 1 to 1 to 1½ is about what a neighborhood has, so we're looking at something like a single-family neighborhood, because this is single-family attached units.

The green spaces are spread throughout the project. They're serving as storm water management and that's partially due to high groundwater in the area. If you've seen any other redevelopment in this area, you'll know there's high groundwater, but the slopes and the size of those will allow that to be gently sloped and still used for recreation. This is just an assessor's map showing the property. When we had the neighborhood meeting, a lot of people were talking about the traffic and how hard it was to make the left run out of Roe Street onto State Street. But we all agreed that, especially with the improvement of Limelight and Pocono from the apartment complex, it's very easy just to move right over and go to the light on Bogart, and there's plenty of capacity there.

State Street – there's not a lot we're going to do about that, but this is the type of property and development that will do the things that we need to do to add the density so we can start looking at State Street really as a mass transit, a better mass transit corridor. I think this is just what the city has been hoping for when they put all of this in their comprehensive plan. We did have Dan Thompson take a look at a couple of things for us, whether or not they're needed to be a turn lane on Roe Street, and he found out that there was not enough traffic to require a turn lane in the middle of the street. We also wanted to make sure we understood how much traffic was going through the Pocono subdivision. Right here – this is a stub street, Hasting Street that's been stubbed there for years. We're tying into that street.

We did an analysis of people – they would go to Hastings and then they would go to Pocono, then to Prescott, then to Gillis, then to Gary Ln. So would be kind of a roundabout way to get to Gary Ln. if you were going that way. But he did the analysis and found out we would not surpass the threshold for local streets, which is 2000 cars a day for local streets. ACHD agreed with the analysis, in fact asked us to take a look at those things. In fact, when we had our neighborhood meeting, some of the people in Pocono and over in Alder Point are looking forward to having an alternative way out of their neighborhood to get to State Street, because this might be a good connection. So you're always looking for those connections.

And then finally, we did ask the draftsman to prepare a color rendering – this is how it would look on the mews. This is the four lot townhome. You'll see three little doors and then the fourth door is you go around the corner – so there on the left side there will be a side-facing. But great design, something that we can really look forward to there. I just want to say that we are all in agreement with all the conditions of approval. I appreciate Leon checking in on the School District asking for all site sidewalk. It looks like

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ACHD is handling that because it's hard for a developer to go in and tell somebody they're going to cut down trees and put in sidewalk. We really can't do that. So ACHD looks like they're going to pick that up, which is a good thing.

We're in agreement with all the conditions with that clarification. And we very respectfully ask for your approval of the Roe Street townhomes.

Chairman Demarest: Thank you Ms. Suggs. Why don't you stay right there, let's see if Commissioners have any questions for either you or Mr. Letson on the staff. Commissioners?

Commissioner Bradbury: Mr. Chairman.

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: Leon, so the public comments are suggesting the xeric landscaping and the fence color and keeping the existing trees already, some of them – are those the kinds of issues that we could expect design review to take into account when they do their review?

Leon Letson: Chairman, Commissioner Bradbury. Yes, we would forward that along to design review and that's part of the **rezone requests to attach the design review overlay to the rezone to allow for that discussion.**

Commissioner Bradbury: Thank you.

Chairman Demarest: Any other questions? Hearing none. Thank you both. Is there anyone here from the North West Neighborhood Association this evening? That's what I thought. Okay, so we're going to go right to public testimony. I realize some folks came in late. If you didn't have a chance to sign up, we'll certainly give you time. We're on items 1, 1A, and 1B. I see the first person on the sign-up sheet is Ted Bailey. Mr. Bailey if you'd come on up. Public citizens, remember you get three minutes. We do ask you to just wrap it right up at three minutes, okay? We got a pretty full agenda this evening. Please state your name and address for the record, Mr. Bailey.

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

PUBLIC TESTIMONY

Ted Bailey: I am Ted Bailey. I live at 6771 N Oliver Ave. My home is directly behind the east portion of the development. My backyard shares a fence with the development. I purchased my home about a year ago and with a lot of things in mind, but of course location and real estate is everything. And it's a beautiful view that we've had that will go away, and I realized it would. I had the same thing happen to me in Eagle where I had farms all around me that became homes over the 15 years that I lived there. And I was okay with that, except that I expected the zoning to remain the same that it was in Eagle. And over time that certainly shifted.

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That's what I see happening here too. I expected a development to happen behind us, I'm not blind to that. But the properties that surround this development are on three sides are all single-family homes. Three sides – the fourth side is the west side which is a street. Across the street of course, you guys have approved a three- or four-storey apartment complex. I understand the reason behind density, but single-family homes rely on consistency through their neighborhoods, and our property values will be impacted negatively by this. Maybe not significantly, but certainly negatively. Over time if I wanted to sell my property after that development starts, I won't get what I would if it was single-family homes.

The height of the buildings certainly is a concern and just the density of them too, how that's going to impact all of the neighbors surrounding. And I'm not just talking about the ones that are on the border like I am, but all those neighbors – there's over 200 homes that surround that development. I only have one other comment – actually it's a question of all of you –

Chairman Demarest: Let me ask you that you turn that into a concern. We're really not here to answer questions per se.

Ted Bailey: I'm not going to ask you to answer –

Chairman Demarest: It's rhetorical, I got you.

Ted Bailey: It's a rhetorical question. I'm sure you've heard it before, this is not new to you guys, I'm sure. If you lived in a neighborhood that happened to be surrounding 17 acres of property right in the middle of your neighborhood, would you want this development to be approved for your neighborhood? I know that sounds selfish and it's a NIMBY comment, but I'm asking you to rhetorically think about that if it was your neighborhood. Thanks for your consideration.

Chairman Demarest: Thank you, sir. Thank you. Next person on the sign-up sheet is Michelle Blyth.

Michelle Blyth: First, I wanted to thank you for your time. My biggest concern is –

Chairman Demarest: Say your name and address for the record, please.

Michelle Blyth: First, I wanted to thank you for your time. My biggest concern that I have –

Chairman Demarest: Your name and address for the record, please.

Michelle Blyth: My name is Michelle Blyth. My address is 7844 W Limelight Street. I live in the Pocono Residence. The biggest concern that I currently have is actually for the schooling. One of the things the developer talked about was putting sidewalks on Roe Street. to lead to the schools that are in the area, Shadow Hills and the middle school. We chose that neighborhood specifically because Shadow Hills was a good school, and now I'm concerned due to the density in this area that we're going to have problems maintaining that schooling for our children as we have them. One of my concerns is has this been addressed, how are they going to handle the extra volume in a school that's already at capacity, to my understanding?

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I would like for that to be looked at and considered as one of the situations, as well as the middle school. But specifically we've looked at the elementary school, the grades that it's received and what it can offer to our children as we have them. The other problem that I am concerned about that I understand they've looked at is the ACHD and the traffic. They brought up the fact that the Pocono resident is excited about having another outlet. But what we're more concerned is this is a family residence, there are many children that are playing in the streets, and all of a sudden we're opening up an area that people are going to be speeding through. So has this been addressed for making sure that people slow down. Because as they described, when you're leaving the Roe townhomes and going through the Hastings access through Gillis onto Prescott, it's not a direct lane.

So you're going to have people flying around blind corners. There's constantly children playing in the streets. So what has been addressed to make sure that our children are safe in these neighborhoods? Those are my two main concerns.

Chairman Demarest: Thank you, ma'am.

Michelle Blyth: Thank you.

Chairman Demarest: Okay, so that's all the folks signed up on the sheet, but if anybody did come in late, as I said, or you just missed the sheet altogether, we're on items 1, 1A, and 1B. So does anybody else want to speak regarding this particular application? Come on up. You didn't have a chance to sign up, so there's going to be a little white pad up there – before you leave the room this evening, just so we have all your information on the record would you please give that back to us or give it to one of the folks over at the side. Your name and address for the record, please.

Heidi Christensen: Heidi Christensen, 8024 Pocono Ln, Boise. We've lived there for 20 years and we've seen a lot of development. I think you would be naive to think that open land in Boise City would not be developed. Of course it's going to be developed. These are my concerns – when Trilogy put in the apartments with the county, there was a concern about Roe Street and there was never supposed to be an entrance into the apartments directly off of Roe Street and Limelight. It was supposed to be blocked and it doesn't even show on any of the developments that the City has – any of the plans that there's actually accessing all of those back apartments there's an inlet. So all of those back apartments are using Roe Street, contrary to what the City thinks.

The problem with Roe Street is it's oriented incorrectly with State Street. That's what was brought out when there were hearings on the Trilogy apartments. It can't be corrected because of the power line and the irrigation – the cost was like two million dollars to reorient it and ACHD wasn't excited about that. That's why they put the light on Bogart. So now we're loading Roe. We avoided Roe before and so now we're loading Roe. And that's one of my main concerns. And which is going to be the least path of resistance will be Roe. People can go through Hastings, but we found that all the people in the backend of the apartment use Roe.

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That's really my main concern. I don't think that it's congruent with anything that's on Kerry or anything that's on my street which is Pocono. These are all acre properties or half-acre properties, and I know the City's hope – at least, this is what they've expressed to the developer that our properties will divide and subdivide over time. I'm not sure that that's a really great plan for Boise City to put developments in that encourage people to have to move out and change their way of life. That's my concerns, thank you.

Chairman Demarest: Thank you, Ms. Christensen. Is there anybody else on item number 1? So Ms. Suggs you have up to five minutes for rebuttal.

APPLICANT REBUTTAL

Jane Suggs: Thank you Commissioners. Again, Jane Suggs, 200 Louisa Street for Trilogy Development and Roe Street townhomes. Thank you to the folks who spoke and I appreciate you being out here. I do understand Mr. Bailey's concern, especially if he's been through this before in other location where you see a pastoral setting being changed to homes. It seems like we're growing homes pretty regularly in this particular past few years. We were very sensitive to those single-family homes and so that's why we put in the one-story two-unit townhomes, because we felt like that those really mimicked the single-family homes there. And we feel like that that's a much better transition than putting in a single-family home after you have townhomes.

So it was really a nice transition two-unit homes, four and six-unit townhomes that are two-story, and then on to the apartments that are across the street. I think whenever you look at this property zone R1A that there was always this idea that there would be some redevelopment of those parcels since those are larger parcels. With Ms. Blyth I understand the school situation. One thing to remember is this isn't going to happen next year. There will be several years of development for this. We're looking at probably – depending on the market, six or seven years if we're really doing well. We have four phases. The last phase is actually the far east, closer to Mr. Bailey's house. So that's the last phase of development, it will start at the southwest corner, move up to the northwest corner, move a little then towards the east.

I think – I'm just thinking about the traffic. I didn't make the map quite big enough, and I understand about the concern about the cut through traffic. However, I'm thinking too that that's a long circuitous way and it might – hopefully – I know in my neighborhood it's only a block long, it's hard to pick up too much speed before you come to an intersection or a turn, so it's not a straightaway which is really nice when you're talking about people going up Hastings. So Hastings to Pocono to Prescott was the next street, to Gillis, then to Gary – it's quite circuitous to get there. I can't say for sure, but let's hope there's hardly a chance to pick up a lot of speed through that area. And again, I think it's not a direct route to Gary Ln. If I was going to Gary Ln., I would actually go to Bogart and turn around and come back the other way. I know it's not how you always think about going one way, you go the opposite direction.

And yes, as Heidi said, we've talked several times. Right now that Limelight has been built as that collector to carry that traffic from Roe over to Bogart Ln. I'm not sure if those properties will redevelop, but they certainly are poised for some development. Pocono Ln is the street that's just to the north of us along the street, so – I can't really address the Roe Street/State Street intersection because State is a State Highway and it is at an angle, you can see. Again, Bogart is your best opportunity to get on State Street

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there, unless you're going of course, to Eagle and that could be the case. This is one of those in between areas where people could live and work here, live here and work in Eagle, or work in the west portion of the valley; and this would be a great right hand turn. So not a problem at all there.

I don't really have a whole lot to say about values. I've always found that if you build the same thing that's already there, then the resale value could go lower for those that exist. So what you really want is something mixed up. So say someone wants a single-family home in this general area, your home has better resale than the brand new – your home will have the better resale because they might not be looking at a townhome. They might be looking at a single-family one-story home. Thanks.

Chairman Demarest: Thank you, ma'am. So it's now before the commissioners to render their decision. I have item number 1, 1A, and 1B. Commissioners, what's your pleasure?

PUBLIC TESTIMONY CLOSED

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: I'll go ahead and start with a motion to approve CAR16-00026, PUD16-00022 and SUB16-00046.

Chairman Demarest: If you remember we were advised that this be three separate motions.

Commissioner Stevens: That was intended to be three separate motions for purposes of discussion.

Chairman Demarest: Okay. Sorry. Alright.

Commissioner Stevens: I'm sorry.

Chairman Demarest: Let's see if there's a second for all three.

Commissioner Bradbury: Second.

Chairman Demarest: I have a second from Commissioner Bradbury. Discussion.

MOTION: **COMMISSIONER STEVENS MOVED TO APPROVE PUD16-00022 AND RECOMMEND APPROVAL OF CAR16-00023 & SUB16-00046 TO THE CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER BRADBURY**

Commissioner Stevens: Mr. Chair.

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Chairman Demarest: Commissioner.

Commissioner Stevens: I think the applicant and staff have done a good job of explaining to us using the comprehensive plan especially, and the code that we're working with tonight, why this particular property is right for a higher density than the areas surrounding it. In my mind, if we're looking at one of the major policies of the City, it's to encourage infill housing so that we can stop sprawl, or at least try in some manner to reduce it to the degree that we can. And we're looking at an area that has every service that a development like this needs. I think it's well designed. I'm very comforted by the fact that there's a design review overlay – I think that's going to go a long way.

And on top of it, I'm also pleased that the developer saw fit to do what they did on the east end of the development and put only three of those single-story townhouses backing up to what is actually five single-family homes on the east side of that existing. I think it's actually even lower than what could have gone there if you look at the aerial maps. So for those reasons I think the rezone is appropriate and I think the PUD is a good development. It's going to result in homeownership – these are going to be individually for sale. And it's in the right place. I'm in favor of the development and I'll be supporting it.

Chairman Demarest: Great. Any other comments?

Commissioner Bradbury: Mr. Chairman.

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: This commission in the past has – it's probably not much of a surprise to those of you that are sitting out here that we see projects like this fairly regularly here. Where higher density development is proposed adjacent to medium-density or just call it lower density development. This commission in the past has generally taken the position that differences in housing types in the same vicinities are not inherently incompatible, and instead it's how the projects are designed to deal with those impacts that's important. In this case I agree with Commissioner Stevens in that the applicant has made a good effort to try to incorporate this project into the existing neighborhood.

Of course, nothing's perfect. And we can debate about the policies, whether they're good policies or bad policies, that leads us to proposals like this. But it's nevertheless – now it's a pretty firm policy to the City to try to accomplish this. So I agree with Commissioner Stevens thoughts. The other thing that I do want to say that when I looked at this first, I thought, wow that Roe Street looks like that's going to be a real problem. Not being a traffic engineer, I find that I have to rely on those who are. And we did receive in our packet an analysis prepared by a well-respected traffic consultant. And frankly, I was convinced. I was convinced that the traffic that wants to go west is probably not going to come out Roe Street unless they just really don't have anything to do and want to sit there for a while, at least during the peak hours.

That being said, I'm in favor of the motion.

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Chairman Demarest: Any other discussion?

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: I just want to add one thing about the Boise schools in particular. Just for the purposes of the citizens that are out there, we get that kind of comment quite a lot when we're dealing with all kinds of developments. And for those of you who don't know, the City of Boise actually doesn't do school planning. That's a totally separate body that we elect other people to manage for us the Boise School District as well the other School Districts in the valley. They are constantly looking at these types of issues and doing demographic studies and looking at where people are aging out of the schools and where new families are moving into. I just wanted you to know that that's not in our purview, and that it's something that those other bodies deal with and they do a really good job of it – the best that they can amid the fast growth that we're experiencing. Just want to put that on the record.

Chairman Demarest: Any other discussion? We're approving three motions, but we can do it at one time. All those in favor of the motions to approve please signify by saying aye.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Demarest: Any opposed? It is so ordered. Thank you folks. That's going to bring us to item number two, which is an appeal. We're going to hear from Celine. Ms. Acord.

ROS16-00059 / Larry & Arlene O'Leary

Location: 1915 N. 26th Street

Appeal of the Planning Director approval of a record of survey to consolidate two parcels located in an R-1C (Single Family Residential) zone. Celine Acord

Céline Acord (City of Boise): Mr. Chairman, Commissioners, before you tonight is an appeal of a record of survey for a parcel consolidation at 1915 N 26th Street. The Appellant, Larry and Arlene O'Leary, are the rear neighbors located at 2619 Dewey Street. The property owner at 1915 26th Street, James McColly submitted an application to consolidate his two parcels. This combined parcel would create one buildable parcel and meets the dimensional standards for a lot within the R-1C zone. Approval was issued on July 1st with the conditions of approval. The Appellants submitted their appeal application on July 11th and included a letter for reasoning of their appeal. In summary, their grounds are that the history of the parcels should make this not alright. The correspondence included in the Appellant's packet gave detail on how the parcel has been in dispute between the neighbors for some time. However, the Applicant owns the property and has provided the legal deeds for each parcel that has been recorded with Ada County. As this is a civil dispute between neighbors, it does not show an error within the Planning Director's decision. The other reason for their appeal is that the existing structure will be straddling the rear property line. Boise City code states that any setback that is legally non-conforming, may remain as a legal non-

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conforming setback provided the legal non-conforming setback is not altered. You can see here in the site plan that the line being adjusted, or this case removed, is in the center of the property and not the rear property line where the accessory structure straddles. It's important to remember that the only matter that was before the Planning Director and now before the Commission for consideration is to combine two parcels. As the Applicant clearly owns the property being consolidated, he is entitled to consolidate his property if and when he meets the conditions of approval of the application. In conclusion, the Planning Team recommends denial of the appeal.

Chairman Demarest: Thank you. So the Appellant, the person making the appeal, did you want to come on up? State your name and address for the record. We'll talk about time after that.

APPELANT TESTIMONY

Mark Perison (314 S 9th Street): Thank you. Mark Perison 314 S 9th Street.

Chairman Demarest: Mr. Perison, you are actually entitled to up to 30 minutes. You can see we've got a relatively full agenda ahead of us. Can we come in under that?

Mark Perison (314 S 9th Street): You're asking an attorney to limit his time talking? Yes. I believe we can do this in 10 minutes.

Chairman Demarest: That was a rhetorical question on my part. Let's start with ten okay?

Mark Perison (314 S 9th Street): Thank you. Commissioners, I appreciate the opportunity to be here and speak for Mr. and Mrs. O'Leary. If it would be possible, could we get the survey map up on the board? Thank you. If you've had a chance to go through these materials, you might have gleaned that there is little bit of friction between the neighbors in this particular area and over this particular property. Not going to labor over the disputes or the legal ramifications of it at all. I just want to give you a brief history so you understand sort of why we got here. For a long period of time, from approximately 1983 until about 2010, the O'Leary's were under the impression that their property included this small sliver of ground that is now sought to be included in the larger parcel. There was a structure on it. There was a fence along that proposed line to be removed. After 2010, it became apparent that there had been some sort of transfer of property in the years passed and that the O'Leary's did not in fact own that parcel. When the O'Leary's came to me, they said gee there's this big problem and they asked all about the legal theories and they said well what about this appeal. If this is granted, or even if it's not granted, there is now structure that will impede into our property. And I thought well gee, let's look into this and see if there's anything we can do about it. I contacted Planning and Zoning and of course, they are always friendly, and they told me well, under this particular process, there is nothing that we can do. An existing structure that is over the property line, we don't have the ability to cause any condition or require removal. I said well, what do you think about the Commission? Well, they could if they want to but under this process, that sort of thing doesn't happen. So I looked back to see what exactly we were doing and under what process we were dealing with. As sited in the initial documents that came out proceeding under the Subdivision Standard 11-09-03.3. And that allows for the consolidation of these parcels by the recording of a record of survey. But I want to read it to you because it's kind of important. It says a record

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of survey is required to allow the consolidation of two or more existing contiguous buildable parcels into one buildable parcel. That got me wondering about that sliver, whether that's a buildable parcel. When you look in the City, the Boise City Ordinances under the Subdivision Ordinance, it talks about this process as well. The minor land division process. And I understand the reason for this. It doesn't make sense to make somebody go through the subdivision process when they're simply splitting a lot or consolidating two buildable lots. That also requires that when you're using this particular record of survey process, that it be the consolidation of two contiguous, buildable parcels. That sliver of land, in my reading of the code, is not a buildable parcel. I looked up as best I could the definitions of buildable parcels and under the development and design standards a standard lot, well let me read what the ordinance says. No building shall be constructed or erected upon any parcel, not abutting a public street or having a permanent access easement to a public street. The minimum street frontage is 30 feet and the minimum lot width is 30 feet. This doesn't meet that definition. Now, my theory here is well, if we're going to use this process then we better meet what the code requires. And it sounds like a technical argument, right? Geez, he's found a little loophole. It says buildable parcels, this isn't a buildable parcel, maybe he can't use it, but who cares? Well, here's why. Because my client can't, has no power to do anything about this encroachment that's going to be over the property line. Now, I'm sure there is another process for this to happen. And Frankly, I don't believe it's my job to tell the Applicant what that process would be or to tell Staff what that process would be. But in my estimation, a different process might provide my client an opportunity to have this encroachment issue resolved as part of that process. Or, at least addressed. In this process, which I understand why we streamline it, we need to get these things done in a quick fashion, he simply hasn't had the opportunity to address it or to have any sort of proposals made to deal with it. I don't know why the code says buildable parcels, but it does say that. And so, I think that in this particular situation, if you read the language and follow the language, you have to say this isn't something that can be done simply by a record of survey. Something else has to be done. Let's send it back to Staff and let them figure what has to be done and let the correct process be utilized here. That's basically the essence of my argument. We appreciate the work that Staff does and we appreciate the work that the Council does and the Commission. But I think in this case, you're bound to follow the language of actual ordinance, so.

Chairman Demarest: Thank you sir.

Mark Perison (314 S 9th Street): Any questions?

Chairman Demarest: Let's hear from the Applicant and then we'll do questions I think. Alright? So the Applicant. It's your time. Come on up. You're the original Applicant right? Okay yeah. So this is your time now and we just gave the Appellant ten minutes to start. They didn't use it all but let's give you ten minutes to be fair. Your name and address for the record sir.

APPLICANT TESTIMONY

James McColly (1915 N 26th Parcel A & B): James McColly, 1915 N 26th Street Parcel A and B. I guess the question would be, just recently raised by the O'Leary's attorney is encroachment. I think it's a half inch. I'm not sure what the survey showed. The buildings have been there for a long time. It's not a new structure so I don't know if that qualifies as an encroachment or not. Either way, there's no dispute about

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the ownership of Parcel A and Parcel B. There never has been. Despite numerous documents that the O’Leary’s put in with their appeal, in fact they’ve shown with those documents, they’ve actually shown that indeed I do own the property. Mostly because they at one point offered to buy it from the current owners who I bought it from for 10,000 and then decided not to and it was quitclaimed to me. That’s enclosed in the documents that they sent you. At any rate, I don’t really have a lot else to add other than there’s no dispute over the ownership of the properties. And I can’t really address the issue of the encroachment. Thanks.

Chairman Demarest: Thank you sir. Okay, so let’s see if we have any questions from the Commissioners for either Staff member, the Applicant or the Appellant. Let’s see first, who would like to hear from?

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: This is a question for Staff if I could please. Hi Céline. Could you tell us whether or not the definition of buildable or whether or not this buildable lot is relevant to the issue in your opinion?

Céline Acord (City of Boise): Yes and no, I guess. I mean a buildable lot, there are standards within our code that say what a buildable lot is for the current code. As far as how and when this parcel was created, we couldn’t find record on that. The deeds do call out each parcel individually. So, obviously it’s a non-conforming lot. But to keep that non-conformity, the only way to make it buildable is to go through this parcel consolidation process. Is that correct?

Chairman Demarest: Does that help you?

Commissioner Stevens: Yes and no.

Chairman Demarest: There are a lot of yeses and noes tonight.

Commissioner Bradbury: Mr. Chair.

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: I have a question for Mr. Perison. I just to make sure that I’m understanding that your clients are not claiming ownership in this disputed 27-foot-wide strip.

Mark Perison (314 S 9th Street): I don’t believe that’s a question here in front of the Commission. They’ve, we’ve talked at length about the various theories and whether it’s worth pursuing those theories. At this moment, there has been no lawsuit filed and they are not asserting their rights as owners as part of this action. Can I say conclusively that that won’t happen? I cannot.

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Commissioner Bradbury: Okay. Thank you.

Chairman Demarest: Okay, any other questions for, we've got three potential people we can hear from. I've got a question for Ms. Acord. So, it's a little surprising to hear but I believe it was really in the code. Can you clarify? So this is from the Staff report. It's the item number 2 in response to the existing structure be straddling the rear property line. That, and this is from the code I assume, any setback that is legally non-conforming may remain as a legally non-conforming setback, provided the legal non-conforming setback is not altered. Just unpack that just a little bit for this lay person.

Céline Acord (City of Boise): Sure. So, this usually falls within property line adjustments, which essentially the parcel consolidation is removing the line. So, as you can see on the screen, the line that was there is that dotted line and the structure does not touch that line at all. So, we're not touching that rear property line which is where the accessory structure is going over. The way our code reads is that we can't make them move that structure and so they can keep that legal non-conformity for that setback. Is that clear as mud?

Chairman Demarest: Maybe you can clarify for me. So what is the Appellants recourse then? If they find this untenable, that it really does say in the code. What can they do therefore to remedy what they believe is a wrong?

Céline Acord (City of Boise): Well if they think that the structure is not following the setbacks, they can always appeal the Commission's decision tonight but I'm not sure if the Commission would condition tearing that structure down or not. We've never done that in any other record of survey parcel consolidation or property line adjustment, to make them tear that structure down unless the line is being created in-between that structure.

Chairman Demarest: Alright, thank you.

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: Can I ask legal a question please?

Chairman Demarest: Sure.

Commissioner Stevens: Andrea, could you just help us understand whether or not the fact that this may not, may not, be a buildable lot have anything to do with whether or not there can be a consolidation here?

Andrea Carroll (City of Boise): Mr. Chair, Commissioners, I'm looking at the code. I'm also looking at page; I think it's 362 which has the definition for buildable parcel. A recorded lot parcel or a tract that is eligible for a building permit based on compliance with this code and that is not encumbered by an easement plat note or other restriction that prohibits building on the lot parcel or tract. There's certainly the technical argument that the Appellant has raised with regard to taking definition of buildable lot or

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buildable parcel and inserting it into the process for combining these two lots. That's a technical argument. I, as I'm thinking through the ramifications of that argument, I'm not sure what the legal process would be for combining a remnant parcel. Would there be, is there literally no legal process to combine that non-buildable parcel with a larger adjacent and whether or not it would make sense to interpret the code that way? I do defer largely to Staff and their interpretation of the code but that's the concern that I would have if that were to be the interpretation of our code.

Chairman Demarest: Okay, thank you. Further questions? Okay, thank you. Thank you folks. Is there anybody here from the North End Neighborhood Association this evening? Okay. So, we've got, we're going to go to public testimony now. We've got three folks signed up. Mr. Perison, looks like you signed up, but we've already heard from you. Alright? Next person is, I think we've heard from Mr. Bailey as well, but hey, you can speak three minutes on any application, unless you just put your name on the wrong place which is what I'm thinking. Mr. Bailey? Mr. Bailey has gone home, his is done for the evening. Alright, so the next person and the last person on the sign-up sheet is Nate Dang. Come on up Mr. Dang.

PUBLIC TESTIMONY

Nate Dang | Accurate Surveying and Mapping (1602 W Hays): Good evening Commissioners. I put my name down not so much for, Nate Dang Accurate Surveying and Mapping 1602 W Hays. Sorry, I always forget that part.

Chairman Demarest: Alright. You have three minutes.

Nate Dang | Accurate Surveying and Mapping (1602 W Hays): Thank you. I put my name down not so much to give testimony one way or the other but to come as the land surveyor involved just in case there's any questions I might be able to answer. So if there's any kind of survey questions that I might be able to help out with, I thought it would be good to have myself here.

Chairman Demarest: Do we have any questions? Okay, thank you sir. Okay, is there anybody else that wanted to testify on item number two that didn't get a chance to sign up? Okay, so the Applicant now, that would be Mr. McColly, you get up to five minutes for rebuttal if you want it. You don't have to take it. Alright.

APPLICANT REBUTTAL

James McColly (1915 N 26th Parcel A & B): Again, I'm not the expert here but, this might clear out the question of this buildable question. If something were to be built upon that area, that would probably cause that building to be torn down and would therefore resolve the question. So that building would no longer be part of the issue, if indeed that's the whole thing that we're hung up on. So, maybe that helps. And it's been there forever. That's it.

Chairman Demarest: Okay, thank you. So, last person we get to hear from before we hear from the Commissioners is the Appellant. You get up to five minutes for rebuttal, Mr. Perison.

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APPELANT REBUTTAL

Mark Perison (314 S 9th Street): Thank you. I appreciate everyone's comments. I don't think anyone is arguing that there isn't a process or shouldn't be a process to consolidate these parcels. I'm just concerned about the use of the record of survey that gets recorded, approved and that's it. I don't think you can use that process here. I get it. It is a technical argument. But that's what the practice of law and the following of laws is, is a technical argument. And I don't see how you can read that section where it says consolidation of two or more contiguous buildable lots. It's a problem, I get it. I'm doing what I need to do for my client and I think this is an argument that can't be looked at as well, that's just technical. Too bad. When you set up processes, those people who are impacted by those processes have the right to challenge whether you're using the right process. And that's what we're doing here. I don't know what the right process is. I'm sure Staff would be able to figure it out. I don't think you can approve this application based on the language of the ordinances. Thank you.

Chairman Demarest: Thank you sir. Okay, so the matter is not before the Commissioners to render a decision on the appeal.

Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: I'm just going to jump out there and make a motion to deny the appeal and uphold the approval of ROS16-59 for the reasons stated in the Staff report and specifically based upon additional guidance from Staff Counsel and the Staff Planning providing additional information specific to the legal ramifications of this decision.

**MOTION: COMMISSIONER GIBSON MOVED TO DENY THE APPEAL OF
ROS16-00059 IN ACCORDANCE WITH THE PROJECT REPORT
AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: COMMISSIONER STEVENS

Chairman Demarest: Do we have a second for your motion to deny? Is there a second?

Commissioner Stevens: I'll Second.

Chairman Demarest: Commissioner Stevens, thank you. Okay, further discussion?

Commissioner Gibson: Speaking in support of the motion, I appreciate both the Applicant and the

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Appellant's testimony specific to the process and the procedure. However, the counsel for the Appellant really didn't provide what I would consider a reference of an either or it left as kind of an either and by making this decision. Does it provide for any future remedy? I'm not necessarily grounded that that was ever presented and whether or not that's even within our purview on a future potential civil claim. Applicant is clearly, has proven ownership of the property. Both parcels. And as such, the decision by the Planning Director should still stand based upon that merit.

Chairman Demarest: Thank you Commissioner. Any further discussion?

Commissioner Bradbury: Mr. Chairman.

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: So I'm going to oppose the motion. I'm probably handicapped by my training here and that is that while, from a practical standpoint, it seems like we, the City's code should permit the consolidation of buildable and unbuildable lots so as to create a buildable lot. But I think that the words of the code, as Mr. Perison points out, are pretty clear. It takes two buildable lots. Maybe that's a drafting error and maybe it could get fixed. But I think that's what the code says and I'm inclined to follow the code. There is a solution. I know what that solution is. It's not a very attractive solution but it does exist. The solution is that, and sorry to tell Mr. McColly this, the solution is a one lot subdivision. Then it's a process by which then those, well, the ownership and the encroachment might be addressed.

Chairman Demarest: Further discussion? Okay, so we have a motion to deny the appeal, it's been seconded and discussed. Last call for comments. All those in favor or motion to deny the appeal please signify by saying aye. That would be one two three. Okay. Any opposed? Or nay? So it's three to two. The motion to deny does carry. Alright, thank you folks.

THREE IN FAVOR, TWO OPPOSED, MOTION CARRIES.

CUP16-00059 / Idaho Power Company

Location: [2001 E. Amity Road](#)

Conditional use permit for the addition of a solar power facility to an existing Idaho Power substation site located on 42.9 acres in an M-1D (Light Industrial with Design Review) zone.

[David Moser](#)

COMMISSIONER STEVENS RECUSED HERSELF

APPLICANT TESTIMONY

Brian Wewers | Idaho Power (17090 W. Franklin Road)

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Pete Pengilly (1221 W. Idaho Street)

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

NO PUBLIC TESTIMONY

APPLICANT REBUTTAL

Brian Wewers | Idaho Power (17090 W. Franklin Road)

PUBLIC TESTIMONY CLOSED

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE CUP16-00059 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN

SECONDER: COMMISSIONER ANSOTEGUI

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

[CPA15-00008](#) / Corey Barton Homes Inc.

Amendment to Policy SW-CCN 2.5 of the Comprehensive Plan to remove both the area and density limits on residential development north of the future Land Hazel Road Extension, and the removal of Policy SW-CCN 2.5(c) “Regional serving commercial uses should not be allowed.”
[Todd Tucker](#)

[CAR15-00029](#) / Corey Barton Homes Inc.

Location: [6298 S. Cole Road](#)

Rezone of approximately 601 acres from A-2 (Open Land) to SP-03 (Syringa Valley Specific Plan). The new zone will include a number of subdistricts with a range of use allowances and dimensional standards. *[Todd Tucker](#)*

[SUB15-00055](#) / Kirsten Subdivision

Location: [6298 S. Cole Road](#)

Preliminary plat for a residential subdivision comprised of 453 buildable and 41 common lots on approximately 101 acres generally located in a proposed SP-03 (Syringa Valley Specific Plan) zone. *[Todd Tucker](#)*

COMMISSIONER BRADBURY RECUSED HIMSELF

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Todd Tucker (City of Boise): Good evening, Mr. Chairman, Members of the Commission. This presentation will cover three items this evening. A comprehensive plan amendment, a rezone for a specific plan, and a preliminary plat for a residential subdivision. The property is located on the east side of Cole Road generally where Lake Hazel intersects Cole Road. Just to run through a little bit of history on this project, just to bring you up to speed and how and why we're back at where we're at right now. This project was originally heard by the Planning and Zoning Commission back in February of this year. After hearing testimony by the applicant, the Southwest Ada County Alliance Neighborhood Association, numerous neighbors, the commission recommended to the City Council approval of the comprehensive plan amendment and the rezone for the specific plan. And they recommended denial of the subdivision.

The Commission expressed concerns with the amount of traffic to be generated by the subdivision in the existing street network in the area, and that it wasn't sufficient to handle it. The City Council heard a presentation from the planning team on March 29th and decided that they needed more information to make an informed decision. At that hearing, they directed the planning team to set up a work session with the Council and the developer to go over the project. In total, four work sessions were actually held. At the final work session, the Council directed that the applications be remanded back to the Planning and Zoning Commission for another public hearing. They also directed the applicant to hold another neighborhood meeting to discuss the revised plans with the neighbors, and that neighborhood meeting was held on August 23rd.

Up on the screen are the items listed that both the planning team and the Planning and Zoning Commission and the City Council felt needed more work. The applicant team worked on these items as we went through the work session process, with the Council. And I'll briefly now just go through each of those items and how the applicant team addressed those items.

The revised specific plan provided specific designs for a few of the more intense use areas within the plan. On the left, you'll see the Village Center, which is located south of Lake Hazel and will be developed as a neighborhood commercial center. A few aspects of this plan – it does provide some multifamily, some higher density residential along Lake Hazel Road, which we support and the comp plan recommends. It also provides a village center here in the middle where the road will come in with some wide landscaping on either side of it to provide a clear view out to Lake Hazel, coming in and the road bending around. This would be the collector road that bends to the west here and comes down. This road would continue on and just be a local road within the center, which would be set up as a neighborhood commercial center with small-scale retail office restaurant uses. And also propose a plaza here that leads right into a school site for an elementary school.

To the east of that would be a 10-acre public parks site. Currently, the City Parks Department owns 10 acres within this area, and there's an agreement with the applicant to relocate that 10-acre park somewhere within the site, more centrally located. So this fills that need. Up here in the upper right-hand corner is how some of the more intense residential uses would lay out being alley-loaded with a street. Some of the uses still alley-loaded but fronting on a common green space or a muse. As you saw earlier in a project earlier today would be very similar to that idea.

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In the lower right would be the commercial business campus, which is located at the northwest corner of where Lake Hazel and Orchard Road will intersect. This is about a 40-acre business campus, or commercial with an office component to the north, and then some commercial development further to the south here with the possibility of a grocery store or an acre store of some sort.

We had a desire for a better identification or the mix of uses and product types within the plan. As you can see, I've tried to highlight sections from the revised specific plan that were submitted and then also the develop code section of the specific plan. And then also the table of allowed uses in the sub districts. As you can see between the sub district center proposed, most of the mix of uses is going to come within two of the sub districts, and that's the medium-density residential and the Village commercial sub districts. As you can see, up in the top there under the specific plan for medium-density residential, it lists apartments, rowhomes, townhomes, as well as professional offices and commercial uses are allowed within the Village Center. It's a mixed-use Village Center with a variety of retail offices, restaurants, and residential. And then it lists the density up to 18 units per acre.

The same general language is listed in the development code sections under the purposes of those different sub districts. And then you can see within the use table that's provided, the medium-density residential and the Village commercial. All of the various uses that would be allowed either by right through an administrative approval or through design review are listed there. So there's quite a few office and smaller scale retail uses that would be allowed even within the residential districts, the medium-density residential. So there's quite a bit of mix of uses that are allowed within the different sub districts.

One of the main concerns that we had was a xeriscape landscaping palette, and the applicant provided a xeriscape landscape package included in the revised specific plan. And after reviewing it, we felt that it was really well done and very thorough. It identifies a clear water conservation strategy for the entire project. It provides vision, goals, and approach for how landscaping will be addressed within the project. The applicant actually has a desire to establish this project as a model for drought tolerant landscaping design within the region here. So there's quite an extensive section in the specific plan that talks about landscaping and how they're going to handle the drought tolerant landscaping within the development.

Permeable paving – originally the planning team was interested in the applicant providing a plan for permeable pavers within the project. They actually provided an entire storm water management plan that identifies several ways that they plan on handling storm water. Pervious pavers are just one solution that they offer along with landscaping swells, seepage beds, borrow ditches, and a large community drain facility will also be provided on the site. So we felt that they did a very good job of identifying how and where storm water management was going to be to take place within the development.

The applicant has provided a very nice amenity package that addresses community recreation facilities throughout the project. The image on the upper left, shows where all the neighborhood parks and neighborhood pools will be located. In addition, a large community recreation facility will be provided on the south side of Lake Hazel, adjacent to the canal just east of Cole Road, so this would be a large community recreation facility here. This you can see is the 10-acre City park here, and then dotted throughout the development are community or neighborhood pools and neighborhood parks. All of which are connected with a pedestrian pathway system that connects all of the parks together. Whether they be

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the public park or the neighborhood parks and pools, will all be connected with a pedestrian pathway system.

Here's just a few images from the specific plan submitted. The community recreation facility will be quite large and provide a large open space for ball fields for various practices and things like that. It will also have a larger community pool with a fitness center and offices within it. There are also some talk of community gardens and things like that. So quite an amenity for a community of this size.

Community facilities phasing plan is difficult to provide for a site this large. There'll be a minimum of two public schools within the development and a 10-acre public park. Both the Boise City School District and the Boise Parks Department have identified or acknowledged that construction of those facilities, those public facilities will happen as demand occurs. So as development occurs and the population increases and the need for those facilities comes along, then they will undertake what their processes are for constructing either the schools or for the Parks Department to plan and construct the public park in this area. But it's really driven by the demand.

Construction within the development is generally anticipated to occur first of all up in the northwest corner of the project, and then slowly work its way to the south and to the east as development will go that direction.

This brings us to the item probably of most concern to the neighbors in this area, and that is traffic. The applicant has been working with ACHD to formulate a plan to construct Lake Hazel and Orchard from Cole Road to Gowen. The plan is for the applicant to construct Lake Hazel from Cheyenne, which is located right here, to Orchard, and then Orchard all the way up to Gowen Road as a two-lane interim road. ACHD will be responsible for constructing the intersection of Cole Road and Lake Hazel and then Lake Hazel from Cole over to Cheyenne, and that includes building the bridge that would need to be constructed over the New York Canal.

This is the schedule that's anticipated for the construction. The plan is for Lake Hazel and Orchard to be constructed as an interim two-lane road from Cole to Gowen. The roadway is anticipated to be completed by May of 2018. So you can see up at the top, it's kind of the timeline of 2016, 2017, and 2018. So the plan for target completion date of Lake Hazel from Cole to Gowen, Lake Hazel and Orchard, would be May of 2018. The applicant has indicated that they plan on having maybe up to 12 homes constructed and occupied prior to that road being connected. But it's going to happen really at the same time.

As you can see through the timeline, ACHD is going to start working on design of the bridge, acquiring right of way, installing some fill, building the bridge and paving the road. Which follows very similar the timeline that the applicant has laid out as far as construction of their section of Lake Hazel and Orchard. As you see, they are proposing in October, so a little bit more than a year from right now, maybe starting construction of the first four homes with sales to occur within the next couple of months and closing. Very close to the anticipated completion dates of Lake Hazel and Orchard Road construction. Which is quite an elevated timeline from what was originally proposed by the highway district for construction out in this area. So that's quite an escalated timeframe from where we were at when this very project very first started.

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As you know through the application and the documents that were transmitted, the applicant has added a request within their comprehensive plan amendment application to remove policy SW-CCN2.4C. The planning team is not recommending approval of this request as we do not feel that it's actually needed. The applicant is not proposing a regional commercial shopping center, and there really isn't a definition in either the comp plan or the development code for what just a regional commercial business is. We don't have a definition of that. The only thing we have a definition of is a regional commercial shopping center, which you can see by the definition is quite large. I guess the best example that I could use would be the mall that we have here in town. That's a regional shopping center. And that's not what they're proposing.

What they're proposing is actually more along the lines of a community commercial shopping center. So within this 40-acre business campus, roughly 12 to 15 acres of it is going to be an office campus with the remaining 25 to 28 acres as commercial development with some office sprinkled within that development. So that's really more in line with a community commercial shopping center. It would allow for a grocery store 50,000 sq. and larger. It would allow for a retail store such as a Target or a Wal-Mart or a Fred Meyer or any of those types of businesses would be compatible with this and would not be considered a regional shopping center.

So we are recommending a denial of that request just because we don't feel that it's needed. I've visited with the applicant team on this and I believe they concur with that, that that's not what they were really intending. They just wanted to provide themselves with some more flexibility of the commercial development that could occur out here, and they have that flexibility as what they're proposing isn't really regional.

The neighborhood still does have some concerns. There are a few letters within the packet that was transmitted to you. Some of the concerns still revolve around density. There's a few concerns still about the impact that the airport may have on this, and then also traffic really is overwhelmingly the major concern by the residences is how is this going to impact the traffic in this area. I would note that I just got an email today from the highway district that they have lowered the speed on Hollilynn from 35 to 30 which does then enable them to put traffic calming on Hollilynn.

The residents did make an application for that, and I believe from the highway district, they have indicated that they have transmitted out an application to at least one resident on Hollilynn, to make that application or that request to provide some traffic calming on Hollilynn to reduce some of the speeds of the cut through traffic that is occurring right now. So that is I think a positive move forward.

In closing, we are recommending approval of all three applications. Because all three of these applications do need to have a final vote by the City Council, your motion tonight would be a recommendation on all three applications to the City Council on the comprehensive plan amendment, the rezone for the specific plan, and for the preliminary plat. That concludes my presentation. I know the applicant's here and has a presentation as well.

Chairman Demarest: Thank you. Okay. If the applicant wants to come on up and give us your name and

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address for the record. And then we'll talk about allotted times.

APPLICANT TESTIMONY

Bob Taunton: Mr. Chairman, my name is Bob Taunton and my address is 2724 S. Palmatier Way in Boise.

Chairman Demarest: Can you spell your last name for me?

Bob Taunton: T-A-U-N-T-O-N.

Chairman Demarest: Thank you. So as the applicant, you're eligible for up to 30 minutes. Sounds like 10 is not quite enough. Let's just come in 15. You get half. We'll go from there, alright? Thirty is your max, however.

Bob Taunton: Thank you, Mr. Chairman. We need to switch over so I can work the slides here, please. Mr. Chairman, Members of the Commission, we're pleased to be here tonight. I was not expecting Todd to do such an outstanding presentation so I think my presentation is going to be shorter. You're going to see some repeated some slides, but I'll try very hard not to say the same thing that he did. We certainly appreciate the staff's recommendation for approval. I wanted to specifically mention that we are withdrawing the text amendment that we had proposed dealing with the regional serving commercial.

As Todd had mentioned, it was a misunderstanding on my part so we – that was the reason why we submitted it. And, again, we were just looking for more flexibility in terms of uses and absolutely we were not proposing a regional shopping center. So I just wanted to make that clear for everyone that we're withdrawing that text amendment, that part of the application.

This is the planning team that we have, and we have several members of the planning team here tonight who would be available for detailed questions, if that's necessary. Terry Scanlan with SPF Water is not here tonight. He's in Alaska slaying some fish, so he wasn't able to be here today. Next line.

So this slide you saw previously. It was one of the takeaways from the Planning Commission meeting along with the City Council meeting, and all the questions and concerns that were expressed by the Council that really gave us the framework for moving forward with the work sessions but also with completing the specific plan documents. So I won't go through these. We've certainly addressed all of those and I'm pleased that the staff has recommended approval of that.

This is the specific plan district chart out at the code and it lists in abbreviated form all the various items that are necessary when you're undertaking a specific plan. They're viewed as required or option, and that's because there are some specific plans that could actually be quite small, so some of the elements wouldn't necessarily apply. But in our case with the scale of proposal that we have, all of them did apply. And you can see in the first column, there are 1, 2, 3, 4, 5 items that were addressed in the initial application that was done by the previous ownership. And that was the reason for the conditional approval

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that the Planning Commission recommended at the last hearing. So it was a conditional approval of the specific plan, and approval of the comprehensive plan amendment.

We've been able to work through all of these elements so we have a complete specific plan application. So as we indicate on the far column, we have completed all of those elements and we're happy to answer detailed questions on those. Next slide.

This is the context map. To the north and to the east is land that's either in the city that's zoned industrial or it's in the comprehensive plan as being industrial. To the south is outside the Boise area of impact, and that is large lot Ada County Zoning RP or RR which is 1 per 40 or 1 per 10. There's very little development to the south of us, other than the Hollilynn neighborhood which is shown on the map there. To the east is primarily land that's owned by Boise City by the airport, and of course, that's part of the protection area for the airport that has been contemplated for quite a long time.

To the west is a larger area. You can see it's irrigated. It is in the comprehensive plan for community development. It's currently outside the city and, to my knowledge, there have not been any applications for that, although I have heard some rumors. Next slide.

One of the things that we did once the new planning team was put in place after the City Council Commission hearing was to take a step back. And having planned and executed planned communities in my past, it's really important to develop a vision statement for the community. And then following that, a set of guiding principles that would work throughout the execution, the buildout of the community. It's really important that the vision stay constant so that it's the touchstone for the development as it works through the various decades that this will take.

So we're looking for a walkable mixed-use community that reflects the high-desert setting, as was mentioned. Be a multigenerational community because of the diverse product that's going to be offered, the diverse price points that are going to be offered, and it'll all be linked by pathways to recreational facilities so it can become an active, walkable, and healthy community. As I'm sure you're aware, there's a great deal of effort on the part of many agencies and research groups such as the Urban Land Institute, that I'm a member of, that have been focusing on how do we improve the health outcomes for people by developing a land use pattern that really supports that and makes the healthy choice the easy choice as opposed to what has been done previously.

And the next slide shows our various principles that we're following, the healthy community gathering places both large and small. Orientation to the street to create a focus of life on the street. Open space often is a forgotten element in terms of planning that we've tried to use the open space element as an organizing principle for the land use pattern and really take advantage of it and build on it.

As Todd mentioned, we want to be a water-wise community and be a model for that. I have a lot of experience with that in a couple of planning communities that I've undertaken are very challenging areas. And the diversity housing that would match the consumer incomes and their preferences and also their life stages. Obviously, we'd like to have trip capture within the community so that whatever services are necessarily, it's really a collection of short trips and not long trips off site.

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This is the land use table. The specific plan, the preliminary plan in Lake Hazel North has been established and that's 452 units at a density of 4.48 units per acre gross. But to the south, we have a concept plan and the density that is permitted there and actually is being encouraged by the City Council is six units per acre on a gross residential basis. Now, we have a number of elements in the south school site, park site, the New York Canal which obviously are unbuildable, so when you take out that acreage from 271-acres total gross acreage, we're down to 241. So we're really looking at a total of about 2500 units on the property.

It's 550 acres because originally what you saw previously was 600 acres. There's 50 acres that have been removed from it because the school district did not provide us with an affidavit of legal interest so we could represent them. So the acreage has been reduced to 550 acres, but obviously we know the school district has a site there and what they're planning, and that's obviously been considered in the land use plan.

Okay, this is the master plan. Todd's done a good job in going over that. The densities really are very intensive along Lake Hazel, 10 to 20 units per acre. The Village Center has a density of about 18 units per acre along with the other retail commercial uses around the park and the school and certainly around the Village Center. We've been asked to provide densities that are 6 to 15 units per acre on a net parcel basis, not gross. Because you're talking about individual parcels.

The density in the yellow is typically 3 to 6 units per acre, and as we move south down to the Ada County lands, there will be a gradation of density so it'll be among our lower densities, if you like, adjacent to Columbia which is the road right on the south boundary. Next slide.

And this is the zoning sub districts. The zoning will be specific plan SPL3, and that's what anybody would see on a zoning map. But within that zoning category are these districts. There's the low density residential, the LR, the Village Center, VC, the medium-density residential, MR, the commercial business campus, which is CB, and then the industrial up at the top. Mike mentioned that – and we'll get into this a little bit when we talk about the airport and the influence of the airport. But the area north of Lake Hazel, that the airport folks have indicated would be appropriate for residential is the area that's shown on this map. It's 100 acres, comes to Umatilla which is the north/south roadway. Then there's the school site and then everything to the east of that cannot be residential, according to their request.

Now, the actual airport influence area is a little different. The industrial area is actually in the Zone B which is the area that does not allow residential. But the airport has been very conservative in terms of their land uses in their recommendations. Next slide.

This is the street circulation and dedicated bike lane. So this is the macro scale. We have a hierarchy of roadways. It's kind of hard to see on this graphic at this scale, but there are bike lanes that are indicated on Lake Hazel, which is the main east/west roadway. There are bike lanes on the collector roads and so Orchard, while it's an arterial to the north, and we have a bike lane, of course. And to the south, it's a collector and it will have a bike lane. Umatilla in the center, going into the village center will have a bike lane. There will be a bike lane east/west on the road that is on the south side of the village center. So those

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are the main hierarchy of roads and bike lanes, which create a really good circulation pattern and essentially connect with a lot of the different uses.

This is the pathways and open space map. And, again, it kind of supplements what I just said about the bike lanes. These are, for the most part, off-street pathways. The community pathway is about four miles in length, so for those that want to simply go for a run or a walk, it's a great fitness corridor as well. And it will weave in through the neighborhoods. It's meant to be within the neighborhoods so that all kinds of users would be able to use it. There are pathways on either side of Lake Hazel. They're ten feet wide. If you're familiar with the pathway along Parkcenter, that's kind of the look that we have in mind where it's detached quite away from the roadway. There are bike lanes on the roadway that will have a separate pathway. And actually the pathway along Parkcenter is 7 to 8 feet. It's not 10 feet so we're going to be a little wider than that.

The pathway along the New York Canal is 8 feet and the main looping community pathway is also 8 feet. Within the neighborhoods though, there will be obviously micro-paths and open space and parks within the neighborhoods, and the pathways there will be five feet, paved five feet. The corridors will obviously be much larger. So the circulation should assume – again, if we go back to making the healthy choice the easy choice, we tried very hard to make that a reality within the plan and have that pedestrian connectivity. The people on bikes or walking can reach all of the uses and all of the activity areas within the community.

This is the section of what will be Lake Hazel and ultimately will probably be Orchard. It's the ultimate section with five lanes, and you can see the detached – they're sidewalks here, called sidewalks but they're really pathways that are actually in the 30-foot buffer area outside of the right of way. So that gives you a sense of what that corridor will look like.

We did develop a number of development principles for our block prototypes, so I won't go through them. I think many of them would be familiar to everybody. Next slides are the – this is a detail of Lake Hazel. There's a challenging intersection situation at Umatilla and Lake Hazel, right in the middle. We have three lights, stop lights. One on Cole, one right in the middle of Umatilla and the other one, the third one at Orchard. There are restricted left turns, ultimately, on the other intersections, so that really puts all of the left turning opportunity as you're coming out of the community, trying to turn left onto Lake Hazel, within the community, will be at Umatilla.

The next slide gives you a sense of what that intersection will look like. It'll be double left turns in every direction. It'll be right turn lanes. So it's going to be a very significant intersection and it's one of the reasons why we had to pull the Village Center back. Originally, we had it planned for close proximity to Lake Hazel, which would be the logical thing you would do. But there is going to be no opportunity to park on the street, and that's the look that we wanted. So we come south to a roundabout and then that's where the Village Center will start. And we're preserving the open space corridor for some visual access and it will have some sort of monument that catches the eye as people are driving on Lake Hazel.

And this is the sketch that Todd reviewed of the Village Center and the school and the park. And the next sketch is, again, the commercial business campus, and then the next one are the prototypes for the various

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houses. And obviously there would be apartments which are shown on the Village Center site. But, again, the principles are that we want to have a nice face to the street where you have nonresidential uses or even higher density residential uses. They will front the street with parking is in the rear. So we followed those kinds of new urbanist principles that I think will make this very attractive.

And then this is the water and sewer map. We have a 16-inch water line that's noted on the map that goes through the property that Suez installed this year. There's a 15-inch sewer that exists at Cole and Lake Hazel that will be the sewer connection for the community. Phasing will start as Todd said in the north of Lake Hazel, then will go to the south and then eventually work to the east. Although, in the near term, Lake Hazel will be constructed all the way over to Orchard. So the water/sewer capability is there and just doesn't present any kind of development issue.

And this is Kirsten Preliminary Plat. It really does illustrate a number of the community principles that we've been talking about in terms of activity, walkability, parks, diversity of housing product. There's a variety of lot sizes in there. Shows the trail along the New York Canal as well as the trail that'll be on the north side of Lake Hazel. We buffered the community to the north/south fork with similar sized lots, and then we transitioned into a different lot size. So the folks to the north, their lot lines match up exactly with the lot lines on our property.

And these are some of the features of the preliminary plat. As I mentioned, the diversity of housing and product types. The amenities are listed there just about 11% of open space. There's a small multifamily parcel which is really going to be four-plexes that is at the intersection, the big intersection of Umatilla and Lake Hazel, in a variety of single-family densities.

That took a little longer than I thought, but let's go. I want to talk about water. There are a number of concerns that the previous commissioner meeting about the impact this development could have on existing wells that many of our neighbors have. First off, we're in the certificated area for Suez. Suez is the municipal water supplier for the City of Boise. I guess you could call it City water but it's Suez water. They installed a 16-inch transmission line, which is a very sizeable line, through the property because they couldn't take it all the way up Cole Road because they couldn't go under the canal. The Boise project will not allow them to do that, so they had to go around the canal, which was fortunate for us because it met the line, went through our property.

And there is a dot just to the north of where that yellow line is showing the 16-inch. Yeah. That's a well called the Sunset West Well. DEQ was concerned that Suez had a well that did not have any redundancy. So if that well went out, there was no other redundancy for water supply and fire flow. So that was the reason why they installed that 16-inch line. Of course, what it means for us is those are wells that can provide water supply to the project. And the water supply for the project will be through that yellowish zone which is the west and east Gowen service area. To the south, the purple is the higher elevation, so it's a different service area. So the water supply is essentially going to come from that Gowen service area.

Suez has appropriate water rights. They have wells. They have an interconnected system so they can move water around. They do not intend to – there's no intention to need a well to service our property.

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There are 10 wells being monitored that are out in the area that will provide DWR with any indication of any aquifer reduction. So we're really in good shape and they're in good shape in terms of water supply. It wouldn't be any impact on existing well users. Next slide.

This is the area that has the surface irrigation water rights from the New York Canal. It's 26 acres. The rest of the property does not have ground water rights. And this, of course, is where we have the main outdoor recreational located. Obviously, did take advantage of the surface water rights for the play fields. Next.

The airport, the star indicates where our property is located. You can see that we're in Zone A. There's a portion of the property that's entirely out of the airport influence area. We have one small part, the industrial area that is in Zone B. So in terms of the airport, we're good to go in terms of residential development. And as I mentioned, the additional restriction of limiting residential in the north side of Lake Hazel to halfway across the property.

This is the noise study that was undertaken this past year and was just approved by the FAA. The most southerly noise contour, if I can get to it, is the 65 decibel, and we are over here. So the corner of our property is probably a little over a mile away. That's north of Gowen Road and our residential either here on the south side of Lake Hazel or over here at Cheyenne is about another mile and a half. So from FAA standards, we're fine with residential as long as we have noise abatement to reduce 25 decibels in our homes and other uses, which obviously we will undertake.

So the airports view is that there is no problem with us. Assuming that we lived up with their request to keep the residential on the north side where they suggested it, which we've done. And there was discussion about the third runway, and actually to illustrate that there wasn't any impact, Matt Petaja who's the Deputy Director, took all of the contours over the existing runways and airport operations, the total operation, and moved it down to the third runway, which is unrealistic because you would never be moving the entire operation to the third runway. And we've still, of course, we're outside the 65 decibel contour. So the airport director indicated that that work session that we had no impact on the third runway, and there wasn't any issue in terms of the noise study from Syringa Valley.

The Lake Hazel situation. When you last saw this application, there was a recommendation from ACHD or an approval from ACHD for 170 units. They could use a temporary access from the subdivision out to Cole Road and once past 170 units, there would be the need for a secondary access, which essentially meant connecting the subdivision to Lake Hazel to Orchard and up to Gowen. Didn't necessarily say that there had to be a connection over to Cole Road but I think that was implied.

The new ownership looked at that as a nonstarter. The new ownership is a developer builder and understands the implications of not having appropriate access to be able to launch a planned community. So they contacted ACHD and said, "Look, we're willing to put \$3 million into this and build the interim roadway from Cheyenne on the east side of the canal to Orchard, Orchard up to Gowen. If you can find the money to be able to do the intersection of Cole Road, Lake Hazel, and then the bridge over the canal." Unfortunately, because of the development activity that's going on and some deferred impact fees, ACHD had I think \$3 or \$4 million that was not anticipated in their budget in this current fiscal year. So they are

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using some of those funds to begin to do design in house for their part of this whole operation, which is the Lake Hazel/Cole intersection and building the bridge.

There's going to be a – well, there's a draft cooperative development agreement, which is an enforceable agreement between ACHD and the developer, that has been drafted and would be signed once the developer receives City of Boise approvals. And that will lay out timeframe, responsibilities, schedule. It'll be all down in writing and enforceable either party. As you saw in the schedule, next May is when ACHD will finish design and begin to acquire the necessary right of way for the Cole/Lake Hazel intersection. And that intersection has to come up 18 feet, so there are slope easements that are going to be necessary in order to have the elevation to get over the canal.

That will be a point where this schedule will be confirmed or there might be adjustments to the schedule. But the developer wants the same thing that the residents want, which is to launch this community with Cole to Orchard to Gowen in place for substantial launch. Now, there may be a few houses as we're talking, maybe 12 – maybe a dozen houses, depending on how things worked out.

Chairman Demarest: Mr. Taunton, you have five minutes left for your presentation.

Bob Taunton: Okay. I'm finishing. So the main advantages of Lake Hazel is that it accelerates what would have been – was in the ACHD CIP for 2022 to 2026. So it's now potentially going to be spring of '18. It diverts traffic from Cole Road. In fact, a recent study by Kittelson, and we have John Ringert from Kittelson here, indicates that it would decrease the total traffic on Cole Road. And ACHD I think is supportive of that. It certainly offsets the development that we're doing and any other additional growth taking place around us. I think looking up to desert keeps the volume flat on Cole Road. It's a relief route when Cole Road is upgraded to five lanes from McGlochlin North up to Victory.

And it potentially will help to solve some of the cut through traffic that Hollilynn faces because people wanting to go to the guard or wanting to go to the airport industrial or wanting to go to Micron now have a much easier route to do that. And most importantly, it's one step closer to that connection to Pleasant Valley Road, which I think is essential for a lot of the residents and where they want to go, plus the Hollilynn folks. So I believe that is – and that's the schedule, you've seen that, so we don't need to go over that.

One more slide. There's been some concern about employment and traffic workers coming to the site. I've been around construction sites for about 30 years, and it's not people-intensive when you're doing site development. It's big equipment. The equipment doesn't go home with the workers at night. Stays on site. There's only a half a dozen people. It's the same thing really in home building. There's very, very small crews that do certain specific things so very few people are on site at the same time. And, actually, if they were coming to the site, they're counter flow to the commuters that are going north. So that's the point I wanted to make. Thank you very much. Stand for questions.

Chairman Demarest: Okay. So it looks like you've got about 28 minutes roughly, okay? So why don't you stay right put there and we'll have Todd. And let's see, I bet you we've got some questions for you. I just have a feeling about it.

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Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner.

Commissioner Stevens: I have a series of questions about the streets if I may. I'll try to be as logical about my – the order in which I'm going to ask them as I can be. I'm going to start with a couple for Mr. Taunton, if I could just based on some of the most recent things he said in his presentation.

So as I understand it, you are currently working on the language of the development agreement that will work out the details of ACHD's portion of this road, which includes the bridge over the canal and the connection to Cole. And as I understand it, the developer's connection starts at Umatilla and goes East. Is that correct?

Bob Taunton: Mr. Chairman, Commissioner, no it actually starts at Cheyenne, which is –

Commissioner Stevens: Is further to the west, is that right?

Bob Taunton: This road right here.

Commissioner Stevens: Great. And so my question then is – there's two parts. Will the developer's part of the road improvement depend upon ACHD's role in that? In other words, if that money goes away, if ACHD's money goes away after the developmental agreement assigned, does the developer then still – will the developer still be required then to build its part from Cheyenne East and over to Orchard?

Bob Taunton: Good question. Mr. Chairman, Commissioner. I'm not privy to the cooperative development agreement, but I presume it's going to spell out responsibilities and what happens if there's any delays and who's responsible for what and so on. To really launch this community, there needs to be a good transportation system. It's a marketing negative based on the conditions today. So it's not in the best interest of the developer to move ahead with the project in any substantial way without having that full connection in play. So I presume there would be a business decision by the developers to maybe putting it on hold until the ACHD was able to live up to their part of the agreement. But it's too soon to tell and there may be some language in the agreement that will cover those eventualities, but I'm not privy to it.

Commissioner Stevens: Mr. Chair, may I follow up?

Chairman Demarest: Mm-hmm.

Commissioner Stevens: Perhaps you're not involved enough in the development agreement to answer this, so I'm just going to go for it anyway. Will the development agreement then – are you expecting it to remove the restriction that ACHD has placed on the number of units permitted to be built in the Kirsten subdivision without that connection to Cole Road?

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Bob Taunton: Mr. Chairman, Commissioner, I don't know if that's intended or not. You're talking about the limitation 170?

Commissioner Stevens: That's right.

Bob Taunton: I doubt that that limitation would be removed. It would still apply until there was the secondary access constructed. So it would seem logical that it would just continue on and this particular planned improvement would expedite delivering that secondary access.

Commissioner Stevens: Mr. Chair, if I may, Todd, if I could ask you some questions about the traffic situation. So, again, I'm going to try to do this logically, so bear with me. What I'm trying to do is establish where people are going to go. So that's the overall point of what I'm trying to get at here. So can you start by telling me what the elementary school is, the junior high, and the high school that will have to serve these developments? And the second part of that is, do they lie to the east or to the west of where this development is now? I know they're all to the north but on which side do they lie?

Todd Tucker: Mr. Chairman, Commissioner Stevens, I didn't understand the first part of your question, but as far as where they lie, they are to the east of Cheyenne. So the high school and junior high combo site is located to the north of Lake Hazel Road directly to the east of the Kirsten subdivision.

Commissioner Stevens: If I could stop you, I'm actually getting at the existing high school and the existing junior high.

Todd Tucker: Oh, the existing high school and junior high.

Commissioner Stevens: Because we don't know when these are going to be built, so I'm trying to understand where the people who move into these before any school gets built are going to be driving. Sorry, I wasn't clear.

Todd Tucker: That's a good question. I would have to look at the report and see what the school district's comments were. My guess is – I'm trying to think of what high school is closest to this. Would it be Borah? I think it's Borah. The residents probably know better than I do where the kids go to school out here. West Junior High, Borah High School, and Hillcrest Elementary.

Commissioner Stevens: Mr. Taunton, do you happen to know? Can you give me a definitive answer?

Bob Taunton: That is correct.

Commissioner Stevens: And if I'm not mistaken, West Junior High lies to the west, Hillcrest lies –

Todd Tucker: To the north.

Commissioner Stevens: And which direction?

Todd Tucker: I think northeast.

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Commissioner Stevens: And do we know about the high – I guess I don't know exactly where Borah is.

Todd Tucker: Borah is by Bishop Kelly.

Commissioner Stevens: Okay. So also to the east. No, to the west. Sort of in the middle. So with all of this, it sounds like the widening of Cole, the timeline for that has not changed at all.

Todd Tucker: The timeline for the widening of Cole has not changed. However, they have said that with the construction of Lake Hazel and the Orchard extension would alleviate a lot of that traffic congestion on Cole Road, and I think it would also make it a lot easier when they do come in to widen that road to give an alternate route to the east to get downtown when they do have to close down Cole Road for that construction and that widening.

Commissioner Stevens: Mr. Chair. Do we have any idea – as I understand the staff report and also ACHD's report, the Cole access point to this is going to be shut down at some point, correct?

Todd Tucker: We are in disagreement with the Highway District and need to work that out. So right now the Highway District has a condition that the access into the Kirsten subdivision from Cole Road be a temporary access. We have a condition of approval and encouragement from the City Council that that actually be a permanent access. And so that will be something that we will have to work out with the Highway District as far as does that access really go away or not. We are recommending that it be a permanent access and the Highway District is recommending that it be temporary. So it's something that needs to be worked out with the Highway District and the City.

Commissioner Stevens: And one final question on this particular thing and then I'll be quiet for a little while. And this is more a question for the developer. Mr. Taunton, if you could explain to me – so I'm looking at where the Kirsten subdivision is going to be built. I have a couple of questions about it. You may not know this yet, but the phasing of the development, you said there's – I'm sure there's going to be phases of this. Obviously, they're not going to go all up at once. Are they going to be going from west to east or the other?

Bob Taunton: Mr. Chairman, Commissioner. Yes, the first phase of development within the preliminary plat would be probably 60 to 70 lots, and it'd be somewhere in this location that's being looked at right now. But it just makes sense to have it close to where the sewer line will be from the lift station that'll be constructed and here's the existing water line. So that's the tentative location, but as I said, it's being designed. And then there'll be additional phases within that preliminary plat. If there's 70-lot phases and there's 440-odd lots, it's going to be several phases of development.

Chairman Demarest: Any other questions?

Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

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Commissioner Gibson: Question for the applicant. Previous submittal by the previous developer had a similar pathway along the New York Canal that you're proposing. Is that on the levy or adjacent to the levy, or what type of improvements would be required to produce an 8 to 10-foot wide path adjacent to the levy?

Bob Taunton: Mr. Chairman, Commissioner Gibson. It will be at the foot of the slope and there is actually – I believe there's a setback that is required from the toe-of-slope. So it will be on the flatter terrain. It will not be at the top at the canal.

Chairman Demarest: Any other questions?

Commissioner Ansotegui: Mr. Chairman.

Chairman Demarest: Commissioner Ansotegui.

Commissioner Ansotegui: I have a question for Todd. I'm looking at the noise exposure map for the FAR150 for the FAA, and it shows that the 65db DNL is far to the northeast of the proposed development. I believe the applicant mentioned, and I think I saw it also in one of the work sessions. Both noise attenuation and aviation agreements. Who manages, monitors, controls those agreements? Does it happen from the airport folks at the City, or does it happen from Planning and the City? Does it come from the developer themselves? How does that work in terms of this process? Is it a condition of approval? It's a condition of approval?

Todd Tucker: It's a condition of approval that the airport has placed on it, and they would have to have a navigation easement that's tied to the property and the airport is the one that regulates those or tracks those aviation easements. Basically what a navigation easement is, is people can still complain but they've got a document saying they can't complain.

Commissioner Ansotegui: And they will. But is it also – so is it for commercial development as well, industrial development, or just residential?

Todd Tucker: That's a good question. I think it's just residential but it very well could be commercial as well. I'm not 100% sure.

Commissioner Ansotegui: Thank you.

Chairman Demarest: Any other questions? Commissioner Stevens, yeah, go ahead.

Commissioner Stevens: Mr. Chair. I have some questions for Todd about the commercial issue. And I realize it's not an issue anymore. I fully understand that but I still have some questions about it, if I could. So it all does go back to traffic, of course, in my mind, and how we can capture more trips from people leaving the subdivision. And it does seem, the existing commercial center as it's laid out does seem small to me based on the size of the ultimate build out of this development. And so, I guess the first part of the

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question is what kind of restrictions with the community commercial center that I guess everybody's agreed on – the City or at least staff and the developer have agreed on. What restrictions are there in terms of use with that kind of designation versus the one that was in dispute until an hour ago?

Todd Tucker: It was never really in dispute. It was more of a misunderstanding of what the code was actually calling for. But as far as uses go, a community commercial shopping center – the definition in the comprehensive plan that addresses what a community commercial shopping center is kind of gives us an idea of the scale and how large it can be. The definition says a group of commercial establishments planned and developed as a unit, typically featuring an approximately 50,000 sq. foot or greater grocery store and/or department store or volume discount retail outlet as an acre tenant. And may include freestanding buildings containing restaurants or other commercial uses. A community shopping center has a gross floor area of over 100,000 sq. feet but no more than 300,000 sq. feet, and typically occupies from 10 to 25 acres.

So what they're proposing is roughly 25 to 28 acres of commercial only. They've got that office campus to the north. They're proposing a grocery store that could be 50,000 sq. feet or greater. It also allows for what we call a volume – a department store or volume discount retail outlet. And I take that to be Wal-Mart, Target, Fred Meyer, Costco. I don't think we'd have a Costco that close to another Costco. But those types of large department stores would be something that could go in there with 100,000 to 300,000 gross sq. feet of retail area.

So size wise, it's fairly large and it can have up to 300,000 sq. feet of retail area. I tried to just for my own mind get it kind of a grasp of size of things. So I just roughly measured how big the square footage of the mall was, and it's like 600,000 sq. feet. Just the mall itself, not the property around it. Just that building. So that kind of gives you an idea of scale of what we're talking about.

Commissioner Stevens: Mr. Chair, can I follow up?

Chairman Demarest: Sure thing.

Commissioner Stevens: And how much additional square footage – and I realize the Village Center is intended to be a mixed use, including residential, at least as I understand it. But how much additional commercial square footage are we talking about in that zone?

Todd Tucker: I don't think they identified a minimum or maximum square footage of retail use that's going in there. Or commercial. I should say commercial, not just retail, but I think it's intended to have – it's intended to look very similar to the Hyde Park or Bown Crossing where it's going to be a neighborhood commercial center of that scale. Bown Crossing is right at seven acres. I think what they're proposing with the Village Center is very close to seven acres, so it's going to be very comparable in size to Bown Crossing, to give you an idea of an existing development that's on the ground right now.

Commissioner Stevens: Did you want to add anything to that? Do you happen to know how much more? I assume that kind of commercial that's going to be in the Village Center is going to be coffee shops and restaurants.

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Bob Taunton: Mr. Chairman, Commissioner. The parcel is actually 12 acres but it will include a residential component. As mentioned, it's up to 18 units per acre, so exactly what the mix is going to be, honestly, we haven't forecast that.

Chairman Demarest: Anything else?

Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: A quick question on the commercial component then for staff. Understand that the exhibits that have been provided by the applicant are schematic at best, but will this commercial component utilize similar standards for drive-thru restaurants, etc, that are currently on the books for City of Boise?

Todd Tucker: That's correct. One of the requirements is that they comply with the design guidelines. So everything that's required to go through a design review process, all of the commercial buildings, the multi-family stuff, is going to have to comply with those design guidelines that have already been adopted. Other specific plans have written their own design criteria. This one is just going to use what the City has already established through those design guidelines. So yeah, we will still have the same requirements for drive-thrus and buildings brought to the street, addressing the street. All of those design components.

Commissioner Gibson: So just by reference, they'll be incorporated into the approval?

Todd Tucker: Correct.

Commissioner Gibson: Okay, thank you.

Chairman Demarest: Any other questions?

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: With regard to the commercial, I'm trying to reconcile the amount of time it's going to take to build enough units that commercial entities are going to want to be here. There's obviously a break point where you have enough residential units that commercial is attracted to being there, and then it takes more time to capture those residents so that they don't drive up Cole anymore and go to Costco or go up Orchard and go to wherever they're going to go. Do you have any plans from the development standpoint to provide any sort of incentives to commercial developers, commercial entities, whether they be retail or grocery stores, whatever they might be, to bring them in sooner than that kind of

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density might support them otherwise? In other words, will there be any subsidy so that you can capture some of those trips to help defray the traffic even further than this road might?

Bob Taunton: Mr. Chairman, Commissioner. Maybe if I could just start at the beginning. It's not only the rooftops but it's going to be the traffic count. Lake Hazel is going to be a major mobility corridor. It's not out of the round to think about 30,000 cars per day, ultimately. We're going to be phasing our improvements infrastructure from the west, so obviously this is on the east side of the property, and unless there was some unique anchor that showed up, it's going to be phased later in the project.

But as to incentives, it is just way too early. We have not thought about that at all, so there's nothing I can report on that. But we agree that trip capture is really important. It's a focus of our plan, and it was one of the reasons why we had proposed the amendment to the regional serving commercial language. Again, it was my misunderstanding but the point was to make sure that we had the flexibility to be able to capture enough anchors to create the momentum that led to the trip capture that we all want to see.

Commissioner Stevens: Mr. Chair. I think I just have one more question. And this is for Todd, if I could. What kind of conversations – I read the staff report, but I'm not sure I completely understood how Valley Regional Transit fits in here. I think what I read is that there's unlikely to be a "dedicated route" but that there was going to be some fancy electronic system that could – and I didn't understand what that meant. So if you could just address the public transportation issue and what conversations there've been and whether there's any possibility of an expectation of a route coming down this way to service some of these units.

Todd Tucker: Sure. We transmitted the application of Valley Regional Transit, did not receive comments back from them. But I know that transit is driven by density and driven by ridership. And so I think as more people arrive in this area, there would be a possibility for a route in this area. There's one that comes close. It's further to the northwest, so I don't think it's out of the realm of possibility that there could be transit to come into this area. I think it's just this year that we actually got a transit line to go out to Harris Ranch. So how long has that been, that development occurred out there? And we just now got a transit line that runs out to Harris Ranch. So I think it's going to be always down the line, if it does happen, but I don't think it's out of the realm of possibility to have a transit line services this area at some point.

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

Chairman Demarest: Last call for questions from commissioners for the applicant or staff? Thank you both. So this particular area does not have a registered neighborhood association. So we're going to go to the public signup here. So I've got six people signed up. I realize some folks came in later and so if you didn't have a chance to sign up, we're certainly going to give you your time. So let's go down the signup sheet at this point. So remember this is public testimony. You're eligible for three minutes. And just for clarity sake, one of the things we're not allowed to let happen is for you to cede time to another person. That can't happen. But every individual gets three minutes but you can't say, "Well, I'm not speaking so this next person gets six," or something like that. The code does not allow us to do that. So first person is

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– and excuse me if I get your name wrong – it's Inna. Ms. Patrick, come on up. Just state your name and address clearly for the record. And the timing will be flashed right over here.

PUBLIC TESTIMONY

Inna Patrick: My name is Inna Patrick. My address 6850 Hollilynn Dr., Boise 83709. Dear Commissioners, there are three applications before you but I only got notice about two of them. This is because the development code does not require neighbors to be notified of subdivision plans. Last time, you voted to deny Kirsten subdivision, but to approve the rezone and to increase the density. Today, I'm asking you to deny all three applications. It is too early to approve Kirsten subdivision because Lake Hazel or other extensions to Orchard that has been promised to us since year 2006 is not here now. We have not seen any significant effort from City of Boise in planning of [inaudible 02:39:20]. And it does not make sense to increase density in Kirsten sub before requiring new roads material wise.

I am also asking you to send these applications back to ACHD because ACHD's staff report was based on false traffic assessment, and ACHD mixed the needed and overdue improvements to South Cole Road from conditions of approval of Syringa Valley Development. Here is what some of my neighbors think of Boise City's plans for Syringa Valley. "I am glad I am old enough that I will be dead before this is done." Except there is a new owner now. CBH Homes can build the entire Syringa Valley in just two years, not 20. In 2006, when this land was annexed into the City of Boise, the developer promised that Lake Hazel extension will be built the following year.

After the real estate market collapsed, the development plans were abandoned for 10 years. In 2016, when we demanded that Lake Hazel extension is built before more houses, the land was sold to CBH Homes. Today, CBH Homes are asking for your approval to build homes in Syringa Valley concurrently with the Lake Hazel Road extension. But they already built many homes on Lake Hazel Road and 1/2 of the traffic uses my street, Hollilynn Drive to get to Orchard interchange or East Boise. Lake Hazel extension to Orchard should have been required by ACHD of CBH Homes before they were allowed to build these residences in the Ada County.

As always, ACHD did not issue needed conditions of approval.

Chairman Demarest: Ms. Patrick, you have 10 seconds left.

Inna Patrick: I already asked you to deny all three applications and send them back to ACHD to come up with new conditions of approval that are consistent with the size of the development.

Chairman Demarest: Thank you. Okay. So I would ask you to self-monitor, if you wouldn't mind. Just watch it up there, the timer. Next person on the sign-up sheet is Vicky McIntyre.

Vicky McIntyre: Mr. Chairman and Commissioners. My name is Vicky McIntyre. I live at 4466 S. Carbine Road in Boise. I didn't get any notification for this. I live off of the arterial of Amity Road. I have lived there since 2006. When the Lake Hazel extension was finished to Cole Road, I've seen a significant number of traffic on Cole Road. In fact, from about 6:00 in the morning through 8:00 in the morning,

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traffic is backed up all the way to Victory. This Kirsten subdivision is targeted to be built next to Cole Road. Where is that traffic going to go, even if it's a small amount? I'm sorry. It's going to go on Cole Road. So unless a road, the Lake Hazel extension is built to Orchard first, like the previous lady just said, the people are going to come to Cole Road, and it's already at a standstill. I think it's naive to think that this huge subdivision is going to go to Orchard when Costco and access to the interstate is easier up Cole Road. So I also agree that I request that you deny all three. Thank you.

Chairman Demarest: Thank you, Ms. McIntyre. Next person who signed up is David Clayton.

David Clayton: My name is David Clayton. I live at 6634 S. Zeus Ave and also 7004 W. Ring Perch, Boise. I've worked in the construction industry my entire life, as well as I'm an analytical chemist and worked previously at Micron. I disagree with the applicant's assessment of construction traffic volume and frequency during development and residential construction or commercial construction. It's significantly high. When we're working on the Eagle developments, it was basically inaccessible during all day long from in the morning until the evening. It's going to cause a problem.

We have children that walk up and down Cole Road. Every single morning, I drive down Cole Road. There's bus stop. We have several elementary schools and people that are within a certain proximity to the school must walk to school, there's no bus transportation. So they're walking down Cole Road. You'll have large vehicles. He's going to have dirt work that has to be done. Dirt that's being removed, some that's being brought in for different drainage and irrigation. So there's going to be mass traffic going up and down Cole Road during the interim previous to the construction of the Lake Hazel extension.

Additionally, the bridge cannot be under construction while it's stocked with water, according to the rules. I saw the timeline. I don't think the timeline's going to happen within that period of time. Just in my experience of being in the construction industry my entire life, in mass construction, industrial, heavy commercial roads, residential. I just got done working today over at your Valley Regional Transit Center we're trying to finish up for you, and I can tell you that the construction sites don't go with what it says on paper, so you're going to looking at having that bridge never built probably until the next season, more than likely.

In addition to that, the zoning specifically states that it's A2, and I looked through every single document you have on your planning agenda. I don't see any justification that's been made to change from the A2 zoning, which was initially looked at by the Planning and Zoning Commission to be zoned A2 from default zoning. A2 is specifically designed to be permanently undeveloped land and to be able to guide the fringe areas. There's been no assessment that says that the other areas within the city are non-developable, that are not A2. And per the code, I think it's a violation just to even have this being in front of the City.

As far as xeriscaping, xeriscaping is going to increase hard density surfaces. Having my extensive scientific training and experience, I can tell you that hard surfaces will amplify sound, so when you have the new F35, it will increase the sound in the area when you xeriscape. That's all I have. Thank you very much.

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Chairman Demarest: Thank you, Mr. Clayton. Okay. So the next person is Phil VanSickle. Come on up and talk in the mic so we can hear you and identify yourself, please.

Betty Bermansolo: Mr. Chairman, my name is Betty Bermansolo. I'm with the Southwest Ada County Alliance. Mr. Phil VanWinkle lives within our boundaries and he's going to be speaking on behalf of the Southwest Ada County Alliance.

Chairman Demarest: Okay. So just so we're clear, I don't believe that Southwest is in the area of impact to this particular area. So can you give us some sense of why you do believe this impacts you at Southwest?

Betty Bermansolo: We are on the west side of Cole Road. We're notified for any kind of development that exists on Cole Road. So we are the registered neighborhood group currently for that area that touches the Syringa Valley.

Chairman Demarest: I don't think you are, actually, according to what we've got. Let me just check in here with our attorney. So here's what I think we should do to be fair. Now, I would've liked to have done this after the applicant and the staff were done, before public testimony, but it's probably not a great big deal. I think it's fair for us and transparent of us to hear from you. So you're not the neighborhood association registered for this particular area. However, we want to be fair and we want to be transparent, right? What is the one called that is in the area of impact?

Todd Tucker: Southwest Ada County Alliance is in the area of impact and is a City-registered neighborhood association.

Chairman Demarest: So we're going to give you equal time to the applicant. Now, that's up to – so if you remember the conversation, up to 30 minutes. I will tell you that if the neighbors have weighed in on something, it's probably not terribly productive to hear it too many times. We've already heard that particular thing. So I would ask you to keep your comments to those things that are pertinent to help us make this decision, alright? So we're going to start out with 10 minutes and we'll go from there.

Betty Bermansolo: Mr. Chairman –

Chairman Demarest: That's going to be a total, by the way, right? A total of 30 minutes max.

Betty Bermansolo: Mr. Chairman, thank you. The Southwest Ada County Alliance has in the past spoken in the equivalent amount of time as what the developer was provided.

Chairman Demarest: That's why I'm giving you up to 30 minutes.

Betty Bermansolo: I understand that. And because Mr. VanWinkle lives closer to that area and he's within our boundaries, I'd like him to go ahead and speak on behalf of the Southwest Ada County Alliance.

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Chairman Demarest: So between the two of you, we're going to give you that amount of time. Not two times but one time divided however you want to divide it, right?

Betty Bermansolo: I would like three minutes at the close.

Chairman Demarest: We're happy to give you three. You're entitled to three.

Phil VanSickle: Mr. Chairman, Commissioners. I don't expect to take a half hour.

Chairman Demarest: Your name and address, sir, for the record.

Phil VanSickle: My name is Phillip VanSickle and my address is 6228 S. Latigo Dr. 83709. I live three houses in from South Cole Road. I work downtown and I see this traffic situation unfold every day on my commute to work. First off, I'd like to commend the City Council for their work sessions. I've been to all four of them. Honestly, my personal opinion, I think they were a step in the right direction. Southwest Ada County has been promised the extension of Lake Hazel for over 20 years now. While several promises of new roads have been made, traffic has only gotten worse. Our community can no longer wait. We need road improvements such as a Lake Hazel extension project now before new homes are built.

As far back as 1996, a need for a Lake Hazel to Pleasant Valley Road extension was identified by the Community Planning Association of Southwestern Idaho, COMPASS. In 1998, the Fiddlers Glenn and Moon Ridge subdivisions were approved with provisions for Lake Hazel Road to be extended east in the future. Since then, hundreds of new homes, thousands – not just hundreds – were built in these subdivisions as well as other subdivisions in this area of Southwest Ada County. In 2006, the traffic problem was noted in an article in the Idaho Statesman. I'm going to read a small excerpt from this.

“Dorothy Rexroat wants local leaders to drive Lake Hazel, Ambity, Cloverdale, Five Mile, and Maple Grove Roads on a weekday from 5 to 6 PM. While they sit in their cars stuck in gridlocked traffic, she said, she wants them to look up and down the residential streets and imagine trying to get a fire engine or an ambulance through the tightly packed cars to one of the homes. She wants them to imagine a child riding a bicycle alongside the speeding vehicles or jockeying for space on the two-lane roads with no sidewalks or bike lanes...

‘Maple Grove and Lake Hazel have become a funnel for all of the developments to our south and west, so the roads are a mess,’ said Rexroat. ‘Improvements can't wait 10 years, she said: ‘It needs to happen tomorrow.’

What I find ironic about this article from 2006 is the last line I'm going to read.

“Local planners are trying to find solutions to the area's traffic woes as subdivisions put more cars on unimproved country roads before 2016.”

It's now September of 2016 and the new Lake Hazel to Cole Road extension has been open for less than one year. Otherwise, with the exception of more traffic, not much has changed 10 years since. Local

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planners promised improvements in the Statesman article from 2006 or 20 years ago with COMPASS, identified the need for new roads. Now, developers want to put in even more homes, hundreds to thousands. More homes along Cole Road once again with provisions for an extension of Lake Hazel Road. In January, ACHD stated that Cole Road exceeded the acceptable level of service standards, which anyone who has to drive Cole Road in the morning knows is far, far, far from the truth.

I'm going to share with you the story of a person who emailed me. I've spoken to over probably several hundred people about this issue in my community. And this is one person who shared this experience with me. People like Jamie Van Eaton, just ask her. She lives on 6810 W. Diamond Street. Mother with two children who crossed Cole Road every day to get to school. She paid for the safety flags at the crosswalk at the intersection of Cole Road and Diamond Street. If you'll excuse me for just a minute, I'd like to get you this flag.

Jamie paid over \$100 for these flags. She bought a big box of them. These are the flags – ACHD made her buy these flags. Let me quote Jamie. "Two children waiting to cross have been almost involved in accidents on Cole Road. My daughter was one of them. A car stopped to let her cross as per state law, and another car rear ended it, sending the car into the same crosswalk my daughter was standing in. The same thing happened almost 24 hours later to another kiddo on Cole. I'm thankful no one was hurt, save for the poor motorist who obeyed the law of stopping for people in the crosswalk. There are times, more often than not, that cars won't even stop on Cole Road for the kids. Once a school bus driver didn't even stop at the cover of darkness in the winter, and these middle schoolers are in even greater peril."

I will tell you that's very true. On my commute down Cole Road in the morning to downtown to hit the connector, I see these little flags poking above traffic. And in the hours before daylight, that's pretty eerie knowing that these school children are crossing this very big road, very, very busy road with just these little flags in their hands, hoping that traffic will stop. I'm sure glad it's not my 10-year-old daughter.

It gets better though. In a letter to City of Boise Planning and Development Services regarding subdivision plans, Lanette Daw, the Supervisor of Traffic Safety and Transportation for Boise School District Number 1 states, "Comments regarding traffic impact: none. Comments regarding safe routes to school: none." What I find incredible is that Jamie had been in contact with Lanette Daw one year earlier. In fact, Lanette had helped Jamie arrange with ACHD to sponsor the flags. But no comments about the impact to traffic safety. I have a copy of the email exchange to pass along to you, Mr. Chairman.

I'm going to quote Jamie once again, "It's just a matter of time before kids, forced to risk their lives to cross that street, are killed. I can't even believe they want to add even more traffic to that street."

Since I've been on top of this issue since February of this year, the developer has changed from almost no road improvements to all, to promising to build the road – the Lake Hazel to Orchard extension. Since the ACHD decision, I'll quote this from the Syringa Valley specific plan. "Since the ACHD decision, CBH, Corey Barton Homes, has engaged with ACHD to accelerate the construction of the West Lake Hazel Road and South Orchard Street extensions. These improvements would be initially constructed as interim two-lane roadways from South Cole Road to Gowen Road. Corey Barton Homes and Ada County Highway District are currently reviewing a draft cooperative development agreement that will spell out

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the responsibilities of each for road design and construction in this model public-private partnership. The targeted completion date for the interim road connection is May of 2018. CBH's signature on the agreement would be contingent on City of Boise approval of the Syringa Valley applications." It's a promise.

And I think Commissioner Stevens was right on target with her concerns this evening. I think that promise is admirable, and I think it's largely because of what me and my fellow neighbors did coming here and testifying. However, it's just that, a promise. We need a binding agreement. Southwest Ada County cannot wait another 20, 10, or even 5 years for the Lake Hazel extension to Orchard or Pleasant Valley to be built. For the most part, the people in this community realize that it will grow and that new homes will be built. However, we are asking for the relief vow from the traffic nightmare. A relief vow that needs to be put in place before another home is built.

We're asking the Commission to deny all items until such time that the roads in place or a concrete agreement is in place to put these roads in place to handle the additional traffic. Thank you, Mr. Chairman, Commissioners. That's all I have.

Chairman Demarest: Sir, thank you. Okay.

Phil VanSickle: Now, one more thing I'd just like to –

Chairman Demarest: So is this new information? So here's the – I've got to ask a question now. Why don't you get back to the microphone there before we take that info? So I believe that the cutoff for information for this meeting was, tell me if I'm wrong City Staff, Tuesday – the Tuesday prior? It was last Tuesday at 4:00 PM, is that correct? Thursday, sorry. Thursday. And so, if you could tell me why you weren't able to get it to us by then, we may consider that, to receive this.

Phil VanSickle: I'm sorry, Mr. Chairman, but I didn't know that I would be speaking until two days prior, and that's supporting documentation to what I've testified to tonight.

Chairman Demarest: I think it's new information though, right? So we've got a process we've got to figure out too. So you didn't know.

Phil VanSickle: I didn't know, sir.

Chairman Demarest: You didn't know the deadline, which was Thursday.

Phil VanSickle: But I wanted to provide supporting documentation to back up what I've said tonight, sir.

Chairman Demarest: Okay. Alright. So before we hear from other public citizens, let's see – you're good, thank you.

Phil VanSickle: Thank you.

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Chairman Demarest: Commission, I think it's up to us to decide whether we want to receive the information, given what Mr. VanSickle has told us. I think that a motion would be in order for that.

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner.

Commissioner Stevens: I'm going to – based on what we heard from staff several times over the last two months, my understanding, and I'll look to them for a yes or no, is that we need to have a written statement as to why they did not submit by last Thursday. And I don't think that that happened tonight. So my motion would be not to accept it because that's what code tells us.

Chairman Demarest: So code does require that it's a written statement. We don't have that. We didn't have that by the deadline, so there's a motion not to receive the additional information. We need a second for that. Second. Further discussion? All those in favor, please signify by saying 'Aye'.

Commissioners: Aye.

Chairman Demarest: Okay. So, sir, we're not going to receive this information this evening. So the next person that signed up –

Commissioner Stevens: Mr. Chair?

Chairman Demarest: Yeah.

Commissioner Stevens: If I could just explain – there's a reason for that. It's written into code and the problem is that we don't have time tonight to actually read through all that. We just can't do it. So process wise, it doesn't permit us to do it. So I just want to put that on the record.

Chairman Demarest: So for us to receive it and then use it to make our decision, we'd have to go into some kind of a session where we all start reading, right? And that's not practical. And there is the procedure by which it needed to be in by last Thursday or a written document. So I think we got to live with this one, alright? So we've got two more on the sign up, but remember, I said if you didn't have a chance to sign up, we'll certainly give you your time. Next person on the sign up is Chris Christman. I do not see Chris Christman here. Next person on the signup sheet is William Way. Mr. Way. And, again, just state your name and address clearly for the record, if you would.

William Way: My name is William Way. I live at 5994 S. Sunfish Way. And before I start, I would like to recognize Todd Tucker for his help over the last couple of years during this procedure that we're going through. Todd's been available. When he hasn't, he's returned my calls and several of my neighbors' calls when – to answer questions to give us guidelines as to how to go about presenting our case to the commissioners. And that's – so thank you Todd, on behalf of myself and a couple of other people I know that appreciate your work.

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I think the biggest concern is traffic. And if it hasn't been completely driven home tonight, I hope you understand that I'm not going to go over the same concerns as the Chairman has indicated he doesn't – would not be beneficial. But I think the more you hear it, the more times you hear it, you've got to understand the problems we have out there on South Cole Road. Parents and grandparents are concerned about the traffic, two lanes, cars stacked up in the morning and in the evening. It has to stop.

I live in the South Fork subdivision. I came before the – or we came before the commissioners a year and a half ago on Phase 5 development. The same concerns were brought up then. You approved the development of Phase 5, another 55 homes going in. We're coming to you again because we're looking at 2,000 homes over the next 20 years. We're looking at 400 homes in the next three to four years. Corey Barton and the developer has not considered issuing an LID to put that road through. They have the legal authority to go through the county, the city, and ACHD to issue bonds that would be paid off with the selling of the homes in the lots.

Most developers do it this way. If we have to wait – and I agree that we need in writing a timeline that the traffic concerns would be addressed. It's time to stop this expansion without consideration of traffic concerns. Commissioner Stevens stated that the reasons she liked the row house was because it helped eliminate sprawl. This is the definition of sprawl. If the developers think that they're going to have this great Village area, that's fine. It doesn't take away from the fact that people are going to be using that South Cole Road, and we have to improve it. I'm not against the project but I am against endangering people – bicyclists, kids, walkers, hikers that use that road.

Chairman Demarest: Sir, your time is up.

William Way: Thank you for your time. I do appreciate it.

Chairman Demarest: So I know we've got at least one person who wants her three minutes, so let's start with you, Ms. Bermansolo. And then we'll go from there. So that – yeah, and anybody else who we didn't get on the signup sheet.

Betty Bermansolo: My name is Betty Bermansolo. I live at 1970 Canonero Way, and I'm speaking tonight, personally, about my disapproval of the three items that are in front of you. A resident called me and said the degree of pollution that arises in this valley, with smoke in the summer and smog in the winter, does it even make sense that Boise would not want to ensure that traffic moves on Cole and Victory and Lake Hazel and Cole in the timeframe that this is going to have to wait before there's any relief at Victory and Cole.

So I have asked before at the City that there be no houses built without connection, without an Orchard connection. For the construction phase – that's what the Southwest Ada County Alliance had asked for, that there be no additional demand on Cole and Victory. That the homes that were built would come through the Orchard connection, the Orchard exchange. And I think there was a lot of interest in that concept.

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This all stems from a manipulation of the level of service policy that was brought to the City's attention that comes off from the staff report, the January ACHD staff report. And the only way that they could accommodate the building of the Kirsten subdivision was to manipulate that level of service policy. That the level of service at Cole and Victory was currently or within 74 trips from staff, from ACH staff, 74 trips. And they would be at level of service F. But because it would put too much of a financial demand – and I can read it from the ACHD staff report, they opted to change and to modify the level of service policy.

So that's why we're here. Because the Highway District, I don't know if there's anybody that represents the Highway District here tonight. But it's in their staff report that they could make the developer wait until there was adequate traffic to service Kirsten, or they could go ahead and modify the policy that has to do with level of service. And I have it just as you folks have the –

Chairman Demarest: Ma'am, your time is just about up.

Betty Bermansolo: - the traffic report. So that's why we're here.

Chairman Demarest: Your time is up, ma'am.

Betty Bermansolo: And I think that's something that really bears looking into. Thank you.

Chairman Demarest: Your time is up. Thank you. So who didn't get a chance to sign up that still wants their three minutes on this one? Okay. So the nice lady right up front here, come on up. So for those of you who didn't have a chance to sign up, you see a little white pad there. If you could before you leave the room this evening just make sure that gets filled out for us so we have a record of your presence and vital information. You can fill it out later. Don't need to do it right now. Just state your name and address clearly for the record, if you would.

Mrs. William Ellis: My name is Mrs. William Ellis and my husband and I live at 8000 South Cole Road in Boise. Where we live in Boise is right north of the New York Canal where there is a bridge out there. Where there is a real flaw design in the road. And my husband wanted me to tell you about tonight when we left our driveway to come down here. As you come from Hollilynn, everybody seems to be concerned about Hollilynn and they are going to reduce the speed limit on Hollilynn.

The speed limit on Cole is only 35 but they come down off of that hill out there for at least 65, 70 miles an hour. And tonight when we came out of our driveway, they were coming two abreast down that hill and they come down in the dip and we can't see them. And they come up to there and we nearly got hit as we were coming out our driveway tonight. And we sit in the morning from 5:00 until about 9 and watch them come down the road two abreast. And this is traffic that we see. When we moved out there 40 years ago, we were living next to a one-lane bridge, and we didn't have any traffic. And now, we tell everybody we live on the Boise Expressway because that's what we live on as they come out there.

Now, we don't have these homes at the present time. If you allow them to build that out there, and as we tried to go past this Lake Hazel Road that has been extended there where there is a stop sign, and no one

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stops. You take your life into your hands. When I go home at night, I have to stop on Cole Road because the people that are coming down the hill to turn left on Lake Hazel, they do not stop before they make their left-hand turn. So the people coming down Cole Road have to stop and allow these people to turn left.

Now, I'm sure that it would be nice if we had a police officer out there to control this, but we never see the police in this area. So if you want to go ahead and approve this, you want to cause more accidents out there – I know Mr. Tucker and I have talked on the phone about some of the things going on out in this area. The lack of the wells that are going dry because Suez water says they have all this water. Things need to be taken into consideration. Thank you.

Chairman Demarest: Thank you, Mrs. Ellis. Okay. Alright, I saw one other hand at least. Come on up. Yeah, there's that little white thing, is it right there? There you go.

Jan Peterson: I'll try and keep it short.

Chairman Demarest: Can you just lift that up a little bit so we can hear you? And your name and address, ma'am.

Jan Peterson: Jan Peterson, 5960 West Hollilynn Drive in Boise. And I want to thank all of you for staying so late and listening to all the concerns, and for Todd for all of his help and guidance as well. As you've already heard, Cole Road is a problem. My request, I guess, is that denial of all three applications occur until we do have something firm in place for the Lake Hazel to Orchard interchange. What I didn't hear tonight – well, on the timeline, what I did hear was that the right of ways still has to be acquired, and that hasn't been done yet. And yet, they want to start building homes. And I didn't hear about whether or not the easement has been obtained over airport property to connect Lake Hazel to Orchard. The last I heard, that hadn't occurred yet, but I'm not sure and no one's addressed it.

So I don't need to go on about the traffic out there. You've heard plenty of that testimony. Those are two of my things. It's just that we need something firm or something in place before any construction begins. We have beautiful plans and all of that is well and good, but we don't have the infrastructure in place yet. Just as a side note, at the end of Cole Road where it meets Hollilynn, where Suez started over a year ago construction to connect that 16-inch water line down Cole Road to the Syringa development.

There have been orange construction cones at the end of Cole Road for almost a year. And I've contacted Suez who said, "Well, we don't really know. I think it's the construction company's. It's their orange cones." So then I called them back and they said, "Well, yes, we did talk to them but they're not really sure. We think it's the developer." These are orange cones and I've got four phone calls and I can't – there's three entities only, but I can't even imagine what it's going to be like once construction starts on a two-lane road without a left-turn lane even into this property. With construction trucks and workers and everything else prior to something being in place. Anyway. Thank you for your time.

Chairman Demarest: Thank you, Ms. Peterson. Okay. Anybody else? Yep. The gentleman over here to my right then the gentleman over here to my left in the back. Alright. So remember if you didn't sign up,

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and that's everybody that we're talking to right now, you need to fill one of those out before you depart this evening.

Mike Fackler: Thank you. I'm Mike Fackler, 7300 South Cole Road. These roads are terrible and I think we're better than this, you know? We're from Morrison, Knudsen, Halvorsen. We've done some great things in this valley, and to get jammed up for the gold rush of houses at the sake of transportation just – I think we're better, I really do. These people that are wanting a pass are the ones that have been developing everything between Cole and Nampa. As it is, it's stressing out Lake Hazel, Maple Grove, Five Mile. Nothing's happened out there, really. And this is a strange area out here. There's a lot of problems to deal with.

One of which I noticed about 23 years ago, they're dumping solid waste from a sewage treatment outfit over here south of – when Lake Hazel goes through and Pleasant Valley, it'll be a little bit south of there. And I'm just a little concerned about the wind blowing when they start churning stuff up. And we've dealt with the ramifications of these construction people after they got an okay to start drilling that water line. They started midnight that night with their lights and my neighbors – I heard them all night, but they had all their lights blaring into my neighbor's houses all that night. I'm not looking forward to this construction. It will add traffic and hardships. It's dangerous, it really is.

I've been involved in road rage that I'm sorry to admit to. I'm not happy with the way I've dealt with things. I had a guy try to – he wanted me to rear end him, try and kill me. I'm sure he's not an evil man. It's just the traffic he deals with every day on Victory. It was backed up to make left onto Cole more than a quarter of a mile a year ago. It's ugly. People are leaving for this kind of stuff. And I could understand people saying, "Well, good riddance to that redneck," but there's some good [inaudible 03:21:15], some good people you're losing because of the shortsighted cramming everything in as fast as possible. You're losing some good people. Thank you very much.

Chairman Demarest: Mr. Fackler, thank you. Okay, I saw a gentleman over here to the left. Actually, it was the other guy right there and then you're after him.

Douglas Polk: Douglas Polk. I live at 6954 West Hollilynn. And just – I probably won't even take the full three minutes, but you guys are on the right track with the concerns of the traffic. I know I'm hearing a few of you ask direct questions, and we really appreciate that as residents out there. Because it's tough. And unless you live out there, you don't really know. The ordinance that was sort of bypassed by ACHD for the intersection of Cole and Amity was right at the max. That has gotten brush to the wayside. It needs to be brought back up and looked at. For real, that thing was changed just because they wanted to change it, I guess. I don't know. I don't know how that really works.

The easement that needs to come from the airport so that the extension can happen. That, again, nobody has brought that up. And our promise from Corey Barton Homes but then run up against a hard spot all – well, we can't really do it so we're not going to do anything about it. We watched that happen with Harris Ranch. Everybody was all about it and the bridge was going to happen before that got put in over Parkcenter. And then all of a sudden they went, "Well, there's too much with environmental concerns. There's too much with this." Look back at the history. That got shut down and the developer went, yeah,

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it's too hard. We're not going to do it. That was promised before Harris Ranch. And that's what stalled Harris Ranch and that's what ought to stall what's going on out here.

So I'm with you, Commissioner Stevens 100%. I believe I'm hearing from you that you want to know where all the traffic's going to go and how it's going to get there. Trust your gut. You're on the right track if I'm reading what I'm hearing from you correctly. So that's all I've got.

Chairman Demarest: Thank you, sir. Okay, the gentleman back here. Mr. [Polk], if you'd just remember to fill out one of those white things before you leave. Thank you.

Tom Coops: My name's Tom Coops. I live at 8196 Thunder Mountain Drive.

Chairman Demarest: Can you spell your last name, sir?

Tom Coops: C-O-O-P-S.

Chairman Demarest: Thank you.

Tom Coops: Right above the New York Canal. The only way I can get out is on Cole Road. I drive a bigger vehicle than a lot of the people that are coming from the south, and I have to use the sides to get on the road right now. And I'm not proud of that. It's just the only way I can make a left-hand turn to get out on Cole Road at 8:00 in the morning. And that's after a lot of the traffic has gone by.

Everybody spoke about the traffic. ACHD didn't listen to us. You've already heard that. In my mind, we're in a desperate situation out there. You all have the ability to make it worse. It's up to you. Thank you.

Chairman Demarest: Mr. Coops, thank you. Okay, who else? I'm not seeing any hands go up. Alright, so that's going to conclude the public portion of this part of our application. And we're going to have the applicant for up to five minutes for rebuttal. Mr. Taunton.

APPLICANT REBUTTAL

Bob Taunton: Commissioners, just one thing I wanted to clear up on the right of way and the easement, presumed easement through the airport property. ACHD controls, owns all of the right of way from Cole Road to Orchard and Orchard up to the airport property. The airport and ACHD are working together to transfer ownership of 120 feet of right of way a quarter of a mile long with ACHD. The two of them are in discussions on that. ACHD has undertaken appraisal. They have submitted an offer. The airport is working with FAA to get that released since federal funding was used to acquire that property. Once that happens, then it will be up to the City Council to designate it as surplus property, and then the right of way will be sold to ACHD. So it's in process, and what we've been told is it's just a matter of months. But the rest of the right of way is all in ACHD's control, from Cole to Orchard and north.

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One of the things that's interesting to me is that the applicant is providing the transportation solution. There is no funding to build this road without the private sector stepping up and offering to do what they're doing. It's scheduled in the CIP, which is just a look-ahead plan. That's not a five-year work program. It's not a two-year budget. It's just a projection, 2022-2026. So if the private sector doesn't step up and make a contribution, as we're proposing, to accelerate that, it probably will not happen until the timeframe that's in the CIP. Meanwhile, Cole will get widened and essentially shut down for probably six months.

So the solution is actually to work with the developer. The reason that there isn't a formal agreement executed, and it's just logical, the developer needs to have assurance that they have a project before they're going to commit to pay \$3 million through design and construction of their portion of Lake Hazel and Orchard. So they're just waiting for the Boise City approval for the project. So it's not like it's a promise and we're going to skate away. It's just that's the timing, that's the reality of it. I think all of us would probably do the same thing, rather than commit that.

So those are the two key points. Ms. Bermansolo and several people have talked about the ACHD evaluation. That was before we were involved in it. I don't have any details on that, but I just would like to say that some of the things that they're objecting to really represents the old plan. We have a new plan that we're talking about to make this happen. And so whatever the discussions are with ACHD and what they might have done or not done is probably not relevant given the new plan that we're operating under to accelerate the construction of Lake Hazel.

Let me just quickly see if there's anything else. And by the way, we had shown a slide that represented the Kittelson/Lake Hazel extension analysis. Again, I offer up if you'd like to have John Ringert from Kittelson answer some questions, because his work determines that the Lake Hazel extension that we're proposing will actually lower the traffic volume on Cole Road with Syringa Valley under development. Because creating an entirely new circulation to get over to the freeway and into Boise. So we have some data that we could share with you, if you would like to have a question or two on that. Thank you.

PUBLIC TESTIMONY CLOSED

Chairman Demarest: Thank you, sir. So this application, this Item #5 on our agenda this evening is before the Commissioners to render a decision. I believe these are all recommendations, if I remember correctly, to council. Who wants to give it a shot?

Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: Prior to making a motion, either way, I wanted to make sure and maybe we can talk about a couple of the transportation issues that came up so I feel a little bit more comfortable about where we are on the record. So there's the conversation about the connectivity, concerns about traffic on Cole. The applicant's rebuttal statement – I feel relatively comfortable that as part of that, the extension of

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Lake Hazel to Orchard, is going to occur contingent upon action this evening. I just want to make sure that I didn't miss something. And if I'm listening for the other commissioners –

Chairman Demarest: That sounds like a question for the commission.

Commissioner Gibson: Correct.

Chairman Demarest: So can we help Commissioner Gibson?

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner.

Commissioner Stevens: I heard the same thing and I'll say that I don't necessarily think that that's how it has to work. I think that there is absolutely nothing out there in the universe of planning lore that wouldn't allow the City to condition our approval on seeing a draft of the development agreement. Whether it has to be executed by then or we need to see it first in a draft form, I don't think there's any reason we can't as a commission require that. So that's my answer to that question, and I'm not sure that an even better idea wouldn't be to defer until – apparently according to the code we have up to 60 days that we can do that, or we can do longer with the applicant's permission per code. So that some of those details can be ironed and we can see some of those things. That's the direction I'm heading. I think I would be more comfortable. I'm not real comfortable with the idea of just putting a condition on there without actually knowing what that development agreement's going to look like. So anyway, I'll let you continue. As I understand it, that's our option.

Chairman Demarest: So good conversation. Anybody ready to hazard a motion? I don't want to put anybody on the spot up here.

Commissioner Stevens: I would like to hear any responses to what I just said before I make a motion.

Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: Appreciate my fellow commissioner's input and that's where I was going with it. I'm not entirely comfortable with just saying, "Let's go ahead and move forward," because of the financial – understand the implications. The developer doesn't want to move ahead unless he knows that he's got a deal, \$3, \$4 million. We've got ACHD making representations that they do have additional funds that could be utilized for the western portion of the connection. We also have the irrigation district. We've got a canal.

There's a lot of parties that would need to be brought into some memorandum of understanding or, better yet, a development agreement that would be able to have teeth to it. That would say these are the things that are going to happen and this is why it would occur in such a manner. And I know that Harris Ranch is

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held up as a good example – bad example. You don't get the bridge in, you don't get to build, and as a resident of Southeast Boise, once they got the bridge in, I see the traffic. I understand the traffic on Parkcenter and Boise Avenue, so I can empathize with the residents of this area in saying, "Whoa, time out. Let's slow down just a little bit, not a lot." But having heard the original application that we rejected because of a lot of these issues not having had been addressed.

I would like to compliment Bob and his team on bringing to the table a really comprehensive package that really is an opportunity for the City to say, "This is what we would like smart growth to look like." So as part of that, I would say, let's come up with some sort of language that we can either defer it until we can get a development agreement, working with planning and Council for the City, and then have something that can go before the City Council that's as airtight as you can get in the development community.

Commissioner Ansotegui: Mr. Chair.

Chairman Demarest: Commissioner Ansotegui

Commissioner Ansotegui: I'm not sure how much more discussion you want to have before we have a motion on the table.

Chairman Demarest: So we really can't make any decision until we have a motion and second it, but if it takes some discussion to get there, hey, let's have the discussion.

Commissioner Ansotegui: Okay. I don't know that I can have – if I can add much more to what has been said, but a red flag came up to me when we started talking about that easement that's part of a federally funded package. It seems to me, I may be wrong, but that would include a little more planning, perhaps needed for perhaps something like this. And what I would like to see in a draft agreement would be a little more articulation in terms of that schedule. What might that be because that seems – that piece of it, that easement seems like it could be a little bit more complicated than what we see right here. So I'm not sure if I should – I'll say that and table further discussion until after we have a motion on the table.

Chairman Demarest: Anybody –

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: I'm not quite ready to make a motion because I think we should talk to the developer first and ask them what their opinion is about that with regard to it. But I do want to say I want to agree with what Commissioner Gibson said which is that we are so on the right path. This is far better than what we saw several months ago. I know you've been working really hard with Council. You have a fantastic team of people that are working on this. I think there's a whole lot of stuff we didn't even get to talk about tonight. The water plans are really great. I think the block faces look good. I think there's a lot to be commended in this.

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But I just don't personally think we're quite there in terms of the really big issue here which is the traffic. In order for me to feel comfortable giving my blessing to this tonight, I need to have a little more – I need to see that development agreement, a draft of it, before I'm going to be comfortable giving my blessing to the project, I guess. So Mr. Chair, should we – if that's the direction we're going that we want to have a deferral until we see that, do we want to ask the applicant do you think 90 days –

Chairman Demarest: Let's consult. Come on up. You're going to be part of our conversation here. So you hear the conversation. You hear the concerns that we've got. Why don't you weigh in with us on the possibility of a deferral until we get some clarification, particularly on this one issue that seems to be coming up.

Bob Taunton: Well, I think probably before I can answer yes or no or give specifics, I'd like to have an opportunity to talk to my client, if I could. Would that be possible, who is here? We could take just – give us a couple of minutes that we could do this?

Chairman Demarest: Sure thing. Yep. We can do that. Two minutes, is that enough? Alright, so we're just going to – it's not even a bathroom break. We're going to have two-minute quiet time, how about that? Come on up. Hang on one second. So before we hear from you, our City attorney wants to give us some advice on that. She wants to give us advice out loud and in public.

Andrea Carroll (City of Boise): Mr. Chair, Commissioners. As I've listened to your discussion about the potential of the condition regarding viewing a draft development agreement with ACHD, an agreement that we're not a party to, they have exclusive jurisdiction over the roads. We do not. It's up to them to negotiate that agreement, not us in their place.

As I've thought about this, there's an interesting question that I don't have the answer to but it's an issue that you should consider. If you are making the review of that development agreement a material part of your decision here today, there's a question as to whether or not if ACHD decides to do something different, even just a little bit different, whether or not that means that we would have to come back here and modify the decisions that you're making today. And so it's an additional process that may not be necessarily the direct intentional result, but it creates an issue when we're getting into an area that State code definitely gives to ACHD rather than the City.

Chairman Demarest: So we could – we still have the ability to defer. We still have the ability to deny or approve, right? Those are our three possibilities? But you're suggesting that that particular condition is not really within our scope, if I hear you correctly.

Andrea Carroll (City of Boise): Correct.

Chairman Demarest: Alright. Okay. So we're still talking about –

Bob Taunton: Well, Mr. Chairman, Members of the Commission, there is a draft agreement that both parties have and have been discussing. They've had several meetings. The staff at ACHD has authority from the ACHD commissioners to execute that agreement. And so I guess what we're trying to

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understand is that you simply want to review the agreement, to look at it, to get a sense of the scope of the agreement, what the provisions in the agreement. As your lawyer indicated, you are not party to that agreement. And if that's the case, we don't have a problem with that. We'd be happy to provide that to you. But obviously we could bring it down tomorrow. In fact, one of our folks here has it on his phone, but that wouldn't work out too well. So we could certainly do that and have an opportunity for you to review it and then at your next meeting, if we can get on the agenda, consider that.

As to the other question about the right of way through the airport property, I've not heard of any requirements that are necessary. It's been the airport people have indicated, Matt Patea, the Deputy Director, has indicated that it's a straightforward process. But I'm not an expert in the process and we'd be happy also to get an update on that, and perhaps we could have someone from the airport come here to explain exactly the process that they have to go through. Which, again, I don't know it but I'm sure they would be happy to do that. So we're willing to do this, but we don't – let's put it this way.

On October 1st, that's the start of the fiscal year for ACHD. That's when they have the funding to begin design. And that's funding that carries over, surplus funding that carries over from this current fiscal year. So they're intent just to begin design in October and have it completed, including the bridge by May. That's the target. If that's your request just to get an update on the airport issue and to hold the agreement and see that it's got the kind of provisions in it you would think should be there, we're fine with that. We like it to be as quickly as possible.

Chairman Demarest: Thank you. So it sounds like what we're asking for is some more information. Whether we make anything contingent on that is the issue, and we really probably can't do that. So it seems to me that a deferral, really, without qualification but with some requests for additional information, is probably what we're talking about up here. Am I on track, off track?

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens. Todd, what is our schedule like on the 3rd of October? Is that too soon or –

Todd Tucker: Mr. Chair and Commissioner Stevens. If all you're wanting to do is review the documents, I think the 3rd should be fine. I don't think that there would be an issue if that's the issue is wanting to review the documents by then. I don't think additional – what I'm saying is I don't need to write an additional report. I don't need to write an additional memo or make a new recommendation. It's the recommendation is there. You just want to view a document and be able to get a grasp of what it entails. The 3rd should be perfectly fine.

Commissioner Gibson: Mr. Chair.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: Question or point of order. So would we reopen for public testimony, or would we just render a decision at that point once the deferral occurs?

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Chairman Demarest: So remember, I'm not an attorney, but my understanding is that we would not open up a total public hearing again. We would just receive that information as requested. I think that's right. You are the attorney. Is that correct?

Andrea Carroll (City of Boise): That's correct.

Chairman Demarest: So just for the public's sake, we wouldn't be hearing public testimony on this particular application. It wouldn't be a new application. It would just come back to us with – we would have some information to review. And then it would be before the commissioners again.

Commissioner Ansotegui: Mr. Chair.

Chairman Demarest: Commissioner.

Commissioner Ansotegui: Would the public be permitted to submit written testimony to comment on whatever that new documentation is?

Chairman Demarest: Now you're really out of my ballpark, so I'm going to just turn around and ask our City attorney for her opinion.

Andrea Carroll (City of Boise): I don't know that – Mr. Chair, Commissioners, I don't know that City code addresses that particular question in this scenario. I defer back to staff in case they have any historical information about how this has been handled in the past.

Todd Tucker: We've basically got the information so it's available to the public now, so the public has two weeks or however long until the Thursday prior to the hearing to comment.

Chairman Demarest: Okay. So did everybody get that one? So the Thursday prior to October 3rd, I think we said, at 4PM would be the cut off to make comment, written comment, correct?

Todd Tucker: On the one issue.

Chairman Demarest: On the one issue, yeah. Alright.

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner.

Commissioner Stevens: I'd like to move that we defer this application, all three parts of it to October 3rd.

Chairman Demarest: Okay. Is there second?

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Commissioner Gibson: Second.

MOTION: **COMMISSIONER STEVENS MOVED TO DEFER CPA15-00008 CAR15-00029 & SUB15-00055 TO OCTOBER 3, 2016.**

SECONDER: **COMMISSIONER GIBSON**

Chairman Demarest: There's second. Is there further discussion? Hearing none, all those in favor of the deferral to October 3rd, please signify by saying 'Aye'.

Commissioners: Aye.

Chairman Demarest: Any opposed? Okay. So folks, this is how democracy works. We struggle. We listen. We talk. So I want to thank first the City staff and I want to thank my fellow commissioners and then thank all of you from the public. And, of course, the applicant and his folks as well for being here.

We're going on four hours. Just a reminder everybody up here is a volunteer. This is our volunteer work. Happy to do it and we make the best decisions we can. So thank you and have a good evening.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

IV. MEETING ADJOURNED

(9:55 PM)