

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

MINUTES • October 3, 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
- ☐ Garrett Richardson (Student)

III. REGULAR AGENDA

[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](#)*

Chairman Demarest: Okay folks. Let’s get back to our task. Okay, thanks for hanging in there. So, we considered this. We heard this, or we had public testimony on it, full application at last month’s second meeting. At that time, Commissioner Bradbury had a conflict of interest so recused himself. So, he’s gone for the evening. I think we might have one other recusal. Well actually you clarify it for us.

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Commissioner Gillespie: Mr. Chairman.

Chairman Demarest: Commissioner.

Commissioner Gillespie: Say Commissioner Gillespie.

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: Thank you. I was not at the last meeting due to health issues in my family and so I also wasn't able to get up to speed on the extensive public record before this hearing. I apologize to my Commissioners. So, I'm going to sit in the audience on this one and not participate or vote. Thank you.

Chairman Demarest: That's fine. For the requirements of something like this comes to us and we weren't at the meeting prior, we have to, we can only act on, we've reviewed the whole thing. And Commissioner Gillespie didn't have an opportunity to do that so he's going to sit out as well.

Okay. So, it's item 11, our last item this evening. Just clarification before Todd begins is that we've had a full hearing on this. We've had public testimony on this. The Commissioners did have one question. They wanted to see the development agreement. Alright? So, we now have that. So, Todd. Take it away.

Todd Tucker (City of Boise): Alright. Mr. Chairman, members of the Commission, you're correct. You heard this on September 19th and at that time deferred it until this meeting to give you ample time to review the draft cooperative development agreement between the applicant and ACHD. That was provided to both the Commission and the public. Now that you have that information, you are free to make a decision. A few things that I'd like to point out, I know that there has been some question about the amended traffic study that the Applicant provided. There's still an outlying issue of the maximum number of dwelling units that the Highway District has placed on this that can be constructed until the Lake Hazel and Orchard extensions are completed. And that's 170 homes. I think we've heard from the applicant and through the development agreement that both the Lake Hazel extension and Orchard extension will be completed well before we get to 170 homes. I would like to point out that condition number one from ACHD's report does require, I'll just read it to you it says, provide an updated traffic impact study prior to the signature of the final plat, which contains 171 single-family lots, or exceeds 1,770 vehicle trips per day. So basically what that's saying is that the Highway District wants an update to that traffic impact study before the final plat is signed for the plat that has the 171st lot. That's basically what they're getting at. Hopefully that satisfies your concerns about that section or that condition of the 170 homes. Just to add on to that, with that 170 homes, the Applicant has said that they're looking at maybe being in the 12 home range when the two lane interim road is constructed. The Planning Commission has the discretion to also add that condition in there and to limit the number of

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building permits that can be issued until that road is constructed. The two land interim road. I think that concludes all that I have to say on this and you're free now to make a decision.

Chairman Demarest: Okay. Just for the record, as I said we're not having public testimony, neither is the Applicant going to get to address this. That's all done. This is simply receiving some clarification of the additional information. It is before the Commission and I think we need three separate on this one? Or can we do them all together? We can do them all together. Alright. So, Commissioners, it is now before us.

No APPLICANT TESTIMONY

No NEIGHBORHOOD ASSOCIATION TESTIMONY

No PUBLIC TESTIMONY

No APPLICANT REBUTTAL

PUBLIC TESTIMONY CLOSED

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: Can we ask Staff questions about what they just said or are we not permitted to do that tonight?

Chairman Demarest: I think that because it's clarification of what's on the record, I think that's fine.

Commissioner Stevens: Okay. Thank you Todd. That was very helpful because you anticipated some of my key questions. That restriction, or condition I guess is a better term for it, by ACHD was put on this application in January, if I'm not mistaken. Do you have information that would suggest that that would go away with the implementation of the development agreement, or the signing, the execution of the development agreement? Or that the applicant is going to go back and ask for that restriction to be removed?

Todd Tucker (City of Boise): I've not heard that that would be the case, that they would go back and ask for that restriction to be removed. Again, that requirement is for that two lane interim road to be in place. Once it's in place, then I think the 170 lot condition really goes away. They've satisfied that by providing that secondary condition in there. However, we do have numerous developments, at Harris Ranch the Highway District put a limit on the number of dwellings that can be built out there without another traffic impact study and they have certain thresholds that they have to come back and meet. Per certain number of dwelling units, they need to do an amendment or an addendum to that traffic study. They don't need to do a whole new study, but an amendment to the study that was done. Basically to say we did this study anticipating that this would be the traffic counts, this would be the thresholds that these places, this amount

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of homes were built. We go back and look at it again and do the traffic counts and say, yeah it was accurate or no it wasn't or this is the situation now. That is an option for the Planning Commission and the City Council to put those types of conditions on there. To say that a certain number of dwelling units we'd like to see another study done or an amendment to that study done so that we can see where we're at.

Commissioner Stevens: Mr. Chair may I follow up? Would it be possible then within our purview because ACHD has already put the requirement of an amended traffic study on that 171 unit, for the City to also not permit additional building permits until we have seen what ACHD has requested and what they have heard and decided upon that trigger.

Todd Tucker (City of Boise): Yes. That's a possibility.

Chairman Demarest: Okay. So, it is still before us. Any clarifications needed which are in order, however, more appropriate would be a motion so we have something specific to discuss.

Commissioner Stevens: Can I ask one more question Mr. Chair?

Chairman Demarest: Sure.

Commissioner Stevens: Can I just clarify for the record? ACHD has in their CIP to widen S. Cole Road beginning in 2020. Is that correct?

Todd Tucker (City of Boise): I'd have to look at their report to know exactly the date. But I do know that it is within their CIP to widen it. I believe it's from McLaughlin up. It's doesn't go as far south. As far as the adding a condition that addresses an updated or amended traffic impact study, I've talked with the applicant about that and they're in agreement to do that. They're not opposed to that.

Commissioner Stevens: Thank you.

Chairman Demarest: Okay. So it's still before the Commissioners. We've got three items before us.

Commissioner Stevens: You're all looking at me.

Chairman Demarest: I'm just looking for somebody.

Commissioner Stevens: Mr. Chair.

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: I am going to make a motion. But, I'm going to preface it, if I may?

Chairman Demarest: Sure.

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Commissioner Stevens: I had a lot of things written out to talk about tonight and to say and that actually just made all that just go right out the window. So, I'll save my comments until after I make the motion.

Chairman Demarest: Okay. That's the way to start.

Commissioner Stevens: I'm going to take a stab at this. My guess is that we're going to need Staff to come back with some conditions that we're going to have to approve. But, I would like to make a motion to approve CPA15-00008. You want them separate? I'm sorry I messed up on that.

Chairman Demarest: We can do them together but it's up to you to decide how you want to move.

Commissioner Stevens: A recommendation for, I'm sorry. An approval for CAR15-00029 and SUB15-00055.

Chairman Demarest: Okay. We have all three before us with a motion to approve or recommend.

Commissioner Stevens: Sorry. If I could? I want to put some conditions on it.

Chairman Demarest: Let's see if we have a second, first.

Commissioner Stevens: Well, my motion isn't complete yet. It's not a motion without the conditions that I want to have put on it. I would like to direct Staff or ask Staff to come back with a condition that the City will not issue 171st building permit until we see and have the opportunity to review the amended traffic study and the action by ACHD at that time. And I think that's all.

Chairman Demarest: Okay. So we've got a motion to approve. One motion for all three items with a condition. Could you just read that again for us so we're all clear about that?

Commissioner Stevens: I don't have the language written down and I would ask Staff to come back and help us craft that language. But, the intent is that we follow through with, that the City more or less provides a redundant condition to what ACHD has put in its staff report from January, 2016 which put a condition on that after the 170th unit is built, there be an amended traffic study to review what the traffic situation is like before any additional homes are permitted and platted in the subdivision.

Chairman Demarest: Let's see if we have a second. Okay?

MOTION: **COMMISSIONER STEVENS MOVED TO RECOMMEND APPROVAL OF CPA15-00008, CAR15-00029 & SUB15-00055 TO THE BOISE CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN (with added condition)**

SECONDER: **COMMISSIONER GIBSON**

Commissioner Gibson: Second.

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Chairman Demarest: We've got a second, so it's on the floor. So, further discussion.

Commissioner Stevens: Mr. Chair? Again, now I'm going to have to just go off the cuff because everything I had written down was exactly the opposite of what I just said. So, my biggest concern coming into tonight was that I had concerns about the traffic study that was provided to us by the developer and like my fellow Commissioners, I shouldn't speak for them yet, but I personally have been very conflicted about this application. It has come so far. I think that there are so many things to commend about the application, but in my opinion, it's a couple years too early. What's really great about the spot, is that it provides the City the opportunity to really put its planning policies and its goals for this city in place all in one place. And it's hard for all of us, I should say for myself, it's hard for me to envision something 40 years down the road and what it's really going to look like. But, this could be the spot where we see what great urban planning looks like. But the problem is, the infrastructure, as the residents who are sitting here in the audience will note, it's not there yet. And so, I was concerned coming into tonight that with the development agreement we would lose that 170 limit that ACHD had put on in January and had been sort of counseled, or it had been suggested to me that the City couldn't put that sort of a limit on itself. But with Todd's presentation tonight, I feel comfortable with the added condition that the City not permit any additional building permits after that 170th unit, that we can control what happens in that particular spot. Now, I am also concerned with the construction trucks and the construction traffic. Very concerned about that. I think with the, I'm hopeful, with the road that's going to be built, and with the fact that we won't be seeing many housing units being constructed prior to approximately 2018, or maybe six months earlier that that really what we're going to see in that area in terms of construction, isn't going to be house building, but it's going to the infrastructure lying and I don't think that the intensity is going to be as high as it will be once the houses start before that road goes in, that Lake Hazel extension. I hope that everybody followed what I just said. I was concerned with the traffic study that was submitted, as I started to say earlier, because I think that the traffic study that was done by the applicant's engineer, applied a very vague, I guess I would say, forecasting model to this area, and didn't take into account the local conditions that are there. For instance, West Junior High is to the west of Cole Road. It isn't to the east. There's going to be a lot traffic that's going to come up Cole Road from these houses that are going to be taking students to that school. Hillcrest Elementary and Borah are, those people can use the new extension and I think that they will because I think that nobody wants to drive on Cole Road if they don't have to. Likewise, the retail is clearly at Cole and Overland and so I was very concerned that that traffic study didn't take those things into account. I was worried that we were going to be approving 452 units tonight and that we couldn't put a cap on it. So, I feel comfortable now, with Staff guiding us to say that we can put a cap on that. That is going to be split off, that we're going to see an amended traffic study once those 170 units are built, which I'm really hopeful doesn't happen, frankly, until 2020 and then we start seeing Cole Road widened. But I feel like the ability to do this with the application and put those conditions on allows us a stop-gap and gives us a spot to revisit this application again. I do again think that there are some really positive things about the application and about the plan that make it something that I think the City, in the long term, really wants. I think it's going to be, in forty years, a good development. I think that's it.

Chairman Demarest: Thanks for your thoughtfulness, by the way, on this one. Okay, further discussion? We do have a motion with a condition clearly stated and seconded before us. Further discussion?

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Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: I believe it would also be prudent to just make a couple remarks specific to my support of the motion. I appreciate Commissioner Stevens' really kind of drilling down to the mechanics of the size and scope of this deal. Having had seen this application before and knowing the improvements that the current developer has made, they were fundamentally sound in their design principles and their planning methods and growth is coming whether we want it or not. Whether that's unfortunately, or fortunately, now that we're here, we have to address where the best locations are to provide a thoughtful and comprehensive plan for putting those people. And the schools and the parks and the commercial developments and primarily the connectivity because this becomes its own little village, its own little community. And I think it's hard to argue against the practices that have led to the success of Harris Ranch and as a resident of Southeast Boise, having had watched it grown and really, I was fretful when they started building the bridge because I knew what that was going to do to my little part of Southeast Boise. And, Parkcenter goes through and they're building new homes, they're building apartments, they're building commercial centers. Syringa will be similar. But I also think that by providing conditions that are thoughtfully crafted that would give us that opportunity to effect some control over the speed and velocity that this would go forward. I think that would provide certain relief valve to make sure that when it gets to that point, we're able to say we've made the right decision, long-term. You know, the City's going to have to live with this development for decades, if not centuries. So, it's a fairly onerous decision that we have to make and I think it's been important that we've received public testimony. Your testimony is important. I know you may not feel that way. There are things that aren't within our purview. ACHD, we have no control over the roads. We do our best to negotiate and to work with them and I think our request to review and to consider the development agreement was part of that due diligence that we have to do. Part of the Commission is to make sure that we're not signing onto or obligating ourselves to something that we would regret later on or that the City, conversely upon legal review and consideration, would say that we've made some error in our thoughtful consideration. So, for that reason, and for other specific conditions that have been stated by Planning, I will be supporting the motion.

Chairman Demarest: Further discussion? Commissioner Ansotegui?

Commissioner Ansotegui: Thank you. Just also for the record, I'm comfortable with this added condition once we establish what that condition really is. I mean, just to acknowledge that the neighbors who have come out consistently over the past nine or ten months on this and the workshops and the way that Planning and that everybody worked together to come forward with a project that I think is really, really exciting out there that's going on. No matter how great that project is, as long as the traffic is snarled and problematic and that this would contribute to that in a way that it doesn't align with the Comprehensive Plan. It doesn't align with the vision that we have for the City. So, I think that this is a good stop-gap to take a look at this again and to review an amended traffic study at whatever number we decide, or Staff would recommend. May I add, I have a question about what we're voting on. May I? Okay, so if we are voting to approve this, do we need to decide the condition exactly how that will be before we can actually vote on this? Will we be deferring until we have a condition in place that we think guided with Staff drafted?

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Chairman Demarest: Commissioner Steven's made the motion. I believe there is clarity in what she said.

Commissioner Stevens: In the past when we've asked for the wording to come back, it's just been, as long as the intent is clear to the Commissioners, I believe it's okay for us to vote and then next time we approve, or we might sort of word-smith what you come back with. Is that right Todd?

Todd Tucker (City of Boise): That's correct. Your motion tonight is to decide on it. Whether if you decide to go to approval, it would be to approve. Commissioner Steven's has given us some groundwork for a condition. We'll come back with the exact condition worded and then you can decide if you agree with what that condition really says, or not. But yes, the decision tonight would be to approve, if that's the way you go.

Chairman Demarest: By the way, we're recommending this. So, is that helpful to you?

Commissioner Ansotegui: Yes, very much. Thank you.

Chairman Demarest: So, we've had some good discussion, is there further discussion? Okay. So, again, these are all approvals to the City Council, or recommendations to the City Council. They're the ones who really do the approval, but it starts here. All those in favor of approving these three items with the clearly stated conditions, I was going to call it provision, condition, please signify by saying aye. Any opposed? It is so ordered. Thank you

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.