

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

MINUTES • April 13, 2015

City Hall – Council Chambers

6:00PM

FINAL

COMMISSION MEMBERS PRESENT

- ☒ Stephen Bradbury, Chair
- ☐ Rich Demarest, Vice-Chair
- ☒ Milt Gillespie
- ☒ Douglas Gibson
- ☒ Chris Danley
- ☒ Steve Miller
- ☐ Rick Just not going to attend
- ☐ Angel Dimeo – Student Commissioner

PDS MEMBERS PRESENT

Scott Spjute, Cody Riddle, Todd Tucker, Leon Letson, David Moser, Ted Vanegas, Bruce Eggleston, Meagan Curtis, Roberta Kerr and Amanda Schaus (Legal).

I. CONSENT AGENDA

CUP15-00014 / Basque Museum and Cultural Center

Location: 1955 S. Broadway Avenue

MODIFICATION TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT FOR A CHILDCARE FACILITY LOCATED AT 1955 S. BROADWAY AVENUE IN A C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE. CHANGES INCLUDE AN INCREASE IN THE MAXIMUM NUMBER OF CHILDREN FROM 21 TO 27, AND DELETION OF CONDITIONS RELATED TO SITE ACCESS AND CIRCULATION. Todd Tucker

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CUP15-00008 / ALC Architecture

Location: 2719 S. Broadway Avenue

CONDITIONAL USE PERMIT FOR A DRIVE-UP WINDOW WITHIN AN EXISTING BUILDING LOCATED AT 2719 S. BROADWAY AVENUE IN A C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE. Leon Letson

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

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ZOA15-00001 / Boise City Planning and Development Services
REQUESTS AMENDMENT TO THE FOLLOWING ORDINANCE SECTIONS:

- 11-03-04.02 SPECIFIC PROCEDURES: DEVELOPMENT AGREEMENT
- 11-03-04.11 SPECIFIC PROCEDURES: ZONING CERTIFICATE
- 11-03-04.15 SPECIFIC PROCEDURES: ANNEXATION
- 11-03-03.07 PROCEDURES: DECISION
- 11-04-01.04 GENERAL PROVISION: PERMITTED USES IN ANY YARD
- 11-04-02.04 DIMENSIONAL STANDARDS FOR OPEN LAND DISTRICT
- 11-04-04.03 DIMENSIONAL STANDARDS FOR PARKING IN OFFICE DISTRICTS
- 11-05-02.03 NEAR NORTH END CONSERVATION DISTRICT
- 11-06-01.05 TABLE OF ALLOWED USES
- 11-06-03.01 RESIDENTIAL USE STANDARDS: SINGLE AD TWO-FAMILY LIVING USES
- 11-06-06.04 COMMERCIAL STANDARDS: VEHICLE AND EQUIPMENT USES
- 11-06-07.03 ACCESSORY USES AND STRUCTURE: GENERAL STANDARDS FOR ACCESSORY USES
- 11-07-03.04 OFF-STREET PARKING AND LOADING STANDARDS: GENERAL DESIGN STANDARDS
- 11-07-06.05 DISTRICT-SPECIFIC DEVELOPMENTS STANDARDS: PLANNED UNIT DEVELOPMENT STANDARDS
- 11-07-08 HILLSIDE AND FOOTHILLS DEVELOPMENT STANDARDS
- 11-10-04.01 ACCESSORY ON-PREMISE SIGNS
- 11-12-02.03 DEFINITIONS OF USE CATEGORIES AND USE TYPES: COMMERCIAL USE

ADDITIONALLY, THERE ARE MULTIPLE MINOR CORRECTIONS THROUGHOUT TITLE 11 THAT MUST BE MADE TO THE NEWLY FORMATTED CODE TO 1) ALIGN IT WITH THE FORMER CODE; 2) BRING FORWARD PREVIOUS CODE AMENDMENTS THAT WERE NOT INCLUDED; 3) CORRECT MINOR WORDING ERRORS; AND, 4) CLARIFY LANGUAGE. [David Moser](#) & [Susan Riggs](#)

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

MOTION: COMMISSIONER GIBSON MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CUP15-00014, CUP15-00008, ZOA15-00001, AND THE MARCH 2, 2015 & MARCH 9, 2015 PLANNING & ZONING MEETING MINUTES.

SECONDER: COMMISSIONER GILLESPIE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

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II. DEFERRAL AGENDA

PUD14-00025 / Envision Homes

Location: [7955 W. Preece Drive](#)

CONDITIONAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 22 ATTACHED SINGLE-FAMILY HOMES ON 1.57 ACRES LOCATED AT 7955 W. PREECE DRIVE IN AN R-2D (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW) ZONE. [Todd Tucker](#)

SUB14-00064 / Towne Pointe Subdivision

Location: [7955 W. Preece Drive](#)

PRELIMINARY PLAT FOR A SUBDIVISION COMPRISED OF 22 BUILDABLE AND 2 COMMON LOTS ON 1.57 ACRES LOCATED AT 7955 W. PREECE DRIVE IN AN R-2D (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW) ZONE. [Todd Tucker](#)

MOTION: COMMISSIONER GILLESPIE MOVED TO DEFER PUD14-00025 & SUB14-00064 TO A DATE CERTAIN OF MAY 4, 2015

SECONDER: COMMISSIONER DANLEY

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

III. REGULAR AGENDA

CUP15-00011 / Heavenly Treasures, LLC

Location: [1220 N. Cole Road](#)

CONDITIONAL USE PERMIT FOR A CHILDCARE FACILITY FOR UP TO 50 CHILDREN WITHIN AN EXISTING 3,600 SQUARE FOOT BUILDING LOCATED AT 1220 N. COLE ROAD IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE. [Ted Vanegas](#)

APPLICANT TESTIMONY

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

NO PUBLIC TESTIMONY

NO APPLICANT REBUTTAL

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MOTION: **COMMISSIONER DANLEY MOVED TO APROVE CUP15-00011 IN ACCORDANCE WITH PROJECT REPORT AND CONDITIONS OF APPROVAL.**

SECONDER: **COMMISSIONER GILLESPIE**

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

CAR15-00008 / BHH Investments 1, LLC

Location: 5200 E. Barber Drive

ANNEXATION OF APPROXIMATELY 45 ACRES GENERALLY LOCATED AT 5200 E. BARBER DRIVE WITH SP-01 (HARRIS RANCH SPECIFIC PLAN) ZONE. Bruce Eggleston

PUD15-00002 & CFH15-00004 / BHH Investments 1, LLC Boise Hunter Homes

Location: 5200 E. Barber Drive

CONDITIONAL USE AND HILLSIDE DEVELOPMENT PERMITS FOR A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 173 DETACHED SINGLE FAMILY HOMES ON APPROXIMATELY 146 ACRES GENERALLY LOCATED AT 5200 E. BARBER DRIVE IN AN SP-01 (HARRIS RANCH SPECIFIC PLAN) ZONE. Bruce Eggleston

SUB15-00005 / Harris Ranch North

Location: 5200 E. Barber Drive

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 173 BUILDABLE AND 7 COMMON LOTS ON APPROXIMATELY 146 ACRES GENERALLY LOCATED AT 5200 E. BARBER DRIVE IN AN SP-01 (HARRIS RANCH SPECIFIC PLAN) ZONE. Bruce Eggleston

Bruce Eggleston: Good evening, Mr. Chair and members of the Commission. I'm here to present the Harris Ranch North proposal for Boise Hunter Homes Investments 1, LLC. The applicant requests a conditional use, hillside development permit for 173 units, residential development on approximately 146 acres, plus or minus, in the Foothills above Harris Ranch; it also includes a preliminary plat. Within this is an annexation zone change for 45 acres that is now in Ada County outside of the area of impact in the RP zone and the request is to annex that into SP-01. The Harris Ranch Master Plan was adopted in 2008 with the ordinance SP-01 and it included the proposed land use. We can see in this lower corner the proposed land use is in here, the designation there is for Foothills development in the master plan. The current proposal adheres to the site plan, the general ingress/egress, and the salient features that were adopted in SP-01. This was also adopted at the same time the Boise Comprehensive Plan, and by adherence to the master plan, the staff can find it compliant with the Comprehensive Plan as well. The Harris Ranch Master Plan includes detailed studies for impacts on wildlife and wildlife management, historic and cultural areas significance, traffic impacts and other studies and conditions that address the potential impacts of this project; so a lot of the ground work was laid in 2008, and, this entitlement is essentially a conceptual approval for some type of development. What we are here tonight to review is the proving up of the concept plan.

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The next slide is the zoning, SP-01 Zoning, shown here in the purple, covers all but the 45 acres that is proposed for annexation, and as I mentioned is included in the master plan and the Boise Comprehensive Plan. The annexation is a small part of this. We have 45 acres represented in this green area that is currently both outside the City limits and outside the area of impact. Because it is outside the area of impact, Ada County code requires that it be included in our area of impact before it can be annexed. The City has begun that process with Ada County and we expect it to be concurrent, finished more or less at the same time that this gets before City Council for the preliminary plat and the annexation itself. Of course the renegotiation with Ada County will have to happen first before we can officially annex that.

The Foothills Planned Development Ordinance, under which this is being reviewed, has conditions for awarding density bonus which essentially allows a land owner to dedicate buildable lands into permanent open space in exchange for the density. There is a rather complex formula going along with that, I'd like to give the results of that. The applicant and the staff's calculations were in agreement. The long and short of it is that in the master plan there's a future development down in this area, the lower southeast corner that I will refer to as Foothills East. In order to get this right the first time we did the calculations for the overall density in all of the Foothills Phase of Harris Ranch and we wanted to make sure there was an allocation for the proposed development that's in the master plan and each got their share of that. The application is for 173 units; the total number of units that were calculated was based on density bonus formulas was 301, and, leaves approximately 128 units maximum for the Foothills East proposal. The net results, the trade off, if you would observe the areas in green on the map, and the parcels that contain the green, it'll be a set-aside of 371 acres; approximately, of permanent open space if this is adopted as proposed. This is the way the master plan works it out that the Harris family sets this aside in order to gain density for this development site. When Foothills East comes in, then we will do this evaluation, based on the items submitted. The land areas in blue represent the set-aside that would occur presumably in the next development proposal. The site design, this is a better view of the site, shows tiers we refer to in the staff report, this being, of course, the existing Council Springs, the Council Springs Trail and road going up the site here, this will serve as the emergency fire access when the build-out occurs.

The primary access is here off of Harris Ranch Road, sort of where Barber Road and Harris Ranch merge in this curve. The primary access follows the contours up into the development. The site design has a, well, let me back up a little bit, a few more of the features here on this map is the Homestead Trail that is a part of the Ridge-to-Rivers Trail system. Their plans with this PUD to connect to that, provides a trail head, and connecting micropaths and trails from the internal circulating to that trail head.

The access road will have an attached sidewalk; this road down here coming off of Harris Ranch Road, will have an attached sidewalk on the lower downhill edge, along with a bicycle lane and two traffic lanes going up here. The internal circulation will be comprised of two attached sidewalks within, and, micropaths connecting the tiers together. In a letter from the applicant, April 9th, a response to the Barber Valley Neighborhood Association, they addressed some of these issues about trail connection, the bike lanes and rock fall studies, grading within the contours and so forth. I would like to mention that the applicant's letter supported and agreed with the suggested conditions from Barber Valley Neighborhood Association that brought some completeness to these issues.

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The grading plan shown here and the ordinance and Comprehensive Plan both advocate two basic design principals in Foothills PUDs. Number one, the plan should be clustered as tightly as possible within the site to minimize grading and maximize open space. The second principal is the grading pattern should try to match the contours and slopes to preserve the landscape and topography. We have here, the proposed building lots on the south end are built on a fairly shallow grade and then as you move up hill and north into the Foothills, the grade becomes steeper. What we found in reviewing the plans is that as it grows steeper the grading increases to maintain a tight clustering of the design. The applicant has favored the clustering aspects of Foothills Planned Development Ordinance in order to maximize the open space and provide infrastructure that's going to function. The hydrology will function better, the circulation will function better and this design that basically flattened out the tiers to provide the lots for the development. The plan is proposed to balance in the soil movement throughout the site. The Public Works Department is providing conditions of approval that will, amongst other things, request final studies on rock fall analysis, on hydrology, the final grading plan, and other features that would go toward ensuring the safety and functionality of this lot in accordance with the ordinance. The project also complies very closely with SP-01. That was the design problem presented to the applicant and they felt that the more closely they stick with the master plan, the more successful they'll be in their development design. Here's a more detailed, this is one of the panels, the grading design just to give you an opportunity to look at it. The cut is in the reddish color that would cut off more or less the upper ends and build into the lower ends in the blue color. The white color represents the undisturbed areas. Again, it has been conditioned to the point that we feel that the design will be successful, and will fit on the site in accordance with the master plan.

I just wanted to briefly show you a single slide of the type of housing that they have proposed. They have a palate of housing that there are five different basic designs and each design has three variations on it. One of the things they are trying to do is work with the reflectivity of the windows, the lighting and setback from the lower edges so it would be less visible and less intrusive on the Council Springs Subdivision below.

The project meets the standards and requirements for the Foothills Planned Development Ordinance given the preliminary site plan and technical documents in the application and, it will prove up in the final engineering requirements prior to approval of the final plat.

Approval thereby is recommended for the project PUD and Hillside applications with the conditions of approval; and a recommendation of approval to Council for the annexation, rezone and preliminary plat.

Before I conclude my statement, there were three letters that were received Friday that were not in the packet, I hope you had a chance to look at that, the three letters were concerned about the impacts of building in the Foothills on wildlife and the environment and also there is concern about a possible antiquities on the site. That's concludes my remarks, thank you Mr. Chair.

APPLICANT TESTIMONY

Chairman Bradbury: Thank you, Bruce. Is the applicant present? I would be kind of surprised if you weren't. So will you want more than twenty minutes?

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Heath Clark: No, we will be less than twenty.

Chairman Bradbury: Alright, we will set it up for twenty minutes and for the Neighborhood Association. So we're going to mark, looks like it might be a printout of the presentation, we will mark it as exhibit number 1.

Heath Clark: Exhibit number 1 is the contingency plan in case we lost our ability up here.

Chairman Bradbury: Go ahead.

Heath Clark: Heath Clark, 251 East Front Street Boise, ID, and with the law firm of Spink Butler representing the applicant. Members of our team for Boise Hunter Homes are here, including Jim Hunter, the owner, Chad Hamel, our project supervisor. We also have representatives from Horrocks Engineering who have worked with us throughout the process and all are available here today if questions come up. We also have Doug Fowler and several of the Harris Ranch team members here and Doug will participate with me a little bit in this presentation because we want to establish some of the history here in order to show the hand-off that's occurred between all of the efforts that have went on in 2007 and 2008 leading into this application. So, because we know there's some who might be here tonight who might not have that background, I'm going to go ahead and let Doug start and he'll just take a couple of minutes to show how we got to this point.

Doug Fowler: Thank you, Doug Fowler 3940 East Mill Station Drive Boise, ID. Mr. Chairman, Commission, I would like to present to you just a very brief history of the last almost ten years at Harris Ranch. What you see before you is the original approval that was done in 1997 and you can see that the Foothills Development goes all the way from, what was referred to as the Foothills East, all the way through Foothills West all the way up to Wildhorse. This was what was approved.

We went from this to getting together almost 70 people. We invited two people from each of the six neighborhood associations, two people from Warm Springs Historic District, Idaho Fish and Game, we invited and they attended, Idaho Conservation League, DEQ, US Fish and Wildlife; we had a lot of representation through this process. We went through four days and four evenings, a month later two days and two evenings then we did it every month after that until it was submitted to the City of Boise. The City of Boise asked us to do the first Specific District Ordinance in the City of Boise, and this is what was subsequently adopted. As you can see all of the Foothills development is clustered down here and here, we're talking tonight about this area right here, all the rest of this through here and here is open space and designated in the Specific District Ordinance.

There was a lot that was depended upon us going forward. The East Parkcenter Bridge needed to be built. We were able to rely on the ordinance on both sides and so we were able to take this old greenbelt up here and trade it for property for a new greenbelt down here. This greenbelt has been finished now from this area up here all the way down here over to Eckert Road and then this north spur. Eventually, it will go underneath Eckert Road and all the way over to Shakespeare, so you will be able to go from the east Parkcenter Bridge to Shakespeare without any at-grade crossings. The next thing was that we could rely on the Specific District Ordinance was to trade this property up here that belonged to the Harris family, which is an important wildlife corridor, for this property down here. That trade has been done in

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compliance with the Specific District Ordinance; deeds are recorded. So the implementations of SP-01 goes on, and we thank you for your time and although we originally had a SP-01 about 350 units as you saw from the density bonus that Mr. Eggleston presented, we're at 301 now and 173 with this application. Thank you.

Chairman Bradbury: Thank you.

Heath Clark: Thanks Doug, Health Clark again, 251 East Front Street, and I'm going to go over a couple of the details of the project itself at this point. What you have before you is what we have effectively called the "green slide" and there's a couple of statistics here that I think are important to keep in mind. So everything that's in green is Harris Ranch property that's in the Foothills. You've got a little bit of data here; it's about 767 acres in total. In 2007 and 2008 the areas identified for development or that has been mentioned, this area that we're currently talking about tonight as well as the Foothills East area. As you can see this is the much larger of the two, if you look at the SP-01 plan it's about 90 acres compared to about 22 acres, so the lion share of those lots will end up in that location, the proposal is only for 173 tonight. In the end, and this is something I think is important to keep in mind, once these projects are both completed its anticipated that about 670 of the 767 acres will be set aside as open space.

This is getting a little bit lower, we went from 30,000 to 20,000 feet, and this is what I like to call the "duck." This is our site plan; you can see the bill up here. About 173 lots in the project and a couple of highlights to keep in mind, this is the primary access road, and, as Bruce mentioned it will have a bike lane along its route, this is the secondary access for emergency service providers. We have been working with the City of Boise, with the fire chief to identify which portions of that will be paved and which will not. The requirement is five percent (grade) or more needs to be paved, we expect that that would not have to begin until about right here, where I'm pointing on the screen. We will be able to keep the rest of it in at grade, more natural condition.

At the request of the Barber Valley Neighborhood Association we will also be putting in a parallel pathway along the paved portion of the secondary access, and you can see that a little bit better here. So this is kind of an analysis of the, what we like to call the active pathways in the subdivision. So the red again is the Homestead Trail connection. In addition to that, you have the sidewalks that you would expect to see in a subdivision. We also have, again the bike lane along the access road, and then something else that we worked out with ACHD, is bike lanes on both sides of Harris Ranch Road, and we will also be installing sidewalks on the east side where they don't already exist. So all in all, that's about 4.4 miles of new paths, trails, sidewalks and access essentially to areas that were previously not accessible. That is in addition to the micropath that we will be implementing in accordance with condition 3 that will also meander throughout the project, and, we will finalize that in connection with the final plat.

One thing I wanted to point out as well is this connection with that trail into the subdivision, we're kind of informally calling this the trail head, and we're working on plans for that. If you look at this map, which you can see is the emergency access, this light strip going down along here, the dark line is the additional pathway that has been requested by the neighborhood association, which we are happy to do, and, then what I've magnified is our idea for what that connection will look like, eventually. It will include benches and bike racks, which would constitute as a nice connection into the subdivision.

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So with that I wanted to talk about some of our priorities in coming up with this plan. One of the primary priorities, as Bruce mentioned, is to minimize the view impacts for our neighbors. We had a lot of conversations with the neighbors and wanted to make sure that we understood what their priorities were and what we consistently heard was minimize our view, the impact on our view. So I would like to show you how we did that. This is a schematic of a typical Foothills development. What you have here is the home kind of slid up to the back of the lot and the intent there is often to minimize grading but maximize views from the building, but it does that at the expense of the neighbors. So you can see a six foot person looking up might be able to see the entirety of the backside of the home. So what we have proposed is to do something a little bit different. Rather than your standard 100 foot depth of the lot, we would propose a narrower, longer lot of 130 feet which pushes the home away from the edge of the lot. It's more expensive, but what it does is prevent the views from having an impact on those who are looking up. So, as you can see, a six foot person looking up at this one, might only see the roof line. So these narrow lots with longer rear setbacks make a real difference for us. First it allows us to cluster and bring those lots in together and tighten them and it also allows us to move them away from the back of the lots in order to minimize the view impact.

So here are some real life examples. This is the “not this” scenario with the homes perched on the backside of the lot and you can see, this is an actual photo-sim from the Council Springs side, looking up you would be able to see a significant portion of the homes. But, if we do the deeper paths and slide the homes back, you can see that really all you're getting is a little bit of the roof line. The Boise Hunter Homes team, I think very generously, offered any neighbor who was interested to prepare a photo-sim of what it would look like from their backyard and this is one of those photo-sims. So you can see looking up with this analysis you just barely get the roof lines. This was also done for the neighborhood association, they asked us to tell them what it looked like a little ways away, so this is back at the corner of Timbersaw and Palmatier. It's a little hard to see, you might be able to see it better on the print outs, that's one of the other reasons for having those, but as you look at the printouts you can see the three kind of tiers of the homes. You've got the upper tier, the middle tier and then the lower tier and you can see that they ribbon around the contours of the hill.

So another issue that our neighbors mentioned was that they wanted to make sure that our drainage didn't have any impact on it, the street drainage. So this is the current situation, there are two primary drainage basins and as you can see. Without development the drainage follows the arrows you can see around there, so some are headed into Council Springs, others are headed into Warm Springs. The proposal that we have is that rather than the typical situation where you might drain only the front half of the lot into the street drainage system, we're proposing to drain the entirety of the lot. What that does is it takes away from some of the natural drainage that would already exist and redirects it around the sides of the homes and into the street drainage system. We have approved that with ACHD and they are fine with that, so long as the system is adequately sized and we have confirmed that it is. As you can see, we had a couple of priorities as we developed our plan, primarily to cluster the lots, minimize the impact on the existing views, we also wanted to have a layout that directed the runoff into the drainage system and we have made every effort to honor the natural contours of the existing hillsides, and so this is pretty cool, hopefully we can make it work.

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This is a 360 degree view, 3D on top of the topography that is there and it gives you an idea of what the project will look like once it is eventually developed. And something to keep in mind as you look at it is that the Foothills Ordinance tells us to a large degree where we can go to develop. That's really why this application resembles the SP-01 application so much. Primarily, you're looking at the issue of the 25 percent slopes. But many of the decisions, in terms of developing this project and where we're going to put in the residential lots are driven by that analysis. So a couple of points on that, and these are a couple of stills from that same presentation, a couple of things to emphasize. First, this one shows the access road. So you will see the general location up the side of the hill that would bring it into the subdivision. Again there will be a bike lane all the way to this point. Another item is the water tower, you can see it here at the top and there's been some discussion about what's the most appropriate location for the access road to the water tower. We currently have it coming around the hill and over here because that's the most, we think appropriate location in terms of minimizing grading and damage to the hillside. The other alternative would be to come straight up the side of the mountain here, which would require switchbacks and retaining walls in order to accomplish that. So we've discussed this with staff and this is what we think is the most appropriate proposal for that access road. This is another view giving you just the opposite view down the hill, again you can see that drop off at the water tank and the way the access road meanders around the side of the hill. One last slide, this is from the Council Springs side, so you can see the trail moving its way up, the gray is approximately where the paving would begin. And so this is the secondary access coming up through into the subdivision and into the trail head at approximately that point.

So with that, I will abandon the microphone but I wanted to just make a couple of points. First of all, this application is consistent with SP-01. Foothills development has been anticipated since that time. The effort, I think, has been remarkable in order to cluster the homes, and, in order to protect the existing views, and not only to do that but to prove it up through these photo-sims and other efforts to make sure there's an outreach to the community and make people understand what they're likely to see. We have tried to honor the natural topography, and, as Bruce has mentioned the site is balanced. We have added 4.4 miles of trails, bike lanes and sidewalks, but I think most importantly, and this is I think remarkable and I think it's a tribute to staff and to the team at Boise Hunter Homes, there's full agreement with staff on the staff report and on each of the conditions of approval. There is also full agreement on each of the conditions of approval that were proposed by the Barber Valley Neighborhood Association and we would be more than happy to have that added to what we hope will be a successful motion today. So with that, I will stand for any questions or allow you to move forward with the hearing.

Chairman Bradbury: Thank you, Mr. Clark. Are there any questions for the applicant or staff?

Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: Question for both of you. So, Bruce on condition 6, I believe it's of the subdivision, I don't actually have conditions, it's the one that states five-foot side yard setbacks are allowed. The last sentence says twenty-foot rear yard setbacks should be allowed as requested to minimize grading. So, I was just wondering how that relates to what he just said about thirty foot rear yard setbacks.

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Bruce Eggleston: Mr. Chair, Commissioner Gillespie, there will be a variation that the general theme is that the thirty foot setbacks will be for the perimeters that could be seen from the outside, the twenty footers would be in the interior part shortening those lots and again, with the aim of minimizing the grading. I don't know the exact count of each, but just the perimeters inside.

Commissioner Gillespie: My suggestion, Bruce, is that if we could spell out in the site specific conditions the lot numbers and setbacks allowed, that's going to be very helpful when people pull permits and you guys have to start looking at individual houses and setbacks. Because I guarantee, based on bitter experience that people are going to try and build right out on that rim. So that's a suggestion. Mr. Chairman, another question please, so when it says twenty foot rear yard setbacks shall be allowed as requested, again the request is that will be part of the approval of the building permit itself where you approve the house and the setbacks is that correct?

Bruce Eggleston: Mr. Chair, Commissioner Gillespie that will be part of the plat and be noted such in the plat and I think both of those issues will be platted.

Commissioner Gillespie: Mr. Chairman, one more?

Chairman Bradbury: Go Ahead.

Commissioner Gillespie: In order to make the view idea work, not only do you have to prevent the houses from sliding to the rim but you'd like to prevent people from building big fences or retaining walls right on the rim. So can you talk about what City Code will or won't allow in terms of building houses or fences in that rear yard setback?

Bruce Eggleston: Mr. Chair, Commissioner Gillespie the application itself addresses those issues and in my reading of the application I didn't see fencing, particularly on the perimeter, I'm assuming there will be fencing between the yards, I'd like to defer to the applicant for the answer that.

Heath Clark: Mr. Chair, Commissioner Gillespie that's correct.

Commissioner Gillespie: My understanding as a homeowner is it's his property unless it's in the PUD or the plat, that you cannot build a fence, they can build a six foot fence right on their property line, am I missing something there?

Heath Clark: Mr. Chair, Commissioner Gillespie it could also be addressed through private conveyances and that would be the primary basis for doing that and also the development and the improvements in this area also have to go through the Harris Ranch Review Board. So, there are a number of different layers that we could put in to make sure that that occurs.

Commissioner Gillespie: Mr. Chairman? Might I suggest to staff then, as a recommendation that we could put in, would it be possible that we could put in as a site specific, something in the CCR's that tries to prevent people from building big fences right on the edge?

Bruce Eggleston: Mr. Chair, Commissioner Gillespie I think that's prudent and we can spell that out on the plat, and also a condition, I think that's a good idea.

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Commissioner Gillespie: Mr. Chairman, one more?

Chairman Bradbury: Go ahead. I think Clark had something to say though.

Heath Clark: Mr. Chair, if I could just real quickly, Mr. Chair, Commissioner Gillespie two things. So you might recall the Barber Valley Neighborhood Association had a specific request on that issue and we are more than happy to comply with that request and I believe that would be most appropriate to put into the conveyance; we'll address it also with the Harris Ranch Review Board. I also wanted to point out one item on the thirty foot setbacks, the example again is on the rim and what we would like to do and what we would like to work out with staff is to identify areas where the thirty feet would be appropriate. We might also identify areas where there would be a single story building allowed, and in that case twenty may still be appropriate in order to protect the views. So, we are happy to work with staff to identify that.

Commissioner Gillespie: Mr. Chairman, one question.

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: We all received the BVNA letter. Is staff and the applicant in agreement that the nine conditions of approval requested by BVNA are both appropriate and acceptable?

Bruce Eggleston: Mr. Chair, Commissioner Gillespie most of those issues were addressed in the City's conditions, there were still, let's say there's a difference in opinion on the grading issue. They addressed the same thing that I had mentioned, the contouring grading, grading with the contours or clustering; they seem to be two different goals in the steeper areas of this development. I just got back the Public Works comments that the proposed grading and site plan will work under these conditions, but other than that we're in one hundred percent agreement with the other conditions.

Commissioner Gillespie: Bruce, is that condition 3 that there's some discussion about?

Bruce Eggleston: I'm sorry, in the staff report or?

Commissioner Gillespie: In BVNA's letter.

Bruce Eggleston: Yes.

Commissioner Gillespie: Ok, and all the others you're generally in agreement with?

Heath Clark: Mr. Chair, Commissioner Gillespie yes we are in agreement.

Commissioner Gillespie: Thank you.

Commissioner Miller: Mr. Chair?

Chairman Bradbury: Commissioner Miller.

Commissioner Miller: If I could just follow up on that, so how are you proposing to integrate these into the conditions? Is there one specific application that you're seeking to attach them to, or, to the overall, how are we taking these, are we taking these as one large approval?

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Heath Clark: Mr. Chair, Commissioner Miller what I would suggest is just treat it similarly to the way the Public Works letters are treated. We incorporate the letter of BVNA dated “X” and I think it would apply generally to each of the applications.

Commissioner Miller: Ok, I would in the future, I would suggest perhaps drafting these as conditions of approval, because I do have certain questions about what some of the responses mean and I can go into some of those Mr. Chair, with your permission.

Chairman Bradbury: Go ahead, Commissioner Miller.

Commissioner Miller: On number 6 from the BVNA letter it wasn’t clear to me, it seemed that they were dealing with the hiking trail, the biking trail, etc.; I was unclear how maintenance of those roads was going to be taken care of. I wasn’t clear whether you were stating that the HOA (Home Owners Association) take care of those or do the maintenance?

Heath Clark: Chair Bradbury, Commissioner Miller that’s correct, the HOA would be responsible for the maintenance of those trails.

Commissioner Miller: I think then, whatever we do, we should clarify that. Also, with regard to condition 7 they had talked about a dark sky subdivision. You came back saying you’ll use shielded luminaries and quote “everything possible.” If we’re talking about this as a condition of approval I don’t know what that means so I’m just curious, I’d like to get a little more specific there.

Heath Clark: Chairman Bradbury, Commissioner Miller the requirements of the dark sky ordinance are acceptable to the applicant. We are more than happy to engage in a conversation with staff about how to implement that.

Commissioner Miller: Mr. Chair, with your permission just a few more.

Chairman Bradbury: Commissioner Miller, go ahead.

Commissioner Miller: On number 2, sorry to take this a little out of order but, there’s a request for a Public Works session so that neighbors can understand the results of the study and the safety of the site. I guess what I’m just wondering about here, and maybe this is a matter for both the project applicant and for staff is, let’s say that something comes back, other than simply informing the public, are we agreeing to any sort of public input there or potential additional conditions depending upon what comes back. I guess that’s what my question is, what does it mean? Are we just agreeing to an informational session or are we talking about something that is supposed to be substantive where there would be potentially additional conditions approved attached?

Bruce Eggleston: Mr. Chair, Commissioner Miller typically in the final plat process this is at a staff level, perhaps we could request a condition where we use the same process we do for the Foothills application itself where we have a Public Works session tied to that. I know that a great concern of the neighborhood is, for example, recently we had a rock fall onto one of the neighbor’s driveways and that raised the concern level of everybody and so I don’t think that’s an extraordinary request and if the neighbors are able to contribute their concerns in that context, and I’m sure that would enhance the rock

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fall study and the different soil hazards encountered in this development, we would be glad to add that condition.

Commissioner Miller: I guess I would just ask the project applicant your thoughts, because to say that you agree to a meeting, I'm not sure what exactly you're agreeing to there?

Heath Clark: Mr. Chair, Commissioner Miller the Public Works staff had already made the rock fall analysis a condition of the grading permit and so we were fully anticipating that that would occur, it's already in process, we expect it would be accomplished in the next few days. Once that occurs we're happy to have the Public Works session but we anticipate that the mitigation that's proposed in the report that's being prepared by Strata will be more than adequate. But again, that's a condition of the grading permit.

Commissioner Miller: Mr. Chair, can I ask one more question?

Chairman Bradbury: Go ahead Commissioner Miller.

Commissioner Miller: I guess I have two questions. So the next question I have on the grading fill and it was a little bit hard for me to tell from, I stared at these a thousand times and I couldn't tell if at each level, at each tier, is it graded flat at each tier, is that what's going on or?

Bruce Eggleston: Mr. Chair, Commissioner Miller yes. Essentially it's three tiers from the profile if you were to fly a plane; it might look like stair steps. The water tower on top and upper tier, middle and lower tier, they have about 2 percent grade from east and west so it's all reasonably, practically flat.

Commissioner Miller: Ok. So my next question is, and maybe I missed this as well, but I guess just following up on that, are there retaining walls associated with that that are necessary at each of the levels?

Bruce Eggleston: Mr. Chair, Commissioner Miller the retaining walls are largely avoided, because it is flat, that was one of the design goals, was to have the grading and all the infrastructure be more or less like flat land, and therefore the efficiencies go up, the maintenance goes down, all the issues associated with installing and maintaining that are just like other flat land developments, but then of course when you get to the edge and come off the plateau then we have all the hillside issues to get the water at the bottom of where it needs to be.

Heath Clark: Mr. Chair, Commissioner Miller I have Dean Barker from Horrocks Engineering, he would be happy to answer any specific questions you have about that.

Commissioner Miller: Ok, I was just trying to get a sense of how that worked. And then I'll just ask my last question which is about the micropath. One of my concerns about this is sort of that kid that lives on one tier that wants to go visit their friend on another tier, and I'm hoping that you're going to say that the purpose of the micropath is to help to connect these tiers, but I didn't see that explicitly so I want to just hear some more about that.

Heath Clark: Mr. Chair, Commissioner Miller so two items. On the question of whether these particular levels are flat, I would point out that there's a 2 percent grade difference from the back of each of the lots to drive the water into the street system, so not table top, that's not what we're talking about here it's

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going to be, each individual lot will be graded to make sure that all of its run off is collected and directed into the street system. Now on the micropaths, one of the ideas there, and I believe it's expressed in Boise City Code as well, is Boise City Code talks about micropaths and the context of Foothills developments and they need to take into context the contours and the natural issues that might be confronted in the Foothills project. In this case one of the benefits of doing the micropath is to try to direct traffic, as it were the kids that want to go from one level to the next, onto an area that's safer than another one. So yes it is the idea is to connect the various tiers and also to send people into places that are safer than when they might otherwise do if they were just trucking down the mountain.

Commissioner Miller: Ok, thank you.

Chairman Bradbury: Alright, any other questions for the applicant or staff?

Commissioner Gibson: Mr. Chairman?

Chairman Bradbury: Commissioner Gibson.

Commissioner Gibson: Specific question to the applicant, could you go back to the slide that shows the sideline, and its relative to the site plan, where would you propose having single story homes that would be coincidental with the exhibit that you presented.

Heath Clark: Mr. Chair, Commissioner Gibson this is an additional slide, I wasn't sure if we were going to need it, but this PowerPoint is a part of the record so you'll have an electronic copy of it. The lots on this side have a 30 foot, essentially a deed restriction on them so each of these are going to have the 30 foot locked into place. To continue that conversation, the location of these purple lots, this is where that 20 foot vs. 30 foot conversation would occur. So if a home would to be built in these blue lots in a single story then we would allow a 20 foot setback, and if it's a two story then you would have the 30 foot setback.

Commissioner Gibson: Ok, so you don't have an exhibit showing a site line with a two story option?

Heath Clark: Not tonight, no.

Commissioner Gibson: Ok. One more question then.

Chairman Bradbury: Go ahead

Commissioner Gibson: Specific to access along the Foothills trail, could you elaborate a little bit more on...

Heath Clark: Mr. Chair, Commissioner Gibson I wanted to refer you to and thank you to Chad Hamel for reminding me of this, these photo-sims include two story and one story buildings.

Commissioner Gibson: Ok, thank you. Mr. Chairman?

Chairman Bradbury: Go ahead.

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Commissioner Gibson: The question specific to fire apparatus access on the existing Foothills trail to the east, what additional improvements are you guys going to be able to do, or have to do, at the entry to that location? I know a lot of times on the weekends the little cul-de-sac at the end there gets parked in, how specifically would you address getting fire apparatus up that trail to the paved area?

Heath Clark: Mr. Chair, Commissioner Gibson I don't believe that there are any parking areas in that location as it currently exists but I think that that would be something that we could address with signage for the most part in the lower areas. Up top, there will be a gate; obviously the emergency service providers would have the key to click into in order to have access into the project.

Commissioner Gibson: Ok, and then just a quick follow up question on that. Specific to the CCNR's and your architectural design standards you didn't make any reference to wild land fires and safe fire zones and etc., is that going to be written into your conveyance so the design of the structures are compatible with the location?

Heath Clark: Mr. Chair, Commissioner Gibson that is correct and we are anticipating seeking Firewise Certification.

Commissioner Gibson: Ok, thanks.

Chairman Bradbury: Other questions for the applicant or staff?

Commissioner Danley: Mr. Chairman?

Chairman Bradbury: Commissioner Danley.

Commissioner Danley: I've got three questions, one for Bruce, and two for Mr. Fowler, actually. Bruce, a bigger question, how is this not in the area of City Impact. If it's been adopted by reference and the Comprehensive Plan and we have subdivisions all over it, how did that not happen?

Bruce Eggleston: Mr. Chair, Commissioner Danley it's just the 45 acres that is not, and that's the sole subject of the annexation, the rest of the Harris Ranch Foothills phase is in the area of impact in the City limits. So we're just talking about that 45 acres of what I call the bulge, you can see it clearly here the part that bulges out on the east. The reason I believe when we adopted SP-01 it included this as part of the master plan, but there was no compelling reason at the time to make the land trade and to finalize that deal with Idaho Fish and Game. And of course these thing also take time, it's sort of the horse before the cart. We had to approve it in the master plan before they would consider the trade so it is in there. The other part is originally SP-01, this proposal, the Foothills phase was set out for 20 years which would be like 10 years from now, so they didn't want to do that until the time came. Well, the time is here and the 45 acres now need to be in the area of impact to finish that deal and finish the application.

Commissioner Danley: Ok. My other two questions are also again for Mr. Fowler, they're a little more vague, a little broader. That is, my first question is that, this is now ... my tenure here in the last couple of years, now the second application, one was full-on denied, and the Shakespeare property, this one is collectively below what is permitted in terms of the number of developable lots. So my question is, we're now seeing a few developments that have occurred over the years that are below what was originally intended or planned and in the transportation analysis zones that determine that Warm Springs eventually

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would need to be five lanes, and you may see where I'm going with this, so with the reduction with the number of housing units out there, can you talk a little bit about that, has there been any sort of a second glance at that and do we still need that to possibly be in that footprint for a five lane travel lane out there?

Doug Fowler: Chairman Bradbury, Commissioner Danley, yes. We continue to work on that subject, we were fortunate in being able to, largely through the efforts of Sherry McKibben, get ACHD to accept MXD Methodology, and originally they were accepting 1993 ITE standards. We, in fact as recently as today, I received correspondence that we'll be getting a quote from the same person that did that traffic study to see what traffic, because of the things you've mentioned and others, to see what traffic would look like in 2017 and 2035.

Commissioner Danley: Ok, one last question, so on the opposite end of that spectrum. Households generally dictate commercial and retail so clearly that the plan, the very large document that I'm sure you've lugged over many, many times clearly has a significant portion of commercial and retail, so my question on this end is on the same note, we're having a reduction on the number of project households that potentially determine the interest and the viability of commercial and retail so can you speak to that end of things?

Doug Fowler: Sure. SP-01 originally had one million thirty nine thousand square feet of retail and commercial approved and that has since been reduced to about the mid eight hundred thousand. The old adage of the more rooftops, the sooner you can get them, the soonest you can get retail and commercial is still true.

Commissioner Danley: Ok, thank you.

Chairman Bradbury: Alright, any other questions of the applicant or staff? I've got a couple that I would like to ask. (1:14:47) First one goes to you Bruce. We received in our package, a letter from Jan Summers Duffy, are you remembering that one, maybe I can tell you the topic, the topic was the analysis of cultural resources in connection with the application. The letter was a little critical, from my perspective, to the efforts that were made in identifying the cultural resources that might be impacted by this development. Could you talk, for just a minute or two about what efforts were made in that regard in connection with this application?

Bruce Eggleston: Mr. Chair SP-01, part of the ordinance itself is the master plan is comprised of two volumes and volume two; one of the titles is the cultural review of all of Harris Ranch including the Foothills. At the time we as a staff reviewed that, we also consulted with other people because we're not cultural anthropologist you know, we did the best we could do. We essentially approved that at the time and so the question is, was it complete? Was it thorough at the time, and it was approved as a part of that, assuming that it met the standards that we had. I do think that there's, certainly we don't know everything and we do know that this area has been inhabited for eons and it would be a good thing to do the grading with an eye for what might turn up.

Chairman Bradbury: So, if I heard you right, you're saying that this analysis was done some time back in connection with the adoption of the specific plan.

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Bruce Eggleston: Correct, and it was deemed adequate in 2007 when the application came in and staff was comfortable with that at that time.

Chairman Bradbury: Alright, thank you very much. The other I question I think, maybe I'll toss it to Mr. Clark, although I will take an answer from anybody who's got one. I think I understand what's going on with the emergency access road and trail and what I guess I'd describe as the upper portion, I don't entirely understand what may be going on, what I call the lower portion, and that would be probably where that gate used to be, and down, is the access that comes, that lower portion, is that going to remain open for public use or will it be totally consumed by the emergency access road, tell me how that's all going to work?

Chad Hamel: Commissioner Bradbury, Chad Hamel 1025 South Bridgeway Place; that's correct, the access will remain for public access and use down there, that is the Ridge-to-Rivers system, we will just be, it'll be a gated access with bollards, it's kind of the same situation at the top, with the lock-box emergency accesses, but the public will still be using that and it'll be gravel access the way it is today.

Chairman Bradbury: So will that be a shared use? The hiking and biking that happens there today and the emergency access which is being proposed in the application, all in the same roadbed?

Chad Hamel: That is correct, all in the same easement, you're correct.

Chairman Bradbury: Got you, ok.

Bruce Eggleston: Mr. Chair? Parks has conditions about that as well that we've concluded in keeping them shared but separate and operable both during and after construction, and the Fire Department also talked about either gates or bollards at either end of that access road. It's not clear which one we will come up with, but the underlining hope is that in the conditions we will establish the trail as being open throughout the process and accessible by the public.

Chairman Bradbury: Great, thank you. I appreciate it, thank you for the clarification. Alright, any other questions of the applicant or staff? Hearing none, then I guess we will move to the Barber Valley Neighborhood Association representative. Welcome back Brandy, it's good to see you. You're also entitled to twenty minutes.

NEIGHBORHOOD ASSOCIATION TESTIMONY

Brandy Wilson: I won't take that long; I remember what it was like.

Chairman Bradbury: I'm sure you do, you probably wake up in the middle of the night from time to time screaming don't you?

Brandy Wilson: No, those have faded over the last couple of years, but thank you for checking.

Chairman Bradbury: Go ahead.

Brandy Wilson: Mr. Chair, Commissioners, I'm Brandy Wilson, 6668 Glacier Drive Boise, ID representing the Barber Valley Neighborhood Association. First, I want to thank you for considering this

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application and hearing all of the viewpoints surrounding it. As you can see from our letter and the letter from Mr. Clark, we are in agreement on some additional conditions of approval that we would both like to see in the motions for approval tonight and I would stand for any questions at the end if you have some additional questions on those from our perspective. The only one that I really wanted to point out in particular is the one that we had numbered as seven, with the dark sky subdivision, and reducing the required number of street lamps. Our understanding is that the applicant had asked staff for reduced number of street lamps at the onset, and staff said that there is a minimum that is required for safety, so we don't want to go beyond that. But there have been dark sky subdivisions approved elsewhere, that's something that we're really happy that staff and the applicant are going to look at. I just wanted to point out a couple of goals in the Comprehensive Plan that would support doing this. Goal ES4.5 actually calls for the creation of the City wide dark sky protection measures. I don't think that ordinance has been developed yet but it's important to know that the Comp Plan is calling for that kind of thing so this could be an opportunity to lead on that. More directly, goal ES7.9, which is for protecting night's skies, system minimize light trespass from developed areas, and, reduce sky glow to increase night sky access improvement, nighttime visibility through glare reduction, and, reduce the development impact on nocturnal environments. Specific to the Barber Valley section of the Comprehensive Plan, goal BBCNN1.2, that's a lot, it basically repeats that goal, and then adds the caveat that this is really critical in an area that has such a high concentration of wildlife and birds. So we would like to see that incorporated, and we'd like to see staff and the applicant work towards reducing the number of street lights that are going to be required in this subdivision.

In our letter to you, we explained why the Barber Valley Neighborhood Association is supporting this application, and, fundamentally opposing this application would be a breach of faith in the planning process that's been completed in the valley if we were to oppose it. So our goal is to have a planned community that provides abundant recreational opportunities and allows wildlife to coexist in what is ultimately an urban setting. So here, where the Foothills meet the river, the bottom land is just as important if not more so than the Foothills land. The wildlife management area extends for thousands of acres in the Foothills, and the deer come here because they want that bottom land access near the Boise River. During the planning processes for SP-01 and SP-02, everyone around the table recognized that every home built in the Barber Valley, regardless of the steepness of the slope, even if it's on the flattest part of the valley, would displace wildlife and impact the winter range. So when you're changing from alfalfa fields and cow pastures to development, that means in the long run we're losing more than Ernie the Elk, if everybody remembers Ernie the Elk, so recognizing that and recognizing the right of the owners to develop their property, we all made concessions and SP-01 and SP-02 developers gave up easy to build bottom lands as well as buildable acres in the Foothills.

The neighbors agreed to limited Foothills development which is what you see in the application tonight. Fish and Game made choices, too, and acquired land through the negotiations that they felt were more important for the overall Wildlife Management Area. In addition, SP-01 established the Harris Ranch Wildlife Mitigation Association along with funding, and homeowner education programs, and these measures were taken because of the recognition that this area is extremely sensitive and that the bottom homes do the same amount of damage, if not more, than homes up in the Foothills.

The immediate reaction of Boiseans and Foothills development is heck no, we don't want it. I get that because I commented on the Foothills Management Plan back in the late 90's. I was on the steering

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committee that successfully passed the Foothills open space levy in 2001, and I served on this P&Z Commission for 8 years during which time the SP-01 and the SP-02 were approved. I currently serve on the Ada County Parks and Open Space Trails Board, so I have been advocating for the Foothills and open space, and for wildlife protection, and for preservation of native plants for a very long time, and, spent countless hours doing that.

I come before you now, supporting this limited Foothills development because I recognize the work and the planning process that got us here, and, because I know that we have a mitigation plan in place. So whenever a new application comes in in the Barber Valley, because not everything is in SP-01 and SP-02, there's sub of little parcels outside of that, like the East Valley one out by Highland Valley Road, Privada Estates, the portion of the Shakespeare Festival was not a part of SP-01, that was a completely different land owner. So whenever we see any of those applications come in, the first thing that we do as a neighborhood association is say, is this really compatible with SP-01 and SP-02? That's exactly what the Barber Valley section of the Comprehensive Plan tells us to do, so that's the way we approach it.

I just like to note that both of the predecessor neighborhood associations to the Barber Valley, because at one time it was two neighborhood associations that came together, they both opposed the Cliffs Development which was ten times larger than the application before you now. The recession brought that development to an end, and enabled the City to use those Foothills levy funds to purchase it and hold it in trust until Fish and Game could purchase the land. When we saw the proposed development for the 12 acres next to the Shakespeare Festival, we just jumped on that as an opportunity to expand some of this bottom land habitat and felt that that was really the highest and best use for that parcel, within the context of the whole Barber Valley. In that case, in the case of the Shakespeare one, not only did we spend time and energy coming and hanging out with you guys and talking about the development a lot, we also really put our money where our mouth is. Many of the neighbors are part of the founding 50 who are raising the money to purchase that piece of land with the Idaho Foundation for Parks and Lands.

Our neighborhood really has a legacy of stepping up and fighting for wildlife and that includes all of the negotiation that lead to SP-01 and the application that you are seeing tonight. So, as neighbors and stakeholders in the planning process, I know that we would come out swinging, loaded for bear if the developers decided they wanted to intensify the land uses or make changes to the ordinance that we didn't think were right. So, by that same token we have the responsibility to uphold our end of the deal. We're not opposing this development, we're not opposing anything that's been included in SP-01, we want to support that, we want to support the process that all of us have spent so much time doing. We consider it really a privilege to have such a great working relationship with the developers in our area and I really wish that all of the neighborhoods throughout the treasure valley could actually have that opportunity that we have. So that's all I have for the statement and I would be happy to stand for any questions.

Chairman Bradbury: Any questions of the Ms. Wilson?

Commissioner Gillespie: Mr. Chairman, may I ask you a question before I ask her a question?

Chairman Bradbury: You may.

Commissioner Gillespie: I have almost an information question, since I think we're moving to trying to put some of the BVNA conditions into the PUD or the subdivision, I'm not sure which, would it be

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appropriate now to ask the staff, applicant and BVNA to tell us which ones are already in so we don't need to put them in a motion; which ones we don't have agreement and which ones we do and kind of where they should go? We're going to formulate a motion here, we've got nine things in the BVNA letter but I'm not sure which go where. That would be a question but it might not be the right time to ask it, but I'm not going to be able to figure it out on my own.

Chairman Bradbury: I've been thinking about that a little bit myself as we've been sitting here listening to this, and I'll just tell you what are the alternatives in the back of my mind, are as I tried to listen and figure out how we're going to do this thing; and that is we could try and write conditions tonight and include them as a part of the motion, assuming that there's a motion for approval. Or, the other alternative is that we can simply defer a final decision until we can get a revised set of conditions that incorporate those items that we would like to have incorporated. I was kind of leaning toward that, and in part because as I think Commissioner Miller pointed out, you get a lot of extraneous information contained in the letters that doesn't really lend itself to nice, crisp conditions of approval, which in my estimation are better for everyone. Whether you're the applicant or staff, or you're an interested neighborhood association or resident out there, it's always better to have nice, crisp conditions, assuming that there's a condition of approval. We can take that up just as soon as the Commission is ready to deal with it.

Brandy Wilson: Mr. Chairman, I could just go through these really quickly and identify which are true conditions and which or not.

Chairman Bradbury: We would love you to help. By the way it's a little early in the process for speeches, but I'm going to say that the fact that the applicant and the neighborhood association seems to be on the same page is really very helpful. Go ahead.

Brandy Wilson: [That is] the result of many years of hard work leading up to this day.

Condition number one, or, that the requested conditions in our letter has already been met by ACHD, so you can just strike that. They added the bike lane and it has been added to the plans from ACHD, so we consider that one already incorporated. Number two, the geotechnical study is an area of pretty serious concern for the neighborhood because of the recent rock fall that was mentioned, but again this one is going to be a part of the standard process, before a final plat is approved and before a grading plan is approved, they have to have the geotechnical study approved, and, that geotechnical study is going to either call for mitigation, might call for a slight change in the configuration of lots, something like that. But we just want to make sure that we are on record that we want to have the opportunity to discuss that with them, and that is standard a part of the process, so that's ok. But we just wanted to get that out there, so the neighbors knew we were concerned about safety.

Chairman Bradbury: I want to make sure I got that, so you don't think we need to incorporate number two into the conditions?

Brandy Wilson: Mr. Eggleston can confirm but I believe that that meeting is a standard part of approving the grading plan and completed rock fall study.

Bruce Eggleston: Yes, just for the preliminary application phase.

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Commissioner Bradbury: Maybe what we're trying to do is handle this as part of the final plat process? Is that what you have in mind?

Brandy Wilson: Correct, because at this stage as you know this is more of a preliminary approval and the developers often don't want to spend a ton of money and studies until they are sure they are going to be able to go forward with the use, so this is pretty standard.

Chairman Bradbury: So we can strike that one it sounds like if we're getting agreement from staff.

Bruce Eggleston: Mr. Chair, we think our conditions existing in the staff report cover number two.

Chairman Bradbury: Ok.

Brandy Wilson: Ok, so we consider number two to be covered. The minimizing excavation is something that is already included in the staff report so number three, I feel like we already have covered. Number four is the placement of the water tank and I believe that is something we would need to be added as a condition of approval, that it be painted a color to blend with the surrounding hills. That's something that we have verbal agreement on but it's not in the record and that's a pretty easy one. Number five gets back to the question earlier about the fences, we just wanted to clarify that the fencing would be constructed and compatible with the standards through the rest of the Harris Ranch Subdivision and if it is, then it's going to be the rod iron fencing that is not visually obtrusive and is specially designed so that deer don't get their heads stuck in it. So I guess I would just look for clarification that that's a part of SP-01 and that could be a part of the application with these guys needing to add a condition of approval. I'm seeing heads nod.

Chairman Bradbury: Sorry, I missed that, I missed the answer.

Brandy Wilson: You didn't hear which direction the heads were shaking?

Bruce Eggleston: She is correct in what she said.

Commissioner Gillespie: Mr. Chairman, I think the comment was that the fencing requirements are already in SP-01 and SP-02 so if we added a condition of approval it would just say fencing should be per SP-01, and SP-02 but that's sort of unnecessary because it is.

Brandy Wilson: It would be per SP-01.

Chairman Bradbury: Ok, so five is out.

Brandy Wilson: Number six, the plan that we had at the time on our last neighborhood meeting did not illustrate the trails but this one that you have before you tonight does, so we are good on that one.

Chairman Bradbury: So six is covered?

Brandy Wilson: Six is covered. Seven is one that either we would like to see as a condition of approval or some record that a night sky subdivision will be considered here and that we could reduce the number of street lamps required throughout the subdivision.

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Chairman Bradbury: So seven we want to address. Go ahead.

Brandy Wilson: Number eight is taken care of as part of SP-01. Number nine is also taken care of per the City's typical construction hours. We just want to be notified of any blasting, because of the sensitivity with the rock fall issue, but the applicant has said that they do not anticipate any blasting at this time. So basically you're down to two.

Chairman Bradbury: We're down to four and seven. That helped a lot thank you.

Commissioner Miller: Mr. Chair, can I just ask about one thing? On six there is nothing, as I understand it, no agreement yet, on the ongoing management. Essentially it sounds as if they are saying that they are willing to agree to a condition that would have the HOA paying for the ongoing maintenance of those trails which to me would be something that is not SP-01.

Bruce Eggleston: Commissioner Miller, that's true. It's always the HOA for the internal trails, now this also does include the Homestead Trail, which will be responsibility of the City and those who are already maintaining it, so you can make that separation, but because they are not dedicating these trails as public. It's all HOA maintenance and that would be on the plat.

Chairman Bradbury: So it probably wouldn't hurt for us to include the clarification on that as well. Did you get a chance to finish what you wanted to say?

Brandy Wilson: I did, I am standing for any further questions you may have.

Chairman Bradbury: Any other questions of Ms. Wilson? Thank you, I appreciate you coming up.

Brandy Wilson: Thank you; I will just submit a few copies of my oral testimony.

Chairman Bradbury: We will mark that as exhibit number two. Alright, with that we can go on to the public testimony, and I've got names on the list, I'm going to go through the list in the order in which they appear, and if there's anybody who wanted to testify and I didn't call your name, I will give you a chance. First name on the list is Julie O'Meara. Come forward. While you're on your way up I'll just remind you that you've got three minutes to testify and if you go over the three minutes a trap door opens and you end up in the basement.

PUBLIC TESTIMONY

Julie O'Meara: Sounds good, I talk really fast so If you guys can stay up with me that would be great. (1:36:40) I have never done anything like this in my life so I have no idea what a public testimony even is, I only have three minutes but I would like to just give a reality.

Chairman Bradbury: Let me start out by telling you that you need to tell us your name and address for the record.

Julie O'Meara: Oh, Julie O'Meara, 7020 E. Warm Springs Ave. Boise.

Chairman Bradbury: Thank you.

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Julie O'Meara: Ok, thank you. A few things, I appreciate that the Barber Valley Neighborhood Association has come to all of these agreements and terms. However I find it interesting, I am there and that certainly doesn't support my view and I am not on board with what the association has just brought forward. So let me make that clear. It's interesting to me that since they did this many years ago with this SP-01 she said it would be going against their original intent, far different people and more people live there now so to continue to represent what was done in the past with a far different group of people, I did not think is a good representation of the neighborhood that lives there currently.

So with that being said, I just want to provide a couple of realities of the points that they brought about. One, on the cluster homes, the cluster homes packed on top of one another means that there's no place for kids to play except the street so point and case, down in the New River Heights, which has low lighting, when I was driving through there two weeks ago all of the kids were playing ball in the street because they don't have yards, the houses are stacked one on top of the other going straight back, so they play in the street. So I stop, I let the kids get out of the street, I'm watching them and their ball, I continue to go, I'm not even going 5 mph and I hit their razor tricycle in the middle of the street because that's where kids play when you build homes like this. To go back and that just leads to obesity and problems that our City Council is already trying to address in Boise. This is just adding to the problem of that because there's nowhere to go.

From my concern, I did not have concerns with view outside my backyard or the view up there; I have more concerns of the view of Boise. When you're driving down Federal Way you're still going to see it, whether they put it on 30, 20, whatever they were talking about, right? It's still going to be in our Foothills as something you see and recently, this is more and more of what the talk is, Southeast Boise used to be the most beautiful place you could live. and now it's being referred to more and more as the ghetto. So I met a physician the other day from St. Luke's and we were talking about where we live, and I said I live on Warm Springs down by Lucky Peak and he says, "Oh you're in the new modern ghetto." And I'm like, pretty much it. So that is how I feel, if you want the legacy to be there of what this continues to look like, with these houses stacked upon one another, and you want it to always start to be known as the ghetto, then please continue to build.

My last point that I want to make is the reality that the impact of all these additional houses is the trash and use of it. Right across the street where I am at the very end there's a beach, and it was pristine when I moved in a year ago but all the development within this last year, it is constant, and I don't have a fancy way to put this up on here, but I can show you pictures of beer bottles, trash, broken glass, tires, mattresses. It gets worse by the month as all this development happens, and it used to be so gorgeous and pristine down there by the river. It's getting ruined by all of this development. So I think that those are some realities that you don't see up on the presentation. Thank you.

Chairman Bradbury: Well done, thank you. Alright, so there's a couple of names that got crossed out and I want to make sure that that was intentional, it looks like William Joy and Carolyn Joy, your names are crossed out, did either of the two of you wish to testify? Come up, I'm glad I asked.

William Joy: William Joy, 4995 E. Douglas Fir. So I am one of the proud owners in Harris Ranch and I really enjoy the neighborhood, the way it's grown. I do appreciate the opportunity to speak here on behalf

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of the neighbors in my portion of the neighborhood and we're basically right below the area that will be developed.

So there are a number of things that I have concerns about and I just wanted to go on the record and say that I'm opposed to the development because of those. Number one is noise pollution as people drive up and down that road it's going to put a lot of noise down on those of us that live below it, and, I'm concerned about that very much. It's already getting pretty loud out there with all of the new development, but it's bad enough when everybody's on the same level. You put somebody above you driving their car at 3:00 in the morning because they have to be at work at 4:30, and I'm concerned about that.

I'm also concerned about the light pollution, and I know we've talked about LED lights to reduce that impact but I'm still concerned about that as I look out every night that I'll be looking at my neighbor's lights up in the hills, and as I drive back.

I guess one thing that concerns me, and it may be a process of the Commission here, what I noticed is there was notification of this meeting that was sent out to people within 300 feet of design line. And I guess the thing that concerns me there is, as was brought up with the lady before me; this is going to be visible to everybody from I-84 practically down at least from Federal Way down. And I don't think they are aware of the development that is going on here and really don't have the time to come and express their concerns.

And my final concern has to do with the wildlife there. I do appreciate that more acreage has been set aside for open areas in this proposal than the previous proposal but I still have concerns about the impact on the wildlife. Exactly on that hill where the road will go up, in the winter we watch, there are wintering heard of elk, prong horned antelope, and mule deer that come down, especially when it's a big snowy season up in the hills.

So those are the biggest concerns I have with this and just again, I would like to say that I'm opposed to the development and I thank you for listening to my concerns and comments.

Chairman Bradbury: Thank you. How about Carolynne Joy, do you wish to testify as well?

Carolynne Joy: Pass.

Chairman Bradbury: Alright, you'll pass then. Thank you. David Pilliod.

David Pilliod: Thank you Chairman, David Pilliod, 3008 S. Longleaf Ave. Boise; I appreciate you taking public testimony. I also appreciate the efforts of the Harris Ranch Family Association and Boise Hunter Homes in trying to minimize these impacts. We live in this area of East Boise in the Harris Ranch subdivision because we love it, we absolutely love that area, and I don't think anyone is questioning that. But we are concerned about the real impacts of what this Harris Ranch North subdivision is going to have, and the impacts are visual impacts, as we've mentioned. I think the previous two speakers have pointed to the obvious visual impact that extends beyond just the six foot person looking up the hill. I'm about six feet tall and I'm that person, our house looks right up the hill, so yes this is personal to me, but I also think it's personal to people that are living over below Federal Way all across the eastside and they

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come and they live here because they love looking out on that Foothills and not seeing any homes. In fact, if you stand on the edge of Boise River in Barber Park and you look from the mesa, you can't even see the homes in the mesa if you look to your left, to the west. And you scan all the way across out to Hammer Flats, and we know the history of Hammer Flats, not a single home in the Foothills, in that whole expanse. That's special, that's special to the people that live on the eastside, but it's special to the City of Boise and the residence of the City of Boise and I think to lose that, it's something to think about, we would be losing that forever.

For this reason, I oppose the development of Harris Ranch North because it will be a permanent mark on that unobstructed view that makes living in Boise so special. I also want to point out that there are considerable impacts to wildlife, and I know, again, there's been a considerable effort to protect additional land, and there's been an effort to create wildlife corridors, so to speak, down to the river. But I agree with William. I have a spotting scope I stare up at that hill every day, and there are herds of elk and prong horned that use that exact spot. It's not that they're just scattered across that Foothills landscape, they are wintering right where that subdivision is going to go. They're wintering there for a reason. Number one, it's out of the wind, it has an actual shrub component because it hasn't burned recently. So there's shrubs there, it's out of the wind and it's out of immediate visual view from everyone down in Harris Ranch flat lands, their original winter habitat. We can't quite see them, but every so often they wonder up a little bit onto the Foothills there, and you can see them. The reason, they are very shy animals they're not like mule deer which are coming down and moving through our subdivision. They are shy animals, the elk and the prong horned and the other wildlife that live up there. Thank you.

Meagan Curtis: Time.

Chairman Bradbury: Thank you sir. Elena Velasquez.

Maria Elena Velasquez: (1:46:23) I live at 3008 S. Longleaf Ave. I have an accent, and I'm very shy about this. I live in one of those houses in the last row right when the hill starts, and in the meeting that they had in the association that I am not a part of, I live in Harris Ranch, I was told that actually the houses that he just pointed out to be purple, those were the ones that were going to have the 30 foot setbacks so I wouldn't be able to see barely their roofs. So that has changed in less than a week, I don't like that. I do think that just because we've done something wrong by moving into the habitat of the animals in the flat area, that's something that we need to continue doing. This was done ten years ago, and I hope that the community and the people changes. We did a lot of things wrong in the past, and that doesn't mean we cannot change it. So if there's any way for us to be able to address the environment and the impacts to these animals now, it's worth it.

Ten years ago we couldn't kill wolves, now we can, that's how change is, and all these plans went on ten years ago in which they had meetings after meetings. But guess what, the population in Boise has changed, a lot of young people have moved, and I think we have different wants and needs. So I think that this deserves another look from the beginning, because it's ten years, this is a plan from 2007. When I moved into this subdivision I was told that there was nothing going to be built up there. Well guess what, it is. I don't know if I was lied to or anything, but ten years is a long time, So I think that review of every one of those points that I know people were really, it's worth it because these are different people. This is

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a new set of people that lives in Boise and in particular in that subdivision. I don't agree with that subdivision.

Chairman Bradbury: Thank you very much. Next name on the list is Mark Templeton.

Mark Templeton: Hi, Mark Templeton, 5131 E. Sawmill Way Boise, ID 83716. I've been a resident of Harris Ranch since 2001; I am also a realtor that is active in east Boise real estate. I've also served on the local neighborhood association board, and I've paid close attention to the development of the Barber Valley. I, like many of the residents of the Harris Ranch prior to the completion of the Parkcenter Bridge was fine with just over 400 homes. However, I was also very much aware that the intent of the original plan of Harris Ranch and I knew that the development was coming; it was just a matter of when.

I am in favor of the Harris Ranch North development for the following six reasons. One, it's in the location of the approved SP-01. The current plan maximizes open space by condensing housing units to a specific plot of land vs. spreading units over a much larger area, which was at one time was the plan; the participation with the Wildlife Mitigation Program. The builder developer has a track record of developing lots in this type of terrain, which I think is very important. The builder has reached out to the community and offered solutions to reduce the visual impact to the homeowners directly below them. And lastly, the target market of the buyers of the homes in this development is consistent with many of the buyers of homes in the existing Barber Valley neighborhoods and that is important as it does not create an exclusive, disconnected, gated type community that is off limits to the residents of the Barber Valley.

On a personal level, I would rather not see the Foothills developed at all, however I don't believe that is a conversation for this meeting. I feel Boise Hunter Homes has worked hard to put together a project that addresses the concerns of the existing homeowners, and allows them to build a subdivision on land that the owners of the land and the City have agreed to have developed. Again, if this land is to be developed, I'm in favor of a builder developer who has the capacity of tackling a very complex project.

In closing, I would like to thank Doug Fowler, Chris Henderson, Mike Reinich and Brandy Wilson for the work they did to educate me personally on the plan of the Barber Valley and how this project fits within the overall larger plan, and for me with education came a transition for no development to a stance of best option development and I believe this project fits the best option plan for this piece of land. Thank you.

Chairman Bradbury: Thank you. Mike Reinich.

Mike Reinich: Pass.

Chairman Bradbury: Dana Heath.

Dana Heath: Dana Heath at 3054 S. Longleaf Ave., and I think I'm going to repeat a lot of what has been said. We have lived in the neighborhood since 2001 and when the developer at the time, Brighton Homes, said that that would not be developed, that was not private land to be developed so that was our expectation when we moved in. It was a surprise when it switched over so it's a concern. I do have a concern, our neighbor's home was the one who had the boulder crash down their driveway, fortunately it was their driveway, not their home. It was very close and very large, and so I am concerned about that. I

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am concerned about that site line from further away. I didn't hear any discussion about whether the color of roofs, and is there going to be some restrictions on the colors that would make it blend into the community? It didn't say whether it could be tile, brown, gray, whatever so I do have some concerns about that, and the wildlife habitat. They do rest right up there on that same location, they come back down through our backyard all the time and it's getting smaller and smaller and smaller. We're pushing them out, and pushing them out, so I don't know where they will go, and what will happen without wildlife in that area.

I lived in areas before where the Foothills were starting to be developed and it has changed. Elena made a comment about the attitude of the people in the community, they want to see it like that, they don't want it developed, I mean I would love to keep it without homes coming in the hills; seeing that happen in other areas and a lot of backlash for that, so I'm not in favor of the development. Thank you.

Chairman Bradbury: Thank you. Alright that's everybody who's on the sign-up sheet. Is there anybody else who would like to testify tonight? Go ahead and come forward and if you would, when you get up here, if you would tell us your name and address and there should be a tablet, white sheets there somewhere, would you fill one of those out and leave it with us before you go? Go ahead.

Calvin Yoo: Good evening, my name is Calvin Yoo; I live at 3016 S. Longleaf in Harris Ranch, right in the Spring Creek area. A lot of my neighbors have already talked about their concerns, so let me go over the ones I thought of, as I'm just listening to all of this. First, I agree with Mrs. O'Meara. I have been in the neighborhood, and I was in the neighborhood association when we were working with Doug on all of this. I can tell you really the focus was on the flat lands, the marshes, access to the Boise River, all of that. Foothills weren't really discussed, that wasn't really the focus at that point so when they say that the Barber Valley Neighborhood Association supports this, back then I don't think we would have done this. And there would have been opposition at that point, so make that clear. Like I said, I have been there for a number of years, I've seen the building moratorium, and I've seen the Parkcenter Bridge open. And then for the last 2-3 years I've seen all of the construction that's gone on, and I'm sure you have all seen it. All the homes, the retirement community that's being built, the gas station, and now it looks like there's going to be townhouses, so all of that has gone on. I understand this development; it's in SP-01 so it's in the use. The Harris family owns it, and, I also understand that there's going to be a lot of money made doing this. I can understand that, I can appreciate that. I guess what I would say is, isn't it enough? I would ask the Commission to say, given everything that's developed in the flat lands right now, isn't it enough? Do we really need to carve up the Foothills at this point? Is it in the best interest of the Barber Valley; is it in the best interest of Boise? That's it, thank you.

Chairman Bradbury: Thank you, sir. Okay, anybody else who would like to testify tonight? Go ahead and come forward. Same deal, if you would fill out one of those slips there. Thank you, go ahead.

Michael Schmidt: My name is Michael Schmidt, 5423 E. Branchwood Ct. in Harris Ranch, and I've lived there ten years. I've got 4-5 kind of questions, but first a comment. Wildlife, there's no comparison to wildlife that there was ten years ago, they are not gone but we're working hard at it, we're trying very hard to get them out of there and that's going to be sad. So no matter what happens is we may have seen the best days of wildlife in that part of Boise and that's not so good. A few years ago, maybe 7-8 years ago, we had a fire behind Harris Ranch and within the few months of that the City of Boise came out and

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said, listen there could be mud slides and you might want to consider flood insurance. Now, this development is going to cover over a lot of land, are we going to have the same thing going on? I know we're going to try not to, but are we going to have run off issues if it ever starts raining again? So, kind of a question; where is this development going to get their irrigation water?

Chairman Bradbury: Just so that you know, we here aren't in a position to answer your questions but I know the applicant who is sitting right behind you, when they come back up, they'll address these issues for us.

Michael Schmidt: Yeah, and that's the purpose is just to air them, and whoever knows the answer; share.

Chairman Bradbury: Alright, go ahead.

Michael Schmidt: It looks like the main entrance to this subdivision is in a corner if I am reading the map correctly, and it's kind of a goofy little corner so is there going to be some major construction there. So that it isn't a safety problem? I think right now there's a big old tree sitting there on that corner and a trailer house and some junk and a couple of horses, so it's kind of an interesting little corner. We're going to have 300 houses out there, how much traffic is that going to be? Is that 45 acres, is that behind Triplett Ranch? Again, that's a question; it's hard to read that fine print. Is Council Springs, right now that's the homestead trail once you get to the end of Harris Ranch; is that going to be paved? What are we doing there? The home plans, it sounds like they will be multi-story allowed, is there a max on that, and is it one story, two stories, three stories? These are some of my questions and concerns. Thank you.

Chairman Bradbury: Thank you very much. We will probably get answers to those questions here in a few minutes. Anybody else here tonight that wanted to testify on this application? This is item 6, 6a and 6b on our agenda that's CAR15-8, PUD15-2 and SUB15-5; no one else? Alright, then we will hear from the applicant, you've got, by code a five minute rebuttal period, it would be probably helpful to answer some of those questions of course.

APPLICANT REBUTTAL

Heath Clark: Thank you. Heath Clark, 251 E. Front Street, and I will try to answer those questions as fast as I can. On the run-off question: we will be designing and grading the lots in order to capture that run off. It actually will be an improvement on the current situation because the water that generally would come off will now be captured and redirected internal to the property.

On the irrigation, there's not going to be pressurized irrigation, it's just going to be potable water.

In terms of height limits, two stories, 30 foot height limit.

The corner at Harris Ranch Road has already been reviewed by ACHD; the proper site triangles will be implemented. ACHD again, had no issues whatsoever with this project.

Again, the paved part of the trail, I tried to identify that before but the paved part is likely to be beyond the Homestead Trail in the area as it goes up the hill into the subdivision.

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Couple of other items, on the wildlife I think it's important to recognize that the wildlife questions were vetted through SP-01. Fish and Game was a part of those conversations, this was a very large conversation amongst a number of different interested stakeholders and I would just emphasize that of the 767 acres that are owned by the Harris family in the Foothills, 670 of them are going to be preserved, that's pretty remarkable and that was a result of a long and very public process in the charette process that Mr. Fowler mentioned previously.

Just building off of that, that's not something that ended in 2007 or 2008, some of you might know that I also do some work for the Harris family; I have been involved in a number of amendments to SP-01 over the course of the past several years. There have been no less than six of them. During the course of each of those amendments there's been an opportunity for the public to be engaged, the public has been engaged and so this isn't a dusty book that's been pulled off of the shelf, this is a living document that the City has been working with the Harris family in order to honor and move forward with.

With regard to the visual impact, yes there's going to be a visual impact, that's not an issue for the Hillside and Foothills Ordinance. The question for a good developer is how you minimize that visual impact and we've shown you the great lengths that this developer has gone through in order to try to minimize that impact to the extent that they can.

I'll just end with one final point, this is a complex project and for many of these projects what you will see is you will have a developer come in, develop the project and then turn it over to builders and each of those individual builders will have their own plan for each of those individual lots, so essentially it's get the plat done, cut the roads, disappear. In this case you have Boise Hunter Homes which is going to be taking this from beginning to end. They will be developing the lots and building the lots so there's a coherent plan that will be going on here that they can impose. It makes a lot of sense, not only for the community but it also makes sure that the vision of SP-01 is respected. So with that I will be happy to answer any follow up questions that might be remaining or anything that the Commissioners believe I might have missed.

Chairman Bradbury: Thank you, Mr. Clark. With that we will close the public hearing. The matter is before the Commission for deliberation in decision.

Commissioner Gillespie: Mr. Chairman, may I make a point of order before introducing a motion?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: I would like to get the Chairman's view on the idea that if we are going to change conditions of approval that maybe we should do that in the subdivision which we're only recommending because then Council, if they want to can more easily deal with it. If we put conditions of approval in the PUD, that PUD would have to be appealed to the Council for them to get into the conditions of approval; just a thought.

Chairman Bradbury: Yeah, I don't feel too strongly about it one way or another. I was leaning toward putting them in the PUD because that's where most of these kinds of things go rather than the technical requirements of the subdivision. Mr. Clark do you have a thought?

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Heath Clark: Inaudible.

Chairman Bradbury: Are you going to read something to us? That would be great, go ahead.

Heath Clark: What I was suggesting was that Brandy Wilson and I had discussed the language of some proposed conditions of approval based on the list that you went through previously. So, the first one would be based on condition 4, the language would be: the applicant will paint the proposed water tank a color to blend with the surrounding hills. The second one would be based on condition number 6 and it would be: trails located on project property not dedicated or operated by the public will be maintained by the HOA. Then the final one based on condition 7: the applicant will work with Boise City staff to identify ways in which the number of street lights can be reduced in order to minimize the impact of lighting.

Chairman Bradbury: Okay. Do you have those written down for us?

Heath Clark: Yes, I have them in my chicken scratch, but hopefully it's legible.

Chairman Bradbury: Well we've got them on the record but that would be helpful. Anything else then before we go ahead and deliberate? Alright, the matter is before the Commission.

Commissioner Gillespie: Mr. Chairman.

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: As is our custom, I believe we normally do the annexation first. Mr. Chairman I move we approve CAR15-8 for the reasons stated in the staff report with all of the terms and conditions within the staff report. I'm sorry; I move that we recommend to the Council approval of CAR15-8.

Chairman Bradbury: Alright, we have a motion, recommendation of approval of CAR15-8, that's the annexation subject to the staff report and the conditions of approval, if any set forth therein. Is there a second to the motion?

Commissioner Danley: Second.

Chairman Bradbury: A second by Danley. Any discussion on the motion? Hearing none, all those in favor say aye.

MOTION: COMMISSIONER GILLESPIE MOVED TO RECOMMEND APPROVAL OF CAR15-00008 SUBJECT TO STAFF REPORT & CONDITIONS OF APPROVAL THEREIN.

SECONDER: COMMISSIONER DANLEY

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

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Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: I move that we recommend approval of SUB15-5 for the reasons stated in the staff report and with all of the terms and conditions contained therein.

Chairman Bradbury: Motion for recommendation of approval for SUB15-5, that's the preliminary plat in accordance with the staff report and conditions of approval. Is there a second?

Commissioner Danley: Second.

Chairman Bradbury: Second by Danley. Any discussion on the motion?

Commissioner Danley: Mr. Chairman?

Chairman Bradbury: Commissioner Danley.

Commissioner Danley: I supposed this would be a good as time as any. I just wanted to share one quick thing. About ten years ago I was a part of a charette process that was not this, it was a different project within Ada County and during that process a whole lot of wonderful ideas were created; formally adopted. The economy did what it did and that plan, poof, it was gone. Almost 400 acres have been re-designated and the vision of what was there, which was an unique and special vision, completely gone and nothing at all what was originally supported, and so on this particular motion of the preliminary plat I want to recognize the planning process because it is a very, very, very important thing that we have, that we stick to the plans that we work so hard to develop, and yes it was ten years ago, but things are still massaged, they're tweaked and that's what part of this process is about, is what is in front of us tonight. A lot of communities get themselves into trouble by not following plans or even having plans to begin with, and we have one. We have one that took a lot of hard work and a lot of blood, sweat and tears and for me personally, I want to support it. I'm not a big fan of the houses in the hills either, let's be clear about that, but with all due respect, I think that we've seen a lot a good things and a lot of compromises, especially when it comes with the wildlife and trading of property to try and maintain what we can while maximizing property rights. We still have to do that, it's still important that we do that and recognize it. So for all of those reasons I will be supportive of the motion.

Chairman Bradbury: Any other discussion on the motion?

Commissioner Gibson: Mr. Chairman?

Chairman Bradbury: Commissioner Gibson.

Commissioner Gibson: One of the comments that came from the public testimony was when is enough, enough? And as a southeast Boise resident I hadn't really thought about the fact that when you do look at the Foothills that from behind Tablerock all the way to Hammer Flats, there's nothing up there and I respect the process and I will be voting in favor of the motion but I will be voting with a heavy conscious because part of what makes southeast Boise in that area so special is hiking the trails. I spend many afternoons with my son up there. Having watched Quail Ridge come in 20 years ago, and now you see

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the trees and it becomes a part of the fabric of the community and I understand and I appreciate that, but I want to make sure that I go on the record that, sometimes enough is enough and I'll vote for it, but only because it is the process and I accept what the process is.

Chairman Bradbury: Any other discussion on the motion? Hearing none, let me make sure we are all on the same page. This is a motion for recommendation of approval of SUB15-5 subject to the staff report and conditions of approval; with that, all in favor say aye.

MOTION: **COMMISSIONER GILLESPIE MOVED TO APPROVE SUB15-00005 IN ACCORDANCE WITH STAFF REPORT & CONDITIONS OF APPROVAL THEREIN.**

SECONDER: **COMMISSIONER DANLEY**

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Bradbury: That will bring us to PUD15-2 and CFH15-4.

Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: I recommend we approve PUD15-2 for the reasons stated in the staff report and with all of the terms and conditions in the staff report and in addition, the three terms and conditions that you have in front of you.

Chairman Bradbury: For the record, as read by the applicant's council, we have marked his hand written, as he described them chicken scratches, as exhibit number 3.

Commissioner Gillespie: I concur with adding that to the motion.

Chairman Bradbury: We have a motion for approval of PUD15-2 and CFH15-4 subject to the staff report and conditions of approval contained therein together with the additional three conditions which were read into the record. Is there a second?

Commissioner Gibson: Second.

Chairman Bradbury: A second by Gibson.

Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

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Commissioner Gillespie: Just very quickly, because I thought in the PUD we tried to address all of the concerns and get it on the record. So with respect to SP-01 and SP-02 I appreciate that there may be some people now, here who don't agree with it. Unfortunately, it is what our Comp Plan says and there is a process to amend the Comp Plan and we haven't done that. So, this Commission has to abide by SP-01 and SP-02 because that is what the Comp Plan says. With respect to the argument that there's not enough space for kids, again the SP-01 and SP-02 dealt with the recreation and open space issues for children and we didn't hear any specific evidence that this was going to be a problem that was either in conflict with either the code or the plan. With respect to the view from Boise into the Foothills, that's in a sense the most problematic issue. The concept of view protection is not in our City Code and frankly, it's not in the Comp Plan except for very limited number of view corridors around major streets, like Capitol Blvd. So unfortunately, we're not in a position to make decisions based solely on a view consideration. With respect to trash on the beach, that's simply a police, I mean people are violating the code, there's not much we can do about that. With respect to wildlife impacts, I think we've heard on the record and no one's disputed that that was all resolved in the SP-01 and SP-02 issue and unless someone has a concrete, technical reason to find fault with this application with respect with SP-01, I don't see that as a basis for denial. So for those reasons, that's why I made the motion to approve it.

Chairman Bradbury: Any other discussion?

Commissioner Miller: Mr. Chair?

Chairman Bradbury: Commissioner Miller.

Commissioner Miller: I'm going to vote to support the PUD, not without reservation. Part of my issue is that I think that the nature of the grading, I think it does an injustice to the hillside. Unfortunately, it's what's permitted by our code and so to the extent that there's interest in changing, that I think that they should talk to City Council about it. Throughout the west, people have gone away from ordinances that allow you to just scrape off a hillside, it's ridiculous that we do it here. So I just think that it's not something that should be done, however, as I said it is permitted by the code and so I'm not going to vote against the project on that basis. I think otherwise, with regards to a lot of the other stuff, other concerns have been addressed. The one that I didn't hear that was addressed and I wasn't sure exactly where it was left was the question of cultural resources. So I would actually like to propose an amendment to the motion which would be that grading shall be conducted in a manner to preserve cultural resources to the maximum extent practicable.

Chairman Bradbury: We have a motion to amend the motion that's on the floor, is there a second.

Commissioner Gibson: Second.

Chairman Bradbury: We have a second by Gibson. So we're going to talk about the motion to amend. Any discussion on the motion? Commissioner Miller, you've got the floor if you want it.

Commissioner Miller: I just think that something that there have been issues raised, that are sufficient that we need to do something. I don't think that we have an ordinance that specifically addresses it but, I think it would be useful to at least put the developer on notice that they should be thinking about these things and making an actual condition.

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Chairman Bradbury: Any other discussion on the motion?

Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: I can't support that motion to amend unless I had a better understanding of exactly what that means because that kind of motion can be used quite broadly since it's very difficult to prove that on any chunk of land, there are no cultural resources. So it becomes an extremely tough issue to deal with. We do know that SP-01 specifically addresses that. We have one letter from someone who is offering an opinion and on the basis of that letter we could be putting in, what might be a very onerous condition. So, I'm just confused as to what that, I'm confused and I can't support it at this point. So I guess that I would ask my fellow Commissioner to clarify his amendment.

Chairman Bradbury: Further discussion? Commissioner Miller, did you wish to respond?

Commissioner Miller: I think that typically the way these things are done is that where there is concern there's some sort of condition like this and when the grading goes forward, you start to see that, oh my gosh we're finding some old pottery or something, that then you bring in some sort of, someone who might know something about that, whether it's an archeologist or something of the sort and then you work with them to take it out and take care of it appropriately. Whether I can draft something on the fly that would address that, you know I can try.

Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: I'm just not aware of anything in the code or the Comp Plan that enables us to put that as a restriction on a land.

Chairman Bradbury: Any other discussion on the motion to amend?

Commissioner Danley: Mr. Chairman?

Chairman Bradbury: Commissioner Danley.

Commissioner Danley: I tend to side with Commissioner Gillespie and the question and concern that I have is how it is enforceable? How is the motion that's being made going to be followed through like the other conditions that are pretty well defined and delineated? How does the City then follow up with the developer on a daily, weekly, whatever it is basis to ensure that that grading is being culturally sensitive? I appreciate the motion, absolutely, but how do we get to that point? I think that's the crux of what Commissioner Gillespie is getting to.

Chairman Bradbury: Any other discussion on the motion? Since I kind of maybe perhaps let the genie out of the bottle on that one, the reasons I asked the question about cultural resources is I just wanted to know whether or not there had been an analysis done at some point in the process and the answer that I remember hearing was that the analysis was done in connection with the adoption of the original plan and

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that satisfied me for what I was interested in knowing. So I won't support the motion to amend. Any other discussion?

Commissioner Gibson: Mr. Chairman?

Chairman Bradbury: Commissioner Gibson.

Commissioner Gibson: Even though I have seconded the motion, I'm going to vote against it. Apologies, Commissioner.

Commissioner Miller: Mr. Chair?

Chairman Bradbury: Commissioner Miller.

Commissioner Miller: I would just note in situations like this and maybe it's something for the City to consider down the road, you know I've represented developers for a long time and you never know what's going to happen when you start to dig and the question is, I've represented developers who started to dig for high rise buildings and found ships, and so you just don't know. If you're in a culturally sensitive area, I mean frankly, to try to draft something on the fly is very difficult to do but the reality that those issues are there and if we note this is a culturally historic area and it has cultural resources, then we should probably have something related to this that a Commissioner doesn't have to draft with 30 seconds notice.

Chairman Bradbury: Any other discussion on the motion?

Commissioner Danley: Mr. Chairman?

Chairman Bradbury: Commissioner Danley.

Commissioner Danley: I guess that I would just hope that if you find a ship can you report it to us. I say that in jest, but with all do seriousness I know that the group that's been out there has done a lot of the excavation and has found a whole host of things especially down by the river bed, being that it was a pervious sawmill, and a lot of those things have been collected over time and I think are even displayed to an extent. So I suspect that this is a group that is not unfamiliar with that and I think that we're fortunate that they will likely do a good and careful job with that. I think that, also by the way, that you have a very strong neighborhood association out there that will probably keep pretty good tabs of that as well, if I had to take a guess.

Chairman Bradbury: Any other discussion on the motion to amend? Hearing none then, all in favor of the motion to amend say aye. All opposed? Motion to amend fails.

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MOTION: **COMMISSIONER MILLER MOVED TO AMEND THE MOTION TO APPROVE PUD15-00002 AND CFH15-00004 SUBJECT TO THE STAFF REPORT AND CONDITIONS OF APPROVAL CONTAINED THEREIN AND ADD THAT GRADING SHALL BE CONDUCTED IN A MANOR TO PRESERVE CULTURAL RESOURCES TO THE MAXIMUM EXTENT PRACTICABLE.**

SECONDER: **COMMISSIONER GIBSON**

ONE IN FAVOR, FOUR OPPOSED, MOTION FAILS.

Chairman Bradbury: Alright, we are back to the main motion which is a motion for approval in accordance with the staff report and conditions of approval contained in the staff report and the additional three conditions there were read into the record. Any other discussion on the main motion? Hearing none, all those in favor say aye.

MOTION: **COMMISSIONER GILLESPIE MOVED TO APPROVE PUD15-00002 AND CFH15-00004 SUBJECT TO THE STAFF REPORT AND CONDITIONS OF APPROVAL CONTAINED THEREIN PLUS ADDITIONAL 3 CONDITIONS: THE APPLICANT WILL PAINT THE PROPOSED WATER TANK A COLOR TO BLEND WITH THE SURROUNDING HILLS; TRAILS LOCATED ON PROJECT PROPERTY NOT DEDICATED OR OPERATED BY THE PUBLIC WILL BE MAINTAINED BY THE HOA, AND, THE APPLICANT WILL WORK WITH BOISE CITY STAFF TO IDENTIFY WAYS IN WHICH THE NUMBER OF STREET LIGHTS CAN BE REDUCED IN ORDER TO MINIMIZE THE IMPACT OF LIGHTING.**

SECONDER: **COMMISSIONER GIBSON**

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Bradbury: Congratulations, with that we've completed our meeting tonight. Anything else, did I miss anything? We've got it, thank you for coming.

IV. MEETING ADJOURNED

(08:24 PM)