



Boise City Planning & Development Services

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Planning & Zoning Commission

Work Session

July 31, 2008

Commission Members Present

Brandy Wilson /Chairman, Gene Fadness /Vice-Chairman, Doug Cooper, Lauren McLean, Anne Barker, Thomas Baskin and Jennifer Stevens

Staff Members Present

Hal Simmons, Terry Records, Cody Riddle, Bruce Eggleston, Scott Spjute, Pam Baldwin & Teresa Sobotka (Legal).

AASE'S CANYON POINT DEVELOPMENT, LLC / 6890 N. Plano Road

A worksession to discuss Plano Road Subdivision applications was held on July 31, 2008 in the Boise City Hall, 3rd floor Bonneville Room.

Meeting was called to order by Brandy Wilson / Chairman at 6:00 pm. Format was to go through the table of contents and take up each of the topics in turn.

Presentation by **Bruce Eggleston** on density. The density of the foothills is based on a number of things but we start out with the slope analysis; (pointing to a map). The green areas on the map are the areas that are buildable, less than 25% slope. The large blue chunk is the sandpit. The blue areas are also less than 25% slope and that is part of the buildable that is to be set aside as permanent open space. The items on the map that are blue and green correspond to the numbers in the table. The buildable is approximately 73 ½ acres. There are 2 parts to that; there is the calculation to the ordinance and there is where the building is going to land and we require that both of those are associated with buildable land with less than 25% slope. In addition to the actual buildable the applicant has presented a couple of documents of studies by Mr. Tiederman that came up with the number of 81.9 acres of the calculated growth of the Asse onion. And so we added the actual buildable 75 acres to the 81.9 acres and come us with something like 155 acres that would factor towards the density bonus. So that is essentially the pool of the buildable properties that are associated with this land.

Commissioner Barker: You go from about 75 acres of property that has a less than 25% slope and that is clearly buildable according to code and you add to that the onion fields space which is greater than 25% slope for the most part and call that buildable. Could you please go over again why that is buildable, the 82 acres.

Bruce Eggleston: The plan in the ordinance directs a couple of things. They describe this formula and they also call out the point of protection of present endangered species, and they name 3 specific ones, the Asses Onion and 2 other species but they are specifically called out in the plan and in a document (that was put together by one member that is in the audience) known as the Heritage Document that also specifies there are certain areas and features in the Foothills that are conservable and the onion is one of those features.

Commissioner Baker: I think first the question isn't about why the Asse Onion deserves protection but is rather all slopes that are greater than 25% that contain the Asse onion why are those being included in the 81 acres that are being used to calculate the density bonus?

Bruce Eggleston: It is quite simple, that is where they live.

Hal Simmons: When the ordinance was put together for the Foothills, first of all it was based simply on buildable area, things that needed to be discussed, things that needed to be protected in the foothills. There was a feeling that there were other areas that maybe on steep slopes that might not be otherwise protected. So the ordinance was written to allow slope areas to count towards density bonus, plus slope areas have certain characteristics. They are listed on the Heritage Preservation sites as unique geological outcropping that might be otherwise destroyed if there were planned communities on them, if there were recurring areas on them, a list of things. There's a list of 11 items that can occur on sloped areas that otherwise you wouldn't get buildable credit for but if you have those and you can protect those, and if you can put together 4 of them into a package, then you get density credit as if that was flat land.

Commissioner Baker: And we have that list of 11 somewhere in the packet?

Bruce Eggleston: Yes

Commissioner Baskin: It is up to the applicant as to whether or not to apply for a density bonus. Let's suppose in this case the applicant decided not to apply for any density bonus. With respect to the onion fields, what extent would those areas be otherwise protected under the provisions of either the Foothills Policy Plan or the Foothills fire and development codes.

Hal Simmons: That is a good question. It would be protected to the extent that we would not allow him to propose even a low density development on that. If he came in and wanted to build one unit per 40 acres we still wouldn't let him build on the sloped areas where the onion fields are. However we would not have any control over how he used the sloped areas somewhat, if he wanted to run cattle on them he could, if he wanted to build a trail system for the owners of the homes he was selling, he could do that, if he wanted them to be covered with noxious weeds, if could basically do that. In this case what he is doing is turning it over to a land trust. So that is the difference.

Commissioner Baskin: Setting aside again the density of the open space issue. Is there nothing in the plan that would say you've got to protect these areas where there are sensitive or rare species of plants?

Hal Simmons: Yes the plan does say when you design your clusters; you need to cluster away from the unique areas.

Tom Baskin: So can it be said that there are protections build into the ordinance that provide protection for the onion fields apart from the open space protection that is being proposed?

Hal Simmons: Yes. What the ordinance contemplates is that if you're packaging, putting together an active management plan for those areas that is better than what you would have just following the base provision of the ordinance and you can get density credit.

Commissioner Baskin: Just one final question. Apart from the ordinance, are there any federal or state or other protections that might apply to protect the onion fields?

Hal Simmons: If I could just add one other point. The only thing he has going on this property was he still couldn't get density credit for it. It has to be in conjunction with other elements off of that list.

Commissioner Baskin: Wouldn't the wetlands as well be otherwise protected?

Hal Simmons: The wetlands would have federal protection. You have to remember what we are looking at here is a package of conservation for this area.

Commissioner McLean: Is there enough of a management plan for us?

Hal Simmons: That is a good question. I'm not sure that we're a 100% comfortable with the management plan.

Chairman Wilson: I think we will table that question until we get to the environmental issues so we will stick with density for right now.

Commissioner McLean: On page 3 of 21, under Density Bonus; it says using the maximum of 47.78 acres of the 332.8 acres of slopes less than 25%. Is that correct? Are they saying there are 332 acres of slopes that are buildable that are less than 25% or is there 155? And then I was wondering if that was what was used for the calculation.

Bruce Eggleston: The 47.8 acres are the built portion and the bonus itself is credited to the built portion, not the set-aside. The set-aside is the 155 minus this 47, approximately 110 set aside and if you add the actual number, density number, you take this built portion, in this case the 47.78 acres, times that by the multiplier which in this case is 2.99 units per acre to result in the 143 units that are eligible under the density bonus. Then the set aside is the set aside, there is not a calculation for density on it. That is the requirement to get to this point.

Commissioner Stevens: Are there 322 acres of slope less than 25%, or are there 155 acres?

Bruce Eggleston: It is actually 75 ½, 322 is the total project size. 155 is the actual buildable land 25% or less slope with the onions in it together.

Commissioner Cooper: Just a clarification, the 155 acres are the less than 25% slope?

Bruce Eggleston: That is with the onions, the actual number is 47.8 used and the not used is 25.3 which adds up to 75 approximately.

Commissioner Stevens: On page 2 of 21, number 2 in that grid needs to be changed, it needs to be deleted. Something there is not connecting.

Commissioner Cooper: Would it be correct to say that number 2 should say total buildable land slope less than 25%.

Commission McClain: In the two pieces, there is your piece and then there is the applicant's piece, and there is a part about what can be done in the city verses what can be done in the county. My read was that the density would be the same regardless. Did I read that correctly?

Bruce Eggleston: That is really kind of the crux of the discussion here. I would cut to the chase and say that when all the ordinances and policies are applied in the city that we would end up with about the same number that the applicant has put on the table for his application. I am not exactly sure we haven't analyzed that in the sense of the County because half of the land is RP, 120 acres are in the R-6, which has its own density value and then there is a portion in the city and they all have to be analyzed as if they were separate properties. We haven't had time to evaluate each property individually. In either case, the County has adopted the Foothills Policy Plan with the restrictions.

Commissioner Baskin: I just want to understand what the city's position is on whether the base density is 1 unit per 40 acres or whatever density applies in the county. Are you guys and gals and staff satisfied that it is 1 unit per 40 acres and whatever county zoning is out there is not applicable to this application?

Bruce Eggleston: There are 2 questions there. How we calculate what is allowable in the foothills on a given property. And then there is the end product if and when the property is rezoned and you have to separate these 2 issues. One is trying to get at what the project would look like, how many units and so forth, what the city would allow. In the end product, let's say it is annexed and rezoned, nothing in the county applies.

Hal Simmons: Just to add to that; I don't think that we've attempted to put a number as to what their base right is at the county zoning. We acknowledge that they have zoning on a good portion of the property. They clearly have the right to go to the county if we deny them and request an application. They may get an urban development approval with density similar to what is before us here. All I can say is we decided to use that zoning as the base for determining the numbers. We used our own numbers, our own ordinance, our own formula we started at 1

for 40. We acknowledge that they have a certain amount of property rights associated in the county with the zoning that they have.

Commissioner Baskin: Here is my question...I think that the implied threat from the applicant was, if you won't let us move forward with what we want to do here, we'll just pack our bags and go back to the county and do this, and if we do you will end up with something worse there than what you would get here. How much validity does that threat have?

Hal Simmons: I think that there is a reality to that threat. We've dealt with that for many years here in the area of impact where we have county zoning. Our rules and the County's are all the same, they have to come to us first. We have a chance to review them with our zoning standards and our policies and either approve them or deny them. If we deny them they do have the right to go back and request approval from the County. I don't doubt that they have an opportunity to go back to the County and getting an urban development approved. They would still have to try to meet the spirit of our policy plan but our ordinance may not apply to their project.

Commissioner Baskin: Can we annex the property, zone it and deny the application?

Hal Simmons: I guess you could do that. Obviously you would have to find that they weren't complying with our policies and our ordinances. I guess you would end up in court on it and the judge would decide. We've been through that with other landowners and prevailed only because the landowners had not submitted detailed applications consistent with our policy plan and ordinance.

Teresa Sobotka: This application before you; you have an opportunity to annex it. When you annex it you have to start a zone and that zone would have to be consistent with our comprehensive plan. So that is one and two. You have several different decisions to make, whether or not you approve the conditional use permit, whether or not you approve the subdivision, those are separate decisions. This is a very comprehensive and detailed plan. The two biggest decisions are annexation and rezone and you could separate the others out if you need to.

Commissioner Stevens: I have a follow up, part of the staff report on this exact issue mentioned a possibility of annexing the property with a holding zone and that is something I'm not familiar with. I was hoping that you would explain what a holding zone was.

Bruce Eggleston: We've had one example where the city did just that. The applicant requested R-1B and (Brandy) excuse me Bruce but I think Teresa wants to jump in on this.

Teresa Sobotka: This other case had not given detailed analysis, which is completely different from this one. We did prevail at the Supreme Court and we put them in a holding zone and when they could come back and give detailed analysis and go through the system again. You have a different situation here because they have given detailed analysis. Does that mean you have to approve it as is? No you don't. You still need to look at what they provide and see if it works for you or not. What a taking would be, if we take away all economic ability for them. Even in

our holding zone, holding kind of sounds like zero, you can't do anything at all in there, we don't do that. At the very minimum you could always do the one per forty. The court so far has said as long as you have very good reasoning for what you base it on you do not have to give them the highest and best use.

Commissioner Baskin: I'm looking at section 11.06.05.07.04 under the calculation of Density Bonus Formula, and after you get through reading the 11 characteristics that define priority open space, after you get through the 4 additional criteria for density increase for public value you finally get down to a section in the ordinance where it says When the applicant demonstrates that a portion of his property not otherwise qualified as open space eligible for a density bonus as per Section 11-06-05.7.4.B, does meet the above-listed criteria, the Commission may classify it as priority open space and allow some or all of it to qualify for the granting of a density bonus. The amount allowed to qualify as open space eligible for a density bonus shall be discretionary based upon the degree to which it meets or exceeds the minimum criteria established in this section. And then in the same paragraph above it says priority open space, when it exists, should be used in balance with other forms of eligible open space to meet the requirements of this code. So here you've got 81 acres of priority open space that is being considered and 25 acres of other buildable space that is being considered. What is meant in your view by use of the term balance?

Bruce Eggleston: The idea there is that the applicant has a report from a certified biologist who presents 81.9 acres of the actual habitat of this area of concern and there may be other mitigating factors that would either add to or subtract from that 81.9 acres. The factors might be, say a road going through it or are there trails going through it that would somehow disrupt that habitat. Or in this case what he have to be very careful about in here is the missing 9 acres in the hearing is that some of these onions may be destroyed during the construction process so this would be the kind of thing you look at to make that determination whether it is 81.9 acres or if some of that is going to go away. Or could it be rehabilitated, revegetated after construction. So that is where your discretionary powers come for here, your mitigating circumstances would not allow that full measure. That would be the call you would have to make.

Hal Simmons: If I could add a few things too. This is one of the vague things in the code that we have to deal with, there is no number associated, it doesn't say lets balance, it says we shouldn't use 100% slope there for density. I'll be honest with you, this has probably been our biggest concern in reviewing this is the question of have we gone too far in allowing this amount of onion field on sloped land to be counted towards the density credit. That is really a valid question and I don't know the answer to it. I will say that part of our rationale in allowing this much to be counted is based primarily on the fact that this is in our priority development area. I think if this was in one of our most sensitive areas where we had very limited downstream street capacity or if it was next to the Fish and Game Management Area we would probably be less likely to have gone with the percentage of slope area counting towards density as we have gone with here. I think our view is kind of shaded by the fact that this is where the City said they wanted to direct development, so we gave them the benefit of the doubt. Also I think because from what we can tell this is a really significant and a good condition onion field. It is probably one of the best places for that particular plant species in the Foothills right now, and if they do a

meaningful management plan for the whole thing that is also weighing our consideration. That was our thinking.

Commission Fadness: On page 8 where it talks about in order to qualify for the density bonus, priority open space lands must demonstrate at least four of the eleven characteristics and then you list the eleven and claim that they meet 5. I'm actually counting 6, unless wetlands are so insignificant that it doesn't count as one. I'm counting 1-4 and 9 and 10 which one am I counting that I shouldn't be counting?

Bruce Eggleston: The applicant submitted or would count 5 and then the one is kind of a double benefit; 10 – lands adjacent to publicly-held open spaces is also counted as part of the open space set-aside and it has riparian areas and is adjacent to the Polecat Gulch Reserve. So it is sort of double counted, it has riparian areas and it's adjacent to a park and it is all the same piece of land.

Chairman Wilson: Back to the question of density and the point that Hal brought up about this being in alignment with the area for priority development in the Foothills. I wondered if maybe we could just skip ahead to the Comprehensive Plan Policies and Zoning Ordinances and just talk about that framework a little bit. Why is this the priority area and what was the thinking on the foothills plan?

Hal Simmons: Ten years ago when we looked at the whole Foothills Planning Area, we looked at the various constraints that existed across the front and it was pretty easy to identify three different areas. The area east of the military reserve was really dominated by state and federal lands and by the Fish and Wildlife Management Area. That was an area that drained down into the Harris Ranch area and it had significant historic uses and provided winter range. Fish and Game felt very strongly that that area should not be developed. So that was prioritized through the policy plans as an area where the first priority would be purchase of that land for public ownership to be preserved as winter range and that to a large extent is where the Foothills serial Levy is in order to protect the area from development. The central foothills were defined primarily by street capacity. That was the area between 36th Street and 8th Street extension. That was an area that was served primarily by 15th Street and Harrison Boulevard, which then as they are today operating just about at the maximum design capacity of those streets. So that became an area that was also not a priority development area because there was no way to get the traffic out of there. During all that time, the area roughly north of the northwest of 36th Street on west was an area that was less developed there then than it is today. There was more clearly identifiable street capacity downstream, fish and game did not operate a facility anywhere near there, they had not rank that as a priority area. So sort of by default that became the area where the city decided to promote development, simply it had available street capacity and it did not have a critical winter range. The council at that time was really under the gun to find a way to allow for some Foothills development, so they used street capacity and winter range as their priority determination and slope to identify where they should direct these homes.

Commissioner Stevens: When I read the policy regarding the western foothills it is the lack of wildlife and the street capacity. We are looking at those 11 items and what we have in there is a

credit towards the developer for maintaining wildlife and big game winter range, migration trails. So that feels like a real contradiction to me, I would like your insight into that. Another question is, is everything in the western foothills considered the same or there variations within that very large area that dictate looking at that large area differently?

Hal Simmons: It is impossible to compare any 2 areas in the foothills and say they are the same. The foothills are extremely variable. What we have recognized is that the western foothills is pretty steep and it is maybe not the easiest place to develop even though it is identified as a priority area. Every foothills development has to stand or fall on the analysis that it does protect the sensitive area it is developing in or around. Just because we have identified an area as a priority development area, if the developer happens to pick the one spot within that priority development area that has the most sensitivity environmental issues that is going to be known as probably undesirable. I don't know to what extent onions and corridors and other environmental issues are elsewhere within the western foothills. At the time it didn't rise to the level of significance as it did for wildlife issues. If you got a detailed analysis of the other sites in the western foothills you would probably find some that were more developable and some that were less.

Chairman Wilson: We will move on to design and grading, it actually begins on page 13.

Bruce Eggleston: The chief issues here are the building on the ridge tops and the amount of grading required to do that. The approach that staff takes in evaluating this is the building must occur on buildable area less than 25% slope. What sets the foothills apart is that one development has to be in a cluster, it has to be sloped less than 25% and it has to protect scenic and aesthetic requirements like the skyline issue that is so prominent in this one. One of the things that I've found has to do with the buildable areas, one of the exhibits about this section we showed that we looked at each individual parcel and footprint and we determined it was on a greater amount of buildable. If there were no grading, every footprint would land on a buildable area. We have to grade out a lot of that to make the roads work and the approaches to the lots work. It gets into that question of what is excessive. We have a lot of descriptive portions of the hillside ordinance which I quoted in here and the Foothills Plan and Development Ordinance that talk about the issue, blending in, trying to stay away from the areas that would require a lot of grading in the first place, just don't go there. The kinds of factors that come in through safe design and then coupled with the clustering we want to see things that are away from areas that are excessive grading. The mix here is in order to keep the proposed units on the buildable area and protect the onions at the same time. What we end up with is a lot of grading on those buildable areas in order to accommodate the number of units that they would be allowed to have.

Chairman Wilson: I think for me one of the main questions is ways that the project could be brought more into compliance with code. You have listed several ideas in the report, have you and the applicant discussed any of these yet?

Bruce Eggleston: We have discussed these all along and I guess the upshot of this is we make an effort to comply with the code and keep the policies in the forefront of our discussions. This paragraph summarizes the bulk of the last 2 years of discussion with the applicant. They've

done 7 versions to the grading plan because of the difficulties associated with this site and we're still not totally satisfied. Their prospective is one that they have to somehow have to make some money off of this thing. They have to make their plan and decide on what direction they want to go but these are directions that they could have to achieve a clustering and get out of areas that require more excessive grading.

Hal Simmons: One thing that I think is maybe not recognized on this one is that when a builder builds a road he wants to use the road to the maximum extent which means he loads lots off of both sides of that. What we asked the developer to do up front was we asked him not to double load his lots to the extent that is possible, to minimize grading. So if you look here you will see that probably half of the lots are not double loaded and that is a very unusual form of development.

Commissioner Stevens: Doesn't that also do something for them because all of those lots then face outwards and therefore have views? So my question if we were to double load some of these streets and we have houses on both sides what would that do to clustering and what does that do to open space?

Hal Simmons: I guess the answer is it would allow denser clustering in one portion of the project and more grading. Our goal I guess was try to minimize how much of the top of the slopes you had to cut off. You can certainly ask them about the possibility of double loading lots on the smaller portion of the site.

Chairman Wilson: We will have the applicant come forward. Have you considered any changes to the site since last we met here?

Ramon Yorgason: We have not tried to redesign since the last time we were here a few weeks ago. We have spent 3 years and many redesigns. It takes several months; I don't think you could do it in just a few weeks. I think we have exhausted all the redesigns that we think makes sense and the city would accept.

Commissioner Cooper: Any of those previous versions of your designs that you looked at putting lots on the 2 large areas of buildable land that have not been used, the sandpit and the lower southeast part which as I understand from testimony at the hearing that maybe don't have the views but are imminently buildable.

Ramon Yorgason: Early on we looked at the possibility of building in the lower area to the right, not the sandpit. The sandpit is the balancing area where we put the excess dirt, although it could be graded and put some units in there. This is a rather unique project in the sense that they've asked us to single-load the project on the roads that go up. A typical project, the homes on one side of the road pay for all the infrastructure. The lots on the other side give you your profit margin. In this case the bulk of the lots are single loaded on just one side and so it makes it more economically difficult and if we start reducing the valuable lots either in side which reduces their value or in their number which reduces the viability of the project then we can add more to the lower area such as the sandpit but for every lot that we might lose or size of the lot

the less valuable lots in the sandpit area would require many more lots there. I say many, it would depend on the configuration and how much infrastructure it takes to build those lots then we might have 6 or 8 to 1 ratio. I don't have that number but it would take many more lots than we would lose of the more valuable lots. The road itself really drives the amount of earthwork that is involved. Initially we had some double loaded lots on the main road. I think we started with 240. The city has asked us to cut down, and cut down and cut down, which we have done. We are down to the 155 now. We believe yes it can be cut more, then we would have to add quite a few more lots for each one we lose just because of the value of those lower lots in the sandpit or the other area has much less value to them.

Commissioner Cooper: So there isn't a way to put lots in those 2 areas and reduce the amount of excavation that is being done on the ridge top, reducing your costs there as a way to balance.

Ramon Yorgason: I don't have a dollar calculation. I do know that the road pretty much has to go where it is just because of the 10% grade minimum that is required to be met. We can't just put it in any location, there is only one or two places you can even put the road. To meet the 10% grade requires a certain amount of cut to make that grade, then you're up on top and then you have to get down. The road has to go from Plano to Collister and there are very few options where that road can go across the top. We have reduced the amount of cutting by raising the road and only single loading most of the road rather than cutting more and having more lots up along the top, which we would like to do but staff has asked us not to and we have tried to comply with that.

Commissioner Cooper: Does staff concur?

Bruce Eggleston: Their design is a really thorough struggle to preserve the onions to maximize the density bonus and at the same time grade as much as possible to site the lots. It is an absolute essential to understand about this project that the effort to preserve the onions has cost them some of the sites that would have been available had the onion population not been there. That really is a tough mix for them to achieve, to accomplish both goals at the same time. If the onions weren't part of this application the design would be much easier for them.

Commissioner Fadness: The applicant talks about how difficult it is to find roadway routes and one of the suggestions that staff brings up as alternatives includes flipping the road to the front side of the ridge. Is that doable?

Bruce Eggleston: Directed question to Terry Records who did the evaluation.

Terry Records: The road could be flipped; it would be a very easy thing to do, put the road on the front side as suggested. We talked about all these redesigns; I really never saw any redesigns, they were all variations of the plan but it was just to get to a plan that we could review because there were so many mistakes on the earlier version. This plan is about the only place they can go with the subdivision. They are restricted by the requirement for building on slopes less than 25%. If we relaxed that requirement and be more like Quail Ridge, they could take the front ridge line off and fill in some of the tops of these valleys and put houses where it is now

steeper than 25%. They would be less visible. The pit is buildable. When they fill that pit in it will come up where those houses will be view lots. They won't be prime view lots like the front ridge.

Commissioner Baker: There is a considerable amount, a huge volume of fill as a result of this project, if this property that is in green is buildable. Why are we seeing so much grading and fill coming from this project...where is it coming from?

Terry Records: It is driven by the requirement that the road be no steeper than 10%. So as the road goes up in 10% the hill is going up much steeper so by the time you get up on the top you are 50 feet deep and that generates a lot of material. In Quail Ridge they went even deeper to widen that flat area so that they could get a double-load road. Here they did the absolute minimal cut just to get the road up on top. In this area that generated this 2 million cubic yard fill but because they can't take that fill and fill in some of these areas like they did in Quail Ridge, it's just excess fill that they have to dispose of in the sandpit.

Chairman Baker: The grading is not on the building lots themselves, it's to put the road in.

Terry Records: The grading is driven by the road, yes. It creates this wide flat area up on top. I think it is important to understand also that a significant part of that lot is going to be flat that was not previously less than 25%. Some of these lots are fairly big lots but they are not big enough that you could move the road over and put a double loaded street. It is just kind of a unique hillside. They are double loading where they can.

Commissioner Stevens: One of the things that Bruce wrote in his report was that there was a possibility of reducing some of this cut, of reducing some of the flattening effect by building driveways up to a home that would be more hillside hugging. What is the grade allowed for a driveway and what kind of change total would that make doing that sort of thing on all those ridges and is it possible in your mind?

Terry Records: You could put the street in and rather than cutting off all the way up to where that cut would be right on the slope, you'd put the street here, have a driveway go up and have a flat pad up here. Now that would reduce the area of the flat pad. I'm not sure how much that would accomplish other than reducing the total amount of cut. You still have a house of here perched on the edge of the slope and maybe more visible because there is not as much flat area to put the house and it's going to be closer to the slope and that does 2 negative things, it creates a house that is going to be more visible and creates a more dangerous situation for that house. It would reduce grading if the goal is just to reduce grading it would accomplish that.

Commissioner Stevens: Having a 30 foot setback of grass, how much of a difference does that really make in a fire situation?

Terry Records: 30 foot as opposed to?

Commissioner Stevens: As Bruce put in his report, a hill hugging house that sits into the landscape that may be more visible but doesn't require all that grading and still maintains the contours of the hill.

Terry Records: We would not want to put houses out on the edge of the slope that would be inviting a disaster. That is one of the benefits of these front roll houses, they are very deep lots and they can realistically say we are going to provide a 30 foot setback from the slope if you narrow up those lots, they can't do that.

Commissioner Cooper: Terry, you said that you felt that the sandpit area would be buildable with the fill. Do you have the same opinion of the southeast portion there?

Terry Records: I don't see any reason why that can't be built. From an engineer's point of view, you can build anywhere. It may be more expensive in some areas but you can build anywhere.

Commissioner Cooper: Maybe the applicant can help me. You weren't going to put any fill in that southeast area right? It was just going in the sandpit?

Ramon Yorgason: That is correct.

Commissioner Baskin: Am I correct in assuming that none of the ridges in questions are so called prominent ridges that is contemplated by the foothills open space report.

Bruce Eggleston: That assumption is incorrect. The Open Space Management Plan by Parks and Recreation and I included this in the original staff report I had it in color for you. Essentially if you watch the mass on the screen here this area right here is shown on the map as being one of those prominent ridge lines and it is quite visible. It's steep, it goes straight up and you can see it from many parts of the county. It is called out in the Open Space Management Plan as one of those desirable ridges to protect..

Commissioner Baskin: In your mind does this plan meet the natural scenic values of prominent ridges and skylines and concentrate development on more obscured areas or is this one of the contentions that we are suppose to struggle with?

Bruce Eggleston: I don't feel that we can make that finding.

Commissioner Baskin: The policy does not seem to be discretionary it says that we shall maintain those.

Bruce Eggleston: Between the balances that we've talked about, it comes a point where we make a concession to preserve one thing such is the onions and we have to let another thing go. That is your task here. It is impossible to meet every policy in the plan.

Teresa Sobotka: I want to caution you a little bit. The Foothills Development Plan is very detailed but it is a guide. If push comes to shove, it's a guide and your ordinance actually controls it. It is a very detailed plan and usually plans are a little more flexible. You asked us to come up with many alternatives and so we brainstormed and came up with them. As we did so I was a little bit reluctant because there are lots of factors that go into them and we can't just say this one would work or that wouldn't work. As the developer said it would take a lot of looking at to different alternatives to see what all was there. We gave you some possibilities but we are certainly not saying that all these other roads would absolutely work.

Chairman Wilson: It is just important for us to go through that thought process as well.

Kerry Winn: Initially as our plan was brought forward to the Planning and Zoning Commission the staff did say, if my thought pattern is correct, that our plan complies with the ordinance. We worked for 3 years so we could have that, and we are very pleased that we were able to comply with it. Secondly, on the slope, we have the roads down to minimize the grading and then have lots that are up a little higher; of course we have the potential for steep driveways. If the lots are narrower then we can't set them back. Yes it can be done but I don't think the city wants us to do that. And thirdly, you might recall in our photo presentation that this is a ridge top project, it is not a skyline project. This is not a ridgeline project. The homes blend in with the background. There are one or two spots on Hill Road that you can see blue sky behind them, two spots, but on the whole city you don't see any skyline behind them. We have made a great effort in working with the city and staff has spent a lot of time trying to massage this around so it would comply with the ordinance. One other thing that I think is quite important is I think on page 5, on the city's comments it says 'applying all of the ordinance requirements, a realistic estimate of the base density is 332 units,' and we believe it is 900 and some but even if it is 332 that is way higher than the 155 we are asking for. This number would be reduced further by traffic impact constraints on the road system. Thus a maximum estimated density is 290 to 300 units as demonstrated in the table below. And then down below the paragraph, just below the grid it says 'staff also concurs that the base density given the existing zoning would exceed the 155 units requested by the applicant. Therefore the density bonus methodology is not necessary to qualify for the 155 units.' So we feel like we really don't need to do all this density stuff. But even if you want to go with the base density, that's fine because we believe that we comply. I think that those are important factors to consider as we deal with all the different problems we're dealing with here and it is a tough one...3 years is a long time for us to work on a project.

Commissioner Fadness: I realize we are on design and grading but then the applicant brought up something about density. The statement that the applicant brought about the maximum estimated density is 290 to 300 units that is per city not county zoning correct?

Bruce Eggleston: That calculation is for the whole site. The base density doesn't reflect all the ordinances that we've discussed here. The end result is based on everything not just that one statement of what the potential is for a given zone. We have to look at each and every factor that we've discussed here tonight both in the plan and the ordinance. My contention is no matter how you look at it, if you comply as much as possible with the plan and the ordinance we are still

going to end up somewhere around the 155. It is the net result of everything that is doable and what we see before us is pretty much the maximum of what is doable on this piece of land.

Commissioner Baskin: Your whole analysis is premised on the base density being 1 unit per 40 acres and that is the way the density bonus is calculated and that is the way we get to where we are. If we have questions about the density bonus or about the assignment of value to the priority open space, none of those things are relevant if Mr. Yorgason is right and he's got a density of 290 houses. Our discussion is either premised on 1 unit per 40 acres or premised on something else, which is it?

Teresa Sobotka: We have been working on this for 3 years, applicant and staff worked under the premise of 1 per 40, the staff report was written up at 1 per 40, etc. After the applicant read the report he started looking at some things and that is where he came up with wait a minute maybe I could have my 117 units of based density. So 117 is certainly a long ways from 1 per 40. We don't know what would happen in the county, there is no application there, we don't know how they would apply the ordinance, etc. We know for sure that 1 per 40 is a real safe estimate. Above and beyond that we don't know. So that is why you are hearing these conflicts.

Kerry Winn: At this time we are not asking for more than 155. That is our application, that's what we're hoping you will rule on. We're not asking for more, unless we have to get rid of a lot of valuable lots then it may have to go up.

Bruce Eggleston: I would like an opportunity to answer Commissioner Baskin's question, he made a statement that if the density bonus isn't required or needed then all the other stuff goes away. That is not the case. That is a means to getting additional density but all those items that we talked about, the whole package that makes the foothills unique are not negated by whether or not an individual applies for the density bonus. The policy on the wildlife, everything is still there. We are still looking at those policies for the design and that is why I could very confidently make the statement that regardless of the density bonus or not it is the current capacity of the land and the context of the ordinance. So if the density bonus didn't exist, we would still end up with a design that would look pretty much just like that. The policies are all taken into consideration regardless of the density bonus or not.

Commissioner Baskin: You've just made the statement that I made earlier that **all** these things are protected under the Foothills Policy Plan, and maybe they shouldn't be considered as priority open space because if they are protected you don't get to count them as priority open space. Is that what you're saying?

Bruce Eggleston: In the particular case of the onions, the protection has been elevated to the sense of having conservation management, a plan, conservation easement; there are things that wouldn't otherwise pertain here. We are raising the management in protection of that through the density bonus process. Whether we get a bonus for that or not, it is still a plan we would enforce anywhere in the Foothills.

Chairman Wilson: I think it goes back to what Hal had explained earlier. That protecting the onion under the Foothills Plan alone that might be able to put houses on top of the onions but they could run plows through the onions and put trails through the onions where with this we are getting assurance that they wouldn't do those things. So maybe we could go ahead and start the environmental issue section. I would like to invite Tim Breuer, Director of the Land Trust of the Treasure Valley to come forward.

Tim Breuer: We don't advocate for or against specific development projects. We are not working out with the developer or for the developer but rather we were invited in to see if there was something we could do to help protect the onion site. The Foothills Plan identifies the rare onion plant. I think it is important to note that if you look at the onion population across the foothills, it occurs nowhere else in the world but in the foothills between Weiser and Boise. Many of those plants are on private land, they are not on public land, and they are not protected. The conversations we have had thus far I would describe as being general agreements in broad principle as to how we would go about doing this. There hasn't been a real detailed management plan. I believe the applicant in his application suggested that a management plan would be done during their first phase or prior to the final plat of the first phase. What we have done is outline a real basic framework of what we believe would be some the major components of what it would need to protect the onion plant. I really was basing this on the past history. It really comes down to a conservation agreement that was done 10 years ago. I would describe that as to being aware of the plant, to consult with Fish and Wildlife Service, to avoid impacts and then to try and monitor and measure the populations. The next step would be what would be the threats to the plant, which then drives what you are going to do out in the ground. Sometimes the best strategy is not to manage them but to leave them be. Leave them alone. Some of the biggest threats of course are grading, development, sandpit mining, grazing, recreation, so I think by having the protective strategy which we suggested being a conservation easement with the ownership by the homeowners association we feel is a solid model. The development agreement in some of the earlier discussions there was the potential for the land trust receiving fee title and we've had conversations about that and have expressed our desire to the applicant that we would prefer the other model and I think that gives everybody a little more flexibility and includes the homeowners and gives them some ownership.

Chairman Wilson: What kind of protections could you put in place if you didn't use the fee, the fee transfer title approach?

Tim Breuer: I believe the use of a transfer fee is a more sound approach than if you are using homeowner's association assessments. Two different critters. The real estate transfer fee can actually be tied to the parcel and be a requirement and you cannot undue that. The models that I have seen have it placed in several locations; the CC&R's the deed restriction and then writing it up in the conservation easement, so you are covering your bases that way. In terms of what we would do on the ground, some of the big risks that I see to the onion plant are going to come at the front end. When the site is being graded, and prepped for development is probably when monitoring and oversight is going to be needed. And frankly it's at a time when there isn't funds in the transfer fee account and so we've had brief conversations with the applicant as to how we would overcome that challenge and they seem very committed to figuring out a solution to that.

Chairman Wilson: Tell us more about what you discussed and proposed.

Tim Breuer: We talked about the potential need for some kind of upfront funding or resources in order to provide the kind of monitoring that would be required. I think another part of that would be that the city would be responsible for the oversight of the grading plan. Creating a system where you are communicating with what's happening on the ground is really critical. It is great if we all agree, it's great if the project manager agrees but if the guys on the equipment don't know what's going on, there is a higher chance for trouble. Our monitoring efforts typically on a conservation easement would be once a year. We would go out and look for encroachments. This project has a little bit different twist to it and so in our framework we suggested establishing transits to measure the health of the plant population and the encroachment of weed infestations which I think could be one of the more significant threats. Right now there is no real active management of rare plant sites in the foothills by any agency. We are interested in this project for a number of reasons and one of them is to try and bring a little more science and strategy to play that might be able to be used in other places. I think there is some opportunity there.

Commissioner Barker: If your monitoring did show that there was weed infestation how is it proposed that that would be corrected? Who would take on the task of financing that correction?

Tim Breuer: Our concept at this point would be if we see something needing to be done, likely we would need to reach out to the scientists who have the best available information to deal with that issue. Frankly right now I don't know if there is anyone out there who has the answer to that challenge and its one more element to bring into this discussion. There are a number of other things that we are not going to have control over that I think are a significant threats; fire suppression, fire lines, cat lines and the like, it is hard to undo those once they are done in the heat of battle. There is some discussion at the local level providing fire fighting efforts and the organizations with some guidance about where these special places are. We would be modeling a lot of what we do after what's already being done by other agencies.

Commissioner Fadness: Did I understand you to say that the applicant has already agreed to some upfront funding, that's a commitment you've received?

Tim Breuer: I don't know that there has been any agreement. There have been a number of conversations and my experience thus far is that they have been very accommodating and open to ideas. Our organization will continue to want to pursue and work through the details, at some point we can get to a spot where we feel like we're in a solid place. There is no commitment that we have to follow through. The applicant would then simply go to the next alternative allowed in the ordinance which would be to turn to the homeowners association and have them basically take this on and that's one of the alternatives. Why we want to be involved is that we can bring something extra to the process that might add some value to conservation of rare plants. That's why we're interested.

Chairman Wilson: I just want to ask Teresa a question about the development agreement because the Land Trust isn't funded by the development agreement, correct?

Teresa Sobotka: The development agreement does say that there will be a conservation easement to a public entity. If these guys couldn't reach an agreement with the land trust then it would be some other public entity to take it over. We would not put it to the homeowners association.

Chairman Wilson: In the development agreement do we have a requirement that the plan for onion conservation be completed prior to submission of the first plat, is that in there?

Teresa Sobotka: It is.

Commissioner Fadness: I assume the Land Trust is in charge of the bookkeeping end of it as well then too?

Teresa Sobotka: Yes.

Commissioner Fadness: So with the development with this real estate transfer fee you are the ones that would monitor that and does that also set up some sort of lasting revolving fund? Is it just a one time thing that they pay when a homeowner buys a lot so we could see at some point in time that fund going away?

Tim Breuer: The way that would be set up within the land trust is a special restrictive fund account would be set up. We do this with other easements where we actually ask a donor of an easement to place funds into an endowment and we can't use the corpus or the principal of that, just the income. The way that real estate transfer of fees have worked is that they are perpetual so subsequent transactions would apply to it as well.

Commissioner Fadness: Once that is paid is it also that some principal as well that corpus isn't used and you just use the principals so there is a fund always there? Or once the development is built out then contributions to the fund kind of wither away.

Tim Breuer: The fund would build up, we would use only the income, not the principal. Subsequent transactions would also feed the principal and continue to grow it. It is important to note, if you have 300,000 dollars in an endowment which sounds like a nice little chunk of money, its really only going to generate at a 5% return \$1,500 per year. It's not a lot of money. On the upside, there is not a lot being done with rare plants in the foothills at this point and I think that we can do some good work with a small bit of funds and there are other folks that are interested in participating. But to answer your question, we're continuing in perpetuity.

Commissioner Barker: If some problems were to develop in this area and say there was only \$1,500 available per year, how would that be taken care of? Say there was a fire, would there be an attempt to replant, to reestablish? Say there were weeds, whatever may come, who is going to take care of this with the amount of money you are talking about?

Tim Breuer: We will do what we can with the resources available and there is not much more anyone can offer. Fire in and of itself has not proved to be a significant threat to the onion plant. Sometimes the best thing is just to leave it alone. Disturbance is the worst thing for the onion. One of the advantages of this particular site, the slopes are particularly steep. We don't see the kind of threats to the site from disturbances of unbridle recreation or some of these other things because of that steepness. And quite frankly if all of a sudden some neighborhood trail was created the fact that there is so much acreage of onions that the real effect to the population would not be a threat to the population itself, you kind of pick your battles. I hope that answered your questions.

Commissioner Baskin: A question for Teresa. Does the dedication of the conservation easement set aside the discounted sale requirements of the client...in other words in your view does the ordinance require dedication of the simple title or is conservation easements possible?

Teresa Sobotka: Well we obviously thought that the conservation easement was what was always done. I haven't done gray analysis to see if there was some conflict there. We've never required a fee transfer for a couple of reasons. One is, we want to have that flexibility so if things don't work out with the one entity, we can have it transferred to another one. That's always been our biggest reason to, if they are just not doing a good job or whatever, that we can come in and try and have the flexibility there to get it turned over to somebody else. That's the way we've always done it. I really haven't analyzed it to see if it met that requirement or not as much as just trying to keep as much flexibility for the city.

Bruce Eggleston: Mr. Yorgason has said that the open spaces in general would be platted and set aside and noted on the plat as permanent open space. That is as far as that goes and it doesn't get into the conservation verses the title ownership.

Commissioner Fadness: I'm not sure I'm following, so do I understand you Teresa correctly to say that the City then is not comfortable with the idea of handling this through a real estate transfer fee?

Teresa Sobotka: When there is a sale of land, owner (inaudible) to the corporate and that was what he was talking about earlier, which is different should we require them to transfer the onion land by fee title to the land trust and that's what I was saying, I want that flexibility in case for some reason the land trust doesn't work out, I'd like to give it to another public entity of some sort.

Commissioner McLean: What if in the fill process of the 81.9 acres that we are crediting them with, becomes 75 because this amount of fill either dips into the onion area or something else? What happens then?

Bruce Eggleston: The proposed area is 155 acres. There are a lot of non-onion species areas around the onion fields. It is up to us to insure that the grading doesn't impinge on those areas that are set aside.

Tim Breuer: I would like to ask Mr. Tiedemann, an onion expert to come up and say if what I was suggesting was scientifically accurate.

Rob Tiedemann: I am a certified wetland scientist, certified wetland delineator, certified wildlife biologist and certified fishery scientist. The onion primarily grows on the south facing slopes, steep in nature and very, very, coarse sandy material. Because of that there really is little or no threat of weeds invading the areas where Asses onions grow because it is so inhospitable. When we surveyed the project area we found little or no weed species in association with the onion at the present time. Because the ground is so coarse and because there is so few fine fuels like cheat grass growing where Asses onions occur. Its not fire, per say, that would be the threat to the species. As Tim correctly identifies; aggressive fire fighting techniques in the heat of the moment, the firefighters traipsing through or building roads through these areas, as being principle threat. There are two wetland locations within the project area. Polecat Gulch is an intermittent stream but does have vegetation associated. There also is an isolated wetland, it would be the east facing slope next to the north Collister subdivision. That would not be, although a wetland, would not be within the Corps of Engineer's jurisdiction so it is not protected by Section 4.4 of the Clean Water Act. And that is because of a recent Supreme Court ruling that there needs to be a connection between wetlands and waterways for these wetlands to fall within the corps jurisdiction. Now the same can't be said for the Polecat Gulch wetland area. The intermittent stream and the wetlands associated with it would be within the corps' jurisdiction. I would like to tell you, the framework or some the elements of a conservation plan appear in some of the documents that I have written for the applicant in this several paged document; the summary of mitigation measures to mitigate potential impacts of wildlife in the wetlands. For example, the operation and maintenance of subdivision. Item number ten reads in part "the developer will work with Idaho Department of Fish and Game to prescribe future management by the developer and the holder of the conservation easement of wildlife habitat within open space within Plano Road Subdivision. Number 11, access to and use of open space within the subdivision by recreators will be by the expressed permission of the developer. Number 12, dogs will be contained by a fence, domestic dogs will be controlled outside the fence by a leash. There are several other pieces and parts that would contribute to a management plan that is already contained in some of these and other documents written for the project.

Chairman Wilson: But most of those documents are actually incorporated as part of the site plan or the development agreement and those measures would not necessarily be followed. (Asked Bruce to place a large map up on the screen for them... in our packets it is on page 43). Chairman Wilson asked about the groups that were being preserved.

Rob Tiedemann: The arrows are locations where there are gaps in the lots. These are locations where there would be no fence; it would be part of the open space plan of the project. It is important to take note of the fact that it is not just mule deer but its other nongame species that also will require the ability to move from one portion of the property to another so we're taking that into account. The size of those corridors varies by species and probably the largest corridor would be required for species found in this area, would be required for mule deer. It is recommended that migration corridors for mule deer be between 600 – 800 feet in size. We have

a resident population that is there year round and during our surveys for Asse onions we observed as many as a dozen deer. Mule deer making use of the property and traversing on a daily basis from the east side of the ridge that runs roughly north south from the east to the west and back again. Of the 3 corridors that you see there the one to the far right meets Idaho's Fish and Game minimum requirement. It is a 777 foot wide corridor; one in combination with the 300 plus feet within the project area, within the property that is part of the Plano Road Subdivision is combined with an adjacent property that is greater than 25% slope and not buildable. So this will be by default, open space and will remain as open space. The other corridors vary within 125 – 312 feet in width.

Commissioner Stevens: I am looking at your report that was submitted with the application on June 6, 2008, which you are also the author of. There are a couple of maps in here regarding the game in these areas and they show no data for game on this project. Is the only thing you have to go on is the 12 deer you saw when you were there surveying for the onions or is there any more information? What I am trying to get at here is this idea that the Western Foothills are ripe for development or should be promoted for development because there is a lack of game. Without data I'm not convinced there is a lack of game.

Rob Tiedemann: There is a graph within that document labeled 2a. What I would like to do is show you my color version of it. It is a graph of representation of data that has been prepared by Idaho Fish and Game Southwest Region. There are numbers to go behind it but its been summarized and distilled so that it's easy to understand by lay people. My understanding of this graph as well as the data that stands behind it is that indeed the area of the foothills that contains the greatest density of wandering mule deer is going to be the eastern portion of Boise. There is a general trend of displacing numbers of mule deer and use of winter habitat as you move into the western portions of Boise. The theory is that animals are primarily coming down from the Boise National Forest and trailing along the drainages that parallel the Boise River and some of its major tributaries like Forest Creek. What you will notice of this graph is that we are at the extreme southern end of winter range. This area is winter range but would only be used in only the harshest of winters.

Commissioner Fadness: Our report says that the applicant has submitted this to Fish and Game for them to sign off on it. Are we going to have that in advance of the August 11th hearing and do we know if that report will have some of the data Commissioner Stevens was asking about?

Rob Tiedemann: I believe Rick will not provide that kind of information unless specifically requested. I could certainly help you in making that request so that you have the data before you. There are 2 letters of comments that has already been issued by Fish and Game in regards to this project. One is an informal email the other a formal letter on Fish and Game letterhead, I believe you have both of those available to you.

Commissioner Fadness: I'm wondering if the applicant can follow-up on what their progress is in working with Fish and Game on this?

Ramon Yorgason: To my understanding, we have the 2 letters already and there is a third one coming. That is really all I have. We have been working with them and they have been very cooperative and to my knowledge very supportive.

Commissioner Fadness: So you don't have any indication if we will receive that in advance of the August 11th hearing or not? Fish and Game is suppose to comment on these wildlife corridors and you have apparently submitted those to them and I'm just hoping that we might have that sooner rather than later.

Ramon Yorgason: We can certainly contact them and if they have other pertinent information I think we can get it before then.

Teresa Sobotka: There are two points that you all brought up that I want to touch on. One is for Commission Stevens; regardless of how many wildlife is there, the plan as it is right now, this south whole area and the application they submitted, they are allowed to drive on it. I just wanted to make sure you knew that, so we couldn't say, well there is wildlife there so we can't develop there.

Chairman Wilson: Let me interrupt and ask a question as a point of procedure. If I'm not mistaken, the way it is written is that it is considered the priority development area based on the lack of game. If we find that this in fact is not true, that this particular area has a substantial number of game based on the emails from Rick Wood, May 28, March 13, can we not then find that...what is the procedure there? The western foothill is this enormous amount of acreage, so we look at every acre of land as priority for development or do we take these other things into consideration? Such as lack of game or not lack of game?

Teresa Sobotka: First of all, quickly I can tell you that the day that the applicant submitted the application, that is the law that was placed that very day. And on that very day it says that this is the priority area for development. So that is the number one thing. Now if by some chance their whole development was set right in the middle of the key migration route, then the development would have to be minimized in that area, etc. So how the development works certainly is the key. But with this application you cannot pressure this being the primary development area, what you can do is after the fact say "I think you're crazy, go back and look at it." The other think I want to say is about the onion. The more I listen to you all, maybe we should have the development agreement tied to the first plat when the plan comes in for the onion. It's a very powerful time. I can see how it is loose, squishy, and we all might like to see some more details. So that was just a date and time because I wanted to make sure we had some date and time in place. Where as I listen to you all, I could tell that maybe that isn't the right date and that perhaps we should move it forward some.

8:05 pm - Commissioner McLean had to leave due to another commitment.

Chairman Wilson: Based on Teresa's comments then... the timing with the onion plan that we think would be better than first plat, is this something that we would want to have approved as it goes to City Council and would the applicant be amendable to changing that time?

Ramon Yorgason: We are fine with that. I think maybe you should make it a condition of the plat.

Chairman Wilson: That is where it is right now, it's a condition of a plat. So we could just say that City Council would need to be able to see that plan and incorporate that into their approval.

Ramon Yorgason: It has to be approved and if it doesn't go then you can't get a plat.

Chairman Wilson: Yes. It is just the timing; whether or not we think that City Council needs to have the plan in front of them so they can review or whether we think that it is okay to leave that as a condition. It wouldn't actually have another step to the review. But that is the question, should we make it contingent upon City Council's approval? You would have to submit the plan along with the packet that goes to City Council, so that would be something that they could talk about in their hearing process. If we make it contingent upon the plat, then it would be something that would be developed after all the public hearings and everything is closed. Especially if we have approval. At that point it would only be city staff that would be reviewing the plan and deciding whether or not it is adequate rather the plan being evaluated by Planning and Zoning or City Council. So that is what we are talking about in terms of the timing, that's the difference. If it is done with the plat then its staff level approval if you've left it as a condition in the development agreement. If it is done at the time of City Council then that is something that would actually be a hearing item.

Teresa Sobotka: That is correct.

Ramon Yorgason: I'll move forward as quickly as I can. I don't think it will take much time to get it ready.

Tim Breuer: I think Rob could also speak to this. It would seem to me a fairly straight forward process. One thing that is currently happening, I was a little hesitate to bring it up but it seems perhaps a worthy topic. I became aware just within the last day or so that the Fish and Wildlife service in Boise City and Ada County are working to upgrade the conservation agreement for rare plants in the Foothills. The information that I've got is that it may not be completed until some time late fall or early winter. My thinking is that there are going to be some things contained in that, conservation prescriptions, what you do if...to get at Commissioner Barkers concerns. I think that document is going to have great value to what we might be doing out on the ground. In the same time you've got a process that you're working, so I just put that out as information.

Chairman Wilson: We could include in the plan a provision for adaptive management, that when a better science comes along, we'll buy it.

Tim Bruer: Absolutely. In fact I fully intended to use that as a guide. Quite honestly we'd like to enter in and participate in the document preparation.

Chairman Wilson: Any other questions about wildlife and flora and fauna issues? The only other environmental issue that we have, let's go ahead and take that up very quickly. That is the potential impact on downstream run-off and whether or not these are issues. Staff has indicated here in the response that engineering evaluated this and that they found the walls are protected by a thick clay layer.

Commissioner Barker: We talked about having lawn areas in this development and having irrigated areas in this development, what is the potential for downhill mass movement when we have saturation of the soil uphill?

Terry Records: I think it is unlikely that a lot of water in these locations will be a habit. These are very stable formations. These soils are very compact, dense formations that water shouldn't have a huge effect.

Chairman Wilson: The only other topic we have left this evening is the very minor topic of traffic and roads. I was going to ask the Commission if you want to take a short break and finish that up this evening or if you want to set this over further.

We'll take a five minute break.

Commissioner Wilson: We are going to move onto the topics of traffic and roads. Bruce, we got a new letter from ACHD. Do you want to tell us a little bit about it, if it brought up any new information or confirm what we already knew.

Bruce Eggleston: I think it is just reiterating their positions. They have a comment on item 6 on page 18. The basic question is; is Collister Drive in any kind of shape to accommodate this proposal and the kind of traffic generated with that. Their response is that, essentially there is but it is not slated for capital funding for any significant improvements. I asked the author of this, Matt Edmonds from the Highway District, the only thing you can do to make this road or corridor better is to put sidewalks on it, the north side, then that would give that same kind of profile that we see and understand it as a collector of this type if it were to be installed new. He said of course the down side of that is the acquisition of the right-away. Their statement is basically we will accommodate the proposal as is without further improvement.

Commissioner Wilson: Then also on issue 9, we asked to check out the issue of placing a gate along the Daylight Rim Drive and that is something that they rejected in the interest of connectivity and safety goals, and the traffic light issue. ACHD said they are not concerned with that and that they think the traffic signal will improve the capacity of service. Of those kinds of roadway issues, Commissioners, do you have any other questions? If you don't have any questions about that, we could talk about the phasing proposals that Mr. Watts had provided, or some of these other Plano Lane ideas. What do you guys need to talk about?

Commissioner Fadness: I would like to know more about the phasing proposals. From what I understand, perhaps the applicant is not in disagreement with some of those suggestions. Mr. Watt is here if you would like to further clarify what he is proposing.

Commissioner Wilson: Bruce, did you have a chance to go over those proposals and could you tell us just a little bit about that?

Bruce Eggleston: Madam Chair, I'm afraid I don't fully understand Mr. Watts proposal and I think it would be instructive if we got some clarification of what exactly that was, but I think basically we are talking about the completion of the road from Plano Road to Collister Road being phased as the development occurs being essentially a gated situation until build out. Mr. Watts, is that even close to what you had suggested?

Jon Watts: The short answer is that he is in the ballpark.

Commissioner Fadness: Could you be more specific in explaining what it was that you are proposing?

John Watts: What I presented at the last meeting was a notion that I thought would go to your goal 5, which deals with protection of neighborhoods and preservation of neighborhoods and goal six which goes to a similar topic but with regards specifically to traffic. Bruce, could you put up the map? Envision the map of the development with the line that connects the end of Collister up to the Plano Subdivision on the top. That is of course the item of discussion because then the solid dark line if you will, it has been the contention of the residents of Briarhill Subdivision, since they won that, although if you want to argue that the status of that road is a collector under ACHD standards that functionally, realistically, If you have walked it, driven it, or live on it like we do, it will not really be able to handle any more traffic in a safe manner. We are accepting the reality that this proposal could go forward and it could go forward as proposed, we don't know. It is up to ACHD, you Commissioners and up to City Council for the annexation and the rezoning question in front of them. What could we do for some sort of mitigation along the way? The discussion among the neighborhoods and with the developer, as he is aware of this, what could we do to re-order the phasing to address several issues at that plan or that road in the current plan that ACHD is asking for raises? First of all, I think safety is a huge issue, if the traffic comes down off the top of that it's all going to have to go down Collister. They estimate upwards of 1,500 trips. They say perhaps their estimates are on a 50/50 split. How might we slow that down? Clearly, if the road was a gated emergency road, then that would slow that down.

That would then have the traffic using the brand new entrance being developed. The reason they would have to build something other than the entrance of that road is based on the ACHD's requirement for an emergency road, a road to be put in for phase one. Now understand that ACHD went from the original position. Their original position was we will have a road at 80 lots. Then they went to zero, then they went to 36, then to 17. So there is no magic to their number.

Why don't we look at the phasing then and let's go from a logical perspective. If you look at the plan and do a measurement of distance, by the time they get through phase one, I think phases five and seven is the information I gave you in the bundle that I left with you the last time. There will be somewhere around about where his cursor is now, which is about an equal distance off the front, verses going off the back and perhaps using Collister. If you were to re-order the phases rather than opposed to just going phase one first, then going to the very top of Collister phase two, then somewhere near the back, which is about phase four, then coming back to the front, you would negate anything other than a emergency gated road for quite some time. Until the market place, they could sell those homes until you got to that eightieth lot which was ACHD's original position. That is triggered off of their formula they use for trips per day, per house which calculates up to about a thousand trips per day until they get to that eightieth lot. That then, according to Boise City Fire Department, is when they want an emergency access. They went from 80 to zero and they weren't quite sure what to do. So let's go to 53, no well maybe ought to trigger it to 36, or how about 15. We propose an alternative phasing plan that gives you folks an opportunity to work with the developer to figure out how to build this thing if it is going to be built. How to bring logical flow in safety going in and out of a brand new built ingress/egress area off of Hill Road, avoiding having to put anything but emergency on Collister, but still providing that.

If you go forward and build that road, what issues does that raise for the City? Under the current phasing, as opposed to the alternative phasing I have proposed, you would have police issues because you would have to police it once that was built because you would have access traffic up there. I think you would have fire monitoring issues because people will be up there. If they are up there on a roadway, there are no homes. You increase your chances of Foothill fires. I think you also increase maintenance costs because it will have to be maintained. It will have to have snow plowed in the winter and the road maintained during the other months of the year and still no homes there, given the current phasing. Until they get into years three, four, and five. But if you go with a phasing plan given to you as an alternative that I propose the developer has seen. We can get into perhaps the seventh year when we hit the eightieth lot which then could trigger a decision. Do make this a through road or do we leave it as an emergency gated road. That then goes to your goals five and six which reserve the downstream neighborhood, which would be a plus to provide that emergency safety. Our public safety then raises to the same level, as thus far a nameless, faceless public that will be in habiting the new proposed development.

Commissioner Wilson: I would first like to hear from the applicant and what you considered with the Phasing Plan, if you have talked about this at all.

Ramon Yorgason: We have talked several times about the phasing plan that John Watts has proposed and generally we are supportive of that. We do have one concern and that is we do not want to build roads that we aren't able to put houses on. It is very expensive to put roads in without putting the houses there. So we would like to be able to be sure that when as we put roads in we can put houses along the sides of those roads. I think in general, we can follow that. There is one concern that the Fire Department would like to have their access right up front, but if we can't put houses there, right up front, it is pretty expensive to build a road, even an access road without putting houses on it, with the grading and everything else. You can't really build it

without putting all of the infrastructure in. I would say that we are very supportive of Mr. Watts's proposal and we think it makes sense.

Commissioner Cooper: I am just noting that part of the ACHD document received saying that they will not approve a final plat more than 53 buildable lots on Plano Road prior to the dedication of Daylight Rim Drive as a public street. So that tells me that you could do this but you would have to do it up to 53 lots. At least that is the way I understand it.

Ramon Yorgeson: It is my understanding that the city makes that determination even though ACHD has made their proposal and what they want to go forward with. It is my understanding that the City is the one to make that decision.

Teresa Sobotka: When I heard at the hearing Mr. Watts proposal, it sounded interesting to me also. I did study it and I went back to the code and looked at it, but I keep looking at 11.06.05.07.05 which is general design criteria and on A7 it states any developments are prohibited due to the potential for such limited access to restrict or delay emergency response to the Foothills. It doesn't say maybe prohibited, or whatever. It just sounds like a blanket thing. I don't know that we can delay that we can delay that requirement. That is why I get stuck unless you say, Okay, maybe we could find development some weird way, but once you put a house up there and sell it, people move in, I think you have a development.

Commissioner Cooper: It sounds to me like the way to do it is you don't put the gate up. You just don't put the connection.

John Watts: With due respect to Council, I think if you go to 1.3-6, this is not a gated development. This is a development within the Foothills and we are proposing an emergency gated road, not a gated community. It will have full ingress/egress from Plano of the development on the Hill Road side of this development. I don't believe that Ordinance is in play here, and Quail Ridge is an example of that and there is an additional community in Boise that also has emergency gated roads. This is not a gated community.

Commissioner Barker: I think at the hearing we talked about 80. That was the magic number, when you got to 80 buildable lots. Now, we have something that says 53. Can you bring those two together for me?

Commissioner Wilson: Bruce, that sounds like a question for you.

Bruce Eggleston: The 80 number is the impact threshold for off-site ACHD road improvement. The 50 number has to do with the applicant's proposed phasing plan and when it hits phase four I believe it would culminate that number. That also had the effect that phase four would include the extension of Collister Road to the Pole Cat Gulch Reserve and then you get up on top of the ridge. The first four phases would have 53 number of units and that looks like a logical break point. I think the City's position on that is we had a feel all along for some kind of road to connect it strictly for the safety issues. I think that given the findings recommendation of the Highways District, we would be okay with the road being built and not completed. Having some

kind of gravel road that will support fire safety equipment or what ever kind of safety equipment that needs to get in there. It has the flow with the curb, gutter and sidewalk would follow the development. We are not ready to support a gate just for the safety reasons. The gates that Mr. Watts pointed out that could be difficult for fire to get through, or emergency crew to get through. We would rather if they took the unfinished approach and finish as you go, but have the whole right of way in there from the beginning.

Commissioner Barker: Following that, when would the finished road be required? I know you finish as you go, but at what point would you suggest it would be appropriate to go ahead and have that as a public street?

Bruce Eggleston: I don't have a definitive number on that, I think it would be something like the Highway District's original position summary in the '80's where you reach a critical point where that flow has to have occurred, or it has to really come to safety access and to maintain the four minute response time. I think in looking at that response time and the emergency access is a prime consideration.

Commissioner Fadness: I do see in hearing Mr. Watt's response to Bruce's suggestion on the unfinished road, as opposed to the gate, if that would address the neighborhood concerns?

John Watts: To a limited degree, it may. Because I think that if I concur in the thought, the premises if it is a gravel emergency type road, folk aren't going to be in a hurry to use that, except perhaps ATV, off-road motorcycles, or say perhaps, folks looking for a good time on a Saturday night from a Foothills point of view. If you put that in and you will chuckle but I had to put the reality right on the table, because I live in the third house from the end of Collister now. It is not uncommon to have traffic on the weekend all through the night to drive to the end just to turn around because it is a dead end, and go right back out. They are looking to go somewhere at one or two or three in the morning. I will leave the reasons up to you, but they are looking to go somewhere. It is not an occasional occurrence. It is an every weekend occurrence. With that said Commissioner Fadness, thank you for your indulgence on that. I think the police expense comes into play. I think the maintenance of the road for ACHD comes into play, and the Fire Department could still have access to that, but there is another issue that comes into play. That is if maintenance isn't done until after the first year of after it is completed, then the developer is going to have to be responsible for it and if there is no traffic on it then that road won't be traveled on much and what happens when we actually need to use it? We have a bump in for the fire engine and a radio control for our fire engine or ambulance or something to get up there. It is going to be several years before anyone needs to get up there. By not gating it, I think you are opening yourself to liability and to mischief, if you will. In the meantime, there will be no homes. If you take the new phasing plan, you will have homes there sooner than the original phasing plan that ACHD asked for. About where that darkest little almost sideways rectangle or I mean triangle is at. That would occur about the seventh year or so. So, you will have the need to get up on top and folk will be up there. But, before that there will be no one from that solid black line up to those initial lots that are on the far right hand side, right there. There will be no development there and so there will be no need for police or fire or anyone to have to go up there, other than mischief that would occur and the temptation to use it, if it is a

fully paved road, it will be probably be used for lots of different kinds of folks and lots of different reasons.

Commissioner Baskin: Mr. Watts, where would you say these phases, one two three four, would be?

Commissioner Wilson: For the record, I have received some 11x17 color maps of the phasing timeline. Much appreciated, thank you very much.

John Watts: Phase one is the purple. If you have the alternative phasing plan that I gave you last time, phase one is the purple that you can see there, the initial development. You can see a handful of lots up through there. Phase two, would be the gray area clear up to the end of Collister and then you can just track it through yourself. Phase three brings it back down to the center near phase one, the turquoise color. Phase four back to the end. Phase five brings you back down to the lighter green area in the center. What I was proposing in the alternative is in year one, phases one the purple, phase three which would be the turquoise and phases five which is the green. So you have a more functional logical development that addresses some of the economics you were talking about earlier. It uses the brand new ingress/egress that would be developed on the Plano side and negate the need for anything other than that emergency road once they are doing those developments should you have to get out or have to get up, you could access that through the gated emergency road on the back side. So once you get off of the front side you would have your brand new roads and brand new entrance too built by the developer off of Hill.

Commissioner Baskin: The applicant has proposed that they don't like the requirement that has been suggested by the Park Department that the road up to Pole Cat Gulch reserve be conducted immediately; rather the applicant would like to defer that until they actually start building phase two as they have proposed. Under the phasing plan that you proposed, it would seem to me that the applicant's logic requirement for putting in the road at Pole Cat would be pushed out even further. Is that correct?

John Watts: That is correct and I have my rationale for that if you don't mind.

Commissioner Wilson: If you can keep it brief.

John Watts: I will keep it brief. Again, your goal five and six in your Foothills Policy Plan in protecting the ...

Commissioner Wilson: Keep it specific to the issue of delaying the parking structure.

John Watts: There are three issues. There is a traffic issue, a budget issue and a promise issue. The traffic issue is that as soon as you build a park, we already now have cars up there with bikes on them accessing the new bike trails that are put in up there. The new park will have 12 parking stalls there and a gravel parking lot, and with two horse trailers stalls there. We will be getting horse trailers now up and down, sub-standard, cement, cracked gutter in the middle of the road.

The second issue is when the Foothills Levy is passed, there was a promise by the City that we are going to develop these trails and it's going to be cool and everybody said yes, let's go vote and we will develop them when we have the money. They don't have the money. Clearly stated they can't develop that until they get the money, at best probably two years out and in the mean time they are developing with City budgeted money in the Park's Department budget, those accesses they originally planned off of Cartwright Road. So they have their access, and it is adequate for their access. We do now have bicycles that ride up and down Collister that park at the bottom, which is fine.

The third issue is making the developer pay that as a condition of going forward. Which I find fascinating when the City said, we will build that if you pass this Foothills bond, when we get the money, we will budget. We are going to force the development here which forces more traffic onto Collister which I believe is goals five and six, with their funds and their work as opposed to the original plan that was put to the voters to pass the Foothills Ordinance. They have Foothills money, but they are not going to use it. They are going to force a sooner development rather than later development. At the end of the day, it is going to happen. This phasing plan gives us time to figure out what we are all going to do.

Commissioner Baskin: If you run this phasing plan to the people living on the other side here, living on Plano, and if so have you got any comments from them?

John Watts: They have had an opportunity to review it via public testimony I presented at ACHD as well as at the P&Z Hearing.

Commissioner Wilson: Further questions? Do you have any topics at this time you want to discuss with the applicant as far as his perspective or ways you may be leaning at this point that you want a little more information?

Commissioner Fadness: I have a procedural question for staff. I am just wondering if a whole change in the phasing, is that something fairly easy to do this late in the process and still be okay with our current timelines?

Bruce Eggleston: We are not strict on the phasing in realizing it is more a function of the realm of economics to build as needed. We've never held tightly to a phase in plan. That is why you see a lot of little lots up in the middle, as phases by themselves. That is in case things don't go in the sequence that it should. As far as the road situation is concerned, there's a real great logic to where they lay the road along with the houses. There is an economic argument made that was brought up by Mr. Watts. I think there is some room for compromise, but I do think that we have to focus on the one item of the access and safety issues. The starting position on the whole thing with Fire was we can support a completed gravel road, stem to stern with a gate on it, where there is 70,000 pounds per square inch road profile. That is where we started this whole thing and the Highway District itself had concerns that have been expressed here. We have tried to lean towards having the completed road navigable for safety services through out the process. We can't get away from the public safety issues. We will have to keep our eye on that issue.

The paving to me is not nearly as important as having that connectivity and having the safety access right up at the front

Commissioner Cooper: Is it reasonable to ask the applicant to work with staff to come up with a revised phase plan that maybe accomplishes their goals and cause for neighborhoods to be a little more comfortable?

Commissioner Wilson: We can do that and the answer may be, no, we are going to stick with the phasing plan. At least we can ask them to have that discussion with staff.

Commissioner Barker: If we could come back to what you were saying about them working with staff on the phasing plan, I think I am leaning more toward the 80 lot solution and building that into the phasing than the 53 because I think there was some logic behind the vehicle trips per day. I am talking about when there would be a finished public road.

Commissioner Wilson: That is what I was fishing for is some guidance for these guys when they meet and what we would like to see when they come back.

Commissioner Baskin: I have a concern about the timing for the development of the road into Pole Cat Ridge area. I must confess that I am concerned about it being pushed back. Phase two as the applicant has proposed would be of greater concern about it being pushed back longer than that because I think Mr. Watts phasing plan would endorse. I would ask staff to consider that issue to work with the applicant on the phasing proposal.

Teresa Sobotka: Part of the aspect of doing that in phase one, we would need guidance from you all, is that where you are standing?

Commissioner Wilson: I was just wondering if there is interim way to without totally building the road in phase one to just establish a parking area and trailhead without going full bore on the road. It could start out as a more primitive parking area and then when that phase for development comes along, they can pave it.

Ramon Yorgason: The phasing for the parking lot, the City Park's Department has asked to have all utilities brought to them and so if whenever you bring it in, you have to bring all of the utilities in and all of the cut and fill and all the compaction to build a parking lot except the asphalt. We would like to see that as a second or third phase. That's a lot to bring on board it seems to me as a front end expense, which I understand we are prepared for, but we don't want a burden with additional front end expense.

Commissioner Wilson: That is what I am asking staff to look into, is can we live without this parking lot for awhile until we get to phase two or three. Will that meet the immediate need without completely disrupting the neighbors?

Commissioner Stevens: If you look at those eleven things that provide the density bonus, one of them is providing this trailhead facility at the end of Collister. My question is two-fold; I am a

little bit intrigued by Mr. Watts assertion that this was something that the Levy was suppose to pay for. I am wondering if there is any history behind that. The second part is if this isn't done in the first phase, is the density bonus factored on when this is done or do they just have to eventually do it to get their density bonus.

Commissioner Wilson: I was on the steering Committee for the Foothills Levy with Commissioner McLean. The foothills Levy identified the priority areas for improvements to take place in terms of Wildlife Preservation areas that needed to be purchased, certain linkages that need to be made for trails, but it never identified specific pieces of property that would be improved with the Levy. I think that perhaps what the Parks Department is looking at is if we had the opportunity for somebody else to buy it and then we can take that money and spend it somewhere else. The second part of the question is that we can tie the paving of that to the approval of the plat.

Teresa Sobotka: The Parks Department is worried if they will ever see it.

Commissioner Baskin: I think that was the Parks Departments concern is that we don't know what will happen with the economy. You get part way through phase one and have to call it good because the market won't support any more sales.

Commissioner Wilson: I think it was just the staff and applicant sitting down and perhaps inviting someone from Park's staff to talk about what they need in terms of a road for this time and if that will be satisfactory or not and see what phasing plan will come out of that for our next get together.

Bruce Eggleston: I think from a planning stand point the base line issue is the acquisition of the right-of-way from the end of Collister Drive and Pole Cat Gulch. I see that as a definitely baseline phase one up front platting condition to acquire the right-of-way to have the right-of-way dedicated and at that point it would relieve a lot of the concerns like what if. You would have the right-of-way to the property and then there could be other solutions. Without the right-away, we are stuck in the mud.

Teresa Sobotka: That would go to Commissioner Stevens issue too. If we have that right-away then it's easier for us to count that.

John Watts: I appreciate the conversation here. It seems to me that most of the time, having been involved in this line of work for a long number of years, it seems to me that most of the time you guys are really in tough situations to have to balance competing requests, competing demands, competing needs. And often times you are the tribunal that has to settle the fight. What has been brought to you is an alternative from Briarhill Neighborhood that has actually taken the time and the energy to multiple means to help work out with the developer. It would be my hope that the Briarhill Subdivision, who is in the line of fire, is invited to work with the applicant and the City staff if they further continue to work on this phasing, because what you have in front of you is a product of working collaboration already between the neighbors and the applicant. We would like to be a part of that because we are public too. Our public safety is

every bit as important. We remain the nameless, faceless occupants of the subdivision being proposed.

Commissioner Wilson: There's absolutely no problem with that. You can be involved with staff up until the moment our next hearing starts. Bruce, if you could make those arrangements and make sure they are invited. I am a big supporter of collaboration. Is there anything else on the phasing? How do we all feel about Collister Road and the response from ACHD? Is there anything else on the traffic issues? This pretty much wraps it up as topics because we have already talked about our Plan Policies and Zoning Ordinances. Is there anything else that the Commission wishes to discuss this evening? Any notes that you have made?

Commissioner Barker: I think we set the second meeting in August is the time to rehear this application. Will that give enough time to the applicant, the neighborhood and staff to take a look at phasing?

Hal Simmons: I will say that it will be tight, but we will give it our best.

Commissioner Fadness: Are we going to have the minutes from our hearing in time for this August 11th hearing?

Bruce Eggleston: They are almost done.

Commissioner Stevens: I guess another question along those lines. It may be done by August 11, but are we going to get it at 10:00 the night on August 10th, if it is another 50 page packet that we have to get through in twelve hours?

Hal Simmons: We've basically got a week to do that is what it comes down to.

Commissioner Wilson: Will everything be ready for our packet in the traditional manner to which we have become a custom the Thursday before the hearing?

Hal Simmons: That is our goal. If it looks like we are going to seriously not meet it, we will call everybody and let them know. It depends on how successful we are with Parks and the applicant on some of these issues.

Teresa Sobotka: If the only hang up is the phasing maybe you would want to hear a hearing on everything else.

Commissioner Wilson: I would prefer to do it in one shot. I don't think we need to ask people to come out multiple times. I think most of the other issues we have pretty thoroughly discussed. Anything else? Because I was going to wrap up with what I considered to be the new information from this meeting, that would be eligible for discussion at the next hearing. What I heard from this evening that would be new information for the next hearing would be the Phasing Plan, the map of the deer migration corridor and the details of the Onion Management Plan, even though we are not going to have a Management Plan for our next hearing. I think a

lot of information came out tonight that people might want to address. Is there anything else Commissioners that you heard that was new that we should perhaps make eligible for comment on the hearing?

Commissioner Stevens: I was going to say that I thought there were some concern about the density issue, the number and the base density.

Commissioner Wilson: None of the numbers changed.

Commissioner Stevens: Except for the one section on page five of the staff report where it says maximum estimated density 290 to 300. At least from what Teresa said, there was some conflict over the week that the applicant brought up and made them sort of re-calculate and that they weren't really sure.

Commissioner Wilson: It didn't change the number, so I don't think it is new information.

Commissioner Fadness: We are still waiting to hear from the Park Department on the Pole Cat Trail.

Commissioner Wilson: I was grouping that with the Phasing Plan.

Commissioner Fadness: And these are the only issues we can hear testimony on in the new hearing?

Commissioner Wilson: Yes.

Commissioner Fadness: That is going to be a tough one.

Commissioner Stevens: What about this idea about the road being flipped to the other side, sloped driveways?

Commissioner Wilson: We didn't provide them any direction to change the site plan this evening. If we would have provided or changed the site plan as a result of considering those things, then that would be a new piece of information. We are just going to evaluate it, as is. We don't need to make comment on all of the things we made comment on tonight, is what I am trying to say.

Commissioner Barker: We did have a new letter from ACHD regarding its positions, not just on the gated community and all of that. I'm wondering if we should probably go over that.

Commissioner Wilson: In my opinion, they reaffirmed what they had said before. I don't think they said anything new.

Commissioner Fadness: I gathered that it was a reiteration just to clarify to us what their parameters were.

Commissioner Barker: This whole idea of 53 lots came up in this letter and maybe it came up before.

Commissioner Wilson: Bruce, was the notion of the 53 lots something that was included in ACHD's original materials?

Bruce Eggleston: That was at their recommendation hearing on the reconsideration. It hasn't changed.

Commissioner Wilson: We are adjourned and at this point we are planning on a hearing on August 11th unless we can't make the finish line by then and staff will let us know.

Approved:

Brandy Wilson, Chairman
Planning & Zoning Commission

Date: _____

Boise City Planning & Zoning Commission Minutes

July 31, 2008

Page 35