



## **Boise City Planning & Development Services**

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# **Planning & Zoning Commission**

## **Hearing Minutes of July 14, 2008**

**COMMISSION MEMBERS PRESENT** Brandy Wilson, Chairman, Gene Fadness, Doug Cooper, and Tom Baskin, Anne Barker, Lauren McLean, Jennifer Stevens

**STAFF MEMBERS PRESENT** Scott Spjute, Cody Riddle, Bruce Eggleston, Todd Tucker, Jim Wyllie, Terry Records, Pam Baldwin (staff support) & Teresa Sobotka (legal), Matt Shriver (legal)

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### **CONSENT AGENDA**

**SUB08-00026 / SOLUTIONS SUBDIVISION #1  
SUB08-00027 / DIRECT SUBDIVISION  
SUB08-00025 / UNION SQUARE SUBDIVISION #2  
SUB08-00019 / BLOSSOM COURT SUBDIVISION**

All applicants are present and in agreement with the terms and conditions of the staff report and there was no opposition to any of the projects.

COMMISSIONER BARKER MOVED TO APPROVE SUB08-00026, SUB08-00027, SUB08-00027, SUB08-00025 AND SUB08-00019 BASED ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND SUBJECT TO THE CONDITIONS OF APPROVAL AS STATED IN THE STAFF REPORT.

COMMISSIONER MCLEAN SECONDED THE MOTION AND THE MOTION CARRIED UNANIMOUSLY.

### **REGULAR AGENDA**

**CUP08-00071 / BOISE CITY / ADA COUNTY HOUSING AUTHORITY  
SUB08-00028 / LANIER'S PROMISE SUBDIVISION**

**Commissioner Wilson** – I think we are pretty well up to speed on what the proposal is. If staff would like to highlight the conditions that are in dispute we can focus on those.

**Cody Riddle** (Staff) – The conditions in dispute are site specific #3 related to the requirement of a detached sidewalk and general condition #21 that requires all landscaping be maintained in a healthy and attractive condition and irrigated by an appropriate underground irrigation system.

**Margie Kennedy** (Applicant) – I am with Hummel Architects and we represent many different agencies for this project. It is a project that has been put together and funded by many different agencies. We have a couple of items that we want to have you listen to comment on. We don't want to be denied because of these two items, but would like for you to reconsider or think about what we have to say. One is the detached sidewalk and I understand that this requirement (interrupted by Commissioner Wilson)

**Commissioner Wilson** – Condition of approval #3?

**Margie Kennedy** – Yes, we understand how these requirements came to be and about a planter between the street and the sidewalk. Just about everyone on our street has an attached sidewalk. We are being watched carefully by funds and maintenance and feel that would add additional costs and require some additional maintenance. I do have a picture with what's going on. The property to the north of us has not been developed so there's nothing there, but just north of them is an attached sidewalk. Eventually, when the street is widened, the street will be right next to them. Right across the street they also have attached sidewalks. If we have to put a detached in, they will go along and do one of those curvy things to align up. I don't know if anybody wants a copy of this, I have some copies.

**Commissioner Wilson** – Commissioners, would you like a closer look at that photo?

**Commissioner Fadness** – I would like to see it.

**Commissioner Wilson** – Thank you. For the records we have received a photo.

**Margie Kennedy** – The second item we would like you to reconsider is the part about underground irrigation system. Right now we are building on the north portion of our site and the south portion is going to be left for future buildings. We don't know exactly what that will be. It will be all part of the same ownership but we will be putting in landscaping, some native materials and low maintenance type grasses. However, being that someday it will be buildable we hate to spend money on something that is going to get torn out of the ground and thrown away. We propose to provide an above ground irrigation system which means that the pipes would be sitting on top of the ground so that in the future we are not losing as much money and trying to minimize and stay on budget with the project. This would help with irrigation in this area no different than if it were underground. The system would be set up for above grade. We would agree to all of the landscaping that we would be putting in.

**Commissioner Wilson** – Condition of approval #6.

**Margie Kennedy** – Correct.

**Commissioner Wilson** – And #21 also? It is in #6 and #21 specifying the underground system.

**Margie Kennedy** – Like I said, we were raised with a tight budget. We are watching every penny we spend on this being that it is all funded by different agencies and trying to get the most for our buck while concentrating on the building. The irrigation system around the building will be underground and landscaped. The portion that we just talked about, the above grade would be south of the last row of parking, and everything else that you would see remains.

**Commissioner Wilson** – I have a question about the underground irrigation system. Usually, that is something that we require because it is more efficient and would actually reduce your water usage and cost over time. Is that something you factored into your analysis of not having a sprinkler system?

**Margie Kennedy** – Yes, we are confident that we can provide a pressurized system that would save us money.

**Commissioner Fadness** – Did I understand you to say that at some point in the future you are going to put in an underground system?

**Margie Kennedy** – Yes.

**Commissioner Fadness** – Would you be agreeable if we were to condition that at some date? Would you give us a timeline that you would be comfortable with if we were to condition this by a certain date?

**Margie Kennedy** – Yes.

**Commissioner Fadness** – In your mind, what would be a good amount of time?

**Margie Kennedy** – Five years.

**Commissioner Fadness** – That seems a little long.

**Margie Kennedy** – I could negotiate down to three, yes.

**Commissioner Fadness** - Okay.

**Commissioner McLean** – Did I understand correctly that you would be waiting until the south portion was built, because you plan to build on that part of the lot.

**Margie Kennedy** – There are future plans for a build out on that lot.

**Commissioner McLean** – So, when that area is built, is that when you would intend to do the rest of the underground irrigation?

**Margie Kennedy** – Yes.

**Commissioner Wilson** – I would like to hear staff’s perspective on these conditions and the changes being proposed by the applicant.

**Cody Riddle** – I believe the applicant is going to have a little more to say on the sidewalk issue. Regarding the landscaping, staff would be concerned eliminating the requirement of underground irrigation this evening. Design Review is going to look specifically at plant materials and there may be solutions involved that require little if any irrigation. I would suggest that language be added to that condition that says “an appropriate underground irrigation system unless otherwise approved by the Design Review Committee”. They can discuss the plant materials and the irrigation system at the same time. I think the applicant would like to speak more to the detached sidewalk issue.

**Margie Kennedy** – May I have my client speak to that a little bit further?

**Jim Birdsall** (Staff) – This is a little unusual for me to be before you in this case. My name is Jim Birdsall and I manage the City’s Housing and Community Development Division. I am also part of the project development team and have been from the beginning. As a project proponent, and as staff, I would like to offer one other idea for your consideration as it pertains to the detached sidewalk. On the overhead you can see the portion in the drawing along Allumbaugh where at this point in time it is portrayed as an attached sidewalk, allows quite a bit of landscape buffering between the sidewalk and where pedestrians would walk and that west end of the building. That is important to us because the west end of the building is the drop off for the sobering station portion of this facility. The sobering station is where either individuals or more likely law enforcement will be dropping off people from around the community that are inebriated or under the influence of alcohol or drugs and need to spend some time in the sobering station. There can be some activity at that end of the building, and our thinking was that it would be best to protect pedestrians from that kind of language and activity. That is just another thought we wanted to make sure that you had in front of you to consider as you listen to this issue.

**Commissioner Wilson** – Are there any further questions for staff or the applicant? Are there any closing comments by staff?

**Cody Riddle** – Nothing further.

**Commissioner Wilson** – Rebuttal by the applicant.

**Margie Kennedy** – No thank you.

**Commissioner Wilson** – With that we will close the public hearing and the Commission may deliberate towards a decision.

PUBLIC TESTIMONY CLOSED.

COMMISSIONER MCLEAN MOVED TO APPROVE CUP08-00071 WITH THE FOLLOWING CHANGES; CONDITIONS #6 AND #21 TO REFLECT THAT THE IRRIGATION ON THE SOUTHERN PORTION OF THE LOT NOT BE REQUIRED UNTIL THE BUILDING HAS BEEN COMPLETED OR UPON THE REQUIREMENT OF DESIGN REVIEW. THE OTHER CHANGE IS TO CONDITION #3, REGARDING THE SIDEWALK THAT WE DO ALLOW AN ATTACHED SIDEWALK AS REQUESTED BY THE APPLICANT.

COMMISSIONER STEVENS SECONDED THE MOTION.

**Commissioner McLean** –I think staff has done a great job of pointing out the compatibility of this project to the surrounding neighborhood. On the two changes that I made; as staff mentioned I think it is important that Design Review take a look at the type of vegetation that is being proposed to determine whether or not underground sprinkling is necessary, but I also think that if there is a plan within the next three to five years to build on that southern portion there is no need for the City or the agency to go through the expense of installing an underground sprinkler system assuming they are using the correct low water plantings. The applicant made it very clear to me that an attached sidewalk, although I would prefer to see trees along the streetscape with this type of building and the use on that side of the lot, it makes more sense to have an attached sidewalk.

**Commissioner Fadness** – I just want to say that this is relatively easy for. I want to give my congratulations to everyone who is involved. Now it goes onto the City Council but both Boise City and Ada County have been working for some time on getting this detox center completed and it is really gratifying to see it finally getting near to that point.

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER FADNESS	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER BASKIN	AYE
COMMISSIONER WILSON	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

**Commissioner Wilson** – Now we need a motion for the subdivision.

COMMISSIONER FADNESS MOVED TO APPROVE SUB08-00028 ALONG WITH STAFF'S CONCLUSIONS OF LAW, FINDINGS OF FACT AND CONDITIONS OF APPROVAL AS STATED IN THE STAFF REPORT.

COMMISSIONER MCLEAN SECONDED THE MOTION.

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER BASKIN	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER FADNES	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER WILSON	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

**REGULAR AGENDA**

**CAR07-00042 / DA, SUB07-00065, CUP07-00084 AND CFH07-00022 /  
AASE'S CANYON POINT DEVELOPMENT, LLC**

Location: 6890 N. Plano Road

REQUESTS APPROVAL TO ANNEX ± 332.75 ACRES WITH ZONING DESIGNATIONS  
OF R-1A/DA AND A-1/DA.

**Commissioner Wilson** - We will move on to agenda items 1, 1a, 2, and 3, the Aase's Canyon Point Development, LLC. We need to begin with a couple of legal matters. We have a couple of disclosures this evening. I need to disclose that I corresponded today on some matters of process only with Stephanie Bacon, Brent Smith, and John Watts. Commissioners anyone else have any other disclosures for this application?

**Commissioner Baskin** – I am also a member of the Foothills Citizens Advisory Committee. I did participate in the Committees discussions concerning the extension of N. Collister to the turnaround point inside City property. I believe that group's recommendation and thought process is adequately set forth in the materials that have been provided.

**Commissioner Wilson** - Commissioners, any discussion about his disclosure. Does anybody feel awkward about it? Is everybody okay that he is serving on both committees? Okay, great, I just needed to ask the question.

**Commissioner Fadness** – I should disclose that I live in the area. I was approached by a fellow YMCA member. Basically, I just answered questions he had regarding procedure. He did start to express a very strong opinion and I told him that I couldn't hear that and that ended the discussion.

**Commissioner Wilson** – Thank you for disclosing that. Are there any other disclosures?

**Commissioner Stevens** – I need to disclose that I am a board member of the Land Trust of Treasure Valley. I was present for one discussion at the board level regarding the fee simple dedication to the Land Trust prior to being appointed by the Mayor to this Commission. That discussion did not reference the development, but referenced only the Aase's onion itself and whether or not the onion should be protected. I don't know if anyone has a question or if you want me to give more information.

**Commissioner Wilson** – The Land Trust of the Treasure Valley is party to the Development Agreement in this case and Commissioner Stevens is on the board that made that decision to move forward with setting aside the conservancy and adopting the conservancy.

**Commissioner Steven** – Correct, and since being appointed to this Commission, I did actually recuse myself and left the room on any discussion regarding this particular subdivision.

**Commissioner Wilson** – Alright Commissioners, we are going to make a finding on whether Commissioner Steven's service on the Land Trust Board disqualifies her from serving with us this evening. We usually don't like to penalize people for volunteering twice because in this case The Land Trust is a party to the Development Agreement. Commissioners, is there any discussion?

**Commissioner Stevens** – I would also point out that it is voluntary and there is no economic interest. The Land Trust is not an advocacy organization and that is the reason that The Land Trust was approached. At least that is the perspective of The Land Trust and we were never asked to take a position, nor did we ever take a position on the proposal, nor did we even discuss the merits of it.

**Commissioner McLean** – I think that we are volunteers here and when we agree to this service we agree to spend many hours and try to make very objective decisions for the valley. I would move that Commissioner Steven's volunteer work for The Land Trust is de minimis and will not affect her ability tonight to be objective on this issue.

**Commissioner Barker** – I second that.

**Commissioner Wilson** – We have a motion and a second. Is there any further discussion? We will call for a vote.

ROLL CALL VOTE

COMMISSIONER BARKER    AYE  
COMMISSIONER MCLEAN    AYE  
COMMISSIONER BASKIN    AYE  
COMMISSIONER FADNESS    AYE  
COMMISSIONER WILSON    NO

FIVE IN FAVOR, ONE AGAINST, MOTION CARRIES.

**Commissioner Wilson** – To begin this evening, we do have some administrative details to take care of. One is that staff has provided us with the complete set of the errata sheets that were submitted to the Planning and Zoning Commission and on the public website on Friday. We have also been provided with a color set of maps and a presentation for the Plano Road Subdivision from the Stewart Land Group. At our business meeting this evening, we received all of the emails that have been submitted since the staff report was provided. We have a copy of all of those. We also received a copy of a preliminary draft that was prepared by Ecological Design of some of the preliminary conceptual design requirements and the report that discusses the general design criteria in special areas analysis. I guess the first question to Bruce Eggleston is, is this different from the report that is already in our packet and if so, could you please summarize the differences?

**Bruce Eggleston** (Staff) – When I received this in an email, the commentary from the preparatory Ecological Design, the only change was that they took the draft status off and made it final. None of the words actually changed. I have a couple more items that were handed to me at the last moment and would like to enter those into the record.

**Commissioner Wilson** – Yes, please do.

**Bruce Eggleston** – A letter from Sarah and Todd Harris dated July 14, 2008. They are residents of Collister Drive. I have two discs of photographs from Mr. Brent Smith that are not published, but he wanted to have them as part of the record. Mr. Smith is also going to make a presentation with records that have been added to the computer. We also have a presentation from Mr. Michael Jones who will enter the contents of this disc into the record.

**Commissioner Wilson** – Thank you, with that we will begin with your staff report.

**Bruce Eggleston** – I appreciate this opportunity. It is rather unique in the history of Boise City in the sense that this is the first application that we have had in the Foothills that is being applied for under the regulatory device of the Foothills Planned Development Ordinance and taking full advantage of the density bonus provisions of that Ordinance. This development is subject to the Boise Comprehensive Plan, the Foothills Policy Plan, the Interim Foothills Transportation Plan and the Parks and Recreation Plan in the Foothills. So the preparation of this took a better part of three years. Staff has worked with the applicant to ensure the final application was sufficient and was deemed final in March of this year. Then we started the process of review and there have been revisions up to a July 7, 2008. We have been trying to work with the applicant to ensure that their application was as complete as possible and did comply with the regulations. City staff then analyzed all of the above as well as the four plans shown and the Ordinance. The Ordinance is a subset of the Conditional Use Permit (CUP), under the Planned Development section of the CUP and is a subset of the Planned Development section. The Ordinance applies when lands in the Foothills Planning Area seek either annexation and/or rezone. In this case, the application is seeking annexation and a rezone with a Development Agreement under CAR07-00042/DA. In order of hierarchy, this would have to have a decision first on the annexation and rezone in order to proceed ahead to the second application, the CUP; CUP07-00084.

The CUP is the essence of this application. It deals with such things as the density bonus and the clustering of the subdivision set aside of Open Space, the protection of threatened endangered species and provisions of recreational facilities and permanent Open Space to the potential residents and the City.

The next application is the Hillside Foothills Area Development Ordinance application which looks at the hydrology, the topography, soils and grading, CFH07-00022. Should these be approved in that order, we would make a consideration on the subdivision plat application SUB07-00065.

I would just like to say that the complexity of the application itself really was a three-year effort. I think it is a testament to the people who put together the Foothills Policy Plan and its implementation. This had to be considered very seriously and in great detail. It has countervailing purposes of providing developable area additions to our housing stock and orderly growth of the City in line with the infrastructure and provision infrastructure to an area. Another purpose is the idea that this plan also represents protection to the existing neighborhoods, the most sensitive areas and the things that fall purview of Wildlife Habitat and Wildlife preservation.

It is beyond the power of staff to make the kind of decision necessary to create the balance that will have to be finally effective by City Council.

One of the biggest issues here is the impact to traffic and it will always be the biggest issue in the Foothills because it was the main point of contention or discussion in debate in the creation of the Foothills Policy Plan. That remains the point today. We have to look at a greater context.

There have been a lot of things that have happened, not within the City, but within the County, since 1997 when the Foothills Policy Plan was adopted. We now have in the near vicinity the Hidden Springs Planned Unit Development (PUD). We are anticipating that the Ada County Commission might approve the Cartwright Ranch just a couple of air miles away from this site location. They have already approved Avimore. That has taken much of the capacity on State Highway 55. There is also an application that is coming up in Ada County for the Dry Creek Ranch, which if approved would comprise 4300 dwelling units and two-and-a-half million square feet of commercial and office space. I mention this in the context of traffic that it is hard to make our plan work when these other Planned Communities are being approved by Ada County. This makes it more difficult to provide a valid assessment and we tend to look at these things in smaller context, particularly from the viewpoint of the Ada County Highway District (ACHD) and their responsibility to aspects of the subdivision of this application. They are not really looking at Comprehensive Planning issues of Boise City. They trust that to our judgment. This proposal did receive affirmative recommendation from Ada County Highway District and I would just like to make a few mentions of their findings and recommendations.

The big issue for ACHD is the overall traffic impacts in the immediate system; Hill Road, Collister Road and the small Plano Lane. Their recommendation was to approve the

development we see on the screen. The issue at ACHD is that there is going to be a lot of impact on this point of Plano Lane in that existing Plano Lane where they have approximately 530 average daily trips. That would almost triple at build out. This is considered to be a local road, Plano Road from Hill Road up into the subdivision, and would be extended as a local road and take the brunt of the traffic from this proposal, if approved, at 855 dwelling unit level would be approximately 1,500 average daily trips. That calculates out to approximately over 800 coming down Plano Road. The local road is designed to handle that. The applicant would make the improvements necessary for that to happen.

The other part of the proposal is eventually to connect Plano Road through these two roads winding near Collister Road and servicing some 27 proposed lots. The discussion at ACHD was to balance the timing when this connection was going to be made. The issues are the overall impacts and the distribution of the traffic. The thinking is that if the potential residents learn to go one way or the other, they are going to stick with that. When the connection is made between the two portions, essentially the west portion and the east portion, then the traffic would tend to find the best way and therefore would be a larger share of percentage of traffic on Collister Road. The issue of Collister Road is that it is marked as a collector road, but because it is in the bottom of Polecat Gulch, it essentially has a culvert running through the center of the road which makes it difficult to negotiate under any kind of difficult weather. The neighbors who live there consider it a substandard road and it does not reflect the current standards of a collector road. The balance distribution of that traffic was the big issue and the Ada County Commission found in their initial hearing that this connection should be made from Hill Road to this point of Collister Road at Phase 1. That would provide a lot of immediate impact to both sides of the subdivision and the neighbors downstream. There was a request by staff to reconsider their original recommendation which is to pick a point, in this case 80 dwelling units, on this side where the road would have to be completed in making that connection. I believe the count came out to reflect the applicant's first four phases, which amounts to 47 dwelling units. At that point this connection would have to be made.

Boise City's policy in the Foothills Policy Plan is that there must be two points of ingress/egress. Our consideration is that we would like to see the road completed in some fashion. The part that is not developed would be completed in gravel surfacing to provide emergency access. Our concern is primarily safety and access in case of wildfires or other such situations. Those recommendations stand in the conditions of approval.

The other big issue is the impact itself. This is an extremely steep location. All but 50 acres of this property are too steep to build on according to both the Foothills Planned Development Ordinance and the Policies of the Comprehensive Plan. What you see in the green areas, the developed areas, represent the entirety and then some of land that is not too steep to build on. A necessity if they are going to develop this property at all is that they have to put the development on the ridge tops. That is being contradicted by policies in the Foothills Policy Plan and statements in the Planned Development Ordinance say that we would rather not have developments on ridge tops and one of the other salient issues is the prominence of the proposal. Generally, the area that is in the southwest, the lots that would rear on the southwest, are going to be very prominent from just about anywhere in the Boise City area. To mitigate that the

applicant has come up with increased setbacks, lowered maximum height and worked out a mechanism that is unique in this context go through Design Review. This is a new wrinkle that is part of our Development Agreement. In order to ensure that the measures that are proposed including low reflectivity in all materials; subdued earth tone colors, setbacks, height restrictions, landscaping according to fire safety, are adhere to the only way that we could think of is to require these particular homes to under go a Design Review the first time through to gain a Certificate of Occupancy. On remodels, that would be the responsibility of the proposed Home Owners Association. The City would not want to be involved past the original building permit and Certificate of Occupancy.

This again is governed by the Development Agreement and I think there is a reasonable proposal before us for the mitigation of that. Staff also suggests that part of the mitigation could include more closely clustering these lots, narrowing the width, bringing them back a little bit from the ridge, making the whole thing a little tighter. That has been a point of discussion and one that we have not resolved. That will be up to the Commission to resolve in the context of the CUP.

The Development Agreement itself has several key features that are somewhat unique. I have just mentioned the Design Review aspects. That's a feature of the Development Agreement and the particulars of that are found in the Conditions of Approval in the CUP. Other aspects of that are portrayed in the map before you. The orangish red areas are known as the onion fields in this proposal. Everything with that orangish red hue is habitat for the Aase's Onion which is considered a species of concern by the Federal Government and is called out in our Foothills Policy Plan as a species that the City of Boise would seek to protect that species where and when it can.

The proposal for the areas shown in the red hue is to turn that land over to the protection of the Treasure Valley Land Trust. This would be regulated in the Development Agreement which would be part of the zoning and is a key feature for the protection of the species. It also provides the basis for the majority of the dwelling units in the density bonus. We have had many discussions about this. We have a couple of letters for the record from Mr. Tim Breuer of the Treasure Valley Land Trust that agrees to take control, manage and conserve the threatened species, should this be approved. In the staff report there is mention that we have five areas, the larger area is what I call the south and southeast basin slope. This is one contiguous area that would be easiest to manage because of its contiguity and it is a step ration how the rear yards on this and the Covenants, Conditions and Restrictions (CC&R'S) of this subdivision would require people to stay out of there. The other large areas here connected above the north are somewhat separate from the developed part and would be somewhat easier to manage. The concern that staff has is there is an area here, here, here and in here, that are not being offered to fee simple ownership. I might be corrected by the applicant, but staff feels that in their evaluation of trying to write an onion conservation scheme, the lands with those onions for which the density bonus is offered should be protected in perpetuity. It seems to staff that it would be difficult to protect the smaller spaces and we are going to have to work with the Treasure Valley Land Trust, the applicant and the City. We can get into some kind of Ordinance Enforcement issue as well and we would leave the recommendation as such that if that can be protected and can be a part of The Treasure Valley Land Trust Conservation effort, then it complies with the policies and the

Ordinance. If it can't, we recommend that these areas not be counted towards a density bonus and thereby reducing the bonus. We haven't calculated that.

I consider this to be an area for discussion that will have to be worked out. We do have a letter from The Treasure Valley Land Trust to the fact that they might be able to manage these interstitial patches of onions.

The big issues, we talked about the traffic impact and the turn over of the open space. Also, the lands starting here are owned by Boise City and extending up to Cartwright Road. Cartwright Road is part of what we call The Polecat Reserve. This is one of our most recent additions to the City's jewels. It has access to some 700 acres of Open Space there owned by the City and the State in public ownership. The applicant has been asked to provide access to the property which would have occurred through the subdivision process. We always, prior to stubbing off to adjacent land so that they are not land locked through the development and subdivision process. The City's Park and Recreation has also asked that with the access, there is a cul-de-sac provided there, a standard ACHD cul-de-sac. This cul-de-sac right away would be dedicated by the City to ACHD's system. The applicant has also been asked to provide this driveway area that is sufficient for horse trailers, about a dozen parking stalls, fencing to separate the parking area from the public and the provision of utilities, sewer, water, electricity, to at least the edge of the property boundary. In general, they would still have to work out a Development Agreement with Parks and Recreation. Part of their application depends on that. The density bonus requires not only that we accept a density bonus to be based on something like protection of the Aase's Onion, but you have to have four other significant contributions to the general well being of the citizens of Boise to qualify. One of the criteria is providing access and trail heads to parks. Also along here is a third one, the onions, the parks, and a riparian area here that would be protected. Actually the riparian area of Polecat Gulch, and then the contiguous Open Space represented along this boundary of the park will provide some sort of a buffer to that facility. That, along with a few little riparian areas in the interior of the site comprise of the value of the density bonus for which this has been equated or required through that bonus situation. The timing issue of when these items would be implemented in the Polecat Gulch Reserve is still not resolved. The issues that the Foothills Advisory Committee and the Parks and Recreation Department have issued two letters; in July 2007 and in July or late June of 2008, that they would like to see this connection made. Right now, this is private property belonging to Mr. Jorgenson and his firm. We would like to see the road itself, the right away dedicated, the cul-de-sac and the parking area facility be done at the initial phase of the project. This, of course, has a cost associated with it. The applicant is asking that they are allowed to basically build the road and facility as the units are developed. The Park Department's recommendation is that that is put in at the first phase. We still have discussion on that matter. This area that has the predominant blue, also known as the sandpit, has been a sand excavation pit for quite some time. It is actually a fascinating area in the sense that the excavation sand has revealed the stratigraphy of the Foothills. It presents in the same hand an attractive nuisance and it also results in a convenient place to put the overage from the grading of the site. We have several issues that the current status of the preliminary grading plan would yield approximately a million cubic yards of overage. In any circumstance, that is the largest overage that we have had. Their proposal is to take any overage there is, we are not sure if it is a million cubic yards, but it is going to be a very large number to fill in this

sand pit and essentially recontoured it to look like it did before excavation. The City is asking in the Development Agreement that the sandpit be built up, recontoured and revegetated. It won't be finished until the very final lot is graded because it will continuously be moving overage material into that. We have set up a structure where at each phase the deposition of the fill that they would put into the sandpit would have to be contoured out and would have to be revegetated as they go. The other aspect of that, we had a phone call today from the Wortham family who owns property here. The current Plano Road goes up here and there is access to the sandpit which today is a locked gate right here. Their concern is that they didn't want all of the trucks with overage going through their property and accessing this. We are asking that the applicant create an access through the property. A likely spot is over in this area off the end of this cul-de-sac where a haulage road could be devised to fill this sandpit. This is a relatively new request that came this morning and it is not as a Condition of Approval, but my discussion with Terry Records with Public Works is that it doesn't need to be a Condition of Approval because the City doesn't have rights to grant access over some one else's property. That will be handled through the grading permit process. We are concerned that the amount of dirt and what that is going to look like is an unknown right now. That is going to have to be diligently reviewed as building permits come in with each phase to ensure that if worse comes to worse, this isn't left into a jumbled mess which is an unattractive nuisance. To the overall process I would have to say the staff report reflects that for the most part, this proposal does meet the basic requirements of the Comprehensive Plan and meets the policies in general. There are some shortcomings in the areas that I have discussed in what I call sky lining these prominent ridge areas, the visual impact. We have a recent letter that came in on June 29<sup>th</sup> or June 30<sup>th</sup> from Idaho Fish and Game, that said that this is an important part of the wintering grounds for the deer, elk and smaller species as well. They fear the impact, not only through this one development, but a cumulative impact of all of the developments in the immediate Boise Foothills consuming that habitat resource. This is not the bereft of habitat value. It is really tough to make a finding based on that. To balance that, we would have to say they are proposing the conservation on the onion fields. These are just the discussions that have to be made ultimately by Council. I have addressed the traffic impacts. Both the Plan and the Ordinance talked about the traffic impacts. The Comprehensive Plan divides the Foothills into three planning areas, sub areas. The eastern area is primarily for Open Space to set aside wildlife habitat like we see in the efforts of Harris Ranch and other wildlife management areas. The Central Foothills, from the Military Reserve to 36<sup>th</sup> Street, has limited development, and that development capacity has just about been used. From 36<sup>th</sup> Street to the west, including this particular subject site, development is encouraged under the auspices of the goals and policies that I have discussed this evening. The Comprehensive Plan and the Foothills Policy Plan say that this is a desirable area for building if it can meet the criteria. There are pluses and minuses in areas where it does comply and areas where it doesn't. We have to evaluate each one of those in turn and make some kind of balance. The proposal generally meets the criteria of the Foothills Planned Development Ordinance is really the keystone through which we evaluated. The submittal was focused on the tenants of 11-06-05.07, Foothills Planned Development Ordinance. The applicant has generally met those requirements. We still have issues with the grading, as I discussed. By any standard, if it turns out that there is a million cubic yards of overage results from this, we are not particularly comfortable with that. Our Public Work's staff has stated the preliminary grading plan is doable and workable and will meet the criteria of that Ordinance, given the tools that we have. The

Foothills and Hillside Ordinance is very general in the sense that it talks about discouraging excessive grading, but there is no standard of excessive. In order to resolve issues like this one we would have to rewrite the Ordinance to put standards in there that don't exist today. We do have a positive recommendation from the Highway District. We are backing their recommendations, we think they are reasonable. The City has looked at a higher standard on the sidewalk. They aren't attached sidewalks with a planting strip, at least on one side of the road in this case. We are making a recommendation to that affect starting at Hill Road and Plano Road in putting a sidewalk in one side in addition to their requirements already stated by the Highway District. That is a Condition of Approval that we would like to see in all the subdivisions in Boise City. We would like to see sidewalk accessibility consistently through the subdivision and the Council has made it clear that they would prefer the separated planting strip and separated sidewalk. We will hear a lot from the neighbors about the overall impacts of this. It is a beautiful place. We think that balance is the key here that there has to be some kind of balance between areas where development is advocated by the Foothills Policy Plan and the execution of that development that it does comply with the plans and Ordinances. That is going to be up to this Commission to make those kinds of decisions. If you look through the findings and the staff report, there are a lot of areas that we just can't come down hard on one side or the other of these issues. The Council will have to make that decision.

**Ramon Yorgason** (Applicant) – I am President of Capital Development Inc., which is one of two joint applicants for the annexation and development proposals that are before you this evening. As an initial matter, I would like to thank and commend Boise's Planning and development staff for its efforts in working with our development team in formulating and refining the proposals that are before you tonight, which we have all been working on for the last three years in order to get it right. That is right in the sense of complying with Boise's Zoning Ordinance and Planning objectives. Right in the sense of addressing and mitigating environmental, traffic and neighborhood concerns, and right in the sense of reflecting a development project that can be economically justified and therefore actually built. Therefore resulting in the realization of the significant project benefits provided to Boise and the community in general. Although three years of planning sounds like along time, believe me it is when the bills for the many consultants keep rolling in month after month. Three years is really a blink of the eye in context of the time I have vested in this project. I acquired my land over 20 years ago when I bought the property that we developed in the Quail Ridge Subdivision. Since then I have been more or less continuously involved in planning and working on this development. Until the balance of the property included in the development proposal has been assembled by Aase's Canyon Point Development, LLC, which is my co-developer on the project. It was simply not possible to build a second means of access and therefore meet Boise's requirement for the development. I would ask the Commission to remember when reviewing the proposal before you tonight that this project is not being submitted by a carpet bagger from out of town who wants to make a fast buck by zoning and flipping a property. To the contrary, not only have I owned my land for 21 years, I was born and raised in this valley and have lived here almost all of my life and been developing property in the valley for the past thirty years, including the Quail Ridge Subdivision. Please be assured that the development proposal before you tonight is being made by people who are deeply committed to making sure the project is done right. Because it is summer time and this hearing ended up being rescheduled, we are not

able to have the many consultants who worked on this project. I am confident that the members of the development team should be able to answer any questions you may have. An overview of the project will be presented by our attorney Bob Burns with the Boise law firm of Moffett Thomas.

**Bob Burns** (Co-Applicant) – I too would like to thank staff for its patience and diligence in working over the last three years in putting this development proposal together. We believe that the staff report that was put submitted last week is a competent and comprehensive and balanced report that fairly presents the aspects of the development that need to be considered, with two relatively minor adjustments of the Conditions of Approval. The developer is in agreement with staff with respect to virtually everything of materiality in the staff report. A project binder reflecting the power point presentation has been distributed to you. It's initial matter as what is pointed out in the staff review of the project. A Foothill development does not mean that the property is not developable. In fact, as pointed out on page 13 of the revised staff report, The Policy Plan establishes three Foothills planning sub areas. The one in which this particular property is located being, and I quote from page 13, "is considered to be the first priority area for development, subject adequate street capacity and infrastructure". The ACHD report that accompanies this application evidences that there is adequate infrastructure for street capacity for this project. As pointed out by staff on page 42 of the staff report, "the developed proposal meets the standards and regulations in the Foothills Planned Development Ordinance with recommended conditions from City Departments and other agencies with jurisdiction, including the ACHD and Idaho Department of Fish and Game". The anticipated impacts from this proposal seem to be in balance with mitigation measures. There is never a way to accommodate all impacts and all property rights, but this application represents a good faith effort to try to achieve that balance. The developer concurs with this conclusion. The developer has worked mightily for a very long period of time to get to such a result. We will start the power point presentation. The first and last consideration for most development projects is generally density. If you have too little density, the project is not economically feasible. The public benefits can not be provided, the development doesn't go forward, somebody acquires the property and you start all over again. Too much density, you trespass or destroy the environmental protections you are trying to reach, the project is politically impossible and never gets approved and again you don't have a development. The starting point in density is of course the existing zoning density for the project. The first screen shows a plan that was prepared by the City, Planning and Development Services. What it reflects is the density for the project. The density on the right hand side, the A-1, C-1 C, is being pointed out as Boise density, meaning that property is already in the City of Boise. And the remaining density, the R-6, and the R-P is Ada County density establishing or reflecting the density of that property as established by Ada County, because that is where the property is situated. If we look at the next slide, this is an excerpt that is taken from the staff report, page five, and if you look at the far right hand side of this particular slide towards the bottom, we have added a separate column and extended the density out. All we have done is taken the acreage and multiplied it by the established allowed by the existing density to show that the existing zoning for this property establishes or allows a maximum of 917 to be developed. The point I want to make is that this development proposal before you tonight is not an ump zone or a request for this condition or the City of Boise to vastly increase the density or the development potential of this property. In fact, what we are asking for is something like 17

percent of the 917 units that the existing zoning would allow for the development of the property. This particular screen reflects some key aspects of what the project would look like. First, if you could point out the red line border of the project, basically where the project is situated. The green area is where the projects improvements would go, the housing. The blue area is the additional portion of the project that is developable under the City's standards, but which we are not asking for any development. There's about 25 acres of area that could be developed with housing that we have not asked this Commission or the City of Boise to approve for development. The reason we have not is because to do so would run a fowl the environmental protections that we are seeking to obtain and would result in us not being able to stand here and tell you tonight that we have tried to come up with the best development we can that will meet our economic objectives as well as meet the environmental considerations and concerns that are inherent to this beautiful piece of property. If we look at the next slide, we have a video that gives us a bird's eye view of this. While she is setting this up to run, let me tell you that our land planners have prepared this based upon a state of the art presentation or technique. It is based upon aerial photographs taken of the site built up in increments and then they overlay the actual roads and housing, cuts and fills. These are accurate to within two feet. The surrounding area to the project has been laid in. Let's run this particular video and you will see what the project looks like. First, there is an over view with no development and the development will pop in here in just a moment. From a bird's eye view, that is how the project sits. You can see the substantial areas of the project that are not touched. Something like 70 percent of the project will be preserved. We have five perspectives that have been taken to show what the project will look like from off site. This is taken perspective taken from the train station on vista Avenue. What this is showing is the actual hills. This was also developed Patented approach I discussed earlier with the foreground being a photograph that has been implemented in order to give a context to what you are looking at. You can't see the quail Ridge Subdivision because of the aerial photography doesn't pick that up, but it is all there. The next screen you will see what it visually looks like when the housing is put in. Go back to the first one again, you can't see any housing. Now go to the one after and show where the housing is again. It's not sky lighted and so it is very, very limited visual impacts from the train station. Let's look at the next one from Hewlett Packard. Go to the next screen to show what the housing looks like. The next one is from the fairgrounds and Chinden Blvd and Glenwood Street. You can see the area, it's in the lighter area and the surrounding area is darker and is simply a matter of the picture of the surrounding area being put in there at a time where there coloration is different. Now go to where the housing is stuck into the project. You can see it, go back, show it before the project is developed out. The system must have frozen up. You have it in your packet. Hopefully we can get to this next shot which is a video taken from the Walmart site. It starts with the Quail Ridge Subdivision then pans westward to the project with the project being implemented. There's the Quail Ridge Subdivision, pans over to the project. Project is popped in again. As you can see there is nothing sky lighted from a distance when viewed. The next slide is taken from Hill Road at the most problematic position. It demonstrates the maximum visual impacts of the project. The first exhibit shows what the project would look like at this problematic perspective. If in fact the homes were built white at 38 feet tall right on the edge of the side. That is what it would look like. We don't think that is the right solution either. Our solution is actually this next depiction. The difference is we moved the houses back to a 15 foot setback. We utilized the darker palettes as worked out with staff. By pushing everything back

that 15 feet and reduce the height of the homes to 28 feet, from 38. You can see that there are minimal visual impacts, even looking at the most negative portion of the property. If you go to 30 foot setback, we looked to see what would happen and at 30 feet there is virtually no difference between a 15 foot and a 30 foot setback. The project as pointed out has a lot a very environment sensitive property. If you look at the next slide, there is a picture of the Aase's Onion and there is a picture of it to show what this little creature actually looks like. This is on the Federal list for rare species and the yellow area on this slide depicts all of the area where the Aase's Onion is currently located. That is shown next to the green area where the development is going and the blue area which is the additional developable area that we are not touching. If you go to the next slide you will see that the area in red is all of the area that is going to be contributed to The Treasure Valley Land Trust. That includes the areas that were pointed out as being concern areas, if you could point out the area that is segregated. All of that now is going to The Treasure Valley Land Trust. Arrangements have been made in the last few days for them to accept this additional area. All of the area comprising the Aase's Onion is going to the Land Trust. If you could take a look at the next slide, what this demonstrates is the red area is the area going to the Land Trust. The yellow area is where the Aase's Onion is located and as you can see all of the yellow area is included in the land that is being contributed to The Land Trust. Finally, we go to the slide and the yellow area is the entire project area that is being preserved for Open Space. This includes the land that will be preserved by the homeowners association as well as the land that is going to The Land Trust. That's 70 percent of the project. The blue lines reflected on this exhibit the cut/fill line. The next slide reflects the multitude of meetings that the developer has had with members of the community to try to discuss their concerns to present the project and to make sure that there is a full and fair disclosure of what is being proposed as well as to get the information to meet the community's concern.

**Commissioner Wilson** – Commissioners, any questions for the staff or applicant.

**Commissioner Barker** - Fortunately, we didn't have the opportunity for the applicant to discuss the two conditions that have been mentioned that they questioned the staff report. I'm wondering if we might take some time to hear what those are.

**Commissioner Wilson** – Certainly, could you please come forward and list those two and the changes that you would propose.

**Bob Burns** –The first question has to do with the timing of the construction of the improvements requested by Parks and Recreation for access to the Polecat Reserve.

**Commissioner Wilson** – Which condition is this, which number? Bruce, if you know the answer then you can answer.

**Bob Burns** – Condition 11 J of page 67 of the staff report. Boise Parks and Recreation had requested that all of these improvements be constructed in connection with the first phase of the development. We have no problem with the dedication of the land to make sure it happens. This project is going to start on the opposite side of the hills, over on the eastern side. That is the first phase of development and our only request is that when we get to the second phase of

development on the eastern side of the project that we have no problem in constructing those improvements. We would ask that if we start on the western side first, that we not be required to build the road, the cul-de-sac or the trailhead improvements until we actually start improvements on the eastern side. The only other point that we have to the staff report has to do with condition of approval number four. It's on page 60 of the revised staff report. It has to do with a difference of opinion in how Boise City Ordinances work. The first slide that we have is taken directly out of the staff report, it is page 71. What it reflects is staff's interpretation of the Boise's Ordinances and that the base density is eight units, for a total allowed density under the Ordinance of 151 units. The next slide, number 19, is an excerpt from the Foothills Planned Development Ordinance itself and the developers argument is based on an expressed reading of the Ordinance. The Ordinance says, part of 11, A1, right at the very bottom of this slide, the based density on parcels proposed for development is given for the existing Boise City or Ada County zones. If you go to the next slide you will see that the existing zoning provisions as we discussed earlier in the presentation will actually provide for 917 units, not eight. If you go to the next slide and you plug in the 917 units per the City's Ordinance, there's an actual allowed density for this project of 1,060. Our argument is that at 15 percent of the 1,060, there is no reason to further limit the number of units from 155 requested in this development proposal to the 151 recommended by staff, because we are so far within the density allowances under the City Ordinances that no further reduction is possibly justified.

**Commissioner Cooper** – I believe in the staff report there was mention that the documented area of the onion fields was 90 acres and that the application proposes to preserve 81 of those, for a difference of 9 acres. I want to know from staff or applicant if that is a correct recollection and why we are losing some?

**Kerry Winn** (Stewart Land Group) – I think what staff was saying is that there is a total of 90 acres, but if we went back to a cut and fill line, all that is taken out by the cut or fill line is what reduced it from the 90 to the 80 acres.

**Bruce Eggleston** – The fine point that we are trying to draw is the disturbance of the proposed conservation threatened species. Staff's view is that if it is going to be disturbed, then that species has essentially been eliminated from that area. We eliminated those disturbed areas from the calculation. I think that is our disagreement as to how much has actually been disturbed. We are unwilling to allow any disturbed areas to be contributed to the density bonus.

**Commissioner McLean** – I have a question for clarification on that because I thought I heard that they were in agreement that all of the small pieces where the onions are found are to be given to The Land Trust. I also just heard that there are cut and fill areas.

**Kerry Winn** – I think that is where the 90 to 80 came from is that the cut and fill areas of the Aase's Onion were taken out of the formula. Then the five acres is the part about the detached areas that have also been included in The Land Trust of The Treasure Valley for protection. The 90 acres to 80 acres comes because the areas that were disturbed are taken out of the total amount of Aase's Onion that is on the property to qualify for the bonus density. The five acres

that it mentions in the staff report that was in dispute are also being taken over and managed by the Land Trust of the Treasure Valley.

**Commissioner Barker** – I'm confused. When calculating the density advantage or the increase in density, are we using 90 acres preserved, or are we using 80 acres?

**Bruce Eggleston** – We are looking at 80, at about line six on the chart 1.9. The criteria for an area to be counted, has to be greater than an acre. A contiguous acre has to be part of the Open Space, greater than 30 feet in width. It has to be more or less by other areas that are buildable areas. We applied those standards by reducing some of the pieces that are being proposed that weren't significant in size to be counted and also the ones that we thought would be damaged through grading.

**Commissioner Fadness** – I have a question for the applicant on the modification of condition 11-J. What you are saying is that you want all of the conditions in 11, A through J waived. You still want to adhere to them, but you just want the date different. You want it to be met at a later phase when that phase is complete. You are still in agreement with all of the conditions, A through J under 11.

**Kerry Winn** – That is correct.

**Commissioner Fadness** – I have some questions for staff. On page three, in talking about traffic and averaged daily trips, it says that the people in this neighborhood are very concerned that their safety may be jeopardized by the traffic proposed by this application. Traffic on this road would increase from 570 average daily trips to 1,335 averaged daily trips. Then we skip down to the next paragraph. The traffic from the proposed subdivision, some 1,500 average daily trips will all end up on Hill Road with roughly a 60/40 split distribution between Plano Lane and Collister Drive. I'm confused. In one paragraph, we are saying that right now we are at 570 average daily trips. Then in the next paragraph we are saying 1500 average daily trips.

**Bruce Eggleston** – In the first case we are talking about Collister and the projected trips. In the second case we are talking about the overall proposal. I'm not sure if it is exactly a 60/40 split, but 60 percent of the 1500 would be roughly 1335.

**Commissioner Wilson** – The division of the traffic between Plano Lane and Collister?

**Bruce Eggleston** – Right.

**Commissioner Fadness** – Sixty percent would take one route and the forty percent would take the other, is what you are saying.

**Bruce Eggleston** – Yes, that is right out of the Highway District's staff report.

**Commissioner Fadness** – On page 15 we are talking about the number of households inside the Area of Impact and we have inside the area of impact 2,742 acres, buildable area, 1,645 households. This, I take it from reading the paragraph above, is in the Ada County portion since that is an Area of Impact not yet annexed. Does that include the number of projected households for this application that are still in Ada County since it is not annexed? Is this counting some of those Ada County developments that are on the books?

**Bruce Eggleston** – When the Interim Foothills Transportation Plan was written, was it looking at all of Ada County? It was essentially looking at the vision that was in the Foothills Policy Plan of the three sub-areas of planning and they took that policy and then where these numbers came from is based on what we consider the build-out scenario for each of those three areas. The way to look at this, we have got Hidden Springs with 915 that were proposed. The 1,645 would be available capacity and the traffic would be divided up by all developments. That would be the slice of the pie that would be available for this project, to be part of that 1,645.

**Commissioner Fadness** – So that is the projected maximum build-out inside the Area of Impact that they are saying the area could sustain.

**Bruce Eggleston** – That is correct.

**Commissioner Baskin** – Mr. Eggleston, isn't it correct that the 1,645 number is based on certain assumptions that were made concerning the projected development outside the Area of Impact and that those assumptions are no longer correct?

**Bruce Eggleston** – That is correct. My staff report talked about Dry Creek and Cartwright Ranch. I think that Dry Creek right now is approved for something like 1,200 dwelling units and 300 over what they have shown. They have in turn cut 300 out of the larger 1,600 slice of the pie. If Cartwright Ranch is approved, that's another 600 and some odd dwellings. They would reduce that pool by the 1,300 that are remaining by another 600.

**Commissioner Baskin** – I see a lot of discussion in the applicant's presentation and also in staff's report about the impact on Plano Lane and Collister. Could you give me a thumb nail sketch of what the current capacity is on Hill Road and how this development is expected to impact that capacity or get as close to capacity?

**Bruce Eggleston** – The ACHD staff report talks in terms of the impacts from this development and I would have to go to the section to give you an exact number count on Hill Road. Essentially what they are saying is in the original staff report. When the impacts from the first 80 units in their proposal are absorbed into the system, it would put it over the capacity for the current infrastructure and they in turn, prior to the applicant, would put in a stop light and turn lanes at the intersection of Collister and Hill Road. They are saying that essentially the community is 80 houses over the threshold at Collister and Hill Road. That is one indication. The other indication is that the requirements that they had for the improvements for Plano Road and Hill Road are also looking to within the current right away, widen as much as possible, Hill Road, in either direction from the intersection of Plano Road. I think we have summarized from

there in the staff report and findings that it is very near capacity now and they are requiring some off-site improvements to try to maintain that capacity.

**Commissioner Stevens** – Am I correct in assuming that buildable areas define the slopes less than 25 percent?

**Bruce Eggleston** – That is correct.

**Commissioner Stevens** – I'm a little bit confused on the staff report. If you go to page 27, it states in the right hand column; "The Ordinance prohibits building on slopes 25 percent except for roads". Then if we go to page 36 of the staff report in the right hand column it says "All of the proposed 155 lots have slopes greater than 25 percent". Then there is another document that I believe was submitted by the applicant that is a four page document that somebody had wrote on received March 24, 2008, and if I count correctly, there are 37 of 154 lots that are delineated that have slopes greater than 25 percent. How many lots have a slope of greater than 25 percent and how do we define if the Foothills Interim Transportation Plan says that 80 percent of buildable area is expected to be developed? How do we make sense of all of these numbers and how many of these lots are more than 25 percent and where are the 80 percent of buildable areas in the Western Foothills Planning Area that the planners and the Council of the 1990's expected building on?

**Bruce Eggleston** – First of all, a great deal of the effort during the three years of discussion was in trying to get that very aspect correct. When we look at the grading plans and we look at the areas of less than 25 percent super-imposed on the grading plans with the road. The threshold requirement for this application was to ensure that there was a buildable patch, not the whole lot. The applicant used a building footprint template of 40 feet by 60 feet and that template had to fit within the property boundaries with the proper setbacks and be largely defined as 85 percent or more of that building footprint had to be on buildable slope less than 25 percent. In the preparation at the application, there was prolonged discussion with the applicant to meet that standard to have each and every buildable lot with at least 60 by 40 building footprint largely on buildable land. We would have to go to the detailed drawings. I do have a scan of the working drawings I used to do the analysis. We held the applicant to that standard that each lot would have sufficient buildable space on it at the outset of pre-grading to adequately site a house.

**Commissioner Stevens** – Let me understand. There is a percentage that we expected of each of that 60 by 40 to be in the 25 percent or less. What was that percentage again?

**Bruce Eggleston** – That is correct. We held it to 85 percent or greater. The majority of them are, something like 60 percent are 100 percent or greater. There are some that are marginal and that is a standard that we use to evaluate that. It is not in the Ordinance, but is something that we will apply to all Foothills Developments. This is the only way to make the density bonus area work is that each and every house has to be built on a buildable area, pre-grading.

**Commissioner Fadness** – If I could follow up on that. One thing you said confused me Bruce, you said that they had to be 85 percent of the land, 25 percent had to be buildable. You said that

a majority of them were 60 percent or greater. Didn't you mean to say that 85 percent or greater?

**Bruce Eggleston** – I say all of the 155 proposed units, at least 60 percent of those 155 had 100 percent of the building pad on the developable area. The other 40 percent were variations from 99 to 75. We did have some leeway in there because it is not stated in the Ordinance that this standard exists. We felt in order to make the mechanics of the density bonus work, we had to set some standard and we felt like 50 percent was too low, 90 percent was too high.

**Commissioner Cooper** – This is a related follow-up. Bruce, in your presentation you said that without construction on the ridge tops, which is against one of the goals of the Policy Plan, that you felt that this development was impossible to build. I assume this calculation you just went through is really only available in those locations on the ridge tops.

**Bruce Eggleston** - Commissioner Cooper, could you clarify that a little bit for me? They showed in the blue, the buildable area in that blue map. That was their universe of choices. There wasn't enough in the gully bottoms or places that weren't ridge tops or plateaus to make that work. They have pretty much consumed that whole universe of buildable land.

**Commissioner Cooper** – I think that is what I was getting at. To meet that standard of slope on buildable areas, you have to use the ridge tops.

**Bruce Eggleston** – Absolutely. The argument in that, is it economically feasible if they don't use the ridge tops? It becomes an argument of economics at that point and we don't go there. We just go as far as the mechanics of the buildable area.

**Commissioner McLean** – Two related questions that are both related to the density bonus. First off, I think what I understood you to say is that the density bonus was based on four things. So it wasn't just the protection of the onion, but also the development of the trail head area, protecting the riparian areas and providing Open Space contiguous to the park space.

**Bruce Eggleston** – Part of the Ordinance says you have to have multiple values to the community in order to qualify. If you have just the onions, it still would need more contributions to make that stick. It is trying to get a balance of values, both private and public, and these values are going to be private as well. The Ordinance itself raises the standard to ensure that there is not some fluke, but it has to be a concerted effort to deserve or achieve the density bonus.

**Commissioner McLean** – So you counted the creation of the cul-de-sac and the parking spaces at the Polecat Gulch trailhead as one of the amenities or improvements when you made the calculations for the density bonus. I ask because that is one of the conditions, the timing of that is in dispute tonight.

**Bruce Eggleston** – It is item number 8. There is a list of eleven out of the Ordinance. Item number 8 is Trails and Trailheads, designated by the Ada County Ridges to Rivers Plan to

qualify for that. There is a small bit of wetlands, riparian areas number 1, number 2, number 3, the rare plant communities, and number 8 is the fourth one. There is actually a fifth one; lands adjacent to public held Open Spaces. So they can make a case for five out of the eleven, where four of the eleven is the base line requirement.

**Commissioner Baskin** – Just to follow up on that, it seems to me that you have identified four or five criteria that satisfied the prior Open Space characteristics. It still seems a lot hangs on the onion fields. That's a big piece of it. I noticed that one of the requirements in the statute was that it must be demonstrated that this would not be protected by strict adherence to some other provision in the code. If we weren't worried about density bonus transfers, if this wasn't part of the consideration, the onion fields aren't buildable. They are certainly more than 25 percent slope. Wouldn't they otherwise be protected if we didn't have this density bonus argument before us? In other words, what does the City gain by including the protection of the onion fields as part of the density bonus argument if those areas that would otherwise be protected by simply the fact that it's over 25 percent slope?

**Bruce Eggleston** – That is an excellent question and one that has been brought up by the community at large. What is different? Let's compare and contrast Quail Ridge which does have Open Space but is not of the same nature. What is different in pertaining to the onions and the overall Planned Development Ordinances is that one is going to be set aside as permanent Open Space through platting. It will be dedicated in ownership to The Treasure Valley Land Trust or some other similar organization. That trust will have a forever commitment in maintaining those species. I think the key features are the permanent set aside and the permanent conservation efforts that separate this from just letting it be, with no development.

**Commissioner Baskin** – I perceive that may be the advantage also. I see that one of the proposals is that this property will be deeded to The Land Trust of The Treasure Valley. I know just enough about The Land Trust to know that it is a new organization that has struggled somewhat as new non profits do. I would feel more comfortable having some assurance that they could undertake this mission. If the benefit that is obtained, this density bonus, is that we do preserve these lands in perpetuity, we make sure that motorcycles don't ride across them and we make sure that there is someone there watching to make sure that nothing happens. One of my questions is that I don't see enough in the materials to persuade me that The Land Trust or some other entity has the capacity to provide that long term protection for us. Is that something that staff has looked at?

**Bruce Eggleston** – Again, another excellent question. This is where we are in new territory with this Ordinance. In the Development Agreement it talks about this. It requires these lands to be conserved in perpetuity and that also has to have a management program. We have set standards in the Development Agreement. We are going to have to craft this to ensure that it does. That is the standard that the whole Foothills Policy Plan and the Ordinances are based on. That will actually receive a value for this set aside and for the density bonus. I don't have a clear answer for that and that was my concern when I talked about those interstitial spaces that are not going to be in whole ownership or contiguous ownership with The Treasure Valley Land Trust areas.

My confidence is a little less that those small areas between the houses could be protected as well as the larger set aside areas.

**Teresa Sobotka** (Legal Staff) – We spent a lot of time drafting the Development Agreement and if that falls through, and that hypothetical should happen and The Land Trust can't keep up with it, then they would be in violation of the Development Agreement at which time they would be back before this body in looking to amend the Development Agreement, or we would stop the development. I think the actual language is that we would rezone it to whatever we feel is appropriate, so we would stop the zoning at that point because they would no longer be getting any kind of a density bonus.

**Commissioner Wilson** – I think Commissioner Baskin's question has more to do with after it is developed. How are we assured that this is going to be continued in perpetuity?

**Teresa Sobotka** – After the whole thing is developed?

**Commissioner Wilson** – Yes, because that is the basis for the density bonus in that it is going to be preserved and which is what makes it different from just saying these non-buildable slopes can't preserve the onions by default.

**Teresa Sobotka** – Okay. I had it protected up through the whole build-out, but not after.

**Commissioner Barker** – I think I was convinced that we have a fairly high percentage of buildable area for each residential lot. But my question is, why are we going to see so much overage of graded material, potentially going into the sandpit? I think you mentioned a million cubic yards of overage. So if we have buildable areas for each lot, could you generally explain to me why we have so much material in excess?

**Commissioner Wilson** – Perhaps Mr. Records would take this question.

**Bruce Eggleston** – I will take a shot at it and then have Terry explain it. It's an engineering answer. The steepness of these hillsides when you enter into the subdivision is a very steep angle. In order to get these roads at the correct angle, it takes a lot of grading. The idea is to get to the ridge tops as soon as possible. In order to have both the road and a buildable width underneath that, they are taking a lot of those ridge tops off. That is just the mechanics of the angle, the slope and everything to make these roads work on what would be the back side of the ridge. Providing the width of a buildable lot at the same time brings that situation of the mass amount of grading.

The question you are asking, that if we already had buildable lots on top of the ridgeline, why grade? We don't really have good standards to address that question. All the standards say is to discourage excessive grading. That is an objective standard and so we are left with this construct where we are saying that it could have been built on the buildable area that exists pre-grading, but in order to make the road work, we have to do the grading. That is the general issue. We

have to say that if we allow development, then it has to physically be able to be built. This is the only way the roads could work. Terry is nodding his head in agreement.

**Commissioner Stevens** – When you go to the map that the applicant has submitted tonight that does have the blue area shown, which he claims is buildable and is less than 25 percent slope, and this is directed to the applicant, is there a reason those appear to be not on the ridge line and under the ridgeline, all of them? I am curious why you didn't chose to build there, as opposed to choosing to build on the ridge tops which the Foothills Policy Plan seems to be quite clear.

**Kerry Winn** – Bruce, if you could pull up either yours, or we could pull up one of ours, with the blue and green. It would help you also in your last question. The baseline for safety in this development is that the roads have to be less than 10 percent, and you have to maintain all storm water runoff on property so everything from a lot has to slope towards the roads to be able to be captured down in the detention ponds, so that is the greater necessity of the grading. If we point to the 3-D model, I can show you better. Those are ridge tops in the blue. All of these are ridge tops and you can see basically the blue or green that you see is 25 percent slope, pre-grading slopes. There is very little utilized area that the Ordinance allows us to develop into the ravines.

**Commissioner Cooper** – A lot of your fill is going into the old sandpit and then will be re-graded. Why are you not building homes in that area?

**Kerry Winn** – To take advantage of the Ordinance and to be able to leave this certain largest percentage we could have buildable area as necessitated by the Ordinance. I would love to, outside the Ordinance, to build on all of our buildable areas. The Ordinance directs us to set aside as much as possible to not build on as well as the other contiguous open spaces. The only reason we are not building there is to make compliance with the Ordinance in bonus density and other density bonuses. The whole thing that we have tried to do is make compliance with the Ordinance to build a good subdivision and not stretch it out as far as we can.

**Commissioner Stevens** – Has there been any discussion with the applicant about the narrowing of the lots that you mentioned in the staff report?

**Bruce Eggleston** – Yes, this has been an ongoing topic and one where we agree to disagree that the clustering aspect of the Ordinance is very important in the subdivision design. We try to cultivate clustering as tightly as possible in this proposal. Their values are in providing a nice buildable lot. Their argument is more economic than ours, which is to try to preserve more Open Space. I do think the applicant, through our many discussions, has taken measures in that regard. The other aspect of this is that you notice that there are large areas of single loaded development which is very costly and typically, to make any kind of money, you need double loading to afford the cost of the road. That would have increased even more the amount of grading and overage, so we found that this is probably the least amount of grading that could be done and still have a viable project. If we wanted more clustering the grading would expand almost geometrically the amount that would have to be done to achieve that.

**Commissioner Cooper** – I have one last question and it relates to the second of the two conditions. Actually the first numerically mentioned by the applicant of the disagreement about calculating the base density and I wanted to get Bruce's response to that. The base density, as I understand it from the City, is based on density described by the use. I thought the applicant made a reasonable presentation about the fact that the actual number should be based on the density of the zone and their number was much larger than yours. I just wanted to hear your response on that.

**Bruce Eggleston** – When the Foothills Policy Plan was adopted and then the subsequent implementation to the Foothills Planned Development Ordinance, the policy and the plan are what guide the allowable zoning in a given area within our Area of Impact. The policies are primarily the clustering and set aside of Open Space. You look at the Foothills Policy and this density bonus table is in the Foothill Policy Plan itself. It was lifted directly from the Foothills Policy and put into the Ordinance. Generally speaking, if you follow the whole density bonus thing and do all the things to set aside Open Space, buildable versus non-buildable, that is the policy that guides the density within the Boise City Area of Impact. The zoning was there. I believe the City annexed the R-1A and A zone, in 1991. I don't know exactly when the R-6 was there. It's currently in the jurisdiction and policies of the Foothills Policy Plan adopted in 1997. Even though they have zoning in there, they must comply with those policies. Recently we had a case with the Highlands versus the City of Boise that essentially says that regardless of what the applicant applies for, the zoning given to the applicant will be based on the Comprehensive Plan. We have made every effort to comply with the Comprehensive Plan, yet we have the R-6, the R-P in the County. When you apply for annexation, that zoning essentially goes away and becomes subject to the policies of the Comprehensive Plan. There is definitely a discussion there, but we have an application before us that attempted not to utilize what is in the County, but to utilizing our Comprehensive Plan and our Ordinance to achieve that. Teresa might have some comments on that too.

**Teresa Sobotka** – The case that Bruce is referring to just came down from the Supreme Court. When you annex land in from the County, you are required to assign it a zone and give it what ever zone the City feels is appropriate. When you look at what is appropriate, of course you look at your Comprehensive Plan to decide that, along with a number of other factors. In other words, you do not have to look at what the density or the zoning was in the County and give it an equivalent zone in the City. You give it whatever was appropriate in the City when you annex it in. When they are telling you those numbers in the County, that is irrelevant because the land is before you to be annexed in and so you would give it what ever zoning you feel is appropriate. Also, the land that was already in here was given R-1C and A-1 zoning in the past, but has also been combined and is part of the Development Agreement, so it's being rezoned with the Development Agreement. There is that strange wording and it certainly is in the Ordinance, I read it myself. I also refer you to 11-06-05.07.04.B, which is the line right after the bonus density table and also 11-06-05.07.03. Both of those state that you would look at one for forty is the base density you would start with. The density is further controlled by the Ordinance. There is that peculiar line in there, but everything else I look at as a whole, makes me feel comfortable with starting at the one per forty acres and then looking at all of the issues you've looked at to see where the bonus density actually turns out to be.

**Commissioner Stevens** – I have two more that are unrelated. The first one is back to the Western Foothills Planning Area and just the three different planning areas that the Policy Plan put into place. I guess that I am looking for a little more flavor about the intent behind those three areas and specifically I have concern about that 80 percent that the Interim Transportation Plan assumes will be built out eventually. I'm wondering where that 80 percent comes from and what in the Policy Plan made that number show up in the Transportation Plan? Did the Policy Plan treat all the land within the Western Foothills Planning Area equally? Just because that is the highest priority for development, does that mean that this particular piece of land is the right parcel for development in this area?

**Bruce Eggleston** – Let me address your last question first. The policy also talks about being available to services. This is in both our Annexation Policies and Ordinance. This is contiguous to the City and we do have infrastructure essentially adjoining this property. It meets the first two criteria; it is in the Western Planning Area and they have the ability to service and provide services. The calculations were based on an analysis done by a Spatial Dynamics consulting firm for the overall Foothills Policy Plan that looked at every single parcel in the Boise Foothills and basically made a judgment on a very gross scale, whether it was buildable or non-buildable. There are two criteria; everything is zoned at R-P, 1 unit for forty acres, so we took the one unit for forty acres, divided 40 into the number of acres and got a base density. The other part of the number is based on a scientific evaluation of what the slope and contours were and how much of this 25 percent slope or greater, at five acre resolution, that their calculation would yield. That is where those numbers came from in the staff report. It was based on slope analysis at the time that the Interim Transportation report was written.

**Commissioner Wilson** – Your other question.

**Commissioner Stevens** – The other one was regarding the cut and fill and it seemed to me that the staff report was primarily concerned, although you did state that it was a difficult question, but that the concern was really about the balance between the cut and fill, and you are going to have to explain why that is significant to me. I'm not sure what the significance of balancing those two, verses looking at how much we are cutting off.

**Bruce Eggleston** – I would like to turn the answer over to Mr. Records from Public Works.

**Terry Records** (Staff) – There is a pretty simple answer. In general, we like Foothill developments to balance the cut with the fill. They are not hauling out or bringing in large amounts of material. In this case, when we first heard how much overage they had, we were flabbergasted. They have this pit available to dispose all of this extra material.

**Commissioner Stevens** – So the concern is not with how much is cut off, it is about where it's going.

**Terry Records** – Correct.

**Commissioner Wilson** – Are there any other questions? I just want to remind the Commissioners that we should be bringing up questions for clarification and any new items right now, and then we will go to public testimony. At that point the only questions you will have left to you are concerns that have been brought up during the public testimony.

**Commissioner Baskin** – I understand that there is a lot of public concern about the sky lining of units on the ridge tops and that in some respects the topography of the project makes it difficult to cluster the structures. They have the necessity to almost have to be along the ridge tops where the slopes are 25 percent or less. If sky lining is a major concern, has there been any consideration given to, as Commissioner Cooper suggested, building on your fill-in sandpit and clustering more of that development there and give up some of the ridge top development or other development that would require cutting into the top of the ridges there? Why not do something like that and keep from building on some of those ridges?

**Kerry Winn** – If you are up on the property, you would see the Ordinance limits us to where we can build. It is a natural clustering affect. The idea of putting the units where they are, is basically our choice. We think we have done some very substantial things to mitigate skylines. You can see by our presentations, what you will see when the project is done. We don't have sky lining. We showed you five views across the valley that there is not sky lining. The only place that you could see houses on the sky lining are immediately below Hill Road where you are looking up and you can't see Bogus Basin or the other mountains behind it. We have mitigated that by setback requirements and height restrictions. You saw the difference what could be and what is over on Quail Ridge, and other places in the valley. The important part is going back off the cuts and fills and reducing the height restrictions. Even at the most obvious places, you don't see any sky lining. You barely see the tops of a few houses when we set those back and height restricts them. We think we have minimized the effects of that sky lining. Why would we want to put those there instead of back in the areas? Because those are more valuable lots and produce a great view across the valley and we think we have minimize the visual impacts and blended those into the Foothills very well.

**Commissioner Wilson** – Are you still choosing to build on new ground instead of previously disturbed ground? I think that is one of the issues tied in here. Was there a thought process involved in that?

**Kerry Winn** – Only from a construction stand point. I would rather build on ground that has been there for hundreds and hundreds of years rather than depending on compaction by human means.

**Commissioner Fadness** – When I initially saw the way it was laid out, I thought it was an odd shape, and I thought it was spread out like that because of topography reasons and that was the way you had to build. Basically you chose to build to cluster less because you wanted the views. It is a balancing act. You cluster where you can, but you also wanted the views and the higher values that go with those views. You could have had the option to cluster it more, isn't that correct?

**Kerry Winn** – We feel that we have done a very good job at clustering. We have 70 percent Open Space. The Ordinance itself naturally makes us cluster. The 25 percent limitation is unusual across the nation and is a very limiting factor in where you can build. It is not based on engineering standards, but simply the Ordinance. The clustering affect basically limits us to where we can build, verses one spot to the other. That is somewhat our choice. We think we have done a very good job of balancing and leaving buildable space as Open Space.

**Commissioner Fadness** – In the pictures you provided, I noticed that those are kind of dark. It looked like they would be a picture at dusk. That might have been because of the light.

**Kerry Winn** – If we turned the lights out you would see them much better.

**Commissioner Fadness** – When lights are in those homes and it's at night, how visible would those homes be from those same spots?

**Kerry Winn** - We have chosen the darkest one so you can see. One of the other things we did is material restrictions beside the color so no reflective materials with low glaze glass, so you don't get that. We have minimized the light with downward facing lights in the subdivision. You will see houses up there when they have their lights on, they will sparkle. It is impossible to hide our subdivision. We just tried to minimize the visual impacts, and I think the most important factor is housing color. Along that front ridge line is the height restriction along with the setbacks. Across the valley, after all of those other shots, the number one thing is to not have any reflective materials. We do this down in St. George to blend things in and to also have that limited color palette. That is what blends in more than anything else.

**Commissioner McLean** – On the topic of setbacks, your presentation shows pictures of houses along the ridge line that have 15 foot setback and then a 30 foot setback. I was wondering which one right now is required, stipulated, or both. To me there is a big difference in the pictures.

**Kerry Winn** – We would like the 15 foot setback, but we show 30 feet, so that decision hasn't been made with staff. We wanted to show that a 15 foot or a 30 foot setback was very little difference.

**Commissioner Wilson** – Mr. Eggleston, is that one of our conditions of approval, and if so, could you point us to which one? Or is that not a condition of approval yet?

**Bruce Eggleston** – Let me start back with the previous question. The base on requirements is the R-1A zone, 30 foot setback. That is a given. What we are talking about is the difference between an additional 15 or 30. Staff feels that the 30 foot would probably be best. Fifteen feet is not going to make a lot of difference. It is still going to be there. The most significant factor is the height limitation and the colors and non reflective materials.

**Commissioner Wilson** – Right now it all has a 30-foot setback, correct?

**Bruce Eggleston** – Yes, given 30 and we are discussing an additional 15 or 30 on top of that.

**Commissioner McLean** – These pictures, are they 30 feet, or 30 plus 30, which is 60 feet?

**Kerry Winn** - It might help you to understand that the 30 foot is a requirement from property line. These are all figured from the cut line. Basically, where your topography changes regardless of the 30 foot setback required from the back of the lot. It is simply a standard against what the cut line is to set that back for the view shed. That is where you are getting the difference of ideas. The 15 feet and the 30 feet are from the cut line, not from the property line, where there is a standard 30 foot setback. That would be a condition.

**Commissioner Wilson** – A condition of approval that deals with the setback from a cut line, rather than the setback from the property line?

**Bruce Eggleston** – This is part of the package they proposed, that is the Design Review for these prominent houses. They would try to resolve that under the Design Review and it would be a minimum of 30 foot rear setback and then an additional from what ever the cut line would be resolved at Council.

**Commissioner Wilson** – Do we have it in the conditions of approval that those particular houses will go before Design Review? And which number is that?

**Bruce Eggleston** – It is both in the Development Agreement and the particulars of those conditions are conditions of approval.

**Kerry Winn** – I believe that if you look in condition five, you will see that addressed and there is an exhibit that goes with it. We have identified those lots that will be required in the Design Review, which is mentioned more specifically in the Development Agreement. You will see at the end of that paragraph, “development lots situated on prominent ridge lines are subject to design criteria for the structures with the goal to minimize the visual impacts on the landscape”. These lots are depicted in Exhibit M.

**Commissioner Wilson** – He is reading condition of approval five on page 60.

**Kerry Winn** – If you went to your Development Agreement, it is section eight.

**Commissioner Cooper** – Then what is the relationship of the cut line to the property, or does it vary?

**Kerry Winn** – It varies by lot. That is why it would be important to look at it in Design Review. Remember the one that had the Open Space and had the blue line that we were showing? Those blue lines on that front ridge are cut lines. It doesn't matter where the lot line is, it is how you see it and that is what this is designed for, the cut line.

**Bruce Eggleston** – I did find the answer to your question about what the standard says. It says exhibit L to the staff report and page five of five, item 24, “structures shall be setback 30 feet on

the crown of the ridge to reduce visibility from south and southwest". It is 30 feet from the crest of the break point of the grading.

**Commissioner Wilson** – Are there any other questions. Okay, with that we will end the question and answer session. We are going to open up the public testimony now and we are going to begin with the representative of the Collister Neighborhood Association.

## PUBLIC HEARING

**Julie Klocke** (President of the Collister Neighborhood Assoc.) – I would like to take a moment to point out that much has been made about the amount of time that has been in working with the City and the applicant. Unfortunately, the neighborhood was not involved in that process, nor was it invited to be involved in that process. We have had three or four informational meetings with the full neighborhood in which we were allowed to ask questions. This was not a Harris Ranch process where there was a coalition of neighborhoods, who worked together with a developer to come up with a project that was acceptable to everyone. The applicant currently owns land situated in Ada County within the Boise Area of Impact. It is zoned rural preservation, one per forty acres. They have requested annexation, rezoning and a conditional use permit. In February, the Collister Neighborhood Association opposed the development as it was presented, with concerns over traffic, density, the impact on wildlife, the environment and the impact on the quality of life in the Collister Neighborhood Association. Like the Commissioner, we had a question regarding the bonus development. The intent of the Foothills Policy Plan was to allow non-buildable areas, those areas with greater than 25 percent slope, to be considered as priority Open Space. We looked at the requirements of the Foothills Ordinance that said it is not the intent to broadly allow the designation of highly fragmented or steeply sloped land as Open Space to the total exclusion of the normal requirements of clustering and set aside as buildable Open Space. That priority Open Space can be allowable, if you can show a demonstrable increase in value. But, you have to show that protection from alteration of important vegetation, terrain, scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction utilities and infrastructure. We don't think they meet that standard.

The second item they are using for a density bonus is the development of the Polecat Gulch trailhead. Three-and-a-half or four years ago Parks and Recreation came to the Collister Neighborhood with a proposal for the trailhead. We did not oppose it. They said they would come back to us and we would be involved in the design of this trailhead, how big it would be and where it would be located. That has not happened. It has cropped up again. Suddenly, the developer is going to provide a trailhead for the City. That is not the case. This has been in the plan and has been in the works. What is being proposed is that the developer is going to pay for it.

I would also like to make a correction that showed up in the staff report. There was mention made that Polecat Gulch does not currently have public access. We do have public access. Currently the signs are up there at upper Collister asking that you not bring your dogs on the trail

because of damage to the trail. There is also access off of Cartwright Road. Further more, our Collister Neighborhood Plan, Chapter eight Land Use, adopted by the City last year, states that we ask that you preserve, enhance and protect the existing neighborhood character and quality of life while allowing for reasonable growth. This proposed development does not protect our existing neighborhood or its character, and the proposed density is not reasonable growth.

With regard to grading, the Collister Neighborhood Plan asks that the policies of the Foothills Policy Plan also apply to the Collister Neighborhood. That requires development to be designed to preserve the natural appearance of prominent ridges and sky-lines and concentrate development on more obscured areas of the site. Constraints of the site are known to the developer, because much of the property is steeply sloped, the staff report refers to the fact that the only possible pattern for development must follow the patterns of the ridges and gullies. We suggest that less density and building back from the ridgeline in the gullies would better conform to this requirement of the Foothills Policy Plan.

We recognize that the 1997 City Council adopted the Foothills Policy Plan which sets the priority of preserving eastern and central Foothills first. The development would happen in the western Foothills. That does not negate the need to follow the Foothills Policy Plan. The Foothills Policy Plan also requires that the Foothills development meet criteria, not closely meet them. The map included with the Foothills Policy Plan is described as; shall be considered to be a generalized description of potentially buildable areas. It does not grant an absolute entitlement to development. With regard to the condition use permit; we believe that the proposed use will place an undo burden on the transportation and other public facilities in the vicinity looking at ACHD's limited analysis, which focused only on automobile traffic. Upper Collister Drive, which I consider the portion of Collister Drive north of where the Quail Ridge entrance is, is only 36 feet wide and has a depressed drain running down the middle as drainage for Polecat Gulch. The road is narrow winding and rollercoaster with limited visibility particularly around two overflow parking areas. Because of the steep yards and driveways, residents park on both sides of the street and children play in the street. Although it has been classified as a collector, only the southern portion of the road, that portion south of where the Quail Ridge access is, is built to what we would normally consider to be collector dimensions. Likewise, Plano Lane is a narrow, winding, uphill lane that serves a few families that live there. The intersection at Hill Road is dangerous, even with improvements. We are not sure how they will change current driving habits. During the workshop with Ada County Functional Classification of Streets, the memorandum states that vehicle level of service focuses solely on the comfort of vehicular travel on a corridor. This metric does not take into account the community character, pedestrian safety, or other factors that are important to an individual community. Vehicle levels of service should be weighted against other community goals. It does the community no good if the solution is worse than the problem.

Our neighbors that are here tonight will describe to you what the impact will be both on those who live on Collister, Plano and other areas in the neighborhood. The Neighborhood Association did not take sides regarding any fire road or regarding which side should be developed first, or anything else. We don't want to pit one side of the neighborhood against the other. We simply opposed the development as it was proposed. Our Collister Neighborhood

Plan, Chapter eight, Land Use, states that in addition to current road capacity, assessment of the impact of development should include the impact on the quality of life from increases in traffic, congestion, noise and speeding, particularly on small narrow streets. The Foothills Policy Plan, 5.2.1, states that neighborhoods effected by through traffic will be protected. Improvements to the Transportation System need to balance the long term objectives with protection of quality of neighborhoods and must be in scale with existing neighborhoods. The ACHD report that was on this proposal states that Hill Road has bike lanes. Those of us who live here know that the so called bike lanes are gravel and hardly more than two feet wide. The area is winding, has hidden dips and curves and poor visibility. This area, Hill Road to Pierce Park, Castle and Collister, is heavily used by pedestrians and bicyclists. We have children still walking to Cynthia Mann, Pierce Park and Collister Elementary. Older students walk to bus stops for the junior and senior High Schools. We have neighbors walking to their valley ride stops. Route number 10, comes through the neighborhood and we have been working with Valley Ride for the last three years for a location of bus stops.

We have been working with ACHD on improvements on our local streets. Hill Road is a well known bike route and in fact it can be a very congested bike route. There has already been an increase in traffic to the Polecat Gulch area and will continue to be more as things get developed. The City's Comprehensive Plan, objective 8.1.6, requires that residential land uses shall be compatible with adjacent uses and promote transit and pedestrian activity. We do not see how transit, pedestrian activity, or connectivity being promoted by the proposal as it currently stands. Foothills Policy Plan 8.2.3, also states that motorized traffic may be required to experience some inconvenience for the purpose to preserve the integrity of the neighborhoods. In addition, ACHD recommended that a signal light be placed at the intersection of Hill Road and Collister. This is in response to the proposed application. It was not part of a long term Comprehensive Plan. It is not in their Capital Improvement Plan and is contrary to stated ACHD policy, which says you do not come up with a solution without involving the neighborhoods first. We have been working for more than six years with ACHD on the round- about proposal for 36<sup>th</sup> and Hill and have learned that signalized intersections are not necessarily the safest for pedestrians and bicyclists. There are more points for possible impact. You have more autos speeding to catch the light or running through the light and free right turns are particularly dangerous.

We have problems with the signal at Hill Road and Collister, as proposed, would also increase cut through traffic through streets in our neighborhood that would not be able to handle it. Maple Look, Outlook and Hillside; there would be more traffic speeding down Collister, turning onto Catalpa to head east going by Collister School, lessening the safety of those students. We are also concerned about increased congestion, as we have at 36<sup>th</sup> Street. There are times in the morning, waiting on Hill Road at 36<sup>th</sup> Street, you can wait through three or four lights. This has caused air quality issues to the extent that we have neighbors who live along Hill Road who can not open their doors or windows during rush hour, because their smoke alarms go off.

We are also concerned that the signal would block access from the adjacent streets. We have several large subdivisions in the area along Castle. We have Castle Hills, North Point, the Jordan's Landing area, where there is not direct access onto the arterials and people have to

access onto Hill Road and if those access points are blocked, because of traffic backed up at the traffic light, it has not improved the situation in any way.

We have been working with ACHD to get sidewalks along Collister. Collister has between 40 and 50 feet of right-away. Our Neighborhood Plan calls for bike lanes, sidewalks on both sides and retaining on-street parking for the residents. The ACHD recommendation is that there be right turn lanes on each of the approaches. There is not room for right turn lanes, sidewalks, bike lanes and parking. Our neighborhood needs those sidewalks. We have people trying to get to the buses. We have a new library in the neighborhood. Our pedestrian and bicycle activity is high and we want to encourage that and not do anything that is going to take away from that. There was also discussion by ACHD, the limited visibility at the intersection, which may require removal of the landscaping. The mature trees, fences and walls located on the southeast corner, the southwest corner and the northwest corner. These neighbors aren't even close to where this development is, but they may find parts of their landscaping or parts of their yards taken to put in right turn lanes so that this development can happen. We would like to say that the signal requirement by ACHD is premature. It will not provide relief to the Collister Neighborhood. It will not mitigate the traffic impacts and we ask that however this turns out, we will need to continue to work with ACHD to look at traffic problems and solutions regionally.

Another item in the ACHD recommendation is that we do not like the vertical curb requirement unless it is necessary for drainage issues. The Collister Neighborhood Plan, Chapter six, Objective four, calls for new or re-developed sidewalks to be constructed with a rounded profile so that the walking surface is level even at driveways. We are also concerned that the proposed Plano Way be only 36 feet wide, not the standard 50 feet wide. Our concern is for emergency vehicles. We have experienced several fires in the last few years along Hill Road and up Collister and we do not want to compromise on safety. Adequate, in our opinion, is not sufficient.

With regard to criteria and findings for the conditional use permit, we believe that the proposed use will adversely affect other property in the vicinity and many of my neighbors will describe what the adverse impact will be, both in upper Collister and Plano Lane. If the signal is required at Collister and Hill, we do not believe that this proposal protects the existing neighborhoods, and therefore does not meet the requirements of the Comprehensive Plan and the Collister Neighborhood Plan.

Last, but not least, looking through this whole thing, this is not a single project, but is rather proposed to have 22 phases, built out over ten years. We have just lived with 15 years of construction going up to Quail Ridge. Now, they are proposing another ten years, a million cubic yards of fill. To make it easy, I use 150 homes. That is 6,666 cubic yards per house that they propose to put up there. How many cubic yards are in a dump truck? Ten, fifteen, twenty? Let's say twenty. That is over 300 truck trips a day. We are supposed to live with that for the next ten years?

I have a question, there were four sign-up sheets out front before and I think there is some confusion on whether or not they signed up for the proper one.

**Commissioner Wilson** – I will be going through all four sign-up sheets. We will get to everybody.

**Commissioner Stevens** – Could I ask her a question, or do you want us to wait?

**Commissioner Wilson** – Go ahead and come back forward, Commissioner Stevens has a question.

**Commissioner Stevens** – I was actually going to ask you to re-read the very first quote from The Foothills Policy Plan if you could, because I didn't catch all of it.

**Julie Klocke** – It is in the staff report on page 24, about half way down the page on the left hand side.

**Commissioner Fadness** – You confused me a little on the trailhead project that the developers are proposing at Polecat Gulch. Isn't that something that you would support? I know that you aren't in favor of the development as a whole, but isn't that something that you would like to see done especially since it is being paid for by the developer?

**Julie Klocke** – It depends on what it looks like, how big it is, where it's located and what is the impact going to be on the neighborhood. All of which, we were assured by Parks and Recreation that we would be included in the process. We have not been.

**Commissioner Fadness** – Wouldn't most of the truck trips circulate within the projects, since they are using that sand area to fill that?

**Julie Klocke** – They have to get there. Like I said, we have lived with fifteen years of Quail Ridge construction and yes most of it is on-site. But all of those suppliers, all those trucks have to get there and they come through the neighborhood to get there.

**Commissioner Barker** – You mentioned a difference in the width of Plano Way. I think you said that the neighborhood would prefer that it be 36 feet. I didn't hear you correctly. You would like it to be widened from 36 feet to 50 feet. Is that correct?

**Julie Klocke** – Fifty feet is standard for the Fire Department. Last summer, we had two or three fires going on up on Collister. People were parked on the street, as they usually do. But to get all of the emergency vehicles in there and everything else, there was hardly room to move. Our concern is not a question of if there is going to be fires up there, it a question of when there is going to be fires up there. We prefer that we air on the safe side. If it means making the streets wider and less lots, so be it, but I don't think we can compromise on safety. We have seen what has happens.

**Commissioner Baskin** – There is a specific proposal concerning the Polecat Reserve Trailhead that involves a paved cul-de-sac that is on City property, adjacent to a gravel parking lot with twelve spaces. Is that something that the Neighborhood Association opposes?

**Julie Klocke** – This is the first that we have seen it and we have not been able to bring it up before the whole neighborhood.

**Commissioner Wilson** – I believe the issue is that they were not involved in the process and they had been assured of involvement, correct?

**Julie Klocke** – Yes.

#### PUBLIC TESTIMONY

**Brent Smith** – The development that needs to utilize two water seeps as wetlands, a dry gulch as a riparian area, an onion habitat that needs protection only if this development is approved, as qualifications allowing the development to go from eight to a hundred and fifty lots, seems like a bad deal for Boise and a bad precedent for the Foothills Ordinance. There may be technical compliance, but it does not comply with the spirit of the Ordinance that I voted for. Some neighbors believe that the fix is in on this development.

The City wants the Trailhead parking and that is all that matters. What should matter is what the people want, and I maintain that we do not want or need this development. There is no justification for this density bonus. Please follow the Ordinance and keep the houses off of the ridgelines. The developers have gerrymandered properties together to produce an argument to this ridgeline development as environmentally important. This map shows the entire project. Please note the blue areas, which designate areas that are flat enough to build on, which are not being built upon. These non-buildable areas are applied to the density bonus formula to help boost the number of lots allowed in the development. Please note how the blue areas are scattered throughout the site, particularly the larger areas of the blue in upper central section, which is the sand pit area. The upper left section, which is along Plano Lane and the section from the adjacent Quail Ridge Subdivision, is on the far right. This image shows one of the developments key environmental areas along with the sizable tract on a piece of buildable ground that is being used to help justify the lot increases. This is the sand pit area, which is also designated as buildable ground in this proposal and is also being used to increase the density bonus. The developer claims that there are a total of 26 acres of buildable ground that is not being used. If this land is buildable, then why not build on it. This land would easily replace many of the lots on the ridgeline, since the entire buildable area being used is only 47 acres.

There are reasons for this. They have in part, expenses and difficulty in building roads to some of these very steep areas. Mostly, they are not where the developer wants to build, which are the ridgelines where the big money lots are located. Why allow the developer to build exactly where he creates the biggest eye sore in exactly the area designated by the Public Land Open Space Plan as having the highest priority for visual protection? The developer and the P&D staff rely on the Foothills Ordinance as a source for many of their decisions, including their generous

recommendations of bonus density. In this matter of such importance to the overall visual aesthetics of the City, why totally disregard the Ordinance and allow this ridgeline development to go forward? If nothing else, please reduce the number of lots significantly to reflect the actual environmental benefits to come with this development package. The developers are not offering anything that impacts their bank account, except in the plus direction.

**Stephanie Bacon** – There are reasons to oppose the excessive and inappropriate number of houses the developers propose for this site. I could talk about the impact on my neighborhood and Plano Lane. But in the interest of brevity, I chose to confine my remarks to environmental impacts. Since moving to Plano Lane six years ago, I have often walked the private section of Plano Lane to the sandpit for quiet exercise, and sometimes walk down the animal trails that run the ridgelines where the developer proposes to build. I often have seen herds of 20 to 30 deer every time I walk those hills from October through March and scattered pairs in smaller numbers in the summer months as well. The area constitutes wildlife habitat and known big game migration routes which Fish & Game states quote, “should not be disturbed by development”. That is unambiguous. I have seen foxes, coyotes and badgers up there. There are always raptors and lots of quail. I have an amateur enthusiasm for botany and have been charmed by 30 plant species, including 20 showy wildflowers that I have identified on my walks. This year, I walked with a special goal of finding Aase’s Onion, a plant I had never seen growing before. I was stunned to find the onion growing every where the developer plans to build. I can provide numerous photographs from this year that prove definitively that those onions grow not only on the slopes that the developers plan to set aside, but also right on the ridgelines. They grew in what I believe to be significant populations there this year. Staff report notes that quote, “the study sites 90.81 acres of onions on the site”, and the applicant is claiming 81.9 acres for the density bonus. That means that approximately 9 acres of the surveyed onion fields are either within the area to be graded, or they were in concentrations too small to be included. There is no proposal for restoration of onion fields that might be graded in the proposed built environment. Elsewhere, the report goes on to say; “the applicant should propose a means to protect all of the onion population on the subject site for the long term”. If that is not possible, consideration should be made to reduce the density bonus where this can not be reasonably achieved. My contention is that this can not be easily achieved and the figure of nine acres is probably grossly underestimated, because this year the onion bloomed in dense clusters and drifts through out the ridgelines in the subject site. Staff notes that the density bonus owes about two thirds of its value to the onion fields. If a significant part of the population would be destroyed, I would urge a re-calculation of the proposed density bonus to reflect the loss of this species of concern. This re-calculation needs to happen. The re-calculation would not only reflect the loss of the species of concern, but it would also stem the loss.

**Bob Lazechko** – I have two pictures that I would like to submit. Something is smelly and it is not the onion. That is what gets to me. One of the things sighted to me, and I am a father of four, is public safety. I took this picture. This is Collister. You can see the cars parked on the side, and that is just a standard truck. You can see that he is straddling the middle of the line. I don’t know how increased traffic is going to go up safely, construction traffic. Not only in your own staff reports and the ACHD reports, everyone acknowledges that upper Collister is problematic with its gutter down the middle. The sidewalk is only on one side and driveways

empty onto the street. I am concerned because there is a lot of talk about the onion and it seems like the public education and protection of the onion supersedes my children's and the public's safety on this stretch of Collister. There are no plans in the ACHD report to improve ours. They are going to improve upper Collister where they develop, but there is not going to be a sidewalk put on ours. There is not going to be speed bumps, there is not going to be signs. There is going to be signs that advertise the onion and how important it is, but there is not going to be a sign for my children. That is appalling to me. I am sorry if I get emotional about that, but as you can see, the kids play there. You can also see the driveways that empty out onto the streets. I simply can not see our street handle any more increased traffic.

I want to echo subjective and circumstantial calculation of the density bonus. This development couldn't be feasible without including the density bonus. Within your own statutes, it states that there are only 73.1 acres that meet the requirement that are not the 25 percent slope. Then, you throw in the additional 80 acres of the Aase's Onion from you picture. That gives them 150 to calculate the density bonus from. Everybody knows that those slopes are too steep for development and I understand that he has a right and he wants to develop his property. Realistically, the developer is not going to develop that land. He can't. It does not follow the Ordinance. Whether there is onion there or not. It's not reasonable and it's not there. Once again, I think it just doesn't make sense, because what the Ordinance is being used for, rather than protecting the land, it is allowing increased uses on the property. My last statement; I want to say the Foothills Trailhead, the integrity and safety are the aesthetics of the existing neighborhood. Once again, I understand that is a caveat for the City. I voted in the election too. I did not vote in jeopardizing my children's safety. If you put in a stop light like ACHD wants, that is not going to effectively do that. It will send a lot more traffic up there. In conclusion, if the Commission would seriously consider re-calculate the bonus density and limiting the number of homes proposed in this development.

**Mariah Courtright** – I am here tonight to voice my concerns regarding the public safety issues associated with the proposed density of the 151 units for the Plano Development. Based on your staff report, you have been notified that there are no plans to improve North Collister Road, even though traffic will be added to it with an ACHD recommendation to make a connective road and also just in general the several homes that will go up within Collister. With the current proposed density of 151 homes and no road improvements, the Planning and Zoning, in approving the proposal will endanger, not only the public safety of my family, my neighbors and Briarhill, Collister, Quail Ridge, Outlook and in fact, I think you will be endangering every Boise City, Ada County or Idahoan who chooses to use the Polecat parking lot for trails. Even though you don't have a parking lot up there, even though you aren't promoting it, we have seen a significant amount of traffic, both pedestrian and bikes who are in some cases apparently trespassing to be using that. The reason for this level of concern is that I think you are not maybe getting the whole picture. Any of the estimates for traffic that you have been giving talk about north of Quail Ridge, talk about Collister, N. Collister. I did some research and just slightly down from that is Outlook. If you look up the volume of traffic currently going just north of Outlook, which again, is just a few feet down from Quail. If you add in the proposal, we will actually be over at 2529 traffic count for that section and down to Hill Road. If you think

about that, that doesn't include the under developed Quail Ridge sites, which, on their website still show 30 still for sale. It doesn't include the twelve parking lots that are proposed at Polecat. It doesn't include the people who have potentially, like all of us, sorry to all of the people on Outlook, cut through Outlook currently, to avoid having to deal with the Hill Road traffic. I urge you to look at that and question, are you comfortable in promoting, as the City of Boise, our trails, when you have one of the new ones coming out on the road that doesn't meet any standards that has been proposed. It doesn't have a sidewalk for almost a tenth of that mile which again exceeds the traffic for a collector. I am here tonight asking you to please stop and slow down and actually anyone of you go and drive up the road and not just look north of Quail Ridge, but look north of Outlook, look north of Hill and ask yourself, would you want to walk up that and ride your bike?

**Commissioner Fadness** – You said that you were at 57 something Collister. Is that north of Hill Road?

**Mariah Courtright** – Yes.

**Commissioner Fadness** – I know that there is the Junior High there on the corner, no that's 36<sup>th</sup>. Before you get into Quail Ridge, are there still quite a number of single family homes on the north side of Hill Road of Collister?

**Mariah Courtright** – Hillside coming in and Outlook coming in and then Briarhill Subdivision. They are not actual driveways that go onto that.

**Jenna Raino** - I would like to say thank you to her for bringing up the point of traffic that would be going on. We already see a lot of traffic that cuts from Hill Road up to North Collister and the fact that this development does not bring up this point at all, worries us because we have quite a few families with little kids that play on the street and we are a small street that has parking on both sides. We also are concerned with flood plain changes. When the Quail Ridge subdivisions were put in, they changed the flood plain borders and we now have to pay \$1200.00 in flood insurance that we previously did not have to pay due to the subdivision change. We are wondering how that would affect our neighbors down below us who are not currently in the flood plain and do not have to pay flood insurance. We also are extremely concerned about well water. Most of the people on Outlook with the older houses have wells and septic tanks. We are reliant on these for our water usage and having a large amount of houses above us, who will all be using pesticides, herbicides, and stuff for their grass, would affect the quality of our water. The perk system that they are talking about putting in the drainage, we are worried about how that would affect us and we have not seen enough evidence showing that it would not affect us.

**Shelley Phillips** – I am here to present a petition signed by 75 residents or property owners located along Collister Drive, including some of our Outlook neighbors. The homeowners and residents along North Collister Drive, north of Hill Road, petition the City of Boise for our public safety. As Boise City residents and property owners, we ask that Boise City elected officials prioritize our public safety and protect our neighborhoods, families and children from increased vehicle traffic associated with the Polecat reserve and parking lot, that Plano Lane be a

connection to Collister, and from additional homes planned for the end of North Collister Drive associated with the Plano Lane Development. Further, we ask that Boise City Planning and Zoning officials, elected Boise City Councilors and Mayor, honor the spirit and intent of the Foothills Policy Plan 6.1.2.7; motorized traffic may have to experience some inconveniences in order to preserve neighborhoods and reduce the size in density of the proposed Plano Subdivision to the extent the public safety of the existing neighborhood is not compromised due to increase traffic on North Collister.

We ask Boise City to reject the plan, Collister / Plano Road connection, as a open road. If a connection road must exist, we ask that it be a gated emergency road to protect residents, public safety and stop the ACHD estimated 1,500 additional car trips per day through this quiet local neighborhood on a dead end street.

**Commissioner Wilson** – For the record we have received a copy of the petition that was just read.

**Roger Phillips** – The North Foothills are a unique area that do not fit the usual mold of a Treasure Valley subdivision and should be developed with much less density to protect the safety of both Briarhill and Plano neighborhoods. My first concern is a through street from Plano to Collister. I checked every road north of Hill Road, between old Horseshoe Bend Hill Road and Bogus Basin, and could not find any public roads that connect over a ridge to an adjacent neighborhood. Two major subdivisions, Quail Ridge and the subdivision at the end of 36<sup>th</sup> Street, have emergency roads with locked gates. ACHD claims that the road between Plano and Collister is for connectivity and safety, but the road would create far more safety hazards than it solves. The top of Collister Drive to Hill Road averages 6 percent grade. For comparison, according to ACHD, the two steepest paved roads in Boise are Quail Ridge Road at 10 percent and Ginzel Drive north of Hill Road which is about 10.5 percent. Due to the steepness of upper Collister Drive, a coasting vehicle quickly reaches the 25 mile per hour speed limit and exceeds it if the driver doesn't ride the brakes, because there is a constant down hill gravity pull for about .8 miles and only one short up hill section in its entire 1.26 miles.

The new road section between Plano and the top of Collister will be 1.8 miles long and over a mile of constant down hill that is steeper than six percent average because of the steep ridge that separates Plano from Collister. The top of Collister is 459 feet higher than State Street and Briarhill subdivision sets in the bottom of a canyon. We get more snow and ice and both stay longer than in near by areas. This creates an especially hazardous road conditions. There are often vehicles parked at the Collister, Hill Road intersection, because they can't make it up the upper end of Collister and those of us with four wheel drive vehicles often use it to get up our steep driveways. ACHD officials say Collister through Briarhill was poorly designed and they would never allow a similar road to be built today. The road was built with cement, rather than asphalt. There is a single sidewalk and a gutter running down the middle of the road. There are numerous long cracks in the cement that will only get worse with time and traffic, especially with heavy construction vehicles. ACHD applied the same traffic loads to our neighborhood that they would a flat subdivision on the valley floor, despite the obvious differences in steepness and poor road design and deteriorate concrete. ACHD's decision is arbitrary, dangerous and unfair

to the residents of Briarhill. The agency is requiring the developer to rebuild Plano to safely handle additional traffic there, but is not requiring the developer to do anything to mitigate the safety concerns of Briarhill residents or inevitable damage to our roads.

We hope that Planning and Zoning will take these things into consideration as it plans for density allowances for this subdivision.

**Commissioner Fadness** – Roger, if it so awful in the winter, why do you live there?

**Roger Phillips** – Because it is awful in the winter. I like snow.

**Michael Jones** – I would like to say that for many reasons, this subdivision as proposed is a very bad idea. It needs to be radically modified to be acceptable for all the reasons that many people have stated already, from traffic to safety.

All of the residents along Hill Road, below the Plano drainage, out of this subdivision, most of them are on shallow wells and the drainage from this subdivision can threaten those wells. This was brought up in an earlier informational hearing that the City staff conducted, but I haven't heard it since. I'm glad that our neighbor Jenna brought up the threat concerning the flood plain because of increased run-off. Because of subdivision type development, we have experienced peoples' swimming pools in our garden because Outlook doesn't have adequate drainage. I would like to back up just a little bit to the beginning of the Foothills Policy Plan. I have heard it from three people who were involved in the drafting of the Foothills Policy Plan, that in the minds of the people who drafted that plan, it was a high priority to avoid the visual and other impacts of Quail Ridge. Quail Ridge is the only thing that looks like that along the entire scope of the Foothills and to me and I think many others, it is a visual blight. I think it is probably a nice place to live. They have nice views.

As far as protecting the integrity of the Foothills, this is a reason for a lot of the language in the Foothills Ordinance to leave ridge-tops in tact, build with as little cut and fill as possible. When I asked City staff, is this one going to look like Quail Ridge, there was a one word answer, yes. For those kinds of reasons, I think it is good to take a really close look at this cut and fill off the top of the ridge. The spokesman for the developer at that same hearing said they were going to cut 50 feet off the tops of the ridges. If you multiply this by 4, in terms of height, that is the amount of elevation that are going to be cut off of these ridges in order to get wide enough lots to build on. When staff report says, this parcel is buildable only on ridge-tops and gully bottoms, it is not quite true. It is not buildable on the ridge-tops. It is only buildable up there where the ridge-tops use to be after they got scraped off to make this wide enough area. I took walks up there when the onions were in bloom. There are two important things about the onions in this development; countless Aase's Onions will be dull-dozed when this ridge goes in. I think that is where you are missing nine acres. Second, the onions on the steep slope have survived all of these decades with no protection what-so-ever, and they don't need the protection of the subdivision or The Treasure Valley Land Trust to survive because of the slopes.

**Milton Coffman** – I was interested when I read the staff report on page 53, it said Objective 2; neighborhoods will be protected. ACHD's report allows that access road to become a permanent two lane road after 30 homes, which will then create all the traffic coming down Collister. It is real interesting, in past history ACHD approved Collister from Quail Ridge to the termination, as a unique cul-de-sac with an in sloping concrete road, and there are no plans in the near or far future to improve the road, yet ACHD is shoving all of the traffic from the Plano Subdivision down Collister. This is unacceptable, as you have heard before, for the safety of our children, the safety for people walking up and down our streets and when the Polecat Gulch preserve goes in, the bicyclers and the people with their horse trailers going up and down the road, will create a traffic hazard that will be unacceptable. It is my thought that the access road should be a gated emergency access only, like they have at Quail Ridge and ACHD work with the developer to put a three way stop sign at Plano and Hill, then work on putting east, west turn lanes, so that traffic can get in and out of Plano and not be shoved over into Collister.

**James Smith** – I recommend that you all come up to upper Collister. Why? Do you know what happened to me when I was coming to this meeting? I almost hit a kid. I have been living on that road for some time. I didn't almost hit him, but the potential was there. You don't realize how steep our drives are. How narrow our lots are, how little our backyards are. Here was a kid that wasn't very good with his bicycle, had his helmet on, thank goodness, and I have been raising my children up there, and so I am particularly keen for looking for them. We have this rabbit trail of a road that soaks all the water into the center of it causing it to glaze with ice in the winter. I have had three times where my car has backed out of the driveway, with the emergency brake set, and I live up there because I love it. I feel like I have fallen down the rabbit hole tonight. You give them a density bonus for areas that they can't build on. You say, well these lots have these gorgeous views, but we won't be able to see them.

When is a million cubic yards not excessive in-fill, or strip fill, or what ever you call it? It seems nuts to me. This is deja vu all over again for me.

This is the third time. Twice again, we have been here addressing issues between you and ACHD and they disapproved this connection going into the top there. Now all of a sudden, they are doing this. We worked with the builders and said alright, we realize there is going to be some development, but what we need is a locked and gated road that would give them the fire access and would be just the same as they have there in Quail Ridge and it would provide everything that is needed. It would protect the bicyclist who are going to be increasingly coming up and down our streets and would protect the existing things. We will work with the neighborhoods in the upper level to teach them about what is involved with being able to come up and down Collister. I am president of the home owners Association and last time I came here, I got 20 minutes. Now I have got to squeeze it into three. You counted land twice.

**Commissioner Fadness** – We haven't approved anything here tonight. We have a staff report that says some of the things that you have claimed. We haven't approved anything tonight, so.

**James Smith** – The general impression with everybody in my neighborhood is that the fix is in.

**Commissioner Fadness** – The general impression is what?

**James Smith** – That the fix is in. That you have already made up your minds.

**Commissioner Wilson** – Sir, that is out of line. This is a volunteer Commission. We spend our time up here to do what's right for the City. We are an independent board, separate from the City and I would appreciate it if you would treat us with some respect.

**James Smith** – Okay, very good.

**Commissioner Wilson** – Take your seat. Justin Wortham. It's okay, we won't be mad at you. You look a little nervous.

**Justin Wortham** – It's okay for me to speak? In this big report, exhibit D, it goes into talk about 2 million cubic yards of excavation. Two million yards of excavation on any on any project is a lot of excavation. Out of that two million cubic yards of excavation, about 900,000 will be used in fills and pads for homes. There is going to be cuts and fills on this project up to 50 feet or so in height. That's big. Now, this is going to lead us to the next deal. Madam Chair, maybe if you would on the smaller report that Bruce has, do you have that one handy. If you turn to C-11,

**Commissioner Wilson** – Can we pause the timer for just a minute while we find the exhibit? Bruce, can you put it up on the screen for us, please?

**Justin Wortham** – It is this page right here, Madam chair.

**Commissioner Stevens** – It is inside the legal description packet.

**Commissioner Wilson** – Sorry, we have a few inches of paper her. Thankfully, the City of Boise is environmentally sensitive and they have double-sided it.

**Commissioner Fadness** – If the fix is in, why do I have to read all of this stuff?

**Commissioner Wilson** – That is a good question.

**Justin Wortham** – It is towards the end of that report.

**Commissioner Wilson** – Okay. Bruce, just lay it that down on the projector, in stead of trying to find it.

**Justin Wortham** – Madam Chair, did you find that page? It is very important that you find it.

**Commissioner Wilson** – That green area that you are showing there. Okay, he has his pencil on it.

**Justin Wortham** – That is what Bruce is pointing to right there. On this page by this surveying company, they show this right there, where Bruce is pointing up there, they show that as part of this project. All of the right-of-ways that this developer has is up right to the left of Bruce's pencil. Then the one million cubic yards of excess excavation is going to have to be hauled either through the project or up that road. I am here to say that the developer doesn't have the required access to come up that road and we just hope that you look at it in terms of this million cubic yards that are going to have to be hauled within the project site itself.

**Patty Raino** – If the approval for the stop light on Collister and Hill Road were to go through, I can only imagine how much cut through traffic will go onto Outlook. It is a small one block street that already has cut through traffic of people from upper Collister and Quail Ridge that cut through onto Hill Road. They do it all of the time and they come down to a section of a sharp turn onto Hill Road. We have experienced that for years. This will only increase it and that concerns me a great deal. I would concur that there are too many houses or lots being approved here. I think that whatever you do, the set-backs from the ridgelines are extremely important and have to be part of what ever approval you give. It is a travesty in some ways what has happened to the ridgeline at Quail Ridge.

**Commissioner McLean** – I was wondering if staff has a map that we could take a look at. I am just trying to get bearings as to where Outlook is.

**Diane Jones** – I would like to reiterate something that Bruce said at the very beginning of his report. I think this is a really important discussion that you all are being asked to make because as I understand it, this is the first development under the Foothills Plan. And so what happens here is really going to set the precedent for other subdivision sequence applications. Particularly, the Foothills Plan, as I read it says, developments shall maximize the retention of the existing natural topography. You are looking at a development that they are talking about one million, two million cubic feet of stripping off of the ridge-tops and then filling in. It doesn't sound to me like it is very consistent with the Foothills Plan. I would like to take strong exception to one of the sentences of the staff report, it is on page 27. It is regarding this problem where the developer is going to develop the ridge-tops because that is the only place that the developer deems developable. The City deems because it is too steep. According to the staff, the City can't designate an area for development. Meaning, the west Foothills can't designate an area for development, then create an Ordinance under which it would be impossible to develop. We are not looking at the entire area. We are looking at one small piece. This piece may not be developable, developable in a reasonable way that would respect the vision of the Foothills Plan. If it is not, then it is up to you to say to the developer that it is not developable. I say that as a citizen and I hope you consider that approach. I hope you will consider that approach. About Aase's Onion, Aase's Onion is endemic to Ada County. That means that it only grows in Ada County. This onion is not wide spread. That is why it's an onion of concern. This developer, by its own admission, will rip out nine acres of Aase's Onion. Then mitigate the development by protecting 80 acres. So, what does protection mean? I haven't heard any description of what the protection plan is. What does The Treasure Valley Land Trust propose to do to protect this onion? This onion has existed there long enough to become a distinct species. It has been there

a long time and it's doing fine. It is the development that is going to hurt the onion, not protect it.

**Janel Brown** – I have two perspectives on this. I have my citizen of Boise perspective and that is, yes, we do need in-fill, and I understand that, but I think the infrastructure should be in place before in-fill is encouraged. I don't see Hill Road or State Street being improved to the extent that they could safely absorb this particular development or other developments any time in the near future. In fact, if I remember correctly, they were out almost 18 years in ACHD plans for improvements. I have a real problem with that. You can extend it and go down Hill Road to Harrison, to Fifteenth. The traffic can't be absorbed. Those arterials are already failing. I also have a backyard issue. Because I live on Collister, I understand in-fill is necessary. I understand people want to live inside the City. There is no way that this section of Collister is going to be forced to function with up to 1,500 additional cars a day. There is no way it can do it. If you haven't been up our street, please drive up it, or walk up it. You will see that we park on both sides. We have to, especially in winter because you can't get up your driveway. You have to at least park on the street long enough to plow or to shovel your driveway off. Of course, there is the issue of the kids. All of us have steep backyards and front yards. Very few flat. A lot of kids play in our street. There is going to be a real safety issue. If you live on the street long enough, you learn how to negotiate it. You can tell when a stranger is driving our street, and there is a lot more of them lately with Polecat Reserve opening than there had been. I do take issue with the staff report, where it says our rain gutter down the middle will serve to impede speed. It hasn't served to impede speed yet. I don't think it's going to. I also heard in my journeys trying to activate all of my neighborhoods to fight this that at the bottom of our road there is a dip and a wetland on the Quail Ridge side. There are these big concrete pillars lining it. According to my neighborhoods, they are car catchers. At some point it was recognized that our street is not a safe street and that we need car catchers at the bottom of it. I am sure that was a requirement for some development or another.

**Lowell Browning** – I have lived on Hillside for about 40 years and I have seen Hidden Springs develop. I have seen Quail Ridge develop. Now, Hillside is just south of Outlook, that we have been talking about and Hillside is just north of Hill Road. Since the Hidden Springs has been developed, we have a lot of traffic that is trying to get down the street into Boise, and they think it is a shortcut to drive down Hillside. We see quite a bit of traffic at about 7:30 in the morning, that we don't really feel needs to come that way. I want to say that on each side of Hillside, traffic backs up from the traffic that is trying to come out of these developments. I ask you this, how many more developments are we going to have before we say enough is enough? What will be the straw that will break the camels back? I would hope that this project will not be developed.

**John Watts** – I am quite familiar with the road that we have been talking about. I would like to start if I may, by quoting from the staff report on page 32, "the Collister Drive issue is tough. The existing road is problematic. It is narrow with front on housing and 75 driveways, gutter in the center of the road, parking on both sides of the road. There are no plans to upgrade this section. ACHD told us all in person at the hearings when we pointed out at the top of Collister with the area to be developed for the proposed 21 sites will get new modern road, sidewalk on

both sides, fixed completely to code. We ask if they would do the same for our road. They said no. Their Ordinance only applies to new roads. Their words, not mine. With regard to the issue that was brought up; that is a very accurate description, but in this case it is all of our front yards, not the backyards. This road goes in front of 75 homes, 75 families. I would like to point out a few things before my time runs out. I too had a long list of policies I wanted to quote. Many of them have been mentioned tonight, but I will tell you that there are 11 policies in your Policy Plan that directly relate to this proposal. If someone was to ask me a question when the buzzer goes off, I would be happy to at least recite those by number so that you might review them at your convenience. Importantly, two of them, 2.3.4 and 6.1.2 relate specifically to when an emergency road should be used as opposed to a secondary access road. We come and play in there, hence that is why you have heard some of my neighbors and myself now, asking that if this does have to go forward, if a road must be put in place between Plano and Collister, that it be an emergency road only and that it be locked and gated. In the spirit of you always having to listen to complaints and problems, I would like to try and help bring you a solution to achieve what I just requested. If the buzzer goes off, perhaps someone could ask me a question as to explain what I just handed you. Let me try to walk you through it quickly. Recognizing that this may or may not win favor, it is not our decision and is out of our purview. With the authority that you have, we very much respect that you control the development in this City; when it occurs and how it occurs and under what conditions it occurs. One of the things that I think we would want to take a look at very closely as we contemplate development here is phasing it in so that you don't have to build the park first which forces the road, if the road has to exist. If you look at the phasing plan that I am recommending to you on the back, you can see that you don't have to do it first. It allows you then to implement your policies that apply to the Emergency Policy Plan that I sited and we will have a locked gated road and the Safety Ordinances. The other nine that I had mentioned will be in play.

**Wesley Seideman** – I have live here for 28 years. Could I get the picture that is on the back of this report put up on the screen for just a second? It will help visualize exactly where Outlook and Hillside are and what some of the conditions are that we have to deal with. If you could trace Hill Road for us please. That is Hill Road coming down from the northwest and then it goes exactly north/south along the edge of the Hillside/Outlook development and then it takes a right angled turn and goes east/west across the bottom of that little project and then wanders off again to the southeast. This was a development that was originally approved in 1955 and the two roads, Outlook and Hillside were streets that were developed as of a 1955 platting. They are very narrow. They are actually narrower than the north end streets. I strongly encourage you to look at this area and unfortunately traffic does choose when they come down Collister to take the first opportunity to turn right, go down Outlook Avenue to connect onto Hill Road. They take a left at that point go down to Castle Drive, take a right , go out Castle Drive, hook up to Pierce Park and down to State Street. It is the shortest physical route to State Street if you intend to go west, whether it is up to Capital High School, out to Hewlett Packard or anywhere west. Unfortunately, we have a lot of people who are using that route. If there are cars parked on either side of Outlook, it essentially is a one-way street and gets extremely congested and we do have young children who play in the street because there is nowhere else to go. There are no sidewalks in that area except on the one side of the street. There is a problem there. I would also like to suggest the big picture possible solution to this and similar situations that are and will

develop. The community of Klamath Falls Oregon faced a similar situation to this, building in the Foothills. They have a major north/south arterial. They have a river running through their town. They have a secondary east/west arterial that goes through their town. They chose to build a major though fare that runs semi-circular around the City in the Foothills and assumes a great deal of that traffic and solves a great deal of the problems of how to get traffic from one side of town to the other without having to go through these narrow streets. I highly recommend that you folks take a few minutes to try to look at that community and how that area might be useful as a model for our community.

**Commissioner Fadness** – I know we are getting into ACHD purview, but you have captivated my interest with that last comment a semi-circular that would arch over this? If you were designing this, where would this go?

**Wesley Seideman** - This would go way north, probably in the area of Pierce Park/Cartwright, and possibly even north of that. In that general vicinity, if you were to take a look, you can Google Earth to the community of Klamath Falls and you can see how they have created this outside of the city. There are a lot of major cities in the east that have already created these circles that go around the city. Washington DC, Baltimore and other major cities like that. It allows traffic to circle the city to get to a point where they want to get off that freeway and get back into where they want to go. This same approach could be used now to get ahead of the curve, bring people in from Avimore and Dry Creek, all of these communities that are developing on the outside of the community. Give them an opportunity to go over to highway 55, continue clear down to highway 21. Concept wise, this is something that really needs to be looked at.

**Commissioner Stevens** – Were you present during the previous history? There’s been a long history with the Foothills loop road in this community. Were you ever present during those debates?

**Wesley Seideman** – I have been on several of them, yes.

**Commissioner Stevens** – And your take on the argument that that sort of Foothills loop road creates sprawl and creates communities in areas that we wouldn’t necessarily have them otherwise because traffic impacts service mitigating factor. What is your take on that?

**Wesley Seideman** – My philosophical approach to community development is that we need to put people some place and it is more logical, in my estimation, to put people in the Foothills to use property that is currently unusable rather than plowing up farmland and planting houses in the farmland.

**Commissioner Wilson** – Commissioners, we have strayed off of the topic this evening, so I think that will do for questions. That was definitely into ACHD territory.

**Darin Ogden** –One thing, which another person has already brought up, is the deer habitat. I’m glad it is being even looked at as an issue. The other thing is about the million cubic yards that

we are talking about that needs to be taken off of the property or not, and the bottle neck of traffic that we are talking about with construction. We still need to bring up Collister or you need to bring up Plano, a large amount of construction vehicles including your road mix dump trucks and all of the tractors that you need to build the roads and the concrete vehicles that you need to build the project with. The other thing is Collister Road; when talking about the issues of the road itself, being updated and the safety issues etc. Closing that off as an option of an emergency road only, I ask that if you guys drive up Plano Lane and then turn around and come back down and try to make that turn either way which now force all of those people to go down that at eight o'clock to that intersection at Plano Lane and Hill Road.

**Ruth Salinas** – As mentioned earlier, this is pretty much a presidential case after the Ordinances. I would like to reiterate and invite all of you to drive over there and see how narrow the streets really are. I have lived there for over 20 years and watched my children grow up. Two independent accidents have affected our lives. I had one myself on Collister. I was hit by an inattentive driver, so we can not gauge how careful anyone is going to be even after we implement all of the safety concerns. The other concern I have is that I understand there may be a signal on Hill and Collister and a stop sign at the T on Quail Ridge. A few of us live in the cul-de-sac just west of the RV and I can tell you that over the years there have been a lot of near misses because of the blind spot. I know this is probably an ACHD issue but I don't know if that has been addressed. Within the volume of this report it talks about here that if problems should arise in relationship to accidents, should problems arise at this intersection in the future they can't be resolved. I want to address retrospective applications. There was a young mother in her 30's. We had a dip for a very long time sandwiched between Quail, just prior to the RV. It not only was a nuisance. She was riding a motorcycle and hit the dip very hard, she popped off, her head hit the rocks and she was comatose for months and she died. The dip was not corrected because of this by ACHD. It was actually corrected because of the sewage from the Quail Ridge subdivision. It was a great loss to the neighborhood. She was the mother of one of my son's class mates and neighborhood friend. That road has claimed a life already and it would be nice if we could do whatever it took to work with ACHD so it isn't implemented retroactively. The streets are very narrow and I don't see this accident within this document. I think it happened prior to but it had a result just the same. Like this gentleman is concerned about his family, I'm concerned about the kids and I like to thank you for your time and allowing me to be the voice of a woman who couldn't be here herself.

**Paul Werner** – I think you need to have the density recalculated. I think you need to have staff, before you approve or disapprove vote tonight, you need to have them recalculate that density bonus. I think it is flawed. One of my main contentions is that nine acres they talk about and also Aase's Onion area, a lot of that is 25 percent slope already. Why should a density bonus be given to that as stated in here? Why should you give a density bonus to something that is already protected, because it is 25 percent slope already? I think you really need to consider that. I think if you reduce the density on this proposal it may be a better development for us to accept. Secondly, I am in a downstream neighborhood. I am the President of the Central Foothills Neighborhood Association. I have lived in this city for 40 years. We are affected by the traffic and one thing in the staff report, on page 33, it states that there is little to recommend in an area of mass transit. Yes there is. There is something you can do in the area of mass transit to help

mitigate the traffic going east bound. You can have the developer set aside park and ride areas or bus stop area for the future. Maybe a fund can be set aside for some funds to go in that for mass transit. That could be done. Hidden Springs uses a title transfer fee to help with some of their projects. Something like that can be done for mass transit, so there is something there. Thirdly, I think this violates the spirit of the Foothills Policy Plan. So you can say no on this development because it violates it with excessive grading, a million cubic yards or more. I calculated that out. A dump truck holds 16 cubic yards. That is 61,000 dump trucks of fill. That is excessive. My Toyota holds one cubic yard. That would be a million Toyota trips. It violates the Foothills Policy Plan in that it is excessive in that regard. The density; please have staff go over that again. I'm confused on how they calculated that. I think the density could be reduced which could help. Another thing is the aesthetics. I talked to Mr. Kerry Winn at an ACHD meeting and he told me that the height of those buildings would be 26 feet max. I tried to find this in the document, it's not in there. It just says a height restriction. Then the attorney tonight says 28 feet. Kerry says 26, attorney says 28. What is it? It needs to be specifically spelled out on that height because that affects the aesthetics. This development is higher than Quail Ridge. One of the residents says you look down on Quail Ridge, so it is higher. The aesthetics is very important because it affects all the neighborhoods, all the community. So take a look at that, get that in writing some way. Density bonus, I would like you to question that and then the mass transit.

**Debbie Winkler** – I wanted to check with you. The Board of Directors submitted a letter and I wanted to confirm whether or not you had received it. It was dated July 7 2008 and was routed through Bonnie Cuber but I did not see it in the package. Do you know if you guys got that? It was a one page letter to you with a couple of items that Bruce had provided to us.

**Commissioner Wilson** – I don't remember seeing the little quail. Bruce, did we see the little quail?

**Bruce Eggleston** – The 7<sup>th</sup> is the date that it went to press. If it wasn't in the packet before that, then it wouldn't be in the packet. It might be in what we gave you this afternoon.

**Commissioner Wilson** – I don't remember seeing it in there. All I saw from this afternoon were a lot of emails and then the report. I don't believe that we have that letter. Do you have an extra copy of it that you could provide to us?

**Debbie Winkler** – We can get you an extra copy of it if that would help. What I would like to do is share a few concerns that we have. In April, we submitted a letter to ACHD regarding concerns that we had as it related to North Collister Drive and the traffic there. We were concerned that the Plano Road to the subdivision when complete with a 154 homes would add 1530 daily vehicles trips would be shared between Plano Lane and N. Collister Drive. Quail Ridge only has one road. West Quail Ridge Drive is an access in and out of our subdivision supporting 178 homes. It feeds directly onto N. Collister Drive. The intersection is already dangerous due to limited visibility created by a sharp curve and a rise in that road. There is just a lot of traffic routed onto that road, so we have safety concerns regarding the traffic. Our safety concerns are further compounded when we look at the construction phases of the proposed

development that are going to add more traffic and heavy equipment. Additionally we have concerns about fire hazard and timely access by Fire and Rescue services. With W. Quail Ridge Drive serving as our only open and viable emergency exit with 178 homes. We have Briarhill with 76 homes with the Briarhill Condominiums with 85 homes and Outlook Drive, and all of us are locked in and that is how we have our fire access out. We are concerned again about safety issues with the added traffic coming out of there. We are further concerned with the traffic congestion and hazards at all of the intersections running along Hill Road. From Hill and Plano, to Hill and Collister, clear down to Harrison Boulevard. I wanted to share with you that we expressed those concerns to ACHD. It really didn't go anywhere for us and we realize that these concerns relate to density as it relates to what is in your scope. So we wanted to be able to deal with and approach you with what is in your scope to address. Related to that, what we have found is that in section 11-06-05.7.9 of the Foothills Planned Development Ordinance, it defines buildable areas as lands with a slope of 25 percent or less as buildable and it says that buildable area is determined by natural topography. Not by post construction graded contours. It says that non-buildable area land is that with the slope greater than 25 percent. They are non-buildable aeriels and they do not qualify as a development pocket. Our review of the documents that were provided to us by Bruce Eggleston indicates that the developer shows 39 of 157 properties exceeding the 25 percent slope. It also shows an interpretation of those buildable areas as being the building pad areas, not the lots themselves and the natural contours of the land. We don't really understand why that interpretation is being made that it's the building pads. We wanted to bring that to your attention to deal with the density issue. We will get you a copy of this stuff through Bonnie or however appropriate.

**Patrick Courtright** – I am up here to ask you to keep Boise, Boise. Open spaces, adequate infrastructure, wildlife and safety. There's no doubt that this development is going to be an eye sore. Whether we are talking about a setback of 15 feet, 30 feet, 60 feet or 90 feet; however we want to look at it, it's going to be noticeable. It is going to stand out. It is going to look a lot like every other metropolitan city that has Foothills. I heard an analogy earlier that we want to do this to make it look like St. George. I don't want Boise to look like St. George. I don't want it to look like Salt Lake City. I don't want it to look like Los Angeles. I want it to be Boise. I am asking you to look at the density. Do what we can to protect the Foothills and the view of the Foothills and let the infrastructure catch up. Any of us who commute at prime commuting hours know that the infrastructure is not there yet. It is not looking like Boise right now. I realize that Boise is going to have growth, but we need to look at the entire picture. My safety should be as important as an onion, a deer and undeveloped dirt.

**Commissioner Fadness** – May I ask you a question? We often hear testimony, especially when we talk about people realize that Boise is going to grow, they don't want sprawl, they don't want more development in the Foothills, which I can understand that too. They also don't want more high rises downtown because that blocks views of the Foothills. Would you support ten, twelve, fourteen, or sixteen story high rise condo units downtown, or in west downtown?

**Patrick Courtright** – That's a tough question and I don't know the answer to it. In this context I see that we are talking about stripping off the top of the Foothills because that is the prime land

where as the bottom land we can't build on. I say look at Briarhill. We are in the bottom of a canyon land. We still have some nice Foothills and we are not visible. So going back to your sky rise question, it is very tough to happen. I just say let's look at the density and do it right and not have another Quail Ridge.

**Commissioner Wilson** – For the record, we have received a copy of the Quail Ridge Neighborhood Association letter. At this point Commissioners before we go to closing comments, questions rebuttal and closing the public hearing, I just want to check with everybody and see if you think we have enough information to proceed to make a decision this evening or if there are some other areas that we want staff to investigate and perhaps proceed with a work session or a second hearing. Evidentially we would need a second hearing to close it out. I just want to do a gut check with everybody and see where we are all at before we proceed with closing comments.

**Commissioner Barker** – I am glad you brought that up. I do have a number of issues that I would like to see addressed in more detail. These are issues that I don't feel comfortable about making a determination about. I will list those and see how many people might agree with me.

**Commissioner Wilson** – Commissioner Barker, if I could interrupt you for just a minute and check in with the other Commissioners if this is the direction we want to take because if it is then we should go ahead and go through and one by one each of us direct staff in what we would like to see happen for our next work session. I don't want to interrupt you but on the other hand I'd like to have a more coherent chain of thought in that discussion.

**Commissioner Fadness** – I always hate to do this because we have had people who have been extremely patient and have sat here and listened to all of this and probably want a decision tonight, but I don't feel that I am in a position to make a decision to make a decision just because I have so many questions on a number of issues that I won't list right now. I lean toward further study and work.

**Commissioner McLean** – I agree and actually I have a different take from Commissioner Fadness in that when I've testified before Planning and Zoning hearings and other places, I have wished that they gone and actually taken the information that has come to them that night. We have a lot of stuff to go and work through to be able to make a better decision than we might be able to if we did it quickly tonight.

**Commissioner Baskin** – I agree, I would like some more time to think about this.

Commissioner Wilson – Thank you, Commissioner Baskin.

**Commissioner Cooper** – As all of my fellow Commissioners know I am definitely a supporter of in-fill, but I need a lot more discussion about how this meets the goals of The Foothills Policy Plan.

**Commissioner Wilson** – Well, it sounds like we've definitely got over whelming support for going to a work session and then a second hearing. What I would propose for the structure is what we have done before and that we go to a work session that the public is able to attend but we don't take testimony because we have heard your testimony this evening and that is part of what we will consider during the work session. What we would do I is provide a laundry list to staff of things we want them to investigate further and then they would provide that information at the work session. After that, we would schedule another hearing where the public would have the opportunity to comment on anything new that has come out of that work session. Instead of going through all of the issues that we have gone through tonight, hopefully by doing the work session, we would have some resolution on those questions that were brought up this evening. Then at the next hearing we could just go through the issues that have changed and only comment on those. Then we can deliberate towards a decision. Is that approach acceptable to everybody on the Commission? Let me ask it differently. Are there any objections to that approach? Okay, so we are going to have to pick out a date, which means everyone is going to have to whip out their calendars for the work session and the next hearing. Then we will need to go through and list all of our questions for staff and make it really clear to them what direction we would like for them to take and what things we need to have investigated. Typically we have done the work sessions as two hours, eleven o'clock to one o'clock, noon time, rather than doing it in the evening. Is that acceptable?

**Commissioner McLean** – I might have trouble with that, given that next week I will be spending a half day on the Comp. Plan stuff, so it depends on when it is.

**Commissioner Wilson** – We all will. I guess I would kick it out to Bruce. How much time would you need to do some more research and work with the applicant. Typically, what we have done, is the work session about two weeks after the this initial hearing, so that you have time to prepare the responses and work with the applicant and get more input from the public because of course all of you who want to provide additional input to staff, you can continue to do that before the work session.

**Bruce Eggleston** – We had a two week turn around with the Harris Ranch proposal. I think that was fruitful.

**Commissioner Wilson** – That would be the week of the 28<sup>th</sup>.

**Commissioner McLean** – I can't do it.

**Commissioner Wilson** – Wednesday the 30<sup>th</sup>?

**Commissioner McLean** – A mid day, I can't do that week.

**Commissioner Barker** – I can do the 31<sup>st</sup>, but not the 30<sup>th</sup>.

**Commissioner Wilson** – Okay, the 31<sup>st</sup>. Does that look good for everybody?

**Commissioner McLean** – I won't be able to make a mid day. That week, I will not be able to. Could we do just the regular work session time on the 28<sup>th</sup>?

**Commissioner Wilson** – No, I won't be available, and we have a Design Review Committee and Historic Preservation that meet on the other Mondays, so that usually sucks up our staff so we can't switch.

**Commissioner Stevens** – Evenings work better for me that week as well.

**Commissioner Wilson** – How about Wednesday evening the 30<sup>th</sup>.

**Commissioner Stevens** – That would be fine.

**Commissioner Wilson** – Will that work for everybody? Okay, so Wednesday evening from 6 PM to 8 PM? Is Thursday better?

**Commissioner Barker** – Chairman, certainly don't schedule around my time. I am coming back into town on the 30<sup>th</sup>. I will certainly do my best to get here.

**Commissioner Wilson** – Will Thursday work for folks? That will be Thursday, July 31 from 6 PM to 8 PM. Then for the hearing, Scott could you provide us some input on what a good hearing night would be for that, looking at our August hearings?

**Scott Spjute** – How far out are you looking at? If the work session yields the results you are asking for on the 31st, I suppose we could have the hearing on either the first or second Monday in August.

**Commissioner Wilson** – Are you aware of any other large agenda items on either one of those nights that would make this issue be heard?

**Scott Spjute** – Nothing that compares with this. You've got the Villa Verona project on E. Boise Ave. that you looked at earlier through the Comp Plan amendment. It doesn't have a lot of people involved, but there are some tricky issues.

**Commissioner Fadness** – If we have our work session on the night of the 31<sup>st</sup> and things come out of that, I am just wondering if it's on the agenda for the fourth, if that is enough time for the neighborhood folks to hear and respond to what comes out of that work session and if we should wait until at least the 11<sup>th</sup>.

**Scott Spjute** – We understood that you weren't taking any more testimony.

**Commissioner Wilson** – We would only take testimony on the items that have changed as a result to the work session. So if, as a result of the work session the density changes, then we would take comments as per the Ordinance.

**Scott Spjute** – Right, any new information is going to have to be open to the public. I would suspect you'll be conducting another public hearing. It is up to you if you want to go to September or August 11<sup>th</sup>.

**Commissioner Fadness** - I would think August 11<sup>th</sup> at the soonest.

**Commissioner Wilson** – Bruce, do you have any input on that?

**Bruce Eggleston** – No.

**Commissioner Wilson** – August 11<sup>th</sup>. Okay. So, Teresa, do I have to actually take a formal motion on that?

**Teresa Sobotka** – No.

**Commissioner Wilson** – Alright, with that we will begin at the end of the table there with Commissioner Barker, and your list of things you would like to have staff take a look at.

**Commissioner Barker** –

- I started off with the density bonus calculation. I think there were a number of issues raised about based density and how that was determined.
- In addition to that, the intent of the public benefit, or the intent of the Ordinance with respect to public benefits and how those were determined.
- I would also like to explore any alternatives that might be available to building on the ridge tops for this development.
- I would like to explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.
- I would like to take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project.
- I would like to look at improvements to down stream Collister Drive. What is needed to accommodate the traffic volumes that are projected?
- I would like to look at the impact on down streams wells and runoff and whether or not that is an issue.
- Finally on my list, I believe we heard testimony this evening that some of the building pads them selves, not just the building lots, exceed the 25 percent slope pre-grade. I am concerned that this does not meet the intent of the Foothills Ordinance.

**Commissioner McLean** – I am just going through my list to see. I'm not ready.

**Commissioner Fadness** – I think Commissioner Barker hit on a lot of them.

- Concerning the Plano Road issue, can we look at other options? Can it be similar to what we see in other subdivisions and emergency roads that could be gated, as we heard in some testimony tonight?
- Would a traffic light that is being proposed, would that actually do more harm than good?
- Does the timing need to be different on when that road is completed.
- Bruce made a comment about the standard of when it is excessive and when it is not. Do we have a standard, and if not, why not?

**Commissioner Wilson** – I have one question. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for a hundred years rather than new ground that would be filled and constructible.

- My question is; is that area truly buildable? If not, then we should remove it from the calculation for the buildable density.

**Commissioner Fadness** – I had another one also.

- Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

**Commissioner Baskin** – I concur with all of the points that the Commissioners have raised. I too am particularly intrigued by the answer to the question that was the last point raised by Commissioner Barker about;

- What we actually are looking at when we are calculating the 25 percent slope or less. Is it pre-built?
- I would like to look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.
- I would like to see some alternatives to sky lining.
- I am also concerned about the cut and the fill.
- This density bonus clustering thing that we are struggling with, it's so subjective in so many ways and are we really getting the most bang for the buck by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.
- In particular, I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

**Commissioner Cooper** – I will pile on with the piece of the sandpit.

- I guess it gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.
- There is not only that sandpit area and I know that fill can be engineered to support anything.

- There are also some portions on the far eastern side that probably don't have views and that is why they are not being used. I think we need to be looking at the less visible locations.
- The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to undertake each year in inspecting the preserved land in that development, which is much larger than this.

**Commissioner McLean** – The onion protection plan, for lack of a better way to describe it at this point.

- I know that there is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.
- In addition to looking at the Plano Lane ideas, I don't know if we can get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it.
- Also, Bruce had mentioned something earlier tonight that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal.

**Commissioner Stevens** – My fellow Commissioners have come up with a great list that incorporated most of mine, but I do have others.

- It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.
- There has been a lot of talk tonight that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. I am just wondering if the Foothills Policy Plan the way it is construed in the staff report is really just another way to get us a Quail Ridge, and if so I am curious what the vision of that plan was.

**Commissioner Wilson** – Hearing is adjourned.