

**CITY OF BOISE**  
PLANNING & ZONING COMMISSION MEETING

MINUTES • September 14, 2015

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City Hall – Council Chambers

6:00PM

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FINAL

**COMMISSION MEMBERS PRESENT**

- Stephen Bradbury, Chair
- Rich Demarest, Vice-Chair
- Milt Gillespie
- Douglas Gibson
- Chris Danley
- Steve Miller
- Rick Just
- Garrett Richardson (Student Commissioner)

**PDS MEMBERS PRESENT**

Scott Spjute, Cody Riddle, David Moser, Susan Riggs, Ted Vanegas, Todd Tucker, Brent Moore, Leon Letson, Whitney Montgomery and Amanda Schaus (Legal).

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**I. CONSENT AGENDA**

**CUP11-00003, CVA11-00029 & DRH11-00026 / Hummel Architects / Time Extension**

Location: [305 E. Jefferson Street](#)

TIME EXTENSION FOR ENTITLEMENTS ASSOCIATED WITH THE CONSTRUCTION OF A MEDICAL OFFICE BUILDING LOCATED IN AN H-SD (HEALTH SERVICE DISTRICT WITH DESIGN REVIEW) ZONE. [David Moser](#)

*The applicant is not present and with the Commission's agreement this item was placed on the consent agenda. There is no opposition to this item.*

**CUP15-00065 / Boise City Public Library**

Location: [2153 E. Riverwalk Drive](#)

CONDITIONAL USE PERMIT FOR A LIBRARY ON AN APPROXIMATELY 3 ACRE PARCEL LOCATED AT 2153 E. RIVERWALK DRIVE IN A C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW) ZONE. A WAIVER TO EXCEED THE MAXIMUM PARKING LIMIT IS INCLUDED. [Todd Tucker](#)

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

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**CUP15-00067 / Panera Bread, LLC**

Location: [8401 W. Franklin Road](#)

CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 5,200 SQUARE FOOT RESTAURANT WITH DRIVE-UP WINDOW LOCATED AT 8401 W. FRANKLIN ROAD IN A C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE. [Brent Moore](#)

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

**CUP15-00068 / Lamar Outdoor Advertising**

Location: [600 N. Maple Grove Road](#)

CONDITIONAL USE PERMIT FOR AN OFF-PREMISE BILLBOARD SIGN LOCATED AT 600 N. MAPLE GROVE ROAD IN AN M-1D (LIGHT INDUSTRIAL WITH DESIGN REVIEW) ZONE. [Susan Riggs](#)

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

**AUGUST 3, 2015 MEETING MINUTES**

**AUGUST 10, 2015 MEETING MINUTES**

**MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CUP11-00003, CVA11-00029 & DRH11-00026; CUP15-00065; CUP15-00067; CUP15-00068 AND MEETING MINUTES FROM AUGUST 3, 2015 & AUGUST 10, 2015.**

**SECONDER: COMMISSIONER GIBSON**

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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## II. DEFERRAL AGENDA

### [CFH15-00047](#) & [CVA15-00038](#) / Terry T King Landscape Architecture

Location: [2675 E. Warm Springs Avenue](#)

BOISE RIVER SYSTEM PERMIT TO REPLACE AN ASPHALT TENNIS COURT WITH A SWIMMING POOL, PATIO AND OTHER ASSOCIATED IMPROVEMENTS WITHIN CLASS A HABITAT. A VARIANCE TO LOCATE THESE IMPROVEMENTS WITHIN THE 200 FOOT BALD EAGLE SETBACK, THE BOISE RIVER FLOODWAY AND INSTALL A GRAVEL DRIVEWAY IS INCLUDED. THE SUBJECT PROPERTY IS LOCATED AT 2675 E. WARM SPRINGS AVENUE IN AN A-1 (OPEN LAND) ZONE. [David Moser](#)

**MOTION:** COMMISSIONER GILLESPIE MOVED TO DEFER CFH15-00047 & CVA15-00038 TO A DATE CERTAIN OF SEPTEMBER 21, 2015.

**SECONDER:** COMMISSIONER GIBSON

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

## III. REGULAR AGENDA

### [CAR15-00025](#) / Boise City

REQUEST FOR AN ANNEXATION THAT CONTAINS 67 PARCELS TOTALING 169 ACRES LOCATED IN THE NORTHWEST AREA OF THE CITY. ZONING TO BE ASSIGNED WILL MATCH ADA COUNTY ZONING OR THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP DESIGNATION. PROPERTY OWNERS MAY OBTAIN A COPY OF THE WRITTEN ANNEXATION PLAN FREE OF CHARGE BY SENDING AN E-MAIL TO [CCARROLL@CITYOFBOISE.ORG](mailto:CCARROLL@CITYOFBOISE.ORG) OR BY PHONING 208-384-3830. THE PLANNING COMMISSION WILL CONSIDER WRITTEN COMMENTS THAT ARE RECEIVED VIA LETTER OR E-MAIL BY SEPTEMBER 10 AT 5:00 PM. [Scott Spjute](#)

### APPLICANT TESTIMONY

**Scott Spjute (City of Boise):** Mr. Chairman, members of the Commission, for many years the City of Boise has had an ongoing annexation program designed to bring into the City those areas outside City limits in the area of impact that can or out to be part of the City due to their proximity, receiving services or other factors. If you recall, that last year you annexed a recommended annexation of about 900 acres out in the north/west area. This current annexation includes some of those that you see out to the top left and there will be a subsequent annexation that you'll see next week that included the other parcels around the Crane Creek Country Club and then out in south/east Boise. Tonight's annexation deals with just those areas in the north/west. So there's a reason that we did not annex these last year when we did the north/west annexation, it's because of the way state code reads. State code prohibits it from annexing

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parcels larger than 5 acres unless they're surrounded by City limits. It also has, for that type of category, the annexation, a requirement that owners of more than 50 percent of the lands being considered for annexation have consented there too. So, we have to kind of jerry-rig, if you will, our annexation boundaries according to the vagaries of state law and that's what we're doing here. What we're presenting, what the planning department is presenting, is parcels that are eligible for annexation and hopefully they make some sense with boundaries as well. Now, you'll see off to the right of the map down in the south/east area some white parcels, the blue by the way, is existing City limits and the gray is what we're proposing to be annexed. Those white parcels will be eligible for annexation after this one is done because they're not surrounded and some of them are over 5 acres, so that's the way we have to do things in the state of Idaho with the way the annexation law reads. As you know, Boise's Comprehensive Plan, Blue Print Boise, is in effect in the area of impact and this is a land use map that's a part of the Comprehensive Plan that designates land use categories for every parcel. You'll see that most of the area in the south/west is compact or suburban which are residential designations. When we annex parcels this way, that is not owner initiated. When the City initiates the annexation we try to give the same zoning that the county has in effect at the time, or the closest equivalent that we can, or zoning that is in compliance with the Comprehensive Plan, and that's what we're doing with this annexation as well. Here's the existing zoning, I know that's small for you to see, but we've got the zoning, the county zoning is there now and then the City will give its zoning that is roughly equivalent to that county zoning. Typically, the big issue with annexations is an increase in property taxes, now there's a lot of data and numbers here, but bottom line is when we drop off a few taxing entities with annexation and we add Boise City and some others with annexation the property tax goes up, in this case about 37 percent. So, it's a significant increase to property taxes. Boise, of course, is a full service City and Ada County doesn't have the same service that Boise does, and that explains part of the reason for the increase, but that's just the way things stand. So, for an example, the property tax increase on a \$150,000 home with a homeowner's exemption would be about \$350 a year. In making a recommendation to the City Council as to whether to annex, and of course you can recommend yes, no, or for part of the annexation, but these are some findings that need to be made that the annexation incorporates the sewer planning area which is sort of an antiquated term for the area of impact, that it honors the area of impact agreement with Ada County, that we can balance the services and revenues, and there's not enough revenues to be gained from this annexation to make a significant difference, and then to promote other goals that are contained in the Comprehensive Plan. With regard to the zoning that you need to apply, just these three items, which is compliance with the comprehensive plan, maintaining the ability to provide services, transportation and others and then preserving compatibility of surrounding zoning and development. And again, the zoning, other than the jurisdiction, is not going to change, it's going to be pretty much the same. The new state law adds these three criteria for an annexation and these need to be record in the City Council minutes should the City Council decide to annex, and basically that it meets the requirements of the state code which is Title 50-222, that it's consistent with the purposes of annexation as expressed in the annexation plan and then that it's appropriate for the orderly development of the City. So that's about what we have. Annexation is a legislative action. It's not quasi-judicial, it's legislative. That means the issues are not impacts on individual properties, it's not sewer connection, it's not police vs. Ada County Sheriff or trash collection, it's not who maintains the streets and it's not about the keeping of livestock after annexation. The issues are whether the annexation is appropriate for the good of the Boise City as a whole. Because it's a legislative action, no one has the right to be annexed; no one has the right not to be annexed. Again, we're not talking about individual parcels and impacts on individual properties. In conformance with state and

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local statutes, it's up to the Commission and Council to decide again if annexation is desirable or necessary, and part of the obligation for you is to consider the best interest of the community as a whole. So with that, I will close my remarks.

**Chairman Demarest:** Are there any questions for Mr. Spjute. Actually, it's from the Commission. Public testimony is after we hear from the applicant. The applicant in this case is the City. We will get to you, don't worry. From the Commission, any questions? Commissioner Gillespie?

**Commissioner Gillespie:** Mr. Chairman. Mr. Spjute, could you just run through for us again, because I know it will come up in public testimony, but if someone owns a parcel larger than 5 acres, we're going to hear a lot about that I think, just again, the state law that the City is relying upon to make this decision?

**Scott Spjute (City of Boise):** Yes. The City cannot annex parcels larger than 5 acres unless they're surrounded which is why we're going back and picking up some of these others. You might notice a couple of these parcels look like they might be larger than 5 acres. Well, as a whole they are, but the parcels are comprised of smaller, platted lots. So the lots are under 5 acres and that means they are not eligible for the exemptions allowed in state code and they are eligible for annexation.

**Chairman Demarest:** Okay, Commissioners? So I think we're going to go right then to public testimony. Those who signed up, by the way if you didn't sign up, I know in one case which is item 11 we've got a lot of sign-ups and may have ran out of paper, everybody will get a chance, if you didn't sign up we will still give you your 3 minutes, alright? But, we'll go through those who have signed up first and then I'll ask if anybody else wants to sign up. So, the first sign-up is walker Roles. Again, 14:11 when you get up to the microphone we'll have a timer right up here, we do ask that as soon as that hit's zero, you want to come right up here, sir right up over here, front and center, if you would just keep an eye on the 3 minute time, it'll be called as well, we do appreciate if you stop right at that moment. Mr. Roles, please state your name and address for the record.

**PUBLIC TESTIMONY**

**Walker Roles (7610 Gary Lane):** I have lived in my place for 46 years; I'm pretty well set there. I've raised up most kinds of livestock. I currently raise, I have cattle and turkeys and chickens. Nobody has ever came along and tried to buy my place or was interested in buying it; they wanted me to give it to them. I'm old enough that I have a hard time trying to figure out how I would move away from there if they did. If the taxes go up on my place, I guess the City will probably own it; unless I can sell it, because with a fixed income as a retired person, I don't have that much money, and at the age of 65, 66, it's a little hard to go find a part time job to pay for the extra taxes. I know the City of Boise is hard luck for not having enough taxes, maybe, but some of us have a hard time paying the taxes that we're paying. So, I wonder whether it's worthwhile to come in and take somebody's property away from them and say; hey, now you got to do everything my way and charge a lot of extra money. The only thing I'm going to get out of it is nothing. The police department, I have been living there for 46 years and I haven't called the Sherriff yet, so I don't need that kind of stuff. I've got all the other conveniences I need, I do believe, and I enjoy raising a garden and feeding myself and raising chickens and things like that so I can live and survive on our retirement. But, if I sell my house and go someplace else, I'll have to start all over again

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and try to figure out a way to make it work. As it is, I've got my irrigation water piped in, I don't have to dig holes and make way..

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Sir, Walker, thank you for your time. Folks, please don't clap. That's not really part of the decorum of what we're about tonight. We're going to listen very carefully and inventively to everybody's comments. Somehow, clapping isn't going to help us. Also, divides the group here. Okay, next person on the sign-up sheet is Richard Llewellyn?

**Richard Llewellyn (9170 Hill Road):** Thank you, could I ask a question quickly?

**Chairman Demarest:** Would you simply state your name and address for the record and then.

**Richard Llewellyn (9170 Hill Road):** Yes, Richard Llewellyn, 9170 Hill Road. Is there a record of which written testimonies have been received? I did submit a written testimony.

**Chairman Demarest:** Yes, we do have that.

**Richard Llewellyn (9170 Hill Road):** Do you have my written testimony?

**Chairman Demarest:** I believe we do, yes.

**Richard Llewellyn (9170 Hill Road):** Okay. Then I would just like to touch on a couple of paragraphs because it's too long to read and you probably don't want to hear it all again. First, there's a specific legal issue with annexation of part of our property. All of our property in question, with the exception of lot 28 of the Roberts and Hill Subdivision, was obtained through patent by Henry Dickman in 1890 and homesteaded by Ephriam Lucas in 1891. The tax parcel south of West Hill Road, I won't name that tax parcel, included in the proposed annexation has always been a part of the residence and acreage north of the road. There has been no division or subdividing sale or separate platting of this land since the original patenting. The routing of Hill Road has been the only separation. This tract is significantly larger than 5 acres and thus, according to Idaho Statute 50-222, cannot be annexed without our consent. So, there is part of a legal argument, I think, you all need to be aware of; it does not fit into the categories that are legal. I would like to skip down, just address this more, this area more broadly. While there are these legal issues with annexing parts of our land, perhaps the more significant question is whether it is in the best interest of the City, particularly north/west Boise, to divide a significant portion of the last remaining rural and agricultural land in the area. This is the tracks comprised of the pastures and fields north of the train ditch, west of Bogart Lane and east of Duncan Lane. There are a few, if any practical reasons to do so. The reasonable outer limits in north/west Boise have already been established. There are only two homes in this area and all three of the land owners oppose annexation. Furthermore, the land is agricultural and requires weed and pest control more readily permitted or facilitated by Ada County regulations and services. For example, last year alone more than 50 gophers were trapped from our pasture and I see that you don't have pest control for gophers, at least if I'm a part of the City. So, there are clear reasons to make broad swaths during the planning of a City, but there also may be good reasons to make exceptions

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for the contextual details of the land do not correspond to those abstractions on a map. I believe this is one case in which allowing the natural and historic boundaries to take precedence is both practical and beneficial. Therefore, I ask that all of our land, as well as the larger tract between Bogart and Duncan Lanes of which they are a part, that you remove the proposed annexation and I know there are other people with similar arguments and I would back there's as well. Thank you.

**Chairman Demarest:** Thank you, Mr. Llewellyn. Okay, so the next person on our sign-up sheet is Neil Parker. Again, if everybody would simply state your name and address for the record as soon as you get up to the microphone.

**Neil Parker (8895 Hill Road):** My comments pertain to the fairly large contiguous area in the upper left part of the map with boundaries of Hill Road, Bogart Lane, the drain ditch that align parallel and east of Duncan Lane. This area of more than 40 acres is owned by three land owners, as Richard mentioned, all of whom are opposed to annexation. Other than the landowner's homes that have been there for up to 80 years or more, the area consists entirely of alfalfa fields, livestock pastures, growths of trees, and some fallow ground. There's no development of any kind underway or planned. Two of the three owners don't have access to City sewer, nor would they want it if they did. The third was financially coursed into hooking up when they were denied a permit to rebuild a perfectly adequate, conventional drain field but were told that they would have to install an exorbitantly expensive above ground system. Since this was prior to 2008, when the unfortunate practice was finally ended, the City considered this to give them implied consent to annex. Last year at this time, during the larger north/west Boise annexation, this area was excluded because it did not meet criteria for annexation. I'm sure if the City had felt it had an adequate case back then it would have pursued it with vigor. So I would like to pose the question, what has transpired within a year's time to make something that wasn't appropriate then, appropriate now? Has there been any development of any kind, or any planning for development? Not at all. Have there been any new sewer hookups? No there haven't. Is this area now surrounding by City limits? No, only on two and a half sides, and even this is a result of the previous forced annexation that the City now wants to use as justification for this forced annexation. This is not appropriate, nor is it right. There is also a question of legality for annexation. In a category the annexation parcels of more than 5 acres are exempt. According to assessor's data available on their website, the bottom two square shaped parcels consist of almost 14 acres each. The City says they actually consist of 4 rectangular parcels even though the map doesn't show this. If you take a piece of land that's almost 28 acres and divide it into 4 parcels, each of these parcels, obviously, exceeds 5 acres. As such, they are not legal to be annexed, and yet the City purposes to do so without explaining how it intends to skirt the law. In summary, I would like to quote something from the City's guidelines for annexation. If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development. In this fringe area, there is no urban development, none. Also, one of the claims made for the 2014 annexation was that it was reasonably necessary for the orderly development of the City. We submit that neither an honest or intelligent argument could be made at this time for annexing some hay fields, horse pastures and growths of trees in order to ensure Boise's orderly development. The land owners of this area I've described respectfully request that it be excluded from this annexation proposal. Thank you for your time and consideration.

**Whitney Montgomery (City of Boise):** Time.

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**Chairman Demarest:** Thank you, Mr. Parker. Next person is Jeffrey Johnston; it looks like, if you want to come up to the microphone please.

**Jeffrey Johnston (1105 N. 6<sup>th</sup>):** I garden next to Mr. Walker's place and have until they sold this piece of parcel about a year ago. A point of order, if I question this guy, does it take up my time?

**Chairman Demarest:** We just assume you question the guy...

**Jeffrey Johnston (1105 N. 6<sup>th</sup>):** My question is, he mentioned homeowner's exemption, which is really fine, but if anybody pays homeowner's exemption tax is that only on the home? Right? So, it's only on the home, so, the larger the parcel of land, the greater the increase in the taxes. So, when he says with the homeowner's exemption in his area, has a remark, whatever you call that in debate, it's sort of fallacy because when you have 2.11 acres, your property is going to go up, taxes are going to go up five times the rate than somebody that has ¼, a 2.5 acre block. So, when he tries to say something like that homeowner exemption is only on the home on the property, not on the land or the land value of the property. And as you guys see, land value goes up faster than a home value in this town on that. I would also like to mention on this piece of parcel that we're talking on Hill Road and Gary Lane, can I walk away? Well, I won't. It's right on the end of Hill Road, it's that little piece of property, and it's that little square that goes in there. Ada County, in order to sell that piece of property, had to mend a rule of 250 feet from an intersection to allow access to a road. If you pull up a larger map of that, and looked at it, you can see where a normal street would go in there and there are no driveways along that road, because that's the existing rule. That piece of property was taken over by Ada County because the home, it was not safe to put access, but they amended their rules in order to sell it so a developer could buy it. That has nothing to do with what we're talking about here, other than the fact when you amend this land, and it gets in the City, we can put four houses on that property and that's four cars leaving 60 feet away from an intersection that should be 240, and you guys should be aware of that and it should be on the record when you guys annex this into an area for build on that. I also have that this is a rural area, and I'm only talking about this little area down in here where I'm talking about Walker's place, I'm talking about Jim's place next to Walker, I'm talking about the plumber's place next to that; those are the people I know and talk and help me and that's what we do in this area. We're a rural neighborhood. There are chickens, there are cows. Walker doesn't give me money, I get food from him when I help him out, so this is sort of a different area that we're talking about here as annexation and I understand the surrounding areas and getting it to annex, but this is not the time to do it. If you annex this, this little piece of property is going to be annexed into a home, and the future development of the City has that piece to develop; it's not going to be developed right.

**Chairman Demarest:** Mr. Johnston, thank you. Next person on the sign-up sheet is Cindy Hensley.

**Cindy Hensley (7000 W. Hill Road):** I live near all of the people that have spoken. I would just like to say, one, I don't see any benefit to myself, or to my neighbors to being annexed. As for the gopher situation was mentioned, I too have had many gophers caught on my property. Not to mention the increase in the property taxes; not thrilled about that. My biggest concern is that I'm on the north side of the water ditch and in order, if the time comes when I have to be on City sewer, I would have to pay,



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right, because the owner would have to pay for that to be done, to be accessed to the City sewer? Is that correct, that the homeowner would pay that cost?

**Chairman Demarest:** I believe that is correct.

**Cindy Hensley (7000 W. Hill Road):** Okay, if that's the case, then I would have to pay for at least 160 or more feet in order to get to, maybe even farther, to get to the sewer. I would invite the Council to come out and physically look at these properties, because I do not believe it is a benefit for the City and certainly, not for myself or my neighbors and I think that's all I have to say.

**Chairman Demarest:** Thank you, ma'am. Last person on the sign-up sheet, but again, remember, I'll give anybody the three minutes on this particular item, is Jim Pendleton; Mr. Pendleton.

**James Pendleton (7010 Hill Road):** I live above the Farmers Union Canal that separates us from the sewer that is currently on Hill Road. That is the biggest issue, besides the property tax increase, the fact that we are isolated from the rest of the City by the Farmers Union Canal and the bridge that we use to access our property across the canal is 12 feet wide, inadequate for two emergency response vehicles to pass on the bridge. The bridge may have been determined, recently, what its limits are, but that was then with some kind of either, magnetic or x-ray to look inside of the bridge and come up with a weight limitations, but I question whether or not this bridge is adequate for any kind of development that would take place above the canal, other than individual homes and very few of those, probably 6. Cindy mentioned the sewer and the sewer is probably the most important as far as being annexed into the City. For us to hook up to the sewer we would have to pay not only a hook up fee but there is a 20 foot setback on the uphill side and a 15 foot setback on the downhill side and a 4 foot depth below the bottom of the canal for a sewer line to go in. So, that expense, I would expect to be incurred by the City and I just wonder if the City is planning to bring the sewer to the north side of the canal. Thus, not enabling us to hook up and eliminating some of the isolation that we have from the services that are provided to those people who reside below the canal on the south side of the canal. That's pretty much it, plus I don't see that we get anything out of this annexation. We already have police coverage and fire with mutual agreements with the County and all we're seeing out of this kind of a land grab and 35 percent increase in taxes, which is more than a land grab, it's taking money out of your pocket. Like Walker Roles said, he can't afford that. I appreciate it. Thank you.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Your time is up sir. Thank you. So that takes care of everybody on the sign-up sheet but is there anybody here who on item number 1. CAR15-000025, it's a recommendation for an annexation to the City Council, anybody here that didn't have a chance to sign up who would like to speak on this particular item? Okay, I see no one. Oh, I'm sorry, come on up. So, since you didn't sign up you still get your 3 minutes but there should be a little white sign-up sheet up there, if you could just make sure that your name and address is on there before you leave the room, bring it up to us before the hearing is over. Just state your name and address for the record.

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**Shane Cobb (7055 Hill Road):** My parcel is directly across the street from the bridge that they spoke about and actually, I wasn't planning on talking, the reason I'm up here is on behalf of my neighbor, Fred Freeland, who lives directly east of me. What I heard Mr., what's your last name? Spjute? What I heard him say is part of the purpose of this annexation is to surround properties so that they can take them in the future and I don't like that I'm going to be annexed, my dad's property is right next door to me as well to the east, but right next door to us is Fred Freeland. Fred Freeland owns a whole corner right below the red arrow and to the right. That is going to be surrounded property; he owns roughly 8 acres at this time, it is agricultural completely, he raises cows and has since 1966. So, as I understand it, if this annexation goes through he will then be surrounded and next year his property will be up for annexation as well. So, I wanted to make a record of that, that I'm here on behalf of him, as well as us. That's all I have to say.

**Chairman Demarest:** Thank you, Sir. Anyone else? I see no one else so I'm going to close the public portion of the meeting and give the applicant a chance to respond or rebut.

**PUBLIC TESTIMONY CLOSED**

**APPLICANT REBUTTAL**

**Scott Spjute (City of Boise):** Actually, just one point. Mr. Llewellyn raised an interesting issue. Depending on when Hill Road was established in his area, when that property was established, there is an exemption for when a road divides a property prior to January 1, 1975. It's possible there could be an exemption there. Now, I read his letter and meant to look into that, so if there is an exemption we will obviously not proceed and I will look for the opportunity to speak with Mr. Llewellyn. I think other than that, I have nothing further.

**Chairman Demarest:** Thank you. So, we're going to turn it over to the Commission to render its decision. Item number 1, CAR15-00025, a recommendation or not to City Council for annexation. Commissioners?

**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I would just like to ask two clarifying questions of Mr. Spjute, if possible.

**Chairman Demarest:** That's Fine.

**Commissioner Miller:** The first is when was this area placed into the area of City impact?

**Scott Spjute:** Late 80's

**Commissioner Miller:** Okay and the second is we heard a discussion of two parcels and a discussion of the size that might be larger than 5 acres. Do you have any additional information that you could provide us on those at this time?

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**Scott Spjute:** Well, the one was Mr. Llewellyn, who his contention is the part of the property lies north of Hill Road and part of it lies south and he's saying that's all one property. The assessor actually assigns it two different parcel numbers and it's divided by Hill Road and so that's, we're just including the south part one of which is 2.5 acres and the other is 1.5 acres, but I will look closely into that to make sure that it doesn't fall under an exemption. The other discussion had to do with some lots that are in Roberts and Hill Subdivision, the subdivision that was platted in I think 1906. All the lots in that subdivision are under 5 acres. Now they've been combined, people own two or three lots and so he's right, there are two of those parcels that total 13 acres in size, but those parcels are comprised of individual lots, and that makes them eligible for annexation.

**Chairman Demarest:** Okay. Commissioners?

**MOTION:**           **COMMISSIONER GILLESPIE MOVED TO RECOMMEND APPROVAL OF CAR15-00025 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER:**       **COMMISSIONER JUST**

**Chairman Demarest:** Discussion, Commissioner Gillespie?

**Commissioner Gillespie:** Mr. Chairman, the technical issues notwithstanding, and I have every confidence the City and the homeowners will work that out and that the homeowners will be adequately represented in that process. Nobody really, in my mind, contradicted the basic idea of why we do annexations and if we look at page 5 of the staff report we see a fairly comprehensive argument, and to my mind that argument was not refuted in the public testimony. So, I think that the request does meet all the applicable state code and that the City did demonstrate the public purpose of the annexation request.

**Chairman Demarest:** Thank you. Commissioners? Further discussion?

**Commissioner Gibson:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gibson.

**Commissioner Gibson:** I'm going to be voting in favor of the motion but I would like to receive additional information on future applications for annexations specific to sewer connectivity and issues relative to extensions. I believe that that is a valid question that was brought up by the public testimony and I would, in the future, when we see additional annexations along this line, will ask that question specifically of staff.

**Chairman Demarest:** Thank you.

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**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I won't belabor the point but the fact that this has been in the area of City impact for over two decades, or there about, to me, seems to indicate that this has been something that has been considered for quite a while and isn't something we're just coming to in a quite sonic fashion. The second thing I'd say is that, well, I'm blanking on the second thing I was going to say, sorry about that, but I'm going to be voting in favor of the motion as well.

**Chairman Demarest:** Thank you. Further discussion? Hearing none. So, we have a motion to recommend to City Council item number 1, CAR15-00025. All those in favor signify by saying aye.

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**CUP15-00061 & CVA15-00031 / Jayo Construction**

Location: [2291 N. 15th Street](#)

CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 157,000 SQUARE FOOT, 1 TO 4-STORY ASSISTED LIVING FACILITY ON A 3.5 ACRES LOCATED AT 2291 N. 15<sup>TH</sup> STREET IN A C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW) ZONE. A HEIGHT EXCEPTION TO EXCEED THE 35-FOOT HEIGHT LIMIT OF THE UNDERLYING ZONE WITH THE INDEPENDENT LIVING BUILDING HAVING A HEIGHT OF ±44-FEET AND THE TOWER ELEMENTS HAVING A HEIGHT OF ±50-FEET AS WELL AS A VARIANCE TO ALLOW AN EMPLOYEE PARKING LOT IN THE FLOOD WAY. [Susan Riggs](#)

**Susan Riggs (City of Boise):** Good evening. The project before you tonight is a request for a conditional use permit for a 157,000 square foot assisted living facility on 3.5 acres. A request for a height exception for the independent living portion of the building to extend to a height of 44 feet with tower elements at 50 feet is also requested as well as a variance to allow a parking lot in the floodway at the terminus of 16<sup>th</sup> Street. The site is located at the northwest corner of Hill Road and 15<sup>th</sup> Street and is zoned C-1D (Neighborhood Commercial with Design Review). The proposed building heights for this development range from one to four stories. Planning has received several letters in opposition, and a few in favor. Generally, the neighbors are in support of the use, but have concerns with the height and mass of the project, the density, and the traffic. The residents on 16<sup>th</sup> Street are concerned with the additional traffic on their street, loss of views, privacy and the shadowing effect of the building. My following presentation will try to touch on some of these concerns. The structure addresses 15th Street with guest parking located in front of the building. Fifty-seven parking spaces are required and 88 are proposed. An employee parking lot comprised of 38 spaces is proposed at 16<sup>th</sup> Street.

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This morning the applicant submitted a conceptual cross access agreement with Greenwoods Sporting Goods and their voice and willingness to grant a cross access for commercial and employee vehicles to access the employee parking lot. The applicant stated upon approval of this agreement that all employees and commercial trucks would be directed to take access from Bogus Basin Road rather than 16<sup>th</sup> Street. This is not a final agreement and it is not before us tonight. The cross access agreement will require a review by the legal department upon its completion. Moving back to the development, this slide shows the building perspective if you were to be driving south on 15<sup>th</sup> Street. The multi-story structure consists of three uses within a “comma” shaped building footprint: 46 independent living units, 78 assisted living and 29 memory care beds. The Planning Team finds the project compatible with the adjacent residential uses which are comprised of two story apartment complexes north & east of the site, and story-story single-family homes to the south & west. 16<sup>th</sup> Street has a combination of R-3 (High Density Residential / 43 dwelling units per acre and C-2D (General Commercial) zoning. It’s anticipated that the properties on this street may redevelop over time with higher densities and commercial uses. The C-1D zone allows a variety of commercial uses, some of these uses are as follows: office, hotel, restaurant, grocery, convenience store, and a neighborhood shopping center. Based on the adjacent uses, the Planning Team believes the proposed residential development may be more compatible than many of the potential commercial uses that could develop on the site. At the intersection of Hill Road and 15<sup>th</sup> Street, the building will step down in elevation to the previously installed retaining wall and it will be four stories, 44 feet in height at this point. The building height is mostly the result of a day lighted basement and subterranean parking garage which are built into the hillside. The area of the height exception constitutes only 6.91% of the total building perimeter. The grade of the site presents some topographical challenges with portions that are in excess of 15% grade. The challenge in the design was to eliminate excessive ramping within the building. The majority of the height is on the south elevation as illustrated here along Hill Road, a collector roadway. The building transitions along the western property boundary adjacent to the rear yards of the single-family homes on 16<sup>th</sup> street. This elevation provides modulation and shadow depth which helps reduce building mass and provides a varied wall plane and variations in building height. Proposed landscaping will also provide additional screening. In terms of traffic, typically, assisted living facilities are not considered a high traffic generator as the majority of the residents do not drive; additionally the facility provides private bus and taxi service. Traffic is generated primarily from employees who work various shifts throughout a 24 hour period and visitors. In the larger picture, traffic generated from the commercial uses are typically much greater traffic generators. According to the ACHD staff report, development is estimated to generate 419 vehicle trips per day and 44 in the PM peak hour. Hill Road and 15<sup>th</sup> Street are currently operating at an acceptable level of service, better than “D” as is the intersection of Hill Road and 15<sup>th</sup> Street. 16<sup>th</sup> Street is a local street capable of handling 2000 vehicle trips per day; there are no current traffic counts for 16<sup>th</sup>. The proposed use is in compliance with several of the goals and objectives in the Comprehensive Plan which are outline in the report.

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The applicant is requesting to construct a paved employee parking lot at the terminus of 16<sup>th</sup> Street which is located in the floodway zone of Crane Creek. Planning finds there is an exceptional circumstance related to the intended use of the property.

A No-Rise Floodway Certification from a professional engineer has been submitted providing the required documentation and rationale indicating the proposed grading will not cause a rise to the 100-year Base Flood Evaluation. Based on the documents submitted and included in your packet, Planning recommends approval of the variance. In summary, Planning finds the proposed use will not adversely affect other property in the vicinity. The applicant has incorporated design elements to help reduce the overall building mass through the use of a varied footprint, wall plane modulation, varying roof heights, providing design interest on all four sides of the building. This project is in a design review overlay and is scheduled to be reviewed if approved tonight, by the Design Review Commission on October 14<sup>th</sup>. They will look at the design, the circulation, the parking, the landscaping and screening. Based on findings and conditions of approval in the project report, the planning team recommends approval of CUP15-00061 and CVA15-00031. I would like to remind you that two separate motions will be required. This completed my presentation, thank you very much.

**Chairman Demarest:** Thank you. Okay, it's time to hear from the applicant. Please state your name and address sir and then we will talk about timing. We will put that into the record, thank you. So, would you tell us your name please?

**APPLICANT TESTIMONY**

**Joel Howes (1022 Saratoga):** Joel Howes with Design Resource Architects, 1022 Saratoga.

**Chairman Demarest:** So, you're allocated up to 20 minutes as the applicant. However, can we do a little less; you can see we have a very, very large crowd here tonight.

**Joel Howes (1022 Saratoga):** I'll go through it as fast as I can. 13 and a half?

**Chairman Demarest:** Let's start with 10, and you're allowed up to 20 by code.

**Joel Howes (1022 Saratoga):** Alright, I'm going to talk fast. Mr. Chairman, members of the Commission, I'll be outlining the general functions in the spirit of this project on behalf of Paramount Parks Healthcare as well as speaking to the architectural design. I would like to note that Paramount Parks Healthcare, unlike a lot of the larger assisted living facilities that are moving into our area is locally owned and operated out of Eagle, ID. As Susan has just outlined for you, myself and the design team on behalf of Paramount Parks have been in the process of designing a Highland's retirement community that offers progressive care options for a wide range senior of lifestyle needs.

The site of our proposed development is at the intersection of the north end and the Highlands neighborhood at the corner of 15<sup>th</sup> Street and Hill Road. These two neighborhoods form a tightknit

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community with high property values and high population density making a development in this area very costly.

So, the decisions made by Paramount Parks to build this facility at its current scope has arrived from a carefully considered mixed of senior living options with a goal of building a premier retirement community in the Treasure Valley. As a project lead, I have previously lived in this area and I understand the connection that people have with the neighborhood and what it means to live here. The local restaurants and hiking paths and festivals aren't just something fun to do; it's a treasured way of life. The sense of community extends beyond the front porch and encompasses everything from State Street on up Bogus Basin Road. The goal of the project is not to serve this community, but to add another voice to the vibrant conversation. The goal is to create a living experience that caters to those who have lived and loved a special part of our City and allows them to remain at the heart of it once they have decided to make the transition away from property ownership as they advance in years. The word transition is a key part of the philosophy at Paramount Parks. This project is more than simply assisted living. It will encompass an independent assisted and memory care residences all which will offer a unique and exceptional amenities, care givers and lifestyle options. We envision the residents here to embark upon their golden years with the comfort of knowing they can remain in the same place, no matter what their needs evolve into. For aging individuals who still value their independence, Paramount Parks offers 46 independent living apartments. Residents who have made their choice to simplify their life's to move here will enjoy beautifully full sized apartment living with access to full meal services, individual outdoor patios all with high-end finishes. The resident's rooms offer beautiful and dramatic views framing downtown Boise, Camels Back, Simplot Hill and the surrounding foothills. The help of the independent living area will be the Paramount Room. This center piece celebrates the foothills, foothill's views alongside a contemporary bar area, billiards room, social gathering spaces and adjacent theater and fitness rooms. With a fulltime activity director there will always be adventures to partake in, watching BSU games or enjoying a Hollywood movie. Resident's outdoor spaces have been designed to be active and not passive, engaging residents in a huge outdoor patio area that will service a lounge, BBQ area and small scale park. The independent living area will have access to underground secured parking if they choose to retain a vehicle, although there are two climate control transportation vehicles which shuttle residents daily to activities, shopping and social events. The independent living facility provides all the amenities of home alongside a new and exciting lifestyle which lets seniors live their life worry free. The transition to a more comprehensive care facility is as easy as moving to the assisted living wing which is the largest of the three housing options. It sits at the heart of the site and will cater those elders who need some help with their daily living needs with still the desire of upgraded living experience and services. Our studios and suites offer a higher square footage than most competitors and it's of the belief that the dignity that comes with a spacious, respectable home translates into healthier and more active residents. The assisted living area has a wide selection of amenities starting with a large formal dining area as well as a private dining family room and a dedicated bistro with a top of the line commercial kitchen and wait staff. I will cut some of this stuff out here.

A modern salon with all of the services that would accompany any high-end commercial salon will serve both the independent and assisted residents and there are two main outdoor areas, essential interior courtyard with walking paths lies between the resident's rooms and an outside bistro patio sits adjacent to the main entry. This facility has spaces to entertain and enjoy and afford a great quality of life to the

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residents alongside a sense of security that comes from top notch care providers. On the northern edge of the property sits the memory care, dementia residences which are the smallest percentage of total resident population and services the third component in the transitional care offerings at Paramount Parks. The memory care facility is a secure and safe place serving as a home for those residents who need an accelerated level of care and guidance on a 24 hour basis. The resident rooms are larger than average rooms on the market with showers in each residence forgoing a common practice of using communal bathing rooms which helps those elders retain a higher level of dignity. The memory care facility is designed to continually challenge and stimulate the tenant's minds with a race track style corridor layout and central dining and living areas the design promotes a continually changing living space by affording multiple views to the residents. There are two interior courtyards allowing ample amount of natural light and lush planted views as well as a small butterfly garden to engage the residents from inside the building and there is also a secure and beautifully landscaped backyard area. The backyard area offers walking paths and gardening spaces for the tenants to grow their own flowers or vegetables. The memory care facility has an abundant amount of space, both interior and exterior to make the challenges of dementia as comfortable and healthy as possible. Speaking to the architectural design of the project, the initial layout and circulation of this site basically was dictated by the fact that the north and west side are residences, the south side is that large retaining wall, so really the east side is the only access to the site which split the site into basically two spines. Traveling 15<sup>th</sup> Street you have a circulation spine, since that will be our access, and the on the western portion of the site that is basically the allowable area for our footprint. This circulation spine along 15<sup>th</sup> accounts for a 26 foot wide fire apparatus road. During project management with the City, that was agreed upon with fire department as adequate for their uses. We didn't want to make that, if you're going along 15<sup>th</sup> Street that's kind of your entrance into the Highlands and we didn't want to make that basically just a parking lot. So, my client engaged the procurement of the property on the north of 16<sup>th</sup> Street to add employee parking in the rear, as well as costly underground parking to minimize the amount of parking that's actually directly adjacent to 15<sup>th</sup> Street. 73 percent of our parking has been moved somewhere other than directly onto 15<sup>th</sup>. The improvements to 15<sup>th</sup> Street and Hill Road are much needed. Currently there is a lack of sidewalk, curb gutter there. We're working with ACHD we will be adding a 7 foot attached sidewalk with curb and gutter. In addition to the requirements we will be connecting the sidewalk between the southern edge of our site along the residences on the south side of 16<sup>th</sup> to create a continuous path all the way to Bogus Basin Road. ACHD has determined that the traffic generated will be acceptable; everyone is always concerned with traffic. I have to stress the residents in this type of building must be taken into account. For example, Paramount Parks Eagle facility has 68 units and out of that entire area, two of those people have cars. Independent living will have a greater percentage of vehicles but still, in this Boise market, that's still a very low ownership of vehicles. So, really it comes down to 40 or so staff members which are split into shifts, I believe that the traffic estimates are still a little high even based on what they had. I'd say that any sort of commercial retail, apartment use in this spot would generate far more traffic than the use of what we're proposing. In terms of the programming, the most active residents are the independent living residents.

We basically placed this portion of the building on the most active edge which would be Hill Road. The southern edge is the most active in terms of vehicle and pedestrian usage. The assisted living facility is centrally located as it's the largest use and houses the business operations and commercial kitchen, all of which are vital to be centrally located within the facility. The grand fourier and porte-cochere that define the main entry and the entrance to the assisted living facility is centered on the site and it opens up in a



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grand manor to the east welcoming residents and guests. Designed as the buildings focal point it brings energy in from 15<sup>th</sup> Street into the fourier atriums and into the grand dining hall. The facilities administration and sales office are directly adjacent to the grand fourier as is a modern bistro for the residents to enjoy the activity and vibrancy of the facility. The memory care facility, the single-story memory care facility sits at the northern portion of the property. The memory care facility by its nature is going to require security and we located it far from the more active intersections and streets.

**Chairman Demarest:** So, the original 10 minutes that we contracted for is up, but you asked for 13?

**Joel Howes (1022 Saratoga):** I was right on par for 13 and a half.

**Chairman Demarest:** Let's give you 3 more and we'll pick you up on your 13.

**Joel Howes (1022 Saratoga):** Okay. You got it. So, the history of the site, this site was approved with the same conditional use for the same use and height exception back in 2005 or so. Some of you may know this thing burned down. Luckily, the center part is going to be a type two construction, if it all goes well, so that's a lot harder to get after. There are more units in this conditional use, but in engaging the underground parking as well as the added procurement of, there's 18 percent more land technically in our footprint. Now, I think that balances out the additional units that we're proposing here. There's a height limitation of 35 feet in the C1-D zone. Originally, the majority of my western exposure was about 4 feet over that, it was 39 feet, and then it got higher from there. During initial neighborhood meetings I noticed a lot of people were worried about the views. I did a major redesign in that time and we actually deferred this meeting a month and took that portion of the building down to within the allowable height. So, the only area that now exceeds that height limitation is on the southern edge which is not directly adjacent to any residences, its park space and backyards, basically. Can you go to the slide of 15<sup>th</sup> and Hill? We wanted to create a grander gesture on the corner as it's sort of a gateway into the Highlands, and we wanted the architecture to balance against that large hillside. It's got high modulation, lots of architectural interest and it will have a very well-manicured and maintained sort of a focal point as you're coming up 15<sup>th</sup>. Originally, this building was conceived with prairie style architectural elements and obviously it's too tall. Prairie style is a strong horizontal; we have deep three foot eaves, (inaudible) roofs, craftsman wood working details, geometrical grills, light fixtures and adornments. The building rises with almost an alpine (inaudible) and heavy timber at its larger southern mass and recedes to a more craftsman blend as it tapers to the north. These are higher end materials with our brick, high contrast white stucco, and white split faced stoned alongside deep browns and stained woods. With that, I will open up for questions.

**Chairman Demarest:** Okay, thank you. Are there questions for either the applicant or staff from the Commission?

**Commissioner Gibson:** Mr. Chairman.

**Chairman Demarest:** Mr. Gibson.

**Commissioner Gibson:** I have a list of questions if that's okay? I'll just kind of zip through them one at a time. Question for the applicant, how many meals a day are you proposing to prepare on site?

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**Joel Howes (1022 Saratoga):** Well, it depends on the independent living facility; they sign up for what the meals they want. They also have a full kitchenette. There are three dining rooms, so that's kind of a tough question

**Commissioner Gibson:** How many residents then will you have in that area on average?

**Joel Howes (1022 Saratoga):** In the entire facility?

**Commissioner Gibson:** No, that would be served meals.

**Joel Howes (1022 Saratoga):** They try to split meals into shifts. I'd say in the assisted living facility maybe 35-40 per meal and in the independent living anywhere from maybe 15-25 and in the memory care that really depends, 15.

**Commissioner Gibson:** Where I'm going with this is question specific to service trucks and access. The location on the plan where your main kitchen is, is approximately 200 feet from your loading area. Could you kind of describe a little bit more of the mechanics of how to get materials into the kitchen and through that service walk that's on the far west part of the parcel.

**Joel Howes (1022 Saratoga):** Yes, with the cross access agreement, the loading facilities will be coming off Bogus Basin Road and up into our northern parking lot. Deliveries will then be made down the western walk-in into the building. At the top, right below that large court yard, deliveries will come in and go down the hallway. So, that will be the nature of the delivery scheme. In terms of the operation of the kitchen, it's a contained commercial kitchen and the dining rooms are centrally located. The dining rooms for the assisted and the independent living are located on opposite sides of the commercial kitchen. It's sort of a key component. The memory care meals are wheeled down and into their dining room. Does that kind of get you there?

**Commissioner Gibson:** So, the issue that I'm trying to get at as I look at the site plan is that along 16<sup>th</sup> Street, you've got residences at parcels 10, 11, 12. This is where you're going to have commercial applications that would basically be in these neighbors backyard and up above their backyard. I'm wondering when are services going to be dropping off milk, when will Sysco trucks be coming and going? And along those lines, are these appropriate uses for the existing residences if you're feeding 200 people a day.

And, I'm saying you don't have information on how many meals you would be preparing, but the location, problematically of your commercial kitchen, and that's what you're calling it is a commercial kitchen, is specific to having a fairly large culinary area in direct adjacency to existing residences.

**Joel Howes (1022 Saratoga):** If I could respond by saying the deliveries would be taken in at the northern part of the site. So, it would circumvent any of those coming directly adjacent to those residences and I do have a large mechanical well that will have a CMU wall, fully screened, for all of the vents, grease vents, all the kitchen equipment and it will be highly screened. You can see that on one of

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renderings, but it's all attempting to be as contained as possible. There will be landscaped screening as well as possible fencing, creative fencing options there as well. So, it is contained as much as possible.

**Chairman Demarest:** Commissioners? Further questions for either the applicant or staff? Okay. I think we're done, thank you. So, we're going to open up to the public and the first person is the representative of the neighborhood association and that's Highland's Mr. Masser.

**NEIGHBORHOOD ASSOCIATION TESTIMONY**

**Dr. Phillip Masser (901 Chardie Rd.):** I want to make this brief because I'm going to be here until the end of the night.

**Chairman Demarest:** So, you're also entitled to 20 minutes as the applicant, if you recall he took a total of 13, so maybe that could be your guide.

**Dr. Phillip Masser (901 Chardie Rd.):** That, I think we'll be good. Thank you for letting me speak. The neighbors contacted me as the president of the Highlands Neighborhood Association and said we have concerns, can you help evaluate this project. So, that's what I've done. As the applicant spoke, this was originally going to be about an 86 bed unit facility in the mid 2000's, this is a much larger facility; it's about twice the size both in the number in units and surface area. The Design Review Committee back in the 2000's, 2003, reduced this from about a 90 some unit bed facility down to, I think 86. I did not know why, but clearly they had some concerns about the size then; I hope you will examine this project carefully again. Some of the stuff I don't need to repeat, especially in the interest of time, but I will point out that the current design doesn't have an adequate setback to the west. The idea is that the applicant is hoping to purchase the alley easement that ACHD has there, of course that's contingent on the owners of the residences that have the option to purchase back that land, that's not clear that's going to happen. The current design also encroaches to the north on a recreational easement that the City is willing to give up. I just have to bring these issues up. Also the fact they've had to put their parking at the terminus of 16<sup>th</sup> Street. This thing is kind of bulging out, there's barley room for the design that is being planned. That's why you have the employee parking lot on 16<sup>th</sup>. That's why they're having to get this agreement with the owners of Greenwoods to allow, some of the parking to be on Greenwood's property in exchange for Greenwood being able to use their parking lot for their delivery trucks and to be able to make a one way turn so they don't have to try and backup out on the alley.

It's again, just another example, they're trying to squeeze as much as they can out of the space available, which is their option, they can try that, but I think it's bloated. I think it's much larger than the prior facility, it's extending too much north, it's extending too much west, it's kind of spilling out onto Bogus Basin. The parking lot, the number of spaces they need is actually too much for the area they actually own, that's why they're trying this deal with Greenwoods. It's just probably too large. My dad is in a memory care unit, but my mom is in independent living in a very nice facility, something like this, but a little bit larger in San Diego County. I think they're kind of giving short shrift to the independent living elders, they all have cars, some have two cars. I know the Boise Zoning Ordinance says for a retirement home, a half parking space per bed or unit is the requirement. I think it's really more like an apartment house for those people, I know it is for my parents. My mom uses a car all the time. I know what the

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zoning ordinance requires but I think you need to give some more thought to this. This is a lot more people than it originally proposed for in this area. I'm also sympathetic with the idea that we don't want to supply too many parking lots, too many parking spaces, because that doesn't encourage people to walk or bicycle or use public transportation. There are no busses here, these are elderly people. Albertson's is a mile away. I don't think that we should be encouraging them too much to bicycle or walk in the winter to Albertson's. I hope there's a laser pointer there I don't want to burn anybody's eyes, so, the applicant is very nice as was Ms. Riggs in explaining where this is. This is where the bulk of the facility is going to be. This is 15<sup>th</sup> Street, this is one of the two entries and egresses for all of the Highlands, and it has to go through 15<sup>th</sup> the other one is Harrison Boulevard and Bogus Basin. This is 16<sup>th</sup> Street and if you talk to the Greenwood's, during the winter, what people do is they come here, they say oh, red light at Bogus and they go up 16<sup>th</sup> and cut over through Greenwood's parking lot to get to Bogus a little bit faster. Now, the idea is going to be, hopefully employees and delivery trucks zipping down here rather than using 16<sup>th</sup> as a driveway. I don't have a good suggestion about how you prevent the Bogus Basin resort traffic from using 16<sup>th</sup> Street as a driveway to Greenwood's and then back up to Bogus and I don't know how exactly we're supposed to keep the employees from using it, and the delivery trucks from using 16<sup>th</sup> as a driveway, but neither one of those is an appropriate impact on the residence. This is a dead end street, it's supposed to be a dead end street, and it's not being used that way. I kind of agree with the applicant, I'm not sure whether ACHD estimates of 419 vehicles per day is correct or not, I think that probably should use about 4 trips per day for independent living. What are we talking about for delivery vehicles and package services? I don't think we have good estimates of what this is going to be in terms of the impact for the number of vehicles. I'll get back to the fact of where this is in terms of total number of vehicles. We've talked about the nature of 15<sup>th</sup> Street as one of the two entry egresses from Highlands. If people aren't familiar with this, this is the whole Highlands neighborhood. This is, right there, the intersection we're talking about is 15<sup>th</sup> and Hill, this is Harrison and Hill, that's it. That's the only way you can enter into the Highlands, it's the only way you can get into the Highlands and then you get people from Cartwright, and they're all using this as a through way. Something that wasn't discussed by anybody that I think is an issue is the curb cut on 15<sup>th</sup> to enter this facility. It is the only entry to that facility and is basically across the street from Camel Back Lane. It's already hard in the morning when there's a lot of traffic to get from Camel Back Lane and to turn south onto 15<sup>th</sup> Street to go downtown. This curb cut is going to be difficult for this facility. If people are going up there to turn left, this is only one lane of traffic each way, it's a problem; I don't think this has been considered adequately. I think you're going to have a crunch of traffic in one of the two egresses in the morning from Highlands.

I have to bring up something else which is Highland Cove. In total right now, by the estimations with ACHD which we would dispute of course, is going to give 600 more vehicles.

Some of these trips are going to go down Highland View Drive. You'll hear way too much about that in a couple of hours. Not way too much, just the right amount. Just the right amount from me, but other people may tell you too much. So, you've got to consider this. You've got two projects tonight that in total are going to add conservatively, 1000 vehicles per day to these two roads that egress from the Highlands and the 419 from this project. You all know it's already kind of tight on vehicles and right now 15<sup>th</sup> Street north of Hill Road, is 4,251 vehicles per day and I'm pretty sure for that connector it's at the 5000 limit. So, you're just about there. 16<sup>th</sup> Street, like I said, should not be turned into a driveway which is what I'm concerned about, it's got no sidewalks, it's got no curb. I told you how the skiers, I'm a skier, but I don't

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do that because I live in a different place. The residents of this road are very concerned about the impact. Commissioner Gibson, you've already brought up something so, that shortens my presentation, Thank you, about the service vehicles, the Sysco truck is what I'm thinking about. It's an 18 wheeler; it's going to come every other day, probably during the work week. The map says this is the loading area and I'm just not quite clear how that's going to work back there and not impact the residents on 16<sup>th</sup>. If it goes through the way Ms. Riggs said today, they came up with a plan that all of this traffic is going to go by Greenwoods, maybe that's a solution, but again, how do you make them abide by that? One thing, and maybe I'm a little off base here, this property is in the Foothills Development area, it's a hillside, it needs a hillside development standards application. Ms. Riggs told me it would be a category II. From my reading of the zoning, only category I applications are exempt from a work session. Public hearing for a modification review is required and none of this has been done with this project. I just want to bring that up, I think that is something that's been missed. So, I'm going to be out of my time, the facility is too big for the footprint, it's kind of bloated, and it's falling over the footprint into the adjacent area. Lots of compromises have to be done regarding easements and vacating easement and the City giving up on a recreational easement and telling people to go up north and cross over Park Hill rather than using that recreational easement. It was never improved. The proposed facility is going to have a burden and some impact on the traffic of the surrounding neighborhood. The Hillside and Foothills Development standards workshops haven't been done yet. I think this project simply isn't ready for prime time yet, there's agreements that aren't worked out yet, it's just too big for the property, the Hillside standards haven't been shown yet and we should just ask them to go back and come up with something a little bit smaller, something not so big, not so wide, not so long and not spreading out so much. Thank you.

**Chairman Demarest:** Thank you, sir. Okay, so let me just raise a procedural question, we're going on a hour and a half, so do we want to take a short break before we go to public testimony? We've got 9 people we have signed up; there could be a few extras that haven't signed up. What's the pleasure of the Commission? Let's get through it, we will keep going, but after this one, we're going to take a break. So, on the public testimony the first person that has signed up is Amy Woodson. If you would please come forward, remember public testimony by code it's up to 3 minutes and that will be ticking along right there if you would please observe that carefully. Please state your name and address for the record.

**PUBLIC TESTIMONY**

**Amy Woodson (2316 N. 16<sup>th</sup> Street):** Good evening. I have a few issues that I would like to bring up tonight. The first one is verification of the alley policy. The applicant has applied for a vacation of the alley and according to district policy 7210.3.6; the City has discouraged vacations of alley right of ways. As they are applying to vacate this alley, they are trying to build a multi-level building, multiple of them, closer to single family homes, kind of ironic. So, ACHD recommends if the alley is not vacated to not require the applicant to improve the alley. Also, kind of interesting considering they are elaborate building plans. As a resident with current access and use of the western alley right of way I support the district policy 7210.3.6 to not vacate the alley. My neighbors and I would like to see the alley kept as a right of way for personal utility and emergency access. Existing alley policy 7210.2 states if proposed development abuts an existing alley there are dedicated minimum widths that must be complied with. Now, those widths, from center line for residential uses are 8 feet on each side of that center line. Now, from the center line of the existing alley, for non-residential and commercial uses, its 10 feet from that

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center line, it's how wide the alley must be. So therefore, according to the surveyor that worked for this development property, the chain-link fence in position currently running north and south along the alley is less than the minimum width from the center line of the west alley. So, the fire department has provided conditional improvement approval for the development with the following two conditions. That structures over 30 feet in height require aerial access from the roadway, this is according to section D105. Their findings further state that the southern entrance into the western alley from Hill Road needs to be widened to 26 feet and access schematics must be required. This as before mentioned, is the alley I'm talking about between 15<sup>th</sup> and 16<sup>th</sup>. So, the vacation application is a separate process and should be decided, preferably denied, prior to prior acceptance. I do have one question for the applicant, or I'm sorry, for Mrs. Riggs. Not sure where 2000 cars per day can fit on 16<sup>th</sup> Street. So, we request that you guys really consider to decline the vacation of the alley on behalf of the single family homes to the west of this property. Thank you.

**Chairman Demarest:** Thank you, Ms. Woodson. Okay, next person on the sign-up sheet is Bill Richardson.

**Bill Richardson (852 E. Highland View Drive):** This is a beautiful facility, but my question is, why would you do this here? You're putting a four story assisted living facility here, what are you going to do when there is a fire? These people can walk, but think about people who are in assisted living facility or a smaller facility, trying to go downstairs or a ramp in a hurry. Then you've got a memory facility, an Alzheimer's facility basically. If they turn one way and walk away, what will happen? I'm at the age where my parents are dealing with this sort of thing and it's something that happens every day in these facilities. Not every day in each facility, but it will happen. If they turn to the left as they go out, they get to dodge the delivery trucks, if they turn to the right they get to take their chances at 15<sup>th</sup> Ave and Hill Road. Now, this is a public (inaudible) and I've warned you guys about that. Really, the ones at risk aren't you, because as I understand the law in Idaho, your risk is limited to \$500,000 and you'll hit that once or twice there. My advice to the applicant is if you go forward with this, buy a lot of insurance because you're going to need it. The traffic is going to be horrendous, I'm not sure I'm opposed to that because the worst we make that intersection at 15<sup>th</sup> Street and Hill Road the less traffic is going to come down Highland View because it's going to be backed up so far.

Anyway, those are my comments. I really think we're putting the guests of this facility at great risk if you put it at this location, multi-story, and the way it's configured. Thank you.

**Chairman Demarest:** Thank you, Mr. Richardson. Okay, the next person signed-up, actually Mr. Masser is the next one signed up but he's already had his time as the rep so, next person is Michael Lorenson.

**Michael Lorenson (2312 16<sup>th</sup> Street):** I live directly adjacent to the proposed site right underneath it. I'm concerned about the size of the project and its impact on my property and the neighborhood, the inadequate setback and displacement that was discussed earlier. The pressure from such a large building will put an increased load on the hillside right behind it, especially if that alley is annexed. We have a terrace wall as does the neighbors to the south of us that's already buckling underneath the weight of the hillside. This project is not going to help. I would like the alley buffer to continue to exist. Besides being visually unappealing, the 44 foot window wall will look right into my backyard, it's going to be right at the edge of my property and will block not only all of our winter light from the south/east, but the thought

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of unknown strangers watching my wife and I play with our children in our once private backyard, that gives me chill. I have not seen the newest parking agreement this morning; however, 16<sup>th</sup> is very narrow already and does not allow for large amount of additional cars, medical supply, medical waste and food delivery vehicles up the street, and as mentioned, 16<sup>th</sup> has no sidewalks. With cars already parked in the street, residents do walk in the middle of the road and that extra traffic would be very hard for us folks who have small children. I feel like such a large building in a lot this size is not adequate. While I understand the desire to make use of the lot, this is too large of a project for the area. Thank you for your time.

**Chairman Demarest:** Thank you, Mr. Lorenson. Next person is Keith Holloway. Mr. Holloway here? Mr. Holloway must have left. So, we will go onto the next person on the sign-up sheet is Marsha Wayne.

**Keith Holloway (NOT PRESENT)**

**Marsha Wayne (509 E. Highland View Drive):** Good evening. The conceptual drawings for this facility are lovely, it would make a beautiful entrance to the Highlands, however, an impartial and comprehensive traffic study needs to be done before this project is approved or the Highlands Cove project. As Dr. Masser has pointed out, both of these projects that you are looking at tonight are using the same streets and you have two different traffic reports from Ada County Highway District that don't seem to coordinate, they don't seem to have taken the totality into account and there are some pretty serious discrepancies. The only street each of them have directly deals with this 15<sup>th</sup> Street and when you look at the Highlands Cove report, which was prepared in June of 2015, it references an afternoon peak, hourly traffic count of 506 cars. Please bear in mind it's almost 20 percent over ACHD's stated acceptable level of service for a two lane collector and that fact was acknowledge by ACHD staff even as they recommended approval of Highlands Cove. Then you have the Jayo project report that was completed one month later. That report indicated an afternoon peak traffic count that points to 379 cars which is 127 cars less than the report that was done a month earlier.

As I look at it, I believe that is a typo, but it's a significant typo for your decision process because that takes 15<sup>th</sup> Street from a level of service C to a worse than level of service D. It is concerning to me there's that kind of discrepancy between those two reports dealing with the same street. Aside from that, I just believe that a comprehensive and impartial, not paid for by developers, study needs to be conducted that takes into account all of the variables of all of the currently proposed developments that will impact substantially the same streets. Thank you.

**Chairman Demarest:** Thank you, Ms. Wayne. Next person on our sign-up sheet is Kate Sutherland.

**Kate Sutherland (PASS)**

**Chairman Demarest:** Okay, thank you Ms. Sutherland. Next person after Ms. Sutherland is Richard Twight. There he is.

**Richard Twight (623 E. Highland View Drive):** A lot of what I was going to talk about has been said already but I want to bring up one thing. Years ago our neighborhood lobbied to have a small four way stop sign at Highland View and Hill Road. The reason being, if they put a stop light in when the winter's

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ice is on the road and ACHD doesn't get there to sand the streets and put their ice melt on, people slide down off 15<sup>th</sup> through that stop sign into Hill Road. Right now, there is a four way stop so people see that happening and they can put their brakes on and they can stop. I can guarantee you that with this development, ACHD is going to come back and they're going to put a stop light there, they're going to say, well, it's certain standard and we will have to put a stop light in. I can tell you this, there are a lot of mornings where ACHD doesn't get out to sand and salt and people slide into the intersection. When the light is green, east and west on Hill Road, people are going to be flying along there at 35 MPH, and you know that people drive faster than that on these streets. When somebody comes sliding through that red light coming down hill, they're going to slide right out into that intersection and there are going to be fatalities. Now, I don't know how you handle that, but I can guarantee you this is what's being set up here. There will be major accidents, injuries, deaths, a lot of property damage if this goes in and those stop lights go in. ACHD swears up and down they will be there, but they're not always there and you get sudden ice storms and snow storms and that's what happens. I just want you to think about that before you think about putting the kind of volume on 15<sup>th</sup> that this would entail, because it's a lot higher than what ACHD said. I read their report to you, and the need for a comprehensive study has been stated already and I will repeat it. Thank you.

**Chairman Demarest:** Thank you, Mr. Twight. Last person on our sign-up sheet is Chris Phillip.

**Chris Phillip (1911 N. 14<sup>th</sup> Street):** Good evening. I'm here because I think it's a darn good looking facility and I'm speaking actually for it, and you've got to understand that it's commercially zoned up there. So, something is going to be up there and you guys want your tax money, but I'm coming to you as a concerned resident, and my parents are kind of getting to that place in their lives where their health is compromised. I think having a good looking facility like this so close would be great. We have to take care of our folks somehow.

So, I think it's a good looking project and I think everybody has mentioned all of the traffic before, but those people don't drive much. So, I think that's probably the best alternative. You could have some apartment buildings there if you want, but this will probably be a little bit nicer. That's all I have to say.

**Chairman Demarest:** Mr. Phillip, thank you. That's everybody on the sign-up sheet and I already see a hand, somebody that has not signed up yet. Ma'am why don't you come up first and everybody please state your name and address for the record into the microphone, and for those who haven't signed up, which is everybody from now on, if you would fill out one of those little tear off papers that are there somewhere in front of you and just make sure we have that before you leave the room tonight. Thank you.

**Rebecca Lorensen (2312 N. 16<sup>th</sup> Street):** My husband and I just moved here and I just have to say, after listening to the concerns being brought up and listening to Joel's beautiful presentation about this facility, and his comments about the dignity of the people that are going to live there, which I think is definitely important for the assisted living community, but what about the dignity of the people living behind it? As my husband mentioned, we're pregnant right now; we're going to have a little baby in the backyard. He talked about the nice garden for the people living there, but what about our property and our garden? And there are a lot of concerns about the traffic that I understand from the community, and I appreciate that but like they say, we live on a dead end street and there's already traffic going through. The thought of commercial trucks and everything going by is really scary as a parent, as a resident, and I think that what



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they're saying about it bulging over is very true and the fact that we're going to have three to four stories behind us is not taking into consideration our dignity, or our neighborhood, or our street, and I just would like that to be considered. Thank you.

**Chairman Demarest:** Thank you, ma'am. So I saw another hand over here, come on up. Everybody will get a shot. Actually, I think this nice lady got to it before you, you're next, alright? Name and address for the record.

**Krista Lions (2930 S. Selkirk Drive):** My concern is 13<sup>th</sup> Street which becomes Hill Road and is a shared roadway used by many bicyclist and joggers. I'm concerned as people hit the stop sign at this intersection, we'll have all of this increased traffic. There's going to be an accident with a bicyclist there. I commute back and forth up 15<sup>th</sup> every day. It gets backed up from about 3:30 on into the peak hour and it's always kind of iffy, who's going to go, and then a bicyclist shoots through because they don't follow the same rules as we do. So, my concern is with the winter roads. It's not a question if there's going to be a bicycle/vehicle accident at this intersection but when. If you keep increasing the traffic via the Highlands Cove application and this application, there is going to be a pedestrian/vehicle accident or a bicyclist/vehicle accident that's going to lead to a fatality like Richard Twight indicated. So I please, I ask you to please consider both these developments at the same time because they impact 15<sup>th</sup> Street greatly. Thank you.

**Chairman Demarest:** Thank you, ma'am. Gentleman in the back here.

**Chad Aalam (4448 N. Burnside Place):** I hadn't planned on speaking, so please excuse my disorganization; if you could pull up that picture of the bricks that says Villa Highlands on it? Anyone that lives in the area knows what it looks like on 15<sup>th</sup> and Hill. It's already about two stories tall, maybe two and a half. On top of that, they're planning to build four stories with an additional half to ¾ of a story of roof and they're advertising that as sort of a beacon to the Foothills. I can't speak for everyone here but personally, I would rather the Foothills be a beacon to the Foothills, rather than a building.

**Chairman Demarest:** I am going to remind you folks, this is not coming off your time, please do not clap; it's not really helpful to our decision making. Thank you.

**Chad Aalam (4448 N. Burnside Place):** Having said that, 15<sup>th</sup> and Hill is right next to and very similar to Harrison Boulevard; two very prominent streets in the Boise area and it's going to start overshadowing the architecture of those two streets. Secondly, 15<sup>th</sup> and Hill is a strange intersection, it's a diagonal intersection; it's wide. A lot of people have trouble understanding it; they don't know whose turn it is to go. I find many times people go in front of me. I even go sometimes when it's not my turn on accident and that's only going to increase with more traffic. Also, when it's snowing, ACHD doesn't tend to get up to the Highlands very much. There are times before I had a 4-wheel drive vehicle, I had to go around up Hearstone instead of Harcourt, which I usually leave to my neighborhood because I couldn't get up the hillside because of the ice. Also, I used to race motorcycles and trucks in the desert so I have clear control of vehicles and I found myself sliding into 15<sup>th</sup> Street pretty often in the snow and the ice. The developer or the applicant brought up the point that it is expensive to build in hillsides. If I couldn't afford to live in the highlands I wouldn't suggest building a second house on top of it in order to be able to afford living

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there. I don't know why it's being considered here. It's also questionable to assume the residents of this facility, won't be driving, especially when there's so many independent living units and especially when it's twice the size previously suggested.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Okay, I did cut you off before so I'm going to give you an extra 30 seconds.

**Chad Aalam (4448 N. Burnside Place):** I do support the development; I don't support the size of the development. When combined with Highlands Cove, which was mentioned earlier, it's entirely too much traffic for this street, its already poorly designed.

**Chairman Demarest:** Thank you, sir. Okay, others? I see a hand right back here. I saw another hand too, let's see if we could line you up a little bit, it'll save us just a wee bit of time. Why don't you come up and kind of wait in the wings here if you would?

**Margaret Doucette (620 E. Highland View Drive):** I'd actually like to comment to my capacity as a professional. I'm a physician who specializes in rehabilitation, and in 20 some years of practice I've provided oversight to care of individuals who live in these kinds of facilities, independent and assisted living.

One number I have not heard is the traffic associated with support services, and while the facility may provide support services such as home health, they will not have a lock on that. Any individual will have the right to use community home house services. What we know as individuals move along that continuum of care, the need for those services goes up and the number of visits associated, that from nursing, the rehabilitation therapy services goes up as well. The other number I have not heard addressed is the number of visitors per resident and it is true in this population we try to discourage travel, we try to encourage visits. In a facility such as this, it's beautiful; I think there's a place for it. I would advocate for a much smaller size given its location and the impact of traffic in the neighborhood. Thank you.

**Chairman Demarest:** Thank you, ma'am. Folks by the way, those who are coming up who haven't signed up, we need to get you to fill out one of those little papers. Ma'am? So we can get you on the record, its right up here if you could take it with you and fill it out. I think we missed a couple people.

**Chairman Gillespie:** No fill out paper, no right to appeal.

**Chairman Demarest:** That's right, so that is a protection for you.

**Robert Mitchell (409 W. Highland View Drive):** I just want to emphasize Mr. Masser's point about the 15<sup>th</sup> Street driveway opposing the Camel Back condo units. I traverse that intersection of Hill Road and 15<sup>th</sup> Street daily and going uphill, going north bound, I see people coming from the right, coming out of the Camel Back condo project and they're hesitating because they have to look down, they have to look up, and now they're apparently going to have to look straight ahead. So, I think you're setting up a head-on bumper contest, a very dangerous situation. Thank you.

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**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Yes?

**Commissioner Gillespie:** A point of information to the audience. So, we've been hacking away at this one for over an hour, we've heard a lot. I've taken really careful notes so, if you want to testify, you can, but if you're going to simply say I support what's been said, or I want to amplify this or that, you may, but at least for this Commissioner, I pretty much don't need your amplification I think, to make a good decision. So, that's all I have to say.

**Chairman Demarest:** I think what Commissioner Gillespie is suggesting is that if you have new information to share, that's great. If you have new information to share that is very helpful to us. Otherwise, it does become somewhat redundant. Come on up.

**Pete Sisson (605 E. Highland View Drive):** Thank you, Mr. Chairman, Commissioners. I live just up the road from the proposed development. I think the new perspective that I would share with the Commission is that as an elder law attorney practicing in this community for many, many years, I'm very familiar with national statistics as well as local statistics on the number of seniors.

We've got a sliver tsunami going on in this country and I think you can pretty much count on the fact that this facility would be full. So, you've got 153 residents, and I won't reiterate what's been said about the independent living folks, but would emphasize that when you work with families who have loved ones living in these facilities, you get a lot of visitors. So, that's going to exacerbate the traffic and I would urge the Commission to consider this proposal in conjunction Highlands Cove. It's kind of serendipitous that we're hearing both tonight and how this combined traffic is just going to create an intolerable situation in this neighborhood. Thank you.

**Chairman Demarest:** Thank you. Okay. Oh yeah, Mr. Sisson would you, yes there you go, thank you.

**Ken Harris (720 Ranch Road):** I've been working steadily in elder care facilities of this type for the last ten years, both as a van driver and as an entertainer. There are other daily vehicle visits that have not been mentioned, ambulances, they arrive perhaps every day, taxis, miscellaneous delivery drivers, miscellaneous vendors going back and forth of which, as an entertainer, I am one. There's also daily staff trips, the staff just don't drive there and then stay there all day. They're going to meetings and everything else in the area and so they're making daily trips every day. The thing that flabbergasts me is that I've been to about 30 or 40 maybe 50 of these elderly care facilities all over the Treasure Valley and very few of them are in highly populated residential neighborhoods for a whole number of reasons. Thank you.

**Chairman Demarest:** Thank you, sir.

**Winslow Gerrish (403 W. Cashmere Rd.):** I live just up the hill from the proposed site. I work in healthcare, I'm a clinical psychologist, and the thing that I haven't heard mentioned and I didn't see in the plans were plans for emergency medical vehicles or plans for ambulances and the traffic and sirens associated with that. Thinking about nighttime, coming and going and any kind of urgent travel that would need to take place as well as emergency police vehicles. Think of, for example, if a resident from

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the memory unit were to be out wondering in the winter at night. That could lead to a major scene in trying to make sure that they stay safe. I hadn't seen plans addressed or associated with that. Also, having worked in healthcare, the number of employees, in my experience in hospitals and other places, tends to increase over time. As demands increase, employees and other daily visitors will look for more convenient places to park than maybe what's allowed or what's available on the site of any given facility. So, I have to admit, when I worked at the Veteran's Hospital, I would often end up parking on Thatcher or Union Streets because the parking lot was full, Think about the surrounding neighborhood, I'm not sure where street parking like that would be, and if it was, it would be a major inconvenience to residents. Thank you.

**Chairman Demarest:** Thank you, sir. Okay, I see two more people standing, come on up ma'am.

**Velma Seabolt (2332 N. 15<sup>th</sup> Street):** I live just up a block and to the right. Traffic is an issue trying to get out of our driveway. Also, there's a cross walk that no one has mentioned. It is going to be right above the property there and is going to hold up traffic when you have to stop for people to go across to the 15<sup>th</sup> Street trail. I think that will be an issue.

Also, when we bought our property, which we took several years to pay off, the four stories is going to completely block any kind of view at all. As everybody up there knows, we pay a lot of taxes to be there. I have others, the ice stuff does happen, I've watched a lot of people get into wrecks trying to go up and both down 15<sup>th</sup> street, you can't stop or you can't get up and ACHD doesn't always make it to that intersection. Thank you for your time.

**Chairman Demarest:** Thank you, ma'am. I see a hand. The gentleman back here has been standing so I think you want to testify as well and then this gentleman who raised his hand right here. Come on out and be close by; saves us those precious seconds. They do add up with a hearing this large.

**Samuel Burns (2332 N. 15<sup>th</sup> Street):** Not wanting to amplify too much, but the location and what the facilities have to offer regarding the courtyards and all of that stuff, none of that seems specific to the location and to those that maybe would take advantage of the location with the trails. I'm concerned with seniors using that crosswalk. To reiterate, the cross walk thing is actually why I was standing up here. Thank you.

**Chairman Demarest:** Thank you, sir. Gentleman right here.

**Greg Garlick (509 E. Highland View):** One of the things I haven't heard anybody mention is events; parking for events. My sister in law is in assisted living, both of my parents have been in assisted living and Christmas, Thanksgiving, somebody's birthday, the Fourth of July, Arbor Day require additional parking and the people that I know have been in very small assisted living places. I'm going to guess, less than 50 residents, probably less than 30 residents, and yet when the special events happen, the parking is usually two blocks long in every direction. So, I'm guessing that this thing with its size, the parking will probably be up to Simplot's and probably down to the middle of 15<sup>th</sup> Street somewhere, so certainly there would be 100's of people there I would think, and that just isn't a location that's capable of handling that, especially steep sidewalks; Christmas parties, 15<sup>th</sup> Street being so steep and everything. Anyway, thank you.

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**Chairman Demarest:** Thank you, sir. Anybody else? So remember if it's new information it's very helpful to us, there's preponderance clearly in a couple areas that we here. I don't see anybody else. So the applicant gets up to 5 minutes to rebut. Where did he go? There he is. Remember your time is a maximum of 5.

### **APPLICANT REBUTTAL**

**Joel Howes (1022 Saratoga):** I am going to defer some of this site stuff to the landscape architect.

**Chairman Demarest:** That is included in your five.

**Joel Howes (1022 Saratoga):** First of all, I would like to note that we do have a 15 foot west setback which is in compliance with the C1-D zone. The Park's Department on the north side has relinquished the trail in conjunction with access across the new parking lot at the terminus of 16<sup>th</sup>. The use of this facility is still going to be less parking and traffic than high density residential, commercial, retail, or an apartment style living facility. The alley way vacation, the City doesn't comment on. As a utility access, you can still have that, but in terms of an emergency access as Ms. Woodson spoke about, there's no way, it's a steep vertical hillside, there's really no usable space in terms of an emergency access. In terms of event planning, the owner has run multiple facilities like this and bussing people in and out, to and from the facilities in conjunction with churches or at least parking spaces is something they are very well versed in and they've taken into account in the past. In terms of Mr. Lorenson's comments about the engineering for the hillside and the crumbling, obviously all of that will be taken into consideration with hillside engineering and onsite water retention; there will be no destabilizing of the hill. In terms of a possibility of a fire, our building will be designed to all fire codes and actually, a large portion of this building will be a type two noncombustible construction type, so that is also helpful. In terms of the light, I can't speak to anything at the intersection there in terms of ACHD. Privacy, in terms of living adjacent to this property, privacy is actually something this facility offers a lot more of because you don't have a younger active neighbor in this facility. For a lot of these people, they're blinds are often closed and they tend to go to bed early, so in terms of looking down into your property, it's actually beneficial in terms of having them as a neighbor. I wasn't trying to make a beacon at 15<sup>th</sup> and Hill Rd. for the Foothills but we did want to design an aesthetically pleasing architecturally interesting corner. I used to live on Camel Back Lane and I always thought how great it would look if there was something really cool on this corner. I actually got the chance to draw something up, it's not trying to be a beacon or anything like that, just a good looking architectural element. In terms of parking short cuts, I think that the staff will have dedicated parking and they will adhere to that because that's the easiest way to get into the building, having that dedicated parking there for them. John, do you want to go ahead?

**John Breckon / Breckon Land Design (181 E. 50<sup>th</sup> Street Garden City, ID):** I will just add to what Joel is saying. There will not be any 18 wheelers accessing the backside of the property. Hillside applications and everything that is required by the City and ACHD will be met. ACHD actually requires the approach on 15<sup>th</sup> be directly across from Camel Back Lane and we will be meeting and addressing all City requirements, ACHD requirements, and current building codes as part of the improvements. I could also add that on the alley, there is an existing alley that separates the two properties. It varies in width; the

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majority of it is approximately 12 feet wide. It does go up a steep slope and it is ACHD's preference to vacate that alley as it is not usable for them at this time. They do not have any plans to utilize it in the future and they would prefer that the adjacent property owners would purchase it from them. In terms of parking, we have made the best attempts that we could to balance parking on the site. Obviously, we are over the required minimum for the site, but in an attempt to provide adequate parking we have exceeded that minimum and broken that up.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Sir, your time is up. Thank you. Okay, so we've heard from the public, the applicants have had a chance to rebut, so it's time for the decision to come before the Commission to render a decision. Remember, we've got two votes on this and we're going to do the CUP first. It's the pleasure of the Commission.

**PUBLIC TESTIMONY CLOSED**

**MOTION:           COMMISSIONER JUST MOVED TO DENY CUP15-00061**

**SECONDER:       COMMISSIONER GIBSON**

**Commissioner Just:** Mr. Chairman, I think this is a creative project of some version of what should probably be built; but, I think we have a few things dangling out there. I think we need a staff review of the pending agreement on parking and the cross access; that seems to be hanging out there. It's probably not a big thing but I would feel more comfortable if we had a staff review of that. We've heard about a required work session and public hearing regarding foothills engineering, I would like to make sure that hurdle is crossed if it is indeed something that needs to be done. I feel like a vacation of the alley issue should be settled before we make our decision and finally, concerns about traffic, which we've heard about tonight, I find that it is troubling that there seems to be a traffic count discrepancy on two projects here, I would like to have that cleared up. I have some concerns that the cumulative effects of the proposed projects may not been considered, especially in consideration in how traffic will be impacted in this area.

**Chairman Demarest:** Commissioner, thank you. Other discussion?

**Commissioner Gibson:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gibson.

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**Commissioner Gibson:** I'm going to be voting in favor of the motion as well and I wanted to make sure I went on the record that the basis I'm using for denying it is that the granting of such relief will not be materially detrimental to the public, health, safety or welfare or, emphasis added, injurious to the property or improvements of other property owners or the quiet enjoyment of such property or improvements. I don't believe that I received a specific response to the circulation issue or the service issue of product getting in and out.

This is a very large facility, and I also want to go on record and state that the applicant is correct, they do meet the 15 foot setback on the west side of the property, but that would only be contingent upon the vacation of the alley. So, basically if the alley vacation was not in effect or could not be effected, the facility would then have to be moved another 15 feet from those residents on the western side of the property and it's for those reasons that I'm going to vote in favor of the motion.

**Chairman Demarest:** Okay, Commissioners? We have a motion to deny, further discussion? Seeing none, so the motion is to deny CUP15-00061, I guess if we deny the first one we don't have to consider the second one, do we? Or do we? Help. Doesn't the second one go away if we deny the first one?

**Amanda Schaus:** Mr. Chairman, yes.

**Chairman Demarest:** Okay, let's see how this goes and then we will see what we do next. So a motion to deny, all those in favor of the motion to deny signify by saying aye. Any opposed?

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**Chairman Demarest:** Okay, it is denied. CVA15-00031 goes away automatically.

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**CUP15-00058 / 5B Investments, Inc**

Location: [4195 N. Eagle Road](#)

SPECIAL EXCEPTION FOR A SELF-STORAGE FACILITY ON 4.37 ACRES LOCATED AT 4195 N. EAGLE ROAD IN AN N-OD (NEIGHBORHOOD OFFICE WITH DESIGN REVIEW) AND R-1C (SINGLE-FAMILY RESIDENTIAL, URBAN) ZONE. [Ted Vanegas](#)

**Ted Vanegas (City of Boise):** Mr. Chairman, members of the Commission the request before you is a special exception for a self-storage facility on 4.37 acres located at 4195 N. Eagle Road. The property is comprised of a single parcel with two zoning designations. The Neighborhood Office zone is approximately 3.10 acres of the site and the residential R-1C zone is approximately 1.27 acres. According to the site plan the project will be in compliance with setback and height requirements for both of those zones. Office uses are located northeast and south of the site while residential uses are located to west and northwest. This slide illustrates how the split zoning is distributed on the property, and because most of the property is within a design review overlay district, which is the neighborhood office N-OD zone, the entire project will be reviewed under the City's design review process. At completion the facility is expected to contain approximately 99,000 square feet of single story storage units, a front office area and living quarters for an onsite manager. Public parking will be located on the northeast section adjacent to the office. This slide gives you a rendering of what the facility will look at it as you're looking from N. Eagle Road to the west. The applicant's proposal includes a single right-in/right-out access point from N. Eagle Road and an emergency only access from N. Chapala Way, which is to the north, the red circle to the north. The Planning Team is recommending the site have a total of three full access points. One of those would be the north Chapala access to the north. The intention has always been that this road would connect through to future development. If this development were an allowed use, such as an office complex, this connectivity would have been required as well. There is a sign at the stub of Chapala indicating the road will eventually be continued, so there will be no surprises to the neighborhood when and if this occurs. This will not only provide an alternative access point but will allow the residents and business owners in the area to enter without necessarily having to use Eagle Road. The other access recommended is south from Wainwright Drive. The intersection of Eagle Road and Wainwright Drive is controlled with traffic lighting. This will provide safe access to the facility from the east and south without having to maneuver the right in/right out only entrance as proposed by the applicant off of Eagle Road. This could be particularly important for emergency vehicles that may need to access the site from these directions. According to ACHD the development is estimated to generate 243 additional vehicle trips per day with 25 in the PM peak hour. The Planning Team has received no public comment on this application. The Planning Team recommends approval of the application with the recommended conditions the motion needed is a Planning and Zoning Commission recommendation to the City Council. Thank you.

**Chairman Demarest:** Is the applicant present? So, you've already heard there's no public opposition that we know about, we will check that out in a little bit but if you keep this short, you're entitled 20 minutes, but we would really appreciate if you could do less than that. What's a reasonable amount of time to start?

**Chris Stephens (111 N. Main Street Ketchum, ID):** How about 6 minutes.



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**Chairman Demarest:** 6, we will give you 6.

**Chris Stephens (111 N. Main Street Ketchum, ID):** Okay, I will shoot for that.

### APPLICANT TESTIMONY

**Chris Stephens (111 N. Main Street Ketchum, ID):** Typically, I know how to take yes for an answer and it's nice enjoying a positive staff report and I'm very grateful I'm not after number 11 or up in the Highlands, but this was going to be a consent item if it wasn't for condition number 2 of the site specific in the conditions of approval, which is connectivity from Chapala to Wainwright. I worked very closely with Ted throughout this whole project, there's one premise which isn't accurate with the access off of Wainwright that this facility would enjoy safer and direct access. The project doesn't really work having those three accesses because obviously, it's all about having direct control and security. If you take a look at the first slide Ted that you have with the neighborhood, that one right there, and Chapala is not marked there but it's the north and south road that's parallel with Eagle Road and the idea would be that to serpentine and connect over to Wainwright. Well, basically it would create a project the size that wouldn't allow for the type of management that I'm used to as Storage Plus and that's with full-time, 24/7 management with a day reporter to make sure everyone is respecting that. The operating agreement and keeping things clean and quiet and low key, so the project, at least for Storage Plus, would not be viable if I did have to provide that serpentine connectivity through there. I worked with the neighbors, we had our neighborhood meeting, I had my whole team here and it's clear that you guys don't want to go door by door, but without exception the neighbors were not excited about the connectivity and that's what they spoke about at the neighborhood meeting. If you look at this particular, obviously the site is in red, if you look at the number of streets that connect to Eagle Road or down to Wainwright and you compare that on the east side of Eagle Road, you see that even that fully developed subdivision over there with the accessory commercial has fewer connections than are already available on this side of Eagle Road. If you think about the other agencies, ACHD was not recommending to connect Chapala to Wainwright, they did have an idea about emergency access which we agreed to do. We worked very closely with the Boise Fire Department and came up with a solution there. In fact, in your packet, I don't expect you to thumb through there, but condition "D" of ACHD's approval; they had some great wording in there that talked about an appropriate solution for the end of Chapala. Also, working very closely with ITD, we agreed to, if you go back to the other slide, there are two accesses onto Eagle Road right now and they've agreed to allow me to keep the one right in/right out and I would convert the other, right there, the southern access I would convert that to landscaping. It's an appropriate use, I think that the neighbors are excited about that and that's why you don't have a lot of opposition here. Its single story, daytime quiet, no outside lighting, where I think that left hand portion for residential could be three story-residential. So, they are excited about that. The trip count is also curious, I have owned another facility of the same size over off of Victory that was the old Broadway drive-in and we had approximately 24 gate operations a day. They're pretty sleepy facilities. So, keeping within my 5 or 6 minutes there, I think the project meets the criteria for a special exception. I agree to all of the conditions of approval except for number 2. In lieu of the City's proposal for condition of approval number 2, I would like to utilize ACHD's language in their number "D" condition of approval. I will stand ready for any questions.

**Chairman Demarest:** Questions from the Commission for either the applicant or staff?

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**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** As usual, I'm a bit confused. So, as I understood the condition it just said you have to put a gate at Chapala and a gate at Wainwright, but you said connecting through a serpentine street, I didn't understand that we were putting a public street through the middle of the site. Could you help me with?

**Chris Stephens (111 N. Main Street Ketchum, ID):** Maybe staff can address that.

**Ted Vanegas:** Mr. Chairman, Commissioner Gillespie, the planning team is just recommending that North Chapala Way and Wainwright have full public access. How those, we're not recommending any streets, we're not looking at designing any connectivity in the middle through streets, but just the full connectivity to the site.

**Commissioner Gillespie:** Right, and by public access you mean people who have a storage locker or have a key card or whatever, right?

**Ted Vanegas:** Yes.

**Commissioner Gillespie:** So, is that your understanding?

**Chris Stephens (111 N. Main Street Ketchum, ID):** No, my understanding was public. So, if we went to the site plan showing the units, that would be an open public access so people in the neighborhood could cut through the project.

**Ted Vanegas:** Mr. Chairman, Commissioner Gillespie, the intent was customer access, the intent wasn't to have, I don't think a through access.

**Commissioner Gillespie:** I'm sorry, Mr. applicant. Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Mr. Stephens? So, what I'm hearing is that this is just saying you basically, you need to put a gate in those two spots and you can restrict the access as you see fit at Wainwright and Chapala, that's what condition 2, that's what I thought it meant when I read it and that's, I think what the City meant.

**Chris Stephens (111 N. Main Street Ketchum, ID):** Well, if I can control the access to the gate, that would be acceptable, but that access in full disclosure would be somewhat limited because we would like to be able to control and view of the, you know we're all familiar with self-storage projects and that's what we'd like to know.

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**Ted Vanegas:** Mr. Chairman, Commissioner Gillespie, apparently I was confused. That it is intended to be a public access.

**Commissioner Gillespie:** So, public as in through access?

**Ted Vanegas:** From Chapala to Wainwright Drive.

**Commissioner Gillespie:** So, is that a public street or?

**Ted Vanegas:** Or a private road or a public street, probably a public street connecting Chapala to Wainwright. It could be a private drive.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner.

**Commissioner Gillespie:** So, that is not what condition 2, in my opinion, says and I think a logical interpretation of what we were saying is that it simply says provide another access point for the customers of the facility, that's clearly what I thought it meant. So, I'm now, have no idea why the City is basically wanting to do what it's doing. So, I'm stuck.

**Commissioner Miller:** Mr. Chairman.

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I was just going to ask, could you fill us in, what's the purpose for that?

**Ted Vanegas:** Mr. Chairman, Commissioner Miller, previous designs shown for development of this site have been office oriented, or office complex oriented, and it has always been the intent to have connectivity through that area between Wainwright and N. Chapala Way. So, from the City's perspective, that kind of connectivity is desired, and again as was stated in the staff report, to keep traffic from needing to get onto Eagle Road to access the site or to come through the site; the planning team recommends that connectivity.

**Chairman Demarest:** I have a question for the applicant, but tell me what it is you don't like about that.

**Chris Stephens (111 N. Main Street Ketchum, ID):** A couple of things. I would like to be respectful of the neighbors and they're not interested in having Chapala and having people cut through there. There's already access to Wainwright, and so there's nothing exciting about having a public road through the middle of the site, it makes it unviable for a self-storage site for Storage Plus.

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**Chairman Demarest:** Okay, thank you, and you've said that already, I think I just didn't hear it. I'm getting confused too. It's the lateness of the hour, I think. Further questions for either the applicant or staff?

**Chris Stephens (111 N. Main Street Ketchum, ID):** A further point is I think the traffic experts on this are ACHD, and they've looked at all those studies and that's why maybe I could do a private drive, but I don't think ACHD would even entertain allowing me to make that a public road.

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I just wanted to clarify, because then you said that you were okay with ACHD's condition "D" and I'm just trying to scroll down here.

**Chris Stephens (111 N. Main Street Ketchum, ID):** I don't know if it's oriented the same way, but I think it was on their page 4.

**Commissioner Miller:** Yeah, but there's three paragraphs there and are you referring to all three of those paragraphs or just the last paragraph which says the applicant should be required to install either a gate or boards at the terminus of the stub street as determined by the Boise City Fire Department?

**Chris Stephens (111 N. Main Street Ketchum, ID):** Correct, that would be..

**Commissioner Miller:** That's what you're talking about?

**Chris Stephens (111 N. Main Street Ketchum, ID):** Yes.

**Commissioner Miller:** Okay.

**Chairman Demarest:** Further discussion? Okay, thank you. So, we're going to go to the public testimony if there is any, I noticed from the report there was no neighborhood rep listed.

**Ted Vanegas:** Mr. Chairman, there isn't a neighborhood association in this area.

**Chairman Demarest:** No neighborhood association, hence no rep, right? Alright, great, thank you. So, public testimony. No body signed up; it's item number 3, CUP15-00058. Is anybody here to testify on item number 3 this evening? I see none for the record. So, the applicant technically does have time to rebut but there's not much to rebut because nobody said anything, so I assume that you do not want to say anything more? Alright, great, for the Commission to render a decision. Commissioners.

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**NO PUBLIC TESTIMONY**

**PUBLIC TESTIMONY CLOSED**

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**NO APPLICANT REBUTTAL**

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** I'm just not comfortable rendering a decision. So, I would like to ask both parties, the City and the applicant, if they would be willing to defer this either to next week or the next meeting to kind of iron this issue out, because I didn't read anything in the document the way the City is now presenting it. So, I'm not understanding why the City wants to do what it wants to do, and I want to give the City a chance to make that argument more clear.

**Chairman Demarest:** If I can make a suggestion, you can make a motion.

**Commissioner Gillespie:** I would move that we defer this to the October 5<sup>th</sup> meeting? Is that our next meeting?

**Chairman Demarest:** What is our max on deferrals? We've got a maximum time limit I think. Will that work?

**Commissioner Gillespie:** One month.

**Chairman Demarest:** One month, 30 days? The October meeting?

**Commissioner Gillespie:** I would like both parties; you know we don't like to do deferrals without agreement.

**Chairman Demarest:** Okay. So, let's just do a little poll.

**Chairman Demarest:** So, it sounds like Ted you're available next week, right?

**Ted Vanegas:** Mr. Chairman, somebody will stand in for me I won't be here next week.

**Chairman Demarest:** Let's just double check with the applicant because he is here this evening. Will that work for you? You would need to come back to us. I think that is a yes.

**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** Before we go with that motion, what I would like to do is also potentially recommend, and hopefully convince the other Commissioners that this will also be a part of the

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recommendation, that staff and the project applicant also consider ACHD's recommendation "D" and perhaps provide language to us as an alternative condition that we could adopt, because even that staff recommendation seems confusing to me and I have a hard time trying to figure out exactly what ACHD is talking about. So, maybe if we could direct them to perhaps bring us several alternative conditions, one which would be basic on ACHD, and one perhaps similar to whatever the City had originally intended.

**Chairman Demarest:** We don't have a motion standing before us without it seconded but the mover is okay with that, is there a seconder for that?

**MOTION:**            **COMMISSIONER GILLESPIE MOVED TO DEFER CUP15-00058 TO A DATE CERTAIN OF SEPTEMBER 21, 2015 TO CLARIFY THE CITY'S INTENT IN REQUESTING PUBLIC ACCESS OFF CHAPALA AND WAINWRIGHT TO THE SITE AND TO PROVIDE ALTERNATIVE LANGUAGE TO ADOPT AS A CONDITION.**

**SECONDER:**        **COMMISSIONER GIBSON**

**Chairman Demarest:** Okay, we've got it.

**Commissioner Gillespie:** Just some guidance to the City. So, at numerous points in the discussion you talk about providing access to the site, right? That to me means if I have a key card I can get into the site, it doesn't mean if I live on Chapala, and I want to take a short cut to Eagle Road, I can cruise through this storage unit. So, I think whatever you decide let's try and clarify the language so it's really clear. Thank you.

**Chairman Demarest:** Thank you. Okay, further discussion? Okay, we have a motion and seconded and discussed. All those in favor signify by saying aye. Any opposed?

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**Chairman Demarest:** Motion does carry to defer till one week from tonight. See you back next week.

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**CUP15-00055 / Leroy Brandt Revocable Trust**

Location: [1411 W. Franklin Street](#)

CONDITIONAL USE PERMIT TO CONVERT AN EXISTING BUILDING INTO OFFICE SPACE WITH A REQUEST FOR A PARKING REDUCTION. THE PROPERTY IS LOCATED AT 1411 W. FRANKLIN STREET IN AN R-3HD (MULTI-FAMILY RESIDENTIAL WITH HISTORIC DESIGN REVIEW) ZONE. [David Moser](#)

**APPLICANT TESTIMONY**

**Tad Jones | Jones & Jones Design Studio, Inc. (P.O. Box 2832 Boise, ID)**

**Dan Thompson | Thompson Engineers (181 E. 50<sup>th</sup> Street Garden City, ID)**

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**PUBLIC TESTIMONY**

**Audrey Brandt (2630 W. Parkstone Dr.):** Spoke in favor of CUP15-00055.

**Eric Brandt (2824 N. Weaver Circle):** Spoke in favor of CUP15-00055.

**John Challenger (2596 S. Monte Vista):** Spoke in opposition to CUP15-00055.

**Becky Anderson (1416 W. Franklin):** Spoke in opposition to CUP15-00055.

**Tom Anderson (1416 W. Franklin Street):** Spoke in opposition to CUP15-00055; provided exhibit number 1.

**Michael Devitt (1402 W. Franklin):** Spoke in opposition to CUP15-00055.

**Jeanine Gregor (2304 N. 20<sup>th</sup>):** Spoke in favor of CUP15-00055. (No testimony sign-up sheet)

**PUBLIC TESTIMONY CLOSED**

**APPLICANT REBUTTAL**

**Tad Jones | Jones & Jones Design Studio, Inc. (P.O. Box 2832 Boise, ID)**

**Dan Thompson | Thompson Engineers (181 E. 50<sup>th</sup> Street Garden City, ID)**

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**MOTION:** COMMISSIONER JUST MOVED TO APPROVE CUP15-00055 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN

**SECONDER:** COMMISSIONER GILLESPIE

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**[CAA15-00141](#) / Julie G. Hulvey**

Location: [1811 S. Pacific Street](#)

APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF A CROSS ACCESS AGREEMENT FOR THE BACK-UP SPACE ASSOCIATED WITH A DETACHED ACCESSORY STRUCTURE LOCATED AT 1811 S. PACIFIC STREET IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE.  
[Ted Vanegas](#)

**Ted Vanegas:** Mr. Chairman.

**Julie Hulvey (3707 Nez Pierce):** I know you don't like it this way, but I've got some things for you.

**Chairman Demarest:** So, are you the appellant?

**Julie Hulvey (3707 Nez Pierce):** Yes.

**Chairman Demarest:** Okay, we're going to hear from staff first, ma'am. If you would just hang on right there.

**Julie Hulvey (3707 Nez Pierce):** Can I just...

**Chairman Demarest:** We're going to hear from staff first and then we will hear from you. Okay, Ted.

**Ted Vanegas:** Mr. Chairman and members of the Commission, the application before you is an appeal to the Planning Director's approval of an access agreement which provides the applicant sufficient backup space to retain a carport. The background information leading up to this appeal is as shown on the slide. On April 13, 2015, City Code Enforcement responded to a complaint concerning a carport that had been constructed in the rear yard of a home located at 1811 S. Pacific. On June 8, 2015, the Planning and Zoning Commission denied a variance request (CVA15-00016) to reduce the rear yard setback for a carport located along an alley. A carport is allowed to be located on the edge of an alley as long as 22 feet of backup space exists. In this case the alley was only 15 feet wide, leaving the applicant 7 feet short of the requirement. The Commission determined that there was not a hardship or special circumstance to justify approval of the variance. On June 24, 2015, an administrative application was approved for an access agreement allowing the applicant to back up his vehicles onto an adjacent neighbor's property. The agreement was reviewed and approved by the City Attorney's Office. With the approval of the agreement the applicant established 22 feet of backup space for the carport and was able to keep the



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structure in place. This slide illustrates approximately where the carport is located on the property, and approximately where the easement area is located on the neighboring property. As you can see from this diagram the alley is 15' wide. They agreed upon easement; makes up the remaining 7', giving the applicant the required 22' of backup space. You may remember these photographs that show the carport structure from both from the applicant's back yard and from the alley. These were from the variance request. This slide details the appellant's grounds for appeal. As you can see, these issues are generally regarding the actual carport structure. However, the application being appealed is for a cross-access agreement between two neighbors. The Planning Team's response to each of the grounds for appeal is in the report, so I won't go specifically into each one at this time. Instead I will highlight a couple of key points. The application under appeal again, is for an approved access agreement between two property owners. Though the agreement certainly impacts the existence of the carport, the location and design of the carport is not the subject of the appeal. Parking structures may be located on the rear or side property line abutting an alley as long as 22 feet of backup space exists. With the agreement in place, this required backup space now exists. There is precedent for this type of agreement in both commercial and residential areas. It is quite common in commercial developments. However, we do also have a number of instances where this has occurred in residential areas as well. The example provided in the report was an agreement between two North End neighbors who wanted to build garages adjacent to the alley. Both parties agreed to use each other's property as backup space so that the garages could be built. The access agreement was reviewed and approved by the City Attorney's Office as sufficient for providing ingress and egress for the applicant's use as backup space. So this wasn't a decision made solely by the Planning Team. In conclusion, the appellant has not demonstrated any error in the process or in the Director's determination; therefore the Planning Team recommends denial of the appeal. The motion needed is a Planning and Zoning Commission decision that can be appealed to the City Council. Thank you.

**Chairman Demarest:** Thank you, Ted. Okay, so now, I forget where the appellant went to. There she is, if you would state your name and address ma'am and just like an applicant you're eligible for up to 30 minutes, however I would ask you, I guess I would invite you, like I've invited everybody else for at least the last hour and a half, to keep it just as brief as possible. Could we agree on 5 minutes to start?

**Julie Hulvey (3707 Nez Pierce):** Inaudible.

**Chairman Demarest:** Okay, let's agree on 10 minutes to start and then we will go from there. How about that? And you would like these to go into the record? Okay. So, we're going to start with 10 minutes and then remember 30 is your max.

**APPELLANT TESTIMONY**

**Julie Hulvey (3707 Nez Pierce):** I'm here tonight as the appellant for what I believe is a long and complicated issue. I don't know if it's the facts that we're disputing or if it's the law that we're disputing or if it's the option of the people involved that are pushing this issue one way or the other or the fact that this has been taken out of the public process and put into the administrator's office. The first document you have there is a reminder of some of the things that we discussed when there was a variance hearing that the individual put up this 20 x 20 carport without a permit and the questions that you asked him were about hardship, exceptional circumstances, about whether this was a storage building. Turn to page two,

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would this be able to be located where it is and so no, if it's called a storage building it can't be located there and what do you do with this? Is the question Mr. Commissioner Just asked the applicant. He said it was more or less a storage building. The applicant responded, it's mostly a covered storage, yes. Just: you're not looking for access through the alley? Applicant: correct, I'm not looking for access through the alley. Page three, seeing where the applicant claimed he talked to code enforcement. The question was, does code enforcement issue permits? And no they don't and they especially they would not do anything; nobody would without seeing a plan. The person who built this carport proceeded to build this carport just by making some assumptions. He stated that. Page four, the applicant said this is kind of a temporary structure. The staff said this structure is the size range of a structure that does not need to require with a section of our code, the setbacks. That didn't come out very well. That does need to fit into the setbacks. Finally, the last page, you know when you look at a community, skip to the chart, dimensional standards. You have every district there, open land, residential, office, commercial, industrial and special purpose and the interior side setbacks in the minimum rear setbacks. How can you possibly let a person put the structure that this is less than three feet from my backyard and on the alley? When, clearly, throughout the City there are setback requirements that are much larger, particularly, all the residential areas. To have a smaller setback requires a variance and you did deny that variance. Okay? The second pile of papers with the pictures, there was mention in the agreement person's garage is in the north end. The one with the "X" is the one that I couldn't have identified on 23<sup>rd</sup> Street. That's a beautiful, beautiful garage. Double car garage, two separate doors, the side of the garage is on the alley and the example above it is not the one that agreed to work with him it's another one but another beautiful garage. What's behind my home, looks nothing like this. There is a small one car garage, there's a garage from my neighborhood with two cars in it. Finally, you have a photograph of a vehicle sitting in front of a garage and a carport. Okay? Carports bring to mind certain visual concepts. Next you have a written statement of an acquaintance of mine, who witnessed the measurements that follow regarding the length, the distance of the shed from my property. Okay? This is more complete than any verification of any measurement or distance from any property line that you've had so far. You see there, the yard stick in the hand of my witness. The stick is touching the shed and it's about 22 inches from his fence. Second picture, the stick is touching his shed and you see about 26 ½ inches from his fence post, that's not three feet or five feet, sounds variance. The next picture where you see a measure of shed from all of the existing property line marker is 29-30 inches. That's my rusty old property line marker that's been there since this property was built, it was the original fence post. Okay? That's an accurate marker for my property. Another measurement down the fence, Beardon's fence, 22 inches. The fence or the shed are not sitting quite straight. Finally, three Hulvey property line markers and Beardon's fence post together. You can see how it lines up. There's one, two and three of my original fence post and the background that I see is Beardon's fence post. I think that's pretty clear. That there was an error, a huge error. Well, the variance was denied but to say that it could sit there for the applicant to say that it could sit there for the planners to think that it would sit there and now, the fact that we applied for a variance has disappeared into thin air off the map and we're in an administrative process that's going to let it remain. I'm shocked and appalled and disappointed to say the least. Next page you see kind of a picture of a tent and a shed and a couple of tables of allowed uses. 110601.5, it doesn't have a little dot in the R-1C, you can't do outdoor storage in my neighborhood even accessory outdoor storage. Above that, 1101302.21.C.21.C.XIV which is a Harris Ranch, outdoor storage is not permitted. There is some uniformity in the City Code. Finally, a page of definitions, you see there are two rooftops, one is the glare of the aluminum coming off of this structure the other is a regular roof structure and if you look down parking covered a carport that provides full overhead protection from the

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elements with ordinary roof coverings so that aluminum structure is a prefabricated structure, it's not a carport. A carport is a structure open on at least two sides. Well, if that's all we're looking at. A temporary structure can include but is not limited to a playhouse, play equipment, mobile buildings and carport canopy structures. And a structure, if you look there down the last line, is portable carport or cover, prefabricated metal or plastic sheds and tents. So, in particular, the adverse visual impact of this, to my property, is partly that glare off of that roof and that I can't see beyond the roof, I'm looking out at the glare of the roof. Okay? Nobody else that you heard from in the previous hearing or that you'll hear from tonight lives adjacent to this property. They would have to have x-ray vision through my home or through several homes down the block. It's just, I am the one who is impacted.

**Chairman Demarest:** Ma'am your time is up and...

**Julie Hulvey (3707 Nez Pierce):** Could I have three more minutes?

**Chairman Demarest:** I'll give you three, but that will be the end, okay? The chair does have discretion in this and so I think three more is reasonable, but then that will be the end.

**Julie Hulvey (3707 Nez Pierce):** Okay. Going on just to show you some errors that have probably occurred it says if you have a structure and you keep it 6 feet from others you may have a reduced setback and there it goes on with the definition of a structure, 120 feet – 500 feet which is the definition of the structure that is behind my house. As far as it being alley loaded and having backup needs, the backup area may be within the alley and or the lot but not with an accessory structure. It doesn't say it can be in the neighbor's yard. Turn the page, what 11073.4.C, residential garages, 22 feet of backup space is required measured from the back of the parking stall to the far side of the alley, it ends there. I just cannot emphasize enough that I think this needs to return to the public process. The individual did not have a permit to put this up and if I could ask Ted to go back to the picture of the applicant's residence where the carport, or the shed, or the storage is, you haven't explained to me what is the little white building here and what is this white building here on the property and I just think cumulatively you've got to see where I'm coming from. You could decide this on its own merits you don't have to look at what's been talked about before but the planning people are aware of how this came about, they were very aware they were at the last hearing. I'm almost at a loss for words, you can see how hard I've worked on this and I did offer for Ted to let us delay it but the edge of the alley is as far as he can go. There was not permit. It does impact my property and this would be a terrible trend for the neighborhood and the City. That wraps it up. Thank you.

**Chairman Demarest:** Ms. Hulvey, thank you. Okay, so because this is an appeal we do get to hear from the applicant, the original applicant, is that Mr. Beardon?

**Julie Hulvey (3707 Nez Pierce):** Yes.

**Chairman Demarest:** Okay. So, Mr. Beardon? In the interest of time can we please keep this to about 5 minutes?

**APPLICANT TESTIMONY**

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**Rob Beardon (1811 S. Pacific):** Good evening Mr. Chairman, members of the Commission, previously you heard that I called code enforcement when I should have called and planning & Zoning. I had a neighborhood meeting for a variance where the Vista Neighborhood Association representative, Dave Kangas, said quote “the aluminum carport cover is unobtrusive, is tan in color, very muted and if the homeowner wishes to keep it we feel it is appropriate to follow the appropriate setbacks. We came in front of the variance Commission as directed and was unsuccessful. Before our meeting with our City Council we heard of a cross access agreement. We now have the backup space to meet the setback agreement which the City has already approved. Like all other code enforcement issues Ms. Hulvey has brought against us since 2002 we are in compliance. At this point I would ask you to deny the appeal of this issue that the City has already approved. Thank you so much for your time and patience and with our project.

**Chairman Demarest:** Thank you, Mr. Beardon. Okay, I don’t think we need to open this up to questions, do we? That’s a rhetorical question. I don’t see any questions coming from the Commission or for the appellants, staff or the applicant, is that correct? Alright, neither do I want to stifle discussion.

**Commissioner Gillespie:** I’m sorry Mr. Chairman, is it time for questions yet?

**Chairman Demarest:** If you have one.

**Commissioner Gillespie:** Okay. So, we had a variance request, it was denied. Subsequently a cross access agreement has been afforded, it was approved so if we deny the appeal we still have a denied variance sitting out there so would we re-hear the variance with this cross access approved, would that be the next step?

**Ted Vanegas:** Mr. Chairman, Commissioner Gillespie, this appeal is for the agreement.

**Commissioner Gillespie:** It has nothing to do with the variance.

**Ted Vanegas:** Right. This appeal is for an agreement between two neighbors to allow the applicant to back up his vehicles onto the applicant’s property. The variance request was to allow the applicant to reduce the rear setback, to reduce the setbacks, which was denied. However, the applicant came back and asked if he could use his neighbor’s property to make up that 22 feet of backup space that he’s lacking, the 7 feet that he’s lacking and we have done that before, like I said, so we did bring that in as an application, had the attorney review it and it was approved.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** So, it’s the City’s opinion that the sole reason that the variance was denied was the backup space issue, there was no other reason.

**Ted Vanegas:** Mr. Chairman, member Gillespie, the Commission could not find a hardship associated with the property to allow for a reduction in the setbacks.

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**Commissioner Gillespie:** But, just the rear, was it only the rear or the side setbacks also an issue?

**Ted Vanegas:** The applicant actually needs the side setback according to code which allows a three foot setback for structures of that size, the rear setback was not in compliance.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** So, it's the City's position that if we deny the appeal there's no code enforcement issue that would require a variance?

**Ted Vanegas:** Mr. Chairman, member Gillespie, the applicant had his chance at a variance and it was denied. If this appeal is denied the applicant will then be able to keep the structure in place.

**Commissioner Gillespie:** There's no reason for him to have a variance anymore in the City's mind.

**Ted Vanegas:** No.

**Commissioner Just:** Mr. Chairman?

**Chairman Demarest:** Commissioner Just.

**Commissioner Just:** I'm still a little troubled about this as well, I really have no issue with what the main issue is here but I am troubled by the pictures of that yardstick and 22 inches and I wonder if staff has done their own measurement there or how do we know that that's within code on the side setback?

**Ted Vanegas:** Mr. Chairman, Commissioner Just, we are simply going by the site plan provided by the applicant. Code enforcement has been out there numerous times and talked to us about the setbacks and has indicated that the three foot setback on the side is in existence, the rear setback is the problem.

**Commissioner Just:** Okay, thank you.

**Chairman Demarest:** Further questions? Commissioner Miller?

**Commissioner Miller:** You mentioned in the staff report one other time that this has happened, that this type of agreement has been permitted. Can you tell us any other, has this ever been used other than that one time?

**Ted Vanegas:** Mr. Chairman, Commissioner Miller, it has been used other times, this is just the example that I was able to find.

**Commissioner Miller:** But like five times ever? Or? Because I've never seen anything like this and I mean my concern here, obviously the optics of this are terrible, right, so I'm trying to figure out why this

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is happening this way and whether this is something that, I've never seen this before, but I've only been here for a while but is this something that one time, five times, one hundred times?

**Ted Vanegas:** Mr. Chairman, Commissioner Miller, as I previously stated it is pretty common in commercial developments, for commercial developments to share access and cross access and so we see that quite a bit. In residential developments, as I said, it's not as common but it does happen. The applicant actually came up with the idea because of one of the Commission meetings that he was attending for his variance and a couple of, it was another variance request where the applicant was going to use another neighbor's property to back up onto to get his 22 feet of backup space. So, that one was just discussed so that's what gave the applicant the idea and so we looked at it and saw that it has happened before and it does happen in commercial zones and so again, it was reviewed by the City attorney and approved there as well.

**Chairman Demarest:** Other questions from the Commission? I don't want to belabor this thing however, my non legal mind is saying something like this, there was a need for a variance, however the two neighbors worked out the problem, that is acceptable apparently according to the City Attorney's Office. Okay. It's kind of what we're saying right?

**Ted Vanegas:** Mr. Chairman, yes.

**Chairman Demarest:** Okay, great, thank you. So we need to hear from any registered neighborhood association, this should be Vista Neighborhood, Dave Kangas, is Mr. Kangas here? Okay, he's not here. So, we don't have anybody signed up on the public testimony sheet, is there anybody that wants to get their three minutes? I think we give the appellant an ability to rebut according to the City attorney's directions to me. Applicant first?

**Scott Spjute:** By code, applicant goes first.

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**NO PUBLIC TESTIMONY**

**PUBLIC TESTIMONY CLOSED**

**Chairman Demarest:** That's right, applicant first. So, Mr. Beardon, you get to go first, you're the applicant and again if you could just keep it as brief as possible.

**Chairman Demarest:** Thank you. So the applicant has taken just about a minute, I'm going to give the appellant just about that time for rebut.

**APPLICANT REBUTTAL**

**Rob Beardon (1811 S. Pacific):** I'd like to say that Ms. Hulvey hasn't provided a legal survey. I've been in and about with code enforcement since 2002, I've had all kinds of issues with my property, I've always

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worked with the City and I've always come out and been compliant. I've done everything that I can and I feel that the structure is unobtrusive like Dave Kangas said it doesn't present any problems, any issues and that's kind of where I'm at and I hope you guys deny the appeal.

**APPELLANT REBUTTAL**

**Julie Hulvey (3707 Nez Pierce):** I guess I would start by addressing your comment as to whether or not an agreement was reached, absolutely not. Indeed, code enforcement has been a problem, here's a letter that I sent to Scott Spjute in 2002. Would you please take time to look into and resolve the issue of the cars parking in the backyard at 1811 Pacific? The code section I know of is BCC11100402; currently there are two cars in the backyard in which my code violation only concerns one. How many vehicles will be in that backyard next week, next spring, next year? It's a reoccurring complaint in the neighborhood association. Also, I think that the administrative process was in error. If they applied on the 19<sup>th</sup> through this process they should have had 15 days, that would have been about the 8<sup>th</sup> of July and nothing was even issued until the 24<sup>th</sup> of July, I don't know how you get around that. The notice of violation does say the structure and required setbacks, plural. So, there was no permit, the code enforcement inspection was inadequate, the building was classified as a 400 square foot building that has to comply with setbacks and it's just too arbitrary, it's too much for me to tolerate, it's very stressful. That will wrap it up.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Thank you, ma'am. I do appreciate your time. So that closes the testimony and it comes back to the Commission to render its decision. This is an appeal and if I've gotten this correct it's an appeal of one issue and that is whether the access agreement is appropriate in this case, do I have that right?

**Commissioner Gillespie:** Yes.

**Chairman Demarest:** Okay, good. So, we're not debating the original variance or anything like that but the access agreement does give this permission or not. Commissioners?

**MOTION:           COMMISSIONER GILLESPIE MOVED TO DENY CAA15-00141 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER:       COMMISSIONER JUST**

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

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**Commissioner Gillespie:** Leave on a narrow issue of the appeal the City successfully showed that on all points of Ms. Hulvey's appeal she didn't have sound basis so on the narrow issue of the appeal I support the denial. On the issue as to whether or not the Planning Director's approval of the cross access agreement, therefore makes this a compliant structure, I am at this point agnostic and interested and that matter is not before us at this time. We are merely, in a sense, recording a cross access agreement, what that means for the structure, I suppose, remains to be seen.

**Chairman Demarest:** Further Discussion? Thank you, Commissioner Gillespie. Further discussion?

**Commissioner Miller:** Mr. Chairman?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** We see a lot of these difficult, there's not a variance before us tonight, however we see a lot of variances that come before us in these narrow alleys on narrow lots in the historic parts, and the older parts of the City and this in a sense is a game changer. If you can do this in those alleys then we're changing the nature of the rules about those variances and everyone for the last year and a half that I've been on this Commission should have known about that. I've never heard of this before, yes it is very common in commercial projects but I've never heard us ever mention to anyone else on a variance that this might be something that they could do and I am not certain that it is something that should be able to be something that you can do in this kind of situation in a residential neighborhood. If it is, this should be a watershed moment for us, this is a watershed moment that is changing the nature of how we're thinking about alleys in Boise, I've never seen this before so, if we're going down this road then we need to be telling people this is something you can do going forward. Maybe that's something we should be doing, maybe we should be giving more of that type of consideration in alleys but I've never seen us give that kind of leeway and we see these all of the time, the people in the north end, east end places have these kinds of problems. So, for that reason I'm troubled by it.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** I agree with Commissioner Miller and that's why I think we're just merely approving an agreement. I think the impact of that agreement on the structure; I'm not sure what it is. So, in my opinion there was a variance request, it was denied, I think there's a legitimate question as to whether we need a new variance request given the new information we have where we can consider whether or not it's in the public interest to grant the variance with that cross access agreement because we have the leeway to say I'm sorry we don't agree that agreement, which is proper, it grants relief in that variance. That seems to me to be a different issue than whether or not there in fact is a legal cross access



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agreement. Now I may be parsing things but I think we need I'd like to go back and look at the whole variance again with the agreement.

**Chairman Demarest:** Further discussion? Hearing none, it's time to vote so we're voting to deny the appeal. All those in favor of denying the appeal please signify by saying aye. Any opposed?

**THREE IN FAVOR, TWO OPPOSED, MOTION CARRIES.**

**PUD15-00019 / Boise Places**

Location: [1217 S. Roosevelt Street](#)

CONDITIONAL USE PERMIT FOR A FOUR UNIT PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF TWO DETACHED AND TWO ATTACHED SINGLE FAMILY HOMES ON 0.55 ACRES LOCATED AT 1217 S. ROOSEVELT STREET IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. [Ted Vanegas](#)

**SUB15-00046 / Roosevelt Corner Subdivision**

Location: [1217 S. Roosevelt Street](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 4 BUILDABLE LOTS ON 0.55 ACRES LOCATED AT 1217 S. ROOSEVELT STREET IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. [Ted Vanegas](#)

**Ted Vanegas (City of Boise):** Mr. Chairman, members of the Commission, the application before you is a conditional use permit with a preliminary plat for a 4-unit planned residential development on .55 acres located at 1217 S. Roosevelt Street in an R-1C zone. The planned development is comprised of two detached and two attached single family homes all located on individual lots. The preliminary plat is comprised of 4 buildable lots. The Planning Team finds the development compatible with the surrounding neighborhood. Detached single-family dwellings exist on all sides of the development. The project is located just 150 feet from the Kootenai Street and Roosevelt Street intersection. A church is located on the northeast portion of the intersection, with a 5 unit condominium project adjacent, and to the east. Two townhome developments, 18 and 13 units respectively are located approximately 0.10 miles from the site along W. Kootenai Drive. An existing house on Lot 1 is part of this subdivision and will remain as part of the PUD. The location of the house, with required setbacks, limits lot 2 to a width of 46 feet, which is 4 feet less than the required 50 feet for the zone. The applicant is also requesting reduced widths for lots 3 and 4, which is where the two attached townhomes will be located. The townhomes will front onto and take access from W. Teton Street and will have tandem parking with single-car garages. The existing house and the new residential structure on lot 2 will front onto S. Roosevelt Street; however access will be taken from W. Teton Street via a new side loaded, two-car garage. Though reduced lot widths and interior setbacks are requested, the project will still maintain the 100 square feet of open space for each unit as required by the PUD ordinance for developments less than one acre in size. This is a rendition of the attached townhomes proposed for lots 3 and 4 that will front onto Teton Street. This is a rendition of

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the single-family home proposed for lot 2, which will front onto Roosevelt Street. South Roosevelt Street is a collector that runs adjacent and to the east of the site, and W. Teton Street is a local Street that runs adjacent and to the south. This development is estimated to generate 21 vehicle trips per day, 2 in the PM peak hour. There are no new public or private streets proposed with this subdivision. 5 foot wide sidewalks with curb and gutter will be installed on Teton Street. The Planning Team has received some public comment on this applicant the concerns are generally as follows. As you can see street parking on Teton Street, there's concern about the width of Teton and potential street parking. Townhomes are out of character with the neighborhood. Units may end up as rentals and not owner occupied and new units could bring down property values. Each of the units will have the required two parking spaces in addressing the parking on the street. Currently Teton Street has 26 feet of right of way. ACHD is conditioning the applicant widen the street to one-half of a 36 foot street section with curb gutter and sidewalk. This additional width will make the street compliant with Fire department requirements for street parking. As for the character of the project as is explained in the staff report there are a number of townhome and condominium developments within a ½ mile radius of the property. The concerns on the rentals and not owner occupied the City really doesn't have any control over single-family development and whether the homes will be owner occupied or rentals and the Planning Team cannot comment on impact of development on surrounding property values. The Planning Team recommends approval of both applications. Two motions are needed for the PUD, a decision by Planning & Zoning Commission subject to an appeal by the City Council and for SUB15-00011, a recommendation to the City Council. Thank you.

**Chairman Demarest:** SUB15-00046, is that what you meant?

**Ted Vanegas:** Yes, sorry.

**Chairman Demarest:** Okay, just to be clear. Thank you. Okay, so the applicant. Please state your name and address for the record then let's talk about time. Would 10 minutes be respectable?

**Evelyn Grime (285 N. 1<sup>st</sup> Eagle, ID):** I will do my best because I understand how everybody is feeling.

**Chairman Demarest:** Okay, and then if you get 10, we will give 10 to the neighborhood rep.

**APPLICANT TESTIMONY**

**Evelyn Grime (285 N. 1<sup>st</sup> Eagle, ID):** Thank you and thank you for everyone joining us tonight, I know it is late and respectful of that. This project actually came before Planning & Zoning and City Council back in 2005 and at that point the project was different. The project was done under a condominium plat and the time where infill was very new and at a time where a lot of people didn't understand the condominium plat and it wasn't the best solution. We were actually approved all the way and building permits were issued and the whole project suspended in a crash so we're back here today with an improved project and the renderings of the elevations, I must apologize those were from the old file and my filing system wasn't as good as the City's, so I did pull those from records. However, let me describe the project to you today and that is it is a half an acre, .55 in an R1-C zone and the goal for me for infill is building within the context within the neighborhood. So, to keep the existing house its primary and to

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improve it was, a front porch, additional roof elements facing Roosevelt and an additional two car garage structure but still supports the way that the home functions today and improves the existing home. I believe that was built in about 1952 and so the request in order to keep the home and the add on required parking in a garage setting and not a pad setting would take us to having 80 feet left on the west side and a townhouse application there gives up the ability to increase the setback sides on either side and change the look of it. The design for the townhouse come straight off Kootenai from the 1930's (inaudible) and such and then the design for the home facing Roosevelt to the north is again, just very much within the neighborhood, not specifically from Teton but from within the larger Kootenai street and neighborhood. Each of the new three homes are one and a half story, these are not two story real houses, each of these homes is close to 25 and 30 feet wide vs. 15. The floor plans allow for master bedroom suite down and dedicated yard space which is to note in here with the dark green behind fences, light green front yard space and in keeping with the architectural flavor the single car garage with tandem parking is a solution. Some challenges for the site and concerns from the neighbors early on and today and resolutions. Early on in 2005 there was a property line question to the west and that solution was resolved even up to eight years ago where an easement was granted to maintain their yard and fence in its current location and not encumber their property. After that, the distance between the fence line and the side of the house, it's still close to 11 feet, so we have almost 14 feet from property line to the residence maintaining nice widths between homes and then if you look at the north side we also have a bit of a question and that is from the survey work, that existing home to the north is right on the property line, within inches so again, a similar solution can be in place as far as an easement granted but more importantly setting that new home 15 feet away from that property line gives ample yard space and it maintains the rhythm of the street. I would like to share with you, I'm trying to get a hang of the new podium here, so I'd like to share with you, it's not letting me scroll.

**Chairman Demarest:** Thank you; we will put those into the record.

**Evelyn Grime (285 N. 1<sup>st</sup> Eagle, ID):** Some have asked us, why keep the existing home? Why keep it? Well, that's how we do quality infill from our perspective, if you didn't keep the existing home this could be a solution, we would have a minor land subdivision and there wouldn't be any review process and you would have four buildable lots but there's that potential. I'm not saying this would be the exact solution but it shows you what could happen here if you didn't try to maintain the existing home. It's not what we want to do. So, in the interest of time what this is illustrating is the solution for the safety of the street and the parking. The key things that I have heard ten years ago and today are density, property lines, parking street and drives, architectural character, why keep the old house and home ownership vs. renting. So, ACHD requires that this road be expanded, half of a 36 foot intersection, street section, we actually proposed to do more. Originally, the site plan was submitted with an attached sidewalk and I would ask that this be approved with the modified site plan submitted tonight which allows for a detached sidewalk and to move that sidewalk into an easement against the properties themselves and create a landscape buffer between the sidewalk and a hard curb and what that lets us do, if you look at the section along the side, what that lets us do is add almost 10 ½ feet of pavement along the north side of Teton after coming around the curve. Now, I'm not an engineer so that curb radius is approximate however, for the bulk of the 140 feet you would then have 140 feet of street with an extra 10 feet of pavement and that provides for two clear travel lanes plus absolutely safe parking along the street. Now, coming back to this at the bottom there along Teton, I've just marked that additional pavement in gray, what we've worked out here

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for parking again because that is the concern, there's a single car garage inside that's expanded for storage, parking space here, it's the same condition here and it is the same condition here. On this situation, pulling out onto Roosevelt, we have designed this driveway, this was a solution for the last time too, where you would be able to pull out and go forward or if you're parked here you can back up and pull out to go forward. In these situations, what we talked about over the weekend as we were having more comments come in from neighbors, we talked to the owner and I said maybe we could do an extra wide driveway for the first section within the setback because we can take this and we can landscape it and we can still soften this into the look of the home. We're coming in with two car garages here and we're going to completely change the character. So, this meets requirements but this gives us additional onsite guest parking and still because the additional pavement here that's gained from a detached sidewalk, landscape strip and the curb, there's space here for one, two, three, four, five street parks. So, I'm trying to demonstrate that we've listened to the concerns and really have tried to work in those changes. Something else I would offer is the level of detail for these homes is comparable to a project recently completed in the last 3 years called Barker's Homestead falls up at Shoshone and Targee and that is a similar situation where there's two townhomes and one single family and those homes sold for closer to \$230,000 - \$265,000 and they are 100 percent homeowner occupied today. There's another subdivision which a partner of mine was involved in called Winston Subdivision, it was 14 homes, 4 went to parents buying something for their students to live in while they were going to BSU, 1 went to an investment company and the others, the remaining 9 are homeowner occupied. Another project, it's called Tarragon, it's a division in Hale, its 10 townhomes so five pairs, its currently sitting at 65% homeowner occupied. So, just to give you some examples, we feel when you bring home a new stock into old neighborhoods people want to live in their neighborhood but they're looking for a more compact home or something that suites them better and something that's new. So, a direct proportion to appealing to different demographics is these are master bedroom down; our goal is to appeal to all three demographics that could be purchasing here. I thank you and I stand for questions or rebuttal.

**Chairman Demarest:** Thank you, ma'am. So questions from the Commission for either the applicant or the staff? I'm hearing none, wow. Okay, thank you. Alright, first we're going to hear from the neighborhood rep if there is one, that would be Mr. Harkleford? Did I get that right? Central Bench. So we don't have anybody from the neighborhood association so let's go right to public testimony. First one signed up is Marty Helm.

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**PUBLIC TESTIMONY**

**Marty Helm (NOT PRESENT)**

**Chairman Demarest:** We're finding out what time it is, a lot of people have left. So, next person is Dick Anderson.

**Dick Anderson (NOT PRESENT)**

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**Chairman Demarest:** Next person on the sign-up sheet is Kurt Bergquist. Here he comes. If you would state your name and address for the record and you're entitled up to three minutes.

**Kurt Bergquist (4205 Teton Street):** Just want to go starting off with I think that everybody in the neighborhood agrees it would be nice to have some improvement on that property. Just a few concerns that we've had, looking at the R1-C zone it shows that at least one of those lots is under the 5000 square feet minimum, it comes in at 4232 square feet. Wondering how that could impact some things. Definitely concern on the parking. We just working about not having enough off street parking, she did mention that they were thinking about making that larger on the side which would be great. Another concern is that we have emergency vehicles running down Teton, it is a dead end street with a very small cul-de-sac on the end, it's not big enough for emergency vehicles to turn around in so they have to back all the way back out. That might create some issues with the extra traffic on the street. Wondering about if anybody has RV's or additional boats or something like that where they might be able to put that. One of the thoughts I had would be with those two houses facing Teton, what would happen if they moved them back about 15 feet or so, maybe even 20 that would give you more space for parking. That would just be one of the things I thought of. I think that's about all I've got. Thank you.

**Chairman Demarest:** Thank you, Mr. Bergquist. Next person is Maria Manning-Floch. There she is.

**Maria Manning-Floch (4308 Teton Street):** I have a different letter to submit for some of our neighbors who signed but (inaudible, walked away from microphone)

**Chairman Demarest:** We will put it into the record.

**Maria Manning-Floch (4308 Teton Street):** ... he wants to make sure the height easements are respected and the construction. He had to leave. Honorable Commissioners, I say too dense, makes no sense in the central bench neighborhood association, please do not approve this design as submitted. My objections come directly from Blue Print Boise speaking about City wide vision policy goals to protect stable neighborhoods while providing a variety of housing choices and emphasizing the importance of high quality urban design in the existing environment. AC7 provides for regulations to ensure new housing types fit into existing neighborhoods and central bench TCN3.4, compact neighborhoods limits on overall lot coverage for infill development to preserve the integrity of the areas larger lot sizes. The duplex facing Teton does not have enough open space or parking and our fear is it will attract short term residents who are not invested in the neighborhood. I wish we could provide a photograph; Teton is a dead end street, one block long with limited parking and no turn around. The development is proposed for the corner at the entry, I live deeply into the street about 6 houses in, there are only two houses after mine. Emergency vehicles, delivery vehicles and even the garbage trucks have to back out of our street in order to get back onto Roosevelt because unless they use a personal driveway there's no way to get out of the street so we're very concerned about adding a 6 bedroom duplex facing Teton, that it will increase traffic and decrease safety for all. We also believe that a dramatic decrease in open space and yards attached to the proposed dwellings changes the fundamental character of life on the bench. The lots on the north side of Teton of which ours is one, are 9000 square feet with approximately 6500 square feet of open space. The current design promises a minimum of 500 square feet of open space for each of the three units which is a gigantic decline in yard space and especially in visual open space. We accept that Ms.

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Higginbotham, the owner has the right to develop her purchase but we believe that four dwellings in the place of one are an excessive use of the property, to the detriment to the entire street. Infill is important but too dense makes no sense. We are convinced that houses without substantial yards are incompatible with single family residences and we would recommend eliminating the house facing Roosevelt to allow the houses, the townhomes facing Teton to have garages and rear backyards accessed from an alley onto Roosevelt.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Your time is up. Thank you. Next person on the sign-up sheet is Arlan Candie.

**Arlan Candie (NOT PRESENT)**

**Chairman Demarest:** Okay, that person has departed. Is there anybody else who didn't get a chance to sign up who wants to testify on item 8 or 8a? Seeing none, it's time for the applicant to have up to 5 minutes for rebuttal.

**PUBLIC TESTIMONY CLOSED**

**APPLICANT REBUTTAL**

**Evelyn Grime (285 N. 1<sup>st</sup> Eagle, ID):** Thank you I will just briefly address comments or questions. The comments that I would like to respond to regarding the irrigation, there's a main line for the water association, here. A benefit of this additional setback plus the easement granted here goes further to protect that existing easement, we are well away from it and it was replaced under some hardship to the neighborhood and to the property owner back in 2005/2006 so we definitely don't want to undo anything that we've done. One of the things that we can do under the CC&R's is limit, not like many do, whether you can have vehicular or RV parking, etc. and so we can place some restrictions within the CC&R's as you might find in other modern subdivisions that would restrict those additional vehicles being parked. With all due respect, I really appreciate Maria's time, she reached out to me via email, we had some conversation and I appreciate that she actually complemented the project, so I do appreciate that but I have to disagree and point out a few things. One is, this is not a duplex, it is a townhouse and let's be cognizant of that and we could move it back but I think if we move it back we're just encouraging tandem parking and the idea to widening the driveway at the street was to give more opportunity for guests parking and something that the neighbors and the people living there might be more inclined to use. So, I'm not sure why widening the street here at the front is the best thing we can do to make this a safer street. We can impact the end, that isn't something we can do at this time but we can improve the throat of the street and coming in off of Roosevelt. I would just speak to the 500 square feet of open space, you know lots, the existing lot is well over 8000 square feet which again is what impacts the lot to the north and puts it slightly under 5000 square feet. The two lots on the west with the townhomes, each of those lots are 5400 square feet and the footprint of that main floor is just under, it's right around 1300 square feet. So if I take 5400 and I subtract an even 1400 I'm still left with 3000 square feet of open space so I don't quite understand the math and I think it's a misunderstanding with something that may be written

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within the staff report that's a code requirement not a project proposal. So, I thank you for your time and I stand for questions.

**Chairman Demarest:** Thank you. I think we're done with questions for tonight. So, now it is before the Commission for a decision. Commissioners, your pleasure. By the way, we're going to do two motions on this one. We will start out with 8 and see what happens.

**MOTION:            COMMISSIONER GILLESPIE MOVED TO APPROVE PUD15-00019 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER:        COMMISSIONER GIBSON**

**Chairman Demarest:** Discussion? No discussion? Okay.

**Commissioner Gillespie:** I agreed with the staff report, I also agree with the calculation I calculated 3000 feet of open, not builded on land and I think infill is what the City really wants to do and this seems like a good project, well designed. I did wonder, maybe you guys know, does this go to design review because it's a PUD, can we ask that question of staff?

**Ted Vanegas:** Mr. Chairman, Commissioner Gillespie, this is not in the design review overlay zone.

**Chairman Demarest:** Further discussion? Seeing none all those in favor please signify by saying aye. Any opposed?

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**MOTION:            COMMISSIONER GILLESPIE MOVED TO RECOMMEND APPROVAL OF SUB15-00046 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER:        COMMISSIONER MILLER**

**Chairman Demarest:** Discussion? All those in favor signify by saying aye. Any opposed?

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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**PUD15-00004 / Highlands Cove, LLC**

Location: [1200 E. Highland View Drive](#)

CONDITIONAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 60 DETACHED SINGLE FAMILY HOMES ON 54.36 ACRES LOCATED AT 1200 E. HIGHLAND VIEW DRIVE IN R-1B (SINGLE FAMILY RESIDENTIAL) AND A-1 (OPEN LAND) ZONES. [Leon Letson](#)

**CFH15-00020 / Highlands Cove, LLC**

Location: [1200 E. Highland View Drive](#)

HILLSIDE DEVELOPMENT PERMIT FOR THE GRADING ASSOCIATED WITH A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 60 DETACHED SINGLE FAMILY HOMES ON 54.36 ACRES LOCATED AT 1200 E. HIGHLAND VIEW DRIVE IN R-1B (SINGLE FAMILY RESIDENTIAL) AND A-1 (OPEN LAND) ZONES. [Leon Letson](#)

**SUB15-00020 / Highlands Cove, LLC**

Location: [1200 E. Highland View Drive](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 60 BUILDABLE AND 10 COMMON LOTS ON 54.36 LOCATED AT 1200 E. HIGHLAND VIEW DRIVE IN R-1B (SINGLE FAMILY RESIDENTIAL) AND A-1 (OPEN LAND) ZONE. [Leon Letson](#)

**Chairman Demarest:** Alright folks, thanks for hanging in there with us. We have finally gotten to items 11, 11A, and 11B. I believe, Leon, you have waited a long time, as everyone else has.

**Leon Letson (City of Boise):** Thank you, Chairman and Commissioners. The application before you includes a conditional use and hillside permit for a planned residential development on 54.36 acres in R-1B and A-1 zones. The project also includes a preliminary plat for a 70-lot subdivision consisting of 60 buildable lots and 10 common lots. Located along the northern and eastern edges of Crane Creek golf course, between Braemere Road and Highland View Drive, the project is surrounded by single-family homes to the north and south and vacant land to the east. Development of this property has been anticipated for several decades, evident by three streets that are stubbed to the site; Chardie Road, Highland View Drive and a short stub off of Braemere Road to the north also signed as Highland View Drive. Those are shown with the red circles, here. There's also an ACHD (Ada County Highway District) easement that was established in 1991 for the new Highland View right-of-way proposed with this project. The applicant's proposal includes a preliminary plat for a 70-lot subdivision to be constructed in two phases. The first phase, pictured in red, will include 39 buildable lots and 7 common lots along the new right-of-way of Highland View Drive and Broadstone Court. The second phase, pictured in green, will include 21 buildable lots and three common lots along the new right-of-way of Chardie Road. Excuse me. The applicant has made use of the planned Unit development application for the relief of the minimum lot size and setback standards of the R-1B and A-1 zones as well as to cluster home sites and leave much of the site in its original state. All required perimeter setbacks for these zones have been conditioned to be met. The density of the project is 1.1 dwelling-units per acre. Existing zoning would allow up to 1.3 dwelling-units per acre or 73 dwellings. Amenities for this project include 32 acres of natural, open space, or space left in its natural state; a 30,000 square-foot central gathering space, a publicly accessible trail-way system, designation as a fire-wise community, and the use of drought-



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tolerant plants. The development site consists of moderately steep hillside slopes, 2 to 1, throughout the site and more gentle slopes, 7 to 1, along the westerly boundary where the majority of the development is proposed. Development will occur on approximately 24 acres of the total 54.36-acre site. The engineering analysis provided by the applicant and reviewed by Boise City Public Works demonstrates the land is capable of the volume and type of development proposed. Additional engineering and review by Boise City Public Works will be required prior to approval of the final plat. This development is estimated to generate 581 vehicle-trips per day with 60 in the PM-peak hour. New right-of-way includes extensions of Highland View Drive and Chardie Road, which will intersect within the site as well as the new right-of-way of Broadstone Court, a cul-de-sac. The applicant has also proposed re-aligning a small segment of Sunset Peak Road to accommodate the extension of Highland View Drive and to create a few additional lots on the lower portion of the property. ACHD is requiring a number of improvements, including curb gutter and attached sidewalks throughout the development, except along roadway sections without front-on housing. Those are pictured here; the blue lines, which might be a little hard to see, are areas with attached sidewalk and the red dash lines is a publicly accessible trail-way system. On-street parking has been restricted to one side of the road as well. ACHD has also required a \$20,000 road-trust deposit to be used for traffic-calming along Braemere Road and Highland View Drive within the existing Neighborhood. ACHD plans to engage in a broader effort, to address transportation issues within the existing neighborhood following the decision of this application. The City has received several comments on this project from the public as well as the Highlands and the North End Neighborhood Associations. Those in favor of the project tout the additional housing it will provide in a desirable area of the City as well as better transportation connectivity with the new right-of-way proposed. Those opposed to the project are concerned how the additional traffic will impact the existing neighborhood which lacks sidewalks and other facilities for pedestrians and bicyclists, particularly on Highland View Drive and connected roadways to the west. There is also opposition to the applicant's proposed realignment of Sunset Peak Road. Regarding hillside concerns, there is opposition to the grading that will be necessary to build the project and how it will impact the drainage and stability of the site. Others have expressed concern about the loss of open-space this property offers for hiking and walking dogs and animals. Finally, there is the perception that the planning team has erred in its review of the project by not applying the Foothills Planned Development Standards. Regarding opposition associated with traffic, roadways, and hillside issues; both ACHD and Public Works have approved the applicant's proposal. ACHD is also planning to engage in a broader effort to address transportation issues within the existing neighborhood following the decision of this application. As for the loss of open space, this is private property. The applicant does, however, plan to develop a publicly accessible trail-way system through the project that connects to existing trails off-site. Finally, Boise City Code is clear on the applicability of the Foothills Planned Development Standards. These standards may only be applied to projects involving a rezone or annexation. The subject property is currently within City limits and the applicant is making use of existing zoning. In conclusion, the planning team recommends approval of all three applications with conditions of approval. As a reminder, there are three separate motions needed. A final decision for the PUD (planned unit development) that can be appealed to City Council, a final decision for the Hillside which can also be appealed to City Council, and a recommendation for the Subdivision which goes on to City Council. As one quick, clean-up note I did want to add the following to the agency comments (see associated slide). These are all included in the packet but in the agency comment sections some of the dates were left out so I just wanted this to be included in the record for the conditions of approval. That concludes my presentation.

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**Chairman Demarest:** Thank you. Counter for the applicant. Given the hour and your needs, would 10 minutes be a reasonable amount of time? This is the applicant I am talking to.

**Dave Yorgason (14254 W. Battenberg Drive):** When I spoke to staff originally we talked about being allowed up to 30 minutes, my presentation is not 30 minutes long. I am definitely sensitive to the time and to the amount of waiting time that everyone spent to be here as well. So, out of respect for the process, I just want to give everyone a chance to speak and acknowledge that as well.

**Chairman Demarest:** So at the discretion of the chair can we suggest 15 minutes?

**Dave Yorgason (14254 W. Battenberg Drive):** I will try, my planned presentation is slightly more than 20, but I will do less than that.

**Chairman Demarest:** Okay, I think less would be appreciated.

### APPLICANT TESTIMONY

**Dave Yorgason (14254 W. Battenberg Drive):** Provided Exhibit 1.

Mr. Chairman and members of the commission, my name is Dave Yorgason and along with my business partner, Chris Connor, we are the applicants for the subdivision, here representing ourselves tonight. My address for the record is 14254 W. Battenberg Drive in Boise, ID. He and I are both long time Boise residents and have had the opportunity, and are proud to be in front of you tonight. We also, by quick reference, want to recognize and acknowledge several of our team members who are here, which will make them available for any questions, should you have any tonight. Dan Thompson of Thompson Engineering is the traffic engineer for the site, Dave Sterling from Sterling Engineers is also here, he is the civil engineer, Pat Durland from Stone Creek Fire, he helped prepare the safety fire plan for the development, and Deborah Nelson from Givens Pursley is here as well. I will not stand in front of you and repeat all of what staff just said. I won't go through all the city codes or the Comp Plan other than to just make this summary point. We really appreciate the staff's thorough analysis. ACHD made an additional and very thorough analysis of this development. I agree with all the analysis and all of the findings from the city staff and I agree with their conclusions as well. As quick reference again, this area shaded in yellow is the city map of the site. There has been a lot of history for the site. Currently, as staff has identified, the property is annexed into the city of Boise and the zoning of the property is a mixture of A-1 zone and R-1B. Unlike past applications for this area, where there was more of a piece meal approach and just sections of land, we have taken a holistic approach in our application, to really look at the current zoning and work within the current zoning, already approved densities for the site, and work within the Boise City codes and the ACHD codes, to provide something really quite simple in our approach to this application tonight. After having much discussion with staff and thorough review of the codes, here is our site plan. We have started off with, even though we are allowed up to 73 dwelling units, our original plan came in around closer to 70 and as we have worked with the staff and worked with the neighbors, worked with engineering and considered all those things in effect, our application in front of you tonight is for 60 dwelling units on the property. Zooming in on the site, again was referenced, but I think it is a really key point; there are 3 public sub-streets to the property. On the northwest part of the map is East Chardie

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Road, up on the northeast corner is Braemere with a stub road, and that is a critical point here, that it is currently labelled as Highland View Drive, and on the southern southwest corner of the property, right there, is also Highland View Drive, so we have two Highland View Drives on the property with E. Chardie Road stubbed from the northwest area of this map. Back when the Highlands Nines was approved around late 80's or 1990-91, one of the conditions of approval was a secondary emergency access. There was acknowledgement back then that at that point there was over 300-350 dwelling units all taking access off of one single public access on Braemere. You can go back to the point of Curling, near the country club, and there is approximately 350 dwelling units taking one single access. So it was a requirement to have a secondary emergency access for that area. Connecting the three public stub-streets does several things; first it improves Neighborhood connectivity. If someone lives up in the Highlands Nines or if you live in or want to go visit a friend on the end of Highland View Drive or something to that effect, they don't have to drive 2 or 3 miles down and then back up again just to see their friends and neighbours. So this will provide the necessary neighborhood connections for neighborhood connectivity. In our opinion it will actually reduce some of the traffic down on W. Braemere because people then can use the connection through our site for that connectivity. More importantly though, is this will improve the fire and life safety emergency services for the area. As acknowledged, there is an easement agreement with ACHD and I will show it here. This area shaded in blue, starting with the access point here at the end of Highland View Drive, running through to the Highland View Drive extension off of Braemere, is the existing easement agreement recorded nearly 25 years ago on this property as a condition upon when this property is developed, this road connection takes place. So in addition to neighborhood connectivity and improving emergency services in the area, satisfying the easement agreement already on the property, this is a very low density development. We are re-utilizing the existing development density that is in the already approved zoning of the property. We are clustering the homes through the PUD process, as encouraged by the city code. We could have larger lots, which would be less open space and frankly have lots up against Braemere lots which would be even less of an open space buffer in that area. We are preserving over 58% of the site as natural open space to be maintained by the Highlands Cove Neighborhood Association. Additionally, we are minimizing grading. This site not going to be developed like many historical foothills developments where you slice off the hillsides and do a mass grading of the site. This is a development where we are utilizing the flatter areas of the site and only developing in the flatter areas and the grading will take place where the road connections have to take place. The rest of the areas will be preserved and set aside and not disturbed. So, in addition to improving fire protection in the area, one way to do that is through creating a fire wise community. In all of our discussions with the neighborhood, and all the neighbours, not just those on certain select streets, the two main concerns that were addressed by far, were traffic and fire. There have been concerns in the foothills area and we agree with those concerns. We talked with Boise City fire, they directed us to work with various consultants, we selected one, and created a fire safety plan. In addition to that, upon his advice we are creating a fire wise community, which is a standard over and above just meeting the conditions and requirements of Boise City fire. We will have those conditions and meet those conditions throughout the development life and putting conditions within our CCR's to ensure that it is maintained as a fire wise community in perpetuity. In addition to that there will be a central community gathering areas identified and located here in that green area. Additionally, there is an existing trail and pathway to the site. It is on private property but we know it is used by many of the neighbours in the area, so we are choosing to not just cut it off, but to rather realign and use it within our set aside, open space area. Also, we will have native and drought tolerant plants throughout the site to satisfy any concerns that we have with regard to water

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availability. Quick couple of points, one is on wildlife corridors and habitat concerns. Fish and Game Dept., we have had several discussions with them. They don't have a lot of significant comments to the site, other than to apply the standard conditions of approval for foothills development. There's not a known wildlife corridor on the site. There's not a lot of migration of animals. But we do know there are some and we acknowledge that and so with that there are several wildlife corridors where we are siting the lots and opening them up to the corridors, so there are two or three primary areas, one through the middle, a second to the north, and a third to the south where any wildlife that do migrate up and down through the golf course or up and down through the foothills can still do so in a manner that is acceptable to Fish and Game. The home site placement, we have intentionally put the home sites down low on the golf course to try to minimize the impact on the views, especially those that live on upper Braemere and the Highlands Nines area. It is against the initial grading of the site and the engineering, where it is more natural topography to have them up higher but we've pushed them down lower where it is a little more of an engineering feat to do that with the cuts and fills of the site but we will be doing that. Lastly on this point, we will build quality, custom, single family, detached homes. Large section of the development, all these in the clustered area down here in the southeast corner as well as up and down Highland View Drive, the new extension of Highland View Drive, will be focused for the empty nester community. We are intentionally designing it that way because we have had a lot of feedback from the existing residents of the Highlands and others in the area, where there is a strong demand, those who live in the Highlands, they like the Highlands, they want to stay in the Highlands, but they don't need their 4,000 or 5,000 plus square foot home and so we have designed it in a way where this area of our development will be more focused empty nester. The balance of the lots in the development, specifically, primarily along (unintelligible) will be more traditional family homes. I want to touch on a couple of key points on traffic. Sunset Peak Road is identified to be realigned and I will touch on that for a couple of reasons. Down in this area through here Sunset Peak Rd. comes through here currently and is very tight for the existing golf course. There's approximately a 100 plus foot grade change from existing Sunset Peak down through the golf course and to squeeze Highland View Drive through that area can be done, but it is truly quite tight and narrow for one of for two or, we acknowledge because of the tightness it will disturb, at a minimum, on a temporary basis, the construction to build that road through there will disturb Sunset Peak Road. So really we have two options, as we extend Highland View Drive through the area Sunset Peak Road will have to be temporarily realigned just to accommodate the improvement of the public safety of extending Highland View Drive through the area. After that, Highland View Drive is extended through there, we have two options. One is to rebuild it back where existing was or two, reposition it within our property. We are not extending it outside of our development but within our current development. There are several points to that, first of all the existing grades of Sunset Peak Road are approximately 9.1 and about 10.8 almost 11 percent grades with existing Sunset Peak on our property. Our new grade will be 10.5 percent. We acknowledge that's more than 10 percent which is preferred by ACHD and Boise Fire. So we went to Boise Fire and ACHD and asked their comments to that. They both found it to be acceptable. With that, we also find that our plan is to not just, and some are going to suggest tonight that we are just adding three more lots to the development, we're actually doing this to avoid the tall retaining wall to the area and avoid having the new Sunset Peak Road be over, well it's about a 20 foot grade change from there to the new Highland View Drive in a very tight, after you have road separation of about 10 foot of width difference, a 10 foot wide gap between the two roads and a 20 foot grade elevation. Yeah, you could probably squeeze it in there but it would be extremely tight and we view it as unsafe and so our view to have a more aesthetically pleasing with sloped lots kind of built into the hillside there, therefore we can

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push Sunset Peak Road a little further away and have improved safety by including a little better visibility through the area. Right now it is a tight turn through there with a blind corner. We will be doing the slope grading to open up that area to make it more safe. I am just going to touch on the Traffic Impact Study, just real quickly in the sensitivity of time. ACHD advised that we do a traffic impact study. ACHD went back and wanted to update the traffic counts, they did that while school was in session last fall. They measured traffic volume and speed. We used very conservative numbers. Dan Thompson did with regard to using Compasses guidelines. Based on the actual numbers, specifically in certain sections of the Highlands area, we can actually quantify, known vehicle trips per day, instead we used more conservative numbers based on Compasses numbers to dictate the traffic impact study. Net results are this, one there are no impacts to the level of service on the downstream network of streets. That includes all the existing applications that are currently pending at the time of our application with ACHD and two it's not a volume problem, it's a speed problem. It is an existing speed problem. Our development hasn't caused any new cars, they are all existing cars, whether it is existing residents or contractors or whomever, are speeding, that's the problem, more a speeding problem than a volume problem. There is substantial analysis by ACHD staff, their traffic engineers, as well as an independent traffic study done for this report and that's all available and should you have any questions you can refer to Dan Thompson as well. ACHD made a decision after a very thorough analysis, and thorough vetting of this application. They acknowledged the requirement for the easement to connect Highland View Drive. They acknowledged that the existing external roadway capacity is adequate to handle the traffic. They acknowledged that existing speeding or traffic concerns are not caused by this development. However, they didn't leave it there; staff was directed by the commission to go back and identify several solutions to address the speed control mitigation. ACHD is committed to work with the neighbours, which is great. We have chosen to take a very neutral or passive approach and not guide this whole approach but, ACHD, and I want to make this very clear point, I've had several calls as of even last Friday from some residents saying that decisions have already been made, Braemere Road is going to be closed, or whatever the rumours are that are out there, that's all false. This development has not proposed any of those changes. ACHD has decided to not continue further action until after Boise City makes a decision. We acknowledge this is a separate issue, this is unrelated to this development and they don't want to complicate or confuse the two issues. There has been a letter submitted to staff and they've validated that which further question I could provide that to you if you like. With regard to traffic mitigation, first of all what are we mitigating if it's not a volume problem and it is an existing speeding problem. None the less, several points, one is we are connecting all three of the public stub-streets to the property. The three streets, by making that connection, disperses traffic instead of just sending all the traffic down one street or another, so this first thing is a form of mitigation. Second, we've already reduced the number of lots that's already allowed within the approved density of the property. By reducing the lots it does help to reduce some of the volume downstream. Third, ACHD imposed several conditions on this development including paying \$20,000 upon approval of this development, which will apply to directly, instantaneously to short term solutions and third and fourth, as this development gets built out there will be over \$200,000 of impact fees that will be paid towards short or long term solutions based on the input of neighbours and ACHD on how they would like to spend that. With all that, ACHD approves this development with the conditions of approval and we agree with all of ACHD's recommendations. Real quickly, again I mentioned the hillside and grading. We're minimizing grading to the site. The cut and fill will be balanced. If you look real closely on the report, we are slightly short on fill intentionally. We know that as there is construction of the development as the homes are built, excavation of the foundations, additionally material will be

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generated. So when you add all of that into the equation we will not be hauling in or out substantial amounts of material but all the site is balanced for cuts and fills. Retaining all the storm water on site, we are considering and managing all the pre-existing flows into the site as well and a geo-tech and hydrology and re-vegetation reports were all filed for this development, reviewed by public works and staff and other review agencies. I'd like to make one additional point. I have worked closely in the past with Boise City with regard to their erosion and sediment control ordinance. I'm very familiar with it. We believe in it, we will comply with it and not only now but we will continue to work with Boise City as this development proceeds to ensure the proper stabilization of the site on an on-going basis.

**Chairman Demarest:** So, Mr. Yorgason, our 15 minutes that we agreed to is up. Would you, remember you are entitled up to 30; 3 more, 5 more?

**Dave Yorgason (14254 W. Battenberg Drive):** Three, let's go with three more. Okay, I'm almost finished. Thank you. Why a PUD as stated? There're two primary reasons. One is to cluster the home sites to maximize and increase, preserve more of the open space, and two is to reduce the setbacks for a few of the lots, that area that is defined within the empty nester section of the development. Empty nesters typically don't want large lots, they want smaller back yards, smaller side yards, so we are requesting reduced setbacks for only those lots that are within the empty nester section of our development. Summary, this site has been contemplated for development for many years. It has been annexed and zoned by the city for residential development. The city has decided this density already through the zoning ordinance utilizing existing density on the property through the PUD process. Several adjustments have been made by us throughout this process in coordination with several neighbour's inputs and we have tried to accommodate as best we could and still have a viable development. The request in density is less than what's already allowed in the current zoning. The resulting traffic is less than the amount contemplated from the already approved zoning of the property and the levels of service on the impacted roadways will not be changed when you take into consideration adding all the traffic from our development. This development complies with ACHD policies and ACHD recommends approval after substantial vetting of the application. Complies with the existing easement agreement, which improves not only neighborhood connectivity, but provides critical connectivity for emergency services and for the school bus routes in the area. This improves the fire safety in the area. Additionally, it enhances the standards by a fire wise community. Trails, wildlife corridors, and historical drainage are all planned for and properly maintained. We are minimizing site grading. This application is simply to cluster existing development that is already allowed on this property through the PUD process which will again preserve more open space. All government review agencies, ACHD, Boise Fire, Boise Schools, and many others express either no concerns or addressed all their concerns through conditions of approval of this development. We agree with all staff and review agencies comments and all their conditions. We're not asking for one change. We agree with all the conditions of approval and we request your approval tonight with the requested approvals, conditions of approval. Stand for any questions you may have. Thank you.

**Chairman Demarest:** So, questions from the commission to either the applicant or the staff member?

**Commissioner Gillespie:** So Leon and applicant, I have just a few housekeeping questions. So on page 3 of 19 of the staff report where you discuss the setback table, I am a little confused. I understood there's

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Phase 1 and Phase 2 and then in this chart it says Block 2 and Block 3, I just wondered did I miss something or how should I read that?

**Leon Letson:** Chairman, Commissioner, that actually refers to actual lots and blocks within the development and those are associated setbacks. It's not phase specific. It's basically Lots 3 through 23 of Block 2 will have those associated setbacks standards as will Lots 5 through 17 of Block 3. So that encompasses both phases. All other lots are in that next table over or column over.

**Commissioner Gillespie:** So my next question is on page 6 to 19. So this is the page with the green and the red phasing. The last sentence of the second paragraph, (unintelligible) the lots exceed the minimum width of the R-1B zone which is 75 feet and the A-1 zone and it says 50 feet, I was wondering, I thought the minimum width on A-1 is 100 feet. Am I misreading the table and the code on that?

**Leon Letson:** Not based on the planning teams review of the project, but I can certainly double check that for you.

**Commissioner Gillespie:** I'm going to give some other guys a crack.

**Chairman Demarest:** Commissioners, questions for the applicant or staff?

**Commissioner Gillespie:** Alright, keep going.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Okay. So first of all Leon I am now going to get into the public record and ask just a couple of questions that came out of that. So there was a lot of questions about the identity of the applicant, I'm assuming the City has no issues with the affidavits of legal interests and the applicant identity.

**Leon Letson:** Chairman and commissioners that is correct. Our legal team has reviewed that and confirmed that that is all in good order.

**Commissioner Gillespie:** Okay. The second question is, so because it is a PUD we don't need to worry about the underlying zone of each individual parcel A-1 or R-1B. We can just consider it as a whole, that's the whole point of it.

**Leon Letson:** Chairman and commissioners that is correct.

**Commissioner Gillespie:** Another question that came out in the public record was concerns from the Neighborhood associations as to whether the ACHD record was complete. My understanding is the ACHD that we have here does include that last traffic study the ACHD asked for so that is available for public comment in this record.

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**Leon Letson:** Chairman and commissioners that is correct. All ACHD review of the project is associated with the project report or included.

**Commissioner Gillespie:** Another question that came up in the public record was the question of a density bonus which seemed to me to only really apply to a rezone or an annexation. So my understanding is that the applicant is not requesting a density bonus of any kind in this PUD is that correct.

**Leon Letson:** Chairman and commissioners that is correct. The applicant is working within the designated allowed density of the zones.

**Commissioner Gillespie:** Okay.

**Leon Letson:** I will add, one second, the A-1 is 50 feet wide. We've confirmed that in the brief time that you have asked a couple of other questions.

**Chairman Demarest:** I saw you ruminating.

**Commissioner Miller:** I'll give it a try and then I'll let Mr. Gillespie think of some other questions. So I just wanted to, these are really in no particular order, one thing that has been just kind of becoming a bigger issue in my mind are these pathways that are maintained by HOAs in the area. You're saying 58 percent of these are going to be maintained by the HOA. Let's say we approve this project and it's built and the HOA decides to thoroughly defund the entire project, they don't want to deal with it, they don't want to maintain the trail. Would we have any recourse?

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman is that a question to me or to your council?

**Chairman Demarest:** I do believe that is to you.

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman and Commissioner Miller.

**Commissioner Miller:** What's your understanding? Are you proposing that we would have any recourse or not?

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman and Commissioner Miller, I've built a lot of subdivision in the valley over a lot of years. Anyway, there is always a discussion or always a concern with what happens if you don't meet a condition of approval and that is why we are putting that requirement in here to have adequate funding, which really comes under the funding typically. So we'll have adequate funding in place, maybe call it seed funding to ensure there is proper maintenance of all the open space. Because it's not just the trail we're concerned with, it's the grasses, the other areas, the fuels for fire. Our site is low, flames go up the hills and we are sensitive to all those aspects so we will have proper budgeting in place for our HOA to ensure that as the homeowners pay annual dues into the association that that will take place.



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**Commissioner Miller:** Could you point me to that condition of approval?

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman, Commissioner Miller, I'm not aware of that condition of approval but that is our requirement. If you want to add that we would accept that as a condition of approval.

**Chairman Miller:** So you would be open to a condition of approval that would say, mandate a certain level of service in the maintenance of trails and the open areas.

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman and Commissioner Miller the answer to that is yes. All common areas and the trails would be a part of the common areas.

**Commissioner Miller:** Okay. And as far as enforceability of that, of those, would you be open to having the city sort of be the, having some sort of enforceability of that.

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman and Commissioner Miller I've thought about that a little bit, maybe I'm taking a step back here, one of the things that I don't just develop subdivision, I also serve on City of Boise Park Impact Fee Advisory Committee and I am familiar with pathways and trails a little bit with the city with regard to that. As I am familiar with that process, the city won't even take over ownership of it. That's something we put in our original narrative, if they want to have that option and make it, not only just maintained by the HOA but if the city wants to take even further action and actually own that trail, we have offered that up in our application and we're still open to that. So if that is something you think would be the right approach, we're open to that.

**Chairman Demarest:** Commissioner Miller?

**Commissioner Miller:** I have some other things, but I'll let other people if.

**Chairman Demarest:** Okay, who else? Not seeing anybody okay. Commissioner Miller.

**Commissioner Miller:** Okay. These are other issues that I am guessing will come up so let's just have the conversation now because this is my chance to have the conversation with you and then so, wildlife corridors, I didn't see those anywhere specifically on the maps, so could you point out on the map, maybe I missed it, but what are you proposing as the designated set-asides that are the wildlife corridors, cause I'm sure some of the 100 people in here is interested in that.

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman, Commissioner Miller the initial primary is where the arrow is pointing right now. It's not the only, it is the primary. Secondly, I've had some discussions not just on this property but other developments; I've worked with Fish and Game throughout the valley. It's acknowledged that sometimes the wildlife will traverse through the upper area which would be this case here where there is more sunning on the hillside on the southern slope, sometimes they want to travel down in the lower area where there is some moisture or some other reasons for the wildlife to traverse. So this site here, I am going to apologize for one slight error on the site plan, this here, this

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yellow here, I wanted to bring it up but I didn't in my short amount of time, this area, this yellow is supposed to be open space, it's a common lot and so that is a slight error on the plan but that is in the lowest area of the entire site, is where that area is. So historically, traditionally, if there is any traversing through where any moisture might be including in the winter time when there is a desire for that travel, that would be a second. This area right through here.

**Commissioner Miller:** Okay.

**Dave Yorgason (14254 W. Battenberg Drive):** And thirdly, they can go up and over the top or fourth they can come to the south. Those are all acceptable to Idaho Fish and Game.

**Commissioner Miller:** Okay. Again, forgive me if this is somewhere in the hundreds of pages but I didn't see a designation in the conditions of approval, is there one that I have missed somehow or of those spaces, or?

**Leon Letson:** Chairman, Commissioner, Idaho Dept. of Fish and Game, as the applicant has mentioned did not identify the need for any wildlife corridors in this project and didn't identify any migratory animals that would trigger that requirement, so no, there is not a specific condition associated with those wildlife corridors.

**Commissioner Miller:** Okay. Having just discussed, is that something that you are open to because I'm guessing that might be something of interest to people.

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman and Commissioner Miller, absolutely. The thought here is that any area that is not a building lot, again the yellow square areas are building lots, anything else is preserved, set aside open space, it will never be developed. So if you want to put an easement through there to ensure that it won't be developed or to ensure that it is a wildlife corridor, it's no different to us because we are doing that and so if it gives you the confidence to have that additional condition to show as I've shown here the one, two, and if you want others, but one or two is more than adequate for this site, then we're more than willing to accommodate that.

**Commissioner Miller:** Alright, one more. With regards to ACHD and the traffic, you mentioned \$20,000 initially that would go towards short term issues and also \$200,000 general impact fee. I'm presuming the \$200,000 is not specific to this project site and is the general impact fee to ACHD. But with the \$20,000, and again this may be buried somewhere in there that I missed, could you talk about what are the short term traffic calming issues that were proposed there.

**Dave Yorgason (14254 W. Battenberg Drive):** Mr. Chairman, Commissioner Miller, I don't have all of them memorized, but I can just tell you that there were about six or seven short term solutions, some of which included, some areas around the schools, maybe some stop signs or things like that, speed humps if that was desired by the neighbours again, let me take a step back, these are all decisions between the neighbours and ACHD, we are not directing any of the decisions, but none the less, if ACHD and the neighbours come to an agreement of which of those solutions they are, speed humps I believe is one of the solutions, it is not all of them, but is one of them, which is fairly quick and easy to accommodate.

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There are six or seven, maybe a dozen, I can't remember, there are several long term solutions as well, but as far as short term that can be done in the next few months, recognizing that maybe it's not going to happen because they postponed it for now so they'll have to get past the winter and they would then impose those short term solutions in the spring. That is my understanding, that there is about six or seven speed humps, stop signs, some kind of signal light or something like that around the school, those are types of things that I recall.

**Commissioner Miller:** Okay and just forgive me, did I miss this, was this a condition of approval?

**Commissioner Gillespie:** No. It's not a condition.

**Commissioner Miller:** But it's in ACHD's?

**Commissioner Gillespie:** ACHD.

**Chairman Demarest:** Commissioner Miller.

**Commissioner Gillespie:** Commissioner Gillespie.

**Chairman Demarest:** Commissioner Gillespie, I'm sorry.

**Commissioner Gillespie:** After the hearing with ACHD they were directed to look at some of these issues and they've presented a list of them with the pros and cons and the cost and it was things like speed bumps and lights and other traffic-calming issues for both Braemere, My impression is it was mostly for Braemere, I couldn't tell how much was related to Highland.

**Leon Letson:** Chairman and Commissioner, Highland View I believe was the road that was seen as the biggest issue of those two.

**Commissioner Gillespie:** The lower part, right?

**Leon Letson:** Yes, lower Highland View.

**Commissioner Gillespie:** Right.

**Leon Letson:** Essentially, and the public will certainly help us understand this more during their testimony; but essentially off-site, Highland View is the issue. Yes, there are several sections that need some work. ACHD has basically made the decision that if this project is approved they would then go back and be in that public process with the neighborhood to figure out what the appropriate solution would be.

**Commissioner Miller:** Ok, thank you.

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**Chairman Demarest:** Commissioners, any more questions for the applicant or staff? Hearing none, thank you gentlemen.

**Dave Yorgason (14254 W. Battenberg Drive):** I just have one thing I'd like to submit for the record. We're aware of a couple of individuals who wish to submit support for the development but they were unable to be here tonight and I have their statements.

**Chairman Demarest:** We'll take that.

**Dave Yorgason (14254 W. Battenberg Drive):** Who do I provide those to?

**Chairman Demarest:** We'll take that right here.

**Dave Yorgason (14254 W. Battenberg Drive):** Thank you.

**Chairman Demarest:** Ok, first person we get to hear from for about 17 minutes, which matches the time that the applicant had for his presentation, is Mr. Masser.

**Dr. Philippe Masser (901 E. Chardie Rd.):** Yes.

**Chairman Demarest:** For the second time this evening. Welcome back.

**Dr. Philippe Masser (901 E. Chardie Rd.):** I'm getting use to this.

**Chairman Demarest:** Thank you for hanging in there with us.

**NEIGHBORHOOD ASSOCIATION TESTIMONY**

**Dr. Philippe Masser (901 E. Chardie Rd.):** So my name is Doctor Philippe Masser. I live at 901 E. Chardie Rd. I come before you as the president of the Highlands Neighborhood Association and 17 minutes should be just about right. Thank you Mr. Yorgason you've covered some stuff that I was going to (unintelligible) it was a more complete presentation so I don't have to cover some of that stuff. Just kind of a quick review this area here that is the R-1B, that's the extension of the development that was done in the 1970's they just never built that area, but you know the area now. This is very complicated; I can't believe that town home things get complicated. This gets complicated before you start talking about it. This is an old development that never got done, there's this easement agreement, comprehensive plan, then some land was annexed in 1996 and failed to get rezoned to R-1B in 1997 and the foothills plan and the foothills transportation plan and you've got the foothills planned development ordinance in 2000, then you get the annexation of the open land that is now called A-1, that is the more north slope land and then you have the ordinance that changes A-Open into A-1 and A-2 and confused you about the frontage, A-2 has 100 feet, A-1 has 50 feet. So, the Highlands code itself is complex, its annexed different in different times, there's this road easement that I'll talk a little bit more about in a second, there's this prior development application that gives us a lot of information about what the problems are with this particular cove. There's the annexation that happened in 2001 because the Highlands Corporation who owned all

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this land and built all this development and the infrastructure below it and the road, they wanted that north slope land annexed into the city, the city annexed it, the zoned it A-Open, the Highlands was not happy with the A-Open, they sued and it took until 2008 for the Supreme Court to find in favour of the City of Boise and that gives us information. There is prior ACHD assessments about the problem with developing this land and there's a lot of ordinances and policies that intersect and it's kind of a byzantine, complex web of ordinances and policies. So briefly, and sometimes I'm not talking to you guys, I'm talking to the people behind me so they have a full picture of this and my perspective on this. So, I beg some indulgence there. The Highlands is a corporation that bought a lot of the ranch land, had a vision that this could be a development, they were successful, they'd built the lower development first and upper developments later of course. There have been over thirty developments built by Highlands and a few others they sold to other developers to do. All the roads that are called collectors were built by the Highlands Corp. the way they built them. Highlands Corp. tried to develop this land in 1996 and 1997 that was ultimately denied by Boise and by the early 2000's most of the land in the Highlands has been developed and there's a little bit of land along, so this is the early part, and this is the later part, as is this and then since 1991 the only land that has been developed by the Highlands is the stuff along Bogus Basin and there's a reason for that. The 1991 ACHD Easement prevented any further developments that would put more traffic onto Braemere because everybody knew that there were too many houses on Braemere and no other way out from Braemere but by Curling. ACHD and the city said that's it, Highlands you don't get to build anymore developments that's going to put any more traffic on Braemere, pedestrian or vehicle until you get that connection road, that's part of the 1991 Easement Agreement for when the Highlands Nine got built. So, the 1996 development application was an attempt to fulfil that easement agreement, get that road built and then open up for more development, it failed. And when ACHD looked at that they really said, Boy Highland View Drive is not a very good road, it was built basically like a local road, it's been turned into collector by necessity and no more than 23 houses of this development application should be put onto it. And what happened and here are some of the comments we'll go through them quickly, the bottom line is that they are saying 23 is max and let's submit it, this is an unbiased assessment, a lot of that traffic, most of it is going to go down Highland View, that's just quicker to downtown, why would anybody up to Braemere to go downtown when you can just go down Highland View. That's what a lot these said and they said the staff remains that streets should not be allowed to significantly see 2000 trips per day on the upper reaches of Highland View Drive and that's already been exceeded down on lower Highland View. So, this is that further added and basically there was a contentious hearings of P & Z and the city council where people yelled at each other and some of the people in this room were at those hearings, I was there at the City Council meeting and traffic issues were all acknowledge by everybody but they argued and in the end the city denied it but Boise P & Z at that time said yeah, traffic is a problem. So, that application was denied in 96, the Highlands, Inc. informed that further development applications on this land will use the foothills policy plan, they just had gotten adopted in 97. The Highlands was not happy to hear that and then in 2001 Highlands requested and received the annexation of the remaining open land as we talked about and that's this stuff, all this stuff here is all that stuff that was annexed in 2001. That's the majority of the land in this application. So, last step is that Highlands sues the City of Boise about that annexation because they wanted more density in that initial zone and that goes on and on and in 2008 it gets settled. So, what's the current application, these guys have explained what the current application is, they've been talking to the Neighborhood since 2014, they've been doing the surveying, engineering, they didn't get the right to apply for the development from the Highlands until December of 2014 and Highlands is the first trustee holder of this

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land and I don't know exactly how much money they put down in it but it's not a lot. The developer, and we've had collegial talks about this, said we do not need to use the foothills plan development stance on this land and we aren't going to. You know at the hearings, I'm not going to go through that, yes, ACHD gave approval but other people have talked to you about that, they gave approval sort of reluctantly saying they had no choice on the matter. Legally, you could not disallow it. That's probably an error, error of law, error of facts, but, so what is the importance of the easement agreement again, it's that this has got to be built for the Highlands Inc. who owns, still basically owns this land, to build any other developments in the Highlands that would put traffic on Braemere. And if this project goes through they get it. And what land are we talking about, this land up here. This is the end of Hearthstone and this land, there is some here, that's still in the city and is already zoned R-1B but all this is about 150 acres of land in the county and I've got that here. That's about 150 acres. There's another 100 some acres just above it but that's kind of closer to Bogus Basin so that's probably not the problem. This is what they need the easement agreement fulfilled for is that it unlocks this land for development. There's also this parcel here - when there's a road here I'm not sure we can say that this doesn't get developed and that's great, this doesn't go into the Highlands, this belongs to Claremont Corp., Claremont Realty, the Simplot family and down here belongs to Brad Little, the Lt. Governor so there's nobody that owns this land these are just little people. Okay, so the whole key point is this unlocks about 150 to 250 acres of Highlands land for development. I could understand, this is stuff you guys know, there's a lot of legal issues involved with this whole project, we don't think the approval by ACHD really meets legal muster, they based it on a false, faulty advice from their attorney about what they were allowed to do, they were not happy about approving it, they felt they didn't have any choice. Planning division, Leon's a good guy, but he sort of said, well ACHD approved it there must not be any traffic problems, that's not the same thing. The planned unit development idea you know that's really, you guys know, that's really discretionary on your part to sort of judge whether this planned unit development you know, in order to get less, no more density, or you know clustering and you know reduce minimum lot sizes, do get something for that? Is it overall a benefit for the community; is this something you want to do? It's not something you have to give them. The idea about undue burden of transportation which is you know part of the zoning code. Again, ACHD approval is not evidence that there is not undue transportation burden. There's been talk about the vested rights of the land. Well, I had to look some stuff up, I believe that Commissioner Miller is the lawyer on the Commission, so I had to look it up, what it meant, I think I'm pretty close to it, the vested right for A-1 zoned land is you can build a house at density of one unit per acre with a minimum lot size of one acre. Everything else you've got to go through a PUD to get something different out of it. The vested right is to develop at that density and that lot size. That's the only vested right and again, they're using the planning and development to effectively up-zone the land that they want to develop and I don't think you need to do that, you get to judge whether that is the right thing to do. So, again, don't hold me to these numbers, I think I kind of did this on the back of an envelope, but basically about 25% of the total A-1 land has about 85% of the development and that's 15 acres of this A-1 land or something like that. I give my apologies of these numbers aren't right. The point is, is that the development is sort of put into a small amount of the A-1 land. This is not correct, I withdraw this statement. There is common open space with the development, that's that picnic area, but the primary open space that is left open is not within the development in the sense of like inside the development of where the people live, it's that, it's this piece of land and it goes from here all the way to down here, down over, this is about 13 acres if I remember correctly. To give you an idea this is from a picture from this point right here, the cul-de-sac, so this is Highland View Drive will kind of do this up to there, this is that land that Claremont owns down

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here. This is the west end of the major part of the open space, the 13 acres. As you can tell, its primary purpose is geologic; it keeps these condominiums from falling down into the golf course. I don't think I'd want to call it, some people say, well it's rough for the golf course, but I think it's actually out of bounds so it's not really truly that. This is just a little further east, this is just the same thing, you can't even see this land from the development, from most of the development. It's not; it's contiguous with one lot, that land. This is from kind of the lots, the one that can kind of see it, but you can't really see it because it's all around the corner of that land we just were showing you. (4:57:40 audio cuts out) really unbuildable except for this little area down here. There is where they are building, this area here, the road is going like this, they've got to grade and I guess it's grade and fill, flatten basically a hill, a small mountain, a total of the small mountain (4:57:59) in order to make the road. I'm going to go through these very quickly, this is just a laundry list of specific, Boise Comprehensive Plan or Foothills Plan, stuff that it doesn't meet. You are going to hear more about Sunset Peak Road from people who are passionate about it, so I'm not going to talk about that. Again, there are a lot of things that are either not addressed by the application but should have been addressed or addressed but not satisfied by the application in our opinion. There's stuff like, you are supposed to have bike lanes, if you don't have two sidewalks, you're supposed to have two bike lanes. ACHD doesn't enforce this because ACHD is not Boise and ACHD doesn't care what Boise says. You guys know that. So, again, remember from the previous presentation, there's only two entries and egresses from the Highlands and it's North 15th and Harrison and this traffic ended up in both of them and traffic that comes down Braemere, that hits down here at Curling and a lot of it goes across Braemere because people do not want to go by Highlands in the morning when there's a drop off traffic. There's no bus into Highlands, so it's all the kids walking, bicycling, crossing the street and getting dropped off in SUV's of course. And then during the winter of course there's all the traffic going back and forth to Bogus and people just don't take it, they cross through Braemere and add to the traffic on Highland View. I'm going to let them talk about it a little more. I'm just going to bring some points up here very quickly, is that Cartwright adds to our traffic, Bogus Basin adds to our traffic, the interim Foothills Plan in 1998 said the central foothills could accommodate about 90 units. Since 1998, 330 home sites and 28 condominiums have been approved or constructed in the Highlands alone and at least like another 200 that I could easily count off of Cartwright and Bruce Eggleston, who has done a lot of this work for the city planning division said that the traffic capacity in the foothills has been long consumed. This is when the last application was going on. So, it's basically, that there's inadequate capacity of the Highlands has been confirmed via 1996 ACHD and the central foothills, the interim foothills transportation report, in the 2001 annexation ordinance that is in there, in the brief submitted by the City of Boise to the Idaho Supreme Court for their side and by Bruce Eggleston and the (inaudible at 5:00:27) development and despite all of the above more development has been put in there little by little, eating away at this. I'm going to just skip ahead because I do want to talk very quickly about a couple of things. The annexation and I beg a little bit for maybe a couple more minutes, the annexation ordinance said that when you develop this land you've got to use the new streets criteria from ACHD for the collectors and that's 3000 units, that's 3000 vehicles per day. That's already exceeding Highland View Drive. Okay, I'm going to have to skip, applicability language of this, this is very, very important. We think the foothills planned development ordinance should apply, this was 1997, it didn't get, the foothills planned development ordinance didn't get put into law until 2000. The wording is usually paraphrased the way you heard it tonight, stuff like, only if an annexation rezone is required at the time of the development application or does not apply unless, or like in the report today, the newly entitled through an application,

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**Whitney Montgomery:** Time.

**Dr. Philippe Masser (901 E. Chardie Rd.):** ...this is what the foothills planned development ordinance is required by statute to basically enforce the foothills policy plan.

**Chairman Demarest:** Mr. Masser, your time is up.

**Dr. Philippe Masser (901 E. Chardie Rd.):** You're going to give me one or, we have waited hours. I beg for one more minute.

**Chairman Demarest:** I'll give you one more minute but then your time will be up. You've had exactly what the applicants had and now a little more.

**Dr. Philippe Masser (901 E. Chardie Rd.):** Thank you and then the applicant was thank you asked many questions, I hope I'll be asked as long any questions.

**Chairman Demarest:** Actually you won't be. After this we'll go to public testimony. Let's hear from the city attorney.

**Amanda Schaus (City Attorney):** Mr. Chair, a point of order that the code requires an equal amount of time, the applicant and the Neighborhood association, so the Neighborhood association cannot have additional time unless we are also willing to grant that to the applicant.

**Chairman Demarest:** I'm willing to give the applicant, I'm willing to give the Neighborhood association, ma'am please, if you would stop that we would go on but otherwise we will stop right here, okay, everybody will get their three minutes to speak, not from the audience, from the podium, okay I would appreciate it if you would stop that immediately. So I am willing to give one more minute to both the speakers.

**Dave Yorgason (14254 W. Battenberg Drive):** Would you like me to address you Mr. Chairman? I'm not asking for a minute, but I will concede another minute for the record.

**Chairman Demarest:** Okay, that's fine. I think we're fine, but please nothing from the audience until it is your time to come up.

**Dr. Philippe Masser (901 E. Chardie Rd.):** The point is and I will try to summarize very quickly.

**Chairman Demarest:** So, one minute, thanks.

**Dr. Philippe Masser (901 E. Chardie Rd.):** The foothills policy plan had this language in it, the foothills planned development ordinance is supposed to enforce it, indeed the language of the May 3, 1999 draft had language that was almost precisely the foothills policy plan and said any proposed use or conditional use permit would invoke the provisions of the foothills planned development ordinance. In December '99,



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Bruce Eggleston presented the revised version of this plan and said we simplified this language and in there he says that the proposal is designed to build from and include the planned development plan if a development application requires a conditional use under the zone, that conditional use would have to have to be regulated by the proposed ordinance. This is what P & Z voted on and additionally, the A-1, A-2.

**Whitney Montgomery:** Time.

**Dr. Philippe Masser (901 E. Chardie Rd.):** Thank you, I'll stop here.

**Chairman Demarest:** Okay, so getting now to public testimony, again everybody will get their time alright we are just going to go down the list. We've got about 30 people signed up on the list. We'll just go in the order that you signed up. First person signed up is Anna Brown. Second person on the list by the way so you can get kind of close by is Tim Fitzpatrick.

**PUBLIC TESTIMONY**

**Anna Brown (445 E. Braemere)** Hello, my name is Anna Brown. I live at 445 E. Braemere. My family and I, my family's main concern regarding the new subdivision is the current and future unsafe speed on Highland View Drive and Braemere. It is a problem on Braemere too even though we have sidewalks. Mr. Yorgason said that it is an existing problem which is true. The speed limit is 25 but this is not followed nor is it actively or passively enforced and adding 600 more cars to these streets will only increase the number of cars speeding and risk the safety of residents, particularly our children. Mr. Yorgason also said that they would contribute \$20,000 to speed reduction measures. Each speed hump is \$3,400 so that equates to about 5.8 humps for Highland View Drive and Braemere which won't do too much. Significant speed reduction measures are essential before considering adding more homes to this Neighborhood please. I have a video also and you can cut it off if you need to.

**Chairman Demarest:** You have about two minutes left.

**Anna Brown:** Okay, that's fine. Hit it. Oh, that's unfortunate. It'll show how easy it is to drive fast down Braemere unless you make a concerted effort to slow down which many people don't. The video starts up on E. Braemere by the stub street for Highland View Drive. (Video transcript: *I attempted to take this video earlier but the sun shines right down in your eyes as you descend Braemere and there were a lot of families out on their driveways and in their front yards, people walking and I didn't want to demonstrate it when they were there.*) Sorry, it is very amateur.

**Anna Brown:** (*I'm not on the accelerator at all; I'm not on the brake. As you go down the hill here you pick up a lot of speed. I'm going 35 right now. I need to slow down; I'm braking right now, which a lot of people don't. That's Harcourt, if I weren't on the brakes I would be going 40 miles an hour which many people are when they come down here. I'm going 30 right now and I'm on the brake.*) Sorry I wish I could edit this out, (*but I'm not accelerating at all but I'm going 35 mph. I'm going to slow down here a little bit, I just passed Balmoral going 30 not accelerating at all, there's Hearthstone and this is where the cars pick up a lot of speed too, I'm braking but,*

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**Whitney Montgomery:** Time.

**Chairman Demarest:** Time is up ma'am.

**Anna Brown:** Okay, the point is you end up going about 45 around that curve.

**Chairman Demarest:** Thank you. The next person is Mr. Fitzpatrick and followed by Jeff Cliff. If we can kind of get in line there, queue up and save a little bit of time this evening.

**Tim Fitzpatrick (2742 Tablerock Road):** Hello, my name is Tim Fitzpatrick. I live at 2742 Tablerock Road. In brevity here I will speak on Jeff Cliff's behalf, I have his permission as well as Greg Redden, Lynn and Mike Saunders and Bill and Heather Cox have all given me permission to speak in favour of this proposal. You know, in looking at this development I've heard so many rumours that you know there are hundreds of condos going in there, the impact of what it's going to be, that Braemere is going to be closed. I think as a family that would like to move and be part of this Highlands Cove development, I don't think you're going to find another developer that has put the effort into working with the community and making this go forward. There's been a lot of talk about quality homes, low density development, quality custom new homes, fewer homes than the allowed current zoning and I'd just like to say through this process I've worked with a lot of developers in my life but I haven't really seen one that has tried to meet the concessions, work with the Neighborhoods, try to accommodate their comments and strike a balance between Neighborhood desires, traffic impact, open space preservation and an economically viable development. I look forward to being a member of this community and I appreciate your time. Thank you.

**Chairman Demarest:** Thank you sir. I assume from your comment that Mr. Cliff has left, is that correct?

**Tim Fitzpatrick:** Correct.

**Chairman Demarest:** Okay. Next person on the sign-up sheet is Mr. Peter Anderson and then following him on the sign-up sheet is Diane Sole.

**Jeff Cliff (NOT PRESENT)**

**Peter Anderson (729 W. Braemere):** Good evening. My name is Peter Anderson. I live at 729 West Braemere in Boise and to be clear my testimony applies to all three applications. This is a quasi-judicial hearing and in such a hearing the commission is bound to act on the evidence before it and it must address all the issues raised in the proceedings. Based on blueprint Boise, you must make your decision tonight with a careful evaluation of where the off-site traffic from Highland Cove will go and you will search in vain for more than rudimentary information in the record in that regard and you will find no evidence how much additional traffic will travel down W. Braemere from Highland Cove. West Braemere is a residential, local street. It starts directly across from where upper Braemere, a collector, intersects Curling, the most direct route from upper Braemere to downtown (audio cuts out 5:10:54-5:11:20) vice versa, so all the traffic from this development will travel down those two locations, those two yellow lines

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in the end will either go to the right on that orange section on Curling or come through W. Braemere or go down Highland View. Know that lower Highland View is very steep and windy and will take the brunt of the traffic from both E. Braemere and upper Braemere Road or upper Highland View that is the reality of Highlands traffic flow. ACHD and the staff reports discussion of traffic impacts completely glosses over these facts. More than fifty percent of the traffic that comes down that upper east Braemere crosses Curling and enters W. Braemere. I would challenge you to look in your reports to find out how much of the traffic from Highland Cove will go across onto W. Braemere. You will not find those numbers in the report. They're not reported. ACHD did not consider it, nor did the developer. You don't know how much traffic is going to go across on W. Braemere. It's generally more than fifty percent on most counts. So there is a very good chance that most of the traffic from Highlands Cove will travel through W. Braemere causing it to exceed two thousand trips per day. ACHD made no other findings on this policy issue at all.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Sir, your time is up. So the next person on the sign-up sheet was Diane Sole but I didn't see, oh I do see her. There she is, okay. Following her is Krista Lyons.

**Diane Sole (729 W. Braemere):** I just wanted to say that this development concerns me. My reading of the Foothill's Ordinance and the Blue Print for Boise makes some note that developments have to consider their impact on downhill traffic and that downhill traffic, not only in the lower Highland View and W. Braemere but 15<sup>th</sup> and Harrison Blvd. and those streets are already at a service level of D and I think that would be greater than the six hundred cars more, start coming down those roads. From what I've read it seemed to me that the plan said that if that was going to make that a service D or higher, those developments should not be allowed. It just concerns me that, it seems a lot of consideration is given to new developments but not a lot of consideration is given to the people that have lived there, in some of these neighborhoods, for fifty years and it seems to me that we should be protecting them, also. That's all I have. Thanks.

**Chairman Demarest:** Thank you. Okay, next person is Krista Lyons.

**Krista Lyons (2930 S. Kirk Dr.):** Commissioners, chair, I first wanted to apologize for my speaking out from the audience but you can imagine after five and a half hours when we're told fifteen minutes the applicant and then three more to make eighteen but you try to cut our person off at seventeen, it's a little disconcerting.

**Chairman Demarest:** So, actually everybody got equal time and your speaker got one more minute. It was equal time, you got an extra minute. This doesn't come off your time.

**Krista Lyons:** In the end, after my outburst, you... No, even minutes because it was seventeen plus your extra one to make his eighteen as well. That's all I'm saying.

**Chairman Demarest:** Not going to argue with you, but this discussion won't come off your time.

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**Krista Lyons:** That’s fine. I’m a PHD student in public policy administration at Boise State University. I am requesting, respectfully, that you deny this application because first of all the recommendation by the staff of ACHD was based on erroneous and misleading information provided by the developer which induces bias and also brings into question the actual validity of this report which is all documented in my letter that I’ve submitted. But, more importantly, according to ACHD policy section 4002, any vacation of a right of way requires at least four components. There has to be notification and intent to have a public hearing, there has to be notice; three notices put in the designated local newspaper. There also has to be a mailing, since this is within one mile or within the City limits and also has to have an evaluation of that right of way to see if it exceeds \$25,000, and if so, then there has to be payment for this. There has been none of this done yet. So why are we even here tonight at this hearing when this has not been done by ACHD? So, I’m asking why, as of last week, the developer had not even put an application in which is required for this vacation; why is this? Could it be that he just thought that ACHD would role this into the staff report for approval, which it does if you look at page 16 of the one draft, it says the staff of ACHD is asking of approval of this vacation of this right of way with never ever having a hearing. Now they can say they are not going to have a hearing if it’s in the best interest of the public but how is it in the best interest to move this road that has serviced this area fine for the last 20 years just for three houses. And if you’re so interested in connectivity problems with the first of this area, then open the development up to 8<sup>th</sup> Street and let three access routes be for the fire companies and for people to leave this area. So, what I am saying is that if you do approve this, then you are denying due process for everybody who has a right to give testimony for the vacation of that. ACHD said that, “well we’ll have a hearing.” Well, what is the point after you approve this? Because ACHD would just say that it’s not in our authority to not approve this after you have approved it. So, again, if you approve this, you are denying due process not only to Highland’s residents but to every resident of Boise and the surrounding areas; Meridian, Star, Nampa, Caldwell, who use this road routinely for recreation. So, I ask you again, please deny this and send it back for due diligence by ACHD. Thank you.

**Whitney Montgomery (City of Boise)** Time.

**Chairman Demarest:** Time is up ma’am. Thank you. I apologize if I don’t get everybody’s name quite right. Different people have different writing; so, Craig Juss. All the way from the back. Following him is Courtney Lehosit, am I even close on that one? You are right behind him.

**Craig Juss (730 W. Braemere Rd.):** I’ll just do some hodgepodes here. I have some comments that at our first ACHD hearing, after the comments from staff and testimony and video, one of the head Commissioners quote, at the end of the hearing, “the traffic situation up there is obscene.” He then directed staff to do additional traffic analysis and they come back and they say, here’s the capacity of your current road, I’ll use my road as an example; we live on W. Braemere. They said the current capacity for a local, residential street is 2000 cars, based on current codes. We don’t meet current codes. We don’t have adequate width, we don’t have any sidewalks, but nonetheless, you still apply to serve the same capacity numbers to the codes. So, it’s completely erroneous and it wouldn’t meet the standard of any appropriate, scientific study, engineering, plumbing, whatever analogy you want to make; absolutely absurd. Let me give you another example. I would ask each of you to look to your side, to your Commissioner next to you, that’s the physical distance that your kids or your grandkids that you love and care about, there’s less distance between you, than there is in cars going by them while they walk in the

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gutter, those cars are going by 20-30 MPH. So, this is just another annexation, just another common development, you've got to recognize that this is an old neighborhood, built on old codes; no standards. You're trying to apply it and add additional traffic. So, the surveys may say from the traffic perspective that we're within the standards, as far as capacity, it's unreasonable, unacceptable to use those standards that don't apply. This traffic is obscene. I would challenge you, you come down here and walk on W. Highland View Dr., you hold your kid's hands, you hold your grandchild's hands and you walk down there and you say, "it's okay honey, that car is just going by this far away from you; a 20 mph car, going next to your kid and you're okay with that? Shame on you. If you allow this, you're increasing traffic on a system that's well beyond capacity, well beyond capacity. Your predecessor said it. They said it, the Planning, Blue Print for Boise, says it. We beg of you, do the reasonable thing; protect these streets. All this development does add 15-20 percent more traffic to a system that already is beyond capacity that has admitted safety problems. Quote, one of the head people, Commissioners that are experts in traffic and safety, said the traffic up there with the situation is obscene. I'm not going to apologize for emotion, this is emotionally important.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Thank you, sir. Next person is Courtney Lehosit, followed by Jen Anderson; you can be close by, if you are still here.

**Courtney Lehosit (401 W. Pueblo):** Good evening, Chairman, Commissioners. I currently reside in the Boise's historical north end. I am a native of this City and I'm here tonight to voice my support for the Highland's Cove development. As you are aware, this site has been contemplated for development for many years. So much so that the area has been annexed into the City of Boise and zoned for residential development for a long time ago. Mr. Connor and Mr. Yorgason stand before you this evening proposing a development that would contain fewer homes than what current zoning standards will actually allow. These homes would be high quality, low density, custom properties. They will be sought after by empty nesters and growing families alike. Having been an active participant over the last few years in discussions with the developers as well as participating in the recent ACHD hearings, I feel compelled to mention that several adjustments have been made from the developers as well as ACHD staff to accommodate any concerns that may have arisen. The developers have worked hard to create a balance between the neighbor's desires, open space preservation, and an economically viable development. As a resident in the north end and a mother of one small child, I am not concerned with the added traffic that might come with this development, as a matter of fact, I would love to have the opportunity to reside in the Highlands Cove neighborhood and allow my daughter, Penelope, to walk to Highlands Elementary School on a daily basis. Thank you so much for your consideration.

**Chairman Demarest:** Thank you, ma'am. Okay, next person is Jen Anderson, followed by Ray Anderson.

**Jen Anderson (313 E. Highland View Dr.):** I live with my husband and two elementary aged boys. Thank you for the opportunity to speak tonight. As you consider the proposal in front of you regarding Highland Cove development, it is necessary to consider the related public safety risks with specific concern for the children of the neighborhood. The Highlands subdivision was built piece meal over the

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years and as such, the infrastructure is inadequate to support this new development. The location of the proposed development exists at the end of a neighborhood that was, as you may know, initiated over 50 years ago. As such, it possesses substandard infrastructure throughout. The characteristics of the roads are archaic in nature compared to today's roads. The issues include, narrow roads and lack of sidewalks, blind driveways, steep grades, blind corners, etc. The sequence in the layout of how the Highlands have been developed has led to the fact that Highlands Cove is a kin to having painted oneself into a corner, so to speak. There's no way out. We, along with several other families, have elementary age children that frequently walk or ride to school each day. Highlands Elementary does not provide bussing for our kids. In addition to our residents commuting at the time that our children are walking to school there are many service trucks traveling and working in the neighborhood. These large trucks park on the road, often times on both sides of the road forcing the pedestrian traffic into the vehicle lanes in order to get around them. If approved, the issue will be exacerbated by cut-through traffic via the connection created as people choose Highland View to access upper Braemere. This likely will translate into a total of excess of 1200 plus incremental vehicle trips per day on Highland View Drive. With this connect, even if you built 10 hours in Highland Cove, the cut-through traffic would be a death sentence to the traffic on Highland View Drive. It's not worth jeopardizing the safety of our kids and all pedestrians on this road. During recent ACHD public hearings on the proposed development, the Commission heard hours of testimony and saw videos that demonstrated public safety issues. The Commission acknowledge the public's safety issues but described that their statutory authority does not allow them to deny the development. Commissioner Goldthorp stated the traffic situation is obscene, as we've previously heard. Commissioner Woods added, we just can't continue to let these safety problems exist. Personally, I have no objection to the actual building of houses on this land, per say, and I appreciate the rights that property owners to exercise those rights within the confines of the law but I completely object to those rights to develop when they infringe on the safety and well-being of the residents to the adjacent properties. This is not an (inaudible) issue, this is a safety issue, and this is a passionate plea on the part of a resident and a mother to let my kids walk safely on the streets, to school to a friend's house, and to grow up safely. Thank you.

**Whitney Montgomery:** Time.

**Chairman Demarest:** Thank you, ma'am. Next person on the list is Ray Anderson.

**Ray Anderson (313 E. Highland View Dr.):** Good evening, as my wife mentioned we have two elementary aged boys that walk to school every day, bike to school every day, and I want to show this video that demonstrates what they experience on a daily basis. As you see this video demonstrates real and serious safety risks that exist within the neighborhood. The road itself appears viable, assuming we're playing it.

**Chairman Demarest:** This won't count against you.

**Ray Anderson (313 E. Highland View Dr.):** This video demonstrates real and serious safety risks that exist in the neighborhood. The road itself appears viable until you recognize the lack of (inaudible due to sound from video) blind corners, steep grades, blind driveways and then add parked vehicles on either side. Can you kill the volume? So this is my 6<sup>th</sup> grader on his way to school and again, no sidewalks competing with the cars on either side of the road; the traffic going down the road. Steep grades, children

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on either side of the road, competing with traffic right here, no sidewalks as I mentioned congestion at the school. This is every day events. It's as much as a volume issue as it is a speed issue. You put 1200 more cars down Highland View, competing with the children that are just trying to get to school safely and you have a safety issue. Two accidents in the last 6 weeks; one was a bicyclist, who was paralyzed. The officer said if this would have been a child, that child would be dead right now. Those pictures are in the record via the letter I submitted. More examples, children have to compete with the cars on the side of the road, out into traffic. The last shot coming up, I think really emphasizes the point when you have multiple cars on the side of the road and this is not a child on a bike or a child on foot, again, competing with traffic trying to get to or from school. This is every day. Thank you.

**Whitney Montgomery:** Time.

**Chairman Demarest:** Thank you, sir. Next person is Jeff Christenson, followed by Christopher Sours.

**Jeff Christenson (1002 W. Highland View Dr.):** Thank you, Mr. Chairman. My name is Jeff Christenson and I live at 1002 West Highland View Drive, which is several houses downhill from the intersection of Highland View Drive and West Braemere. I've lived there since 1987 and so I'm pretty familiar with how the neighborhood has developed and what has happened from a traffic standpoint. I stand in opposition to the Highlands Cove Subdivision because of safety impacts on children and traffic impacts on the neighborhood. What you need to understand is that, basically, there are just a few roads that carry all the traffic, or most of the traffic, in the Highlands. That would be Ranch Road, which comes off of Bogus Basin Road. It would be Highland View Drive, it would be Curling Drive, which also comes off of Bogus Basin Road and also Braemere, East Braemere and West Braemere, which goes from Highland View Drive up to the top of the subdivision. ACHD is, as you have been told, is considering options as to how to deal with this traffic and I think we're putting the cart before the horse because what they're saying is, what the applicant is saying is, let's let ACHD figure out all these problems and how to fix them; but let us build the project now. The problem is, that I am most concerned about, is that one of the options is to cut off traffic at the corner of West Braemere and Curling Drive and if you do that, or if that is done, sometime in the future what is going to happen is that all the traffic that comes down East Braemere is going to have to bypass Highlands Elementary School in order to get downtown. That is going to occur at the exact time the children are entering the school yard and their parents are dropping them off and so this is something that we're going to create the problem now. This development is going to contribute to it and all the cars that come down East Braemere are going to turn right.

**Chairman Demarest:** Something happens at midnight. We'll get them back on.

**Jeff Christenson (1002 W. Highland View Dr.):** Ok. From a planning standpoint, directing automobiles towards Highland View Elementary School needlessly exposes our children and our grandchildren to increased risk. Now, there will be other profound impacts. What this would do is it would force traffic to divert from Bogus Basin Road and that will increase traffic on Harrison Boulevard. Everybody agrees Harrison Boulevard has

**Whitney Montgomery:** Time.

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**Jeff Christenson (1002 W. Highland View Dr.):** ...too much traffic.

**Chairman Demarest:** Sir, your time is up.

**Jeff Christenson (1002 W. Highland View Dr.):** Thank you.

**Chairman Demarest:** Thank you. Next person on the list is Christopher Sours, followed by Bill Richardson.

**Christopher Sours (713 W. Highland View Dr.):** I'll be brief. Christopher Sours. My family and I have lived on West Highland View Drive, 713 West Highland View Drive, for 20 years. I would just hope. Everything has been said that I wanted to say except for I would respectfully ask you not to kick the can down the road anymore on this subject. I think it's time to follow previous laws, things have been passed by planning and zoning in the past. This project was first proposed in 97, it was turned down. It was half that size back then. It is a volume problem with cars. At the time of that proposed development in 97, ACHD looked at the traffic. It was already above the maximum at that point so they just increased the allowable amount. You know, it's time to stop this boo-doo planning. We've got to live with the foothills plan, other agreements have been made and look at this to make it, continue it to be a liveable neighborhood. Highland View is outrageous right now. The traffic down, all the feeders, 15<sup>th</sup> & Harrison. If this goes through, and they make that connection across the nines to Highland View, it's going to allow further development above as Dr. Masser pointed out and we're going to be back in the same boat again. We're already over the limits, I think it's time to step back and say, where are we going with this in the philosophy of the City. Are we going to follow the previous agreements? Thank you.

**Chairman Demarest:** Thank you, sir. Mr. Richardson. Let's see whose next. We go to page two, it looks like Sharon Konkol. Did I get that right? If you could just be behind Mr. Richardson, sir.

**Bill Richardson (852 E. Highland View Dr.):** I'm Bill Richardson. I live at 852 East Highland View Drive, Boise. I want to talk to you about just a few things. Number one, Commissioner Just, in the planning meeting you had made a comment that some people think all this Commission and ACHD do is point fingers at each other. Unfortunately, I'm one of those people and I hope you make me a liar tonight. You've heard what ACHD has said. One of the Commissioners said the traffic was obscene. You've seen the videos. When you look at those videos remember that Highland View Drive is not viewed as a local street. That's a collector street. So we have a collector street that has kids walking in the street and cars parked on both sides of the street. There are a lot of rumours going around about what's going to happen with Highland View Drive which Mr. Yorgason mentioned and were the rumours are coming from is that's what was recommended by ACHD. They realized there was a problem and they said they couldn't do anything about it. The things they recommended including diverting traffic off of W. Braemere, blocking W. Braemere so that traffic couldn't come down on the, cut through to Highland View Drive, block it off at the Nines so you couldn't turn left onto Highland View Drive, adding more four way stops and speed bumps. So, those are rumours because it hasn't happened yet, but those are all things that were recommended. The thing that I want to make sure we talk about tonight though is the re-routing of Sunset Peak Road and why that's being re-routed. It's always interesting to come to these meetings because



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every meeting the reason for the re-routing seems to change. The first meeting it was mentioned that the easement requires it to be re-routed. That's not true. I sent you numerous letters. You've got a copy of the ACHD map behind my letter, showing that and that was shown earlier today. Today was mentioned that it was because of the difference in grade. The real reason it's being re-routed is to increase three buildable lots. Part of the grading is to do minimal grading. Moving Sunset Peak Road, you're basically going to have to build it up where there's a valley now, there's also three natural drainage gullies there. In the last rain, we had some slides over in the area of construction. There are going to be, we are going to be dealing with Sunset Peak Road sliding again. The main issue though is just the unsafe traffic and there's going to be someone that ends up getting killed. Ray's already mentioned people that got injured and I thank you for your time. The key issues are, there's no reason to re-route Sunset Peak Road and the traffic is ridiculous and the answer to the traffic isn't let's put more traffic there and see what happens. Thank you.

**Chairman Demarest:** Thank you sir. Sharon, followed by it looks like Stewart, is it Rooney?

**Stewart Rooney:** Yeah.

**Chairman Demarest:** Okay your right there, okay, stay right there, you're next.

**Sharon Konkol (815 W. Braemere):** Hi, my name is Sharon Konkol. I live at 815 W. Braemere. Thank you so much for the opportunity here tonight to speak here. I would also say that volume is the issue and I'm a little disturbed by the fact that we had questions about a wildlife corridor and yet I know you had a bunch of letters about safety for our kids.

**Chairman Demarest:** Could you get a little closer to the mic?

**Sharon Konkol:** I know you had a lot of letters about safety for our kids and nobody asked about a safety corridor for those kids. My neighbour is Craig. He asked you to look at your neighbour and see how close those cars are. I walk, I sit and watch these kids walk to school on my street and they're closer than what Craig was describing and if that subdivision goes through it will be not only the cars that are already there, but all of that construction traffic driving that close to those kids walking to school. I ask that you deny this subdivision. And as I have been sitting here tonight, for all of what, six hours, I'm looking at these signs over here, they're great, LIV, LIV, one city, one team, for the greatest good. In this situation I see only the developer is experiencing good and those sixty residents will experience good, the rest of us won't and I ask you to consider that very, very, seriously. Thank you very much.

**Chairman Demarest:** Thank you ma'am. Mr. Rooney.

**Stewart Rooney (521 E. Highland View Dr.):** Good morning commissioners. What time is breakfast?

**Stewart Rooney (521 E. Highland View Dr.):** My slide show. So keep your eye on this number, right here, slide number one, slide number one, that number is the traffic count from Ada County Highway District on Argyle and Highland View Drive right now, okay, so it's a number and now we've looked at a lot of numbers tonight, like there's 491 people, cars coming from that other development and that was

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talked about earlier. But, who knows, and we have banded around the number of 600 cars or vehicles coming down from this new development and maybe half of them will go down Highland View Drive probably more but we'll say half so that'll bring it up to about 1,600 or so. So how does that compare to what we have now? We have 1,348 right now, is that the slide number we're on, so Linder Road, Linder Road and the county, 1143 Leadville Drive over by BSU, busy road right, 1213, Grove Street, Grove Street it's a big street in Boise, Grove Street 1285, Lemp Street, another major street in Boise, 1344, again we're at, this one, okay, I won't bore you with a lot more numbers but a few, let's see, slide number two, alright, so if we add the 300 more cars, half of the 600, come down Highland View Drive, what have we got, 1644, okay, keep your eye on that number, 1644 is what we have, that's at Argyle and Highland View Drive. That doesn't even count the stuff going into Braemere okay. So now, let's see, Fort Street, Fort Street, major street in Boise, we all know it right, 1559. We'd have more cars on Highland View Drive before Braemere, than Fort Street has, Columbia Road, major artery in this county right, 1587, Division Ave. over by BSU, 1649, Bogus Basin Road, north of Curling, 1398, we're going to have a really busy road there at 1644 and these are Ada County Highway District numbers. I noticed the fellow that was the engineer for the first development, what was it Paramount Parks? The engineer, architect guy, said that that roadway down there by that development is a much needed improvement, I quote what he said, a much needed improvement. That part of the road has sidewalks on each side, bike lanes on each side, and is really wide. The rest of the place like where I live on 521 E. Highland View Drive is 32 feet wide, no bike lanes, no sidewalks. You park cars on both sides; you got a one way road all of a sudden. So I would suggest that this proposal not be approved and I also suggest that this meeting be continued at your next available meeting so the rest of the people that left could be heard. Thanks.

**Chairman Demarest:** Thank you sir. Okay, let's see, Pat Libby followed by Marcia Wing. You want to pass? Okay. Margaret Doucette, oh, Marcia's here, I'm sorry.

**Pat Libby (505 E. Highland View Drive) PASS**

**Marcia Wing (509 E. Highland View Dr.):** Marcia Wing, 509 E. Highland View Drive. I think we probably all right now are wishing that we were student commissioners so that we would be home in bed. I've shared a number of concerns with you in written testimony so I've made a lot of x's through what I had planned to say, just in the interest of time. I just want you to know that my major concern with this development is the street conditions and the traffic because of the very serious safety implications. The fact that these safety hazards do exist is well documented and irrefutable and I would hope that you as the governing body with considerable amount of discretionary authority can see that these issues are not further exacerbated. As has been mentioned, the 23 homes were reluctantly approved by P and Z and ACHD in 1996, so I would suggest that you would use your discretionary authority to either deny this development until such time as we have a complete transportation plan for the foothills that is implemented and approved or in the absence of your ability, your willingness to deny the proposal that you would at least limit it to the 23 homes that were develop, that were approved in '96 and that you would include a written assurance for us that this truly would be the last development that would put additional traffic onto Highland View and Braemere which are clearly substandard roads. Thank you very much.

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**Chairman Demarest:** Thank you ma'am. Before I call the next person up let me suggest that there has been a preponderance of testimony i.e., traffic, safety issues. We've heard that and I'm not suggesting that anybody shouldn't say anything; everybody does get their three minutes. However, at some point, new evidence counts more than preponderance of evidence that we've already got a lot of so.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner.

**Commissioner Gillespie:** May I just amplify on that point very briefly?

**Chairman Demarest:** Sure.

**Commissioner Gillespie:** For this commissioner, if, I kind of get that everyone thinks traffic is bad in a generalized sense. If however, you can point to a specific line or number in the ACHD report or something very tangible that would be interesting for me to listen to, but just hearing sort of a general statement about traffic, I understand that part really well now, thank you.

**Chairman Demarest:** Thank you. Okay, so let's keep going, Margaret Doucette. There she is, followed by Carole Gill I believe.

**Margaret Doucette (620 E. Highland View Dr.):** Thank you for your time. Margaret Doucette, 620 E. Highland View Drive. I stand in opposition of the proposal, representing my family and three young adult children. There are only two additional points. I did want to thank Mr. Yorgason for an eloquent presentation. There was information in there that comes across as fact, whether it's based on data or surveys is yet to be determined and I would ask you to further research that. One is that this provides a need for empty nesters. My husband and I are empty nesters minus one boomerang shortly. And uh, we have many friends and colleagues in the community and we would not support this as our solution as we look to downsize. It does not meet our needs as empty nesters to satisfy the need for foothills proximity, there are other options. The second is the thank you for the thoughtfulness of connecting us to our friends on the other ridge. The irony is that we use that space slated for development to access each other via either hiking or biking and we would prefer not to have the road to connect us. Thank you.

**Chairman Demarest:** Thank you ma'am. Miss Gill is next followed by Richard Twilight.

**Carole Gill (573 E. Braemere Rd.):** My name is Carole Gill. Chairman and commissioners thank you for listening to our testimony. I've lived in this neighbourhood since 1976. I'm a realtor, I'm not against development. I have sold many that have testified their homes in this area which I dearly love. I live on E. Braemere which is very fire sensitive. This is a major, major concern to me. I was here when Planning and Zoning and City Council ruled there would be no more traffic on E. Braemere until we had a connection out of it. A connection to Highland View Drive is not an exit that is safe for anyone. It is very damaging as you have heard throughout the testimony to E. Highland View Dr. It is also, this is something the city should have looked at, Planning and Zoning and City Council voted against any further development earlier. We needed at that point to be looking at belt lines, further accesses that are

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safe and prudent accesses out of the area. We now have one exit out of E. Braemere and it does worry me immensely. We had an accident once that closed us, we did not, could not get out of the area for three hours. Now we, if you had an accident at the bottom of E. Braemere, Planning and Zoning when they issued their approval of this, through a little cul de sac out at the end and I'd like someone to even explain it to me because it went so fast, but they went in two ways in, one way out, to come down E. Braemere. You can't put all that traffic down E. Braemere; you can't even throw it over to E. Highland View Drive because of the dangers that exist. I don't want to see the Highlands be the flaming city that I have watched in California in the last couple of weeks and if I were a member of this commission or city council that prudently viewed, we are a development that could not have had been approved today. You can't compound an existing problem, no these developers did not develop that problem but the one that did was told they needed a master plan before any further development went forward. Well, guess what, they chose to just sell it off to a new developer that isn't told that he needs to have a master plan. This has got to be paid attention to. We are a wonderful city. We'll be put last on the line if we burn up an area that was approved to have all of this additional traffic and we are a fire trap, we're a cul-de-sac. Braemere services, Hearthstone, Bantry, Nines Point, Nines Ridge, Chardie, E. Braemere, one way to get out of that area. You can't combine that. A long time ago before us, all the development, if you wanted to develop the foothills, get a master plan, get a belt line that goes through. Boise has a tendency to want to approve and then do the infrastructure. We can't do it. Highlands Elementary has portable units at that school. My children are forty-six and forty-eight years of age, they were portables at the time they went to school. Those were supposed to be temporary. Now we're going to add more homes, compound more overcrowding conditions.

**Whitney Montgomery:** Time.

**Chairman Demarest:** Thank you.

**Carole Gill:** It's deplorable. Thank you for your consideration.

**Chairman Demarest:** Mr. Twight. Is he here? There he is. Okay. Followed by Charlotte Twight.

**Richard Twight (623 E. Highland View Dr.):** I must ask your forbearance before you start the clock. I have, I can't read in the dark. It's, I'm going to be a little bit slower and I apologize.

**Chairman Demarest:** Okay.

**Richard Twight:** I'm Richard Twight. 623 E. Highland View Drive. I served on the Mayor's Foothills Steering Committee that wrote the Foothills Plan. It was intended to govern all foothills development, annexed or not. At stake here is the integrity of Boise's foothills development process and the social fabric and quality of life of north Boise and the foothills. The Foothills Steering Committee wrote a comprehensive plan for the foothills covering its unique needs. It protected the foothills and downstream neighborhoods while enabling development. But the resulting Foothills Ordinance is so poorly worded that ACHD interpreted it to effectively neuter the entire existence of the Foothills Plan and ordinance. Just get your property annexed before applying for construction and all extra protections of the foothills and downstream neighborhoods are gone. With this interpretation you will never have another

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development that will be governed by the Foothills Ordinance. Even worse, the rules for traffic capacity of collectors have been stripped of their ability to adjust for physical differences between narrow, winding, older neighbourhood collectors having no sidewalks and new thirty-six foot wide collectors with two sidewalks. Both categories are mandated to handle 5,000 vehicle trips a day and peak hour traffic of an astonishing one car every 4.2 seconds. A category residential collector has been discarded in Boise even though it is a crucial policy tool in cities across the nation. Removal of this policy tool was arbitrary and discriminates against older neighbourhoods. Your approval of this development now would not fulfil your obligations to perform due diligence and due process of law. There are too many things you do not yet know. For example, how did ACHD only count 7.4 vehicle trips per day per household at W. Highland View at Park Hill? A route serving 241 homes, when the national average for upper income homes is at least 13.2 vehicle trips per day. How many additional vehicle trips will use 13<sup>th</sup>, 15<sup>th</sup>, and Harrison due to thirty years of existing approvals of not yet built on lots in the foothills. Connecting Highland View Drive and E. Braemere will make it impossible to plat subdivisions on hundreds of acres northwest of E. Braemere and east of this development. How much traffic will those subdivisions force into the north end? Approving this project without factoring in all the forgoing issues would be arbitrary and capricious. It would damage safety, property values, and quality of life in lower portions of the foothills and in the north end. Our neighbourhood (Time called) should (inaudible) for a park using a land trust.

**Chairman Demarest:** Sir, your time is up but you did mention that you had a problem, so if you would take another 30 seconds or so

**Richard Twight:** I just need 15.

**Chairman Demarest:** That's great, thank you.

**Richard Twight:** That would be far better, our neighbourhood should purchase this property for a park using a land trust. That would be far better for the Highlands, the north end and the city of Boise. I created the Hulls Gulch Land Trust. So I know this is doable. I urge you to turn down this application and facilitate our moving forward with a new reserve park. Thank you.

**Chairman Demarest:** Thank you. Charlotte Twight, followed by Margaret Campbell.

**Charlotte Twight (623 E. Highland View Dr):** I'm Charlotte Twight, 623 E. Highland View Drive. I've done some rapid, sort of editing, on the fly here, I wanted to talk about Highland View Drive and so I'll only mention the parts I wrote down that haven't been mentioned so far. One of the things about Highland View is that all the hazards that have discussed are exacerbated during the winter times when you have icy road conditions. These often are present for weeks at a time. I wanted also to mention that Highland View often is used for team training and competition by both runners and bicyclists and is a prime route for them to access the foothills and of course children have been mentioned a lot. They also learn to bike on this street and often chase basketballs out of their driveways. I was going to mention also that for safety most motor vehicles swerve into the oncoming lane if, in order to, when they are passing people that are walking dogs or bicycling or running in the narrow bike lanes. Skipping down, I wanted also to mention that in the winter, snow plows pile up snow in the parking strips. Strips also used by the walkers

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and runners and since many people park on the street the snow plows often pile up snow alongside those vehicles. So the snow is often there for weeks and again it's squeezing down the passage area for Highland View. Also, from early May through mid-October, homeowners on Highland View entertain fairly often and have parties that often result in 30 to 60 parked vehicles taking up 400 to 700 feet on both sides of the street. Occupants of those automobiles then are going to have to walk out in the traffic lanes when going to the party from their car and going back to their car. And finally, this, I wanted to note that this street is used for a host of purposes as we've heard tonight besides driving. In my mind, the important part is Highland View is a neighbourhood street and a recreational street and thus it is inappropriate and dangerous to add more traffic to it. Thank you very much.

**Chairman Demarest:** Thank you ma'am. Margaret Campbell is next, okay Miss Campbell has not stayed with us. Joe Konkel, there he is, followed by Doug Zimmerman.

**Margaret Campbell (620 E. Highland View Dr.) NOT PRESENT**

**Joe Konkel (815 W. Braemere):** Joe Konkel, 815 W. Braemere: I have the same traffic concerns as a lot of people have. I'm not going to recount all those but, I will say that a little bit different perspective is I value a lot a walkable and bikable community, I think we do in Boise, I think that's a goal of the mayor and a lot of us who live here and what happens is when you get the traffic to the levels that their at and I do believe that it's a volume level particularly on W. Braemere, is that people start getting in their cars as a defensive measure. It gets to a point where they don't feel like they can walk down W. Braemere and they may only be a half a mile from the school, but a parent doesn't feel safe or doesn't feel that it is safe enough for their seven year old, eight year old to walk to school even a half a mile because of all the things that have been described. You practically reach out and touch the cars that are going by, so what happens is that it's a spiral. More people are getting in their cars to make these short trips because the streets are unsafe. So, if our goal in Boise is to have a great place to live, great place to walk and bike, we need to stop adding traffic and we need to focus on how we can do that better in the Highlands as opposed to adding more cars to the street. So I'm going to leave my comments at that so we can move on to the next ones but I really appreciate you listening to our testimony tonight and considering denying this application.

**Chairman Demarest:** Next person, Doug Zimmerman, okay, followed by Kirsten Williams. Here she is.

**Doug Zimmerman (616 E. Curling Drive) NOT PRESENT**

**Kirsten Williams (4448 N. Burnside Place):** Hi my name is Kirsten Williams and I live at 4448 N. Burnside Place. First off, I appreciate everyone staying here and listening to all our comments. I know it's really late. So my major concern is safety but that's not what I'm going to talk about. Tonight I want to address the conservation of our foothills and protecting our open space as this has not been discussed in much detail. Preserving our foothills is a value which many citizens and political leaders of Boise possess. Several months ago, Boise City Council members approved a 10 million dollar tax levy, to be placed on the November 3<sup>rd</sup> ballot. The tax increase would be for two years and it would fund preservation of more than 10,000 acres in the foothills. The city council expressed that they value open space and the called it quote, one of the best business decisions the city of Boise can make. That was city

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councilman Scott Ludwig. It's clear that conservation, open space, and a desire for conservation is the underlying spirit of this decision. It seems suspect that a project that's going to dig into and destabilize the foothills would be approved when the spirit of preservation runs through Boise and its' citizens. More specifically, I would like to discuss a practical example of the fragility, excuse me, the fragility of our hills. I live on Burnside Place and our cul-de-sac is the little basin basically which is under Braemere Road. Recently two new homes were built on our, on the hill on Braemere Road and with building, the builder brought in fill, as well as dug into the foothill. When we had those big rain storms a few months ago there was a major mud slide which flooded the first floor of my neighbor's house three doors down. What's interesting is that the developer apparently even followed the city's flood and drainage plans. Notably, flood insurance isn't required in our neighbourhood but luckily I was told the builder paid for the repairs. I'm aware that this is not the location of interest for the Highlands Cove Development but it speaks to the fragility of the hillside and the potential for bad outcomes when the land is destabilized. I also want to speak to the relocation of Sunset Road. This also goes against protecting our foothills. I've heard the builder justify why he believes this is necessary, but clearly this is just to open up some more space to build homes. Commissioners, I urge you to hear our testimony tonight, consider the facts as well as the city's and its' citizens desire to protect our lands and not be swayed by pressure from businessmen with strictly financial interests. Thank you.

**Chairman Demarest:** Thank you ma'am. The last person on this next sheet, we're not done, we have a sheet after this, it's got a few on, Robert Mitchell, here he comes, followed by Greg Garlik.(6:02:43)

**Robert Mitchell (409 W. Highland View Dr.):** My name is Robert Mitchell; I've resided at 409 W. Highland View Drive since 1973. First off, I would like to make the observation that the gentleman who first spoke in support of this application, also spoke on behalf of four or five other persons, who's address wasn't entered into the record and I would object to that because I don't think their properties are being devalued, degraded in any way shape or form so their interests are considerably different than many of us here, a number of whom have already left due to the lateness of the hour. I have submitted written comments and I trust that they are in the record, so I will abbreviate my remarks. I have walked along and upon the subject land for the forty-two years that I have lived in the neighbourhood and it's steep. What's being developed is relatively, relatively, sloping, rather than being steep, so all this open space that is being discussed is very steep and very unusable as far as picnicking and that sort of thing so the amount of open space isn't like a playground for the kids in the neighbourhood. So, I'm going to defer to others, thank you very much for your time.

**Chairman Demarest:** Thank you sir. Greg Garlik followed by Jill Lanfear, I think, there she is.

**Greg Garlik (509 E. Highland View):** Commissioners and Chairman, I'm Greg Garlik; I live at 509 E. Highland View. You talked about ACHD and mentioning what ACHD had said and my first comment is about relocating Sunset Peak Drive and the rationale there in allowing that to relocate was that it was at least as good as the existing road, although there, Mr. Yorgason mentioned the steep corner at the bottom of the hill. Well, the steep corner is going to become a much sharper corner and I'm going to draw a comparison. I've got an old house in the north end. It was built before code and you might have read my letter, it's got a stairway going to the second floor, I want to relocate the stairway, the stairway's a ten, ten, code is say, 7, 10 I think that's about right, and so the existing 8<sup>th</sup> street is about a 10%, that's not

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code, the new 8<sup>th</sup> street would be 10% with a sharper corner, that's not code. So, I go to the permitting process and I say, my new stairway, I'd like to, so I can add a bedroom, I'd like to make my new stairway and 10, 10. Will that work for you guys? I don't think so, I think you would say, you move your stairway, you got to build a correct stairway. I say you move your road; you've got to build a correct road. A couple of other comments, Charlotte mentioned the snow, I'm a runner, I've run forty years and when I run, two things about that, there are three street lights on Highland View Drive and I usually run at night. They plow the road once up, once down. All the snow goes into my running lane. My shoes aren't water proof, I run in the middle of, and plus it's slippery and cumbersome and it's hard and if you happen to live there, you'll notice everybody, once they've plow, forces everybody into the traffic lanes, extremely unsafe and Highland View, if you ever drive up there, Highland View probably gets about half again as much snow as Boise does. Just the fact that it's an uplifting, current and a little bit lower temperatures and all the people in the north end consider Highland View their free athletic membership. You would be amazed at the thousands and thousands of people that run and walk up and down, with strollers, with their dogs, with everything, you know, as such, you saw it in the film, but there is an inordinate number of people that use Highland View as a walking and exercise path. Thanks for your time, appreciate you staying late.

**Chairman Demarest:** Thank you sir, Jill. Last one on the sign-up, following Jill is Rob Parsons.

**Jill Lanfear (641 E. Highland View Dr.):** My name is Jill Lanfear and I reside at 707 E. Highland View Drive in Boise and I feel very compelled to speak to you this evening on behalf of my three young daughters. You've heard the myriad of deficiencies of Highland View Drive, you narrow it is, the limited sight distances around the curves, it is steep, it has front on houses with hidden and angled driveways and there are not sidewalks. The roadway of Highland View Drive itself is the only pathway for non-motorized traffic through the neighbourhood for most of its length. We are hearing a lot about level of service or average daily trips. Do these tools take into account the safety of the non-motorized users? The cyclists, the joggers, the walkers, and our children. Now add delivery vehicles, homeowners, contractors, and remodelling vehicles, and summertime lawn maintenance vehicles with trailers, etc. Highland View Drive becomes one lane traffic at unannounced points at unannounced times. Introduce a child who's chasing a loose soccer ball out, down the driveway into the street, my daughter who is delivering girl scout cookies in a wagon and a child on a scooter, more traffic invites disaster and if I may quickly paraphrase ACHD commissioner Paul Woods, he voiced a very strong dissent in his decision regarding this matter, to quote him, we're not going to do anything on Harrison other than just continue to stuff more cars on it. The north end has struggled with this for a long time. People here are frustrated. I'm frustrated with it and frustrated about how we get this thing fixed because we're sitting here saying it's a safety problem and we're going to add more cars to what we know is a safety problem with pedestrians. None of us want to say we know it's a problem and we're going to add more opportunities for something to go wrong, end quote. You have an opportunity here to make a big difference. I hope you use this opportunity and not approve this as it is proposed. Please don't approve it as it is proposed. It's very dangerous, thank you.

**Chairman Demarest:** Thank you ma'am. Last one on the sign-up sheet is Rob Parsons.

**Rob Parsons (318 E. Highland View Dr.):** Commissioners, Rob Parsons. 318 East Highland View Drive. I have a short video. (*Video begins playing, background noise, not speaking*) Hopefully our video



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will be aligned with their message. (*Video verbatim: So, this is a standard issue on Highland View Drive.*) I want you to listen closely to the background, please. I don't know if you can hear them but there's a lemonade stand right there and that's a standard issue. I'm obviously in opposition to the development. There are lots of issues, they've all been stated. Again, I appreciate all of your time tonight. Thank you.

**Chairman Demarest:** Thank you, sir. That takes care of our sign-up sheet and as is necessary, we do want to make sure everybody gets time who hasn't spoken yet. I would encourage folks, if you're going to say what we've heard a great preponderance of, you know, you might be able to save that time. Sir. Those that do come up, please make sure you fill out the little white sheet. State your name and address for the record.

**Terry Reynolds (4501 Calhoun Avenue):** Thank you. One thing I want, Terry Reynolds, 4501 Calhoun Avenue. Carole Gill was getting ready to say something and got cut off right at the end. One thing I don't know has been done, have we done a demographic study of the people in the Highland's neighborhood? The reason I ask this is in 1997 I moved there, 99 I had my first child with my wife; and my wife says we have to move there's not kids in this neighborhood. I'm like, you know what, Nicki, they're retiring, they're moving on. There will be more kids, this neighborhood is turning over. Sure enough, the neighborhood did. Now we have a lot more kids. As Carole was saying we have portables at Highlands and as the people age out, retire, move to Phoenix, move wherever you're going to millennials coming who spoke earlier tonight on 4448 Burnside and I know that you're going to have more kids in the neighborhood. Not even counting the development. So, Highlands Elementary will need to be built bigger. What is the City ready to do there? Are we ready to build a new school for our children? It needs to be bigger. It has to be. I don't even think they allow permission to attend at Highlands anymore. It's filled up. So, just another consideration, please. Thanks.

**Chairman Demarest:** Thank you, sir. Ok. This gentlemen here, first. I saw somebody in the front pew, front row, excuse me.

**Chris XXXX (803 W. Ranch):** Hi, Chris (XXX) 803 West Ranch. I wasn't going to speak tonight but after hearing some of the passion from my neighbors I wanted to throw in just a bit of information about the traffic impacts on Ranch Road. After it took about two months to put in a culvert on Curling we were experiencing the traffic that was being diverted off of Bogus Basin Road onto our street. In dealing with ACHD, which has been a lot of the testimony tonight, you've heard that we doubt their traffic counts, we doubt their competency of some of them and in dealing with both the reluctance of our City Police department to patrol the streets, to I guess deal with what amounts to a six-month waiting list to get one of those speed-limit, speed-count signs placed on your road; I really believe that this has been a poorly considered project form the beginning. I don't believe it's been handled well and I don't believe that it even considers the traffic volume that is generated by the golf club up there. On the weekends when there's golf tournaments, both the arrival of massive numbers of golf carts pulled on trailers, people with Lexus who flip you off as they speed through. You name it. They're not from the neighborhood. So, as we talk about, 'oh, it's neighborhood traffic. The neighbors speed,' yeah, I'm sure we do. I know I do. We're not also considering what we bring into the community, into our neighborhood from businesses.

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As we talk about the traffic counts and ACHD business, I highly doubt the competency of those individuals and I do believe that this project should be rejected. Thank you.

**Chairman Demarest:** Thank you, sir. I saw another person in the front row here. Everybody will get their shot. She's pretty close.

**Dave Dwinell (611 E. Curling Drive):** Thank you, my name is Dave Dwinell, 611 East Curling Drive. I know you're tired of hearing about traffic and I am too after six hours of it now; but putting it all together, if any of you gentlemen happen to travel through the intersection of Braemere and Curling this weekend. It was just bumper-to-bumper lined cars on both sides of the road and I know it was because of a function at the country club but they have those periodically. One thing to keep in mind is that there's going to be added traffic with the new tennis facility they've put up there. The parking lots and tennis facility is going to draw cars. We're talking about the cars, all the additional traffic from the assisted living facility down there and now of course we've got this urban sprawl that is proposed. I think you've got to put all that together and say, hey, guys, what's happening here? I don't understand how the City and ACHD seem obsessed with round-a-bouts now for vehicle safety. What about the safety of our children and our grandchildren? I urge you to reject this application.

**Chairman Demarest:** Thank you, sir. So, I see a line forming. I recognize you first. I think this is the line that wants to speak that didn't sign up. We're going to take this lady in the front row right here and then we're going to go to the line.

**Kate Sutherland (901 E. Chardie Rd.):** My name is Kate Sutherland, I live at 901 East Chardie Road. I'm a pulmonologist. I've risen tonight in the spirit of compromise. I do not think this is a black-and-white issue. You've just heard hours of testimony about the reasons why we all feel this development would be dangerous. When I first heard about the development, I live on Chardie, you know, this is the stub road. Of course, I would be against the development. I met Mr. Yorgason, I've listened to him speak a lot, I've listened to his team speak. I disagree with some of the comments that have been made tonight. I think it is a very well thought-out development. I think he's spent years thinking about this and planning it and hired good people. I think though that this is too many homes, as you've heard. I think that there would be a way that this development could be built without building 60 homes. 60 homes is just too many. The analogy that occurs to me is, I take care of a lot of people who come to me with lung cancer and they're hopeful that their lung cancer can be cured. The way to cure lung cancer is to cut it out. Cut out the whole piece of lung, probably the whole lobe, maybe the whole lung on that side. A lot of people have lung cancer, also have bad lung disease and emphysema; you can't cut out the whole lung. You can cut out part of the lung. It's a compromise and you still have a living patient. The Highlands development and the Highland View Drive is kind of like an old patient. It wasn't built to be a collector road. You can't put 600 more cars down Highland View. Maybe you can put 200; but it's like an old patient. It's just not meant to have 60 more homes, with 600 more cars. Thank you.

**Chairman Demarest:** Thank you, ma'am. Next gentleman. By the way, yes, the folks that haven't signed up; make sure you do take one of those little pieces of tear-off paper and get that back to us. If you'd get right to the microphone, sir. Tell us who you are.

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**William Snider (1375 E. Braemere Rd.):** Yes. My name is William Snider, I live at 1375 East Braemere Road and I would like to present this (Provided Exhibit)

**Chairman Demarest:** We'll take it, sure, thank you.

**William Snider:** As Mark Twain said, I wanted to write you a short letter, but it was too hard, so I wrote you a long one. I want to answer a couple of questions, great questions, by Mr. Miller, on open space. I drafted hundreds of sets of covenants; I've done that for many years. His question is, what do you do with an open space that is not really being cared for by an HOA, what do you do? And this one presents an interesting problem. The open space is basically the area that they can't develop, in some cases the open space that a developer creates in a subdivision are parks, recreational things, these are areas that can't be accessed by their own development plan, by people, so we're going to preserve them, we're going to leave them so they will stay in their natural state but we don't really have any way to protect that. Conspicuous by its absence, is any devices, no fences, no whatever, so these open spaces we're going to preserve for visual purposes that are useable and there is no system in their plan to take care of that and no the city can't just go in and take that so that's the answer to that one. On the trail, it's even worse. The trail goes from nowhere to nowhere within the subdivision. It start off of the one new proposed road and loops around to the other end of the same proposed road. It does not abut any public land; it will lead to no public trails. There's lip service being given to them talking to the Highlands Nines about their trail and could we hook into that and there is no interest by that group to do that. There's no motivation to do that. They take care of the trail, why would they assume the responsibility to take care somebody else's trail. So there is no public trail and there is no plan for the open space. Why is that important? Because this open space is in fact, has been heard, a place for all kinds of animals and birds, it is a corridor and when I watch, because I live right above it, right above the stub road that will be opened up and I watch a six point buck run down the hill, that buck will not decide to run through the open space (time called) because there's no way to get there.

**Chairman Demarest:** Sir, your time is up thank you.

**Susan Rowe (520 W. Highland View Dr.):** Good morning, my name is Susan Rowe and I live at 520 W. Highland View Drive. I'm right in the middle of Highland View. I want to take a slightly different tactic. I have all the safety concerns my neighbors have, my fifteen year old daughter, I sent her home, she was here, she had homework, she was going to testify about standing at the bus stop on Highland View with cars going by her at a very close range. I want to talk about, we moved into our house nineteen years ago, in 1996, when my, I was pregnant with my son who is now in college. Our house is fifty years old, same age as my husband who is home in bed. It's not, it's an old house, it was an old house when we bought it, but we committed to putting our heart and soul and our financial resources into our home and we've made it a home that we love very much. In 1996, this body in denying a development at the top of Highland View made a statement in a letter dated May 1, 1997; it said that traffic on Highland View was already a safety risk. That was reassuring to somebody like me because I was putting all my assets in this home that I had just moved into and I feel like as a resident, a nineteen year resident of the Highlands, of this neighbourhood, a twenty-four year resident of Boise, that I have a right to count on those historical statements made by this body and so when you said that it was already a traffic safety issue risk in 1996, that traffic was 2,000 cars at the bottom of my street. Now it's 3,400, with this development it will be

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close to 4,000 and I would refer you to my written testimony. When Mr. Yorgason says it meets all the requirements, there's not level on impact of service, he can say only because the level of service on my substandard street is 5,000 cars. Please look at my testimony and look at how that change came about. As a property owner, can you imagine how I feel that in the twenty years I've lived there, the car count can go from 2,000 to 5,000. What that means, and I work from home, is that I can hear the cars going by on my street constantly, 5,000 cars is 7 cars a minute in the course of a day, something like that. That decreases my quality of life; it decreases my property value when my home has, when there's noise pollution. So in addition to all the safety issues, I'm very concerned about my property value and the investment I've made in twenty years in the Highlands. My husband is a public school teacher. We're not, we don't make an exorbitant income, we count, we're counting on the value, investment in our home for our retirement. I ask you to please deny this development for all the reasons that have been said, stated, including, the very important one (time called) is the impact on property values.

**Chairman Demarest:** Thank you ma'am.

**Susan Rowe:** Thank you.

**Chairman Demarest:** Next person in line.

**Rosalie Sisson (605 W. Highland View Dr.):** Chairman, commissioners, thank you for the opportunity to speak, thank you. This lovely little basin where Highlands Cove Subdivision

**Chairman Demarest:** Your name ma'am and your, I know your name, but tell us.

**Rosalie Sisson:** I'm sorry, my name is Rosalie Sisson, I live at 605 E. Highland View Drive. This lovely little basin where Highlands Cove Subdivision would be located has a community built and maintained trail that has been there for over twenty five years. The trail extends from the top of Highland View, from the top of E. Highland View Drive to connect with a loop trail linking to two locations on E. Braemere Road. The trail is there because it serves the exercise and recreational needs of the residents and the entire Highlands neighbourhood. The trail also is there because the basin is a good wildlife habitat for hawks and owls and foxes and all the animals they feed on. It's also prime winter habitat for deer and elk that come into the basin to feed on bitterbrush and other vegetation and to enter the golf course area to obtain water. We appreciate Commissioner Miller's comments and inquiries in the opening of the proceedings because this land is an established corridor for deer and elk. If this subdivision is built, all of that wildlife habitat will be gone due to this development. This is one of those loses that few pay attention to and it would be the loss of open space that has contributed making living in Boise's north end and Highlands very special. What the developers have proposed to attempt to demonstrate that they want to protect this open space is not consistent with the Foothills Plan and would not meet the needs of the neighbourhood. I'd also like it to be part of the record that everyone living in the Highlands Neighbourhood will suffer a decrease in property values due to increased traffic and decreased safety as a result. The neighbourhood will be less desirable because of these same causes. I live near the top of Highland View Drive, now a dead end. Making Highland View Drive a through street, of course decreases our property value. All current owners who look out on the bowl under consideration would of course have a decrease in the

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value of their property as well because they would look at homes instead of their beautiful, unspoiled, foothills property. Thank you for your time.

**Chairman Demarest:** Thank you ma'am and don't forget to fill out one of those little white sheets. Okay, next person, please come on up.

**Kathy Parker (211 E. Highland View Dr.):** Good morning, I guess. My name is Kathy Parker, I live at 211 E. Highland View Drive. I testified before the ACHD hearing and when I was there I had my seven year old grandson with me and I said this is, I have Shawn with me because this is the story of Shawn. Last summer, my daughter, who lives on Highland View Drive as well, was out in the front yard with her son and their little dog. The dog ran out into the street, well Shawn ran to the neighbours next door, barely hit the sidewalk, the dog followed Shawn two steps behind him, the dog, somebody came around a blind corner on Highland View Drive and hit the dog and killed the dog. Had it not been for two steps, it would have been my grandson. I heard confusion and went up the street and I saw my daughter laying prone in the middle of Highland View Drive with a blanket over something. I was literally shaken to death as I got out of my car; I thought it was my grandson under that blanket. There will, if you approve this project, there will be an accident. A child will get killed, not when, it will happen and when it happens, what, you have seen the emotion and the anger in this hearing tonight and probably a hundred and a hundred and fifty people who left who would have stayed and testified, my daughter being one of them. What is a child's life worth? Is it ten million dollars, is it twenty million dollars, is it a hundred million dollars? With all that you have heard about the danger on these streets and you add more traffic, there will be a lawsuit and that lawsuit will bring the City of Boise to its knees. Thank you for your time.

**Chairman Demarest:** Thank you ma'am. Next person, come on up. Yeah, don't forget your little white ticket there ma'am, okay thank you.

**Pete Sisson (605 W. Highland View Dr.):** Mr. Chairman, commissioners, thank you for your patience this evening. My name is Pete Sisson; I live at 605 E. Highland View Drive. You should understand that ACHD totally pointed to you all and they mistakenly made the decision that they had no discretion in the matter and that was an abusive discretion and I urge you not to make the same mistake. You have the discretion to impose more than minimum requirements on this development and that's made clear in the legal briefing that's been presented by the Highlands Neighbourhood Association as well as the Highland Cove Protection Association. So I urge you to deny the application or at a minimum to impose additional requirements over and above what the application documents portray to you now. I'd like to talk just a bit about the Foothills Planned Development Standards codified under 11-07-09. It's clear this property that's at issue falls within the foothills planning area. It gives it, because it does, it gives it special status. And the commission really should treat this land differently than land that is not in the foothills planning area. To my knowledge, there is only one ordinance that applies only to foothills planned area and not to other land in the city and that's the Foothills Planned Development Standards. They only reason staff and the developer contend that 11-07-09 doesn't apply is because the land has already been annexed. We heard and saw that it was annexed back in 2001. And the developer is contending it's not subject to the Foothills Planning, Foothills Planned Development Standards because there's no annexation or rezone request. But if this interpretation holds true, that would create a loophole so huge that no developer of any foothills land would ever be subject to the ordinance because they would simply request annexation, wait

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a year or two and come back with their development request. If you look at the ordinance that, where the property was annexed and that is 6083. In the zoning findings on page 6, the city said, the council has placed several parcels in A-Open Land status pending specific proposals and that is what the commission recommended in this case. So, at the time this property was annexed the developer said we want to develop it and the city said, well, we'll consider that when you give us a specific plan. Well the specific plan took fourteen years to come to the city and it's now before this council, the commission. That doesn't mean that the Foothills Planned Development Standards don't apply. They do and they've been met and you need to impose them in the current application doesn't meet those requirements, so you have to deny. Thank you.

**Chairman Demarest:** Thank you sir. Next person come on up.

**George Walter (701 Harcourt Rd.):** My name is George Walter, 701 Harcourt Road, that's about half way up E. Braemere, where the speed limit is 38 mph in a 25 and that's not intended to be funny. The thing I'm hearing is that we have an untenable traffic and public safety issue and ACHD's plan and your plan is to approve this subdivision and figure it out later. I don't know where ACHD and you folks have been for the last thirty years, but we have not traffic control up there. So the idea of that coming in later doesn't give me the warm fuzzies because I still remember Enron, and Worldcom, and Bernie Maddloff, forgive me if I don't trust ACHD to fix this after they've made it even worse. What I really want to talk about is the fire danger in the foothills. This unbuildable land that is either too narrow or too steep is full of sage brush. The developer is not going to put some kind of fire resistant AstroTurf in there. When that catches fire, it's going to move to the houses above it. I was here during the last Boise foothills fire, that the Boise Police Department started. Please don't think that because they stop using tracer bullets, you'll never have another foothills fire. All you have to do is look on the computer for California fires, you'll see four hundred homes have burned down there in two days and we're talking to the ground. That is going to happen again. I was in the foothills during that fire. I remember seeing my neighbours digging fire trenches with hand tools. I did not see the Boise Fire Department, I saw my neighbours digging these trenches. This was, I believe, down by Bob's Trail where there is a housing area down there. Just to make one point clear, I've heard it held out that the Boise Fire Department believes that this additional sixty homes is a great idea because it improves critical connectivity. I spoke with Boise Fire Department, Deputy Fire Marshall Romeo Gervais, I'm not sure how to pronounce that. He does not, they do not have, a position on this and the point is if you add sixty homes into this place, when that place starts burning they're going to be trying to evacuate people out of this funnel and it's not going to work. You know, I was just thinking South Carolina, I believe they took down the Confederate Flag, after there was a tragedy that caused a lot of lives. The difference I see here is that when the tragedy happens here, there is going to be no Confederate Flag to take down. The tragedy's going to happen because the local government didn't practice fiduciary duty of safety to the citizens.

**Chairman Demarest:** Thank you sir. Who's next? Come on up.

**Adam Kaplan (877 Chardie Rd.):** Hi, my name is Adam Kaplan, I live at 877 Chardie. Forgive my ignorance, I do not know how this process works so my question is, or my thoughts are strictly about process. Like the guy before me, he just we're told that the highway district is going to figure out how to handle the problems that get created here after you make your decision tonight. Is that really, truly, this is

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an ignorant question, is that really that the process is supposed to work? We create a problem and then afterwards we come up with a way to fix it. I work with kids for a living and we talk to them often making smart choices and we try to model these smart choices for them. To me this move is akin to making a decision ahead of time to drive to a party, get drunk, and the promise that after we're loaded, we're going to figure out a way to get home. It seems as though there's enough invested and intelligent, and concerned people here, that at the very least we should be asking for the planned solutions to the problems ahead of us, before we create those problems. For goodness sakes, the very least we should arrange for a taxi before the party. Thanks.

**Chairman Demarest:** Thank you sir. Okay, who's next? It looks like we've got about three more people lined up, so I'm going to ask that if you do want to speak and you haven't spoken yet, please get on that line right there.

**Charlie Hepworth (1121 E. Braemere Rd.):** Sir, Mr. Commissioner, thank you for being patient with us as we take this opportunity to voice our concerns about this project. I want to voice two concerns that my family has and I should say that I live at 1121 E. Braemere Road.

**Chairman Demarest:** Your name sir?

**Charlie Hepworth:** My name is Charlie Hepworth.

**Chairman Demarest:** Thank you.

**Charlie Hepworth:** The first concern is safety and I know you've heard a ton about safety. I would submit you can't possibly hear enough. So, as I debated whether to say something or not, I thought shame on me if I don't get up and express these concerns because they are very real and they're very valid and you need to hear them and if it takes speaker, after speaker, after speaker, you need to hear them. The school that is served by this area is Highlands Elementary School, not Highlands High School, those kids all drive from this area to Boise High School. It's Highlands Elementary School, so we're talking about kids walking to school down Highlands View Drive and down Braemere Road and across W. Braemere Road who are five years old to twelve years old. The kids who are the ages who are least capable of looking out after their own safety are being placed in harm's way. Why? In the name of development, because we have to have more development. But really, at the cost of the lives or the safety of five to twelve year olds and they walk. I would drive that road every day, I come down E. Braemere, I go across W. Braemere, I go down Highland View Drive and what I see the whole way is kids walking, not on sidewalks, walking on the sides of the streets, on both sides of the streets and so this street that is whatever width is narrowed in width because I've got kids, either on bikes or holding hands with their brothers and sisters walking down the road and it happens every day. If you increase the load on these roads, and you know these roads, they're downhill, they're like luge sleds, bob sled runs, that's a better word. You just go as the other speakers have pointed out and these kids, they have nowhere else to walk but in those streets and so I think everybody here who has expressed the concern of safety, I'm a personal injury lawyer, this I think, gosh, maybe this is an opportunity, I'm not that crass but this is ridiculous, it really is and somebody's going to be accountable for these decisions and it will be at the lives at the little kids that who are lost or it will be the people who decide that this was a good idea. So, enough said about

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safety. The second thing I have as a concern is the impact on property values. We're going to have noise; we're going to have dust; our property values are going to decline. Thank you.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Sir, your time is up. Okay, next person.

**Wade Peening (927 Wyndemere Dr.):** I would like to echo what everybody before me has said about the concerns about safety, property values and one thing I want to bring up that's in addition to all those things is that earlier this evening, well last night, this group decided that they would deny assisted living project because of all of the issues that have been brought up on this project. So, you have to, if you're going to deny it, one, you've got to deny the other because they both effect the same areas. Thank you for your time.

**Chairman Demarest:** Thank you, sir.

**Jolie Strohmeyer (724 W. Highland View Dr.):** I have lived here one year. You can imagine my surprise the first week moving into the house, my new neighbor, who let me know about this development up the street, it was quite a shock. Thank you for the opportunity to speak about my concerns about this proposed development. The development has serious impacts on mine and my family's safety and well-being and quality of life. My 12 year old daughter testified about her safety at the ACHD hearing but unfortunately, this hearing schedule conflicts with her bed time. I urge you to deny approval of the development as planned. The ACHD and P&Z seem to be demonstrating a circular argument. ACHD felt that they had no choice to approve the proposal since no zoning exceptions were needed from P&Z and P&Z relies in part on the ACHD decision. The ACHD decision was flawed. It implied incorrect assumptions regarding traffic counts and distributions and it was flawed because P&Z zoning gyrations are required to build the subdivision as planned in A-1 zoning. However, some aspects of the proposal are consistent with the spirit and intent of City policy and guidelines and that's a clustering of the homes and the open space. Lucky for the developer, the only way the development could possibly work is to cluster the homes since majority of the parcels are unbuildable. And lucky for the developer that the demographics show some demand for patio homes because deviating from building envelopes and minimum lot sizes, is the only way they can make their development economically feasible. Many aspects of the proposal are inconsistent with the zoning ordinance and Blue Print Boise. Where the proposal is inconsistent, I have out lined specific situations to the Blue Print Boise and other guidelines. I have submitted my letter; it's in the package. For just a few examples, in the Blue Print Boise, FHCC135 and 37 and FHCC13 and 19 require traffic impacts be evaluated appropriately and impacts minimized and this proposal does not meet these requirements. That's just a small sampling of what I've put together in my letter. Other potential inconsistencies is that the proposal does not adequately address the development as required in Blue Print Boise and the proposal will be directly responsible for more than 210,000 annual vehicle trips occurring in the Highlands neighborhood. I urge you to deny further consideration of the development for a multitude of reasons; it simply is not the right development for Boise. Thank you.

**Chairman Demarest:** Thank you, ma'am. I'm seeing two more people in line and I'm going to ask if you do want to speak that you are on that line because we're going to be done pretty quickly.



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**Lori Dingel (303 E. Highland View Dr.):** I decided to come up because I was very surprised by something a Commissioner said. He seemed to want us to point to spots in the ACHD record that we put in question. I don't understand how that has any relevance to this body's decision. This body needs to be listening to testimony and make its own decision. Obviously, all of my neighbors and I completely disagree with the ACHD's decision and we've tried to give you testimony explaining why. I have four children, so I'm obviously very emotional about this situation as are other parents. Three of my children have ridden the bus; they are at Boise High and at North. You need to understand that these children, after they are done, they've survived getting to Highlands then they move onto the bus stop adventure. So, this involves standing on the side of the road on Highland View; for my kids its Selkirk and Highland View. There are no sidewalks. There's a gutter and then there's the road. Remember that during school, when they're waiting for that bus it is dark so they're in the street, it's dark, at times we have rain, we have snow, sometimes we have roads that have been taken care of, sometimes we don't and even when they are taken care of its still slippery. So, would you want your children and grandchildren standing in that situation waiting for a bus in conditions that have been described by my neighbors? Extremely dangerous. My last thing is that the developer in his presentation said that one of the benefits of this is connectivity and dispersing, he uses the word dispersing traffic, which greatly, it's not a correct word to use in this situation because Highland View is over taxed with traffic and so is Braemere and I don't understand how he says that's a benefit dispersing it. A benefit would be if he pushes the traffic onto 8<sup>th</sup> street or Bogus Basin; we need another outlet.

**Chairman Demarest:** Thank you, ma'am. Okay, looks like our last speaker this evening is coming to the podium right now.

**Steven Lord (409 W. Jefferson):** I have a number of slips.

**Chairman Demarest:** We'll take those, just before you leave the room tonight we will take those.

**Steven Lord (409 W. Jefferson):** If there's anybody who stood up here and testified who didn't sign up on the sign-up sheet please make sure you come forward and fill out one of these slips.

**Chairman Demarest:** I believe we've gotten them all.

**Steven Lord (409 W. Jefferson):** I just want to remind everybody just in case they're running blanks.

**Chairman Demarest:** Name and address for the record.

**Steven Lord (409 W. Jefferson):** I represent most of the people in this group. You have a very lengthy letter from me in your packet. I won't try to repeat everything that I've said in an 18 page letter which together with its attachments is 83 pages. As a numerical exercise this project satisfies minimal compliance with your planned unit development ordinance. It does not, however, address the qualitative issues that your discretion allows you to consider. There is a significant issue in the case of 917 Lusk vs. the City of Boise and again, all we're asking you to do in my presentation is to exercise your discretion to require a project that's better, not just adequate. As a numerical exercise nothing in the application or

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staff's project report addresses any of either the concepts of detailed plan requirements that are addressed in Boise City Code 110708 which is the Hillside ordinance. We think, you also have an opportunity to correct an incorrect interpretation of the applicability of the Foothills Planned Development ordinance. In the letter I wrote to you I identified that part of section 110403 makes it applicable to all development in the Foothills. Finally, please exercise your discretion to require more, not just adequate. The reason why it's important to use the language in 110403 that is cited in my letter, because if you don't, you'd be essentially, like Mr. Sisson said, rendered the language in 110403 superfluous in a basic rule of statutory interpretation is that you don't use that language to result in the nullification of an entire other ordinance. Thank you very much.

**Chairman Demarest:** Okay, looks like that, nobody else online, so it looks like we're done with public testimony, we will close that up and the applicant has up to 5 minutes to rebut.

**PUBLIC TESTIMONY CLOSED**

**APPLICANT REBUTTAL**

**Dave Yorgason (14254 W. Battenberg Drive):** Good evening, good morning, whatever time it might be. Thank you again. I will be very brief and to the point. First of all, the neighbors that Dr. Masser included, many referred to prior applications on this site. Those are all different applications; they are all parcel applications to part of the development of this property. All those applications requested a rezone for higher density than actually what the City then later granted. The City then later granted and did approve A-1 zoning for those applications that were referred to tonight. We're just utilizing the existing current zoning of the property that's already been acknowledge by the City of Boise. We own the land. There's been reference to other parcels that's over 150, 400 acres, whatever was referred to so I understand all of those parcels, for the majority for the most part those are all outside, those are all in the county. Those will all be subject to the new rules, the Foothills Planning Development Ordinance when they do request annexation and zoning for the properties. We are not providing stub roads to any of those outside parcels. As a point of clarification, the A-1 zone does not have a minimum 1 acre lot size, there's no minimum lot size for the A-1 zone; staff can validate that for you. I do appreciate the acknowledgment of the current vested property right that we do have on the property of the current zoning. Street sections – Sunset Peak, I believe that was all previously addressed in my comments and in our prior application notes. I recognize that there's some who would like to have the Foothills Planning Development Ordinance apply; the code is very clear and it states that it does not apply unless we are requesting rezone, which we are not tonight. Traffic mitigation, one point I failed to mention in my previous notes, in addition to the funds that we are contributing and paying ACHD also acknowledge their general funds of contributing to pay for those solutions as well. Traffic, where does it go? There was a comment that it was not analysed, the downstream traffic, that's actually false, very false. Dan Thompson from Thompson Engineers can answer those questions if you'd like, it's thoroughly analysed and provided within the staff report of ACHD and I can point to a slide for you if you'd like to show you all the traffic levels of service for the downstream network and they are all within acceptable levels of service to ACHD. The external roads will handle the traffic as identified by ACHD and the levels of service do not change after the development is fully built out. A question raised regarding vacation of right of way, that happens after a preliminary plat is approved, not before, but after a preliminary plat is approved and we will go through

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that process at that point of the process. We do acknowledge that the challenge is the roads, we're not here to say that there aren't any problems, I never said that, we acknowledge there are some challenges especially with Highland View Dr. and the lower W. Braemere area. Nonetheless, that's been thoroughly analysed by ACHD and there's a whole separate process that ACHD has already set up to work close with the neighbors regardless of the decision from the City of Boise to work with them to use our funds through the approval of our application and other funds provided to make solutions for those traffic concerns. We actually considered other designs and how to re-alter our development, we recognize that, there are unintended consequences. We're not here planning to send all of our traffic down one road or the other. Dispersed is a word that is used actually by one of the Commissioners at ACHD, his acknowledging that is the best way to minimize the impacts. There is a demand for empty nesters. Someone challenged me on that. I'm not going to give them the list of names, there's more than 50 who currently live in the Highlands and the North end area who would like to live in this area, empty nesters, so there is a high demand for the area and we didn't start marketing the property yet for development. All future development, there's references about skirting around the code and all you have to do is request annexation, well that's far from the truth. This application has already been annexed and the City has already identified the acceptable zoning and densities for the property, we're just again, utilizing that. Any future applications brought to this board or the City Council has to go through the Foothills Planning Development Ordinance when they request annexation and/or a rezone of the properties, which again is different from ours. I appreciate the comments regarding emergency access and fire concerns, again we know that's probably the number two concern in this area and we have tried to very thoroughly tried to analyse that effort, again, put a fire safety plan in place but also in consideration of open space buffers and things to try to help mitigate that concern. This is quite simply an infill development following all of the applicable City codes. It's already annexed into the City, it's already zoned for the density, and we're just utilizing existing already approved density for the property and connecting three existing public stub streets to the property and thereby improving fire safety and connectivity in the area. There was a comment regarding schools. The school district has already commented. Trails connection, a point of clarification, we met with the Highlands HOA, we did specifically ask them about the connection to the trails and they did specifically respond and say they support that. Thank you.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Sir, your time is up. So, we're going to now put this before the Commissioners for decision. So, where would you like to begin, discussion or a motion?

**Commissioner Just:** Mr. Chairman?

**Chairman Demarest:** Commissioner Just.

**MOTION:** COMMISSIONER JUST MOVED TO DENY PUD15-00004.

**SECONDER:** COMMISSIONER MILLER

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**Chairman Demarest:** So, discussion?

**Commissioner Just:** Mr. Chairman?

**Chairman Demarest:** Commissioner Just.

**Commissioner Just:** My concern isn't primarily with the development itself but with its impact on the neighbors. I believe that the fact that the collector streets are already inadequate. The proposed project would simply exacerbate that situation. Downstream streets including Braemere, Highland View Dr., 15<sup>th</sup>, Harrison Blvd. would all be negatively impacted. I realize it's not up to a developer, this developer or any other to solve that problem. I believe that's ACHD's job. I believe our job as P&Z Commissioners as in this case is to protect existing neighborhoods. Traffic capacity is terrible in the best of conditions, egress in the case of fire is totally inadequate, and we can't just ignore those issues and consider this development as if it were a standalone project.

**Chairman Demarest:** Thank you, Commissioner. Further discussion?

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** I have a point of order for the Chairman and Amanda which is we have a motion on the table, given the lateness of the hour our code provides us to defer this to the next meeting. Now might be an opportune time to exercise that. The public testimony is closed. I personally, we've had several pieces of information put into the public record by the way of slides by the applicant, Mr. Masser and the City, all PowerPoint presentations that I saw fly by. I am quite confident I will render a wiser and more reasoned decision if I have a chance to one review those parts of the public record and to get some sleep. So, I'm not sure if a motion, I think a motion to defer is in order at any time.

**Chairman Demarest:** Well, we've got a motion seconded and we started to discuss it on the table I think we need to see that one through.

**Commissioner Gillespie:** I think a motion to defer though, as I understand it would be acceptable at any time.

**Chairman Demarest:** Let's check with our legal.

**Commissioner Miller:** Mr. Chair?

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**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I think that if it was so favourably considered by the initial mover, said mover could make a motion to table his motion.

**Chairman Demarest:** That's Correct. So, Commissioner Just?

**Commissioner Miller:** I'm not necessarily advocating for him doing so.

**Commissioner Gillespie:** I just.

**Chairman Demarest:** I think your point has been made.

**Commissioner Just:** I'm certainly ready to make a decision myself, but we haven't let the attorney speak I think at this point.

**Amanda Schaus:** Chairman, Commissioners. Commissioner Just, I didn't hear what you just said, I'm sorry.

**Chairman Demarest:** He wants his motion to stand.

**Amanda Schaus:** You're not willing to withdraw your motion?

**Commissioner Just:** I'm not. But I'm interested in the answer to the question about deferring.

**Amanda Schaus:** Chair, Commissioner I'm going to need probably five minutes to figure that out.

**Chairman Demarest:** So, I'm going to weigh in, I don't think I have the discretion as Chair to make this happen one way or the other but these folks have hung in there with us for a long, long time tonight, from 6:00 till 1:30 in the morning and I personally think that they do deserve for us to make this decision this evening. That's my personal opinion.

**Commissioner Gillespie:** I'm really tired, this is really hard.

**Scott Spjute (City of Boise):** Mr. Chairman? Can I interject just real quickly?

**Chairman Demarest:** Yes.

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**Scott Spjute (City of Boise):** If a substitute motion is made, subsequent to the original motion being made, and it is seconded, then it becomes the motion on the table and it needs to be decided on before going back to the original motion. So, if a motion to defer is made and seconded a vote should be taken.

**Chairman Demarest:** We haven't had the motion, we've had a question.

**Commissioner Gillespie:** Well let's see. Mr. Chairman?

**Chairman Demarest:** Commissioner.

**Commissioner Gillespie:** I move that due to the lateness of the hour as provided in City code and due to the need to collect all of the public testimony that's been offered that we defer the decision making process of this issue to next week.

**Chairman Demarest:** Is there a second? I hear no second. So, we still have the first motion seconded on the floor before us which is to...

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner.

**Commissioner Gillespie:** Point of order. I need five minutes.

**Chairman Demarest:** A five minute break?

**Commissioner Gillespie:** Yes.

**Chairman Demarest:** That, you get.

**Commissioner Gillespie:** Thank you so much.

**Chairman Demarest:** I would encourage folks to stay still if you can, five minutes is going to be five minutes, and we do have a motion seconded on the floor before us.

**Chairman Demarest:** Alright, Commissioners coming back, so we would like to come back to order here. We do have a motion to deny item number 11, PUD 15-00004. It's been seconded, we've begun discussion, let's continue right there with discussion, if that is the pleasure of the Commissioners. Discussion on the motion that is before us?

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**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller

**Commissioner Miller:** So having been here for 8 hours now, I've had some time to really dig into some issues I've been wanting to think about for a while and I want to kind of just run through some of these probably because they are applicable to this project but also because these are issues that we deal with considerably and I wanted to give some thought to them and talk a little bit about these traffic issues. So, first of all, there was a question to me, as to why I mentioned the ACHD ordinance, just to make certain that people understand that the ACHD, I'm sorry not the ordinance but their proposed conditions, is that ACHD conditions of approval are only applicable against a developer through incorporation into our conditions of approval. So if you look at condition 4, it says you have to comply with ACHD. I think that's important because ACHD doesn't actually have the power to enforce conditions but through us. So what does that tell us? What it tells us is that there is still some primacy in our situation. Now, a lot of people think that if you go and you simply comply with what ACHD tells you to do that that's enough and in fact we've heard that here tonight numerous times. We've met ACHD's conditions, go away City of Boise, and stop trying to tell me to do anything else. But I want to point to several reasons as to why that's inaccurate. First, the conditional use permit which is one of the permits that requires compliance with the Comprehensive Plan. Now if you go and you look at that, one of the four major objectives of Blue Print Boise which is our Comprehensive Plan is quote "to establish a strong linkage between land use, transportation, the environment and urban design." Clearly, finding some sort of a linkage between land use and transportation is one of the major things that our City has a land use policy not just as a transportation policy of ACHD, but a land use policy of this City independent of how, of our roadways, over which ACHD does have exclusive jurisdiction, but how we use our land use is inexplicably intertwined with the nature of the transportation. Further, you can look at numerous other sections of the general plan, which I'm not going to go into but you could look at the Foothills, the CCN3.5 which talks about traffic impacts studies and some of the things necessary there. Now, one of the things that makes this whole thing very weird and probably gives you great frustration about us is that ACHD does have exclusive jurisdiction over Boise's roads and those words, exclusive jurisdiction, come from cases and they were most recently cited in an attorney general opinion which did not go into Boise's favor. But, just because there's exclusive jurisdiction over the roadways doesn't mean that to the extent that traffic impacts land uses and impacts how people live on the rest of the 95 or 98 percent of the land, that those traffic impacts that we have to ignore in our land use decisions, which seems to be something that is completely lost on the developers and seems to be lost on the developer in this particular case. Now, let me just mention several things that we've talked about here. First, there are lots of ways that traffic impacts land uses. Land use effects can include property values, we heard people mention those. The traditional bailiwick of the regulation of land use's public health, safety, welfare regulations, we've heard plenty of people talk about those. Talking about kid's safety and of course it's not just the safety on the road, it's the safety getting to and from places in our City. So to simply say that the transport of our

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children is somehow an ACHD issue alone, it's just dumb. No, that makes absolutely no sense. We're moving in between areas that have no jurisdiction of ACHD and I realize this is all crazy but I'm getting to a point. The whole point of this is we heard other people talking about the effects of the traffic on noise and the effects of working at home. That movement around the City between those properties requires transportation on the roads and those injuries are not necessarily just about the roads. So, I think that this means that we have, you have expressed tonight a lot of effects of transportation of what we would call land uses. Now, why does that matter? The distinction matters because ACHD has exclusive jurisdiction over our roadways but they do not have jurisdiction over the effects of transportation on our land uses because they have exclusive jurisdiction only over the roads. So, it is our job, that is why our Comprehensive Plan, that is why our general plan talks about intergrading land use and transportation because that's our job. So, that is why those questions are rightly before us tonight and why I think we have the ability to listen to you and recognize the concerns. Now, here's the problem. In almost every other City in the United States, we could take your concerns into consideration and we could say we would like to do this for you to mitigate these impacts, but because ACHD has exclusive jurisdiction over the roads, we cannot do that. So, now we're caught in some weird vortex. Now, I don't know how to resolve that vortex because it's been around for 3 decades and nobody knows what to do about it but what I know is that just because ACHD has exclusive jurisdiction over the roads does not mean that we do not have jurisdiction to take into consideration and make a decision tonight on the basis of the effects of transportation on land use. That is clearly within the realm of our Comprehensive Plan, it's clearly within the realm of numerous other decisions and so as a result that is why I will be voting against this because of all the reasons that you have cited in which I believe that the project clearly doesn't meet, now I'm not going to numerate all of them, but I do think that our findings should make distinct reference to each of the considerations that have been raised here by people tonight, if this motion were to pass and after that, I know I'm talking long here, but this has been a major issue and it's been on my mind a while and I've had 5 hours to think about it. Two other things, I think that there are similar issues related to the trails. As I've been on this Commission, this idea that somehow the HOA is going to maintain the trail with no other assurances is just something that's crazy to me and it just makes no sense, there's no guarantee, no sense of how it's going to go, is it in perpetuity? In the earlier discussions, the potential to deed something to the City or something like that, of course we can't require that but the developer made some notation that maybe they might be interested in something like that but to me it ultimately seems a little bit too little too late. It's a bit of lip service to say that we're going to do these things and not really provide a mechanism to go onwards. Now, as I say we cannot require them as an exaction but I think that we also can't consider them as something that's going to be there either as a favourable part of the project. So, I think it just becomes and it goes out in the wash and we have to decide when we think about the project as to whether it's something that we actually want a project like that in the Foothills. I'm going to stop there and give some other people a talk but I appreciate you letting me ramble on for a little bit.

**Chairman Demarest:** Sure thing. Okay, other discussion on the motion to deny which has been seconded?



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**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** I will be much briefer. I will reluctantly vote for the motion to deny. I believe that substantial evidence was presented on the impact of traffic on W. Braemere and lower Highland View down onto 15<sup>th</sup> and I believe that consideration of transportation is something that we're instructed to consider. That would be 7b under 11304 on planned unit developments, that the planned use will not place an undue burden on transportation and other public facilities in the vicinity, so that's my principle issue. On the other issues, the relocation of Sunset Peak, fire concerns, the schools, the wildlife corridors, for me, that wasn't a determining issue, for me the determining issue was the traffic impact. I would also like to say that I have substantial sympathy for the argument that the Foothills Planned Development Ordinance should be applied. I think when you go for a PUD and you change lot size and the characteristics of the lots and the setbacks, etc., that that is in a sense a rezone. You're asking for different rules and applying to the underline zone, that's the point of a PUD. Whether, legally that would trigger the Foothills Planned Development Ordinance is above my pay grade but I think it's a very, very interesting question.

**Chairman Demarest:** Thank you. Further discussion?

**Commissioner Gibson:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gibson.

**Commissioner Gibson:** I'll be brief as well and I'll support Commissioner Gillespie's substantiation of his position. It's the paradox, we all want to live there, and I've got friends and associates here tonight testifying. It's a beautiful area and it's also important to protect the interests of those individuals that have invested significant amounts of their personal, physical, emotional and financial success to being part of a community and being part of a community is showing up and staying until 2:00am to testify. So, we appreciate your time.

**Chairman Demarest:** Ready to vote? All those in favour, the motion to deny, please signify by saying aye. Any opposed?

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**Chairman Demarest:** It's unanimous and so carried. Fellow citizens, thank you for your amazing time this evening, City staff thank you for your time and Commissioners thank you for your time.

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**IV. MEETING ADJOURNED**

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