

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

MINUTES • September 21, 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, Brent Moore, Bruce Eggleston, David Moser, Todd Tucker, Ted Vanegas, Meagan Curtis and Amanda Schaus (Legal).

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**I. CONSENT AGENDA**

**[SUB15-00045](#) / Spicebark Subdivision**

Location: [4900 N. Farrow Street](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 12 BUILDABLE AND 2 COMMON LOTS ON 2.6 ACRES LOCATED AT 4900 N. FARROW STREET IN AN R-1C (SINGLE FAMILY RESIDENTIAL) 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.*

**[CVA15-00033](#) / Golden West Advertising – Leslie Brown**

Location: [835 West Front Street](#)

VARIANCE TO REDUCE THE CLEARANCE HEIGHT OF A PROPOSED SIGN FROM 12-FEET TO 9-FEET 7-INCHES LOCATED AT 835 WEST FRONT STREET IN A C-5DD (CENTRAL BUSINESS WITH DOWNTOWN 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.*

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**MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: SUB15-00045 & CVA15-00033.**

**SECONDER: COMMISSIONER DEMAREST**

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

## **II. DEFERRAL & RECONSIDERATION AGENDA**

### **PUD15-00017 / The Reserve at Deer Valley, LLC**

Location: [8134 N. Pierce Park Lane](#)

CONDITIONAL USE PERMIT FOR A PLANNED DEVELOPMENT COMPRISED OF 96 DETACHED SINGLE FAMILY HOMES ON APPROXIMATELY 90 ACRES LOCATED AT 8134 N. PIERCE PARK LANE IN AN R-1A (SINGLE FAMILY RESIDENTIAL) ZONE. [Cody Riddle](#) & [Todd Tucker](#)

### **CFH15-00037 / The Reserve at Deer Valley, LLC**

Location: [8134 N. Pierce Park Lane](#)

HILLSIDE DEVELOPMENT PERMIT FOR THE GRADING ASSOCIATED WITH A 90 ACRE SUBDIVISION LOCATED AT 8134 N. PIERCE PARK LANE IN AN R-1A (SINGLE FAMILY RESIDENTIAL) ZONE. [Cody Riddle](#) & [Todd Tucker](#)

### **SUB15-00042 / The Reserve at Deer Valley**

Location: [8134 N. Pierce Park Lane](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 96 BUILDABLE AND 6 COMMON LOTS ON APPROXIMATELY 90 ACRES LOCATED AT 8134 N. PIERCE PARK LANE IN AN R-1A (SINGLE FAMILY RESIDENTIAL) ZONE. [Cody Riddle](#) & [Todd Tucker](#)

**MOTION: COMMISSIONER GILLESPIE MOVED TO DEFER PUD15-00017, CFH15-00037 & SUB15-00042 TO A DATE CERTAIN OF OCTOBER 5, 2015.**

**SECONDER: COMMISSIONER JUST**

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

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### III. REGULAR AGENDA

#### CHAIRMAN BRADBURY RECUSED HIMSELF

##### [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](#)

**Cody Riddle (City of Boise):** I think we can keep this fairly brief, Mr. Chairman. Last week we presented a special exception for a self-service storage facility on the 4.3 acre site that you see on the screen. We recommended approval and there was no public or agency opposition to the request. Unfortunately, there was a bit of confusion on one of the recommended conditions of that approval. While I believe the applicant understood our intent, the Commission did not. Our intent was to include a condition requiring public access through the site, as you can see on the screen. The condition was worded in a way though, that said we wanted access to the site, not through it. As you can see on the screen, a connection through the site would provide an extension of Chapala Way to Wainwright. Wainwright then provides full access to Eagle Road at a controlled intersection. Our thought was that that connection would serve not only customers of the project but the general public as well. As you know, we're always looking for opportunities for connectivity in neighborhoods and this connection appears to be one of those opportunities as Chapala Way is already stubbed to the subject project. We do, however, recognize that there is an alternative, north/south connection with Brooksbury Way, to the west. However, that has the potential to route additional commercial traffic through that residential neighborhood. As a result, we still believe that extending Chapala through the site is appropriate and included a condition in your memo that clarifies our recommendation. We do fully recognize that that condition would require the applicant to essentially secure the site differently, requiring at least two different gates or security entrances off of that extension, and it might even end up limiting storage to the eastern two thirds of the site. So, our recommendation this evening is that you adopt our recommended condition that you can see on the screen. That general public access be provided through the site by connecting Chapala to Wainwright. Keep in mind that the Commission is only making a recommendation on this item. It's a special exception, goes onto City Council and they will ultimately make the final decision on both the use and any recommended conditions. So, we would like the Commission to make a recommendation this evening and we recommend approval of the special exception, either with the Planning Team's condition that you can see on the top, or the alternative that was approved by the Ada County Highway District that essentially accommodates an emergency access turnaround at the end of Chapala. Thank you.

**Chairman Demarest:** Thank you. We're going to hear from the applicant, if you would come on up please and since this is a limited discussion and we've done this before, I wonder if you could keep this to 5 minutes, is that reasonable?

**Chris Stevens (111 N. Main Street, Ketchum, ID):** Easily.

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**Chairman Demarest:** Easily? Alright, great, that's what I was hoping you would say.

**Chris Stevens (111 N. Main Street, Ketchum, ID):** I can't believe this is the same sport as last week.

### APPLICANT TESTIMONY

**Chris Stevens (111 N. Main Street, Ketchum, ID):** I'm the president of 5B Investments. Cody, if we could put back that color slide with the magenta. So, this was a confusion, three of you were here last week and you can see I clearly stated that I was in opposition of this through public access. That lower left hand corner where the red arrows lead through to the yellow, my frontage along Wainwright there is limited to 55 feet. That full access driveway barely fits there. In fact, it really doesn't so it's a little bit of a squash. So, I think that's one unique aspect of this particular site. Also, by continuing Chapala through there it basically turns that residential street into a commercial street because it would be backing up against my commercial use, not quite sure what staff was talking about by the street that's to the west by not continuing Chapala, that it would make that western street a commercial street, I don't see any commercial traffic going through this area. I think the connectivity and the circulation is set. Little bit different than that Google aerial, the whole neighborhood is built out right now and however they circulate, they would continue to circulate that way even with my development crossing both halves of this property. I'm not interested in a secondary access and I'll share with you some traffic counts. Another extraordinary feature to this site that clearly wasn't anticipated with Blue Print Boise, Cody maybe we can go to the site plan showing the overall building right there. If you move the arrow two driveways to the right, there's basically a lateral, an irrigation lateral that goes through there with at least 100 stakeholders. I explored through Hawley-Troxell if we could have that vacated, you can't. So, by bisecting or bifurcating that site north and south in a couple of different basis, clearly for many self-storage it makes the site unusable, and I think that speaks to why this is the last developable site in this whole block because there's some unique aspects there with the City requiring a public road and with the lateral. The last point I'll make, maybe put up that slide, here's some actual traffic counts, they can barely read that, maybe a little bit bigger. Last week you guys, with all of the other developments, you talked about the conflict between ACHD's traffic counts and our traffic counts, not on my particular project, I have 6 other similar facilities and you can see the addresses there. These are the actual gate counts, unique gate counts for customers. This doesn't include service people and those multiplied by two, those are just unique visits where people enter their security codes. The average daily trip count, the peak daily in the morning and the peak in the evening, multiply those by two or what have you, it just doesn't make sense that you have to have two accesses to the site, I wouldn't want to go back to Chapala. I think that's the reason that ACHD was very clear that they're good with the access out onto Eagle Road and while I was also able to secure the approval of ITD. I think if I get into any more detail I'm kind of repeating from last week so I'll save you that, but I think those traffic counts, that's some new information, and you can see that the use is absolutely, probably the lightest touch that you could possibly have for 5 acres, and I think there's two or three unique characteristics to this site where it doesn't fit with Blue Print Boise. I stand ready for questions.

**Chairman Demarest:** Thank you, sir. So, questions from the Commission for either the applicant or the staff?

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**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** First a question for staff. So, in the ACHD report under findings, the Wainwright Drive, the very last section under staff comments recommendations, sorry I don't have a page number on it, it says that consistent with ACHD's minor improvement policy the applicant shall be required to correct efficiencies. So, that's on Wainwright Drive, but did ACHD say that they need to build an entrance and exit onto Wainwright? Because I think they did in the text and they did not in the conditions.

**Cody Riddle:** Mr. Chairman, Commissioner Gillespie, no, they weren't requiring that. They simply stated that Chapala, where it terminated at the site, should have emergency access turnaround with final approval from the Fire Department with bollards or gates or something like that.

**Commissioner Gillespie:** Okay, and then a second question is you show this access through the site with arrows going one way, I assume its two way access?

**Cody Riddle:** Mr. Chairman, Commissioner Gillespie that would be our intent, yes.

**Commissioner Gillespie:** Thank you.

**Chairman Demarest:** Other questions from the Commissioners?

**Commissioner Gillespie:** I have one more.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Why is there that funny curve in the zoning? Is that just some ancient artifact we can't explain, or is there any site specific on the ground reason why we have that funny shape?

**Cody Riddle:** Mr. Chairman, Commissioner Gillespie, I think you answered it. I'm not sure.

**Commissioner Gillespie:** It's an ancient artifact.

**Cody Riddle:** Yeah.

**Commissioner Gillespie:** Okay. But it's two different parcels.

**Cody Riddle:** Mr. Chairman, Commissioner Gillespie, no I believe it's one. You can see here it's one parcel; I think the intent probably some time ago was that the neighborhood transitioned from office along Eagle Road to residential beyond.

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**Commissioner Gillespie:** Thank you.

**Chairman Demarest:** Any other questions from the Commissioners? Going, going, gentleman, thank you. We're good thanks. So, I think it comes before the Commission now to determine. So, we don't have anybody who signed up, so is anybody here to comment on that particular issue, because that's all we're considering this evening is the issue of access, connectivity through that parcel. Okay, so I don't see any, so nothing to rebut from the applicant, nothing has been stated, so I think we go right into the consideration, deliberation by the Commissioners.

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**NO PUBLIC TESTIMONY**

**NO APPLICANT REBUTTAL**

**MOTION: COMMISSIONER JUST MOVED TO RECOMMEND APPROVAL OF CUP15-00058 TO CITY COUNCIL WITH THE APPLICANT'S RECOMMENDATION WITH THE ADDED ACHD CONDITION AND IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER: COMMISSIONER DEMAREST**

**Chairman Demarest:** So, we've got a motion seconded, is there discussion? Commissioner Just?

**Commissioner Just:** Mr. Chairman, it just seems that I'm not sure that this would be a road that was used much anyway, and the applicant's recommendation, and I'm sure that's why he recommended it, it's less restrictive on the business in that area and I'm not always a person who looks at everything from a pro-business angle by any means, but I don't see any reason why we should be restricting this particular business.

**Chairman Demarest:** Any other discussion from the Commissioners?

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

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**Commissioner Gillespie:** So, I will be voting against the motion. It's a close call, but in the end I think I pretty consistently supported connectivity, especially in this part of town where just a simply look at the map will show you, I mean we have very poor connectivity through all of these subdivisions, and so I understand where staff is coming from and what they want to do. I also want to point out that this road would, or existing zoning designation R1-C doesn't allow for storage facilities in that upper corner and that's what it is, and I have a feeling that if this road were put in, it's likely that we'd see development in the north/east corner more compatible with the zoning. So, for those reasons, I will be voting against the most.

**Chairman Demarest:** Thank you. Further discussion? Okay, all those in favor of the motion, item number 6, CUP15-00058 to approve, please signify by saying aye, those opposed?

**2 IN FAVOR, ONE OPPOSED (COMMISSIONER GILLESPIE), MOTION CARRIES.**

**Chairman Demarest:** Let the record show the motion carries. Thank you.

**Amanda Schaus (City of Boise):** Point of order. I'm sorry, I was not clear on the decision. Could you? So, it was approved to recommend to City Council with the ACHD condition? Okay, thank you.

**[CPA15-00004](#) / Boise Planning and Development Services and Boise Parks and Recreation**

**COMPREHENSIVE PLAN TEXT AMENDMENTS TO ADOPT THESE ITEMS:**

1. FOR PARCELS 1.5 GROSS ACRES OR LESS IN SIZE THE LAND USE DESIGNATION NEED NOT BE ADHERED TO, PROVIDED OTHER POLICIES OF THE BLUEPRINT BOISE CAN BE FOUND TO SUPPORT THE PROPOSED USE.
2. ADD "AS AMENDED" STATEMENT TO LIST OF PLANS ADOPTED BY REFERENCE.
3. THE ADDITION OF *OPEN SPACE MATTERS – CITY OF BOISE RESERVES MANAGEMENT PLAN*, ADOPTED BY REFERENCE. [Bruce Eggleston](#)

**APPLICANT TESTIMONY**

**Bruce Eggleston (City of Boise, Planning & Development Services):** Good evening, we have three proposed amendments tonight to the *Comprehensive Plan*, text amendments, and they are kind of a clean-up, they're really not related, and we would like you to take a look at each of them separately and if necessary, make a motion on each separately.

The first item is a text amendment pertaining to parcels that are less than 1.5 acres and to amend the land use map to include the statement for parcels 1.5 gross acres or less in size, the land use designation need not be adhered to, provided other policies of the *Blueprint Boise* can be found to support the proposed use. The second item, number two of the staff report, is text amendment to add the words "as amended" in our list of plans adopted by reference section and on page four in the preface of the *Blueprint Boise*, and, item three is a text amendment to add *Open Space Matters, the City of Boise Reserves Management Plan*,

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adopted by reference, updating a list of plans adopted by reference found in page four of *Blueprint*, and for that portion of the presentation I would like to invite Jennifer Tomlinson, from the Parks staff, to make a presentation on that.

I would like to address item number one now. The introduction of *Blueprint Boise*, under the section of “Monitoring the *Comprehensive Plan*,” states that, “The *Comprehensive Plan* should be reviewed annually and revised, as necessary, to reflect the availability of new implementation tools, change in state and federal law, changes in federal sources, funding sources, and the result of monitoring the effectiveness of existing policies and the impacts of past decisions.” The *Comprehensive Plan* is a living, breathing document, and we would like to adapt it to our use as staff, as well as make it work better for the community. That’s the reasoning behind the acre-and-a-half exception. The plan is designed to be flexible, and evolving to meet changes in the fabric of the City.

The PDS team perceived a need for this amendment in a few exceptional cases. The *Comprehensive Plan* Land Use Designations are general descriptions; they can’t reflect all of the potential range for land use change for any specific parcel of land. So, all parcels in the range of an acre-and-a-half or less are often prime sites for small infill, and office or commercial services which may not be reflected in the land use, the *Comprehensive Plan* land use, excuse me. *Blueprint Boise* has fewer land use designations than the 1997 *Comprehensive Plan*. With the creation of a mixed use designation that mixed use in *Blueprint* was meant to provide a broader pallet and provide an additional land use section that in the logic, was to supplant the need for the acre-and-a-half, because we now have this larger mixed use land use designation. But, if something is outside of that mixed use designation and it still doesn’t fit, it may be a candidate for the acre-and-a-half exception.

One of the issues that we’ve encountered is in the development of smaller parcels. Going through the process of approval, including the land use map, there is a significant fee to that, where a lot of times it puts a fiscal burden on the land owner. The fee is around \$2000. We found that the land use map, if you use it too rigidly, works against our policies to integrate uses and services into the community.

The goal of this amendment is to find common ground where *Comprehensive Plan* policies are supported, along with a feasible development project where they can find a compatible niche in the neighborhood, given an exception to that designated land use. If the amendment is adopted, the City would not be obligated to allow the exception, given the status of the comprehensive plan under *Idaho State Statute* as policies or recommendations. It’s not a regulation, it will remain flexible in application of the acre-and-a-half exception, and, it’s not a given that it would be granted in every case. The PDS team finds the proposed amendment compatible with the goals and policies, and, consistent with the *Comprehensive Plan*, and recommends that the Commission make a recommendation of approval to City Council.

I would like to note that we received a letter Sunday from Ms. Patricia Nilsson, AICP, formerly the *Comprehensive Plan* manager and supervisor of *Blueprint Boise*. She took exception to the amendment in general, based on a statement about there is now a “Mixed Use” land use designation that was not available in the previous plan, and that provides a broader palate. It obviates the need for the acre-and-a-half exception. At the time, she states, it was felt the prior policy was no longer necessary, that any proposal where by the land use map and the policies did not support the proposal, then yes, a



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*Comprehensive Plan* amendment would be required to vet out the pros and cons. There isn't any need for this policy, the acre-and-a-half, as any review for consistency within a comprehensive plan should look at both policies and a mapping combination. She cites the court case *Bone vs. City of Lewiston*.

The issues are kind of the same, where we're arguing that there is enough in the plan to support all of the land uses that come before us. But we're still going to have the odd parcel that is perhaps, close enough to the designated land use, but not specifically there for the zone amendment. We are mostly concerned that there should be some relief for the smaller proposals, the smaller land owners, where there may not be a fit. There's also an instance, where if you change the land use for the small parcels, its similar in concept to what we call spot zoning, which is also discouraged by case law. You don't want necessarily to have the general land use map with a lot of small amendments that are out of the context of that neighborhood. That's one of the more compelling reasons. I believe the current land uses, with this exception and a general use designation in the neighborhood, would remain stable, but with these exceptions contributing in accordance with the other policies of the plan.

The letter also states that not all properties of one acre-and-a-half or less are marginal and many of them have significant impact on a neighborhood, and mistrust to the planning process is a result if they develop in a way is perceived as unpredictable. I think the checks and balances in our approval process, the application process, the hearing process going to this body and the City Council, will be able to make those important calls, whether property under one acre-and-a-half should or should not make the land use map amendment. We would always have that option to require that into the context of a rezone hearing and with that, the general point is made there, and they're good points. But we would still like to see the acre-and-a-half exception adopted.

I will move to the next section, what I say is item two in the staff report. We have a list of plans adopted by reference in the preface section of *Blueprint Boise*, and there's a list of all of the plans, the neighborhood plans, the City plans, like the "West Downtown," "The 30<sup>th</sup> Street Plan," and so forth, and plans adopted by other government agencies, and these all support, and we try to ensure that they support the policies and goals of *Blueprint*. With item two we want to add the words "as amended" because we do from time to time get small amendments to these plans that support *Blueprint*, but they may not be cause for a complete review of the plan where there is just a small section or two amended in the subject plan. We feel that this, looking at this is applicable to a minor amendment, will allow those plans to grow as much as *Blueprint Boise* grows and changes, and at the same time not necessitating an amendment for each amendment of these sub plans, if you would, or, plans by reference. Again, Ms. Nilsson took exception to that, she felt that each plan should have a full review and go through the process that we have now to adopt a text amendment. We would agree as far as major plans go, she cites that the current *St. Luke's Plan*, which is a major plan, that would never be considered as an amendment to anything. We would just look at this proposal as minor adjustment to plans that come to us without having to have a hearing process to adopt each change to that. Anything sizeable, then we would be the arbiters of that with major change of plans; we would go through the normal process that we have now.

Thank you very much and that concludes my remarks at this time.

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I would like to have Jennifer Tomlinson, from Parks and Recreation, address item three, the adoption of *Open Space Matters* by reference. Thank you.

**Chairman Bradbury:** Alright, thank you, Bruce.

**Jennifer Tomlinson (City of Boise, Parks & Recreation):** Thank you, Mr. Chairman, hello again. My name is Jennifer Tomlinson, Parks Planner for Boise Parks and Recreation, and we are before you this evening asking for a recommendation to approve the *Open Space Matters Plan*. This plan is the City of Boise's effort to manage our reserves located with the Foothills Management Area. That area covers 85,000 acres, of which 4,300 are managed by public entities. The City's portion of that is about 4,500 acres and most of these reserves were largely purchased with money from the Foothills levy from 2001. The plan outlines how we're going to go about managing all of the lands that are in our care. We are the last agency, the last signature under the *Interagency Foothills Management Plan* to not have a management approach for how we're going to be handling all of these lands that have been entrusted to us by the public. So, this plan outlines how we're going to go about doing that. It's a guide for the next 10 years for us for acquisition priorities, some acquisition priorities, and different treatments on our open space lands. The reserves include areas like Camels Back Reserve, Castle Rock, one of the outliers is the Oregon Trail Reserve, that's not located in the *Foothills Management Plan* but in the *Interagency Foothills Management Plan*, but it is one of the reserves that the City manages. So, with that I would stand for any questions.

**Chairman Bradbury:** Thank you very much. Are there any questions of either of our two staff people, who are also our applicant?

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Bradbury:** Commissioner Gillespie.

**Commissioner Gillespie:** Bruce, I have a couple of questions about item two. A quick look at the list of adopted plans, it's about 30 plans long, many of them are put forward by the agency. So, CCDC is about five of them, but there are at least eight neighborhood associations. Does the City have any insight into the due process that those neighborhood associations are going through, or do they make their own, because they're writing these plans and amending them, does the City require any kind of due process or public hearing before they amend the plan that they are responsible for?

**Bruce Eggleston:** Yes, Mr. Chair, Commissioner Gillespie, there is a process. It's a review before this board and passed onto, it's not a resolution always, but it's a recommendation to City Council. They will generally have a resolution to adopt that plan, and mainly in the same context as we're adopting the Park's plan. There is definitely a process and there is, in the neighborhood association bylaws, there is a clear statement of that process.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Bradbury:** Commissioner Gillespie.

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**Commissioner Gillespie:** So, just to clarify, if any neighborhood association wanted to change the street definition or emphasis in their neighborhood plan or the way a piece of land, say it might be dedicated to parks or development, if they change the wording in their plan that would require approval by the City as well as they would have to demonstrate the due process fairness in making that decision at their board level. Is that fair?

**Bruce Eggleston:** Correct, yes. That's the way it is today and staff proposes just to have a threshold beyond which that we could say, well, that's still in compliance, it doesn't change the overall effect of the plan. Anything that, and we're talking very small things, but this has arisen. If it gets beyond where we would have to examine like we do for each case, we have to make findings that are in compliance with the *Comprehensive Plan*. If we can make those findings as some minor change, then we might just give them the pass on that. If it doesn't make our findings, or if we consider it to be a major change, they still have to apply one way or the other, we can give them a pass, or we can go to the hearing process. That's what this would open up.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Bradbury:** Commissioner Gillespie.

**Commissioner Gillespie:** So Bruce, are you saying that the City could deny a neighborhood association or one of these bodies could say we don't accept that amendment because of these reasons?

**Bruce Eggleston:** Well, Mr. Chair, Commissioner Gillespie, in the context of the neighborhood plan, yes, we are compelled to make sure that the neighborhood plan as a subset of *Blueprint*, and is fully in compliance with *Blueprint*, but we don't deny, we just simply work with them to make sure that it is in compliance before we take them to hearing, and, it's an ongoing process. Most recently, with Warm Springs Mesa, we have representatives here; it took a three year process to get that plan before this Commission.

**Commissioner Gillespie:** Thank you.

**Chairman Bradbury:** Any other questions of either of these two staff people. None? Alright, thank you. With that we will go to public testimony, first name on the list and only name is Richard Carter. Is Mr. Carter here?

## NO NEIGHBORHOOD ASSOCIATION TESTIMONY

### PUBLIC TESTIMONY

**Richard Carter (2343 Ridge Point Way):** Good evening, I'm a part of the Mesa Neighborhood Association's trail committee. I'm here with Doug Hardman, who is also in our trails group, and he was a part of our writing team for our *Mesa Master Plan* that we wrote and happily presented before you, that is now a part of the *Blueprint*, as an amendment, as an addendum. So, I'm just here with a comment and a

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couple of questions. Couple of inquiries regarding asking for clarification in terms of the inclusion of the site's rectangle which is below Tablerock, which is now a part of the Mesa reserve which is within our neighborhood association and it's also boundary by Harris Ranch and East End as well. It's identified, as in the plan we're talking about, as being 100 acres and when Doug and I and others wrote the Mesa Master Plan, we identified along with Bruce's help over 200 acres and so that was without, is that the site's rectangle up there at the end, is that's what it's called, the triangular piece that's now a part of the Mesa? So, whether it's a critical point or not, just to understand the size of this particular reserve that we're talking about. So, also inquiring to find out maybe from Jennifer the sense of the City's spending in terms of the sense of the City's attention to consider development particularly, of something we're so proud of, which is the access point of Tram Trail Number 14, right across from the Warm Springs Golf Course, which is just crying out, well, it is an access point and it's identified as such as being a particular entry point to all the trails farther up on the hillside, and asking particularly, because its relevant to how we end up on our trails committee spending the \$8600 that we have, which is the recent City grant. We're considering, obviously, bike racks or benches or a kiosk or signage or maybe a remade even as we design our points, what do you guys call them? The neighborhood access points? We have the opportunity to design a couple of those particularly, coming out of the neighborhood. So, with that a comment I would just like...

**Meagan Curtis (City of Boise):** Time.

**Richard Carter (2343 Ridge Point Way):** ..to appreciate the excellent capturing of our adjacent reserve that's a part of our neighborhood and the history of the attributes, the management, particularly developer Wise, is ongoing of providing of more land with a ratio as home sales increase, our reserve increases as well. So, I've got a sense that Bruce's comments earlier that this is a living document, that we will have the opportunity to stay involved and be a part of the *Open Space Matters*. It's a great, great concept. Happy for Jennifer and the City and all of you.

**Chairman Bradbury:** Thank you, Mr. Carter. We will see if we can get the Parks representative to respond to your comments, but before you do let's see if there's any other, anybody else here tonight who would like to testify on this matter? Mr. Carter was the only one who signed up on the sign-up sheet. Anybody else? Alright, thank you, so maybe we can get a response to Mr. Carter's question.

**APPLICANT REBUTTAL**

**Jennifer Tomlinson (City of Boise, Parks & Recreation):** Sure, Mr. Chair, members of the Commission, the Mesa Reserve is identified in the plan as 110 acres. This is a pretty interesting area because as Boulder Heights Estates develops we are, Parks and Recreation is deeded land as a percentage of what land is developed. So, by the time Boulder Heights Estates is built out the City will have been deeded about 341 acres. So, I believe that covers the area that is in question. Regarding the trail head, one of the implementing actions of this plan is for our department to go through a trail planning process. We actually started that last week and we will be holding public meetings coming up here in the next couple of weeks where we're going to be looking at all of the access points into our reserves, how to better accommodate users, and what kind of amenities we need at those trail head points. So, we intend to work in partnership with the Warm Springs Mesa and their trail planning committee through that process.

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**Chairman Bradbury:** Thank you very much. Alright, with that I'll close the public hearing and the matter is before the Commission for deliberation. This is a recommendation to the City Council on the amendment of the *Comprehensive Plan*.

**PUBLIC TESTIMONY CLOSED**

**MOTION:**           **COMMISSIONER JUST MOVED TO RECOMMEND APPROVAL OF CPA15-00004 TO CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN.**

**SECONDER:**       **COMMISSIONER DEMAREST**

**Chairman Bradbury:** Discussion on the motion?

**Commissioner Just:** Mr. Chairman, I think largely the first couple of items are housekeeping and staff is going to probably know best on this. I know you can have different opinions on varying things here, but it's an issue that rarely comes up, particularly the one-and-a-half acres, I'm inclined to believe staff knows how to deal with that, thus what they can, and the *Parks Management Plan* is certainly something that's due and I would certainly support it.

**Chairman Bradbury:** Any other discussion on the motion?

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Bradbury:** Commissioner Gillespie.

**Commissioner Gillespie:** I'll be supporting the motion. Of the three items, I'm actually most concerned about the smallest one, which is "the plan as amended," item number two. I think the City did though make a good argument that they are protecting the due process, and public rights to be involved in what is an effective Comp Plan amendment process, and as long as the City is sure that these neighborhood associations and various groups are attending the due process when they changes to their plan, that through the backdoor become ours, I'm ok with it.

**Chairman Bradbury:** Alright, any other discussion on the motion? I'm going to go against what appears to be the stream here. I'm going to say why. On the one-and-a-half-acre carve out, item number one, frankly, I don't think that amendment is necessary but if it's a tool that staff can use and if it helps to streamline the process, I'm in favor of that. I'm uncomfortable with item number two, the notion that we adopt by reference plans as they are amended in the future as a part of our *Comprehensive Plan*. I think one day we're going to find that a plan gets amended that we don't know about or don't have an opportunity to weigh in on, and we're going to be stuck with it as an amendment that has been adopted as Commissioner Gillespie says, through the backdoor. I'm just not comfortable with that one. As to the open space, I am whole heartily in support. Any other discussion on the motion?

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**Commissioner Gillespie:** Mr. Chairman?

**Chairman Bradbury:** Commissioner Gillespie.

**Commissioner Gillespie:** A question for you, so I was uncomfortable with item two as well and the City was pretty clear that they are able to vet these amendments and associations as they occur and that they have the ability to even deny them or to work with them. So, I'm just, I'm susceptible to your point of view. I'm just trying to get my head around what the City said and what you think.

**Chairman Bradbury:** Well, as an example, and I'm just using this as an example, if this *Open Space Matters Plan* that we are presumably, are going to recommend approval, gets adopted and the Parks Department makes an amendment to that and that amendment, for whatever reason, doesn't come before this body, it will have been, that amendment will have been incorporated into our *Comprehensive Plan* without this body having an opportunity to weigh in on it and potentially, without the public having had an opportunity to weigh in on it. It's that eventuality, and I'm not saying that staff would slide anything past us, but I'm just concerned that something like that could happen and I think we ought not to be adopting amendments that will happen in the future automatically.

**Commissioner Demarest:** Mr. Chair?

**Chairman Bradbury:** Commissioner Demarest.

**Commissioner Demarest:** I think I remember at the beginning of Mr. Eggleston's report that he indicated we could do this in three separate motions. That may be a way of dealing with your concern, I have the same concern, by the way, on item number two, but not item number one, not item number three.

**Chairman Bradbury:** Well, maybe we ought to consider a substitute motion.

**Commissioner Just:** I would be happy to make a substitute motion.

**Chairman Bradbury:** Commissioner Just.

**MOTION:**            **COMMISSIONER JUST MOVED TO AMEND THE MOTION TO RECOMMEND APPROVAL OF CPA15-00004 TO CITY COUNCIL, ITEMS (1) AND (3) IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN.**

**SECONDER:**        **COMMISSIONER GILLESPIE**

**Chairman Bradbury:** Alright, we have a motion seconded to substitute recommendation of approval of items one and three and not two for the prior motion. Any other discussion on the motion? Hearing none, all those in favor say aye. Any opposed?

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

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**Chairman Bradbury:** None opposed, motion carries, so we're recommending approval of items one and three in the staff report but not item number two. Did I get that right?

**Commissioner Gillespie:** Right, and now I understand we're going to deliberate on item two.

**Chairman Bradbury:** We made a motion to substitute the motion, right?

**Commissioner Gillespie:** Yes, we basically took item number two out and now we have to deal with item two.

**Chairman Bradbury:** You're right.

**Commissioner Gillespie:** One way or the other.

**Chairman Bradbury:** Okay, that's right, we approved items one and three but now we have item two. We will take a motion on item number two.

**MOTION:**           **COMMISSIONER GILLESPIE MOVED TO RECOMMEND DENIAL TO CITY COUNCIL OF CPA15-00004 ITEM (2) DUE TO CONCERNS OF AN OMISSION OF DUE PROCESS FOR A PLAN TO BE "ADOPTED BY REFERENCE."**

**SECONDER:**       **COMMISSIONER DEMAREST**

**Chairman Bradbury:** Any further discussion on the motion?

**Commissioner Gillespie:** So, I guess one way or the other it goes to City Council, I guess the question would be what specific procedures are there in place to ensure that amendments don't come through the backdoor without adequate due process. Is it fair to say that everybody's concern here is the due process issues around planned amendments? Because, we work hard to get plan amendments before the public and hearing it and the question is, would for example, the Collister Neighborhood Association, do they have the same notice requirements? I'm trying to find some language that these guys can use when they go to City Council and say here's what we've address that came up in the P&Z meeting. So, they're going to act on whatever our reason for denial is. So what are those reasons? My principal concern is the public due process.

**Chairman Bradbury:** Does anybody have any other?

**Commissioner Gillespie:** I mean, is that it?

**Chairman Bradbury:** Any other discussion? I think that, from my perspective anyway, the notion, the due process, but more importantly that it's clear that we're not adopting by reference tonight or at the Council when they've had to make this decision is not adopting by reference amendments that are made

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in the future that the Council and the Planning & Zoning Commission have not had an opportunity to see. That's really what it is and due process is part of it, but the other part of it is beyond that. It's actually a matter of being certain that the City has participated in the amendment.

**Commissioner Gillespie:** Mr. Chairman.

**Chairman Bradbury:** Commissioner Gillespie.

**Commissioner Gillespie:** So, your concern is even if the neighborhood association exercises proper due process, you're concern is that somehow there needs to be a mechanism in there, like the Planning Director has to approve it or something, there has to be some procedure?

**Chairman Bradbury:** Yes, some ratification by the Planning & Zoning Commission or the City Council. Yeah, that's what I'm getting at.

**Commissioner Gillespie:** Okay, I think the reasons are clear. We have two.

**Chairman Bradbury:** Any other discussion on the motion? Hearing none, all in favor say aye. Any opposed?

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

**Chairman Bradbury:** That motion carries. So, we're recommending item two not be approved by the Council; for good reasons.

**[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](#)

**APPLICANT TESTIMONY**

**Gregory Eaton (2675 E. Warm Springs)**

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**PUBLIC TESTIMONY**



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**Mike Reineck (4760 E. Arrow Junction Drive):** Would like the Commission to consider a requirement of the applicant to consult with the City Parks Department as to the type of tree. Expressed concern regarding the setback and no reference to a conservation easement as applied in 1992.

**Deanna Smith (1208 E. Jefferson Street):** On behalf of the East End Neighborhood Association, expressing concerns about the potential conservation easement and has not had time to adequately review or have a position on this application.

**APPLICANT REBUTTAL**

**Gregory Eaton (2675 E. Warm Springs):** Expressed that he was unaware of the conservation easement.

**PUBLIC TESTIMONY CLOSED**

**MOTION:** COMMISSIONER GILLESPIE MOVED TO APPROVE CFH15-00047 & CVA15-00038 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN WITH THE ADDITION OF TWO CONDITIONS OF APPROVAL, ONE AS PROPOSED BY THE PARKS & RECREATION DEPARTMENT THAT WOULD INCREASE THE AMOUNT OF TREES TO BE PLANTED TO 15 TREES, AND ONE IN ACCORDANCE TO THE CONDITION PROPOSED IN THE NEIGHBORHOOD ASSOCIATION LETTER DATED 9-18-15.

**SECONDER:** COMMISSIONER JUST

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

**CAR15-00026 / Boise City**

REQUEST FOR AN ANNEXATION THAT CONTAINS 45 PARCELS TOTALING APPROXIMATELY 95 ACRES INCLUDING: 1. A PORTION OF CRANE CREEK GOLF COURSE, 2. RIVERLAND TERRACE SUBDIVISION AND 3. PARCELS IN SOUTHEAST BOISE. 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 17 AT 5:00 PM. [Scott Spjute](#)

**APPLICANT TESTIMONY**

**Scott Spjute (City of Boise):** Thank you. This is the second of the City's 2015 annexation efforts; the first you heard last week. Those were parcels located up in the north/west area of Boise City and the

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Commission recommended that City Council annex those. This annexation concerns three different areas; right here up near Crank Creek, where you spent a lot of time last week, and then two areas down here in the south/east section of the City. What we're doing is presenting some parcels of land that are eligible for annexation that the City Council can decide whether or not to annex. The annexation criteria, both in state and local code are met and so we present them to you. The first is roughly a 54 acre conglomeration of several parcels located in the Highlands that's known as the Crane Creek Golf Course. A little bit closer here, there are 5 or 6 parcels that are comprised therein. These parcels are completely surrounded by City limits. They're zoned R-6 in the County, which is roughly again to the City's R-1C zone. It may not be appropriate to zone these 54 acres for 8 units per acre development, and so as you know, we typically assign a County zoning that is roughly equivalent, as close as we can get, or an assignment that matches the City's land use plan. So in this case, the property is designated as open space, parks and open space on the land use map so we would recommend that this be zoned A-1. Here you see the parcel with the County zoning attached, again, completely surrounded by City limits. The secondary that we will look at is this little triangular shaped parcel out on Warm Springs Avenue in the Barber Valley area. It's known as Riverland Terrace Subdivision, there are about 30 residential lots that comprise the subdivision and we're proposing that all of them be annexed at this time. The light blue that you see is existing City limits. This is a part of the Harris Ranch development; it's all zoned SP-01 which is of course, the Harris Ranch development. It's currently zoned R-6 in the County and so we propose that it be zoned R-1C which is about the same zoning designation. The third area is over here to across the river and to the west, some parcels close to the river and then a larger parcel owned by the Nampa/Meridian Irrigation District. These parcels are completely surrounded by City limits, all sides. I'm not sure if any of you were on the Commission several years ago when this parcel came to the City for annexation and development, the City declined to annex at that time because the development did not comply with either our zoning code standards or the Comprehensive Plan. The County has since allowed development on the property, they're single family homes built on most of these parcels, and so it's right for annexation, we're recommending that they be brought in at this time. Again, this 13 acre parcel is owned by the Nampa/Meridian Irrigation District and nothing proposed there, we would zone that A-1. As with most City initiated annexations the major issue seems to be property taxes. Again, there's a lot of numbers and a lot of data on this sheet but the bottom line is that the levy will increase by about 4.6 mils or about a 37 ½ percent property tax increase. What that means, in more real terms, is for a \$150,000 home, with the home owners exemption of \$89,580 property tax would go up upon annexation about \$352.00 per year; \$518.00 for a \$200,000 home. In concerning annexations we look at the zoning, these are the zoning criteria that need to be met. There's nothing that would cause any consternation here, again, we're applying zoning that is similar to the existing zoning. We're in the area in impact and any land within the area of impact is eventually designated for annexation. Here's the three zoning criteria that we look at, compliance with the comp plan, no adverse impact on the delivery of services, and then compatibility of zoning. These are three extra findings that the state code requires for category B & C annexations; this is a category B annexation. Again, these are very broad and simply mean that annexations should comply with the Comprehensive Plans and be orderly in nature. There will be a lot of issues brought up tonight; unfortunately, most of them don't have to do with the criteria that the City Council must find in order to approve the annexation. The issues to be considered are not impacts on individual properties, not whether property tax increase is large or small or whether there's an increase at all, doesn't even have to do with sewer matters and whether septic systems are failing or not, and it doesn't have to do with whether there are benefits to being annexed, to the property owners being annexed. Nor does it have to do with the differences between

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City and County regulations. It's also not about who supports and who opposes annexations. You're looking at a legislative decision where no one has a right to be annexed; no one has the right not to be annexed. The issue to be decided by City Council, after your recommendation, is what is desirable and in the best interest of the City as a whole. Now, you've got some letters in there that have claimed that the City goes about annexation in a disorderly and haphazard manner. Actually, it's anything but. The City of Boise has an annexation program unique in the state, there's no other City that annexes like we do although, there are some who try and want to learn. A year doesn't go by that we don't get requests from other Cities on how to do an annexation plan, how to do a category B annexation, how do I square up my boundaries. In other sections of state law there's a warning against taking actions that would mar the symmetry of the City's boundaries. What we're trying to do, and what we've always tried to do is keep those boundaries symmetrical. Now, there may be properties that we have yet to annex, there are. The annexation we looked at last week created some more enclaves that we could not annex now, but we can after their enclaves. All of this is due to the vagaries of state law regarding annexation. What we try to do is have boundaries that make sense, that are logical, that provide for the efficient delivery of services and don't require County providers to go through the City property to get to County enclaves. One of the things that we try to do is to avoid the type of boundaries that some of our sister cities in Ada County have. For example, there's Meridian, there's Kuna. If we go back to the beginning, there's Boise City, square boundaries for the most part, the exception of course is the Foothills and there's only so much we can do up there. We are without City surrounded enclaves that other Cities seem to have who don't follow an annexation program like we do. So, with that I will conclude my remarks, thank you.

**Chairman Bradbury:** Thank you, Scott. Alright, any questions of the applicant or staff, you can ask Scott either way.

**Commissioner Demarest:** Mr. Chair?

**Chairman Bradbury:** Commissioner Demarest.

**Commissioner Demarest:** Just to clarify, maybe I wasn't listening, maybe I wasn't hearing, you mentioned Scott, that our process in the City of Boise is unique to other Cities in the state of Idaho. Could you just reiterate that for us, what's unique about it, or what's better about it in your opinion?

**Scott Spjute:** Well, I think you can see it in the difference in our boundaries between some of the other Cities. That is primarily it.

**Commissioner Demarest:** Okay, that part I got.

**Scott Spjute:** A desire to square up boundaries and have logical boundaries.

**Commissioner Demarest:** Mr. Chair?

**Chairman Bradbury:** Commissioner Demarest.

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**Commissioner Demarest:** I don't want to belabor, so the process itself is not the issue, it's the end result that you're saying is better for us as a City? Square boundaries, things like that.

**Scott Spjute:** Yes.

**Commissioner Demarest:** Okay.

**Chairman Bradbury:** Any other questions of Scott? So, I've got a couple. Help me out with the Crane Creek Golf Course. From looking at it, it looked like we're annexing one of the two; we're annexing about half of it, about 9 holes, plus or minus. Is that because the other 9 are already annexed or? Give me some help here.

**Scott Spjute:** That's a good question, Chairman Bradbury. The other holes are, I don't have a wider view map, I'm sorry, the other parcels are not surrounded by City limits and they are over 5 acres in size. That exempts them from Cities being able to unilaterally annex them. These 50 some acres are completely surrounded and the 5 acre exemption, when you're surrounded, goes away.

**Chairman Bradbury:** Gotcha. So it puts them into a different category?

**Scott Spjute:** Correct.

**Chairman Bradbury:** Understood. Alright, so the other question I had for you, and it comes from a letter received from one of the members of the public, and it questioned the annexation of properties to the, I guess I'll say to the south of Warm Springs Avenue out there by Riverland Terrace. Can you comment on that just a little bit? I understand that we're not compelled to annex properties in any particular order, but I'm kind of curious about those properties. It would be to the south and west of Warm Springs.

**Scott Spjute:** These parcels are pretty much all open land. No Development has occurred or will occur on them, and the parcels that boarder Warm Springs Avenue are larger than 5 acres in size and so we can't, absent consent.

**Chairman Bradbury:** Alright, those go into a different category as well?

**Scott Spjute:** Right, that requires consent.

**Chairman Bradbury:** Understood, okay. Any other questions of Scott? Alright, with that we will move to public testimony. Mr. Reineck, do you want to testify on behalf of Barber Valley Neighborhood Association? So, Scott was up there, I think his testimony lasted about 10 minutes, so you're entitled to 10 minutes as well.

**NEIGHBORHOOD ASSOCIATION TESTIMONY**

**Mike Reineck (4760 E. Arrow Jct Dr.):** Mr. Chairman, Commissioners, I think you've seen our letter of September 16<sup>th</sup>?

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**Chairman Bradbury:** Yes, it's in our packet.

**Mike Reineck (4760 E. Arrow Jct Dr.):** I will just summarize that very quickly. We don't believe it meets the Comprehensive Plan principle calling for a predictable development pattern and does not respond to some pressing environmental concerns in the east end of the Barber Valley. Basically, we know that annexation is going to happen for the area specified, but we just want to see annexation planning that addresses those environmental issues and other parcels in the valley in that area so that we don't go through this same drill consistently as time goes on. So, if there are parcels that could be coordinated with and done in one fell swoop, we would support that, rather than piecemealing out there. So, we have in our letter requested that the City Planning Department create an orderly and predictable plan for the area. What property hasn't been annexed, when will it be, and what properties won't be, and what is the time frame for that? Second thing, we request that the City Public Works consult with IDEQ to understand and create a plan for addressing the current ground water contamination which could potentially spread and affect Boise River. There's a subdivision out in that area that can't use its drinking water. So, we would like to see, get an idea of what the overall plan is for extending sewer throughout the valley to address those concerns. That's conclusions of Mr. Reineck.

**Chairman Bradbury:** Thank you, sir. With that we will move to the sign-up sheet. First name on the list is Gary Huntington and you'll have three minutes, sir.

### **PUBLIC TESTIMONY**

**Gary Huntington (6612 Glacier):** Mr. Chairman, I'm Gary Huntington, I have property at 6610, 6612 Glacier Drive, that little triangle, and I'm definitely opposed to this annexation. I purchase the property because it was in the County and I'm not alone in opposing this annexation. I think the majority of the people out there have been there a long time and they like the way the County runs it. They don't want the Boise services that they've offered and it just, it's going to be not only the 37 percent tax increase but all the other costs that go along with the installation of the sewer and maybe water later on or anything, those aren't figured into that, and there's going to be a great financial hardship on a lot of those people that are out there and that are retired and it's just a real financial hardship. The City doesn't offer the people in this area anything that they want. It has, you can see Warm Springs on the south, we don't need access through the City to get to the property either. That's on the north side of that, if we could have that up there you could see that triangle shape. River Ridge Subdivision, I'm sure they've got the zoning around this there through big money, but the people that live in this area are very happy with their septic systems, their water system, we have a wonderful water system and they aren't concerned about City police protection and all the amenities that Planning & Zoning has said that we're going get through annexation. We just like it the way it is and that's a basic opinion of those people living in that area. You don't have anything on the, I'd say it was the south/east side of that triangle there. That's all open, we don't have to have City access to get to our County zoning there, and that's the way we would like to keep it there. Thank you very much.

**Chairman Bradbury:** Thank you, sir. Alright, next name on the list is Ben Hay.

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**Ben Hay | General Manager at Crane Creek Country Club (500 W. Curling Dr.):** I would like to offer comments against the annexation of the front line of the golf course there. First, I guess Idaho code 50-222 requires that category B annexation, which this is a written annexation plan appropriate to the scale of the annexation contemplated. This annexation plan is not appropriate to the scale of the annexation for these particular parcels. The annexation plan provides a sweeping, broad generalization of why annexation may be appropriate action by the City, but this annexation plan is not specific to the, and does not reflect how annexation will specifically effect the particular parcels that are known as the front line of the golf course. We don't doubt that annexation, under the right circumstances, provides a public benefit to both the City and the property owner, but this is not the case with these parcels. Second, the annexation of this particular parcel is not consistent with the public purpose set out in the annexation plan which is required in code 50-222. The public purpose of the plan speaks in need to control urban growth and development and prevent the duplication of service. This particular parcel in the City's Comprehensive Plan is part open space which is exactly how it's used. There's no need to control the urban growth, there is no duplication of services. The public order is not underlined by leaving this particular parcel in the county. We understand that that City wants to protect itself should particular pieces of property ever be developed, but the City is protected. If the property were to ever be proposed for development, your laws require that the property owner first apply for annexation in the City before trying to develop in the County. Only if the City were to deny the request for annexation would the property owner be able to develop in the County. So, the City does not need to fear this particular parcel will be developed into the City. Third, the planning & Zoning Commission can only recommend annexation to the City Council if it makes findings that the City has attempted to balance the cost of service with the anticipated revenues from this particular parcel, and the annexation will promote goals and population balance and contiguous development. The Commission can't make these findings. The anticipated revenues just to the City from this particular parcel to be used today are thousands of dollars each year and are not balanced against the cost of services received from the City. The annexation does not promote population balance and contiguous development. This particular parcel will have no population and will not be developed. Again, the property owner didn't ever want it developed; the City will be protected because the laws require that the property be annexed to the City. Fourth, the annexation plan indicates that the zoning of this particular parcel should be zoned consistent with existing County zoning of R-6.

**Meagan Curtis (City of Boise):** Time.

**Ben Hay | General Manager at Crane Creek Country Club (500 W. Curling Dr.):** We question whether the zoning is appropriate given the Comprehensive Plan defines this particular parcel as open space. Finally, Boise has jumped on the gun on trying to annex these particular parcels. We don't object to the concept of annexation, but it's unfair to annex this particular parcel at this time. Perhaps, when the entire golf course is surrounded by the City, and the club house is included, then it's right for annexation at that point. The public purpose of annexation is not gained by the City. What is gained by the City is a windfall of taxes to the club and not reflected to the cost of service that the City will be providing the club. We believe the City tries to be fair in its actions and this action, for this particular parcel, is not fair.

**Chairman Bradbury:** Alright, thank you very much. Next name on the list is Dirk Marcum.

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**Dirk Marcum (4340 E. Boise River Lane):** Chairman and Council members, I own the property located at 4340 E. Boise River Lane, could somebody show it? Could you show my property please? Can Scott show it for me?

**Chairman Bradbury:** Sure. It's the piece that's on, its south and east of where Eckert and Amity come together isn't it? That's the general area?

**Dirk Marcum (4340 E. Boise River Lane):** Yes. Anyway, this is a unique piece of property. It's on a private lane that only has eight homes. So, the private lane starts, the properties are all off that private lane that goes all the way down there. The private lane was built and maintained by all of the property owners. There are eight properties there, it's a unique place because three of them are father siblings, so there are two sets of father siblings, there are six of them in on this lane. This lane is all for all of the City services and everybody is all done by the County, it'll still be done by the County. My piece of property has the New York Canal with that road going through it, that easement has the East Boise River Lane going through it so, I have a real small building area. If I was annexed with the rules and regulations of the City I would have no building area with the roads and everything going through my property. There is a confusion with all of the services, even right now on that road whose it is, City, County, everybody. So, it's a County road right there, the addresses, all of the mailboxes are on this private lane. Out to the other end, when he says that this is surrounded by City, the only reasons it's surrounded is because of the power line. All the rest of that property goes clear out to the Barber pool, to Hammer Flat, up to Diversion Dam and out that way. The power line is the only thing that surrounds it. I've got a lot of money invested in my property. I've done road engineering, we've done the property engineering, we've done everything and I'm a buildable piece of property right now with Ada County; I can build a house and a shop. If I was put into Boise City, I would be unbuildable. So, it would render my land valueless. If nothing else, I would need a 5-10 year extension on what I could follow my same old rules because this whole piece of property is really, it's got a whole different location and set of circumstances. I've got a road design, utilities, purchase of the property; I've got lots invested in this.

**Meagan Curtis (City of Boise):** Time.

**Dirk Marcum (4340 E. Boise River Lane):** So, at this point in time, you know the other property owner that they're trying to take in there, really they're all on this private lane and it's not even, they don't have any utilities from Boise or anything.

**Chairman Bradbury:** Alright, thank you Mr. Marcum. Pete White.

**Pete White (6706 Glacier Dr.):** This is the little piece of property in question here, the triangle, it's about a mile from the established City limits, it's about a mile from the community back-up to the City limits along Warm Springs Avenue and as you see here, there's a lot of City property here and there's this gigantic area that's almost enclosed by City property on all sides. The Shakespeare Theater, Barber Pool Conservation Area, Idaho Parks and Recreation, the Gregerson property, another 11 acre property, and then several commercial properties are all in this area between Warm Springs and the Surprise Valley over here. So, reaching out to grab this little triangle here is sort of a gerrymandering the City limits rather than bringing the City limits down and filling in gracefully, this little jerk here of grabbing that, not taking

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this and particularly, not getting the Golden Dawn Barberton Park, treasure park area up there. So, this is not really moving in a consistent and smooth matter of annexation. The Riverland Terrace, now we're currently well served by the County and our own resources. We have good water from our community wells, we have a functioning sewer system, we have excellent emergency services, fire protection, law enforcement, our children are in the Boise School District and we have library privileges and one of the things we want to think about is the little triangle here has City limits on two sides but we're still, we're not an island there, there's the County. So, we don't meet the criteria of being an isolated little inholding there. So, the pros and cons, we get no benefits from the City, we get about a \$450.00 per year tax bill which results in decreased property values for our homes. Looks like the City is trying to use this as a cash cow to exploit the tax base so that they can bring money from the residents and provide no services. We think this is grossly unfair to the residents.

**Meagan Curtis (City of Boise):** Time.

**Pete White (6706 Glacier Dr.):** We ask that you postpone the annexation. We know it's going to come eventually, but let's postpone it until you can fill in all the way down here so it's a uniform type of expansion. So, if you can postpone the annexation until the land on the west side of Warm Springs Avenue is annexed, then we'll go along with it at that time. I want to thank you for missing your supper at home to come and listen to a bunch of smooth talking builders and whiney, complaining residents.

**Chairman Bradbury:** Thank you, Mr. White. Eric Wilson.

**Eric Wilson (6668 Glacier Dr.):** Good evening. I represent the 28 members of Riverland Terrance, nonprofit water corporation. We request that this annexation be deferred or denied for three central reasons. These are extensively covered in my letter dated September 17<sup>th</sup>. In brief, the first concern is one of fairness and lack of planning. We understand that as residents in the area of impact, we are subject to annexation. Other properties in the Eastern Barber Valley, however, are also eligible to be annexed including some commercial properties. We recommend that the City develop a plan to annex all of these properties to avoid repeated annexation hearings; I don't want to be here anymore than you do. So, this will save the City and all of the effected residents much time and energy. The second concern is a lack of compliance to the City's Comprehensive Plan and IDEQ's ground water quality rule. Known ground water issues south/east of our neighborhood should be dealt with since they were late to aging infrastructure within the area of impact and could be solved by connection with City services, in particular, City sewer. Our neighborhood, which is proposed for annexation, does not have an impact on ground water and does not require hookup to City sewer at the current time. The third concern is financial. With very little warning our residents are facing about a \$400.00 tax hike this fall. Many folks in this older neighborhood are on a fixed income and will have problems paying this bill. Also, if we do hookup to City sewer at some point in the future, the total cost of \$20,000 - \$40,000 per resident will take time to plan for. For these reasons, we ask that this decision be deferred or denied so we can better plan for the future and have an extra conversation with the City and all of the east Barber Valley residents. Our neighbors immediately behind us, I think Scott referred to it as SP-01, it's actually SP-02 with Brighton Corp, we've worked with them and the City for many, many years regarding their impacts on our water system and getting orderly development in the east end of the Barber Valley. We hope you will take this



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extra step to address these other issues and then come back with more of a Comprehensive Plan for annexation in the east Barber Valley. Thank you and I'd be happy to answer any questions.

**Chairman Bradbury:** Alright, thank you Mr. Wilson. We've got Mike Reineck, but you've already testified so we'll move on and see if there's anybody else here tonight who didn't sign-up, but would like to testify anyway. Yes sir, come forward. As you come up, we always want to ask you to state your name and address for the record and there should be a little white tablet there which we would ask you to fill out and leave with us tonight before you go.

**Russ Thurow (6650 Glacier Dr.):** I also want to urge the Commission to postpone annexation at this time for particularly, the Riverland Heights Subdivision. As Mr. White illustrated, there are several other properties, both private and commercial, that are much closer to the City limits that are not being proposed for annexation at this time. In addition, that includes the Bryant Subdivision which Mr. Wilson just pointed out has issues with sewer system and potential contamination of ground water and annexation of Bryant could actually resolve that issue. It seems that we are being singled out inappropriately at this time. So, I urge you to postpone annexation until there is a Comprehensive Plan for the entire Barber Valley area which resolves some of these issues that have been pointed out. Thank you.

**Chairman Bradbury:** Alright, thank you. Anybody else who would like to testify tonight? Yes, come on forward. Same routine. If you would tell us your name and address and then fill out one of those little white sheets there.

**Bill Mulder (6700 Glacier Dr.):** I guess what I would like to; I would be opposed to the annexation at this time. There will probably be a time down the road when our neighbors need utilities and things and we'd be very much in favor of that. However, I guess what I would like to point out to you is your planner would like to say, well, just because they aren't being annexed isn't a defense for saying we shouldn't be annexed. Exactly the opposite is true. If you look at that map, he's saying an orderly method of annexation. To hopscotch, leave a piece here, and jump ahead to this is not an orderly annexation of things. Exactly, as these folks have said, I think you should step back, take a look at things as it may relate to utilities and things in the future and develop a truly orderly method and time frame for these kind of annexations and I guess one other thing I would throw out to you in case you have any doubts about this, is I would kind of like to know where Warm Springs Avenue is these days. I drive through there every day; I don't know if you've driven that area in the last year, I don't even know where Warm Springs is anymore. We go for five months at a time without being able to have a decent route into or out of the City. So, an orderly development of things is not what is going on here. I guess we would encourage you to step back, take a look at this and put in a proper time frame. Thank you.

**Chairman Bradbury:** Thank you, sir. Anyone else who would like to testify on this matter? So, this is CAR15-00026. Nobody else? With that, Scott would you like a rebuttal? You're entitled to it as the applicant. Five minutes.

**APPLICANT REBUTTAL**

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**Scott Spjute (City of Boise):** Just one quick point. Mr. White pointed out a seeming enclave in the Barberton Golden Dawn Mobile Home Park, and a piece next to that. Those were all annexed three years ago; that's been in the City for three years. That's all. Thanks.

**Chairman Bradbury:** Alright, thank you. With that I guess we close the public hearing. The matter is now before the Commission for deliberation. This is an item for recommendation to the City Council. We're ready for a motion. We can talk first if we want to.

**PUBLIC TESTIMONY CLOSED**

**MOTION: COMMISSIONER JUST MOVED TO RECOMMEND APPROVAL OF CAR15-00026 TO THE CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER: COMMISSIONER DEMAREST**

**Chairman Bradbury:** Discussion on the motion? Commissioner Just.

**Commissioner Just:** Mr. Chairman, it's hard to decide looking at a map and what seems to be hopscotch sometimes. What is orderly annexation? I feel like staff has looked at this and is doing the best they can with the parameters under which they work. I'm quite familiar with this area and certainly annexation, as several people have pointed out, is inevitable someday, it's just how long can we put it off and should we. I think with the development that's going on out there, the comments about Warm Springs Avenue hopscotching around a bit during development is actually a statement for annexation.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Bradbury:** Commissioner Gillespie.

**Commissioner Gillespie:** So, I'll be voting to support the motion. I just wanted to make a couple of points. I think the reason why we see the pattern of annexation at the detail level is really due to the peculiarity of the state law as to what the City can and can't do, and the speed of development. So, there are a number of factors that create the pattern of annexation when you look in close detail. I do agree with Commissioner Just that the overall pattern of annexation is logical and clear. It's always been clear that if you're in the area of impact, you can be annexed pretty much at any time that the City wants to, in compliance with state law, and we didn't hear any argument that these particular parcels were being annexed, not according to state law. I did want to add one thing with respect to Crane Creek. We did hear just last meeting about the huge impact in traffic in that whole area and there's no question that Crane Creek by its use, appropriate use, does generate traffic impact, that does effect the City that surrounds it and that is really the basic reason for annexation, is so that that impact can get balanced out appropriately across the City, looking at it from the big picture.

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**Chairman Bradbury:** Any other discussion on the motion?

**Commissioner Demarest:** Mr. Chair.

**Chairman Bradbury:** Commissioner Demarest.

**Commissioner Demarest:** So, in accordance with what both Commissioner Just and Commissioner Gillespie have already said, I agree with that. A couple of things, one is I think that I have been on Planning & Zoning for about three and a half years and I've never had anybody say, hey, please go ahead and annex me. It's just not the way it happens. Tonight's discussion, I think the word that I heard most from the various folks who testified was postpone. I've got to tell you, I don't see the logic for postponing, that's simply putting off what's going to happen, what needs to happen for the reasons as stated. So, I think there's no good ethical reason for us to postpone or logical reason for postponing, so I'll support this.

**Chairman Bradbury:** Alright, any other discussion on the motion? Hearing none, all in favor say aye, any opposed?

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

## **IV. MEETING ADJOURNED**