Planning & Development Services

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MEMORANDUM

TO: **Mayor and Boise City Council**

FROM: **Susan Riggs, Associate Planner**
Boise City Planning and Development Services

DATE: **June 24, 2016**

RE: **CAR16-00002 & SUB16-00006 & PUD16-0005/Appeal**
6781 E. Warm Springs Avenue

The following applications are scheduled for July 12, 2016.

Project Description
CAR16-00002: Annexation of 4.2 acres. Approximately 2.4 acres are proposed as R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and 1.8 as R-1B/DA (Single Family Residential with a Development Agreement);
PUD16-00005: Appeal of a Conditional Use Permit for a 24-unit planned unit development;
SUB16-00006: Preliminary plat for a 24-lot residential subdivision.

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This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online through the following link:

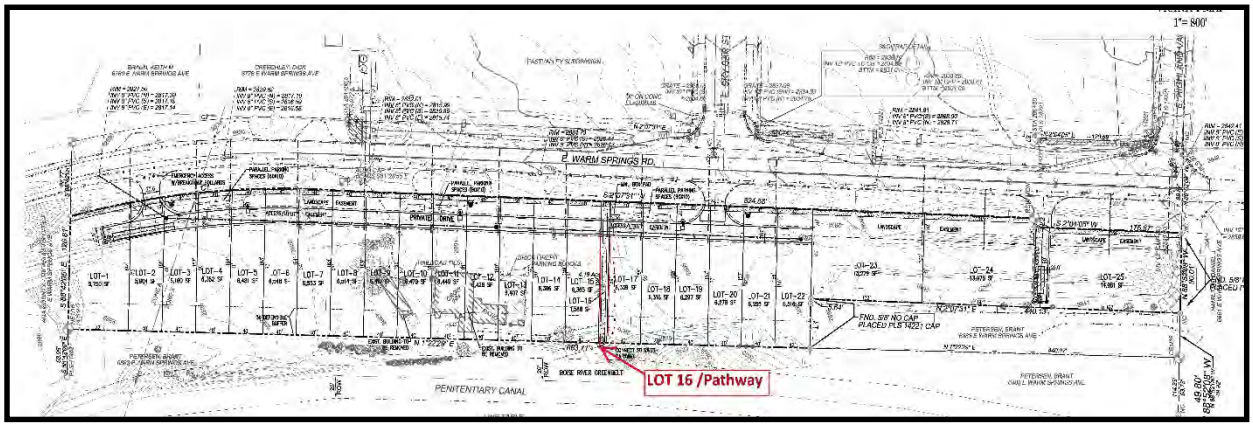
http://pdsonline.cityofboise.org/pdsonline/Permits.aspx?id=0

ACTION BY THE BOISE CITY PLANNING AND ZONING COMMISSION

At the April 11, 2016 Planning and Zoning hearing, a motion was made to recommend approval of the annexation and the Commission voted 2-2. The result of the tie vote was a recommendation to Council for denial. The Commission had a motion on the floor to approve PUD16-00005; however, based on the denial of the annexation and direction from Legal Counsel, the Commission deferred action to May 2, 2016. At that hearing, the Commission withdrew the motion to approve PUD16-00005. Based on the April 11, 2016 recommendation to deny the annexation, Legal determined the Commission did not have the jurisdiction to approve the PUD16-00005 or SUB16-00006 or make findings that are inconsistent with the recommendation to deny CAR16-00002.

Summary

This item involves three applications: an annexation, conditional use permit, and preliminary plat. Each is required for the construction of a 24-unit residential development as illustrated below.



The 4.2-acre parcel known as Ben's Crow Inn is located on the west side of E. Warm Springs Avenue in Barber Valley. Eastvalley Subdivision comprised of 115 single-family lots is located on the east side of Warm Springs Avenue. North of East Valley are two developed commercial lots (C2-Ada County) and property in the Barber Valley Specific Plan (SP-02). That property will be a future phase of the River Heights Development and at build-out will provide 236 single-family homes.

The Boise Greenbelt, Barber Pool Reserve and open land lay to the west side of the site. To the south are E. Highland Valley Lane and a single-family home on 3.35 acres. To the north is open land (34.45 acres) and a single-family home on a 5.75-acre parcel.

Annexation

The request is for annexation of 4.2 acres with a zoning designation of R-2D/DA and 1.8 acres as R-1B/DA. The property is currently zoned RP (Rural Preservation). The associated planned unit development proposes 24 units at a density of 5.72 DU/acre.

This density is slightly higher than what is allowed in the R-1B zone and significantly lower than the R-2D. The purpose of the development agreement is to restrict the number of homes to 24.

The site has two Land Use Map designations. The larger northern portion of the site is designated Commercial and the remainder is Large Lot. The commercial designation is likely a reflection of the current land use. There is a range of potential implementing zoning designations for "Large Lot" lands. They include A-1, A-2, R-1A, R-1B, L-O and N-O. The "Commercial" designation allows A-1, A-2, R-1M, R-2, R-3, L-O, N-O, and all commercial zones. Based on the parcels current zoning and land use designation, the Commission felt the commercial designation was important to maintain. This decision in part may have been based on comments from Barber Valley Neighborhood Association and neighbors who stated there was a need for commercial and/or mixed use development in their neighborhood. The applicant's response was the traffic count at 2,600 vehicle trips per day would not support a commercial or mixed-use development. He also stated there is sufficient commercial development/zoning in nearby Harris Ranch and also across the street on the west side of Warm Springs Avenue. Commissioner Gillespie stated "the language in the Comprehensive Plan with respect to commercial designations is clear. It states in part, the secondary use is housing, office, entertainment and other complementary uses encouraged as ancillary uses within commercial projects." He stated although the R-2 zone is allowed by the Comprehensive Plan, the Land Use Map and the Comprehensive Plan strongly encourage mixed use with respect to the commercial designation.

A motion was made to recommend approval of the annexation and the Commission voted 2-2. The result of the tie vote is a recommendation to the Council for denial.

PUD16-00005/Appeal

Based on the recommendation for denial of the annexation, the PUD and subdivision were essentially denied. The planned development proposes 24 single family homes on 4.2 acres at a density of 5.75 DU/acre. The appellant is appealing the Commission's decision based on two procedural errors. The Planning and Legal Team have provided a response.

1. *The Commission's denial of the PUD application was made on unlawful procedure. The Commission denied the application without a motion, debate or vote. The denial violated Boise City Code, the Commissions procedural rules, and Robert's Rules of order.*

   Response: The applicant cites the Planning and Zoning Commission bylaws reference to Robert's Rules of Order. While the Commission uses Robert's Rules of Order to guide procedure in the absence of applicable ordinances or statutes, the Commission does not adhere to Robert's when doing so may lead to a violation of federal, state or local law.

   In this case, as was outlined in the action letter provided to the applicant, the Commission's jurisdiction to hear the application is driven by annexation or a recommendation to approve annexation. Absent annexation, the Commission's consideration of the PUD would exceed the City of Boise's authority pursuant to Idaho Code § 67-6511.

Absent annexation, the Commission's consideration of the preliminary plat would exceed the City of Boise's authority pursuant to Idaho Code § 50-1308. Additionally, it would have been impossible for the Commission to have made findings in support of a motion to approve either application without conflicting with findings supporting the recommendation to deny annexation. The applications were deferred on April 11, 2016 after a motion to approve the PUD was made. For the reasons above, the motion to approve the PUD was withdrawn and the record was clarified at the May 2, 2016 hearing. There was no procedural error or deprivation of any due process rights. The Commission acted pursuant to its requirements under federal, state and local law.

2. *The Commission's denial of the PUD application should be reversed because substantial evidence shows the project satisfies all approval criteria. The appellant argues by automatically denying the PUD the Commission failed to provide a reason statement supporting its denial.*

   Response: The PUD application was automatically denied when the Commission recommended denial of annexation. The Commission did not err by denying the applications because a denial was the only action within the bounds of Idaho law at the point the Commission was considering the PUD and preliminary plat. The Commission did not reach the point of considering the PUD or preliminary plat criteria based on its jurisdictional limits. If the City Council denies annexation, the City of Boise would similarly not have the requisite jurisdiction to issue a PUD or to approve a preliminary plat pursuant to Idaho Code §§ 67-6511 and 50-1308. If City Council approves annexation, they are free to consider both the PUD and preliminary plat.

   Following the grounds for appeal, the appellant's letter sites in part, the Planning Team's recommended findings for approval of the PUD as well as additional commentary of their own. These are not grounds for appeal; simply reasons why they believe the PUD meets the criteria for approval.

MAJOR ISSUES & COMMENTS DISCUSSED BY THE NEIGHBORS

A number of neighbors sent emails and voiced opposition at the public hearing regarding the applications. Their comments are summarized as follows:

- Need to protect commercial corridor and existing commercial zoning.
- Protect and preserve public access to the Boise Greenbelt.
- Desire for paved public parking.
- Higher design standards for the PUD.
- Three story homes are inappropriate.
- Privacy impacts.
- Concern with impacts to the Barber Pool Reserve and wildlife.
- The Comprehensive Plan identifies housing as a secondary use for a commercial zone.
- Pedestrian crossing on Warm Springs Avenue.
- Transition to adjacent property.

Recommendation

The Planning Team recommends Council deny the appeal. Based on the denial of the annexation, the PUD was outside the jurisdictional limits of the City of Boise. The City did not have the statutory authority to zone or otherwise regulate the use of the property pursuant to Idaho Code Section 50-1308. Absent successful annexation approval, the Commission could not proceed with the application.

If the Council approves the annexation and zoning, it may:

- Approve the PUD and SUB as proposed.
- Approve with modified conditions.
- Deny the application.
- Remand the applications back to the Commission with direction on how to gain approval.

In order to approve these applications, the Council must find error in the lower body's decision.

Standards of Review for Appeals

Section 11-03-03.09 (C)(2) of the Boise Development Code provides Council with the following options when acting on an appeal.

(a) Because the review bodies are recognized as having expertise in their substantive areas., the Council shall give consideration to their decisions.

i. The City Council may find error on the following grounds:

ii. The decision below is in violation of constitutional, state or city law. An example would be that the review body's decision would be a taking.

iii. The review body's decision exceeds its statutory authority.

iv. The decision below is made upon unlawful procedure. An example would be if notice of the hearing was inadequate.

v. The decision below is arbitrary, capricious or an abuse of discretion in that it was made without rational basis; or in disregard of the facts and circumstances presented. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration.

iv. The decision below is not supported by substantial evidence.

(b) If error is found, the review body decision may be reversed or modified.

(c) If no error is found the appeal shall be denied and the decision upheld.

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MAY 09 2016
DEVELOPMENT SERVICES

Application for Appeal

Fee: $ 180.00

I (we) DevCo, LLC, **hereby appeal the decision of the Boise City:**

- ☒ Planning & Zoning Commission
- ☐ Hearing Examiner
- ☐ Design Review Committee
- ☐ Historic Preservation Commission
- ☐ Planning Director

File Number: CAR16-00002, PUD16-00005, SUB16-00006 **Address:** 4824 W. Fairview Ave, Boise, ID 83706

Specific Action Being Appealed: The decision of the planning and zoning commission denying applicant's PUD 16-00005.

Grounds for Appeal

1. The decision is in violation of constitutional, state, or city law.
2. The review body's decision exceeds its statutory authority.
3. The decision is made upon unlawful procedure.
4. The decision is arbitrary, capricious or an abuse of discretion because it was made without rational basis, or in disregard of the facts and circumstances presented and not supported by substantial evidence.

Appeal Contact Person: Deborah E. Nelson

Address: Givens Pursley LLP, 601 W Bannock St. Boise, ID 83702

Home Phone: _____ Work Phone: (208) 388-1215

Appeals

- ☐ Appeal of an Administrative Decision to the Planning & Zoning Commission or Design Review Committee (non-refundable fee).
- ☐ Appeal of a Design Review Committee Decision to the Planning & Zoning Commission.*
- ☒ Appeal of a Planning & Zoning or Historic Preservation Commission decision to City Council.*
- ☐ Appeal of a Hearing Examiner decision to City Council.*

* Portion of fee is refundable if appeal is successful.

Notes

1. If the reasons for the appeal are resolved prior to the appeal hearing, please contact the Planning Staff at 384-3830.
2. The only topics which may be discussed during the appeal hearing are the specific reasons for the appeal as stated in the application.
3. Neighborhood groups are encouraged to elect a spokesperson for appeals that are supported by numerous residents of the project to avoid a duplication of testimony.
4. Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

Signature of Appellant/Representative: _____ **Date:** 5-9-16

For Staff Use Only:

If the appellant is not the applicant, the applicant must be contacted immediately following the acceptance of this appeal.

Applicant contacted on May 9, 2016 by _____. ☒ Appeal is by applicant

8/05

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MEMORANDUM IN SUPPORT OF APPEAL

TO: Boise City Council
FROM: Deborah E. Nelson, Jeffrey W. Bower
RE: Applicant's Memorandum In Support of Appeal
CAR16-00002, PUD16-0005, & SUB16-00006/ Ben's Crow Inn Subdivision
DATE: May 23, 2016

We submit this Memorandum on behalf of our client, Devco, LLC ("Devco" or "Applicant") in support of Devco's appeal of the City of Boise Planning and Zoning Commission's ("Commission") denial of Devco's application for a Planned Unit Development ("PUD"). The Commission's decision should be reversed because it is in violation of applicable laws, was made on unlawful procedure and is not supported by substantial evidence.

I. Procedural History

On February 22, 2016, Devco submitted applications for annexation, a PUD and a subdivision along with all requisite reference materials, studies and reports to comply with the Boise City Code ("BCC"). The City's planning team prepared a Planning Division Project Report (the "Project Report"), which recommended approval of all three applications with conditions.

Devco's three applications were placed on the Commission's agenda for public hearing on April 11, 2016. As to the annexation application, a motion was made to recommend approval, and the Commission voted 2-2.[1] The result of the tie vote was a recommendation from the Commission that the City Council deny annexation.[2]

Following the annexation vote, a motion was made to approve the PUD with additional conditions.[3] However, after some debate on the motion, the Commission deferred both the PUD and subdivision applications to May 2, 2016. The Commission deferred the application because

[1] Draft Minutes of April 11, 2016 Hearing, p. 32.
[2] *Id*.
[3] *Id*. at 40.

it was unsure how to proceed on the PUD and subdivision applications following the recommended denial of annexation.[4]

On April 15, 2016, the Commission issued a written decision recommending denial of the annexation application ("Annexation Decision"). The Annexation Decision stated that denial was recommended because "the Commission felt that the commercial designation was important to maintain."[5]

On May 2, 2016, the Commission took up the deferred PUD and subdivision applications. As to the PUD, the Commission recognized that a motion for approval was pending.[6] That motion was withdrawn.[7] The Commission then concluded that the PUD and subdivision applications were "automatically denied" because it lacked jurisdiction based on the recommended denial of the annexation application.[8] No motion to deny Devco's PUD application was ever made or voted on. Similarly, no motion to recommend denial of Devco's subdivision application was ever made or voted on.

On May 4, 2016, the Commission issued a letter outlining its actions at the May 2, 2016 hearing, which states that the Commission "withdrew a motion to approve PUD16-00005. Based on the April 11, 2016 recommendation to deny CAR16-00002, a request for annexation, the ... Commission does not have jurisdiction to approve PUD16-00005 or make adequate findings that are not inconsistent with the recommendation to deny CAR16-00002."[9]

Devco submits this memorandum in support of its appeal of the Commission's denial of the PUD application in accordance with BCC § 11-03-03.9(C)(1)(e). Devco's PUD application only seeks minor deviations from the applicable dimensional standards; it seeks no deviations from or adjustments to the allowed density.

Devco also asks the City Council to reject the Commission's recommended denial of the annexation and subdivision applications and to approve the applications in accordance with the Project Report's proposed conditions. Annexation and subdivision in this case is proper under the City Code and the Comprehensive Plan, and approval of the applications is supported by the record.[10]

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[4] *Id.* at pp. 39–46 (Chairman Gillespie: "So here's where we are at. So I'll reverse my disqualification of the earlier motion by Commissioner Bradbury so we have a live motion on the table, seconded by Commissioner Gibson, to approve PUD16-00005. Is there anybody who would like to make a motion to defer this matter, which can be done as a minor [sic], you can defer it to the next meeting.").

[5] April 15, 2016, Annexation Decision, p. 3.

[6] May 2, 2016, Hearing Video, at 9:15.

[7] May 2, 2016, Hearing Video, at 9:30 (Commissioner Bradbury stated: "based on advice from uh... counsel and staff I'll withdraw my motion for approval of PUD16-00005").

[8] May 2, 2016, Hearing Video, at 10:00.

[9] May 4, 2016, Written Decision on PUD, p. 1.

[10] The Commission's Annexation Decision states: "The site is within the Area of Impact and Sewer Planning Area and is contiguous to Boise City on its easterly boundary. The annexation will facilitate orderly expansion of the City

II. Existing Zoning and Description of the Project

The Project Site consists of 4.2 acres in Ada County and is the current location of the restaurant Ben's Crow Inn.[11] The land is currently zoned RP, Rural Preservation under the Ada County Code.[12] The Project proposes annexation of the Site into the City of Boise and the construction of 24 single-family dwellings.

The Comprehensive Plan Land Use Map designates the northern portion of the Site (2.43 acres) as "Commercial" and the southern portion (1.76 acres) "Large Lot."[13] Land designated as "Commercial" on the City's Land Use Map supports a zoning designation of A-1, A-2, R-1M, R-2, R-3, L-O, N-O, C-1, C-2, C-3, C-4, C-5, or PC.[14] Land designated as "Large Lot" supports a zoning designation of A-1, A-2, R-1A, R-1B, L-O, or N-O.[15]

Consistent with the compatible zoning designations recognized by the Comprehensive Plan, Devco's annexation application proposes that the northern commercial-designation portion of the site be zoned R-2D (medium density residential) and the southern large lot-designation portion be zoned R-1B (single family residential). R-2D zoning permits a density of 14.5 units per acre, and R-1B districts permit a density of 4.8 units per acre.[16]

With the proposed zoning designations, the Site could support 43.7 units with a density of 10.45 units per acre.[17] The Project, however, proposes 24 units with a density of 5.74 units per acre. Within the Site, 66.81% will be built and 18.1% will be devoted to landscaping and common areas.[18] Single-family dwellings are an allowed use in both R-2D and R-1B zones.[19]

The single-family detached homes proposed by the Project will add to the current mix of housing options available in the Barber Valley area. The Project's 24 homes will range from 2,245 to 3,100 square feet and will be one, two and three story residences.

The Site has single-family dwellings to the south and the east. Most significant is the Eastvalley subdivision across Warm Springs Avenue, which consists of 115 single-family dwellings and is zoned R-1C (single-family residential urban), allowing 8 units per acre.[20] To the west of the Site are the Greenbelt and the Boise River, including the Barber Pool Reserve.[21]

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boundaries and conform to the Level of Service standards found in the Comprehensive Plan..." Annexation Decision, p. 3. *See also* Project Report Summary, p. 1; Project Report, p. 7.

[11] Project Report, p. 2.

[12] *Id.*

[13] *Id.*

[14] Comprehensive Plan, Commercial/Employment Areas, Commercial.

[15] Comprehensive Plan, Neighborhoods, Large Lot.

[16] BCC § 11.04.03.2.

[17] Project Report, p. 8.

[18] *Id.* at 3.

[19] BCC § 11-06.1.

[20] Project Report, p. 13.

[21] *Id.* at 2.

Commenting agencies have all issued positive comments on the Project and recommend standard conditions of approval. The Ada County Highway District ("ACHD") comments concluded that the Project meets all of ACHD's policies and will not alter the level of service on Warm Springs Avenue, which is currently operating at an acceptable level of service and will continue at an acceptable level of service with the proposed Project.[22] The Idaho Department of Fish and Game concluded that the Project's "design layout contains fencing heights and a secondary wildlife corridor that will provide permeability through the subdivision" and did not recommend any additional wildlife corridors for the Project.[23] The Boise Fire Department reviewed the Project and approved it with conditions, all of which Devco finds acceptable.[24] No other commenting agencies raised any concerns beyond standard conditions of approval.[25]

III. Applicable Review Standard

The City Council is to give due consideration to the decision of the Commission.[26] The City Council may find error in the Commission's decision when the decision: (1) is in violation of constitutional, state or city law; (2) exceeds the Commission's statutory authority; (3) is made on unlawful procedure; (4) is arbitrary, capricious or an abuse of discretion; or (5) is not supported by substantial evidence.[27] If the City Council finds error, it may reverse or modify the Commission's decision to cure the error.[28]

IV. Argument in Support of Appeal

A. The Commission's denial of the PUD application was made on unlawful procedure.

The City's planning team analyzed all application materials and agency comments and issued its Project Report recommending approval. At the April 11, 2016 public hearing, the Commission made a motion to approve the PUD application with additional conditions. The motion, however, was deferred due to procedural confusion among the Commission's members following the recommended denial of the annexation application.[29]

At the Commission's second public hearing on the PUD application, the previous motion to approve the PUD application was withdrawn.[30] The Commission's chairman then denied the

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[22] *See* Project Report, pp. 4, 8, 15; *see also* March 15, ACHD Approval Letter, p. 2 ("The proposed single family use is estimated to generate fewer daily vehicle trips than the existing restaurant use.").
[23] March 24, 2016 letter from Idaho Fish and Game re: Devco LLC, annexation & rezone application, Case # CAR16-0002 & PUD16-00005, p. 2.
[24] Project Report, p. 16.
[25] *Id.*
[26] BCC § 11-03-03.9(C)(2)(a).
[27] BCC § 11-03-03.9(C)(2)(a)(i)-(vi).
[28] BCC § 11-03-03.9(C)(2)(b).
[29] *See* Draft Minutes of April 11, 2016 Hearing, pp. 41–44.
[30] May 2, 2016, Hearing Video, at 9:15.

PUD application without a motion, debate, or vote.[31] The denial violated the BCC and the Commission's procedural rules.

The BCC provides that the Commission as a "decision body shall approve, approve with modifications, or deny an application based upon the applicable standards and criteria in this Code and the Boise City Comprehensive Plan."[32] The Commission's public hearing procedures are governed by Robert's Rules of Order for parliamentary procedure.[33]

A fundamental rule of Robert's Rules of Order is that "[a]ll business should be brought before the assembly by a motion of a member, or by the presentation of a communication."[34] "All business" is very broad and encompasses the Commission's duty to approve, approve with modifications, or deny an application for a PUD. Therefore, any action by the Commission on a PUD application must be made by a proper motion made by a member and voted on. Under Robert's Rules, when a motion is withdrawn, the effect is the same as if it had never been made.[35]

In this case, the Commission's PUD application denial violated its own procedures and should be reversed. The withdrawal of the motion to approve the PUD application with additional conditions had the effect of removing the PUD application from consideration as though it had never been made. Following the withdrawal, no member of the Commission brought a subsequent motion for denial. Instead, the Commission's chairman unilaterally and "automatically" denied the PUD application on his own initiative, without discussion or debate and without a vote.[36] This was procedurally improper and constitutes a deprivation of the Applicant's due process rights to a full and fair motion, discussion, and decision on its PUD application. Therefore, the Commission's denial should be reversed by the City Council.

B. The Commission's denial of the PUD application should be reversed because substantial evidence shows that the Project satisfies all approval criteria.

By "automatically" denying the PUD application the Commission failed to provide a well reasoned written statement supporting its denial of the PUD application. In this case, as stated by the Project Report, the PUD application should be approved because substantial evidence demonstrates that the Project satisfies each of the five approval criteria from BCC § 11-03-04.7(C)(7). The Project Report carefully analyzed the Project's compliance with the BCC's PUD approval criteria and determined that Devco's PUD application should be approved with conditions.[37] Each of the criteria is analyzed below.

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[31] *Id.* at 10:00.
[32] BCC § 11-03-03.7.
[33] *See* Bylaws of the Commission.
[34] Robert's Rules, Article I, § 1.
[35] Robert's Rules, Article III, § 17.
[36] The same is true of the Applicant's subdivision application, which is not the subject of this appeal.
[37] Project Report, pp. 13–17.

1. The location of the Project is compatible with other nearby uses.

The Project is compatible with the surrounding neighborhood and land uses. The use proposed by the Project is single-family dwellings. This use is entirely compatible with the surrounding area, which consists of existing single-family neighborhoods on similarly-sized lots and densities greater than the Project. The Site has single-family homes to the north, east and south.[38] The Eastvalley subdivision, to the east of the Site, is a newer single-family housing project that is zoned R-1C (8 DU/acre) and has 115 lots. To the northeast is the River Heights Development, which is approved for 236 residential lots. Therefore, the proposed Project is compatible with the other surrounding predominate use: single-family residences.

The Project is also compatible with the surrounding recreational uses of the Greenbelt to the west of the Site. As currently planned, the Project has devoted Lot 16 as a pedestrian pathway to preserve and enhance public access to the Greenbelt. Although members of the public have previously used the Site to access the Greenbelt, this will be the first time public access has been lawfully established across the Site.

2. The proposed use will not place an undue burden on transportation and other public facilities in the vicinity.

The Project will not place an undue burden on transportation. The proposed Project will actually generate fewer daily trips than the current use of the Site as a public restaurant.[39] ACHD's letter approving the Project states:

> The proposed single family use is estimated to generate fewer daily vehicle trips than the existing restaurant use. Based on the square footage of the restaurant, there are 260 existing vehicle trips per day to this site, with 20 in the PM peak hour. This development is estimated to generate 228 vehicle trips per day with 24 in the PM peak hour....[40]

Warm Springs Avenue, classified as a minor arterial, will continue to operate at an acceptable level of service at full build out of the Project. Accordingly, the Project will not place an undue hardship on transportation.

3. The site is large enough to accommodate the proposed use.

The record shows the Site is capable of the type and volume of development proposed by the Project where the conditions of approval are adhered to. This conclusion is not disputed. The only evidence in the record is the Project Report's conclusion that with the approval of the PUD

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[38] *Id.* at 2.
[39] *Id.* at 15.
[40] March 15, 2016 ACHD Approval Letter, p. 2.

application "the site is large enough to accommodate the proposed use and all required elements of a planned residential development."[41]

4. The proposed use, as conditioned, will not adversely affect other property of the vicinity.

The record demonstrates that the Project, as conditioned, will not adversely affect property in the vicinity. The PUD application only proposes deviations from the BCC's applicable standards for lot size, width and side yard width.[42] No increase in allowed density is requested. In fact, the Project's density is significantly lower than the density allowed by the proposed zoning designations.

The height of all proposed structures within the Project complies with the City's 35-foot limitation in the Applicant's proposed zones.[43] In response to concerns from Project opponents and the Commission regarding uniform height and homogeneity of the Project, Devco also agreed to limit the number of three story homes to 50% or less.[44] In conformity with the Commission's recommended condition and the Applicant's comments at the April 11, 2016 public hearing regarding home elevations, the Applicant has prepared a graphic depiction of the proposed home elevations for lots 1–22.[45] As the graphic demonstrates, the additional condition proposed by the Commission will create roof line variation and enhance the aesthetics of the Project, while still creating a variety of products for homebuyers seeking three story floor plans.

Substantial evidence shows that the Project will be a valuable addition to the neighboring properties and the City as a whole. The Project proposes to construct quality homes of varying sizes located on desirable smaller lots adjacent to natural open spaces and the Greenbelt—a housing product currently in high demand.

The Project, through the PUD application, will also endeavor to preserve and enhance public pedestrian access to the Greenbelt through the Applicant's private property by constructing a pedestrian pathway through the Project to an existing easement that connects to the Greenbelt. The Project will provide positive aesthetics through thoughtful landscaping and open space areas as well. These features demonstrate a valuable addition to the surrounding property and do not support a conclusion that the Project will adversely affect other property in the area.

Opposition to the Project has been raised by residents of the Eastvalley subdivision across Warm Springs Avenue. The Eastvalley residents argue that the Project will adversely affect them because the Site is being built as residential as opposed to commercial and because

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[41] Project Report, p. 16.
[42] *Id.* at 13.
[43] Draft Minutes of April 11, 2016 Hearing, p. 12.
[44] *Id.* at 13 (Commissioner Bradbury: "How would you react to the suggestion that a condition of approval be included that would limit the number of three story houses to your proposal, say in the 50% range?" Jim Conger: "Mr. Chairman, Commissioner Bradbury, we had discussed this earlier, that would be acceptable.").
[45] *See* Exhibit A, attached hereto.

the Project may limit access to the Greenbelt over Applicant's private property. Neither of these neighbor complaints bears directly on the PUD application, which only proposes deviations from the BCC's applicable standards for lot size, width and side yard width. Further, the Eastvalley residents have not established any adverse impacts to their property based on these arguments.

As to the neighbors' first argument, residential development of the Site is expressly allowed by the City's Land Use Map and Comprehensive Plan. As noted above, the Applicant's proposed zoning constitutes proper zoning designations for land designated as "Large Lot" and "Commercial" by the City's Land Use Map.[46] Therefore, the use proposed by Devco complies with the City's planning documents. Despite the Project's compliance with planning documents, Eastvalley residents argue that the Site should be developed commercial for their benefit and convenience. Opponents ignore the extensive commercial development occurring minutes away at Harris Ranch and Barber Station, as well as the nearby Bown Crossing. And, additional commercial land still exists adjacent to the Eastvalley subdivision. The Project Report states: "the overwhelming majority of existing homes, and those anticipated to develop are located on the east side of Warms Springs Avenue. Approximately 3.2 acres of commercial zoning, with significant development/redevelopment potential exists adjacent to [the Eastvalley subdivision]."[47] Commercial development on the remaining commercial land adjacent to Eastvalley subdivision and on the same side of Warm Springs Avenue is preferable both for proximity and safety reasons. Lastly, the record establishes that the Site cannot currently support the commercial development advocated for by Eastvalley residents.[48] Should the City Council opt for different zoning than has been requested by Devco, then Devco withdraws its request and consent for annexation.

As to the neighbors' second argument, the developer has made every effort to maintain and improve pedestrian access to the Greenbelt.[49] The Site does not abut the Greenbelt and the Applicant alone cannot ensure access to the Greenbelt.[50] Pedestrian access to the Greenbelt requires crossing Applicant's property and another parcel of private property, Parcel No. S0933131220, the "Brant Property." Currently, there is a paved pathway across the Brant Property, which crosses the Penitentiary Canal and leads to the Greenbelt. As planned, the Project reserves lot 16 as a paved and improved pedestrian pathway to maintain access to the Brant Property and eventually the Greenbelt via the current existing route. Devco views access to the Greenbelt as a great amenity and is committed to doing all it can on the Site to allow public pedestrian access to the Greenbelt via the Brant Property.

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[46] *See supra*, nn. 15–16.
[47] *Id.*
[48] Draft Minutes of April 11, 2016 Hearing, p. 34.
[49] *Id.* at 10 (Jim Conger: "We have always supported stubbing the sidewalk to the edge of our property" to allow Greenbelt access).
[50] Project Report, p. 10.

5. The proposed use is in compliance with the Comprehensive Plan.

The evidence in the record demonstrates that the Project complies with the goals and policies of the Comprehensive Plan, specifically the Barber Valley Planning Area.[51] The planning team has found that the Project is consistent with the Comprehensive Plan.[52] Furthermore, opponents of the Project have not pointed to a single specific provision of the Comprehensive Plan that the Project violates.

As established herein, the substantial evidence in the record demonstrates that the Project complies with each of the BCC's PUD approval criteria. Accordingly, automatic denial by the Commission was an error that should be reversed by the City Council.

V. Conclusion

Devco has presented a quality plan for residential development. The Project will maintain open space, provide connectivity to public lands, and provide quality single-family home sites to Boise residents. Devco respectfully requests the City Council to reverse the Commission's decision to deny its PUD application, which decision was made upon unlawful procedure and is not supported by substantial evidence. Devco further respectfully requests the City Council to approve the annexation and subdivision applications.

[51] NAC 3.1; BV-C 2.3; and BV-PSF1.
[52] Project Report, p. 17; April 11, 2016 Draft Minutes, p. 7.

EXHIBIT A

RIVER RIDGE

RIDGEWAY A
LOT 5

SKYVIEW B
LOT 4

SKYVIEW A
LOT 3

RIVERWALK A
LOT 2

HUDSON A
LOT 1

RIDGEWAY B
LOT 10

RIVERWALK A
LOT 9

HIGHLINE A
LOT 8

RIDGEWAY B
LOT 7

HIGHLINE B
LOT 6

RIDGEWAY A
LOT 17

RIDGEWAY B
LOT 15

HIGHLINE A
LOT 14

SKYVIEW A
LOT 13

HIGHLINE B
LOT 12

RIDGEWAY A
LOT 11

RIVERWALK A
LOT 22

HIGHLINE A
LOT 21

RIDGEWAY B
LOT 20

SKYVIEW A
LOT 19

HIGHLINE B
LOT 18

Name	Email	Address
Brant Petersen	bpetersen02@fs.fed.us	
Sabrina Durtski	sabrina2@briggs-engineering.com	
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Kerri Connors	kerricon@hotmail.com	
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Eric Wilson	fleabane@cableone.net	
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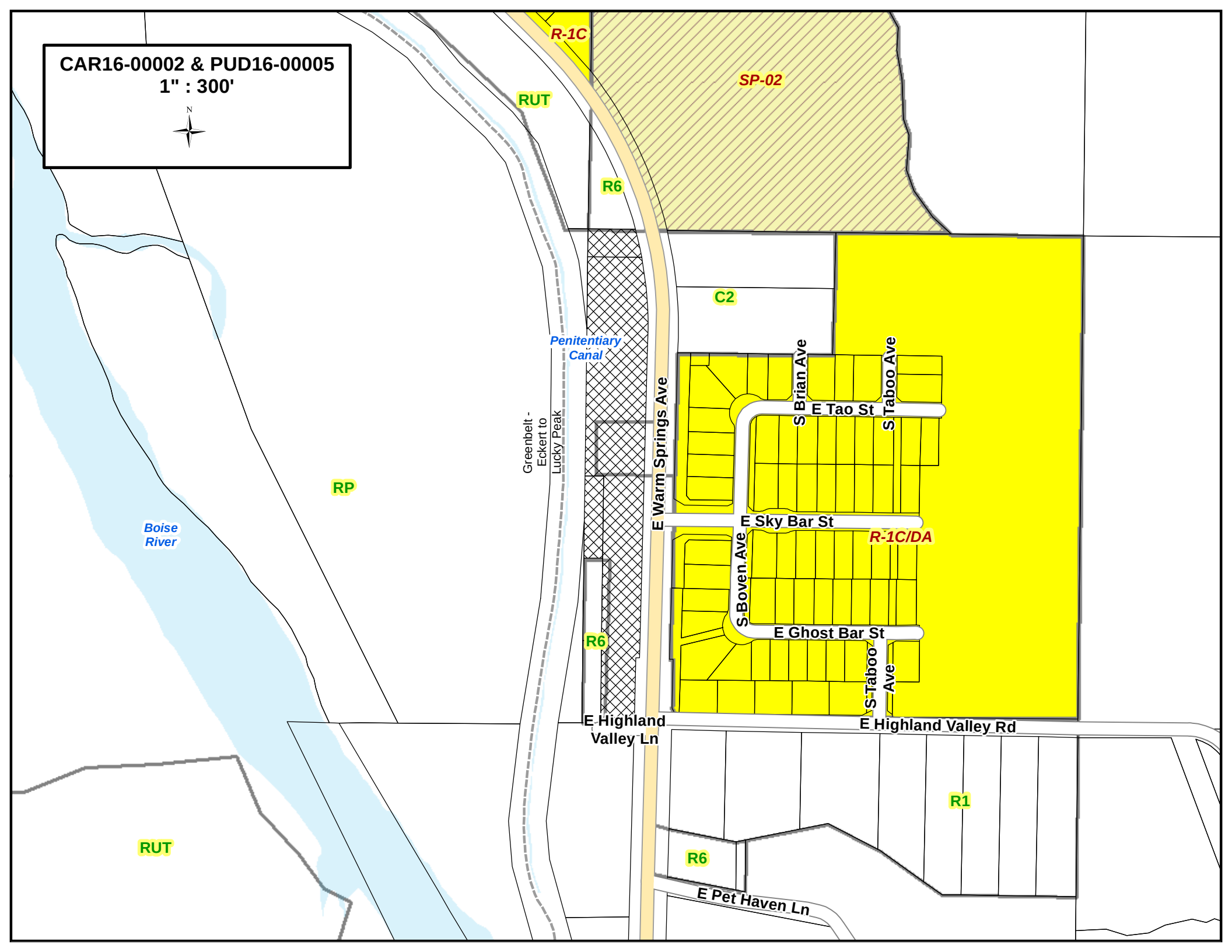
Ben Hamilton		6916 Pet Haven Lane
Mark Templeton		5131 E Sawmill Way
Marge Mooney	marge9337@gmail.com	
John Mooney Jr	jkscm01@gmail.com	
Jack Snyder	mrwci@hotmail.com	
Elena Velasquez	elenavelasqu@gmail.com	
Richard Kinney	kinney65@msn.com	
CJ George	cjgquilts@hotmail.com	

CAR16-00002 & PUD16-00005
1" : 300'
N
R-1C
SP-02
RUT
R6
C2
Penitentiary Canal
Greenbelt - Eckert to Lucky Peak
E Warm Springs Ave
S Brian Ave
S Taboo Ave
E Tao St
RP
Boise River
E Sky Bar St
R-1C/DA
S Boven Ave
E Ghost Bar St
S Taboo Ave
R6
E Highland Valley Ln
E Highland Valley Rd
R1
RUT
R6
E Pet Haven Ln


CAR16-00002 & PUD16-00005
1" : 300'
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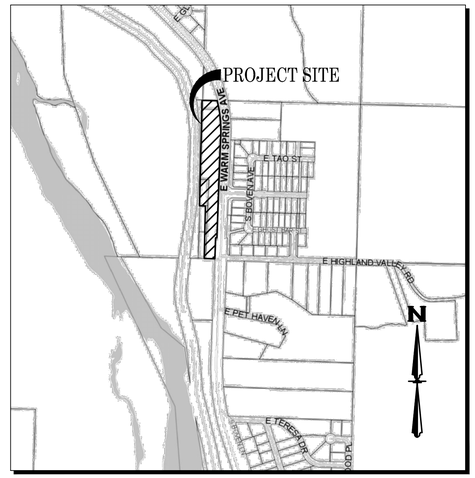
R-1C
SP-02
RUT
R6
C2
Penitentiary Canal
Greenbelt - Eckert to Lucky Peak
E Warm Springs Ave
S Brian Ave
S Taboo Ave
E Tao St
E Sky Bar St
R-1C/DA
S Boven Ave
E Ghost Bar St
S Taboo Ave
RP
Boise River
R6
E Highland Valley Ln
E Highland Valley Rd
R1
RUT
R6
E Pet Haven Ln

PRELIMINARY PLAT FOR

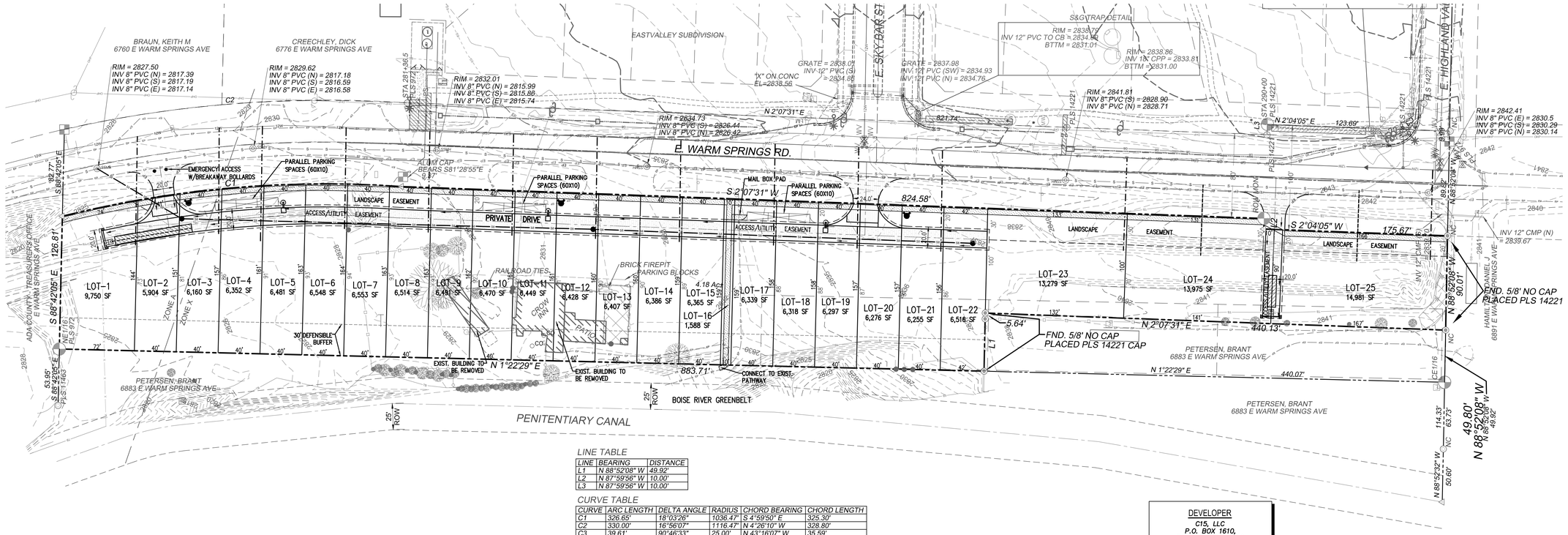
BCI SUBDIVISION

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF OF THE NE 1/4 SECTION 33, T.3N., R.3E., B.M., ADA COUNTY, IDAHO

2016



VICINITY MAP
1"= 800'



LINE TABLE

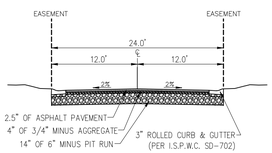
LINE	BEARING	DISTANCE
L1	N 88°52'08" W	49.92'
L2	N 87°59'56" W	10.00'
L3	N 87°59'56" W	10.00'

CURVE TABLE

CURVE	ARC LENGTH	DELTA ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH
C1	326.65'	18°03'26"	1036.47'	S 4°59'50" E	325.30'
C2	330.00'	16°56'07"	1116.47'	N 4°26'10" W	328.80'
C3	39.61'	90°46'33"	25.00'	N 43°16'07" W	35.59'

GENERAL LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED SANITARY SEWER
- PROPOSED WATER SERVICE
- PROPOSED ROLLED CURB/ACCESS EASEMENT
- DRAINAGE FLOW DIRECTION
- PROPOSED CONCRETE OR ASPHALT PATHWAY
- ASPHALT ACCESS ROAD
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- PROPOSED DRAINAGE FACILITY
- EXISTING RIGHT-OF-WAY
- SECTION LINE
- EXISTING SEWER
- EXISTING WATER
- EXISTING EDGE OF PAVEMENT
- EXISTING OVERHEAD POWER LINES
- EXISTING FENCE LINE
- EXISTING GROUND CONTOUR



TYPICAL SECTION
24' PRIVATE DRIVE
1" = 10'

DEVELOPMENT FEATURES:

TOTAL ACRES	±4.18 ACRES
TOTAL LOTS	25
BUILDABLE LOTS	24
COMMON LOTS/ACRE	0/0 ACRES
DENSITY DU/ACRES	4.18 ACRES
EXISTING ZONING	A-1
(CITY OF BOISE)	
MINIMUM RESIDENTIAL LOT SIZE	5,904 sq.ft.
AVERAGE RESIDENTIAL LOT SIZE	7,500 sq.ft.

NOTES:

1. SANITARY SEWER MAINS SHALL BE 8" DIAMETER UNLESS OTHERWISE SHOWN.
2. WATER MAINS SHALL BE 8" DIAMETER UNLESS OTHERWISE SHOWN.
3. SURFACE STORM WATER DRAINAGE SHALL BE DIRECTED TO DRAINAGE FACILITIES AS SHOWN..
4. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
5. ALL LOTS ARE TO BE DESIGNATED SINGLE FAMILY RESIDENTIAL EXCEPT; LOT 16, BLOCK 1, WHICH WILL BE A COMMON LOT OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
6. 6. A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN. (ZONE "A"). PER FIRM 16001C0315 H DATED 2-19-03.

DEVELOPER
C15, LLC
P.O. BOX 1610,
EAGLE IDAHO 83616

811 Know what's below. Call before you dig.
CALL BEFORE YOU DIG!
CALL DIGLINE INC.
PRIOR TO COMMENCING UNDERGROUND WORK
208-342-1585

LAND SURVEYOR
SAWTOOTH LAND SURVEYING LLC.
2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104

CIVIL ENGINEER
JM E. COSLETT, P.E.
ROCK SOLID CIVIL LLC
270 N. 27th ST. SUITE 100
BOISE, ID 83702
(208) 342-3277

UTILITY REPRESENTATIVES

UTILITY	REPRESENTATIVES	PHONE
GAS	INTERMOUNTAIN GAS	(208) 377-6839
ELECTRICITY	IDAHO POWER	(208) 388-6320
TELEPHONE	CENTURY LINK	1-877-290-5458
CABLE TV	CABLE ONE	(208) 375-8288
SEWER	CITY OF BOISE	(208) 384-3900
WATER	UNITED WATER OF IDAHO	(208) 362-7200
ROADS	ADA COUNTY HIGHWAY DISTRICT	(208) 334-8000
IRRIGATION	N/A	
FIRE	CITY OF BOISE	(208) 570-6500

RSC

50 0 25 50 100
SCALE IN FEET
1" = 50'

811 Know what's below. Call before you dig.
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CALL DIGLINE INC.
PRIOR TO COMMENCING UNDERGROUND WORK
208-342-1585

Revisions

	Date	Description
1		
2		
3		
4		

ROCK SOLID CIVIL
Civil Engineering and Land Development Consulting
270 N. 27th Street, Suite 100 Boise, ID 83702
Office Phone: 208.342.3277
www.rocksolidcivil.com

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Project Name: BCI SUBDIVISION

Sheet Name: PRELIMINARY PLAT

Stamp

PROFESSIONAL ENGINEER REGISTERED 10692 STATE OF IDAHO JIM E. COSLETT

Project No.	RSC-1600
Drawn By:	RLC
Date:	15 March 2016
Sheet No.	C1
	1 of 1

BOISE
CITY OF TREES

Derick O'Neill
Director

Boise City Hall
150 N. Capitol Boulevard

Mailing Address
P. O. Box 500
Boise, Idaho 83701-0500

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208/384-3814

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800/377-3529

Web
www.cityofboise.org/pds

Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council Pro Tem
Lauren McLean

Maryanne Jordan
Scot Ludwig
Ben Quintana
TJ Thomson

Planning & Development Services

April 15, 2016

Jim Conger
DevCo, LLC
4824 W. Fairview Ave.
Boise, ID 83706
jim@congergroup.com
(sent via email)

Re: CAR16-00002, PUD16-00005 & SUB16-00006 / 6781 E. Warm Springs Ave.

Dear Mr. Conger:

This letter is to inform you of the actions taken by the Boise City Planning and Zoning Commission on your requests.

The Boise City Planning and Zoning Commission, at their meeting on **April 11, 2016, recommended** to the Mayor and the Boise City Council denial of **CAR16-00002,** a request for the Annexation of 4.2 acres located at 6781 E. Warm Springs Avenue. Approximately 2.4 acres are proposed as R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and 1.8 as R-1B/DA (Single Family Residential with a Development Agreement) based on the attached Reasons for the Decision.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

The Boise City Planning and Zoning Commission, at their hearing of **April 11, 2016**, **deferred PUD16-00005,** a Conditional use permit for a 24-unit planned residential development and **SUB16-00006**, a Preliminary Plat for a residential subdivision comprised of 24 buildable lots and 1 common lot on 4.2 acres located at 6781 E. Warm Springs Avenue in a proposed R-2D/DA and R-1B/DA zone to a certain date of **May 2, 2016.**

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If you have any questions, please contact me at (208) 384-3736.

Sincerely,

Susan Riggs
Associate Planner
Boise City Planning and Development Services

SR/bm
cc: Marcel Lopez / Conger Mangement Group / marcel@devco.land (sent via email)
Clavis B. Hamilton / Ben's Crow Inn / bbungard@arthurberry.com (sent via email)
Barber Valley Neighborhood Association / Attn: Mike Reineck / bvnaboise@gmail.com (sent via email)
Southeast Neighborhood Association Inc. / Attn: Fred Fritchman / ffritchman@msn.com (sent via email)
Warm Springs Mesa Neighborhood Association / Attn: Donna Burns / president@warmspringsmesa.org (sent via email)

Reason for the Decision

Annexation

The site is within the Area of Impact and Sewer Planning Area and is contiguous to Boise City on its eastern boundary. The annexation will facilitate orderly expansion of the City boundaries and conform to the Level of Service standards found in the Comprehensive Plan. However, the Commission found the annexation was inconsistent with the standards found in BCC 11-03-04.15.6(a). The parcels are currently zoned RP and C2 (Ada County) and designated Commercial and Large Lot/Rural on the Land Use Map of Blueprint Boise. The Commission felt the commercial designation was important to maintain.

Derick O'Neill
Director

Boise City Hall
150 N. Capitol Boulevard

Mailing Address
P. O. Box 500
Boise, Idaho 83701-0500

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208/384-3814

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Web
www.cityofboise.org/pds

Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council Pro Tem
Lauren McLean

Maryanne Jordan
Scot Ludwig
Ben Quintana
TJ Thomson

Planning & Development Services

May 4, 2016

Jim Conger
DevCo, LLC
4824 W. Fairview Ave.
Boise, ID 83706
jim@congergroup.com
(sent via email)

Re: PUD16-00005 & SUB16-00006 / 6781 E Warm Springs Avenue

Dear Mr. Conger:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your requests for Conditional use permit for a 24-unit planned residential development on 4.2 acres located in a proposed R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and R-1B (Single Family Residential with a Development Agreement) zones and preliminary plat for a residential subdivision comprised of 24 buildable lots and 1 common lot on 4.2 acres located in a proposed R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and R-1B (Single Family Residential with a Development Agreement) zones.

The Boise City Planning and Zoning Commission, at their meeting of **May 2, 2016,** withdrew a motion to approve **PUD16-00005**. Based on the **April 11, 2016** recommendation to deny **CAR16-00002**, a request for annexation, the Boise City Planning and Zoning Commission does not have the jurisdiction to approve **PUD16-00005** or make adequate findings that are not inconsistent with the recommendation to deny **CAR16-00002**. Additionally, the Boise City Planning and Zoning Commission does not have the jurisdiction to recommend approval of **SUB16-00006** or make adequate findings not inconsistent with the recommendation to deny **CAR16-00002**. Thereby, both **PUD16-0005** and **SUB16-00006** were **denied.**

May we also take this opportunity to inform you of the following:

1. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:

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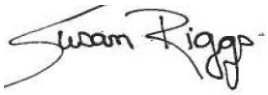
http://pds.cityofboise.org/ or
http://pds.cityofboise.org/home/documents/apps/100/

2. All appeals of this permit must be filed by **5:00 P.M.**, on **May 12, 2016**.

If you have any questions, please contact me at (208) 384-3736.

Sincerely,



Susan Riggs
Associate Planner
Boise City Planning and Development Services

SR/cl
cc: Marcel Lopez / Conger Mangement Group / marcel@devco.land (sent via email)
Clavis B. Hamilton / Ben's Crow Inn / bbungard@arthurberry.com (sent via email)
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Southeast Neighborhood Association Inc. / Attn: Fred Fritchman / ffritchman@msn.com (sent via email)
Warm Springs Mesa Neighborhood Association / Attn: Donna Burns / president@warmspringsmesa.org (sent via email)

Reason for the Decision

Subdivision

The preliminary plat concerns a tract which is outside the corporate limits of a city and therefore must be submitted, accepted and approved by Ada County pursuant to Idaho Code § 50-1308. Absent successful annexation approval in the future, the City of Boise Planning and Zoning Commission cannot proceed with this application.

Planned Unit Development

The project is outside the jurisdictional limits of the City of Boise. The City does not have the statutory authority to zone or otherwise regulate the use of the property pursuant to Idaho Code § 67-6511. Absent successful annexation approval in the future, the City of Boise Planning and Zoning Commission cannot proceed with this application.

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Planning & Zoning Commission: Excerpt of Minutes
Hearing Date: April 11, 2016
Items: CAR16-00002, PUD16-00005, SUB16-00006

CAR16-00002 / Devco, LLC
Location: 6781 E. Warm Springs Avenue
ANNEXATION OF 4.2 ACRES. APPROXIMATELY 2.4 ACRES ARE PROPOSED AS R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT -14.5 UNITS/ACRE) AND 1.8 AS R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT - 4.8 UNITS/ACRE) *Susan Riggs*

PUD16-00005 / Devco, LLC
Location: 6781 E. Warm Springs Avenue
CONDITIONAL USE PERMIT FOR A 24-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. *Susan Riggs*

SUB16-00006 / Ben's Crow Inn Subdivision
Location: 6781 E. Warm Springs Avenue
PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 24 BUILDABLE LOTS AND 1 COMMON LOT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. *Susan Riggs*

Chairman Gillespie: The next item for us is item 3, 3a, and 3b. This is a planned unit development located at 6781 e Warm Springs, and, Ms. Riggs.

Susan Riggs (City of Boise): Good evening…

Before you tonight are 3 applications. First is an annexation of 4.2 acres**.** 2.4 acres are proposed as R-2D and 1.8 acres as R-1B. A Preliminary plat has also been submitted for a residential subdivision comprised of 24 buildable and 1 common lot and a Conditional Use Permit for a 24-unit planned development. A development agreement was submitted to restrict the number of units 24 SF detached homes.

Tonight you will hear from the Barber Valley NA and several neighbors who are opposed to this development. A short summary of their concerns are as follows: the need for continued public access to the greenbelt, lack of public parking for greenbelt users, disturbance to wildlife, neighborhood privacy, **noncompliance** with the Comprehensive Plan & development code, and the need for a safe crossing on

Warm Springs. Many feel the development is out of character with the neighborhood and that it creates a wall of 2 & 3 story homes adjacent to the greenbelt and Boise River. Some believe a portion of the land should remain commercial or mixed- use. And finally, is the concern that homes will be built on two sides of the neighboring home to the north and will be 55' from their front door.

The project report addresses several of these concerns, and I will also try to address some of them in my presentation tonight.

Beginning with the Annexation

The property is currently zoned RP (Rural Preservation). The site is located in Barber Valley on the west side of Warm Spring Avenue and north of Highland Valley Road. Ben's Crow Inn has occupied the site for over 30 years. As illustrated in this slide, the site has two Land Use Map designations. The larger northern portion of the site is designated Commercial and the remaining is Large Lot. The proposed zones are appropriate in this designation. The proposed density of 5.72 DU/acre is slightly higher than the R-1B zone and is significantly lower than the R-2 and will be compatible with Eastvalley Subdivision across Warm Spring Avenue approved for 115 single-family lots with R-1C zoning.

Although the neighbors would like the applicant to retain the existing commercial zoning as a location for a coffee shop or small restaurant/bar, the applicant states the 2,600 vehicle trips per day will not support a commercial or mixed-use development, and there is sufficient commercial development in nearby Harris Ranch. The Planning Team understands the neighborhood's perspective. However, the overwhelming majority of existing homes, and those anticipated to develop are located on the east side of Warm Springs Avenue.

Approximately 3.2 acres of commercial zoning, with significant development/redevelopment potential exists adjacent to these homes. Planning recommends approval of the annexation as it is within the Area of Impact and Sewer Planning Area and is contiguous to Boise City.

Moving on to the Subdivision& PUD

Planning finds the preliminary plat and planned development to be in conformance with the Boise City Comprehensive Plan and development Code. Based on the requested reductions to the minimum dimensional standards, a conditional use permit for a PUD is required. Two lots types are proposed: Type 1 is comprised of the narrower 40' wide lots and type 2 is the larger more standard lot sizes.

All lots will have frontage on Warm Springs Avenue; and all but 3 will be accessed via a 20 foot wide service drive thus minimizing direct access to the public street. The 3 proposed driveways have been approved by ACHD. The applicant is proposing a 5' wide detached sidewalk with a 5'-6" wide landscape strip adjacent to the public street.

Blueprint Boise calls for a 'safe crossing' across Warm Springs at Highland Valley Road. This was originally a condition placed on Eastvalley Subdivision; however it was removed. In a recent email from

ACHD, Christy Little stated the City should not require the developer to provide this crossing as it may not be feasible, or the location may not be right at this time. ACHD will examine the warrants to determine the safest location.

Barber Valley Policy C 2.3 addresses trail connections and the requirement to connect Ridge to Rivers trails to each other and the Greenbelt. A 10' wide pathway is proposed to stub to the existing pathway to the south on private property before connecting to the Greenbelt.

This pathway connection has historically been used for public access to the Greenbelt. The neighborhood association prefers a pathway that is aligned with Sky Bar Street. A pathway at this location raises some concerns with steeper slopes and a new access thru private property.

Because the existing pathway has been used for a number of years, there is likely a prescriptive easement that would allow continued access to the Greenbelt.

The landscape plan proposes two 5 foot wide sidewalks that align with Sky Bar Street. The sidewalk extends through the 20 foot wide landscape buffer and connects to the proposed sidewalk on Warm Springs and ultimately to the proposed public pathway to the Greenbelt. This provides a direct connection without having to deal with private property and slopes. The applicant has also agreed to provide signage to be placed at the entrance to the pathway indicating a public pathway to the GB. Planning finds the project is compatible with the variety of uses in the neighborhood and those reasonably expected to develop. Thru the planned development process the applicant is requesting waivers to reduce the interior side yards from 10 feet to 5 feet, lots widths from 50 feet to 40 feet and reduced lot sizes. While waivers are requested, the lots are still large enough to accommodate the homes, vehicular access and parking.

The 2 & 3 story homes will be similar the homes pictured here which are located in Triplett Ranch in Barber Valley. The neighbors stated they would like to see more vibrant colors on the buildings and perhaps some accent details. The applicant stated his goal is for the structures to blend with the natural landscape and not to boldly stand out.

This is an example of the homes proposed on the 3 southern most lots.
This is a photo of Eastvalley subdivision across the street.

Two amenities are required as part of the PUD. The applicant is proposing water conservation measures utilized for lawns and landscaping, approximately 18% open space and a public pathway ultimately connecting to the Boise Greenbelt system.

Planning finds with the attached conditions of approval, the project will not adversely affect other property in the vicinity. The greater neighborhood is comprised primarily of residential uses that will not be affected by the development.

Correspondence received from commenting agencies indicate the proposed use will not place an undue burden on transportation or other public services. Warm Springs Avenue is operating at an acceptable level of service at better than "D".

The project is consistent with a number of the principles, and policies in the Comprehensive Plan which support the proposed development. I won't recite them as they are detailed throughout the project report. Based on the findings of fact outline in the project report, the Planning team recommends approval of the 3 applications.

This project requires 3 separate motions. The annexation and subdivision shall be recommendations to Council and the Commission shall render a final decision on the PUD.

Should the Commission approve the PUD, staff recommends the deletion of condition 2 (n) which states "The development shall become part of the Harris Ranch Wildlife Mitigation Association. In addition, residents shall be required to pay annual homeowner's association fees to the Harris Ranch Wildlife Mitigation Fund." This condition was included for Eastvalley subdivision because it was part of the purchase agreement when the property was acquired from the Harris Family. I do not believe this condition is applicable to this development.

This concludes my presentation, thank you for your time this evening.

Chairman Gillespie: Thank you Susan. Is the applicant present? Mr. Conger, 10 minutes, and then we'll go from there.

APPLICANT TESTIMONY

Jim Conger (4824 W Fairview): Thank you. That'll be no problem. Mr. President, members of the commission, Jim Conger at 4824 W Fairview Avenue. I'll let Marcel load our PowerPoint here.
First of all, thank you and we're excited to be in front of you tonight to go over the project that we're calling the Ben's Crow Inn Subdivision. The City planning team has been wonderful and we very much appreciate their experience and guidance throughout this design phase of this project. This is a perfect blend of matching a highly sought-after housing product with a wonderful location. We are in agreement with all staff recommendations and are very much looking forward to getting an approval tonight. As the staff report outlines and Susan presented, we are in conformance with the Boise City comp plan, we are well under the density allowance for these zones, we're meeting all building setbacks and height requirements with no exceptions, and we have satisfied not only the City, but ACHD, Fire, Police, Fish & Game. That in itself is no small feat when you're planning in East Boise.

Here are the homes that we have designed for this project. They are very thoughtfully and purposefully designed. Exteriors are primarily all stucco. They range in sizes from 2300 to 2800 square feet. They're well built, and they're very low maintenance, and exactly what today's new homebuyer is looking for. The next slide gives a perspective of the scale of these homes as viewed from Warm Springs, and also lets you get an understanding of our landscape buffer that's not only put in place to buffer our homes from

travelers on Warm Springs, but again protect our homes from the travelers on Warm Springs – two way buffer, it's good for both sides.

Tahoe started with these designs four years ago. We have been in front of this commission, in front of the council with similar projects: Elevation Ridge which is up on Highway 21 that overlooks the Simplot Park, and we also successfully did this project less than two years ago at Triplet Ranch, which is just on the east edge of Harris Ranch, both in east Boise. Both projects were well received and sold out before they could finish construction.

I would like to touch on a few issues we have heard from some neighbors that do not like the idea of change.

The Comprehensive Plan: As we noted and as you heard Susan say, our plan, our project is in complete compliance with the Comprehensive Plan, and all of the many other planning maps and documents that are associated with the Barber Valley.

The next item is the Greenbelt pathway connection stub. I would like to elaborate on and try to clear some confusion that was brought up through several occasions with the neighbors regarding the connection to the Greenbelt. I would like to remind everyone we are not building Greenbelt, we are providing the sidewalk that stubs to the edge of our property. This was an original requirement from the City in our pre-application meetings and has always been supported by us. It was in our original plan, so there are petitions and other things going around. We have always supported stubbing the sidewalk to the edge of our property. If the City chooses to leave it in our design location then we will actually stub and connect to the existing pathway that currently connects down and goes to the Greenbelt.

As you can see in the exhibit, our property does not abut the actual Greenbelt. You can see the little green pathway is off of our property prior to getting to the large Greenbelt that's below the Penitentiary Canal. We again, are going to provide a pathway connection through our development to the exact point it connects today. And of course we, with our future homeowners, are as interested as anyone in the room of continuing this pathway to have its connection back to the Greenbelt. And, I think we can boldly say we're very encouraged to see all the neighbors' support around this item, that's going to continue to support the access that currently is to the Greenbelt.

You also have in your packet the Ada County letter that was written last Tuesday that is in support of our location, and I think the words they used were "stub in the general vicinity of the existing path," so Ada county has looked at the plan and has looked at our location.

As far as safety goes, Susan addressed it. This pathway location actually works well with our overall design from a safety standpoint. We have four receiving sidewalks as you can see, that will all feed in to our main sidewalk that's required along Warm Springs, that will then run to our pathway connection. Thus, you can get to this pathway connection without getting on the inside of our interior intersection, which is indicated by the little brown circle. We do not think it to be healthy to have the pathway location conflict with that intersection of our private drive. As people are racing to get off Warm Springs, they

won't have a chance to slow down and address pedestrians and bikes and things of that nature properly. We have also designed a very significant cast-in-place, concrete and metal sign, as you can see here, that will identify the public access point for first-time users.

Lastly, I will discuss the three southern lots that are adjacent to our Ada County neighbor that Susan alluded to at the south end of the project. Our current site plan was carefully crafted so that the development minimizes its impact as much as possible. We originally had nine alley-loaded lots in this area that fronted Warm Springs. We were below our density threshold; the whole project is below, if we're at 24, the allowed density is 48. We are below our density, however, we just felt that it was too intense with the county neighbor and scaled it back to the three you see today, which are the red lines versus the nine blue lines.

We positioned the homes to be sideways to the lot as you can see in the three lots in 23, 24 and 25, so we didn't have any homes backing up to them, and Tahoe also designed this homes to have hip roofs to keep a lower profile as you can see in the bottom elevations. We feel this is a great compromise specifically with this county neighbor as on the top photo, you will see their house is primarily orientated with the back taking advantage of the views over the Boise River. In the bottom photo, it is very apparent that the front, that is adjacent to our development, is primarily used as trailer storage, parking, and garage/shop area.

In closing, we are very excited to have a project and look forward to approval of this staff report, which we are in complete agreement with the conditions that were stated through Susan. Thank you.

Chairman Gillespie: Thank you. Any questions from the Commission?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: I've got a few that I think I'll start with Susan. Susan, so the applicant is proposing, as I recall, a pathway connection down toward the existing bike path through their project at 10 feet wide. Is that standard for this sort of use, or is there a standard?

Susan Riggs (City of Boise): Mr. Chair and members of the Commission, Commissioner Bradbury. A standard pathway for a subdivision is a seven-foot pathway with five-foot landscaping on each side. If you desired a larger pathway at this location, that could be a condition of approval. It could also be included in the development agreement.

Commissioner Bradbury: So, you said seven feet with five-foot landscaping on either side?

Susan Riggs (City of Boise): Correct

Commissioner Bradbury: Alright.

Susan Riggs (City of Boise): Seventeen foot wide

Commissioner Bradbury: Pardon me?

Susan Riggs (City of Boise): Seventeen foot wide pathway.

Commissioner Bradbury: Thank you. Can I keep asking questions, Mr. Chairman?

Chairman Gillespie: Yes sir.

Commissioner Bradbury: I've got just a few. I'll try not to take everybody's time up. So follow up on the easement. I think I heard you say that the issue of the existence of the easement, or the pathway, as it leaves the applicant's property, between the applicant's property and the existing bike path, the existence of that easement, whether it's there or not there, legal or illegal, is not something that this commission can decide on, is that right?

Susan Riggs (City of Boise): Mr. Chair, Commissioner Bradbury that is correct.

Commissioner Bradbury: Alright, thank you. So, are the heights of the proposed structures within our code?

Susan Riggs (City of Boise): Mr. Chair, Commissioner Bradbury, they are. The height limit is 35 feet.

Commissioner Bradbury. Okay. May I?

Chairman Gillespie: Please.

Commissioner Bradbury: Mr. Conger

Jim Conger (4824 W Fairview): Commissioner Bradbury

Commissioner Bradbury: So one of the questions that I think is likely to come up is this mix of two- and three-story houses that you're proposing in your project. I think there is some sentiment expressed out there in the materials that we've received that that presents kind of an, a dominating view. How do you decide which lots get a two-story house and which get a three-story house? How do you figure out the mix? Is that something you can address?

Jim Conger (4824 W Fairview): Absolutely. Mr. Chairman, Commissioner Bradbury, no, that's a very fair question. We run right around 50% with the two- versus three-story, so…can I tell you exactly which lots yet? No, Tahoe is working through that, but with that three-story product, about half of it will be two, half of it will be three, and on that third story, it is recessed back in, not only from the front and the back, it's a plate that sits in the middle of the house and is really the master bedroom. So it's not an active

bonus-type room, but it sits in the middle of the property, and I think it's extremely important to understand that we have a WUI requirement for our rear setbacks – R-1B is 30 foot anyhow, so we are 30 foot back from our property line and our property line to the greenbelt ranges from 55 to 125 feet in distance, so at any point we are either 85 to, all the way to the, whatever the math is, 155, I guess, is the math, but…

Commissioner Bradbury: How would you react to the suggestion that a condition of approval be included that would limit the number of three story houses to your proposal, say in the 50% range?

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Bradbury. We had discussed this earlier, and that would be acceptable.

Commissioner Bradbury: Um…

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Thank you. Probably the last one unless there's a follow up – I'm kind of curious what kind of coordination or conversation you've had with Ada County about their proposed redesign of that bike path down below the project. Have you had occasion to speak with the county or try to coordinate with them.

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Bradbury. Yes, we have dealt with Scott at Ada County to understand where they are. I think there's several neighbors, one in particular that's on the Ada County Park's Board that probably can speak a little better than I, but we do know that Ada County did not get the first grant that was hopefully going to fund this. They have been working on plans and will have a little more detailed packet supposedly by the end of August that will allow them to go look and procure some additional, or not additional funds. Best case scenario this would be a 2017 project, and worst case is another grant doesn't come through.

Commissioner Bradbury: And you don't, you wouldn't object to coordinating your work, your design work with theirs, would you? I mean, that wouldn't be a problem for you, would it?

Jim Conger (4824 W Fairview): No, Commissioner Bradbury that would be extremely intelligent. We have worked, with our current location, as far as with the topos, it's pretty constrained to where this probably ought to go, and there's probably no surprise why this path, that was in place prior to 1969, is where it is, and it was enhanced in the 1983 or '84 when the Greenbelt came in by Ben himself. And all of that, because of the existing grades and topo at the current location. So we believe we are setting Ada County up for the best location possible to take from and they will have different ADA rules than currently what's there of course, but the starting point up at our stub location gives them the best success of manipulating and working their grades for a final design.

Commissioner Bradbury: So I actually have one more question.

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Thank you. I just remembered I forgot to actually write it down. So, your, the neighboring property on, or to the south, the southerly end of your project – where does that property take access? Is it further south of your southerly border?

Jim Conger (4824 W Fairview): Go to our slide. Mr. Chairman, Commissioner Bradbury, there is a common drive to the right of our lot 25 straight across from Highland Valley Road that feeds two home sites, one being our adjacent neighbor, who then has his common drive up his property line, which is our shared property line.

Commissioner Bradbury: Alright, thank you very much.

Commissioner Ansotegui: Mr. Chairman

Chairman Gillespie: Commissioner Ansotegui

Commissioner Ansotegui: Just a quick question, and forgive me if you stated this and I was asleep or something, but is the access from Warm Springs to the Greenbelt ADA compliant.

Jim Conger (4824 W Fairview): No, Ma'am. I said…

Commissioner Ansotegui: I'm sorry.

Jim Conger (4824 W Fairview): …by taking off from our stub point would give ADA county the best chance at, when they, under their rules they will have to be ADA compliant compared to when this went in prior to 1969, and then enhanced in 1983.

Commissioner Ansotegui: Okay. But your path, the straightaway path is not ADA now.

Jim Conger (4824 W Fairview): It will be ADA compliant.

Commissioner Ansotegui: It will be. That's the question, thank you.

Jim Conger (4824 W Fairview): Yes.

Commissioner Gibson: Mr. Chairman

Chairman Gillespie: Commissioner Gibson

Commissioner Gibson: Question for staff. The current subdivision across the street to the east has both an accel- and the decel-lane on it. Doesn't appear from the exhibit presented today that the developer is

proposing either a decel-lane for Warm Springs at the main entry or an accelerating lane. Is that a requirement when you get over a certain number of units within a subdivision?

Susan Riggs (City of Boise): Mr. Chair, members of the commission, all I can say is that the ACHD has approved this development and they did not include that, I don't believe, as conditions of approval. Perhaps the applicant can address it further.

Commissioner Gibson: Mr. Chairman

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: So the question can be redirected to the applicant please.

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Gibson. I believe that there is a threshold of numbers, however, the East Valley which we developed across the street has tapers, they are not a decel- or an accel-lane, so we were required to meet certain policies with ACHD which was tapers. So they're currently, with the traffic load of Warm Springs which is approximately 33% of capacity, they've never hit the thresholds for turn lanes or decel-, accel-, and turn lanes in general. So no, they would not be required.

Commissioner Gibson: Mr. Chairman.

Chairman Gillespie: Commissioner Gibson

Commissioner Gibson: Then, I guess another specific question relative to on-site circulation…you said that the drives are to be 20 feet, is that what I'm hearing? The one that runs parallel to Warm Springs?

Jim Conger (4824 W Fairview): Mr. Chairman, Commissioner Gibson. Our entry road will be at 24, and 20 is required. Once you get on the interior, it will be 20 feet wide which is the required amount and is identical at the Triplet Ranch which is the development I alluded to that's a couple years old that we did right next to Harris Ranch. It had the identical service road inside of it as well, which is the private, common – it's not a common, but the private drive that's 20 foot wide to satisfy Fire, and then our two access points.

Commissioner Gibson: And…

Chairman Gillespie: Commissioner Gibson

Commissioner Gibson: So as far as guest parking, where would you propose guest parking be allocated?

Jim Conger (4824 W Fairview): I'll let Marcel put the mouse in three different locations. We don't have guest parking at the previous Triplet development. We put three pods in three locations right there,

right there and right there for parallel parking, which is identical to what we did at our Elevation Ridge project up off Highway 21 that looks over the Simplot Park and those work out pretty well.

Commissioner Gibson: Thank you.

Chairman Gillespie: I'd like to ask staff a question if I may. So, you had a number of choices for what zone we bring this into the City as. Could you just review for us the current land use map status of the parcel and why you picked these two zones to bring it into the City as?

Susan Riggs (City of Boise): Mr. Chair, these were two most restrictive zones, under large lot R-1A would have been slightly more restrictive, the R-2 is the…R-1B is 4.8 dwelling units per acre and I believe the R-1A is 2.4 per acre, and, but either way you look at it, the allowed density, even with the R-1A, we're severely under density.

Chairman Gillespie: May I ask another question? So it's, what's the land use map designation now of the parcel?

Susan Riggs (City of Boise): Commercial on the north.
Chairman Gillespie: Top

Susan Riggs (City of Boise): …and large-lot on the bottom (south).

Chairman Gillespie: So that's where we see the R-1B, R-2 split.

Susan Riggs (City of Boise): Correct

Chairman Gillespie: It reflects. So what would the impact be making the commercial part, bringing it in in R-1B? It would basically take out four or five of the lots – is my math correct on that? 'Cause you've got four acres and you'd lose, you'd lose…

Susan Riggs (City of Boise): They're proposing R-1B.

Chairman Gillespie: For the bottom part.

Susan Riggs (City of Boise): They are proposing R-1B at the northern end of the parcel and R-2 on the southern end.

Chairman Gillespie: If you went R-1B on the top, what would the density work – you'd lose about four houses I calculate, three or four.

Susan Riggs (City of Boise): Then you're probably correct.

Chairman Gillespie: Have you done that calculation of what it looks like if we bring the whole project in at R-1B into the City.

Jim Conger (4824 W Fairview): Mr. Commissioner, the Commission. I have a slide in front of you that breaks out in the red the R-2 area, and in yellow what is the R-1B area. So that R-1B is the least restrictive zone, as Susan said, besides the R-1 which was really what you saw Parks asking for earlier tonight. And I want to be crystal clear in the commercial, I won't answer your question, but I'm getting to it. The red area which R-2 is the smallest zone which you can get in that. So you have a choice of about 10 zones, R-2 is the least restrictive in that, so with our two zones combined, you have the potential of 43 lots and we're of course submitting on 24. As you can do the math, if we have four acres against 4.8, you're around 20 units. If it were – if this were a different comprehensive plan, and was just all large-lot, you would be at about 19-20 units. That's, I guess, the beauty of the commercial comp plan portion.

Chairman Gillespie: Thank you. Quick question again for Susan. So, for a commercial land use designation on the land-use map, could we bring it in at an R-1B zone or do we have to go to R-2?

Susan Riggs (City of Boise): Mr. Chair, Commissioner Gillespie, no, it would have to be R-2the intent of doing residential in a commercial zone is to be higher density. R-3 is the other residential zone that would be allowed

Chairman Gillespie: Okay, so, you're saying the code says we can't bring in that northern portion at R-1B.

Susan Riggs (City of Boise): That's correct.
Chairman Gillespie: That's alright. Thank you. Any other questions by the commission? Thank you.

Jim Conger (4824 W Fairview): Thank you for your time.

Chairman Gillespie: Okay. So now we hear from a registered neighborhood association, that would be the Barber Valley Neighborhood Association. And, there you are. So, you get 10 minutes just as the applicant did.

NEIGHBORHOOD ASSOCIATION TESTIMONY

Sabrina Durtski (1800 W Overland): I'll try my best. Let's get the PowerPoint up.

Chairman Gillespie: We'll hold the clock for you.

Sabrina Durtski (1800 W Overland): Chairman, members of the Commission, hello and good evening. For the record, my name is Sabrina Durtski. And I'm actually tonight on behalf of myself. I'm here on behalf of some of the residents of the East Valley Subdivision, and I'm here on behalf of the Barber Valley Neighborhood Association. So, for those that may not know me, I'm actually the land use planner

for Briggs Engineering, and I'm typically representing the applicant, so this is a little different situation for me, for being on the opposite end.

Some of our main concerns this evening are going to be, we want to protect our commercial corridors, we want to honor our comprehensive plan, protect and preserve our public access to Greenbelt. We want to hold the developers to a higher standard when it comes to PUD development. We want to question the impact of the quality of life to adjacent neighbors, and we want to also question what will the impacts be to adjacent property, the Barber Pool Reserve and existing wildlife. And also, we're setting a precedent for new development out in this area. This will redevelop and this is going to be setting a standard.
So I'd like to start with the removal of Ben's Crow Inn. Again, this is an established landmark. People have talked about it: Iconic, it's an institution. And really, this restaurant is what makes the City of Boise so special and unique. You know a lot of towns can have McDonald's or Applebee's, but this is a very special institution, so you can see my daughter's there. She's such a picky eater, she's two years old, but she will eat a half a bucket of clams at the Ben's Crow Inn. And it's really an important corridor and activity center for us. This is also, Mr. Conger discusses how there's not enough trip generation to support commercial, but we've been supporting commercial out there for over 30 years, so I would have to disagree.

A little, small introduction to Barber Valley. First of all, you have some passionate neighbors that live out here, and it's been an honor to be able to meet them, to work with them, and to represent them tonight at the hearing.

So let's talk about the importance of our commercial corridor. I don't have a pointer, but as you can see, there's three activity centers through Barber Valley, and the last, third one, has Ben's Crow Inn, was actually designated as a larger commercial area, and you can see East Valley right at the corner, has already taken a significant portion of that commercial designation, and so, Mr. Conger is here before you again this evening trying to take another significant chunk of this commercial. We feel like this commercial spot is extremely important for various reasons. One, it's located in a really unique situation. It has Greenbelt access, and has access to an arterial road. This provides a lot of transportation options for people. Bikers, pedestrians, people in vehicles. This is a really rare commercial site. Also think about it, we're on the fringe out here. We don't have commercial, so when you think about sustainability, walkability, we need to have this for us out there. You know, Harris Ranch, is a good jog for me, it's probably 20 minutes if I don't take any breaks, and I always do, so I mean, we're not close. Let's protect this important commercial corridor that we have out here. One of the things, let's take a look at what the comprehensive plan says. As a primary source, a primary use and a secondary one – the primary one is that we need to have neighborhoods, community regional shopping centers, restaurants. Secondary is housing. Secondary is housing, and this is what our comprehensive plan says. So what does commercial enable for a community? It enables walkability, sustainability – we don't have to drive across Treasure Valley to get to the stores or restaurants. We're asking for predictable development pattern. This has already been established as commercial for decades. We want it to remain commercial. Economic, social development opportunities, giving us a higher quality of life and stabilization for our neighborhoods, access to mixed use activity centers, and really place-making opportunities. This is what commercial brings to an area that we need. Examples are Hyde Park and Bown Crossing. If we look at this, and one of

the things when we talked to staff was like, how about let's have a compromise? Let's do mixed use, let's have some residential and let's have some commercial. All these places here, Bown Crossing, what makes them great, is that there's commercial available to the residents.

So, the connection to the Greenbelt is a really big concern. The Greenbelt access is not located on the subject's site, as stated. We did this survey for the Peterson's at Briggs, and I scoured easements. There's no recorded easement. There's talk about a prescriptive easement, there's no court order, there's nothing, there's nothing tangible, nothing written. There's nothing. So the Peterson's are here tonight, and I think they're going to touch base on this topic a little bit more in-depth. Currently, here's a picture of the parking lot and this was done in the morning when, before Crow's Inn was open, and this is people accessing the Greenbelt. People park here, it's safe, there's lighting. On the bottom, see all the bicyclists that come out here and use this access point to the Greenbelt? It's used; we need to protect our public Greenbelt access. So we propose this – we're worried about a number of things. We're worried about safe crossing, location where they have the Greenbelt at, we're worried about meeting state code, we're worried about jay-walking. We want it ADA accessible for the entire public. We want usable open space, maybe some place where people can get off, sit down, get situated before they go on the Greenbelt. We want paved public parking for our public, you know, what are they going to do, access on Warm Springs? Or park in the 20 foot service drive? I don't think the residents would be very happy about that. Next slide, please.

Planned Unit Development standards. So let's get to this fun topic. To paraphrase is, basically, they're supposed to go above and beyond what a lot by lot development does. And I'm taking this straight out of the staff report from the Barber Mill estates that Hal Simmons wrote. But there needs to be a public good, a public good, and a good for the developer from both ends. So if you can take a look at the next slide, thank you Mike, he's proposing draught tolerant landscaping. Well as been noted, he's in the Wildland Urban Interface, and one of their requirements is that they have to have draught tolerant plants, so how is he going above and beyond, how is this an amenity? That's my question. Next slide please. So, he's also proposing public open space, public bicycle circulation. He has no easement – he does not have permission to cross that private property, so how can he count that?

So let's take a breakdown of the lots. If you look in green, the next one down is orange, it's the service drive, and the red is the setbacks. What we're left with are these tiny footprints. Tahoe's wanting to build 3,000 sq. ft. homes on these tiny footprints. They're going to be garage dominated, there's going to be zero design interest. And that also's telling me they're going, most of them I worry they're going to be three stories, because where are they going to get their square footage? They have to go up. Now if you look at Triplet Subdivision vs. Elevation Ridge which Mr. Conger has noted, there's no interior sidewalks being proposed. Now, Triplet Ranch doesn't have sidewalks, as you can see. Elevation Ridge does. This is just trying to illustrate that he is trying to bring minimum standards in and asking for all of these exceptions. Why do we not have interior sidewalks with this high of a density? Next slide.

So let's take a look about the location as compatible to other general uses in the neighborhood. Everything surrounding it is single level homes. And one of the really important things that's, very important to me, is that if you go to the next slide, Mr. Conger did a street cross section showing, well,

there's plenty of space between the backyard and the front of the garage. Well, you know what, I decided to go into the buildings at Triplet and take pictures from the windows, and this is what I found. These neighbors were nice enough to let me in – this is a two-story building, looking out that window. And what you see from the view of the second story is, you know, you can see in their back yards, but it's not terrible, and that's something I can live with. But the next slide is very upsetting, because you can obviously see from that third story window very clearly into the backyard. Now, this subdivision, (unintelligible) Subdivision, was recorded in '78. They have mature landscaping. East Valley does not, and when I think of my daughter, playing out in her backyard and the invasive of her privacy, this is concerning. As adults, as just adults, if it was just my husband and I, it wouldn't be as concerning, but I want to protect the privacy of my daughter. I do not feel the landscaping is sufficient, the berm and the four-foot separation of the fencing – absolutely unacceptable.

Brianna McNall (City of Boise): Time

Sabrina Durtski (1800 W Overland): Yes, yes, I'm almost done, thank you. So I feel like we're at the losing end, we're losing this beloved commercial restaurant; we're losing our important commercial corridor which we should be protecting. We're losing access to the Greenbelt, and we're losing our privacy, so what benefits do we have? And I had a few more slides, I'm sorry I thought I was told I had 20 minutes, so, again, we're just questioning the impact on the environment, on the Barber Pool area, and again, here's a for sale sign down the street. This is going to set a precedent for this area – let's make sure it's done right. And with that I'll thank you for your consideration, and respectfully request denial. And I'll stand for any questions that you may have.

Chairman Gillespie: Thank you very much. So we normally move to public testimony at this point but thank you.

PUBLIC TESTIMONY

Chairman Gillespie: So the first, so now we're going to go through the sign-up sheet. It's pretty full. I note that Ms. Durtski was number two, so we'll skip over her. The first person on the signup sheet is Brent Petersen, and Tim McCam is on deck. So Mr. Petersen, please. And Mr. Petersen you have three, every, the public gets three minutes, thank you.

Brant Petersen (6883 E Warm Springs): Okay, thank you. Thanks for your time, and I appreciate the commission's time and willingness to listen to this tonight. So, as several…

Chairman Gillespie: Could you state your name and address for the record, please?

Brant Petersen (6883 E Warm Springs): I'm sorry, my name's Brant Petersen. I live at 6883 E Warm Springs…

Chairman Gillespie: Thank you

Brant Petersen (6883 E Warm Springs): And if you look at the map, I didn't know we were going to have this PowerPoint slide available, I'm actually the owner of that lot that's going to be as Jim puts it fortunately, built on two sides there. So a couple things I just wanted to hit – I've submitted a letter and I don't want to go through that line by line, plus I don't have time so I'll be real brief. I kind of see this as four points of concern for myself and my family. First of all, we live there and so we will literally be built on two sides. We own three acres and we bought in the county for that reason, right? We bought out and we bought a little bit further out of town, hoping to have a little bit of open space. We have dogs and that sort of thing, and I measured the other day, and it's hard to exactly place this, but out my front door, the very front of my house, about 50-55 feet out will be another house. That is the furthest it could be away, and three stories. So I'm sure most of you, if you stood at your front door and thought about what that would look like when we open our front door, we'll literally be looking at the side of someone's house. There'll be a house on both sides of that as well. That's my first and primary concern, and obviously for me that means a lot, for my family that means a lot. We bought there for a reason, and we hope to preserve some of that open space. And I think secondary, and it's been mentioned a lot here as well, we also own a long narrow strip on the west side of the development. Starts on our property, underneath my house, runs the entire length of the west side of that. That strip that we own separates the proposed development and the Greenbelt, and we've had an agreement with Ben, Mr. Hamilton, since the time we've been there. We've discussed it several times, talked it back and forth, nothing formally about a land exchange, and just didn't get around to it and he got ready to sell. So we own that property, there is no prescriptive easement. There is none of that. There is no legal easement, and we did have title insurance, so we've checked into that. So that doesn't exist, and I know a lot of people are here for that reason. And it puts me in this awkward situation, but when we look at that, we believe that this is an exceptional parcel of land and from the minute we knew this was going to be developed, we thought that it would be, again, when I look at the associated houses there, there's five homes ranging from 2.5 to 13 acres, so we envisioned something like that. Again, I'm not naïve, I didn't think they would, somebody would buy this single lot and build a single house. What I hoped for is what's currently there – some open space, some parking, some reasonable accommodations for the recreation, and again, we've had Greenbelt access for some period of time, we had an agreement with Mr. Hamilton, and we were always willing to talk to him and obviously allowed that to continue. If those things were considered, and we looked at this again, it's a PUD development, which, in looking, means that there should be something more for the public betterment there than simply 24 houses crammed on those small lots. And again, made an attempt to contact Jim, Mr. Conger…

Brianna McNall (City of Boise): Time

Brant Petersen (6883 E Warm Springs): …and wasn't able to do that, so, thank you.

Chairman Gillespie: The next person on the signup is Tim McCam? And on deck is Richard Rapp.

Tim Markham (7067 E Sky Bar): Hi, I'm Tim Markham at 7067 E Sky Bar, and you know, my biggest question is the Greenbelt access. We have many kids upward of 30 already in East Valley subdivision, and it's only a third full, and those kids, all last summer, all spring, all fall, going across the street on their bikes, walking dogs, getting on to the Greenbelt, and I'm very concerned. If there is no access, what's

going to happen? Where are the kids going to go? How are they going to get down there? Who's going to get hurt trying to get down there where there is no access? And I, and that was what I'd really like to have you consider is looking at this and waiting until we know for sure there's going to be access, until this plan is put into place. It's just really concerning to me, and I guess that would be my biggest question is, is I'm not against development, I have no problems with it at all, but I do have some concern for safety of the children, everywhere from newborn babies up to the oldest that I'm aware of is 14 years old right now. And so, there are 30 of them at least at this point, more everyday moving in there, crossing that road constantly, and trying to get access to the Greenbelt like kids do. That's all I have to say with the time left over, but I thank you for your consideration.

Chairman Gillespie: Thank you, sir. The next person on the list is Richard Rapp, and it looks like David A. Wood is on deck.

Richard Rapp (5331 E Softwood): Mr. Chairman, members of the commission, my name is Richard Rapp. I live at 5331 E Softwood Court in Boise, and having lived at that location in Harris Ranch since the year 2000, I was a little dismayed when I first learned that I only had three minutes to testify, but after taking a look at the plan, I realized they probably didn't spend any more time than that. Looking at the schematic, I was reminded of a Pete Seeger hit, popular back when I was a college student in the 1960s. It's a piece written by Malvina Reynolds, makes fun of an atrocious design, approved and developed in San Francisco. I've seen that from BART as I left the airport going into the city, and let me give you some relevant lines from that Pete Seeger hit, called "Little Boxes."

Little boxes on the hillside, little boxes made of tickey-tackey, little boxes on the hillside, little boxes all the same. And they're all made out of tickey-tackey, and they all look just the same.

I would've sung that, but my singing voice is about as good as their plan. Hopefully the developer will be sent back to the drawing board to come up with a plan that complies with the comprehensive plan, or better yet, that we maintain the commercial zoning and the commission won't wind up being embarrassed like I'm sure the people were who approved that development in San Francisco. And I'd just like to ask anyone here who's opposed to this development to stand up. (Pause, rustling in the background) Thank you.

Chairman Gillespie: Thank you. Mr. Wood, would you like to pass? Mr. Wood is passing, so the next person on the signup is Krista Petersen and after that is Barbara Wood.

Krista Petersen (6883 E Warm Springs): Hello, my name is Krista Petersen. I live at 6883 E Warm Springs Avenue. I'm also the owner of the land that is going to be built around at the two sides. First of all, I think everyone here is going to be affected by this, but no one more than use. Like my husband said, there will be a house 55 feet in front of us, and our property runs the whole length of the development – there is nowhere that this development would not touch our property. And the Greenbelt access, the first time I met Mr. Conger was the first time I found out about this proposed subdivision. He asked me at that time if he had access across the Greenbelt. I told him no, that we were not going to grant him access across the Greenbelt. This was prior to him submitting his application, yet in four places in his application

he put that he had access across the Greenbelt. We have let Mr. Hamilton use that for people to access his restaurant. If you look at the bottom of the bridge it says "Access to Ben's Crows Inn." There's nowhere listed that it lists, that it has access to the Greenbelt on either side. And so because we disagree with this proposed plan, we don't think this gives the public access to the Greenbelt. This gives his neighborhood access to the Greenbelt. There's nowhere for the public to park. His proposed parking is parallel parking along Warm Springs Avenue, which is dangerous for everyone coming, going and trying to park on that street. We know that they will try and park on our driveway because that would be the next accessible parking, so we have denied access to the Greenbelt with this proposal, and Mr. Hamilton was made aware of that, Mr. Conger was made aware of that before he submitted his proposal. We are not granting access across our Greenbelt.

Chairman Gillespie: Thank you. Next person is Barbara Wood.

Barbara Wood (4039 E Barber): I will defer to the next person.

Chairman Gillespie: Alright. Next person is John Crow and then Debra Hardy. So is John Crow here?

John Crow (6627 Glacier): Yeah? What am I up here for?

Chairman Gillespie: Mr…

John Crow (6627 Glacier): I didn't ask to speak!

Chairman Gillespie: Alright, thank you very much, appreciate it. Thank you very much, appreciate it. Debra Hardy?

Debra Hardy (6712 Glacier): My name is Debra Hardy, I live at 6712 Glacier Drive, and I thank you for allowing us to come in and express our concerns with the development. I have lived out at Glacier Drive for probably 25 years, have been working with the commission and staff with all of the planning for the Harris Ranch and Barber Valley, and, you say we are Boise City, but we are Barber Valley, and three-story homes, wall-to-wall is inner-city housing, not within the Barber Valley plan. I think it should stay compatible with the houses that are out there on two different levels. One, it's just incongruent with anything we have out there, to be driving and looking across the Greenbelt, and be blocked with these big, tall, single, three-storied homes. And if you're on the Greenbelt looking up, all you have is a concrete wall, so you lose the vibrancy and what is the Greenbelt and what is Barber Valley. There is great concern with the wildlife and the Barber Valley pool below. None of those concerns have been met. Greenbelt access needs to be put somewhere or people will get there and the road is not safe. The more cars we get out there to turn, to come out, to cross, darting across trying to miss traffic is not a way for it to be dealt with either for the public or the animals. So please, I strongly recommend that this whole thing be denied and come back with a plan that works for Barber Valley, which is now part of the City of Boise, but we are unique and should stay that way. Thank you.

Chairman Gillespie: Thank you. Next person is James Widmerer? And then on deck is Pete White.

James Widmeyer (7003 Highland Valley): Hello, James Woodmeyer, 7003 Highland Valley Road, Boise. Okay, my speech is, well, if you look at surrounding properties as he said range from two and a half to 13 acres, and I think that thousand, so many thousand square foot lots are completely incompatible, and the Blueprint for Boise chapter one first page, the Vision for Boise: Boise will be known for environmental stewardship, first item on the list. Second item, a predictable development pattern. First off, nobody's mentioned this adjoins Barber Pool preserve, nature preserve. We have threatened species out there – we have Bald Eagles, Great Blue Herons, a lot of other species out there that should be protected. Slamming high-density residential as a wall along that short – if you look across the other side of Barber Pools, you see nothing like this. You look along this side of Barber Pool, you see nothing like this. Only in this one tiny little, several-hundred-foot area is produced crazy high-density, three-story, two, three-story houses on 40 foot wide lots, it's just amazing. Environmental stewardship – it says here, Boise is committed to taking steps to reduce its impact on the environment. The City will also strive to address many other aspects of sustainability, such as the protection of environmentally sensitive areas. The Barber Pool is a big-time sensitive area; it should not be confronted with high-density development. Here, I'm open to some commercial use there; I think it would be a good thing. I think appropriate zoning for this in consideration of everything on that side of Warm Springs is A-1, for one-acre homes. That would be appropriate, that would be compatible and that would be a predictable development pattern. Also, it says wintering Bald Eagles, it's on page 2-13, is to implement the goals or program recommendations including setbacks, use restrictions, the extent foreseeable bylaw by the wintering Bald Eagle conservation plan, nobody's mentioned that, I'm sure planning has not even looked at it in regard to this development, adjoins that nature preserve area. Increase the awareness of Boise's wintering Bald Eagle population, this is a goal of the plan, and its habitat needs by public-private cooperation to protect and maintain lands along the Boise River by the public and by cooperation protect and maintain lands of the Boise River system. New development, says here, provide long term availability of Bald Eagle habitat, provide a buffer zone to protect wildlife habitat and other natural resources and minimize that impact on such lands. That's on another ordinance here, we have ES4 action plan, page 510. Strengthen the protection of environmentally significant areas and waterways. Gone with this development.

Brianna McNall (City of Boise): Time

Chairman Gillespie: Thank you, sir.

James Widmeyer (7003 Highland Valley): And I could go on, it's just an egregious, completely inappropriate proposal for this area. The density is in no way comparable to the surrounding two and a half to 13 acre parcels…

Chairman Gillespie: Thank you

James Widmeyer (7003 Highland Valley): It's a mess. Reject.

Chairman Gillespie: Thank you, sir. Next person on the list is Pete White, and Dan Connors is on deck.

Pete White (6706 Glacier): Good evening commissioners. My name is Pete White, 6706 Glacier. And we've heard a lot of talk tonight about, let's say the negative aspects of this development, which I agree with, but I'd like to change a bit and come up with some positive items that we might put into the conditions of approval that would change it from maybe having negative attitude to being more compatible to the area. First of those would come up with a lot width with a minimum of 50 feet, and that would give a buildable area of about 5000 square feet, which is now about 4000 square feet, so these people are trying to put a 2500-3500 square foot house on a 4000 square foot lot, with a 5-foot setback. The side setback should be set back to 10 feet, so that the houses don't look like they're just jammed next together. A sort of frightening and overpowering view if you're going along the Greenbelt and look up at this, so you need some spaces for a little air. And additionally, a two-story height requirement, no more than two stories, because where the Greenbelt is, it's about 20 or 30 feet lower than the edge of the property, so you're down in a hole anyway, and looking up, you'd see just these giant houses set on top of that, that could be 50 feet or more higher than you are on the Greenbelt. That can be helped somewhat by a minimum setback of 30 feet from the west side which is the side facing the Greenbelt. And we need some fences and trees along that edge to further shield and protect the Greenbelt from the people above. I feel that if we were to keep a portion of the land, which is currently zoned commercial, if we can keep that, keep a portion of it zoned, that gives the opportunity for some type of business of whatever nature, you know, a bar or restaurant, little convenience store, whatever. That would give them the opportunity in there. We've talked a bit about the Greenbelt access, and I think it's just so important that there continue to be access at this point, and it be handicapped, because it's not handicapped accessible right now – the gradient is too steep and there's broken pavement and lots of roots breaking up the pavement, so I think although that's not a matter that the developer can handle, he can coordinate the placement of his access strip to the little bridge that's there, so that the grade can be appropriate for a handicapped. And finally, with the good access to the Greenbelt that's…

Brianna McNall (City of Boise): Time

Pete White (6706 Glacier): …going to be in place, and access to a commercial operation, we're going to need more parking, because parking on Warm Springs Avenue is just not satisfactory. It's unsafe, and won't handle the load of clients who will be coming through there. I thank you.

Chairman Gillespie: Thank you, Mr. White. Next person on the sheet is Dan Connors, followed by Kerri Connors.

Dan Connors (5191 S Boven): Thank you, I'll be really brief. I just want to challenge…

Chairman Gillespie: Could you give your name and address for the record?

Dan Connors (5191 S Boven): Dan Connors, 5191 S Boven Avenue. I just want to challenge anybody who's never spent time out there to go and visit the area. It's a really special place, and my concern is a development of this density and the precedent that it will set and what the impact, the long-term impact, on one of Boise's truly special places it'll have. So, appreciate your consideration.

Chairman Gillespie: Thank you Mr. Connors. Next person is Kerri Connors followed by Chris Hendrickson. Kerri Connors is going to pass. Is Chris Hendrickson here? And on deck now is Eric Wilson.

Chris Hendrickson (5264 E Branchwood): Mr. Chairman, commissioners, let me get it straight. Chris Hendrickson, 5264 E Branchwood. While staff dismisses the need for commercial in the eastern Barber Valley because 14 acres of Harris Ranch are designated commercial, in fact there are only two commercial public gathering properties – the Ranch Market and Lucky 13 Pizza, both in the central valley, which is about a mile and half from Ben's Crow Inn. There's no assurance that the 14 other Harris Ranch acres will be developed as commercial or opened to the public. For example, the five acres now called the Mill Station was once designated as commercial/mixed use, but was built out as residential with 28 houses and no commercial. A mixed-use development with retail in the eastern valley will serve the residents of River Heights, East Valley, Highland Valley Road, Pet Haven, and Brian subdivision – that's well over 400 homes, what, when built out. So why shouldn't this area have retail like other parts of the Barber Valley. In the spirit of trip-capture, which is a key component and directive of SP01 and SP02, I feel it's prudent to preserve some of the commercial classification on this parcel. The Barber Valley is a very unique area, so I ask for your careful and responsible consideration, and deny this application until a more thoughtful and prudent plan can be brought forward. Thank you.

Chairman Gillespie: Thank you, sir. Next person is Eric Wilson, and it looks like Mike Reiner is on deck.

Eric Wilson (6668 Glacier): Good evening commissioners, my name is Eric Wilson, I live at 6668 Glacier Drive in Boise. I'm one of your newest residents to the City of Boise against my fondest wishes. This parcel should have been annexed along with us at the first of the year, along with all other parcels five acres or less in that area of Warm Springs, so I just want to put in that plug. Wildlife mitigation is required for all Barber Valley developments in the comprehensive plan, and adjacency to the Barber Pools requires consideration for these impacts. Greenbelt access is needed and I can't stress that enough. The City, here's something for you to do, you should use your open space levy funds that you just acquired to purchase land needed to guarantee Greenbelt access. We understand the Petersen's concerns, I share many of them. I think the City should open a dialogue with them to get some permanent access. The Ada County parks letter was already mentioned – it supports that Greenbelt connection, especially given their pending improvements on the Greenbelt. There is a safe crossing that's needed for Warm Springs Avenue. We asked for this previously when East Valley was approved, we were summarily denied by the City and ACHD. We ask for this again before we start experiencing these pedestrian-car interactions. And again, commercial is needed in east Barber Valley. Areas previously zoned commercial have already been built on as residential as pointed out near the main intersection at Lucky 13 and across the way, so, at some point in the future we're going to want more commercial, and then you're going to have a fight trying to re-rezone what's residential back to commercial. That'll happen at some point in the future. Why go down that road, why not just keep it commercial, and then you don't have to fight that battle in the future. Thank you.

Chairman Gillespie: Thank you. Next person on the list is Mike Reiner or Rainier?

Mike Reineck (4760 E Arrow Junction): I prefer the beer.

Chairman Gillespie: And then, looks like Bev Hamilton is next.

Mike Reineck (4760 E Arrow Junction): As I always say here, it's Mike Reineck, but that sometimes gets confusing and comes out Mike Redneck. It's my standing joke. Mr. Chairman and commissioners, Mike Reineck, 4760 E Arrow Junction Drive, Boise. Blueprint Boise and City Code like other foundational documents, such as the constitution and state law, are open to disputed interpretations regarding conflicted goals and objectives. Often the same principles, goals and objectives are cited both sides as supportive of their position. In this instance, both sides have presented conflicting interpretations. In addition to Neighborhood Association also offers recommendations for improvement, as a lot of our fellow residents have, and suggests a pause to consider the course of actions possible that does not compromise the interests of the property owners, the developer, or the community, and that includes using the open space funds, but there's other options, too. With Ben's Crow Inn not closing until Labor Day, there is time to see if a more commercially-oriented buyer or public entity or foundation might step forward to lead an effort, much the same as the Idaho foundation of Parks and Land did to add 12 acres to the Barber Pool conservation area, right next to Shakespeare. The applicant would be indemnified for development expenses. If approved, if you approve this application, I recommend, and I'm on the Barber Valley Neighborhood Association board, the following three conditions, which the board also concurs with. The applicant coordinates with the county to create an easement to transfer the Greenbelt through there, and I have the Ada County letter here that was referenced by Mr. Conger. It does say pathway in the vicinity of the existing connection. The next sentence, we recommend a condition of approval to maintain a path through the parcel to provide safe and consistent connection. So the county is recommending a condition of approval to the City. The second condition that we're recommending is that the property incorporate mixed use with residential, such as a work-live type unit or lots of other options in that area. And we believe a pause of six weeks to allow for considered, further consideration, coordination and possible some of these development changes is more than important, it's called for so Boise can maintain its vision for congruity, livability and connectivity, that should not be compromised by this development. Are there any questions?

Chairman Gillespie: Thank you. Next person is I believe it's Bev Hamilton? Hamilton? Sorry, Ben. Ah, the famous Ben.

Ben Hamilton (6916 Pet Haven): I'm Ben…

Chairman Gillespie: And on deck is Mark Templeton. Could you give your name and address please?

Ben Hamilton (6916 Pet Haven): Pardon?

Chairman Gillespie: Could you give your name and address please?

Ben Hamilton (6916 Pet Haven): Ben Hamilton, 6916 Pet Haven Lane, Boise, Idaho, 83716. I'm Ben, I started back there in 1969. Been there 48 years, and when me and my wife decided to give it up after 48 years, we thought about it. Our first thought, first since it was commercial property, had an offer of a nightclub with all that and then we decided we're not going anywhere, we're staying there, we live right there about 400 yards away. And we thought about that, and then we got a better offer for houses. And I thought, and my wife thought, that it would be better to have a nice home beside of your home, than a nightclub. The noise, one, two, three o'clock in the morning. I have served and took care of people for 48 years there. I don't understand all this other stuff, but if you want dinner I can fix it. And, I'm going to stay there regardless of what happens. And they offered us a good price for the property, and it's going to be homes instead of some business or a mall or something, and we thought that was the best idea, so… And we aren't going anywhere, I hope not. So me and my wife after cleaning up after them and serving them and putting up with the public for 48 years, it's time for us to hang it up.

Chairman Gillespie: Thank you, Mr. Hamilton. The next and last person on the list is Mark Templeton.

Mark Templeton (5131 E Sawmill): I'm Mark Templeton, 5131 E Sawmill Way, Boise, ID. Losing the Boise Ben's Crow Inn is a blow to the area, and it will definitely be missed. However, losing the commercial designation of that site would be an even bigger blow, and that will be a huge loss to Barber Valley. A few years back I was at the meetings when the phasing aspect of the master plan was dropped, which opened the door for bypassing the planned commercial areas in favor of more residential development. Since then we've seen full speed ahead on residential. Bown Crossing on steroids that we all heard about was bypassed and that's really not on the table any time soon. However, these builders and developers have been able to benefit from these future phases which no longer require those to have precedence. As a resident of the area, my hope is that you will consider the cost of losing one last commercial space in that area. If you do decide to consider the application, annexation, my second hope is that you will ask for significant changes to the proposed development that address the concerns of the Barber Valley Neighborhood Association and the residents who have spoken here tonight. And my third hope is that the developer is willing to work with the community. I think the community and the Barber Valley Neighborhood Association is always open for dialogue, had great discussions with other builders and developers and other, smaller subdivisions as well as the larger subdivisions, so my hope is that at a minimum we'll at least be able to have that dialogue and come up with something that enhances the area rather than deters from it. Thank you.

Chairman Gillespie: Thank you. So that concludes the signup sheet. So now, anybody who wants to testify and didn't sign up has an opportunity to do that. So if you'd like to testify, now's your chance. Please, come forward. And you'd be next. And you'll be third. So state your name and address, and somewhere up there's a piece of paper, I hope, and we'd like to write your name and address on that and give it to this fine-looking fellow on my right.

CJ George (5855 S Brian): My name is CJ George. I live at 5855 S Brian Way. I have been in that area for 24 years. I'd like to thank Ben, the Hamiltons, for their wonderful establishment. They are great cooks. I've loved being in their establishment. I don't begrudge them for selling their place. I will miss their place. I am concerned about these three-story developments. I don't…I was not happy with Harris

Ranch coming out. I've loved being out in the middle of nowhere, but development is development, and it's going to come. But, I am concerned that the privacy that was pointed out by some, and the safety of the Greenbelt. There's not the safety on Warm Springs. When we moved out there 24 years ago, we used to be able to go 55 down Warm Springs all the way in to the golf course. It has become increasingly, increasingly dangerous. I don't know what you guys can do about that, how you can establish that between the developers and with ACHD, but please, consider it greatly in the development and the safety of the many children. My children are gone, my grandchildren don't live in the area, but there are increasingly more children there and the safety is of great concern. Seeing those homes built, and I'm sorry, gentlemen, they're an eyesore. Them up on where they're built off Highway 21 and up on Triplet, they're in small sections, they're not built in beautiful subdivisions. Nobody wants an entire subdivision of those three-story, plain homes. They don't add beauty to what is Barber Valley. I'm not begrudging them to build, but please, find something else. Add to the beauty of our Valley. Thank you.

Chairman Gillespie: Thank you. So we'll give everybody a chance.

Chairman Gillespie: Please. (Laughter) Yeah, no, this good-looking guy. Right, so please state your name and address for the record.

Richard Kinney (3081 S Shortleaf): My name is Richard Kinney. My address is 3081 S Shortleaf Avenue, Boise. I did not plan to speak publicly tonight, and I simply wanted to go ahead and echo my concurrence with the very good positions that have been expressed by a variety of the people who oppose this particular project. I will not repeat what they said, but I totally subscribe with what Mr. Hendrickson said about trying to find the opportunity to come up with a more thoughtful, more prudent plan. And I also would like to subscribe to what Mr. Templeton said, that the people out at Harris Ranch historically have been very open to meet with developers, people who present these proposals, and talk about them, and come up with workable solutions. So once again, I wanted to go on to the record to join my own personal opinion with the ones that have been expressed to deny and call for a more prudent, thoughtful discussion where people can come to some kind of agreement, consensus, and coordinate the efforts in the future, because like people said, this can set a precedent, and we live out there, and we'll have to live with that precedent in future. I thank you for your time tonight.

Chairman Gillespie: Thank you Mr. Kinney. And if anybody else would like to testify after this lady, why don't you come on up and start working on your sign in sheets, so we can keep it rolling.

Elena Velasquez (3008 S Longleaf): Hi, my name is Elena Velasquez, and I live in 3008 S Longleaf Avenue. And I don't live so close as everybody in here, but I was here in front of you three, no, you two, when the hill that is being developed in there, was put up to here, and you did nothing to stop that, so I'm here to support this person, because I do believe that one attraction, I moved here, I didn't live here, I haven't been here for 40 years, whatever. The hills were an attraction, the wildlife that, in the plan you say that is so important for the City of Boise to take stewardship, you did nothing about that. Now if you have the eagles, those are endangered animals. I hope that you consider, this time, make a difference. Thank you.

Chairman Gillespie: Would you make sure you fill out that slip for us. There's a pen…Thank you.

Jack Snyder (2566 E Plateau): Hi, my name's Jack Snyder, 2566 E Plateau, Boise, 83712. I'm here this evening to speak on behalf of five grandchildren I have that live in the East Valley neighborhood, and somehow to ensure their access to the Greenbelt, one of the crown jewels of this City. I did some research though, about this, and I don't know at what point you're at, but in respect for the Petersen's private property, yes, true, but they pay zero taxes on that parcel because it's deemed a waste parcel, undevelopable. It's some 608, how long, and so narrow, it's been deemed undevelopable. And my only point is something has to be worked out to guarantee access to the Greenbelt at that location. It's been that way for 48 years, Ben, is that what you're saying? And then I found out Ada County owns the bike path in that area, and that's Ada County, that's not Boise City Parks & Rec, so there's no, there's a lot of conflicting jurisdictional issues going on here that I hope you appreciate, but my sole point is guaranteed access to the Greenbelt at that location.

Chairman Gillespie: Thank you, Mr. Snyder. Thank you both.

Marge Mooney (6191 E Playwright): My name is Marge Mooney, 6191 E Playwright Street, Boise, Idaho. Sometimes I still have to look at the paper because I don't come with the history here. I have been in the Barber Valley for 20 months. My husband retired 19 years ago. We had a second home in Sun River, Oregon; we went there and decided we're going to stay here until we figure out what to do. He was born in central Oregon, I married him 57 years ago, and that was heaven, to me. Why am I here? Have you been to Bend, Oregon lately? That's all I've got to ask you, because the decision you're going to make is going to be whether people like me, years and years later, say, we can't take it anymore. I am emotional about it because I've, we built a home we were going to be in 'til the end, so I can't give you all the wonderful information you've had tonight, but please think about the decision you're going to make. Thank you.

Chairman Gillespie: Thank you, Ms. Mooney. And so, could you drop that off?

John Mooney, Jr. (6209 E Playwright): My name is John Mooney Jr., 6209 E Playwright. I'm on the Barber Valley Neighborhood Association board, and first, once again thank you Ben and thanks to DevCo and to Tahoe for their thoughts about this development. The board wanted to be on record with one last point, which is the product is obviously been kind of controversial, discussed in two- and three-story and the 50% mix and all that. That product, we also wanted to be on record as stating that the Triplet Ranch piece of it is up against the foothills, so it's kind of an isolated piece of Barber Valley, so it's not right down there in the middle of the valley and on the flats, it's right up there in the foothills, so that's a consideration for how this is viewed from the planning and zoning, and we just wanted to make sure that we're on the record, the board is on the record saying, hey, yeah, it's a product and it works in the valley, but it works off in a corner. It may not work up against the Greenbelt, and that's, we wanted to be, make sure that's on the record. Thank you.

Chairman Gillespie: Thank you, Mr. Mooney. Is there anyone else who'd like to testify? Seeing none, the applicant has 10 minutes for rebuttal. Sorry, Mr. Conger, I'm getting the five sign, so you get five minutes. Thank you.

APPLICANT REBUTTAL

Jim Conger (4824 W Fairview): Mr. Chairman, members of the commission, thank you. Yeah, five minutes will not be an issue. Kind of running down in what we've heard tonight, and again, all of these aren't new items to us, and we really want to appreciate one last time, or give thanks to the Boise City staff for running this through the comprehensive plan and all the other plans and codes that kept us in compliance. The first item, as far as the commercial use debate, I'll be brief, because that one could go on. You know, the first and foremost evidence that commercial is not buyable in this area is Ben's Crow Inn was for sale for six to eight months. He did have a nightclub type, gentlemen's club talking with them. They did not produce an offer. We didn't even come after this property for the first seven months it was on the market. After it was evident that the highest and best use wasn't commercial, we then started our negotiations with Ben. You have two parcels across the street that are still in a commercial designation, per the comp plan, just like this one. They are a partially-used two acre piece that is the rental store for the jet-skis up at Lucky Peak, mostly just storage area, and then there is a day spa at the other one, that is an old double-wide trailer that is kind of a contractor's yard in the back that is awaiting redevelopment. I think that gives a background of the commercial not viable here. I think at one time, when there was going to be Hammer Flats of 3000 homes and things of that nature that all got, you know everybody in this room was also at those hearings. Once those rooftops went away, the commercial viability at this end of town disappeared. You do have Harris Ranch, I guess one other thing I'll talk about is the Bown Crossing which we all love Bown Crossing, we all love Hyde Park. They can't spring up everywhere, you don't see those everywhere in your city. They are in a more urban-type mixed use and they function as a mixed use urban. So we love Bown Crossing, you can't produce that out on the east end of town with a couple hundred homes, it's not possible, you will go broke. I think the SP01 which was the Harris Family and Linnear, and you have SP02, which is the Brighton, both of those plans are required plans that we have to live to. If you study the SP01 and the SP02, they have residential in those two plans, all the way out to us at the Ben's Crow Inn and they were all the way out to our project across the street at East Valley. Neither one of those two developers had commercial in their SP01s and 02s, except back in the core of Harris Ranch, and for Brighton it was the core at the Parkcenter Bridge. Harris Ranch has 500,000 plus square foot to do. Any neighbors or commercial developers that want a coffee shop, Doug Fowler at Harris Ranch has a coffee shop pad shovel ready that we developed over two years ago when the Chevron station went in, the convenience store. It is available today, it's been for sale for two years. So with that, we've shown that we don't see the need for commercial – the highest and best use of Ben's retirement which was his land, is not commercial, and we have adhered with every portion of the Boise City comp plan all the way down to the SP plans. Building height versus number of stories, I think we're getting awful confused, from what I'm hearing, on the two versus three. That isn't an issue in your code, the issue is are we complying with the height of the structure. I, you know, of the, you know ability to not do three story, we're adhering to three story, we're adhering to the code, and your code doesn't go into three stories. And again, we're 85 to 155 feet from the Greenbelt, so we are a great distance away. As far as defending our amenities and kind of going through the PUD process, Tahoe homes and I do a lot of

projects together. We have done as many PUDs as we've done straight subdivisions. If you look in the City of Boise records you will see a vast majority of projects come in as straight subdivisions, because it is super simple and there're not very many rules. The PUD process with the neighbor involvement is very helpful, but it also puts most developers away from going through the PUD process. They will come in and do a half-baked, straight-up subdivision which you see over and over and over again. The PUD process is not easy, we do not go down a PUD process without serious thought; understanding the end product; many, many meetings with your planning staff at the City of Boise, which are very good; and we all understand what we are doing before we bring that project in. Again, the PUD process is extremely difficult. We have…

Brianna McNall (City of Boise): Time

Jim Conger (4824 W Fairview): But then, really quick, let me finish on the PUD.

Chairman Gillespie: That's fine.

Jim Conger (4824 W Fairview): You have very specific language in your code at City of Boise, so we're not making up our amenities. You have to get two of the listed amenities, and when I say additional landscape open space, we're 18% versus 10%, that's word for word out of the code. It isn't restricted because of the fire as you heard from a neighbor. WUI only impacts the back 30 feet of our residential lots. Our employing best water conservation management is the entire common areas and everything of that nature, and we should all be water-wise, especially with the way the world's going. Pedestrian public circulation, public access to a public open space, word for word, are our amenity packages. As far as the easement goes, I'm not going to comment on it, we are stubbing to the property, I have my attorney here to address any legal questions for an easement. I think that's off and outside the purview of this approval. Thank you

Chairman Gillespie: Thank you. And with that, the matter is before the commission. I will let folks think a minute. Well, you will anyway.

PUBLIC TESTIMONY CLOSED

Commissioner Bradbury: Mr. Chairman

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Just kind of a point of procedure, how do you want to do this, do you want to separate the motions, do one motion, how would you like to go about this.

Chairman Gillespie: We need to do three, I think; we need two recommendations and an approval. You can take them in any order you want and I think the discussion will be self-explanatory.

Commissioner Bradbury: Alright then, let's start with the, maybe the annexation and the zoning, those two go together, probably.

Chairman Gillespie: We'll need a separate motion in each one, but we can treat them how you want.

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE THE ANNEXATION CAR16-00002 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN

Chairman Gillespie: So we have a motion to approve CAR16-00002 for the reasons and with conditions as stated in the staff report. Is there a second?

SECONDER: COMMISSIONER ANSOTEGUI

Chairman Gillespie: We have a second on CAR…to approve CAR16-00002. Is there any discussion?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Please, Commissioner Bradbury.

Commissioner Bradbury: I don't think there's any serious opposition to the notion of annexing the property into the City of Boise. I know that the rest of what we're about to do tonight that's probably keeping everybody in this room on edge, developers and neighbors alike. But I don't think, I didn't hear anybody oppose the notion of annexation, and it's for that reason that I've made the motion to approve. Sorry, recommend approval to the Council.

Chairman Gillespie: So, I'll be voting against the motion, because I think the land use, within the annexation recommendation it recommends the zone as R-2D for the top section which is currently designated as commercial use in the land use map. And while I'm sympathetic to the applicant's argument, I think the language of the comp plan, with respect to commercial, the designation is clear. It says in part, the secondary use is housing, offices, entertainment and other complementary uses are encouraged as ancillary uses within commercial projects. R-2 is an enabled zone, within the comp plan, but I just think in this particular case this seems like the primary use for this parcel and this land use and I don't think that's appropriate for the land use map. So I think the land use map and the plan are strongly encouraging a mixed-use sort of game plan with respect to the part that's designated as commercial in the land use map.

Commissioner Ansotegui: Mr. Chairman, may I ask for some clarification on R-2D zone?

Chairman Gillespie: Yes, you may.

Commissioner Ansotegui: Okay, thank you. Susan, does that zoning designation does not preclude residential in there, it could still be built as all residential but it would also allow commercial uses?

Susan Riggs (City of Boise): Mr. Chair, members of the commission, the R-2D is a residential zone and it does not allow for commercial uses...

Commissioner Ansotegui: Okay.

Chairman Gillespie: So, my understanding is commercial uses would not be allowed in the R-2D zone.

Commissioner Ansotegui: Would not be allowed, okay.

Commissioner Gibson: Mr. Chairman?

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: Thank you very much for your input. I was kind of on the fence either way and based upon your understanding and my reading of the code I would take part with not voting in favor of this motion based upon that interpretation of the comprehensive plan.

Commissioner Ansotegui: Okay…

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: Thank you. New commissioner on board. So, can you tell me, Mr. Chairman, what were you proposing there instead of the R-2D designation?

Chairman Gillespie: I think it, I would propose that it be a mixed-use designation of some kind and that the plan brought before us be some sort of a mixed-use proposal. At least on the parts of the property that are subject to the commercial land use designation. And there are a bunch of enabling zones that we could bring it in at – they're listed on the bottom, if you look at the comp plan, page 330. Do people want to think for a minute or is there any further discussion.

Commissioner Ansotegui: Mr. Chairman?

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: I am inclined to go with you on this one, but I'm not sure what my move is here in terms of my second on that motion.

Chairman Gillespie: You can, your second has no effect on how you choose to vote.

Commissioner Ansotegui: Okay, thank you.

Chairman Gillespie: Is there any further discussion on the motion to approve CAR16-00002?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury

Commissioner Bradbury: Although I can count, I think I will say why I am, why I headed down the path I headed down, and that is because, by the way, I'm really going to miss the Crow Inn as well, but I really have a to question the viability of commercial development out there. There's been, let's see, my grandparents had a drive-up restaurant right across the street from the Crow Inn back in the 60's. And of course it's no longer there and hasn't been for a long, long time, and there's a reason for that. It's because there is not sufficient need for commercial on that end of the valley, and I think that if we're going to try to require commercial uses out there, we're going to end up with vacant land. That's why, that is the basis for my motion.

Chairman Gillespie: So I guess where I'm at, sort of procedurally though is the land use map is, I think reasonably clear about what it wants, is the next appropriate step for the property owner to seek a change in the land use map to fit what you think are the evolved commercial realities on the ground there. Is that the next, you know, we're trying to create alternatives or a path forward. Either come forth with a mixed-use proposal or seek some change to the land use map that would fit what they want to do.

Commissioner Bradbury: Well I guess we're arguing what the comprehensive plan envisions for the area, right?

Chairman Gillespie: Right.

Commissioner Bradbury: Okay. And I think what staff has told us is that these zones are allowed under the existing comprehensive plan designations. Now, we may disagree with selecting those zones, but it doesn't require a comprehensive plan amendment. Because if it did staff would have told us that.

Chairman Gillespie: Right. No, I agree with you. You're right about that. Okay any further discussion on this one? Hearing none, all in favor of the motion to approve CAR16-00002, please say aye.

TWO IN FAVOR, TWO OPPOSED (COMMISSIONER GIBSON, CHAIRMAN GILLESPIE), MOTION DEFEATED.

Chairman Gillespie: So we have a tie two-two so the motion does not carry. So procedurally, we can proceed to the PUDs or the SUBs, but without a motion to complete the rezoning, we're kind of done.

Commissioner Bradbury: We'd better get some help from legal counsel.

Chairman Gillespie: Please.

Andrea Carroll | Attorney II (City of Boise): Mr. Chair, commissioners, I'll refer to staff after I'm done speaking for additional comments, but it's my understanding that without the annexation you don't have the jurisdiction to move forward on the additional motions. I'm seeing some nods from Mr. Riddle in the back, so I'm going to go for that.

Chairman Gillespie: Alright, yeah, makes sense to me. Mr. Spjute?

Scott Spjute (City of Boise): Mr. Chairman, a failure to get to approve the application is tantamount to a denial, and as this goes on to City Council, you'll need to make a decision on the conditional use permit that can be appealed one way or the other. We'll need a decision on the…

Chairman Gillespie: PUD

Scott Spjute (City of Boise): …on the PUD and the subdivision. Since you've failed to approve…

Commissioner Bradbury: Well actually we just recommended denial, it's still up to the council.

Scott Spjute (City of Boise): …this annexation, you'll need to, you'll need to deny the CU and recommend denial of the subdivision.

Chairman Gillespie: Okay. So now we'll consider, before the commission is PUD16-00005. This is a final decision on the planned unit development, and it's before the commission.

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: I thought this was going to be the hard question. Just so we can get the conversation started and see where this ends up, I'm going to move to approve PUD16-00005 in accordance with the findings of the staff report and conditions of approval, however, with some additional conditions, as follows. One, that no more than 50% of the homes on lots 1-15 and 17-22 be three-story, three stories in height, and no two adjacent to each other. Second, that the proposed public pathway be placed in a 17-foot wide lot with 5-foot landscaping on either side, and I guess that means it's a 7-foot wide paved area. Three, that the applicant shall coordinate the location and design of the proposed public pathway with Ada County. Four, that the minimum lot widths be 50 feet rather than the required 40 feet, and that the side yard setbacks be 10 feet rather than the proposed five feet.

Chairman Gillespie: May I make a point of clarification? So the last two were changes in setbacks, and the first one was required, I think you meant proposed.

Commissioner Bradbury: Okay, let me back up and try again. An additional condition that the lot widths be 50 feet, rather than the proposed 40 feet…

Chairman Gillespie: Thank you.

Commissioner Bradbury: …and that the side setbacks be 10 feet rather than the proposed 5 feet, that there be a landscape buffer required behind the, the, at the rear of the lots to help shield the existing bike path, existing public bike path, and that was everything.

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE PUD16-00005 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN WITH MODIFICATIONS TO THE SITE SPECIFIC CONDITIONS: THAT NO MORE THAN 50% OF THE HOMES ON LOTS 1-15 AND 17-22 BE THREE STORIES IN HEIGHT, AND NO TWO ADJACENT TO EACH OTHER; THAT THE PROPOSED PUBLIC PATHWAY BE PLACED IN A 17-FOOT WIDE LOT, WITH A 7-FOOT PAVED AREAD AND 5-FOOT LANDSCAPING ON EITHER SIDE; THAT THE APPLICANT SHALL COORDINATE THE LOCATION AND DESIGN OF THE PROPOSED PUBLIC PATHWAY WITH ADA COUNTY; THAT THE LOT WIDTHS BE 50 FEET, RATHER THAN THE PROPOSED 40 FEET WITH SIDE SETBACKS OF 10 FEET RATHER THAN THE PROPOSED 5 FEET; AND THAT THERE BE A LANDSCAPE BUFFER REQUIRED BEHIND AT THE WEST END OF THE LOTS TO HELP SHIELD THE EXISTING PUBLIC BIKE PATH

Chairman Gillespie: Thank you. Is there a second to the motion to approve PUD16-00005?

SECONDER: COMMISSIONER GIBSON

Commissioner Gibson: Second.

Chairman Gillespie: The second by Gibson. Is there discussion on the motion?

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: So a couple things I want to talk about. First of all, what I'm attempting to do, and I think it's at least obvious to Mr. Conger and his team, that I'm attempting to affect the density by increasing the lot sizes and, or lot widths, I should say, and requiring greater setbacks. And also to try to decrease the visual impact because I do happen to think that this area is special, it is unique, it requires some special treatment. I think the surrounding land uses demand that as well. Although, but I don't disagree with the notion of residential development on that site, with respect to the Greenbelt, the pathway connection, I think that almost everybody in the room is in favor of it, but we do have a property owner who's apparently opposed at least with respect to this project, but maybe that can still be worked out. And I'm looking for a little bit of protection kind of consistent with what in the old days back when there was more river front or riverside development, trying to create a little bit more buffering and protection against the bike path area and the adjacent development. And I'm open to other ideas, if anybody has them, by the way.

Chairman Gillespie: Thank you. Any further discussion?

Commissioner Gibson: Mr. Chairman?

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: I seconded the motion because I agree with the density provision. One of the items that I was really listening for this evening from the applicant was specific, specifically addressing the special nature of this site. And public testimony, and having had also been out to Ben's Crow Inn, this is a unique feature of the valley and we understand the economics of the property owner and their desire to transact for the most reasonable profit, but the fact that this is the third project that this developer's done that is proposing a similar exterior elevation, exterior design, that, first and foremost, leads me to believe that it is part and parcel more of a cookie-cutter approach to putting as many units on a parcel as possible. As an architect I have aesthetic designs that I think make more sense in these areas. It's not my job to make that determination, but I wanted to go on the record as saying I didn't like Triplet, didn't like the one up on 21, this design doesn't do much for me either, and it's a, a lot of people travel this corridor and I think that the fact that they don't have a decel lane coming off of Warm Springs for residents, I think that may be a long-term safety hazard. And then finally, the lot 23, 24 and 25, the building design for those structures as proposed isn't consistent with the smaller lots, and so, I'd like to believe that at the end of the day, that there could be a compatible design so the development, at completion, would be consistent, and would not appear to have had been done by different developers. That's my point.

Chairman Gillespie: Thank you. Let me interject a point of information here. I think Mr. Spjute has a point he'd like to make to the commission.

Scott Spjute (City of Boise): Thank you. I thought I made it before and what the attorney and I have tried to say is that you cannot approve a conditional use permit when you've just recommended denial of the annexation.

Chairman Gillespie: Thank you.

Scott Spjute (City of Boise): Now this is sort of unclear waters that you're treading here, and we're not maybe as clear as we should be, but I'm pretty certain that since you've just recommended denial of the annexation, you cannot turn around and approve the conditional use permit, so the discussion on conditions and things is…

Chairman Gillespie: Not germane. So for that reason I'm going to move that the motion is out of order, unless there's an objection from the council, and consider the matter done, since I assume the same logic would apply to the SUB decision? Or would you like us to also rule on the SUB.

MOTION RULED OUT OF ORDER BY CHAIRMAN GILLESPIE

Scott Spjute (City of Boise): And since we need findings, I mean, presumably your finding for denial would be non-compliance with the comprehensive, the same reasons…

Chairman Gillespie: Right.

Scott Spjute (City of Boise): …that you chose not to approve the annexation, and the subdivision doesn't work without the annexation and the zoning, so it's, it goes away as well.

Chairman Gillespie: Okay. So this matter is done. Thank you. No, please don't.

Andrea Carroll | Attorney II (City of Boise): I'll defer back to Mr. Spjute as well, but I think what Mr. Spjute is asking is for findings that support a denial on all three applications.

Chairman Gillespie: So you want a motion and a vote for denial?

Andrea Carroll | Attorney II (City of Boise): Correct.

Chairman Gillespie: With the findings on each of the three.

Andrea Carroll | Attorney II (City of Boise): And the reason why that would be is that with a final decision, there is something to appeal on all three applications, as opposed to just on the annexation.

Chairman Gillespie: Okay, I understand. Okay, so for that reason I guess I need a specific motion to deny PUD16-00005.

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Mr. Bradbury.

Commissioner Bradbury: There's a motion on the floor. I ruled it out of order, given what Mr. Spjute said, but I suppose we could take it up and if it is voted down it would constitute a denial.

OUT OF ORDER RULING REVERSED BY CHAIRMAN GILLESPIE

Commissioner Bradbury: I think we're getting, procedurally we're just about to fall off a cliff, because all we've done, all we've done is reach a tie vote on a recommendation to the council on annexation. And the council can approve or deny. If the council approves the annexation, we will have, whether we wanted to or not, we're being told we must now deny the conditional use permit. I think that's wrong. I think procedurally, we're like I said, we're about to fall off a cliff.

Chairman Gillespie: I'll defer to the attorney and staff on this one.

Commissioner Bradbury: Mr. Chairman?

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: I have a, another suggestion.

Chairman Gillespie: I'm open to your suggestion.

Commissioner Bradbury: I know that we've created a little problem here because there's four of us and we can't break a tie and we've kind of gotten hung up here. But, perhaps what needs to happen, and this is just a suggestion, perhaps what needs to happen is we just defer action on the PUD pending the outcome of the annexation and, and the zoning request.

Chairman Gillespie: And would you also recommend we defer the subdivision, pending the…?

Commissioner Bradbury: Subdivision is also a recommendation, so, anyway, I suppose we can maybe reach another tie on the subdivision.

Scott Spjute (City of Boise): I don't…

Chairman Gillespie: Mr. Spjute.

Scott Spjute (City of Boise): I don't disagree with anything Commissioner Bradbury said, including the possibility of being dangerously close to the precipice. Nevertheless, the commission should not be approving a conditional use permit when it's just recommended denial of the annexation. It would probably be well, if it's not horribly abhorrent to the applicant for this to be set over until the very next meeting so we can sort of flesh this out. But we would set it over before you make the decisions I guess and if indeed the way to go is to make whatever decision you want on the CUP and the SUB, then you can do it then.

Chairman Gillespie: Alright. So what's, let me ask the applicant, with respect to PUD16-00005 and SUB16-00006, given where we're at, would you like to set this over to the next meeting for us to get this sorted, or would you prefer to have some kind of decision tonight.

Jim Conger (4824 W Fairview): (Indecipherable)

Chairman Gillespie: What?

Jim Conger (4824 W Fairview): It's awful unique, for sure. We will work with staff the rest of the week and resolve on next Monday. That work for you, Mr. Spjute?

Chairman Gillespie: Well the next meeting would be…

Scott Spjute (City of Boise): You don't convene again until May 2nd.

Chairman Gillespie: The next meeting would be the first meeting in, first meeting in May.

Scott Spjute (City of Boise): First meeting in May.

Jim Conger (4824 W Fairview): I think you need to come to (indecipherable) on the CUP and the subdivision.

Chairman Gillespie: So you'd prefer not to defer. So given that I think we need to proceed and see what the vote turns out to be?

Scott Spjute (City of Boise): The decision to defer is up to you, you're procedurally correct in doing that, but if you want to go ahead and make a decision on the CUP and the SUB, then we'll deal with that the best we can.

Chairman Gillespie: So here's where we're at. So I'll reverse my disqualification of the earlier motion by Commissioner Bradbury so we have a live motion on the table, seconded by Commissioner Gibson, to approve PUD16-00005. Is there anybody who would like to make a motion to defer this matter, which can be done as a minor, you can defer it to the next meeting.

Commissioner Bradbury: Mr. Chairman.

Chairman Gillespie: Commissioner Bradbury.

Commissioner Bradbury: Yes, I'd move that we defer further action on PUD16-00005, SUB16-00006 until our next meeting in order to permit staff and legal counsel to help us find our way through the thicket.

MOTION: COMMISSIONER BRADBURY MOVED TO DEFER PUD16-00005 AND SUB16-00006 TO A CERTAIN DATE OF MAY 2, 2016

SECONDER: COMMISSIONER ANSOTEGUI

Chairman Gillespie: So we have a motion to defer items 3a and 3b to the, to the first meeting in May. Is there any discussion on that motion? Hearing none, all in favor, please say aye.

Chairman Gillespie: All opposed? So, 3a and 3b are set over to the first meeting in May.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Planning & Development Services

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Planning & Zoning Commission: Excerpt of Minutes
Hearing Date: April 11, 2016
Items: CAR16-00002, PUD16-00005, SUB16-00006

PUD16-00005 / DEVCO, LLC MOTION ONLY
LOCATION: 6781 E. WARM SPRINGS AVENUE
CONDITIONAL USE PERMIT FOR A 24-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. *SUSAN RIGGS*

SUB16-00006 / BEN'S CROW INN SUBDIVISION - MOTION ONLY
LOCATION: 6781 E. WARM SPRINGS AVENUE
PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 24 BUILDABLE LOTS AND 1 COMMON LOT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. *SUSAN RIGGS*

Chairman Demarest: Now we're going to go back to some old business that came up at our last meeting. These were, this is SUB16-00006 & PUD16-00005 6781 Warm Springs Ave. These two applications were deferred from the previous meeting as I said, PUD16-00005 & SUB16-00006. The public hearing was held in close and there was a final decision on the annexation that was deemed a recommendation for denial. There is presently a motion on the table for approval of the PUD and there has not been a motion for the SUB, so the Commission must now consider the PUD to a vote unless the motion is withdrawn, and that would come from the Commissioners. Commissioners, is there a motion to withdraw?

Commissioner Bradbury: Mr. Chairman?

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: Based on advice from Council and staff I withdraw my motion for approval of PUD16-00005.

Chairman Demarest: That is an order I don't think that needs any further action. Alright, that's off the table. I'll just wrap this one up, motion has been withdrawn. There is a question whether the Commission can proceed on the PUD and the SUB applications. After having received subsequent legal advice regarding the procedural and jurisdictional issues involved in the PUD and the SUB decision on annexed land, these applications are automatically, then, denied. The Commission does not have jurisdiction to hear these further applications, the staff will issue written decisions summarizing the basis for the denial. Following then our decision making tonight, then the normal appeal process is in effect, just to the City Council. I think we're done with that.

MOTION: **COMMISSIONER BRADBURY MOVED TO WITHDRAW THE MOTION TO APPROVE PUD16-00005.**

AUTOMATICALLY DENIED.

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

CAR16-00002, PUD16-00005, & SUB16-00006 / DevCo LLC

Summary
The site is located at 6781 E Warm Springs Avenue.

CAR16-00002: Annexation of 4.2 acres. Approximately 2.4 acres are proposed as R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and 1.8 as R-1B/DA (Single Family Residential with a Development Agreement);
PUD16-00005: Conditional Use Permit for a 24-unit planned unit development;
SUB16-00006: Preliminary plat for a residential subdivision comprised of 24 buildable and 1 common lot.

Prepared By
Susan Riggs

Recommendation
The Planning Team recommends **approval** of each request.

Reason for the Decision

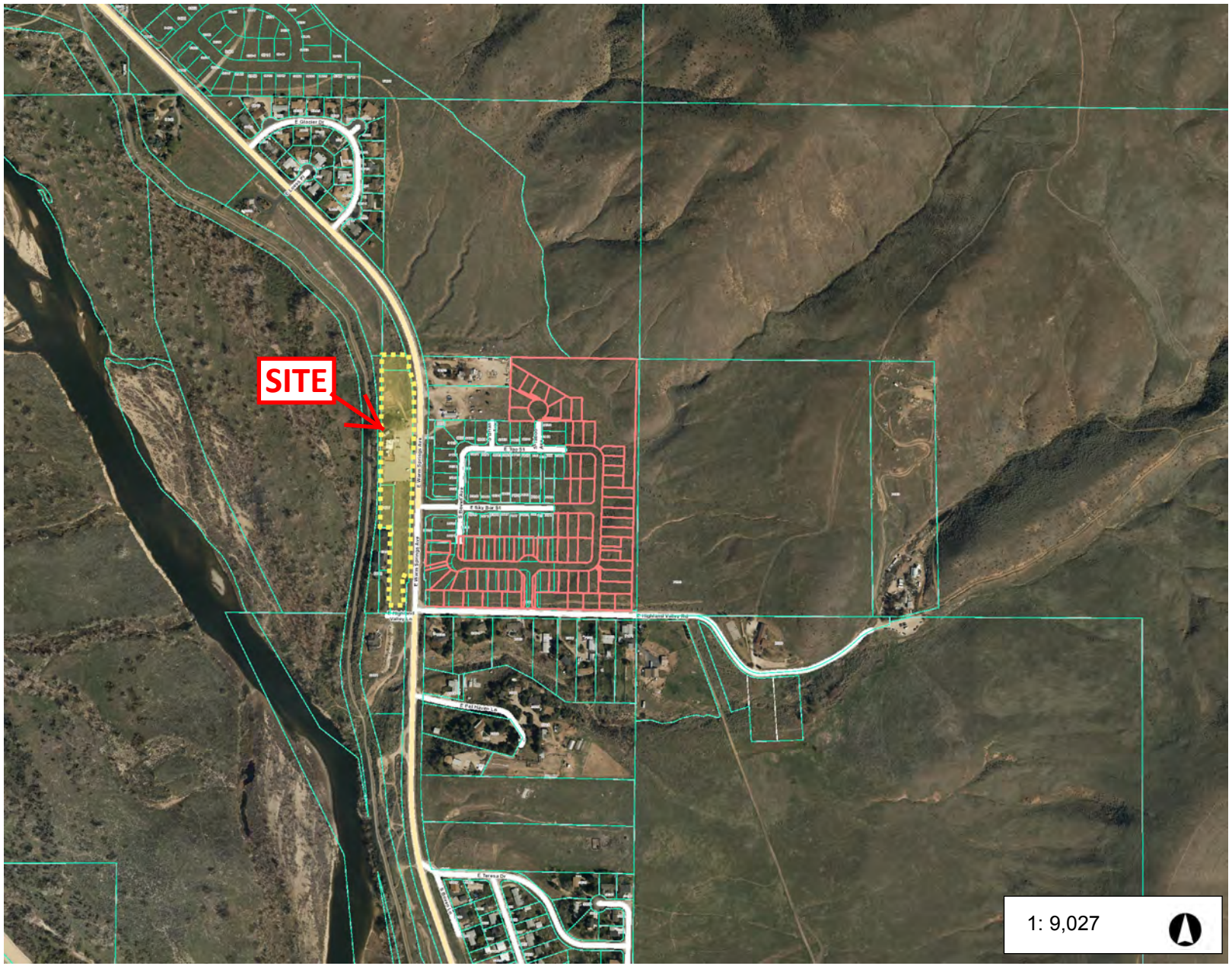
Annexation
The annexation is consistent with the standards found in BCC 11-03-04.15.6(a). The parcels are currently zoned RP and C2 (Ada County) and designated Commercial and Large Lot/Rural on the Land Use Map of Blueprint Boise. The proposed R-2D/DA and R-1B/DA zones are appropriate in this designation. The proposed density of 5.72 DU/acre is slightly higher than the R-1B zone and is significantly lower than the R-2D and will be compatible with Eastvalley Subdivision across Warm Spring Avenue. The site is within the Area of Impact and Sewer Planning Area and is contiguous to Boise City on its eastern boundary. Annexation will facilitate orderly expansion of the City boundaries and conform to the Level of Service standards found in the Comprehensive Plan (*Goal PDP3.2).*

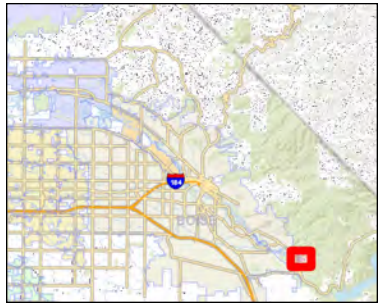
Subdivision
The preliminary plat is in conformance with the Boise City Comprehensive Plan and development Code.

Conditional Use Permit
The project is compatible with the variety of uses in the neighborhood and those reasonably expected to develop. The area is comprised primarily of residential development of a similar form and density to the proposed project. The project is consistent with the Comprehensive Plan. *Principles NAC7.1, CC1.1 and GDP-N.3* encourage a mix of housing in neighborhoods and infill development that does not require the costly extension of infrastructure. All utilities and infrastructure are readily accessible. The site is large enough to accommodate the proposed use without adversely impacting other properties in the vicinity and zoning standards are met. Parking will be provided within enclosed garages. Comments from public agencies confirm the project will not place an undue burden on the transportation system or other infrastructure.

CAR16-00002 & PUD16-00005
1" : 300'
N
R-1C
SP-02
RUT
R6
C2
Penitentiary Canal
Greenbelt - Eckert to Lucky Peak
E Warm Springs Ave
S Brian Ave
S Taboo Ave
E Tao St
RP
Boise River
E Sky Bar St
R-1C/DA
S Boven Ave
E Ghost Bar St
S Taboo Ave
R6
E Highland Valley Ln
E Highland Valley Rd
R1
RUT
R6
E Pet Haven Ln

BoiseMaps





Legend

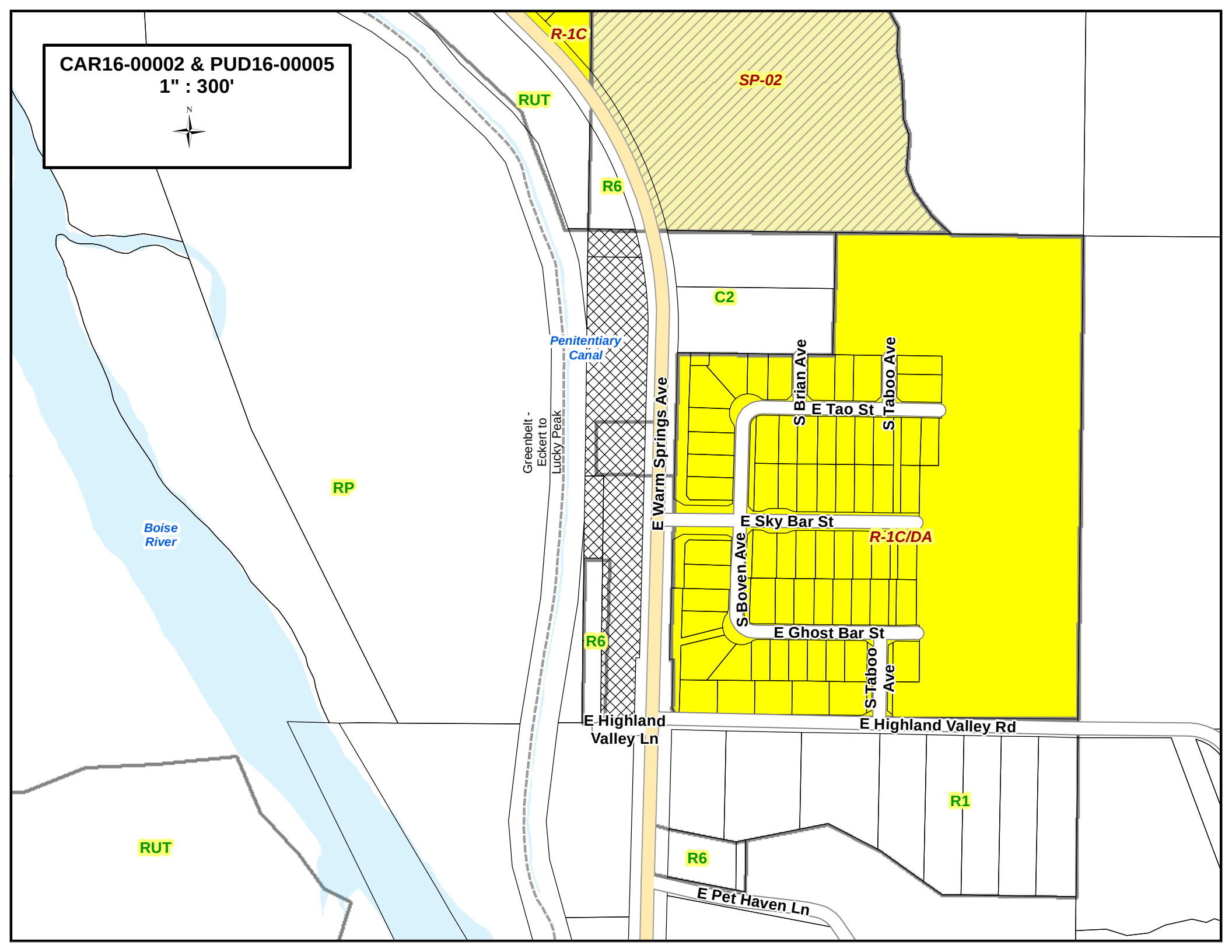
- Preliminary Lots
- Parcels

Notes

0.3 0 0.14 0.3 Miles

NAD_1983_Transverse_Mercator
Date Generated: 2/29/2016 10:38:28 AM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION


CAR16-00002 & PUD16-00005
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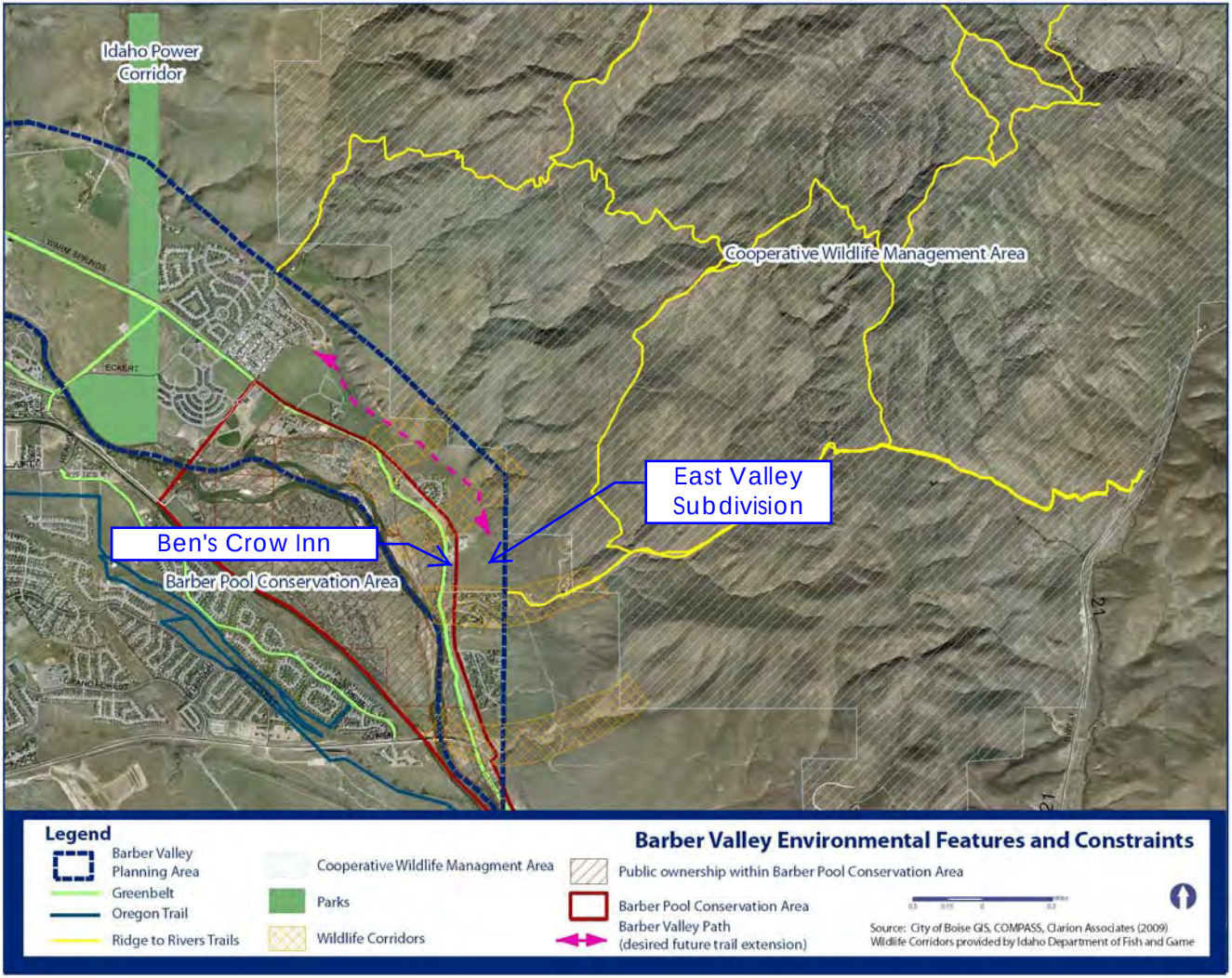
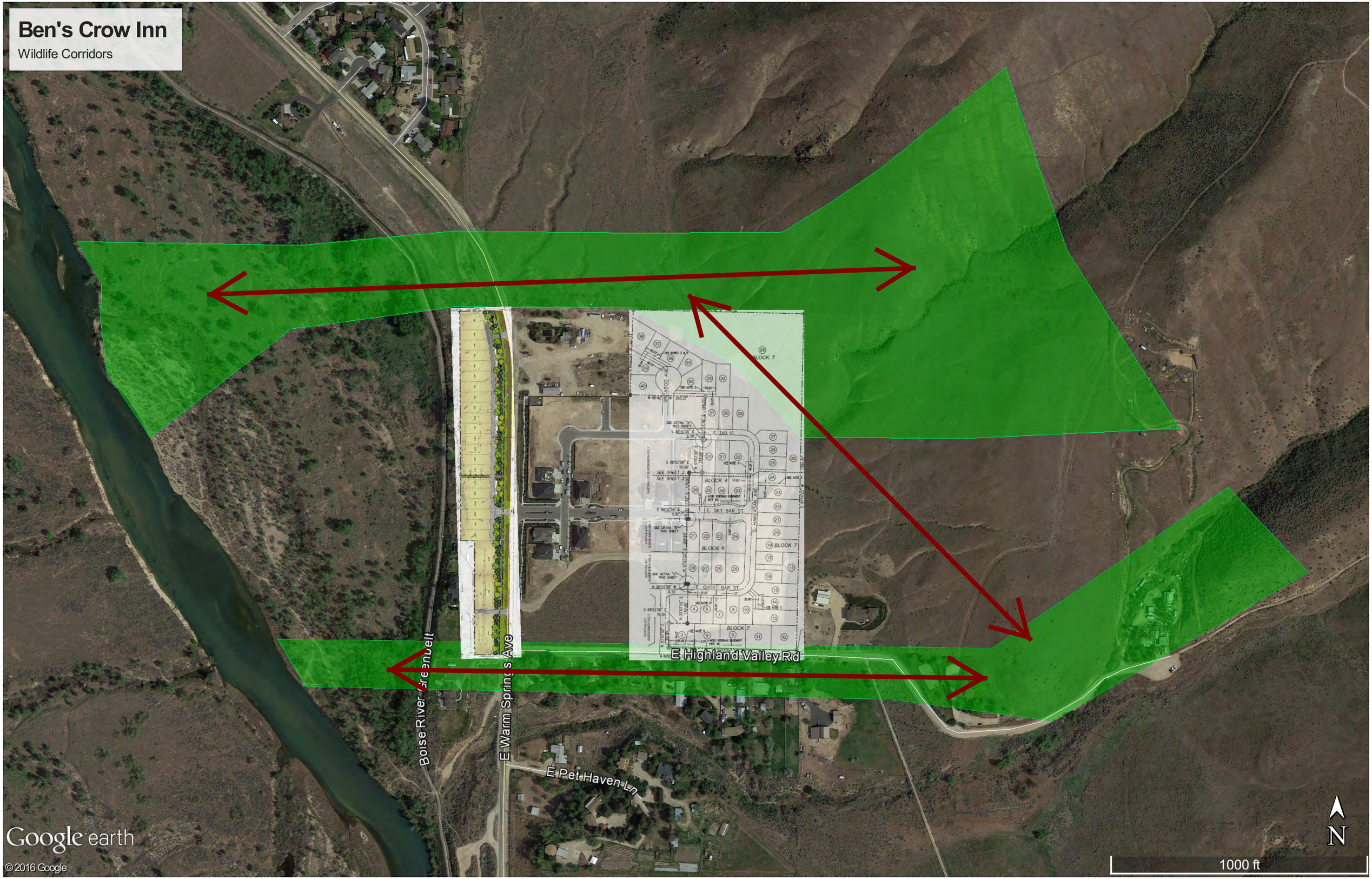

Idaho Power Corridor
Cooperative Wildlife Management Area
East Valley Subdivision
Ben's Crow Inn
Barber Pool Conservation Area
Legend
Barber Valley Planning Area
Greenbelt
Oregon Trail
Ridge to Rivers Trails
Cooperative Wildlife Managment Area
Parks
Wildlife Corridors
Public ownership within Barber Pool Conservation Area
Barber Pool Conservation Area
Barber Valley Path (desired future trail extension)
Barber Valley Environmental Features and Constraints
Source: City of Boise GIS, COMPASS, Clarion Associates (2009)
Wildlife Corridors provided by Idaho Department of Fish and Game

Ben's Crow Inn

Wildlife Corridors

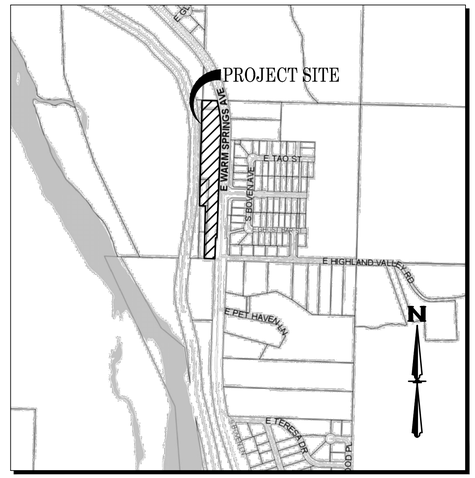


PRELIMINARY PLAT FOR

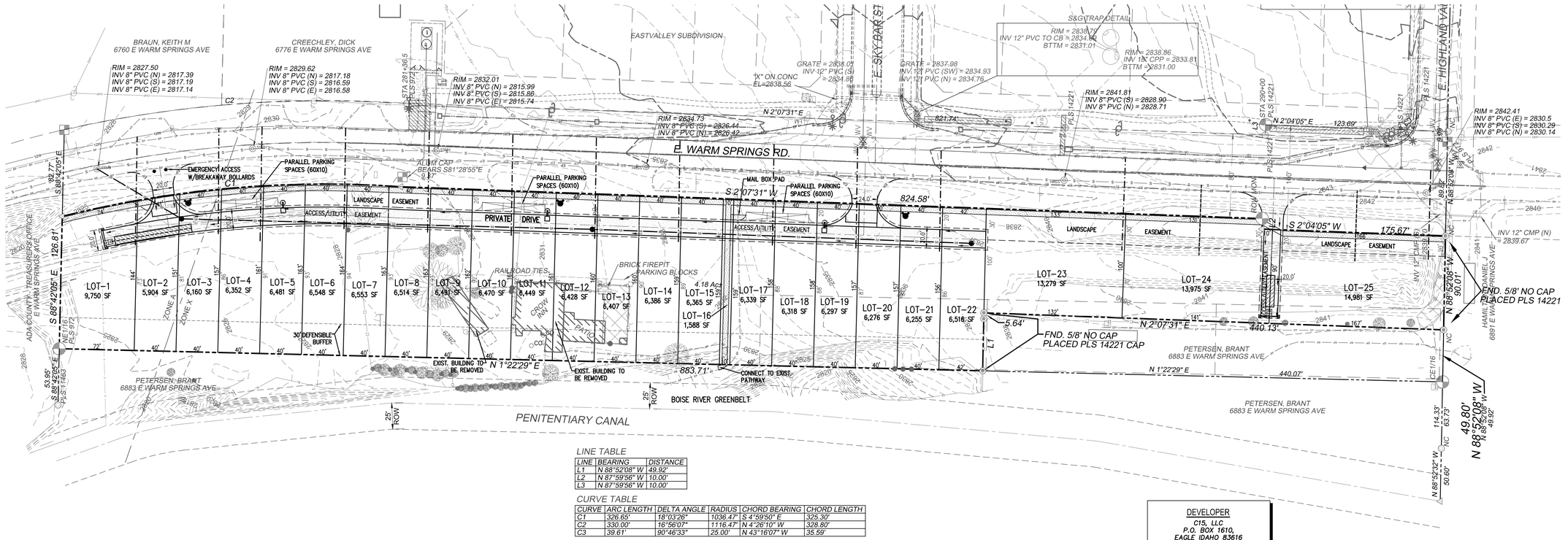
BCI SUBDIVISION

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF OF THE NE 1/4 SECTION 33, T.3N., R.3E., B.M., ADA COUNTY, IDAHO

2016



VICINITY MAP
1"= 800'



LINE TABLE

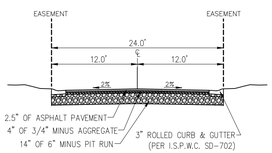
LINE	BEARING	DISTANCE
L1	N 88°52'08" W	49.92'
L2	N 87°59'56" W	10.00'
L3	N 87°59'56" W	10.00'

CURVE TABLE

CURVE	ARC LENGTH	DELTA ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH
C1	326.65'	18°03'26"	1036.47'	S 4°59'50" E	325.30'
C2	330.00'	16°56'07"	1116.47'	N 4°26'10" W	328.80'
C3	39.61'	90°46'33"	25.00'	N 43°16'07" W	35.59'

GENERAL LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED SANITARY SEWER
- PROPOSED WATER SERVICE
- PROPOSED ROLLED CURB/ACCESS EASEMENT
- DRAINAGE FLOW DIRECTION
- PROPOSED CONCRETE OR ASPHALT PATHWAY
- ASPHALT ACCESS ROAD
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- PROPOSED DRAINAGE FACILITY
- EXISTING RIGHT-OF-WAY
- SECTION LINE
- EXISTING SEWER
- EXISTING WATER
- EXISTING EDGE OF PAVEMENT
- EXISTING OVERHEAD POWER LINES
- EXISTING FENCE LINE
- EXISTING GROUND CONTOUR



TYPICAL SECTION
24' PRIVATE DRIVE
1" = 10'

DEVELOPMENT FEATURES:

TOTAL ACRES	±4.18 ACRES
TOTAL LOTS	25
BUILDABLE LOTS	24
COMMON LOTS/ACRE	0/0 ACRES
DENSITY DU/ACRES	4.18 ACRES
EXISTING ZONING	A-1
(CITY OF BOISE)	
MINIMUM RESIDENTIAL LOT SIZE	5,904 sq.ft.
AVERAGE RESIDENTIAL LOT SIZE	7,500 sq.ft.

NOTES:

1. SANITARY SEWER MAINS SHALL BE 8" DIAMETER UNLESS OTHERWISE SHOWN.
2. WATER MAINS SHALL BE 8" DIAMETER UNLESS OTHERWISE SHOWN.
3. SURFACE STORM WATER DRAINAGE SHALL BE DIRECTED TO DRAINAGE FACILITIES AS SHOWN..
4. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
5. ALL LOTS ARE TO BE DESIGNATED SINGLE FAMILY RESIDENTIAL EXCEPT; LOT 16, BLOCK 1, WHICH WILL BE A COMMON LOT OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
6. 6. A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN. (ZONE "A"). PER FIRM 16001C0315 H DATED 2-19-03.

DEVELOPER
C15, LLC
P.O. BOX 1610,
EAGLE IDAHO 83616

811 Know what's below. Call before you dig.
CALL BEFORE YOU DIG!
CALL DIGLINE INC.
PRIOR TO COMMENCING UNDERGROUND WORK
208-342-1585

LAND SURVEYOR
SAWTOOTH LAND SURVEYING LLC.
2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104

CIVIL ENGINEER
JM E. COSLETT, P.E.
ROCK SOLID CIVIL LLC
270 N. 27th ST. SUITE 100
BOISE, ID 83702
(208) 342-3277

UTILITY REPRESENTATIVES

UTILITY	REPRESENTATIVES	PHONE
GAS	INTERMOUNTAIN GAS	(208) 377-6839
ELECTRICITY	IDAHO POWER	(208) 388-6320
TELEPHONE	CENTURY LINK	1-877-290-5458
CABLE TV	CABLE ONE	(208) 375-8288
SEWER	CITY OF BOISE	(208) 384-3900
WATER	UNITED WATER OF IDAHO	(208) 362-7200
ROADS	ADA COUNTY HIGHWAY DISTRICT	(208) 334-8000
IRRIGATION	N/A	
FIRE	CITY OF BOISE	(208) 570-6500

RSC

50 0 25 50 100
SCALE IN FEET
1" = 50'

811 Know what's below. Call before you dig.
CALL BEFORE YOU DIG!
CALL DIGLINE INC.
PRIOR TO COMMENCING UNDERGROUND WORK
208-342-1585

Revisions

	Date	Description
1		
2		
3		
4		

ROCK SOLID CIVIL
Civil Engineering and Land Development Consulting
270 N. 27th Street, Suite 100 Boise, ID 83702
Office Phone: 208.342.3277
www.rocksolidcivil.com

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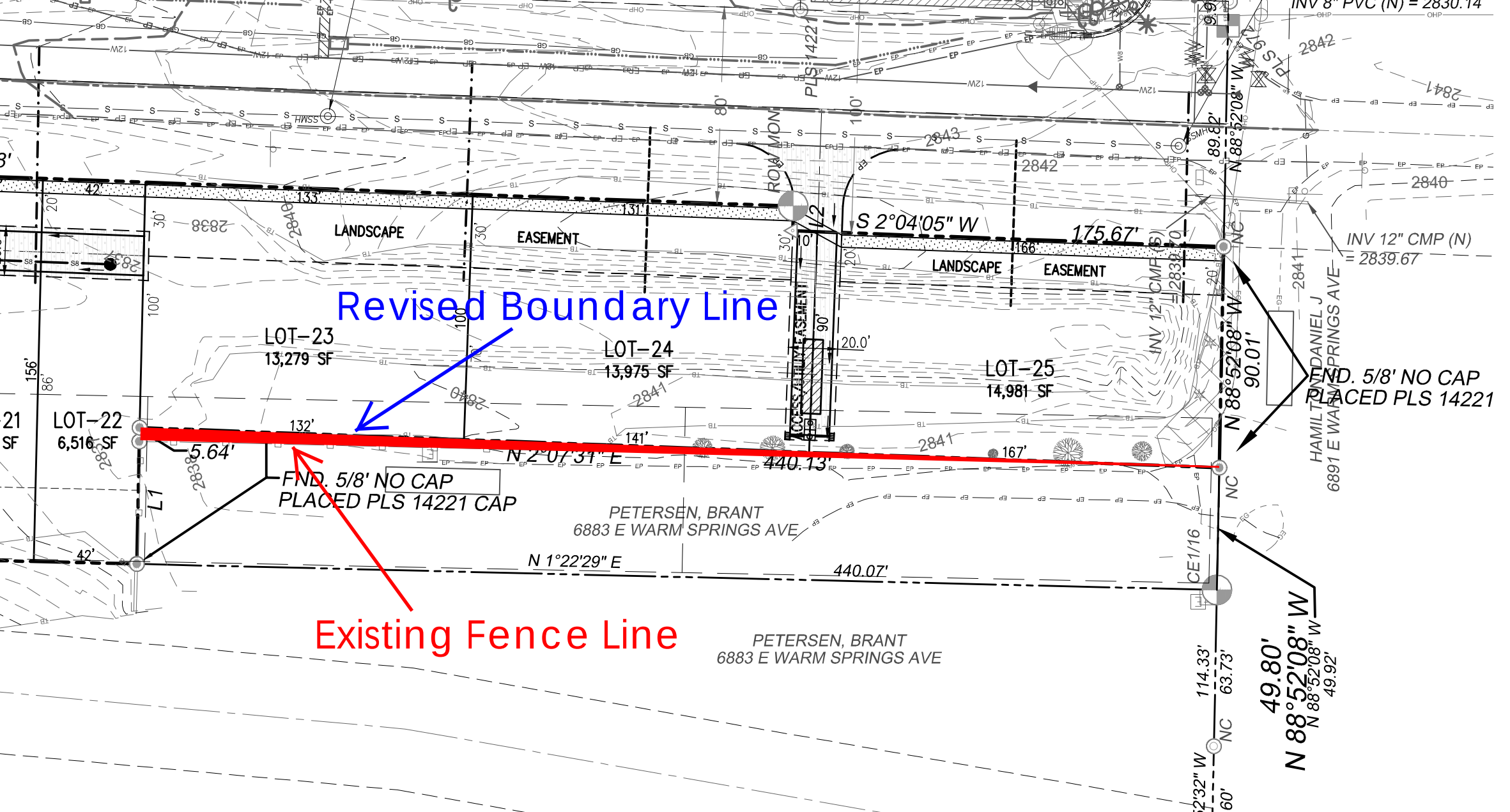
Project Name: BCI SUBDIVISION

Sheet Name: PRELIMINARY PLAT

Stamp
PROFESSIONAL ENGINEER REGISTERED 10692 STATE OF IDAHO JIM E. COSLETT

Project No. RSC-1600
Drawn By: RLC
Date: 15 March 2016
Sheet No. C1
1 of 1


Revised Boundary Line
Existing Fence Line
LOT–23
13,279 SF
LOT–24
13,975 SF
LOT–25
14,981 SF
LOT–22
6,516 SF
LANDSCAPE
EASEMENT
ACCESS/UTILITY EASEMENT
S 2°04'05" W
175.67'
N 2°07'31" E
440.13'
N 1°22'29" E
440.07'
N 88°52'08" W
90.01'
N 88°52'08" W
49.80'
FND. 5/8" NO CAP
PLACED PLS 14221 CAP
FND. 5/8" NO CAP
PLACED PLS 14221
5.64'
PETERSEN, BRANT
6883 E WARM SPRINGS AVE
PETERSEN, BRANT
6883 E WARM SPRINGS AVE
HAMILTON, DANIEL J
6891 E WARM SPRINGS AVE
INV 12" CMP (N)
= 2839.67
INV 8" PVC (N) = 2830.14
ROAD MONUMENT
PLS 14221
L1
L2
CE1/16
NC
SMH
HWSS

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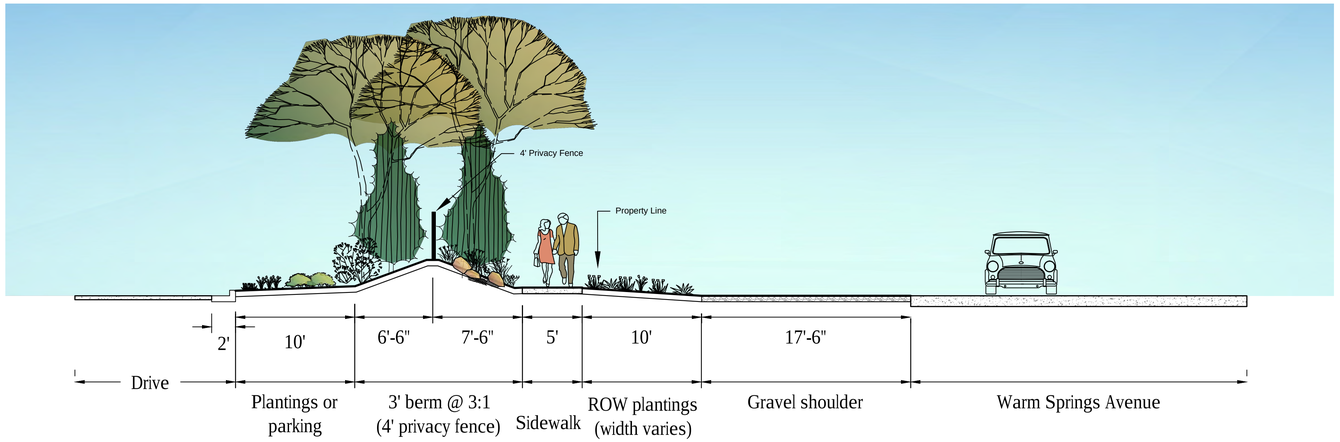
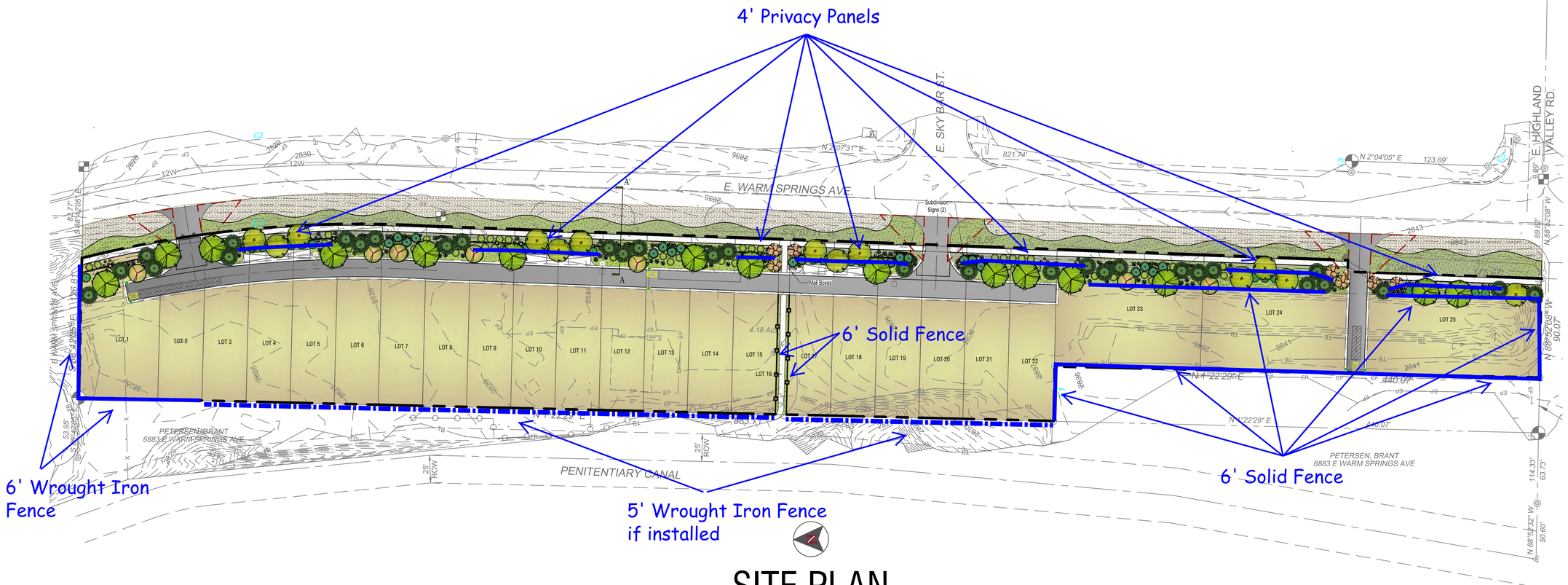


30 ft Landscape Buffer, Warm Springs Avenue

Section A - A'



SITE PLAN

0 25 50 100 150

SCALE: 1" = 50'

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
9777 CHINDEN BOULEVARD
BOISE, IDAHO 83714-2008
PHONE: (208) 323-2288 FAX: (208) 323-2399
OFFICES ALSO IN: COEUR d' ALENE, IDAHO NAMPA, IDAHO

E-FILE NAME 160030-LSCP
DESIGNED SP
DRAWN SP
CHECKED SP
APPROVED SP

REVISIONS

NO.	DATE

PRELIMINARY PLAT LANDSCAPE PLAN FOR:

BCI SUBDIVISION

SITE PLAN

DATE: FEBRUARY 2016
PROJECT: 160030

SHEET 1 OF 1

H:\160030\03_ACAD\DWG\MODEL\160030-LSCP-GRAPHIC.DWG, 2/11/2016

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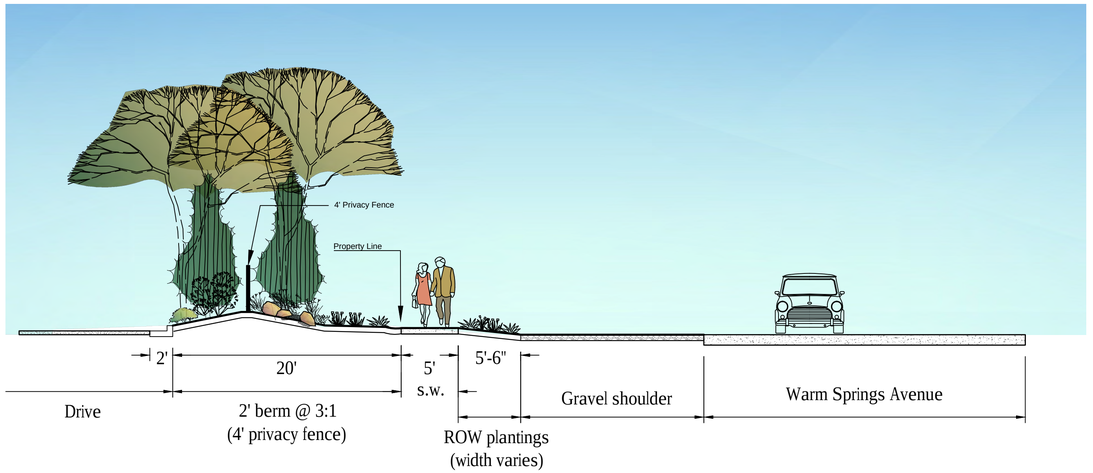
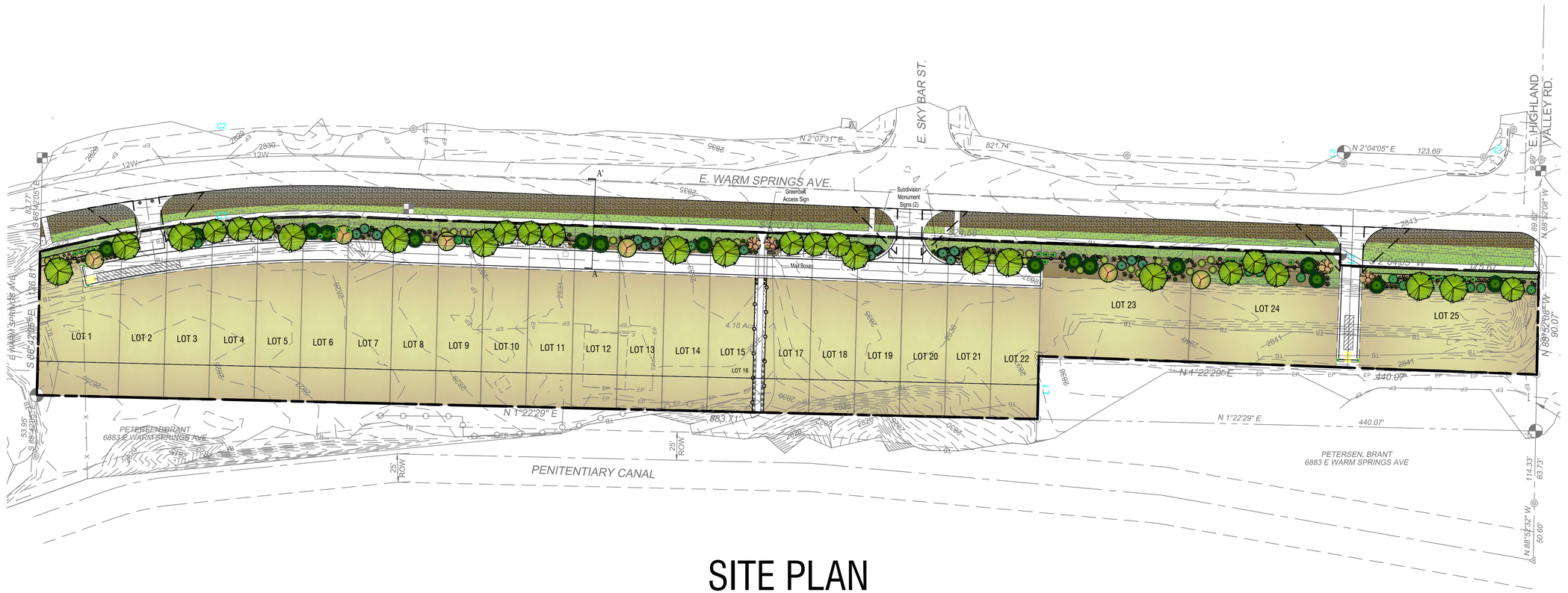


Warm Springs Ave. Buffer

SECTION A - A' NOT TO SCALE



SITE PLAN

0 25 50 100 150

SCALE: 1" = 50'

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
9777 CHINDEN BOULEVARD
BOISE, IDAHO 83714-2008
PHONE: (208) 323-2288 FAX: (208) 323-2399
OFFICES ALSO IN:
COEUR d' ALENE, IDAHO
NAMPA, IDAHO

REVISIONS

NO.	DATE	
1	03.29.2016	Change sidewalk locations

E-FILE NAME	160080-LSCP
DESIGNED	SP
DRAWN	SP
CHECKED	SP
APPROVED	SP

PRELIMINARY PLAT LANDSCAPE PLAN FOR:

BCI SUBDIVISION

SITE PLAN

DATE: MARCH 2016
PROJECT: 160030

SHEET 1 OF 1

H:\160030\03_ACAD\DWG\MODEL\160030-LSCP-160329.DWG - 3/29/2016

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LANDSCAPE NOTES:

1. All contractor work shall be conducted in accordance with ISPWC (Idaho Standard Public Works Construction), 2013; and City of Boise, ID codes, standards and state and local regulations.

2. All structures, site improvements and underground utilities shall be located prior to construction and protected. Call Digline (811) to locate underground utilities. Any damage to structures, utilities or concrete will be replace at contractor's expense.

3. Coordinate with civil engineering drawings for paving, utilities and grading information.

4. Prepare site for planting by grubbing and removing weeds. If necessary apply Round-up (or equivalent herbicide), using a certified Applicator. Remove rocks and other materials over 3".

5. All lawn areas shall have min 6" of topsoil and and fill tree pits with topsoil. Topsoil shall be friable loam, pH range 5.5 to 7, a minimum of 5% organic material, free of stones 1 inch or larger or any other extraneous materials. It is acceptable to amend native soils to meet this topsoil specification if soil texture is loamy.

6. If work is in the Spring, between the months March to May, then apply pre-emergant to all non-paved landscape areas, except areas receiving grass sod, prior to planting.

7. Berming and grading as shown on plans shall have gradual transitions to existing or engineer proposed grades. Grading shall not change flow or direction of surface drainage swales as shown on engineers plans. positive drainage away from structures. Refer to Engineer's plans for grading information.

6. Surface water drainage is to be contained within each lot unless expressly allowed otherwise by approved engineering plans.

7. Estimated quantities are shown for general reference only. Contractor shall be responsible for all quantity estimates.

8. Lay sod within 24 hours of harvesting. Lay sod to form a solid mass with tightly fitted joints and even grades.

9. Contractor responsible for keeping landscaped areas clean. remove all debris, spoils and trash from site for disposal at approved landfill or waste disposal site.

10. All plant material shall meet or exceed the minimum federal standards as regulated by ANSI z60.1, American Standard for Nursery Stock. Plants not meeting these standards for quality, or plants determined to be unhealthy by Owner's representative, will be rejected.

11. Install only specified plants. Plant substitutes must be approved by Landscape Architect. Unapproved plant substitutes will be replaced at Contractor's expense.

12. Trees shall not be planted within the 10' clear zone of all ACHD (Ada County Highway District) storm drain pipe, structures, or facilities.

13. Trees shall not be planted within clear vision triangles.

14. No trees shall be placed within 50' of stop sign.

15. Seepage beds must be protected from any and all contamination during the construction and installation of the landscape irrigation system.

16. Root barriers must be used for trees in street planters with a minimum width of six (6) feet. Root barriers are required to extend 18 inches below the sub grade on the sidewalk side and shall extend 2 feet below sub grade on curb side. Barrier shall be constructed with the street and sidewalk and shall run continuously along sidewalk and curb.

17. All plant material shall be guaranteed for a period of 30 days beginning a the date of Acceptance by Owner. Replace all dead or unhealthy plant material immediately with same type and size at no cost to the Owner.

18. All landscape shall be irrigated with an automatic irrigation system operated by one controller, and designed with hydro-zones that function well within the water service provided for healthy growth of plant material. Year-round pressure irrigation service is required.

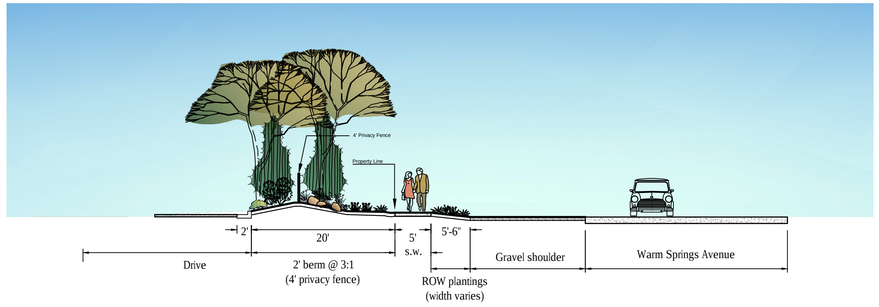
19. The irrigation system shall be designed and installed with the following specifications:

- Coverage for different hydrozones:
  a. Lawns - Pop-up rotor sprinklers or MP rotor sprinklers with100% double coverage.
  b. Planting Beds - Pop-up sprinklers.
- Sprinkler heads shall have matched precipitation rates within each control valve circuit.
- Separate hydrozones shall be used for lawns and trees/shrubs/ground cover areas.
- Sprinklers shall not overspray onto impervious surfaces, building or structures in calm wind conditions.

22. Contractor shall submit shop drawings of design/build irrigation system and/or any materials or product substitutes to Owner's Representative for approval prior to construction. Shop drawings shall include at minimum: design layout, backflow system, controller and value locations, sleeve locations and supply line size and location.

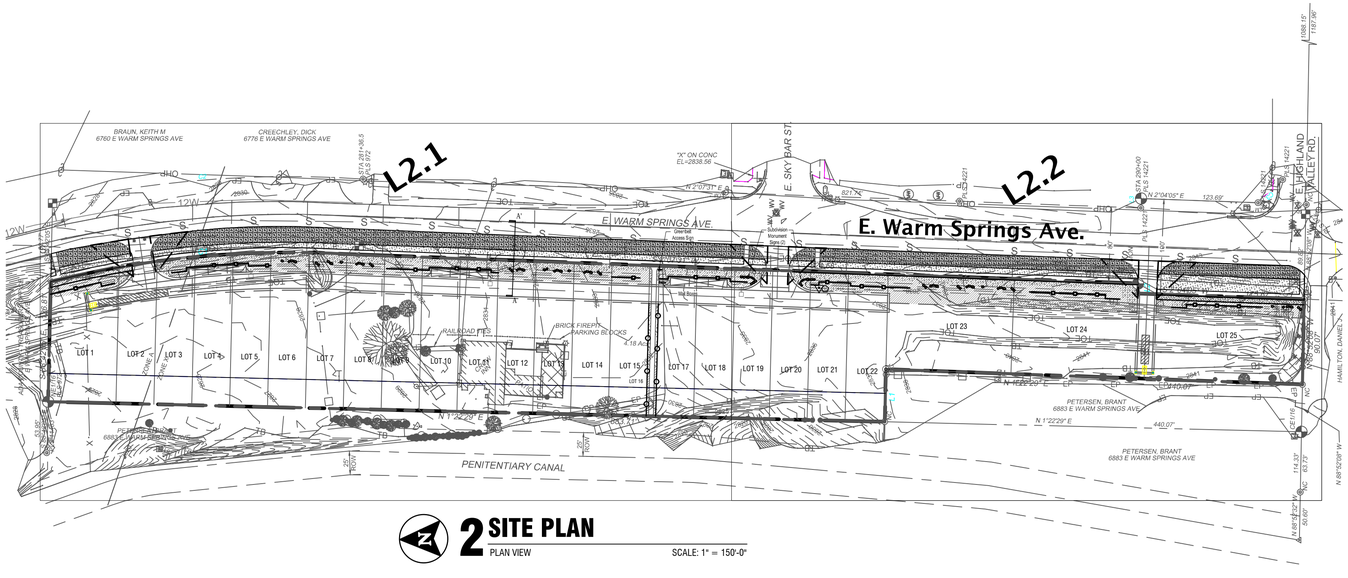
23. Irrigation Contractor to coordinate with General Contractor for all sleeves that need to be installed to allow efficient irrigation piping.

24. Irrigation controllers shall be pedestal mounted in planting beds. Controller locations shall be easily accessible, but visibly discrete.



1 Warm Springs Ave. Buffer

SECTION A - A' NOT TO SCALE



2 SITE PLAN

PLAN VIEW SCALE: 1" = 150'-0"

MASTER PLANTING SCHEDULE

Key	Common Name	Botanical Name	Mature Size (HxW)	Min. Planting Size*	Water zone (0-4)	Class Height	Quant. L2.1	Quant. L2.2	Quantity totals
	PACIFIC SUNSET MAPLE or AUTUMN BLAZE MAPLE	Acer truncatum x platanoides 'Warrenred' or Acer fremanii 'Jeffersred'	60'x40'	2" cal.	3-4	II	9	4	13
	SKYLINE HONEYLOCUST	Gleditsia triacanthos inermis 'Skyline'	45'x35'	2" cal.	1	II	8	6	14
	AMUR MAPLE	Acer ginnala	20'x25'	2" cal.	1	I	4	2	6
	ROBINHILL SERVICEBERRY or CANADA RED CHOKECHERRY	Amelanchier x grandiflora 'Robinhill' or Prunus virginiana 'Canada Red'	25'x15'	9'-10' ht (clump)	3-4	I	2	2	4
	VANDERWOLF PINE	Pinus flexilis 'Vanderwolf's Pyramid'	30'x15'	6'-7' ht.	1	EVERGREEN	8	8	16
	KARL FUCHS HIMALAYAN CEDAR	Cedrus deodara 'Karl Fuchs'	20'x8'	6'-7' ht.	2	EVERGREEN	8	8	16
	DARTS GOLD NINEBARK or SASKATOON SERVICEBERRY	Physocarpus opulifolius 'Darts Gold' or Amelanchier alnifolia	6'x6'	5 gal	1	SHRUB	4	8	12
	BAILEYS REDOSIER DOGWOOD	Cornus sericea 'Baileys'	7'x7'	5 gal	2	SHRUB	15	16	31
	RUSSIAN SAGE	Perovskia atriplicifolia	5'x5'	2-3 gal.	1	SHRUB	28	31	59
	SLOWMOUND DWARF MUGO PINE	Pinus mugo 'Slowmound'	2'x3'	2-3 gal.	1	E. SHRUB	19	13	32
	GROW LOW SUMAC	Rhus aromatica	3'x6'	2-3 gal.	0	SHRUB	25	19	44
	VIRGINIA CREEPER	Parthenocissus quinquefolia	12'x5'	2-3 gal.	3	VINE	40	16	56
	KARL FOERSTER FEATHER REED GRASS	Calamagrostis acutiflora 'Karl Foerster'	5'x2'	1 gal	3	GRASS	52	26	78
	HIDCOTE SUPERIOR LAVENDER	Lavandula angustifolia 'Hidcote Superior'	2'x2'	1 gal	1	PERENNIAL	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.		
	FIRECRACKER PENSTEMON	Penstemon eatonii	3'x2'	1 gal	0-1	PERENNIAL	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.		
	BLACK EYED SUSAN	Rudbeckia hirta	1.5'x1'	1 gal	2	PERENNIAL	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.		
	BLUE FLAX	Linium lewisii	1.5'x1.5'	1 gal	2	PERENNIAL	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.		
	HARDY ICE PLANT	Delosperma cooperii	2"x18"	1 gal	2	PERENNIAL	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.		
	LITTLE BUNNY FOUNTAIN GRASS	Pennisetum alopecuroides 'Little Bunny'	3'x2'	1 gal	0	GRASS	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.		

NOTES
1. SEE GENERAL NOTES (THIS PAGE). ALSO SEE PAGE L3 FOR PLANTING DETAILS
2. WATER ZONES SHOWN IN THE MINIMUM NUMBER OF IRRIGATION APPLICATIONS PER MONTH REQUIRED FOR HEALTHY GROWTH (SEE BOISE PARKS AND RECS WATER CONSERVATION GUIDELINES and SALT LAKE CITY HYDROZONE SCHDL. 2013)
3. FINAL LOCATION AND QUANTITY OF PERENNIALS TO BE DETERMINED IN CONSTRUCTION PLANS. TOTAL PLANT COVERAGE IN PLANTER BEDS TO BE MINIMUM 60% WITHIN 3 YEARS.

LANDSCAPE MATERIAL SCHEDULE

Key	Material	Description	Notes/Remarks
	Gravel Shoulder	Road Mix	ACHD Right-of-Way
	Planter Beds	Medium Shredded Bark Mulch and plants per planting plan	2.5 " to 3" deep medium shredded bark mulch throughout. All plants drip irrigated.
	Clear Vision Triangle	Triangle formed 40' along curb lines	See plans
	Micro Path - 5'	5' asphalt path with min. 5' landscape buffers each side	Per plans. See Engineer's plans for paving details and specifications.
	Privacy Fence - 6'	Wood 6', Stained brown color	Per detail L3.2 Perimeter fencing as shown on plans
	Privacy Fence - 4'	Wood 4', Stained brown color	Per detail L3.2 Perimeter fencing as shown on plans
	Irrigation Main and Drain	City Water Source	Main valve and drain with Double-Check Backflow Prevention Value, per codes
	Irrigation Controller	Hunter I-Core	See L3.7 Pedestal Mount , lockable metal exterior box. Locate at convenient, but discrete, serviceable locations.
	Boulders	1/2 to 2 ton basalt	Bury into slope and toe at least 4"-6"
+1	Contours	1 ft Contour interval. Berms and swales	Slopes not to exceed 3:1. Gentle transitions to Engineer's proposed grading.

TABLE OF CONTENTS

SHEET NO.	SHEET NAME
L1	LANDSCAPE COVER SHEET
L2.1	LANDSCAPE PLANTING PLAN
L2.2	LANDSCAPE PLANTING PLAN
L3	LANDSCAPE DETAILS

LANDSCAPE CALCULATIONS

Street Buffers: Warm Springs Avenue 1,330 l.f., 20' min width (3' berm; intermittent 4' privacy fence; (32) evergreen trees; (27) canopy trees; (10) ornamental trees and shrubs. 60% coverage min.)

DEVELOPER/APPLICANT
DEVCO, LLC
Contact: Jim Conger
4824 W Fairview Ave.
BOISE, ID 83702
(208) 336-8181

LANDSCAPE ARCHITECT
T-O ENGINEERS
SHON PARKS
2471 TITANIUM PL., MERIDIAN, ID 83642
(208) 323-2288

ENGINEER
ROCK SOLID CIVIL, LLC
Contact: Randy Carpenter
270 n. 27th St., suite 100
Boise, ID 83702
(208) 342-3277

STATE OF IDAHO — SHON PATRICK PARKS — 15784 — LANDSCAPE ARCHITECT

E-FILE NAME: 160030-LSCP
DESIGNED: S. PARKS
DRAWN: S. PARKS
CHECKED: -
APPROVED: S. PARKS

REVISIONS

NO.		DATE
1	New site plan with 30ft defensible zone and 20ft LS buffer	03/14/2016
2	Change sidewlak locations	03/29/2016

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
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PRELIMINARY PLAT LANDSCAPE PLAN

BCI SUBDIVISION

COVER SHEET

DATE: MARCH 2016
PROJECT: 160030

SHEET L1 OF 4

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PLANTING SCHEDULE

Key	Common Name	Botanical Name	Min. Planting Size*	Quant. L2.1
	PACIFIC SUNSET MAPLE or AUTUMN BLAZE MAPLE	Acer truncatum x platanoides 'Warrenred' or Acer fremanii 'Jeffersred'	2" cal.	9
	SKYLINE HONEYLOCUST	Gleditsia triacanthos innermis 'Skyline'	2" cal.	8
	AMUR MAPLE	Acer ginnala	2" cal.	4
	ROBINHILL SERVICEBERRY or CANADA RED CHOKECHERRY	Amelanchier x grandiflora 'Robinhill' or Prunus virginiana 'Canada Red'	9'-10' ht (clump)	2
	VANDERWOLF PINE	Pinus flexilis 'Vanderwolf's Pyramid'	6'-7' ht.	8
	KARL FUCHS HIMALAYAN CEDAR	Cedrus deodara 'Karl Fuchs'	6'-7' ht.	8
	DARTS GOLD NINEBARK or SASKATOON SERVICEBERRY	Physocarpus opulifolius 'Darts Gold' or Amelanchier alnifolia	5 gal	4
	BAILEYS REDOSIER DOGWOOD	Cornus sericea 'Baileys'	5 gal	15
	RUSSIAN SAGE	Perovskia atriplicifolia	2-3 gal.	28
	DWARF MUGO PINE	Pinus mugo 'Slowmound'	2-3 gal.	19
	GROW LOW SUMAC	Rhus aromatica	2-3 gal.	25
	VIRGINIA CREEPER	Parthenocissus quinquefolia	2-3 gal.	40
	KARL FOERSTER FEATHER REED GRASS	Calamagrostis acutiflora 'Karl Foerster'	1 gal	52
	HIDCOTE SUPERIOR LAVENDER	Lavandula angustifolia 'Hidcote Superior'	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	FIRECRACKER PENSTEMON	Pensternon eatonii	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	BLACK EYED SUSAN	Rudbeckia hirta	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	BLUE FLAX	Linium lewisii	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	HARDY ICE PLANT	Delosperma cooperii	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	LITTLE BUNNY FOUNTAIN GRASS	Pennisetum alopecuroides 'Little Bunny'	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.

NOTES
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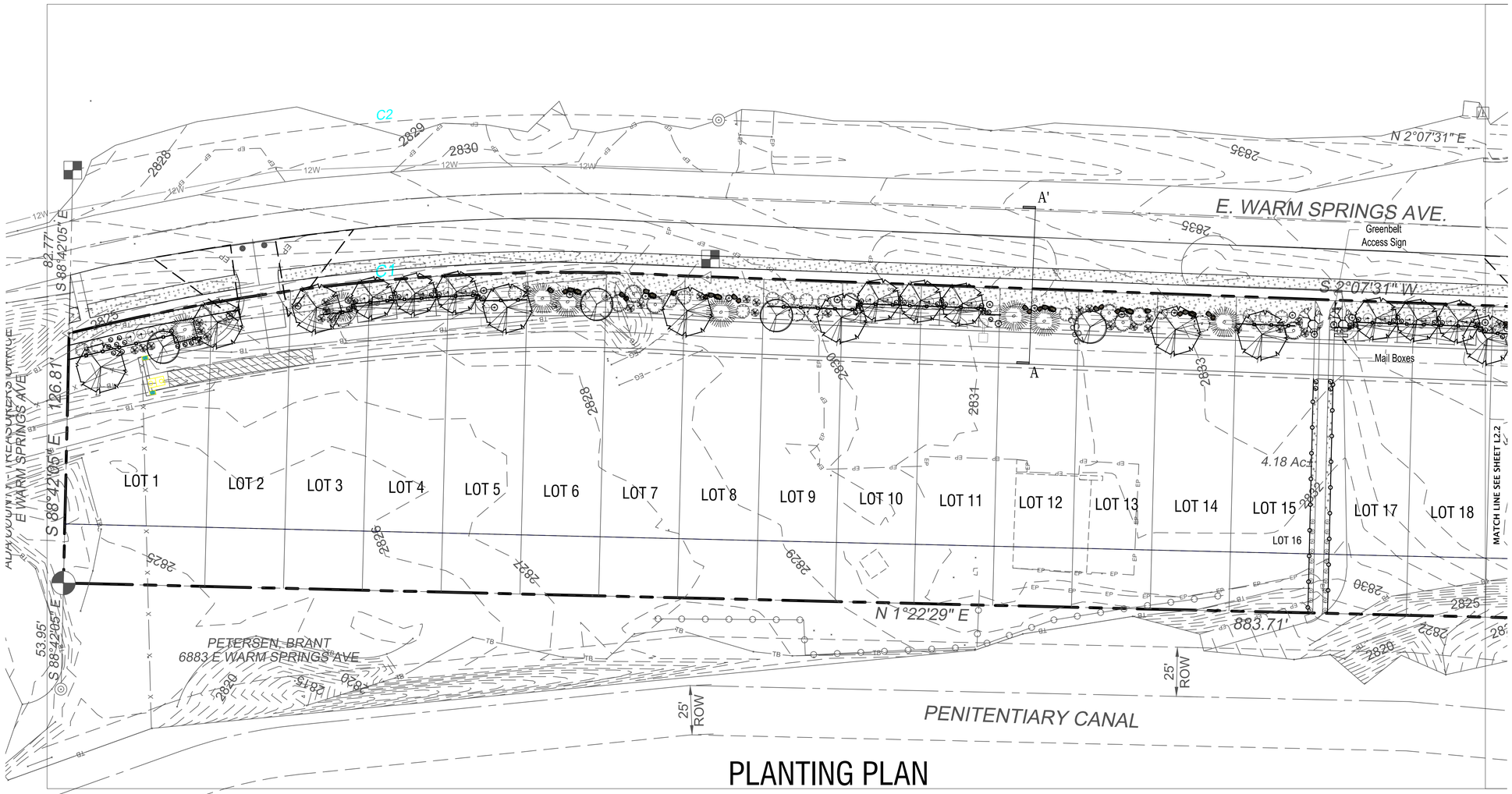
4. PLANTS SHOWN AT NEAR MATURE SIZE.



PLANTING PLAN

0 15 30 60 90
SCALE: 1" = 30'

REVISIONS

NO.		DATE
1	New site plan with 30ft defensible zone and 20ft LS buffer	03/14/2016
2	Change sidewalk locations	02/29/2016

E-FILE NAME: 160030-LSCP
DESIGNED: S. PARKS
DRAWN: S. PARKS
CHECKED: -
APPROVED: S. PARKS

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STATE OF IDAHO
PATRICK R. SHON
LA - 16756
LANDSCAPE ARCHITECT

PRELIMINARY PLAT LANDSCAPE PLAN

BCI SUBDIVISION

PLANTING PLAN

DATE: MARCH 2016
PROJECT: 160030

SHEET L2.1 OF 4

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PLANTING SCHEDULE

Key	Common Name	Botanical Name	Min. Planting Size*	Quant. L2.2
	PACIFIC SUNSET MAPLE or AUTUMN BLAZE MAPLE	Acer truncatum x platanoides 'Warrenred' or Acer fremanii 'Jeffersred'	2" cal.	4
	SKYLINE HONEYLOCUST	Gleditsia triacanthos innermis 'Skyline'	2" cal.	6
	AMUR MAPLE	Acer ginnala	2" cal.	2
	ROBINHILL SERVICEBERRY or CANADA RED CHOKECHERRY	Amelanchier x grandiflora 'Robinhill' or Prunus virginiana 'Canada Red'	9'-10' ht (clump)	2
	VANDERWOLF PINE	Pinus flexilis 'Vanderwolf's Pyramid'	6'-7' ht.	8
	KARL FUCHS HIMALAYAN CEDAR	Cedrus deodara 'Karl Fuchs'	6'-7' ht.	8
	DARTS GOLD NINEBARK or SASKATOON SERVICEBERRY	Physocarpus opulifolius 'Darts Gold' or Amelanchier alnifolia	5 gal	8
	BAILEYS REDOSIER DOGWOOD	Cornus sericea 'Baileys'	5 gal	16
	RUSSIAN SAGE	Perovskia atriplicifolia	2-3 gal.	31
	DWARF MUGO PINE	Pinus mugo 'Slowmound'	2-3 gal.	13
	GROW LOW SUMAC	Rhus aromatica	2-3 gal.	19
	VIRGINIA CREEPER	Parthenocissus quinquefolia	2-3 gal.	16
	KARL FOERSTER FEATHER REED GRASS	Calamagrostis acutiflora 'Karl Foerster'	1 gal	26
	HIDCOTE SUPERIOR LAVENDER	Lavandula angustifolia 'Hidcote Superior'	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	FIRECRACKER PENSTEMON	Pensternon eatonii	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	BLACK EYED SUSAN	Rudbeckia hirta	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	BLUE FLAX	Linium lewisii	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	HARDY ICE PLANT	Delosperma cooperii	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.
	LITTLE BUNNY FOUNTAIN GRASS	Pennisetum alopecuroides 'Little Bunny'	1 gal	Perennial Beds Mix. Final location and quantity to be determined in construction plans. See Note 3.

NOTES
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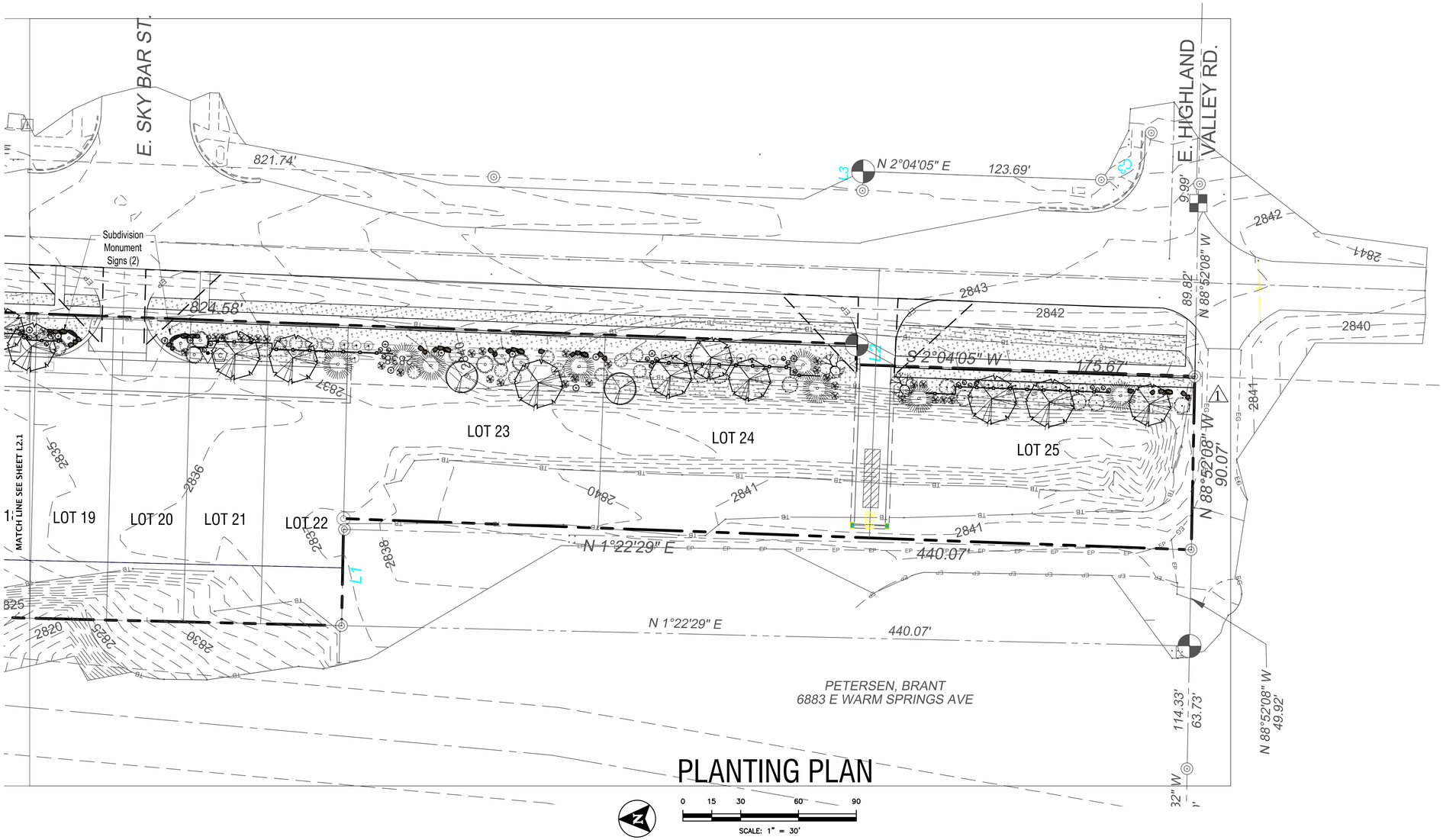

PLANTING PLAN

0 15 30 60 90
SCALE: 1" = 30'

REVISIONS

NO.		DATE
1	New site plan with 30ft defensible zone and 20ft LS buffer	03/14/2016
2	Change sidewalk locations	03/30/2016

E-FILE NAME 160030-LSCP
DESIGNED S. PARKS
DRAWN S. PARKS
CHECKED S. PARKS
APPROVED S. PARKS

STATE OF IDAHO · PATRICK B. PARKS · 16756 · LANDSCAPE ARCHITECT

T-O ENGINEERS
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PRELIMINARY PLAT LANDSCAPE PLAN
BCI SUBDIVISION
PLANTING PLAN

DATE: MARCH 2016
PROJECT: 160030

SHEET L2.2 OF 4

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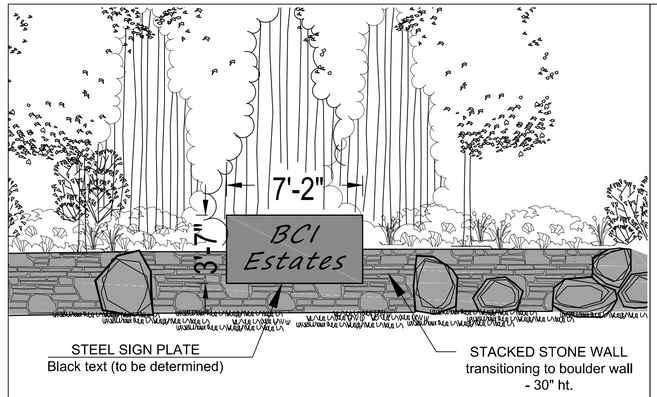
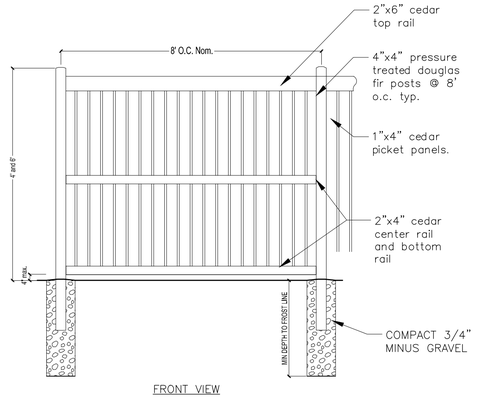


1 SUBDIVISION MONUMENT SIGN

N.T.S.

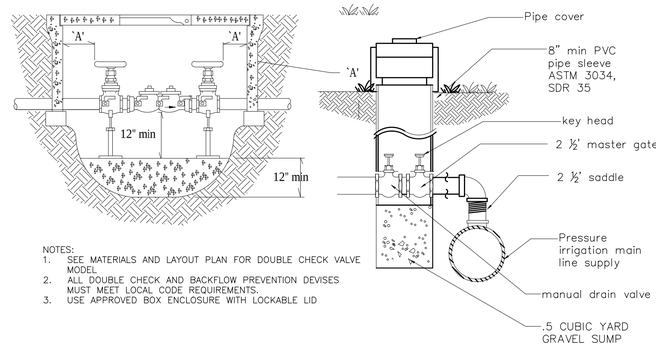
NOTES:
1. FENCE SHALL BE STAINED TAHOE BROWN COLOR WITH 2 YEAR WARRANTEE AGAINST FADING.
2. FENCING PLACED ON SLOPES SHALL BE RAKED WITH LONG CONSISTENT SLOPING RAILS AND PLUMB PICKETS.
3. SPACE BETWEEN THE FENCE AND THE FINISH GRADE SHALL NOT EXCEED 4".
4. ALL FOOTINGS SHALL DRAIN AWAY FROM POST.
2 DO NOT SCALE DRAWING.



FRONT VIEW

2 PRIVACY FENCE 6' and 4'

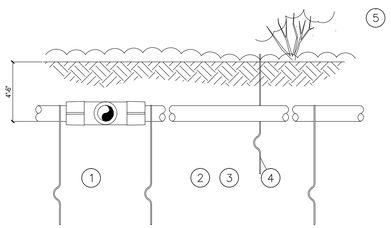
N.T.S.



NOTES:
1. SEE MATERIALS AND LAYOUT PLAN FOR DOUBLE CHECK VALVE MODEL
2. ALL DOUBLE CHECK AND BACKFLOW PREVENTION DEVISES MUST MEET LOCAL CODE REQUIREMENTS.
3. USE APPROVED BOX ENCLOSURE WITH LOCKABLE LID

3 MASTER GATE VALVE, MANUAL DRAIN VALVE AND DOUBLE CHECK VALUE

N.T.S.

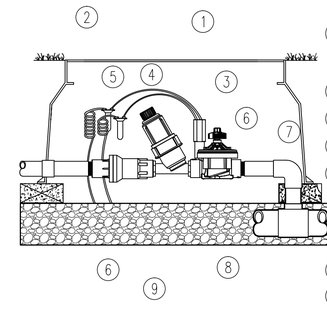


1. EASY FIT COMPRESSION TEE: RAIN BIRD MDCFTEE
2. NETAFEM POLYLINE:
3. TORO DRIP EMITTER
4. TIE DOWN STAKE (TYPICAL)
5. TURF/FINISH GRADE OR SHRUB BED WITH MULCH

NOTES:
1. PLACE TIE DOWN STAKES EVERY THREE FEET IN SAND, FOUR FEET IN LOAM, AND FIVE FEET IN CLAY.
2. AT FITTINGS WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TEES OR ELBOWS, USE TIE-DOWN STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.
3. INSERTION PLOW AND TRENCHED INSTALLATIONS DO NOT REQUIRE TIE DOWN STAKES.

4 DRIP IRRIGATION LINE INSTALLATION

N.T.S.



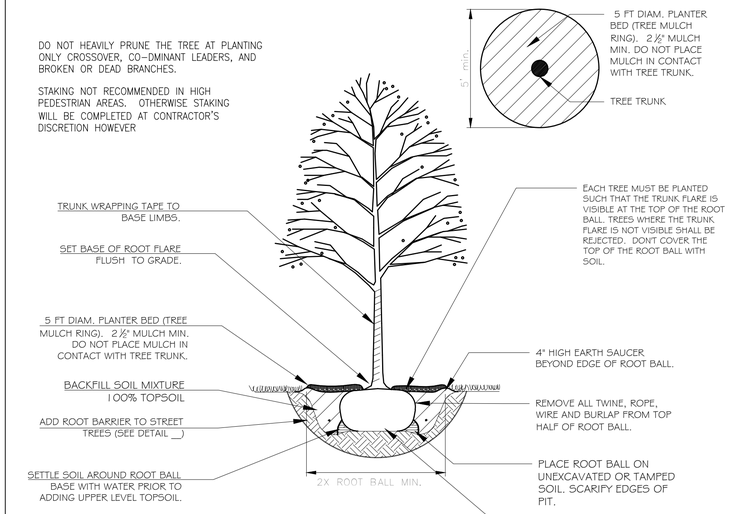
1. JUMBO VALVE BOX
2. FINISH GRADE
3. DRIP ZONE KIT MODEL ICZ-101-XX WITH FILTER (TIP 45 DEGREES) REGULATOR 25 OR 40 PSI
4. WATERPROOF CONNECTORS (2)
5. 18-24" COILED WIRE
6. SCH 80 T.O.E. NIPPLE
7. MAIN LINE PIPE & FITTINGS
8. BRICK SUPPORTS (4)
9. 3/4" MINUS WASHED GRAVEL

5 DRIP SYSTEM CONTROL VALVE

N.T.S.

DO NOT HEAVILY PRUNE THE TREE AT PLANTING ONLY CROSSOVER, CO-DMINANT LEADERS, AND BROKEN OR DEAD BRANCHES.

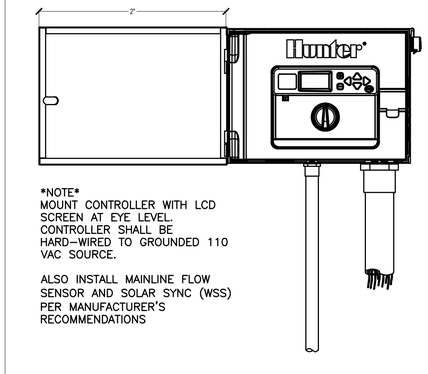
STAKING NOT RECOMMENDED IN HIGH PEDESTRIAN AREAS. OTHERWISE STAKING WILL BE COMPLETED AT CONTRACTOR'S DISCRETION HOWEVER



NOTES:
1. DO NOT DISTURB ROOT OR DAMAGE ROOT BALL WHEN INSTALLING TREE OR TREE STAKES
2. TREE STAKING SHALL BE AT THE DISCRETION OF CONTRACTOR HOWEVER ANY TREES DISTURBED FROM PLUMB CONDITION DURING THE PLANT WARRANTEE PERIOD WILL BE REPAIRED OR REPLACED AT CONTRACTOR'S EXPENSE
3. WATER PLANTS THOROUGHLY WITHIN 4 HOURS AFTER INSTALLATION
4. TOPSOIL SPECIFICATION – SEE NOTES
5. ADD ROOT BARRIER TO STREET TREES PER PLANS AND SPECIFICATIONS

6 TREE PLANTING DETAIL

N.T.S.

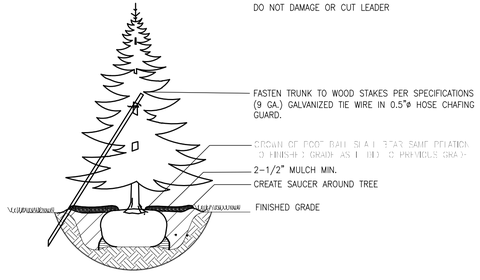


NOTE
MOUNT CONTROLLER WITH LCD SCREEN AT EYE LEVEL. CONTROLLER SHALL BE HARD-WIRED TO GROUNDED 110 VAC SOURCE.

ALSO INSTALL MAINLINE FLOW SENSOR AND SOLAR SYNC (WSS) PER MANUFACTURER'S RECOMMENDATIONS

7 IRRIGATION CONTROLLER INSTALLATION

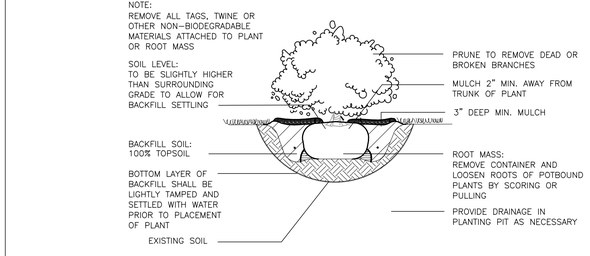
N.T.S.



NOTES:
1. DO NOT DISTURB ROOT OR DAMAGE ROOT BALL WHEN INSTALLING TREE OR TREE STAKES. CUR AND REMOVE TOP ⅓ OF BURLAP FROM BALL.
2. TREE STAKING SHALL BE AT THE DISCRETION OF CONTRACTOR HOWEVER ANY TREES DISTURBED FROM PLUMB CONDITION DURING THE PLANT WARRANTEE PERIOD WILL BE REPAIRED OR REPLACED AT CONTRACTOR'S EXPENSE.
3. WATER PLANTS THOROUGHLY WITHIN 4 HOURS AFTER INSTALLATION.
4. TOPSOIL SPECIFICATION – SEE NOTES.
5. PLANT PIT SHALL BE 2X ROOT BALL WIDTH AND SCARIFIED.
6. REMOVE ALL TWINE AND TOP HALF OF BURLAP AFTER PLANTING

8 EVERGREEN TREE PLANTING DETAIL

N.T.S.



9 SHRUB PLANTING DETAIL

N.T.S.

STATE OF IDAHO
SHON PATRICK BROWN
LA - 16756
REGISTERED LANDSCAPE ARCHITECT

E-FILE NAME: 160030-LSCP
DESIGNED: S. PARKS
DRAWN: S. PARKS
CHECKED: S. PARKS
APPROVED: S. PARKS

REVISIONS

NO.	DATE	
1	30/14/2016	New site plan with 20' defensible zone
2	02/29/2016	Change sidewalk locations

T-O ENGINEERS
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PRELIMINARY PLAT LANDSCAPE PLAN

BCI SUBDIVISION

LANDSCAPE DETAILS

DATE: MARCH 2016
PROJECT: 160030

SHEET L3 OF 4

H:\160030\3_ACAD\DWG\MODEL\160030-LSCP-160329.DWG 3/31/2016

BROOKFIELD

FRONT ELEVATION

SIDE ELEVATION
FROM WARMSPRINGS

LEADVILLE

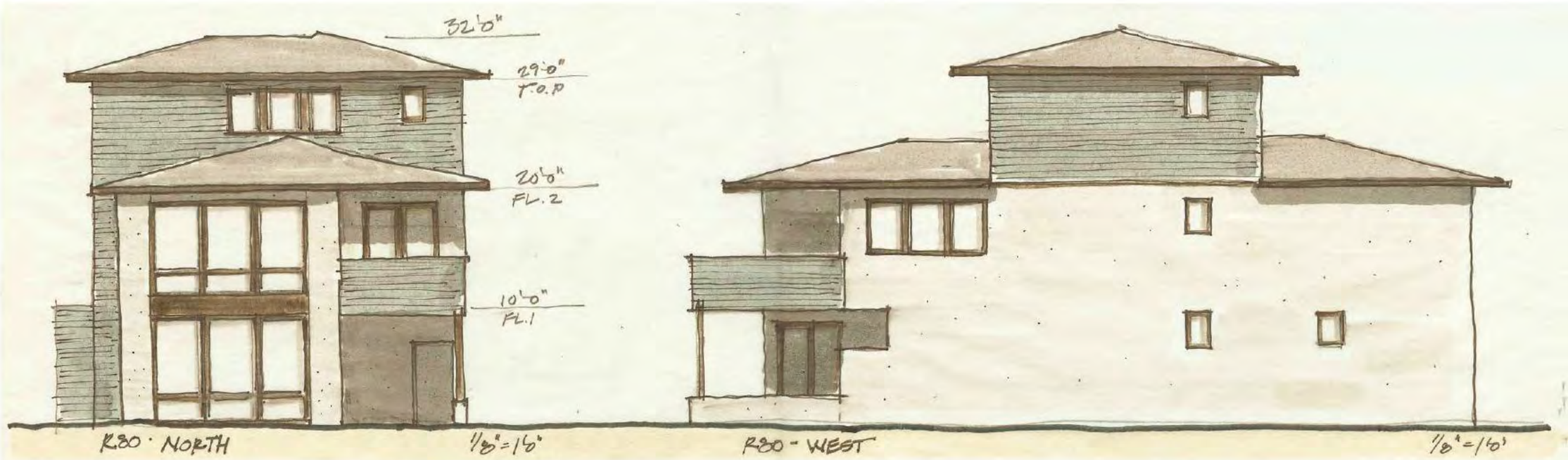
FRONT ELEVATION

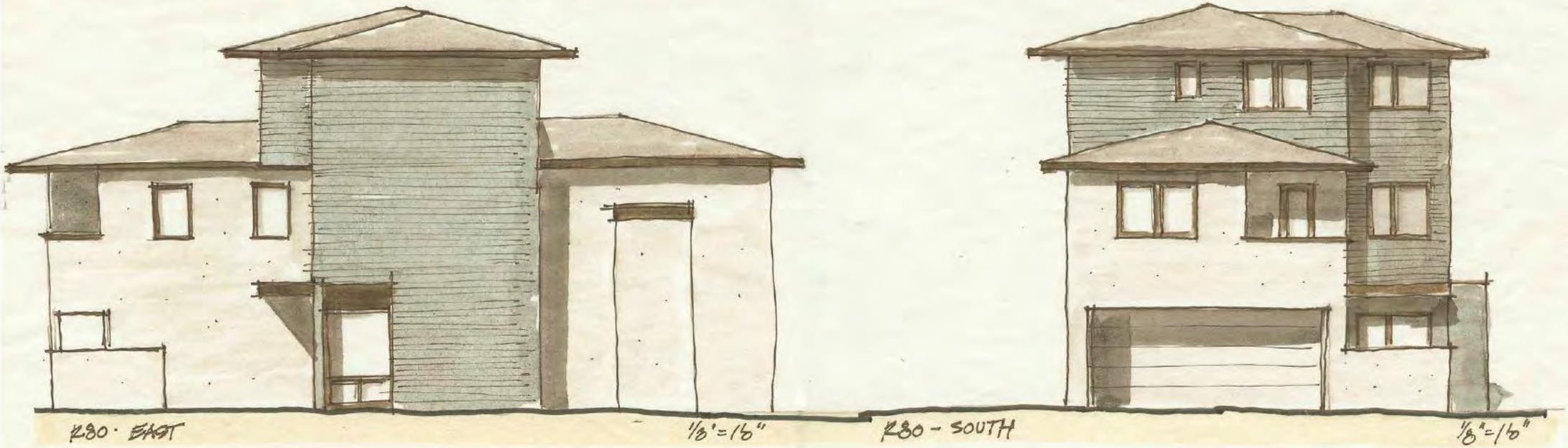
SIDE ELEVATION
FROM WARMSPRINGS

ANTHEM

FRONT ELEVATION

SIDE ELEVATION
FROM WARMSPRINGS





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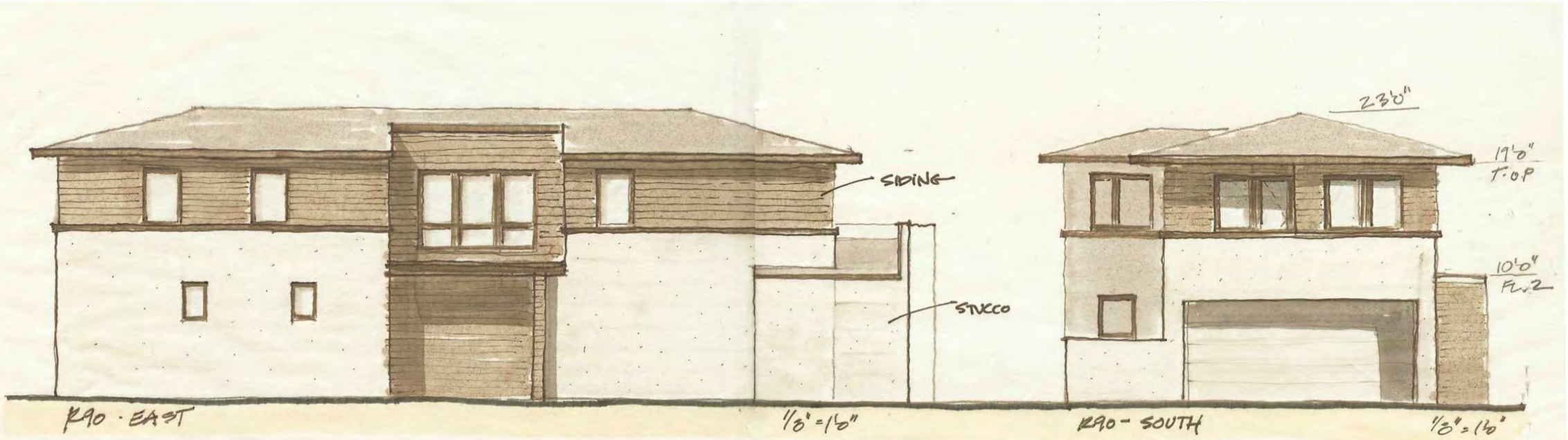

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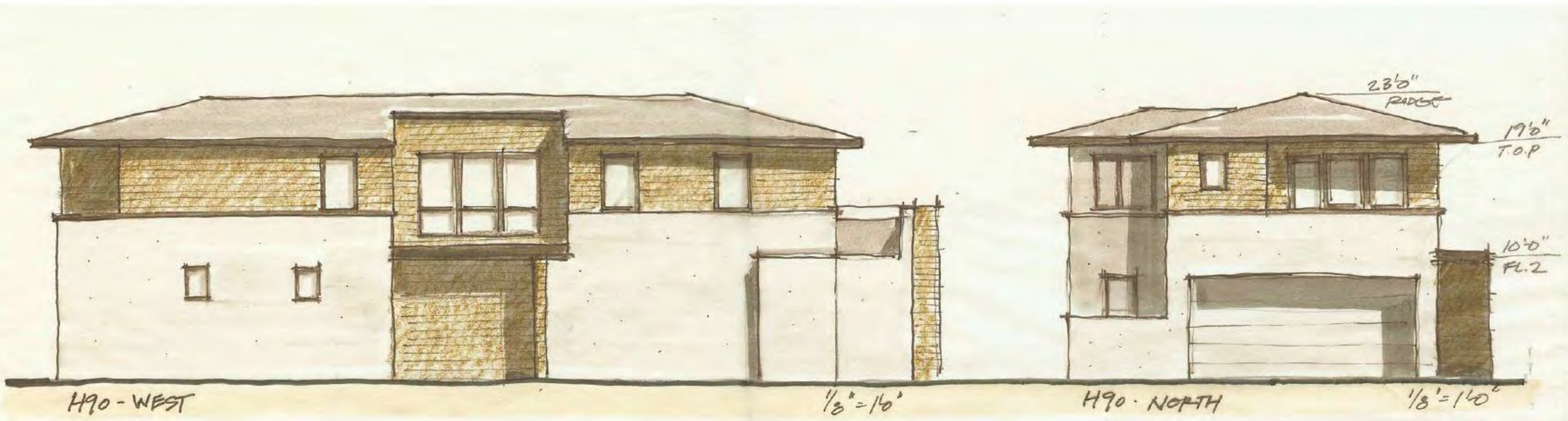

PLATFORM
ARCHITECTURE.DESIGN

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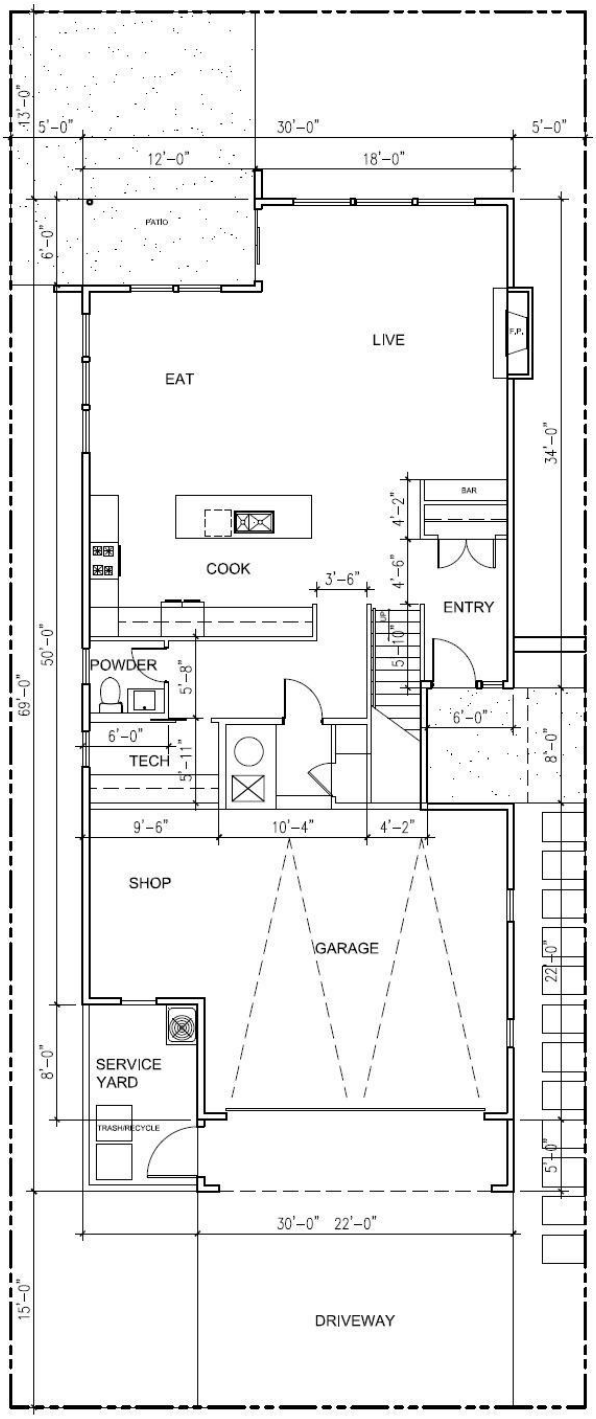
5728
5734



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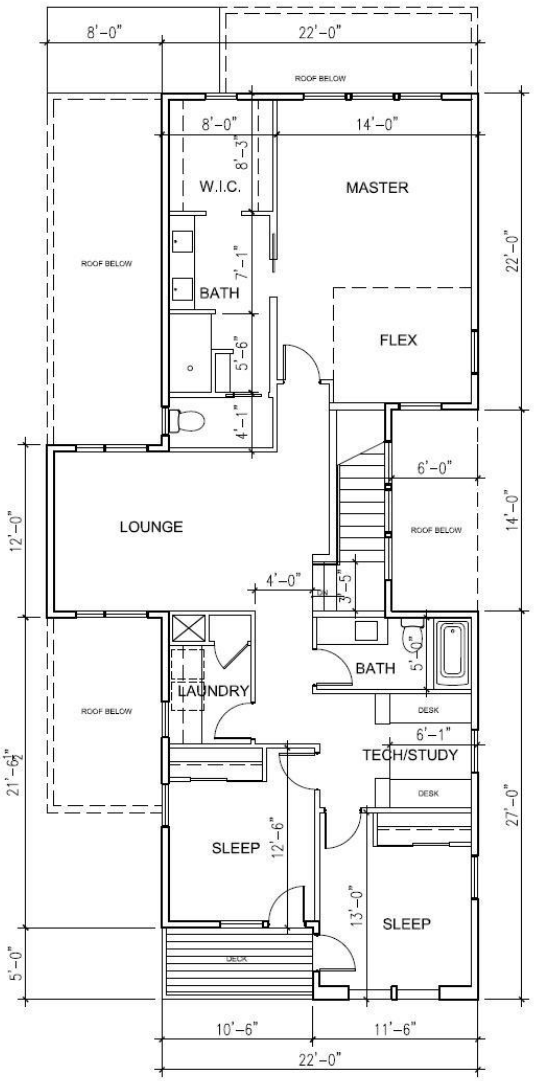
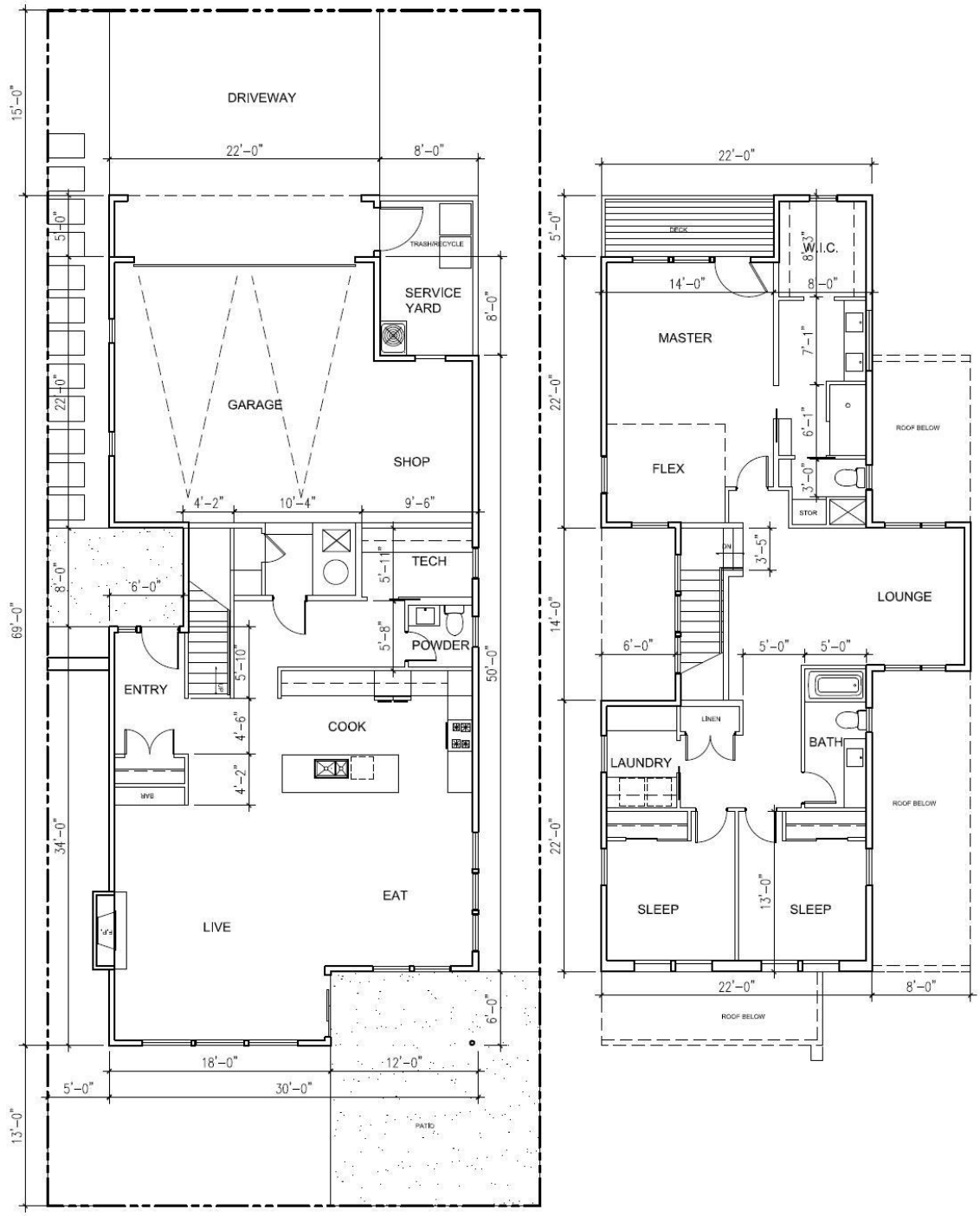


SECOND FLOOR

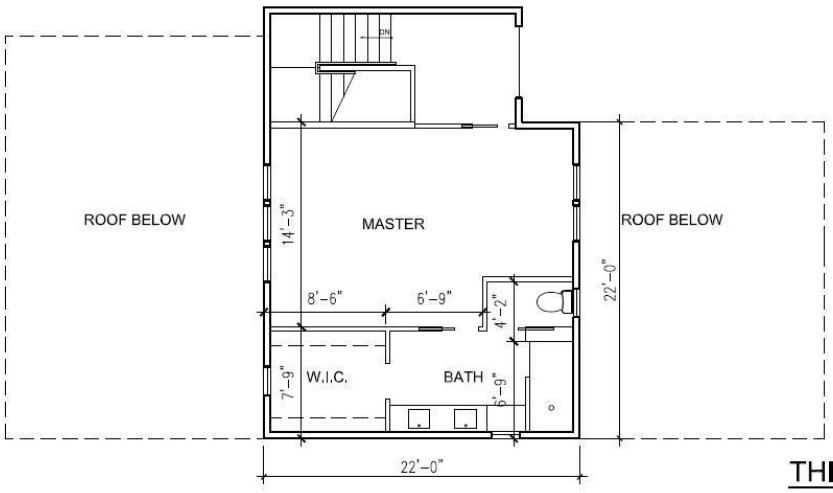
PLATFORM ARCHITECTURE.DESIGN	BOISE, IDAHO SHEET TITLE: FLOOR PLAN CONCEPTS SCALE: 1/8"=1'-0" DATE: 22 FEB 2012	R90 1ST FLR: 1100 2ND FLR: 1195 TOTAL: 2295 GARAGE/SHOP: 635



FIRST FLOOR

SECOND FLOOR

PLATFORM ARCHITECTURE.DESIGN	BOISE, IDAHO SHEET TITLE: FLOOR PLAN CONCEPTS SCALE: 1/8"=1'-0" DATE: 22 FEB 2012	H90 1ST FLR: 1100 2ND FLR: 1170 TOTAL: 2270 GARAGE: 635



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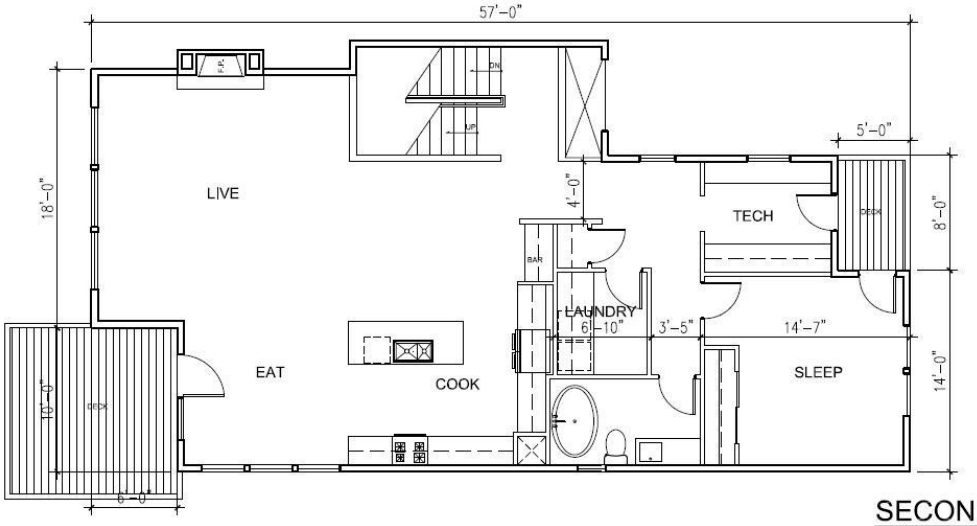
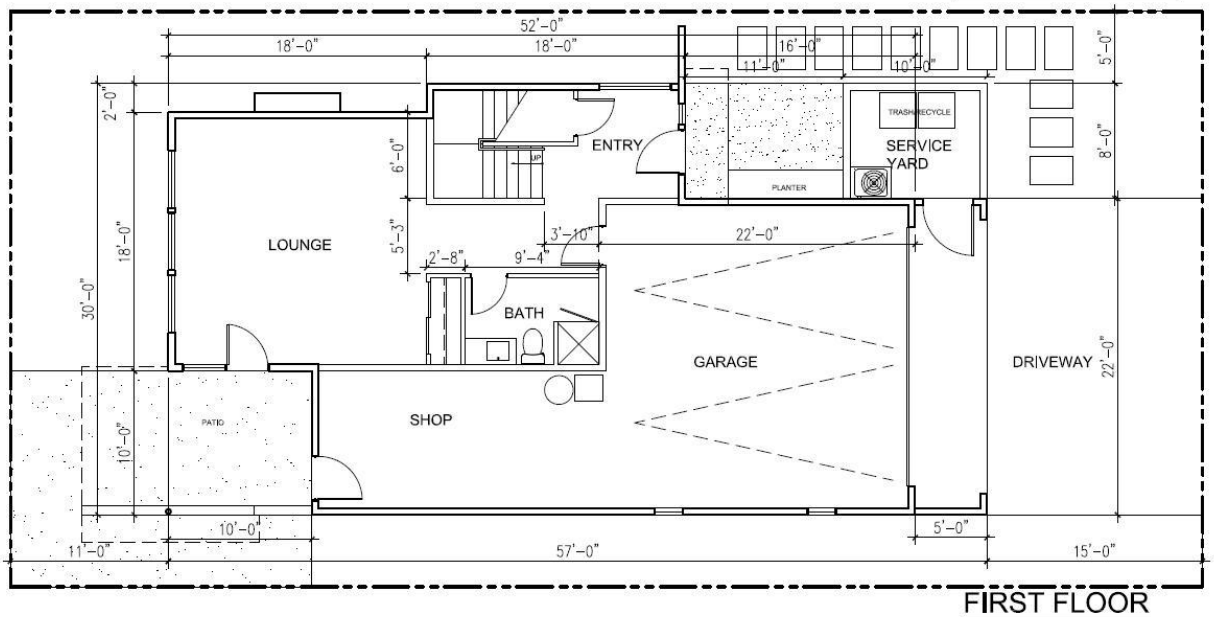


SECOND FLOOR



FIRST FLOOR

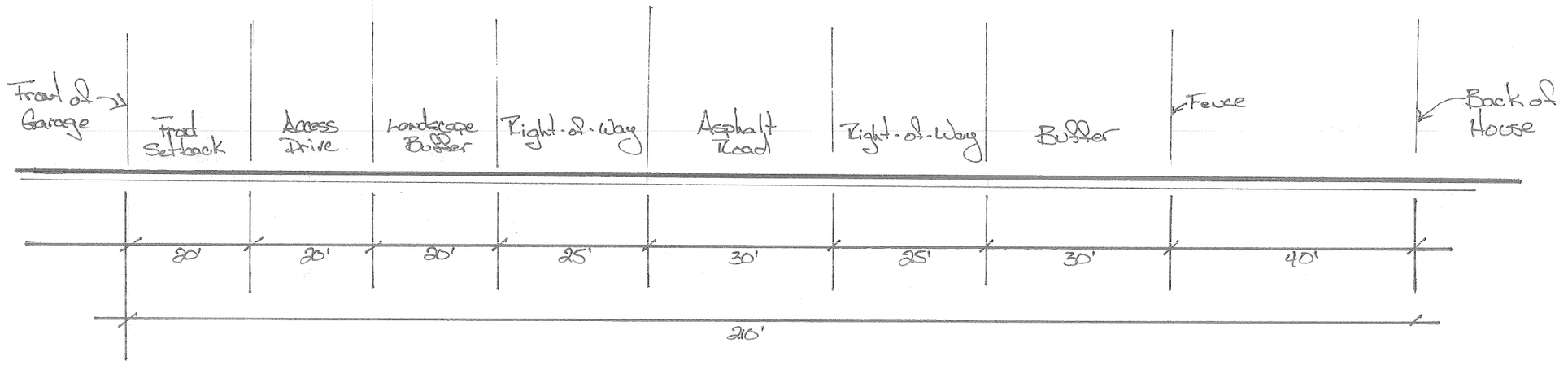
PLATFORM ARCHITECTURE.DESIGN	BOISE, IDAHO SHEET TITLE: FLOOR PLAN CONCEPTS SCALE: 1/8"=1'-0" DATE: 22 FEB 2012	R80 1ST FLR: 605 2ND FLR: 1190 3RD FLR: 450 TOTAL: 2245 GARAGE/SHOP: 690

DEVCO LLC

REAL ESTATE DEVELOPMENT

Ben's Crow Inn Neighborhood

Street Cross Section Exhibit



1" = 20'

4824 W. Fairview Ave
Boise , Idaho 83706

DEVCO LLC
REAL ESTATE DEVELOPMENT

Ben's Crow Inn Subdivision
Site Photos

Ben's Crow Inn

North of the Property Looking South

4824 W. Fairview Ave. • Boise, Idaho • 83706
208.336.5355

Southern Portion of the Property Looking South

Property Looking Northwest

Eastvalley Subdivision

Garage adjacent to south property boundary

Commercial property, east side Warm Springs

Commercial Property
Boat yard east side Warm Springs

Residence to north on 5.75 acres

Greenbelt pathway

Bridge over canal easement

Ben's crow inn
Fresh Seafood, Burgers
Fries, Beverages Patio
Restrooms, Phone

Ben's Crow Inn Neighborhood – Narrative

BCI Neighborhood is located at 3644 E. Warm Springs Avenue in Southeast Boise. This neighborhood will consist of 24 detached residential homes that will be located on the former Ben's Crow Inn location. Ben and Connie have worked this business through its ups and downs for over 40 years and have earned the right to retire and travel. This business was for sale since October 2015 with several restaurant owners analyzing the feasibility of the operation's location as well as the significant amount of investment needed to improve the structure and premises to current standards. Our development group started talking with Ben in January 2016 after there were no restaurant type operators interested in purchasing the property.

Barber Valley provides access to a variety of recreational amenities, including:

- The Boise River and its associated Greenbelt Path.
- Access to the foothills and its regional trails network.
- Barber Park, Marianne Williams Park, Simplot Sports Park, Warm Springs Golf Course as well as the future Alta Harris Park.
- Barber Pool Reserve, Barber Observation Point, Oregon Trail Reserve, Lucky Peak and numerous other wonderful amenities.

This development minimizes impacts to wildlife habitat, open space, and other natural resources as this location was previously developed prior to the 1960's. The established wildlife corridors from the Idaho Fish and Game's WMA are not impacted and are located to the north and south of this project. The previously approved River Heights and East Valley Developments have established the accepted wildlife corridor locations.

Tahoe Homes will be the homebuilder that will complete the residential dwellings. These high quality and well-designed homes have been proven to be a great addition to the Boise City residential options in two previous East Boise Projects. The proposed housing product was approved and built in Elevation Ridge (HI21 - adjacent to Columbia Village and Micron in 2012/2013) and in the Barber Valley at Triplett Ranch (adjacent and east of Harris Ranch in 2013/2014).

SUMMARY OF APPLICATIONS

BCI Subdivision is a twenty-four lot planned unit development on 4.2 acres located on East Warm Springs Avenue in Barber Valley. The Applicant is requesting the following approvals:

- Annexation / Zoning: From Ada County RUT (R1 & R6) to Boise City R-1B
- Subdivision
- Planned Unit Development
- Floodplain Review

Property Information

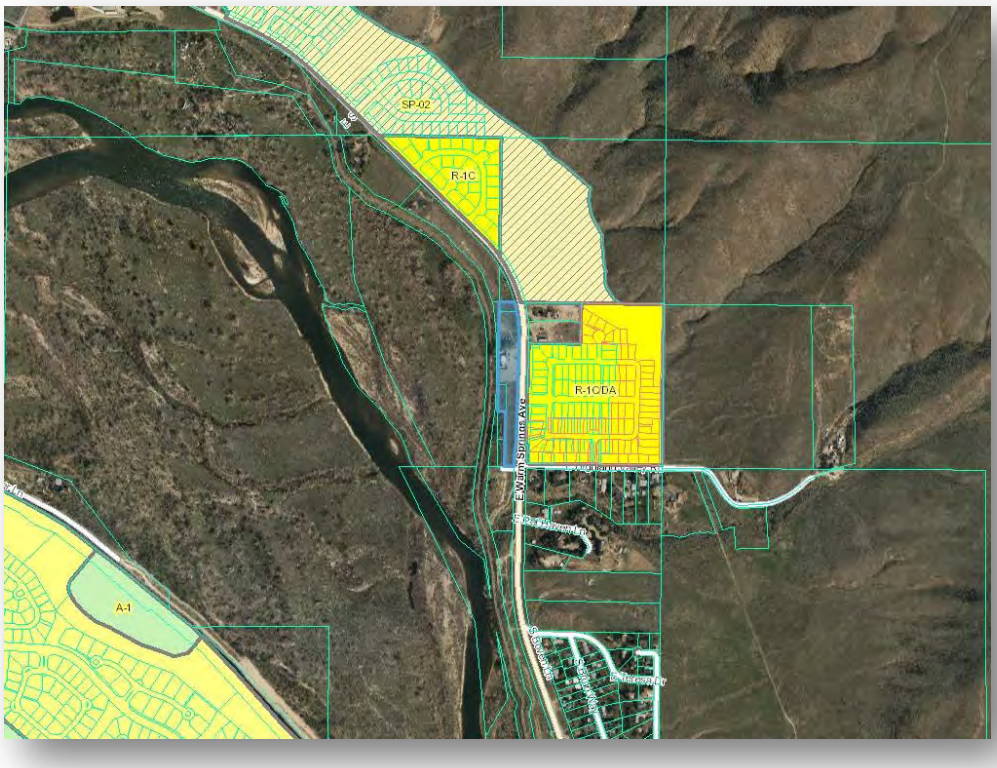
Parcel	Address	Current Zone	Proposed Zone
S0933141920	6781 E. Warm Springs Ave.	RP	R-2/R-1B
S0933141905	6751 E. Warm Springs Ave.	RP	R-2
S0933142110	6827 E. Warm Springs Ave.	RP	R-1B

Location Map

Adjacent Property Information

Area	Building Types and / or Uses:	Zone
North	-Residential -Ada County Parcel	Ada County RUT RP
South	-Residential	Ada County R6 & RP
East	-Residential: East Valley Subdivision -Commercial: Ada County	R-1C C2
West	-Open Land -Residential Land	RP R6 / RP

Zoning Map



COMPREHENSIVE PLAN

This 4.2 acre land parcel has two designations as outlined by the comprehensive plan map. The larger portion of 2.43 acres is mapped with a land use category of Commercial. The remaining 1.76 acres has a land use category of Large Lot. During our pre-application meetings with the Boise City Planning Team it was established that the project would need to be annexed and zoned R-2 and R-1B.

Commercial land use – we are using the most limiting "R" zone permitted for calculating density for this area. The R-2 zone is what was used to establish the allowable density.

- R-2: 2.43 acres @ 14.5 lots / acre = 35.2 lots allowable by Boise City planning standards

Large Lot land use – as noted above, we are using the R-1B as permitted by City of Boise Code to establish the allowable density.

- R-1B: 1.76 acres @ 4.8 lots / acre = 8.5 lots allowable by Boise City planning standards

Density Allowed per the Boise City Ordinance and the Comprehensive Plan would be 43.7 residential lots. Our submitted land plan will have 24 residential lots which is only 55% of the allowable density. We will have the PUD and Development Agreement to assure the City of Boise and the neighbors that these land parcels will be restricted a maximum of 24 residential dwellings. Please see Exhibit 1.

Continued – Comprehensive Plan

The following Goals of the Boise City Comprehensive Plan are achieved with the annexation / zone of BCI:

- Goal PDP5: Require adequate public facilities and infrastructure for all development. (Boise City has existing facilities including a 1-year old sewer lift station that is sized for growth and will provide sewer service to this site. With very few parcels remaining in this area this will assist with City Maintenance Budgets as there will be added taxpayers to contribute with funding to the operation of an existing system)
- Principle GDP-N.1: Connectivity. A continuous network of pedestrian and bicycle connections is needed through and between the city's neighborhoods. (connection added / continued to the existing greenbelt system – Note: our proposed pathway does stub to an existing pathway that is located on private property before connecting to the greenbelt system.)
- Principle GDP-N.1.a: Provide a continuous network of sidewalks, bicycle, and pedestrian paths, and roadways to connect different areas of neighborhoods. (adding sidewalk for 1,300 linear feet adjacent to Warm Springs Road.)
- Goal NAC7: Facilitate an integrated mix of housing types and price ranges in neighborhoods. (this small 4.2 acre site will have two housing types and price ranges.)
- Goal NAC7.1: Mix of Housing. Encourage a mix of housing type and densities in residential neighborhoods, particularly for projects greater than two acres. (the two goals above are being achieved by having 2 housing types with varying price ranges.)
- Goal GDP-C.5: The Comprehensive Plan encourages higher residential densities along corridors with transit service. Although, there is currently no transit service available beyond the Harris Ranch Commercial area the philosophy of increased density along the Warm Springs corridor will be a factor to create increased ridership and support for additional transit service.

Although the property is limited in size, the design is dedicated to the goal of connectivity while identifying and implementing improvements that will enhance the ease and safety of multi-modal travel in the Barber Valley. Connecting land uses within the Barber Valley and create connections to adjacent areas such as the Boise River Greenbelt and Ridge to River Trails.

ANNEXATION / ZONING

The property is currently zoned RUT (County).

This 4.2 acre parcel has two map designations as outlined in the Comprehensive Plan section on Page 4 of this document. During our pre-application meetings with the Boise City Planning Team, it was established that the project would be within Boise City Code and be well served with the blend of an R-2 and R-1B residential zoning.

Density Allowed per the Boise City Ordinance and the Comprehensive Plan would be 43.7 residential lots. The submitted land plan will have 24 residential lots which is 55% of the allowable density. *We will have the PUD and Development Agreement to assure the neighbors that these land parcels will be restricted to a maximum of 24 residential dwellings.*

SUBDIVISION APPLICATION

The BCI neighborhood will be adjacent to the existing public right-of-way of Warm Springs and will be adding the sidewalk improvement as required by the Ada County Highway District and City of Boise. Sanitary Sewer service is being provided by the City of Boise. Boise City has existing sewer facilities installed in Warm Springs roadway including a 1-year old sewer lift station that is sized for growth and will provide sewer service to this site. United Water will be providing domestic water service to these homeowners from an existing main line in Warm Springs Road. This neighborhood design complies with the requirements of the Boise City Comprehensive Plan, Boise City Subdivision Ordinance and as approved with the Planned Unit Development application.

PLANNED UNIT DEVELOPMENT

We are proposing this Planned Unit Development which consists of 24 residential lots on 4.2 acres of land. The comprehensive plan identifies this land as Commercial and Large Lot which allows for the requested R-2 and R-1B Zoning.

DENSITY: The R-2 zoning allows for 14.5 units per acre, the R-1B zoning allows for 4.8 units, per acre per and at 4.2 acres, the maximum density allowed is 43.69 potential units. BCI has proposed to lock the density at 24 residential home sites and that approval would run with the land.

PRODUCT / LOT SIZES: DevCo and Conger Management Group have teamed with Tahoe Homes to evaluate the area, market conditions, schools, services and nearby recreation to establish the housing product and associated site plan. To satisfy the comprehensive plan as well as adhere with our research results, we have provided a site plan that is single family detached residential. The housing renderings are designed by Tahoe Homes and are representative of what we anticipate to be constructed in BCI and it important to note again that this housing product has already been approved and successfully constructed in Elevation Ridge (HI21 - adjacent to Columbia Village and Micron) and in the Barber Valley at Triplett Ranch (adjacent and east of Harris Ranch).

RESIDENTIAL DESIGN: All of the units in the BCI neighborhood are single-family detached homes. There are two lot types within the BCI neighborhood land plan:

- Type 1 – 40 feet in width. These are lots 1 through 15 and 17 through 22 and sizes vary from 5,600 to 9,750 square feet. Renderings for Type 1 lots are included with these applications, see Exhibits No. 2 through 5.
- Type 2 – 92 to 106 feet in width. These are lots 23 through 25 and sizes vary from 13,909 to 15,160 square feet. Renderings for Type 2 lots are included with these applications, see Exhibits No. 6 through 10.

The following provides details about the proposed single-family homes for the two lot types:

Housing Product	Square Footage	Stories	Bedrooms
Type 1	2245 to 2270	2 to 3	2 to 3
Type 2	2245 to 3100	1 to 2	2 to 3

SITE DESIGN. The following provides site coverage information:

% of Site Devoted to Residential Lot Coverage Area	66.81%
% of Site Devoted to Landscape Common Areas	18.11%
% of Site Devoted to Roads / Parking	14.21%
% of site Devoted to Other Uses	0.87%
Total	100.00%

DIMENSIONAL STANDARDS: As part of the planned unit development, the applicant may request flexibility to the standard dimensional requirement for the underlying zone district. The following setbacks and standards are applicable to Belmar Estates:

Dimensional Standard	**R-1B**	**R-2**	**PUD Standards**
Average Lot Width	75 feet	50 feet	40 feet
Density, Maximum	4.8 units/acre	14.5 units/acre	5.74 units/acre
Front Yard	20 feet	20 feet	20 feet
Side Yard	10 to 15 feet	5 to 15 feet	5 feet
Rear Yard	30 feet	15 feet	15 feet
Lot Area	9,000 sq. ft.	5,000 sq. ft.	5,500 sq. ft. minimum

Note: Included in the 5' side setbacks would be the typical uses of fireplace pop outs and the privacy wing wall.

AMENITIES: As the developer we have a large amount invested in this property and we have researched, interviewed focus groups and followed the city ordinance to plan the most productive amenities for this area and this development. The amenity package also meets the requirement of Boise City Development Code Chapter 11-03, Subsection 7 which requires that the application have two amenities from the approved list. The BCI neighborhood has four qualifying amenities that are proposed as follows:

1. Section 11-07-06 5.B.a. Water Conservation Measures
   This project will employ best water conservation management practices for the common areas as well as the individual homes sites such as:
   <u>Lawns</u>
   - Use drought tolerant fescue blend turf. This turf area will be in less than 15% of the common areas and will be minimized.
   - Irrigate lawns with efficient MP pop-up spray rotors.
   - Pressure control all Hydro-zones

   <u>Plant beds:</u>
   - Use at least 75% drought tolerant plants (trees, shrubs and ground covers).
   - Mulch all planting beds.
   - Drip irrigate all plants in planting beds.

2. Section 11-07-06 5.B.c. Landscaped Open Space
   - All common open space areas: 31,307 square footage / 18.11% (Required minimum amount to qualify as an amenity is 10%)

Continued - Amenities

3. Section 11-07-06 5.B.d. Public Access to Public Open Space: Boise River Greenbelt
   - We our proposing a public pathway city that will go from the Warms Springs Road sidewalk through our neighborhood and connect to an existing pathway that connects to the Boise River Green Belt System. Note: The BCI pathway stub connects to an existing pathway that is located on private property (for approximately 30') before connecting to the greenbelt system.)

4. Section 11-07-06 5.B.e. Public Bicycle Circulation System
   - Through this process the BCI development will provide frontage warm springs frontage sidewalk of 1,326 lineal feet as well as provide the pathway connection stub for connection to the Boise River Green Belt System.

ROADWAY ACCESS: In an effort to minimize direct access points to East Warm Springs Avenue, BCI has designed a frontage drive that will allow one access point to Warm Springs Road for home sites 1 through 15 and 17 through 23. The two southern most lots share a private drive with access to Warm Springs Road. We have met with ACHD and have a preliminary acceptance of the proposed layout and access locations.

PARKING:
Residence on lots 1 through 15 and 17 through 22 with have two car garages as well as a driveway apron with sufficient space for two (2) additional cars. Residences on lots 23 through 25 will have three car garages and a driveway apron with sufficient space for three (3) additional cars.

We have also included in this land plan additional guest parking that will accommodate nine parking spaces in three locations on the frontage drive.

WAIVER OF SUBIDIVISION ORDINANCE

Warm Springs Buffer
DevCo requests a waiver of the Subdivision Ordinance that requires a 30 foot wide buffer adjacent to Warm Springs Road for housing that does not take service from a frontage road. Out of our total 1,326 feet of frontage, there is 176 feet near the intersection of Warm Springs and Highland Valley Road that we are requesting the Buffer be reduced to 20 feet. The existing right of way does a unique jog at this location and becomes 10 feet wider than typical. This was an identical condition in East Valley Phase 2 that was approved by Boise City and constructed in 2015.

The request for this waiver is to allow us to design a single level home on Lot 24 which will be much more aesthetically please when viewing from Warm Springs Road. With approval of this waiver we will restrict Lot 25 to a single level residential home in our Development Agreement.

Continued – Waiver of Subdivision Ordinance

Pressure Irrigation
DevCo requests a waiver of the Subdivision Ordinance that requires pressurized irrigation in subdivisions. The subject property does not have any water rights and per the provisions of the code this application would be eligible for this waiver.

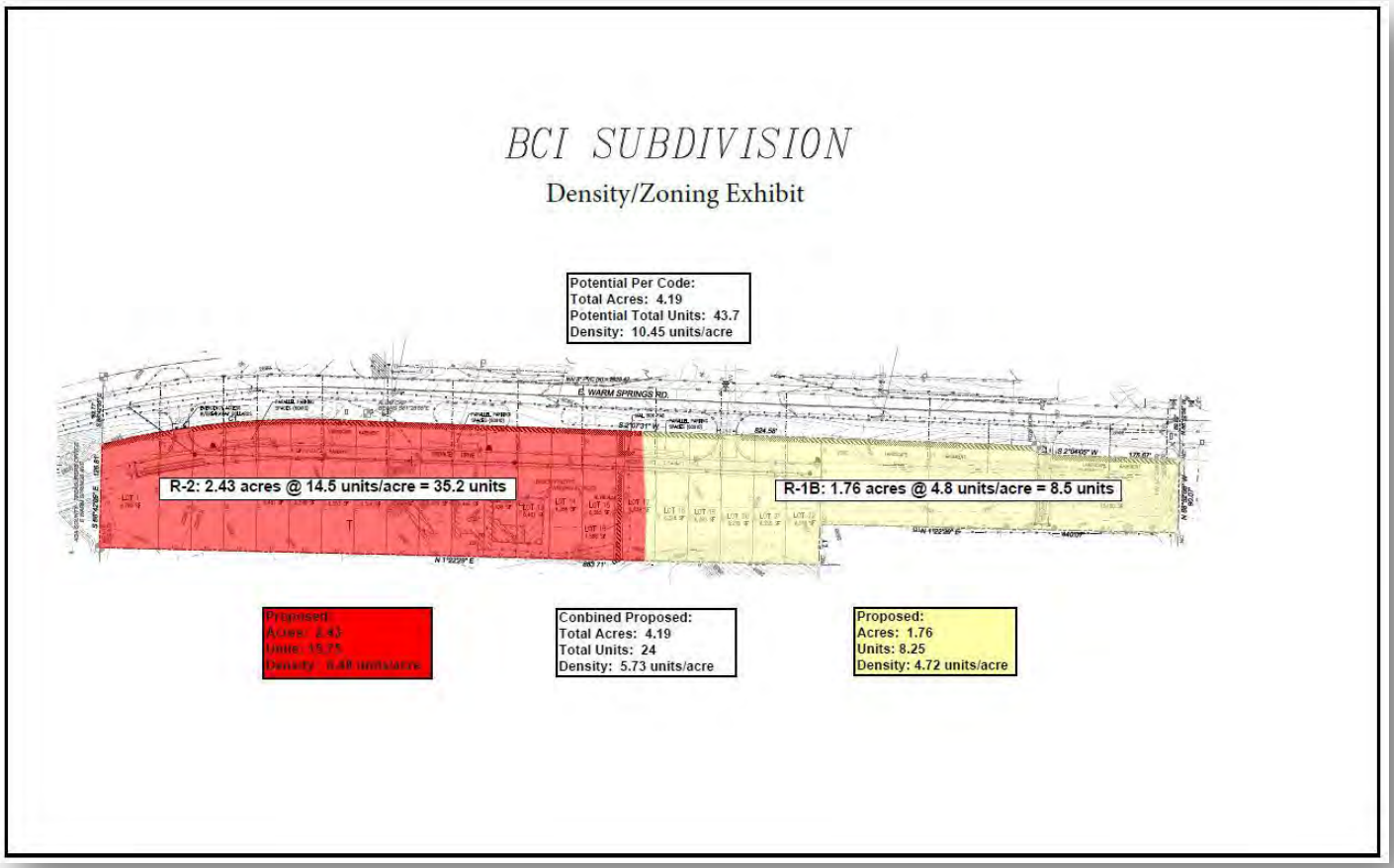
PRE-APPLICATION MEETING & NEIGHBORHOOD MEETING
The pre-application meeting was held with the Boise City planning and development staff on January 28, 2016.

The neighborhood meeting was held on February 11, 2016 at 6:00pm and hosted by Ben's Crow Inn. There were approximately thirty-four (34) people in attendance at this meeting.

CONCLUSION
DevCo is respectfully requesting approval of the annexation, subdivision, Planned Unit Development and Floodplain Review applications for 24 residential home sites located in East Boise. This project will provide quality, desirable and a minimum of two housing price points and densities while maintaining compatibility with Boise City Codes as well as the surrounding properties. Thank you.

DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 1



DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 2

Exhibit 3

H90 - WEST
1/8"=1'0"
H90 · NORTH
1/8"=1'0"
H90 · SOUTH
1/8"=1'0"
H90 · EAST
1/8"=1'0"
PLATFORM

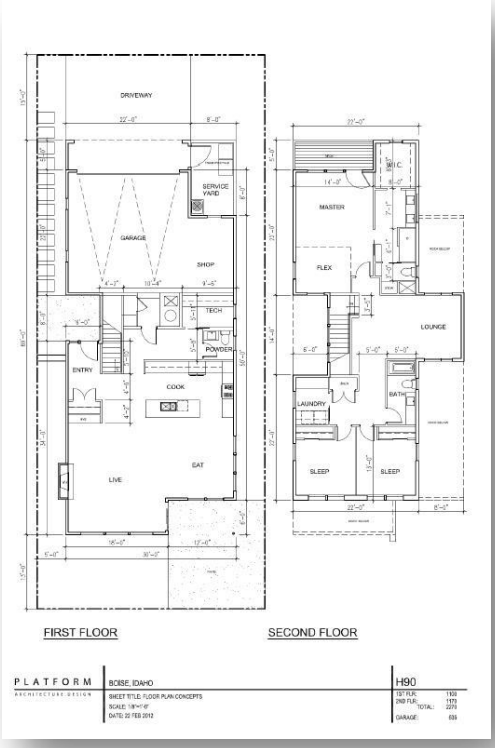

DRIVEWAY
SERVICE YARD
GARAGE
SHOP
TECH
POWDER
ENTRY
COOK
EAT
LIVE
W.I.C.
MASTER
FLEX
LOUNGE
LAUNDRY
BATH
SLEEP
SLEEP
FIRST FLOOR
SECOND FLOOR
PLATFORM
BOISE, IDAHO
H90

Exhibit 4

R80 · NORTH
R80 - WEST
R80 · EAST
R80 - SOUTH
PLATFORM

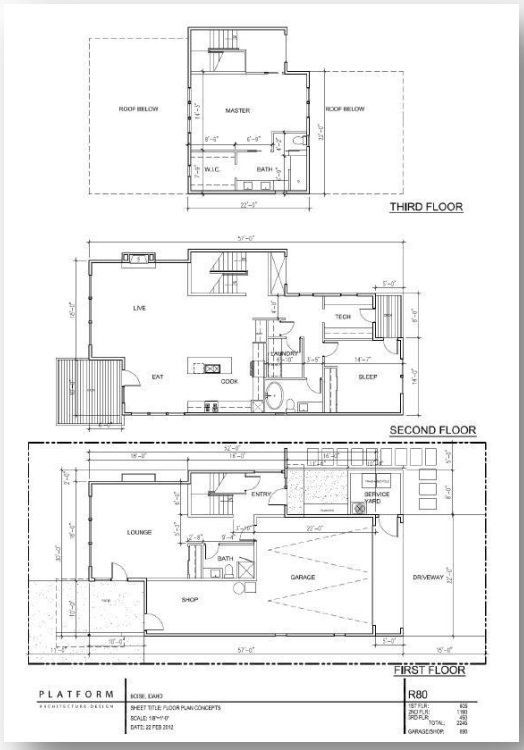
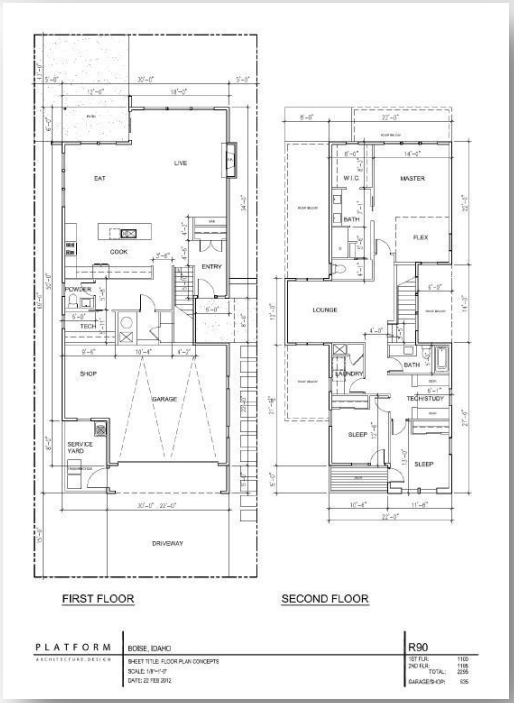

THIRD FLOOR
SECOND FLOOR
FIRST FLOOR
PLATFORM
R80

Exhibit 5

SIDING
STUCCO
R90 · EAST
1/8"=1'0"
R90 - SOUTH
1/8"=1'0"
R90 · NORTH
1/8"=1'0"
R90 · WEST
1/8"=1'0"
PLATFORM
ARCHITECTURE.DESIGN


LIVE
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POWDER
TECH
SHOP
GARAGE
SERVICE YARD
DRIVEWAY
MASTER
W.I.C
BATH
FLEX
LOUNGE
LAUNDRY
TECH/STUDY
SLEEP
SLEEP
FIRST FLOOR
SECOND FLOOR
PLATFORM
BOISE, IDAHO
R90

DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 6

ANTHEM

FRONT ELEVATION

SIDE ELEVATION
FROM WARMSPRINGS

DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 7

BROOKFIELD

FRONT ELEVATION

SIDE ELEVATION
FROM WARMSPRINGS

DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 8

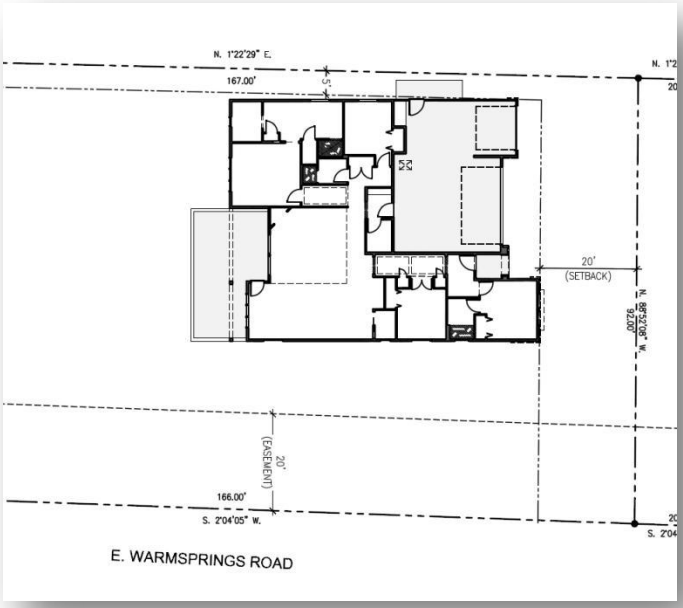
LEADVILLE

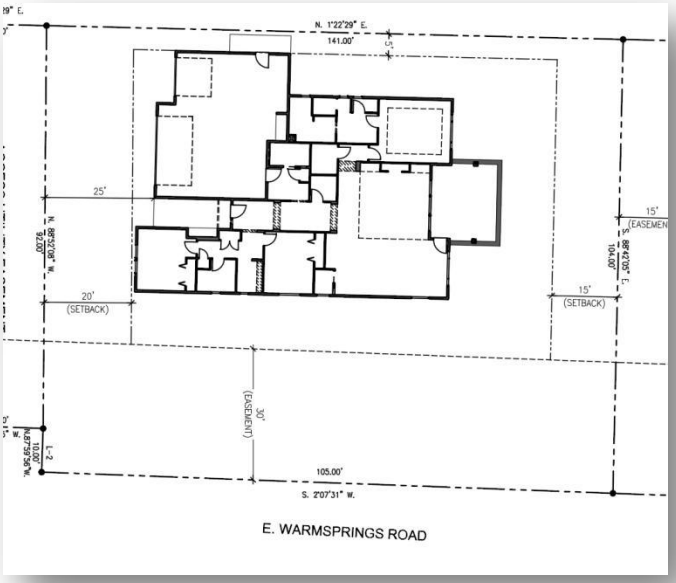
FRONT ELEVATION

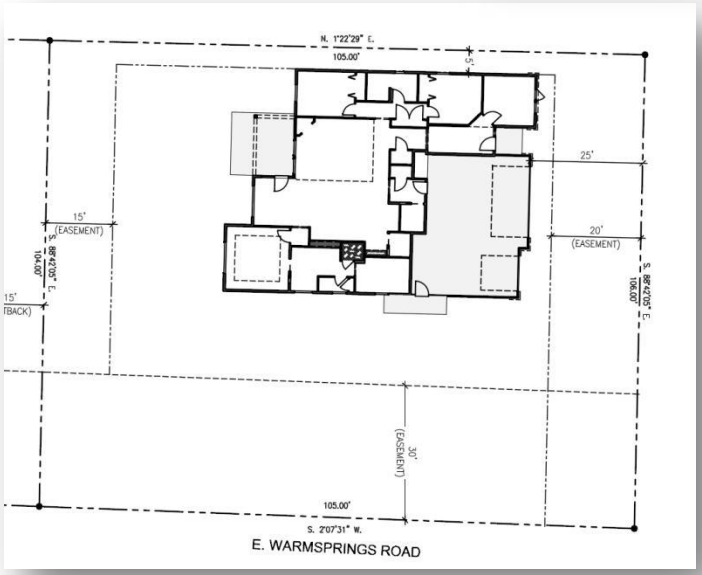
SIDE ELEVATION
FROM WARMSPRINGS

DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 9







DEVCO LLC
REAL ESTATE DEVELOPMENT

Exhibit 10

DEVCO LLC
REAL ESTATE DEVELOPMENT

February 22, 2016

Todd Tucker, Associate Planner
City of Boise Planning & Development Services
150 N. Capitol Boulevard
Boise ID 83701

Re: **Ben's Crow Inn Subdivision**
6781, 6751, 6827 East Warm Springs Avenue
Annexation, Preliminary Plat, Planned Unit Development

Dear Mr. Tucker:

Attached for your review and favorable consideration are the applications for the Ben Crow's Inn (BCI) Subdivision located on East Warm Springs Avenue. We respectfully request approval of our Annexation, Zoning, Planned Unit Development, and Floodplain Review applications.

For design and planning purposes, our design team used the Boise City Comprehensive Plan, Zoning Code and the Barber Valley Specific Plan as the policy basis for the design of the BCI Neighborhood. We have thoughtfully designed Twenty-Four residential dwellings on 4.2 acres that will add to the existing and planned development of Harris Ranch and the Barber Valley. Located on the west side of Warm Springs Avenue and adjacent to the recently developed East Valley Community, BCI will add to the mix of the valley's available housing opportunities. Homeowners will have access to amenities such as the Boise River Greenbelt, Ridge to Rivers Trails, Idaho Shakespeare Festival and the ever developing services in Harris Ranch.

Enclosed is a project narrative that details the neighborhood and various aspects of our applications. Thank you for your time on this matter and should you have any questions or require additional information please contact me by phone at 208.336.5355 or email, jconger@congergroup.com.

Sincerely,

Jim D. Conger
Managing Member

JDC:ml

RECEIVED
FEB 22 2016
SUBDIVISIONS

CAR 16-00002

February 22, 2016

Todd Tucker, Associate Planner
City of Boise Planning & Development Services
150 N. Capitol Boulevard
Boise ID 83701

Re: **Ben's Crow Inn Subdivision**
6781, 6751, 6827 East Warm Springs Avenue
Annexation, Preliminary Plat, Planned Unit Development

Dear Mr. Tucker:

Attached for your review and favorable consideration are the applications for the Ben Crow's Inn (BCI) Subdivision located on East Warm Springs Avenue. We respectfully request approval of our Annexation, Zoning, Planned Unit Development, and Floodplain Review applications.

For design and planning purposes, our design team used the Boise City Comprehensive Plan, Zoning Code and the Barber Valley Specific Plan as the policy basis for the design of the BCI Neighborhood. We have thoughtfully designed Twenty-Four residential dwellings on 4.2 acres that will add to the existing and planned development of Harris Ranch and the Barber Valley. Located on the west side of Warm Springs Avenue and adjacent to the recently developed East Valley Community, BCI will add to the mix of the valley's available housing opportunities. Homeowners will have access to amenities such as the Boise River Greenbelt, Ridge to Rivers Trails, Idaho Shakespeare Festival and the ever developing services in Harris Ranch.

Enclosed is a project narrative that details the neighborhood and various aspects of our applications. Thank you for your time on this matter and should you have any questions or require additional information please contact me by phone at 208.336.5355 or email, jconger@congergroup.com.

Sincerely,

Jim D. Conger
Managing Member

JDC:ml

Planning & Development Services

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3/3a/3b

Planning Division Project Report

File Number	CAR16-00002, PUD16-00005 & SUB16-00006
Applicant	DevCo LLC
Property Address	6781 E. Warm Springs Avenue
Public Hearing Date	April 11, 2016
Heard by	Planning and Zoning Commission
Analyst	Susan Riggs

Public Notification

Neighborhood meeting conducted: February 11, 2016
Newspaper notification published on: March 26, 2016
Radius notices mailed to properties within 300 feet on: March 25, 2015
Notice posted on: March 4, 2016

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1. Project Data and Facts

Project Data	
Applicant/Status	DevCo LLC
Architect/Representative	Marcel Lopez / Conger Management Group
Location of Property	4824 W. Fairview Avenue
Size of Property	4.2 acres
Zoning Existing	Ada County RP and C2
Zoning (Proposed)	R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) 2.4 acres R-1B/DA (Single Family Residential with a Development Agreement) 1.8 acres
Comprehensive Plan Designation	Commercial (2.43 acres) Large Lot (1.76 acres)
Planning Area	Barber Valley
Neighborhood Association/Contact	Barber Valley / Jeremy Maxand
Procedure	The Planning and Zoning Commission renders a final decision on the conditional use permit and makes a recommendation to City Council on the annexation and subdivision.

Current Land Use & Site Characteristics
The site has been occupied by Ben's Crow Inn for over 30 years. Lot 1 and portions of Lots 2 and 3 are located in the floodplain. Portions of Lots 17-22 have steep slopes at the rear of the property. The Boise Greenbelt is located west of the site.

Description of Applicant's Request
The applicant is seeking annexation of 4.2 acres with residential zoning to support a 24 lot subdivision comprised of detached single-family homes.

2. Land Use

Description and Character of Surrounding Area
The property is located on the west side of E. Warm Springs Avenue in Barber Valley. Eastvalley Subdivision comprised of 115 single-family lots is located on the east side of Warm Springs Avenue. North of East Valley are two developed commercial lots (C2-Ada County) and property in the Barber Valley Specific Plan (SP-02). That property will be a future phase of the River Heights Development and at build-out will provide 236 single-family homes. The Boise Greenbelt, Barber Pool Reserve and open land lay to the west side of the site. To the south are E. Highland Valley Lane and a single-family home on 3.35 acres and to the north is open land (34.45 acres) and a single-family home on a 5.75 acre parcel.

Adjacent Land Uses and Zoning

North:	Vacant Land & Single Family Home / Ada County R6 & RUT
South:	Single Family Home / Ada County R6 & RP
East:	Single Family Homes / R-1C/DA & Ada County C2
West:	Boise Greenbelt, Barber Pool Reserve and Open Land / Ada County RP

Special Considerations
Lot 1 and portions of Lots 2 and 3 are located in the floodplain and will be reviewed administratively under CFH16-00009. Portions of Lots 15-22 have steeper slopes and require compliance with the Boise City Hillside and Foothills Development Ordinance.

3. Project Proposal

Structure(s) Design
Number and Proposed Use of Buildings
24 detached single-family homes
Building Height
varied
Number of Stories
one to three

Site Design

Land Use	Proposed
Percentage of the site devoted to building coverage:	66.81 %
Percentage of the site devoted to paving / roads & parking:	14.21 %
Percentage of the site devoted to landscaping /common areas:	18.11%
Other Uses	0.87 %
TOTAL	100%

Parking

Each home will have a two-car garage with guest parking on the driveway apron. Additionally, nine parallel parking spaces are proposed on the frontage road.

Setbacks & Dimensional Standards

Dimensional Standards	R-1B	R-2D	Proposed via PUD
Average Lot Width	75 feet	50 feet	40 feet
Density, Maximum	4.8 DU/acre	14.5 DU/acre	5.74 DU/acre
Front yard	20 feet	20 feet	20 feet
Side yard	10 feet	5 feet	5 feet
Rear Yard	30 feet	30 feet	30 feet
Lot Area	9,000 sq. ft.	5,000 sq. ft.	5,500 sq. ft. minimum

4. Zoning Ordinance

Section	Description
11-04-03.1(A & C)	General Purpose of Residential Districts
11-03-04 .2	Development Agreement
11-03-04.07	Planned Developments
11-07-06.05	Planned Unit Development Standards
11-03-04.15	Annexation
11-03-04.6	Conditional Use Permits
11-09	Subdivision Standards

5. Comprehensive Plan

CHAPTER	GOALS, OBJECTIVES & POLICIES
CHAPTER 2-CITYWIDE VISION AND POLICIES	Goal PDP 3.2 Goal NAC.7 Principle NAC 7.1 Goal CC7.2(b) Goal CC1.1a
CHAPTER 3-COMMUNITY STRUCTURE AND DESIGN	Principle GDP-N.1 Principle GDP-N.5 Principle IDP-N.2 Principle GDP-C.4
CHAPTER 4-PLANNING AREA POLICIES Barber Valley	Goal BV-CNN 1.2 Night Skies Goal BV-CNN2 (a) Goal BV-C 1.1 BV-CCN2.1 (a)

6. Transportation Data

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Level of Service	Existing Plus Project
Warm Springs Avenue	1,250 feet	Minor Arterial	300 (e/o Lysted Avenue	Better than D	Better than D

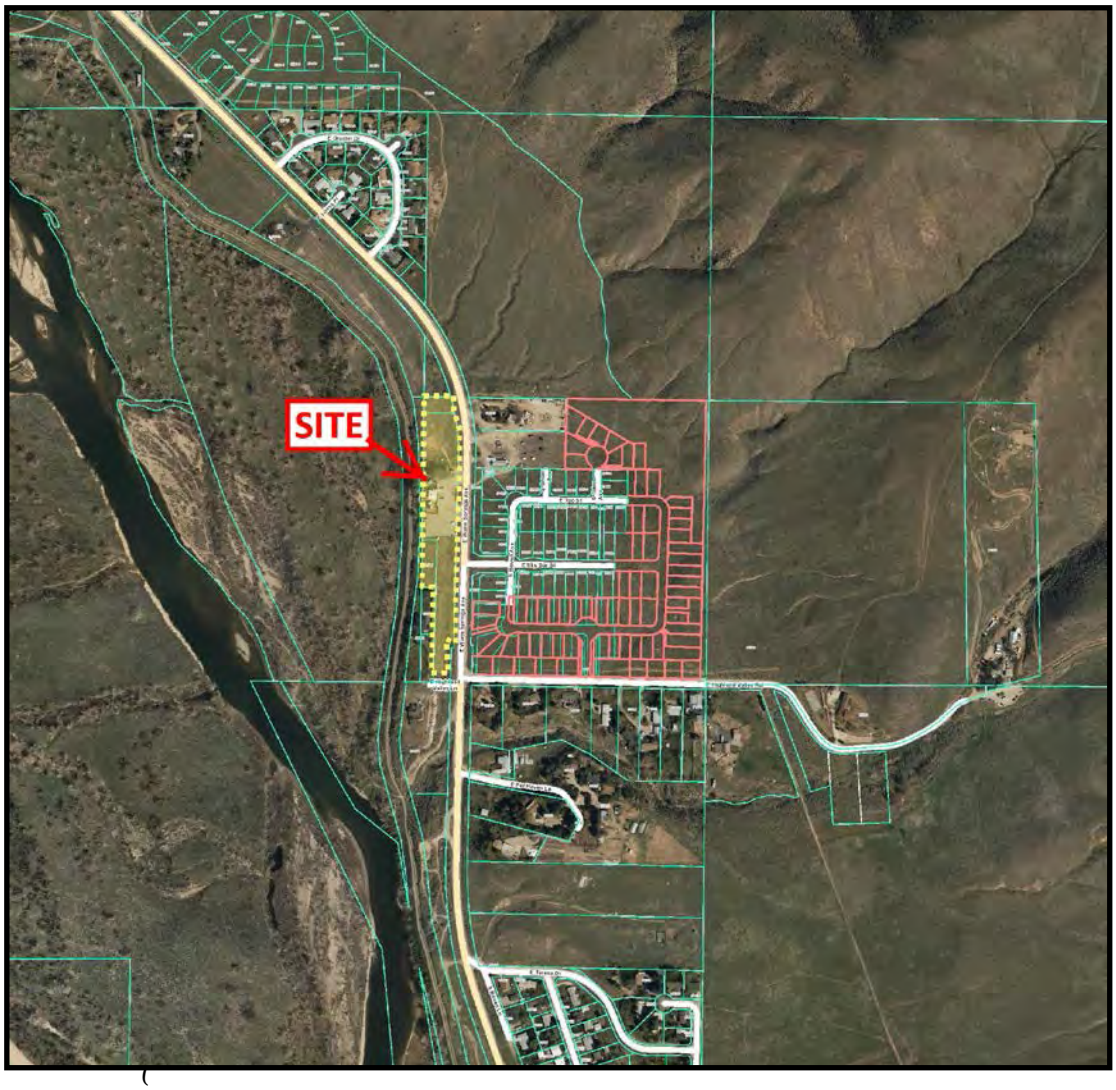
*An acceptable level of service for a two lane minor arterial is “D” (550 VPH).

Average Daily Traffic Count (VDT)

- The average daily traffic count for Warm Springs Avenue north of SH-21 was 2,615 on October 29, 2015.
- The average daily traffic count for Warm Springs Avenue east of Lysted Avenue was 4,706 on February 3, 2015.

7. Analysis & Findings

The project includes an annexation, conditional use permit, and preliminary plat. Each application is associated with a 24-unit residential development comprised of 24 detached single family homes. The site is located in Barber Valley on the west side of Warm Spring Avenue and north of Highland Valley Road. Ben's Crow Inn has occupied the site for over 30 years.

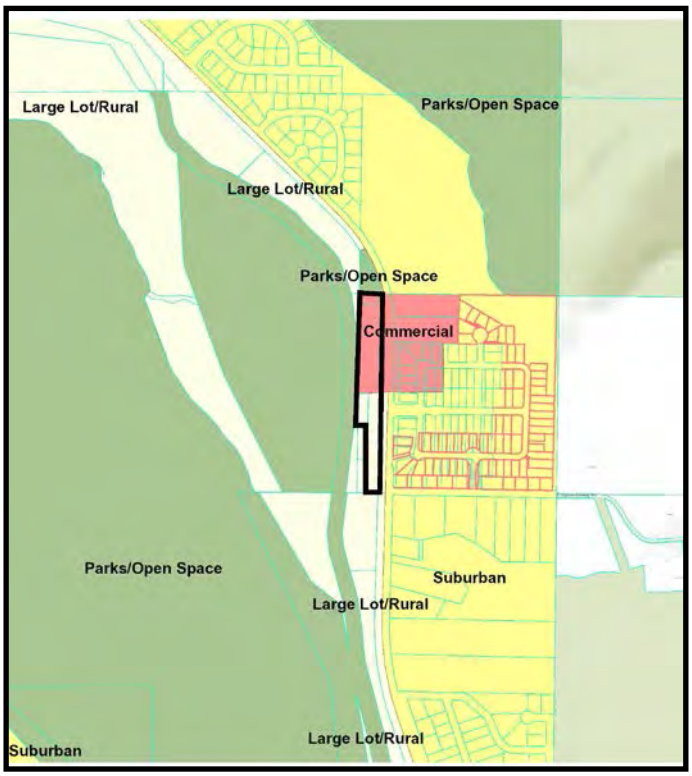


Vicinity Map)

Annexation

The project includes annexation of 4.2 acres with a zoning designation of R-2D/DA and 1.8 acres as R-1B/DA. The property is currently zoned RP (Rural Preservation). The proposal is for 24 units at a density of 5.72 DU/acre. This density is slightly higher than what is allowed in the R-1B zone and significantly lower than the R-2D. The purpose of the development agreement is to restrict the number of single-family homes to 24.

As illustrated below, the site has two Land Use Map designations. The larger northern portion of the site is designated Commercial and the remaining is Large Lot. The commercial designation is likely a reflection of the current land use.



There is a range of potential implementing zoning designations for "Large Lot" lands. They include A-1, A-2, R-1A, R-1B, L-O and N-O. The "Commercial" designation allows A-1, A-2, R-1M, R-2, R-3, L-O, N-O, and all commercial zones. The A-1 zone permits only one unit per acre which the Planning Team considers an underutilization of the site. The A-2 zone requires 40 acres, and L-OD and N-O zone were not considered due to the 14 plus acres of office in Harris Ranch. The requested zones are more restrictive and are supported by the Land Use Map in Blueprint Boise. The zoning will also be compatible and similar to Eastvalley Subdivision across Warm Springs Avenue. That subdivision was approved for 115 single-family lots with R-1C zoning in 2013. North of Eastvalley Subdivision are two developed commercial lots (C2-Ada County) on ±3.2 acres and property in the Barber Valley Specific Plan (SP-02) which is approved for 236 units. The Boise Greenbelt, Barber Pool Reserve and open land abut the west side of the site. To the south are Highland Valley Lane and a single-family home on 3.35 acres and to the north are open land and a single-family home on a 5.75 acre parcel. Warm Springs Avenue is a minor arterial roadway.

The Barber Valley Neighborhood Association and a few neighbors would like to retain the existing commercial zoning as a location for a coffee shop or small restaurant/bar. The applicant's response is that the traffic count at 2,600 vehicle trips per day will not support a commercial or mixed-use development, and there is sufficient commercial development in nearby Harris Ranch. The Planning Team understands the neighborhood's perspective. However, the overwhelming majority of existing homes, and those anticipated to develop are located on the east side of Warm Springs Avenue. Approximately 3.2 acres of commercial zoning, with significant development/redevelopment potential exists adjacent to these homes.

The Planning Team finds the annexation is supported by *Predictable Development Pattern Goal 3.2* which state that lands within the Area of City Impact should be annexed when there is consistency with the goals and policies of the Comprehensive Plan and compliance with the level-of-service standards found in Table 3 of Blue Print Boise.

The property is within the area of impact and contiguous to city limits along the east side of Warm Springs Avenue. Therefore annexation is required for the proposed development.
The annexation does not constitute leap-frog development and the site is located within Boise Urban Service Planning Area and Boise Sewer Planning Area. Future development of the property will help to balance costs for services with anticipated revenues. Annexation will facilitate the orderly expansion of the City boundaries and conform to the Level of Service requirements.

Annexation (11-03-04.15.6a)

i. Incorporate the Boise sewer planning area.

The subject property is located in the Boise Sewer Planning Area. Sewer is available in Warm Springs Avenue. Connection to central sanitary sewer will be required.

ii. Honor negotiated area of impact agreements.

The property is within the Boise City Area of Impact and adjacent to city limits along the eastern property boundary. In 2013, the City annexed approximately 29.22 acres located on the east side of Warm Springs Avenue, making these parcels contiguous with City limits.

iii. Attempt to balance costs of services with anticipated revenues.

The annexation should have minimal impact on the cost of services. The property is adjacent to lands already within the city limits. Redevelopment of the property will help to balance costs for services with anticipated revenues.

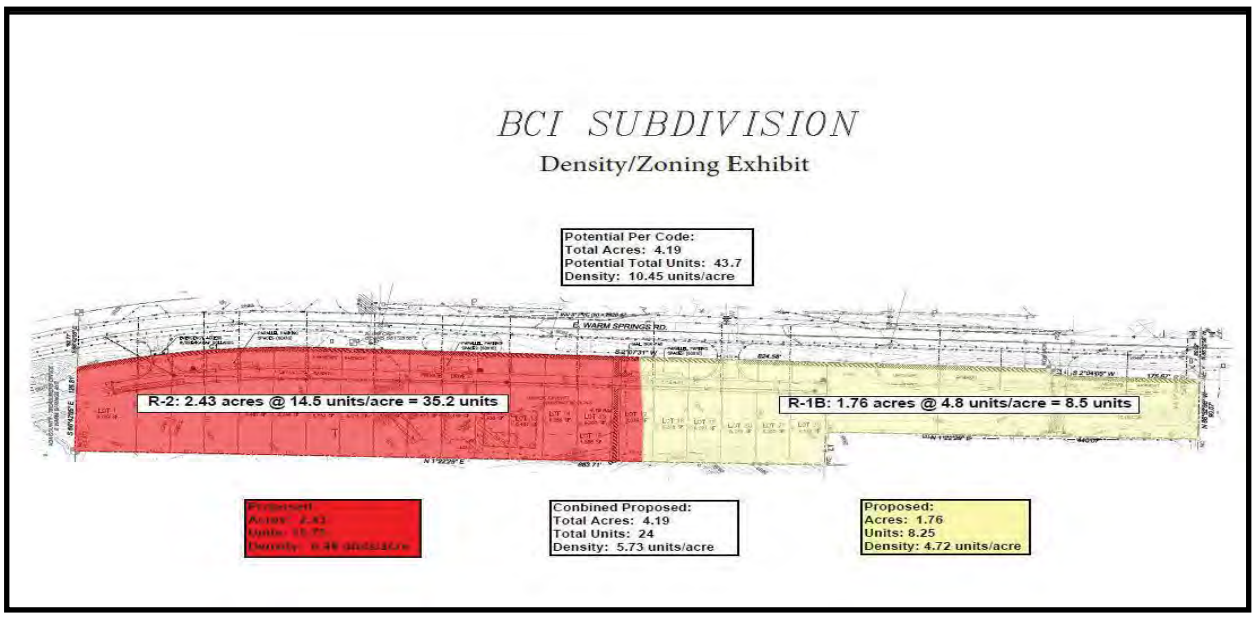
iv. Promote other goals of population balance, contiguous development, and prevention of costs due to leap frog development.

The annexation will have no impact on population balance and will not cause leap-frog development. It will simply bring adjacent properties into the City. Annexation of the site will facilitate the orderly expansion of the City boundaries and will conform to the Level of Service standards found in *Table 3* of Blue Print Boise.

Subdivision

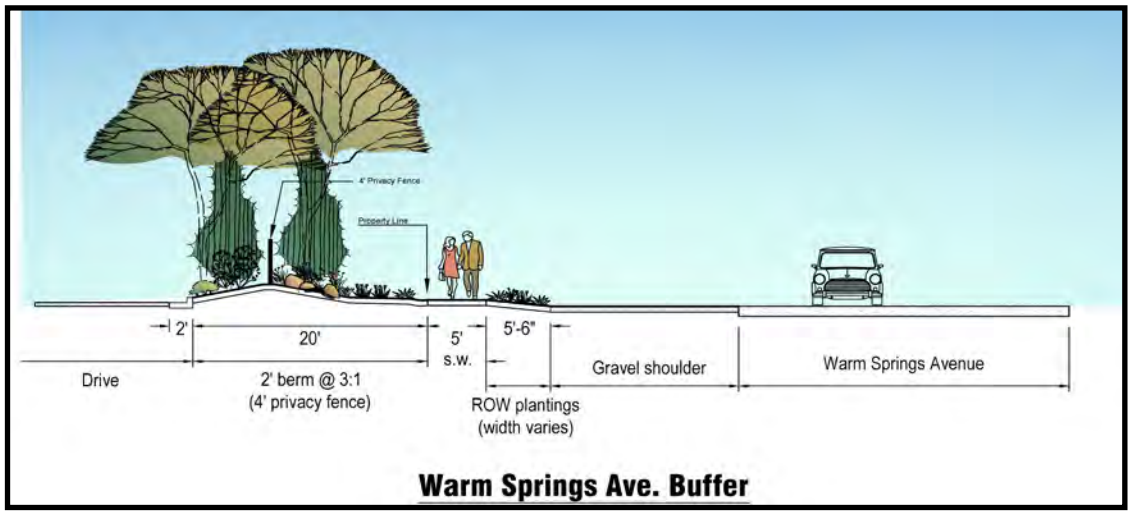
With approval of the requested R-2D/DA and R-1B/DA zones, the applicant is proposing a 24 unit residential subdivision. Because of the requested reductions for lot size, lot width, and interior setbacks, a conditional use permit for a planned unit development is required. The R-1B zone requires a minimum lot size of 9,000 sq. ft. and minimum lot width of 70'. The R-2D zones require a minimum lot size of 5,000 sq. ft. for interior lots and 7,000 sq. ft. for corner lots. The minimum average lot width for interior lots is 50' and 70' for corner lots. Two lots types are proposed:

- Type 1 is for Lots 1-15 and 17-22. The lot width is 40 feet and lot size varies from 5, 600 to 9,750 sq. ft.
- Type 2 is for Lots 23-25. The lot widths range from 92 feet to 106 feet and lot size varies from 13,909 to 15,160 sq. ft.



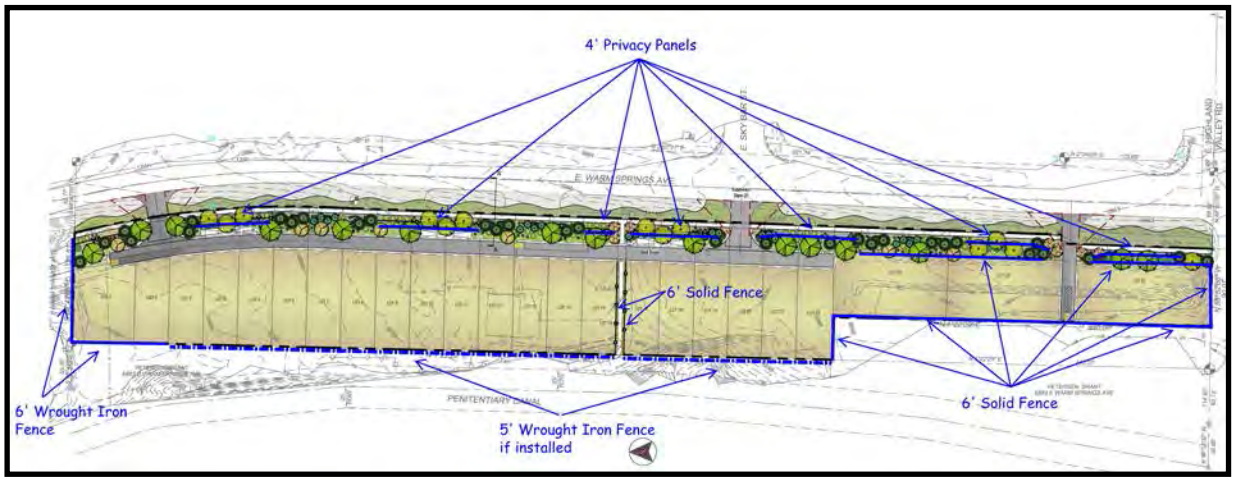
All buildable lots will have frontage on Warm Springs Avenue; however, Lots 1-15 and 17-23 will be accessed via a 20 foot wide service drive that will function as a frontage road, thus minimizing direct access to the public street. *General Design Principle C.4* encourages limiting access points to reduce conflicts between pedestrians and vehicles. Three driveways are proposed on Warm Spring Avenue. The driveway furthest to the north serves as emergency access for the Fire Department. The main entrance is a 24 foot wide full access driveway which is in alignment with Sky Bar Street on the east side of Warm Springs Avenue. The 20 foot wide shared driveway to the south serves Lots 24 and 25. ACHD approved all driveway approaches.

Connected Community Policy CC7.2 (b) also encourages minimizing pedestrian conflict with vehicles by providing buffers between the sidewalk and automobile traffic and by combining adjacent property driveways to limit curb cuts. The applicant is proposing 5 foot wide detached sidewalks along Warm Spring Avenue with a 5'-6" wide landscape strip adjacent to the public street. Warm Springs Avenue is identified as an arterial roadway on the Master Street Map. Section 11-09-03.7A-1 & B-(2) requires a frontage road to be separated from an arterial street by a 10 foot wide landscape median and 20 feet is proposed. The landscape median is required to be planted with trees and shrubs that at maturity will from a solid screen at least 6 feet high and a continuous tree canopy. The proposed landscape plan meets these criteria.



Four foot high privacy panels are proposed at select locations within the landscape median to provide additional privacy for the subdivision. A 30 foot wide landscape buffer is required for Lots 23-25 as they abut Warm Springs Avenue. The applicant is requesting a waiver to reduce the landscape buffer to 20 feet for the 176 feet of frontage in front of Lot 25. The justification for this is the existing right-of-way jogs at the location and becomes 10' wider than the existing roadway. The proposed 20 foot landscape buffer will be setback ±35 feet from the public right-of-way providing a sufficient buffer. The Council approved a similar waiver for Eastvalley Subdivision Phase 2 across the street. The waiver will allow the 10' of additional depth to be absorbed into Lot 25 for the construction of a single level home.

A subdivision waiver is also requested for pressure irrigation as the property does not have any water rights.



Floodplain

Lots 1 and two and a portion of Lot 3 are located in the floodplain. An administrative Floodplain application (CFH16-00009) has been submitted and must be approved prior to development.

Development agreement

The development agreement is to restrict the subdivision to a maximum of 24 single-family homes.

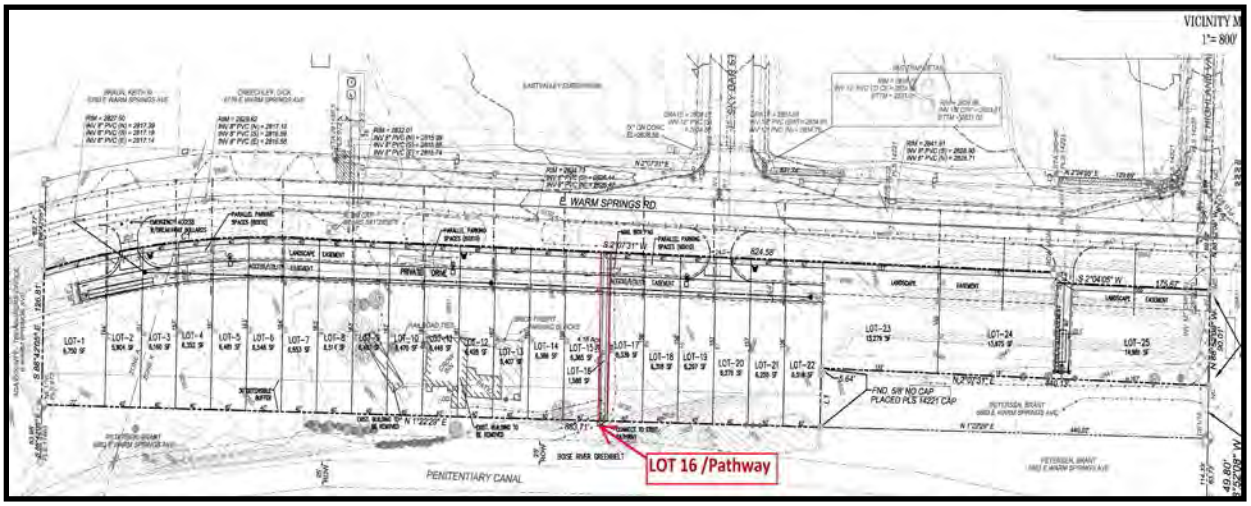
Connectivity

Other than the southern boundary of the site which abuts Highland Valley Lane, there is little opportunity for connectivity to the surrounding neighborhood. The north property boundary abuts a triangular piece of land owned by Ada County which is part of the larger Barber Pool Reserve (35.45 acres) and a single-family home on 5.75 acres. To the south are Highland Valley Lane and a single-family home and large garage on 3.35 acres. The Boise Greenbelt, Barber Pool Reserve and the Boise River are west of the site.

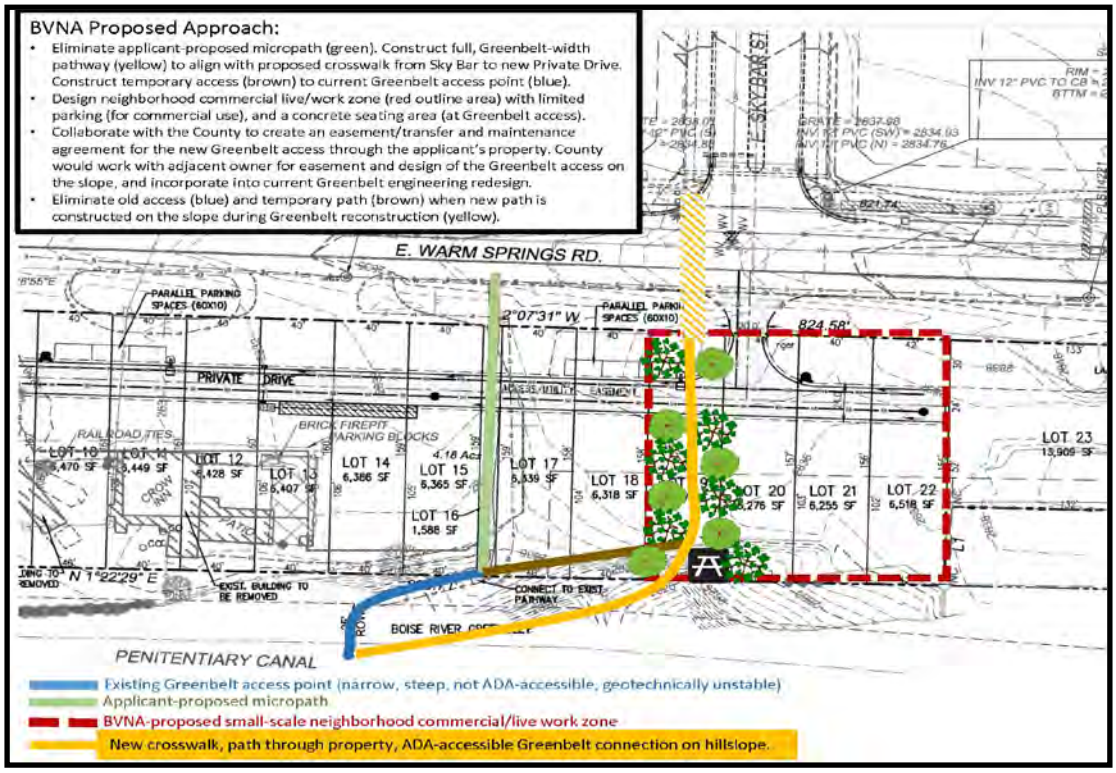
Barber Valley Policy C 2.3 addresses trail connections and the requirement to connect Ridge to Rivers trails to each other and the Greenbelt. Blueprint Boise calls for a 'safe crossing' across Warm Springs at Highland Road. This was originally a condition placed on Eastvalley Subdivision; however it was removed. In a recent email from ACHD, Christy Little stated the City should not require the developer to provide this crossing as it may not be feasible, or the location may not be right at this time. Several of the neighbors in the immediate area would like the crossing to be located in alignment with Sky Bar Street.

Ms. Little stated the location will be examined with warrants and safety and it will be up to the ACHD engineers to determine the safest location. She stated after the development is built-out, or if there is a need, the City should put this on their request list to ACHD and it will be reviewed and prioritized.

A 10' wide pathway on a common lot is proposed to stub to the existing pathway to the south on private property before connecting to the Greenbelt. This pathway connection has historically been used for public access to the Greenbelt for 30-40 years.

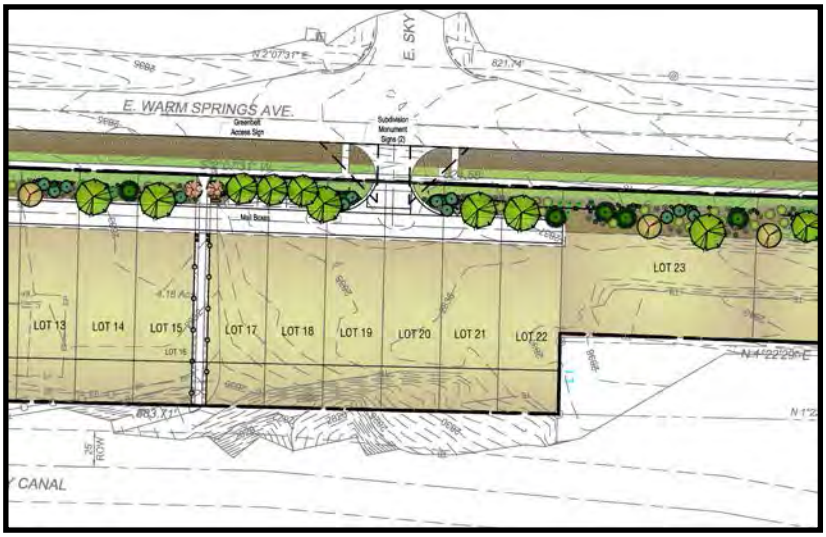


The neighborhood association does not support the pathway in this location. They would like to see a 10 foot wide ADA–accessible pathway that is aligned with Sky Bar Street. They believe the trail as proposed is too narrow, steep, geotechnically unstable and not ADA Accessible. Although Planning believes there is some merit to this alignment, there are complications making it unfeasible. The chief complication is that it could be a pathway to nowhere as it would need to cross through private property before reaching the Greenbelt. The applicant stated the property owner has no interest in allowing access to his property. Because the existing pathway has been used for a number of years, there is likely a prescriptive easement that would allow continued access to the Greenbelt. There is also a concern the new location could potentially get caught up in a lengthy approval processes for the pathway to cross the canal easement and the canal itself. Although plans are in the works to pipe the canal there is no approved master plan at this time and only partial funding. Additionally, the west end of the pathway has a steep slope and ultimately would bring users to the same greenbelt connection that is used today.



Existing Greenbelt and crossing

As illustrated below, the applicant's revised the landscape proposed two 5 foot wide sidewalks that align with Sky Bar Street. The sidewalk extends through the 20 foot wide landscape buffer and connects to the proposed sidewalk on Warm Springs and ultimately to the proposed public pathway to the Greenbelt. This provides a direct connection without having to deal with private property and slopes. The applicant also widened the pavement at the entrance to the pathway from the sidewalk and is proposing signage at the entrance indicating it is a public pathway.



Wildlife Mitigation

An important feature for the Barber Valley Planning Area is preservation of wildlife. Harris Ranch has developed an informational packet for new homeowners that provides information on trail closure dates, areas off limits to human activity, and trails where dogs must remain on leash. In Compliance with *Barber Valley Goal CCN2.1 (e)* a recommended condition of approval requires this information and be provided to all homeowners.

Barber Valley Goal CCN 2.1(a) gives direction to "Collaboratively plan land use, transportation, and recreation with the Idaho Fish and Game (IDFG) and other affected agencies with the goal of maintaining viable access to the Boise River for deer and elk from the Wildlife Management Area, as well as protection for non-game wildlife species." As illustrated in the diagram below, there are two corridors on the east side of Warm Springs Avenue that were required as part of Eastvalley Subdivision. The primary corridor is located at the northeast corner of the site and the secondary corridor is located to the south and provides access for wildlife through the site. These corridors will allow wildlife to cross Warm Springs and reach the Boise River on the north and south sides of the proposed subdivision.

On March 24, 2016, IDFG commented that the land surrounding the site has been identified as a key wildlife migration corridor (Harris Ranch Wildlife Impact Assessment and Mitigation Plan 2006). IDFG analyzes and assesses each development proposal on a case by case basis. With regards to BCI, they determined the design layout contains fencing heights and a secondary wildlife corridor that will provide permeability through the subdivision. As illustrated above, based on the existing primary wildlife corridor, no additional wildlife corridors are required for this subdivision. The 10' wide pathway within the subdivision will serve as an emergency access if wildlife becomes trapped within the subdivision.

Planned Unit Development

The planned development process allows the applicant to request a waiver of standards internal to the development. The applicant is requesting waivers to reduce the interior side yards from 10 feet to 5 feet, lots widths from 50 feet to 40 feet and reduced lot sizes ranging from ± 5,600 to ±9,750 for Lots 2-15 and 17-22. Planning finds the site large enough to accommodate the 24 single-family homes. While waivers are requested, the lots are still large enough to accommodate the homes, vehicular access and parking.

CONDITIONAL USE PERMIT / 11-03-04.6.C(7)(a)

i. The location is compatible to other uses in the general neighborhood;

The project is compatible with the existing and planned subdivisions in the general neighborhood. At 5.74 DU/acre the project will be compatible with Eastvalley Subdivision comprised of 115 single-family lots on the east side of Warm Springs Avenue (R-1C /8 DU/acre). North of East Valley are two developed commercial lots (3.2 acres) and property in the Barber Valley Specific Plan (SP-02) which includes existing and future phases of River Heights Development approved for 236 lots. The Boise Greenbelt, Barber Pool Reserve and open land abut the west side of the development site. Single-family homes on large lots abut the north and south boundaries of the property. Additionally, there is a 35.45 acre parcel owned by Ada County also on the north property boundary. The subdivision provides a 10' wide pathway which stubs to an existing access to the Boise Greenbelt. The subdivision also complies with fencing and corridor provisions for wildlife habitat as identified by IDHG.

The project will introduce an additional 24 single family homes to the neighborhood. comprised of one to three story homes. This will provide two different product types, adding to the diversity already available in the area. The homes will have 2-3 bedrooms and range in size from 2,245 to 3,200 sq. ft. The garages are recessed ± 5' from the second story and the third floor is setback ±17 feet from the second story providing modulation and articulation. The following two elevations are typical of the proposed one-story single-family homes. The applicant anticipates 40-50 percent of the homes will be two-story. The neighbors stated they would like to see more vibrant colors on the buildings and perhaps some accent details. The applicant stated his goal is for the structures to blend with the natural landscape and not to boldly stand out.

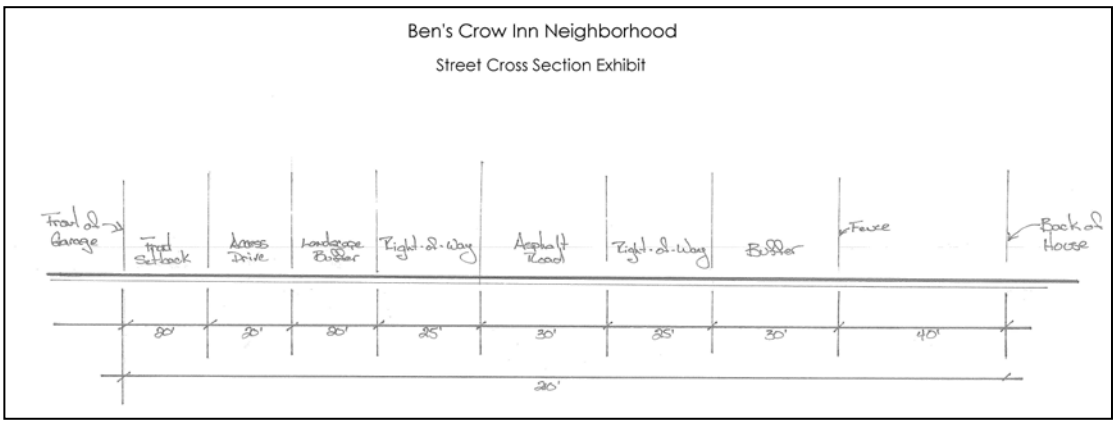
The following elevation illustrates the proposed two and three-story product type in Triplett Ranch in the Barber Valley and Elevation Ridge in Columbia Village. *Principles NAC7.1* and *CC1.1* encourage a mix of housing in neighborhoods and infill development that does not require the costly extension of infrastructure. All utilities and infrastructure necessary to support development is readily available to the site.

This is an example of the homes proposed on Lots 23-25.

Principles NAC7.1 and *CC1.1* encourage a mix of housing in neighborhoods and infill development that does not require the costly extension of infrastructure. All utilities and infrastructure necessary to support development is readily available to the site.

This is a photo of Eastvalley Subdivision across Warm Springs Avenue

A neighbor who lives across the street in a one-story home is concerned about views into her property. She requested the three-story structures not have front facing windows with views into her back yard. The applicant provided the following section indicating the distance from the front of the garage in BCI Subdivision to this person's house which is 210 feet. This distance together with the proposed landscaping appears to mitigate privacy concerns.



ii. The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;

Correspondence received from commenting agencies indicate the proposed use will not place an undue burden on transportation or other public services. The Ada County Highway District (ACHD) approved the project on March 15, 2016, stating the proposed single-family home use is estimated to generate fewer daily vehicle trips than the existing restaurant use. It is estimated the restaurant generates approximately 260 vehicle trips per day with 20 in during the PM peak hour. The proposed subdivision is estimated to generate 228 VTD with 24 in the PM Peak hour. Warm Springs Avenue is operating at an acceptable level of service at better than "D".

Policy BV-C1.1 requires new development in the Barber Valley to coordinate education and outreach activities to promote the use of alternative transportation options with the Transportation management Association. To satisfy this policy a recommended condition of approval requires the applicant make residents of the new subdivision aware of the Harris Ranch/Brighton Transit management Association through their CC&R's. This is a ridesharing program that was an important part of development with Barber Valley.

The comments provided by the Boise Public Works Department on February 25, 2016 address connection to central sanitary sewer, and on-site grading and drainage, pressure irrigation, street lights and solid waste. Lots 1 and 2 and a portion of Lot 3 are located within the floodplain. An administrative Floodplain application (CFH16-00009) has been submitted and must be approved by Public Works prior to development in the floodplain.

The Fire Department approved the project, noting that if ACHD does not approve the proposed location of the bollards for the emergency access, a fully compliant turnaround will be required at this location or the secondary access shall be unrestricted. Fire Station 15 is approximately 2.6 miles away and within the required 4.5 minute response time. The site is located in Wildland-Urban Interface Zone B and requires a wildfire safety plan prior to approval of the final plat. A 30 foot defensible space is required from all undeveloped land.

Comments received from other public agencies raised no concerns with the project and included only standard conditions of approval.

iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this Code.

With the approval of reduced lot size, width and interior setbacks, the site is large enough to accommodate the proposed use and all required elements of a planned residential development. The density does not exceed the limitations of the proposed zones. The proposed density is 5.74 DU/acre and 43.7 DU/acre is permitted. Residents on Lots 1-15 and 17-22 will have two car garages and those on Lots 23-25 will have three car garages. The 20' deep driveway aprons will provide guest parking. Additionally, 9 parallel on-site guest parking spaces are provided in three locations east of the frontage road. A project of this size requires a minimum of two amenities. One will be water conservation measures utilized for lawns and landscaping. Additionally, the common open space is ±32,307 sq. ft. or 18.11% which exceeds the 10% required to qualify as an amenity. The applicant is also proposing a public pathway from the sidewalk on Warm Spring Avenue through the subdivision connecting to an existing pathway that connects to the Boise Greenbelt system. The applicant has noted the proposed pathway connects to an existing pathway located on private property before connecting to the greenbelt. This pathway connection has been used by the public for approximately 30-40 years and likely falls under a prescriptive easement for its use. A 20 to 30 foot landscape easement is proposed on the east side of the service drive and a 5'-6" foot landscape buffer is proposed on the east side of the 5 foot wide detached sidewalk.

iv. The proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.

With the attached conditions of approval, the project will not adversely affect other property in the vicinity. The greater neighborhood is comprised primarily of residential uses that will not be affected by the development. Idaho Fish and Game has approved the fencing heights and a secondary wildlife corridor that will provide permeability through the subdivision. ACHD indicated the proposed single-family home use is estimated to generate fewer daily vehicle trips than the existing restaurant use and that Warm springs Avenue is operating at an acceptable level of service. Two different home styles are proposed which do not exceed the 35 foot height limit of the zones.

There are no view easements in place that would restrict the building height to less than what is allowed by the zones. The proposed development agreement restricts the development to a maximum of 24 single-family detached homes.

v. The proposed use is in compliance with the Comprehensive Plan;

The project is consistent with the Comprehensive Plan. *GDP-N.5* and *IDP-2.2* suggest creating neighborhood streetscapes that increase the comfort, safety, and enjoyment of pedestrians by providing complementary setbacks and detached sidewalks. As previously discussed, the developer has provided detached sidewalks with a landscape buffer along the street. The project complies with *GDP-C.4* by concentrating vehicular access points. A condition of approval requires the applicant make residents of BCI subdivision aware of the Harris Ranch/Brighton Transit management Association through their CC&R's per Barber Valley *Policy C1.1.* A 10 foot wide pedestrian pathway is proposed that stubs to an existing greenbelt connection in compliance with *GDP-N.1. Goal BVCNN 1.2* encourages minimizing light trespass from development by adopting night-sky lighting standards. These standards have been adopted by the City and are included as a condition of approval. And finally, Idaho Fish and Game has indicated the applicant has met the goal of maintaining viable access to the Boise River for deer and elk from the Wildlife Management Area as expressed in Barber Valley Policy *CCN 2.1 (a).*

8. Recommended Conditions of Approval

Planning

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **February 22, 2016** and revised site and landscape plan submitted **March 30, 2016** except as expressly modified by the following conditions:

2. **Site Specific**

   a. The following minimum setbacks apply:

      Front: 15 feet living space / 20 feet parking
      Street Side: 15 feet living space / 20 feet parking
      Interior Side: 5 feet
      Rear: 30 feet

   b. All fencing shall comply with the requirements and standards of Idaho Fish and Game.

   c. Language regarding the availability of the Harris Ranch/Brighton Transit Management Association ride sharing program shall be made available to residents through the CC&R's.

d. The applicant shall work with the Harris Ranch Wildlife Mitigation Association to provide new homeowners with information regarding wildlife in the area, trail closure dates, and any areas off limits to human activity.

e. Amenities shall be comprised of drought tolerant landscaping, ±18.11% common open space and public access to the Boise Greenbelt as described in applicants letter dated **February 22, 2016.**

f. The public pedestrian pathway shall be a minimum of 10 feet in width.

g. Signage visible to the public shall be placed at the entrance to the pathway indicating a public pathway to the Boise Greenbelt.

h. Portions of the site are located in the floodplain. Compliance with Boise City Code 11-08 is required. No building permits will be issued until CFH16-00009 has been approved.

i. Portions of the site contain slopes steeper than 25%; compliance with Boise City Code 11-07 is required.

j. Provide dark sky lighting fixtures that minimize light trespass and reduce night glow.

k. The development agreement restricts the maximum number of units to 24 detach single-family homes. The agreement shall also reference Planning's Site Specific Condition of Approval and include as Exhibits the site, landscape and fencing plan and elevations.

l. Upon approval of the annexation, the applicant shall submit a final revised copy of the development agreement for review and ordinance passage.

m. Within one year from the date City Council approves the development agreement shall be recorded. The three required readings of the ordinance will not be scheduled until recordation has occurred. Failure to record the development agreement within the one-year time frame shall automatically render this approval null and void.

n. The development shall become part of the Harris Ranch Wildlife Mitigation Association. In addition, residents shall be required to pay annual homeowner's association fees to the Harris Ranch Wildlife Mitigation Fund.

o. The applicant shall submit the signed and notarized agreement to the City for final review by the Planning Director, Legal Counsel and Mayor. The City Clerk will then record the document with the Ada County's Recorders Office at which time the development agreement will become final.

3. **Subdivision**

a. A note on the final plat shall designate Lots 16 as a 10 foot wide public access pathway.

b. A note on the face of the Final Plat shall state: "*The development of this property shall be in compliance with the Boise Development Code or as specifically approved by **PUD16-00005**.*

c. A note on the face of the final plat shall designate that any common lots shall be owned and maintained by the BCI Subdivision Homeowner's Association. These lots cannot be developed for residential purposes in the future. The common lots shall be designated by lot and block.

d. A note on the face of the Final Plat shall state: "*The development of this property shall be in compliance with the Boise Development Code or as specifically approved by **PUD16-00005**.*

e. A 5 foot wide detached concrete sidewalk and 10 foot wide landscape buffer shall be constructed along Warm Springs Avenue as indicated on the preliminary plat.

f. No building permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of the B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a "Satisfaction of Non-Building Agreement" is recorded.

g. The name, **BCI Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur, applicant shall submit, in writing, from the Ada County Engineer, the new name to the Department of Planning and Development Services and re-approval by the Council of the "revised" Final Plat shall be required. Developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "revised" Final Plat for hearing.

h. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

i. All irrigation ditches, laterals, canals, and drains, exclusive of natural waterways, intersecting, crossing, or lying adjacent to an area being subdivided hall be covered or fenced with a chain link fence at least six feet in height to deter access to said ditch or canal.

j. Prior to submitting the Mylar of the Final Plat for the City Engineer's signature, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

k. The Mylar shall include the following endorsements or certifications: signatures of owners or dedicators and acknowledgment, certificate of the surveyor, certificate of the Ada County Surveyor, certificate of the Central District Health Department, certificate of the Boise City Engineer, certificate of the Boise City Clerk, signature of the Commissioners of the Ada County Highway District and the Ada County Treasurer (I.C. Title 50-17). The signatures of the owners or dedicator, certificate of the surveyor, certificate of the Central District Health Department and acceptance of the Commissioners of the Ada County Highway District must be executed prior to submittal of the Mylar for the City Engineer's signature.

l. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

m. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least twenty working days prior to the expiration of the first two year period, or expiration date established thereafter.

   (1) If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

   (2) The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer's signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

n. Covenants, homeowners' association by-laws or other similar deed restrictions which provide for the use, control and maintenance of all common areas, private streets, shared access and shared parking, and which shall be consistent with the Fair Housing Act of 1968, as amended from time to time, shall be reviewed and approved by the Boise City Attorney. After recordation of the final plat and CC&R's, no building permit shall be accepted until a copy of the recorded CC&R's have been submitted to the Boise City Attorney.

o. Prior to the City Engineer's Certification of the Final Plat and/or prior to earth disturbing activities, an **Erosion and Sediment Control** (ESC) permit must be obtained. An ESC plan conforming to the requirements B.C.C. 8-17, is to be submitted to the ESC Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

p. An individual who has attended the Boise City Responsible Person (RP) certification class, or has obtained Interim Certification for the RP shall be identified for this project. A permit will not issue until such time as the name and certification number of the RP has been provided to Boise City. This information can be faxed to 388-4735 or e-mailed to ejenkins@cityofboise.org.

q. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied;

OR

2. A Non-Building Agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

NOTE: "No Parking" signs and curb painting shall be required on streets having a width less than 36-feet, back of curb to back of curb. Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

r. The applicant shall comply with the requirements of the **Boise City Public Works Department** (BCPW) for:

1. Municipal sewer in a memo dated February 25, 2016.
2. Street lighting in a memo dated February 24, 2016.
3. Grading and Drainage in a memo dated February 24, 2016.
4. Solid Waste collection in a memo dated February 25, 2016.

Contact BCPW at 208-384-3900 for specific comments or questions. All requirements of the BCPW shall be completed or bonded for prior to submittal of the Final Plat for the signature of the Boise City Engineer.

s. A letter from the appropriate **school district** is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

t. A letter of acceptance for **water service from the utility** is required (B.C.C. 11-09-04.3).

u. Developer shall provide a letter from the **United States Postal Service** stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

Contact: Dan Frasier, Postmaster
770 S. 13th St.
Boise, ID 83708-0100
Phone No. (208) 433-4341
FAX No. (208) 433-4400

Agency Requirements

3. Comply with requirements of the Ada County Highway District (ACHD) as outlined in their **March 15, 2016** approval.

4. The applicant **s**hall comply with all conditions of the Boise Fire Department as per the letter dated **March 10, 2016**. Any deviation from this plan is subject to Fire Department approval. For additional information, contact Romeo Gervais at (208) 570-6567.

5. Compliance with Boise City Plan Review comments dated February 25, 2016.

6. Comply with requirements of Central District Health Department as outlined in comments dated **March 3, 2016**.

7. Comply with requirements of Boise Project Board of Control as outlined in comments dated **March 21, 2016**.

8. Comply with requirements of Idaho Transportation as outlined in comments dated **March 3, 2016**.

9. Comply with requirements of Idaho Fish and Game as outlined in comments dated **March 25, 2016.**

Standard Conditions of Approval

4. Building permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services, Subdivision Section at (208) 384-3830 regarding questions pertaining to this condition.

5. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

6. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

7. In compliance with Title 9, Chapter 16, Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling (208) 384-4083. Species shall be selected from the Boise City Tree Selection Guide.

8. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

9. Utility services shall be installed underground.

10. An occupancy permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

11. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid and submitted to the Subdivision desk on the 2nd floor of City Hall. For additional information, please call (208) 384-3998.

12. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

13. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

14. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.

15. This conditional use permit shall be valid for a period not to exceed twenty four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.

16. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

17. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.

After Recording
Return To:

Jim Conger
Conger Management Group
4824 W. Fairview Ave.
Boise ID 83706

DEVELOPMENT AGREEMENT

This Agreement entered into this _____ day of _____, 2016, by and between the City of Boise City, hereinafter referred to as "City," and C15 LLC, the owner of the real property described herein and the Applicant for Boise City annexation number CAR16-00003, hereafter referred to as "Developer."

RECITALS

WHEREAS, the Developer has applied to the City for a annexation and zoning to R-2/DA and R-1B/DA of the property described in Exhibit "A" to develop preliminary subdivision plat for detached single family dwellings with 24 buildable lots; and

WHEREAS, the City, pursuant to Boise City Code Section 11-08-08 and Idaho Code §67-6511A, has the authority to conditionally annex and zone the property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which the requested zoning may not be consistent with the Idaho Code and the Boise City Code; and

WHEREAS, the City's Planning & Zoning Commission and City Council have held public hearings as prescribed by law with respect to the zoning and planned development of the Property and this Agreement; and

WHEREAS, it is the intent and desire of the parties hereto that development of the Property proceed as provided herein, subject to the terms and conditions of this Agreement and the amendments hereto.

NOW THEREFORE, in consideration of the above recitals and the mutual consideration as reflected in the covenants, duties and obligations herein set forth, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Description and Location of Property; Size of Property; Present Zoning: This R-2 and R-1B zone shall apply to the property owned by Developer, hereinafter referred to as "the Property" and specifically legally described in Exhibit "A". The commonly associated address of the property is 6781, 6751, 6827 East Warm Springs Ave. The property is approximately 4.2 acres. The property was formerly zoned by Ada County as RP.
2. Use Permitted by this Agreement: The sole use allowed pursuant to this annexation and zoning as reflected in this Agreement is the development of 4.2 acres to single family residential with 24 buildable lots and 1 common lot. Developer agrees that this Agreement specifically allows only the uses described and specifically incorporated herein under the conditional R-2 and R-1B. No change in the uses specified in this Agreement shall be allowed without modification of this Agreement pursuant to the requirements of the Boise City Code. In the event the Developer changes or expands the use permitted by this Agreement without formal modification of this Agreement as allowed by the Boise City Code, the Developer shall be in default of this Agreement.
3. Construction of Use in Conditional Zone: The residential development and site work shall be constructed in accordance with Boise City Subdivision Ordinance per Exhibit "B." Failure to construct the development consistent with this Agreement and the Boise City Zoning Ordinance or construction in variance with this Agreement, including the amendment of this Agreement, shall result in a default of this Agreement by the Developer.
4. Default: In the event the Developer, her/his heirs or assigns or subsequent owners of the property or any other person acquiring an interest in the property, fails to faithfully comply with all of the terms and conditions included in this Agreement, this Agreement may be modified or terminated by the Boise City Council upon compliance with the requirements of the Boise City Code.
    A.) In the event the Boise City Council determines that this Agreement shall be modified, the terms of this Agreement shall be amended and the Developer

shall comply with the amended terms. Failure to comply with the amended terms shall result in default.

B.) In the event the Boise City Council, after compliance with the requirements of the Boise City Code, determines that this Agreement shall be terminated as a result of the default, the zoning of the property shall revert to RP. All uses of the Property, which are not consistent with RP zoning or otherwise approved by the City of Boise shall cease.

C.) A waiver by the City of any default by the Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

5. Consent to Annex: Developer, Developer's heirs, successors, assigns and personal representatives, by entering into this Agreement, does hereby agree that in the event there shall be a default in the terms and conditions of this Agreement in connection with the Property, after compliance with the requirements of Boise City Code, that this Agreement shall serve as consent to a rezone of the Property to A-1 zoning, as provided in Idaho Code §67-6511A.

6. Notices: Any and all notices required to be given by either of the parties hereto, shall be in writing and be deemed delivered upon personal service, if hand-delivered, or when mailed in the United States mail, certified, return receipt requested, addressed as follows:

a.) To the City:

Director, Community Planning and Development Department
City of Boise City
P.O. Box 500
Boise, Idaho 83701-0500

b). To the Developer:

C15 LLC
4824 W. Fairview Ave.

Boise ID 83706

Either party shall give notice to the other party of any change of their address for the purpose of this section by giving written notice of such change to the other in the manner herein provided. Developer expressly agrees to notify any successors and assigns of the need to provide City with a current address. In the event any successor or assign fails to provide an address, City obligations of mailing shall be deemed accomplished by use of the address on file with the County Tax Assessor.

7. Attorney Fees: Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

8. Time Is Of The Essence: The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.

9. Binding Upon Successors: This Agreement shall be binding upon and inure to the benefit of the parties respective successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the owner of the property, each subsequent owner and each other person acquiring an interest in the property. This Agreement shall run with the land.

10. Requirement for Recordation: The Developer shall record this document, including all the Exhibits, prior to the formal adoption of CAR16-00003 by the Boise City Council. Failure to comply with this section shall be deemed a default of this Agreement by the Developer. If for any reason after such recordation the Boise City Council fails to adopt CAR16-00003, City shall execute and record an appropriate instrument of release of this Agreement.

11. Effective Date: This Agreement shall not be effective until CAR16-00003 has been approved and published by the City.

12. Invalid Provisions: If any provision of this Agreement is held not valid, such provision shall be deemed to be excised there from and the invalidity thereof shall not affect any of the other provisions contained herein.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2016.

BOISE CITY

By: _____

David H. Bieter, Mayor

ATTEST:

_____

DEVELOPER

By: C15 LLC, an Idaho limited liability company

_____

Jim D. Conger, Member

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared **David Bieter**, known or identified to me to be the Mayor of the City of Boise City, the municipal corporation that executed the within and foregoing instrument, or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
Notary Public for Idaho
Residing at:_____
My commission expires:_____

STATE OF IDAHO)
) ss.
County of Ada)

On this ___ day of _____, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be _____ that executed the foregoing said instrument, and acknowledged to me that he/she executed the same.

_____
Notary Public for Idaho
Residing at: _____
My Commission expires: _____

CAR16-00002

Annexation & Rezone Application Form

PDS Department Application # 105

Case #: _____

New! **Type data directly into our forms.**

Note: Be sure to print this form before closing it or you will lose your data. This form cannot be saved to your computer.

Property Information

Address : Street Number: 6781 Prefix: East Street Name: Warm Springs Avenue

Subdivision: _____ Block: ____ Lot: ____ Section: 33 Township: 3N Range: 3E

***Primary Parcel Number:** S 0 9 3 3 1 4 1 9 2 0 Additional Parcels: S0933141905, S0933142110

Applicant Information

***First Name:** Jim ***Last Name:** Conger

Company: DevCo LLC ***Phone:** (208) 336-5355

***Address:** 4824 W. Fairview Avenue ***City:** Boise ***State:** ID ***Zip:** 83706

E-mail: jconger@congergroup.com **Cell:** _____ **Fax :** _____

Agent/Representative Information

First Name: Marcel **Last Name:** Lopez

Company: DevCo LLC **Phone:** _____

Address: 4824 W. Fairview Avenue **City:** Boise **State:** ID **Zip:** 83706

E-mail: marcel@congergroup.com **Cell:** _____ **Fax :** _____

Role Type: ○ Architect ○ Land Developer ○ Engineer ○ Contractor ◉ Other

Owner Information

Same as Applicant? ○ Yes ◉ No (If yes, leave this section blank)

First Name: Clavis B. **Last Name:** Hamilton

Company: Ben's Crow Inn **Phone:** (208) 342-9669

Address: 6916 E. Pet Haven Lane **City:** Boise **State:** ID **Zip:** 83712

E-mail: bbungard@arthurberry.com **Cell:** _____ **Fax :** _____

RECEIVED
FEB 22 2016
PLANNING DEPT
SUBDIVISIONS

Date Received: _____
Revised 10/2008

www.cityofboise.org/pds
City of Boise Planning & Development Services
P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500
Phone 208/384/3830 • Fax 208/433-5688 • TDD/TTY 800/377-3529

CAR 16-00002

1. **Neighborhood Meeting Held** (Date): February 11, 2016

2. **Neighborhood Association:** Riverland East

3. **Comprehensive Planning Area:** Barber Valley

4. **This application is a request to construct, add or change the use of the property as follows:**
Annexation of parcels, S0933141905, S0933141920 and S0933142110 into the City of Boise totaling approximately 4.19 acres on East Warm Springs Avenue for the development of 24 single family detached residential and 1 common lot. Please see the attached letter for a detail description of the project.

5. **Type of Request:** ○ Rezone ◉ Annexation & Rezone

6. **Current Zone:** Ada County RP

7. **Requested Zone:** R-2 and R-1B

8. **Size of property:** 4.19 ◉ Acres ○ Square Feet

9. **Existing uses and structures on the property are as follows:**
The property was the location of Ben's Crow Inn a restaurant and tavern. Owner's Ben and Connie are retiring and closing the business after Labor Day 2016. Structures include the main building and related structures.

10. **Are there any existing land uses in the general area similar to the proposed use?**
If so, describe them and give their locations:
Yes. Directly across East Warm Springs Avenue is the East Valley Subdivision which was recently annexed into Boise with R-1C zoning and is a similar residential development. The parcel at our south boundary is a single family residential property.

11. **On what street(s) does the property have frontage?** East Warm Springs Avenue

CAR 16-00002

12. Adjacent Property Information

	Uses:	Zone:
North:	Vacant undeveloped land and residential	RUT & R6
South:	Residential and vacant undeveloped land	RP & R6
East:	East Valley Subdivision and open land	R-1C
West:	Open land and the Boise River	RP

13. Why are you requesting annexation into the City of Boise?

To attain a zoning of R-2 and R-1B on the property for the purpose of developing into a 24 single family detached and 1 common lot subdivision as allowed per the Boise Comprehensive Plan and development code.

14. What use, building or structure is intended for the property?

Single family detached 1, 2 and 3 story homes. The proposed homes are similar to the existing neighborhood recently constructed at Triplett 2 next to Harris Ranch in the Barber Valley.

15. What changes have occurred in the area that justify the requested rezone?

The entire East Valley area is experiencing a growth in the development of residential uses. East Valley Subdivision is directly across this property on East Warm Springs Avenue and is a similar development. This development will be a valued addition to the current development in the area.

16. What Comprehensive Plan policies support your request?

Goal PDP5: Require adequate public facilities and infrastructure. Boise City has existing facilities including a 1-year old sewer lift station sized for growth and will provide sewer service. Principle GDP-N.1: Connectivity. This neighborhood will provide a stub to the greenbelt system. Principle GDP-N.1.a: Provide a continuous network of sidewalks, bicycle, and pedestrian paths, and roadways. This neighborhood will add 1,300 linear feet of sidewalk adjacent to Warm Springs Road. Goal NAC7: Facilitate a mix of housing types and price ranges in neighborhoods. This small 4.2 acres site has two housing type and price ranges. Goal NAC7.1 Mix of Housing. This neighborhood meets this goal with 2 housing types of varying price ranges. Goal GDP-C.5 Although there is currently no transit service available beyond the Harris Ranch Commerical area the philosophy of increased desnsity along the Warm Springs corridor will be a factor to create increased ridership and support for additional transit service.

Applicant/Representative Signature

2.22.16

Date

Print Form

CAR 16-00002

PDS Online | eApply

City of Boise • Planning & Development Services • (208) 384-3802 • pds.cityofboise.org

#201 Subdivision

Case #: SUB16-00006

Property Information

Address

Street Number:	Prefix:	Street Name:	Unit #:
6781	E	WARM SPRINGS AVE	

Subdivision name:	Block:	Lot:	Section:	Township:	Range:	Zoning:
SEC 33 3N 3E	0	0	33	3	3	RP

Parcel Number:	Additional Parcel Numbers:
S0933141920	

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

(•) Agent/Representative ( ) Applicant ( ) Owner

Applicant Information

First Name:	Last Name:
Jim	Conger

Company: DevCo LLC

Address:	City:	State:	Zip:
4824 W Fairview Ave.	Boise	ID	83706

E-mail:	Phone Number:	Cell:	Fax:
jconger@congergroup.com	(208) 336-5355		

Agent/Representative Information

Role Type: ( ) Architect ( ) Land Developer ( ) Engineer ( ) Contractor (•) Other

First Name:	Last Name:
Marcel	Lopez

Company: Conger Management Group

Address:	City:	State:	Zip:
4824 W Fairview Ave.	Boise	ID	83706

E-mail:	Phone Number:	Cell:	Fax:
marcel@devco.land	(208) 336-5355		

Owner Information

Same as Applicant? (•) No ( ) Yes (If yes, leave this section blank)

First Name:	Last Name:
Clavis B.	Hamilton

Company: Ben's Crow Inn

Address:	City:	State:	Zip:
6916 E. Pet Have Lane	Boise	ID	83712

E-mail:	Phone Number:	Cell:	Fax:
bbungard@arthurberry.com	(208) 342-9669		

1. Type of Application:

(●) Preliminary ( ) Final ( ) Preliminary/Final

2. Proposed Subdivision/Condominium Name:

Ben's Crow Inn Subdivision

Note: Must be approved by the Ada County Surveyor.

3. Cross Reference Files:

Please list all previously approved or currently associated file(s):

Annexation; Floodplain Review(CFH16-00009); Planned Unit Development (PUD16-00005)

4. Subdivision/Condominium Features:

Number of buildable lots/units:	24	Buildable lots/units per acre:	5.73
Number of common lots/units:	1	Zoning Classification:	R-2 & R-1B
Total acres in subdivision:	4.19		

5. Building Program:

Number of Existing Buildings: 1 Number of Existing Buildings to Remain: 0

Type of Existing Buildings: ( ) Residential (●) Commercial ( ) Industrial ( ) Mixed Use

If Residential What Type? [ ] Single Family [ ] Townhouse [ ] Duplex [ ] Multi-Family

Type of Proposed Buildings: (●) Residential ( ) Commercial ( ) Industrial ( ) Mixed Use

If Residential What Type? [✓] Single Family [ ] Townhouse [ ] Duplex [ ] Multi-Family

6. Waivers or Modifications:

Are any waivers/modifications being requested from the Subdivision Ordinance? (●) Yes ( ) No

If yes, please include a detailed explanation in your letter.
An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:

Are private streets proposed? ( ) Yes (●) No

If yes, please provide justification in the letter of explanation.
An additional private street review fee must be paid at the time of submittal.

8. Public Streets:

Number of new public streets proposed: 0

9. Floodways & Hillsides:

Is any portion of this property located in a Floodway or a 100-year Floodplain? (●) Yes ( ) No

Does any portion of this parcel have slopes in excess of 15%? ( ) Yes (●) No

Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

11. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

(●) No ( ) Area A ( ) Area B ( ) Area B1 ( ) Area C

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature:

Date:

PDS Online | eApply

City of Boise • Planning & Development Services • (208) 384-3802 • pds.cityofboise.org

#117: Planned Unit Development

Case #: PUD16-00005

Property Information

Address

Street Number:	Prefix:	Street Name:	Unit #:
6781	E	WARM SPRINGS AVE	

Subdivision name:	Block:	Lot:	Section:	Township:	Range:	Zoning:
SEC 33 3N 3E	0	0	33	3	3	RP

Parcel Number:	Additional Parcel Numbers:
S0933141920	

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

(•) Agent/Representative ( ) Applicant ( ) Owner

Applicant Information

First Name:	Last Name:
Jim	Conger

Company: DevCo LLC

Address:	City:	State:	Zip:
4824 W. Fairview Ave.	Boise	ID	83706

E-mail:	Phone Number:	Cell:	Fax:
jim@congergroup.com	(208) 336-5355		

Agent/Representative Information

Role Type: ( ) Architect ( ) Land Developer ( ) Engineer ( ) Contractor ( ) Other

First Name:	Last Name:
Marcel	Lopez

Company: Conger Management Group

Address:	City:	State:	Zip:
4824 W. Fairview Ave.	Boise	ID	83706

E-mail:	Phone Number:	Cell:	Fax:
marcel@devco.land	(208) 336-5355		

Owner Information

Same as Applicant? (•) No ( ) Yes (If yes, leave this section blank)

First Name:	Last Name:
Clavis B.	Hamilton

Company: Ben's Crow Inn

Address:	City:	State:	Zip:
6919 E. Pet Haven Lane	Boise	ID	83712

E-mail:	Phone Number:	Cell:	Fax:
bbungard@arthurberry.com	(208) 342-9669		

Project Information

Is this a Modification application? ○ Yes ◉ No File number being modified:

1. Neighborhood Meeting Held (Date):

02/11/2016

2. Neighborhood Association:

Riverland East

3. Comprehensive Planning Area:

Barber Valley

4. This application is a request to construct, add or change the use of the property as follows:

Annexation into the City of Boise, parcesl, S0933141905, S0933141920 and S0933142110 totaling approximately 4.2 acres on East Warm Springs Avenue for the development of 24 single family detached residential and 1 common lot. This PUD application requests lot sizes of approximately 8,000 square feet in the R-1B zone and all of the lots to have a 5 foot side setback. This PUD application also requests a 10 foot buffer along a portion of the property fronting East Warm Springs Avenue.. Please see the attached letter for a detail description of the project.

5. Size of Property:

4.19 ◉ Acres ○ Square Feet

6. Water Issues:

A. What are you fire flow requirements? (See International Fire Code):

gpm

B. Number of hydrants (show location on site plan):
Note: Any new hydrants/hydrant piping require United Water approval.

Number of Existing: Number of Proposed:

C. Is the building "sprinklered"? ○ Yes ◉ No

D. What volume of water is available? (Contact United Water of Idaho at 362-7330):

gpm

7. Existing uses and structures on the property are as follows:

The property was the location of Ben's Crow Inn, a restaurant and tavern. Owner's Ben and Connie are retiring and are closing the business after Labor Day 2016. The existing structures will not reamin and will be demolished prior to construction of the new subdivision.

8. Are there any hazards on the property?

(Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:

No.

9. Adjacent property information:

	Building types and/or uses	Number of Stories	Zone
North:	Vacant undevelo		
South:	Residential and \	2	
East:	Residential - Eas	2	(R-1C/DA) Single Family Res
West:	Open land and tl		

10. Non-Residential Structures:

A. Number of **Proposed** non-residential structures:

Square footage of proposed non-residential structures or additions (if 5+ floors, attach narrative with chart):

	Gross Square Feet	Net Leasable Square Feet
1st Floor	0	0
2nd Floor	0	0
3rd Floor	0	0
4th Floor	0	0

B. Maximum Proposed Height:

C. Number of stories: 0

D. Number of **EXISTING** non-residential structures to remain: 0

Square footage of existing non-residential structures or additions (If 5+ floors, attach narrative with chart):

	Gross Square Feet	Net Leasable Square Feet
1st Floor	0	0
2nd Floor	0	0
3rd Floor	0	0
4th Floor	0	0

E. Existing Structure Height(s): 0

F. Number of Stories: 0

11. Residential Structures:

A. Number of **Proposed** residential units (if applicable)::: 24

B. Size of Proposed residential structures (if applicable):

	Number of Units	Square Foot per Unit	Total Square Feet
One-Bedroom:	0	0	0
Two-Bedroom:	0	0	0
Three-Bedroom:	0	0	0
Other:	0	0	0
Total Number:	0	0	0

C. Number of **Existing** units to remain: 0

D. Maximum Proposed Structure Height(s): 35

E. Number of Stories: 3

12.Site Design:

A. Percentage of site devoted to building coverage:	66.81
B. Percentage of site devoted to landscaping:	18.11
C. Percentage of site devoted to paving:	14.21
D. Percentage of site devoted to other uses:	0.87
E. Describe other use:	

13.Loading Facilities, if proposed (For Commercial uses only):

Number:		Location	
Size:		Screening	

14.Parking:

	Required		Proposed
A. Handicapped Spaces:		Handicapped Spaces:	
B. Parking Spaces:		Parking Spaces:	
C. Bicycle Spaces:		Bicycle Spaces:	
D. Proposed Compact Spaces:			
E. Restricted (assigned, garage, reserved spaces) parking spaces proposed:			
F. Are you proposing off-site parking?	○Yes ◉No	If yes, how many spaces?	
G. Are you requesting shared parking or a parking reduction?	○Yes ◉No	If yes, how many spaces?	

Note: If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15.Setbacks (Plans that are not graphically dimensioned will not be accepted.)

	Building		Parking	
	Proposed	Required	Proposed	Required
Front:	20	20		
Rear:	15	15		
Side 1:	5	15		
Side 2:	5	15		

16.Waivers Requested:

A. Lot size:	◉Yes ○No	Description:	This PUD application requests 5 of the lots located in the R-1B zone to allow
B. Internal Setbacks:	◉Yes ○No	Description:	This PUD application requests 5 foot side yard set backs.
C. Frontage:	◉Yes ○No	Description:	This PUD application requests a 10 foot buffer along East Warm Springs Av

17. Sidewalks:

Proposed: ☐ Attached ☑ Detached

Adjacent: ☐ Attached ☐ Detached

18. Amenities:

Number: 4

Description: Amenities include, drought tolerant landscape, landscaped open space, access to public open spaces and public bicycle circulation system. Please see attached letter for a detailed description of the amenities.

19. Density:

Allowed Density: 43.7

Proposed Density: 5.73

20. Building Exterior:

	Materials	Colors
Roof:	Asphalt Single	
Walls:	Stucco/Cementitious Siding	
Windows/Doors:	Vinyl/Metal	
Fascia, Trim etc.:		

21. Drainage (Proposed method of on-site retention):

Seepage Beds

22. Floodways & Hillsides:

A. Is any portion of this property located in a Floodway or a 100-year Floodplain? ◉ Yes ○ No

B. Does any portion of this parcel have slopes in excess of 15%? ○ Yes ◉ No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

○ No ○ Area A ○ Area B ○ Area B1 ○ Area C

24. Street Layout:

A. PUBLIC Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains no more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required?

○ **Yes** ◉ **No**

B. PRIVATE Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required?

○ **Yes** ◉ **No**

Are you proposing public street connection to adjacent properties?

○ **Yes** ◉ **No**

25. Solid Waste:

A. Type of trash receptacles:

☑ **Individual Can/Residential** ☐ **3 Yd Dumpster** ☐ **6 Yd Dumpster** ☐ **8 Yd Dumpster** ☐ **Compactor**

B. Number of trash receptacles:

24

C. Proposed screening method:

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)

◉ **Yes** ○ **No**

E. Is recycling proposed?

○ **Yes** ◉ **No**

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant's responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature:

Date: 2.22.16

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

March 3, 2016

City of Boise
Planning and Development Services
P.O. Box 500
Boise, ID 83701-0500

VIA EMAIL

RE: CAP16-00002 BEN'S CROW INN SUBDIVISION

The Idaho Transportation Department (ITD) has reviewed the annexation and rezone application for the Ben's Crow Inn Subdivision at 6781, 6751, and 6827 E. Warm Springs Ave. west of SH-21. ITD has the following comments.

1. ITD has no objection to a subdivision being constructed at this location.
2. The property does not abut the State highway system.
3. ITD is not aware of any concerns at this time at the intersection of SH-21 and E. Warm Springs Avenue. With the subdivisions that are being constructed along the E. Warm Springs corridor thus increasing the trip generations, this intersection may need to be reviewed to see if changes would be needed to increase safety and mobility.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7191.

Sincerely,

James K. Morrison
Development Services Manager
jim.morrison@itd.idaho.gov

Project/File: **Ben's Crow Inn Subdivision/ BPP16-0003 / SUB16-00006**
The applicant is proposing annexation, zoning, planned unit development and a preliminary plat application for a 24-lot residential subdivision on 4.2 acres on the west side of Warm Springs Avenue, north of SH-21.

Lead Agency: City of Boise

Site address: 6781 E. Warm Springs Avenue

Staff Approval: March 15, 2016

Applicant/ Representative DevCo LLC
4824 W. Fairview Avenue
Boise, ID 83706

Staff Contact: Christy Little
Phone: 387-6144
E-mail: clittle@achdidaho.org

A. Findings of Fact

1. **Description of Application:** This 4.2 acre site is currently in Ada County and zoned RP. The applicant is seeking annexation into the City of Boise, with a zoning designation of R-2 and R-1B. The preliminary plat includes 24 buildable lots and 1 common lot, and is proposed to be accessed with a private drive.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Vacant	RUT
South	Single Family Dwelling	RP
East	Residential	R-1C
West	Greenbelt/Vacant	RP

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Transit:** Transit services are not available to serve this site.

5. **New Center Lane Miles:** No new center lane miles will be constructed with this development.

6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

7. Capital Improvements Plan/ Integrated Five Year Work Plan:

- The intersection of Warm Springs Avenue and SH-21 is listed in the CIP to be reconstructed to widen approaches, and add a signal, between 2027 and 2031.

B. Traffic Findings for Consideration

1. Trip Generation: The proposed single family use is estimated to generate fewer daily vehicle trips than the existing restaurant use. Based on the square footage of the restaurant, there are 260 existing vehicle trips per day to this site, with 20 in the PM peak hour. This development is estimated to generate 228 vehicle trips per day with 24 in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

2. Condition of Area Roadways
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Warm Springs Avenue	1,250-feet	Minor Arterial	300 (e/o Lysted Avenue)	Better than D	Better than D

* Acceptable level of service for a two-lane minor arterial is "D" (550 VPH).

3. Average Daily Traffic Count (VDT)
Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for Warm Springs Avenue north of SH-21 was 2,615 on October 29, 2015.
- The average daily traffic count for Warm Springs Avenue east of Lysted Avenue was 4,706 on February 3, 2015.

C. Findings for Consideration

1. Warm Springs Avenue

a. Existing Conditions: Warm Springs Avenue is improved with 2-travel lanes (28-feet of pavement), and no curb, gutter or sidewalk abutting the site. There is 80 to 90-feet of right-of-way for (45 to 50-feet from centerline).

b. Policy:
Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Warm Springs Avenue is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes.

Street Section and Right-of Way Width Policy: District Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Frontage Improvements Policy: District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

c. Staff Comments/Recommendations: The applicant should be required to construct a 5-foot wide detached concrete sidewalk on Warm Springs Avenue, located as shown on the preliminary plat; and should provide a sidewalk easement for sidewalk that is constructed outside of the public right-of-way. The applicant is not required to widen the pavement beyond the 28-feet of pavement that exists on Warm Springs Avenue, as this is consistent with the overall width of Warm Springs Avenue north and south of the site. Until Warm Springs Avenue needs to be widened to include a center turn lane, there is no need to widen the pavement (by 3-feet) for this frontage. The applicant is proposing a connection to the Greenbelt through this site that will provide access to pedestrians and bicyclists.

2. Driveways

Warm Springs Avenue

a. Existing Conditions: The restaurant is accessed off of Warm Springs Avenue with two driveways near the north end of the parcel.

b. Policy

Access Points Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is

being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

Successive Driveways: District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 45 MPH to align or offset a minimum of 380-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

c. Applicant's Proposal: The applicant is proposing to access the site from Warm Springs Avenue with a private road/drive aisle for 22 units, and a driveway for 2 units. The main entrance is located in alignment with Sky Bar Street on the east side of Warm Springs Avenue. The shared driveway that will serve 2 units is located approximately 170-feet north of Highland Valley Road on the east side of Warm Springs Avenue. The applicant is also proposing an emergency access located approximately 75-feet south of the north property line.

d. Staff Comments/Recommendations:

The main entrance meets District policy and should be approved as proposed.

The shared driveway that serves 2 units does not meet District policy which requires 380-feet of separation on minor arterials (45MPH) between streets/driveways. This requires a modification of 55% for this dimensional standard. Staff recommends a modification of policy to allow this driveway because the driveway serves only 2 lots, and this site has only one other access, with 1,250-feet of frontage. The driveways will have adequate room on-site so that vehicles do not have to back on to Warm Springs Avenue. This modification can be approved at the Deputy Director level.

The emergency access is approved as proposed approximately 75-feet south of the north property line and over 650-feet north of the main entrance. Coordinate the bollards with emergency services. If the City requires the emergency access to be constructed as a regular driveway, not emergency access only, the location meets policy, and could be approved.

3. Private Roads

a. Private Road Policy: District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and

- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

b. Staff Comments/Recommendations: If the City of Boise approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Boise, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

4. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

5. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

6. Other Access

Warm Springs Avenue is classified as minor arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Construct a 5-foot wide detached concrete sidewalk on Warm Springs Avenue, located a minimum of 31-feet from centerline; and provide a sidewalk easement for sidewalk that is constructed outside of the public right-of-way.

2. Construct a 24 to 30-foot wide driveway/private road on Warm Springs Avenue located in alignment with Sky Bar Street. Pave the driveway/private road its full width and at least 30-feet into the site with pavement tapers. Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

3. Construct a 20 to 24-foot wide driveway on Warm Springs Avenue located 170-feet north of Highland Valley Road. Pave the driveway its full width and at least 30-feet into the site with pavement tapers.

4. Construct a 20-foot wide emergency access on Warm Springs Avenue located 75-feet south of the north property line. Pave the driveway its full width and at least 30-feet into the site with pavement tapers. Coordinate the location and installation of bollards with the Boise Fire Department.

5. Payment of impacts fees are due prior to issuance of a building permit.

6. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

CENTRAL DISTRICT HEALTH DEPARTMENT

Environmental Health Division

CENTRAL DISTRICT HEALTH DEPARTMENT

Return to:
- ☐ ACZ
- ☑ Boise
- ☐ Eagle
- ☐ Garden City
- ☐ Kuna
- ☐ Meridian
- ☐ Star

Rezone # SUB16-00006

Conditional Use # _____

Preliminary / Final / Short Plat _____

Ben's Cruso Inn

☐ 1. We have No Objections to this Proposal.

☐ 2. We recommend Denial of this Proposal.

☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.

☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.

☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
- ☐ high seasonal ground water
- ☐ bedrock from original grade
- ☐ waste flow characteristics
- ☐ other _____

☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.

☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.

☑ 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
- ☑ central sewage
- ☐ interim sewage
- ☐ individual sewage
- ☐ community sewage system
- ☑ central water
- ☐ individual water
- ☐ community water well

☑ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- ☑ central sewage
- ☐ sewage dry lines
- ☐ community sewage system
- ☑ central water
- ☐ community water

☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.

☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.

☐ 12. We will require plans be submitted for a plan review for any:
- ☐ food establishment
- ☐ beverage establishment
- ☐ swimming pools or spas
- ☐ grocery store
- ☐ child care center

☐ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

RECEIVED
MAR 03 2016
DEVELOPMENT SERVICES

☐ 14. _____ Reviewed By: _____

Date: 2/26/16

Review Sheet

15726-001EH1111

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: February 25, 2016

To: Planning and Development Services

From: Jason Taylor, P.E., Staff Engineer
Public Works

Subject: SUB 16-00006, PUD16-00005, CFH16-00009; BCI Subdivision
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

   a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer's engineer.

   b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners' association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

   c. If the homeowners' association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants, homeowners' association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Commercial Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. STANDARD HILLSIDE CONDITIONS

1) Developer will comply with all requirements of Boise City Code Sections. 11-07-08 through 11-07-09 (Hillside and Foothill areas) or submit evidence satisfactory to the Boise City Engineer that the proposed development is exempt from the requirements therein stated due to location, topography and/or the absence of adverse conditions associated with slope stability, ground water, erosion and sedimentation.

    a. The project engineer shall submit a summary report describing the incorporation of the recommendations of the various final reports into the design and said summary report shall accompany the final reports.

    b. Developer and/or owner shall post bond/agreement in the amount of 110% of the estimated costs on each of the following items pertaining to its particular plan: Grading, Filling, Erosion Control, Drainage, Revegetation and related work. This bonding shall be provided prior to the start of any site work or signing of the final plat by the Boise City Engineer.

        i. Additionally this bond shall remain in effect until such time as, in the opinion of the City Engineer, the grading is complete, the revegetation is established and the susceptibility for erosion on the site has been reduced to a tolerable level.

        ii. The portion of the bond for revegetation and erosion control shall remain in effect through at least two growing seasons (spring and fall). If, in the opinion of the City Engineer, vegetation has not become established prior to the last growing season, the Developer and/or Owner shall do additional revegetation work as recommended by the developer's Landscape Architect and approved by the City Engineer. The City Engineer may also require extension of this portion of the bond until such time that at vegetation has become established and hence long term erosion control has been provided.

    c. All protective covenants required under Boise City Code Section 11-07-08.F shall be reviewed and approved by the Boise City Attorney prior to signing of the final plat by the Boise City Engineer.

    d. **All filing fees and costs required to be paid per Boise City Code prior to the signing of the final plat by the Boise City Engineer.**

2) Place the following note on the face of the final plat:

e. "Individual lot development (Lots 1 &14-25) shall comply with the Boise City Hillside and Foothills Areas Development Ordinance (B.C.C. 11-07-08 through 11-07-09), International Building Code Chapter 18 and Appendix J as modified by Boise City Code Chapter 4-02"

3. MISC. ENGINEERING CONDITIONS

1) A portion of the property is within the floodplain. Comply with Boise Floodplain Ordinance (B.C.C. 11-08).

4. PRIVATE STREET CONDITIONS

1) The following private street requirements must be met in an acceptable format:

   a. Convey to those lot owners taking access from the private street, the perpetual right of ingress and egress over the described private street, and

   b. Provide that such perpetual easement shall run with the land, and

   c. Provide each lot owner taking access from the private street, undivided interest within the private street.

2) A restrictive covenant for maintenance and reconstruction shall be recorded at the time of recording the plat which covenant, (a) creates the formation of a homeowners association for the perpetual requirement for the maintenance/reconstruction of the private street, and private street signs and (b) provides that said covenant shall run with the land, and (c) provides that the homeowners association shall not be dissolved without the express consent of Boise City.

3) Said easement and covenant to be reviewed and approved by the Boise City Attorney (B.C.C. 9-20-7.E.2.q & 9-20-7.E.2.r).

4) Private street widths shall be in conformance with B.C.C. 11-09-03.5. or as allowed via B.C.C. 11-09-05. All private streets, base and pavement, shall be constructed to the same construction specifications required for public streets. Contact the Ada County Highway District (ACHD) for public street construction requirements (B.C.C. 11-09-03.5.B.).

   a. Certification of construction to ACHD specifications is required from an independent testing laboratory or a consulting engineer, including test results for the verification of construction (B.C.C. 11-09-03-05.B.(2)(e)).

i. If it is an existing private street, verification of acceptable construction of the existing private street, including acceptability for use of emergency vehicles (including fire trucks and ambulances), is required from an independent testing laboratory or a registered Professional Engineer.

b. Sidewalks are required on both sides of the private street (or in compliance with the sidewalk plan approved with the conditional use) unless specifically waived by the Boise City Council.

c. Private street signs shall be installed in the same manner as public street signs (see requirements of ACHD).

d. The developer shall pay the current drainage review and inspection fees on the proposed subdivision (B.C.C. 11-03-03.3.B.).

e. Drainage facilities for the private street shall comply with Boise City's Storm Water Management and Discharge Control Ordinance (B.C.C. 8-15). Plans shall be approved and construction inspected by Boise City Public Works.

i. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs, including certification (B.C.C. 11-09-04.2., Filing of Plans and Bonding Surety).

Special Conditions:

If you have any further questions please contact Jason Taylor at 384-3946 or jtaylor@cityofboise.org.

BOISE
CITY OF TREES

Dennis Doan
Chief

City Hall West
333 N. Mark Stall Place
Boise, Idaho 83704-0644

Phone
208/570-6500

Fax
208/570-6586

TDD/TTY
800/377-3529

Web
www.cityofboise.org/fire

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
David Eberle

Elaine Clegg
Lauren McLean
TJ Thomson
Ben Quintana

Fire Department

March 10, 2016

Cody Riddle
PDS – Current Planning

Re: Planned Unit Development, 24 buildable lots and one common lot on 4.19 acres - PUD16-00005; 6781 E Warm Springs Ave

Dear Cody,

This is a request for a Planned Unit Development with 24 residential dwellings on 4.2 acres.

The Boise Fire Department has reviewed and can approve the application subject to compliance with all of the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Ordinance 6308.

Comments:

1. This proposed subdivision is located within Wildland-Urban Interface Zone B. Lots 1-22 are considered Zone B perimeter lots. Zone B perimeter lots shall be provided with a 30 ft. defensible space to undeveloped land. Compliance with Boise City Code Section 7-01-69 is required for all structures within this subdivision.
2. A wildfire safety plan is required for this subdivision. A plan shall be submitted and approved prior to approval of the final plat.
3. Fire hydrants, capable of producing the required fire flows shall be located in accordance with the IFC. Move the proposed fire hydrants from the private drive to Warm Springs Road at each of the three subdivision entrances.
4. The emergency access entrance has breakaway bollards. The bollards are located to make this area too small to use as a turnaround for emergency vehicles. A fully compliant turnaround shall be provided at this location or the secondary access shall be unrestricted. (IFC Appendix D)
5. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
6. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)
7. For streets having a width less than 29 feet, back of curb to back of curb parking shall be restricted on both sides. Parking shall be restricted on all sides of turn-arounds and cul-de-sacs. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

An Equal Opportunity Employer

Specific building construction requirements of the International Building Code, International Fire Code and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Ron L. Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

C.L. "Butch" Otter / Governor
Virgil Moore / Director

March 24, 2016

City of Boise Planning and Development Services
150 N. Capital Boulevard
P.O. Box 500
Boise, ID 83701
PDSTransmittals@cityofboise.org

RE: DevCo LLC, annexation & rezone application, Case # CAR16-00002 & PUD16-00005

The Idaho Department of Fish and Game (Department) has reviewed the Annexation and Rezone Application and the Planned Unit Development for the proposed Ben's Crow Inn Subdivision located at 6781 East Warm Springs Avenue. This application requests an annexation of the property into Boise City and a development agreement to build a 24 lot single family subdivision, with R-2 and R-1B zoning. The development will occupy approximately 4.19 acres of land, and is currently surrounded by vacant, residential and open land. The Department's Boise River Wildlife Management Area (BRWMA) is approximately 0.30 miles east of the proposed subdivision.

The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects to fish, wildlife, and habitats and how any adverse effects might be mitigated. It is not the purpose of the Department to support or oppose this proposal. Resident species of fish and wildlife are property of all Idaho citizens, and the Department and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho (Idaho Code36-103(a)). In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, Department staff met with the developer for this project on Monday, March 11, 2016, to discuss our concerns and offer suggestions about the plan. These included, but were not limited to, construction and placement of fences and utilization deer resistant landscaping. The developer was provided with the Department's "Standard Recommendation for Development" as well. Additionally, we offer the following comments and suggestions.

The BRWMA and surrounding lands provide critical winter habitat to large populations of migratory mule deer during the winter and early spring months. During this time, mule deer regularly move between the foothills and the Boise River to satisfy certain habitat needs. In addition, the area provides habitat for resident mule deer. The Department strongly believes that an increase in development along Warm Springs Avenue will have an adverse cumulative impact on local wildlife. One impact identified by the Department is the diminishing connectivity between the BRWMA and the riparian and river floodplain habitat along the Boise River. Permanent conversion

of habitat to residential use will likely have a measurable effect on big game in the region. Cumulatively, these developments could act as a barrier keeping big game and other wildlife from moving to and from the Boise River corridor. Due to the habitat connectivity it provides and its close proximity to the BRWMA, the area surrounding the proposed Crow's Inn subdivision has been identified as a key wildlife migration corridor (Harris Ranch Wildlife Impact Assessment and Mitigation Plan, 2006).

The Department analyzes and assesses each development proposal on a case by case basis. For this specific project (# CAR16-00002), it has been determined that the design layout contains fencing heights and a secondary wildlife corridor* that will provide permeability through the subdivision. A primary wildlife corridor* is located north of the project area, therefore no additional wildlife corridors will be requested for this subdivision.

Finally, the Department recommends that future residents of the proposed subdivision be educated about the wildlife amenities they have nearby and the sensitivity of those wildlife to human disturbance. The Department refers to the Department publication Home Builders and Owners Guide to Living with Wildlife, available here: http://idahodocs.contentdm.oclc.org/cdm/compoundobject/collection/p15100coll7/id/2733/rec/10. We would ask that this information be provided to the developer and in turn to potential residents.

Thank you for the opportunity to comment. Please contact Rick Ward in the Southwest Region office at (208)475-2763, rick.ward@idfg.idaho.gov, or Krista Muller at the Boise River Wildlife Management Area at (208)334-2115, krista.muller@idfg.idaho.gov if you have any questions.

Sincerely,

Scott Reinecker
Southwest Regional Supervisor

* Primary Wildlife Corridor: An area used by a wide variety of wildlife species that are more wary of human activities and less inclined to venture close to settled areas (e.g., migrating mule deer). Primary corridors connect large contiguous habitats and wildlife populations. In addition, the vegetation characteristics in these areas meet security and thermal cover requirements and may provide limited foraging opportunity.

* Secondary Wildlife Corridor: The Department expects some deer to enter the subdivisions by street access. Therefore, we recommend that at least one secondary wildlife corridor be incorporated into each development plan. These corridors consist of an entrance and an exit for wildlife trapped within the subdivision. They not only allow permeability through the subdivision, but also provide additional connectivity to large contiguous habitats. Entrance and exit points could be designed to accommodate pedestrians as well, but must follow IDFG fencing recommendations.

SR/km/rw
ecc: Kiefer/ HQ
cc: Gold file

RECEIVED
MAR 17 2016
BPR ADMIN.

Boise City Parks Department March 7, 2016

River to Ridges Trail Program

1104 Royal Blvd

Boise, Idaho 83706

Re: Access to Green Belt @ Ben's Crow Inn

Ladies and Gentlemen,

There are development plans for the commercial Property on Warms Springs Ave. now known as Ben's Crow Inn.

I've attached a copy of the plat submitted to Boise City Project Development Services.

I've also enclosed a photograph showing the state of the access at this location. Unfortunately, the tree roots have destroyed the asphalt surface making it un-ride able.

Is there some way this path can be repaired. Unfortunately, the path is apparently not on a perfected easement. The question is who owns the property. The plat shows a Brant Petersen as the owner of this thin sliver of property. I'm sure based on the damage caused by the tree roots that the construction of this path pre-dates his ownership.

I use this path and would like to see it repaired. Is this something you could look into for me? Perhaps some service group would take it on as a project or City parks and recreation crew could initiate repairs.

Jack Snyder

2566 East Plateau Drive

Boise, Idaho 83712

Bea's crow inn
Fresh Seafood, Burgers
Fries, Beverages, Patio
Restrooms, Phone

6706 Glacier Drive
Boise, ID 83716
March 31,2016

Planning & Zoning Commission
Boise City
150 Capitol Blvd.
Boise, ID

Re: SUB16-00006 & PUD16-00005
Ben's Crow Inn Development

Commissioners:

My concerns set forth in this letter are regarding the conversion of the Ben's Crow Inn commercially zoned property to residential zoning, and the development of high density housing on this land.

As a 15 year resident of Barber Valley I have seen it explode from a rural backwater into an upscale, high end housing development. I have been involved in most of the meetings and hearings about Harris Ranch, River Heights, Barber Station, SP01, SP02, and all the other developments. We are just about out of land here in the Valley, but there is no need for high density housing with serious environmental and social effects. Such high density housing is more appropriate for the inner City.

The Housing Style of the Development

It is obvious that an almost solid wall of 3 story houses will not provide a pleasant experience to Greenbelt users. There is no similar condition along the full length of the Greenbelt. Even in the midst of the City there is open space next to the Greenbelt and any large buildings are set back from the path by many feet. In the current situation, the 3 story houses would be on top of a 10 foot high cliff, adding an even more overwhelming and threatening atmosphere. It would definitely be a very negative experience for the bikers and walkers on the Greenbelt.

This 50 foot high wall would be even taller and more depressing than Donald Trump's Mexican wall.

The lot configuration is bizarre at best. The internal private access road divides the lots into two smaller lots. What is to be done with that throw-away area to the NE? It appear to be unusable for outbuildings, parking, or children play areas. With setbacks and easements considered, a multi story house is required to get reasonable living space (2000 SQ FT) on the buildable 4000 sq ft lot. Calling this a 6000 sq. ft. lot is a serious misrepresentation. The 4000 sq. ft. buildable area is far less than the minimum 5000 and 5500 sq. ft. areas called for in R-2 and PUD Standards. There will be minimum area available for outdoor living space, such as vehicle parking, children's play area, pet run, BBQ area, etc. Such a super crowded condition is not compatible with the architectural scheme of the Barber Valley. This is more like crowded inner city apartment or condominium development. This “rabbit hutch, breeding pen” style of housing is not consistent with the values of Barber Valley. Furthermore, it is doubtful that the 3 story houses can meet the 35 foot maximum height requirement.

The Greenbelt is non-renewable and non-replaceable positive asset to the Boise area, and the Barber Valley in particular. The wildlife, scenery, and peace of the area are enjoyed by thousands of walkers, runners, and bicyclists who escape from the urban setting to this semi-wilderness place. It would be a

great disservice to the Greenbelt users to destroy their experience with a poorly designed high density housing project

My recommendation is to establish minimum 50 ft. lot widths with 10 ft. setbacks and to allow only two story houses. There should be a minimum 30 ft. setback from the western property line to avoid negative impact on the Greenbelt.

Additionally, there should be landscaping with plant and trees on the west side of the lots to screen the houses from view on the Greenbelt.

Commercial Venue

One commendable feature of the Barber Valley Plan is the inclusion of mixed use areas where business and residence are closely integrated. This concept is intended to reduce vehicle traffic and promote a sense of "neighborhood". Such areas are already included in SP01 and SP02 development. The developer would be in keeping with this theme and greatly enhancing the neighborhood by keeping a portion of the development in Commercial zoning.

It is absolutely necessary to have some form of commercial gathering/entertainment/eating/social center to serve the interests of the Barber Valley, particularly the east end residents and Greenbelt traffic. The central valley has Lucky 13 as their focal point, and the west end heads toward Bown Crossing. The east end should not be left unserved with no facility. The Crow Inn has been a favorite stopping and eating spot for thousands of Treasure Valley residents on their way to Lucky Peak or Idaho City. Ben has been very generous in allowing neighborhood groups to have meetings there The popularity of Ben's through the years is proof that there has been a demand, which will only increase with the increased population in the neighborhood.

If such a center is located in the subject property, it will be within walkable distance from residents in River Heights, Riverland Terrace, East Valley, and Highland Valley Road. It will thus increase trip capture and serve to reduce driving and air pollution. The center would be an attractive selling point for all houses in the east end of Barber Valley.

I ask that a portion of the subject property be kept as Commercial zoned in order to allow a business enterprise to serve the east end of Barber Valley and the Greenbelt.

Greenbelt Access

Currently, there is access from Warm Springs Avenue to the Greenbelt through the Crow Inn parking lot and down a path over the Penitentiary Canal.

This is the only public access point to the Greenbelt for a great distance in either direction. It is essential that this access remain open. The Developer has indicated an access path through the housing and connecting to the existing access path. This steep descending path is very rough because of tree roots, and is not handicapped accessible. Ada County Parks and Waterways is currently developing a plan for reconstructing the Greenbelt to Diversion Dam, and such a plan could include a handicapped accessible path down from the BCI property to the Greenbelt. The Developer should coordinate with Ada County Parks and Waterways to incorporate an access path that would serve the needs of the entire community.

This Greenbelt access will serve the east end community by allowing an easy access point for students on their way to East Jr. High, and for commuters using bicycles to ride to work.

Now there is Greenbelt access and parking on the private property of Ben's Crow Inn. For the most part the hours of Greenbelt usage and bar patronage are different and there is rarely parking conflict. Greenbelt users do not often exceed 10 cars in the lot, whereas there may be up to 20 cars and motorcycles for the bar.

If the Greenbelt access and commercial venture are to remain viable, there must be adequate vehicle parking for the patrons. I would suggest a car lot immediately adjacent to the Greenbelt access and commercial venue. City Building Code may call for the number of parking spaces. What is parking requirement at Ridge to Rivers trailheads?

When bus service is extended to the east end of the Valley there should be a bus stop at the Greenbelt access point.

I ask that the Developer coordinate with Ada County Parks and Waterways to incorporate a Greenbelt access path that would serve the needs of the entire community.

Amenities

There is no designated community facility (clubhouse, meeting room,swimming pool, recreation facility, or children's play area). Failure to have these facilities on site means that the residents must drive out of the area, thus negating any trip capture credit. Although East Valley does have a children's play lot, it is not easily walkable from this development. Facilities for children's development and walkable access to school should be made a primary concern.

Amenities for adults and children will make this development more desirable and salable.

I ask that the Developer provide the amenities discussed above on the site, or that they provide a safe and walkable path to those in the East Valley subdivision.

Warm Springs Avenue Crossing

There will be children and adults on both sides of Warm Springs Avenue wishing to cross the street for various reasons. Many will cross to get access to and from the Greenbelt and Boise River. Others will need to go to and from work or school. All need a safe passage across Warm Springs Avenue. Now that ACHD has designated this street as a 2 or 3 lane road, such a crossing is more feasible.

Establishment of a street crossing is a responsibility of ACHD, not the Developer. However, because the Developer is the same on both sides of the street, he can make the crossing entrance and exit on both sides of the street line up.

I ask that the Developer work closely with ACHD to install a safe crosswalk, complete with signs and/or signals, to connect the east and west sides of Warm Springs Avenue.

Warm Springs Avenue Sidewalk

The Developer has suggested installing a 1326 foot long paved sidewalk along the western side of Warm Springs Avenue. There is no connecting sidewalk on either ends of this sidewalk, and property at both ends is in Ada County. It is a “Sidewalk to Nowhere”, connecting no residences or Greenbelt

portions. ACHD is now planning to upgrade WSA to 2 or 3 lanes and the configuration has not been established yet. The money spent on this sidewalk project would be better applied to constructing a connecting sidewalk on the east side of WSA from the East Valley development to the River Heights development north of Riverland Terrace. Such a sidewalk would then complete the sidewalk system and offer safe pedestrian and bicycle access from the Crow Inn and East Valley developments to East Jr. High, Shakespeare Festival, Lucky 13, and other school and commercial venues.

I ask that the Developer coordinate with ACHD to construct this alternative sidewalk.

Thank you very much for your consideration of my concerns.

Pete White

Brant Petersen
Krista Petersen
6883 E. Warm Springs
Boise, Idaho 83716

To: Planning and Zoning Commissioners
City of Boise Planning and Development Services
150 N. Capitol Blvd
Boise, Id 83702

April, 3 2016

RE: PUD 16-00005, SUB 16-00006, CAR 16-00002 Ben's Crow Inn property

CC: Susan Riggs City of Boise, Cody Riddle City of Boise, Boise Mayor David Bieter

Dear Commissioners,

We write to express our opposition to the application submitted by Jim Conger, owner of the DevCo, LLC, for the above-identified planned use development. We live at 6883 E. Warm Springs, which is located next to this proposed development. The proposed development fails to meet the City's established planning and zoning requirements and Comprehensive Zone, is completely out of character for the existing developments in the area and will have a negative impact on existing development, will disrupt current recreational uses of an ecological sensitive area next to the Boise River, will disrupt establish wildlife, lacks clear access to the greenbelt and the Boise River, and, if approved, will set a bad precedence for future development along the Boise River corridor. For these reasons, as more fully set forth below, we urge you to reject DevCo's application.

Our single family home sits on approximately 3 acres at 6883 E. Warm Springs. If this development is approved our home will be surrounded on two sides by a twenty four high density 2 and 3 story row house development. As proposed, the developer will construct a two to three story home approximately 55 feet directly outside our family's front door.

We also own a linear parcel of property that runs the entire length of DevCo's proposed development on the west side (see attached map). This parcel lies between the proposed development, Greenbelt path and the Barber Wildlife Reserve. As a result, owners in DevCo's proposed development will not have access to the greenbelt without trespassing.

Mr. Conger has not approached us about access across our property during any part of DevCo's planning, including plat development. In fact, Mr. Conger did not speak to us until an impromptu "neighborhood" meeting was held to display DevCo's proposed development. When we notified Mr. Conger we own the property between his proposed development and the greenbelt he asked if we were "giving" him access across our land. We definitively and unequivocally told him NO at that time. We also notified Mr. Conger there is no easement on file for the "access" path across our private property to the greenbelt that his proposed plat development displayed. Our conversations with Mr. Conger about DevCo's lack of access to the greenbelt were prior to DevCo submitting its application to Boise City Planning and Zoning Commission.

If you approve this application as proposed a "pathway" will be constructed that dead ends at our property short of the greenbelt. This pathway will invite users to travel onto and across our private property where there is no existing "pathway" agreement or easement. When we discussed this issue with Mr. Conger during our initial meeting he explained to us that Boise City can require us to allow greenbelt access. Contrary to Mr. Conger's representations to us, we do not believe Boise City has the authority take our property or require us to grant an access easement across our property for DevCo's use. Additionally, this pathway proposed in DevCo's application will not have a trailhead and offers limited user parking inside the development due to the narrow streets. As a result, the most likely parking for anyone access to the greenbelt from this pathway will be on Warms Springs Avenue. The only other viable area open to parking is the road (East Highland Valley Lane) that leads to our home. These parking options are unsafe and neighboring residential streets should not be the only viable option for greenbelt user parking.

Negative impacts on the surrounding residents:

The 4 acre parcel on which DevCo proposes to build twenty-four 2 and 3 story homes is truly an exceptional setting. This parcel is situated between the Barber Pool Wildlife Reserve, the Boise River, the Greenbelt and the Highland Valley Trail, an arterial trail in Boise's Ridge to Rivers Trail system. It is a unique parcel that serves as a trailhead and hub for hundreds of Boise recreationalist who currently park and gather in and around Ben's Crow Inn to access these incredible areas in the Barber Valley. The construction of twenty-four high-density buildings with zero trails, no parking for recreational use or a single square foot of open space will have irreversible negative consequences for all Boise residents.

DevCo's application is out-of-line with Blueprint Boise, the comprehensive area planning policy. The policy states Goal BV-CCN 1: "Respect the Barber Valley's unique development context" and BV-CNN 1.1: "Context Sensitive development, Design

development to preserve wildlife habit and connectivity, open space, and context-sensitive recreational opportunities." DevCo's proposed development has no "context sensitive elements." The only element considered in the proposed application is packing as many houses as possible onto the smallest possible lots to maximize DevCo's profits. This only comes at an unacceptably a high cost to current Barber Valley residents and users of the river, greenbelt, reserve, and trail system, which includes all Boise residents.

DevCo's proposed construction of homes will have an incredibly negative impact on our own home. DevCo plans to build3 houses in front of our home with the back of one house to be constructed 55 feet directly in front of our family's front door. As proposed, these 3 houses will be constructed on a very narrow strip of land in front of our house. As initially proposed, DevCo's construction plans for these 3 homes in particular would have encroached on our property. We again approached Mr. Conger concerning his application and pointed out his survey showed DevCo's development will build homes on our property. At first Mr. Conger adamantly denied this and advised us he was certain his survey was correct. Mr. Conger stated it was up to us to prove otherwise. This forced us to retain and pay a surveyor to provide a correct and accurate landline survey. We provided this survey to Mr. Conger. Only after incurring that expense DevCo submitted an amended landline survey. The effect is to further narrow the already incredible narrow swath of land on which DevCo plans to build 3 homes directly in front of our existing home. With this additional decrease in depth of this strip of land we believe offsets will be pushed or reduced in an effort to pack as many structures as possible into this narrow space between Warm Springs Ave and our family's property. The most likely result will be homes with at least 2 stories built directly in front of our home.

Finally, Boise City's current Build Boise initiative states: "[Boise City's] goal is to inspire a shared vision for the built environment and preserve Boise's livability for present and future generations." DevCo's proposed development has no "vision" or plan to "preserve Boise's livability." The proposal is to cram 24 houses into four acres along the Boise River. Twenty-one of these houses will comprise a row 1,000 feet long and 2 and 3 stories high. This wall of 2 and 3 story homes will run parallel to the Greenbelt, Boise River, and will be the primary feature visible from the Barber Pool Wildlife Reserve. The current residential development adjacent to the Greenbelt and Barber Pool Reserve is a total of 5 homes built on lots ranging from 2.5 to 13 acres. The proposed development is clearly out of place for the existing neighborhood and setting. Is this proposal what the City of Boise envisions for our "inspired built environment"? Is this how we should plan construction adjacent to one of our last and best natural environmentally sensitive and recreation areas in South East Boise? Does this meet the goals noted in the Boise

City comprehensive Build Boise initiative? The answer to these questions is a clear and adamant NO!

Negative impacts on recreation;

The **Blueprint Boise,** Boise City's Planning and Zoning Comprehensive Plan's GOAL; Connect the Community,

Boise has a well-established network of roadways and an award winning Greenbelt running through the heart of our community. But many trips could be made easier and healthier if pedestrian, bicycle and transit alternatives were given equal consideration when planning and funding our transportation system.

DevCo's proposed development will close the existing parking area currently used by patrons of Ben's Crow Inn and many recreationalists and bike commuters. It is the largest existing paved parking area in the surrounding area. The parking area is filled to maximum capacity every weekend, providing residents of Boise an ideal meeting location to start trips on the adjacent Greenbelt, the River to Ridge Trails system, the Boise River or the Barber Pool Wildlife Reserve.

Blueprint Boise specifically notes, in relation to greenbelt access, on page BV-11: "Provide a safe crossing across Warm springs at two points: from Highland Valley Road to the Greenbelt." DevCo's proposed development will close the only existing "safe access from Highland Valley Road to the Greenbelt." DevCo's proposed development has no greenbelt access, no open spaces, and will close the only existing public parking for these important recreation areas in the Barber Valley.

The effects of this proposed development will negatively impact all Boise residents and set bad precedence for future development. Blueprint Boise recognizes the need for connected recreational routes; BV-C2.1: Connections to new development states: "Make connections between Barber Valley trails, new developments, and existing developments, as well as the Greenbelt. Link gaps in the existing sidewalks system to provide connectivity and public safety along Warm Springs." BV- C2.3: Trail Connections further states: "Maintain alternative transportation routes for bicycles and provide bike lanes on the redesigned Warm Springs Avenue. Ensure bicycle routes and sidewalks connect the Boise River Greenbelt to the foothills." DevCo's proposed development flouts these policies to ensure access and to increase recreation opportunities along the Boise River corridor and the foothills.

With regard to greenbelt access specifically we clearly informed Jim Conger, on two separate occasions, that DevCo has no legal access through our private property to the Greenbelt before his application was submitted. In four different places locations in DevCo's application Mr. Conger falsely represents "Homeowners will have access to amenities such as the Boise River Greenbelt." Mr. Conger knows this is false and DevCo knowingly submitted this application misrepresenting Greenbelt access and connectively as a feature that DevCo has no actual legal right to. DevCo's proposal gives no consideration to the existing recreational amenities, connectivity or trailhead parking. Due to this negative impact on all Boise recreational users and because DevCo has no actual legal right to access the Greenbelt, the Commissioners should reject this application.

Impacts on existing wildlife:

Hundreds of species of wildlife inhabit the Barber Valley. Three unique wildlife preserves, the Barber Pool wildlife reserve, the Idaho Department of Fish and Game Cooperative Wildlife Management Area and the Boise River, boarder or are adjacent to DevCo's proposed development. Current Barber Valley recreationalists and residents coexistence in this mixed natural and residential setting. The presence of wildlife are a major draw to this area for many Boise residents. This is a unique and exceptional natural environmental setting only three miles from downtown Boise. This natural setting is what makes Boise a livable desirable city.

DevCo gives zero consideration to the existing wildlife in its proposal for development, including the high use big game corridors on both the north and south end of the proposed development. Boise residents and visitors value the rich diversity of wildlife and the natural setting hundreds of species utilizes as habitat on and adjacent to the proposed development. The Idaho Department of Fish and Game sent to City of Boise Planning and Development Services in a March 2016 letter "The Department strongly believes that increased development will have an adverse cumulative impact on local wildlife."

The Barber Pool Wildlife Reserve is immediately adjacent to the proposed development. The Reserve was designated as critical habitat for Bald Eagles and is a key component of winter big game habitat. If this development is built the view looking east from the Barber Pool Wildlife Reserve will be a 1,000 foot long wall of twenty-one 2 and 3 story homes. This will clearly have a negative impact on the aesthetics of the Wildlife Reserve.

If approved, Boise City will set precedence that wildlife and natural areas are not valued. Blueprint Boise, on page BV-1, states the Barber Valley "hosts the largest wintering deer herd in the State of Idaho." DevCo's proposal does not considered wildlife and the impact a wall of 2 and 3 story homes will have on the Barber Pool Wildlife Reserve, the

Brant Petersen
Krista Petersen
6883 E. Warm Springs
Boise, Idaho 83716

Boise River or the largest wintering deer herd in the State. The only potential consideration for area wildlife in DevCo's proposed development was recognized in the Fish and Game's review of the application. The Fish and Game stated a secondary wildlife corridor was included in the plan. Once again, this secondary wildlife corridor is the proposed access to the greenbelt through our property, which DevCo does not have authorization or legal access to use. The utter lack of consideration for the natural ecosystems in the area and the wildlife that use these environmentally sensitive areas is another reason to deny DevCo's application.

Setting a precedence for future development:

Approving DevCo's application will set an irreversible precedence for future development decisions along the Barber Pool Wildlife Conservation Area, and will further limit existing public access to the greenbelt, Boise River and Foothills Rivers to Ridge trail system.

If approved this will be the first development along this unique corridor. DevCo utterly fails to consider the needs of current residents, recreational users from all across Boise City and wildlife in these sensitive areas in its application for this planned use development. DevCo's single consideration its application is financial gain. If Boise City approves DevCo's application it will fail to meet the high standards for thoughtful development envisioned in Blueprint Boise.

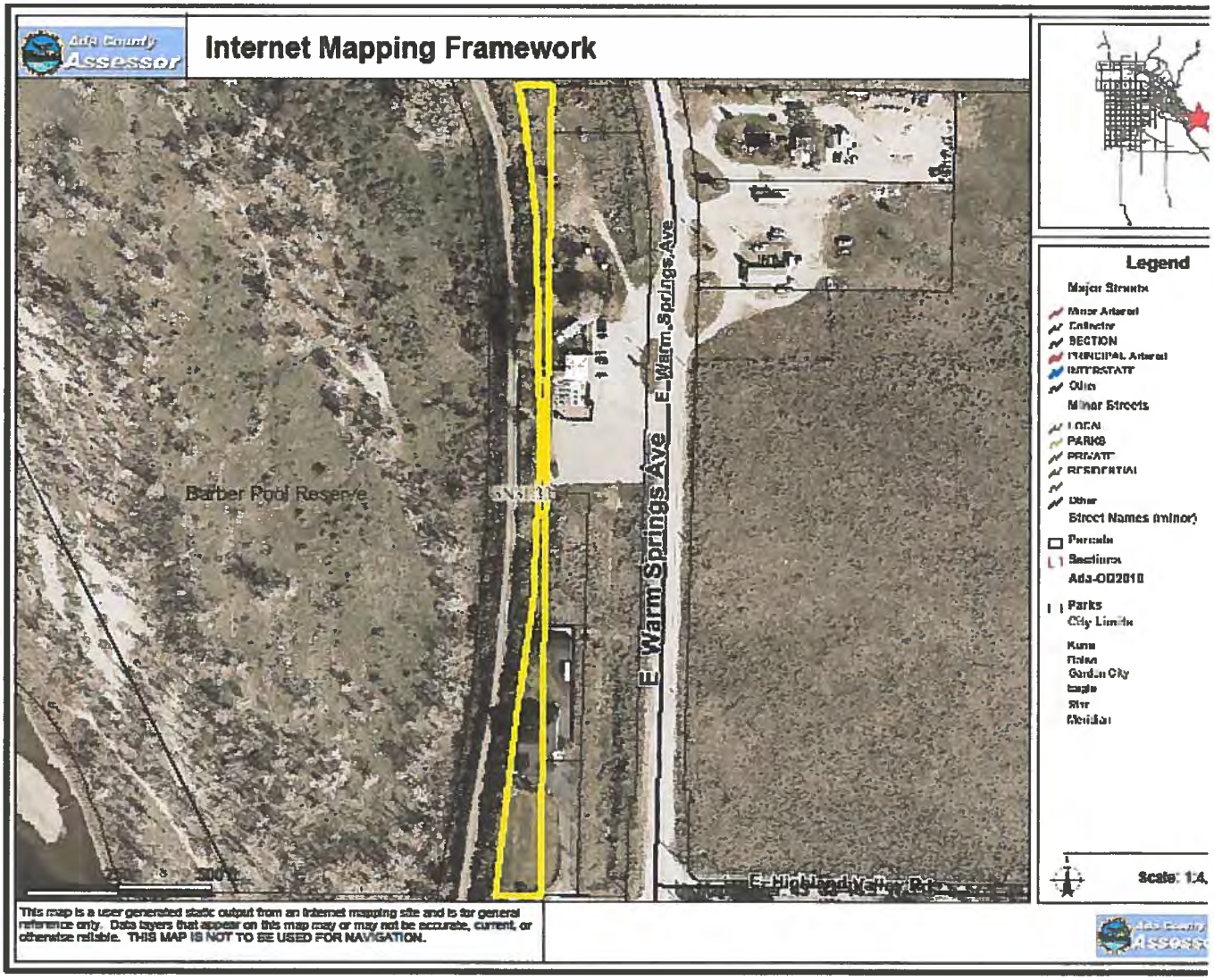
In conclusion, we request the denial of this development application for all of the reasons set forth above. In particular, the application was submitted, in part, based on misrepresentations of Greenbelt access. It also lacks any consideration for adjacent natural areas, wildlife, and fails to explain potential impacts on the construction of a 1,000 foot long wall of 2 and 3 story on the Greenbelt, Boise River and Barber Pool Wildlife Reserve. DevCo's proposed development will create significant negative natural, recreational, environmental, and social costs for Boise Residents. The proposed development does not meet the goal stated in the Boise City's comprehensive plan Blueprint Boise that: "[Boise City's] goal is to inspire a shared vision for the built environment and preserve Boise's livability for present and future generations"

We Appreciate Your Consideration,

Brant Petersen

Krista Petersen

Brant Petersen
Krista Petersen
6883 E. Warm Springs
Boise, Idaho 83716



From: Bruce Saunders
To: Susan Riggs
Subject: RE: Case Numbers: CAR16-00002 And PUD16-00005
Date: Monday, April 04, 2016 8:33:17 AM

Good morning Susan,

We received a public hearing notice from your office and this was the email address given on the notice. We live in the neighborhood just north of the proposed development, and the back of our house faces the proposed development. After talking with one of our neighbors, we have some concerns that we would like voiced.

1. We want to make sure we don't lose easy access to the greenbelt from our neighborhood. Right now we can go behind the existing restaurant across the street and get to the greenbelt. It looks like the planned neighborhood is going to span that area and we are not sure if they are willing to keep that access for others.
2. We would not like it if the homes in the proposed neighborhood were more than two stories tall. If they were too tall, they would be able to see into our back yards and that would be an invasion of our privacy.
3. Ideally, this should be a mixed use development with space for commerce, preferably a restaurant to replace the one that's already there. It is a popular location and we'd hate to lose that resource.

Thank you for listening to our concerns, and please enter these comments into your public record.

Sincerely,

Bruce Saunders | Senior Software Engineer
Idaho Housing and Finance Association
P.O. Box 7899, Boise, ID 83707-1899
Phone 208-331-4895| BruceS@IHFA.ORG
www.idahohousing.com

April 7, 2016

Ben's Crow Inn
6781 E. Warm Springs Ave.
Boise, Idaho 83716

Planning and Zoning Commission
City of Boise
PO Box 500
Boise, Idaho 83701-0500

RE: Ben's Crow Inn

Dear Commissioners:

We write this letter in support of the application submitted by DevCo LLC for the development of the Ben's Crow Inn property. We have owned and operated Ben's Crow Inn for over 40 years and after careful consideration made the decision that it is time to retire and sell the property. We appreciate the people's patronage of Ben's Crow Inn for all these years and their ongoing support during this transition process.

After many longs months in 2015 of our business (retirement plan) being for sale with no real offers; we selected a buyer in January 2016 that would develop the property into homes and we feel this is best for the area. After attempting to sell the business, we decided that DevCo's offer to buy the land was the highest and best use for our property and certainly the best for our retirement plans. We are longtime residents of the Barber Valley area and live less than 300 feet from this land. We are both excited to see the location develop into homes for families to enjoy for many generations.

We appreciate the City of Boise utilizing the Comprehensive Plan and City Ordinances to support this project.

Sincerely,

Connie Hamilton

Connie & Ben Hamilton

Connie Hamilton

EAST VALLEY

April 5, 2016

City of Boise
Susan Riggs
101 S. Capitol Blvd
Boise, Idaho 83702

To Whom It May Concern,

The East Valley Community Association Board have met with Conger Group and reviewed the adjacent River Ridge (BCI) development. We feel this project would be a wonderful addition to the Warm Springs corridor and improves the connectivity to the Greenbelt for our residents. We are in support of the proposed project.

Thank you for your continual support in making Boise a great place to live.

Sincerely,

Tami Long

Tami Long
Director/Secretary
East Valley Community Association

From: Lisa Hecht
To: Susan Riggs
Subject: Ben"s Crow Inn Development
Date: Sunday, April 03, 2016 4:29:06 PM

Dear Susan,

As a resident of Harris Ranch, I have read the BCI Development application, and I oppose it.

The number of developments so close to the river will not only impact the environment, and likely the river, but also will continue to impact the wildlife routes to the river. They have a right to live and exist as well as we do.

Secondly, the path to the greenbelt is on private property; it should be a public path. As a cyclist who frequently uses the greenbelt, even in winter, this does not support environmentally sound travel modes for the public or potential inhabitants of that development

Thirdly, the amount of development in the past few years has been intensely impactful on the land, people, river and traffic. And this development is sited in a particularly sensitive area near the river, for birds, deer, fish and other animals, as well as for humans to peacefully share with them.

Respectfully,

Lisa

Lisa Hecht
heartfeltsong@msn.com
(208) 331-2159 (home)
(208) 841-0058 (mobile)

April 4, 2016

Boise City Planning and Development Services
P.O. Box 500
Boise, Idaho 83701-0500
(208) 384-3830

Dear Boise City Planning and Development Services,

As a Boise City resident, I would like to voice a concern I have about the proposed residential development at 6781 E. Warm Springs Avenue in Boise, Idaho. My reluctance to support this development stems from two primary reasons: the potential environmental and recreational impact the development may inadvertently cause, and the desire to prevent a popular local business from leaving a key location for the residents of the immediate area and for those that enjoy a delicious meal after an action-filled day along the celebrated Boise Greenbelt.

As a native Idahoan, I embrace the exploration of the great outdoors and honor the natural wildlife habitats that have been established in our great state. I believe in the respectful use and conservation of those habitats while surrounding myself in their glory. The area near 6781 E. Warm Springs Avenue has always been a beautiful section of the greenbelt. I have personally spotted deer, osprey, bald eagles, blue heron, foxes, and a variety of small rodents along this particular stretch of the path. With access to the Boise Greenbelt, the Boise River, and the Lucky Peak Dam, the area is a haven for recreation. It serves as a pivotal location for recreationalists out to get their fix. I personally have used the greenbelt access point at this particular location many times when riding my bicycle and walking along the greenbelt in the Spring, Summer, and Fall. It is a healthy tradition I would like to keep alive. Many residents would agree that this little stretch of the land is a community jewel.

The Ben's Crow Inn restaurant satisfies an essential commercial need for the area as well. With its close proximity to Highway 21 and the lack of other nearby commercial plots, 6781 E. Warm Springs Avenue is a prime location to remain a commercial plot. Local residents of Boise and those from out of town can enjoy one last stop before heading out or returning home from nearby recreational adventures or even busy business trips. As avid recreationalists, my friends and I have on many occasions enjoyed the restaurant's buttery steamed clams and seasoned hot fries after a good day snowshoeing or cross-country skiing in the wilderness surrounding Idaho City. There is nothing better than keeping tradition alive while supporting local business. Boise needs to keep places like the Ben's Crow Inn in order to maintain its unique reputation as a town with eclectic heart and soul. When word of mouth is the main form of marketing for a local business, like Ben's Crow Inn, you know you have a treasure. There really is no other place in town like Ben's Crow Inn.

As a local 4th grade school teacher who teaches Idaho history, I believe it is important to preserve Idaho's wildlife and recreation for future generations; a legacy we can gladly pass on to deserving upcoming generations. It would be a shame to see this relatively small strip of commercial land become a residential development. The existing commercial plot imposes few disturbances to the wildlife of the area. You need only walk a few hundred feet before you see an informational board celebrating the diverse wildlife that currently flourishes in the area. I'm afraid that with a significant increase of residents in this particular area, which is sure to come with a residential proposal of this magnitude, the wildlife would be forced to find alternative habitats leaving the residents of Boise and those who enjoy the Boise Greenbelt a missed opportunity to enjoy the natural wildlife of this beautiful area. Please help provide for our future generations, protect the wildlife, maintain recreational access to the greenbelt, and promote tradition by keeping the commercial land at 6781 E. Warm Springs Avenue intact. We love our little gem right here in the Gem State!

Sincerely,

Susan Hayes, M.Ed.
4th Grade Dual Language Teacher
Whittier Elementary School
susan.hayes@boiseschools.org
(208) 890-9625

April 1, 2016

Boise City Planning and Zoning Commission
PO Box 500
Boise, ID 83701-0500

Re: CAR16-00002, PUD16-00005 & SUB16-00006 / 6781 E. Warm Springs Ave.

Dear Planning and Zoning Commissioners:

I would like to express my deep concern and opposition to the proposed subdivision/planned unit development located at 6781 E. Warm Springs Avenue (*Ben's Crow Inn*); which is under your consideration.

The proposed residential development seems incompatible with the surrounding areas. I am sad that Ben's Crow Inn will close its doors; however, the commercial use and zoning should be maintained as it is. This site is truly the 'last chance' Boise has to accommodate a commercial use along Warm Springs as citizen's travel south, leaving Barber Valley and city limits.

It is common for citizens to oppose smaller, more compact building lots within neighborhoods but residential density has its benefits in the right locations, -just not this one. The residential lot sizes within this proposed development are incompatible with surrounding residential subdivisions in Harris Ranch and greater Barber Valley (other than the two large lots shown, they are simply too small).

The proposed site plan is bland and uninteresting. This design closely resembles the bygone era of 'ice cube tray' subdivisions, which is outdated and inappropriate. The site design also creates a virtual 'wall' that blocks natural wildlife migration routes from the foothills down to the Boise River.

As Barber Valley continues to develop, Boise should endeavor to preserve greenbelt access points for the public. The proposed development shows one small greenbelt access trail on a common lot between two home sites. This proposed common lot access will likely be owned by the HOA. Unless this common lot is to be dedicated to the public, greenbelt access at this location will no longer be an option. Additionally, if the new street is to be public right-of-way, future homeowners within this subdivision will likely become annoyed by the number of vehicles parked along their street who drive to this location to access the greenbelt.

The Boise comprehensive plan future land use map designates this area as 'commercial' or otherwise 'buildable'. If Boise leadership is not interested in preserving this site as open space or a potential public park, at the very least, the proposed development should be re-designed in a more creative and sustainable way. A better design could easily accommodate public greenbelt access, parking and wildlife migration routes.

This location is a treasured 'place' for citizens as it abuts a sacred Native American preserve, provides safe and convenient public access to the greenbelt, sweeping views of the river valley and the majestic cliffs and plateaus to the west. I urge the Planning and Zoning Commission to recommend denial of the proposed development application by *DevCo*, and push for an alternative development that accommodates commercial uses or mixed uses –which would serve the neighborhood and Boise citizens greater than what is proposed here.

Thank you for the opportunity to present my input and for the Commissioners dedicated service to the City.

Sincerely,

Trevor Kesner
503 N. 27th St.
Boise, ID 83703

BVNABoise@gmail.com

April 5, 2016

P&Z Commissioners
City of Boise Planning and Development Services
150 N. Capitol Blvd
Boise, ID 83702

RE: Ben's Crow Inn PUD16-00005, SUB16-00006, CAR16-00002

Dear Commissioners,

The Barber Valley Neighborhood Association (BVNA) has been a dedicated partner with the City, County, and developers in jointly creating a vision for the Barber Valley that is walkable, safe, and supportive of active living and healthy lifestyles. At the same time, in the unique ecosystem where the foothills meet the river, we have worked hard to preserve space and mobility for wildlife and seek to be the first planned area development in the West to successfully integrate new urbanism and wildlife preservation. It is in this spirit and history of collaboration that we request the following:

> Deny the subject application, in accordance with **PDP3.2: AOCI ANNEXATION AREAS** "*Annex lands within AOCI when it can be demonstrated that the proposed annexation is consistent with the goals and policies of the Comprehensive Plan."* The proposed development does not yet fit with the overall vision for the valley and sets precedents that are incompatible with existing and planned development. In this letter, we provide reasons for denial in conformance with the Comprehensive Plan.
>
> Should the Commission choose to approve, we provide concrete suggestions for improving the application by directing the applicant to create a new plat, in collaboration with adjacent property owners, Ada County Parks and Waterways (manager of the Greenbelt in this area), City Planning staff, and the neighborhood to create a development plan that is compatible and in alignment with the Comprehensive Plan.

We believe that the extent of changes recommended to bring this application into the overall vision is significant enough that denial or deferral and re-application will be necessary.

Part 1: Reasons for Denial – Comprehensive Plan

The proposed application is not harmonious with the following comprehensive plans goals:

Principle GDP-N.1: CONNECTIVITY "*Provide a continuous network of sidewalks, bicycle, and pedestrian paths, and roadways to connect different areas of neighborhood."*

BV-C 2.3: TRAIL CONNECTIONS "*Connect Ridge to Rivers trails to each other and with the Greenbelt. Specific connections include the following: Provide a safe crossing across Warm Springs at two points: from Highland Valley Road to the Greenbelt; and from the Homestead Trail to the Greenbelt."*

BV-C 1.2: WARM SPRINGS CORRIDOR PLAN "*Work with ACHD to implement a Warm Springs Corridor Plan to provide an attractive gateway with traffic calming measures, such as roundabouts. Pedestrian crossings and control of traffic speed are critical elements to be implemented."*

Goal BV-PSF1: "*Continue to improve access to public facilities and services in the Barber Valley."*

The proposed homes are not an attractive Boise gateway.

- The application does not make provisions for a pedestrian crosswalk at either Skybar St. or Highland Valley Road, for a connection to the Greenbelt, and denies current access.

BV-CNN 1.1: CONTEXT SENSITIVE DEVELOPMENT "*Design development to preserve wildlife habitat and connectivity, open space, and context-sensitive recreational opportunities*."

- 21 two and three-story houses are not context sensitive. They create a wall adjacent to the Greenbelt bordering the Barber Pool Conservation Area, a treasured natural area.

Figure 1: Triplett Ranch - Side Elevations

- This style of building is more appropriate at the base of the foothills (as pictured) but is not compatible at a gateway location to Boise.
- There is not another row of homes like this in the Barber Valley. The proposed blocky, drab gray 21 units are not compatible with home-styles in the nearby east Barber neighborhoods – East Valley, Riverland Terraces, Highland Valley Road, Brian Subdivision, and Eastern River Heights. These homes are a mix of older and newer types, all featuring a variety of elevations and color schemes.

Figure 2: East Valley Front Elevations

Figure 3: 6883 Warm Springs (adjacent to Crows Inn)

BV-CNN 1.3: MULTI-JURISDICTIONAL COORDINATION "*Collaborate with Ada County and the Ada County Open Space Task Force regarding planning issues and development east of the AOCI and within the Barber Valley's geographic boundary."*

Has the applicant coordinated with Ada County regarding access to the Greenbelt and impact on the Penitentiary Canal?

Goal BV-CCN 3: Implement the adopted specific plans for Harris Ranch and Barber Valley

BV-CNN 3.1: PROPERTIES OUTSIDE OF THE HARRIS RANCH AND BARBER VALLEY SPECIFIC PLANS *"Use the adopted specific plans for Harris Ranch and Barber Valley as the policy basis for additional development in the Barber Valley.*

The Harris Ranch and Barber Valley specific plans visions are one of pedestrian- oriented public streets, plazas, greens, riverfront walks, and pathways. The streets are lined with and shaped by mixed-use, pedestrian-oriented buildings connected to encourage bike and pedestrian use with neighborhoods that are framed by architecture and landscape that celebrate the rich Barber Valley history. This application does none of the above and would remove a central East Valley commercial area and connection to the Greenbelt.

Although the proposed application is dense, it is not walkable (no interior sidewalks) and is disconnected from other parts of the neighborhood.

BV-C 1.2: WARM SPRINGS CORRIDOR PLAN "*Work with ACHD to implement a Warm Springs Corridor Plan to provide an attractive gateway with traffic calming measures, such as roundabouts. Pedestrian crossings and control of traffic speed are critical elements to be implemented."*

The application does not make provisions for a pedestrian crosswalk at either Skybar St. or Highland Valley Road

A crosswalk should be required and taken through ACHD as part of this platting process

The application does not protect the Barber Valley's commercial corridors in accordance with Blueprint Boise Chapter 3: Community Structure and Design.

Blueprint Boise prioritizes designated uses for a commercial area. Housing is secondary.

> ***"Primary** – Convenience, neighborhood, community and regional shopping center, hotels/motels, car sales, restaurants, entertainment and similar uses*
> ***Secondary** – Housing, offices, entertainment, and other complementary uses are encouraged as ancillary uses within commercial projects; however, developments seeking to incorporate a mix of uses are encouraged to seek a general mixed-use designation."*

From a 20,000-foot-high land use perspective, the application is not congruent with preserving the commercial designation that is intended to provide opportunities for retail and commercial services. The revitalization of established commercial areas is encouraged to promote economic vitality and a more pedestrian and transit-friendly pattern of development.

We do not want to lose the East Barber Valley's commercial center which functions as a Community Activity Center. For the last 47 years, Ben's Crow Inn has operated at the site and is the community activity center for five area neighborhoods: Riverland Terraces, Brian Subdivision, Pet Haven, East Valley and the eastern phase of River Heights. People and families meet and socialize here; neighborhood

association meetings and seasonal parties are held here. With the new East Valley and River Heights developments adding over 250 new East Valley homes, it is apparent that Blueprint Boise would today classify the commercial area as a Community Activity Center, as are two other East Valley commercial areas as shown below.

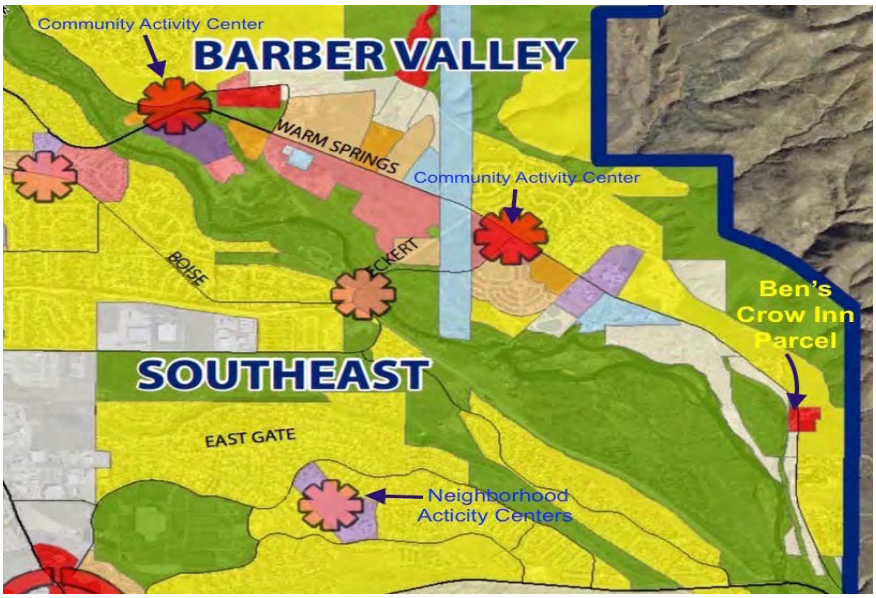


Figure 4: Map of Barber Valley

Planned Unit Development

As defined by the City of Boise's Zoning Code (Chapter 11-03-04 Subsection 7), a planned unit development (PUD) is "opportunity for land development that preserves natural features, allows efficient provision of services, and provides common open spaces or other amenities not found in traditional lot-by-lot development. Planned developments are intended to provide certain benefits to the public and to the developer."

Although code states that an approved planned unit development provides certain benefits to the public and to the developer, we see no benefits to the public with the elimination of a public greenbelt access point and an essential commercial corridor for the Barber Valley.

In addition, the developer is not providing the necessary amenities to warrant the reduction in lot widths to 40'. The required 30' landscape buffer due to the road classification of Warm Springs as a minor arterial, should not be part of the required open space. The landscape buffer is a requirement from the subdivision zoning code (Chapter 11-09-03 subsection 7); therefore, the applicant is not going above and beyond the requirements of 10% open space to warrant the PUD approval. The applicant is simply providing the minimum requirements set forth within the subdivision code.

Summary for Part 1:

If approved, the application will set a precedent for future development along Warm Springs and the Barber Pool Conservation Area.

A question to the Commission: "Is this the standard the City wants to set?" Barber Valley residents do not want this precedence set. **The application is not in compliance with and does not support the goals and objectives of the Comprehensive Plan. We request you hold developers to established standards by denying the application.**

Reasons for Denial

A. That the proposed use is not compatible to other uses in the general neighborhood.

The proposed rezone deprives the community of existing, walkable commercial uses and conflicts with the goals stated in Blueprint Boise Chapter 3: Community Structure and Design. The plat as proposed is not context-sensitive and conflicts with BV-CNN 1.1, which calls for designing developments "to preserve wildlife habitat and connectivity, open space, and context-sensitive recreational opportunities." The 3-story homes proposed abut a natural area and the plat does not currently offer wildlife crossings or a recreational access that would accommodate existing future growth in the area.

B. **That the proposed use does place an undue burden on transportation and other public facilities in the vicinity.**

As proposed, the plat makes it more difficult to access the Greenbelt by including two additional 90-degree turns from the entrance to the subdivision without an obvious connection. This conflicts with Blueprint Boise Principle GDP-N.1: CONNECTIVITY, which calls for a "continuous network of sidewalks, bicycle, and pedestrian paths, and roadways to connect different areas of neighborhood." It is also found to be in conflict with BV-C 2.3: TRAIL CONNECTIONS, which specifies "connect Ridge to Rivers trails to each other and with the Greenbelt." Finally, the plat lacks a crossing of Warm Springs Avenue from Sky Bar to the new private drive, which conflicts with BV-C 1.2: WARM SPRINGS CORRIDOR PLAN, which calls for safe and frequent pedestrian crossings. "Pedestrian crossings and control of traffic speed are critical elements to be implemented."

C. **That the site is not large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title.**

The site is not large enough to accommodate the homes proposed, driving the requests for variances, excessive easements within the lots and the planned unit development to attain lot width reduction. Blueprint Boise Goal BV-CCN 3 calls for the implementation of similar concepts put forth in Specific Plan 1 (SP01) and SP02 throughout the Barber Valley for cohesive development. SP01 and SP02 both envision pedestrian-oriented public streets, plazas, greens, riverfront walks, neighborhood-scale commercial, walkability, and pathways. The proposed application creates a zone of housing separate and very distinct

from the rest of the Barber Valley that does not allow for an integration of the neighborhoods and uses north and south of Warm Springs Avenue. Further, SP01 and SP02 provide for a mix of home style, colors, and architectural standards (attached and detached housing) that is not reflected in the elevations and color palette of the subdivision as submitted.

D. That the proposed use, if it complies with all conditions imposed, would continue *to* adversely affect other property of the vicinity.

In accordance with previously cited portions of Blueprint Boise calling for connectivity, it is important to establish connections that make sense in collaboration with Ada County, since they manage many of the recreational amenities of the area (BV-CNN 1.3: MULTI-JURISDICTIONAL COORDINATION "Collaborate with Ada County and the Ada County Open Space Task Force regarding planning issues and development east of the AOCI and within the Barber Valley's geographic boundary."). Failing to look at the long-term planning for the area and simply connecting to a sub-standard access point, does not serve the needs of City nor County residents for access to opportunities for healthy lifestyles and would, in the long term, conflict with Blueprint Boise Principle #7: A Safe, Health, and Caring Community.

E. That the proposed use is not in compliance with and does not support the goals and objectives of the Comprehensive Plan.

As proposed, this application does not align with the concepts nor frameworks of SP01 and SP02, as directed in Blueprint Boise Goal BV-CCN 3. For this reason, and because it changes the land use from nearly 50 years as a commercial/community center to housing, it is also in conflict with Blueprint Boise Principle #2, A Predictable Development Pattern, and Principle #3, which calls for "vibrant, mixed-use activity centers." Failing to collaborate with other agencies and landowners for the future of all residents conflicts with Principle #4 for a connected community; a remedy to this solution lies with affected and adjacent landowners, the Geographic Area Planner for Boise City, Ada County, and BVNA. As mentioned, the absence of crosswalk facilities is in conflict with Principle #7 for safety.

Part 2: Recommendations for Improvements and Site Design Solutions

Should the Commission choose to approve, we provide concrete suggestions for improving the application. The Applicant should work with the City, Park and Rec, Ada County and the surrounding neighborhood to work on revisions to the proposed greenbelt location.

Provides ADA Greenbelt access across from Skybar St – Collaborate with the County and neighbors to create an easement and design that plans for future changes.

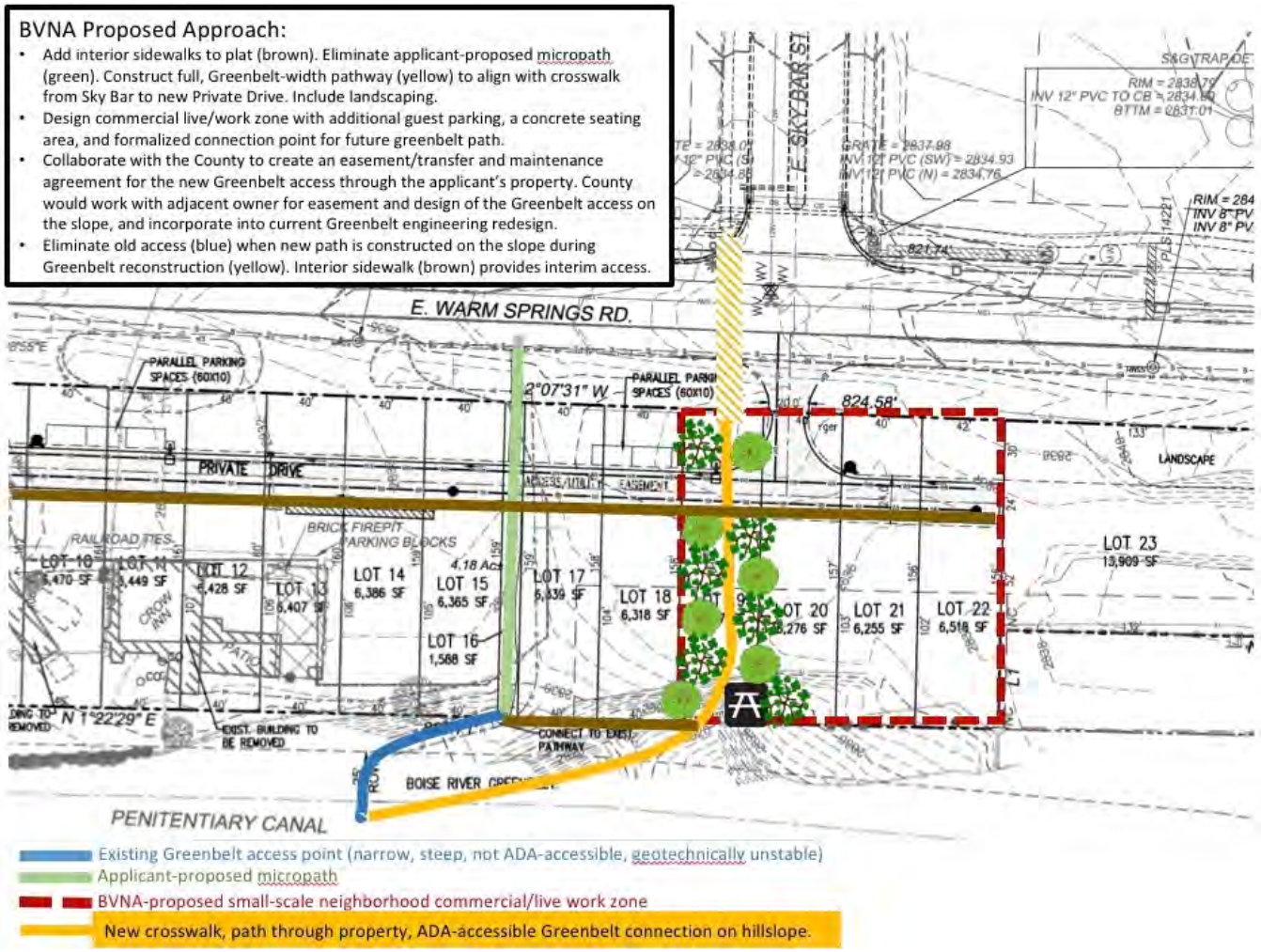


Figure 5: Realignment to Proposed Greenbelt

Provide an ADA access point that serves the entire neighborhood and is not buried in a micro-path between three-story homes far from the street. Even if it is not constructed immediately, the point of planning is to plan.

Ada County Parks and Waterways is in engineering design (expected to be completed in August 2016) for reconstructing the Greenbelt to the Diversion Dam. The project including burying the Penitentiary Canal and widening the Greenbelt is projected to start in summer/fall 2017. This is

the right time to coordinate this change. Collaboration is necessary with the County to create an easement/transfer and maintenance agreement for the new Greenbelt access through the applicant's property. County would work with adjacent owner(s) the design of the Greenbelt access on the slope, and incorporate it into to Greenbelt engineering redesign.

Include high density housing styles that are compatible with area neighborhood and fitting as a Boise gateway:

Figure 6: Front Elevations for Detached Homes, Mill District

Figure 7: Live/Work Units at the 951 Front

Consider including commercial work/live units – a Greenbelt destination with living units above.

The only other commercial property in the area, across Warm Springs Ave from BCI, is less commercially desirable because it only fronted by Warm Spring Ave while the BCI property is

fronted on both the street and Greenbelt with a superior view of the BPCA and all it offers. The BVI parcel is more desirable for a walkable neighborhood commercial and ultimately a more profitable small business.

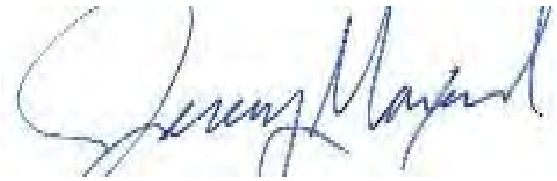
At an absolute minimum the property should incorporate mix-use, with residential and light-commercial opportunities. It should provide safe public access to the greenbelt, with public parking and sufficient open space, these revisions to the application, will not only make it a better design, set a higher standard for new developments to follow, but also be in conformance with the City of Boise Comprehensive Plan Goals, making a far superior option to what is currently being proposed.

Summary and a Market Solution

The BVNA has cited justification for denial and recommendations for improvement and possible conditions of approval.

Keeping in mind that Ben's Crow Inn will be open until at least Labor Day, if the applicant is unable to agree to changes, we request that during a six-week period the property be re-marketed to determine if there is a commercial or mixed-use developer that would buy the property and compensate the applicant for expended development expenses.

Respectfully,



Jeremy Maxand
President

The BNVA Board Members:

Jeremy Maxand, President
Mike Reineck, President-Emeritus
Marshall Simmonds, Vice-President
Leslie Wright, Secretary
Clint Berry, Treasurer
Chris Hendrickson
Richard Kinney
John Mooney, Jr.
Karolyn Sledzieski
Brandy M. Wilson

This is a Petition for the Denial of Application CAR16-00002, PUD16-00005 and Sub16-00006

This petition is signed from residents of East Valley Subdivision, adjacent to the application

We are requesting denial of this application based on the following concerns:

1. **Need to preserve access to greenbelt for the adjacent residents and the general public.**
2. **Need to protect our commercial corridors, with all the growth in the area, we are in need of walkable commercial areas.**
3. **The project is too dense and the proposed three story buildings are too massive. Concern with loss of privacy.**
4. **How will this development impact the Barber Valley, in particular the Barber Pool Conservation Area and the Wildlife it protects?**
5. **Too many unresolved questions**

Attendee:

Name	Address	Zip	Phone #
1. Tim Markham	7067 E. Sky Bar St	83716	541-505-8956
2. Lisa Aggarwal	7068 E. Sky Bar St	83716	409-598-5931
3. Erin Bricco	6992 E Sky Bar St	83716	208-420-1502
4. Melanie Cormier	7007 E Sky Bar St	83716	805 366-9509
5. James Ross	7013 E Tao St	83716	440 225-2377
6. Jackie Ross	7043 E. Tao St.	83714	440-225-2377
7. Eric Fors	7008 E. Sky Bar St	83716	626-628-5038
8. Gretchen Fors	7008 E Sky Bar St	8371 6	626-628-5037
9. Dylan Cooper	6971 E Sky Bar St	83716	208-484-2156
10. Roy Hagarual	7066 E. Sky Bar St.	53716	408-313-0980
11. Cari Markham	7067 E. Sky Bar St	83716	541 505-9030
12. Jennifer Jackson	6999 E Sky Bar street	83716	925 895-1501
13. Scott Ackleson	6956 E Sky Bar St	8376	5756409551
14. Sue Ackleson	6956 E Sky Bar St	83716	5756401706
15. Rick Ortiz	7025 E. Sky Bar St	83716	408-307-0780
16. Chad Celani	7020 E. Sky Bar St	83716	208-340-5543
17. Lisa Celani	7020 E Sky Bar St.	83716	760-500-6948
18. Mark Tschampl	7044 E Sky Bar St.	83716	515-450-7010
19. Barb Delgado	7089 E. Tao St	83716	714-803-8201
20. Rudolf Delgado	7089 E. TAO ST	83714	208 600-8245
21. Donovan Durtschi	5179 S. Bowen Ave.	83716	208 866 4189
22 Sabrina Durtschi	5179 S. Bowen Ave.	83716	208-220-6161
23 Dan Connors	5191 S Bowen Ave	83716	406-830-8388
24 Greg Moon	5225 S. Bowen Ave	83716	715 415 4125

25	Kristin Fischer	5231 S. Boren Ave, Boise, ID	83716	503-314-8307
26	Greg Fischer	" "	"	" "
27	Patricia Warfel	5157 S. Boren Ave. Boise ID	8716	208-917-8555
28	Mike Sleep	6948 E Tao, Boise, ID	83716	206-552-5193
29	Bruce Saunders	6922 E Tao Boise, ID	83716	208-869-0170
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This Kids Petition for the Denial of Application CAR16-00002, PUD16-00005 and Sub16-00006

This petition is signed from kid residents of East Valley Subdivision, adjacent to the application

We are requesting denial of this application based on the following concerns:

1. **Need to preserve safe access to greenbelt for the adjacent kids and other kids in the area.**
2. **Save wild animal access to the river.**

Attendee:

	First Name	Last Name		
1.	Norah	Markham		
2.	Danali	Aggarwal		
3.	Brynn	Celani		
4.	Katarina	Delgado		
5.	Carli	~~fors~~ fors		
6.	Gretta	fors		
7.	Eliza	fors		
8.	Johny	fors		
9.	William	fors		
10.	Brooke	Celani		
11.	Ellie	Aggarwal :)		
12.	Cooper	Markham		
13.	Angelo	Ortiz		
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CAR16-00002, PUD16-00005 and SUB16-00006

April 11, 2016

Planning and Zoning Commission

Sabrina Durtschi

Introduction

1. I am concerned adjacent property owner
2. I am representing residents of East Valley Subdivision
3. I am here on the behalf of Barber Valley Neighborhood Association

Main Concerns and Questions

- Need to protect Our Commercial Corridors
- Need to honor our Comprehensive Plan
- Protect and Preserve our Public Access to Greenbelt
- Hold Developers to a higher standard when it comes to PUD developments
- Significantly impact the quality of life to adjacent neighbors
- What will be the impacts to the adjacent Barber Pool Reserve and Existing Wildlife?
- Setting a Precedent for New Development

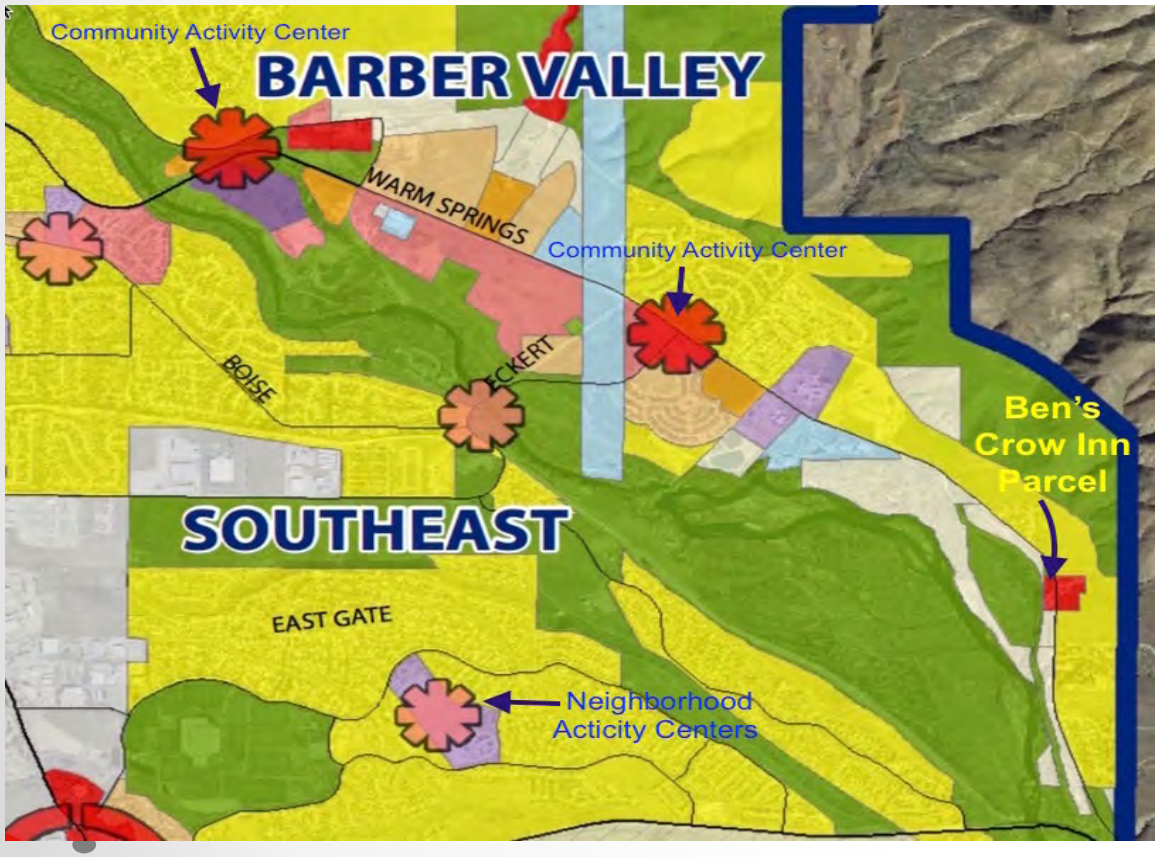
Removal of Ben's Crow Inn

- Established Landmark for the City of Boise and Treasure Valley
- Established Commercial Corridor for the Barber Valley for Decades

Introduction to Barber Valley

- **Barber Valley envisions a walkable, safe, and supportive of active living and healthy lifestyles. At the same time, in the unique ecosystem where the foothills meet the river, we have worked hard to preserve space and mobility for wildlife and seek to be the first planned area development in the West to successfully integrate new urbanism and wildlife preservation.**

Important Commercial Corridor



What does the Comprehensive Plan Say?

COMMUNITY STRUCTURE AND DESIGN

COMMERCIAL/EMPLOYMENT AREA LAND USE CATEGORIES:	
Commercial	
LAND USE MAP SYMBOL	
CHARACTERISTICS	The Commercial designation is intended to provide opportunities for concentrated retail and commercial services. Many of the city's established commercial areas are organized in a linear, auto-oriented pattern along major travel corridors. The revitalization of established commercial areas is encouraged to promote economic vitality and a more pedestrian and transit-friendly pattern of development. New commercial development should be incorporated within Mixed-Use Activity Centers as part of a broader mix of uses.
DESIRED PATTERN	
RANGE OF DENSITY/SIZE	0.35-1 FAR.
MIX OF USES	• *Primary:* Convenience, neighborhood, community and regional shopping centers, hotels and motels, car sales, restaurants, entertainment, and similar uses; limited outpatient medical uses. • *Secondary:* Housing, offices, entertainment, and other complementary uses are encouraged as ancillary uses within commercial projects; however, developments seeking to incorporate a mix of uses are encouraged to seek a General Mixed-Use designation on the *Land Use Map*.
LOCATION	Commercial uses should generally be located at the intersections of arterials, convenient to customers and employees.
DESIGN CONSIDERATIONS	Design principles for Commercial/Employment Areas apply. Corridor, gateway, and mixed-use activity center design principles may also apply in some locations.
TRANSPORTATION	Town Center and Planned Commercial typologies are desired in concert with general design principles for commercial/employment areas. Commercial Collector and Commercial Local typologies may be appropriate in smaller activity centers and redevelopment of strip commercial areas.

1. **Primary**: Convenience, neighborhood, community and regional shopping centers, hotels and motels, car sales, restaurants, entertainment, and similar uses; limited outpatient medical uses.
2. Secondary: **Housing**, offices, entertainment, and other complementary uses are encouraged as ancillary uses within commercial projects.

The Residents of this area want:

- Walkability;
- Sustainability;
- Predictable Development Pattern;
- Integrated economic, social, and environmental systems;
- High Quality of Life;
- Stable Neighborhoods;
- Access to Mixed Use Activity Centers;
- Placemaking – create public spaces areas where people can gather and meet.
- Examples of Hyde Park and Bown Crossing

Mixed Use

Bown Crossing

Live/Work Units at the 951 Front

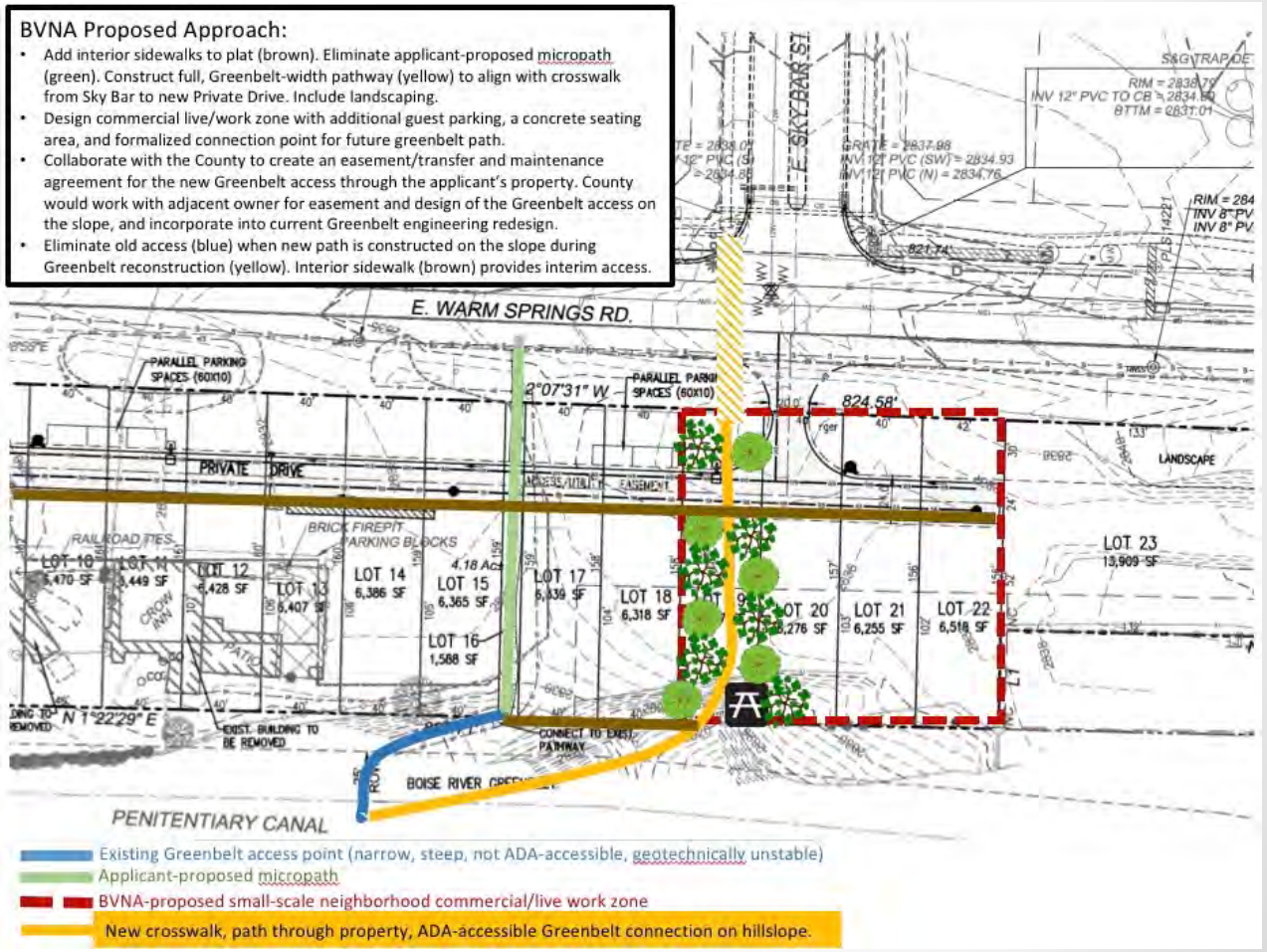
Connection to Green Belt

- The Greenbelt access is not located within the subject site.
- There are No established Easements to the greenbelt;
- There is no evidence that a Prescriptive Easement could be obtained or exists now.
- It is private property;
- The current parking, and greenbelt connection will be closed.
- Few parking options that are adjacent to the Greenbelt.
-

Useable Open Space for the Public

Needs to be a Collaboration between Property Owners, City of Boise, Ada County Parks

- Needs to Provide Paved Public parking;
- Usable Open Space;
- Make it ADA Assessable to the entire public;
- Safe Crossings,
  - Pedestrians required to cross at roadway intersections to minimize crossings and preserve safety. (Idaho State Code, Title 49, Chapter 7)



Planned Unit Development Standards

- "The Planned Unit Development provisions are intended to provide an opportunity for development that preserves natural features, allows efficient provisions of service, and provides common open space or amenities not found in traditional lot-by-lot development."

- "Planned Units developments are intended to provide benefits to both the public and developer. In exchange for public benefits, developers can request flexibility from certain standards."
  - **Hal Simmons staff report for Barber Mill Estates**

Planned Unit Development - Amenities

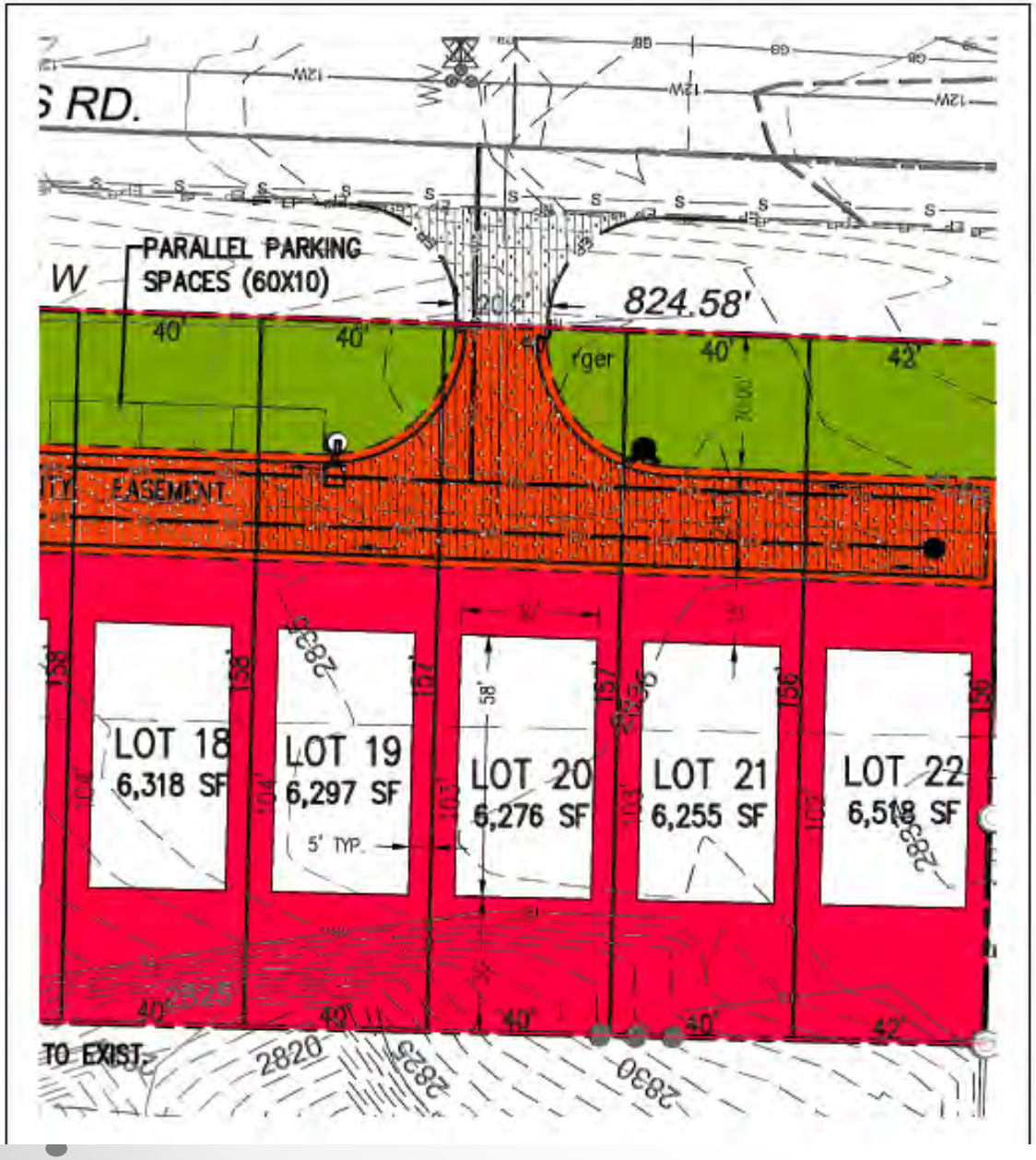
Landscaping

- Drought Tolerant Landscaping

- Boise City Fire Code
- Subject Site is within the Wildland Urban Interface Code
  - Chapter 7 Fire Regulations; 7-01-69
- Therefore they are required defensible space within landscaping
  - Drought Tolerant Plants (Page 44)

Planned Unit Development - Amenities

- **Public Access to Public Open Space**
  - **"Proposing a public pathway that will go from Warm Springs Road sidewalk through our neighborhood and connect to an existing pathway that connects to the Boise River Greenbelt system. (pg. 8) Applicant's Letter of Intent**
  - **The applicant does not have permission/easement to access the greenbelt**
- **Public Bicycle Circulation System**
  - **Through this process the development will provide frontage from Warm Springs sidewalk to connect to Boise River Green Belt System**
  - **The applicant does not have permission/easement to access the greenbelt**



Break-Down of the Lots

The Site is not large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this code. (Page 16 of Staff Report)

Remaining Buildable foot print is only: 30 X 58

This leads to garage door after garage door, leaving no consideration to design interest.

No Interior Sidewalks

Triplett Subdivision No. 2

Comprehensive Plan States:
GDP-N.1
Provide a continuous network of sidewalks, bicycle, and pedestrian paths.

GDP-N.5
a) Incorporate detached sidewalks with tree-lawns and street trees to encourage residents to walk, rather than drive to nearby activity centers and other destinations.

Elevation Ridge – Interior Sidewalks

Impact to Quality of Life for Adjacent Homeowners

- **The Location is Compatible to other uses in the general neighborhood (Page 13 of Staff Report)**

Single Level Homes – East Valley

Triplett Ranch No. 2

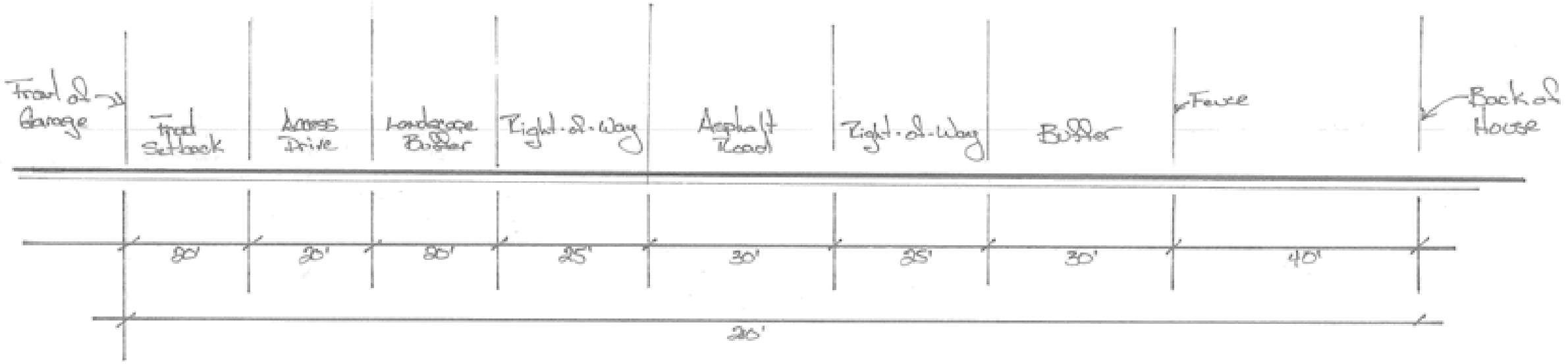
Impact to Quality of Life for Adjacent Homeowners

Brian Subdivision

Low Density Single-level Residence

Ben's Crow Inn Neighborhood

Street Cross Section Exhibit



Impact to Quality of Life for Adjacent Homeowners

The Proposed use, if it complies with all conditions will not adversely affect other property of the vicinity. (Staff report, Page 16)

Triplett Subdivision No.2 – recorded

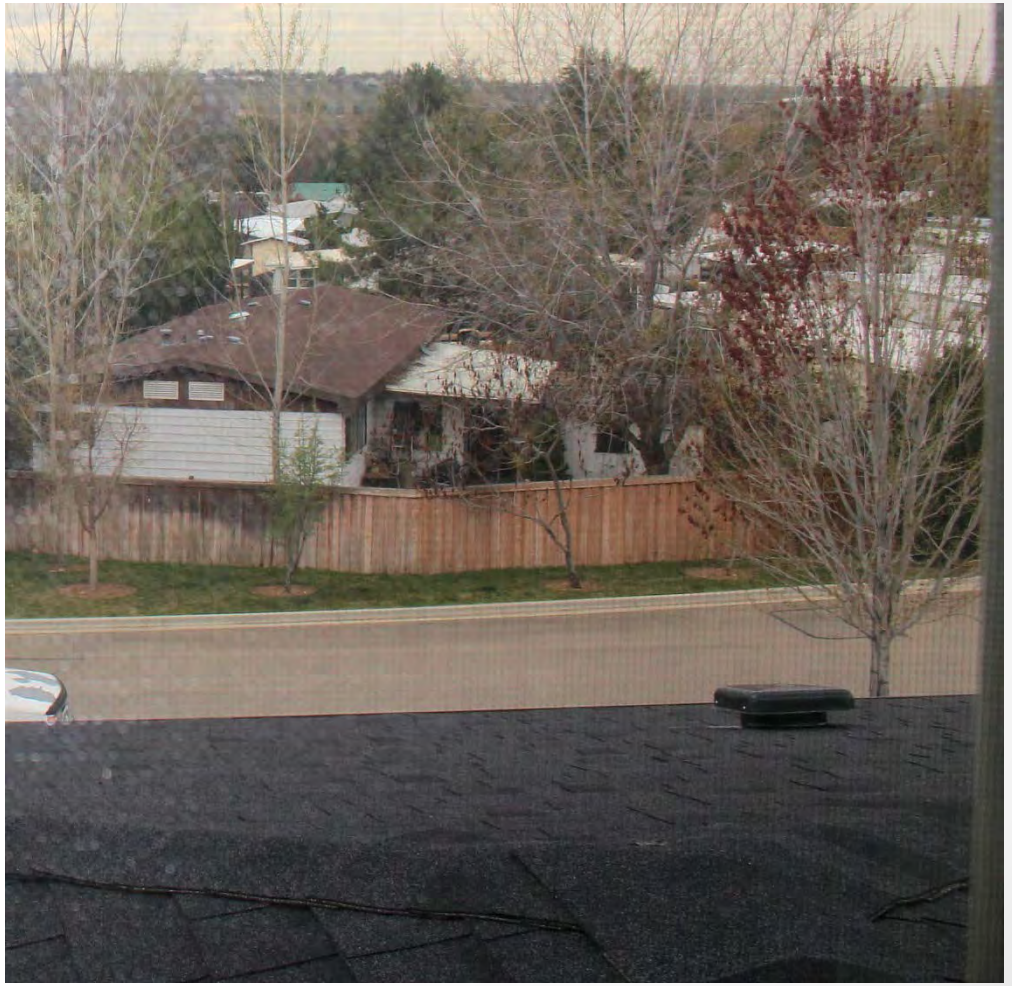
Two Story Buildings

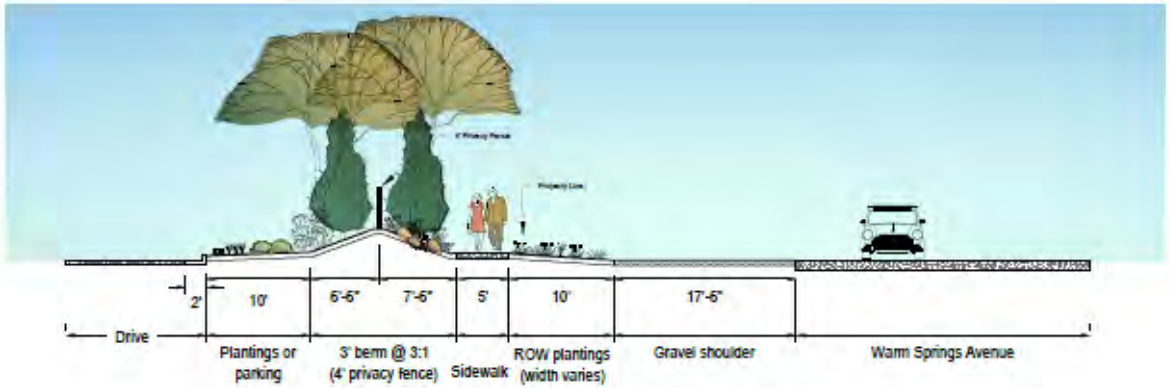
View From Second Story

The Proposed use, if it complies with all conditions will not adversely affect other property of the vicinity. (Staff report, Page 16)

Three Story

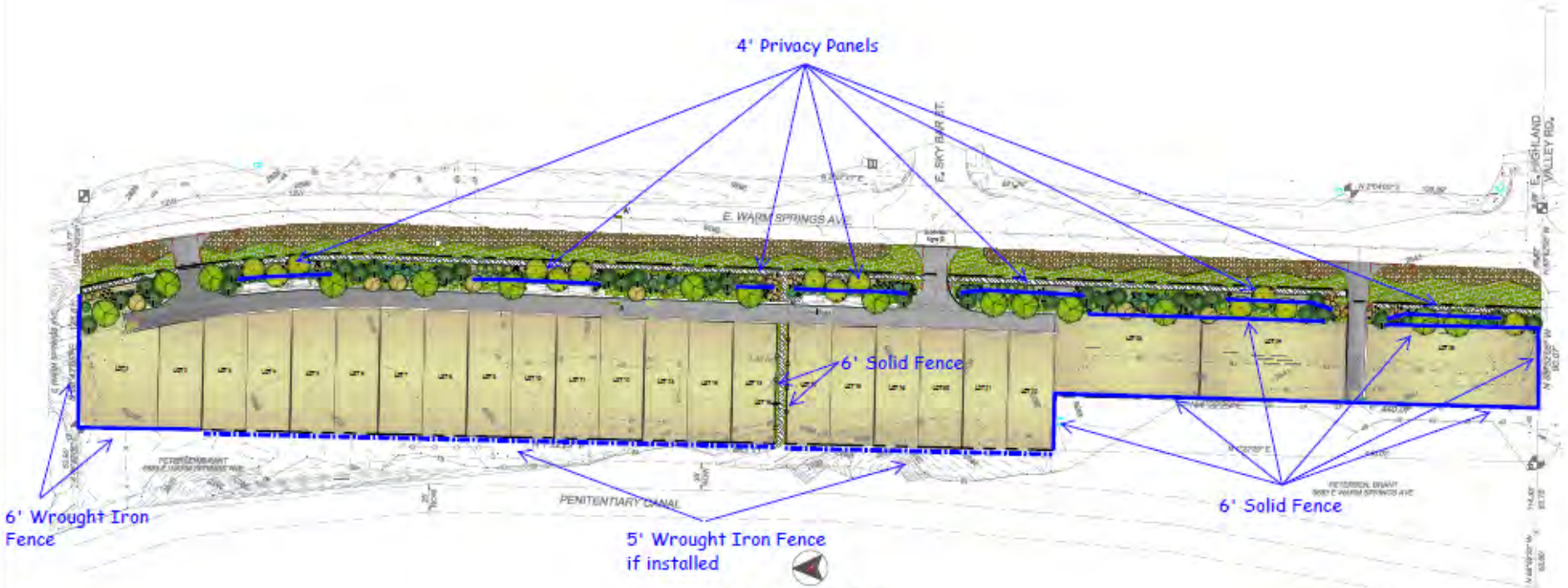
View From 3rd Floor Window
Barbeton Subdivision No.1
Recorded 1978, see into their backyard.





30 ft Landscape Buffer, Warm Springs Avenue

Section A - A'



SITE PLAN

Benefits??

- What Benefits from the PUD is the public getting?
  - **Losing** a beloved Restaurant, gathering community area
  - **Losing** important commercial
  - **Losing** access to the greenbelt
  - Adjacent Neighbors are **losing** Privacy

"Planned Units developments are intended to provide benefits to both the public and developer. In exchange for public benefits, developers can request flexibility from certain standards."

Potential Impact to the Barber Pool Conservation Area

Environmental Stewardship –
Boise is committed to becoming a more sustainable community by taking steps to reduce its impact on the environment. In addition to establishing a strong foundation for a more sustainable pattern of growth through its land use and transportation policies while preserving and enhancing its natural resources.

Currently six residences adjacent to the nature preserve, they range from 2.5 acres to 35 acres.

Need to Question -
What will the Impact be of 21 homes that have 30 X 58 building envelopes have?

Precedent being Set for Future Re-Development

850′ Wall of two-three story homes that will be garage dominated.

Summary and Recommendations

- Need to protect this important commercial corridor.
- Need to honor our comprehensive plan.
- Need to set our Developers to Higher Standards with PUD applications.
- At a Minimum incorporate mixed use with light commercial and residential, for walkability and sustainability for the Barber Valley.
- Need to protect the privacy of the existing adjacent homes.
- Provide public access to greenbelt. Needs to be a collaboration between all parties, which provides usable open space, safe crossing, meets ADA requirements and has public parking.
- Let's set a high standard for this development and not accept just the minimum being proposed.

Summary and Recommendations

- ”Keep in mind that Ben’s Crow Inn will be open until at least Labor Day, if the applicant is unable to agree to changes, we request that during a six-week period the property be re-marketed to determine if there is a commercial or mixed-use developer that would buy the property and compensate the applicant for expended development expenses. ”

  Barber Valley Neighborhood Association Letter dated April 5th, Page 10