



BVNABoise@gmail.com

July 24, 2016

Hal Simmons
City of Boise Planning and Development Services
150 N. Capitol Blvd
Boise, ID 83702

(via email)

RE: Ben's Crow Inn PUD16-00005, SUB16-00006, CAR16-00002

Dear Hal:

The Barber Valley Neighborhood Association (BVNA) is requesting assistance in authorizing and funding a mediator to facilitate negotiations with DEVCO, the adjacent landowners (Brant and Krista Petersen), and area residents as represented by the BVNA.

We understand that Council did not direct remediation, but this is an option the City supports. We believe that mediation, which includes the neighborhood association, will be in the interest of all parties, and is the most likely course of action that a project will meet the intent of the PUD code.

The BVNA Board is available to discuss the details of mediation and we appreciate your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jeremy Maxand".

Jeremy Maxand
President

Cc: Cody Riddle; Susan Riggs; Brant and Krista Peterson; DEVCO (Jim Conger); BVNA Board



Derick O'Neill
Director

Boise City Hall
150 N. Capitol Boulevard

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City Council
President
Elaine Clegg

Council Pro Tem
Lauren McLean

Maryanne Jordan
Sof Ludwig
Ben Quintana
TJ Thomson

Planning & Development Services

July 26, 2016

Jim Conger, DevCo LLC
4824 W. Fairview Avenue
Boise, Idaho 83706

Mr. Conger,

Boise City PDS has received the attached request for Mediation of PUD16-00005/Ben's Crow Inn, submitted by the Barber Valley Neighborhood Association (BVNA), dated Sunday, July 24, 2016. Mediation is governed by Boise Code Section 11-03-03.11 Mediation. The following are the basic provisions of this section:

- Mediation may be requested by a written request to the Planning Director at any time in the decision making process for the application. The request must include a statement of concerns and issues and the desired outcome of the mediation.
- Upon receipt of a written request, the Director will forward the request to the other side of the issue as well as others that the Director determines to be appropriate to notify. The parties have seven days to notify the City regarding whether or not they will participate in the mediation.
- If requested by either the PZC or the City Council, the parties shall participate in at least one negotiation, with expenses paid by the City of Boise.
- Once mediation is agreed to, all time limits related to hearings and appeals are tolled (delayed) pending the mediation process.
- Any resolution from mediation is then subject to a new public hearing.

The mediation request from BVNA is attached to this memo. The request does not contain the required details regarding a statement of concern, issues or desired outcome of mediation, but does indicate a willingness to meet and further describe those factors.

This mediation request was submitted to the City by email and was copied to the applicant, Jim Conger/DevCo. Mr. Conger responded by email on Sunday, July 24th with the attached email to PDS staff. In the email he states that the City Council briefly discussed the mediation option but instead directed him to work toward project modifications on his own based on code requirements for public benefit, and that his attorney has further attempted to negotiate with the Petersons on greenbelt access. Mr. Conger's response does not indicate agreement to mediation.

In compliance with Code Section 11-03-03.11 described above, I am transmitting the original mediation request from BVNA along with Mr. Conger's response, to the appropriate parties to solicit any further responses. All parties have seven days to notify PDS regarding whether they will participate in mediation. The seven days expires on Tuesday, August 2, 2016 at 5:00 p.m.

Sincerely,

Hal Simmons
Planning Director

cc: Boise City Council
Jim Conger, Devco
Brant and Krista Peterson
BVNA Board

Hal Simmons

From: Bandkpetersen <bandkpetersen@aol.com>
Sent: Wednesday, July 27, 2016 11:30 AM
To: Hal Simmons
Cc: bvnaboise@gmail.com; Steve Rutherford; Ben Quintana; David Bieter; Elaine Clegg; Lauren McLean; Maryanne Jordan; Scot Ludwig; TJ Thomson; Derick O'Neill
Subject: Re: Mediation Request

Dr Mr Simmons,

In response to the Mediation Request placed by the Barber Valley Neighborhood Association for the Ben's Crow Inn Subdivision, PUD16-00005. Brant a I would like to have a mediator involved before any more discussions occur between us and Mr. Conger or his representatives.

In response to Mr. Conger's letter dated July 24, 2016 it stated that Brant had canceled a meeting between himself and Ms Nelson, but it did not indicate why. Brant is the US Forest Service District Ranger in Idaho City. On Monday July 18th the Pioneer Fire started on his District. The fire has since grown to over 5,000 acres and continues to grow. He is the Agency Administrator for this very complex fire and unfortunately had to cancel his meeting set with Ms. Nelson on July 22nd. He did however contact Ms. Nelson by phone on Monday July 25th (he has not been able to access his personal e-mail and did not see the request for the mediator placed by the BVNA) and wanted to make sure the process was not delayed. Ms. Nelson's insulting compromise was to build single level homes in the lots in front of our home (which is already in the plans), \$10,000 to buy us off, and a frequent reminder that if they chose to take us to court that they would win and we would walk away with nothing.

Following the conversation on July 22nd we feel that a mediator is necessary if there is to be any more discussion concerning the Ben's Crow Inn.

Thank you,
Krista Petersen

From: Hal Simmons <HSIMMONS@cityofboise.org>
Date: July 26, 2016 at 10:09:35 AM MDT
To: "jconger@congergroup.com" <jconger@congergroup.com>, "bvnaboise@gmail.com" <bvnaboise@gmail.com>, "bpetersen02@FS.Fed.US" <bpetersen02@FS.Fed.US>, Steve Rutherford <SRutherford@cityofboise.org>, "Ben Quintana" <BQuintana@cityofboise.org>, David Bieter <DBieter@cityofboise.org>, Elaine Clegg <EClegg@cityofboise.org>, Lauren McLean <LMcLean@cityofboise.org>, Maryanne Jordan <MJordan@cityofboise.org>, "Scot Ludwig" <sludwig@cityofboise.org>, TJ Thomson <TJThomson@cityofboise.org>
Cc: Derick O'Neill <DOneill@cityofboise.org>, Cody Riddle <CRiddle@cityofboise.org>, Susan Riggs <SRiggs@cityofboise.org>
Subject: Mediation Request

Boise PDS received the attached Mediation Request from the Barber Valley Neighborhood Association regarding PUD16-00005/Ben's Crow Inn. As per Boise Zoning Code requirements, I am transmitting this under a PDS cover letter to affected parties with a request for response within seven days.

Hal Simmons
Planning Director

(208) 384-3853 
Hsimmons@cityofboise.org



July 29, 2016

Via email: hsimmons@cityofboise.com

Hal Simmons, Planning Director
Boise City Planning and Development Services
150 North Capitol Blvd.
Boise, ID 83702

**RE: Ben's Crow Inn
Mediation Request**

Dear Director Simmons:

You have asked us to provide you with notice about whether or not we will participate in mediation with members of the Barber Valley Neighborhood Association (BVNA).

We heard and have reviewed all of the testimony of BVNA and the neighbors, so we understand what their desires are. Their request for mediation does not present any new issues or concerns or describe any desired outcome from mediation.

We are actively working to address the City Council's concern regarding public benefit, including by meeting with the Petersens among other efforts.

For these reasons, we do not believe the requested mediation with BVNA would be useful at this time and we decline to participate.

Sincerely,



Jim Conger

JDC:ml

cc: Deborah Nelson

Hal Simmons

From: Hal Simmons
Sent: Tuesday, August 02, 2016 4:35 PM
To: 'jconger@congergroup.com'; 'bvna@boise.gov'; 'bpetersen02@FS.Fed.US'; Steve Rutherford; Ben Quintana; David Bieter; Elaine Clegg; Lauren McLean; Maryanne Jordan; Scot Ludwig; TJ Thomson
Cc: Derick O'Neill; Cody Riddle (CRiddle@cityofboise.org); Susan Riggs
Subject: Mediation Request
Attachments: BCI - DevCo Itr re Mediation Request signed 07.29.2016.pdf; Re: Mediation Request

To All Parties,

On July 26th, BVNA submitted a request for mediation of PUD 16-00005/Ben's Crow Inn. As per Boise code requirement, I distributed the request to affected parties and allowed seven days for a response. As of late this afternoon, the applicant (Conger Management Group) has submitted the attached letter declining to participate in mediation. One of the parties, Krista Petersen, had earlier submitted the attached e-mail agreeing to mediation. However, mediation has not been ordered and the opposing party must otherwise agree to mediation. The request for mediation is therefore deemed to be declined.

This development application will be back before the City Council on September 13, 2016.

Sincerely,

Hal Simmons
Planning Director
(208) 384-3853