

**May 7, 2018**

**CPA18-00001 / Conger Management Group**

5075 S. Holcomb Road

Comprehensive Plan amendment to change the land use map designation of approximately 24 acres from Industrial to Suburban Residential. *David Moser*

**CAR18-00004 / Conger Management Group**

5075 S. Holcomb Road

Rezone of approximately 24 acres from A-1 (Open Land) to R-1C (Single Family Residential-8 Units/Acre). *David Moser*

**PUD18-00004 & CFH18-00025/ Conger Management Group**

5075 S. Holcomb Road

Conditional use and hillside development permits for a planned residential development comprised of 121 detached single family homes on approximately 24 acres located in a proposed R-1C (Single Family Residential-8 Units/Acre). *David Moser*

**SUB18-00009 / Moxie Ridge Subdivision**

5075 S. Holcomb Road

Preliminary plat for a single-family residential subdivision comprised of 121 buildable and 9 common lots on approximately 24 acres located in a proposed R-1C (Single Family Residential-8 Units/Acre). *David Moser*

**David Moser (City of Boise):** Mr. Chair, Members of the Commission, I'll try to keep my presentation short. The applicant is requesting a comprehensive plan land use map amendment to change the land use map from industrial to suburban and rezone the property from A-1 to R-1C. It's a planned residential development, and Hillside Development Permit for 121 buildable lot subdivision and the preliminary plat is included.

As you can see from the aerial photograph, the property about 24 acres in size, and it's located at the edge of a residential neighborhood. To the east is the Columbia Village Development, and then to the south and west are industrial properties along Federal Way. To the north is the Idaho Power Property, and it's the main transmission line corridor. What I'd like to point out here is that the subject property is separated from these industrial uses by these large parcels right here to the west and the residential neighborhood does have a street stubbing directly into the site right here as well.

This is the land use and zoning map for the area, and what I'd like to note is the comprehensive plan land use map amendment to change designation to suburban, and rezone to R-1C is compatible and consistent with the surrounding area. In particular, all the industrial properties themselves have turned their back on the site, and there is no vehicle connection to the development whatsoever from the industrial uses.

Also, the residential neighborhood stubs into the site from the east. This would promote compatibility by having the existing residential single family neighborhood connecting to new residential neighborhood instead of an industrial development, which the

comprehensive plan initially envisioned for the site. As such, the comprehensive plan land use map amendment and the rezone comply with approval criteria as per code. Now, this is the site plan for the site and as you can see from the site plan, the project is separated into two areas. These areas to the north and to the south are where the residential development is occurring, because it's flat.

The applicant is proposing 121 buildable lots, and they're separated by this hillside area in between. The site is connected to the surrounding neighborhood by the local residential street of Tiger Lily to the south and then it connects into Holcomb up here. The PUD does allow for the project to be clustered to the north and to the south, and thereby preserving this open space and hillside area in between and minimizing the grading for the property by keeping the development out of the there, except for the road that cuts through it. Through the PUD, the applicant is also requesting reduced lot sizes and interior setbacks. However, all the perimeter setbacks are being met as per code.

The site is providing a number of amenities. Right here is a small soccer field, basketball court, playground, and a number of other amenities are included in the project. Most of the grading for the site is basically just to get the roadway connection through the hillside and it's not for the residential housing. It's just to get this roadway in. So the road is required by staff to promote connectivity. These are just some building elevations of what's being proposed. The rest of them are in your site plan, so you can see them and the type of buildings that are being proposed by the applicant. It is just to give you an idea.

Several letters were received by the Planning Team in opposition to the project, expressing these points: traffic impacts, density, fire safety, hillside, public services, and parking concerns. I'll try to hit all of them. ACHD did comment on this, and the applicant did perform a traffic impact study, which indicated that there is capacity on the adjacent roadways did support the project. The density of the site is 5.1 units per acre, which is under the R-1C zoning. The density of the "Columbia Village Development", is averaged between three to four units an acre for their single family components, and then much higher, for the areas that use different or other product types.

With the condition of approval, it will meet all the WUI setbacks as required. Both Public Works and other agencies have commented that they can approve with conditions. Each house will provide two parking spaces with guest parking on the driveway apron. These are just the recommended conditions of approval. I will note that condition number seven - requires a seven-foot wide attached sidewalk along Mandela Drive, through the hillside area. The staff added this as a condition since that section of roadway has sidewalk one side because of the hillside and the requirement to minimize grading. So we're requesting it as a means to provide pedestrian comfort.

The applicant does have some concerns with this, and there will be some discussion on the WUI setbacks as well within the development. So, in essence, the section for the seven foot attached sidewalk is right here will be the only section of seven foot attached sidewalk within the development. Then I think there are some concerns about

providing the WUI setback from this vacant parcel right here. The main thing is lot 33, if you apply the 30 foot WUI setback, it really consumes all of the building area. So the easiest solution is maybe to combine these two lots into one, but there'll be some discussion on this.

So, in conclusion, the applications meet all the required findings as per code, and the planning team recommends that the commission recommend approval to city council of the land use map amendment, rezone, and subdivision, and approve of the planned unit development and the hillside applications with conditions. Thank you.

**Chairman Gillespie:** Thank you, Mr. Moser. Is the applicant ready? And you are on. So we're going to – once you start speaking and get set up, we'll put the clock at 10 and see where we are. Isn't there a USB hub there? There you go, try that.

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Good evening, Mr. Chairman and members of the commission. My name is Deborah Nelson, my address is 601 W. Bannock. I'm an attorney with Givens Pursley, and I'm here tonight on behalf of the applicant, DevCo. The development team is also available here in case you have questions for them. I'm just going to highlight a few of the applications that we're presenting, and then address a couple of concerns with the staff conditions, which we are largely in support of, and also address a few comments that have been received from neighbors. Staff has already covered the area here; I'll skip this.

On the comprehensive plan amendment, in addition to what staff noted about the adjacency with the Columbia Village residential neighborhood and the separation from the industrial sites nearby, I would also point out that without an access to major roadways here, that industrial traffic would have to go through the residential neighborhood. In addition, another reason we think that it's appropriate to change the comprehensive plan map designation from industrial to suburban is that the site is challenged with topography issues as illustrated by this slide.

It would not be easy to set a large manufacturing or similar industrial use here given this east to west, 40 to 50 foot elevation change through the property. Instead, we think that residential is very appropriate here as staff has agreed. The adjacency with Columbia Village, but also the proximity to nearby amenities, with the Simplot Sports Complex, Barber Park, the green belt, area schools and churches, and importantly, services on Federal Way. The staff report and the application have outlined various comprehensive planning goals that this would be consistent with including residential infill and providing a mix of housing types and price ranges. The connectivity is illustrated here with this connected pathway system.

We're requesting a PUD in the R1C zone. It allows eight units per acre; we're only asking for 5.1. This is a 34% reduction in the number of lots that would be allowed with straight zoning. The PUD allows us to concentrate the homes away from the sloped hillside areas and it creates 26% open space. It also results in a compact development that provides more opportunities for walkability and use of transit, which is important in your comprehensive plan. And the smaller lots create opportunities for affordable homes in a quality neighborhood. The Boise City code allows these changes if you provide just two

amenities, and we provide four. These were highlighted by staff, including landscaped open space, 6.25 acres, 26% where only 10% is required. And the highlight of the development, a private recreational facility, which you can see there along the rim.

It will have a half acre park there with great views of the city and the foothills; landscaped pedestrian paths and benches; a 50 by 100 foot youth soccer field, basketball court, and play structure. Here's some zoom in of these facilities. There's also public access as noted already with the connected pathways that provide new connections and water conservation measures with drought tolerant landscaping and efficient drip irrigation.

A few additional development items I'd like to run through, but also provide some specific feedback from neighbor comments that were submitted. There were two neighborhood meetings that were held, and there were also two letters put into the record recently.

And one of the questions was about the setbacks, the three yard side yard setback that's requested. This is allowed by the fire code and the building department. The developer has done this frequently in Harris Ranch for years. It's coupled with a side yard easement. So, in fact, what the two homeowners get is a six foot access to their backyards instead of five feet, which creates better access for them and the fire department. Focusing on roadways for a minute. You can tell by this slide, the primary access is off of Holcomb with the boulevard entrance shown at the top of the slide with detached sidewalks. The secondary access connects to the stub street at the southern portion, via Tiger Lily.

All of the roads meet fire department and ACHD requirements. There was a question about cul de sacs; they're all in compliance. There was a question about whether the interior hillside road, Mendota, whether it exceeds 10% grade and it does not. There was also a question about improvements along Holcomb. And we will improve all of the frontage along Holcomb, including the out parcel as required by the staff report and consistent with ACHD's conditions.

The surrounding roads and intersections have sufficient capacity. This was demonstrated in our traffic impact study and in the ACHD decision for the project. ACHD did not impose any additional improvements or feel that they were necessary for mitigation. Focusing on the hillside. We've hired professional engineers to perform studies including a geotechnical and geological evaluation and a hydrology report. We also presented a drainage plan and a re-vegetation plan. Public Works reviewed all of these studies in detail and agreed that there are no hazards presented by the development.

There were questions from neighbors about yard maintenance and solid waste. All yard maintenance and irrigation will be provided by the HOA. In my opinion, this is reason alone to move here. This ensures a consistent and quality development for everyone. For lots along common drives, Republic offers a carry-out service, because it is harder to fit the trash containers when you have the smaller frontage. But this carry-out service easily collects from these owners for a small fee, and we will ensure as staff has requested that our owners understand the supplemental fee. We will put it in our

disclaimer, in our sales addendum and in our CC&R's. So there will be no confusion about that.

There was a question about visitor parking. Each home provides four parking spaces: two in the garage and two on the driveways. All streets, including the hillside street in the interior there have street parking. All of the streets that have lots fronting them will have parking on both sides of the street.

I'd like to address just a few issues in the staff report. We're largely in support of it and appreciate staff's support of the project. In condition number five in the staff report, staff has requested a seven foot attached sidewalk along the north side of Mendota Street. And this is for the stretch that goes along the hillside connecting the two portions of the property. We request that this be five feet attached, which is the standard requirement from ACHD.

Boise City code does not require sidewalks on both sides of the street, and it only requires a four foot width. ACHD policy requires a single side attached five foot sidewalk where you're in a hillside without lots fronting, which is the situation we are in. And that is why ACHD approved our five foot attached single sided sidewalk. We request that this be five instead of seven, because each additional foot over the standard requirement adds additional grading, excavation, concrete, and it also all has to be maintained over time.

Secondly, in condition number seven from the staff report, I'd like to address the Wildland Urban Interface, the WUI standard of a 30 foot defensible space. In condition seven, staff requests that all perimeter lots comply with this defensible space. We request that this be limited to the north and northwest perimeter lots that abut the Idaho Power property. Boise City code requires the 30 foot defensible space where new development abuts undeveloped land. As you can see from the aerial photo here, the land to the east and the south is fully developed, and so the WUI standard is inapplicable.

The land to the west, but south of the access road is private property. It's owned and controlled by the same owner of the industrial property that it's adjacent to. This is not public land, or undevelopable land. It is really just a portion of their partially developed site and fully within their control. The access road itself, that is the extension of lot 31 there, is part of a 50 foot wide lot. This provides access to a cell tower that's at the end of that lot, and we will maintain a minimum 30 foot wide WUI setback along this lot to create a break from the larger and arguably undevelopable Idaho Power site to the north.

The Idaho Power site is maintained and mowed regularly because this is a substation. So it's important to them to keep it protected from fire as well. But nonetheless, we can agree that that could be a more appropriate place for the WUI setback that is a larger and potentially undevelopable site. So we ask the commission to limit the defensible space requirement to our adjacency to Idaho Power property where we actually are adjacent to undeveloped land. Finally, just a note, lot 31. Staff asked in condition 9D

that we dedicate this to ACHD for right of way. We've presented it as an easement. We're fine with either as long as ACHD will accept it.

In conclusion, we are providing a much needed, quality, affordable housing product on an infill residential site in Boise, very close to town and amenities. We have worked through your foothills codes, police, fire, planning department, building department, ACHD, your solid waste department, the postal service. We've hired engineers and provided all the appropriate studies for hillside and gotten public works approval of them, and we intend to comply with them. and we've done all of this to get before you tonight to ask for your approval. Thank you. Stand for questions.

**Chairman Gillespie:** Thank you, Ms. Nelson. Questions for the applicant or staff from the Commission?

**Commissioner Bradbury:** Mr. Chair.

**Chairman Gillespie:** Commissioner Bradbury.

**Commissioner Bradbury:** Question or two for the applicant. I'm just trying to figure out what's going on on that 50 foot wide strip of land that goes off to the west there. It kind of looks like it was at one time maybe set aside for right of way or something. Can you just talk to us a little bit about what is currently on that site? I think you said there's a cell tower at the end – at the west end.

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Mr. Chairman, Commissioner Bradbury, that's correct. There's a cell tower directly at the end of that access road, on the western end, blocking the road. Staff wanted the lot to be included so that it wasn't an out parcel.

**Commissioner Bradbury:** And how will that parcel be used in this development?

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** It won't be used other than that it creates that access and we will maintain it with the WUI defensible space.

**Commissioner Bradbury:** So there'd be an access through the cul de sac? Is that how that works?

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Right.

**Commissioner Bradbury:** I'm looking at the aerial, and it looks like there's a – maybe a dirt road that provides access from north, I guess, more or less. And that's not – your intention is to actually provide access to the tower through the subdivision.

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Right. And the way the industrial site is developed, I think that's probably the only way they can get in there. But the lot that is at the end of our cul de sac is a common space lot to allow that access through there.

**Commissioner Bradbury:** That will be a common space. And will it be improved in any way?

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** The road area itself, no it will not.

**Commissioner Bradbury:** Thank you.

**Commissioner Ansotegui:** Mr. Chairman.

**Chairman Gillespie:** Commissioner Ansotegui.

**Commissioner Ansotegui:** I have a question for staff. What's required – what kind of maintenance is required with a WUI defensible space?

**David Moser (City of Boise):** The defensible space just needs to be landscaped so you can kind of cut the debris and grass down and prevent fire from spreading. You just need to be able to cut it and maintain it.

**Commissioner Ansotegui:** Thank you.

**Chairman Gillespie:** Any further questions from you all up here? Okay, I have a couple. So let's talk about the seven foot sidewalk. So my understanding is that we're essentially – we get, the City gets to require that as a condition because it's a PUD. In a sense, we're trying to create almost like an amenity. You used the phrase pedestrian comfort. Is that the City's position, that this is part of the PUD process and we can therefore require something that might not be specified exactly in code?

**David Moser (City of Boise):** That is correct. It's mainly just as another amenity for the site– since it doesn't have sidewalks on both sides, we thought we'd ask.

**Chairman Gillespie:** Yeah, I agree with that. I understand that. Do you have a comment on that, the seven foot sidewalk from a requirement perspective?

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Mr. Chairman, thank you, I do, briefly. And that is that – I think the appropriate trade off to think about here, though, is what is the value of adding the extra two feet? There is connectivity provided, five feet is wider than required in the city code. But to go to seven feet, it is at the expense of creating additional grading, which is the reason that ACHD allows you to just do it on one side. A five foot wide sidewalk does provide walkability and passability for pedestrians.

**Chairman Gillespie:** Thank you, other questions. So is there going to be a bike lane or any kind of a bike amenity on this cross country section through the steep part?

**David Moser (City of Boise):** No. Mr. Chair, members of the commission, there's no – it's too steep to get any type of walking path or bike through that.

**Chairman Gillespie:** So even within the pavement, it's not – there's just two lanes of traffic.

**David Moser (City of Boise):** The road will be used for bikes and cars –with in the roadway.

**Chairman Gillespie:** Right, okay. So there's no dedicated bike lane in the right of way. It's just two lanes – two 11 foot lanes and a sidewalk of five or seven feet.

**David Moser (City of Boise):** Correct.

**Chairman Gillespie:** Thank you. Okay, you guys – I'll keep going then. All right, so question about WUI. So unfortunately, I did not read up on the WUI statute this afternoon. So can you refresh my mind, is it a requirement of any open space? Because the applicant seems to be saying if it's private ownership open space, then we don't have to apply the WUI requirement, and I just can't remember what the code says on WUI.

**David Moser (City of Boise):** Mr. Chair, members of the commission, I think the WUI's really more part of the fire code. For specifics, I think if fire's here, might be able to answer the questions, but it's really from all open space that you need to provide that 30 foot.

**Chairman Gillespie:** So I think Mr. Gervais is coming up and is going to illuminate us on that for just a second. And then Deb, I'll let you – or Ms. Nelson, excuse me, I'll let you comment on it. Mr. Gervais.

**Romeo Gervais | Deputy Chief, Boise Fire Department:** Good evening, Romeo Gervais, Deputy Chief, Boise Fire. Mr. Chair, commission members of planning commission. Yeah, so we generally apply that to undeveloped land. Now, it's a broad definition in our terms, but we do apply it to included spaces such as this. Where we have a large six acre parcel that has no development on it, per se, no roadways, no nothing, it's largely in a natural state, Fire doesn't know whether it's a developed parcel or not, whether it's a platted parcel or not. So we generally apply that to lots that have natural open space on them. And we have applied that in other areas, even some large parcels in the foothills, maybe five acres in size, for example, that are within a subdivision. We have applied it even in those cases, because there's large, vast open areas within the parcels.

**Chairman Gillespie:** Thank you, sir. So we're talking about the WUI issue. I'll give you a chance to respond with any other comments.

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Mr. Chairman, thank you. Yes, just looking at the code line, it is – just talks about undeveloped land, which is not defined in the fire code that I was able to see. And so, we're asking for a little bit of a common sense interpretation of it as well, and also making that sure we're addressing the fire hazards as is raised by the fire department here.



And there comment letter also talks about adjacent to undeveloped land, so certainly the staff condition where it talks about all perimeter lots – there's a pretty bright line distinction, I think, from the east and the southern lots that all perimeter would not be captured by that, adjacent to undeveloped land. As to the private ownership piece to the south, if the City applied this to all interior lots of any size, even when they're private and ready to be developed, then you'd have a sequencing issue as you moved across the city for an infill that the first lot would always have greater setbacks just because they were first in time.

And so we're just asking for a practical realization that where it's private, it's developable. It's protected by our own surrounding it with the additional defensible space, but is it practical to have to impose additional setbacks on infill residential to accommodate that? The Idaho Power property is a larger site, not as likely to be developed even though they did propose a solar farm there recently. And so that makes more sense to us and so we ask for that accommodation.

**Chairman Gillespie:** Thank you. Any further questions for the staff, the fire department? Thank you, first time appearance before this commission in a while, or the applicant. Thank you, Ms. Nelson. Thank you, Mr. Moser. So next up is the Southeast Neighborhood Association, I believe. Is there a representative from the Southwest Neighborhood Association here? And have you been duly deputized by the powers that be to speak on behalf of the association?

**Scott Horsburgh (4598 E. Pegasus):** I am not speaking on behalf of the association. I am a director of the Southeast Neighborhood Association.

**Chairman Gillespie:** Okay. So you can speak in public testimony, but we can't give you all the extra time we normally give to neighborhood.

**Scott Horsburgh (4598 E. Pegasus):** Yeah, I'm not going to need 10 minutes.

**Chairman Gillespie:** So can I just go through the sign up list and then wherever you fall, you fall? Thank you very much, sir. Okay, so we're on 6A, B, and C. So the first person on the sign up list is Susan Mills. Welcome Ms. Mills. When you start talking, we're going to set the clock at three minutes for you. You can pull that down if you want.

**Susan Mills (2401 E. Tiger Lily Drive):** Thank you very much, council and the group of Conger Management and legal team. I do have some concerns. I was one of those that posted a letter. Now, as they say there is this free open space, a majority of that is the hillside, which is not developable. It's fill; it slides; it's – you're not going to put a house, it's too steep. As for a bike way on their street, we have bike ways on our street that go down from Tiger Lily to Wagonmaster/Holcomb, and then they end as they get to Cove East. So I think they might have to put a little extra money and reduce their profitability by providing something that's a great amenity for the city. Plus, in Columbia Village, we advertise the bike lanes, the connector that goes from Holcomb down to Boise Avenue.

By the way, let me take a step back. I'm at 2401 E. Tiger Lily Drive, the last house on the left, and I am excited about a development. You see, we've had fires over the years, and I don't mind having neighbors now. Now, I'm not sure if they address the Idaho right of way land that's between my land and their development. I've been maintaining that since 1994 out of my pocket, because Idaho Power does not take care of that land. So as for WUI, I think they could take care of the private land. Otherwise, there will be a fire. I've experienced it, and the last fire, I was in Washington, D.C. at a family vacation last year. I have pictures of the fire trucks in my driveway.

So on top of that, I was kind of confused about the density issue. First, they want to set the setbacks from five to three feet. So that has some concerns. They wanted to go for eight properties on an acre, which most of Columbia Village single residences aren't that tight. So I think maybe they can consider a more livable and sustainable space. As for the traffic studies, I saw those. They were all the intersections. You might note what's going to happen in 2025 to Amity after their developments down and the other developments we've approved in the Harris Ranch area are complete.

I do still have a lot of questions. And it's not that I don't want to stop them, I just want them to be reasonable, sustainable, and I'm sorry if it takes a bite out of your profitability. If you pay now, the City will pay less when it comes to fire, when it comes to traffic issues, when it comes schools and infrastructure. Thank you.

**Chairman Gillespie:** Thank you, Ms. Mills. Next person on the sign up sheet – I'm going to try on this is De Duong. I wasn't sure it was De. I got the Duong part. Welcome, Mr. Duong.

**De Duong (2452 E. Tiger Lily Drive):** Thank you. I live on Tiger Lily Drive. I heard that there's a new development and everyone can see the map, you can see that the areas along Tiger Lily Drive is probably one third of the new development area and we have about 23, 24 houses in our existing Tiger Lily Drive and this is five times than what is going to end up to be if the plan goes as is now.

And I enjoy the neighborhood. I have my kids, they have neighborhood kids walk by all the time knocking on our door, asking to go out and play. They play, what game do they play? They play war games outside along the double cul de sac. Very safe. I enjoy it very much.

And I notice that some drawbacks in the area also. At night time, I don't know if the develop does any noise study. At night time, the power station generate a noise. It could be non verbal for those houses that is right next to it. And also the houses that is right next to the factory on the left side, there are the fork lift trucks that when they back up, you can hear those beep beep beep.

I can hear them at night from my house. Especially in the summertime. So I'm not sure if those houses so close to the factory is desirable for human living area or not but there probably should be some sound barrier or some work needs to be done to make it more pleasant living condition for those houses that's right next to the factory as well as the one that's very close to the power station. So those are the things that I'm concerned

with.

And I'm also concerned with looking at the map, down Holcombe and the intersection of Mendota, old intersection comes together and all the traffic going north has to go through Holcombe and enter Amity. In the morning, 120 new houses, that's going to be a traffic jam for sure.

120 houses I would expect probably 100 of these new kids to the neighborhood, how many new students can we absorb in the elementary school? So those are the things that I think will impact our neighborhood a lot. I would just remind you of a comment just now that says the new development sidewalk is too steep to allow for a bike path. And on the contrary, I don't know why existing Holcombe Street the slope up there has bike path anyway, so I don't know how you could come up to the conclusion.

**Chairman Gillespie:** Thank you, Mr. Duong, thank you very much. So the next person on the sign up sheet and the last person is Bobbi Smith. Welcome. You can pull that mic down if it's a little high for you.

**Bobbi Smith (2570 E. Tiger Lily Drive):** I may need to. Thank you, thank you for letting us have this opportunity to express our concerns. Myself –

**Chairman Gillespie:** Ms. Smith, could you just say your name and address for the record please?

**Bobbi Smith (2570 E. Tiger Lily Drive):** Excuse me. My name is Bobbi Smith and I live at 2570 E Tiger Lily. So, as it turns out, I wasn't in the neighborhood circle so I actually learned about this really late and so I stayed up really late last week assessing the information and trying to provide my thoughts and comments around this.

And though I, much like Susan, express my interest in having more affordable housing in Boise, we need it, and it's important, we all know that there's not a lot of land necessarily, we want to try to get people in closer.

However, my main concern again is that density. So like we mentioned, the whole Tiger Lily area all of Columbia village, Cove East, all of those places are about three to four homes per acre and they're looking at, I know you're saying five acres or five homes per acre, you can do that, but if you look at the unusable acreage and take away everything else, it really equates to over eight units per acre. You can dice and slice these numbers, I realize, a number of ways, but I feel that we are really putting in a lot of homes in a small space. Can you not hear me?

**Chairman Gillespie:** No, I want you to keep talking to us, because when you turn around we can't hear you.

**Bobbi Smith (2570 E. Tiger Lily Drive):** I apologize. I've got it. This is the first time I've been here so I wasn't sure. So density is a concern for compatibility to the existing neighborhood as well as all the infrastructure capacity. De and Susan both commented about traffic, I know there's been a lot of studies. They commented where they thought

was going to be a 70/30 split where 70% would go down the hill to Mendota, 30% out Tiger Lily.

I tend to disagree, looking at the layout and the homes and their locations, they're all going to go out Tiger Lily. Tiger Lily is a very small, short access, but again, as De mentioned, we have a lot of families there and you start having 120 cars or 70 cars, etcetera, going through there in a short amount of time, that is a ton of traffic.

So I really implore the commission to look at the traffic impacts and the densities that they're talking about with the homes that maybe if they would go with more densities similar to the Tiger Lily that would be a lot more comparable to what we're used to seeing in the areas for density. Again, there's a lot of pedestrian and bicycle safety.

Currently we have a lot of people that use the Holcomb corridor to come up to either work at Micron or students. And my son goes there constantly every day for Timberline tennis and he's back and forth. And I've asked the ACDH, I think it was probably 10 years ago, to put a pedestrian cross light switch at that corridor because I think it is very unsafe for these people that are using that access point or that cross every day.

So, I think there's a lot of improvements that need to be done to the infrastructure to accommodate even a new development at three to four homes per acre let alone this five to eight, however you want to call it. Transit. We don't have transit up there. I know earlier one of the guys talked about having a higher density along areas for transit. Again, we don't have transit up there. I could go on for a long time, I wrote a letter. I hope you guys read it. I think that there's a lot of things here that we need to look at. Thank you.

**Chairman Gillespie:** Thank you Ms. Smith. Okay, that's it for the sign up sheet. So now we're going open mike. Is there anyone else who would like to testify on item six? And you're going to please fill in the little slip so you can get on the record please.

**Scott Horsburgh (4598 E. Pegasus):** I am not deputized but I am Scott Horsburgh. I live at 4589 E. Pegasus Court in Columbia Village and I represent area six in Southeast Neighborhood Association. Most of the thoughts and concerns have come up and pretty consistent with the folks here including staff.

I would just say I've heard Columbia Village mentioned quite a bit and as the gentleman previously mentioned, there's only about 20 homes near Columbia Village near this particular site. The rest of it is Oregon Trail Heights and some other subs.

If you're going to compare Columbia Village, our main thoroughfares are 40 feet plus wide and they include street parking and bike lanes. When you go to the side streets, they're about 35 feet wide and they do have plenty of room for street parking.

So, bus routes. I know that that's been at one time Columbia Village did have a bus route. I'm sure these folks would love to have a bus route and I'm wondering what the city's plan would be to include that. I know that Harris Ranch has buses, but they pay for that out of their own pocket. So, something to consider if we're going to increase our

population.

I know that as long as I've been on SENA, they're not against construction, in fact, they like construction typically like to see how it fits in with the surrounding area. And the only time they get concerned is when they hear variance, variance, variance. We like to make sure that variances are minimal. That makes it so much easier.

I guess one request that I would have since I'm not representing SENA is when this project is approved and they do this dirt evacuation, I'm curious what route they would take. I'm hoping they wouldn't evacuate the dirt up Holcomb and through Columbia Village. Maybe they would take it out Amity and around another way.

We're talking about thousands of yards of dirt. And the last thing, it's been mentioned several times, Columbia Village is about three to four homes per acre and that's flat ground. We're talking about hillside here. So it seems like it would be more difficult to put three to four houses on the side of the hill than it would flat. So I understand the density issue.

Other than that, we're not against it, I just think that the variances should be taken into consideration and I liked what staff had to say on most of that. I think a bike trail would go a long ways, 10% grade on the hill, there is a bike trail on Holcomb and it's pretty scary. I've ridden it many times. If we're going to tie these folks into Tiger Lily, a bike trail coming down that hill would be a much smoother grade than going straight down Holcomb. That's it.

**Chairman Gillespie:** Thank you sir. So you can fill that out at your leisure, but make sure you pass it into us. Is there anyone else who would like to testify tonight on item six? Awesome. Welcome.

**Chuck Mione (3750 E. Aphrodite Court):** Hello. My name is Chuck Mione, 3750 E. Aphrodite. I am the president of the Columbia Village Association, so I'd rather not repeat everything else. We just want to state that we agree with what Scott just referred to and all his concerns and everything else. So I just wanted to bring that up.

**Chairman Gillespie:** Thank you Mr. Mione. If you could fill out that slip too that would be great and just hand that in at your convenience. Is there anyone else who would like to testify tonight on item six? All right. Way in the back, please. Welcome. Pull that on down for you. There you go.

**Yarice Kirkendall (2504 E. Tiger Lily Drive):** Good evening. My name is Yarice Kirkendall. I live in 2504 E. Tiger Lily. My main concern with the proposed project is the traffic in our street. Our family and I moved into our home on a dead end street, quiet. Our children play all the time.

By adding the other 160 some homes it's increasing traffic almost twice as much. It could be dangerous for our children. Also, I'm worried about the capacity for the school system, as they're already overcrowded and Trail Wind Elementary has been busing children out to other elementary schools at the time. So, my question is what is there

another elementary school or other structures that need to be built in order to support this sort of development? That's all.

**Chairman Gillespie:** Thank you Ms. Kirkendall. Would you please fill that out for us and hand it in? Is there anyone else who would like to testify on item six. All right. Seeing none, the applicant has five minutes for rebuttal and we'll roll. And I just want to remind while she is loading up, please do hand in your slips so you can get on the public record.

**Deborah Nelson | Givens Pursley LLP (Applicant Representative):** Thank you Mr. Chairman, members of the commission. I'll just address a few of the items. I want to remind just the commission and especially in light of some of the comments that this hillside road in the middle is a local street and so the requirements for – there is no bike lane required or even allowed on local streets by ACHD, and the five foot attached sidewalk is consistent with their policy.

So we are not asking for any waivers or exceptions to what is required and we're ready to build out what is required. On traffic and roadways, generally too, there were some concerns raised by neighbor about capacity on streets and impacts on their streets. And as noted, the traffic impact study did analyze this but I want to provide a few details in particular because there was testimony about concern with Tiger Lily Drive.

At full build out, there will be 590 trips per day on Tiger Lily Drive. That's 30% of the capacity of that road. Similarly, Holcombe Road will be at 51% at full build out. Amity Road will be at 63% at full build out. And East Gate will be at 28% at full build out. And all of this is in the traffic study approved by ACHD.

Just a correction, there's 121 homes. I think there was some testimony about larger numbers. There was also a testimony from another individual about concerns at the intersection of Amity and Holcombe in particular. That intersection at full build out will be at level of service C.

A few other small points, there was discussion about density and as it relates to both the residential development to the east and the industrial use to the west and I think it's great to think about this residential development is coming in after these exist, so any residents that come to the neighborhood will be fully aware of their adjacent seat to both. It also provides a nice transition in the density. It's very comparable to the density next to it. It provides a nice transition to the industrial sites with an opportunity for some greater density.

The SENA representative who was deputized, actually did come to our neighborhood meeting and didn't have comments, so I just want to say that for the record. And there was no comments or concerns expressed by the school district in the record. And I think that's all I have unless you have questions.

**Chairman Gillespie:** Can't do that now, Ms. Nelson, but thank you very much. All right, so that closes the public hearing. The matter is before the commission. I suggest we

have one, two, three, four, five applications. We recommend on the CPA, which is the comp plan amendment. The rezone, the CAR, and we recommend on the sub.

So we have three recommends and we approve on the PUD and the CFH. So, while we can do them one at a time, from my point of view, two motions, one covering the three recommendations and a second motion covering the two approvals is probably the most efficient way unless we want to start pulling them apart. So with that the matter is before you all. Commissioner Bradbury.

**Commissioner Bradbury:** I move approval of CPA18-00001, CAR18-00004 recommendation. I move that we recommend approval of CPA18-00001 and CAR18-00004 and SUB18-00009 in accordance with the staff report and the conditions of approval with a couple of modifications. Sorry. I thought I had this thing queued up in the right spot but I don't. Maybe I can go on memory here.

The condition of approval number five requiring the seven foot sidewalk on one side of that portion of the road that goes through the hillside, sidewalk be reduced to five feet. And condition of approval number seven requiring 30 feet of defensible space on all of the perimeter lots, that that be modified to read on the perimeter lots on the northerly and westerly boundaries of the project.

**Chairman Gillespie:** So we have a motion with some modifications. I will second that motion for discussion purposes. So is there any discussion on the motion? Commissioner Bradbury.

**Commissioner Bradbury:** I think that by and large the staff did a great job in working their way through this project. I don't see the need for a seven foot sidewalk on that stretch of road.

I know it's 120 lots but in the greater scheme of things, it's not that much – I don't think we're going to see so much foot traffic that we need to have a sidewalk that is seven feet wide as opposed to five feet wide, which is the standard, which ACHD asks for and typically the City requires.

On the defensible space, I agree with the applicant that, at least as recited to us, that the WUI standards require that the defensible space be provided on the undeveloped land and the easterly and southerly portions I don't think qualifies undeveloped land.

I don't agree with the applicant that the private portion that is on the southwesterly corner should not be considered undeveloped because I think it is. And I would also point out that for the people who came out here to testify, yeah, I agree with you, this density is a little bit – it's a little bit more dense than the neighboring properties but I don't think it's materially out of sync with the rest of the neighborhood. We have lots of subdivisions in areas in the city where there's greater density adjacent to somewhat lesser density. I don't think this one tips the needle very much.

Yeah, there's going to be some additional traffic on Tiger Lily but ACHD and the transportation people who have studied it have concluded that the additional traffic is

going to be well within what that street can handle, the capacity of the street. So yeah, there's going to be some changes but I don't think they're going to be so significant that it's going to really change anybody's life too greatly.

**Chairman Gillespie:** Thank you commissioner. So just a few comments from me. So I'll be supporting the motion, I agree with Commissioner Bradbury strongly. I think the WUI question is an interesting one. I think Barrister Nelson has some interesting intellectual points on the sequencing of WUI issues but there's a big bunch of open space there and it's a fire hazard, so I agree with Commissioner Bradbury's logic on that.

I also agree with him on the five versus seven foot, I just think there's pretty marginal benefit from doing that. I personally wish there was a bike lane, but that's me. Any other comments? So let me just summarize. I think the city, let me know if you're okay with the motion.

So there's a motion to recommend approval of 6, 6A and 6C, amending condition five to reduce the sidewalk requirement to five feet from seven and amending condition seven with respect to the eastern and southern property lines, but leaving in place the WUI requirement on all of the western borders. So, will the clerk please – so the motion is to approve or to recommend approval. Will the clerk please call the roll?

**Clerk:** Ansotegui?

**Commissioner Ansotegui:** Aye.

**Clerk:** Gillespie?

**Commissioner Gillespie:** Aye.

**Clerk:** Bradbury?

**Commissioner Bradbury:** Aye.

**Clerk:** Stead?

**Commissioner Stead:** Aye.

**Clerk:** All in favor, motion carries.

**Chairman Gillespie:** So now before us is our approval of PUD18-00004 and CFH18-00002.

**Commissioner Bradbury:** I move approval of PUD18-00004 and CFH18-00025 in accordance –

**Chairman Gillespie:** Two.



**Commissioner Bradbury:** Oh, I got that number wrong. Oh, it's 25. 25. In accordance with the provisions of the staff report and conditions of approval, also modified as for the previous motion.

**Commissioner Faucher:** Second.

**Chairman Gillespie:** So we have a motion to approve the PUD and the CFH, is there any discussion on the motion? Hearing none, will the clerk please call the roll.

**Clerk:** Ansotegui?

**Commissioner Ansotegui:** Aye.

**Clerk:** Gillespie?

**Commissioner Gillespie:** Aye.

**Clerk:** Bradbury?

**Commissioner Bradbury:** Aye.

**Clerk:** Stead?

**Commissioner Stead:** Aye.

**Clerk:** All in favor, motion carries.

**Chairman Gillespie:** Thank you very much.

[01:25:25]