I. CALL TO ORDER

PRESENT: Ansotegui, Gibson, Stevens, Gillespie, Stead, Paschke, Finfrock

II. CREATION OF CONSENT AGENDA

III. NEW BUSINESS

1. ZOA18-00004 / Harris Family Ltd
   Code Amendment to the Harris Ranch Specific Plan (SP-01) Volume 1 (Section 11-13-01) including updates to the land use maps, changes to block prototypes, and minor modifications to Allowed Uses Table. Céline Acord

   Céline Acord (City of Boise): Mr. Chairman, commissioners. Before you tonight is a zoning code amendment to amend the specific plan of Harris Ranch, also referred to as SP-01. The original plan was adopted in 2007 and since then there have been multiple amendments to accommodate development. This is a similar amendment before you tonight. While you may have noticed in your packet that there are quite a few changes proposed, I’ll just briefly give you a high-level overview of what’s changed and then the remainder of my presentation will be for items that we would like the commission to make specific recommendations on.

   This is a unique amendment because while staff is recommending approval, there are specific items that do not have our full support and we’d like you to weigh in on that. And as a reminder the commission makes a recommendation to City Council, and City Council makes that final decision on this code amendment.

   The current plan which was amended in 2014 is on the left and the proposed plan is on the right. A few things to note in red is that the plan was initially intended for trails and walk paths within the Idaho Power corridor. Since the original adoption, Idaho Power has not allowed this, so the trails have been removed from subsequent maps. Also, you’ll notice Harris Ranch in the Foothills, or sorry, Harris north in the Foothills, shows that the boundary for Harris Ranch has expanded. This is not the intent of the applicant, so this will be updated before going to Council.
The areas in pink have been built out, so the map has been updated to reflect that street network. That’s within Barber Junction near Mill Station as well as Harris north. And then the items in black have gone through the most change. Those block layouts have changed and the area in grey, you can see the pointer on your screens, the area in grey is where the elementary school site has been designated and also in the purple near the Foothills is a new block type.

Other items that were proposed are just basic cleanup. Errors and omissions and while the land use map has changed, other maps have also been updated like the circulation maps, the Greenbelt and trails maps. The allowed uses table is also being adjusted for some blocks that should be deemed open space and self-storage was never anticipated in the plan, so that is also being inserted as an allowable use for some of the block types. Lastly certain plant species shouldn’t be used due to the wildlife in the area, so that has been reflected in a few places within the plan.

So, for the changes that we would like to talk about tonight, this was listed in your report at the end, on page 21. We would like to go through these one by one and then have a discussion with the commission as well as the applicant.

So, circulation patterns. Because the block layouts have changed, the circulation in these areas have also been affected. This is shown on Exhibit 1 and 6 within the applicant’s packet, but have also influenced some of the newly proposed or adjusted block prototypes. The current plan is on the left and the proposed plan is on the right. There are roundabouts located on Parkcenter Boulevard and Warm Springs. The plan maintains these roundabouts but no longer connects the most easterly pair to one another. Shown in red on the screen. There is also a straight connection that’s been lost on Warm Springs, shown with the red dash lines. ACHD do not have concerns with these changes but as you know, traffic and circulation can affect land use and vice versa. Karen Gallagher, the city’s transportation planner also has a few words on this.

Karen Gallagher (City of Boise): Thank you, so just following up on what Céline was talking about I’m going to switch down to this next map. And as you can see here on the current approved plan, where we have these nice logical connections where we have roundabouts that connect and there’s through-streets that you can get across, both here on Warm Springs and then you’ve got a nice way to cross when you’re on Parkcenter. Which you see again, here the next north - south one. And then as currently proposed, as Céline was saying they connect and we have this connection down here to the south.

So, we’ve had some incremental changes that now we’re seeing a disconnect that we’d like to have an opportunity to improve. So, one way of doing that is connecting - since this roundabout has shifted the connection that you see here on the left, one way to do that is a road
that has a little more curvature to it, but then would provide a logical connection from the main arterial around here through town, again allowing cars, vehicles, pedestrians to pass the main street at the roundabout. Otherwise as proposed, vehicles would come off the roundabout here on Warm Springs, come up to Parkcenter and then not have the aid of a roundabout in crossing the street.

And just taking a step back, originally there were quite a few more roundabouts that were planned on the main street here of Parkcenter through the town side. With that change and then with the shift in the south here, we’re missing that connection. And then the other street, if I switch over here again to the current approved plan, currently you come to the edge of the grid system and there is a logical connection that brings you out to the arterial.

In what’s proposed, that connection is gone, and just the ease of navigation and that logical connection is lost, so we’re recommending the connection between the roundabouts and a connection, from one of these - the southwest corner or quadrant of the proposed changes.

Chairman Gillespie: Thank you.

Céline Acord (City of Boise): Additionally, a new roadway section has been proposed. Most of the block prototypes have increased the allowable height from 45 feet to 65 feet. This requires different trucks for fire service, which means different widths need to be accommodated for. Most roadways in Harris Ranch have 50 feet ride away while this one is proposing 72 feet and has wider travel lanes and smaller parking widths.

It’s also not specified where this roadway section would be used, so the planning team understands the necessity for the wider dimension but it’s unknown where it would be used. We certainly don’t want to see wider roadways than necessary but we don’t know which comes first, the road or the building. So, the planning team recommended that if this section is included, the parking width would be 8 feet instead of 7.5 feet and that a note be included to have ACHD and Boise City review and approve this prior to construction to ensure consistency throughout the blocks. And the assistant fire marshal is also here tonight if you have questions on that.

Chairman Gillespie: So, Céline a quick question, that’s item two on the City’s list, is that right?

Céline Acord (City of Boise): That is correct.

Chairman Gillespie: Thank you.

Céline Acord (City of Boise): The applicants also proposed to change the streetscapes and street tree plan. You can see here the current and proposed plan for both. The proposal removes pavers in the streetscapes shown in red in the town center area and near The Village Green, and a double row of street trees around The Village Center is now proposed as
only one. While both proposals are fine, pavers and additional trees certainly would add value to the pedestrian environment and the overall aesthetic to the neighborhood. Public Works mentioned that pavers may be needed for storm water catchment purposes but it’s likely there are other solutions that can be used. Public Works is also here tonight if you have questions.

The current plan requires any development in Harris Ranch comply with current city code except for the Hillside and Foothills ordinances. This type of development is allowed to conform to these ordinances as they were adopted in 2007, the applicant would like to extend this time frame from 13 years, which would lapse in 2020, to 18 years which would then lapse in 2025. The planning team recommends this not be adjusted as does the Public Works department. Any updates to hillside ordinances are in the best interest of the public for any development proposed in the future.

The next proposed revision is for standards within the plan allowed to vary by 10% with planning director approval. This is within Harris Ranch code as well as title 11 for Harris Ranch. The applicant wishes to change this to 20%, so for example a building height maximum of 60 feet, could increase to 72 feet or a driveway width of 20 feet could go to 24 feet or 16 feet. The planning team is fine with this change because the discretion lies with the planning director who could always deny or modify the requested variation.

Many of the block prototypes listed in the packet require a certain amount of private open space for residential units. Typically, they are 50 square feet, but the new blocks propose 40 sq. feet. With this change and the variation change listed before, that could potentially mean that the private open space could go down to 33 sq. feet if the planning director approved it. Planning team feels that with the way these blocks are developed on the screen as mixed use buildings, residential units will likely not have backyards or balconies and porches instead, so providing that adequate private open space is important and should be maintained at 50 sq. feet.

Lastly but certainly not least, and probably the one that has the most impact is the change and definitions for multifamily and townhomes. The current definition for multifamily is listed on the screen, a building containing three or more dwelling units, excluding attached single family townhouse units. Townhouses are one-family dwellings in a row of at least three or such units on separate lots.

The proposal is to change multifamily to include attached single family homes on individual lots and for townhouses to be single ownership units in a larger building with at least three units. The applicant will have the reasoning to justify this change; however, we received comments from Public Works, fire and building departments on why this should not occur. All of them are here tonight if you have questions on this.
And, additionally the planning team also feels like this is an unnecessary change and will create confusion. These definitions are in place across the city and shouldn’t differ only in Harris Ranch. We shouldn’t get in the habit of changing definitions for just one specific area in the city.

So overall the planning team is recommending approval of the revisions, but would like specific direction on certain items listed on the screen. And I will stand for any questions.

Chairman Gillespie: Thanks Céline, why don’t we hear from I suppose Mr. Clark first and then we’ll have questions probably for both of you.

Applicant

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Thank you Mr. Chair, Hethe Clark, 251 East Front Street representing the applicant. I have with me the members of the planning team for Harris Ranch, including Mr. Fowler who is sitting here behind me. As this has been a multi-year project, it’s one of two specific plans in the city. One thing that we thought might be helpful to the group, and we’re mindful of the time tonight is to kind of give you an idea of where we’ve come from, how we got to this point and why this application is before you tonight. And so, we’d like to give Mr. Fowler just a couple of minutes here to talk about that, we’ve got a brief video that will show you what we’re talking about and then I will jump in with the specific amendments. And Mr. Chair just as a point of order, are we going to do 10 minutes tonight or we’re going to do 20, what’s the - ? Okay. We’ll go as fast as we can. Thank you.

Chairman Gillespie: I think this is a pretty big one so let’s just have a thorough job, so you take your time.

Doug Fowler (4940 E. Mill Station Drive): Hi, Doug Fowler, 4940, East Mill Station Drive, Boise, Idaho. Mr. Chairperson and the commission, it’s been my pleasure to represent the Harris family and Harris Ranch for the last 14 years. Just a brief update, in the last 10 years, 575 homes have been built with around 175 townhomes. Currently we have in escrow 400 condo apartments units. This is in addition to an assisted living facility that’s almost complete. Soon to follow after that will be a full service day care that is about to break ground and then we have an existing preschool, dentist office, a convenience store, gas station and the ever popular Lucky 13, which has been completed for several years now.

We’re happy to report that as far as the crisis goes at Harris Ranch, we’ve only had a few setting aside detours that none of us like. One of those was daffodils. We decided to plant 15,000 daffodils, one for every sq. foot on a Bureau of Reclamation piece that we have a maintenance agreement with. That caused some angst but subsequent to that, we just did it, because it had a higher cool factor, we were able to tie that into the national remembrance of the Holocaust established by Congress. Incidentally this year we planted another 20,000 and did a little better job at getting our communication out there.
Another issue that unfolded was an infamous tree stump that Dallas Harris had built a treehouse for his grandkids and when the 105 year old tree blew over, the tree had actually grown around and into the tree house itself so we thought from a historical standpoint this would be interesting to tie some of the history of Harris Ranch for the future. We have since preserved the tree stump and fenced it off with a plaque telling the story.

I couldn't go on without telling the commission what a great relationship we’ve had with the neighbors out at Harris Ranch. Are they all 100% satisfied? Absolutely not. But we have enjoyed a great relationship with them. And one thing that we failed at was getting out in front of those new people that had moved out to Harris Ranch, that don’t know about the history and don’t know about the process that we’ve gone through the last 14 years that originated with a very inclusive process.

So to do that, we have the last seven months put out monthly development updates and have subscribed to a open door policy listing our phone number and contact information every month after that to meet anybody that has the time to meet with us and address any questions or comments they may have. With that, we would like to show you our new buyer’s package that we now do at Harris Ranch. It includes all the C-CNR’s, history of Harris Ranch, change of address forms tied to Harris Ranch and along with that a thumb drive of Harris Ranch past, present and the future that we’d like to show you for a few minutes right now.

[Video]

Chairman Gillespie: Thank you Mr. Fowler, I bet you Mr. Clark is returning. Okay.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): So for the record Hethe Clark, 251 East Front Street. Now down to business, what we have proposed, Céline has done a nice job of kind of giving you the overall view of it, wanted to maybe fill in a couple of other details and then go to the specific items that Céline had mentioned that we would like you to discuss.

So first of all again, we’re looking to update pretty much all of the maps in the documents and wanted to make sure that everyone is aware of the school site and that’s - the location of the school site which is now south of Parkcenter, it used to be up here near the Idaho Power corridor and was relocated at Idaho Power’s request. That does have implications for some of the other changes that we’ve suggested as we go through here.

And before I go too far I do want to also say thank you to Céline, we’ve had probably four meetings to go over this to get to the point where we were down to just this handful of items that needed to be discussed, I also wanted to thank the Barber Valley neighborhood association for sitting down with us for several hours.
In addition, the infrastructure maps have been updated and one thing I wanted to point out is that the document does include the new Alta Harris Park master plan concept. As Céline mentioned, the allowed usage chart and land use development and prototypical block charts have been updated, so when we talk about the land use chart, that’s what can you do on the various lots and the overall numbers are also included here. The overall entitlement has not changed, there’s no increase. It’s just a matter of making sure that everything is appropriately allocated.

As we mentioned, these block prototypes, as you may be aware, the way the Harris Ranch plan works is that there’s a block prototype for each location within the development, as the development has moved further south, we’ve essentially finished the single family residential things that are north of Parkcenter. On the south side we needed to provide essentially some more clarifying detail as to what development can look like in those areas. So these are additional renderings that will be used for when those blocks ultimately develop.

And then as Céline mentioned a few SP-01 code revisions and updates. And again I just want to be clear, no increase in overall number of units. The all caps means I’m being clear, there is no increase in number of units or sq. footage. So I think my list matches Céline’s with the exception of the - she had mentioned the director’s discretion, that was the only piece that I think I don’t have on the screen right here.

**Chairman Gillespie:** There’s one other which was - and maybe you just call it something else, her item two which we... wider roadway option due to fire access and building height. How does that map to these?

**Hethe Clark | Spink Butler, LLP (251 E. Front Street):** It does not map to these, so that’s -

**Chairman Gillespie:** So that’s another one. And then you have alcohol and she did not. So we need to -

**Hethe Clark | Spink Butler, LLP (251 E. Front Street):** So I think we’re at seven or eight. We’ll get there. So let’s start with the circulation changes in the southeast quadrant. Appreciate Karen’s comments there, a couple of points that I want to make, first of all what makes this area of the project different than the other areas that Karen had identified is that previously the school again was north of Parkcenter, now it’s south of Parkcenter. We don’t necessarily want the traffic to be running through there as a through connection; instead we are more focused now on the pedestrian connectivity in that area.

Another point that I would make with regard to the additional connectivity is that there has been the Warm Springs Creek relocation that’s occurred. I’ll pull up the map to help illustrate that. So, Warm Springs Creek has been relocated along Warm Springs right on the north side, so that does make those additional connections far more difficult.
The other point that I would make is that Barber Junction has been approved, that is the area south of Warm Springs, this area right here. It was approved with the roundabout in that location. And my final point would be that ACHD has reviewed this and does not have the same concerns that are shared by comp. planning.

So, with that I would just state that that's one that I would ask for the planning and zonings recommendation on, and that recommendation could be that we have some additional conversations with comp. planning on that issue.

Chairman Gillespie: Mr. Clark, what’s the corner that now has no connectivity coming off of it in the right - there, what is that corner? Can we just call it the corner, because we just need to refer to it in the record?

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair that would be fine, we can call that corner.

Chairman Gillespie: Okay, because that's what the argument’s going to be at, one of the arguments will be connectivity off that corner. Okay.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair if I could, yes. That is the argument, I will point out that there is a fully gridded system through there and again we are more focused on the pedestrian connectivity through there, we don't necessarily want that to be a through area. So that would be number one, I'm happy to answer any other questions on that or if you'd like to move on I'm happy to do that too.

Chairman Gillespie: So, Commissioners, because this is so complicated I think we should ask questions as they come up. Otherwise the questions will be really disassociated and James I hope you're okay with that. So, as they come up, let's just try and fire them off so that when we get to the end we can get through it. Please continue.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): And so I think number two according to Céline’s list was the street, section 8B. She's correctly identified why that street section has been included, it's for the areas near the town center which is where the most intense commercial development is anticipated. It was an oversight on my part that we hadn't identified where that street section was going to be used, and in my letter of last Thursday I had indicated that we will update the application to identify those specific locations.

Then, I think the next one was the residential private open space. Residential private open space is identified on a number of the town center blocks, and as we went back through the documents we were finding that there were some blocks where it was 40 feet, some blocks where it was 50, some blocks where it was 60. From our perspective we were looking to try to streamline it and to give flexibility to someone who is ultimately going to be developing that piece. Again, it's balcony space that we're talking about, so the market is going to drive it, rather than
being more prescriptive we wanted to create a floor. So that’s why we went with the 40.
Anything else on that one?

Chairman Gillespie: No, you can keep going.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): I’ll keep going on, so the next is the pavers within the streetscape and Céline has the map there, thank you. The idea here is that we are constantly working with Public Works and with ACHD to identify the storm drain resolutions that will apply in this area. The idea here is not to say that pavers will not be used, the idea is to open up the menu of possibilities here. Any resolution that takes place on the plat or within public right of way is ultimately going to require ACHD and Public Works to sign off on it. So, if pavers are the most appropriate then we will come in with a plan with pavers, but what we’ve tried to do here is just to open up the options.

Chairman Gillespie: Because right now the code says, or the comp plan says in those areas, you have to use pavers on both sides and you just want us to say you have to use some storm water friendly surfacing.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): That’s correct and one thing that I had mentioned in my letter from last week was that whatever we use, it’s going to be proportional, it’s going to happen on either side of the street.

Chairman Gillespie: So Céline, will you summarize the City’s position on this one?

Céline Acord (City of Boise): Overall the City is fine with these changes but certainly pavers and street trees give a certain aesthetic to that pedestrian environment that we like to see. This town center area, especially next to the school and next to The Village Green, it’s going to be where all the hustle and bustle is at. It’s kind of a miniature downtown, if you will. So the pavers just provide that extra aesthetic.

Chairman Gillespie: Thank you.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Okay, next is the timeframe for certain ordinances to be in effect. So the provision of the code that is on your screen currently calls for the 13 years. We’re looking for an additional five. And let me back up and say that in many large developments, there is a freeze on the ordinances that are applicable. Oftentimes that’s done with a development agreement. In this case, we are working from the specific plan code. And we’ve moved as fast as we can, there was a little hiccup during the great recession that slowed things down a bit.

But we are looking to move forward under the current ordinances as they have been frozen under the ordinance. And just the reason that we want to do that is we’re trying to avoid confusion. The Harris Ranch project is
entitled for a certain number of units including in the area that’s in the foothills that’s east of Harris Ranch North. And what we’re trying to avoid is a conflict between - because we don’t know what changes might come in the next little bit. We’re trying to avoid a conflict between the existing entitlement, and what those changes might be. And so that has been the rationale for that in the past, and that’s the policy decision that we’re asking the city to make now.

Chairman Gillespie: So Mr. Clark, some example of that is you’ve got in the book, say, another 400 units, but some of those 400 units, let’s say, are on 15% slopes. And you’re worried that the City Council’s going to change the Foothills Development rule, so that you can’t develop on 15% slopes, and you lose, say, 40 houses off your 400. Is that an example of this kind of issue?

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair, that would be an example. Obviously, each of those -

Chairman Gillespie: See I made up the number.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): - completely hypothetical, and we don’t know what would be coming down -

Chairman Gillespie: Right, but that’s the sort of thing we’re talking about.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): That’s what we’re looking for.

Chairman Gillespie: And the City’s view is?

Céline Acord (City of Boise): The planning team’s recommending that we keep it at the 13 years. But again, it’s just a recommendation to Council.

Chairman Gillespie: When you mentioned that you’d heard Public Works had weighed in, and other city departments don’t support extending it, did they give a reason, or a gist for why they took that position?

Céline Acord (City of Boise): The Public Works Department, or Mr. Chairman, the Public Works Department did comment on this. And it’s similar to your point is that it’s a Hillside or Foothills ordinance. Technical code, or the Hillside manual gets updated. It’s everything within Harris Ranch is still only needing to conform to 2007 code, and not, let’s say, 2021 code, or something like that.

Chairman Gillespie: Thank you.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): And Mr. Chair, I will say that that there have been, as far as I’m aware, very few changes to the items that are specifically identified here, including the Foothills Ordinance. So we don’t know. This is hypothetical. We’re trying to protect the entitlement.
Next on Céline’s list was increasing the discretion of the planning director from 10 to 20%. I didn’t mark that one as one because I think we’re on the same page. That actually simplified this amendment drastically, because the types of standard variations that we were looking at could fall within that additional 10%.

Then the next one, I think I’ll end with the townhouse piece. So I’ll go to the alcohol waiver near the new school site. So we had proposed language allowing for a waiver on what is a - it’s a waiver that’s pretty regularly granted. This is, as you may or may not know, there’s a rule in state code that says that you can’t serve alcohol within 300 feet of a school site. But that same provision of Idaho code says that you can give a waiver, or that the city has the ability to give itself the ability to grant that sort of a waiver.

Ada County has given itself that authority. Boise City, there code is silent on it. Boise City does it, but they haven’t specified that they have the authority to do it. And so what we’ve asked is within the area of Harris Ranch to allow for essentially restaurants and grocery stores that serve alcohol to be able to have some assurance that they would be able to operate there if they don’t predate the school.

And the school district, was included in my letter of last week, was in support of that.

**Chairman Gillespie:** Miss Acord.

**Céline Acord (City of Boise):** Mr. Chairman, the City Clerk’s office, they’ve said that there’s a reason why they haven’t put that into Boise City code. They did not give me that reason. But there’s a reason why that our code is silent. I believe it’s Title V. And so to specifically put this in the Harris Ranch code, but not have it be applicable to anywhere else within the city, the City Clerk wasn’t for this revision.

**Chairman Gillespie:** Thank you Céline. Alright, Mr. Clark.

**Hethe Clark | Spink Butler, LLP (251 E. Front Street):** Yep. Okay, last one. This is the definition on townhomes.

So the reason this came up was that we had been dealing with some overlapping requirements when it comes to the way townhomes are developed in Harris Ranch, and the way that they’re treated for purposes of the Community Infrastructure District. For purposes of the Community Infrastructure District, they’re treated as individual single-family lots. Or at least that’s the way that staff has looked at them.

For purposes of design review, these townhomes have been treated as commercial, and subject to the higher design review requirements. So we’ve seen this overlap. We don’t think that those definitions are necessarily consistent today. And what we’re trying to do is figure out a
way to resolve this inconsistency. And one of the reasons for that is to allow for reimbursement of some infrastructure that’s along Park Center, that would - right now we’re being told is not reimbursable as a result of this definitional issue.

So we have heard Public Works. We’ve heard Fire. We understand their comments. What I would propose on that is rather than trying to hash out a bunch of language tonight here at the [inaudible 00:44:19], that there would be a recommendation that we go back, and try to land the plane there to get to something that they can live with, between now and Council. But I think that the Planning and Zoning Commission understands the concerns there, and what we would be trying to work through.

Chairman Gillespie: Thank you.

Hethe Clark | Spink Butler, LLP (251 E. Front Street):  Yeah. That’s it, so if there’s any other questions, I’m -

Chairman Gillespie: Alright. So, questions from the commission for the staff, or the applicant. I thought that was really hard. Okay.

Commissioner Stead: Mr. Chair.

Chairman Gillespie: Commissioner Stead.

Commissioner Stead: I have a question about you said about in regards to the roundabout that you’re working - or the focus is more on pedestrian at this point. Can you talk a little bit more about what that looks like, that it’s not trying to direct the traffic through that area?

Chairman Gillespie: Yeah. Hold on one second. Go forward. That one. Wait. Go back. That’s the one I like. Is that the good one?

Hethe Clark | Spink Butler, LLP (251 E. Front Street): That’s the good one. Alright. Okay, Mr. Chair, Commissioner Stead. So as you could see with the prior plan, there was essentially a straight shot from the roundabout that you see in yellow down to the roundabout that is on the west side of where Barber Junction exists today. Céline can point you out there.

At this point, we have been working with school district, and have identified this location for them. We are looking to make sure that there is pedestrian access up into that area from Barber Junction, so there’s an additional sidewalk there that was part of those approvals getting folks into that area. And then we have our regularly gridded areas with bike lanes feeding into that location.

What we’re trying to do is create a pallet for the school district to be able to put in a school that’s going to - that we anticipate having co-use of the Village Green resources. Which is another pedestrian amenity, and Céline’s got it knocked out there for you. So we’re trying to bring folks in to that area, not necessarily move them through vehicular fashion.
Commissioner Stead: Mr. Chair.

Chairman Gillespie: Commissioner Stead.

Commissioner Stead: So where your arrow is now, Céline is that where the school will be?

Chairman Gillespie: No.

Hetthe Clark | Spink Butler, LLP (251 E. Front Street): Just to the east right there.

Commissioner Stead: Perfect.

Hetthe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair, Commissioner Stead, the area that Céline was just pointing to is what we refer to as the Village Green. That’s open space.

Commissioner Stead: Thank you.

Chairman Gillespie: So, Mr. Clark, I understand part of what you’d like to do, and because the school’s there, that’s a relevant point. But I don’t really want to - why would we cut car connectivity, and having a healthy grid around a school? Because then all the school traffic just has to run through less, a tighter road.

So in particular, I’m looking at the corner, and I’m looking at trying to create some connectivity off that corner, so you get better flow. Or as shown also, I think it’s Karen’s diagram, connectivity off the intersection just directly north of the corner, and heading more or less due east across the creek to the road.

That seems like a good idea to me to ease the traffic flow through that area around the school. Just because the school’s there, we shouldn’t be constricting connectivity, we should drive it up if we can.

Hetthe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair. So a couple points there. So one point is that the connection east/west that you see on this map goes across Warm Springs Creek. That’s about a 75-foot span. So it’s not a simple matter of just going over the top of it to go ahead and add that.

In addition, that area’s looking, as Mr. Fowler mentioned, that area’s looking at multifamily that would then be walkable to get yourself into the school, and serving those youngsters. So that’s the idea that we’re looking at in terms of that block layout.

Chairman Gillespie: Right. Mr. Clark, but the position of the creek hasn’t changed. It’s not unexpected that it’s there. So it’s always been there. So we were always planning on putting in at least one more bridge.
Hethe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair, that’s not correct. The creek has been relocated into that location.

Chairman Gillespie: Where was it before?

Hethe Clark | Spink Butler, LLP (251 E. Front Street): It cut across the area. So you can see a faint line where the dash jogs over. You see, Céline, to the left. Keep going. Keep going, right there. See that? Oh, so are you asking, that’s the old location is over there? The current location is now up adjacent to Warm Springs bypass.

Chairman Gillespie: But doesn’t the current approved plan have that creek in the same place that it is now? It looks to me like -

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Yes, that’s correct.

Chairman Gillespie: So we were always planning on putting the creek there. I think there’s some people, like, “Wait, wait, wait, wait, be careful.” So you guys can all talk about it.

I guess what I’m trying to figure out, did anything unexpected happen? Is there a new hardship? Did we change our mind on where to put the creek, and now we don’t want to put in the big giant expensive bridge because we moved where the creek is? Or was the creek always going to be there?

Okay, so the view is no. Wait. Another person’s coming up. So you have to say your name and address.

Sherry McKibben (519 W. Hayes Street): Sherry McKibben, 519 West Hayes. I’m part of the Harris Ranch team.

Chairman Gillespie: Thank you.

Sherry McKibben (519 W. Hayes Street): The original relocation of the creek was down the Idaho Power corridor. All the way down to Eckert.

Chairman Gillespie: So if that road had been built as it’s shown on the left-hand connecting to the dash proposed road -

Sherry McKibben (519 W. Hayes Street): It would come down -

Chairman Gillespie: No, left-hand side.

Sherry McKibben (519 W. Hayes Street): And then follow Eckert.

Chairman Gillespie: It wasn’t going to have to cross the creek because the creek was running straight north/south down the corridor.
Sherry McKibben (519 W. Hayes Street): And that change was in Idaho Power.

Chairman Gillespie: They didn’t want the creek in their corridor. Okay.

Sherry McKibben (519 W. Hayes Street): Or near it.

Chairman Gillespie: Got it.

Commissioner Ansotegui: Mr. Chairman.

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: Before Sherry sits down, I have a quick question. Is there a pedestrian path system, then now, where the new creek is that’s relocated since the Idaho Power’s not allowing that kind of use at the moment?

Sherry McKibben (519 W. Hayes Street): Idaho Power, you’re correct, is not allowing use of formal trails in their corridor. So, we built a eight-foot wide path, multi-use path on the south side of Warm Springs coming around. And it connects to the green belt. And that is in place.

Commissioner Ansotegui: That is in place, but not along the creek where it’s located now on the north side of -

Sherry McKibben (519 W. Hayes Street): No, not on the north side.

Commissioner Ansotegui: Okay. Thank you.

Karen Gallagher (City of Boise): Mr. Chair.

Chairman Gillespie: Karen.

Karen Gallagher (City of Boise): Just a few clarifications there. One is that these are locals roads that we’re talking about in this southeastern quadrant. So they aren’t of a higher classification. And we have local roads that go by schools all over our city.

So I just want to remind everyone of that, and just to go back too, that we had great connectivity with the current plan here with the two connections. And then as they said, with the changes in the roundabouts, and switching the location of this southern Mill something, Millbrook, thank you, to the east here as shown has created a different circulation pattern that decreases the amount of connectivity, and decrease that ease of navigation.

Chairman Gillespie: Thank you. Alright. So we’re still at the question phase for -

Commissioner Stead: Mr. Chair.
Chairman Gillespie: Commissioner Stead.

Commissioner Stead: So okay, if the road to the west stayed - on the current plan, if we're looking at the two roads coming out of the corner, there's one road to the east, and one road to the west. So if in the current plan, the road to the west stayed put, and the road to the east moved to represent the new plan, would that avoid crossing the river?

Chairman Gillespie: Hm-mm [to indicate no].

Commissioner Stead: No. Because the river is on this street to the west.

Chairman Gillespie: Mm-hmm [to indicate yes]. Where she's moving the cursors is my understanding of where the mark is. Alright. Further questions for the city staff, or the applicant. Alright. Thank you very much.

Okay, so next step is the Barber Valley Neighborhood Association. Come on up. Welcome.

BARBER VALLEY NEIGHBORHOOD ASSOCIATION

Rob Stark (6865 E. Warm Springs Avenue): Mr. Chairman, commissioners, my name's Rob Stark, 6865 Warm Springs. I'm representing the Barber Valley Neighborhood Association.

We appreciate the opportunity to voice our support for the proposed amendments to the Harris Ranch Specific Plan. And we appreciate that the Barber Valley Development company reached out and hosted us in a meeting to summarize the proposed changes, and explain things to us in layman’s terms.

For the most part, we support what we have seen, and hope to be included, and will remain engaged as the process moves forward, reserving the ability to comment on changes that future steps might generate.

We don’t completely understand the five-year ordinance freeze arrangements, and would appreciate even more clarification on that. If it simply requests that they are able to continue with our already approved plans without changes in the Foothills East area, should some sort of Foothills development ban take effect, the neighborhood association would most likely be amenable to that. If it's opening up the door to changes, needless to say, we probably wouldn’t be on board with that.

Our largest concern is that when the school begins developing, it’s going to require a strong planning effort among all the parties to have a plan to manage the traffic flow to and from the school in the mornings, and the afternoons. We currently have traffic issues at the location at East Junior High, and Riverstone School on school days, and we hope to have a better situation at the new elementary.
Chairman Gillespie: Thank you Mr. Stark. We appreciate it. So does anybody have any questions for the neighborhood association? Okay. Thank you.

Alright. So now we’re on to the public portion, the testimony. So we have three people signed up, and then we’ll go to open mic. The first person on the signup sheet is Rinaldo Hunt followed by Steve Moore, followed by [Rodolfo Seidio 00:55:56], and I guess Parnell.

So does Rinaldo Hunt want to testify? Take three minutes of fame. Yeah, you’re down to three. It’s the law.

PUBLIC TESTIMONY

Rinaldo Hunt (3812 Mill Site Ln, Boise): Right. My name’s Rinaldo Hunt. I live at 3812 Mill Site Lane, Boise, in Harris Ranch. I want to thank everyone for their time this evening.

We moved to Harris Ranch a while back. But after following the changes, and living there for quite a while, we’ve really enjoyed what the developer’s done, as it relates to the street connectivity, all the bike trails, walkways, and etcetera. It’s been nothing but a pleasure. Summer’s always a good time, and it’s just a little chilly in the winter to walk around, but nonetheless.

So far so good on the land use, and streetscape, and pedestrian planning. It’s been very functional, it’s very safe. I have two young children, and there’s a lot of access to safe walkways, and bikeways from the house. So whatever they’re doing in that regard or presenting tonight, I think going forward is probably another good idea.

As it relates to the other items tonight, as far as the pavers, and whatnot, the pavers, my issue is that we have those out in front of our house on Mill Site, and whenever you have a freeze, thaw cycle, it wreaks havoc with pavers long term. So I’d say it’s not just an issue of aesthetics. I think it’s also an issue of safety. So one recommendation would be porous pavement, porous concrete. I’ve used that in the past for specific developments.

And let’s see, the building height components, and the open space, I think those are market driven. In fact, most of these items tonight are market driven, and I think that going forward, there’s always speculation in the real estate market, but we’re at an all-time high, and so no one knows what next year, the year after are going to bring. But this development’s made it through the last recession, so I would say the developer’s done a good job to this point building through the last recession finding success currently today.

So I would just want to voice my, not only opinion, but market knowledge, and based on my residency in the neighborhood, that they’re doing a
good job, and hopefully, they can just continue to build into the future, and provide great place to live, educate, and just have some fun. And so thank you.

Chairman Gillespie: Thank you, Mr. Hunt. The next person is Steve Moore. Welcome Mr. Moore.

Steve Moore (2029 S. Shadywood Way): Hi. Commissioner, and -

Chairman Gillespie: Pull that down, there you go.

Steve Moore (2029 S. Shadywood Way): I’m also a member of the Barber Valley Neighborhood Association, and Rob really covered mostly everything. But I just wanted to say I appreciated that Harris Ranch has always kept the neighborhood association in connection, and we’ve worked a lot on the trail connections, and making it a walkable, bikeable type community.

And we did, before we submitted a letter to planning and zoning in support of the amendment, we attended a meeting, and two meetings. I went to one of them where we had an open interchange of input on the plan.

So we’re fully supportive, and we realize things are plans, and as time goes on, things need to be changed for practicality. But we’re going to remain engaged, and that’s about it. Thank you.

Chairman Gillespie: Thank you, Mr. Moore. So, the last, I think there’s two people who signed up on one line, which is not technically straight. But we’re going to go with it. And it looks like Parnell, and Rodolfo Seidio.

Male: Yeah, that’s not a [inaudible 01:00:11].

Chairman Gillespie: Oh, okay. I’m going to cross you off. We’ll move you to that one. So that’s it for the signup sheet. So now we go to what we call open mic. So come on up, and if you come up, and you’re on the open mic portion of the show, you have to sign that little piece of paper there, so we have your name and address. So welcome.

Ester Ceja (3901 N. Cambria): Good evening. My name is Ester Ceja, and I reside at 3901 North Cambria. I do not live at Harris Ranch. I’m actually here for a proposal off Collister, which is in my neighborhood. But that’s not what I’m going to comment on.

But in listening to what the planning department had to share today, I just have one comment on this proposal, and that is on the definition of townhouses. Consistent terminology across the entire city, whether it’s the neighborhood comprehensive plan, or the citywide comprehensive plan, if you change it for one neighborhood comprehensive plan, and don’t for others, it’s going to wreak havoc. So I would ask that you not approve that proposed definition.
Chairman Gillespie: Thank you. So if you could just - you can have a seat, or sign up - if you want. Is there anyone else who’d like to testify tonight on item one? Alright. Hearing none, Mr. Clark, and Mr. Fowler, and your team, you have up to five minutes for rebuttal.

APPLICANT REBUTTAL

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Mr. Chair, Hethe Clark, 251 East Front Street. Based on the public testimony, I think there was only one item, and Rob Stark from BVNA had asked the question about whether the “freeze” was to give any additional entitlement. And no. The intent there is to just preserve the existing entitlement. Not to give any new rights. So I don’t think there was anything else to address unless there’s anything else from the commission.

Chairman Gillespie: That’s it. Thank you for much.

Hethe Clark | Spink Butler, LLP (251 E. Front Street): Thank you.

Chairman Gillespie: Alright, commissioners, with that, the matter is before us. Again, we’re the recommending body. We’ve been asked to opine on by my count, eight issues, seven from the city, and the alcoholic beverage issue that Mr. Clark raised. So you may or may not choose to place those in your motion. But I think on the record, we should talk about those. And if the commission would like, I can take a stab at a motion. Although it’s not really normal for the Chair to do that. But in the interest of moving us ahead, I’ll defer to your wishes.

Okay, so I move that we approve, or recommend approval of ZOA18-00004 with the following eight comments.

Item one, on changes to the street circulation in the southeast. I recommend that the commission supports adding connectivity off the corner in some fashion, which would necessitate the new crossing of the creek.

On item two, wider roadway option due to fire exits, and building height, it sounded like both parties were in agreement there. So it sounded like I support wider roadway options because safety’s important.

Item three. This is size of the residential open space. I support leaving it where it is. It’s 50 feet. Later I’ll also indicate support for expanding the planning director’s discretion to 20%. So 20% of 50 is 10, so you get down to 40 feet with discretion. I just think you ought to have to justify it when you change that. Because that’s an important spacing issue within a development.

Item four, use of pavers, and additional trees. I’d originally strongly supported the City’s view. I would say, we haven’t heard any compelling reason to change the way the plan is, so because we spent four years
developing that plan, I’m not sure I would change it. Although, we did hear in the public testimony that it’s a pain in the drain to maintain those pavers. So that was the only good reason to change it, but I didn’t hear the applicant, or the city talk about it. So I would recommend leaving that the way it is, or negotiating some middle ground on that one. But it seems to me that people thought long and hard about that 10 years ago.

Item five, increase the time frame for certain ordinances. I strongly support the city’s view. It’s just really hard for this commission to go against the recommendation of the City Clerk, and all the city departments. That’s just a really tough ask unless you have a really good reason for doing that. And I think the City’s view is that that’s not necessary to preserve your existing, the existing agreements in terms of number of homes, etcetera.

Item five, increasing the planning director’s discretion. I agree we should increase it to 20%. Excuse me, that was item six.

Item seven, changing the definition of multifamily. I agree with the City that we should not do that. I also agree with the testimony that that just creates all kinds of difficulty.

And by the way, the City spends a heck of a lot of time thinking about multifamily, and how to do it, and where to put it, and what it looks like. We have special ordinances on it, it causes enormous discussion before this commission, and before the council, wherever we put those. So I think we have to be very careful about getting into a situation that that lady wisely brought up where we have different standards. Because they’re already hard enough to implement.

And on the alcoholic beverage, I don’t think we can offer that relief when the City Clerk is pretty clear that they don’t want to do it. So I would side with the City on that particular point. So, sorry for the long-winded motion.

**Commissioner Stead:** Second.

**Chairman Gillespie:** There’s a second by Commissioner Stead. Alright, discussion.

**Commissioner Gibson:** Mr. Chairman.

**Chairman Gillespie:** Commissioner Gibson.

**Commissioner Gibson:** One of the items that I’d like to get a little bit more clarification specific to your motion is relative to the connectivity. I was of the impression, based upon the exhibit presented by staff, that with the introduction of a, call it an S little roadway feature, that we would not necessarily need to add another curb cut across the creek, or the culvert, or whatever it is that’s conducting -

**Chairman Gillespie:** But yeah, and I’m thinking if you look on the right in the red circle, there is that connection coming off - and the other one.
That one is the new cut across the creek. And I personally think that’s a good idea. Or a road coming off the corner itself. But I think there needs to be some sort of connection off that corner to the east. I’m always for connectivity. Karen?

Karen Gallagher (City of Boise): Mr. Chair, I think the clarification was just on the other road where it does have the S curve to connect the roundabouts. Were you in support of that, or were you supporting the - if you can see below here, what’s proposed is a straight connection to this road.

Chairman Gillespie: I also support the S curve. So I support the City’s view on the connectivity off the corner.

Commissioner Gibson: Okay. Thank you.

Chairman Gillespie: Okay, further discussion.

Commissioner Ansotegui: Mr. Chairman.

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: I will support the motion. But just for the record, I’d like to add, given that the connectivity here that’s shown, I think coming off of the roundabout, that makes sense going through because it allows more traffic to move through in a safe manner onto the southern road, which is now called Park Center, or Warm Springs. Okay, thank you.

However, I disagree with you on the extension to the east because it’s just one more entry onto that road that runs pretty smoothly. I think if we just stick to the - or if the plan just sticks to the roundabout, then you can add that connectivity without really disrupting the flow of Warm Springs. Thank you. May I add one more thing?

Chairman Gillespie: Please.

Commissioner Ansotegui: Thank you. Given the pavers, I agree with you on everything else. I would just like to add that the plan is pretty good with following design guidelines. It’s to their benefit to make sure that things look good, and work well, and they’re nice streetscapes. And if we allow them this, there may be new technologies that are coming through that allow permeability that aren’t pavers down the road. So I would be okay with the applicant’s change on that item, Item B? Thank you.

Chairman Gillespie: Well, again, this is just a recommendation, so we’re just getting views on the record really, for the City Council. I don’t want to start amending that already long motion, but if the definition of the word paver were extended to other porous, or semi-permeable technologies, it doesn’t have to be an old-school paver, I guess. I agree with you on that. Alright, any?
**Commissioner Gibson:** Mr. Chairman.

**Chairman Gillespie:** Commissioner Gibson.

**Commissioner Gibson:** I’m just going to throw in my lot on the pavers. I know that the downtown corridor here, once the City came back through and did their paver enhancement, I think that really added to the aesthetic of that area. I think that the developer would be missing out on an opportunity to really have a world-class area. Anybody that goes to Bown Crossing on a busy weekend knows how busy that area is. It has sidewalks that are made out of concrete, not that big of a deal.

This layout configuration, and the population density’s twice the size of Bown Crossing. And I really think that that would be an opportunity specifically with the amount of multifamily high-density dwelling units that they’re proposing in that area, it’s going to be a really dynamic space. And I think that having pavers, and having that type of old-town feel would really enhance the streetscape and the opportunity for the merchants in that area.

The other point I wanted to bring up on the access to the S little roadway there that we’re talking about, anybody that’s been around any of the elementary schools locally, and seen parents, and the bus, and that kind of conflict, my concern with having a secondary curb cut, if you would, along the east, is just anything that would encourage people that have cut-through driving, whether it’s parents, parents dropping kids off, high school kids, it was mentioned in the testimony that the intent is to bring students northbound across that road, the most logical place would be at the roundabout for curb cut and access.

And so I think that we would want to encourage a single-point of connection between the southern portion, and any pedestrian uses to the north.

**Commissioner Stead:** Mr. Chair.

**Chairman Gillespie:** Commissioner Stead.

**Commissioner Stead:** I am also still thinking about the eastern curb cut. It seemed that we should be directing people towards the roundabout. And if that’s coming straight off from the school, people might have the tendency to speed through, as Commissioner Gibson said. And it might end up with heavier traffic coming from the school than the other, the western curb-cut road.

**Chairman Gillespie:** So who was the seconder of - so just in the interest of reaching more consensus in the actual motion, all this discussion’s on the record, why don’t I change the motion to support the S curve only, idea, and not the second bridge crossing curb cut. And Céline, I think you know what I mean. So are you amenable to that?
Commissioner Stead: Yes, I would second that.

Chairman Gillespie: So consider that amended. So is there any further discussion on the motion? Okay, so hearing none, this is a motion to recommend approval of ZOA18-00004. Would the Clerk please call the roll?

Clerk: Stead.

Commissioner Stead: Aye.

Clerk: Ansotegui.

Commissioner Ansotegui: Aye.

Clerk: Gillespie.

Commissioner Gillespie: Aye.

Clerk: Gibson.

Commissioner Gibson: Aye.

Clerk: Finfrock.

Commissioner Finfrock: Aye.

Clerk: All in favor, motion carries.

Commissioner Gibson: Alright. Thank you very much.

RESULT: APPROVED [5 TO 0]
MOVER: Milt Gillespie, Chairperson
SECONDER: Meredith Stead, Commissioner
AYES: Ansotegui, Gibson, Gillespie, Stead, Finfrock
ABSTAIN: Claire Paschke
REUSED: Jennifer Stevens

2. CVA18-00080 / Kristine & Ross Schellhaas
407 N. Pierce Street / Variance to encroach the front and rear setbacks for a proposed addition on 0.12 acres located in an R-2H (Medium Density Residential with Historic Design Overlay) zone.

David Moser

APPLICANT
Amy Allgeyer | Amy Allgeyer, Architect Inc. (PO Box 7692 Boise, ID 83707)
Kristine Shellhaas (407 N. Pierce Street)

NO NEIGHBORHOOD ASSOCIATION
PUBLIC TESTIMONY
Cora Tremayne (1216 E. State Street) testified in favor of the variance
Rudy Cedillo (1218 E. State Street) testified in opposition
Pamella Cedillo (1218 E. State Street) testified in opposition due to drainage, construction hours, wires hanging over onto their property.
Paul Remeis (1302 E. State Street) testified in favor of the variance
Rod Morris (1308 E. State Street) testified in favor of the variance

APPLICANT REBUTTAL
Amy Allgeyer | Amy Allgeyer, Architect Inc. (PO Box 7692 Boise, ID 83707)
Kristine Shellhaas (407 N. Pierce Street)
Commissioner Gibson moved approval
Commissioner Stevens seconded

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [6 TO 0]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Douglas Gibson, Commissioner</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Jennifer Stevens, Co-Chair</td>
</tr>
<tr>
<td>AYES:</td>
<td>Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock</td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td>Claire Paschke</td>
</tr>
</tbody>
</table>

3. CFH18-00114 / Idaho Foundation for Parks and Lands
5237 E. Sawmill Way / Boise River System permit to enhance the habitat and wetlands on approximately 3 acres of Class A Lands located in an A-2 (Open Lands) zone. David Moser

Consent

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [6 TO 0]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Jennifer Stevens, Co-Chair</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Douglas Gibson, Commissioner</td>
</tr>
<tr>
<td>AYES:</td>
<td>Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock</td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td>Claire Paschke</td>
</tr>
</tbody>
</table>

4. CVA18-00076 / Charles Smith
1725 S. Helen Street / Variance to encroach the street side setback for construction of a single-family dwelling on 0.14 acres located in an R-1C (Single Family Residential) zone. Nicolette Womack

Consent
Deferred to February 11, 2019
5. **CVA18-00081 / Chris Trivolis**

1526 W. Malad Street / Variance for required off-street parking to be set back less than 20' from the edge of the common driveway and eliminate the landscape buffer as part of a Minor Land Division located in a R-1C (Single Family Residential) zone. Nicolette Womack

Consent

RESULT: **APPROVED [6 TO 0]**
MOVER: Jennifer Stevens, Co-Chair
SECONDER: Douglas Gibson, Commissioner
AYES: Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock
ABSTAIN: Claire Paschke

6. **CUP18-00101 / CTY Studio PLLC**

1509 N. 13th Street / Conditional use permit to operate a bar within 300' of residential on 0.12 acres located in an C-1CHD (Neighborhood Commercial with Hyde Park Conservation District and Historic District Overlay) zone. A parking reduction is also included. Nicolette Womack

**APPLICANT**
Rob Thornton | CTY Studio PLLC | (220 N. 10th Street)

**NO NEIGHBORHOOD ASSOCIATION**

**PUBLIC TESTIMONY**
Guy Finley (1416 N. 13th Street) testified with concerns relating to the amount of
Bill Hodges (200 N. 3rd Street)
Leah Dunn (1404 N. 14th Street) requested parking study due to parking concerns
Rich McPherson (4855 N. Knollwood Avenue)

**APPLICANT REBUTTAL**
Rob Thornton | CTY Studio PLLC | (220 N. 10th Street)
Commissioner Stevens moved approval
Commissioner Gibson seconded
| RESULT: | APPROVED [6 TO 0] |
| MOVER: | Jennifer Stevens, Co-Chair |
| SECONDER: | Douglas Gibson, Commissioner |
| AYES: | Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock |
| ABSTAIN: | Claire Paschke |

7. **PUD18-00045 / The Land Group, Inc.**  
3600 N. Bogus Basin Road / Conditional use permit for a planned residential development comprised of 17 homes on 4.98 acres located in an R-1B (Single Family Residential) zone. Brent Moore  
Approved

| RESULT: | APPROVED [6 TO 0] |
| MOVER: | Jennifer Stevens, Co-Chair |
| SECONDER: | Tamara Ansotegui, Commissioner |
| AYES: | Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock |
| ABSTAIN: | Claire Paschke |

7a. **CVA18-00077 / The Land Group, Inc.**  
3600 N. Bogus Basin Road / Variance for retaining walls to exceed height requirements on property located in an R-1B (Single Family Residential) zone. Brent Moore  
Approved

| RESULT: | APPROVED [6 TO 0] |
| MOVER: | Jennifer Stevens, Co-Chair |
| SECONDER: | Tamara Ansotegui, Commissioner |
| AYES: | Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock |
| ABSTAIN: | Claire Paschke |

7b. **CFH18-00108 / The Land Group, Inc.**  
3600 N. Bogus Basin Road / Hillside development permit for the grading associated with a residential subdivision comprised of 17 buildable lots and 3 common lots on 4.98 acres located in an R-1B (Single Family Residential) zone. Brent Moore  
Approved

| RESULT: | APPROVED [6 TO 0] |
| MOVER: | Jennifer Stevens, Co-Chair |
| SECONDER: | Tamara Ansotegui, Commissioner |
| AYES: | Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock |
| ABSTAIN: | Claire Paschke |
7c. **SUB18-00059 / Highlands Heights Subdivision**
3600 N. Bogus Basin Road / A preliminary plat for a residential subdivision comprised of 17 buildable lots and 3 common lots on 4.98 acres located in an R-1B (Single Family Residential) zone. Brent Moore

**Brent Moore (City of Boise):** Mr. Chair, commissioners. Before you is a Conditional Use Hillside Development Permit and preliminary plat for a planned residential development comprised of 17 homes on 4.98 acres at 3600 N. Bogus Basin Road within the R-1B zone. A variance to the retaining wall height requirement is also included. The site is located just east of Highlands Elementary School on property which previously contained a church.

Here’s the site plan. 12 townhomes are proposed along Curling Drive and Bogus Basin Road and five detached single-family homes will be located in the rear of the property. So you can see the townhomes are shown. These five lots on the back will be future single-family homes. All of the homes will be accessed from a private road, Bogus Basin Road, which will terminate in a cul de sac.

ACHD has found the adjacent roadways to have capacity to handle the additional traffic generated by the development and approve the project as proposed. Existing sidewalk exists along Curling Drive and ACHD will install sidewalk along Bogus Basin Road where it abuts the site as part of a previously programmed project. While the applicant is not proposing sidewalk along the private road, I recommend a condition of approval will require it be installed along both sides of the road in order to provide increased pedestrian safety and access to the site. The planning team finds this to be especially important given the site’s proximity to Highlands Elementary School to the west.

The applicant, however, is opposed to this condition. Here is the landscape plan. Trees will be planted along Bogus Basin Road, along the entrance to the private road, and within common areas on the northeast and southwest corners of the site. Four amenities, four benches - sorry four benches will be placed within the landscaped common lot on the northeast corner of the site. And a pedestrian path and golf cart path will be provided to the golf course to the southeast of the site.

The property is also located across the street from Highlands Elementary School which has a playground and outdoor play area available to the public during non-school hours. So this is the pedestrian path here at the end of the cul de sac that will lead to the golf course just to the south of the site. Here are the elevations of the proposed townhomes. Each townhome will be two stories tall and include a two car garage. And here is the grading plan.

The Public Works Department has found the plan to be in compliance with the Hillside and Foothills Development Ordinance. Separate category two Hillside permits will be required for each of the single family home lots.
at the time they develop. As part of the grading plan, the applicant has requested a variance to the requirement that retaining walls not exceed a height of three feet within front yard setbacks. Walls up to six feet high have been proposed within the front setbacks in order to prevent erosion and provide greater soil stability along adjacent roadways.

And the planning team finds the slope of the property constitutes a hardship which justifies the variance and that the proposed retaining walls will provide greater stability to the site than currently exists. And here’s an image of the site from the corner of Bogus Basin Road and Curling, showing the slopes of the property. So in conclusion, the planning team recommends approval of the application with the included condition requiring sidewalk along the private road. And this concludes my presentation.

Chairman Gillespie: Thank you Mr. Moore. Is the applicant ready? Please.

**APPLICANT**

**Tamara Thompson | The Land Group (462 E Shore Drive Eagle Idaho):** Mr. Chair, members of the Commission, my name is Tamara Thompson, I’m with The Land Group, and we are at 462 E Shore Drive in Eagle. Brent can I get - or whoever switches this over? I have a little PowerPoint here. There we go.

So Brent did a great job giving the overview of the site. It is just under five acres. It’s currently one parcel. It’s zoned R-1B in the city of Boise. It has a comprehensive plan of suburban. Suburban allows for three to five units per acre and the R-1B zoning designation is up to 4.8 units per acre.

The property is currently developed with - a portion of the property is currently developed with a church. That church would be removed for this development. Additional site photos, and I’ll just go through those real quickly. Just one thing I wanted to note is there’s no sidewalks on either side of Bogus Basin, so this is from the intersection of Curling and Bogus Basin looking - the site is not north/south but looking uphill on Bogus Basin. And this is looking the opposite direction.

So this is where the end of the sidewalk is for the subdivision that’s uphill from us, which is Highlands Hackberry. And they have sidewalk along their Bogus Basin frontage. And this is looking downhill, again, no sidewalks. So ACHD has in their workplan to install sidewalks on the frontage for both sides. That’s in connection with this development.

They need additional right of way in order to do that work. And this is looking from Curling down to the east along the Bogus and Curling intersection and then Highlands school is there on the right side of this plan. And you can see the slopes, you can see the church there in the background. And one more is the Curling frontage looking northwest towards the Bogus Basin. And here, again, you can see this area’s not improved, just slopes and weeds really.
I lied, I have one more. So further to the south is what is called the bomb shelter. And that’s off on the backside. And then you have the Crane Creek Country Club. And this is the plat. The project consists of single family attached and detached residential lots.

We’re proposing a private street and the access where that street attaches to Bogus Basin is its current location. So only one access, nothing to Curling, just one on Bogus Basin at its current location for the access to the church. The preliminary plat application is 21 total lots and that includes 17 single family lots, three common lots, and one private street lot. The overall density is 3.48, which is on the low end for the zoning and the comprehensive plan. This is the same one that Mr. Moore showed you.

The project proposes a high quality single family development consisting of both attached units. So we have three two-unit town houses on each street frontage, on each public street frontage. And then the five home lots, single family custom home lots, would be accessed off of the - all of the properties are accessed off of the private drive. And just to give you a size range, those custom home lots range between 16,000 square feet and 27,500 square feet. And again, the proposed density is on the low end of the density allowed within the comprehensive plan of suburban R-1B zone.

The project will fit nicely with the already established housing developments in the vicinity. And the planned amenities include a golf cart path to Crane Creek which Mr. Moore mentioned in - where’s this? Here we go - in that location. And open space common lots and the private street will be owned and maintained by a developed Homeowners Association. And again, those - the elevations.

The attached residential units are planned as two and three bedroom units. And they will provide a desirable owner-occupied single family option within the lower Foothills. Each townhome includes a private patio and an oversized two-car garage. And then each garage has the pad in front of it, that 30-foot pad in front of it off of the private street. And these are the custom home concepts for the custom home lots.

And these pictures represent concept images of how those could develop. And again, these will front on the private street. So the proposed project is consistent with the comp plan and the R-1B zoning. We’ve read the staff report and agree with the conditions of approval with the exception of number four which is the sidewalks on the private road.

With the site constraints for keeping the private road in its current location off of Bogus Basin and with the grading of the site, an alternative that we’re proposing is similar signage to this, or this exact one, some share the road signage. For only 17 lots it is a hardship for sidewalk on two sides of a private drive and for the dimensional constraints that we have. So with that we thank you for your time and we’ll stand for questions.
Chairman Gillespie: Thank you very much. So, questions for city staff or applicant? And while you guys are reloading I’ll kick one off. So, Brent, on page 3 of 18 of the staff report, the setback, the exterior setback table. The side south required is 10 foot, they’re showing 4 foot. One of the conditions of approval is to put that back for 10 foot. Is the applicant in agreement with that?

Brent Moore (City of Boise): Mr. Chair, Commissioners, yeah, that was brought up. The applicant said they’d rather meet that setback than request a variance. So they’re in agreement.

Chairman Gillespie: So I don’t even need to know where it is. Is it in that far southeast corner, just the corner of that building?

Brent Moore (City of Boise): Yeah, the very bottom left of the site plan if you’re looking at -

Chairman Gillespie: I think I see it. Okay, I understand what that is. While these guys are thinking, Brent, what does the City think about their plea to not put in sidewalks and the dimensional constraints that they face? What’s the City’s opinion of that argument?

Brent Moore (City of Boise): Mr. Chair, the City would like to see five-foot sidewalk along both sides of the private road. That is the standard of the city. That can be waived by the city council, ultimately. It’s at the discretion of the commission and ultimately city council. But we feel the project could be designed in a way to accommodate sidewalk along both sides.

Chairman Gillespie: Ms. Thompson - I’m sorry, is that your name? Ms. Thompson, so this commission’s probably going to take a pretty dim view of skipping the sidewalks, my guess, knowing these guys and what we’ve done in the past. So could you tell us, do you have any more information on what a hardship it would be to put in the five foot sidewalks that the city is asking for? Can you give us any more specific like why that won’t work kind of information you’ve got? This is a big - you’ve got a lot of land so I’m struggling with the idea that we can’t find that space

Tamara Thompson | The Land Group (462 E Shore Drive Eagle Idaho): Mr. Chair, I was negligent at first in telling you the rest of the team that I have with me.

Chairman Gillespie: Please.

Tamara Thompson | The Land Group (462 E Shore Drive Eagle Idaho): And from The Land Group we also have Jason Densmer and I have representatives from the ownership as well. But I’m going to let Mr. Densmer answer that question.

Chairman Gillespie: Thank you very much. So if you could just give your name and address for the record, I’d be grateful.
And I’ll move the microphone as well. My name is Jason Densmer, I’m a principal civil engineer with The Land Group. Our address again is 462 E Shore Drive. So obviously with this location in the city and the lower Foothills area, Hillside and those issues that come along with Hillside projects are very critical to the design.

So from the beginning and the access point to Bogus Basin Road, which we coordinated with ACHD, that access to Bogus Basin was determined to be the most appropriate on the site because of the Hillside issues and topographies, basically making it impossible to access Bogus either further uphill or Curling anywhere along its length because of the grade. For 17 homes, it’s very practical that people move about, sharing the road both with bikes, pedestrians, cars, golf carts, all of the different modes of transportation that are likely to occur here.

And it would be definitely a hardship to provide sidewalks on both sides of the road in view of the topography here which is really governing a lot of the design decisions that have been made. In parallel with the topography issue, sidewalks would increase the impervious surface in the project, generate additional stormwater that needs to be controlled, and potentially, from an engineering standpoint, those are issues that can be resolved, but they’ll have both a long term and an upfront cost for that additional stormwater infrastructure which I don’t - in my own mind is not offset by the limited amount of benefit that the sidewalks on both sides of the road would provide. I can see a very confused commissioner, can I answer a question?

Chairman Gillespie: Just thinking. Thank you very much.

Commissioner Stead: Mr. Chair?

Chairman Gillespie: There we go, Commissioner Stead.

Commissioner Stead: Just for all the information, would you also object to sidewalks on one side of the road?

Jason Densmer | The Land Group (462 E Shore Drive Eagle Idaho): I think I’d have to discuss that with my client. I think personally I would, I have lived on private roads that did not have sidewalks. I have young children and even in that neighborhood which had quite a few more houses than the 17 that are proposed here, it was never a concern for safety or access. Traffic on the private road just tends to be very slow. It’s not a through route, everyone knows each other along the neighborhood. So personally, I wouldn’t see a benefit to sidewalk, even on one side, from an engineering or from a transportation or access standpoint.

Commissioner Stead: Thank you.

Commissioner Gibson: Mr. Chairman.
Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: This is a question for staff, but it’s also relative to the sidewalk issue. Two parts, the first would be if this was a city street would it automatically be required to be wider and have sidewalks on it?

Brent Moore (City of Boise): Commissioner Gibson, that’s correct, to meet public street standards. The standard is 20 - well, it depends on, ACHD can approve reduced widths in certain circumstances. But this would meet the standard public street requirement.

Commissioner Gibson: Okay, second question is, in the City’s available document for a PUD application, I’m going to make it as generic a question as possible. It stipulates certain conditions that are required that need to be met in general when a developer is providing a document package for PUD, correct?

Brent Moore (City of Boise): That is [inaudible 02:24:33].

Commissioner Gibson: And does that document package make statements specific to having sidewalks on public streets and/or private streets? Or is it silent to that?

Brent Moore (City of Boise): Mr. Chair, Commissioner Gibson, sidewalk is a standard for all PUDs. It’s where we start. Waivers can be requested but sidewalks are a standard starting point for PUDs and subdivisions.

Commissioner Gibson: Okay, thank you.

Chairman Gillespie: All right, any further questions for the applicant or staff? All right, thank you very much.

Jason Densmer |The Land Group (462 E Shore Drive Eagle Idaho): Mr. Chairman.

Chairman Gillespie: Please, go ahead.

Jason Densmer |The Land Group (462 E Shore Drive Eagle Idaho): The question wasn’t directed to me from Commissioner Gibson but -

Chairman Gillespie: You can go ahead.

Jason Densmer |The Land Group (462 E Shore Drive Eagle Idaho): As a point of color for his question to staff about what ACHD would require in regard to sidewalks, I do believe ACHD’s policy provides for excluding sidewalks on at least one side of the street for hillside projects. Just -

Chairman Gillespie: Right, to minimize grading so you don’t have -
Chairman Gillespie: Right, understand, great.

Jason Densmer | The Land Group (462 E Shore Drive Eagle Idaho): I don’t think it’s warranted here. Thank you.

Chairman Gillespie: Thank you, sir. So now we’re to the neighborhood association and I see Mr. Secord has jumped up. Welcome Mr. Secord. So you’re with the Highlands Neighborhood Association?

Tom Secord (525 Balmoral Road): Yes.

Chairman Gillespie: Okay, so we’ll put 10 minutes on the clock and see how we’re running. And pull that mic down just a touch. When you’re ready.

HIGHLAND NEIGHBORHOOD ASSOCIATION

Tom Secord (525 Balmoral Road): Thank you. My name is Tom Secord, I live at 525 Balmoral Road. I am here tonight speaking on behalf of the Highlands Neighborhood Association. The executive committee requested that I attend and present. I chair the neighborhood association traffic committee.

Our concern with this project is related to access. We came and spoke about the school project a few weeks ago and we talked about volume at the intersection of Bogus and Curling. At that time, the commission asked the engineer for that project about did ACHD study the volume issue at that intersection. And the engineer incorrectly informed you that ACHD did. They did not.

We have two traffic studies that ACHD completed. The 2016 Highlands Neighborhood Association Traffic Mitigation and Pedestrian Safety Plan that was completed in response to the Highlands Cove development and subsequently kind of, as a result of the fallout of the mitigation measures that were implemented, ACHD subsequently commissioned a peer review report. Both reports failed to analyze the increased volume at the intersection of Bogus and Curling resulting from development and the mitigation measures that were ultimately implemented.

So I’ll briefly go through this, it should go really quick. But there is a manual called the US Department of Transportation Manual for Uniform Traffic Code Devices. It is a industry standard and section four talks about the conditions under which a traffic signal is required. And there are multiple ways or warrants for which that traffic signal would be required.

What we’re looking at, with the data that ACHD collected in February of 2017, is warrant three. And there are three conditions that must be met for a traffic signal to be required. So the first is that all three conditions must
be met for the same one-hour period. The first condition talks about traffic backup from the Curling side exceeding four cars per hour. That condition was satisfied.

The second is that the volume from Curling needs to be greater than 100 vehicles per hour. ACHD’s data also indicates that that condition was satisfied. Lastly, the entire volume at the intersection at peak hour needs to exceed 650 cars per hour. That condition was also satisfied. So based upon the USDOT’s industry standard which is part of ACHD standards, the 2016 traffic mitigation that was implemented results in the need for a traffic sign at the intersection of Bogus and Curling.

Development will worsen this condition. So ACHD’s studies were flawed, having not analyzed this fundamental problem. So we’re looking at this current project and we’re thinking about egress from the church property. And thinking about peak hour problems, think about trying to turn left out of this intersection. That’s just at school hours, the data that we presented.

If you go on a weekend between four and seven, particularly during the winter, as the cars are coming down Bogus Basin Road, I don’t know how people are going to be able to turn left out of this intersection. So the proposed development doesn’t improve the left turn options. The Highlands Neighborhood Association, we’re concerned about the safety of traffic, pedestrians, and cyclists in our neighborhood. Peak hour traffic is the problem, particularly with the school pickup and dropoff, Bogus Basin Road traffic on weekends, particularly between four and seven.

The inability to turn left results in frustrated drivers. Frustrated drivers is a safety issue. Thinking about the kids, thinking about the other vehicles, the pedestrians and the cyclists that are traveling by this intersection at this time. So what can be done to improve the egress from this planned development? ACHD’s policy manual has two sections that talk about minimum spacing from driveways that are on a minor arterial, with and without future or existing traffic signals.

At a read of this, there appears to be a 660 foot setback for a full functioning left/right driveway. The current intersection has 160 feet. Now, it’s been our experience, having worked with ACHD on the prior Highlands Cove projects that ACHD plays loose with their policy manual. So I think that the commission, I would encourage you to ask staff to ask the applicant if ACHD has looked at this and if they are following their policy manual.

If the answer - actually I’d be interested for the question of how this particular intersection is applicable to these requirements. So the current arrangement doesn’t appear to meet the requirement. So that’s what we have to say.

**Chairman Gillespie:** Thank you Mr. Secord. Could you stay in case the - so does anybody have any questions for Mr. Secord about what he said? So I have a question. So the ACHD on page six of their report, there’s a long
discussion about where that driveway is relative to the intersection. And
they conclude, as you rightly suspect, the applicant’s proposal does not
meet district access management of driveway location policies. It’s too
close to the Curling intersection.

And they say it should be located at minimum 330 feet away. But of
course as you go up the hill, putting in that starts to involve a lot more
grading and cutting. So there’s a lot of public policy reasons not to do
that. They sort of conclude that, however, we recommend that we modify
this policy.

And then they talk about why we shouldn’t put the access to this on
Curling and I think they present a pretty compelling case that if you’re
going to have access it really needs to be on Bogus Basin because of the
school. And you want to move the cars around as opposed to having
them execute a left turn at that intersection. So it seems - so what was
your reaction to ACHD’s verbiage on this issue?

Tom Secord (525 Balmoral Road): Again, I think ACHD is not considering
the implications of playing loose with their policy. A policy like the DOT
policy is there for a reason. Drivers can get frustrated when they can’t
make their left hand turn. And when we look at the backup on Bogus
Basin Road, during these peak hours, as development in Hackberry
continues to build out, the improved development there, with the four
seasons of Bogus Basin that we’re seeing, I don’t know how people are
going to be able to turn left out of this intersection.

Chairman Gillespie: Out of the Curling/Bogus, or out of this development?

Tom Secord (525 Balmoral Road): Out of this development.

Chairman Gillespie: Okay, right, thank you very much. So does anybody
else have any questions for Mr. Secord? Great, thank you very much. So
that’s the neighborhood association. There’s no one on the signup sheet.
So this is item seven - there’s no one other than Tom. So this is there
anyone else who would like to testify tonight on this matter? Come on up,
you’ve been very patient. Thank you very much. If you could give your
name and address. And you have to fill out another slip.

PUBLIC TESTIMONY

Ester Ceja (3901 N. Cambria Way): I got it. Hi, my name is Ester Ceja, I
reside at 3901 N. Cambria Way. I live in the Collister neighborhood and I
have two comments. So one is on sidewalks. I think it is extremely
irresponsible to not consider at the very least one side of the street with a
sidewalk. And I speak because I live in a neighborhood where we have
sections that don’t have sidewalks.

Taft Street doesn’t have a sidewalk, Sycamore, Tamarack, and Hawthorne
don’t have sidewalks. Collister is not fully - it doesn’t have a full sidewalk
from Hill to State Street. And I can’t tell you how many times there have
been kids walking to school, Collister and Cynthia Mann, that have had close calls. So considering that this development is extremely close to Highlands and there will undoubtedly parents with children who may end up walking to the school, why would you not consider sidewalks?

Plus sidewalks make the neighborhood a livable neighborhood. And lastly, traffic. City Council last Tuesday denied a development, you are all well aware, because you denied that application. It went to City Council last week. They heard it and they denied it as well for a number of reasons.

But one of the items that came up was traffic. And the outgoing planner indicated that Harrison Boulevard cannot sustain any further traffic. So I’m wondering, while this is a good infill project, I’m wondering why you would approve this project when a project just up the street on Bogus Basin Road was denied for a number of reasons, but traffic being one of them.

Chairman Gillespie: Good question. We’ll try to answer that. Thank you very much. So is there anyone else who would like to testify on item seven? Come on up.

Kristin Stilton (2198 W. Bent Bow Court): It’s actually not why I’m here, but I’m Kristin Stilton at 2198 W. Bent Bow Court. And my comment on this is relative to the PUD and the qualifying amenities that you’re supposed to have for a PUD. And they spent a lot of time talking about their golf cart and they just very briefly talked about the four benches.

And I think if you look at your plan you’ll see that there’s four benches proposed in the northeast corner that has no trail, pathway, or walkway to get to it. That’s the steepest most corner of this property. And you’ll look on your plans there’s four benches because they’re calling that an amenity. And it’s not a useable spot for the members of this community. It’s a little triangle of steep hillside that doesn’t have a pathway to it.

Chairman Gillespie: Thank you very much.

Kristin Stilton (2198 W. Bent Bow Court): I’d just like to point that out. It’s not a qualifying PUD amenity.

Chairman Gillespie: That’s an interesting point. If you could sign up and leave that at the side that would be great. Is there anyone else who would like to testify tonight on item seven? All right, hearing none, the applicant has up to five minutes for rebuttal. And I thought there was two good questions raised.

APPLICANT REBUTTAL

Brian Scott (3980 Hackberry Way): Mr. Chair, Commissioners, Brian Scott 3980 Hackberry. I am one of the owners and principals of this project. I am also a neighboring homeowner. I live just up Bogus on the very next driveway on Hackberry. Very close to this development.
This development has been my idea, something I’ve been very intimately involved with and very excited about. I have a eight-year-old daughter and four-year-old son. My eight-year-old daughter’s at second grade at Highlands. A little bit of history about this project is it had an old church structure that was built in 1960 on it. The church decided to leave. It was going to sit empty.

It also had a restriction that said this property had to be a church. And the only way to change that would be to get over two-thirds approval of all property owners within 500 feet. We have gone to the property owners and nobody has not supported this. They have seen the plans other than some grading detail that you are seeing that have not included sidewalks, that have included the current access onto Bogus. They all support all of the things you see here and ACHD’s recommendation.

I think it is silly to consider dumping onto Curling on a steep grade into school traffic, especially as you get into the winter time. Speaking about traffic and Mr. Secord’s points and his concern, I can tell you that living nearby, accessing Bogus Basin Road, Curling, dealing with school pickups and all 500 neighbors that have also agreed with this plan, while there is increased traffic during some times because of Bogus and because of school pickup, I have never seen an adverse condition.

In fact some people park - actually there’s a - if you’re familiar with the intersection where you go through, there’s a dirt area right beyond the stop sign and a lot of people use that as a parking lot. A lot of people park things there. They use it to pick up their kids. I go up and down the current access road and have never had any issue coming out and have never seen traffic that is beyond what is to be expected.

He has, Mr. Secord had some clever pictures in there where he took a picture to make it look like it was two lane traffic backed up but really it was a picture parked along the side of the road where people park to pick up their kids and really only one lane was moving. The intent of this design was to really try hard, and I was really pleased with what The Land Group provided to try to fit this site naturally with the topography. To not go in there, not do excessive cutting, not have these big retaining walls and really try to make something that was harmonious with Hackberry, with other developments around.

And I thought that they achieved it. Some of the ways that we were able to achieve it and some of the areas that we’re still working on are with slopes and widths because of topography, adding sidewalks is going to cause a great deal more of excavation and cutting into the hillside and dealing with the slopes. As one person said, why has a development up the road been denied and why would you consider this one? We are not seeking a rezone, we are not trying to increase density, we have listened to the neighbors within 500 feet, and we have taken the density and lessened it.

Like I said, it is something that I will deal with on a daily basis, what we are
doing here because of my proximity, me living there, because of my personal deal that I made with the neighbors about making this a very nice addition to our neighborhood. And the last point with the benches that do not show a walk path, some of our grading has changed recently due to staff comments, fire department comments, and things that we’ve had to add increased retaining walls and we’ve had to change some of this that we haven’t had a chance to put that in there.

There will be access to the paths and it is my hope that we can continue to look at this and work on it to reduce retaining wall heights, to continue to make these townhomes and these home sites fit more naturally into the natural topography instead of going in there and cutting this hill away. And then the rest of the team, I think, can speak on the ACHD’s more technical terms about how - the traffic and everything.

Chairman Gillespie: They’re going to have to be quick.

Tamara Thompson | The Land Group (462 E Shore Drive Eagle Idaho): For the record Tamara Thompson again. Just real quick, there is a - Mr. Secord seemed to be confused that ACHD didn’t have a staff report on this. There is a staff report from ACHD, it is in your packet. It’s about two-thirds, three-quarters of the way through.

And ACHD is the authority having jurisdiction over the roads. There aren’t any city roads, they are county roads. And I’ll just quote that - we did receive a subsequent email from ACHD stating that there are no warrants for a signal at this intersection and existing stop configuration is satisfactory traffic control for this specific location. And that the level of service and operations at the intersection are acceptable.

Chairman Gillespie: Thank you very much Ms. Thompson. All right, and with that the public portion of the hearing is closed. The matter is before the commission. Let’s see if I can get this right. So we’re final on the PUD, the CVA and the CFH and we’re recommending on the subdivision.

Brent Moore (City of Boise): That’s correct.

Chairman Gillespie: And you can do them all in one motion as you would like or you may split them up as you please.

Commissioner Stevens: Mr. Chair.

Chairman Gillespie: Commissioner Stevens.

Commissioner Stevens: I’ll move approval of and recommendation of item 7, 7A, 7B, and 7C with the recommended conditions of approval as written in the staff report.

Commissioner Ansotegui: Second.
Chairman Gillespie: So we have a motion to approve recommended approval on all four with all the conditions staff report including the sidewalk. Is there any discussion on the motion?

Commissioner Stevens: Mr. Chair?

Chairman Gillespie: Commissioner Stevens.

Commissioner Stevens: I’ll tackle the uphill, upstream denial first, even though it’s really not relevant. But I can see why the public might think that it is just by stating that that particular piece of land is not part of the city right now. The question on that particular application was about annexation. And not going to get into it here, but this is not the same parcel and not the same issue.

So I’ll start with that. ACHD has committed to putting sidewalk on Bogus Basin frontage here and that is another major difference. And I do believe that the sidewalks need to go into this development for many of the same reasons that I said that we needed them on other applications in the neighborhood.

I think this is a great development. I think that the land here is underutilized. And I think that the removal of the church represents an opportunity to put infill. It doesn’t help much with affordable housing, but of course that’s not the intent. And I do think that there, at least right now, there’s a market for this sort of home. And so I think that this is a good spot to put it.

With regard to the traffic, as the applicant pointed out, ACHD is the final body on this and has said that it’s not going to exceed the level of service. So as uncomfortable as that might make us as we begin to sort of incrementally add these smaller developments to the downstream flows down Harrison, especially this particular case, I’m not sure or I’m not convinced that in this particular case this is the straw that’s going to break the camel’s back on that. So I will support the application with the sidewalks. I think that it’s necessary to have them there and that’s all I have to say.

Chairman Gillespie: Thank you very much. Any further comment on the motion? So I’ll throw in one. The ACHD report does offer some vehicle counts, peak hour counts, total trips per day. And on the two streets they measured, Curling and Bogus Basin, we’re still within the acceptable range of service. That is just the plain finding in their report. We can fuss with it and not agree with it. But no one has said that those particular numbers are wrong. I happen to agree with Mr. Secord’s assessment of the warrants and the traffic lights. But again, that - and I’d like to say on the record I think ACHD should put in a functioning stoplight and signal system there. And I think they will very shortly is my guess. But again, that’s an ACHD issue and they have their rules and procedures.
And I think you made a good argument and you should go talk to them about it. I think in this particular case Commissioner Steven’s right, it’s a parcel in the city, it’s zoned a certain way, and this development meets all the requirement of that zone. So I don’t see a - there’s no basis for saying no. So I’ll be supporting the motion. All right, any further comments? Okay, so will the clerk please call the roll?

Clerk: Stead?

Commissioner Stead: Aye.

Clerk: Ansotegui?

Commissioner Ansotegui: Aye.

Clerk: Gillespie?

Chairman Gillespie: Aye.

Clerk: Stevens?

Commissioner Stevens: Aye.

Clerk: Gibson?

Commissioner Gibson: Aye.

Clerk: Finfrock?

Commissioner Finfrock: Aye.

Clerk: All in favor, motion carries.

RESULT: APPROVED [6 TO 0]
MOVER: Jennifer Stevens, Co-Chair
SECONDER: Tamara Ansotegui, Commissioner
AYES: Ansotegui, Gibson, Stevens, Gillespie, Stead, Finfrock
ABSTAIN: Claire Paschke

8. PUD18-00044 & CVA18-00074 / JLJ, Inc.
5357 N. Collister Drive / Conditional use permit for a planned residential development comprised of 10 detached single family homes on 6.07 acres in an R-1A (Single Family Residential) zone. Also included are variances for an 8’ retaining wall in the front setback and a reduction to rear setbacks from 30’ to 15’ along the eastern boundary of the development. Leon Letson

Deferred to April 1, 2019
8a. **CFH18-00107 / JLJ, Inc.**  
5357 N. Collister Drive / Hillside development permit for the grading associated with a residential subdivision comprised of 10 buildable and 3 common lots on 6.07 acres in an R-1A (Single Family Residential) zone. Leon Letson  
Deferred to April 1, 2019

RESULT: TABLED [6 TO 0]  
MOVER: Meredith Stead, Commissioner  
SECONDER: Janelle Fintrock, Commissioner  
AYES: Ansotegui, Gibson, Stevens, Gillespie, Stead, Fintrock  
ABSTAIN: Claire Paschke

8b. **SUB18-00058 / Polecat Gulch Lofts**  
5357 N. Collister Drive / Preliminary plat for a residential subdivision comprised of 10 buildable and 3 common lots on 6.07 acres in an R-1A (Single Family Residential) zone. Leon Letson  
Leon Letson (City of Boise): Alright, good evening, Chairman, commissioners. The items before you are a 10-unit planned residential development with associated Hillside development permits, variance, and preliminary plat requests. The subject property is located at 5357 North Collister Drive in an R-1A zone. Primary uses in the surrounding area consist of detached single-family homes, and the Polecat Gulch Reserve.

The requested planned unit development is for 10 single-family homes including the existing home on site, which will be renovated. Lots range in size from approximately 6500 square feet to 12,500 square feet. Through the PUD, reduced lot size and setbacks in terms for development have been requested. In addition to leaving more than 50% of the site in publicly accessible open space, the applicant also proposes to construct a public trail connection to the Polecat Gulch Reserve through the development, and incorporate energy-efficient design and drought-tolerant landscaping as the two required amenities.

The public trail connection will involve the exchange of one small parcel with the city. In addition to supporting the establishment of the public trail connection, this exchange is necessary to allow the developer to construct the access to their development. This item will be brought before City Council following the decision on this project. So that’s not before you tonight, but basically letting you know that the project can’t move forward if that exchange is ultimately not approved by City Council,
or as it is now. They could essentially redesign, and be back before you with a different access point.

Regarding the Hillside development permit, Public Works has stated the project can be approved based on the initial engineering analysis submitted to the City. The majority of grading proposed will be for the private street retaining walls and utilities. Each individual lot will require a staff level Hillside development permit approval prior to grading and construction.

Concerning the requested variances, a nine-foot, nine-inch retaining wall is necessary along the western boundary of the development for the proposed private street, and to accommodate the grade necessary for emergency access. This wall will only be visible from within the development.

Regarding the reduced setback along the eastern boundary of the project, this is driven by the unique shape of the lot, and the configuration of the development. And all homes will sit a minimum of 20 feet from the edge of the roadway as depicted here in the diagram, and the northern two lots will sit more than 40 feet from the edge of the roadway because they abut a small section of city owned property.

Regarding the subdivision, it consists of 10 buildable lots, and three common lots, and the development will be served by a private street where sidewalks are - excuse me, provided adjacent to homes, which is a slight waiver from the private street standards. The width is meeting the standard, but typically with private streets serving up to 10 lots, it’s on both sides. However, as mentioned before, there’s a retaining wall along the western portion of the site, and to add an additional five-foot sidewalk there really doesn’t add a lot to the development. And staff has been in favor of waiving it particularly adjacent to that portion of the private street in the development.

All reviewing agencies approve the project’s standard conditions. And there were no comments received from the public at the publishing of this staff report, or up until the public hearing tonight.

So as a motion, the planning team recommends the commission approve the planning development variance in Hillside, and recommend approval of the subdivision to City Council. And that concludes my report.

**Chairman Gillespie:** Thank you, Leon. Is the applicant ready? So we’ll put 10 minutes on the clock, and see how we run.

**APPLICANT**

**James Jewett (8640 W. Atwater Drive):** Chair, commissioners, sorry. James Jewett, 8640 West Atwater Drive, Garden City.
I’m pleased to be in front of you tonight. This has been a long process to get here with changes to accommodate the site.

So basically, a few years ago, I started looking for a unique piece of property in the city to do an infill development. Wanted to do something unique. Looked at several pieces. This was challenging, but I finally settled on this piece, went forward with a neighborhood meeting. I originally had a much different design, a road that went up the west side, right along those existing homes to the left, straight up, and had 12 lots, smaller lots. And had quite a turnout for the neighborhood meeting. Some of their objections with the density, how it would affect their house values. Some of the other issues were the wildlife that were north of the property in that gulch.

So, we set out to make some changes, come in off of Collister farther north. We brought the road in adjacent, in the middle of two houses, so that we didn’t have headlights directly pointing at any of our neighbors to the west. And then putting these sharp 90-degree turns on the first and the second helped slow traffic down to alleviate some of their concerns having to do with noise of the road, being it was straight before.

So, we made several changes there, reduced by two lots from 12 to 10, made larger lots. I tried to address the neighborhood to the west by slightly bowing the road. Again, to traffic calm. We left the sidewalk off that westerly boundary, and the boundary just below the existing home because we weren’t fronting any homes on there. And making people, or thinking people would walk down that west side was unrealistic when all the homes were on the other side. So, we are proposing only to remove the sidewalk on the one section.

It also gave us a greater buffer from those homes, so we can add additional landscaping. As an additional buffer along those homes to the west, we proposed - and it’s not a real great diagram in the packet, but we’re proposing a half-block wall fence with a metal structure above it, which we would put decorative art in that section using the CORE-TEN steel that offers both, somewhat of a sound barrier, and a physical barrier for lights for the neighboring properties to the west.

The retaining wall on the west boundary was necessitated by the grade. Fire department is very strict right now on a maximum 10% grade, so to achieve that 10% grade, we had to cut into that hillside below that house, and on that west boundary, which facilitated that nine-foot high retaining wall. But it actually helped buffer the properties to the west because the traffic lights would shine into that retaining wall before they make that left-hand turn down the hill.

Also, we’ve proposed putting a small pond up in the gulch, above all the homes as a water catchment for wildlife, and also for sediment control running off that hill. We’ve got permission to discharge directly into ACHD’s system in Collister, but they want sediment control, and I think there’s a good potential to capture water so that the deer, let’s just call it
what it is, the deer migrate down into Collister and down looking for water. This way, they have a place for water. It doesn’t actually have to migrate down.

**Chairman Gillespie:** Excuse me. One second, Leon, can you show us on that map right there where this catchment is that he’s talking about.

**Leon Letson (City of Boise):** Yeah, let’s see if it’s on another plan here. One second.

**James Jewett (8640 W. Atwater Drive):** It’s on the grading plan I think.

**Leon Letson (City of Boise):** Yeah, I think the Hillside plan here, up above.

**Chairman Gillespie:** It’s right there. Thank you.

**Leon Letson (City of Boise):** Yeah, sure.

**James Jewett (8640 W. Atwater Drive):** And through the process, we came up with the idea of asking the City if they would like a connection to Polecat for residents only, or not residents only of my project, but the neighborhood. So, wouldn’t be a destination. It wouldn’t be a parking lot where people would go to use the trailhead. It would just be locals who would want to walk to the trailhead.

And that was met well with Parks. And we’ve come up with an actual design of that now. I would build a connection through, up to their point, and then they would take it on, and build about two miles of trail up to the Polecat trailhead.

So, that’s another great benefit not to only to my residents, but to all the neighborhoods from there on Hill Road. They don’t now have to drive all the way up to the trailhead. Now they can just walk up, catch it and go. Our proposal is to build that pathway up to the pond, and then the City would take it from there on.

**Chairman Gillespie:** Can you show me where that takeoff is for the - I’m sorry. Because I just decided to do it now. It’s so much more efficient. Where’s the takeoff onto the Polecat connection to that upper left corner?

**Leon Letson (City of Boise):** Chairmen, I include the slide provided by David Gordon from Ridge to Rivers, who we’ve worked closely with on figuring out what that connection could look like. And Jim might be able to give you some of the numbers a little bit more specific in terms of how you get to the ridge that would give you access back to the Polecat system. Because that’s the, as I understand it, the number one challenge here is gaining the elevation to get on top of the ridge that makes it an actual accessible route back into the Polecat system.

But this is the newest alignment proposed, as David and his team went out
and looked at the project recently. And I should back up, and state that on this slide here, you'll note that this large parcel is deemed non-buildable, and basically Jim has agreed to a public access blanket easement across the lot so that we can get the best alignment for that access into the Polecat system.

**Chairman Gillespie:** But the access is somewhere in that pink area, or somewhere north, or on the edge of it.

**Leon Letson (City of Boise):** Yeah, it starts down on Collister, makes its way through the development, and then I guess if you see this portion here, that was the previously proposed alignment of the trail. But looking at David's information, Mr. Gordon information, it looks like it's going to shoot a little bit higher, and then make its way in. But Jim may have some more details for you on that.

**Chairman Gillespie:** Thank you. It's good.

**James Jewett (8640 W. Atwater Drive):** If you go back to the plat - go to the landscape plan if you don't mind.

**Leon Letson (City of Boise):** I don't know if I have the landscape plan in this presentation here.

**James Jewett (8640 W. Atwater Drive):** That one's good enough. So, you can see at our entrance, to the north of entrance, there's a trail that goes off at a little bit of a loop, goes up, and it crosses our road, and then up at the top of the hammerhead, there's a little common lot that goes on out, and the trail goes on up. So, that's where the City would pick up the trail up above those houses. I would pave it all the way to the pond. And then they would take it off from there.

**Chairman Gillespie:** Great. Thank you.

**James Jewett (8640 W. Atwater Drive):** And then I had laid out a trail from David's location back over to the trailhead. But that's an easy part of it. The hard part, which is gaining the elevation. And so that's what we've been working with Parks to get that done.

The other thing is, for the most part, and I would think pretty much all the lots will be designed and built by myself. I always like challenges, and I like uniqueness. And I think this site provides me both. And so the designs you'll see, that will be the typical. There's some also some other drawings where I showed how we'll build into the hillside to accommodate - I don't want to go in and flatten the ground, and put big retaining walls and just build a straight house. I will build up the hillsides, and use the lots to determine my character of the home.

Also, we're proposing water catchment systems within each house. So the roof drain-off will collect that on each individual lot, and then just reuse it
for that irrigation. Not necessarily lawns, but for drought tolerant vegetation that’s more natural to the hillside.

So, I think I’ve covered - I did see a comment from a previous hearing that we got tabled on, but I guess one person did comment during that process about traffic on Hill Road. I don’t really know how to address the traffic there. I drive it frequently, but don’t drive it every day. I’ve never personally seen a traffic issue at Hill and Collister. Collister right now is being rebuilt at the intersection of State Street and Collister. I don’t know how that alleviates traffic. I don’t know what ACHD’s plans are. But I do know that ACHD’s report is recommending approval.

And there is one correction. ACHD required a seven-foot sidewalk, and I think Leon had put down a five-foot. So, it’s a seven-foot sidewalk. Or five-foot detached, seven-foot attached. And we’re in agreement with both ACHD and the City staff. And with that, I stand for any questions.

Chairman Gillespie: Alright, thank you very much. So, questions for city staff or the applicant.

Commissioner Stevens: Mr. Chair.

Chairman Gillespie: Commissioner Stevens.

Commissioner Stevens: I think this is a question for Leon. In Mr. Jewett’s letter, he said he’s going to put a dam across Polecat Gulch, which immediately raised all sorts of flags for me. And then I keep reading, and we have a letter, a long letter from a city staff person, Melissa Jannusch, I don’t know how you say her name, who’s here. Hi. So maybe this is best addressed to her, but we’ll see. Describing what this pond is supposed to be, it’s pre-development stormwater, I don’t understand it. And so I’m hoping somebody can explain what the purpose of it is, and why staff is recommending approval of a dam across Polecat Gulch because I don’t get it.

Leon Letson (City of Boise): Yeah, Chairman, Commissioner Stevens, that’s a great point, and I’m happy Melissa’s here tonight because she’s going to do a great job of answering that question.

Melissa Jannusch (City of Boise): Hi, Mr. Chairman, Commissioner Stevens. So, I’ll try to answer your question.

So, the stormwater pond, that’s up at the top, will be to path those pre-development flows. So basically, what that is, is you’re allowed two path flows that were coming onto your property before you built it. So, you have to contain all the new stormwater from your impervious area, or your new development, your sidewalks, your roofs on site. And they’re going to be able to do that. They have some seepage beds down at the low point of their site. So, they’re going to be containing all the new drainage they’re creating. But with the existing flows that are coming onto the site, that’s what they’re proposing to pass on into the ACHD system.
And then there would need to have an agreement from ACHD to be allowed to do that. So we need some sort of license agreement. And then with the design of the pond, we don’t typically like to see any infiltration above homes just because you don’t want to infiltrate water above people’s houses. So that’s why we’re creating it like we would like it to be lined. And that will be so that there’s no water getting into the soil there.

And then the overflow would go with the ACHD. That’s how that works. And the design would be required to follow all of our stormwater design manuals. And that’s why there’s that berm there, that looks like a dam, there’d be an overflow similar to that. And that’s just so that the water will stay in that area.

Chairman Gillespie: Commissioner Stevens.

Commissioner Stevens: I’m just trying to process this because by doing that, we are actually putting a dam in. We are hurting the return of that water to the ground, and to the groundwater basin. So, I’m just trying to understand - I get it, I understand the engineering side of it. I just am surprised that that meets our comp plan. So I guess I’ll just be puzzled over it, and consider it for a little while longer, unless you want to add anything to it.

Melissa Jannusch (City of Boise): I suppose so. The water that is coming down from pre-development does make its way into Collister and into the ACHD system now. So you would lose a little bit of the natural infiltration from the overland flow. But you’d be losing that anyways with the addition of that impervious area. And they will be taking their stormwater that they’re creating, and they’ll be putting that into an onsite infiltration facility. So, putting that back into the ground.

So, you’ll still get all of your over land infiltration until it hits that pond, and then it will just - it’ll skip where that development is. And then just get into the ACHD system basically.

Commissioner Stevens: That actually helps a lot.

Melissa Jannusch (City of Boise): And a lot of it too, the idea of a lined pond is that it’ll just evaporate. And with our hot climates here, a lot of it will just evaporate naturally instead of - because we don’t want it to infiltrate, and that would happen in a lot of stormwater ponds that we have around.

Commissioner Stevens: Thank you. That was actually extremely helpful. I appreciate it. Can I ask another question, Mr. Chair?

Chairman Gillespie: Sure.

Commissioner Stevens: This is not related to that, so thank you, Melissa.
Melissa Jannusch (City of Boise): Thanks.

Commissioner Stevens: This is also for staff, though, I think. In that same letter, there was a reference to wildlife corridors. And I don’t see any evidence of that on the plan.

Leon Letson (City of Boise): Yeah, Chairman, Commissioner Stevens, this was transmitted to Idaho Fish and Game for comment. They made no comment regarding corridors. We did discuss that. But there’s no identified corridor that would need to be planned for here. However, I will note that again, 3.3 acres of the top portion of the site is remaining public and open, and largely in its natural state, which is directly connected to the Polecat Reserve.

So certainly, looking at this portion of development down here, where we actually have the homes, we certainly have lost the ability to get wildlife from here directly down to the site here. But again, all of this connects to the city system. So in terms of the actual corridor, I don’t think that we’re that far off. I would allow Jim to elaborate on that if he has some more comments about wildlife in this area.

James Jewett (8640 W. Atwater Drive): Chairman Gillespie, Commissioner Stevens. So at our neighborhood meeting, the issue of wildlife, and having some corridor for them came up, and that’s what started the process of having a pathway connectivity. So initially, it was a plan just to have that pathway that would go up to the pond that would just allow the animals to use the same pathway instead of having to go through people’s yards. And then it just developed into a further connection to the city system.

So, that pathway, the deer would still be able to walk down it just like a human would be able to walk down, if they choose to. I guess the whole idea behind the pond is that if they’re going down, necessarily to look for water farther down, they don’t have to. If there is water in the pond, they can just drink it there, and then migrate back up within the hills. So, that was what developed from that meeting was, first it was for a corridor for the animals, and it developed into this whole pathway connection that we see now.

Commissioner Stevens: Thank you very much.

James Jewett (8640 W. Atwater Drive): Welcome.

Chairman Gillespie: Any further questions for the city staff, or the applicant?

Commissioner Ansotegui: Mr. Chairman.

Chairman Gillespie: Commissioner Ansotegui.

Commissioner Ansotegui: Thank you. I have a clarification question for staff. Under the findings for Hillside development under number one, you
mentioned that a portion of the project is impacted by the 100-year floodplain. You all say that prior to any grading of the subject property, the planning team has recommended a condition that the applicant be required to comply with the floodway and floodplain ordinance, but we didn’t see a condition in the specific conditions. Is it your intent to add that as a condition?

**Leon Letson (City of Boise):** Yes. Chairman, Commissioner Ansotegui, there actually is a condition under planned unit development. It’s 2C. It says, prior to any grading of the subject property, the applicant shall be required to comply with the floodway and floodplain ordinance. And so, that’s large in terms of how they can do that, but it would be a floodplain development permit to allow for development of the site.

**Commissioner Ansotegui:** Thank you.

**Leon Letson (City of Boise):** Yeah.

**Commissioner Stead:** Mr. Chair.

**Chairman Gillespie:** Commissioner Stead.

**Commissioner Stead:** I think this is another question for Leon. Can you just please remind us what the ACHD report says about the added traffic to Hill Road and this area?

**Leon Letson (City of Boise):** Yes. Chairman, Commissioner Stead, so ACHD has identified that Collister Drive is functioning in an acceptable level of service, and that this project will not drop out below what is acceptable. They did not provide information on the Collister Hill Road intersection, so I don’t have information that way. I think people are aware of Hill Road being problematic, and has been for a while.

But Collister, as we’re all aware, is being redesigned as an intersection with State Street, so the intention there is, it will continue to function as a collector. It’s functioning at an acceptable level of service, and the estimate would be that the majority of traffic would make its way down Collister versus down Hill Road to get to the places that it needs to be.

**Commissioner Stead:** Great, thank you.

**Chairman Gillespie:** Any further questions? Alright. Thank you very much. So, the neighborhood association record is Collister. So, is there someone here from the Collister Neighborhood Association?

Alright, hearing none, we’ll go to public testimony. So, we have one, two three, four, five people signed up. Although Angela and Mark are trying to do the two-on-one-line thing. So, we’ll start with Miss Stilton. Welcome back.

**NO NEIGHBORHOOD ASSOCIATION**
PUBLIC TESTIMONY

Kristin Stilton (2198 W. Bent Bow Court): Thank you for welcoming me back. I’m going to go ahead and read what I wrote, even though some of it’s been addressed. My name’s Kristin Stilton. I live at 2198 West Bent Bow Court, Boise, Idaho.

The PUD process allows for grouped and reduced size lots in exchange for larger areas of open space being dedicated to the good of the community. The process as well as acceptance of required community amenities is subjective. And we citizens rely upon the thoughtful review of, and recommendation by our planning professionals within the framework of Boise development code.

This project has, what I would call, super reduced home lots averaging 7100 square feet in an R-1A zone that normally requires 20,000 square foot per home lot. This is way different than the PUD before this. Visually this will stand out as different and denser than the neighbor’s, all in a transitional Foothill neighborhood that should read as more rural, per Blueprint Boise.

The additional steep retaining wall is also less rural in feeling than any of the surrounding communities. Open space with pathway connection is listed in the application as an amenity. Two amenities are required for PUD consideration.

The second is not actually in the application, but is in the planning staff notes. It is written as drought-tolerant landscape, and energy-efficient design. The actual verbiage in Boise development code says that the amenity can be energy-conservation measures such as solar energy, heating, or water heating capacity, or water conservation measures such as the use of drought-tolerant plants. This is a sandy clay hillside, and with very little planting area defined outside of the small pads. I would suggest that replanting at any of the disturbed areas was never going to be anything but drought tolerant. And even then, there’s very little new planting proposed.

Without projections of any actual water conservation, I hesitate to see this as a measurable benefit as compared to a development without the PUD process. Staff and commissions are to weigh the benefits and trade-offs on both sides of the PUD process. Without equal weight, concessions may read as benefits to the developer, maximum lot numbers, super small lots at the expense of real community benefit of equal value.

My request is to please consider a more specific verbiage or direction for the entirety of what is now being called the unbuildable lot. I feel this is the more important trade off, or amenity that allows for the acceptance of the resulting significantly smaller lots. This is visual natural open space, a known wildlife area, and also a buffer, or neighbor parcel to the Polecat Reserve. Labeling this simply as unbuildable, except for the trail easement
within it, is not permanent. And I should know. I live in a community with an unbuildable lot.

I would ask the commission to create, or propose a more binding deed restriction on this lot as part of the condition for approval that can be either direction or dedication, or sale of this parcel to the public agencies, or part of the Polecat Reserve.

**Chairman Gillespie:** Thank you very much. Alright. So, after Miss Stilton is either Mark or Angela Hurley. And do you both want to testify, or just one of you? Come on, let’s just play it straight. Mr. Hurley, welcome.

**Mark Hurley (5470 N. Collister):** Hi, Mr. Chairman, and members of the commission. I’m Mark Hurley. I live at 5470 North Collister. So, we’re the first house on the opposing side of Collister on the Briarhill neighborhood there.

First, I’d like to address, I have several concerns with the actual subdivision. I’d like to address traffic first. We’ve heard about traffic on Hill Road recently. A subdivision on Hill and Forsythia, had a traffic study done, and they determined that Hill Road was already over capacity by 50%. And we suggest that any additional traffic on Hill Road would be too much. They suggested that traffic would go down Collister to State. State is also impassable. So, we’re dealing with an issue here where most people who come out of Collister, almost all of them actually go down Hill Road. Especially if they work on the north side of the area.

Sometimes we see backups now going all the way back to the roundup when you’re coming home from work. Go all the way back to the new roundup to Collister Road. So one mile, you are actually stop and go traffic to get to your house. So 15 minutes for one mile. So, it’s pretty crazy, and we just can’t really have any more traffic on that road.

So, the subdivision, as we just heard, it’s not in within character of what’s in the Collister neighborhood there. And especially Briarhill. They’re all quarter-acre lots there. There’s just a house on each side of the road all the way up. So, it would be very different than what we’re used to.

We also really oppose more public access related to the wildlife. There’s already access at the Polecat Gulch subdivision. This is major winter rains for mule deer especially. And we really don’t need any public traffic through there. It’d be best to just leave them alone. So, we really oppose any sort of addition to the trailhead for that.

Also, we were worried about parking. They addressed that a little bit, but if we had public access, there’d be people parking right on Collister. It’s already a blind corner there. The actual road coming out of Quail Ridge is always already real busy, which certainly would not like to see any more parking alongside the road for accessing any sort of public trailhead. So, we’re opposed to that.
And our last thing is streetlights. The North Briar subdivision has no streetlights. That’s by design. It’s in the HOAs. We’d rather not like to see those streetlights anywhere in the Collister neighborhood. Thank you.

**Chairman Gillespie:** Thank you, Mr. Hurley. So for the record, Angela Hurley, would you like to testify, or are you going to waive your right? Okay. Thank you very much.

Alright, next person’s Mr. Quick, followed by Mr. [Trevalos 03:18:59].

**Tim Quick (5364 N. Goldie Place):** Thank you, Mr. Commissioner. My name is Tim Quick. I live at 5364 N. Goldie Place in Boise. I am the neighbor directly to the west of the new proposed road.

Let me start by saying, I’m not against development per se of this property. Open space is preferable, but this property is adjacent to and offers access to Polecat Reserve, which is nice. And that I do view it as an infill project and reasonable that this lot should be developed in some way, at least the lower portion of it.

That being said, I do have some concerns with this project as proposed. The first being a timeline. I understand that building permits will not be issued until the final platting is completed. And that building permits are typically good for two years with the option to request an extension for a year. It’s not clear to me though, if that is per one house, or for the whole request, the whole project, 10 houses if that’s approved. I bring this up because once the final project is approved, it will be in the best interest for the surrounding communities that the project is completed in a timely manner.

The construction phase from start to finish will be a nuisance to neighbors. This is not news for you guys, from noise to commercial traffic, and dust. We will all be buried in dust until the last house is finished, and landscaped despite strict adherence to sediment and erosion control protocols is inevitable.

I understand Mr. Jewett wants to build all the homes himself. He enjoys the challenge, and I appreciate that. But I don’t want to live next to a pet project for the next 5, 10 years. So, I request City requiring establishment of a timeline for completion of the project with checkpoints or circuit breakers within incentives for maintaining pace in the form of penalties for not completing the project within an agreed upon reasonable timeframe.

My next concern is dam gulch retention pond, and the stormwater swale that is located in the curve of the road. The location of these features strike me because I just finished my own project in the backyard where I had to replace existing railroad tie retaining walls that were dilapidated. I was told by the city that I could not place the retention swale in my backyard. Because it was above grade, I had to move it around to the front yard below grade at significant expense in additional design and engineering costs.
And now I see that my neighbor is being permitted to dam the gulch and build a pond directly above 10 houses they intend to build and directly up the fall line of my house. This seems to me like a double standard. And I request the city recommends modification to the plan to collect direct water runoff for collection below the grade of existing homes with sediment control, the same standards that the City applied to the individual homeowners.

My next concern is the road and the retaining wall. During the neighborhood meeting, as Jim mentioned, the preliminary plan had retaining wall running directly up the west part of the property, and I expressed to him concern about having a road with a greater than 10% grade on a 90-degree corner directly on their property line above my house. The developer has now modified the road to include two 90-degree corners. They’re just still directly above my house, and it does not address any of my concerns for safety, white pollution and noise.

Chairman Gillespie: Thank you very much, Mr. Quick. Appreciate it.

Tim Quick (5364 N. Goldie Place): Thank you.

Chairman Gillespie: Alright, the next person on the signup sheet is Chris Trevales. No? Alright, the next person on the signup sheet is Patrick Mercatta. Excuse me, Patricia Mercatta. I apologize. Welcome.

Patricia Mercatta (5333 N. Goldie Place): Good evening. Patricia Mercatta. I live at 5333 North Goldie Place. And my house is the second house into the west on Outlook from the adjacent property.

Some of the concerns I want to start out with, and we haven’t seen the plans yet, or heard what they’re going to do about floodway and floodplain. But my property, and the one across from me on Goldie are in the floodplain. Corners of it. And we currently have drainage running through the front of our property. Yesterday it rained. Not a lot, but at one point there was, but it didn’t rain all day long. It didn’t rain for two days. And still the drainage in front of our house is completely full. So I’m concerned about during construction, how are we going to keep that from encroaching into our two properties into a known floodplain? That’s one of the big concerns.

I’m worried about the pond as far as, is it attracting wildlife down into the neighborhood? They’re coming for water? Just a thought there. But something that hasn’t been brought up is traffic on Outlook. Outlook is a very popular cut through from Collister to Hill. There are cars buzzing through there all day long. No one has looked at this.

The other thing that happens on Outlook is people park there to walk up to Polecat every day, all day. They’re lined on Outlook, they’re lined up on Goldie, so now we’re adding another access to Polecat Gulch, with the already trailhead, where they’re already parking down in this area,
which is going to congest that even more. When you come out going
east on Outlook to turn onto Collister north or south, there is a blind curve
there. You cannot see anybody coming down from the north.

It’s really tight. I also walk there all the time. Almost every day of the week,
I’m walking up to Polecat along Collister, or I’m walking up Quail Ridge for
exercise. And that intersection, I’m scared every day of just stepping out
when I’m coming back onto Collister. Because cars cannot see me until
I’m in the middle of the street. So if we’re putting houses just directly
above that intersection, and there’s cars that are going to start stacking
up to make a left-hand turn into this new development, and cars behind,
they’re waiting because there’s cars coming down the hill. People on the
street can’t see them. What else was I going to say? The access to the
Foothills, like I said, I just, I don’t see it not creating more traffic and more
people right in that spot. I just don’t. Like I said, I’m there every day.

And the other thing I wanted to just briefly say was the setbacks on an
average of 15. But they’re really - at least the plan I saw - I don’t know if
it’s changed, but they’re 20 feet to the garage, but 10 to the house.

Chairman Gillespie: Thank you very much Miss Mercatta. Alright, so that
wraps up the signup sheet. Just before I go off the signup sheet, will you
guys help me remember, did I call Chris Trevales’ name, and was that
person here, or not here? Not here. Thank you. Sorry, I’m trying to take
good notes here.

So, we’re done with the signup sheet. So, would anyone else like to testify
tonight on this matter? Come on up. And you’ll need to give your name
and address for the record, and hand in a little white slip.

Ester Ceja (3901 N. Cambria Way): My name is Ester Ceja. I reside at 3901
North Cambria. I live in the Collister neighborhood, and have since 2004,
when you could afford to buy a place in the neighborhood. And these
homes well, with the size of the proposed homes, I don’t think anybody
even on a state agency salary will be able to afford to live there.

But really my primary comment here is traffic. I don’t know how many
people recall some years ago, there was a proposal to build a fire station
on the corner of Shirley and Hill Road. And that failed. I believe in large
part because of traffic. And so you see these types of proposals either on
North Collister, or anywhere, really, along Hill Road. We need to remember
the cumulative impacts of developments to the west because we see a
lot of traffic on Hill Road from the Eagle area. So I’m not saying that I
oppose this development, but I would like for you guys to consider the
traffic impacts, and I think Commissioner Stevens mentioned affordability
earlier on an earlier project. So, thanks.

Chairman Gillespie: Thank you very much. So please hand in a slip for this
one with the - we got to get the right item number on that. Is there
anyone else who’d like to testify tonight on this matter? Come on up.
Michael Horner (5333 N. Goldie Place): I’m not on the list, but I’ll sign one of these for you. Hello, my name is Michael Horner, 5333 North Goldie.

I live just at the bottom of this project, basically. And I love hiking those hills back there. And when I saw the plans on that, I was shocked because if you look at the picture here of where the current house is, it’s backed up to the hill. There’s nothing behind it. It’s straight up hill. And I was like, “Well, how are you getting anything beyond that?” And I guess you’d want to carve into the hill, and this is a wildlife area back there, and too steep to hike. I do a different access to it because that’s just straight up.

And it is a floodplain, and to carve it back further, I can’t see it being anything but a hazard for the people that live below that, it’s just a frightening thing. What happens when we do get that season where it’s super rainy? Are they going to be able to retain all that water? Or is it going to flood my house? My soil in my back yard is so saturated all summer long just because of the way it drains through there. And to put a project like this in there, I just see it being a problem.

Chairman Gillespie: Thank you very much, Mr. Horner. Please remember to fill out that white slip and hand it up to us at the desk. Is there anyone else who’d like to testify on item eight tonight? Seeing none, Mr. Jewett, you have five minutes for rebuttal.

APPLICANT REBUTTAL

James Jewett (8640 W. Atwater Drive): Okay, I’ll touch on as much as I can, and leave the pond for last. So, there was some comments on lights infiltrating the neighbors from cars, and then I think street lighting. We’re only proposing one streetlight at the end of the road at the turnaround at the fire hydrant. As far as streetlights, again, we’ve mitigated by one, bringing the first turn-in between the two houses, so there’s no direct light traffic going to either home. Secondly, we’ve put a solid fence up. And then thirdly, the road diverges a little bit into the ground at the northern end again diffusing that light into that rock wall instead of into neighbors.

So as far as Mr. Quick’s house, and I know I worked the most, and talked the most with him and his wife about the issues to try to mitigate. He is impacted the most. He is directly next door. And we looked at moving the road to the west, to the east, and it’s just, there was just no options. And the final configuration was the best we could do. We deviated with a slight bend in the road to give him a little bit more privacy, slow traffic down. So, I think we have done all we can.

Just to make sure I have - values. Value of the home. I started out here with a smaller lot. The consensus at neighborhood meeting was I was affecting values in a negative way. So, I went less lots of a little bit more expensive home, and now it’s the other way around. So, I don’t know if I can always please everybody, I just do the best I can.
Pond. The pond’s not necessary. The pond I thought was an amenity. I thought was a benefit. We can capture the water in its existing gully, and just take it on down through. We have to have some form of sediment catch because ACHD. But right now, when it does rain, it does bring sediment down, it runs across the road, and it gets in their system now. That’s the product of sand. It just runs.

So, the pond served a lot of purposes. I think it brings an esthetic value. I think it brings a benefit to the wildlife, and I think it’s a benefit to the sediment control. Is it necessary? No. We could just pipe it through. If this body says it wants to make a recommendation that there is no pond, you won’t see a fight from me. I think it’s a benefit, and I think that it benefits - it’s just something you don’t have in the Foothills.

Some of you commissioners may remember, and I had application up on the top of Quail Ridge, my own personal home. There’s a pond that’s just a water catchment below me, and deer hang out there. I see them from my yard. They just hang out down there. They’re attracted to water. I don’t find that a negative. I find that a positive. So I like to see it there. I think it’s a benefit.

As far as the access, if people are already parking on the street to walk up to Collister, that should tell you something. That they want to get to the trailhead, they want to get on the trail system, they don’t necessarily want to drive up and park there. They want to walk from here. So that would tell you that the trailhead here is necessary for not only the local people, but it’s just a need. The city needs these connectivities.

And the Parks is looking more towards having these pedestrian only accesses, not driving. And we’re going to stop people from parking? They’re not going to park in Collister if they can’t. But are they going to park where they are now? I don’t know. I haven’t witnessed it, but I’m assuming it happens. If there’s anything that the commissioners felt I should address, I’ll take that comment now, and I’ll try to address it.

Oh, one other one. The timing of construction. I don’t know if I want to call it my pet project. It’s something I take pride in. I do want to build the homes. And is putting me on a time restraint reasonable? I guess it depends on what that time restraint would be. I envisioned three years, four years as a build out.

I don’t appreciate dust. There will not be dust. If it’s windy, and my guys are working, they shut down. I do not allow dust. Nuisance dust is the worst. You get fined for it. But aside for the fine, it’s not good for neighbors. I won’t do work like that in the heat of the summer because it’s hard to control dust. So I will be the first advocate to say that I will shut myself down if I have dust. I will not impact my neighbors with dust. So 26 seconds. Go.

Chairman Gillespie: Thank you very much, sir. Alright. And with that, this matter is before the commission. Let’s see, as a reminder, we are - where
are we? We are final on the PUD, the variance in the Hillside, and the recommending body for the subdivision. You can do it in one, or many motions. It's up to you.

Commissioner Gibson: Mr. Chairman.

Chairman Gillespie: Commissioner Gibson.

Commissioner Gibson: I'm not going to make a motion, but I'm just going to throw some thoughts out while other commissioners write notes, and also collect their thoughts.

Probably the most troubling component of this project is the road, and how the road just feels like it's shoehorned in there. And the previous project that we reviewed up off of Bogus Basin Road, the layout, all of the geometry made sense. My job as an architect is to lay things out, and I'll admit that the location of the individual pads on the project, as well as the insertion of a fairly significant retaining wall, it just really bothers me.

But more than anything else, the testimony from the neighbors to the west, that would be most adversely affected by having a roadway, say less than 20 feet from your back yard, or back of your house in essence. Based upon that, I have an issue.

But more than anything else, I don't feel like the issue with stormwater has been sufficiently addressed, at least to my liking, where I appreciate fellow commissioners bringing up the question about the dam that's not a dam. I also don't consider that an amenity. And just the sheer reality of, if things go wrong in a location such as this where you do have a lot downstream.

And then finally, my main concern is also significantly tied to traffic. I think it's the, once again, death by a thousand pinpricks with traffic on both Hill Road and Collister, as we continue to eke out these little four and five-acre parcels that then now add a car here and a car there, and then eventually it's an hour where it was only 15 minutes prior to just get across town, type of deal. So I'm not in a position to make a motion, but I wanted to at least throw some ideas out because I'm troubled.

Chairman Gillespie: Yeah, so I'd like maybe to comment. So this parcel's in the city. It's zoned R-1A. So, he's got six acres, he couldn't - is it six houses, or 12?

James Jewett (8640 W. Atwater Drive): Twelve.

Chairman Gillespie: He can plop down a plat in a curb cut onto Collister, and it's hard to say no because of the way our subdivisions codes are written both at the state and the city level. So, he's doing a PUD, one might argue, because he has to because it's really steep and expensive to build on that steep land. The issue we have here is it's not an annexation. He's here, he's trying to deal with a difficult issue, and the
water issue’s a problem in this area. We’ve heard this before on Collister down there, that the water designed in the ‘60s, ‘70s, and ‘80s wasn’t that great. And so we do have downstream water issues.

But the question is on this particular lot, it’s zoned this particular way, what are we going to do about it? And I guess we need to think about that. But I’ll let someone try and make a motion.

Commissioner Stevens: Mr. Chair.

Chairman Gillespie: Commissioner Stevens.

Commissioner Stevens: I think while I appreciate your comments, I tend to agree with Commissioner Gibson on this. And I think we have pretty clear findings in our CUP approval criteria that encapsulates some of the things that Commissioner Gibson was referring to.

So, for instance, if you look at - we have five things we need to find for approval. The ones that I’m having a hard time finding in favor of, are number one, the location’s compatible to other uses in the general neighborhood. The phrasing there is not very easy to understand because we are talking about single-family homes, which are also in this neighborhood. But when you look at the compatibility of the way the other ones are laid out, we’ve got a pretty strange configuration, for lack of a better way of putting it, on this. Because, yes, there’s six acres, but we are squeezing all of it onto this, I guess we’ll call it the buildable part.

And so, that leads me to the next one, which is finding number three, which says the site is large enough to accommodate the proposed use in all yards open spaces, pathways, walls, fences, parking, lodging - not lodging, loading, landscaping and other such features as are required by this code. And I am just having a hard time finding in favor of that particular one.

Finally, number four, which is that the proposed use, if it complies with all conditions imposed will not adversely affect other property in the vicinity. And this is where I think the water problem comes in.

I understood the engineering of the pond. And I appreciate Melissa explaining it to me. A layperson when it comes to engineering. But I’m just not sure it’s the right thing for us to be doing here, and I do have concerns about the downstream effects on this. So I’m interested in hearing my other fellow commissioners’ comments on this before making a motion, which I know is not how the chairperson prefers to proceed. And he’s probably about to kill me.

Chairman Gillespie: No, no, it’s alright. So anybody want to talk about what those two guys just said? I’ll add my two cents while you’re thinking about it.
So, in respect to the water issues, getting the water diverted, the upstream water, the water that doesn’t fall on the houses, getting it diverted higher up, into the Collister storm drain, it’s probably going to help the downstream houses. It’s going to reduce the net amount of water flowing all the way down to the bottom of the subdivision. It’s going to get it in the Collister drain system higher up. And then all the water that falls on the houses is going to try to be captured on site, so that won’t go downhill either.

So, from my point of view, the water, if it works, is better. The City spends an enormous amount of resources figuring out if the proposal’s going to work. And so we have a Public Works department with stormwater engineers, and that’s what they do, it’s hard for me not to trust them. So, on that issue, I’m okay.

On the issue of, is it compatible with the other uses, it’s single-family homes, unreasonably big size lots, I look at that picture, and I see all kinds of single-family homes on big and small lots in the field of view of the photo. So, I’m not sure that will look, or be that different than the way the homes going up Quail Ridge look, or the ones as you move up Collister. It’s steep, so they stack, and that’s what they look like. And that whole gulch is filled with stuff like that. So, to me it is compatible.

And I don’t really have much to say, or a comment on like, it’s strange because the way the road does those two 90-degree turns. I kind of agree with you, but we’re trying to get access up that - through that. Almost like an arrowhead pointing down. I don’t have a better plan. I don’t know what I would do differently with the roads to make it better. So, I guess the question is, is the road so bad that we’re going to just say that’s incompatible with our findings? Just you can’t have roads with those big sharp bends, and a nine-foot retaining wall on one corner. And I’m not quite prepared to make that finding. That that per se is not right.

So, that’s just some long comments. But we can keep talking. Because I’ve already missed dinner. So just to help break it loose, we can defer, and we could tell Mr. Jewett to go work on a few things, or we can turn him down, or we can say yes, and move on. Whatever you want to do.

**Commissioner Gibson?** Do our other fellow commissioners have any comments?

**Chairman Gillespie:** We’re waiting for you guys.

**Commissioner Ansotegui:** Mr. Chairman.

**Chairman Gillespie:** Commissioner Ansotegui.

**Commissioner Ansotegui:** I’ll add a comment before we make a motion. On page 48, we are under the Hillside development’s findings. And as we roll down to number four, it says, the project does not create a potential hazard of flooding, soil instability, fire, erosion, etcetera. And while the
Public Works’ letter does state that generally, it also requires a number of reviews, including soil stability, and runoff, and a handful of other things, if I can find the - oh, that’s on page 66.

So, on the one hand, I don’t see that we have evidence that soils are - will remain stable with this development. Ultimately, Public Works will pick this up later down because there are some requirements for these reports to come through before any building can start. So, I’m just adding that to our conversation as we go. Because I feel like, I don’t know if we can defer pending those studies. Or if that even makes any sense, given that the studies will happen anyway.

Chairman Gillespie: Why don’t we ask the city, just on the timing and sequences of all of those hydrological drainage questions mentioned in the Hillside development criteria?

Melissa Jannusch (City of Boise): Mr. Commissioner, council members, well, how we’ve worked this system is that it’s - they do a preliminary report. And then after they get approval of their preliminary plat, once we get to that stage, then they can turn in for their final reports. So, that’s when we would do the soil stability analysis. So, they’ll actually turn in two geotechnical reports. The geotech will go out and dig more test bits, and give us more information about all that stuff. And they would also do like, that’s when they would give us recommendations for the pond liner, and give us recommendations, more specific recommendations on actual construction practices.

And so, all of that has to be approved through the subdivision process, all the final reports that are acquired in our Hillside technical manual, and then before they would ever be able to get a grading permit, or start construction on homes.

Commissioner Ansotegui: Mr. Chairman, may I follow up?

Chairman Gillespie: Yes, please.

Commissioner Ansotegui: Thanks. So, what happens if it turns out that the soils aren’t stable for this development? Does the project just languish until it comes back in front of us again in a different configuration?

Melissa Jannusch (City of Boise): So that’s what the preliminary reports are making sure won’t happen. So basically, that’s why we have them go out and do preliminary testing. So, the geotech has even given us a statement that says that this site is suitable for the proposed development. So, that’s what we’re trying to avoid. And that’s what we ask them to give us is something that shows, “Hey, we see this, this, and this need more testing to determine what our recommendations are going to be so we can engineer our way out of this. Or how we’re going to engineer it to make it work.”
So basically, they’ve shown us, “Hey, there might be a problem, but there’s possible solutions, and this is some of the ways that we can fix it.” And then once we get into the final report, they’ll be able to pinpoint, “Alright, we know exactly - this is our recommendation for what you’ll need to do.” And so, we take their recommendation, and we will make them a requirement as conditions for their grading and drainage permits.

**Commissioner Stead:** Mr. Chair.

**Chairman Gillespie:** Commissioner Stead.

**Commissioner Stead:** Just to chime in on this. I would say that I think that the pond is actually innovative, and I would trust the findings and reports of Public Works and the geotechs. I’m sure that they know more about the land there than I do. So maybe I’d like to make a motion to move this along. I will move to approve PUD18-00044, CVA18-00074, CFH18-00107, and recommend approval for SUB18-00058.

**Chairman Gillespie:** Thank you very much. Is there a second?

**Commissioner Finfrock:** Second.

**Chairman Gillespie:** Seconded by Commissioner Finfrock. Welcome to the record. Alright, so is there any discussion on the motion? Commissioner Stead.

**Commissioner Stead:** It’s clear to me that there is a lot of thought that’s gone into this development and it sounds like there might have to be some additional engineering down the road, based on the reports and findings. But, again, I’ll trust the experts in those fields.

**Chairman Gillespie:** Thank you very much, Commissioner Stead. So, I’ll just chime in. So I’m going to support the motion. If the motion doesn’t work, then I guess we’ll be looking at either a deferral or denial, and I’m trying to figure out what the levers might be. One thing we all need to think about is he’s asked for 10 homes, I believe, and we can always try and cut that back and make the lots bigger if you think that that would fit more compatibly with the neighborhood, or address whatever concerns you have. But I’ll be supporting the motion as is. Is there any further discussion on the motion? Commissioner Stevens.

**Commissioner Stevens:** Mr. Chair. We don’t often as a body sit here and have these kinds of discussions. And when we do it gives me great pause to approve. I think there have been enough questions raised that I’m just not sure I’m in a place with what’s in front of us to support the motion. I also though am not comfortable denying it. So I would be most comfortable with the deferral. And I look at the satellite photo and I see where there is an existing road, it’s not a real road, but it’s certainly more - that’s going up to the existing house that’s there right now. That just is more in line with what the neighborhood looks like. It’s more compatible.
So, I don’t know if it’s a matter of fewer houses, bigger lots, but I think that looking around the neighborhood, what we have in front of us just isn’t compatible. And I’ve already gone through the points on the CUP where I’m getting stuck. So I won’t support the motion, and I would be in favor of a deferral and trying to get some of these things worked out so that there’s a greater comfort level on all of our part so that we can support it unanimously the way we do when we know that it’s right.

Chairman Gillespie: Thank you, Commissioner Stevens. Any further discussion? Commissioner Gibson.

Commissioner Gibson: Mr. Chairman. So, I keep asking myself is this the best that we can do? And I know that that’s like intuitively when we hit gridlock it’s because we’re all very concerned about the end product in 30, 40, 50 years down the road. So much of the Boise Foothills has been developed in a thoughtful manner, and I can’t approve this project based upon just intuitively how I feel about the layout and the configuration. I would support a deferral and recommend that the city staff work with the applicant to come up with some design solutions that might address some of our concerns about the circulation and their impact upon the adjacent neighbors who have invested in their homes and their community. We wouldn’t want to do anything necessarily that would adversely affect them if we have an opportunity to come up with a better design.

Chairman Gillespie: Thank you, Commissioner. Any further discussion on the motion? Commissioner Ansotegui.

Commissioner Ansotegui: Mr. Chair. Sorry, a little slow. I too would support a deferral in this case. Convinced by Commissioner Stevens and Commissioner Gibson.

Chairman Gillespie: Commissioner Stead.

Commissioner Stead: Mr. Chair. Could I withdraw my motion?

Chairman Gillespie: You may.

Commissioner Stead: And make a motion to defer -

Chairman Gillespie: Hold on just one second. Commissioner Finfrock, do you assent to the withdrawal of the motion to approve?

Commissioner Finfrock: I do.

Chairman Gillespie: Alright. So, the table’s clear for any new motions. Commissioner Stead.

Commissioner Stead: Mr. Chair. I’d like to make a motion to defer -
Chairman Gillespie: Mr. Jewett, can you roll up to the front? So, can you just hold that thought for one second so that we can maybe get a date? So, Mr. Jewett, as you know, City code would like you to agree to a deferral because it sets certain time parameters that work for us. So, would you agree to a deferral, which will not - and Leon is thinking about it. So, let’s let him suggest a date.

Leon Letson (City of Boise): Mr. Chairman, we are looking at future public hearing dates, so March it’s 4th and the 11th would be the next. April 1st and 8th.

Chairman Gillespie: Would you voluntarily accept a deferral to March 4th or 11th?

James Jewett (8640 W. Atwater Drive): Could I add some comment?

Chairman Gillespie: Yes.

James Jewett (8640 W. Atwater Drive): Okay. And I appreciate the -

Chairman Gillespie: Just on the deferral issue though.

James Jewett (8640 W. Atwater Drive): That’s difficult.

Chairman Gillespie: Then you can’t make a comment.

James Jewett (8640 W. Atwater Drive): I beg to differ with you. Commissioners have offered comment that wasn’t brought up as part of testimony. I should be allowed rebuttal.

Chairman Gillespie: We can’t do that. We just are discussing a deferral.

James Jewett (8640 W. Atwater Drive): Then I would recommend denial.

Chairman Gillespie: Okay, thank you very much. So, the applicant is not in agreement with the deferral. We can still do a deferral until March 4th or 11th, right?

Leon Letson (City of Boise): Or even April 1st would technically be within the City’s allowance.

Chairman Gillespie: So commissioners, what is our preference on when you’d like to see this back? It looks to me like this is a fairly complex geotechnical problem, so I’m not sure how quick it can be done. So, what are your thoughts on that? Commissioner Stevens.

Commissioner Stevens: Mr. Chair. I’d like to offer a substitute motion.

Chairman Gillespie: Okay, hold on just a second.
Commissioner Stevens:  No, I can do that by Robert’s rules if I get a second.

Chairman Gillespie:  Okay, please continue.

Commissioner Ansotegui:  Second.

Commissioner Stevens:  So may I make the substitute motion?

Chairman Gillespie:  Yes.

Commissioner Stevens:  And that is to deny - sorry Tamara I said it a little too soon. I asked for a second before I’d made a motion. So, my substitute motion is to deny the project.

Commissioner Ansotegui:  Second.

Chairman Gillespie:  Okay. So, we have a motion now to deny all four items. Is there any discussion on the motion? Commissioner Stevens.

Commissioner Stevens:  Mr. Chair. I’ve already stated my reasons to prefer deferral, which definitely is my preference. By denying this, we preclude the applicant from coming back for six months. And, of course, he has the option to appeal to City Council, which in fact he may choose to do, but I sense enough of a reluctance on all - many of our parts to believe that as Commissioner Gibson said, this isn’t the best we can do in this spot. And if I didn’t say it earlier, I should say it now that I do support developing this. Most people know how I feel about it infill and know that I believe that it’s a good policy, and I do think that this lot can support development. So it’s not a matter of - my motion to deny is not a matter of me not wanting any development here, it’s a matter of us helping the applicant get to a place where we can be proud of what we put in this spot in a Foothills location. But because the applicant has indicated that he doesn’t want to defer, I made this motion instead.

Chairman Gillespie:  Thank you, Commissioner Stevens. Is there any further discussion on the motion to deny? Alright, hearing none, will the clerk please call the roll.

Commissioner Stead:  No.

Commissioner Ansotegui:  Aye.

Chairman Gillespie:  No.

Commissioner Stevens:  Aye.

Commissioner Gibson:  Aye.

Commissioner Finfrock:  No.

Clerk:  Three in favor, three opposed, motion does not carry.
Chairman Gillespie: So we are still working. So now the table is clear for any other motions. Commissioner Stead.

Commissioner Stead: Mr. Chair. I move to defer to April 1st.

Commissioner Stevens: Mr. Chair, may I just make a procedural question?

Chairman Gillespie: Yes.

Commissioner Stevens: I believe that when the substitute motion dies, the previous motion is automatically back on the table.

Chairman Gillespie: Oh, okay. So, we now have a motion on the table - although we didn’t get a date inserted. So, the motion as I understand it is to defer to April 1st. Commissioner Finfrock, are you okay with that date insertion?

Commissioner Finfrock: Mr. Chair, I am. Yes.

Chairman Gillespie: And is the City alright with that? Alright. So, is there any further discussion? So, there’s a motion to defer until April 1st. Is there any further discussion on the motion? Commissioner Stead.

Commissioner Stead: Mr. Chair. I think that within the deferral policy, this gives him as much time as we can give him, and if he feels he needs more time he can withdraw and start again.

Chairman Gillespie: Alright. Thank you very much. Any further discussion on the motion to defer? Alright, hearing none, will the clerk please call the roll.

Commissioner Stead: Aye.

Commissioner Ansotegui: Aye.

Chairman Gillespie: Aye,

Commissioner Stevens: Aye.

Commissioner Gibson: No.

Commissioner Finfrock: Aye.

Clerk: Five in favor, one opposed. Motion carries.

Chairman Gillespie: Thank you very much. I appreciate it. That was a hard hearing and I appreciate everybody’s - especially you guys up here and in the audience. Thanks. We’re done.
RESULT: TABLED [6 TO 0]  
MOVER: Meredith Stead, Commissioner  
SECONDER: Janelle Fintrock, Commissioner  
AYES: Ansotegui, Gibson, Stevens, Gillespie, Stead, Fintrock  
ABSTAIN: Claire Paschke

IV. ADJOURNMENT