

**Public Hearing for Skybreak Rim (H-2026-0001) by Conger Group,
located near the southeast corner of S. Eagle Rd., and E. Lake Hazel
Rd.**

- A. Request: Modified Development Agreement to the existing development agreements (Inst. #2021-042520 and #2021-119175).
- B. Request: Planned Unit Development Modification to remove the subject property from the boundary of the approved Pura Vida Ridge Ranch Subdivision and incorporate the proposed development into the boundary of the Skybreak Subdivision with a new development agreement.
- C. Request: Rezone of approximately 6.64 acres of land from the R-8 zone to the R-15 zone.
- D. Request: Preliminary Plat consisting of 38 single-family residential building lots, 5 common lots, 2 common drive lots and one private street lot on 9.74 acres of land in the proposed R-15 zoning district.
- E. Request: Private Street to provide access to the proposed development.

Lorcher: We will start with Item No. H-2026-0001, Skybreak Rim, for a modified development agreement, a planned unit development modification, rezone, preliminary plat and private street request. We will begin with the staff report.

Ritter: Good evening. Linda Ritter with the city of Mukilteo. So, again, this is Skybreak Rim. It is located at 3727 East Lake Hazel Road. It is 9.74 acres of land and it has a current zoning of R-8 and R-15. Again, the applicant is proposing to rezone -- do a portion of the property that is zoned R-8, another portion -- because a part of it is already R-15 and they are looking at doing the preliminary plat. There is currently a plat that is approved with 30 lots that is zoned R-8 and they are looking at rezoning that to R-15. They are doing the planned unit development modification, because that portion of the property was approved with the Pura Vida Subdivision and they are modifying the existing development agreement to do a new development agreement for this portion of the property and they also have private streets. So, this is the Pura Vida Subdivision and this is a portion of the property that they are removing from the planned unit development to create an additional subdivision Skybreak Rim to add to the existing Skybreak Subdivision. So, this is a portion of the property that they will be rezoning to R-15 that is currently R-8. And, again, just a little background. So, this property was -- in 2001 it was included in the planned unit development agreement. Again, it consisted of a mix of residential housing types, including single family detached, attached and townhome units. And, again, they are proposing to remove that portion from the PUD, rezone the parcel and add eight additional lots and it is developing as a standalone subdivision. So, in order to do this again they have to amend the existing PUD to demonstrate that it -- removing

the parcel will not negatively impact the integrity of the remaining development and, again, modify the existing development agreement to exclude the subject parcel and the new development agreement will be established for the proposed standalone subdivision. So, this is the plat that they are proposing. The previous plat had a public road, but they are proposing a private road. This is their landscape plan that is provided with that. So, the open space that they have for this subdivision meets the requirement for the R-15 zone. The open space is actually over what is required. They are providing amenities for this area that -- and they are also sharing amenities with the existing Skybreak Subdivision. So, for the amenities that are being proposed they are providing a shade structure seating area and landscaping. What we have asked the applicant is that 15 days before the City Council hearing that they provide us an exhibit showing the -- these amenities, because it is -- in the code it is considered a picnic area. So, we need to see the things that are proposed -- that are required for a picnic area. So, they will just need to provide us an amenity exhibit showing these things. So, these are the amenities with the existing Skybreak Subdivision that will be shared with this subdivision. Again, they -- if they choose not to share these amenities they don't have to, because the amenities that are with the proposed subdivision Skybreak Rim meet the requirements and no additional amenities are required with that. But that will be up to the developer whether or not he chooses to share with the existing subdivision. So, I'm showing the pedestrian connections that they are proposing to go along with this subdivision. Again, this is a private road now that will connect into the existing subdivision Skybreak Subdivision to the south and this is a common driveway that is an emergency access that they are -- that the fire marshal has approved. This is the pathway that will connect to Pura Vida. It will be a natural pathway, so it will not be paved and the hillside will be left in its natural state. This is an existing pathway that is already built and so this -- it connects to this private road. So, this -- they are showing their pedestrian connection and I just wanted to show what was previously approved with the Pura Vida Subdivision. These are the building elevations that were submitted with this. So, now I just want to talk about some of the things that the city -- some concerns that we had and we have -- the applicant is aware of these, so they are proposing a private road and our private road standards basically state that you are supposed to have a sidewalk on both sides unless -- so, it's supposed to have a five foot -- five foot wide attached sidewalk or a four foot wide detached sidewalk and it shall be provided on both sides of the private street. This may be waived by the decision making body if the applicant can demonstrate an alternative similar pedestrian pathway -- path exists. So, the applicant is asking for waiver to construct the five foot sidewalk on the one side of the street, as previously approved with the previous Skybreak Subdivision. So, they want it to match up. And they have provided a section showing the pedestrian -- the parking along here that would be required for this. You would have to have one side that had parking on it. So, what we are saying is that Commission and Council will need to determine if what is being proposed is sufficient and if it meets the requirement. The private street section of the code was changed in 2025, so we just need you to carefully consider whether the proposed request meets the intent of the current UDC for sidewalks associated with private streets. So, another thing that is common driveways for the -- the revised private street code says that no common driveway shall be allowed off of a private street, unless the street section allows for parking on at least one side of the street or if the development has designated adequate

guest parking dispersed throughout as determined by the director. So, again, the applicant is -- he provided a -- the parking -- oh, my God. Excuse me. They provided the parking exhibit that shows parking for this development and, again, we ask that the Commission and Council review this and determine if what is being proposed is appropriate based on our code and the next thing is the gated area. So, there is -- the way our code reads is that there should be no more than one hundred dwelling units behind a gate. A gated community consist of no more than one hundred dwelling units. So, we bring this up because even though it's a separate subdivision, the only way that you can access this subdivision is through this gated area, because it takes access through this street here that will go up to meet with the new development and when this was -- when Skybreak was approved they -- at that time the code stated no more than 50 homes behind the gate and they were given alternative compliance to add 106 units behind that gate. So, now there is an additional 38 lots that will utilize that gated area and so -- again it's one of those things where we are asking Commission and Council whether or not you feel this is sufficient -- sufficient and it meets the intent of the code. If you guys choose to do alternative compliance for them to allow these units behind this gated area, then, staff needs to be directed to do that or state on the record that is something that you have no objection to. But we have to point these things out to you. Even though it is a standalone subdivision, it still goes through these private roads for this gated area to access these 38 homes. So, those are the concerns that we have, the issues that we ask you to look at and carefully consider for this project. And also in order for this connection to be made to Skybreak Rim they will have to modify Skybreak Subdivision No. 1 in order to lose a buildable lot to bring that private road through there. So, that modification has to take place prior to a final plat being submitted. The city did receive two written comments on this proposal. One was opposed to having to share amenities with the new subdivision and the other one felt that what was approved before was consistent with the subdivision here. The portion of Skybreak -- this was consistent and now that they are rezoning they feel that it's not consistent anymore. So, those were the two written comments that we received on this. Again with the PD -- PUD modification we feel that this being removed from Pura Vida still leaves it in -- intact with the open space and other requirements that it had, so there is no issue with that. Again, the issues that were expressed are the only concerns that we have, but we asked you guys to look at those and -- and give us guidance.

Lorcher: Linda, can you go back to the previous screen where the two gates are located, please? This one. So, where is -- where is Skybreak Rim in this picture, because I'm confused on what I'm looking at.

Ritter: Up here. It will be up here.

Lorcher: Oh.

Ritter: So, this road will extend up to extend a private road into the subject -- into the new subdivision.

Lorcher: Okay. So, if I'm driving I'm coming down this road along these greens and, then, I'm going to turn I guess -- and, then, I can go through this.

Ritter: Yes. This comes in from Eagle Road.

Lorcher: Oh, that's Eagle Road. Okay.

Ritter: This is the public portion and, then, it turns private. And, then, it goes this way up and to --

Lorcher: And then -- and that's the only way in there -- into that new -- into the -- the Skybreak Rim? Is that new extended road where they will give up the lot; is that correct?

Ritter: Correct. Right here it shows it. So, this is Skybreak Rim -- I mean Skybreak and this is Skybreak Rim. So, this is the new private road that will extend up into Skybreak Rim.

Lorcher: Okay. Thank you. Commissioners, do we have any other questions for staff before we invite the applicant to come forward?

Starman: Madam Chair, can I -- can I just interject? I wanted to clarify one topic and Linda can kick me from afar if I misspeak or if I'm wrong, but I don't want to get too technical about this, but there was a comment made during the presentation about alternative compliance for this proposal before you. So, I think, you know, my read of the code is that this -- as Linda's mentioned about three times, this project stands on its own. It's a subdivision. Thirty-eight buildable lots. It does not trigger the requirement in the UDC that requires alternative compliance, because it is -- it's not gated, number one. Number two it is below one hundred buildable lots. But as Linda mentioned -- so, in my read of the code there is no need for alternative compliance, but Linda makes a fair point -- and the applicant will speak to this as well -- is that the access to this new subdivision comes through a gated community and so you need to consider that as you look at, you know, whether it's in the city's interest to amend existing development agreements and proceed with the project of this nature. But I just wanted to clarify there is no -- in my read of the code there is no need for alternative compliance relative to the project before you today.

Lorcher: Thank you.

Ritter: Thanks, Kurt. What -- what I was alluding to is that the previous alternative compliance that was done for Skybreak would need to be amended if we are adding these additional lots to the gated portion of it. But, as Kurt has clarified, the stand-alone subdivision itself does not. The previous one, because of the code at the time, require that, but our code -- with the changes to the code it does not require that anymore. It's just whether or not you feel that this meets the intent of our code.

Lorcher: Right. Okay. Thank you. Would the applicant like to come forward? Hello.

Clark: Got a presentation for me, Linda? While she gets that fired up, Hethe Clark. 251 East Front Street in Boise. Representing the applicant. And before I get too far I just want to remind everybody that that is a recommendation for approval. So, even if it felt maybe like we were in the weeds a little bit there. So, I want to -- but I am going to talk about all those issues as we go through here. But I -- this is one that I think is pretty simple. It's a lot of common sense that goes along with this application and I will kind of show you why that's the case. The -- while she gets back there. So, the application, as you guys know and you saw on the other maps, it's property that's just south of Lake Hazel, just east of Eagle Road. So, you have got arterials right there. I can take it over if you want, Linda. Oh, there we go. You got it. So, this previously was a part of the Pura Vida application and you can see that on the screen. You can also see Skybreak and you can kind of see the larger context for this. You have Discovery Park just not too far away. Firefighting facilities are available. Emergency services. Lake Hazel has been rebuilt. I live in the area, so I got to live through that 18 months of fun to get the Lake Hazel and Eagle intersection done, but it's all there. But one thing I want to point out is we -- we put on -- in red on this map the hillside and that hillside is really what drives a lot of this conversation. So, keeping that hillside there, because I'm -- I want to be pretty consistent in that. The other element of this that I think is really important to point out is the comprehensive planning. So, the southern portion of that block as it were is medium density. That's the existing Skybreak Subdivision. So, lower density. Once you get to the Skybreak Rim boundary you move into medium high density residential as the comp plan designation. So, rather than having the -- the lower density now, we are talking about the comp plan calling for between eight and 12 units per acre, variety of housing types, all that sort of thing. Now, we anticipate that that's going to -- that density is going to be coming with these future applications. It will be down further north closer to Lake Hazel and along Eagle, but that was very much in our minds when we looked at this, because we -- we are supposed to be under the -- under the city's planning somewhere in the range of eight to 12 units per acre for that -- for that piece. Okay. So, more about the hillside. So, those -- if you have ever driven by it -- I'm sure most of you have. It -- it is a steep slope. You got two to one or greater. At some points it's 50 to 60 feet above the valley floor. So, something like a five to six story building there. So, you can see the Skybreak lots that are there looking down on -- on Boise Ranch and in that valley is where the Pura Vida Subdivision is. So, again, this was approved originally with the 30 lots that were part of the Pura Vida Ranch Subdivision. They had a density that was on the low side for the medium high density residential a 5.96, but if you look at the design you can see kind of how these are really two different projects. Down in the valley you have the townhomes, the attached project -- product, the -- the denser product that is kind of down there along the canal and, then, almost completely separated from it was this area that was up on top of the hill and it had -- rather than having the -- kind of different PUD treatment that you had for the lots down below with the different densities, it was just kind of a straight R-8 subdivision. And it was going to be a challenge for those homeowners to access the Pura Vida amenities, because there is not a public street way to get down there from that. They had shown a number of pathways on their plans, but most of those were not feasible. We have maintained the one that actually is feasible, but in order to get down to the other amenities from, you know, what would otherwise be your subdivision

if you were part of Pura Vida, you would have to do the switch back, walk down and if you had the stroller or whatever, probably -- probably not the most ideal situation. So, we really had this 60 feet difference that makes a -- makes a big difference in terms of where that -- that project can and should develop. So, our solution was to work with that property owner to acquire that piece and to incorporate it into the existing Skybreak Subdivision. So, in that case the future residents of that area they would be part of an HOA that's at the same elevation as them, much better access to amenities and just makes sense. Now, I wanted to add a little bit more context. So, after Skybreak was approved and not as a part of the Skybreak approval requirements, the developer decided to add amenities to Skybreak. So, a community pool was added and two more pickle ball -- pickle ball courts were added. Those are, again, above and beyond what the city had required and what the city approved. So, with that there we believe that there is plenty of capacity to be able to -- to serve those residents and -- and I will just hit a couple of these last couple items here and, then, answer questions. So, the staff report identified three questions there at the beginning. Linda talked a bit about those. First one was parking. Parking -- you guys have seen this almost identical drawing that we have presented on behalf of this developer very often. This is a street with parking on one side. Satisfies all the code requirements and you can see that there is 18 on-street additional parking spots. We -- we don't believe that that is a concern. So, let's talk about gates -- and, Commissioner Lorcher, I think this might help part of -- to answer some of your questions that you had. So, Skybreak was approved for 106 lots behind two gates. So, there was already discussion and an allowance to go above what would otherwise have been the -- the -- the code requirement. The code specifically contemplates that the City Council can allow for more lots to be behind gates. It's not a -- not a -- like a strict variance, but in that case they did ask for the alternative compliance. It was granted. So, here was our thinking with these gates. So, the existing rim lots are all accessed behind the gate and you can see that there is two gates there, so the two green arrows. So, it's not just a single access to all the gated lots and -- but there is two gated accesses and two emergency accesses that are proposed. Our thought was to continue with the rim lots, because these are also rim lots and put them also behind the gated area. They -- as you can see it aligns pretty well that way, but we are not proposing any new gates. Instead we are just asking to add these lots to the existing gated area and, then, last with regard to the sidewalk. So, if you look back at the discussion with regard to Skybreak there was a -- an extensive discussion about sidewalks. You probably remember. And so the Council ultimately approved sidewalks on one side. Our proposal is to continue that, make it consistent with the rest of Skybreak. If you -- if you look closely at this drawing -- if the mouse will follow me here. So, the sidewalk that we are proposing is on -- on this side of the street and, then, it -- it will connect into the sidewalk that is on the inner block here in Sky Rim -- in -- sorry -- in Skybreak. Again just trying to stay consistent with the existing approvals, make it match up, and so we are just -- we think that that makes sense and there is no reason to change it. So, just to summarize, no new entitlements are proposed here. This is, again, an attempt to change these project boundaries to include Skybreak Rim in Skybreak HOA. Give these future residents the ability to access their amenities much more easily, make it a more coherent subdivision. It's consistent with the existing Skybreak Subdivision approvals and we are in agreement with the staff conditions. So, I'm happy to answer questions if you have any.

Lorcher: How much of Skybreak is already finished?

Clark: I think it's about 60 percent'ish. Skybreak. Yeah.

Lorcher: Is there a big space between the existing homes and Skybreak and Rim or is the -- are -- are you ready -- if you went to -- if approved that you would just be continuing on?

Clark: We would just be continuing on -- continuing on, Madam Chair.

Lorcher: And the -- the whole Skybreak Subdivision is broken out between gated and non-gated community; is that right?

Clark: That's correct. So, you have -- if you look at this picture the shaded area is gated and all of that stuff behind the gated area is R-15 and, then, everything that's not shaded is on public streets and most of that's R-8. There is a few -- I think there is a little bit R-15 in there as well.

Lorcher: And what is the advantage of having half gated and half non-gated in this particular community?

Cark: Oh. The -- the advantage is that you have kind of that area where you have your typical traditional public streets, but there is also a buyer, you know, oftentimes maybe later in life, maybe, you know, looking for a quieter project, maybe -- that maybe has the narrower streets, less traffic, and so those folks are looking for something that is a little more -- feels a little bit more secure and so this way with the -- the split you have kind of your traditional subdivision on the west and, then, this kind of quieter enclave on the east behind the gates.

Lorcher: But it's not age restricted; correct?

Clark: Not age restricted, no.

Lorcher: All right. And one final question from me. The square footage of the homes that are currently in Skybreak compared to Skybreak Rim, are they similar in size or do they change?

Clark: Well, there is a -- there is a variety of -- of housing -- like housing sizes as you can see here that you have, you know, all the way on the south there is some custom homes with larger lots.

Lorcher: Right. But I'm talking about the majority of what -- where they connect.

Clark: Oh. Where they connect it's -- it's pretty darn similar. I think these are going to be -- the ones on the rim are going to be maybe a touch smaller than with the three foot setbacks, but other than that they are pretty similar.

Lorcher: Okay. Commissioners, do we have any questions for Hethe before we open public testimony?

Gelsomino: Madam Chair?

Lorcher: Commissioner Gelsomino.

Gelsomino: Quick question for you. As a member of my own subdivision's HOA board and a -- a bit of a stickler for policies and procedures, have -- and this might be a question for -- as a matter of confirmation, but have existing Skybreak homeowners or the HOA been notified of the changes to the -- to converting Lot 13, Block 1, and does the HOA's recorded CC&Rs require member consent for alterations to the subdivision boundary or lot count?

Clark: Madam Chair, so two -- two answers there. We had two neighborhood meetings and that's the notification that would typically be provided with regard to a zoning matter. As with most CC&Rs -- and -- and I draft a lot of them -- the -- the CC&Rs allow the developer to annex or modify boundaries of the subdivision and annex additional properties and that's the case with these. So, there -- there is the -- the private legal authority to be able to bring this in in addition to the city process that's required. Yep.

Lorcher: Commissioner Perreault.

Perreault: Thank you, Madam Chair. Hethe, can you just kind of go through a little bit of the history for us on -- I remember this application pretty well for the most part. Lots of conversation about the disconnect between Pura Vida and this property. So -- so, you -- was this purchased from a prior owner or the -- the prior developer? How did that come to be? And then -- and, then, you know, then a desire to bring it into Skybreak. Can you just kind of give us some information on that?

Clark: Yeah. Madam Chair, Commissioner Perreault, I think you have pretty much nailed it. So, yes, that was a conversation between the current owners of the two projects and I think a recognition that Skybreak Rim we will just call it makes more sense with Skybreak and so it was -- it's -- the -- it's going to be acquired from that -- from the existing Pura Vida owner in order to be incorporated into the rest of Skybreak. Does that answer your question?

Perreault: Yeah. I just wanted a little bit more understanding of, you know, at what point did -- did Pura Vida decide, hey, this isn't something we want to continue with with our original and, you know, approval and entitlements and, then, were you approached by them, that kind of thing. Just curious.

Clark: Yeah. So, I would say two things. One is I think -- I think anybody who saw the -- looked at the Pura Vida application initially probably had that question of how is this going to work together. I'm not putting words in anybody's mouth. That's just my -- my impression of it. The conversations have been relatively recent and, then, you know, we submitted once a deal was struck to be able to acquire it and -- and at that point it made -- it -- once that -- once it was clear that it made sense for both parties they moved forward. But beyond that I don't -- I'm not at liberty to share the specific details of the negotiation, but -- yeah. You know, a couple thoughts, too, that I -- I might note in addition, just to -- maybe this helps the Commissioners. A couple is that we are -- you know, Linda mentioned that the property has enough amenity -- or the project has enough amenities to qualify on its own, but I wanted to confirm for the record that we are planning to share amenities and as I mentioned we do have the ability to incorporate that into the existing HOA and I -- I would just note as well that the -- it makes sense for -- from a perspective of economies of scale that you would have the private road come in and be part of the private road network back there, because, then, you can add some miles and some -- some users to help pay for all that maintenance. So, that would -- I would throw that on the pile of things to talk about for a reason to include it.

Lorcher: Okay.

Clark: Okay.

Lorcher: Thank you.

Clark: Thank you.

Lorcher: Madam Clerk, do we have anybody signed up for public testimony?

Lomeli: Thank you, Madam Chair. Yes. The first person is Pete Szobonya. Sorry.

Lorcher: Hi. If you could just state your name and address for the record, please.

Szobonya: Yes. My name is Pete Szobonya and I live at 3405 East Englehart Drive in Skybreak. Excuse me. Losing my voice today. So, I -- I was one of the two comments that were submitted online and so I would just like to reiterate for you to consider that this piece of property was part of the other subdivision and in those documents when the city approved that that developer had said that they purposely made this a zone R-8 so that it would match Skybreak and so now my basic question is what's the reason for changing from an R-8 to an R-15. They stated -- didn't know this until today -- that they are asking for the exemption to have a sidewalk on one street, so that it is consistent with Skybreak, so why change the zoning and the lot -- lot setbacks basically. So, they would be allowed to go from a five foot setback on the sides to a three foot setback, which in my opinion is nowhere near consistent, so --

Lorcher: Okay. We will have him address that after public testimony. Thank you.

Szobonya: Okay. Thank you.

Lomeli: Madam Chair, the next person is Margaret Ann Beckwith.

Lorcher: Hi. If you could state your name and address for the record, please.

Beckwith: Yes. Good evening. I'm Margaret Ann Beckwith and I reside at 3339 East Englehart Drive in the Skybreak Subdivision.

Lorcher: Okay. Thank you.

Beckwith: I am a new resident. We moved in in January and before I begin, Linda, I wanted to thank you for your assistance.

Lorcher: Can you get a little closer to the microphone, please?

Beckwith: Oh, yes.

Lorcher: Thanks.

Beckwith: When we bought our house amenities were very important to us and the reason we chose Skybreak was because we wanted to utilize those amenities and we felt that the size of the neighborhood was balanced against the type of amenities provided and in the purchase price of our housing we paid for those amenities. Now, we find out that the developer wants to expand the subdivision and while the pictures being depicted are very pretty, I would like to show you some pictures of what -- one of the fairly new pickle ball courts look like. Linda, could you bring my pictures up, please. While she is doing that I also wanted to express a concern. Not only is the size of the subdivision increasing, but the number of people from outside the subdivision who come in to utilize our amenities is a constant problem and with the expansion of the new lots and with the subdivision that is going in, the townhouses below it and the pathways being provided, there is no way to restrict the access of people coming into this subdivision and utilizing our amenities that the homeowners are responsible for maintaining and basically pay for.

Lorcher: Let me ask you a question, since we are still waiting on that. So, in order to get to the -- to the pickle ball courts is there -- do you have a key or --

Beckwith: No.

Lorcher: -- is it just wide open?

Beckwith: It's wide open.

Lorcher: And what about the pool?

Beckwith: The pool is secured. It's my understanding we will be provided with fobs. But in talking to people who -- we were not there during the summertime when the pool was initially opened, there also was a problem with people coming in from the outside, because one of the gates was not secure.

Lorcher: Okay. So, that should be something to take up with the HOA to make -- because aren't they the ones who are in charge of maintaining the --

Beckwith: The HOA is currently the developer.

Lorcher: Oh. Okay.

Beckwith: Okay.

Lorcher: Got you. And what other amenities do you have besides the pickle ball courts --

Beckwith: We have the pickle ball courts, the pool and a little playground.

Lorcher: Okay.

Beckwith: Which is quite nice. As you can see this is -- this is what the pickle ball court looks like. There are cracks in the court. The concrete is shifting. I'm not an engineer, but I -- I play pickle ball and I know that it is not a safe court to play on at this point in time because of the holes that are appearing and the cracks. Somebody from the outside came in -- we are assuming -- damaged the net. We -- my husband and I were out walking and encountered a group of seven boys who were on the other pickle ball courts and were vaulting over the nets and vaulting over the fence. They didn't belong to our community. So, our concern is if this is a state of the amenities now with the number of people utilizing it, it's not going to get any better with the number of increased people and we would like you to take that into consideration.

Lorcher: All right. Thank you very much.

Beckwith: Thank you.

Lomeli: Madam Chair, the next person is Thomas Grewe.

Lorcher: Good evening. If you can state your name and address for the record.

Grewe: Thomas Grewe. 3748 East Belfry Lane in Skybreak.

Lorcher: Great. Thank you.

Grewe: First I want to say I have no issue with the homes that are being built over there. I knew it was going to be developed, but last year when they had our first meeting they

said there is only going to be 30 homes. There was a number of us, okay, that's fine. My biggest concern is -- because the way that road -- they want to run through and take out a lot, people moved into that area because it was going to be limited traffic. Quieter. He had mentioned that. That's the reason why people moved there. You put that road through and if you go to 38 homes times two that's 76 extra cars that are going to be going through and that road is narrow. Sidewalk on one side. You can barely get two cars passing each other and if there is a car parked legally you can't get two cars. Also I mean emergency vehicles going down that road, it's going to be tough. So, I think it will greatly affect the property value. The reason why people went in there was for that. Secondly, we moved into a gated community for a specific reason, so, you know, we don't have that extra traffic. Now you are saying there is going to be two ways to get there. They put that through, the gated, and, then, the other way, people will still have access into the gated community. I don't know why they can't just build the road so -- towards Eagle, so is that east? Where they are -- they are doing a huge development over there. They are getting ready to lay pavement and everything like that. There is a cul-de-sac that they dug out that would be a perfect access to the rim lots. That is my big concern. So, I just wish you -- hopefully you will take that into consideration, because traffic will exponentially change that whole road and there is like 11 homes that -- it's just going to be a major thoroughfare. I'm just around the corner, but I connect to Casa Bell. So, that's really my -- my biggest concern and I'm really against them putting -- just throwing a road through. I don't know how they can legally do it when they sell property to, hey, it's a great little circle, limited homes, and you are throwing in that amount. So --

Lorcher: Okay. Thank you very much.

Grewe: Thank you very much.

Lomeli: Madam Chair, we have Danny Cafferty.

Lorcher: Good evening. If you can state your name and address for the record, please.

Cafferty: My name is Danny Cafferty. I live at 3500 East Penny Lane, which is adjacent to this property.

Lorcher: Thank you.

Cafferty: Get my notes here. I am here for a number of reasons. I own the property -- can you put the property up? This is -- this is my property right here, so -- if you can see that or not. I have got approximately 23 acres there.

Lorcher: Oh. Okay. So, you are the big gray square?

Cafferty: Yes.

Lorcher: Okay.

Cafferty: You know, I had irrigation water that ran into my property. In fact, there is a pond -- I don't know if you can see where my pin is here, but it came across this property here from the canal over here and came across into here and it's been done away with now when they have put this development in. I have had some conversation with them that I'm to get irrigation, but I don't have any yet. I want to make certain that I do get that. I feel that it's important for me to have it for future development purposes, plus the fact that I -- I have paid for it and kept it and it's expensive and I want it.

Lorcher: Okay.

Cafferty: They are installing a pressurized system. I have worked with them to install this system. I have allowed him to take my fence down. You know, a lot of them have access across my property, move existing fences and the -- and the road to do their berm work and I have tried to facilitate all their wants and needs and I think I have fairly well. I have been told repeatedly three or four times in meetings that they are going to provide me with alternate access and with all utilities to my property. By all utilities I mean water, sewer, gas, electricity and, then, I come to this meeting and I get this paperwork that lo and behold the property that goes next to me that they were going to run my access onto this future phase it says here, there is a road that's supposed to be coming off of this road that goes into Eagle Road that goes right into my property and, you know, the other thing is on this map here it's my understanding there is cut-offs into my property -- I don't know if you can see it, but there is a cut-off there and that's this road that I was talking about, this future development thing. It's my understanding this road is supposed to go into here and this is to go over into this subdivision here. So, I would think that this has to be done at the same time they are doing this to provide access that they claim they need to get into here and as they do that I expect them to run all utilities and services to me, you know, and maybe they are planning that. I just wanted to confirm it and make sure they are.

Lorcher: Okay.

Cafferty: But I can't see why you would not -- go ahead and do that while you are putting down that that's a future phase, rather than it's something that's going to have to be done to provide access to this part that they are coming in here tonight for --

Lorcher: Right.

Cafferty: -- according to their plans.

Lorcher: So, the developer is here this evening. So, we will make sure that you connect with them, so they can answer some of your questions.

Cafferty: Okay. The -- the -- about the only other thing I have to bring up is, you know, they have addressed parking tonight, but the parking they want to add -- they want to do roadside parking and so forth and, you know, we are a lot more mobile population than what we used to be, folks. You know, I was just sitting back here and I started writing

down some things. You know, there is anniversaries, there is birthdays, there is weddings, there is baby showers, there is wedding showers. I mean there is holidays. There is graduations. There is carpooling. It goes on and on and on. And, guess what, they are all driving cars and they need a place to park them and, you know, I'm not a big fan of roadside parking. I have had two cars that have been ran into being parked on the side of the road. I want to park in a parking lot and I would like to see -- you know, I think it's wonderful the landscaping that they have put in there, but I think you could adjust that landscaping back, you know, and -- and put in some fixed parking spots. Do something of that nature. And I think it would -- it would help them. It would benefit a lot of people.

Lorcher: Okay. Thank you very much.

Cafferty: Thank you.

Lomeli: Madam Chair, no one else has signed up and no one is online.

Lorcher: Is there anyone else in Chambers that would like to speak? Would the applicant like to come forward and address some of the neighbors' concerns, please.

Clark: Going to leave this picture for now and, then, we will switch over to mine. Okay. So, Hethe Clark. 251 East Front Street in Boise. So, I wanted to keep this picture up, because I actually think that it's pretty helpful with regard to the first question about matching Skybreak. So, if you look at this picture, everything that is orange is R-15. Everything that's yellow is R-8. So, what you actually have with Skybreak Rim is an island of R-8 where the -- that we are -- we are asking to make consistent with everything else, including the Pura Vida on the north and all of the gated area of Skybreak on the south. Linda, you can switch me over now. Beyond that, I want to emphasize when it comes to this kind of consistency comment is that this is medium high density residential on the comp plan and medium high density residential calls for eight to 12 dwelling units per acre. We are at less than six. So, ultimately what that does is we talk here a lot about transition and making a good transition from one product type to the next. What we think Skybreak Rim is going to do is it's going to help to transition from the future more dense stuff on the north in the -- in the Skybreak Rim and, then, also -- all the way down into Skybreak itself. So, just to remind everybody, yeah, medium high density residential for Skybreak Rim. With regard to amenities, appreciate the concern. I do want to point out a couple of things. So, again, these are the additional amenities that we have added. The pool is card -- does have a card reader. The outdoor amenities are like every other HOA, you don't usually put like a padlock on everything. You know, you do have to deal with some of the folks from the neighborhood coming in, but that is something that -- that we and every other HOA deal with, but I also want to just point out -- like these are some of the existing the amenities that were approved with the original package and it wasn't just a couple of things, it was we had pick -- in addition to the two pickle ball courts we had another pickle ball court, three fenced dog parks, pathways, shade structures, all sorts of things. So, this is a very amenitized project. It can -- it's more than capable of handling that. Now, with regard to the -- the cracks, we have reached out to our concrete contractor for warranty work to figure out what's going on there and they are on it. So,

we will -- that will -- that will be addressed. With regard to Mr. Cafferty's comments -- let me see. I have got another better picture here. So, there are not one, but four accesses to Mr. Cafferty's property. So, if you look on the north at Pura Vida there is an existing access down at the bottom of the hill. Then Mr. Cafferty has his existing driveway access out to Eagle Road. In addition to that you have that cul-de-sac access that I think is in. Am I remembering that right? Under construction. And then -- and, yet, an additional access to the -- to the east there. So, there is four access points for Mr. Cafferty's property. Utilities -- everything gets stubbed. I mean that's a city requirement. You guys are very familiar with those requirements. So, you know, we -- we are -- we are not land locking anyone. We are not cutting off anyone. In fact, you can see it's a -- it's a very porous design and it provides for the interconnectivity that the city requires. So, I think the last question had to do with the gated area. So, the -- the gated street, gated area streets are 27 foot streets. So, this is the same dimension as a public street. No parking on one side. Parking on the other side. So, it's -- it's -- it's a street section that this group is very familiar with. So, it's not a stand sideways and get past each other kind of a situation. It is a 27 foot street section. The other access here that was mentioned, that is emergency only. So, that is not going to provide a back door to get into the gated area somehow. That is only emergency. And, then, I guess the last thing that I would -- point I would make is that there is -- there is over -- or already a hundred houses that were planned for it -- to be in the gated area and you can see this gated area is very porous. It's -- in terms of the -- the -- a number of blocks. It's -- it's -- oops. Excuse me. It's gridded. So, there is a lot of different ways to get in and out of there. You know, so from -- from our perspective it's a -- it's -- it is more than adequate to be able to handle the additional 38 lots and we wouldn't propose it if we thought that it was going to make that area less pleasant, less marketable. So, with that I'm happy to answer any follow-up questions and -- and especially if you think that there is something from the -- from the public that I might have missed, so --

Lorcher: Commissioner Perreault.

Perreault: Madam Chair. So, the request to go to R-15 is that primarily to bring in the additional lots -- we have density increase or are there setback changes that you are intending as well?

Clark: Commissioner Perreault, we are not proposing any changes to the dimensional standards in the R-15. The -- the proposal is to make it consistent with the area zoning both on the north and on the south. We are proposing R-15 style lots with three three foot setbacks. That would generally include a side yard easement, so you have actually use of six feet in between each one, if you are familiar with how the side yard easements work. But other than that standard R-15 dimensional standards.

Lorcher: And just to reiterate in regards to the roads and the proposed -- that they are all private within the gated community. So, if I'm towards the south of the development, those roads of 27 feet are identical to the ones that you are proposing to the north; correct?

Clark: Madam Chair, that's correct.

Lorcher: Commissioner Sandoval, do you have any questions before we close the --

Sandoval: Madam Chair, nothing for me.

Lorcher: Okay. Thank you. Everyone good? All right. I think we are good. Thank you very much.

Perreault: Madam Chair, I have a question for staff if that's okay.

Lorcher: Sure.

Perreault: The staff report mentioned that planning staff had a conversation with the fire department about emergency access to this and feasibility and if there is any concerns and I didn't see anything in the agency comments. So, I was curious if there is anything that should be added to what we know.

Ritter: There are conditions under the fire department's section in the staff report. So, they did add a couple of conditions to it. So, they have to sign the road and, then, they also have to make a connection off of Vantage Point. There is a section that is not paved, so they will have to pave that so it connects, so they can get access into the development for emergency access.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Okay. So, that -- they just didn't put that in -- in writing to add into the -- into the agency comments, but they did review what -- what was in the staff report and added additional conditions or --

Ritter: So, they added a couple of conditions to the staff report that are under the agency comment section. So, it's under the Meridian Fire Department.

Lorcher: All right. And, then, before we close the public hearing, Hethe, if -- if your team could just sit with Mr. McCafferty to make sure all his questions are answered before the evening's done that would be great. May I get a motion to close the public hearing, please?

Gelsomino: So moved.

Perreault: Second.

Lorcher: It's been moved and seconded to close the public hearing for Skybreak Rim. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: I get a better clearer picture with it visualized here than I did in the staff report, because everything was very tiny and it -- it makes more sense to continue Skybreak than to have a top -- a topography that really set -- sets back the Pura Vida from this to make it more consistent. I know 38 homes probably seems a lot and it may seem like a little bit of a bait and switch, but when there is open developed land to be done there is always going to be changes based on market conditions and as far as the way that they have designed this to be consistent with the property to the south -- as he said it just kind of makes sense. It's not necessarily what we want in our community because nobody likes change, but if they were to add houses, which you all knew that they were going to eventually, this one makes sense to me. It's consistent with the size of the roads. It's consistent the way everything kind of works. The -- it is not required for the developer to share the amenities, because they have their own, so as you develop the HOA -- and I mean maybe that's something you decide that these 38 houses can only have their own amenities, but it kind of makes sense where it all kind of blends together. I -- I'm in favor of this and it is a standalone subdivision and they have gone through the due diligence of making sure all the changes kind of fit the code and what it needs to be and because of the topography it's limited in what you can and cannot do to that area based on that big ridge that -- and the density is consistent. So, I don't have any problems with this design personally.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I agree. Just want to address the three items that staff brought up and I believe that there is sufficient parking on one side of the street to meet the parking concerns. Eighteen spaces. I don't -- I'm not a huge fan of street parking either, but 18 spaces for 38 lots is -- I -- I think is sufficient for that. And, then, as far as -- as far as the gated community adding -- as far as, you know, having 106 units and, then, adding the 38 units, I don't think that that is -- I don't think that creates, you know, a problem. I understand from a marketing standpoint that the current owners would be concerned that the gated community would be -- would become larger and that new buyers may -- you know, may have some concerns about that as well. But ultimately we just have to decide if it's something that the city code -- you know, that they have gotten approval on the -- on the code side and so I think in this particular situation I'm not as concerned about adding those lots to the gated community area. It's clear where the gates are. It's clear when you are coming into that area that it's intended to have a different feel and look and size of home. So, I think it's -- as you said I think it's consistent with what is existing there and -- and, then, again, I think the five foot sidewalk on the east side is -- is going to be sufficient for that size of addition to the neighborhood.

Gelsomino: Madam Chair, I will -- I will agree with yourself and my fellow Commissioner Perreault. I will say that as a relatively newer homeowner in the Chateau Meadows

Subdivision, who, along with my fellow neighbors and HOA board members met with ACHD for the future of the Locust Grove Road expansion. We -- I -- I can sympathize and -- and somewhat empathize with the growing pains of growing, that there are discomforts, especially in our situation, we are going to be losing a lot of the sound buffer from the mature trees that line Locust Grove and as the expansion happens it could, you know, entail a noisier neighborhood. I understand that. We understand that. We are -- but that is, unfortunately, one of the gives and takes of the growth that we are experiencing, not only in this valley, but in the state. I would just as always encourage the continued open communication between -- excuse me -- between developer HOA and the residents both within the neighborhood, as well as the surrounding areas that are -- and -- and all parties affected. But, otherwise, I agree with all the comments that have been made.

Lorcher: Commissioner Sandoval, any other comments?

Sandoval: Yeah, Madam Chair. Just quickly. Moving to the R-15 just makes sense. It's surrounded by R-15. Yeah, I definitely support the application as is.

Lorcher: Okay. Thank you. I mean they are doing density of six units per acre or whatever it is, so it's on the lower side, so I think that's good as well. After considering all staff, applicant and public testimony, I move to recommend approval to City Council of File No. H-2026-0001 as presented in the staff report on the hearing date of April 14th, 2026.

Gelsomino: Seconded.

Lorcher: It's been moved and seconded to approve Skybreak Rim. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.