

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think it looks like a good use and looks like they have done a nice job with the site plan. So, I didn't hear anybody else jumping up to make other comments, I'm happy to make a motion if we are ready for that. I believe -- it's just a conditional use permit, so that's our body to decide that, so after considering all staff, applicant, and public testimony, I move to approve the conditional use permit request for Northpoint Recovery Center, H-2020-0126, as presented in the staff report for the hearing date of February 4th, 2021.

Grove: Second.

Seal: Second.

McCarvel: It has been moved and seconded to approve H-2020-0126, Northpoint Recovery Center. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: ALL AYES.

8. Public Hearing for Shafer View Terrace (H-2020-0117) by Breckon Land Design, Located on the east side of S. Meridian Rd./SH 69, midway between E. Amity Rd. and E. Lake Hazel Rd.

- A. Request: Annexation of a total of 40.48 acres of land with R-2 (10.66 acres) and R-4 (29.82 acres) zoning districts.
- B. Request: A Preliminary Plat consisting of 50 buildable lots and 10 common lots on 39.01 acres of land in the R-2 and R-4 zoning districts.

McCarvel: And moving on through, before we even get to the two hour mark, We will open the public hearing for Item H-2020-0117, Shafer View Terrace, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. Let me just make sure my presentation is caught up to me this time. Can you all see the zoning maps?

McCarvel: No, we are still -- oh, there we go.

Allen: Alrighty. The last application for you tonight is a request for annexation and a preliminary plat. The site consists of 39.01 acres of land. It's zoned RUT in Ada county and it's located on the east side of South Meridian Road, State Highway 69, midway between East Amity Road and East Lake Hazel Road. Adjacent land use and zoning. To the north, east, and west is future single family residential, zoned R-4 and R-8, and to

the south is single family rural residential zoned RUT in Ada county. This property is part of Shafer View Estates Subdivision to the south recorded in 2002. It was deed restricted and was only allowed to be used for open space for a period of not less than 15 years from the date of recording of the plat. That time period has since elapsed and it is now eligible for development. The Comprehensive Plan future land use map designation is low density residential, which calls for three or fewer units per acre. The proposed annexation is for 40.48 acres of land, with R-2 zoning, which consists of 10.66 acres on the east end of the site and R-4 zoning, which consists of 29.82 acres on the west side. This does include a -- adjacent right of way to the section line of South Meridian Road and State Highway 69 and to the centerline of Quartz Creek Street to the north. A total of 50 residential dwelling units are proposed to develop on the site at an overall gross density of 1.76 units per acre, consistent with the associated --

McCarvel: Go ahead.

Allen: Okay. The density is consistent with the associated low density residential future land use map designation for the site. Although the proposed density is more consistent with an R-2, low density residential zoning district, the applicant is requesting R-4 in order to provide a transition in lot sizes between the existing rural residential subdivision to the south, Shafer View Estates, and the future urban residential subdivision approved to the north, Prevail Subdivision, zoned R-8. Larger lots are proposed along the southern boundary adjacent to rural residential lots that gradually transition to smaller lots to the north. A common lot that contains a 41 foot wide easement for the McBirney Lateral, separates the proposed lots from the existing rural lots. You can see a little bit better on this color map. The McBirney Lateral is right there, if you can see my pointer.

McCarvel: Yes.

Allen: And the proposed plat is a subdivision of Lot 4, Block 1, Shafer View Estates, as I previously mentioned, and is proposed to consist of 50 buildable lots and ten common lots on 39.01 acres of land and be developed in three phases, as shown on the phasing plan. The third phase is under separate ownership and it consists of one 10.66 acre lot that is proposed to develop separately with the Apex Development to the east. If you will remember, this corner section was -- was previously included in the Apex annexation application, but it was later withdrawn, because that parcel was split off through means that we don't recognize as a legal parcel. So, they withdrew that annexation request and that parcel from their application and now it's being included in this application. But will develop in the future with the Apex development. Two accesses are proposed via East Quartz Creek Street, a planned collector street along the northern boundary of the site. Direct access via East Shafer View Drive, an existing local street along the southern boundary of the site, is proposed for the lot south of the McBirney Lateral. An emergency only access is proposed between the cul-de-sac and East Shafer View Drive and that is this area right here, if you can see my pointer. Access to the R-2 zoned portion of the site is anticipated to be provided from the east, as I mentioned, with the Apex development. Direct lot access via South Meridian Road and State Highway 69 is prohibited. The proposed street sections accommodate on-street parking on both sides

of the streets, which should be sufficient to serve guests, in addition to driveway parking on each lot. Development of the subdivision is required to comply with the subdivision design and improvement standards in the UDC, which include block face standards. The face of block three -- and that is this block right here where my pointer is at -- exceeds the maximum block length allowed and does not provide a pedestrian connection, other than the emergency access driveway and, again, that's right here, which may serve as a pedestrian connection between the proposed subdivision and Shafer View Estates to the south. The applicant is requesting a Council approval of a waiver to allow Block 3 to exceed 1,200 feet due to existing site constraints that include the following: The narrow configuration of the subject property. The location of the McBirney Lateral, a large waterway irrigation facility that runs along the southern boundary and through the western portion of the proposed subdivision. And the existing Shafer View Subdivision that abuts the site to the south, south of the lateral, which does not include any pedestrian pathways or stub streets to this property. If not approved the plat should be reconfigured to comply with this standard. An emergency access road for Fire Department is proposed between the end of the cul-de-sac and East Shafer View Road, but it's not a public access. Again, that's just right here. A ten foot wide detached multi-use pathway is proposed along South Meridian Road and State Highway 69 within the street buffer as required in the pathways master plan. A detached sidewalk is proposed along East Quartz Creek Street. A combination of attached and detached sidewalks with parkways is proposed within the development. A 35 foot wide street buffer is required along South Meridian Road, an entryway corridor, and a 20 foot wide buffer is required along Quartz Creek, a collector street. Noise abatement is required to be provided for residential uses adjacent to State Highway 69. A four foot tall berm and six foot tall Simtek wall is proposed as noise abatement in accord with UDC standards. A minimum of ten percent qualified open space, 3.9 acres, and one site amenity is required to be provided with the subdivision. A total of 4.05 acres or 14.27 percent is proposed, along with four site amenities, consisting of a multi-sport court, tot lot, gazebo shade structure and segment of the city's multi-use pathway system in excess of UDC standards. A mix of six foot tall wrought iron and six foot tall solid vinyl fencing is proposed adjacent to common areas. Wrought iron fencing is proposed along the McBirney Lateral. Two waterways cross this site. As I mentioned earlier, the McBirney Lateral, it's a large open waterway within a 41 foot wide easement along the southern boundary and through the western portion of the site and a 38 foot wide slough or drain on the eastern portion of the site that the applicant has confirmed with Boise Project Board of Control is not within an easement and that is this area right on the backside of these lots right here. The UDC allows waterways to remain open when used as a water amenity or linear open space as defined. The Council may waive this requirement if it finds the public purpose requiring such will not be served and public safety can be preserved. The applicant is not proposing to improve the McBirney Lateral as required in order for it to remain open and request a Council waiver to allow it to remain open and not be piped, as allowed by the UDC. A six foot tall wrought iron fence is proposed along both sides of the waterway to deter access to the waterway and to ensure public safety. No public testimony was received on this application. The applicant requested some corrections to the staff report, which have been made. Staff is recommending approval with the requirement of a development agreement per the provisions in the staff report, with the following added conditions that are contained in

your hearing outline. The 38 foot wide drain on the eastern portion of the site shall be contained -- contained entirely within common lots. Fencing is required on both sides of the drain consistent with the standards in the UDC. If piped, the common lot containing the drain on the eastern portion of the site shall have vegetative ground cover to prevent fire hazard and unsightliness and modification to condition number nine to allow the option for the waterways on the site to be improved as a water amenity as an alternative to being piped, as allowed by the UDC with submittal of construction drawings and relevant calculations prepared by a qualified licensed professional registered in the state of Idaho that demonstrates compliance with the requirements for water amenities as defined in the UDC. Staff did discuss these recommended changes with the applicant and they are in agreement with the proposed changes and the staff report. Staff will stand for any questions.

McCarvel: Any questions --

Allen: I did forget to mention the conceptual elevations -- excuse me, Madam Chair -- that were submitted as shown for this development. Thank you.

McCarvel: Thank you. Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, can you go back to that -- the -- I think it was the previous slide, the color -- one more back. The color seems to be the easiest one to view. There you go. Lot -- what did -- what are the lot widths on 15, 16, 17 in there?

Allen: I'm not sure. Give me a moment and I will pull up the plat.

Cassinelli: Okay. I'm just curious the transition between the properties to the south.

Allen: Did you say 15, 16 and 17?

Cassinelli: Yeah.

Allen: Okay.

Cassinelli: They are going to line up to the ones along the north, too. Two. Three. Four.

Allen: Lot 15 is 90 feet wide. Actually, they all are. Fifteen, sixteen and seventeen are 90 feet wide.

Cassinelli: Okay. Thank you.

McCarvel: Okay. Any other questions for staff? Okay. Would the applicant like to begin? And, please, state your name and address for the record.

Breckon: Yes. Jon Breckon. Breckon Land Design. 6661 Glenwood Street, Garden City.

McCarvel: Thank you.

Breckon: I have a PowerPoint presentation. Can I share that?

McCarvel: Sure. Get Adrienne to let you do that.

Weatherly: Jon, you should be able to share your screen now.

Breckon: Okay. Okay. Can you see that?

McCarvel: Yes.

Breckon: Okay. Thank you. Thank you, Sonya. I think Sonya did a great job explaining a few intricacies to the project and it's a little bit challenging due to the odd shape and there is a substantial grade change across the site as well that has led us to this latest concept. We worked with staff, as well as the neighbors to the south, to come up with this concept. You know, our goal was to provide a quality development and to allow or provide appropriate transition from the larger lots to the south and to the smaller lots to the north, which -- which is the R-8. So, that's why we have chosen the R-4 zoning designation and I will explain that a little bit more here as we go. Here is an overview of the site location and you can see the larger lots to the south and Meridian Road on the west. You may be familiar with the Prevail Subdivision to the north. That's -- that's the R-8. Apex, then, wraps the east side and here is a quick shot that depicts the existing city limits that wrap around the property in the light gray. Our project is the dark gray. So, here is a snapshot of the current zoning. You can see Prevail to the north, R-8. Apex development on the east is R-4. We have the parking lots in the county to the south of us and, then, I believe Apex is proposing R-2 -- or would like to do larger lots, so that's why we have included that as R-2 zoning and, then, we have R-4 and I should note that even though we are proposing R-4 for phase one and phase two, that 32 of those 50 lots actually exceed 12,000 square feet, which is the R-2 minimum lot size and that was intentional to provide larger lots particularly adjacent to our neighbors to the south and, then, here, again, the color plan. So, you can see these lots on the south here are fairly large and all these lots that are directly adjacent to the neighbors are of that larger variety. And, then, we have transitioned lots to the north of -- that will border Prevail to the north of us, are a little bit smaller. The McBirney Lateral, I would like to speak to that a little bit. That's a really relatively large irrigation ditch. It's owned by the Boise Project Board Of Control and initially our intent was to beautify that so that it could be utilized as an amenity with a pathway on the side. We met with -- out on the site with Boise Project and they informed us that we would not be allowed to provide any improvements within their easement there. Due to the size of it -- we did research what it would require to pipe that

and it would be a minimum of a 30 inch pipe for over 2,000 feet and the cost of that would be substantially prohibitive. The initial estimate is about a half a million dollars to -- to pipe that. You can see that we have a pond here. That would be for irrigation purposes. Our water supply comes from the east and there is an existing pump station kind of right where my cursor is shown. We also did quite an exploration to -- in an effort to provide a better connectivity. One of the thoughts was to extend this road -- this dead end road here and connect it up to the Shafer View Drive and that proved to be very challenging. There is some substantial grade change there and there -- there are all the existing irrigation improvements. There is a pump station, as well as large irrigation pipe that comes through and feeds in McBirney from east, all -- it comes together with diverge boxes, et cetera, right at that location. So, it would make it extremely challenging. Let's see. Other items to maybe explain. There was some concern by the neighbors down in -- in this area regarding, you know, density and adjacency to open space and so one of the changes we made from the original design was to provide a landscape buffer between the new lots and they are all -- other things I can share are that -- we have tried to provide additional improvements in the form of amenities. One -- I believe one amenity is required and we are -- we are proposing three, with a tot lot, a multi-sport court, and a picnic gazebo. Here is another shot just to kind of depict that -- that transition that we were trying to achieve. You can see the -- the Prevail laid out to the north and how the lot sizes transition as you -- as you move to the south. Here is a slide that touches on the schools. That would -- where, you know, children would attend. The Mary McPherson Elementary School that just finished up a classroom expansion. There is Victory Middle School and, then, the Mountain View High School. Here are emergency services located on this map. Project site. Fire Station Number 6. This location. And the police station. And response -- response time is three to five minutes. So, here is a shot of what that multi-sport court might look like. Along Meridian Road -- no, that -- Meridian Road, as you know, comes busier and busier every year and in an effort to mitigate that we are proposing a berm, as well as a solid Simtec type fence on top of the berm. The berm would be four feet in height and, then, the fence six. So, that would provide a net ten foot buffer, as well as the landscape and a ten foot path. Here is a shot of what we would like the -- the homes to look like and, then, this is just a compilation of what Sonya already spoke to about the waivers and exceptions that we are -- we are requesting.

McCarvel: Thank you.

Breckon: Thank you.

McCarvel: Do we have any questions for the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I just have some questions on some of the open space that's there on the -- the open space that's south of the lateral, it looks like there is another pond there. Yes. What is that?

Breckon: Yes. That's a -- that's an existing drainage area that -- that takes -- it's a stormwater swale and it takes runoff from this existing street and right now it's kind of a dryland seed mix and so what we would like to do is green that up and, then, retain the drainage swale.

Seal: And, then, the common area on the -- kind of the northeastern side, same thing, there is an irrigation -- I mean a pondish area there. Is it for irrigation?

Breckon: Yes. This is a proposed irrigation pond. That was one of the requests from Boise Project when we were researching how to utilize water right -- surface water right for pressurized irrigation. They recommended we provide an irrigation pond.

Seal: That will be dry during the wintertime?

Breckon: No. We intend to -- it would just -- the water would lower during the wintertime.

Seal: Okay. Thank you.

McCarvel: Any other questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Jon, did you get any feedback from the neighbors on the south there about those -- I brought up those lots, 15 to 17, that are kind of -- they are 90 foot wide. So, kind of long and skinny there. Did you -- that puts about a two to one transition. Did you get any feedback and, if so, what was -- can you talk about that from the neighbors to the south?

Breckon: No. The neighbors directly the south of those didn't really give us any feedback. We did get some feedback from the folks here over on the west side. They were mostly concerned and so, like I said before, we were just trying to mitigate that by providing a -- more of a landscape here for them. These lots, you know, I mean -- I think we are all used to seeing the -- the R-8 variety that's very prevalent or smaller and, you know, these are -- these are actually pretty nice size lots in today's marketplace. While these are 90 feet wide and look a little skinnier, they are pretty close to 200 -- you know, one of them is 215 feet deep. The other one is 194. So, they are -- they are not what you see typically these days.

Cassinelli: Yeah. Not the depth, though, it's -- the width that -- because you are getting a two to one transition. That's my only -- when I looked at that that's -- that was the question I have. But if you are not getting any -- if you weren't getting any feedback, any opposition from the neighbors --

Breckon: Yes, sir. No, we did not.

Cassinelli: Okay. Thank you.

Seal: Madam Chair, I have a follow-up question.

McCarvel: Sure. Commissioner Seal.

Seal: Just on the -- the lots that border the subdivision to the south there, are they going to be limited to one story or is there any limitation on the height that you are going to put on those?

Breckon: Wasn't planning on it. You know, that -- I remember back in the neighborhood meeting I don't know that -- we talked about that. Just touched on it. That, you know, we are planning on a variety of home styles and that they would be of a similar design to -- to what exists to the south of us. You know, that -- that style and stature. But I could add, too -- and say that, you know, the intent is to have a tight architectural control standard there to maintain the quality.

McCarvel: Great. Thank you. Any other questions for the applicant?

Lorcher: Madam Chair?

McCarvel: Yes, Commissioner Lorcher.

Lorcher: The lateral that runs between the two subdivisions, I think, Jon, you mentioned that's being run by the irrigation company; correct?

Breckon: Yes.

Lorcher: So, they will not let you do an improvement, so do you anticipate that just being a dirt road?

Breckon: Yes. Unfortunately, we do. Yes. It was our hope that we could beautify that and provide a pathway and green that up, but they were very specific. If there is some way to persuade them we would be interested in pursuing that.

Lorcher: And will the homesites on the edges of that road have fencing behind it or would be open view?

Breckon: Correct. That was one of the items that came up with conversation with staff that the edges of this entire ditch would be fenced, so that it's essentially inaccessible from a safety standpoint.

Lorcher: Would homeowners be eligible to make a gate, so they have access to it? I assume that becomes a -- kind of a walking path or is it completely inaccessible to people?

Breckon: I think -- I suppose you could. I -- you know, I think the intent was that it would, essentially, be gated off due to safety, since we want to keep it open.

Lorcher: Open canal?

Breckon: Correct.

Lorcher: Got you. Thank you.

McCarvel: Okay. Any other questions for staff -- or for the applicant? Sorry.

Seal: Madam Chair, I have got one more question. Sorry.

McCarvel: Commissioner Seal.

Seal: The -- the waterway that's on the -- the northeast side of it, that's on the other side of the homes there -- yes. Is that going to be covered or improved or what -- what is the -- it sounded like from the staff report there was no improvement, but no plan to cover it as well.

Breckon: Correct. That's a -- that's a great question. We were looking at that today, because it's -- it's not what you were used to seeing. It is an historic drainage way runoff route, if you will, that collects field runoff. It's an open facility. It's -- it's kind of a broad open drainage way and the -- we had talked about potential for piping it. However, since it accepts runoff -- just historic runoff -- natural runoff from -- from side -- from the sides, piping it does not seem to be a feasible option. Yeah. The -- the intent there would be to seed it and not improve it. I think that -- did that answer your question?

Seal: And the reason I asked that question is because -- and, especially, after if you said you would seed it and not improve it. I mean it's a part of the subdivision that's behind those houses. That seems like it's just -- it's going to be something that's going to be a hassle for them to maintain. It doesn't really serve a purpose it sounds like, but it can't be filled in and it can't be covered over, so, then, it just becomes a weed patch that's going to sit behind these homes.

Breckon: Yeah. I guess our intent would be to plant it with a natural grass and -- and allow it to continue to function the way it has.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Jon, I had another question on the -- the emergency access there at the end of the cul-de-sac on the south -- I guess the southeast portion. I'm assuming there is a -- there is an easement through to -- through the -- those properties there.

Breckon: There is. There is a -- well, the property -- that property actually connects here, but it allows for irrigation access -- irrigation -- there is an irrigation access easement that, you know, encompasses the McBirney and it also extends over to the east.

Cassinelli: Okay. So, that irrigation easement, that's where you will be taking the emergency access?

Breckon: Yes.

McCarvel: Okay.

Cassinelli: Okay.

McCarvel: Any other questions for the applicant? Hearing none, do we have any public testimony, Madam Clerk?

Weatherly: Madam Chair, we have two people in house. The first of which is Marvin Ward.

McCarvel: Okay. Please state your name and address for the record.

Ward: Sure. Marvin Ward.

McCarvel: And if he could pull that microphone real close to you.

Ward: This one?

McCarvel: Sorry.

Ward: How is that?

McCarvel: Yeah.

Ward: Is that better?

McCarvel: There you go.

Ward: Okay. Marvin Ward. 152 East Shafer View. I am the first house in the subdivision of Shafer View there coming off of Meridian Road. Several concerns that we mentioned during the neighborhood meeting that we were hoping would be kind of looked at maybe a little bit better. These first four lots here I can't see on here the lot numbers that are adjacent coming off of the Shafer View. The access there would be into our subdivision and that also is a blind corner coming in off of Meridian Road and if you have been off of Meridian Road into that subdivision, getting across there sometimes the traffic is moving quite fast, we are pretty concerned about safety of children and residences on that corner with those four lots there. I appreciate the little access pathway there, but it's still -- you

know, I'm -- I'm concerned -- we are really concerned about the -- the safety of the -- of the people in that little corridor right there in -- in coming into the subdivision and adding that much more traffic to the subdivision as -- as it is -- as it is right now. It might be too many lots. I don't know. Of course when we all bought into this Shafer View Subdivision we were one acre lots, with the idea that the plan going forward around us would be minimum of one acre lots and, of course, times change and now we are looking at lots that are much smaller than that, which seem to kind of go against our grain a little bit, of course. But, you know, working on half acre lots we kind of understand that. The buffer of the canal is making some difference. But I remember, at least in my mind, from the neighborhood discussion that we had, that the -- the lots to the south that bordered the canal and Shafer View were going to be one story, so we -- they would not block the views that we have of the mountains at this point. We have some nice views of Shafer View. Thus Shafer View Subdivision. Shafer Butte. Excuse me. And so we were, you know, kind of hoping on that area there. The -- the emergency access is there at the end of the cul-de-sac, comes into where that -- the no access is allowed from the canal company and we are -- we are coming across that access there with all the irrigation and the pumphouse and all that stuff and make it an access road through the -- the Boise Board of Control access. So, anyway, some of the lot widths and stuff, trying to get through there, so -- a little concerned about those things and the development around the entryway and those four lots coming in as a safety concern for children and stuff playing there, that is a very volatile -- it's coming around the corner and it's an up hill. It's a blind corner coming around there and it sometimes gets a little -- a little worrisome there, so --

McCarvel: Thank you.

Ward: Thank you.

McCarvel: Madam Clerk?

Weatherly: Excuse me. Sorry, Madam Chair. Next is Gayle Ward.

McCarvel: Thank you.

G.Ward: My name is Gayle Ward. 152 East Shafer View. Also my husband. We live in that very first house. You know, I know progress brings all these homes into our neighborhoods and, you know, you want a country atmosphere and it's getting taken away and it's getting gobbled up real fast. But what really concerns me, too, is those four lots in the beginning of our subdivision. Like Mark said, safety is an issue first and the other thing is you are coming into acre lots. You are putting four little houses coming into acre lots and I don't know why. I mean you could easily put, you know, two houses in an acre each. I just think it kind of starts tearing down our subdivision and it's not meant to be that way. It's supposed to be acre lots in that section. So, that's my opinion. I don't think it's appropriate to put four houses there. So, thank you.

McCarvel: Okay. Thank you. Anyone else in Chambers or online that wishes to speak on this application, if you would press the raise hands if you are online. Okay. Seeing no other public testimony, Jon, would you like to address those comments?

Breckon: Yes, please. Actually, I'm going to switch screens, pull up the landscape plan. Here is the preliminary plat landscape plan, which depicts these four lots and you can see the landscape buffer here we are proposing. Also like to -- you know, I didn't actually talk about this, but I would like to address it. You can see here the vision triangle on the one side. This landscape plan we have only addressed the area immediate -- or included in the plat. However, I would also like to just speak to the entrance and we talked about this at the neighborhood meeting and there -- there definitely is some concern about visibility coming in or going out as there is a substantial grade change coming up Shafer View from Meridian Road. There is some landscaping that is fairly mature March trees and it is our intent -- we would like to redo this area, actually, on both sides. I would be glad to make it a condition of approval -- to address that to increase the visibility and to mitigate any of the safety concern there and to beautify this frontage at the same time. The other item mentioned is these four lots here, with the exception of number five, are all approximately a half an acre in size. Five is a little bit smaller. However, it's adjacent to the -- to the open space. Additionally, you know, there was some discussion about the views to Shafer Butte -- and I'm going to flip back to the overall view here. But there is quite a bit of grade change through this property. It all slopes down from Shafer View Drive down to this drainage and, for example, across these lots through here there is approximately five to seven feet of fall and there is also a grade change across these lines as well and so it's our feeling -- strong feeling that even though we would have two story homes there, it will not impede views to the north. There is about -- as you go -- as you transition here to the east there is even more grade change, approximately 15 feet across this, and -- you know. And that was one of the reasons here to provide some of this open space in between, just to provide as much buffer as possible to the existing homes.

McCarvel: Any questions for the applicant? Okay. Thank you, Jon. If you don't have any other comments, it looks like we don't have any other questions for you, so at this time I would entertain a motion to close the public hearing on H-2020-0117, Shafer View Terrace.

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2020-0117. All those in favor say aye. Opposed.

MOTION CARRIED: ALL AYES.

McCarvel: Okay. I know we had a lot of questions for the applicant. Did we get -- do we have comments going on from there?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Question for staff. Sonya, was there any feedback from ITD on -- on this? Were they requiring anything -- any upgrades to the entrance to the -- to Shafer View Drive or anything? Because there is -- there is nothing in the agency comments from ITD. Since Meridian Road is theirs.

Allen: Madam Chair, Commissioner Cassinelli, no -- Cassinelli. Excuse me. No, there were no comments from ITD submitted.

Cassinelli: Okay. So, does that mean they didn't review it or they just didn't have any comments?

Allen: No idea.

Cassinelli: Okay.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: This -- this is a tricky one for me. So, there is some things about it that I like. I do like, you know, the fact that there is a transition that's happening in here and there is a grade change that will help with that. It would be nice if they were, you know, sensitive to -- to the view scape. I mean we have had several applications come in where, you know, I mean we -- we are not the protectors of viewscapes, so, unfortunately, if you are on the south side of something that faces Bogus Basin or that area, eventually, there is going to be something in your way, which is unfortunate, but it's also inevitable at this point in time. But the open space is what's kind of got me tied up a little bit on this, where there seems to be an abundance of it, but it's more -- I mean we have drainage, we have irrigation facilities and things like that, where, you know, a tot lot here, considering what it is and the size of the lots, I don't -- I don't know if that's really a good fit here. I mean the multi-sport area I see that as something that would probably be more utilized and I have kind of got an issue with that drainage or whatever it is on the -- on the northeast corner of it where that's -- to me something needs to be done with that, so that it's not a burden on the subdivision itself. I have lived in a subdivision where there was an area like that that was just an afterthought, where we are just going to seed it and see what happens and it ended up just being a huge mess that, you know, was a burden on the subdivision that I lived in. So, I just think something needs to happen there. Plus there is several waivers that they are asking for in order to get this thing in there. So, it just seems like there is an awful lot to it that doesn't quite -- doesn't quite match up yet. To me it's just -- it's -- it's not quite ready for -- for some of those reasons.

McCarvel: Other thoughts? I -- you know, I appreciate what they are trying to do and I think we add that recommendation into the motion about the landscape on the entry on the north and south side of Shafer View Drive. I appreciate them being willing to address both sides of that. I guess the open space is not as big a deal to me, just because they are a little bit bigger lots, but it would be -- like to hear other comments on that and, yeah, that grassy area should probably be addressed and I think, you know, with the elevation difference, I think some of those views are naturally going to be a little bit protected as much as they can be. But, yeah, we are not the protector of people's view sheds. I would comment that the four lots at the entry, I might -- I agree that maybe as the entrance to that subdivision maybe that should be two or three lots. That's my take on it at this point. I'm happy to hear what others have to say. Commissioner Holland, you came off mute.

Holland: My -- my biggest concern was around ITD, since we didn't receive comments from them. I know that this road is a very busy road with a lot of people growing in subdivisions that connect off of it. So, whenever you can limit accesses off of the main highway the better and I know this one does put a few more cars on the highway, but relatively speaking it's -- it's more appropriate in density to enter, because you are not going to have a lot of cars in an R-2, R-4 type subdivision than you would in an R-6, R-8. So, I'm okay with it. But I would love to see your interconnectivity with trying to route cars off of using the highway directly, if that's possible. I would have liked to have seen these two neighborhoods actually looped and have one access point off the highway instead of two. But I don't think that that's something we can necessarily do. Let me make sure that I'm understanding that. Do they have -- that northern subdivision that's the newer part, they have an access point on the north that's going to connect. They don't? Okay.

McCarvel: Yeah. I think they --

Holland: They are connecting to the R-8.

McCarvel: To the north instead.

Holland: Okay. Thanks. I just wanted to click back. So, it looks like there could be a rode there and I got confused on that one. I don't see a huge issue with adding the homes to the Shafer Butte Subdivision, but I agree that there is not really a need to have four. Maybe they could compromise and come in with three, instead of four. I don't know that I necessarily want to restrict them on that. I don't see having four additional houses being a huge burden on the traffic coming in out of that loop, but I'm -- I'm open either way on that. And I don't see a huge issue with the green space or open space, just because they are larger lot sizes, so they probably don't need as many community amenities either. Sorry. Those are a kind of some rambling thoughts.

Cassinelli: Madam Chair?

McCarvel: I was going to say, Commissioner Cassinelli, you are off mute now. Go ahead.

Cassinelli: I'm -- I'm really surprised ITD didn't weigh in. I would -- coming in off of -- this is their opportunity with more development there to require an accelerate -- you know, accel-decel lane and there really isn't one there at Shafer View. I would -- you know, I would kind of like to condition for at least something. If ITD says we got nothing, then, they got nothing. But I would like to hear from them or have Council hear from them. Personal opinion looking at this -- I mean I -- I have got a couple of concerns about the transition. I'm okay with the open space. I don't think it really -- I do think the tot lot is probably not necessary, but I think that sport court would be -- would be well utilized, as Commissioner Seal said, but I would like to see a little bit better transition on the -- along the canal and the north, those -- specifically those lots that I mentioned, maybe pulling a lot there. They are only 90 feet wide backing up to acre lots and, then, just -- I get that they are long, so they are larger lots, but they are narrow and, then, maybe lose a lot, you know, at least just one of those four coming in on Shafer View, the -- the developer can certainly put -- put houses that -- that are fitting of those lots and -- and -- and I think the comments we always hear, you know, it's got a pencil, it's got a pencil. I think that if they pull a couple of lots in here that the homes that they put on them will -- will sell accordingly and they can put -- put the homes that they need to -- I mean this is -- again, it's, you know, R-2 and R-4, it's going to be larger homes and I think they can afford to lose a couple lots in there and do it properly and have a better transition. That's what I would like to see.

McCarvel: Okay. Other thoughts? Commissioner Grove?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I'm largely in favor of this project. The lots looks small or smaller in comparison to the lots that are to the south, but when we start looking at some of the other projects around town, like these lots are pretty big and so I -- when I first looked at it I had a hard time adjusting, I think, because I was trying to compare it to the lots directly next door versus kind of what normally would go into an R-4 like size or the R-8 size to north of it. So, I'm not as concerned. The only -- like small concern that I had would be with the four lots on the south side, it feels like they are completely disconnected from the rest of the subdivision, because there is no direct access to the rest of the other, what, 46 homes and so that was my -- my only concern, is that, you know, even with like a footbridge or something across the canal it would be nice to be able to connect, but with four homes it -- I don't -- I don't know if it's feasible, but that would be my -- my biggest concern there. Other than that I mean I'm okay with the open space on this project and I hear the concerns that have been addressed, but to me I don't have as much heartburn about some of the concerns that have been raised.

McCarvel: Thank you. Commissioner Yearsley? Commissioner Lorcher? Anybody else have any comments or does somebody want to take a poke at a motion? I don't know that we are in a place where -- and correct me if I'm wrong, but I'm not hearing like we are in a place where we want to recommend denial or a continuance, but maybe an

approval with some thoughts on conditions. But we are a quiet bunch tonight, so any comments or motions to move it along? Wow. Commissioner Yearsley, you came off mute.

Yearsley: I was just going to say I agree with most of what everyone's talking about. So, I'm not as -- you know, I think it's -- you know, it's kind of hard to compare to the other ones, because the lots are so big. I think these lots are pretty good size. I think it will be a good comparison to them. It might be a little bit smaller, but they are still bigger homes. So, I think it's fairly complimentary to the other homes.

McCarvel: Okay. Would anybody like to take a shot at a motion?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I will do my best.

McCarvel: You and Commissioner Holland were having a grin warfare there who was going to jump in.

Grove: Commissioner Holland, you can correct me as I go.

Holland: I will let you have this one.

Grove: Yeah. All right. After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0117 as presented in the staff report for the hearing date February 4th, 2021, with the following modifications: That an ITD review be completed before going to Council. That the applicant improve the southern entrance off of Meridian Road and that the -- that we recommend removal of one of the lots -- four lots two through five.

McCarvel: Do we have a second?

Allen: Madam Chair?

McCarvel: Oh, yes. Sonya.

Allen: Excuse me. Is that motion to include staff's recommended new conditions and modification?

Grove: Yes.

Allen: Thank you.

Yearsley: I will second that.

McCarvel: Okay. It has been moved and seconded to recommend approval of H-2020-0117 with modifications. All those in favor say aye. Opposed.

Seal: Nay.

Cassinelli: Nay.

McCarvel: Madam Clerk, did we -- did you get the recorded votes there?

Weatherly: Madam Chair, we did. Thank you.

McCarvel: Okay. Thank you. Motion passes.

MOTION CARRIED: FIVE AYES. TWO NAY.

Pogue: This is Andrea Pogue. Would you just confirm, Commissioner Cassinelli, you were the nay vote?

Cassinelli: I was an nay. That is correct.

Pogue: Thank you.

Seal: Commissioner Seal as well.

McCarvel: Okay. Great. I only heard one. Thank you. So, I would just like to take just one minute before the final motion and welcome our new chairperson -- or new chairperson -- new Commissioner Maria Lorcher. So, thank you for being here with us and we look forward to having you with us the next several years.

Lorcher: Thank you very much.

McCarvel: And can't wait to see you in person.

Lorcher: I know.

Cassinelli: You're all fuzzy.

Lorcher: I know. I will have to get better equipment.

McCarvel: I think we are almost turning the corner. We might be able to meet in Chambers -- and you are welcome to meet in Chambers, by the way, whenever you are comfortable, so --

Lorcher: Okay. Thank you.

McCarvel: So, with that do we have one more motion?