



North Ada County Foothills Association

One voice. One goal. One plan.

NACFA Update—Eagle P&Z Hearing June 25th—What Happened, What It Means, and What Is Next

June 28, 2007

Hi All,

Well folks, if you heard a major sigh of relief wafting through town on Monday evening, it from many of us who attended the Eagle P&Z hearing. Most Commissioners have been listening and learning and thinking; they obviously read and considered all the input they received from the community; they acted in a very responsible and laudable manner. We could really not have asked for a better result—it is not perfect, but close. The short story is as follows:

What Happened...*(a major-league “Hoorah & Job Well Done!!” is due to the Eagle P&Z Commission)*

1. **Draft Foothills Plan**: Recommended approval for consideration by the City Council, but **WITH THE FOLLOWING MAJOR CHANGES**:
 - Remove all references to density/development intensity: The Commission noted that, as many of us testified and wrote, there are too many significant questions of impact and funding that remain unanswered (most especially related to traffic/ roadways, schools, and other infrastructure). We simply do not have enough information to decide how many dwelling units are appropriate and can be sustained in the foothills. More work needs to be done before a number can be set.
 - Include an “Adequate Public Facilities” element/component in the plan: Make sure that questions of impact and funding are worked through and that adequate/acceptable solutions are defined in the Plan prior to adoption.
 - Redraw the planning area to include only the land within Ada County, west of Highway 55 and East of Highway 16: It is not appropriate or desirable for Eagle to be planning for land in other counties.

It is notable that it took three rounds of voting to get to this recommendation. The first vote was on a motion exactly like the one that passed, but without the “adequate public facilities” component. That first motion failed 3 to 2, with two of Commissioners voting against (McCarrel and Zastrow) doing so because they believed that too little was known on questions of impact and funding (particularly traffic/roads/highways) to pass ANY of the draft plan along to the City Council. The failure of the first motion brought on a second motion, presented by McCarrell and Zastrow to recommend disapproval of the whole plan (i.e., back to the drawing board until the

issues could be worked through satisfactorily). This second motion failed 3 to 2, with the three Commissioners voting against (Aspitarte, Felix, and Pierce) stressing that the draft plan has many good features and, essentially, the baby should not be thrown out with the bath water. The compromise came with adding recommendation for an Adequate Public Facilities component supported by proper analysis. That motion passed 4 to 1, with McCarrel remaining opposed on the basis that “not all the players are on the field” (e.g., Emmett, Star and Middleton contribute to Eagle traffic) and that infrastructure issues, particularly schools, troubled him.

2. **M3 Comprehensive Plan Map Amendment:** Recommended denial by a vote of 5 to 0, with reasons including: density too high and village center (high intensity located directly adjacent to WC Rd, at Big Gulch) not consistent with draft plan’s intent that major commercial centers be located near the highways. (Though this was not stated, I believe that another reason for this recommendation, as well as the Suncor recommendation below, was the fact the Commission is following through on the City Council and Mayor’s commitment not to approve any specific developer proposal until the full foothills plan is done and adopted. Even though the Commission had approved the M3 Comprehensive Plan text amendment back in April, public input and testimony since that approval, as well as further reiterations by the City Council of its commitment, argued against any further approval...and without the map amendment, the text amendment carries little, if any, weight).
3. **Suncor/Avimor Comprehensive Plan Text and Map Amendment:** Recommended denial by a vote of 5 to 0.

If you want background on the any of these items, especially NACFA written comments along the way, see our website, Updates and Alerts page, most recent entries.

What It Means...and What Comes Next

First off, these results suggest that [1] M3’s full court press to steamroll the process is not working (at least where 4 out of 5 members of the P&Z Commission are concerned), and [2] 4 out of 5 of the P&Z Commissioners have really been listening, reading, and thinking; they understand the magnitude and implications of what we face with foothills development and are unwilling to move forward without necessary information and without fundamental and critical questions of impact/funding being answered.

To me, this is an important observation because, I for one, have been extremely apprehensive about what the results of this hearing would be. I have been acutely aware of, and have made every effort to shed light on, the extreme pressure and machinations being brought to bear by M3 to win their pot of gold regardless of what it means for this community. Up until this point, there really has been no occasion for us to see and hear what the P&Z Commission was thinking...where they were headed with all this. So, when the Commission deliberated and made the above recommendations Monday evening, I was hugely relieved, and, credit where credit is due, believe that the P&Z Commission deserves a vote of confidence.

Equally important, this result DOES NOT MEAN all of our collective hard work and efforts to show up and be heard were unnecessary. Quite the contrary, if we had not done what we did, as a community, the Commission would not have had the information, level of analysis, and “community opinion/sentiment” necessary to support these recommendations. Don’t forget that it is our work (everyone who participated, both the general public and key agency people...not just NACFA members) that highlighted the specter of unacceptable traffic impacts, the absence of credible traffic analysis, the magnitude of road/highway funding problems, data on school funding impacts, the deep concern of the existing community about quality of life in Eagle, etc.,–

issues that were not fully explored in the City's planning process. This is not a criticism of City planning staff (who did a great job with the time, tools and resources made available). It is, however, recognition that the City underestimated the time and level of effort necessary to achieve a truly workable plan, and embarked on an ambitious, developer-driven schedule that precluded the full consideration of complex issues.

So, what does all this mean in specific terms? The following is my best shot at answering this question.

1. **Eagle's Draft Foothills Plan:**

- The City Council must now consider the P&Z Commission's recommendations. We do not know if the Council will hold a hearing before the whole issue of density and its implications is more fully explored and a new recommendation, accounting for and resolving impact questions, is developed. We do know that the City [1] is hiring a consultant to facilitate a collaborative process in this regard, and [2] has agreed to meet with the Ada County Commissioners to discuss and explore the idea of a joint plan...or at least try to resolve the respective areas of suspicion and disagreement about how planning for the North Foothills should proceed. Both of these initiatives are needed and very welcome. The City is clearly taking seriously the level of controversy that has arisen around the draft plan and the P&Z Commission's recommendations. We will keep you posted.

As things move forward, we intend to continue our focus on the issues and impacts we have articulated. While most of our critical concerns surround impacts (traffic, water, fiscal/tax), we will also continue to pursue other aspects of the draft plan that we think need further consideration (e.g., requiring 40% natural open space outside of development areas).

2. **M3 & Suncor Comprehensive Plan Map and Text Amendment Applications:**

Both of these developers have options. Suncor has already chosen one of these; it has withdrawn its application from Eagle and indicates it will proceed with the County, submitting its Phase 2 (west of SH 55) there next fall. We do not know what M3 will do; its options include:

- Ignore what the P&Z Commission recommended and take their case to the City Council unchanged. If they choose this course, we will respond with yet another call to arms (i.e., show up and be heard) to urge the Council to require that they be consistent with and subject to whatever emerges as the City's Foothills Plan.
- Stay with Eagle but voluntarily amend their proposal to be consistent with and subject to whatever emerges as the City's Foothills Plan. Up to this point, M3 has steadfastly refused to do this; we will soon see if they will change this stance. If they follow this course, we will work them (within the structure of the City's new collaborative process—noted above). As we have always said, we are not fundamentally against development; but we are very concerned with the form, location, and intensity of that development (how it impacts the existing community and what benefits the community realizes from the development in the form of open space, habitat and recreation).
- Move their initiative to the County (as Suncor has done) or perhaps to Star (it was somewhat disturbing that the mayor of Star was skulking--I use that term advisedly--around at the June 25th hearing in Eagle). In either case, M3's credibility will be further eroded given their consistent claims and advertisements that they are committed to becoming a part of Eagle and to working with the community blah, blah, blah... If they go to the County, we do not believe they will have a journey any smoother than they are having with Eagle, especially with the draft County Plan (already recommended for approval by the County P&Z

Commission) giving them somewhere around 3,000 units. If they were to try and go with Star, we will have to respond in a major way and would hope (I consider it very likely) the City of Eagle would stand with us.

We will just have to wait and see what decision M3 makes. Regardless, Suncor's move makes the upcoming joint City/County exploration of potential for a unified stance on the future of these foothills very important. We will want to watch and hopefully find ways of supporting this effort. **So, stay tuned...**

3. **M3 Development Agreement Hearing:** As of this writing, the P&Z Commission hearing on M3's draft development agreement (the "guts of the application", the "contract between the city and the developer) is still scheduled for July 9th. Given the Commission's June 25th recommendation for denial on their Comp Plan map amendment, it surely doesn't seem too productive to proceed with this hearing. Nonetheless, there could be motivation to proceed that I do not see. If this hearing does happen, we will need to show up and present the testimony we have already prepared and we will need as good a showing of people as we can muster. We have also retained legal counsel to advise us in this matter...unless and until things change significantly.
4. **City or County? Or Both?:** A number of people have asked where we stand (emerging from the June 25th P&Z Commission recommendations) related to [1] the City's position on annexing the foothills lands—all or part, and [2] what role the County can or will play in the continuing saga. This is truly migraine material and there is no clear answer. Without writing a book on the subject, the following observations can be made:
 - The City's interest in the foothills has been two-fold up to this point: First, they have had landowner-initiated requests for annexation, starting with M3, with interest also expressed at various points by Kastera, Connolly and Suncor. Under the scenario of landowner request, the City is free to annex land outside its AOI without County approval. Given these requests, we (at least NACFA) strongly recommended that the City look at the whole foothills area before any decisions on one specific proposal (like M3) were made. Second, in looking at the whole area, the City noted (and we agreed) that Eagle has more to gain or lose from foothills development than the County, that more detail was needed than that contained in County's draft plan, and a more workable balance between community and developer interests might be found than that shown in the County plan. You all know where we stand on the City's efforts in this regard.
 - If M3 chooses to go elsewhere, as Suncor has apparently done, then the first motivation for the City is removed...and with no request for annexation from the landowners outside the City's AOI, the City's ability to annex outside its AOI is removed. The County is again in charge of any adjustments to Eagle's AOI into the foothills. However, this does not mean that the City's interest in and potential contribution to a workable plan for the foothills is diminished. We would strongly support the City continuing to fully participate in planning and might ultimately conclude that the City is right entity to incorporate whatever development occurs.
 - The ideal, in my opinion would be a joint City/County plan for the North Foothills...answering all the critical questions of impact and funding, and achieving the vision for open space/habitat/recreation. Thus, the upcoming City/County discussions are particularly important. At the bottom line, however, we should remain in a stance of not focusing so much on which jurisdiction is in the driver's seat, focusing instead on the substance of what is being proposed. Yes, it sure would be easier if we only had one

jurisdiction to deal with, but (rats!) that is not yet the case. We simply have to pay attention to both for the time being.

Ok, as usual, this is much longer than I intended. My original intent was a simple Hurrah related to what happened Monday evening. However, you pesky people (☺) have been asking too many intelligent questions and I felt that I should try to provide some insight on what it all means (at least as I see it).

The bottom line is that we experienced a great outcome on Monday evening—democracy in action, but the process is far from over...there is too much at stake on both sides—developer and community—for anyone to throw in the towel or consider the matter resolved.

In closing, I will alert you to another network-wide message that will follow this one. As I noted in my June 23rd final alert for the P&Z Commission hearing, we have retained legal counsel on a couple of matters. We are definitely not opening the flood gates in terms of attorney's fees; we are keeping things tight and very targeted. Nonetheless, this year's call for contributions (the last was July 06) will be more serious and will invoke our version of the old PBS line: If you are getting benefit from what NACFA is doing, please contribute as much as you can beyond the \$10 "dues" we have historically requested (and, quite frankly, over half of our mailing has not responded with). We have been proceeding along without a lot of costs, given that a few people have donated large amounts of time and a different (somewhat overlapping) few people have contributed generously along the way. I will provide some details shortly on what is needed and why.

Best regards to all.

JP