MEMORANDUM

TO: **Mayor and Boise City Council**

FROM: **H. Wayne Gibbs**
Planning Director
Boise City Planning and Development Services Department

DATE: **August 6, 2001**

RE: **CAR00-00021/DA**
Warm Springs Mesa and surrounding lands north of Warm Springs Avenue

The following application has been scheduled for **August 21, 2001**.

J. H. WISE & SONS COMPANY requests approval of an annexation and rezone of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre) and R8 (Residential 6 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue, in parts of Sections 18 and 19, T.3N.R.3E, and parts of Sections 13 and 24, T.3N.R.2E, with proposed city zoning designations of R-1A/DA (Single Family Residential with a Development Agreement) and A/DA (Open Land with a Development Agreement). This application includes a request for a Development Agreement. The annexation is proposed for a planned development to construct 228 single family dwelling units. This is a remanded hearing as a result of a revised road plan. **CAR00-00021/DA**

At their hearing on July 16, 2001, the Boise City Planning and Zoning Commission recommended to the Mayor and Boise City Council **approval** of the application:

Please see the attached documents.

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BOISE CITY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

Case Number: CAR00-00021/DA

Annexation, Re-zone and Development Agreement for Boulder Heights Estates Planned Development

The proposal is for an annexation, re-zone to R-1A and Open Land-A zoning, with a development agreement, as recommended by the Planning and Zoning Commission on July 16, 2001. It involves approximately 406 acres of property located at the area known as Warm Springs Mesa and surrounding lands, north of Warm Springs Avenue, in parts of Sections 18 and 19 in T.3N. R.3E. and Section 24 T. 3N. R. 2E. Boise Meridian. There are two associated applications, following the annexation, for a conceptual conditional use permit to build a planned development of 228 dwelling units with approximately 205 acres of open land, and a conceptual Hillside and Foothills Area Development permit.

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Attachments

- **Vicinity Map CAR00-00021/DA**
- **Site Plan- Revised, received June 29, 2001**
- **Minutes from the July 16, 2001 Planning & Zoning Commission Hearing CAR00-00021/DA,**
- **Development Agreement with Support Material, Revised July 26, 2001**
- **Staff Report from Planning & Zoning Commission Hearing CAR00-00021/DA, July 16, 2001**
- **ACHD letter of approval, Revised, and staff report of May 23, 2001**
- **Staff reports and memos to City Council from January 9, 2001 to June 19, 2001, including the minutes from the Oct. 16, 2000 Planning & Zoning Commission Hearing CUP00-00055 and CAR00-00021/DA January 9, 2001, January 30, 2001, March 13, 2001, and March 20, 2001**

- **Letters of testimony from all hearings on the applications and comments from other Agencies**

EXECUTIVE SUMMARY

To: Mayor Coles and the Boise City Council

From: Bruce Eggleston, A.I.C.P., Planner II

Subject: Proposed Boulder Heights Estates application for annexation, CAR00-00021/DA with Re-zone and Development Agreement

Planning and Zoning Commission Action: At the July 16, 2001 Planning and Zoning Commission recommended approval of the annexation, re-zone and accompanying development agreement. (See Revised July 16, 2001 copy following this memo.)

Application Request: The applicants seek annexation of 406 acres, with a development agreement, to construct a Planned Development 228 dwelling units with open space. They also applied for a re-zone from Ada County RP, R8, R4 and M1 to R-1-A in the City. Development would occur in eleven phases. The site is located in the Foothills East Planning Area and falls under the *Foothills Policy Plan*. This project includes approximately 200 acres of dedicated open space, resulting from the *Foothills Policy Plan*, Goal 1 Objective 2 Policies 2-4 that allows for density bonuses in exchange for open space. There are two applications associated with this Annexation and Development Agreement application: a conceptual conditional use for a planned development number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit (Hillside), number CFH00-00015. At the time of writing the staff report, there was no Commission action on the two applications.

The proposed annexation does not include the established subdivisions on the Mesa, only the vacant land around the neighborhood.

The City Council moved to remand the applications back to the Planning and Zoning Commission on June 19, 2001, based upon a revised street plan approved by ACHD on May 23, 2001, and upon concerns the Fire Department had with the revised street plan.

The revised street plan, as approved by ACHD, eliminates the proposed collector road on the east, the so-called S. Trent Point Way, and includes a reconstruction of the lower stretch of E. Starview Drive to current specifications for ACHD collectors. It also includes participation of the applicant in the construction of a new intersection with Warm Springs Avenue, E. Starview Drive, the yet-to-be-built East Park Center Road, and Barber Road.

The applications are unchanged from the way they were when the Planning and Zoning Commission reviewed them on October 16, 2000, with the exception of the above described

changes in the street plan and the following requests from the Fire department. The Fire Department added some requirements to reflect the changes in the street plan to include the following:

1. ACHD has outlined some improvements to the existing Starview Ln. which must be completed.
2. All new buildings must incorporate a 30 foot defensible space and Class A roofs. (See FOOTHILLS Condition).
3 The applicant agrees to work out details for radio tower and brush truck access with the Fire Chief.
4. All buildings must be equipped with a modified NFPA 13D automatic fire sprinkler system. See MODIFY 13D Condition for details.

The Development Agreement has also been changed to reflect the above described changes from ACHD and the Fire Department.

PRIOR ACTION:

This is the first application to the City.

There have been many rezones and subdivisions approved by Ada County that have resulted in the Warm Springs Mesa I through XIII-b and Boulder Heights I, II and III Subdivisions.

History of Hearings and Actions on the proposed Boulder Heights Estates Annexation and Planned Development, CAR00-00021/DA, and the Appeal of the Denial of CUP00-00055:

On October 16, 2000, the Planning and Zoning Commission recommended approval of the proposed annexation and attached development agreement. They also recommended denial for the proposed conceptual conditional use permit, CUP00-00055. The conceptual Hillside application became a moot point with the denial of the conditional use.

On November 28, 2000, the City Council rescheduled the hearing for the annexation to January 9, 2001, so it could be heard with the accompanying appeal of the denial of conditional use, CUP00-00055.

December 12, 2000: Hearing on CAR00-00021/DA and CUP00-00055 appeal deferred to January 9, 2001.

January 9, 2001 Hearing on CAR00-00021/DA, deferred until January 30, 2001, and CUP00-00055 appeal deferred to March 13, 2001.

January 30, 2001: Hearing on CAR00-00021/DA, deferred until March 13, 2001, at applicant's request, to allow it to coincide with hearing on CUP00-00055 appeal.

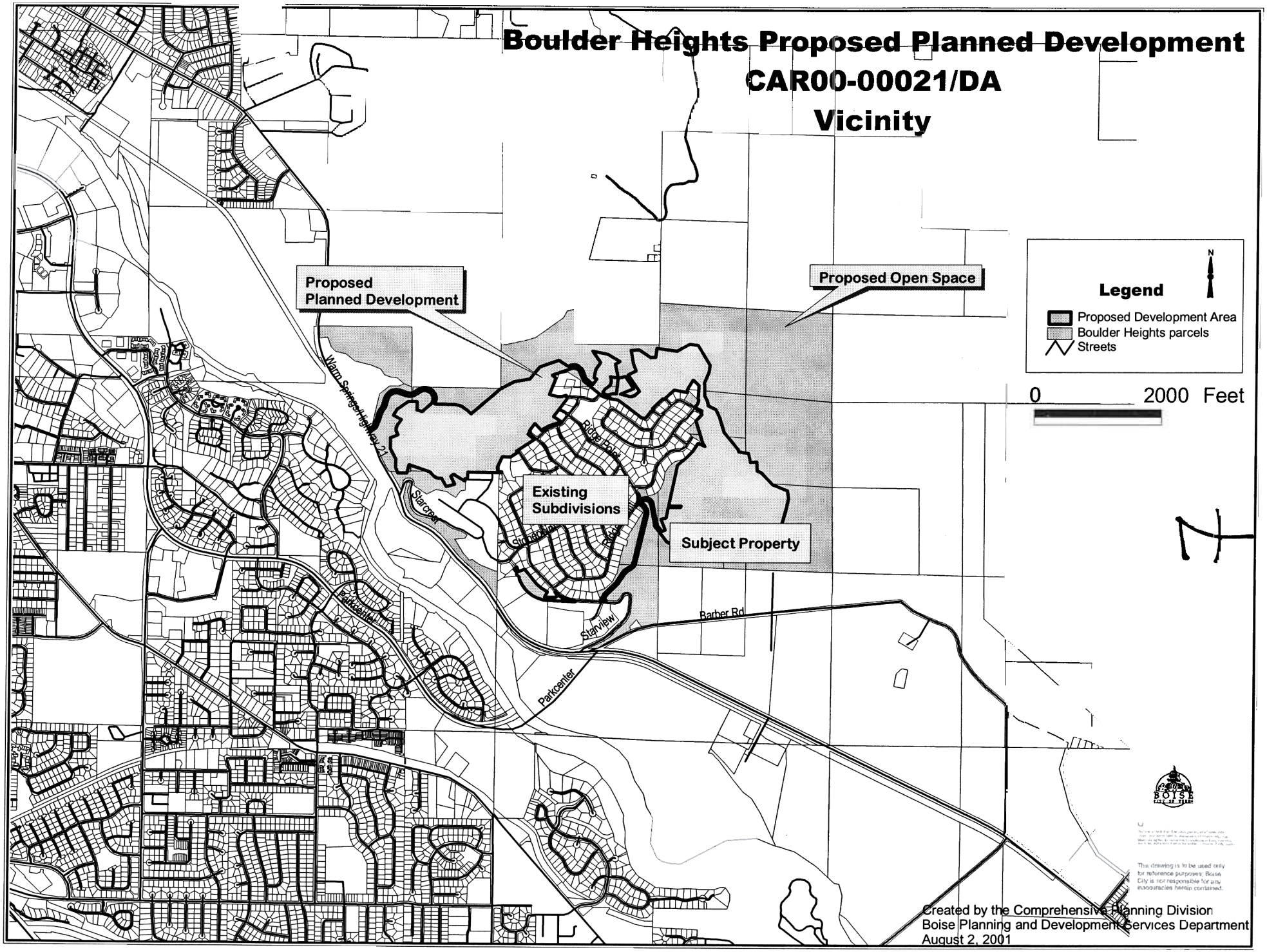
March 13, 2001: City Council approved motions for the annexation application, CAR00-00021/DA, and grant a re-zone, without a development agreement, to the Open Land "A" zone for the entire property; and to sustain the denial of the conditional use application, CAR00-00055, from the Planning and Zoning Commission that was before the Council on appeal.

March 20, 2001: Council Member Forney asked for a reconsideration of the above motions in two separate motions which were granted by the Council. Reconsideration of those motions was set for June 12, 2001, then later rescheduled for June 19, 2001.

June 19, 2001. The City Council remanded the annexation, development agreement and conditional use back to the Planning and Zoning Commission for reconsideration based upon new information from the Ada County Highway District.

July 16, 2001 Hearings scheduled Planning and Zoning Commission for reconsideration of the annexation, development agreement, conceptual conditional use and the conceptual Hillside permit. The Commission recommended approval of the annexation, re-zone and development agreement. They deferred until August 6, 2001 the action on the conceptual conditional use and the conceptual Hillside permit.

Boulder Heights Proposed Planned Development
CAR00-00021/DA
Vicinity



Created by the Comprehensive Planning Division
Boise Planning and Development Services Department
August 2, 2001

CONCEPTUAL MASTER PLAN FOR BOULDER HEIGHTS ESTATES SUBDIVISION

PORTIONS OF SECTION 13 & 24 T3N., R2E., AND PORTIONS OF SECTIONS 18 & 19, T.3N., R.3E., B.M., ADA COUNTY, IDAHO

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DEVELOPMENT SERVICES

HUBBLE ENGINEERING, INC.
ENGINEERING · SURVEYING · PLANNING
3330 BETHEL COURT
BOISE, IDAHO 83709
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BOULDER HEIGHTS ESTATES SUBDIVISION
CONCEPTUAL MASTER PLAN

SHEET NO. C-1

BOISE CITY PLANNING & ZONING COMMISSION
MINUTES OF

July 16, 2001

Commission Members Present: Rinda Just/Chairman, Margaret Johnson, Norman Hobson, Dale Sullivan, Gordon Trounson & Maryanne Jordan. **Staff Members Present:** Sev Jones, Bruce Eggleston, Scott Spjute & Vicki Van Vliet.

CAR00-21-DA/J.H. Wise & Sons Company
Location: Warm Springs Mesa and surrounding lands north of Warm Springs Avenue.
REQUESTS ANNEXATION AND REZONE OF 406 ACRES WITH A ZONING DESIGNATION OF R-1A-DA AND A-DA WITH A DEVELOPMENT AGREEMENT.

and

CUP00-55/J.H. Wise & Sons Company
Location: Warm Springs Mesa and surrounding lands north of Warm Springs Avenue.
REQUEST FOR A CONCEPTUAL CONDITIONAL USE FOR A PUD TO CONSTRUCT 228 SINGLE FAMILY DWELLINGS ON 406 ACRES IN A PROPOSED R-1A/DA AND A-DA ZONE WITH A DEVELOPMENT AGREEMENT.

and

CFH00-15/J.H. Wise & Sons Company
Location: Warm Springs Mesa and surrounding lands north of Warm Springs Avenue.
REQUEST CONCEPTUAL HILLSIDE AND FOOTHILLS AREA DEVELOPMENT APPROVAL TO CONSTRUCT A PUD CONSISTING OF 228 SINGLE FAMILY UNITS ON 406 ACRES IN AN R-1A-DA ZONE WITH A DEVELOPMENT AGREEMENT.

Bruce Eggleston presented the staff reports with a recommendation of approval for the applications subject to the approval of a development agreement based on the following findings of fact and conclusions of law:

CAR00-21

A) That the proposed annexation complies with and conforms to the Comprehensive General Plan.

Finding: The proposed annexation, with the requested zoning classification, is consistent with

the Land Use Map and the Interim Foothills Transportation Plan.

B) That the proposed annexation will provide and maintain existing and future capabilities of public utilities:

Finding: All essential public services and facilities are not available to this site, specifically it is out of the service area for fire at present, but is programmed for inclusion within a year or two.

C) That the proposed annexation will maintain and preserve compatibility of surrounding zoning and development.

Finding: This site is bordered on one side by a large area of the Harris Ranch development zoning. The proposal would surrounding the existing subdivisions with R4 (County) zoning. The requested zone will be compatible with existing zoning and development.

D) That the proposed annexation incorporates the Boise Sewer Planning Area.

Finding: The proposed annexation incorporates the Boise Sewer Planning Area.

E) That the proposed annexation honors negotiated Area of Impact Agreements.

Finding: Annexation of this area will honor negotiated Area of Impact Agreements.

F) That the proposed annexation attempts to balance costs of services with anticipated revenues.

Finding: It is questionable that annexation of this area will balance costs of services with anticipated revenues. There is not enough information provided in the conceptual application to make this finding.

G) That the proposed annexation promotes goals of population balance, contiguous development and prevention of costs due to leapfrog development.

Finding: Annexation of this area will promote the goals of population balance, contiguous development and prevention of costs due to leapfrog development. Services either are in place or are readily available.

A) That the location of the proposed use is compatible to other uses in the general neighborhood and will not place an undue burden on existing transportation and service facilities in the vicinity.

Finding: This finding cannot be made until the fire protection service and transportation issues are resolved.

B) That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls & fences, parking, loading, landscaping and such other features as are required by this title.

Finding: Conceptually this finding can be made, but the final proof of this will be made in the preliminary plat and the final conditional use and final hillside applications.

C) That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.

Conceptually this finding can be made, but the final proof of this will be made in the preliminary plat and the final conditional use and final hillside applications. The outstanding issue concerns the potential for geologic hazards. There is insufficient information to make any recommendations with the current information. Depending on review of more detailed engineering reports, the final approval may be for fewer lots in a different configuration than what is currently proposed. These items might require a redesign of the preliminary plat to achieve the required fit.

D) That the proposed use is in compliance with and supports the goals and objectives of the Boise City Comprehensive Plan.

Finding: This finding can be made on the conceptual site plan.

<u>CHF00-15</u>

A) That the proposed development is in compliance with the technical requirements of this chapter including but not limited to those related to grading, drainage, hazardous areas, revegetation, and preservation of outstanding and unique features.

Finding: With the final Hillside application, the City will require conclusive studies on geologic hazards and soils. The proposal generally complies with the other aspects of this chapter.

B) That the proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity.

Finding: The traffic capacity and road alignment/grading issues are yet to be resolved, but they must be resolved prior to platting for the subdivision.

C) That the land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis.

Finding: This will depend on further studies of the issues.

D) That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Finding: This will depend on further studies of the issues.

E) That the proposal complies with all requirements of the Zoning Ordinance for foothill gulches including the requirements of this chapter and the Floodplain Ordinance.

Finding: The proposal complies with the Hillside chapter of the Ordinance.

Mr. Eggleston also submitted four letters to the Commission which were received after the packet was sent out: one from Steve Lord of the East End Neighborhood Association suggesting changes to the development agreement; one from Charles L. Blare, President of the Warm Springs Neighborhood Association supporting the plan but hoping to see approval of a northern route; one from Michael D. Balen who supports the project as is; and one from Steven Heppler, Martin Hailey, Santigo Rodiguez, Jake Finders and Brent Labrie who are all in support of the project as it stands.

Bob Unger (Applicant's Engineer) - As you are aware, this application has been remanded back to the Commission from the City Council based upon some of the changes that we made to the project. We are still proposing 228 buildable lots on approximately 160 acres with 205 acres of open space. Sewer, water and all utilities are available and will be extended into the new portion of the project. The revised plan eliminated Trent Point Way. We've also had an additional review with the Fire Chief. He has recommended approval of the master plan based upon some specific conditions, one of which is that the homes be sprinkled. He is also requiring a defensible space of a 30 foot perimeter around the building lots. We will concur with those requirements and will be included in the development agreement. We've also met with the Parks Department. The loss of Trent Point Way has not adversely affected their support of this project. We are still proposing trails along the Penitentiary

Canal that would connect into the old Tram Trail with additional connections to the east and then down to the river which helps with the *Ridge to Rivers Trail System*. We have support from the Fish & Game Department. Their only concerns were the preservation of deer migration trails and corridors which run down the northwestern portion of the property and then on down to the river. They were pleased to see the access road, Windsong Dr., as we proposed it because it leaves that area open. We did go back to the Highway District trying to address concerns that this Commission had, specifically the eastern access to the project, the neighborhood concerns about Starview Dr. and how steep it was and the curb, and the lack of support for Trentpoint Way. We also tried to address the concerns the City Council had pertaining to the overall traffic that will be generated from the project and the eastern access. Another concern at both hearings was the proposed northern route by the Warm Springs Mesa Homeowners' Association. We asked the Highway District to consider our project and advise us as to what they felt was appropriate. They hired Six Mile Traffic Engineering Firm to review four scenarios. One of those was our original plan which showed the Trentpoint Way connection. The second scenario was the plan you see this evening. The third one was without the Trentpoint Way connection and one of the other connections. The fourth was trying to use the northern route. Three and four were totally unacceptable to them. Based upon the four scenarios that were reviewed, scenario #2 seems to be the most acceptable traffic/road layout by the entities involved. As you can see, we have letters of support for this from the Boulder Heights and Warm Springs Mesa homeowners associations. The Highway District Staff and their Commission are very comfortable with this layout as amended, and have approved the master plan of Windsong Dr., the elimination of Trent Point Way and the improvements on Starview Dr. to bring it up to ACHD standards with the intersection. Barber Road would have direct access to the proposed new fire station associated with Harris Ranch. Part of the Fire Chief's support was based on that future site. ACHD has given us approval for the first 79 lots, Phases I, II and III, prior to the opening of the East Parkcenter Bridge. They felt the current traffic on Warm Springs Avenue would be able to withstand that additional traffic on a temporary basis until the bridge is constructed. Staff's basis for approval of 55 lots is that we currently have an R8 zoning that is 40+ acres. Staff indicated to us that the reason they came up with 55 lots is because we currently have 55 lots shown in that existing R8 zoning. They want to honor our existing R8 zoning that we have there. But, at an R8, that's a density of 8 units to the acre which well exceeds 55 lots. Although we have some development rights on that property, we're comfortable with the 79 that the Highway District has approved and we ask this Commission to also look at that and concur with the Highway District. One of the concerns that we have with that is that if we go with just Phase I, we would have one connection from the new development into the existing subdivision. If we go with 55 lots it provides us with one additional connection, but both connections are in one area of the existing subdivision. If we go with the 79 lots, Phases I, II and III, it provides us with another access in and a direct access into the existing subdivision further north which we feel is very important for emergency services and access to the existing subdivision. That is our basis for requesting that the Commission

consider the 79 lots versus the 55 lots. We feel that what we are showing you this evening is a combination of all the comments, concerns and modifications and changes to the project to address everyone's concerns. We comply with the City's codes and Comprehensive Plan. We ask for your recommendations of approval.

David Bailey (Applicant's Engineer) - Regarding the hillside plan, we had the geotechnical report on the project done and the MTI comments were submitted back to the City to answer some of the questions that Klinefelder had. We understand that there are still some questions on this site, but we don't think that it's anything that can't be overcome and neither does your Public Works Staff and your City Engineer who have recommended this for approval at the conceptual level. There are more detailed studies that will come at the preliminary plat level. I don't think we have anything in our conceptual study for the Hillside application that shows that we have any clear impediments to the development on this site in accordance with the Hillside Ordinance of this city.

Commissioner Johnson - Apparently the only change, according to the staff's report, is that ACHD has approved a new street circulation plan.

Mr. Eggleston - Correct.

Commissioner Johnson - It isn't unusual for us to have to approve or deny a development prior to ACHD making a recommendation, so I find this as an unusual situation to have this remanded back since we had made our recommendations and our findings. What really confuses me is the fact that our findings for denial were based on four things, not just the collector road system. It doesn't seem there is any new information. In fact, it sounds as though the applicant is proposing that we raise the number of units from 55 to 79 that are allowed before the East Bridge is built, which would be even more in conflict with our first concern which was the traffic capacity on Warm Springs. Could staff enlighten us as to why the Council sent this back to us without further information on some of our other concerns?

Mr. Eggelston - There were two reasons: (1) the streets and the removal of Trentpoint Way, and (2) because of the action of the Ada County Highway District, the Fire Chief said that he could not recommend approval for that plan without taking some further measures that weren't part of the consideration. The applicant and staff negotiated after that with the Fire Chief and he came up with four recommendations found in the development agreement that did a number of things, namely required each and every house to be sprinkled inside in each and every room, access for brush fire fighting and a communications tower site. The issues having to do with the overall capacity on Warm Springs were addressed by the Ada County Highway District, but the Council did not take up that issue. The geologic issues, the potential for geologic hazards , were not addressed at all, partly because

the Hillside and Foothills Area Development Agreement was not passed on with a denial along with the conditional use permit. They only really addressed the street and fire issues. The other two issues do not have recommendations.

Commissioner Trounson - It says that the policies of the Foothills Policy Plan and the interim Foothills Transportation Plan recommend against annexation and zoning for proposals that would result in impacts on the transportation system that would push traffic volume over Levels of Service C on Warm Springs Avenue. When you were here in October I asked the question of what will you be doing to deter the traffic in the first three phases away from Warm Springs. What I am looking at now is that ACHD says: "This development will generate almost 2,300 vehicle trips per day until both bridges are built." I was driving down Parkcenter Blvd the other day and I got to a dead-end. There's not a bridge down there. I'm really concerned about this type of thing going forward when the traffic is definitely going to go onto Warm Springs Avenue. There's no doubt that during the first phases you're going to need a bridge. What are you going to do? Where would the traffic from 55 homes going?

Mr. Bailey - The traffic study that was done for this project and confirmed by Six Mile Engineers when they did the recent traffic study, indicated that the traffic capacity for the first three phases of this project, the 79 lots, would not push the traffic on Warm Springs over the Level of Service C, and that the construction of the West Parkcenter Bridge would actually open up additional capacity on Warm Springs Avenue to insure that traffic would not be increased over the Level of Service C for Warm Springs Avenue. That information was in evidence at our initial hearing with this Commission and with the Ada County Highway District. They confirmed that with the traffic study that they had done. The capacity for that was available on Warm Springs with the construction of the West Parkcenter Bridge. The Highway District's recommendation for the 79 lots takes that into account.

Commissioner Trounson - My figures don't show that. It says that the current Level of Service on Warm Springs is at 14,103. The threshold is at 14,175. We don't have any data stating that the West Bridge will reduce those trips. I don't see anything from keeping the traffic generated by those new homes from going down Warm Springs.

Mr. Bailey - The information that I have and have reviewed is based on the traffic study that was performed by Dobie Engineering and reviewed by the Highway District. I do not at this point, with the opening of the West Parkcenter Bridge, if we have any reliable traffic counts on the west end of Warm Springs Avenue that bear out the conclusions of the traffic study. In the traffic study and what was accepted by the Highway District was that the capacity on Warm Springs for the first 79 lots was produced by the opening of the West Parkcenter Bridge. We do have a traffic that was accepted by ACHD that showed that.

Commissioner Johnson - You referred to the fourth scenario being the examination of that north access point. You didn't give any substantial reasons as to why that was rejected.

Mr. Unger - A couple of issues that were taken into consideration was the fact that this stretch (indicated on overhead) has been designated by the Boise Historic Preservation Commission as being the highest rated area for preservation. Putting the road through there would destroy it.

Commissioner Johnson - The highest rated for preservation of what?

Mr. Unger - For visual in the Boise Foothills area. It's in a 1993 report. Scenario #4 was showing the northern route up through here (indicated on overhead). Their concern was that putting a route in there that would eventually tie in over here would actually direct more traffic to the west on Warm Springs Avenue. It would generate even higher numbers on Warm Springs Avenue than scenario #2, which is what we are proposing. That was their basis for not supporting scenario #4.

Mr. Eggleston - I believe Mr. Unger is referring to the Heritage Site. Heritage sites are cited in the Foothills Policy Plan as being worthy of preservation and worthy of receiving density bonuses. Essentially the whole toe of Tablerock is part of Heritage Site #22 and a great chunk of it falls under this ownership.

Virginia Gillerman (2974 E. Hard Rock Dr.) - Although I'd rather the area was not developed at all, I think it will be and I support most of the application with some major concerns, many of which were noted by Mr. Eggleston in the staff report. I urge you to restrict development to the 55 lots until the East Bridge is completed and there's some better resolution on the east entrance with Starview. The plans have been changing monthly at ACHD, so there's a lot of ambiguity. The current access roads leave a lot to be desired. One thing that has not been mentioned is a particularly dangerous point on the major access road, Starcrest, which is where most of the traffic will go in and out. There is a dangerous blind corner. I recently complained to ACHD and they were totally unaware of it, although I did mention it to Larry Sale a couple of years ago. I strongly recommend, and perhaps the applicant and the City can put some pressure on ACHD, that before any construction is done that corner be mitigated with either blasting off the rock or putting a mirror on it. Concerning the west road, I understand the applicant has committed to bike lanes. I would like to bring up the presence of expansive clays. I'm a geologist and work for the State of Idaho. When we picked out a lot, the soils looked somewhat suspect. I had some of the lots examined and took some samples into MTI's lab in strata, both surface samples and one after we'd started the excavation. We did find some expansive or swelling clays. Because of that we over deepened the excavation at very considerable expense and we did find a layer of clay which we had to excavate out. While I don't think that the clay deposits up

there cover the whole area, I think a lot-by-lot test pit or soil samples really need to be done during or before construction and I recommend that be made part of the hillside agreement. It's not particularly something the developer, builder or excavator is going to want to do unless forced to. Make sure the development agreement and the Parks Department are satisfied with the trail access. I would like to see something more than what they have indicated. There was some promise at some point of a perimeter road so maybe that could be addressed. I would hope that these issues are set in stone in the development agreement.

Mike Wardle (Project Manager for Harris Ranch/50 Broadway Ave.) - I'm assuming that the Commission received copies of all of the correspondence that was previously entered into the record, including a memorandum that I wrote to the Commission on October 16, 2000. In addition there is a letter to the City Council, during its consideration, by Felicia Burkhalter who is a Harris Family member, that expressed principle concern for the trail that is proposed to come up the area on the east side. Ms. Burkhalter owns a parcel which the plan shows the trail going right through it. She expressed a desire that drainage, grading and other aspects be looked at very carefully when any such plan is implemented. Our previous discussions before the Commission and Council dealt with the primary concern that traffic impacts that are being mitigated at Harris Ranch expense is the capacity that Boulder Heights is banking on. It was kind of ironic in the most recent discussion, particularly about the rebuild of Starview Dr. down the back and then the possible intersections, the ACHD staff recommended to the Commission, and the final decision was a little bit vague and what it really meant, but essential the staff is recommending that the Harris's participate in the rebuild, etc. to solve that problem, but there was no reciprocal consideration for the fact that they are looking for the long-term capacity that the East Parkcenter Bridge will provide. It's also somewhat ironic that with the deletion of Trentpoint Way and only having the access down the west side, the traffic off the Mesa and Boulder Heights is going to use Warm Springs Avenue. Even with the rebuild of the roadway, the desire line, without something that makes a physical connection down the back, means that the traffic is going to use Warm Springs, again, the banking without any participation on the mitigation cost of that East Parkcenter Bridge. We had not recommended opposition to the project, but that they participate in a pro rata share for the cost of the East Parkcenter Bridge.

Don Ebaug (3180 Bonview Dr.) - While I am not opposed to the developer's right to develop, I have a few concerns. My major concern is that with the current collectors and the next several years under which development could occur up in the Mesa based on your findings, there would really only a couple of paths that people would take to get back down to Warm Springs Avenue. One would be the Stonepoint/Starcrest route and the other would be the Starview route, both of which are narrow roadways by conventional standards and bear a high level of traffic today. I'm concerned that Six Mile Engineering studies that were mentioned are basing a lot of their traffic flow studies on data that dates

back to 1998 with possible estimates of how much it has increased since then. I would like for you to request some additional traffic studies to actually validate interior traffic to the existing Warm Springs Mesa. I think the Windsong proposal, which now appears to be the only new access to Warm Springs, doesn't necessarily mitigate a lot of the traffic flow that would occur on the east edge of the development and I think people will still drive down through the current Warm Springs Mesa Subdivision, further burdening an already overburdened traffic situation, the Stonepoint/Starcrest corridor. I think alternatives have been discussed, particularly the northern route, should be considered to keep the traffic from going through the already existing Warm Springs Mesa Subdivision.

Rob Gundlach (3078 Stonepoint Dr.) - I am concerned about the quality of the Windsong entrance. When I first read the Statesman article of what ACHD said, I was worried that we are talking about not having the third entrance up there. The jobs are to the west of Boulder Heights and no matter how many improvements we do to the east, really the traffic is going to want to flow towards the west. I am concerned about the current alignment of Windsong Dr. I don't consider that bike friendly. Maybe the trail going down there that's part of that Heritage zone would be able to be used to get up and down the hill for those who want to use the Natatorium, the school, greenbelt, etc. My hunch is some of what drives the Windsong proposal as it is is purely economics. I agree with Virginia Gillerman's idea of improving that tight corner. I see improvements to the two existing collectors as very important. Windsong Drive is going to be a very steep road as it is and I like the idea of the fourth proposal of having a flatter type of egress/ingress in the subdivision. I think the timing issues need to be worked out here and make sure that we really have the East Parkcenter Bridge in before construction begins on those houses.

Steve Heppler (President of the Boulder Heights Homeowners Assoc./1825 Talooka Way) - One of the concerns I keep hearing is where all the traffic is going to go. Having lived on the Mesa for the last 6 years, I avoid Warm Springs at a lot of cost. With more commercial development taking place on Federal Way (Fred Meyer), we head in that direction. I suspect a lot of other people are doing the same thing. Why drive all the way out to the mall when you can just run up onto Federal Way? At the board meeting last Thursday night, we all voted in favor of this subdivision.

Tom Jordan (Lives on Ridgepoint Way) - I concur with Mr. Heppler that as far as being said that the traffic would go onto Warm Springs Ave., I've actually timed it and measured the distance it would take to get to the new shopping area on Federal Way. I find it's more convenient for me to go through Harris Ranch and into that direction to shop at Fred Meyer and Home Depot. I have little desire to go in the other direction. I think a lot of pressure has been taken off of Warm Springs because of that development.

William Casey (311 E. Birdsong) - I concur with the site as being incredibly active as a geological location, especially in the areas of Phases 10 and 9 where the slopes can range anywhere from 30 to 45 degrees. The proposed building sites along there, I don't know if there's been due diligence and the account of the geotechnical surveys into that account as far as pedestrian or bike traffic. The tramway as we call it, or the access to Table Rock, is not only a very active hiking and recreation site, but it is also an active migratory pattern for deer and other wildlife. I think the developer does a good job into taking that into account. The connection of trails to the Boise Trail System, I know there's been some problems with the eastern side location as far as connecting those trails together, however I feel that is a very good idea and I think it is a compliment to the developer as well to have the foresight to develop that loop of trails which is extremely active. I can see where the clustering issue has tried to be addressed here. In high political areas such as this, the house clustering effect is extremely important. I can see some areas where that may have needed some improvement as far as the design itself. I would like to see some improvements made for pedestrian and bike paths along the roadways up there. Staff mentioned fire sprinklers in the houses. Is that inside or outside? Does that affect the current houses? The fire dangers up there will affect the current houses just as much as the new ones up there in the future. What is the proposed location for the communications tower for the Fire Department?

Steve Lord (President of the East End Neighborhood Assoc.) - I would like to address a couple of issues that are of concern to the East End Neighborhood Association that I don't think have been resolved by any of the information that's been presented to you tonight. I don't think there is any information that would justify you changing the critical vote that you took last October governing the impact of this proposal on Warm Springs as that traffic load is measured at Warm Springs and Walnut. As of July 1st of this year the traffic count has not substantially changed due to the opening of the West Parkcenter Bridge. What appears to have happened is that the morning in-bound traffic on Warm Springs seems to have been reduced somewhat and a lot of the inbound traffic comes across the West Parkcenter Bridge. But that's compensated for by the fact that at night there's still bottlenecking that occurs as you are headed east-bound off of Myrtle Street onto East Parkcenter Blvd., so there's more out-bound traffic on Warm Springs and it looks like it's a wash in terms of the net traffic reduction, so I think that 14,103 trips per day count that was taken as of July 1st is about what happened. One of the reasons why the 14,103 trip average daily count looks like it is a reduction is because it was up around 15,000 last year, so there probably is about a 1,000 trip reduction. Even with the best estimate from the Dobie Engineering proposal, even 55 units will increase the level of service to the point that it exceeds Level of Service C. One thing I think is critical is that I'm looking on the ACHD staff report dated May 24, 2001, and on page 5, paragraph D indicates that the proponent of Harris Ranch indicated that the East Parkcenter Bridge would be completed within the calendar year of 2001 or as soon thereafter as possible. The Corp of Engineers recently denied Harris Ranch's application to build that bridge. As far as the Army Corp of Engineers is concerned, building in that floodplain for that

bridge is back to the starting point. I'm concerned that we are approving a lot of construction and a lot of subdivision development on the promise that the East Parkcenter Bridge when in fact we still aren't really certain that it is going to happen. We know that there are certain things that can't be built in Harris Ranch until that's been completed, but that's the only leverage to get the East Parkcenter Bridge built, unless ACHD decides to fund it as part of its construction plan and that's nowhere on the horizon, not even within ACHD's ten year budget program. I'm concerned that whatever the reasons are between Harris Ranch and the Corp of Engineers, that bridge might be a puff of smoke. That proposal has been on your agenda a number of times in the last year and shortly before this Commission was about to hear the approval for the East Parkcenter Bridge, it was taken off the agenda at the developer's request. All the assumptions that go into the notion that nothing is going to be built in Boulder Heights before the East Parkcenter Bridge is opened for traffic is the worst kind of speculation on which to base a rational decision. I would just like to refer back to the comments that several of you, as Commissioners, made at the outset in your questions to staff or the applicant, and that is to note that as far as the traffic impact on Warm Springs and Walnut, there is no new information that would allow or require you to reverse the decision from the one you made on those issues in October of 2000. In the event that you do go ahead and approve this with the development agreement, I request that you make specific reference on page 6 under items C and D where it says: "Warm Springs Avenue insert at Walnut Street," and add as one of the planning documents on which your decision is based, the East End Neighborhood Policy Guide, 1999. I think those constitute the rationale grounds for limits that are recommended in the development agreement. If you do take the staff's recommendation to approve the development of the first 55 units, please limit it to those 55 units. I'm terribly concerned that the East Parkcenter Bridge will not get built soon or may never be built because of problems that the Corp of Engineers have identified with respect to the floodway and the Harris Ranch Development.

Mr. Unger - I think the four issues that this Commission based their denial on back in October is the Warm Springs Avenue traffic, geological concerns, fire approval and internal circulation and collector access. We have had fire approval from the beginning. The geological concerns, you have to understand that this project is a master plan. These are all preliminary studies which are required by your code. It's understood by us, your staff, that if we gain approval of our master plan, we have to go back and do extensive studies for the submittal of our preliminary plats. If those extensive studies don't bear out what our preliminary studies have already told us, then you don't approve the preliminary plat. We are asking for approval of a master plan and annexation/zoning and the hillside development. We anticipate doing those additional studies. They are very extensive and very expensive. All we are asking for is the opportunity to move forward and do the additional studies and present the preliminary plat to you with those studies. We feel very confident that they will bear out what our preliminary studies have shown us. As far as the traffic circulation and the Warm Springs traffic, Mr. Dobie did a traffic study. The Highway District reviewed that traffic study as did COMPASS and acknowledged

that that study was sound. But throughout our process it became apparent to the Highway District that people still were not comfortable with those studies and analysis so they hired an independent traffic engineering firm to review it again. Their study came back with the same basis that Mr. Dobie and the Highway District had. This Commission and Council will typically approve projects based upon traffic studies. We have two on this project that say yes. You can move forward with this project because the accesses are acceptable. We know we have to do more work with the geological concerns. What we are asking for this evening is your recommendation for approval for our master plan, the annexation and our hillside development.

COMMISSIONER HOBSON MOVED TO RECOMMEND APPROVAL OF CAR00-21 BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS STATED IN THE STAFF REPORT.

COMMISSIONER SULLIVAN SECONDED THE MOTION.

Commissioner Jordan - I would like to ask the maker of the motion, in regards to the suggestions for the clarification of the development agreement from the East End Neighborhood Association defining the traffic capacity on Warm Springs at Walnut Avenue, if you would be including those?

COMMISSIONER HOBSON - I DON'T THINK THAT HURTS THE DEVELOPMENT AT ALL. IT'S PROBABLY WITHIN THE SPIRIT SO I THINK THAT WOULD BE APPROPRIATE.

COMMISSIONER SULLIVAN - THE SECOND WILL CONCURS AS WELL AS THE CORRECTION THAT STAFF HAD POINTED OUT ON PAGE 2.

COMMISSIONER HOBSON - THAT CORRECTION SHOULD BE IN THERE.

MOTION TO RECOMMEND APPROVAL CARRIED UNANIMOUSLY.

COMMISSIONER JORDAN MOVED TO DEFER CUP00-55 TO AUGUST 6, 2001. WHILE WE HAVE BEEN GIVEN A REVISED HIGHWAY DISTRICT REPORT, WE ARE STILL WORKING WITH THE EXACT SAME NUMBERS THAT WE WERE WORKING WITH BEFORE AND THAT WAS BEFORE THE OPENING OF THE WEST PARKCENTER BRIDGE. I WOULD BE MORE COMFORTABLE IF WE HAD SOME CURRENT NUMBERS. I DO FEEL LIKE THE DEVELOPER IS MAKING A GOOD FAITH EFFORT, BUT I ALSO DON'T FEEL COMFORTABLE MAKING A DECISION BASED ON NUMBERS THAT I

DON'T KNOW IF THEY APPLY ANY MORE.

COMMISSIONER TROUNSON SECONDED THE DEFERRAL.

Commissioner Johnson - I would like to ask the maker of the motion the intent of deferring this to August 6th. Is that for the applicant to obtain additional information through his engineering firm, or is ACHD to provide that, or is this something that we want to try and look at through our staff?

Commissioner Johnson - My intent was to ask our staff to acquire that information from the Highway District.

Commissioner Sullivan - I'm not sure that it is available. My understanding is what we are dealing with, the numbers that we talked about from last summer, are actually a 12-month average. Those are developed in order to take into account the seasonal differences such as boat traffic to Lucky Peak that doesn't exist in December. The Parkcenter Bridge has been opened for a month. It's going to take some time for not only for those numbers to be generated, but also for traffic pattern habits to change. That's not something that's going to happen in the first 30 to 60 days. I don't know that we are going to have any better information in two weeks than what we have today. I'm not sure what a deferral will gain us.

Commissioner Hobson - I concur with Commissioner Sullivan. It is possible that we could get something that would be of great revelation so that we could feel really good about denying this or approving it. I think we, at some time, need to make a decision. In listening to the public testimony it's very interesting that of all the issues involved in this, we're centered on traffic. Every time something comes up in the North End or Foothills, all of the issues are related to traffic. The East and West Bridges aside, it seems to me that until there is something different about our traffic plans for the North End, every time something comes up our situation is going to be that we ought to hang up a closed sign on the foothills and say there is going to be no development because there's traffic problems on Warm Springs or State Street, etc. We either have to hang up the "closed" sign or work with what we have. There's been some improvements made to the access to this project which was of major concern to the maker of the motion when this was denied by this body last time. I think it's nice that those issues have been addressed somewhat. I'm prepared to vote in favor of this, but I don't think I want to support another postponement.

Commissioner Trounson - The reason I was in favor of this is because it was alluded to by the applicant that there was study done that showed the West Bridge had indeed reduced the traffic and then Mr. Lord inferred to that it hasn't. That's conflicting information. I don't think it's going to change but I

would like to give the applicant an opportunity to show that those numbers have changed and back that up with some figures.

Commissioner Jordan - I think Commissioner Sullivan raised some valid points in the time frames that we are dealing with. My primary reason for setting a date specific so that the City does not have to yet again go through the expense of noticing this project. If it comes back in two weeks that the information is not available, then I will know it's not available and be able to make a decision based on that. If in two weeks someone says they are going to have that information for us in a month, I can deal with that. I just feel I don't have enough information tonight to make a proper decision one way or the other.

Commissioner Johnson - I agree with a lot about what Commissioner Hobson has said about traffic, and yet it is true every time something comes up in the North End that's going to put Harrison Blvd. over the threshold level that has been set, we do take that very seriously and we should. I think the City has made commitments based on the number of daily trips. I feel we have to maintain that on Warm Springs too even though I do agree that you can't close the door and ignore further development. I'd probably feel comfortable with the 55 units if we proceed to approve it that way. But, I do feel that obligation on Warm Springs and I'm willing to go with a deferral. I would also be willing to try to deal with this tonight if other Commissioners want to do that.

Commissioner Sullivan - We get stuck lots of times having to listen to ACHD and rely on their expertise. That seems to always be an uncomfortable situation for us, but I think tonight if ACHD had said that the capacity wasn't there in any way, shape or form, we would probably have no problem denying this. However, they have told us that they believe, from their traffic studies, that the capacity is either there or going to be there. We kind of chosen not to believe them. All that aside, what we do have in front of us is a request for approval of a conceptual conditional use permit that has a ton of triggers and safety measures built into that. I think staff has done a good job of trying to balance not only the development rights of the applicant, but the concerns of the community including Warms Springs Avenue. If Mr. Lord is correct and for some reason the east crossing does not get corrected, 55 units is all they are going to see.

Commissioner Hobson - It was one of our Commissioners comments during the last hearing on this that their lack of support for this project was specifically based on not having a recommendation from ACHD. We have it today.

COMMISSIONERS IN FAVOR TO DEFER: JOHNSON, JORDAN & TROUNSON.
COMMISSIONERS AGAINST THE MOTION TO DEFER: HOBSON & SULLIVAN.

MOTION TO DEFER CARRIED.

COMMISSIONER SULLIVAN MOVED TO DEFER CFH00-15 TO AUGUST 6, 2001. COMMISSIONER TROUNSON SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

Planning & Zoning Commission Minutes of June 4, 2001 - COMMISSIONER HOBSON MOVED FOR APPROVAL. COMMISSIONER JORDAN SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

Planning & Zoning Commission Minutes of June 11, 2001 - COMMISSIONER JORDAN MOVED FOR APPROVAL. COMMISSIONER JOHNSON SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

_____

Rinda Just, Chairman
BOISE CITY PLANNING & ZONING COMMISSION

Development Agreement
Attached to the Annexation and Re-zone Proposal for
Boulder Heights Estates, CAR00-00021/DA
Revised July 16, 2001

This Agreement entered into this _____ day of _____, 200_, by and between the City of Boise, hereinafter referred to as "City," and J. H Wise and Sons, LTD., the owners of the real property described herein and applicants for Boise City annexation case number CAR00-00021/DA, hereafter referred to as "Developer."

WHEREAS, the Developer has applied to the City for an annexation of the property into the City's jurisdiction with a development agreement, and with the purpose to create a planned development of residential units, and

WHEREAS, the Developer has applied to the City for a conceptual conditional use permit for a planned development number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit number CFH00-00015, and

WHEREAS, the City, pursuant to 11-8-9, Boise City Code, and 67-6511A, Idaho Code, has the authority to conditionally rezone the property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and pursuant to a specific site plan which is deemed appropriate in the area.

NOW THEREFORE, with mutual consideration as reflected in the covenants, duties, and obligations herein set forth the parties do enter into this Agreement.

1. **Description and Location of Property, Size of Property, Present and Development Agreement zoning**: These conditional R-1A and Open Land - A zones shall apply to the property owned by the Developer, hereinafter referred to as "the Property" and which is specifically described as follows:

   LEGAL DESCRIPTION: ATTACHED AS EXHIBIT "A"

   The location of the site is on the north side of Warm Springs Avenue in the area known as Warm Springs Mesa and surrounding lands in parts of Sections 18 and 19 in T.3N., R.3E. and Section 24 T. 3N., R. 2E. The Property is approximately 406 acres in area.

The present Ada County zoning is approximately 326.5 acres in RP, Rural Preservation, approximately 40 acres in R8, Residential 8 units per acre, approximately 33.7 acres in M1, Manufacturing 1, and approximately 5.8 acres in R4, Residential 4 units per acre.

A. The developed areas of the Property shall be zoned R-1A and shall be further restricted by this development agreement. The conceptual proposal shows approximately 156 acres of developed area.

For purposes of this Agreement the term "developed areas" shall mean all of the area within the outermost perimeter, including roads, services structure areas and infrastructure appurtenances where the land will be altered from its state at the time of the adoption of this rezone and annexation. Developed areas includes all structures, dwellings, roads, sidewalks, residential parcels, drainage systems, water system facilities, the shop/maintenance yard parcel, and any structures not related to the use by Boise City Parks and Recreation Department. This area is described in the attached map labeled Exhibit "E," Zoning Designations for the Boulder Heights Planned Development. This definition does not include areas designated for public trails, recreational facilities, trail-related structures, and service related facilities related to uses and activities of the Idaho Fish and Game Department, Boise City, and the Bureau of Land Management, particularly relating to range fire control and wildlife habitat activities.

ZONING DESIGNATIONS FOR THE BOULDER HEIGHTS PLANNED DEVELOPMENT, ATTACHED AS EXHIBIT "E"

B. The open lands, undeveloped portions of the Property, shall be zoned Open Land - A, and shall be further restricted by this Agreement. The conceptual proposal shows approximately 250 acres of undeveloped area.

This Open Land - A area shall be defined as the area outside the outermost perimeter of the developed area, and shall include all of the area proposed for ownership by the Boise Board of Park and Recreation Commission at their hearing on September 21, 2000. (See Exhibit "F," Memo to Board of Park and Recreation Commission dated September 13, 2000, with enclosure: Boulder Heights Subdivision map.")

MEMO TO BOARD OF PARK AND RECREATION COMMISSION DATED SEPTEMBER 13, 2000, WITH ENCLOSURE: BOULDER HEIGHTS SUBDIVISION MAP, ATTACHED AS EXHIBIT "F"

C. Any change of parcel boundaries, subdivision, boundary line adjustment, or resubdivision of parcels in the Property shall be made as a conditional use modification to the conditional use/planned development permit issued in conjunction with this development agreement, and, shall be further subject to the requirements of the *Boise City Subdivision Ordinance*, Chapter 9-20.

D. The Property shall be excluded from the exception section of the *Boise City Subdivision Ordinance* that allows the division of lands with frontage on a public right-of-way into five-acre parcels, Sections 9-20-04 C. 2 and 3.

E. The Property in the Open Land -A zone shall be platted as discrete parcel(s) separate from the developed area. Each such parcel shall be labeled "Permanent Open Space" on the final subdivision plat. The open land parcels shall be determined with the cooperation and consent of the Boise Parks and Recreation Department in order to facilitate the use as a Boise City public park.

2. **Use permitted by this Agreement:** The uses allowed pursuant to this annexation with development agreement and conditional rezone as reflected in the Agreement are those uses specifically addressed in this Agreement, and as conceptually shown on attachment Exhibit "B," Boulder Heights Estates Subdivision Conceptual Master Plan, Sheet C-1," dated June 29, 2001, or as amended by the Planning and Zoning Commission as directed by the Council. No significant change to the elements addressed in the Agreement or conditions of operation specified in the Agreement shall be allowed without modification to this Agreement pursuant to the requirements of the Boise City Code. In the event the Developer changes or expands the project as specified by the Agreement, without formal modification of this Agreement as allowed by the Boise City Code, the Developer shall be in default of this Agreement.

BOULDER HEIGHTS ESTATES SUBDIVISION CONCEPTUAL MASTER PLAN, SHEET C-1, ATTACHED AS EXHIBIT "B," REVISED JUNE 29, 2001

A. It is hereby agreed to that the following uses listed in the R-1A Zone shall be limited solely to the following uses. Any other uses proposed for the Property shall require an amendment to this Agreement following the requirements as outlined in Section 11-08-09 of the Boise City Code. The following uses shall be subject to the requirements of Section 11-04-03.05 Use Standards of the Boise City Code.

1. One detached single family dwelling unit per lot
2. Club/Lodge

3. Agricultural Uses & Stables (Subject to Section 11-6-6.1)
4. Backyard composting
5. Family Child Care Home (1-5 children)
6. Child Care within School Building After School
7. Construction Office, Temporary
8. Accessory Uses to Allowed dwellings
9. Parks
10. Planned Unit Development (PUD)
11. Recreation Center
12. School (Public, private or parochial)
13. Subdivision office, temporary
14. Utility Facility (Power Poles)
15. Utility Facility - Minor

B. It is hereby agreed to that the following uses listed in the Open Land - A Zone shall be limited solely to the following uses. Any other uses proposed for the Property shall require an amendment to this Agreement following the requirements as outlined in Section 11-08-09 of the Boise City Code. The following uses shall be subject to the requirements of Section 11-09-03.02 Use Standards of the Boise City Code.

1. Public Park, Forest Reserve or Recreation Area.
2. Accessory and support uses for public parks, trails, recreational facilities, trail-related structures, and service related facilities related to uses and activities of the Idaho Fish and Game Department, Boise City, and the Bureau of Land Management. Accessory and support uses include public restrooms, fencing, paved or graveled parking areas, irrigation and drainage facilities, ditching, trenching and grading, planting and cultivating vegetation particularly relating to range fire control and restoration, and wildlife habitat development and restoration activities.

C. The open land portion of the Property shall become part of the Boise Parks and Recreation Department parks system under terms to be developed between the Developer and the Boise City Parks and Recreation Department and the Boise Board of Park and Recreation Commission.

D. The open land portion of the Property, as described in Exhibit "E," as revised June 29, 2001, shall remain in a permanent open use. These lands "must remain in a primarily natural condition with the goal to maintain it for wildlife habitat and

recreational uses." (*Foothills Policy Plan,* p. 2) This is defined as "natural landscape" and "open space, public" and "open space, private" in the *Foothills Policy Plan,* p. 33. The essential use and nature of the open lands shall remain as they were at the time of the adoption of this Agreement, in their natural state. A limited temporary use for construction purposes is allowed during the construction period. Lands that are so disturbed shall be restored to their natural contours and revegetated within six months after the given construction phase is completed. These temporary uses shall be shown on the revegetation plan for the project.

E. Some uses in the open land shall be allowed that promote the recreational hiking and biking trail system related to the Ada County Ridge to Rivers Plan. The proposed trail system is shown on Exhibit "G," Boulder Heights Trail System Map.

BOULDER HEIGHTS TRAIL SYSTEM MAP: ATTACHED AS EXHIBIT "G"

F. Changes may be made to the vegetation for the promotion of wildlife habitat and the safety and protection of the community from the dangers of range fires and noxious weeds. Such changes would be made under the supervision of the Boise Parks and Recreation Department in conjunction with the Idaho State Fish and Game Department.

G. Trails, trail related appurtenances, trail head parking areas shall be allowed in the open lands on the Property. They shall be under the jurisdiction and care of the Boise Parks and Recreation Department, and will be constructed and maintained by them.

3. **Construction of Use in Conditional Zone:** A residential planned development with permanent open space may be constructed as conceptually shown on the plans attached hereto as Exhibit "B," Boulder Heights Estates Subdivision Conceptual Master Plan, Sheet C-1," **revised June 29, 2001.**

A. The maximum number of dwelling units allowed given the current open space and subdivision design proposal is 223 units. The upper limit of the allowed number of dwelling units on the Property shall be 228 units, if the current proposal is redesigned to provide an additional 4.8 acres of open land.

This maximum figure was arrived at through an analysis of the proposal calculated using the policies of the *Foothills Policy Plan*, Chapter One, Goal One

Objectives 1 and 2, in particular the calculation described in Figure 1 - 2, "Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation." (See Exhibit "C," Boulder Heights Estates Planned Development, CUP00-00021 Density Bonus Analysis.)

BOULDER HEIGHTS ESTATES PLANNED DEVELOPMENT, CUP00-00021 DENSITY BONUS ANALYSIS: ATTACHED AS EXHIBIT "C"

B. It is hereby agreed to that the dwelling units shown in Exhibit "D," "Land Not Subject to the Density Bonus in the Development Area," shall not be subject to the "Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation" allowance for dwelling units. The proposal shows 55 units in the area described in Exhibit "D."

MAP OF LAND NOT SUBJECT TO THE DENSITY BONUS IN THE DEVELOPMENT AREA: ATTACHED AS EXHIBIT "D"

C. It is hereby agreed to that the 55 dwelling units shown in Exhibit "D" may be constructed in the Phase One location of the planned development. Those lots may be platted and built in the area designated as Phase One on the Conceptual Master Plan Map C-1, upon the adoption of the final plat of Phase One. It is agreed by the parties that the number of dwelling units allowed on Phase One of the Property will be 55 units, given that the ordinance requirements and conditions of approval are met, and prior to the completion of the off-site street system improvements already scheduled by the owners of the adjacent Harris Ranch planned development. The approval of plats beyond Phase One shall be given only after the proof of available traffic capacity has been substantiated and verified by the Ada County Highway District Board of Commissioners, in particular the traffic capacity on Warm Springs Avenue at Walnut Street, and the other collector and arterial roads supporting the Property. "Available traffic capacity" means that the given road or roads can accommodate the proposed number of average daily trips without causing the roadway to exceed Level of Service C. This is defined under "Roadway Functional Classification" in the *Foothills Policy Plan,* p.p.s. 34 through 36.

D. It is agreed by the parties that the number of dwelling units allowed on the Property will ultimately be decided on the proof of available traffic capacity on Warm Springs Avenue at Walnut Street and the other collector and arterial roads supporting the Property. Such proof shall be the responsibility of the Developer,

and will be certified by Ada County Highway District at the time of subdivision plat review for each phase of the project beyond Phase One.

The maximum number of dwelling units allowed for this planned development is dependant on the traffic constraints described in the policies of the *Destination 2020: Regional Transportation Plan for Ada County, Interim Foothills Transportation Plan*, the *East End Neighborhood Policy Guide*, pp. 2-5 and 2-6 (1999), and the *Foothills Policy Plan*. Those policies direct that annexation and rezones in the Foothills Planning Area shall not be approved unless and until there is sufficient traffic capacity on the streets and roads supporting the subject area.

EAST END NEIGHBORHOOD POLICY GUIDE, PPS. 2-5 AND 2-6: ATTACHED AS EXHIBIT "I"

E. Other factors may also limit the maximum number of units allowed specifically the health and safety issues associated with geologic hazards and the availability of fire department services to the Property. The geologic hazards issue shall be resolved through compliance with the "Hillside and Foothills Area Development Ordinance," CFH00-00015, final permit. The fire safety issues will be determined by the Boise Fire Department at the time of final plat approval for each phase of the development, including Phase One.

F. The Fire Department requires the following for the acceptance of the subdivision into the City fire service area, and approval of the rezone, conditional use permit, the Hillside and Foothills Area development permit, and approval of building permits for the dwelling units. Implementation of these requirements will be addressed in the final conditional use permit, as will the appropriate phasing of each item.

1. Ada County Highway District has outlined, with their action of May 23, 2001, on CUP00-00055/REVISED, some improvements to the existing Starview Lane which must be completed. (See attached Exhibit H, Ada County Highway District approval letter of May 24, 2001, with attached conditions of approval.)

2. All new buildings must incorporate a 30 foot defensible space and Class A roofs. (See FOOTHILLS Condition below).

   a. FOOTHILLS Condition: This project falls within the boundaries of the "Foothills." As such all buildings are required to contain Class A roofs and a 30 foot "defensible space" on the sides of the Property that border wildlands. Information on naturally fire resistive plant materials can be obtained from the International Fire Code Institute (IFCI) Urban-Wildland Interface Code, the National Fire Protection Association

(NFPA) standard #299, National Forest Service, Boise Interagency Fire Center, Boise National Forest, Idaho State Forest Service, Federal Bureau of Land Management (BLM), Idaho Department of Lands, the Boise Parks and Recreation Department's Urban Forester, Colorado State Forest Service, and Captain Paul Fortin Boise City Fire Department. (BCC Chapter 14)

3. The applicant agrees to provide a radio tower and brush fire truck access. The applicant will work out these details with the Fire Chief as part of the final conditional use permit and subdivision plat phases of the proposal.

4. All buildings must be equipped with a modified NFPA 13D automatic fire sprinkler system. (See MODIFY 13D Condition for details below.)

a. MODIFY 13D Condition: NFPA 13D allows certain small closets, small bathrooms, some foyers, and attached garages to be unsprinklered. In order for a sprinkler system to off-set other code requirements all closets, baths, and foyers shall be protected. In addition, attached garages shall be sprinklered only in as much as a single row of "dry sidewall sprinklers" along the wall between the house and the garage will provide. (UFC 103.1.2)

ADA COUNTY HIGHWAY DISTRICT APPROVAL LETTER OF MAY 24, 2001, WITH ATTACHED CONDITIONS OF APPROVAL: ATTACHED AS EXHIBIT "H"

4. **Development Standards:** It is understood by the parties that the development plan attached as Exhibit "B" is conceptual in nature. The exact subdivision layout, street design, trail alignments, phase configuration and sequence, will be determined at the time of approval of the final conditional use permit.

A. Development on the Property shall comply with the *Foothills Policy Plan* and any subsequent ordinances implementing said plan. The Developer shall also honor negotiated area of impact agreements with Ada County.

B. The applicant shall install and make available municipal sewer service to each dwelling unit in the Property, as the phases of the Property are platted.

C. The applicant shall install and make available municipal water to each dwelling unit in the Property, as the phases of the Property are platted.

D. The Property shall not receive final plat sign-off until the required fire department facilities are in place, or until the Fire Department makes findings that the fire department facilities are scheduled for completion.

E. Failure to construct the development consistent with this Agreement, conditions established in the conceptual and final Conditional Use Permit, CUP00-00055, and the conceptual and final Foothills and Hillside Development Area permit, CFH00-00015, and the plans and conditions included as exhibits without formal modification of the plans consistent with Boise City Code, including the amendment of this Agreement, shall result in a default of this Agreement by the Developer.

5. **Conditions. Bonding for Completion:** All of the conditions hereinbefore described shall be complied with or shall be bonded for completion by the Developer before the use can receive a final Occupancy Permit for each phase developed. The Developer shall make no use of the project prior to the issuance of the Occupancy permit (Unless a temporary occupancy permit is issued with improvements having been bonded) and full compliance with the Agreement and the Boise City Code. Failure to comply or bond for completion of the conditions within the time frame established in the conditions, the Boise City Code or the terms of this Agreement shall result in a default of this Agreement by the Developer. The Developer may be allowed to bond for certain conditions at one hundred and ten percent (110%) of the estimated cost of completion pursuant to Condition(s) in Section 3 of this agreement.

6. **Commencement of Construction:** The Developer shall submit for a building permit for one phase of the project within Twenty-four (24) months of the effective date of this Agreement unless a time extension is approved by the Planning and Zoning Commission. The Developer shall complete construction of one phase within twenty-four (24) months after commencement of construction, unless an extension of time is approved as a modification of this Agreement.

7. **Default:** In the event the Developer, her/his heirs or assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with the terms and conditions included in this Agreement, after the City has provided 30 days written notice to the Developer, this Agreement may be modified or terminated by the Boise City Council upon compliance with the requirements of Boise City Code. The City shall provide a reasonable period of time for the developer to rectify issues prior to termination of the agreement.

A. In the event the City Council determines that this Agreement shall be modified, the terms of this Agreement shall be amended and the Developer shall comply with the amended terms. Failure to comply with the amended terms shall result in default.

B. A waiver by the City of any default by the Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

8. **Consent to Rezone:** The Developer, by entering into this Development Agreement, does hereby agree that in the event there shall be an uncured (after written notice to developer) default in the terms and conditions of this Agreement, that this Agreement shall serve as consent to a reversion described in a) and b) below, of any portion of the project that has not received a valid building permit for construction. The parties further agree that the City Council may choose to remedy an uncured default by reversion to either,

   a) de-annexation from the City and a reversion to the prior Ada County zoning for any portion of the project that has not received a valid building permit for construction, or,

   b) a rezoning designation to Open Land - A for said land, with only uses allowed consistent with the adopted Boise Comprehensive Plan, as provided in S67-6511 (d), Idaho Code, as directed by the City Council, and stated in Section 2. B. of this agreement.

9. **Termination of Entire Agreement:** This agreement shall terminate and no longer be in effect 120 days after obtaining a final occupancy approval from the City of Boise for the last phase of the development on the Property. This will signify that all conditions of approval of this agreement have been completed, bonded, or met.

10. **Time Limits:** Pursuant to Section 11-08-09 D. 6 of the Development Agreement Ordinance, the developer hereby waives all time limits of the Boise City Zoning Ordinance relating to time processing requirements of related applications to Development Agreement are waived.

11. **Notices:** Any and all notices required to be given by either of the parties hereto, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

a). To the City:
Boise City
C/o Director, Planning and Development Services Department
P.O. Box 500 Boise, Idaho 83701-0500

b). To the Developer:
J. H. Wise and Sons
2843 Star Circle
Boise, Idaho 83712

Either party shall give notice to the other party of any change of their address for the purpose of this section by giving written notice of such change to the other in the manner herein provided.

12. **Attorney Fees:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

13. **Time is of the essence:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.

14. **Binding Upon Successors:** This Agreement shall be binding upon and inure to the benefit of the parties' respective successors, assigns and personal representatives. This Agreement shall be binding on the owner of the Property, each subsequent owner and each other person acquiring an interest in the Property.

15. **Effective Date:** This Agreement shall be effective on the date the Boise City Council shall adopt the appropriate amendment to the Boise City Zoning Ordinance, known as CAR00-00021/DA, changing the zoning designation of the Property to R-1A and Open Land-A.

16. **Requirements for Recordation:** The Developer shall record this document, including all the Exhibits prior to the formal adoption of CAR00-00021/DA by the City Council. Failure to comply with this section shall be deemed a default to this Agreement by the Developer.

In Witness Whereof, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this ___ day of 2001.

BOISE CITY
By _____
_____

ATTEST:

_____

DEVELOPER

By: _____
Homer Wise

By: _____

STATE OF IDAHO)
:ss.
County of Ada)

On this _____ day of _____, in the year _____, before me, _____, personally appeared _____, known to me to be the _____, of the _____ that executed the said instrument, and acknowledged to me that he/she executed the same.

_____
Notary Public For Idaho
Residing at: _____ Idaho
My commission expires: _____

Exhibit "A"

ANNEXATION DESCRIPTION
FOR J.H. WISE SONS COMPANY P.L.L.C.

February 2, 2000

AN AREA OF LAND LOCATED IN SECTIONS 18 AND 19, TOWNSHIP 3 NORTH, RANGE 3 EAST, B.M., AND SECTION 13 AND 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SECTION CORNER COMMON TO SAID SECTIONS 18 AND 19 AND SECTIONS 13 AND 24, TOWNSHIP 3 NORTH, RANGE 2 EAST B.M., FROM WHICH THE WEST ¼ CORNER OF SAID SECTION 19 BEARS SOUTH 00°08'08" WEST, 2659.69 FEET;

THENCE NORTH 00°11'26" WEST, 640.43 FEET ALONG THE WEST LINE OF SAID SECTION 18 TO A POINT ON THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4855);

THENCE ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4855) THE FOLLOWING COURSES AND DISTANCES:

SOUTH 69°14'24" EAST, 177.00 FEET;

NORTH 78°45'36" EAST, 332.00 FEET;

NORTH 70°23'36" EAST, 139.00 FEET;

NORTH 55°01'36" EAST, 615.00 FEET;

NORTH 29°19'36" EAST, 121.00 FEET;

NORTH 77°34'36" EAST, 116.00 FEET;

SOUTH 00°34'36" WEST, 375.13 FEET;

SOUTH 89°04'18" EAST, 1111.56 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 18;

NORTH 00°18'58" EAST, 500.03 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 18;

THENCE LEAVING SAID EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4855) AND ALONG THE NORTH LINE OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 18, SOUTH 86°33'57" EAST, 2644.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 18, BEING ALSO A POINT ON THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861);

THENCE ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) AND ALONG THE EAST LINE OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 18, SOUTH 00°22'58" WEST, 1313.75 FEET TO THE SECTION CORNER COMMON TO SECTIONS 18, 19, 20, AND 21, TOWNSHIP 3 NORTH, RANGE 3 EAST, B.M.;

THENCE CONTINUING ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) AND ALONG THE EAST LINE OF SAID SECTION 19, SOUTH 01°01'33" EAST, 2627.52 FEET TO THE EAST ¼ CORNER OF SAID SECTION 19;

THENCE LEAVING SAID EXISTING CITY LILMITS BOUNDARY LINE (ORDINANCE NO. 5861) AND ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 19, NORTH

88°12'29" WEST, 2648.06 FEET TO THE CENTER ¼ OF SAID SECTION 19, BEING ALSO THE NORTHEAST CORNER OF GOVERNMENT LOT 4;

THENCE ALONG THE EAST LINE OF GOVERNMENT LOT 4 SOUTH 00°00'46" WEST, 886.32 FEET TO THE INTERSECTION WITH THE CURVED NORTHERLY RIGHT-OF-WAY LINE OF EAST BARBER DRIVE, BEING ALSO A POINT ON THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861);

THENCE ALONG THE SAID CURVED NORTHERLY RIGHT-OF-WAY AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 207.31 FEET, SAID CURVE HAVING A RADIUS OF 1625.00 FEET, A CENTRAL ANGLE OF 7°18'34", AND A LONG CHORD BEARING SOUTH 79°39'18" WEST, 207.17 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) SOUTH 76°00'00" WEST, 39.87 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND CONTINUING ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) THE FOLLOWING COURSES AND DISTANCES:

NORTH 42°42'20" WEST, 77.27 FEET;

NORTH 28°50'20" WEST, 59.35 FEET;

SOUTH 39°00'40" WEST, 96.00 FEET;

SOUTH 51°18'40" WEST, 51.65 FEET;

SOUTH 13°34'25" EAST, 62.72 FEET TO THE INTERSECTION WITH THE CURVED NORTHERLY RIGHT-OF-WAY OF EAST BARBER DRIVE;

THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) THE FOLLOWING COURSES AND DISTANCES:

THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 15.50 FEET, SAID CURVE HAVING A RADIUS OF 725.00 FEET, A CENTRAL ANGLE OF 1°13'31", AND A LONG CHORD BEARING SOUTH 62°59'25" WEST, 15.50 FEET;

THENCE SOUTH 62°22'39" WEST, 174.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 74.47 FEET, SAID CURVE HAVING A RADIUS OF 1025.00 FEET, A CENTRAL ANGLE OF 4°09'46", AND A LONG CHORD BEARING SOUTH 60°17'46" WEST, 74.45 FEET;

THENCE SOUTH 58°12'53" WEST, 62.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG LSAID CURVE TO THE RIGHT AN ARC LENGTH OF 194.65 FEET, SAID CURVE HAVING A RADIUS OF 675.00 FEET, A CENTRAL ANGLE OF 16°31'20", AND A LONG CHORD BEARING SOUTH 66°28'33" WEST, 193.97 FEET;

THENCE SOUTH 74°44'13" WEST, 196.03 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF WARM SPRINGS BLVD;

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THENCE ALONG SAID NORTHERLY RIGHT OF WAY AND CONTINUING ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) THE FOLLOWING COURSES:

SOUTH 83°08'12" WEST, 60.70 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 334.62 FEET, SAID CURVE HAVING A RADIUS OF 1382.50 FEET; A CENTRAL ANGLE OF 13°52'05", AND A LONG CHORD BEARING NORTH 89°55'46" WEST, 333.81 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND SAID CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861), NORTH 84°35'40" EAST, 143.99 FEET;

THENCE NORTH 71°49'40" EAST, 202.60 FEET;

THENCE NORTH 00°03'20" WEST, 52.08 FEET;

THENCE NORTH 75°36'10" EAST, 271.10 FEET;

THENCE NORTH 59°09'10" EAST, 81.45 FEET;

THENCE NORTH 39°59'10" EAST, 82.79 FEET;

THENCE NORTH 45°16'28" EAST, 210.01 FEET;

THENCE NORTH 41°19'18" WEST, 210.00 FEET;

THENCE NORTH 00°29'29" WEST, 87.84 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STARVIEW DRIVE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 87°38'30" WEST, 147.89 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY NORTH 02°21'30" EAST, 64.28 FEET TO THE MOST EASTERLY CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 8A, AS FILED IN BOOK 55 OF PLATS AT PAGE 5034;

THENCE ALONG THE EASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 8A, NORTH 23°31'47" WEST, 132.74 FEET TO THE NORTHEAST CORNER THEREOF, BEING ALSO A POINT ON THE SOUTHEAST BOUNDARY OF WARM SPRINGS MESA SUBDIVISION NO.8, AS FILED IN BOOK 26 OF PLATS AT PAGE 1654;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 8, NORTH 71°30'32" EAST, 122.29 FEET TO THE MOST SOUTHERLY CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 9, AS FILED IN BOOK 30 OF PLATS AT PAGE 1874;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 9 THE FOLLOWING COURSES AND DISTANCES;

NORTH 48°03'54" EAST, 147.36 FEET;

NORTH 25°26'14" EAST, 158.36 FEET;

NORTH 12°00'59" EAST, 360.00 FEET TO THE SOUTHEAST CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 11, AS FILED IN BOOK 39 OF PLATS AT PAGE 3233;

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THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 11, NORTH 12°00'59" EAST, 85.00 FEET TO THE SOUTHEAST CORNER OF LOT 13, BLOCK 12 THEREOF;

THENCE SOUTH 71°52'05" EAST, 40.00 FEET;

THENCE NORTH 17°07'18" EAST, 81.12 FEET;

THENCE NORTH 63°25'11" WEST, 29.93 FEET;

THENCE NORTH 31°20'53" EAST, 92.68 FEET;

THENCE NORTH 56°40'55" WEST, 10.04 FEET TO THE NORTHEAST CORNER OF LOT 14, BLOCK 12, SAID WARM SPRINGS MESA SUBDIVISION NO. 11;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 11, NORTH 31°20'53" EAST, 400.23 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 11, NORTH 56°40'55" WEST, 120.01 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF RIDGE POINT WAY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 33°28'13" EAST, 31.19 FEET TO THE MOST SOUTHERLY CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 13, AS FILED IN BOOK 45 OF PLATS AT PAGE 3725, SAID CORNER ALSO BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING ALONG THE SAID CURVED EASTERLY RIGHT-OF-WAY AND THE EAST LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13 AN ARC LENGTH OF 257.92 FEET, SAID CURVE HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 65°40'41", AND A LONG CHORD BEARING NORTH 00°37'53" EAST, 244.03 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;

THENCE CONTINUING ALONG THE SAID CURVED EAST LINE OF WARM SPRINGS MESA SUBDIVISION NO. 13 AND SAID REVERSE CURVE TO THE RIGHT AN ARC LENGTH OF 43.28 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 123°59'01", AND A LONG CHORD BEARING NORTH 29°47'03" EAST, 35.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF STONERIDGE WAY;

THENCE ALONG THE SOUTHERLY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 13 AND SAID SOUTHERLY RIGHT-OF-WAY OF STONERIDGE WAY THE FOLLOWING COURSES AND DISTANCES:

SOUTH 88°13'27" EAST, 77.26 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 24.54 FEET, SAID CURVE HAVING A RADIUS OF 161.12 FEET, A CENTRAL ANGLE OF 8°43'41", AND A LONG CHORD BEARING NORTH 87°24'43" EAST, 24.52 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE WESTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13, SOUTH 17°19'32" EAST, 118.70 FEET;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13 THE FOLLOWING COURSES AND DISTANCES:

NORTH 72°46'00" EAST, 110.54 FEET;

NORTH 46°01'02" EAST, 114.92 FEET;

NORTH 20°18'21" EAST, 130.51 FEET;

NORTH 08°14'06" EAST, 134.84 FEET;

NORTH 32°40'15" EAST, 103.20 FEET;

NORTH 48°08'53" EAST, 121.08 FEET;

NORTH 73°13'20" EAST, 166.71 FEET;

NORTH 45°58'13" EAST, 150.91 FEET;

NORTH 32°08'33" EAST, 193.78 FEET TO THE MOST EASTERLY CORNER THEREOF;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13 THE FOLLOWING COURSES AND DISTANCES:

NORTH 57°51'26" WEST, 110.00 FEET;

NORTH 53°01'09" WEST, 50.19 FEET TO THE CORNER COMMOM TO WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 1, AS FILED IN BOOK 55 OF PLATS AT PAGE 5060;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 1, NORTH 53°01'09" WEST, 110.19 FEET TO THE SOUTHEAST CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 3, AS FILED IN BOOK 55 OF PLATS AT PAGE 5079;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 3, THE FOLLOWING COURSES AND DISTANCES:

NORTH 47°51'11" EAST, 112.38 FEET;

NORTH 42°44'26" EAST, 107.79 FEET TO THE CORNER COMMON TO BOULDER HEIGHTS SUBDIVISION AS FILED IN BOOK 59 OF PLATS AT PAGE 5805;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BOULDER HEIGHTS SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 42°44'26" EAST, 136.19 FEET;

NORTH 23°14'47" EAST, 50.00 FEET TO THE MOST EASTERLY CORNER THEREOF;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID BOULDER HEIGHTS SUBDIVISION AND THE NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TRENT POINT WAY THE FOLLOWING COURSES AND DISTANCES:

NORTH 66°47'56" WEST, 75.64 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 13.47 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 15°26'22", AND A LONG CHORD BEARING OF NORTH 59°04'45" WEST, 13.43 FEET;

THENCE NORTH 51°21'34" WEST, 32.73 FEET;

THENCE ALONG THE BOUNDARY LINES OF A CERTAIN TANK SITE DEEDED TO UNITED WATER OF IDAHO AND THE ACCESS EASEMENT THERETO THE FOLLOWING COURSES AND DISTANCES:

NORTH 38°38'23" EAST, 51.81 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 46.75 FEET, SAID CURVE HAVING A RADIUS OF 77.50 FEET, A CENTRAL ANGLE OF 34°33'34", AND A LONG CHORD BEARING NORTH 21°21'36" EAST, 46.04 FEET;

THENCE NORTH 04°04'49" EAST, 35.30 FEET;

THENCE NORTH 84°20'35" WEST, 6.37 FEET;

THENCE NORTH 04°04'49" EAST, 209.47 FEET;

THENCE NORTH 47°30'56" WEST, 130.42 FEET;

THENCE SOUTH 28°42'05" WEST, 168.05 FEET;

THENCE SOUTH 45°15'41" EAST, 202.46 FEET;

THENCE SOUTH 04°04'49" WEST, 41.28 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 31.67 FEET, SAID CURVE HAVING A RADIUS OF 52.50 FEET, A CENTRAL ANGLE OF 34°33'34", AND A LONG CHORD BEARING SOUTH 21°21'36" WEST, 31.19 FEET;

THENCE SOUTH 38°38'23" WEST, 51.81 FEET TO THE INTERSECTION WITH THE AFORE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TRENT POINT WAY AND THE NORTHEASTERLY BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISON;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY AND BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

NORTH 51°21'34" WEST, 32.50 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 39.27 FEET, SAID CURVE HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 10°00'00", AND A LONG CHORD BEARING NORTH 56°21'34" WEST, 39.22 FEET;

THENCE NORTH 61°21'34" WEST, 113.42 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINES OF SAID BOULDER HEIGHTS SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 28°16'56" EAST, 120.39 FEET;

NORTH 79°22'39" WEST, 203.52 FEET;

SOUTH 46°19'22" WEST, 210.05 FEET TO THE NORTHWESTERLY TERMINUS OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF EAST WINDSONG DRIVE, AS SHOWN ON SAID BOULDER HEIGHTS SUBDIVISION PLAT;

THENCE LEAVING SAID EASTERLY BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISION AND ALONG THE NORTHWESTERLY PROLONGATION OF SAID SOUTHWESTERLY RIGHT OF WAY LINE NORTH 43°40'38" WEST, 6.06 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 13.97 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 6°24'11", AND A LONG CHORD BEARING NORTH 40°28'32" WEST, 13.96 FEET;

THENCE SOUTH 46°19'22" WEST, 220.06 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 22.10 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 10°07'52", AND A LONG CHORD BEARING SOUTH 60°23'27" EAST, 22.07 FEET;

THENCE SOUTH 55°19'31" EAST, 4.05 FEET TO THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF EAST ECHO DRIVE AND THE NORTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION;

THENCE ALONG SAID NORTHWESTERLY BOUNDARY LINE SOUTH 31°15'19" WEST, 30.87 FEET TO AN ANGLE POINT THEREON;

THENCE CONTINUING ALONG SAID NORTHWESTERLY BOUNDARY LINE SOUTH 34°49'40" WEST, 19.19 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST ECHO DRIVE;

THENCE LEAVING SAID EASTERLY BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISION AND ALONG THE NORTHWESTERLY PROLONGATION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE NORTH 55°19'31" WEST, 5.84 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 13.36 FEET, SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 10°12'23", AND A LONG CHORD BEARING NORTH 60°25'42" WEST, 13.34 FEET;

THENCE SOUTH 35°48'19" WEST, 134.24 FEET;

THENCE NORTH 84°25'26" WEST, 65.26 FEET TO THE MOST NORTHERLY CORNER OF LOT 14, BLOCK 1, SAID BOULDER HEIGHTS SUBDIVISON;

THENCE ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NORTH 52°42'35" WEST, 450.97 FEET;

THENCE CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY LINE NORTH 81°37'53" WEST, 119.35 FEET TO THE MOST EASTERLY CORNER OF BOULDER HEIGHTS SUBDIVISION NO. 2, AS FILED IN BOOK 70 OF PLATS AT PAGE 7206;

THENCE ALONG THE EASTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2, NORTH 11°01'42" WEST, 66.88 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2 AND THE CURVED NORTHEASTERLY RIGHT-OF-WAY LINE OF EAST WINDSONG DRIVE, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 100.80 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 46°12'17", AND A LONG CHORD BEARING NORTH 78°56'48" WEST, 98.09 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

THENCE ALONG SAID COMPOUND CURVE TO THE RIGHT AN ARC LENGTH OF 33.74 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 96°39'39", AND A LONG CHORD BEARING NORTH 07°30'50" WEST, 29.88 FEET;

THENCE NORTH 50°11'55" WEST, 40.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A LONG CHORD BEARING SOUTH 85°49'00" WEST, 28.28 FEET;

THENCE NORTH 49°11'00" WEST, 123.54 FEET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY AND ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINES OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 40°49'00" WEST, 50.00 FEET;

SOUTH 58°23'01" WEST, 61.70 FEET;

NORTH 76°48'05" WEST, 122.10 FEET;

NORTH 02°27'12" WEST, 115.00 FEET;

THENCE LEAVING SAID BOUNDARY LINE OF BOULDER HEIGHTS NO. 2 SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 57°15'42" WEST, 225.26 FEET;

SOUTH 75°43'00" WEST, 136.37 FEET;

SOUTH 21°55'50" WEST, 341.28 FEET;

SOUTH 74°36'31" EAST, 124.05 FEET;

NORTH 89°50'43" EAST, 64.32 FEET;

NORTH 74°17'56" EAST, 72.90 FEET;

SOUTH 41°43'01" EAST, 5.56 FEET TO THE WESTERLY TERMINUS OF THE NORTHERLY RIGHT-OF-WAY OF EAST BIRDSONG DRIVE, BEING ALSO A POINT ON THE WEST BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2;

THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 15°42'04" EAST, 50.00 FEET;

SOUTH 36°51'02" WEST, 341.56 FEET;

SOUTH 55°23'47" EAST, 127.17 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, BEING ALSO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH WIND DANCER WAY;

THENCE ALONG SAID CURVED NORTHWESTERLY RIGHT-OF-WAY LINE AND SAID BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 62.58 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 28°40'58", AND A LONG CHORD BEARING SOUTH 57°50'39" WEST, 61.92 FEET;

THENCE SOUTH 72°11'08" WEST, 105.59 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 16.88 FEET, SAID CURVE HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 8°47'39", AND A LONG CHORD BEARING SOUTH 67°47'18" WEST, 16.87 FEET;

THENCE SOUTH 63°23'29" WEST, 62.26 FEET TO THE CORNER COMMON TO BOULDER HEIGHTS SUBDIVISION NO. 3, AS FILED IN BOOK 75 OF PLATS AT PAGE 7757;

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND THE NORTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 3 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 63°23'29" WEST, 7.63 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 68.96 FEET, SAID CURVE HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 22°34'39", AND A LONG CHORD BEARING SOUTH 52°06'09" WEST, 68.51 FEET;

THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY AND BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

NORTH 43°43'30" WEST, 150.40 FEET;

SOUTH 36°31'20" WEST, 143.22 FEET;

SOUTH 49°11'10" EAST, 24.00 FEET TO THE NORTHWESTERLY TERMINUS OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TOLUKA WAY, SAID TERMINUS ALSO BEING A POINT ON THE NORTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 3;

THENCE ALONG SAID NORTHWESTERLY BOUNDARY LINE SOUTH 40°48'50" WEST, 50.00 FEET TO THE NORTHWESTERLY TERMINUS OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH TOLUKA WAY;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE SOUTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 3, SOUTH 49°11'10" EAST, 120.29 FEET;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY AND ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID BOUDER HEIGHTS SUBDIVISION NO. 3 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 55°51'55" WEST, 328.48 FEET;

SOUTH 34°08'05" EAST, 27.01 FEET;

SOUTH 55°51'55" WEST, 124.18 FEET;

THENCE LEAVING SAID NORTHWESTERLY BOUNDARY LINE NORTH 85°07'28" WEST, 120.67 FEET;

THENCE SOUTH 23°07'47" WEST, 183.80 FEET;

THENCE SOUTH 03°18'56" EAST, 66.79 FEET;

THENCE SOUTH 89°35'15" EAST, 58.68 FEET;

THENCE SOUTH 27°50'06" EAST, 158.47 FEET TO THE INTERSECTION WITH THE NORTHERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 4, AS FILED IN BOOK 23 OF PLATS AT PAGE 1492;

THENCE ALONG THE SAID NORTHERLY BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

NORTH 87°58'41" WEST, 9.32 FEET;

SOUTH 57°58'55" WEST, 76.54 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 2, AS FILED IN BOOK 16 OF PLATS AT PAGE 1069;

THENCE ALONG SAID WEST BOUNDARY LINE NORTH 02°00'02" WEST, 166.29 FEET TO THE NORTHEAST CORNER THEREOF BEING ALSO A POINT ON THE NORTH LINE OF GOVERNMENT LOT 2, SAID SECTION 19;

THENCE ALONG THE NORTH LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2 AND SAID NORTH LINE OF GOVERNMENT LOT 2 NORTH 89°18'29" WEST, 40.75 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2 AND ALONG THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M., NORTH 89°39'33" WEST, 469.36 FEET TO THE NORTHWEST CORNER OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2;

THENCE ALONG THE WESTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES;

SOUTH 00°32'48" WEST, 98.71 FEET;

NORTH 89°27'12" WEST, 37.00 FEET;

SOUTH 00°18'42" WEST, 184.14 FEET;

SOUTH 83°45'15" WEST, 71.80 FEET;

SOUTH 34°09'01 WEST, 129.63 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION, AS FILED IN BOOK 15 OF PLATS AT PAGE 1013;

THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID WARM SPRINGS MESA SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 56°21'57" WEST, 162.56 FEET;

NORTH 78°28'57" WEST, 170.43 FEET;

SOUTH 62°27'33" WEST, 158.00 FEET;

THENCE LEAVING SAID NORTHERLY BOUNDARY LINE NORTH 49°01'00" WEST, 252.94 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF EAST STARCREST DRIVE, BEING A POINT ON A CURVE TO THE LEFT;

THENCE ALONG SAID RIGHT-OF-WAY OF EAST STARCREST DRIVE AND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 240.24 FEET, SAID CURVE HAVING A RADIUS OF 86.17 FEET, A CENTRAL ANGLE OF 159°44'13", AND A LONG CHORD BEARING NORTH 87°00'24" WEST, 169.65 FEET;

THENCE SOUTH 76°52'30" EAST, 60.00 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF EAST STARCREST DRIVE;

THENCE ALONG SAID EAST RIGHT-OF-WAY SOUTH 13°09'25" WEST, 213.38 FEET TO THE SOUTHWEST CORNER OF A CERTAIN WELLSITE DEEDED TO UNITED WATER OF IDAHO;

THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID WELLSITE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 76°52'30" EAST, 40.05 FEET;

NORTH 78°57'30" EAST, 42.36 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST STARCREST DRIVE;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 11°05'59" EAST, 124.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 255.78 FEET, SAID CURVE HAVING A RADIUS 220.99 FEET, A CENTRAL ANGLE OF 66°19'00", AND A LONG CHORD BEARING SOUTH 44°12'00" EAST, 241.74 FEET;

THENCE SOUTH 77°21'30" EAST, 238.33 FEET;

THENCE NORTH 12°38'30" EAST, 5.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 141.64 FEET, SAID CURVE HAVING A RADIUS OF 356.97 FEET, A CENTRAL ANGLE OF 22°44'00", AND A LONG CHORD BEARING SOUTH 65°59'30" EAST, 140.71 FEET;

THENCE SOUTH 54°37'30" EAST, 73.67 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 100.26 FEET, SAID CURVE HAVING A RADIUS OF 326.56 FEET, A CENTRAL ANGLE OF 17°35'30", AND A LONG CHORD BEARING SOUTH 63°25'15" EAST, 99.87 FEET;

THENCE SOUTH 72°13'00" EAST, 105.66 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY LINE OF AFORESAID WARM SPRINGS MESA SUBDIVISION NO. 2;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF EAST STARCREST DRIVE AND ALONG SAID SOUTHWESTERLY BOUNDARY LINE SOUTH 58°21'30" EAST, 105.01 FEET;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY AND ALONG THE WESTERLY BOUNDARY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2, SOUTH 31°38'30" WEST, 60.86 FEET;

THENCE LEAVING SAID WESTERLY BOUNDARY SOUTH 83°01'30" WEST, 156.87 FEET;

THENCE SOUTH 32°49'00" EAST, 254.14 FEET;

THENCE SOUTH 40°09'00" EAST, 134.87 FEET;

THENCE NORTH 71°54'30" EAST, 46.34 FEET;

THENCE SOUTH 53°49'27" EAST, 140.17 FEET;

THENCE SOUTH 69°37'33" EAST, 257.01 FEET;

THENCE SOUTH 89°54'10" EAST, 32.08 FEET TO THE INTERSECTION WITH THE EAST LINE OF GOVERNMENT LOT 3, SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M.;

THENCE ALONG SAID EAST LINE NORTH 00°05"50""EAST, 126.20 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST STARCREST DRIVE AND THE SOUTHERLY BOUNDARY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2, BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID SOUTHERLY BOUNDARY LINE, AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 33.57 FEET, SAID CURVE HAVING A RADIUS OF 355.00 FEET, A CENTRAL ANGLE OF 5°25'03" AND A LONG CHORD BEARING SOUTH 71°30'19" EAST, 33.55 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID SOUTHERLY BOUNDARY LINE, AND SAID COMPOUND CURVE TO THE LEFT AN ARC LENGTH OF 35.75 FEET, SAID CURVE HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 12°24'48", AND A LONG CHORD BEARING SOUTH 80°25'15" EAST, 35.68 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND BOUNDARY LINE SOUTH 72°11'35" WEST, 21.13 FEET;

THENCE SOUTH 04°04'12" WEST, 16.62 FEET;

THENCE SOUTH 03°43'23" EAST, 97.64 FEET;

THENCE SOUTH 52°13'32" EAST, 44.93 FEET;

THENCE SOUTH 63°20'55" EAST, 39.99 FEET;

THENCE NORTH 59°58'44" EAST, 54.41 FEET;

THENCE NORTH 43°48'54" EAST, 107.48 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH STARLITE LANE;

THENCE NORTH 62°14'10" EAST, 50.00 FEET TO THE INTERSECTION WITH THE CURVED NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH STARLITE LANE, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 64.16 FEET, SAID CURVE HAVING A RADIUS OF 677.39 FEET, A CENTRAL ANGLE OF 5°25'37", AND A LONG CHORD BEARING SOUTH 25°02'48" EAST, 64.14 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG SAID REVERSE CURVE TO THE LEFT AN ARC LENGTH OF 19.89 FEET, SAID CURVE HAVING A RADIUS OF 627.39 FEET, A CENTRAL ANGLE OF 01°48'59", AND A LONG CHORD BEARING SOUTH 23°14'28" EAST, 19.89 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 3A, AS FILED IN BOOK 56 OF PLATS AT PAGE 5180;

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY LINE NORTH 69°23'25" EAST, 95.58 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 3, AS FILED IN BOOK 22 OF PLATS AT PAGE 1436;

THENCE ALONG SAID SOUTHWESTERLY BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 39°11'29" EAST, 296.42 FEET;

SOUTH 50°39'41" EAST, 94.49 FEET;

SOUTH 58°11'34" EAST, 103.63 FEET TO THE MOST SOUTHERLY CORNER THEREOF;

THENCE LEAVING SAID SOUTHWESTERLY BOUNDARY LINE SOUTH 26°50'26" WEST, 86.87 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 45.66 FEET, SAID CURVE HAVING A RADIUS OF 348.80 FEET, A CENTRAL ANGLE OF 07°30'00", AND A LONG CHORD BEARING SOUTH 83°53'30" EAST, 45.63 FEET;

THENCE SOUTH 87°38'30" EAST, 114.07 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A LONG CHORD BEARING NORTH 47°21'30" EAST, 28.28 FEET;

THENCE NORTH 02°21'30" EAST, 5.29 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 60.58 FEET, SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 46°17'00", AND A LONG CHORD BEARING NORTH 20°47'00" WEST, 58.95 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STARVIEW DRIVE;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 43°55'30" EAST, 0.68 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 346.16 FEET, SAID CURVE HAVING A RADIUS OF 465.74 FEET, A CENTRAL ANGLE OF 42°35'08", AND A LONG CHORD BEARING SOUTH 65°13'04" EAST, 338.25 FEET;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE NORTH 87°38'30" WEST, 424.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 52.20 FEET, SAID CURVE HAVING A RADIUS OF 398.80 FEET, A CENTRAL ANGLE OF 07°30'00", AND A LONG CHORD BEARING NORTH 83°53'30" WEST, 52.17 FEET, TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

THENCE ALONG SAID COMPOUND CURVE TO THE RIGHT AN ARC LENGTH OF 429.74 FEET, SAID CURVE HAVING A RADIUS OF 485.00 FEET, A CENTRAL ANGLE OF 50°46'01", AND A LONG CHORD BEARING NORTH 54°45'29" WEST, 415.82 FEET;

THENCE NORTH 29°17'21" WEST, 140.72 FEET TO THE INTERSECTION WITH THE SOUTH BOUNDARY LINE OF AFORE SAID WARM SPRINGS MESA SUBDIVISION NO. 3A;

THENCE ALONG THE SAID SOUTH BOUNDARY LINE SOUTH 84°33'16" WEST, 205.68 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE LEAVING SAID SOUTH BOUNDARY LINE SOUTH 59°21'32" WEST, 271.63 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681), BEING ALSO A POINT ON A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE AND ALONG EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681) THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 333.81 FEET, SAID CURVE HAVING A RADIUS OF 1482.50 FEET, A CENTRAL ANGLE OF 12°54'04", AND A LONG CHORD BEARING NORTH 43°13'34" WEST, 333.11 FEET;

THENCE NORTH 49°40'48" WEST, 102.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 354.37 FEET, SAID CURVE HAVING A RADIUS OF 1860.00 FEET, A CENTRAL ANGLE OF 10°54'58", AND A LONG CHORD BEARING NORTH 44°13'19" WEST, 353.84 FEET;

THENCE NORTH 38°45'48" WEST, 184.70 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 385.49 FEET, SAID CURVE HAVING A RADIUS OF 868.60 FEET, A CENTRAL ANGLE OF 25°25'42", AND A LONG CHORD BEARING NORTH 51°28'39" WEST, 382.33 FEET;

THENCE NORTH 64°11'48" WEST, 142.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 297.85 FEET, SAID CURVE HAVING A RADIUS OF 359.30 FEET, A CENTRAL ANGLE OF 47°29'49", AND A LONG CHORD BEARING NORTH 40°26'53" WEST, 289.40 FEET;

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THENCE NORTH 16°41'48" WEST, 149.20 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 79.69 FEET, SAID CURVE HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 04°32'36", AND A LONG CHORD BEARING NORTH 18°58'06" WEST, 79.67 FEET TO THE INTERSECTION WITH THE SOUTHEAST BOUNDARY LINE OF A CERTAIN WELL SITE DEEDED TO UNITED WATER OF IDAHO;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS BLVD. AND SAID EXISTING CITY LIMITS BOUNDARY (ORDINANCE NO. 4681) AND ALONG THE BOUNDARY LINES OF SAID WELL SITE THE FOLLOWING COURSES AND DISTANCES:

NORTH 52°42'38" EAST, 18.37 FEET;

NORTH 13°07'30" EAST, 16.00 FEET;

NORTH 34°00'34" WEST, 30.00 FEET;

SOUTH 52°22'23" WEST, 21.79 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681), BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681) AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 36.18 FEET, SAID CURVE HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 02°03'45", AND A CHORD BEARING NORTH 24°37'54" WEST, 36.17 FEET;

THENCE LEAVING SAID EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681) AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 101.40 FEET, SAID CURVE HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 05°46'50", AND A CHORD BEARING NORTH 28°33'12" WEST, 101.35 FEET;

THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES:

THENCE NORTH 31°32'56" WEST, 179.79 FEET TO THE INTERSECTION WITH THE NORTH LINE OF GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M.;

THENCE CONTINUING NORTH 31°32'56" WEST, 95.87 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 252.77 FEET, SAID CURVE HAVING A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 13°12'55", AND A CHORD BEARING NORTH 24°47'15" WEST, 252.21 FEET;

THENCE SOUTH 71°51'23" WEST, 17.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 396.29 FEET, SAID CURVE HAVING A RADIUS OF 3307.04 FEET, A CENTRAL ANGLE OF 6°51'57", AND A CHORD BEARING NORTH 21°37'51" WEST, 396.05 FEET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE THE FOLLOWING COURSES AND DISTANCES:

NORTH 62°18'43" EAST, 88.95 FEET;

NORTH 09°24'24" EAST, 68.13 FEET;

NORTH 06°47'17" EAST, 125.68 FEET;

NORTH 02°11'49" EAST, 48.01 FEET;

NORTH 28°14'26" EAST, 127.14 FEET;

NORTH 03°29'58" EAST, 122.47 FEET;

NORTH 48°19'48" EAST, 188.40 FEET;

SOUTH 88°30'42" EAST, 120.80 FEET;

SOUTH 78°15'04" EAST, 127.25 FEET;

NORTH 00°44'00" WEST, 26.01 FEET;

NORTH 35°11'01" WEST, 42.98 FEET;

NORTH 48°36'50" WEST, 142.15 FEET;

NORTH 84°24'27" WEST, 110.78 FEET;

NORTH 68°01'18" WEST, 82.21 FEET;

NORTH 35°51'17" WEST, 96.18 FEET;

NORTH 53°48'39" WEST, 37.51 FEET;

NORTH 65°00'26" WEST, 130.85 FEET;

NORTH 78°17'09" WEST, 145.55 FEET;

NORTH 53°42'09" WEST, 267.04 FEET;

SOUTH 87°16'57" WEST, 93.93 FEET;

NORTH 61°44'37" WEST, 82.43 FEET;

NORTH 45°45'03" WEST, 100.15 FEET;

NORTH 20°42'19" WEST, 137.74 FEET;

NORTH 05°47'55" WEST, 124.46 FEET;

NORTH 89°23'57" WEST, 138.31 FEET TO THE INTERSECTION WITH THE CURVED NORTHEASTERLY RIGHT-OF-WAY OF WARM SPRINGS AVENUE, BEING A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID CURVED NORTHEASTERLY RIGHT-OF-WAY AND SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 50.00 FEET, SAID CURVE HAVING A RADIUS OF 1113.00 FEET, A CENTRAL ANGLE OF 02°34'26", AND A CHORD BEARING NORTH 02°17'50" EAST, 50.00 FEET;

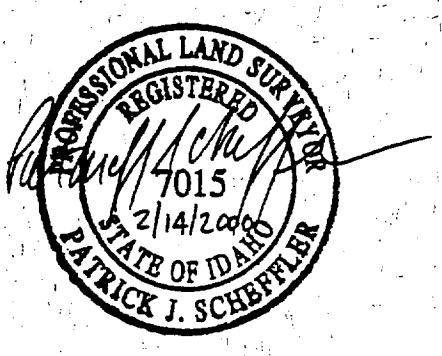
THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY SOUTH 89°26'19" EAST, 70.96 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M.;

THENCE SOUTH 89°29'00" EAST, 1333.34 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13;

THENCE SOUTH 00°12'48" EAST, 894.06 FEET ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M., SOUTH 89°41'58" EAST, 1332.82 FEET TO THE "POINT OF BEGINNING".

CONTAINS AN AREA OF 410.70 ACRES, MORE OR LESS.



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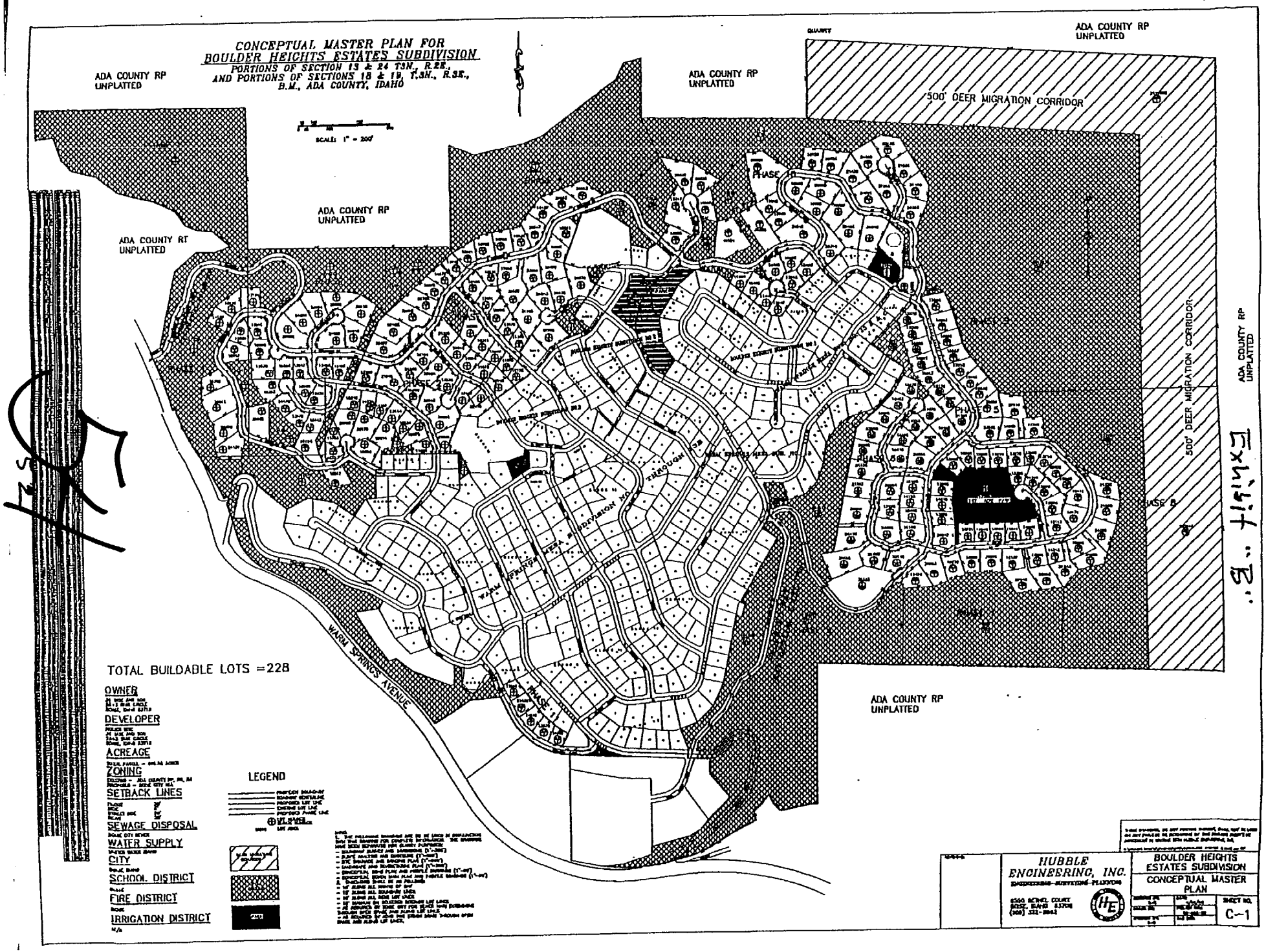

CONCEPTUAL MASTER PLAN FOR
BOULDER HEIGHTS ESTATES SUBDIVISION
PORTIONS OF SECTION 13 & 24 T5N., R2E.,
AND PORTIONS OF SECTIONS 18 & 19, T.5N., R.3E.,
B.M., ADA COUNTY, IDAHO
SCALE: 1" = 200'
ADA COUNTY RP
UNPLATTED
ADA COUNTY RT
UNPLATTED
500' DEER MIGRATION CORRIDOR
PHASE 1
PHASE 2
PHASE 3
PHASE 4
PHASE 5
WARM SPRINGS AVENUE
TOTAL BUILDABLE LOTS =228
OWNER
DEVELOPER
ACREAGE
ZONING
SETBACK LINES
SEWAGE DISPOSAL
WATER SUPPLY
CITY
SCHOOL DISTRICT
FIRE DISTRICT
IRRIGATION DISTRICT
LEGEND
HUBBLE
ENGINEERING, INC.
ENGINEERING - SURVEYING - PLANNING
6360 BETHEL COURT
BOISE, IDAHO 83709
(208) 322-8841
BOULDER HEIGHTS
ESTATES SUBDIVISION
CONCEPTUAL MASTER
PLAN
SHEET NO.
C-1

EXHIBIT "B"

Exhibit "C"

				CUP00-00021
	Boulder Heights Estates Planned Development			
	Density Bonus Analysis			
	and Calculation			
	October 5, 2000			
1	Total Area	405.96	Acres	Given
2	**Area < 25% slope**	**209.66**	**Acres**	Given
3	Area > 25% slope	196.30	Acres	Given
4	Road Area	29.70	Acres	Given
5	Built Area	118.35	Acres	Given
6	**Total Developed Area < 25% slope = multiplier for bonus**	**148.05**	**Acres**	= R4 + R5
7	Area Eligible for Bonus <25% slope, dedicated open space	58.14	Acres	From applicant's data in ArcView
8	Trails, Heritage acres, not already counted above.	25.28	Acres	From applicant's data in ArcView
9	**Sum of area <25% eligible + trails + heritage acres = dividend for % of dedicated open space**	**83.41**	**Acres**	=R7 + R8
15	**Bonus/Area < 25% = "Open Space Dedicated Percent"**	**39.78%**	**Percent of open space to total buildable <25%**	= R9 / R2
16	Bonus Units per acre	1.07	Units/acre	= See "Foothills Plan Variable Density Bonus" chart
17	Density Bonus Calculation	159	Units	= R20 * R6
18	Base Units on 406 acres - 40 acres of R-8 zone	9	Units	= (406-40) ac. / 40 u/ac.
19	Proposed units in R8 and R4 zones	55	Units	From applicant's data in ArcView
20	**Grand Total Eligible Dwelling Units for Project**	**223**	**Units**	= R17 + R18 + R19
21	Proposed units	228	Units	Given
22	**Difference between application and bonus density units**	**5**	**Units**	**= R21 - R20**
23	**Additional open space <25% slope required to qualify for the proposed units.**	**4.8**	**Acres**	**= R22 / R16**

Exhibit "C"

55

10/2/'00				
Foothills Plan Variable Density Bonus		Table from proposed Draft B of the Foothills Planned Development Ordinance		
			Example	
Built Area	**Open Space Dedicated Per Cent**	**Density Bonus Units /Acre**	*Buildable Area On 100 acres*	*# of Bonus Units*
75%	**25%**	**0.5**	*75.0*	*38*
69%	**31%**	**0.75**	*68.8*	*52*
63%	**38%**	**1**	*62.5*	*63*
56%	**44%**	**1.25**	*56.3*	*70*
50%	**50%**	**1.5**	*50.0*	*75*
44%	**56%**	**1.75**	*43.8*	*77*
38%	**63%**	**2.25**	*37.5*	*84*
31%	**69%**	**3**	*31.3*	*94*
25%	**75%**	**4**	*25.0*	*100*
Boulder Heights Estates Density Bonus Calculation	**y intercept between 1 and 1.25 u/ac. is**	**-0.58333**	**% of dedicated open space is =**	**39.78%**
	slope between 1 and 1.25 u/ac. is	**4.166667**	**Density bonus is, units per acre =**	**1.07**

Exhibit "C"

56

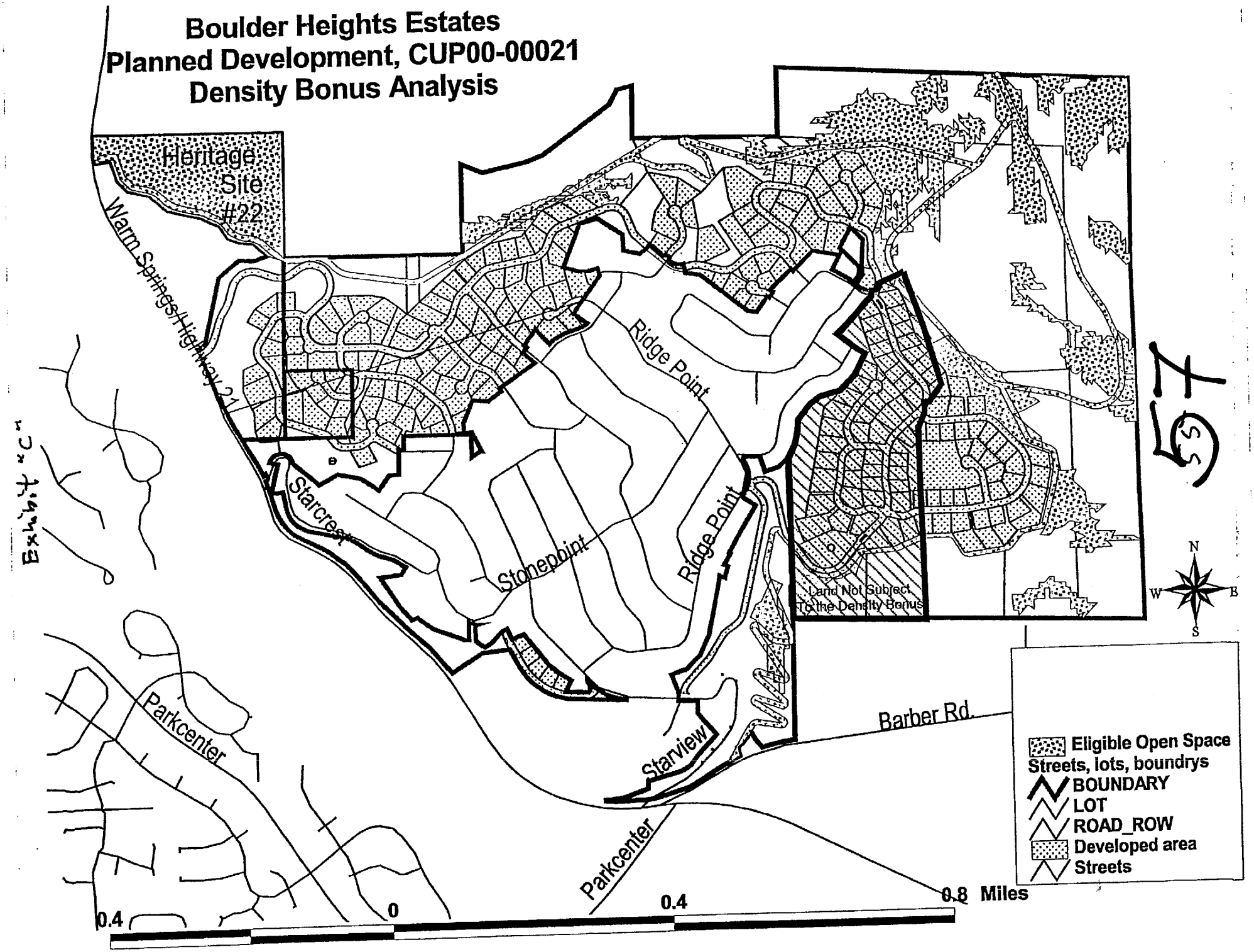
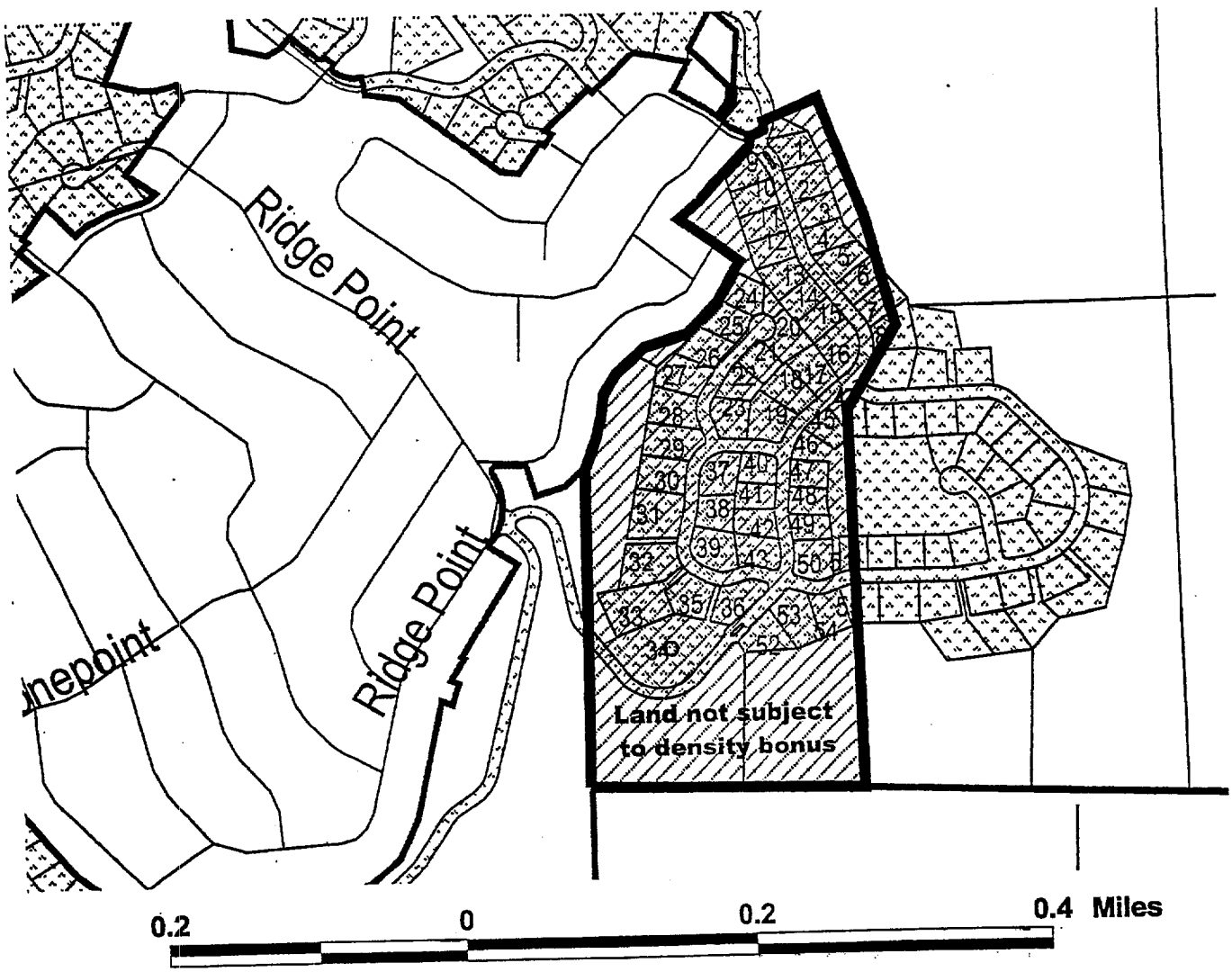

Boulder Heights Estates
Planned Development, CUP00-00021
Density Bonus Analysis
Heritage Site #22
Warm Springs/Highway 21
Ridge Point
Starcrest
Stonepoint
Ridge Point
Land Not Subject To the Density Bonus
Barber Rd
Starview
Parkcenter
Parkcenter
N
W
E
S
Eligible Open Space
Streets, lots, boundrys
BOUNDARY
LOT
ROAD_ROW
Developed area
Streets
0.4
0
0.4
0.8 Miles

Exhibit "D"
"Land Not Subject to the Density Bonus in the Development Area"



Streets
Streets, lots, boundrys
BOUNDARY
LOT
ROAD_ROW
Proposed Developed Area

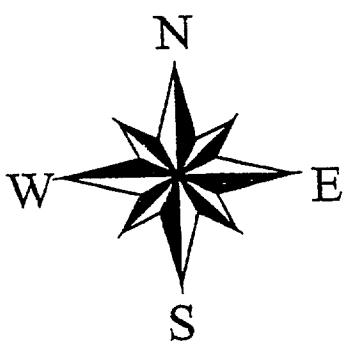
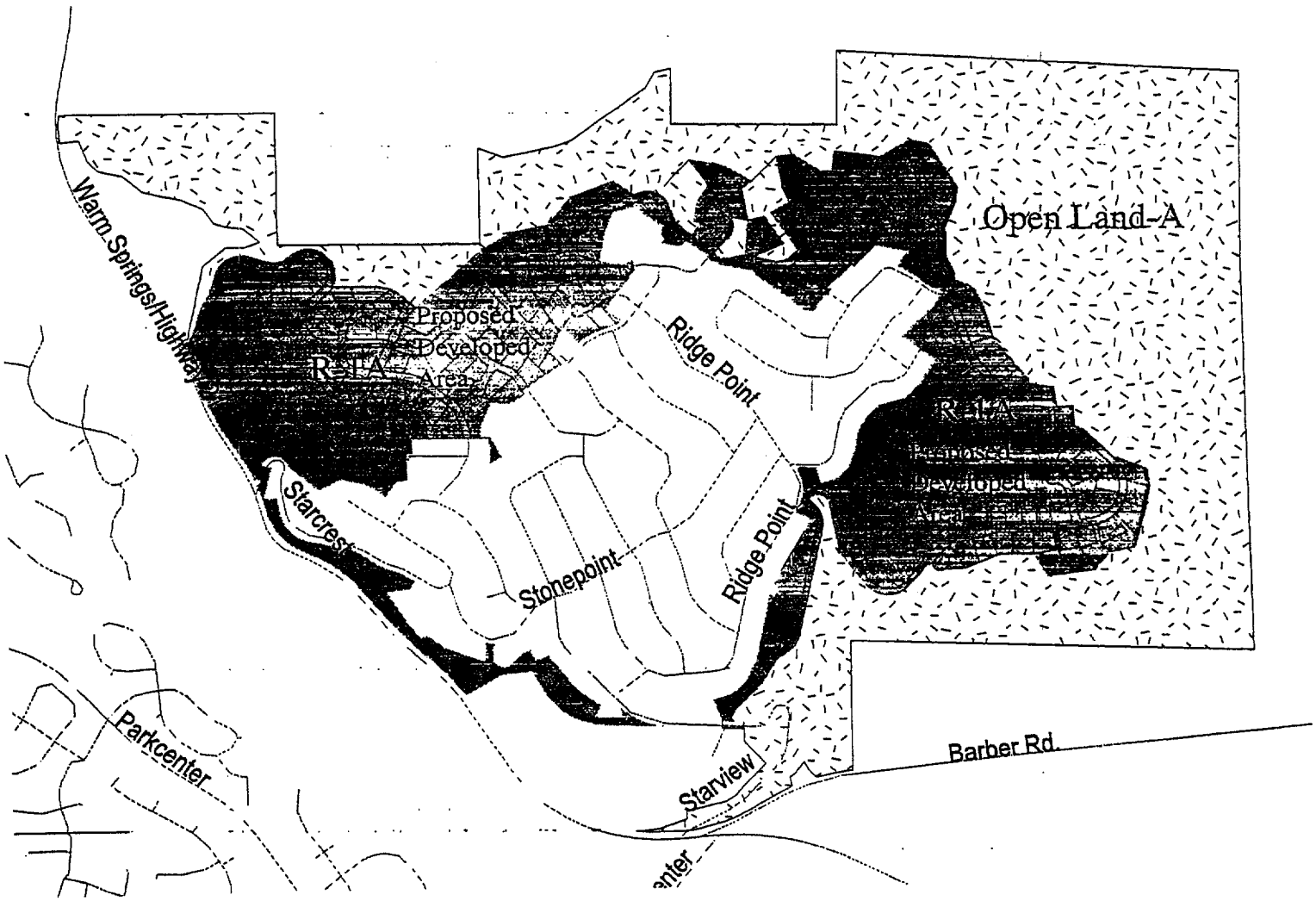


Exhibit "E" Zoning Designations for the Boulder Heights Planned Development
CAR00-00021/DA



R-1A

Open Land-A

Exhibit "F"

Memo

To: Board of Park & Recreation Commissioners
From: C.H. Weston, Park Planner through James R. Hall, Director
Date: September 13, 2000
Subject: Boulder Heights Subdivision - Concept Plan

Boise Parks & Recreation Department (BPR) has been working with developer, Homer Wise to create an open space plan for proposed Boulder Heights subdivision. The northern area of the subdivision extends from Warm Springs Avenue, near the entry to Warm Springs Golf Course, easterly to Warm Springs Creek. The area contains a variety of significant resource values including wildlife habitat, trails, cultural and visual resources.

The Boise Comprehensive Park and Recreation System Plan and the Heritage Preservation Report recognize the importance of Table Rock, the Table Rock Toe and the Old Penitentiary Historic District, the Penn Canal and old tramway corridor. The Ridge to Rivers Trail System Plan also identifies trail connections that course around Table Rock on and near the Boulder Heights property.

In conclusion, the proposed open space area conceptually drafted by the developer, contains several potentially high value resource characteristics that should be considered for conservation. The developer has indicated a willingness to work with boise Parks and Recreation to discuss preservation of these open spaces. The Parks Sub-Committee met Thursday, September 8th to review the proposed open space concept plan and recommends that the City enter into negotiations regarding preservation of these open spaces.

Enclosure: Boulder Heights Subdivision Map

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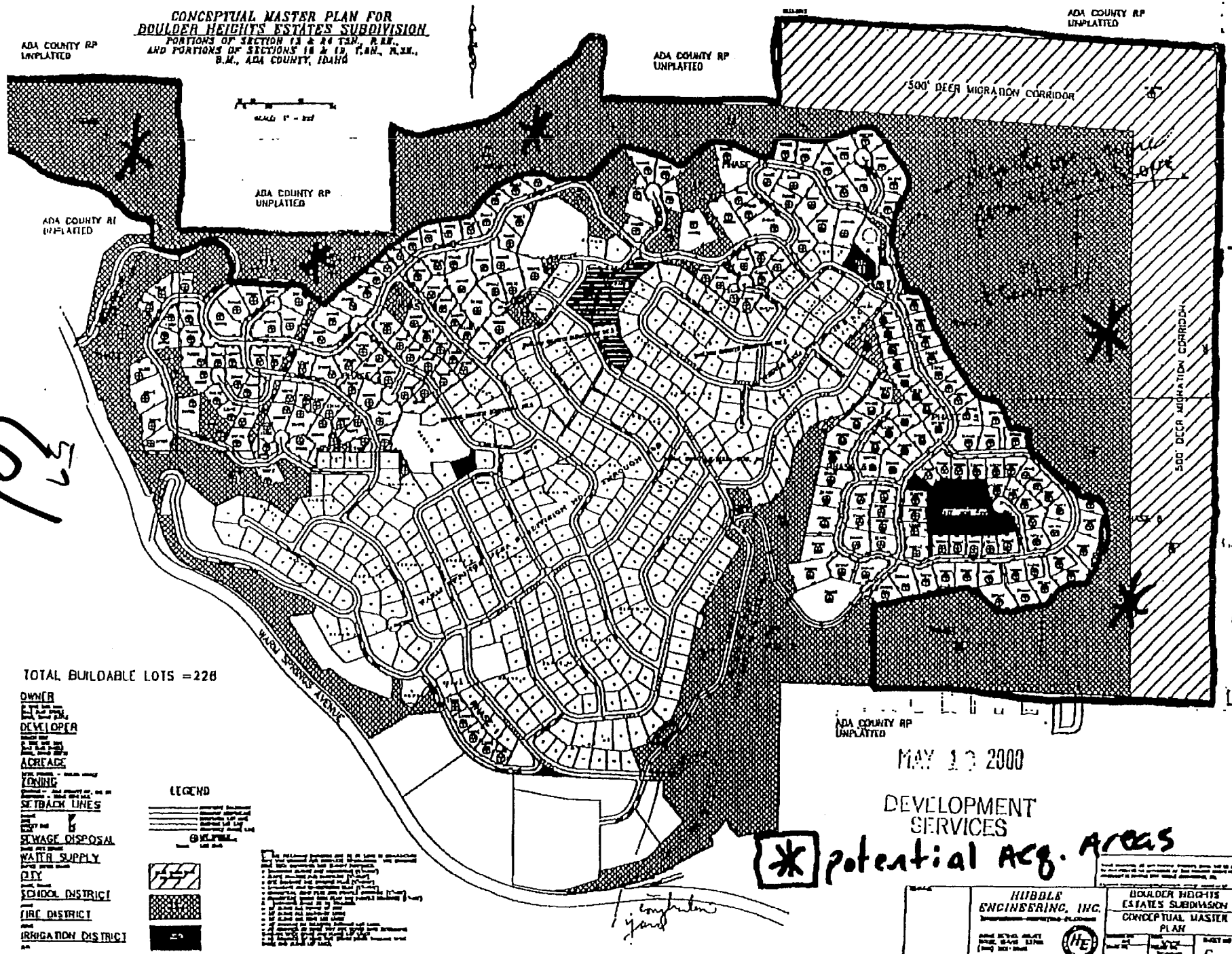
60

Exhibit #5

CONCEPTUAL MASTER PLAN FOR BOULDER HEIGHTS ESTATES SUBDIVISION

PORTIONS OF SECTION 13 & 24 T5N., R1E., AND PORTIONS OF SECTIONS 18 & 19 T.5N., R.2E., B.M., ADA COUNTY, IDAHO



MAY 12 2000

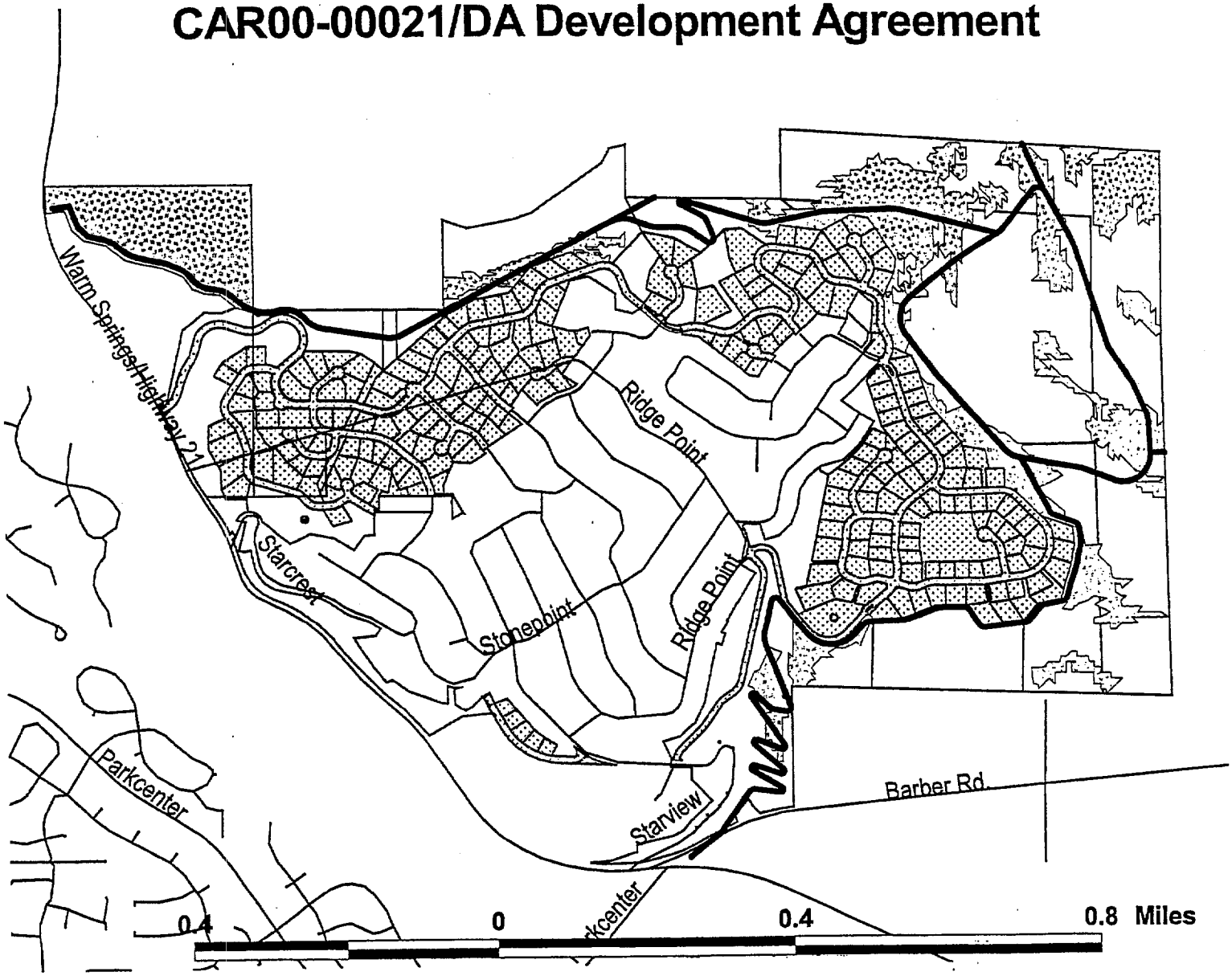
DEVELOPMENT SERVICES

* Potential Acq. Areas

HUBBLE ENGINEERING, INC.	BOULDER HEIGHTS ESTATES SUBDIVISION
	CONCEPTUAL MASTER PLAN
	C-

Exhibit "G" Boulder Heights Trail System Map

CAR00-00021/DA Development Agreement



Proposed Trail System
Developed area
Eligible Open Space
Streets, lots, boundrys
BOUNDARY
LOT
ROAD_ROW
Streets

N
W
E
S

October 10, 2000
Boise City Comprehensive Planning Division

Exhibit "H"

Ada County Highway District

Judy Peavey-Derr, President
Dave Bivens, 1st Vice President
Sherry R. Huber, 2nd Vice President
Susan S. Eastlake, Commissioner
David E. Wynkoop, Commissioner

318 East 37th Street
Garden City ID 83714-6499
Phone (208) 387-6100
FAX (208) 387-6391
E-mail: tellus@ACHD.ada.id.us

May 24, 2001

RECEIVED
MAY 2[illegible] 2001
DEVELOPMENT SERVICES

TO: Wise & Sons Company
2843 Star Circle
Boise, Idaho 83712

FROM: Christy Richardson, Principal Development Analyst
Planning & Development

SUBJECT: **Preliminary Plat: Boulder Heights/CUP00-0055/REVISED** **Warm Springs Mesa**

On May 23, 2001, the Commissioners of the Ada County Highway District (hereafter called "District") took action on the preliminary Plat as stated on the attached staff report.

In order that the Final Plat may be considered by the District for acceptance, the Developer shall cause the following applicable standard conditions to be satisfied prior to District certification and endorsement:

1. Drainage plans shall be submitted and subject to review and approval by the District.

2. If public street improvements are required: Prior to any construction within the existing or proposed public right-of-way, the following shall be submitted and subject to review and approval by the District.

   a. Three complete sets of detailed street construction drawings prepared by an Idaho registered professional Engineer.

   b. Execute and Inspection Agreement between the Developer and the District together with initial payment deposit for inspection and/or testing services.

   c. Complete all street improvements to the satisfaction of the District, or execute a Surety Agreement between the Developer and the District to guarantee the completion of the construction of all required street improvements.

3. Furnish a copy of the Final Plat showing street names as approved by the Local Government Agency having such authority together with the payment of fee charged for the manufacturing and installation of all street signs.

4. If Public Right-of-Way Trust Fund deposit is required, make the deposit to the District in the form of cash or cashier's check for the amount specified by the District.

5. Furnish easements, agreements and all other datum or documents as required by the District.

6. Furnish Final Plat drawings together with the plat and plan review fees for District acceptance and endorsement. The final plat must contain the signed endorsement of the Owner and the Land Surveyor's certification.

7. All of the material must be submitted to District staff two-weeks prior to Commission review of the final plat.

8. Approval of the plat is valid for one year. The Commission will consider an extension of one year if requested within 15-days prior to the expiration date.

Please contact me at (208) 387-6170, should you have any questions.

Cc: Planning & Development Chron/File
Planning & Development Services-City of Boise
Construction Services – John Edney
Drainage- Chuck Rinaldi
Pinnacle Engineers Inc
Bob Unger 870 N. Linder Road, Suite B
Meridian, Idaho 83642

ADA COUNTY HIGHWAY DISTRICT

Planning and Development Division

Development Application Report

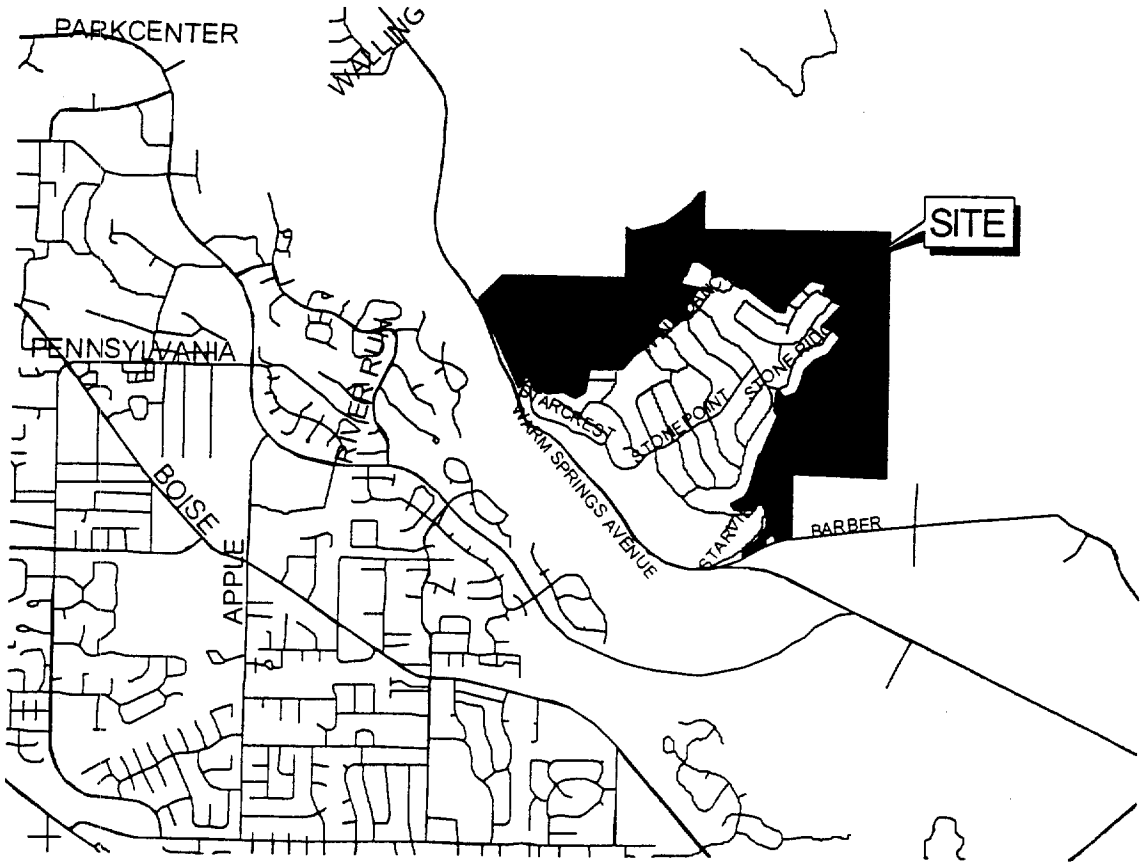
Boulder Heights/CUP00-0055/**REVISED** Warm Springs Mesa Conceptual plat

The applicant is requesting a rezone from RP, R-8, and R-4 to R-1A, with a conditional use permit to construct 228-single family dwelling units. The 405.96-acre site is located northeast of Warm Springs Avenue. The application has been referred to ACHD by the City of Boise for review and comment. This development is estimated to generate 2,280 additional vehicle trips per day based on the Institute of Transportation Engineers Trip Generation manual.

Roads impacted by this development: Warm Springs Avenue
Starcrest Drive
Starview Drive

The Commission made another action on this application on May 23, 2001, with regards to the eastern access, Trent Point Way, and improvements to Starview Drive. May 23rd revisions are in bold type.

ACHD Commission Date – May 23, 2001 6:30 p.m. REGULAR AGENDA



65

Facts and Findings:

A. General Information

Owner – JH Wise
Applicant – Hubble Engineering
RP, R-8, R-4 - Existing zoning
R-1A - Requested zoning
405.96 - Acres
228 - Proposed building lots
228 - Proposed dwelling units
218 - Traffic Analysis Zone (TAZ)

Northeast Metro - Impact Fee Service Area
Boise/Garden City Metro - Impact Fee Assessment District

Warm Springs Avenue
Collector abutting the site (no front-on housing)
Minor arterial west of the site (front-on housing) with bike lane designation
Traffic count 14,103 AAWDT by ITD permanent counter e/o Walnut
Traffic count of 13,679 on 4/18/00 (w/o Straughan Avenue)
Traffic count of 4,375 on 3/30/99 (w/o Eckert Road)
300-feet of frontage
100-feet existing right-of-way
No additional right-of-way required

Warm Springs is improved with two travel lanes abutting the site and for 1.5-miles west of the site. West of Penitentiary Road Warm Springs Avenue has two travel lanes with curb, gutter and detached sidewalk.

Starcrest Drive
Residential collector with no bike lane designation
No current traffic count available
0-feet of frontage

Starcrest Drive is improved with 24-feet of pavement with no curb, gutter or sidewalk.

Starview Drive
Residential collector with no bike lane designation
No current traffic count available
0-feet of frontage

Starview Drive is improved with 24-feet of pavement with no curb, gutter or sidewalk.

B. Effects on Warm Springs Avenue

This development will generate almost 2,300 vehicle trips per day. Until completion of the East Parkcenter Bridge, the traffic from that portion of the site that is developed will be directed to Warm Springs Avenue. After full build out of the development and completion of the East Parkcenter Bridge, staff anticipates that 1,600 additional vehicle trips per day will be directed to Warm Springs Avenue. A Level of Service C threshold of 14,175 vehicle trips per day has been identified for Warm Springs Avenue by Ada Planning Association (now COMPASS), reinforced by the City's adoption of this volume in its comprehensive planning documents. This volume is to be measured at the ITD permanent counter east of Walnut St. The most recent 12-month count indicates that 14,103 AAWDT travel Warm Springs Avenue now.

There have been several other residential and commercial development projects proposed for the Warm Springs Corridor in recent years. On each of these, the District has advised the City as to the effect the development would have on Warm Springs Avenue. Improvements to the Parkcenter Corridor will provide an improved transportation system and accommodate the additional development without unduly increasing the traffic volume on Warm Springs. (See the cumulative effects of various developments on the volume on Warm Springs Avenue in the table below.) As previously acknowledged by the District, approved developments will drive the volume on Warm Springs Avenue considerably higher than the 14, 175 level until both Parkcenter bridges are open for traffic.

Current records show that the Average Annual Weekday Day Traffic (AAWDT) volume is 14,103 at the Idaho Transportation Department (ITD) counting station located east of Walnut Street.

C. Warm Springs Avenue Traffic Calming

Last year, ACHD completed a traffic management study for Warm Springs Avenue. The scope of the study was to analyze alternative means of maintaining traffic on Warm Springs Avenue at or below the planning threshold of 14,175 vehicles per day. The study proposed a range of alternatives to maintain these traffic levels as the Harris Ranch development and other previously approved land developments progress. The alternatives included traffic signal sequencing to regulate speed, indirect roadway connections, and engineering and traffic enforcement strategies to discourage through traffic movements. ACHD will select the most effective alternatives to respond to the traffic impacts of Harris Ranch. The ACHD Commission has deferred a final decision on selection of an alternative until both Parkcenter bridges are completed and the traffic patterns are re-established.

After the Parkcenter bridges are constructed, it is anticipated that 1,600 VTD from the proposed Boulder Heights Development will contribute to daily traffic on Warm Springs Avenue, based on the submitted traffic study.

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WARM SPRINGS AVENUE TRAFFIC VOLUMES - EXISTING AND FUTURE CONDITIONS	
CURRENT ITD DAILY TRAFFIC VOLUME ON WARM SPRINGS AVENUE	14,103 AAWDT [1]
THE PROJECTIONS IN THIS CHART ARE BASED ON THE ACHD COUNT TAKEN ON DECEMBER 1, 1997 (EAST OF WALNUT STREET). THIS NUMBER IS USED BY COMPASS AS THE CALIBRATION NUMBER FOR THE MODELS.	12,666 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITHOUT THE CONSTRUCTION OF THE EAST PARKCENTER BRIDGE AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	16,180 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST PARKCENTER) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	12,904 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	10,644 VTD[2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	15,993 VTD[2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	11,353 VTD[2]

Note 1: The Average Annual Weekday Traffic (AAWDT) has been compiled by ITD and is stated as 14,103 trips per day for the previous 12-month period. The AAWDT parameter is the standard basis for evaluating traffic operations of roadways. The AAWDT figures are not normally available for use in Ada County, because a permanent traffic counter installation is required (such as the one on Warm Springs Avenue east of Walnut Street). Higher and lower daily volumes than this will occur on a regular basis. The referenced ITD automatic traffic counts actually tally the number of axles and not the number of vehicles. Cars and trucks pulling boat trailers are counted as 1.5 vehicles because they have three axles. Two-axle bicycles may also be counted as vehicles. Therefore, the actual number of vehicles is slightly less than the "count".

Note 2: VTD – Vehicle trips per weekday

D. The East Parkcenter Bridge was required to be constructed by the developer of Harris Ranch Subdivision prior to the development of any expansion of Harris Ranch beyond Phase A that was limited to 419 dwelling lots. A representative of the developer of Harris Ranch testified at the meeting on the subject application that it was the intent of Harris Ranch to complete that bridge within calendar year 2001, or as soon thereafter as possible. The applicant for the subject application testified that it would take about one and one-half year before Boulder Heights would be to the point of applying for building permits for new homes in this expanded area. From this testimony, the Commission deduced that the East Parkcenter Bridge would be available for use by the time this development is completed and ready for building permits.

E. Previous District Action

On October 24, 1994 the ACHD Commission reviewed and approved Boulder Heights No. 2 Subdivision. Site Specific Requirement No. 1 of that report states *"Because of the condition and standard of Starcrest and Stonepoint, no more than 50 additional lots shall be platted prior to the completion of a collector road from Warm Springs Avenue to the development"*. Site Specific Requirement No. 4 of the same report states *"Prior to the platting of any lots in excess of 50, construct a collector roadway from Warm Springs Avenue to the development"*. An extra-ordinary impact fee was established with the application as Site Specific No. 5, *"An extra-ordinary impact fee of $2,170 per dwelling unit is imposed on all new construction in the area that contributes traffic to the collector roadway required in Site Specific No. 4. This is equal to the estimated cost of the new collector roadway divided by 290, the number of proposed dwellings remaining to be constructed to complete the master plan. The extra-ordinary impact fee is to be collected from those existing but vacant lots. If additional development is approved outside this ownership that generates traffic to the collector, the extra-ordinary impact fee will be recalculated to spread the cost of construction among all property that uses the roadway"*.

The above action was taken by the District prior to the establishment of the 14,175 trips per day threshold on Warm Springs Avenue and it did not prohibit the generation of traffic to Warm Springs Avenue. The subject application shows a new collector connection to Warm Springs Avenue as required by the 1994 District action. The application also shows a new road along the east side of Warm Springs Mesa Subdivision that will further relieve traffic through the existing neighborhood. Development of this project will contribute to the volume on Warm Springs Avenue exceeding the LOS C threshold of 14,175 until the East Parkcenter Bridge is open to traffic. According to COMPASS' projections, the volume on Warm Springs Avenue will then drop to a level well below the LOS C threshold. Harris Ranch was allowed to contribute an estimated 1,476 trips per day to Warm Springs Avenue prior to the opening of the second bridge. This development should be allowed the same privilege since the original approval of this site assumed that development could proceed if a new collector to Warm Springs Avenue was constructed.

Staff recommended that the applicant be allowed to develop no more than the first three phases (79-lots) before the East Parkcenter Bridge is open to traffic. This will add approximately 790-trips per day to Warm Springs Avenue.

F. In accordance with the October 24, 1994 action, the applicant is proposing to construct Windsong Drive as a residential collector from Warm Springs Avenue to the site. The street is proposed to be a 29-foot street section with vertical curbs, two 12-foot wide travel lanes, a paved and striped 5-foot wide bike lane on the ascending side of the street, and a 5-foot wide sidewalk on the descending side of the street in 50-feet of right-of-way. District policy prohibits on-street parking on a residential collector. Windsong Drive is designated as a residential collector from Warm Springs Avenue to Hard Rock Drive. Due to the hillside restraints, there will be significant cuts and fills to construct the roadway, and retaining walls and guardrail will be required.

District policy regarding residential collector design (7204.5) requires:

- Standard right-of-way widths – normally 56-feet, but may be reduced in special situations (hillside development)
- Pavement width of 29-feet may be allowed in special situations where on-street parking is prohibited and low levels of traffic will be expected
- Six-inch standard vertical curbs and gutters are required in foothills areas
- Five foot wide sidewalks are normally required on both sides of the street, but may be reduced to one side in foothills areas where there are no abutting/fronting lots
- Design speed of 30 MPH
- Stopping sight distance of 200-feet
- Minimum allowable grade is 0.4%
- Maximum allowable grade is 10.0%
- Minimum centerline radius allowed is 150-feet
- Minimum tangent of 50-feet is required between horizontal reverse curves
- Direct lot access is discouraged

The Commission determined that a 29-foot wide street did not adequately provide for use of the street by bicycle riders and that a standard 33-foot street section would be more appropriate to safely accommodate bikers.

G. It appears that the proposed alignment for Windsong Drive meets the standard ACHD requirements for a residential collector. The applicant is responsible for the construction of the residential collector roadway, but will be reimbursed for the cost from extra-ordinary impact fees collected from the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. North of Hard Rock Drive, Windsong Drive may be constructed as a local 36-foot local residential street section with vertical curbs, gutters and 5-foot wide concrete sidewalk on both sides of the street. In accordance with the action of the District on October 24, 1994, the residential collector segment of Windsong Drive should be fully constructed through Phase One prior to any building permits being issued in this development.

District policy (7204.5.9) requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35-MPH) of Warm Springs Avenue. It appears that the location and grade of the intersection of Windsong Drive

and Warm Springs Avenue meet ACHD requirements for a residential collector/collector intersection.

The District has received communications from the existing Warm Springs Mesa residents expressing concern that the proposed new road will be too steep and another route could be found that would result in a flatter grade. District policy allows the location of the road as proposed, and it would be unusual for the District to deny a new road that conforms to District standards.

After listening to conflicting testimony regarding an alternative route for Windsong Drive, the Commission determined that the developer should evaluate another route for Windsong Drive. If another financially feasible route can be found that will not have significant negative impacts on historical, geological and archeological features, and will not interfere with planned trail locations, it should be used for the new collector connection to Warm Springs Avenue.

H. The applicant is proposing to construct a second access street from Ridgepoint Way to Starview Drive. This will provide better access from the east side of the development to Warm Springs Avenue and Parkcenter Boulevard after completion of the East Parkcenter Bridge. It (Trent Point Way) is proposed as a residential collector from Ridgepoint Way to Starview Drive. Along this segment of the street, Trent Point Way can be constructed as a reduced width street section to minimize grading and foothills scarring. The street should include vertical curbs, two 12-foot wide travel lanes, a paved and striped 5-foot wide bike lane on the ascending side of the street, and a 5-foot wide sidewalk on the descending side of the street in 50-feet of right-of-way. Parking should be prohibited. The roadway should be designed to conform to District policy on residential collector design (7204.5). The applicant will not be reimbursed for the construction of Trent Point Way. Parking and direct lot access to Trent Point Way should be prohibited on the portion of the roadway that is designated as a residential collector. North of Ridgepoint Way, Trent Point Way should be constructed as a local 36-foot street section with vertical curb, gutter and 5-foot wide concrete sidewalk.

Various members of the audience testified in opposition to the construction of Trent Point Way, because it would be in view of the back yards of lots that front on Ridge Point Way. Other members of the audience testified that the second new road was necessary to reduce traffic impacts on the existing streets in the neighborhood. Written comments also supported the construction of two new streets to serve the growing neighborhood. The Commission found that a conflict existed between the District's desire to obtain a secondary eastern exit from the Warm Springs Mesa Subdivision/Boulder Heights neighborhood and the concerns of the existing residents of Ridge Point Way. The Commission instructed the applicant to attempt to find another route for an eastern connection from the development to Warm Springs Avenue.

The applicant explored the proposed Trent Point Way alignment and determined that there is no other location for the roadway. The applicant has proposed to construct "upper" Trent Point Way to connect the proposed eastern phases to Ridge Point Way, and has proposed to eliminate Trent Point Way from Ridge Point Way to Starview Drive. In lieu of constructing Trent Point Way the applicant is proposing to improve Starview Drive from Warm Springs Avenue to the Mesa with two 12-foot travel lanes, curb, gutter,

sidewalk on the descending side of the roadway and a bike path on the ascending side of the roadway. The applicant's engineer has stated that the average grade of the improved Starview Drive would be no greater than 10.25%.

On May 23, 2001, the Commission made the following motion:
I so move to not require the construction of Trent Point Way with this application in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2- attached traffic study). Scenario 2 is more defined as the reconstruction of Starview Drive to two 12-foot travel lanes, curb, gutter, sidewalk on the descending side of the roadway, bike lane on the ascending side of the roadway, and an average grade not to exceed 10.25%. The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval of any eastern phases (Phase IV – as submitted on May 22, 2001 – see attached), which describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue. Furthermore, the Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to evaluate/consider this project in the District's Five Year Work Program; and evaluate the financial participation by the Harris Ranch development.

I. Unless otherwise approved, the applicant should construct the local residential streets within the subdivision as 36-foot street sections within 50-feet of right-of-way, with vertical curbs, gutter and 5-foot wide concrete sidewalk. (Exception is Windsong Drive).

J. The District accepts local residential public roads with a 29-foot street section with parking prohibited on one side, if the projected volume on the street does not exceed 200 vehicle trips per day. The proposed density of development that will utilize each of these streets (listed below) will generate less than 200 vehicle trips per day. These interior streets may be constructed as proposed with a 29-foot street section with curb, gutter and 5-foot wide concrete sidewalks within 50-feet of right-of-way and located as proposed. Parking should be restricted on one side of each of the roadways. A signage plan should be submitted for review and approval by Planning and Development staff. The applicant is proposing to construct the following streets as reduced street sections:

Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south. These streets appear to meet District requirements for the reduced street section.

K. An extraordinary impact fee of $2,170 was imposed on all new construction in this subdivision by the District's October 1994 action. With the development of 228-single family dwellings, approximately $500,000 would be collected from extraordinary impact fees collected from these new dwellings. The new roadway cost is tentatively estimated to exceed $700,000. Due to the high quantities of cuts, fills, retaining walls and drainage, staff is unable to estimate a more precise cost at this time. At the time of final plat approval, staff will estimate the cost of the roadway based on submitted engineered construction drawings supplied by the applicant. The extra-ordinary fee should be recalculated when the actual cost of Windsong Drive is determined

by dividing the anticipated number of lots into the overall cost of the roadway. On the basis of the tentative estimate, the revised extra-ordinary impact fee would be $3,070. The applicant may opt to pass on some of the costs to the consumers in the cost of the lots, rather than a large extra-ordinary fee. The Commission may wish to give the developer that option.

L. The applicant is proposing to construct this development in eleven phases, and to extend existing streets into the subdivision. These phase numbers represent each separate phase, and not necessarily the order in which the subdivision will be constructed. The applicant is proposing to construct phases one through three of the subdivision first. These three phases constitute 79-lots. In consideration of the action by the District of October 1994, the Commission believes that the District must allow the development of some number of lots if the collector road (Windsong Drive) is constructed. If one or more phases are platted prior to the construction and opening of the East Parkcenter Bridge, this will temporarily increase the volume on Warm Springs Avenue by ten trips per day for each lot that is developed. According to the COMPASS model, the volume on Warm Springs Avenue will decrease sharply after the bridge is open. Based on the testimony of the Harris Ranch developer who indicated that the bridge will be open for use prior to the development of any additional phases of Boulder Heights, the Commission finds that the platting of up to 79-lots is in accordance with the decision of 1994 and will probably not cause the volume of traffic on Warm Springs Avenue to exceed the LOS C threshold.

M. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

N. The turnarounds should be constructed to provide a minimum turning radius of 45-feet. The applicant is not proposing to construct islands in the turnarounds, and none are required by policy.

O. The applicant is proposing to construct several knuckles within the subdivision without islands, and no islands are required.

P. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat should be owned and maintained by a homeowners association. Notes of this should be required on the final plat.

Q. Boise City and Ada Planning Association have adopted Warm Springs Avenue to be a Historic Boise Street. As such, the planning capacity for Warm Springs Avenue has been set at 14,175 Average Daily Traffic. The existing traffic currently is nearing the "Historic" planning capacity of the roadway. The existing traffic plus the traffic from the entire project will exceed the "Historic" planning capacity of the roadway until both Parkcenter bridges have been completed. The volume from the existing plus project traffic will be below the "Historic" planning capacity of the roadway after the East and West Parkcenter bridges are constructed. Completion of both bridges is anticipated prior to the time that homes will be constructed in this development.

Using the forecast volumes from the table on page 4 of this report, if this development proceeds prior to the construction and opening of the East Parkcenter Bridge, the volume on Warm

Springs Avenue will increase approximately 10-trips per day for each lot that is developed. The forecast volume on Warm Springs Avenue for 2001 without the opening of the East Parkcenter Bridge is 16,180. If this developer constructs the on-site infrastructure and develops the 79-lots recommended in Fact and Finding N, prior to the opening of the East Parkcenter Bridge, the volume on Warm Springs Avenue will increase to an estimated 16,970 trips per day.

If the bridge is completed and open prior to the development of these 79-lots, the volume on Warm Springs Avenue is forecast to be 13,694 trips per day, less the amount of trips from Boulder Heights that will use the new bridge. Because that route is significantly out-of-direction for residents of Boulder Heights until a more direct route is accomplished, a complex traffic study would be necessary to forecast the volume from Boulder Heights that would use Parkcenter Boulevard.

T. In consideration of the 1994 District action in regard to Boulder Heights, the District is obligated to approve some level of additional development/lots if the developer constructs the new collector road to Warm Springs Avenue. The Commission determines that allowing the platting of the first three of the proposed phases, totaling 79-lots would be in conformance with the 1994 decision.

Special Direction to ACHD staff:

1. **The Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to evaluate/consider this project in the District's Five Year Work Program; and evaluate the financial participation by the Harris Ranch development.**

If the requested zone changes and the conditional use permit are approved and a development application is submitted, the District provides the following requirements as conditions for approval:

Site Specific Requirements:

1. In consideration of the 1994 District action in regard to Boulder Heights, and all relevant conditions of approval having been met, the District will approve final plats for one or more additional phases of Boulder Heights prior to the construction and opening of the East Parkcenter Bridge, not to exceed a total of 79-lots.

2. Construct and dedicate Windsong Drive as a residential collector from Warm Springs Avenue to Hard Rock Drive, located as proposed at the northwest corner of the site. Windsong Drive shall be constructed as a reduced width street section in 50-feet of right-of-way with vertical curbs, two 12-foot wide travel lanes, paved and striped bike lanes on both sides of the street, and a 5-foot wide sidewalk on the descending side of the street. The curb-to-curb width of the street shall be a minimum of 33-feet. Parking and direct lot access shall be prohibited on this segment of Windsong Drive. The design of the roadway shall conform to District policy 7204.5. The applicant shall be responsible for the construction and design of the residential collector

roadway and will be reimbursed for the roadway with the extra-ordinary impact fees collected with the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. The segment of Windsong Drive that is designated as a residential collector shall be fully constructed through Phase One prior to the issuance of any building permits in this development.

3. Construct Windsong Drive north of Hard Rock Drive as a local 36-foot street section with vertical curbs, gutter and 5-foot wide concrete sidewalk, within 50-feet of right-of-way.

4. The location and grade of the intersection of Windsong Drive and Warm Springs Avenue shall conform to District policy (7204.5.9) that requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35 MPH) of Warm Springs Avenue.

5. The construction of Trent Point Way is not required/approved with this application, in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2- attached traffic study). Scenario 2 is more defined as the reconstruction of Starview Drive to two 12-foot travel lanes, curb, gutter, sidewalk on the descending side of the roadway, bike lane on the ascending side of the roadway, and an average grade not to exceed 10.25%. The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval of any eastern phases (Phase IV – as submitted on May 22, 2001 – see attached), which describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue.

6. Construct Trent Point Way north of Ridge Point Way as a local 36-foot street section with vertical curbs, gutters and 5-foot wide concrete sidewalks, within 50-feet of right-of-way.

7. Construct all of the streets within the subdivision (with exception to Windsong Drive, and those listed below) as 36-foot street sections within 50-feet of right-of-way, with vertical curb, gutter and 5-foot wide concrete sidewalk.

8. The following streets may be constructed as reduced street sections: Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south.

   These streets may be constructed as 29-foot street sections with vertical curbs, gutter and 5-foot wide concrete sidewalk within 42-feet of right-of-way. Parking shall be restricted on one side of each of the roadways. A signage plan shall be submitted for review and approval by Planning and Development staff.

9. An extra-ordinary road impact fee shall be imposed on all new construction in this subdivision. At this time, the District estimates that fee at $3,070 per dwelling unit (minimum). The applicant will be reimbursed the cost of the western collector roadway with the extra-ordinary fees collected. This extra-ordinary fee shall be recalculated when the actual cost of Windsong Drive

is determined (at the time of final plat), by dividing the anticipated number of lots into the overall cost of the roadway as established by the contract cost.

10. Extend and connect the existing streets into the subdivision as proposed.

11. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

12. Construct turnarounds to provide a minimum turning radius of 45-feet.

13. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat shall be owned and maintained by a homeowners association. Notes of this shall be required on the final plat.

Standard Requirements:

1. A request for modification, variance or waiver of any requirement or policy outlined herein shall be made in writing to the ACHD Planning and Development Supervisor. The request shall specifically identify each requirement to be reconsidered and include a written explanation of why such a requirement would result in a substantial hardship or inequity. The written request shall be submitted to the District no later than 9:00 a.m. on the day scheduled for ACHD Commission action. Those items shall be rescheduled for discussion with the Commission on the next available meeting agenda.

   Requests submitted to the District after 9:00 a.m. on the day scheduled for Commission action do not provide sufficient time for District staff to remove the item from the consent agenda and report to the Commission regarding the requested modification, variance or waiver. The Commission will act those items on unless removed from the agenda by the Commission.

2. After ACHD Commission action, any request for reconsideration of the Commission's action shall be made in writing to the Planning and Development Supervisor within six days of the action and shall include a minimum fee of $110.00. The request for reconsideration shall specifically identify each requirement to be reconsidered and include written documentation of data that was not available to the Commission at the time of its original decision. The request for reconsideration will be heard by the District Commission at the next regular meeting of the Commission. If the Commission agrees to reconsider the action, the applicant will be notified of the date and time of the Commission meeting at which the reconsideration will be heard.

3. Payment of applicable road impact fees are required prior to building construction in accordance with Ordinance #193, also known as Ada County Highway District Road Impact Fee Ordinance.

4. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services

procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

5. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

6. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. Existing utilities damaged by the applicant shall be repaired by the applicant at no cost to ACHD. The applicant shall be required to call DIGLINE (1-800-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

9. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

Conclusion of Law:

1. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular and pedestrian transportation system within the vicinity impacted by the proposed development.

Should you have any questions or comments, please contact the Planning and Development Division at 387-6170.

Submitted by:	Commission Action:
Planning and Development Staff	May 23, 2001

Exhibit "1"

c) Routing traffic to other roads with unused capacity, provided that the additional traffic will not negatively impact the safety and comfort of existing neighborhoods, as identified by ACHD's traffic-calming policy.

d) Use of traffic-calming techniques.

e) Capturing trips with service commercial centers in new projects.

4. Arterial/collector streets within the East End are designated in the current Regional Transportation Plan for Northern Ada County as follows:

Principal Arterials	Broadway Park Center Blvd/ Front & Myrtle Main Street Idaho Street Park (Broadway to Park Center Blvd)
Minor Arterials	Warm Springs Avenue Avenue B Jefferson Street Fort Street (Ave B to 1st) State Street
Collectors	Walnut (south of Warm Springs) Park Ave (Walnut to Park Center Blvd) McKinley/Franklin Reserve /Shaw Mtn. Road Table Rock Road Locust, Pierce and Haines (between Franklin and Shenandoah Dr.) Shenandoah Drive (between Locust and Roanoak) Fort Street (1st to Washington)

5. That portion of Warm Springs Avenue within the city historic district shall be managed in such a manner that its' flavor and character is preserved and enhanced while maintaining the livability of the neighborhood and preserving the functionality of the street system. The use of traffic management strategies shall be given priority over street widenings, lane additions and removal of on-street parking as a means of resolving traffic flow problems. The level of service along Warm Springs Avenue may not decline below level of service "C" during

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Exhibit "I"
rush hours.

A. Using the methodologies in the document, "Ada County Roadway Capactiy Guidelines for Planning Applications," the planning capacity threshold for Warm Springs Avenue has been established at 14,000 average annual daily trips (weekdays only). As noted above, removal of on-street parking, street widening and lane additions should not be used as the primary means of resolving traffic flow problems.

B. The East End Neighborhood Association recognizes that the residents of the neighborhood play a key role in the successful implementation of traffic management strategies. A high level of neighborhood participation and coordination with ACHD, APA and Boise City in devising such strategies will be provided by the association.

6. The State/McKinley and Washington/McKinley intersections and other busy intersections along McKinley/Franklin Streets should be improved to emphasize McKinley/Franklin Streets as designated collector streets.

7. A bicycle/pedestrian crossing (pedestrian activated) should be provided on Warm Springs Ave. at the Walnut Street intersection. Such crossing should be designed to discourage use of N. Walnut as a collector street.

8. Special consideration should be given to the design of Avenue B and 2nd Street for safe and adequate bicycle/pedestrian crossings between the main part of the East End Neighborhood and the downtown area.

9. *Boise City Comprehensive Plan, 6.3 Pathways, Objective 1, Policy 1, page 6-11:* Require the provision of pathways, when consistent with the Ada County Ridge-to-Rivers Pathway Plan and/or the Boise City Comprehensive Park and Recreation System Plan, in the following cases:

(a) In new projects;

(b) When improvements are made to existing bridges, roads, open space areas or other structures by public or private entities;

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BOISE CITY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

Staff Report: Annexation and Development Agreement
Boulder Heights Estates
File Number: CAR00-00021/DA
and
Conditional Use CAR00-00055
and
Hillside and Foothills Area Development Permit CFH00-00015

Planning and Zoning Commission Hearing Date: July 16, 2001

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Attachments

- Staff reports and memos to City Council from January 9, 2001 to June 19, 2001
- ACHD letter of approval and staff report of May 23, 2001
- Application for Appeal to CUP00-00055
- Staff Report from Planning & Zoning Commission Hearing CAR00-00021/DA,
- Development Agreement with Support Material,
- Final Findings of Fact and Conclusions of Law for CUP00-00055 of November 6, 2000
- Staff Report from Planning & Zoning Commission Hearing CUP00-00055

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- Minutes from the Oct. 16, 2000 Planning & Zoning Commission Hearing CUP00-00055 and CAR00-00021/DA January 9, 2001, January 30, 2001, March 13, 2001, and March 20, 2001
- Comments from other Agencies
- Letters of testimony

Boise City Planning and Development Services Department
Planning Division

EXECUTIVE SUMMARY

Proofed by _____ **On** _____

PLANNING ANALYST:
Bruce Eggleston, A.I.C.P. Planner II

DESCRIPTION OF APPLICANT'S REQUEST:

The applicants seek annexation with a development agreement to construct a Planned Development 228 dwelling units with open space. They also applied for a rezone from Ada County RP, R8, R4 and M1 to R-1-A in the City. Development would occur in eleven phases. The site is located in the Foothills East Planning Area and falls under the *Foothills Policy Plan.* This project includes approximately 250 acres of dedicated open space, resulting from the *Foothills Policy Plan,* Goal 1 Objective 2 Policies 2-4 that allows for density bonuses in exchange for open space. There are two applications associated with this Annexation and Development Agreement application: a conceptual conditional use for a planned development number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit (Hillside), number CFH00-00015.

The property is approximately 406 acres in area. The present Ada County zoning is approximately 326.5 acres in RP, approximately 40 acres in R8, approximately 33.7 acres M1, and approximately 5.8 acres in R4 (Rural Preservation, Residential 8 units per acre, Manufacturing 1, and Residential 4 units per acre, respectively). The proposed density takes advantage of the Density Bonus Formula in the *Foothills Policy Plan that* allows for density bonuses in exchange for open space. The proposed gross density would be one unit per 1.78 acres.

The proposed annexation does not include the established subdivisions on the Mesa, only the vacant land around the neighborhood.

The City Council moved to remand the applications back to the Planning and Zoning Commission on June 19, 2001, based upon a revised street plan approved by ACHD on May 23, 2001, and upon concerns the Fire Department had with the revised street plan.

The revised street plan, as approved by ACHD, eliminates the proposed collector road on the east, the so-called S. Trent Point Way, and includes a reconstruction of the lower stretch of E. Starview Drive to current specifications for ACHD collectors. It also includes participation of the applicant in the construction of a new intersection with Warm Springs Avenue, E. Starview Drive, the yet-to-be-built East Park Center Road, and Barber Road.

The applications are unchanged from the way they were when the Planning and Zoning Commission reviewed them on October 16, 2000, with the exception of the above described changes in the street plan. The Fire Department added some requirements to reflect the changes in the street plan to include the following:

1. ACHD has outlined some improvements to the existing Starview Ln. which must be completed.
2. All new buildings must incorporate a 30 foot defensible space and Class A roofs. (See FOOTHILLS Condition).
3 The applicant agrees to work out details for radio tower and brush truck access with the Fire Chief.
4. All buildings must be equipped with a modified NFPA 13D automatic fire sprinkler system. See MODIFY 13D Condition for details.

The Development Agreement has also been changed to reflect the above described changes from ACHD and the Fire Department.

PRIOR ACTION:

This is the first application to the City.

There have been many rezones and subdivisions approved by Ada County that have resulted in the Warm Springs Mesa I through XIII-b and Boulder Heights I, II and III Subdivisions.

History of Hearings and Actions on the proposed Boulder Heights Estates Annexation and Planned Development, CAR00-00021/DA, and the Appeal of the Denial of CUP00-00055

On October 16, 2000, the Planning and Zoning Commission recommended approval of the proposed annexation and attached development agreement. They also recommended denial for the proposed conceptual conditional use permit, CUP00-00055. The conceptual Hillside application became a moot point with the denial of the conditional use.

On November 28, 2000, the City Council rescheduled the hearing for the annexation to January 9, 2001, so it could be heard with the accompanying appeal of the denial of conditional use, CUP00-00055.

December 12, 2000: Hearing on CAR00-00021/DA and CUP00-00055 appeal deferred to January 9, 2001.

January 9, 2001 Hearing on CAR00-00021/DA, deferred until January 30, 2001, and CUP00-00055 appeal deferred to March 13, 2001.

January 30, 2001: Hearing on CAR00-00021/DA, deferred until March 13, 2001, at applicant's request, to allow it to coincide with hearing on CUP00-00055 appeal.

March 13, 2001: City Council approved motions for the annexation application, CAR00-00021/DA, and grant a rezone, without a development agreement, to the Open Land "A" zone for the entire property; and to sustain the denial of the conditional use application, CAR00-00055, from the Planning and Zoning Commission that was before the Council on appeal.

March 20, 2001: Council Member Forney asked for a reconsideration of the above motions in two separate motions which were granted by the Council. Reconsideration of those motions was set for June 12, 2001, then later rescheduled for June 19, 2001.

June 19, 2001. A motion was passed to remand the annexation, development agreement and conditional use back to the Planning and Zoning Commission for reconsideration based upon new information from the Ada county Highway District.

July 16, 2001 Hearings scheduled Planning and Zoning Commission for reconsideration of the annexation, development agreement, conceptual conditional use and the conceptual Hillside permit.

STAFF RECOMMENDATION:

Approval for annexation CAR00-00021/DA, conditioned upon the approval of the development agreement.

Approval for the conceptual conditional use/planned development CUP00-00055.

Approval for the conceptual Hillside and Foothills Area permit CFH00-00015.

II. SUMMARY ANALYSIS:

The Commission approved the recommendation for the annexation/DA and denied the conditional use/planned development.

The annexation was found to be in compliance with the *Boise Comprehensive Plan* and approved on that basis.

The denial of the conditional use was based upon the following:

1. the lack of traffic capacity on Warm Springs Avenue,
2. the fundamental layout of the collector road system was found to be inadequate to service the proposal.
3. the potential for geologic hazards, and,
4. the timing for the construction of the fire station at Harris Ranch.

III. ANALYSIS

Annexation/Development Agreement

The Planning and Zoning Commission recommended approval of the annexation and development agreement as submitted in the staff report to include all of the 406 acre site. The applicant's representative testified that they were satisfied with the agreement as approved in the annexation recommendation.

The development agreement proposes R-1A zoning for the developed areas, approximately 156 acres that is zoned R8, R4 and RP in Ada County, and Open Land - A zoning for the open lands, approximately 250 acres zoned RP in Ada County. It sets a limit of 223 to 228 dwelling units, depending on the final layout of the planned development permit. The first phase of development is limited to 55 dwelling units until the transportation improvements proposed by the Harris Ranch agreement are made, and the traffic capacity of Warm Springs Avenue is evaluated and proven adequate for additional capacity. The traffic system capacity and the potential for geologic hazards will be the primary limitations on the number of units that might be approved for the project. The development agreement designates the open lands exclusively for permanent open and recreation use, and the developed areas for low density single family residential use. The development agreement excludes the subject property from any further subdivisions, except through the conditional use and subdivision ordinances. It requires the open lands to be dedicated to permanent open space use that may include public parks and trails. It establishes that Boise Board of Park and Recreation Commission has proposed to acquire a majority of the open land for inclusion into the City park system. It also requires the provision of municipal sewer, water and fire protection.

Because the applications are for a conceptual conditional use, some issues are not clear and will have to be determined at the final conditional use permit analysis, the final Hillside and Foothills Development permit analysis, and preliminary plat review levels. The outstanding issues could potentially limit the number of approved dwelling units; or prevent the development of parts of the proposal. These issues are the potential for geological hazards, lack of traffic capacity on Warm Springs Avenue, and the lack of availability of fire protection. The geological hazards issue will require a detailed geo-technical analysis to prove that the site is stable and safe enough to build the proposed neighborhood. The scheduled completion of an off-site fire station at the Harris Ranch development would solve the fire safety issue. Off-site transportation improvements, slated for construction in conjunction with the Harris Ranch development, would presumably solve the traffic capacity issue.

There is a possibility of granting annexation and zoning for land that may be restricted for development for many years, if the Harris Ranch infrastructure improvements are not completed. If the Harris Ranch bridge and road building project are not completed as planned, then there will not be enough traffic capacity for the buildout of this proposal. Some of the land might be found unsuitable for development, due to geological hazards. The policies of the *Foothills Policy Plan,* and *Interim Foothills Transportation Plan* recommend against annexation and zoning for

proposals that would result in impacts on the transportation system that would push traffic volume over Level of Service C on Warm Springs Avenue.

The development agreement should serve as the means to insure that the proposed development phases are approved if, and only if, these outstanding issues are resolved in a timely manner.

Conditional Use CUP00-00055

There remain questions about the traffic capacity, the collector design for this site, the potential geologic hazards, and the availability of fire coverage. The denial of the conditional use was based upon the following:

1. **The lack of traffic capacity on Warm Springs Avenue:**

The *Foothills Policy Plan* and the *Interim Foothills Transportation Plan* prohibit approval of rezones that would result in traffic levels higher than the LOS C. (See staff reports CAR00-00021/DA and CUP00-00055 for the citations.) The applicant is asking for development that would eventually, according to the independent study done by Six Mile Engineering, put 1,702 additional Vehicle Trips per Day (VTD) on Warm Springs Avenue of the 2,300 VTDs projected for the proposal. The remainder, 598 VTDs would utilize the East Parkcenter Bridge or Highway 21. Most of the VTDs in the first phases of Boulder Heights would utilize Warm Springs, thus putting it over LOS C. According to ACHD projections, Warm Springs will be far under the LOS C threshold after the East Parkcenter and West Parkcenter bridge constructions. Until that time this development would put Warm Springs over LOS C.

> "A Level of Service (LOS) C threshold of 14,175 vehicle trips per day has been established for Warm Springs Avenue, measured at the ITD permanent counter east of Walnut Street. The most recent 12-month count indicates 14,103 AAWDT travel Warm Springs Avenue now." (ACHD staff report August 23, 2000)

The proposed Boulder Heights development agreement requires a traffic study to be done after the bridges are built and other traffic calming improvements are done to determine what the actual VTDs are on Warm Springs Avenue. This will in turn determine the upper limit of dwelling units that may be approved for the subject property. If the traffic capacity is not there, this proposal may not be allowed the full 228 units proposed.

The city must consider the degree to which it is willing to let the traffic threshold exceed LOS C prior to the completion of the roads and bridges slated for Harris Ranch.

2. **T1he fundamental layout of the collector road system was found to be inadequate to service the proposal.**

A baseline premise for development in this area is the effort to move traffic away from Warm Springs Avenue onto other routes to the east with the purpose of keeping Warm Springs Avenue under the LOS C threshold of 14,175 VTDs. It is at or very near that threshold now with the latest count at 14,103 VTDs. The ACHD staff report states that if the first three phases are allowed to be built, of 79 units, that would add 790 VTSs to Warm Springs, pushing it over the threshold. The ACHD staff report shows that eventually the road improvements would bring the VTDs back to LOS C. They projected 2020 traffic volumes to be 15,993 VTDs with the two bridges and no restrictions on Warm Springs Avenue, and traffic volumes to be 11,353 VTDs with the two bridges and restrictions on Warm Springs Avenue.

The problem with the Boulder Heights Estates proposal is that it does little to discourage traffic from going west on Warm Springs Avenue. This was a major reason that the Planning and Zoning Commission denied the CUP. The two existing collectors and the third proposed collector, E. Windsong Drive, all invite traffic to go west down Warm Springs. There are no off-site road improvements proposed for the development, except for the new interchange of the East Park Center Road and Warm Springs, that would result in moving traffic east from the Mesa.

Should the impact on Warm Springs Avenue exceed LOS C, ACHD will implement mitigation measures. Ada County Highway District has completed a traffic management study for Warm Springs Avenue. The District will select traffic management alternatives after both Parkcenter bridges are completed and the traffic patterns are re-established. (ACHD staff report, p. 3)

In addition, the Planning and Zoning Commission refused to allow more traffic on the existing eastern collector, Starview Drive. Starview Drive was considered to be substandard, and they did not want to add more traffic to a potentially hazardous road. The revised ACHD approved plan includes the reconstruction of Starview to current collector standards. There is a conceptual plan at ACHD to renovate the intersection of Starview Drive with Warm Springs Av. as part of the East Parkcenter Bridge improvements.

It is not known if the traffic from the Harris Ranch development and other approved projects will eventually overwhelm Warm Springs Avenue, in spite of the costly and elaborate road system improvements proposed and under construction. The traffic studies for this proposal, and for all of the approved projects, show an eventual decrease in traffic on Warm Springs Avenue when all of the projects are constructed. Both the ACHD Board and the Planning and Zoning Commission stipulated that the final build-out number of units in the PUD will depend on the outcome of the post-road improvements study.

The City has several options to address the transportation issues:

a. **Deny the annexation until the traffic impacts can be verified.**
b. **Approve the annexation and development agreement as originally recommended by the Planning and Zoning Commission, then address these issues in the final approval for the phasing of the Conditional Use permit and Hillside and Foothills Area Development (Hillside) permit.**

3. The potential for geologic hazards:

The Warm Springs Mesa is a landslide in repose. It was probably set sliding by the seismic fault located at its top edge. There are very large boulders strewn uphill from the proposed development and the existing homes. There are known soil problems. All of these things pose some degree of potential geologic hazard. The initial report submitted in the conceptual Hillside application did not answer all of the questions posed by these potential hazards. The conceptual application process is not meant to be conclusive in these matters, but it should provide a reasonable risk assessment for the concerns. The findings and conclusions of law from the Planning and Zoning Commission denial stated that proof must be given for the geotechnical issues prior to granting the conceptual conditional use permit.

The Development Agreement already limits the number and location of units based on the geotechnical report evaluation of the soils, geology and hydrology to be provided in the final Hillside permit application.

The Conditions of Approval for the denied CUP00-00055 included the following:

PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL

41. Before any future phases are granted detailed hillside approval, a slope stability analysis shall be done. The analysis must indicate that the major landslide mass underlying the proposed development and the existing Boulder Heights and Warm Springs Mesa subdivisions is stable and has an acceptable factor of safety.

42. Final geotechnical reports shall:
    a. Evaluate the effect of the perched water table on the development.
    b. Evaluate the effect of the expansive soil and make recommendations for building structures on it.
    c. Be based on test pit data that is representative of the entire site.
    d. Include maps that indicate the locations of the test pits that are referenced in the report.

43. A rock fall analysis shall be provided. The analysis must indicate that all building lots are safe from the hazards posed by the large sandstone blocks above the development. If significant hazards are identified, then mitigative measures must be recommended.

44. All detention ponds shall be lined with an impermeable material to prevent infiltration of water into the landslide.

45. Runoff from all streets, roofs, and driveways must be routed to the lined

retention ponds.

These conditions of approval were to be met as part of the final conditional use permit application. Staff made these recommendations with the confidence that they, in conjunction with the requirements of the Development Agreement and final Hillside permit, would provide sufficient protection of the health and safety of the residents of the area.

The City has several options to address the geologic hazards issues of annexation and the conditional use permit:

- **e. Modify the Development Agreement to include the above conditions from the conceptual conditional use permit conditions of approval as requirement of approval of the Development Agreement and rezone.**
- **f. Leave the Development Agreement as is and make the above conditions of approval, numbers 41 through 45, requirements for approval of the conceptual conditional use permit.**
- **g. Leave the Development Agreement and the conceptual conditional use permit as is.**

4. The timing for the construction of the fire station at Harris Ranch.

The issue of the fire protection is more about the timing of the completion of the Harris Ranch Fire Station, not one of lack of fire coverage for the area. It seems that the assumed time that this Boulder Heights project might begin construction would coincide with the slated construction of the Harris Ranch Fire Station. This is clarified by chief Ross in the following memos that discuss the proposed denial findings and conclusions of law for Boulder Heights.

Chief Ross states in his memo of November 1, 2000, that "fire protection will come from Boise Fire Station #1 and Whitney Fire Station #2 (which is now Boise Station #22)" until the Harris Ranch Fire Station is built and staffed. (Complete text of the memos is in Appendix B of this report.)

The Fire services are not available, but are slated for development at Harris Ranch. The development will be required to have that protection prior to any plat approval. There are some design questions on the lot layout that can be addressed prior to final conditional use approval.

The fire protection requirements in the Development Agreement and the conditions of approval in the conceptual conditional use permit should be sufficient to meet the standards and codes.

Major service and infrastructure costs and contingencies are not in the hands of the applicant to provide. They depend on the Harris Ranch development and ACHD to provide the

road system improvements. The feasibility of this proposal depends on those things happening.

The Development Agreement is written to give assurances that services will be in place prior to final plat approval. If the services don't materialize, approval would not be given. There is a provision in the Development Agreement that allows the city to de-annex or downzone the property should the transportation and fire facilities not be built.

Trails and Parks

The proposal would include a 206 acre park/reserve with essential trail components of the Ridge-to-Rivers trail system. The park is proposed to be accepted as a reserve in the City Parks and Recreation system. This would provide the first real link of the Boise River to the Foothills ridge system. The park proposal is also part of the Development Agreement.

IV. CONCLUSIONS

The revised traffic plan, as approved by ACHD, meets their standards. It is the plan that was supported by the existing neighborhood homeowner's associations. The Highway District has projected that the eventual number of trips on Warm Springs Avenue will be less than it is today when all the proposed development is completed. The Development Agreement limits the applicant to 55 units until they can be prove that there is capacity on Warm Springs Avenue for more units, at which time, they would come back to the City to revise the agreement to allow more phases to be constructed. This provides checks and balances to the approval process, if the capacity is not there, no more units may be constructed.

V. RECOMMENDATION

The Staff recommends approval for the annexation CAR00-00021/DA, the Development Agreement for the rezone, the PUD conceptual conditional use CUP00-00055 and the conceptual Hillside and Foothills Area Development permit.

B. P. E.
July 11, 2001

Ada County Highway District

Judy Peavey-Derr, President
Dave Bivens, 1st Vice President
Sherry R. Huber, 2nd Vice President
Susan S. Eastlake, Commissioner
David E. Wynkoop, Commissioner

318 East 37th Street
Garden City ID 83714-6499
Phone (208) 387-6100
FAX (208) 387-6391
E-mail: tellus@ACHD.ada.id.us

May 24, 2001

RECEIVED
MAY 2001
DEVELOPMENT SERVICES

TO: Wise & Sons Company
2843 Star Circle
Boise, Idaho 83712

FROM: Christy Richardson, Principal Development Analyst
Planning & Development

SUBJECT: **Preliminary Plat: Boulder Heights/CUP00-0055/REVISED** **Warm Springs Mesa**

On May 23, 2001, the Commissioners of the Ada County Highway District (hereafter called "District") took action on the preliminary Plat as stated on the attached staff report.

In order that the Final Plat may be considered by the District for acceptance, the Developer shall cause the following applicable standard conditions to be satisfied prior to District certification and endorsement:

1. Drainage plans shall be submitted and subject to review and approval by the District.

2. If public street improvements are required: Prior to any construction within the existing or proposed public right-of-way, the following shall be submitted and subject to review and approval by the District.

   a. Three complete sets of detailed street construction drawings prepared by an Idaho registered professional Engineer.

   b. Execute and Inspection Agreement between the Developer and the District together with initial payment deposit for inspection and/or testing services.

   c. Complete all street improvements to the satisfaction of the District, or execute a Surety Agreement between the Developer and the District to guarantee the completion of the construction of all required street improvements.

3. Furnish a copy of the Final Plat showing street names as approved by the Local Government Agency having such authority together with the payment of fee charged for the manufacturing and installation of all street signs.

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4. If Public Right-of-Way Trust Fund deposit is required, make the deposit to the District in the form of cash or cashier's check for the amount specified by the District.

5. Furnish easements, agreements and all other datum or documents as required by the District.

6. Furnish Final Plat drawings together with the plat and plan review fees for District acceptance and endorsement. The final plat must contain the signed endorsement of the Owner and the Land Surveyor's certification.

7. All of the material must be submitted to District staff two-weeks prior to Commission review of the final plat.

8. Approval of the plat is valid for one year. The Commission will consider an extension of one year if requested within 15-days prior to the expiration date.

Please contact me at (208) 387-6170, should you have any questions.

Cc: Planning & Development Chron/File
Planning & Development Services-City of Boise
Construction Services – John Edney
Drainage- Chuck Rinaldi
Pinnacle Engineers Inc
Bob Unger 870 N. Linder Road, Suite B
Meridian, Idaho 83642

ADA COUNTY HIGHWAY DISTRICT

Planning and Development Division

Development Application Report

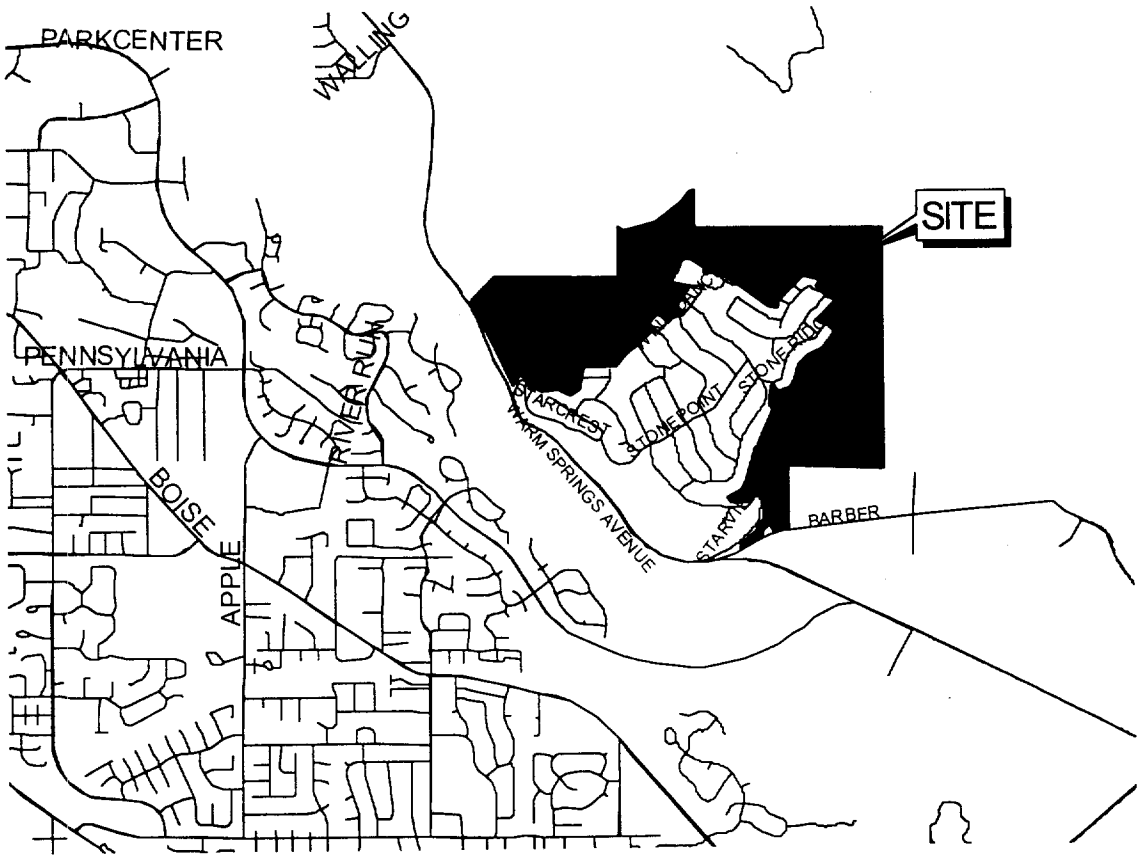
Boulder Heights/CUP00-0055/**REVISED** Warm Springs Mesa Conceptual plat

The applicant is requesting a rezone from RP, R-8, and R-4 to R-1A, with a conditional use permit to construct 228-single family dwelling units. The 405.96-acre site is located northeast of Warm Springs Avenue. The application has been referred to ACHD by the City of Boise for review and comment. This development is estimated to generate 2,280 additional vehicle trips per day based on the Institute of Transportation Engineers Trip Generation manual.

Roads impacted by this development: Warm Springs Avenue
Starcrest Drive
Starview Drive

The Commission made another action on this application on May 23, 2001, with regards to the eastern access, Trent Point Way, and improvements to Starview Drive. May 23rd revisions are in bold type.

ACHD Commission Date – May 23, 2001 6:30 p.m. REGULAR AGENDA



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Facts and Findings:

A. General Information

Owner – JH Wise
Applicant – Hubble Engineering
RP, R-8, R-4 - Existing zoning
R-1A - Requested zoning
405.96 - Acres
228 - Proposed building lots
228 - Proposed dwelling units
218 - Traffic Analysis Zone (TAZ)

Northeast Metro - Impact Fee Service Area
Boise/Garden City Metro - Impact Fee Assessment District

Warm Springs Avenue
Collector abutting the site (no front-on housing)
Minor arterial west of the site (front-on housing) with bike lane designation
Traffic count 14,103 AAWDT by ITD permanent counter e/o Walnut
Traffic count of 13,679 on 4/18/00 (w/o Straughan Avenue)
Traffic count of 4,375 on 3/30/99 (w/o Eckert Road)
300-feet of frontage
100-feet existing right-of-way
No additional right-of-way required

Warm Springs is improved with two travel lanes abutting the site and for 1.5-miles west of the site. West of Penitentiary Road Warm Springs Avenue has two travel lanes with curb, gutter and detached sidewalk.

Starcrest Drive
Residential collector with no bike lane designation
No current traffic count available
0-feet of frontage

Starcrest Drive is improved with 24-feet of pavement with no curb, gutter or sidewalk.

Starview Drive
Residential collector with no bike lane designation
No current traffic count available
0-feet of frontage

Starview Drive is improved with 24-feet of pavement with no curb, gutter or sidewalk.

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B. Effects on Warm Springs Avenue

This development will generate almost 2,300 vehicle trips per day. Until completion of the East Parkcenter Bridge, the traffic from that portion of the site that is developed will be directed to Warm Springs Avenue. After full build out of the development and completion of the East Parkcenter Bridge, staff anticipates that 1,600 additional vehicle trips per day will be directed to Warm Springs Avenue. A Level of Service C threshold of 14,175 vehicle trips per day has been identified for Warm Springs Avenue by Ada Planning Association (now COMPASS), reinforced by the City's adoption of this volume in its comprehensive planning documents. This volume is to be measured at the ITD permanent counter east of Walnut St. The most recent 12-month count indicates that 14,103 AAWDT travel Warm Springs Avenue now.

There have been several other residential and commercial development projects proposed for the Warm Springs Corridor in recent years. On each of these, the District has advised the City as to the effect the development would have on Warm Springs Avenue. Improvements to the Parkcenter Corridor will provide an improved transportation system and accommodate the additional development without unduly increasing the traffic volume on Warm Springs. (See the cumulative effects of various developments on the volume on Warm Springs Avenue in the table below.) As previously acknowledged by the District, approved developments will drive the volume on Warm Springs Avenue considerably higher than the 14, 175 level until both Parkcenter bridges are open for traffic.

Current records show that the Average Annual Weekday Day Traffic (AAWDT) volume is 14,103 at the Idaho Transportation Department (ITD) counting station located east of Walnut Street.

C. Warm Springs Avenue Traffic Calming

Last year, ACHD completed a traffic management study for Warm Springs Avenue. The scope of the study was to analyze alternative means of maintaining traffic on Warm Springs Avenue at or below the planning threshold of 14,175 vehicles per day. The study proposed a range of alternatives to maintain these traffic levels as the Harris Ranch development and other previously approved land developments progress. The alternatives included traffic signal sequencing to regulate speed, indirect roadway connections, and engineering and traffic enforcement strategies to discourage through traffic movements. ACHD will select the most effective alternatives to respond to the traffic impacts of Harris Ranch. The ACHD Commission has deferred a final decision on selection of an alternative until both Parkcenter bridges are completed and the traffic patterns are re-established.

After the Parkcenter bridges are constructed, it is anticipated that 1,600 VTD from the proposed Boulder Heights Development will contribute to daily traffic on Warm Springs Avenue, based on the submitted traffic study.

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WARM SPRINGS AVENUE TRAFFIC VOLUMES - EXISTING AND FUTURE CONDITIONS	
CURRENT ITD DAILY TRAFFIC VOLUME ON WARM SPRINGS AVENUE	14,103 AAWDT [1]
THE PROJECTIONS IN THIS CHART ARE BASED ON THE ACHD COUNT TAKEN ON DECEMBER 1, 1997 (EAST OF WALNUT STREET). THIS NUMBER IS USED BY COMPASS AS THE CALIBRATION NUMBER FOR THE MODELS.	12,666 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITHOUT THE CONSTRUCTION OF THE EAST PARKCENTER BRIDGE AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	16,180 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST PARKCENTER) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	12,904 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	10,644 VTD[2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	15,993 VTD[2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	11,353 VTD[2]

Note 1: The Average Annual Weekday Traffic (AAWDT) has been compiled by ITD and is stated as 14,103 trips per day for the previous 12-month period. The AAWDT parameter is the standard basis for evaluating traffic operations of roadways. The AAWDT figures are not normally available for use in Ada County, because a permanent traffic counter installation is required (such as the one on Warm Springs Avenue east of Walnut Street). Higher and lower daily volumes than this will occur on a regular basis. The referenced ITD automatic traffic counts actually tally the number of axles and not the number of vehicles. Cars and trucks pulling boat trailers are counted as 1.5 vehicles because they have three axles. Two-axle bicycles may also be counted as vehicles. Therefore, the actual number of vehicles is slightly less than the "count".

Note 2: VTD – Vehicle trips per weekday

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D. The East Parkcenter Bridge was required to be constructed by the developer of Harris Ranch Subdivision prior to the development of any expansion of Harris Ranch beyond Phase A that was limited to 419 dwelling lots. A representative of the developer of Harris Ranch testified at the meeting on the subject application that it was the intent of Harris Ranch to complete that bridge within calendar year 2001, or as soon thereafter as possible. The applicant for the subject application testified that it would take about one and one-half year before Boulder Heights would be to the point of applying for building permits for new homes in this expanded area. From this testimony, the Commission deduced that the East Parkcenter Bridge would be available for use by the time this development is completed and ready for building permits.

E. Previous District Action

On October 24, 1994 the ACHD Commission reviewed and approved Boulder Heights No. 2 Subdivision. Site Specific Requirement No. 1 of that report states *"Because of the condition and standard of Starcrest and Stonepoint, no more than 50 additional lots shall be platted prior to the completion of a collector road from Warm Springs Avenue to the development"*. Site Specific Requirement No. 4 of the same report states *"Prior to the platting of any lots in excess of 50, construct a collector roadway from Warm Springs Avenue to the development"*. An extra-ordinary impact fee was established with the application as Site Specific No. 5, *"An extra-ordinary impact fee of $2,170 per dwelling unit is imposed on all new construction in the area that contributes traffic to the collector roadway required in Site Specific No. 4. This is equal to the estimated cost of the new collector roadway divided by 290, the number of proposed dwellings remaining to be constructed to complete the master plan. The extra-ordinary impact fee is to be collected from those existing but vacant lots. If additional development is approved outside this ownership that generates traffic to the collector, the extra-ordinary impact fee will be recalculated to spread the cost of construction among all property that uses the roadway"*.

The above action was taken by the District prior to the establishment of the 14,175 trips per day threshold on Warm Springs Avenue and it did not prohibit the generation of traffic to Warm Springs Avenue. The subject application shows a new collector connection to Warm Springs Avenue as required by the 1994 District action. The application also shows a new road along the east side of Warm Springs Mesa Subdivision that will further relieve traffic through the existing neighborhood. Development of this project will contribute to the volume on Warm Springs Avenue exceeding the LOS C threshold of 14,175 until the East Parkcenter Bridge is open to traffic. According to COMPASS' projections, the volume on Warm Springs Avenue will then drop to a level well below the LOS C threshold. Harris Ranch was allowed to contribute an estimated 1,476 trips per day to Warm Springs Avenue prior to the opening of the second bridge. This development should be allowed the same privilege since the original approval of this site assumed that development could proceed if a new collector to Warm Springs Avenue was constructed.

Staff recommended that the applicant be allowed to develop no more than the first three phases (79-lots) before the East Parkcenter Bridge is open to traffic. This will add approximately 790-trips per day to Warm Springs Avenue.

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F. In accordance with the October 24, 1994 action, the applicant is proposing to construct Windsong Drive as a residential collector from Warm Springs Avenue to the site. The street is proposed to be a 29-foot street section with vertical curbs, two 12-foot wide travel lanes, a paved and striped 5-foot wide bike lane on the ascending side of the street, and a 5-foot wide sidewalk on the descending side of the street in 50-feet of right-of-way. District policy prohibits on-street parking on a residential collector. Windsong Drive is designated as a residential collector from Warm Springs Avenue to Hard Rock Drive. Due to the hillside restraints, there will be significant cuts and fills to construct the roadway, and retaining walls and guardrail will be required.

District policy regarding residential collector design (7204.5) requires:

- Standard right-of-way widths – normally 56-feet, but may be reduced in special situations (hillside development)
- Pavement width of 29-feet may be allowed in special situations where on-street parking is prohibited and low levels of traffic will be expected
- Six-inch standard vertical curbs and gutters are required in foothills areas
- Five foot wide sidewalks are normally required on both sides of the street, but may be reduced to one side in foothills areas where there are no abutting/fronting lots
- Design speed of 30 MPH
- Stopping sight distance of 200-feet
- Minimum allowable grade is 0.4%
- Maximum allowable grade is 10.0%
- Minimum centerline radius allowed is 150-feet
- Minimum tangent of 50-feet is required between horizontal reverse curves
- Direct lot access is discouraged

The Commission determined that a 29-foot wide street did not adequately provide for use of the street by bicycle riders and that a standard 33-foot street section would be more appropriate to safely accommodate bikers.

G. It appears that the proposed alignment for Windsong Drive meets the standard ACHD requirements for a residential collector. The applicant is responsible for the construction of the residential collector roadway, but will be reimbursed for the cost from extra-ordinary impact fees collected from the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. North of Hard Rock Drive, Windsong Drive may be constructed as a local 36-foot local residential street section with vertical curbs, gutters and 5-foot wide concrete sidewalk on both sides of the street. In accordance with the action of the District on October 24, 1994, the residential collector segment of Windsong Drive should be fully constructed through Phase One prior to any building permits being issued in this development.

District policy (7204.5.9) requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35-MPH) of Warm Springs Avenue. It appears that the location and grade of the intersection of Windsong Drive

and Warm Springs Avenue meet ACHD requirements for a residential collector/collector intersection.

The District has received communications from the existing Warm Springs Mesa residents expressing concern that the proposed new road will be too steep and another route could be found that would result in a flatter grade. District policy allows the location of the road as proposed, and it would be unusual for the District to deny a new road that conforms to District standards.

After listening to conflicting testimony regarding an alternative route for Windsong Drive, the Commission determined that the developer should evaluate another route for Windsong Drive. If another financially feasible route can be found that will not have significant negative impacts on historical, geological and archeological features, and will not interfere with planned trail locations, it should be used for the new collector connection to Warm Springs Avenue.

H. The applicant is proposing to construct a second access street from Ridgepoint Way to Starview Drive. This will provide better access from the east side of the development to Warm Springs Avenue and Parkcenter Boulevard after completion of the East Parkcenter Bridge. It (Trent Point Way) is proposed as a residential collector from Ridgepoint Way to Starview Drive. Along this segment of the street, Trent Point Way can be constructed as a reduced width street section to minimize grading and foothills scarring. The street should include vertical curbs, two 12-foot wide travel lanes, a paved and striped 5-foot wide bike lane on the ascending side of the street, and a 5-foot wide sidewalk on the descending side of the street in 50-feet of right-of-way. Parking should be prohibited. The roadway should be designed to conform to District policy on residential collector design (7204.5). The applicant will not be reimbursed for the construction of Trent Point Way. Parking and direct lot access to Trent Point Way should be prohibited on the portion of the roadway that is designated as a residential collector. North of Ridgepoint Way, Trent Point Way should be constructed as a local 36-foot street section with vertical curb, gutter and 5-foot wide concrete sidewalk.

Various members of the audience testified in opposition to the construction of Trent Point Way, because it would be in view of the back yards of lots that front on Ridge Point Way. Other members of the audience testified that the second new road was necessary to reduce traffic impacts on the existing streets in the neighborhood. Written comments also supported the construction of two new streets to serve the growing neighborhood. The Commission found that a conflict existed between the District's desire to obtain a secondary eastern exit from the Warm Springs Mesa Subdivision/Boulder Heights neighborhood and the concerns of the existing residents of Ridge Point Way. The Commission instructed the applicant to attempt to find another route for an eastern connection from the development to Warm Springs Avenue.

The applicant explored the proposed Trent Point Way alignment and determined that there is no other location for the roadway. The applicant has proposed to construct "upper" Trent Point Way to connect the proposed eastern phases to Ridge Point Way, and has proposed to eliminate Trent Point Way from Ridge Point Way to Starview Drive. In lieu of constructing Trent Point Way the applicant is proposing to improve Starview Drive from Warm Springs Avenue to the Mesa with two 12-foot travel lanes, curb, gutter,

sidewalk on the descending side of the roadway and a bike path on the ascending side of the roadway. The applicant's engineer has stated that the average grade of the improved Starview Drive would be no greater than 10.25%.

On May 23, 2001, the Commission made the following motion:
I so move to not require the construction of Trent Point Way with this application in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2- attached traffic study). Scenario 2 is more defined as the reconstruction of Starview Drive to two 12-foot travel lanes, curb, gutter, sidewalk on the descending side of the roadway, bike lane on the ascending side of the roadway, and an average grade not to exceed 10.25%. The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval of any eastern phases (Phase IV – as submitted on May 22, 2001 – see attached), which describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue. Furthermore, the Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to evaluate/consider this project in the District's Five Year Work Program; and evaluate the financial participation by the Harris Ranch development.

I. Unless otherwise approved, the applicant should construct the local residential streets within the subdivision as 36-foot street sections within 50-feet of right-of-way, with vertical curbs, gutter and 5-foot wide concrete sidewalk. (Exception is Windsong Drive).

J. The District accepts local residential public roads with a 29-foot street section with parking prohibited on one side, if the projected volume on the street does not exceed 200 vehicle trips per day. The proposed density of development that will utilize each of these streets (listed below) will generate less than 200 vehicle trips per day. These interior streets may be constructed as proposed with a 29-foot street section with curb, gutter and 5-foot wide concrete sidewalks within 50-feet of right-of-way and located as proposed. Parking should be restricted on one side of each of the roadways. A signage plan should be submitted for review and approval by Planning and Development staff. The applicant is proposing to construct the following streets as reduced street sections:

Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south. These streets appear to meet District requirements for the reduced street section.

K. An extraordinary impact fee of $2,170 was imposed on all new construction in this subdivision by the District's October 1994 action. With the development of 228-single family dwellings, approximately $500,000 would be collected from extraordinary impact fees collected from these new dwellings. The new roadway cost is tentatively estimated to exceed $700,000. Due to the high quantities of cuts, fills, retaining walls and drainage, staff is unable to estimate a more precise cost at this time. At the time of final plat approval, staff will estimate the cost of the roadway based on submitted engineered construction drawings supplied by the applicant. The extra-ordinary fee should be recalculated when the actual cost of Windsong Drive is determined

by dividing the anticipated number of lots into the overall cost of the roadway. On the basis of the tentative estimate, the revised extra-ordinary impact fee would be $3,070. The applicant may opt to pass on some of the costs to the consumers in the cost of the lots, rather than a large extra-ordinary fee. The Commission may wish to give the developer that option.

L. The applicant is proposing to construct this development in eleven phases, and to extend existing streets into the subdivision. These phase numbers represent each separate phase, and not necessarily the order in which the subdivision will be constructed. The applicant is proposing to construct phases one through three of the subdivision first. These three phases constitute 79-lots. In consideration of the action by the District of October 1994, the Commission believes that the District must allow the development of some number of lots if the collector road (Windsong Drive) is constructed. If one or more phases are platted prior to the construction and opening of the East Parkcenter Bridge, this will temporarily increase the volume on Warm Springs Avenue by ten trips per day for each lot that is developed. According to the COMPASS model, the volume on Warm Springs Avenue will decrease sharply after the bridge is open. Based on the testimony of the Harris Ranch developer who indicated that the bridge will be open for use prior to the development of any additional phases of Boulder Heights, the Commission finds that the platting of up to 79-lots is in accordance with the decision of 1994 and will probably not cause the volume of traffic on Warm Springs Avenue to exceed the LOS C threshold.

M. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

N. The turnarounds should be constructed to provide a minimum turning radius of 45-feet. The applicant is not proposing to construct islands in the turnarounds, and none are required by policy.

O. The applicant is proposing to construct several knuckles within the subdivision without islands, and no islands are required.

P. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat should be owned and maintained by a homeowners association. Notes of this should be required on the final plat.

Q. Boise City and Ada Planning Association have adopted Warm Springs Avenue to be a Historic Boise Street. As such, the planning capacity for Warm Springs Avenue has been set at 14,175 Average Daily Traffic. The existing traffic currently is nearing the "Historic" planning capacity of the roadway. The existing traffic plus the traffic from the entire project will exceed the "Historic" planning capacity of the roadway until both Parkcenter bridges have been completed. The volume from the existing plus project traffic will be below the "Historic" planning capacity of the roadway after the East and West Parkcenter bridges are constructed. Completion of both bridges is anticipated prior to the time that homes will be constructed in this development.

Using the forecast volumes from the table on page 4 of this report, if this development proceeds prior to the construction and opening of the East Parkcenter Bridge, the volume on Warm

Springs Avenue will increase approximately 10-trips per day for each lot that is developed. The forecast volume on Warm Springs Avenue for 2001 without the opening of the East Parkcenter Bridge is 16,180. If this developer constructs the on-site infrastructure and develops the 79-lots recommended in Fact and Finding N, prior to the opening of the East Parkcenter Bridge, the volume on Warm Springs Avenue will increase to an estimated 16,970 trips per day.

If the bridge is completed and open prior to the development of these 79-lots, the volume on Warm Springs Avenue is forecast to be 13,694 trips per day, less the amount of trips from Boulder Heights that will use the new bridge. Because that route is significantly out-of-direction for residents of Boulder Heights until a more direct route is accomplished, a complex traffic study would be necessary to forecast the volume from Boulder Heights that would use Parkcenter Boulevard.

T. In consideration of the 1994 District action in regard to Boulder Heights, the District is obligated to approve some level of additional development/lots if the developer constructs the new collector road to Warm Springs Avenue. The Commission determines that allowing the platting of the first three of the proposed phases, totaling 79-lots would be in conformance with the 1994 decision.

Special Direction to ACHD staff:

1. **The Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to evaluate/consider this project in the District's Five Year Work Program; and evaluate the financial participation by the Harris Ranch development.**

If the requested zone changes and the conditional use permit are approved and a development application is submitted, the District provides the following requirements as conditions for approval:

Site Specific Requirements:

1. In consideration of the 1994 District action in regard to Boulder Heights, and all relevant conditions of approval having been met, the District will approve final plats for one or more additional phases of Boulder Heights prior to the construction and opening of the East Parkcenter Bridge, not to exceed a total of 79-lots.

2. Construct and dedicate Windsong Drive as a residential collector from Warm Springs Avenue to Hard Rock Drive, located as proposed at the northwest corner of the site. Windsong Drive shall be constructed as a reduced width street section in 50-feet of right-of-way with vertical curbs, two 12-foot wide travel lanes, paved and striped bike lanes on both sides of the street, and a 5-foot wide sidewalk on the descending side of the street. The curb-to-curb width of the street shall be a minimum of 33-feet. Parking and direct lot access shall be prohibited on this segment of Windsong Drive. The design of the roadway shall conform to District policy 7204.5. The applicant shall be responsible for the construction and design of the residential collector

roadway and will be reimbursed for the roadway with the extra-ordinary impact fees collected with the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. The segment of Windsong Drive that is designated as a residential collector shall be fully constructed through Phase One prior to the issuance of any building permits in this development.

3. Construct Windsong Drive north of Hard Rock Drive as a local 36-foot street section with vertical curbs, gutter and 5-foot wide concrete sidewalk, within 50-feet of right-of-way.

4. The location and grade of the intersection of Windsong Drive and Warm Springs Avenue shall conform to District policy (7204.5.9) that requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35 MPH) of Warm Springs Avenue.

5. The construction of Trent Point Way is not required/approved with this application, in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2- attached traffic study). Scenario 2 is more defined as the reconstruction of Starview Drive to two 12-foot travel lanes, curb, gutter, sidewalk on the descending side of the roadway, bike lane on the ascending side of the roadway, and an average grade not to exceed 10.25%. The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval of any eastern phases (Phase IV – as submitted on May 22, 2001 – see attached), which describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue.

6. Construct Trent Point Way north of Ridge Point Way as a local 36-foot street section with vertical curbs, gutters and 5-foot wide concrete sidewalks, within 50-feet of right-of-way.

7. Construct all of the streets within the subdivision (with exception to Windsong Drive, and those listed below) as 36-foot street sections within 50-feet of right-of-way, with vertical curb, gutter and 5-foot wide concrete sidewalk.

8. The following streets may be constructed as reduced street sections: Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south.

   These streets may be constructed as 29-foot street sections with vertical curbs, gutter and 5-foot wide concrete sidewalk within 42-feet of right-of-way. Parking shall be restricted on one side of each of the roadways. A signage plan shall be submitted for review and approval by Planning and Development staff.

9. An extra-ordinary road impact fee shall be imposed on all new construction in this subdivision. At this time, the District estimates that fee at $3,070 per dwelling unit (minimum). The applicant will be reimbursed the cost of the western collector roadway with the extra-ordinary fees collected. This extra-ordinary fee shall be recalculated when the actual cost of Windsong Drive

is determined (at the time of final plat), by dividing the anticipated number of lots into the overall cost of the roadway as established by the contract cost.

10. Extend and connect the existing streets into the subdivision as proposed.

11. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

12. Construct turnarounds to provide a minimum turning radius of 45-feet.

13. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat shall be owned and maintained by a homeowners association. Notes of this shall be required on the final plat.

Standard Requirements:

1. A request for modification, variance or waiver of any requirement or policy outlined herein shall be made in writing to the ACHD Planning and Development Supervisor. The request shall specifically identify each requirement to be reconsidered and include a written explanation of why such a requirement would result in a substantial hardship or inequity. The written request shall be submitted to the District no later than 9:00 a.m. on the day scheduled for ACHD Commission action. Those items shall be rescheduled for discussion with the Commission on the next available meeting agenda.

   Requests submitted to the District after 9:00 a.m. on the day scheduled for Commission action do not provide sufficient time for District staff to remove the item from the consent agenda and report to the Commission regarding the requested modification, variance or waiver. The Commission will act those items on unless removed from the agenda by the Commission.

2. After ACHD Commission action, any request for reconsideration of the Commission's action shall be made in writing to the Planning and Development Supervisor within six days of the action and shall include a minimum fee of $110.00. The request for reconsideration shall specifically identify each requirement to be reconsidered and include written documentation of data that was not available to the Commission at the time of its original decision. The request for reconsideration will be heard by the District Commission at the next regular meeting of the Commission. If the Commission agrees to reconsider the action, the applicant will be notified of the date and time of the Commission meeting at which the reconsideration will be heard.

3. Payment of applicable road impact fees are required prior to building construction in accordance with Ordinance #193, also known as Ada County Highway District Road Impact Fee Ordinance.

4. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services

procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

5. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

6. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. Existing utilities damaged by the applicant shall be repaired by the applicant at no cost to ACHD. The applicant shall be required to call DIGLINE (1-800-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

9. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

Conclusion of Law:

1. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular and pedestrian transportation system within the vicinity impacted by the proposed development.

   Should you have any questions or comments, please contact the Planning and Development Division at 387-6170.

Submitted by: Commission Action:

Planning and Development Staff May 23, 2001

HUBBLE ENGINEERING, INC.
701 S. Allen St., Suite 102 ▪ Meridian, ID 83642 208/322-8992 ▪ Fax 208/378-0329

May 22, 2001

Christie Richardson
Development Services
Ada County Highway District
318 E. 37th Street
Garden City, Idaho 83714

RE: Boulder Heights Master Plan – Tentative Development Schedule

Dear Christie:

As requested, I am providing the following Development Schedule for your review and submittal to the Commission:

Boulder Heights Tentative Development Schedule
(Assuming ACHD and Boise City approval of the Master Plan by mid-July 2001)

Preliminary Plat for entire project:

Submittal	-	9/2001
Approval	-	2/2002

Construction and Final Plat approval & recording:

Phase I	-	10/2002	38 lots (Includes construction of Windsong Drive)
Phase II	-	10/2003	27 lots
Phase III	-	10/2004	14 lots
Phase IV	-	10/2005	34 lots (Includes construction of Starview Drive and Warm Springs Ave. intersection, Starview Drive improvements, and Trent Point Way)
Phase V	-	10/2006	18 lots
Phase VI	-	10/2007	18 lots
Phase VII	-	10/2008	18 lots
Phase VIII	-	10/2008	6 lots
Phase IX	-	10/2009	28 lots
Phase X	-	10/2010	22 lots
Phase XI	-	10/2010	5 lots

I have included a revised plan reflecting Scenario 2 (Six Mile Engineering Traffic Analysis) and Phasing.

If you have questions or concerns please call me at 208-322-8992.

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Sincerely,

Robert C. Unger
Senior Project Manager

Cc: Bruce Eggleston, Boise City

Ada County Highway District

INTER-OFFICE MEMO

Right-of-Way & Development Department
Planning & Development Division

May 14, 2001

To: ACHD Commission

From: Christy Richardson

Subject: Boulder Heights – discussion of eastern Mesa route; May 23, 2001 regular agenda

On March 7, 2001, the applicant made a request to the Commission to decide a course of action for the eastern access route (Trent Point Way) for the proposed development. Several neighbors testified against the construction of Trent Point Way, and requested that the Commission revert back to a 1994 western collector road in the Boulder Heights Master Plan, in lieu of requiring an eastern roadway. The applicant is proposing to construct a western collector road (Windsong Drive) with this project as part of the first phase that would be constructed prior to development of any of the 79-lots. The Commission remanded this item to staff to resolve the issues relating to the eastern route. The Boise City Council has put this item on hold until the eastern access route has been resolved with the ACHD Commission. Boulder Heights is scheduled for a City Council hearing on June 12, 2001.

On August 23, 2000, the Commission acted on this application (CUP00-0055), a conceptual plat for Boulder Heights. The final action of the ACHD Commission on the Boulder Heights Concept Plan limits the expansion of Boulder Heights to 79-lots before the opening of the East Parkcenter Bridge. It also requires the construction of the new collector road connection to Warm Springs Avenue down the west side of the Mesa, as proposed, coincidental with the development of any lots in addition to what exists now.

Western Roadway – Windsong Drive (approved on August 23, 2000)

On October 24, 1994, the Commission required the construction of a collector roadway from Warm Springs Avenue to the development, prior to platting any lots in excess of 50. The Facts & Findings from that report state "A new collector roadway should be constructed from the development to Warm Springs Avenue in the vicinity of the Gate City Steel (property)." The applicant has committed to constructing Windsong Drive with this application prior to development of any lots. Windsong Drive will intersect Warm Springs Avenue to the west of Starcrest Drive and will be constructed to ACHD design standards. Windsong Drive will be constructed with two 12-foot travel lanes, two striped bike lanes, and a 5-foot wide sidewalk on the descending side of the street, with curb and gutter. The Commission approved this roadway on August 23, 2000.

Eastern Roadway – Trent Point Way

ACHD contracted with Six Mile Engineering to perform an in-depth traffic study of the Mesa to determine the direction of travel in the area, and the estimated traffic counts on the roadways. The study incorporated four different scenarios, and the study is included with this packet. The study also projects direction of travel on Warm Springs Avenue, assuming that the East Parkcenter Bridge is constructed, and assuming that the intersection of Starview Drive/Warm Springs Avenue is reconstructed to provide east access to the bridge. Staff held one meeting with the developer and neighborhood representatives to discuss the results of the study.

A full time line of Boulder Heights events will be provided during the Commission presentation.

TRAFFIC STUDY SCENARIOS

Scenario 1: This scenario was presented to the Commission as a part of the August 23, 2000, review, and includes the construction of Trent Point Way to the east of Ridge Point Way. Residents on Ridge Point Drive expressed concern about a roadway to the east of their lots. The Commission requested the applicant to take a second look at the location of Trent Point Way. The applicant testified at the Commission meeting on March 7, 2001, that due to topography, Trent Point Way couldn't be relocated any further to the east, and if the road were constructed it would have to be located in its originally proposed location. With this scenario, the existing traffic volumes in the Mesa remain under 1,000 vehicle trips per day, and 1,730 vehicles use Starview Drive.

Scenario 2: This scenario was presented to the Commission on March 7, 2001, and does not include the construction of Trent Point Way, but does allow access from the eastern portion of the development through the existing local streets. Ridge Point Way and a portion of Starview Drive exceed 1,000 vehicle trips per day under this scenario. The developer has volunteered to rebuild Starview Drive if the Commission elects to approve Scenario 2.

Scenario 3: This scenario does not provide any connection to Starview Drive from the eastern portion of the development. Some traffic uses Ridge Point Way and Stone Point Way, though all estimated daily counts on those streets are less than 1,000. The majority of the development related traffic travels on the western collector, Windsong Drive.

Scenario 4: This scenario, as requested by the neighborhood association, was presented in the 1994 Boulder Heights Master Plan, and is similar to Scenario 3 in the direction of travel from the development. Boise City staff has noted that this route would be difficult to obtain because the developer does not own the property that the route follows, and has indicated that one adjacent property owner has expressed no interest in selling land for such a roadway. The developer of Boulder Heights did not pursue the Master Plan collector roadway because the necessary property could not be obtained. In lieu of the original collector roadway, the developer is constructing Windsong Drive as a collector to Warm Springs Avenue.

Staff Recommendation

Staff recommends Scenario 2. In this scenario the applicant would rebuild Starview Drive, a currently sub-standard road. ACHD does not have the funds to make improvements to this road, and the applicant has volunteered to make improvements to Starview Drive in lieu of constructing Trent Point Way. Residents on Ridge Point Way have expressed concerns over the location of Trent Point Way. Improvements to Starview Drive would encourage new and existing Mesa residents to travel to the east to reach Parkcenter Boulevard, instead of utilizing Warm Springs Avenue, and thus decrease traffic on Warm Springs Avenue. Improvements to Starview Drive would include curb, gutter and a sidewalk, as well as reduced grades.

Scenario 2 does increase traffic on the existing Mesa streets. According to the Sixmile Engineering study, Ridge Point Drive would have approximately 1,070 VTD, Stone Point Drive would have approximately 840 VTD, and the eastern segment of Starview Drive would have 1,260 VTD under this scenario.

Evaluation of ACHD policy as it relates to local streets:

7202.1 General traffic considerations: The goal of any street system is to provide uninterrupted motorized and non-motorized vehicular access.....Street design and construction must provide for prompt and efficient response by emergency service personnel and equipment....

7201.1.1 Local streets: The primary function of a local street is to serve abutting property. Normally, abutting property will have free access to the street and ADT will typically be less than 1,000 but may reach 2,000 in some situations.

7202.2.1 Local Street Average Daily Traffic (ADT): Local street ADT ranges up to 2,000 vehicles.

ACHD policy does allow local streets to exceed 1,000 daily vehicle trips in some situations. Scenario 2 has two streets that will exceed 1,000 VTD. Ridge Point Way exceeds 1,000 VTD by 70 vehicles, and Starview Drive exceeds 1,000 VTD by 260 vehicles. Staff recommends that the Commission make the consideration to allow these streets to exceed 1,000 VTD in order to improve Starview Drive, one of the existing main accesses to the Mesa.

The applicant is seeking conceptual master plan approval at this time, and the development is still subject to the preliminary/final plat approval process. After the approval process the applicant intends to phase the development starting at the west end of the project with the construction of Windsong Drive. Development of the eastern phases of the project could not begin until after improvements to Starview Drive have been constructed.

FUNDING

Staff recommends that ACHD participate in a portion of the funding for the intersection improvements to Starview Drive/Warm Springs Avenue, and related improvements to Starview Drive. Improvements to this intersection would encourage Mesa residents to use the East Parkcenter Bridge and would potentially reduce traffic on Warm Springs Avenue by providing and encouraging a convenient route to Parkcenter Boulevard. There are currently no monies budgeted for this improvement, but staff recommends that the Commission direct staff to include this improvement in the District's Five Year Work Program. Staff previously made the recommendation that Harris Ranch also participate in a portion of the intersection funding based on a previous Boise City action. The Harris Ranch development is opposed to such participation.

Harris Ranch participation:

In its 1997 action on the annexation and zoning of Harris Ranch, Boise City adopted the following conditions that are relevant to transportation on Warm Springs Avenue:

- *Coordinate with the District and the abutting property owners to jointly design and construct a circuitous connection of Warm Springs Avenue west of Parkcenter Boulevard extended. Starview Drive will not be used to provide this circuitous connection.*
- *The Developer must work with ACHD to ensure the level of service "C" functionality of Warm Springs Avenue is maintained.*

Staff recommends that based on these findings, the developer of Harris Ranch should participate in the cost of the intersection improvements to help reduce the amount of traffic on Warm Springs Avenue.

ACHD participation:

In 1999, ACHD completed a traffic management study for Warm Springs Avenue. The scope of the study was to analyze alternative means of maintaining traffic on Warm Springs Avenue at or below the planning threshold of 14,175 vehicles per day. The study proposed a range of alternatives to maintain these traffic levels as the Harris Ranch development and other previously approved land developments progressed. **Staff recommends that ACHD participate in the cost of the intersection improvements to help reduce the amount of traffic on Warm Springs Avenue, as ACHD is committed to maintaining the historic planning threshold on Warm Springs Avenue.**

Staff recommends that the Commission make the following motion:

I so move to not require the construction of Trent Point Way with this application in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2). The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval that describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue. Furthermore, the Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to include this project in the District's Five Year Work Program; and evaluate the extent of financial participation by the Harris Ranch development.

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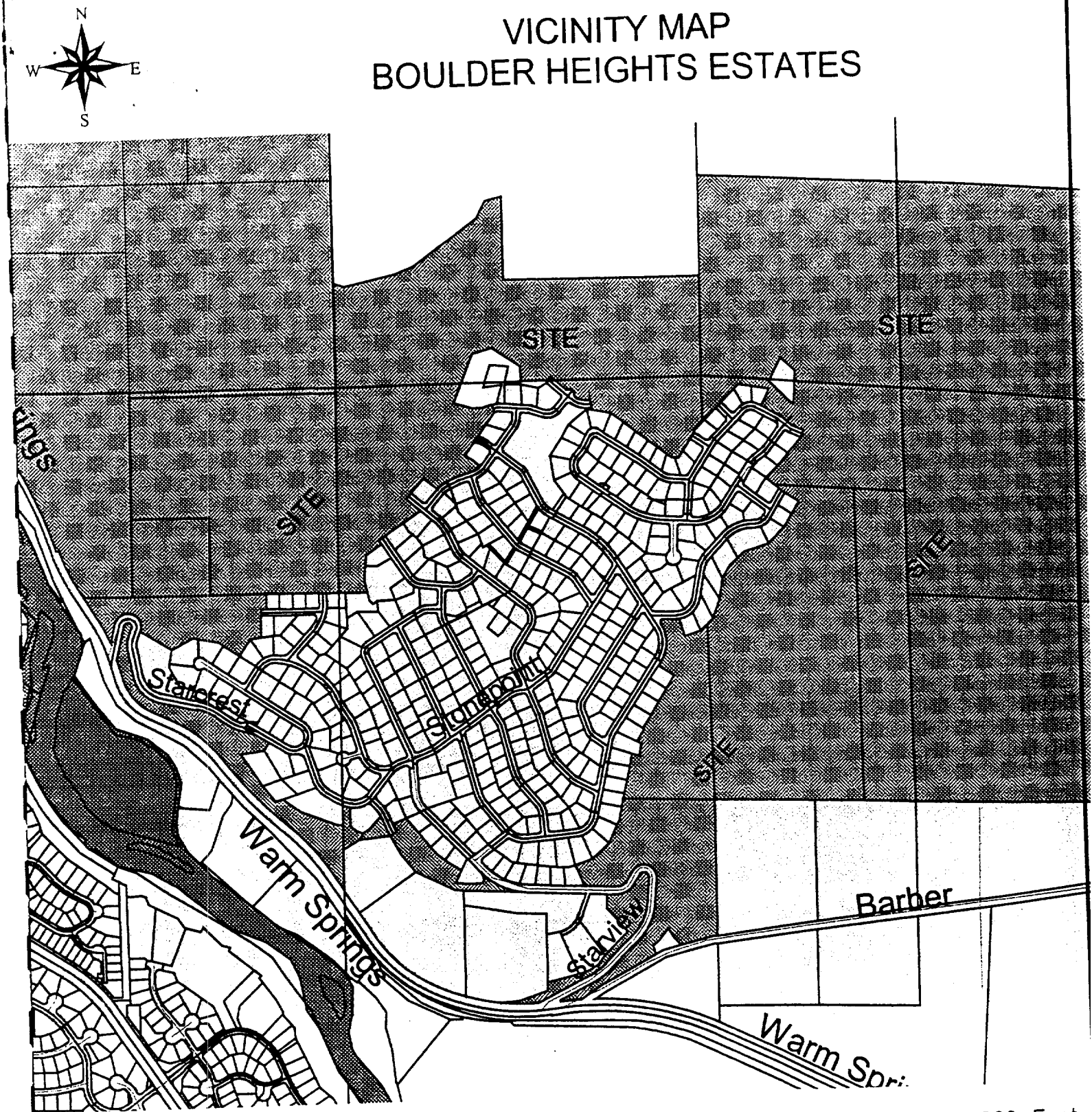
ATTACHMENTS

1. Vicinity Map (existing/approved Boulder Heights)
2. Site plan (existing/proposed Boulder Heights)
3. Minutes from March 7, 2001
4. Six Mile Engineering Traffic Study
5. Map detailing east side of development
6. Map detailing possible intersection design for Warm Springs Avenue, Starview Drive, East Parkcenter Bridge

VICINITY MAP
BOULDER HEIGHTS ESTATES



Subdiv
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S3n3e17

113

EXHIBIT B

PINNACLE ENGINEERS, INC.
870 N. LINDER RD, STE B, MERIDIAN, ID 83642
PH 208-887-7760 FX 208-887-7781

Project # 98734
Date: 12/29/99

FIGURE 1
BOULDER HEIGHTS ESTATES TRAFFIC PLAN

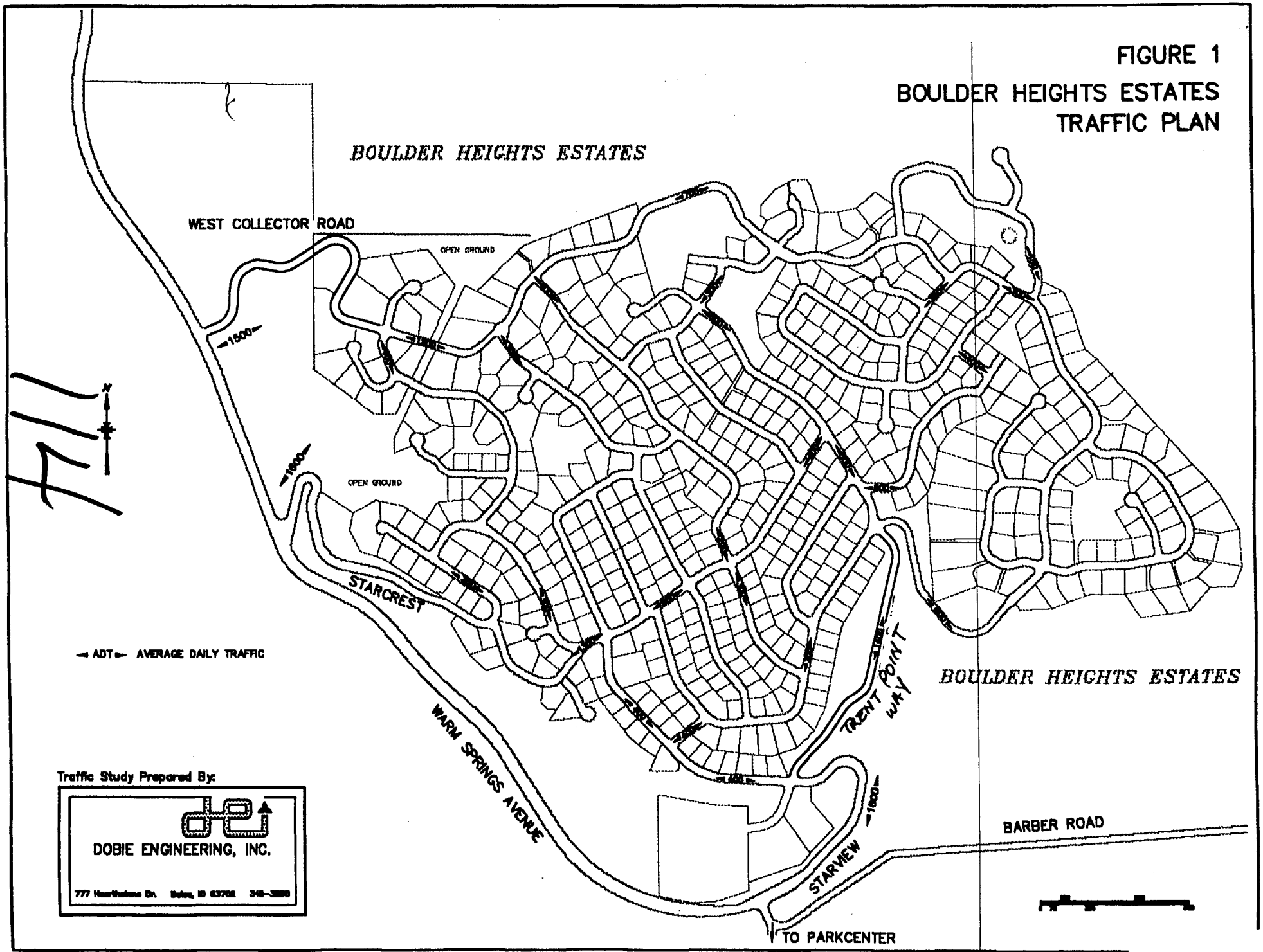

EXHIBIT C

COMMISSION MEETING, MARCH 7, 2001
INDEX TO MINUTES

PAGE NO.	SUBJECT
1	Consent Agenda: Development Applications; Final Plats for Signature; Approval of Minutes for Commission Meeting on February 21, 2001 & Minute Entry for February 21, 2001
1	Reconsideration of Previous Commission Action Regarding Michael Subdivision Taken at the February 28, 2001 Meeting
2	Moonridge Subdivision – Lake Hazel Road – 174-Lots (deferred February 14, 2001)
2 - 4	Boulder Heights Conceptual Plat – Follow up to ACHD Commission Action on August 23, 2000; Alignment of Proposed Eastern Collector (Trent Point Way) and Conceptual Plan for Starview Drive/Warm Springs Avenue/E. ParkCenter Bridge Intersection
4	~~Setting a Public Hearing to Consider the Adoption of Proposed~~ Ordinance 194, Amending ACHD Ordinance 193, the Impact Fee Ordinance, Retroactive to January 1, 2000
4	Public Communication Director's Report Status Reports
5	Update of Commissioner Activities Miscellaneous Discussion Signatures

Ada County Highway District

Judy Peavey-Derr, President
Dave Bivens, 1st Vice President
Sherry R. Huber, 2nd Vice President
Susan S. Eastlake, Commissioner
David E. Wynkoop, Commissioner

318 East 37th Street
Garden City ID 83714-6499
Phone (208) 387-6100
FAX (208) 387-6391
E-mail: tellus@ACHD.ada.id.us

Minutes of the regular Commission meeting held on March 7, 2001 at 12:00 p.m. in the offices of the Ada County Highway District, 318 E. 37th Street, Garden City.

Commissioners Peavey-Derr, Bivens, Eastlake, Huber and Wynkoop were present.

Approximately 40 citizens were present.

ACHD staff present: J. Schweitzer, Mike Brokaw, Diane White, Terry Little, Barbara Beehner-Kane, Larry Sale, Steve Hasson, Christy Richardson, Andrea Tuning, Julie Brown, Kendall Kemmer, Brian Harris and Susan Slaughter.

Commissioner Peavey-Derr called the meeting to order at 12:02 p.m. and welcomed everyone.

CONSENT AGENDA: DEVELOPMENT APPLICATIONS; FINAL PLATS FOR SIGNATURE; APPROVAL OF MINUTES FOR COMMISSION MEETING ON FEBRUARY 21, 2001 & MINUTE ENTRY FOR FEBRUARY 21, 2001- Christy Richardson, Principal Development Analyst, asked approval of the consent agenda.

ACTION TAKEN:
Commissioner Bivens made a motion to approve the Consent Agenda. Commissioner Wynkoop seconded. Motion carried unanimously.

RECONSIDERATION OF PREVIOUS COMMISSION ACTION REGARDING MICHAEL SUBDIVISION TAKEN AT THE FEBRUARY 28, 2001 MEETING – Staff has received a letter from Chris Korte with Land Dynamics requesting reconsideration of the motions passed regarding Michael Subdivision at the February 28, 2001 Commission meeting. Barbara Beehner-Kane, ACHD Attorney, said staff concurs with the applicant's request for reconsideration on the basis of legal and traffic issues.

ACITON TAKEN:
Commissioner Bivens made a motion to reconsider the vote taken on Michael Subdivision and the subsequent motion dealing with the recommendation to the City of Boise and Ada County at the February 28, 2001 Commission Meeting. Commissioner Huber seconded. Discussion followed on what issues would be reconsidered and who would be allowed to testify at the reconsideration hearing, etc. The Commissioners limited the reconsideration discussion to legal issues, the $5,000 road trust amount, and the sewer and water concerns expressed by Mr. Korte in his letter to the Commission. **Commissioner Bivens amended the motion to continue this request for reconsideration to the March 14, 2001 Commission meeting. Commissioner Huber amended the second. Commissioners Bivens, Huber, Wynkoop and Eastlake voted aye. Commissioner Peavey-Derr abstained.**

MOONRIDGE SUBDIVISION – LAKE HAZEL ROAD – 174-LOTS (deferred February 14, 2001) – Steve Hasson, Development Coordinator, presented the staff report.

ACTION TAKEN:
Commissioner Wynkoop made a motion to approve Moonridge Subdivision in accordance with staff's recommendations. Commissioner Huber seconded. Motion carried unanimously.

BOULDER HEIGHTS CONCEPTUAL PLAT – FOLLOW UP TO ACHD COMMISSION ACTION ON AUGUST 23, 2000; ALIGNMENT OF PROPOSED EASTERN COLLECTOR (TRENT POINT WAY); AND CONCEPTUAL PLAN FOR STARVIEW DRIVE/WARM SPRING AVENUE/E. PARKCENTER BRIDGE INTERSECTION - Christy Richardson, Principal Development Analyst, presented the staff report. The discussion today is centered on the eastern access route; the western access road was approved in a previous Commission action.

Dave Bailey, Hubble Engineering, 701 S. Allen, Meridian, representative of the applicant, J. Wise and Sons, explained the applicant's understanding of the funding issues and engineering concerns, and discussed their design proposal for an eastern access route. Mr. Bailey said the applicant believes the issue today is whether or not to approve Trent Point Way.

Mike Wardle, 50 Broadway, Boise, project manager for Harris Ranch, explained his concerns and answered questions. Mr. Wardle said original approval for Harris Ranch was given in October of 1997; physical platting began in 1999.

Commissioner Eastlake said during the past two weeks she toured the site with Chuck Blair and David Bennion. Commissioner Bivens reported that he has spoken with David Bennion on several occasions about this application.

Commissioner Eastlake read a portion of the motion made August 23, 2000. Ms. Richardson said Commission action taken on September 27, 2000 clarified the action taken on August 23, 2000.

Discussion followed regarding which roads were eligible for discussion today, safety issues, steepness of the terrain, traffic volumes and capacity, what the Commission approved in August and September of 2000, prior discussions dating back as far as 1994, bicycle and pedestrian access issues, etc.

Chuck Blair, 2064 Stoneridge Way, Boise, President of Warm Springs Mesa Association, spoke on behalf of, and expressed the concerns of the neighborhood. The neighborhood does not want Trent Point Way constructed; they would prefer that the 1994 perimeter road be constructed.

David Bennion, 2212 Ridge Point Way, Boise, expressed his concerns.

Tom Dominick, 2262 Ridge Point Way, Boise, expressed his concerns.

Rod Pace, 2142 Ridge Point Way, Boise, expressed his concerns.

Verlene Kaiser, 2739 Starcrest Drive, Boise, expressed her concerns.

Ray Rolhl, 2772 Starcrest Drive, Boise, expressed his concerns.

Charles French, 2124 Ridge Point Way, Boise, expressed his concerns.

Jim Hansen, 2010 Coloma Way, Boise, expressed his concerns.

B. J. Smith, 2318 Ridge Point Way, Boise, expressed his concerns.

Marie Kantarian, 2100 S. Ridge Point Way, Boise, expressed her concerns.

Brayton Mills, 1918 Stoneridge Way, Boise, expressed his concerns.

Scott Lyons, 2010 Stoneridge Way, Boise, expressed his concerns.

Joe Dorociak, 2155 Ridge Point Way, Boise, expressed his concerns.

Bill Clark, 2773 Stonepoint Way, Boise, expressed his concerns.

Steve Lord, 800 W. State Street, President of the East End Neighborhood Association (EENA), expressed the concerns of EENA.

David Turnbull, 12426 W. Explorer Drive, Boise, expressed his concerns.

David Bailey, the applicant's representative, offered additional testimony and answered questions. Mr. Bailey said the conceptual grading plans have been submitted to Boise City's Public Works Department for review in accordance with the City's hillside ordinance.

Erv Olen, COMPASS, 413 W. Idaho, Boise, said the East ParkCenter bridge has been in the plans for over 20 years; during that time, traffic forecasts have indicated that with the completion of the East ParkCenter Bridge, there will be a significant shifting of traffic away from Warm Springs.

Larry Sale, Business Relations Coordinator for ACHD, clarified the provisions for the west collector road related to pedestrians and bicycles. The provisions provide for a sidewalk on the descending side of the road and for a bike lane on the ascending side of the road. Mr. Sale reviewed action taken by the Commission in 1994 and how the concept of an eastern route came about.

Discussion followed regarding costs and participation, grade of the roadway, improvements to Starview Drive, funding previously set aside for a maintenance project on Warm Springs Avenue, conditions placed on applications, public/private partnerships, voluntary contributions, the possibility of a work session with the developer and other interested parties, etc.

Errol Morgan, Manager of Maintenance & Operations, explained what maintenance work has been done on Warm Springs Avenue awaiting the ultimate decision for Warm Springs; there is approximately $2.5 million still available in PD. This is an issue of safety not capacity.

ACTION TAKEN:
Commissioner Eastlake made a motion that the Commission not require the applicant to build Trent Point Way. Commissioner Bivens seconded. Discussion followed that included legal issues, partnership issues, traffic concerns, and the option of requiring a development agreement, etc. Staff requested the application be remanded. **Commissioner Eastlake withdrew the motion. Commissioner Bivens withdrew the second.** The application was remanded to staff in order to set up a work session with the developer. ACHD's Legal Department was directed to look into the option of a development agreement.

Homer Wise, 3349 E. Red Stone Drive, Boise, the developer, said he is willing to look at other ideas and participate in a work session. He expressed concern with shifting traffic to existing streets and with the 1994 plans.

Commissioner Bivens made a motion to remand Boulder Heights to staff for a discussion of whether or not to build Trent Point Way, whether the western route should be expanded, whether Starview should be widened to include pedestrian and bicycle facilities, how to realign the intersection of Starview/Warm Springs Avenue/Barber Road and how that work should be funded. Commissioner Eastlake seconded. Motion carried unanimously. The developer and representatives from Harris Ranch were invited to participate in the work session(s). Area neighborhood associations were invited to be observers at the work session(s).

SETTING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED ORDINANCE 194, AMENDING ACHD ORDINANCE 193, THE IMPACT FEE ORDINANCE, RETROACTIVE TO JANUARY 1, 2000 – Barbara Beehner-Kane presented the staff report.

ACTION TAKEN:
Commissioner Eastlake made a motion to set a public hearing to consider approval and adoption of proposed Ordinance No. 194, amending Ordinance No. 193, the ACHD Development Impact Fee Ordinance, retroactively to January 1, 2000; the hearing is hereby set for the 2nd day of April, 2001, commencing at noon, or as soon thereafter as the matter may be heard, at the Auditorium of the Ada County Highway District located at 318 E. 37th Street, Garden City, Idaho. Any member of the public is invited and encouraged to submit written comments and evidence to the District prior to the public hearing and to appear at the public hearing and present oral or written evidence, comments and opinions regarding the proposed ordinance. Copies of the proposed Ordinance No. 194 and Ordinance 193 shall be made available to the public at the front desk of the District's Garden City, Idaho office and mailed to such interested persons as may request the same be mailed, or that District staff may identify. Proposed Ordinance No. 194 shall also be posted on the Internet on the district's site. Notice of this public hearing shall be published in accordance with Idaho Code, Section 67-8206(5) in the *Idaho Statesman* three (3) times, on Monday, March 12, Monday, March 19 and Monday, March 26, 2001. Commissioner Bivens seconded. Motion carried unanimously.

PUBLIC COMMUNICATION – None

DIRECTOR'S REPORT
Director Schweitzer said Realtor's Day is March 15, 2001.

The Silver Sage Council of Girl Scouts will present their 'Women of Today and Tomorrow' award to Commissioner Eastlake at a luncheon on March 15.

STATUS REPORTS
Larry Sale, Business Relations Coordinator, provided an update on the status of the discussion regarding on-street parking at the Harris Ranch development.

Mr. Sale said he will speak to the Eagle Chamber of Commerce next week, and in April, he will speak to the Meridian Chamber of Commerce.

Terry Little, Traffic Manager, said staff is preparing a letter to potential stakeholders seeking financial participation in a downtown circulation study.

UPDATE OF COMMISSIONER ACTIVITIES - None

MISCELLANEOUS DISCUSSION - None

Commissioner Huber made a motion to adjourn at 3:03 p.m. Commissioner Bivens seconded. Motion carried unanimously.

Susan Slaughter, Secretary

Judy M. Peavey-Derr, President

sks

[redacted]

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April 25, 2001

Ms. Christy Richardson
Principal Development Analyst
Ada County Highway District
318 East 37th Street
Garden City, ID 83714

Subject: **Traffic Analysis**
Boulder Heights Estates Subdivision

Dear Christy:

As requested, we have estimated the impact from traffic generated by the Warm Springs Mesa, Boulder Heights and Boulder Heights Estates subdivisions on the existing and proposed subdivision street network and on Warm Springs Avenue and Parkcenter Boulevard for the following traffic scenarios:

Scenario 1 is illustrated by the "Conceptual Master Plan" for the Boulder Heights Estates Subdivision, prepared by Hubble Engineering, Inc. on April 12, 2000.

Scenario 2 modifies Scenario 1 by eliminating South Trent Point Way from its intersection with Starview Drive to its intersection with South Ridge Point Way.

Scenario 3 modifies Scenario 2 by eliminating South Trent Point Way from its intersection with South Ridge Point Way to the lots in Phase 5 of the Boulder Heights Estates Subdivision.

Scenario 4 modifies Scenario 3 by replacing Windsong Drive with the "Western Route" illustrated by the "1994 Boulder Heights Master Plan".

Trip Generation

We estimated the traffic generated by the existing and proposed single-family residential lots illustrated by the Conceptual Master Plan. We counted approximately 398 existing lots in the Warm Springs Mesa Subdivision and the Boulder Heights Subdivision Nos. 1, 2 and 3. The Conceptual Master Plan indicates 228 lots are proposed for the Boulder Heights Estates Subdivision Nos. 1 through 11.

The trip generation rate used for our analysis was developed by Dobie Engineering, Inc. for their report titled "Warm Springs Mesa – Boulder Heights

Six Mile Engineering, PA
10448 W. Garverdale Court, Suite 606
Boise, ID 83704

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Traffic Study", dated October 15, 1998. Their reported trip generation rate of 8.0 average daily trips per dwelling unit is approximately 20 percent less than the standard rate of 9.57 trips per dwelling unit.

With a total of approximately 625 lots, the estimated average daily traffic (ADT) generated by the subdivisions is 5,000 vehicles per day.

Trip Distribution

We considered several factors in estimating the distribution of daily trips on the internal street network and in estimating the distribution of subdivision traffic on Warm Springs Avenue and Parkcenter Boulevard:

- The travel distance from the dwelling unit to each of the three approaches on Warm Springs Avenue: Starview Drive, Starcrest Drive and Windsong Drive, or the "Western Route" for Scenario 4.

- The "comfortable" travel speeds based on the horizontal curvature of the roadway, roadway width, shoulders, guardrail and vertical grades. Starcrest and Starview Drives both have tight radius "hairpin" curves with long, relatively steep gradient roadways, with limited shoulder width and non-standard guardrail. Figures 1 and 2 are representative photos of the two roadways between Warm Springs Avenue and the subdivision. The proposed Windsong Drive horizontal alignment appears to be designed with larger curve radii and will likely be more comfortable to drive.

- Assuming approximately fifteen percent of subdivision traffic will travel east on Parkcenter to shop or to work: Harris Ranch, Micron or others.

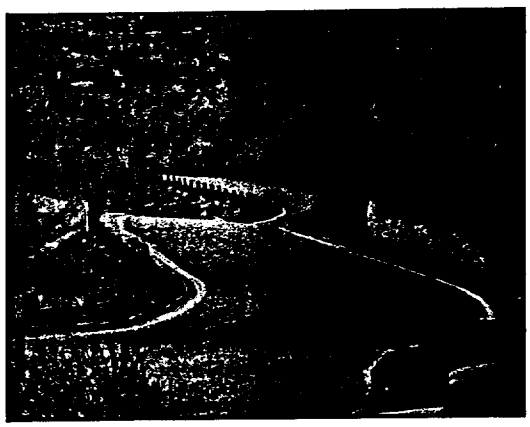

Figure 1. Starcrest Drive looking west.

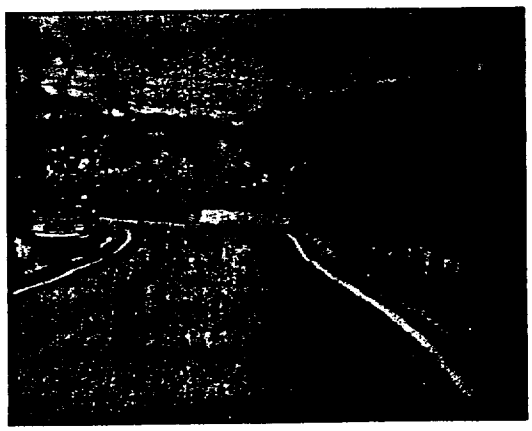

Figure 2. Starview Drive looking north.

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- The travel distance from each of the three Warm Springs Avenue approaches to Broadway Avenue via Warm Springs Avenue and Parkcenter Boulevard. This distance was used to estimate subdivision trips that may be re-assigned to westbound Parkcenter Boulevard.

- Sight distance at the Warm Springs approaches. We understand that the Starview Drive approach, which currently has very limited sight distance for the southbound left-turn movement, will be improved with the construction of the East Parkcenter Boulevard Bridge.

Figure 3. Starcrest Drive approach at Warm Springs Avenue.

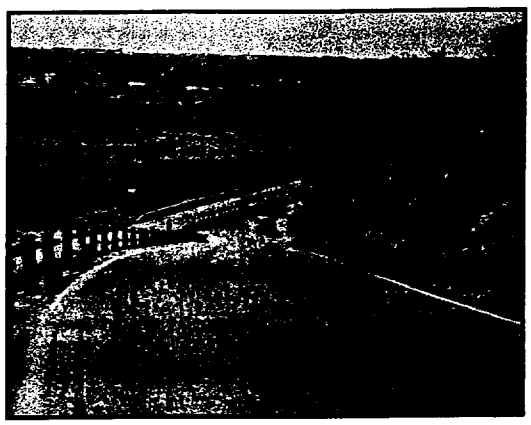

Figure 4. Starview Drive approach at Warm Springs Avenue.

Information from the following sources was also used to assist in estimating trip distribution:

- "Contours and Slope Analysis", Boulder Heights Estates Subdivision, by Hubble Engineering, Inc., April 12, 2000.

- "Boulder Heights Subdivision Traffic Study", by Dobie Engineering, Inc., October 15, 1998.

- "Boulder Heights Traffic Study – Supplemental Analysis", by Dobie Engineering, dated June 26, 2000.

- "Warm Springs Avenue Traffic Management Study", by Earth Tech, February 4, 2000.

Summary of Estimated Traffic Volume Impact

Figure 5 illustrates the existing traffic volumes from the "Boulder Heights Subdivision Traffic Study". Figures 6 through 9 illustrate the estimated traffic volumes on the internal subdivision streets.

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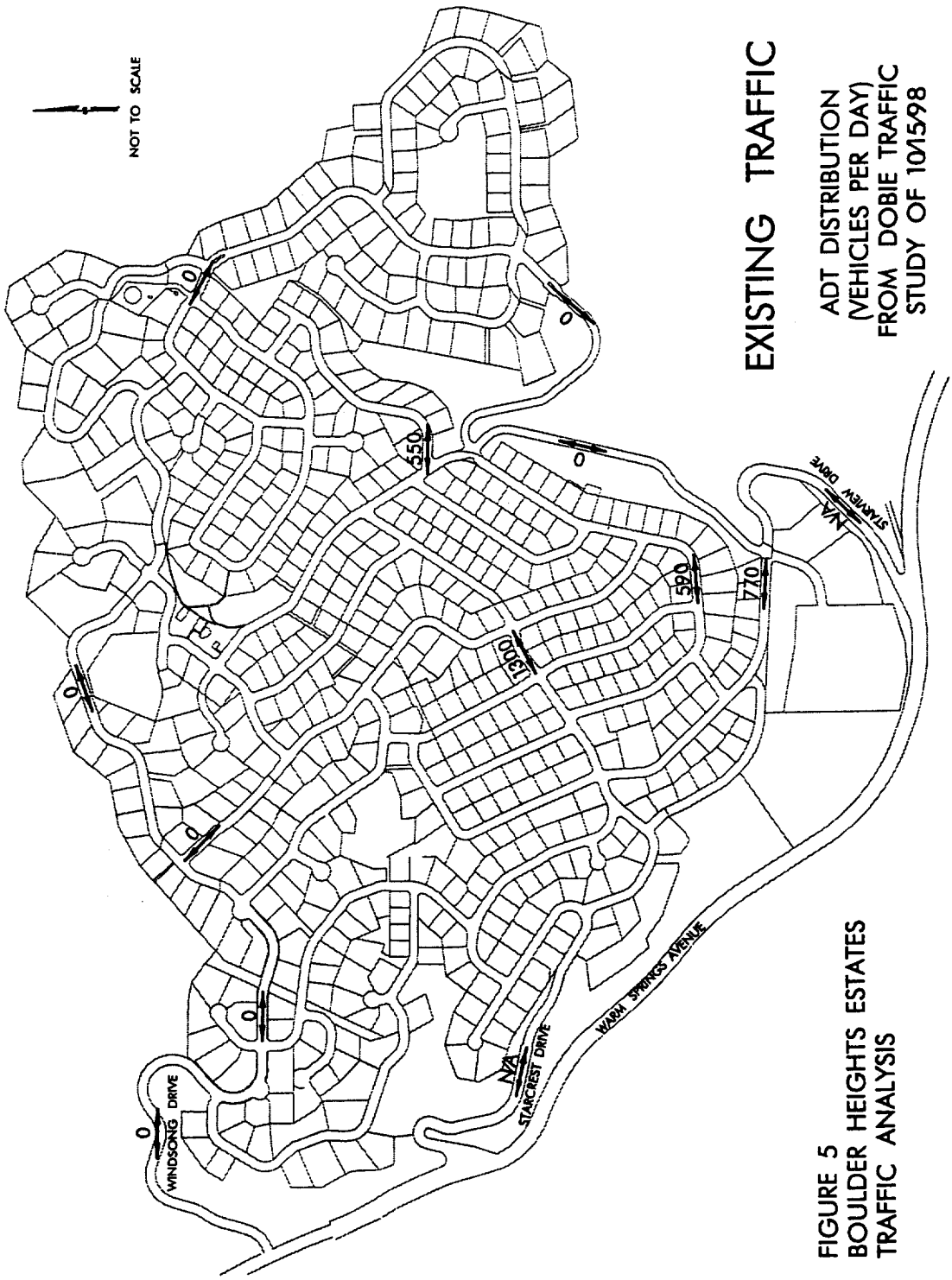

FIGURE 5
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

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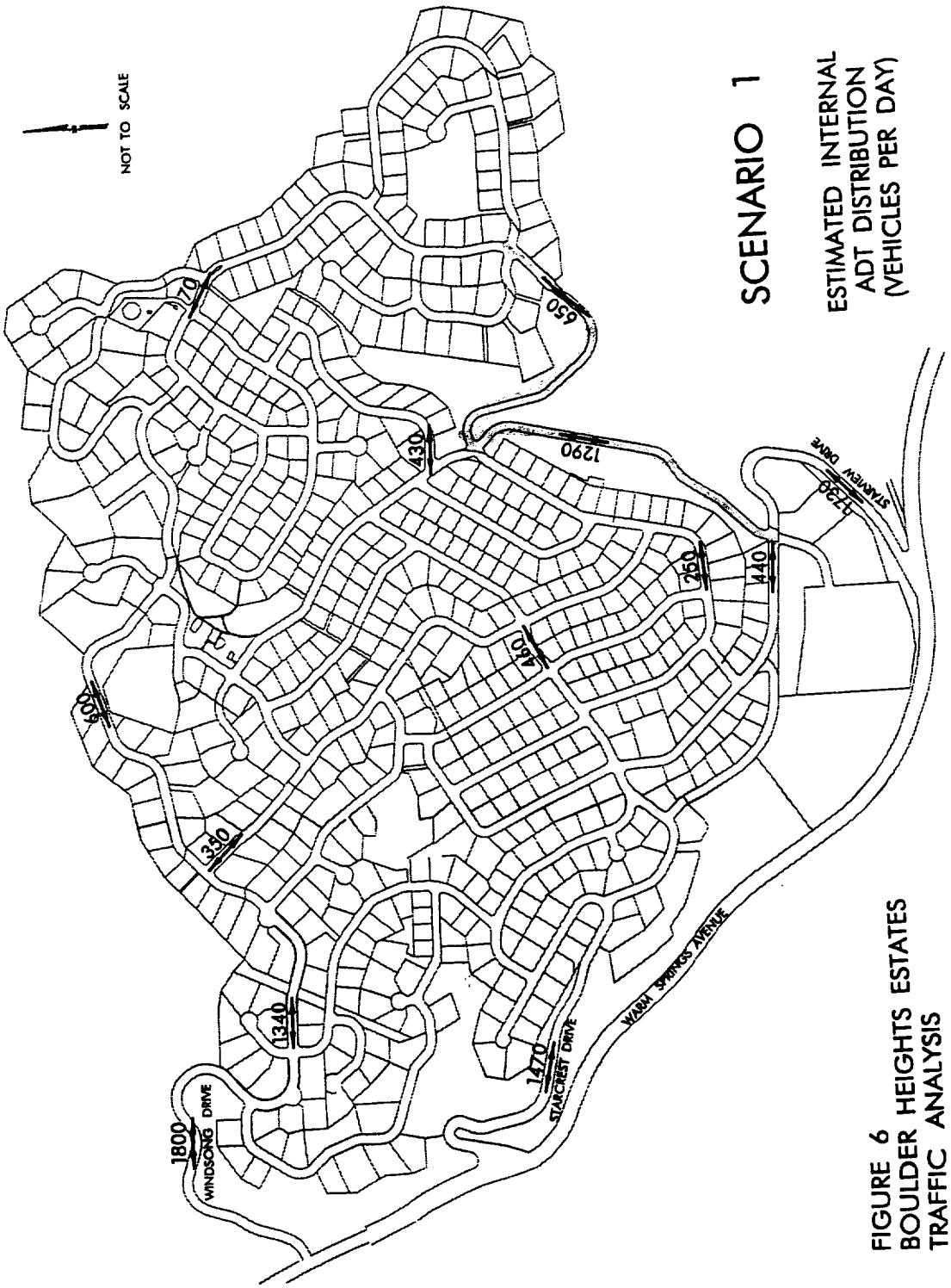

FIGURE 6
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

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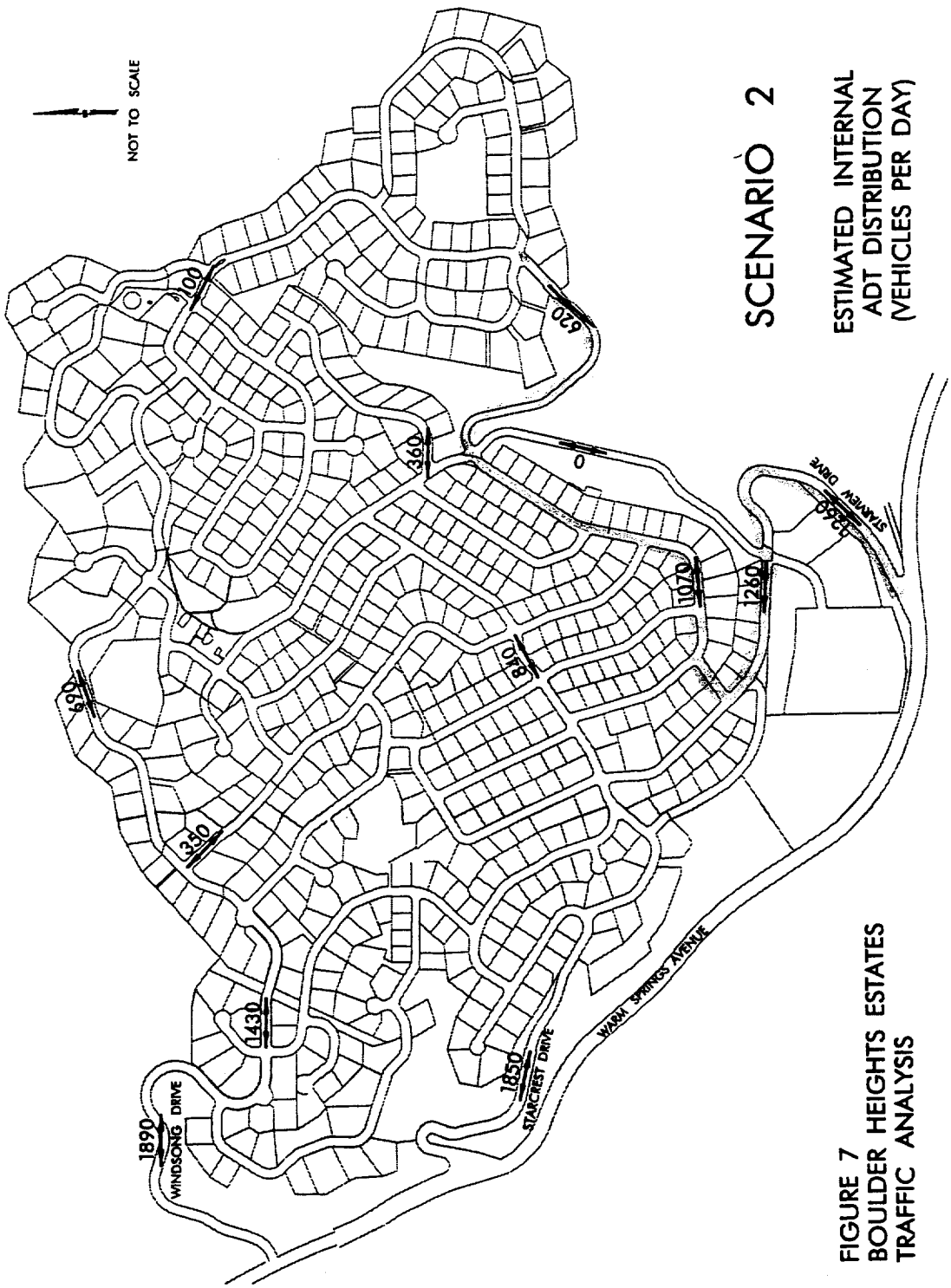

FIGURE 7
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

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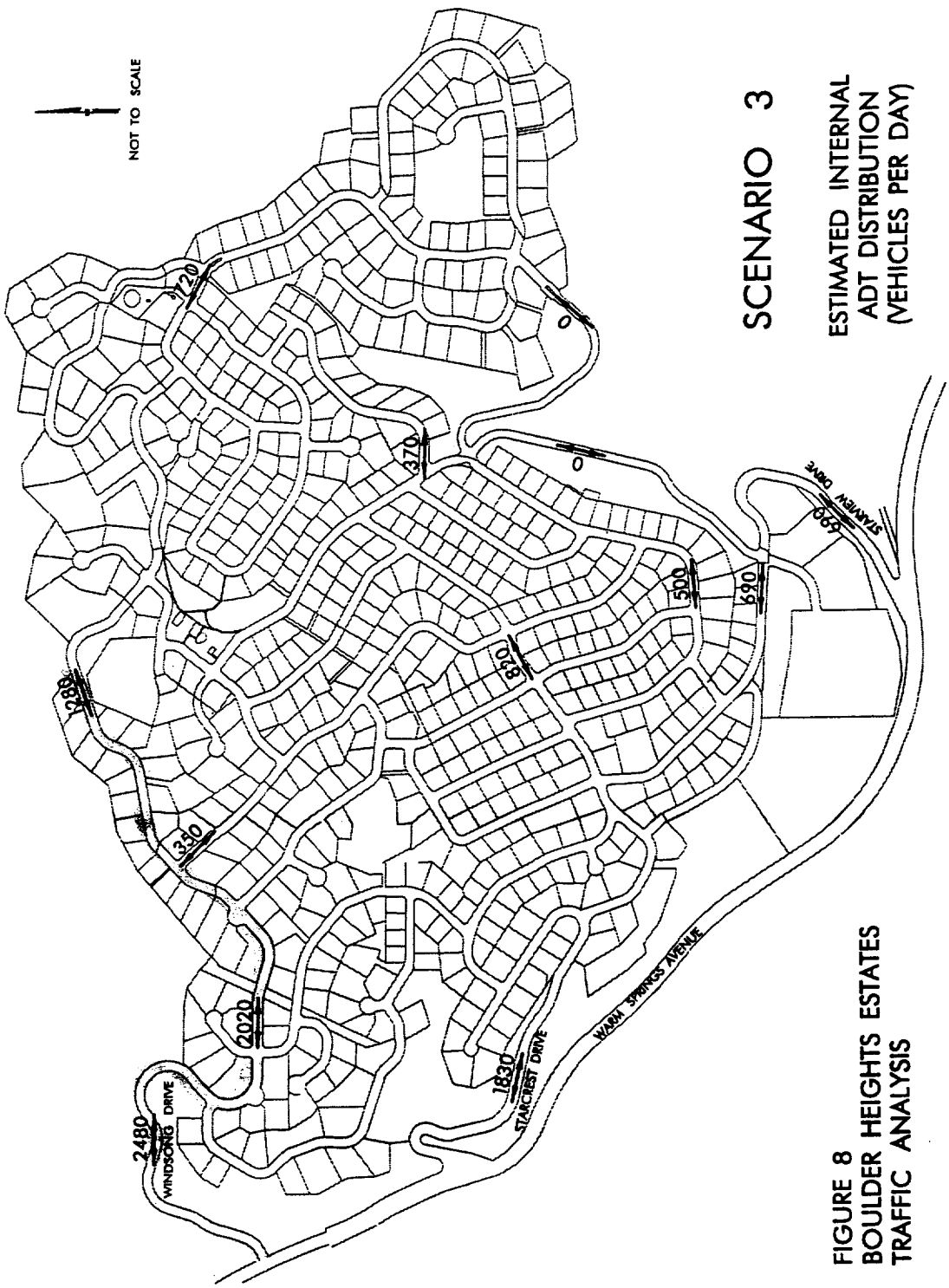

SCENARIO 3

ESTIMATED INTERNAL ADT DISTRIBUTION (VEHICLES PER DAY)

FIGURE 8
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

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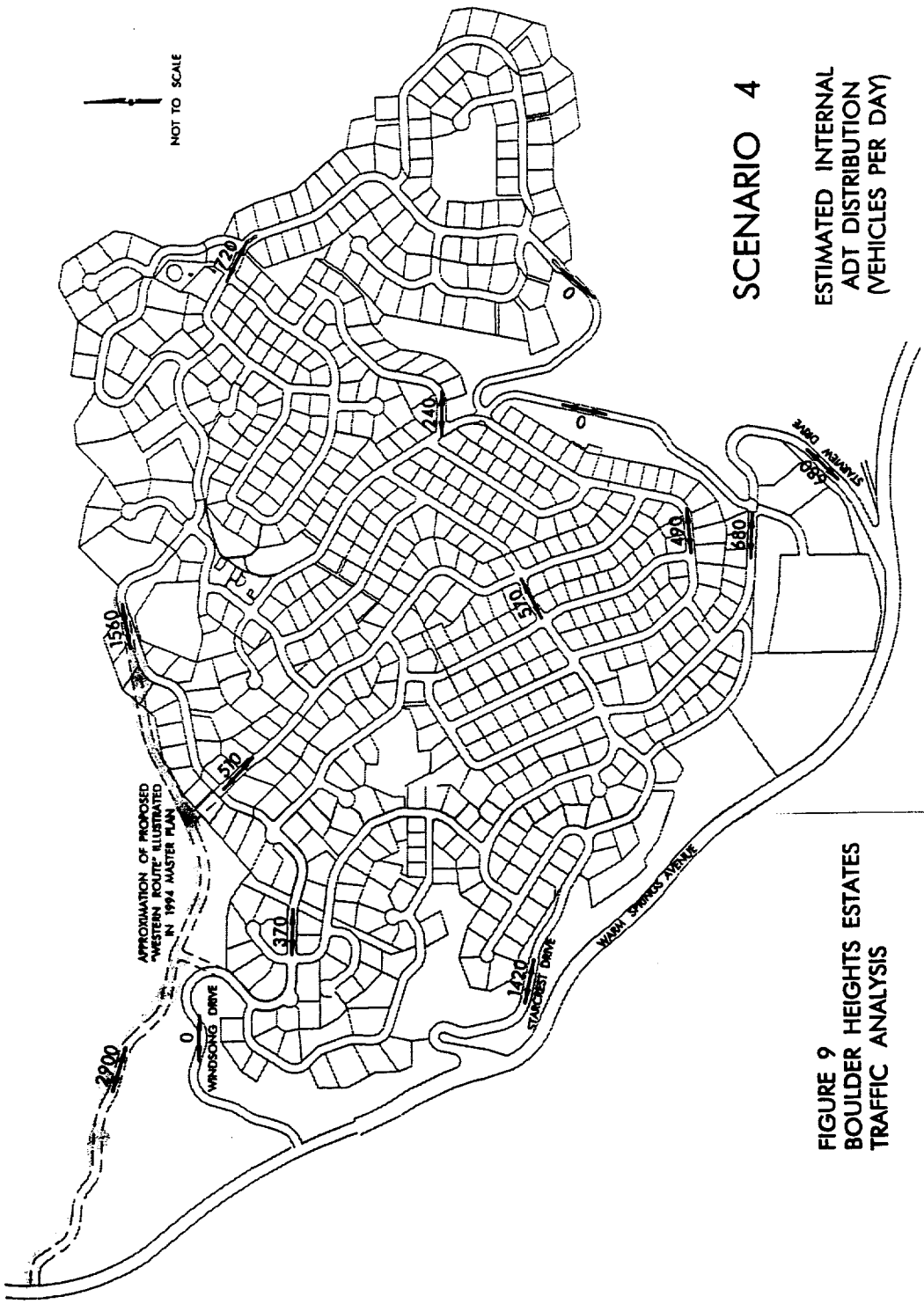
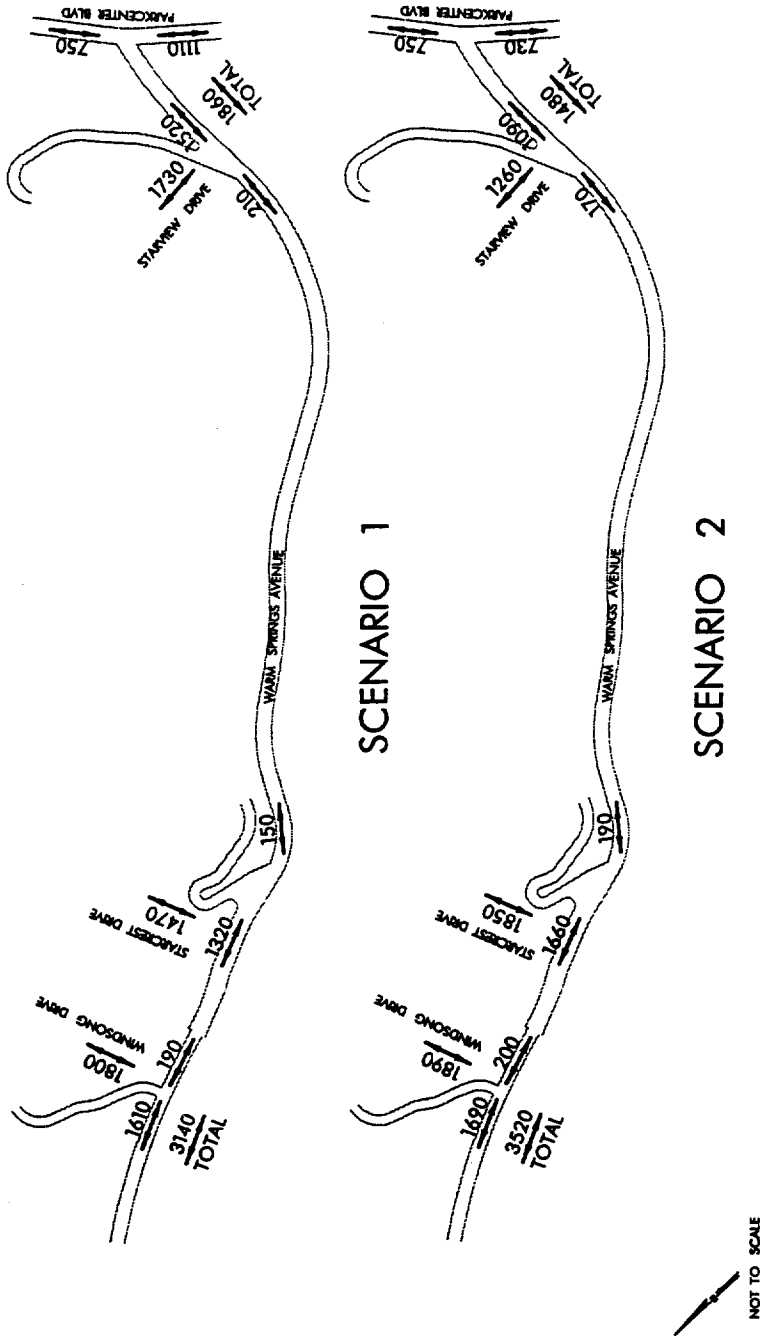


FIGURE 9
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

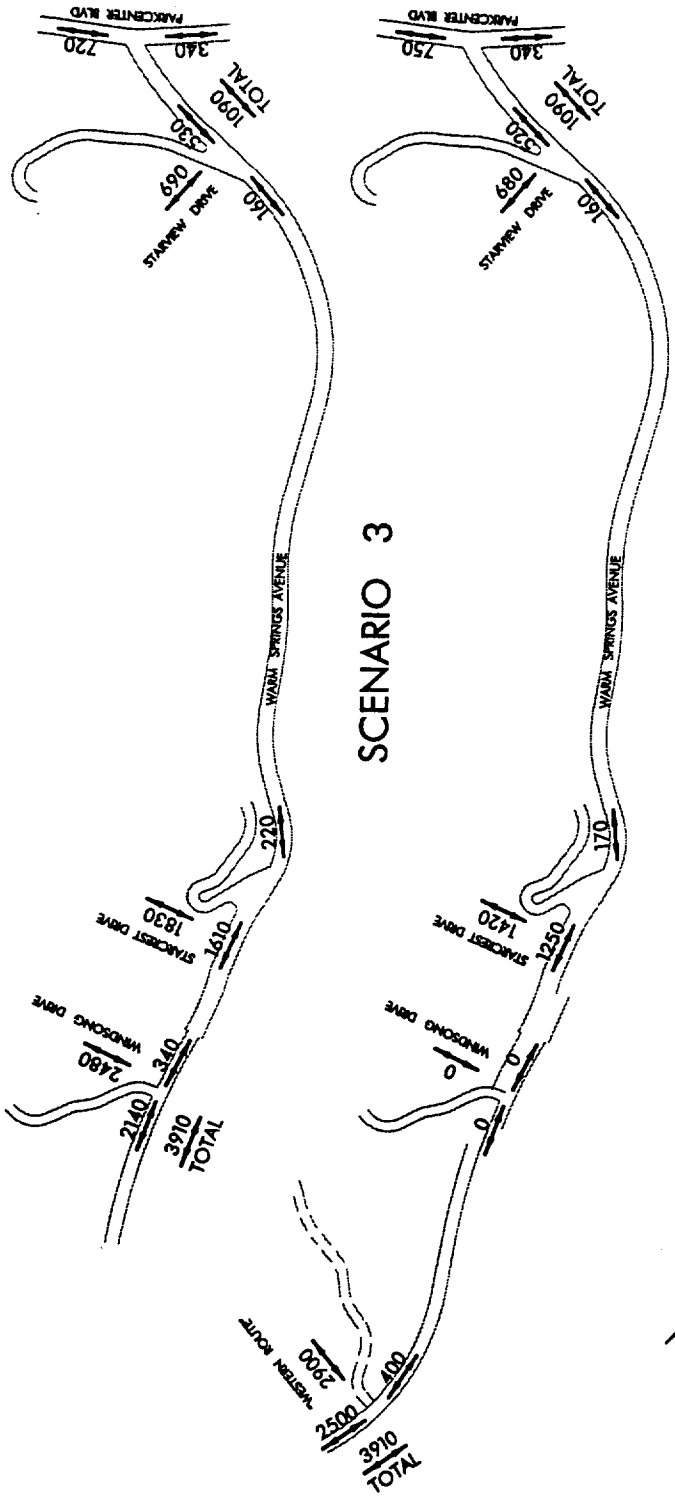
SIX MILE ENGINEERING



ESTIMATED IMPACT
FROM SUBDIVISION TRAFFIC
ON WARM SPRINGS AVENUE

FIGURE 10
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

SIX MILE ENGINEERING



ESTIMATED IMPACT
FROM SUBDIVISION TRAFFIC
ON WARM SPRINGS AVENUE

FIGURE 11
BOULDER HEIGHTS ESTATES
TRAFFIC ANALYSIS

SIX MILE ENGINEERING

Figures 10 and 11 illustrate the estimated impact from subdivision traffic on Warm Springs Avenue and Parkcenter Boulevard.

Discussion of Results

Summarizing the results:

- We anticipate 26 percent of Scenario 1 trips and 17 percent of Scenario 2 trips traveling to and from the west will re-assign from Warm Springs Avenue to Parkcenter Boulevard. The additional travel distance for Starview Drive traffic to travel to and from the west (Broadway) on Parkcenter versus west on Warm Springs is approximately one mile. We anticipate the majority of westbound trips from Starview Drive will re-assign to Parkcenter Boulevard because it will likely have much higher travel speeds than Warm Springs Avenue.

- We estimate 8 percent of Scenario 3 and Scenario 4 trips traveling to and from the west will re-assign from Warm Springs Avenue to Parkcenter Boulevard. The additional travel distance for Windsong Drive traffic to travel to and from the west (Broadway) on Parkcenter versus west on Warm Springs is approximately three miles. The travel distance from Windsong Drive to Broadway on Warm Springs is approximately 2.5 miles. Therefore, we anticipate very few trips from Windsong Drive, the "Western Route" and Starcrest Drive traveling to and from the west will re-assign to Parkcenter Boulevard.

- All traffic scenarios are estimated to reduce traffic on Stone Point Drive, and all traffic scenarios except Scenario 2 are estimated to reduce traffic on Ridge Point Way. The reductions are due to the shorter internal travel distances using Windsong Drive, South Trent Point Way or the "Western Route".

Please contact me with any questions or comments.

Sincerely,

Larry J. White, P.E.
Project Manager

PROFESSIONAL ENGINEER REGISTERED 6797 4/25/01 STATE OF IDAHO LARRY J. WHITE

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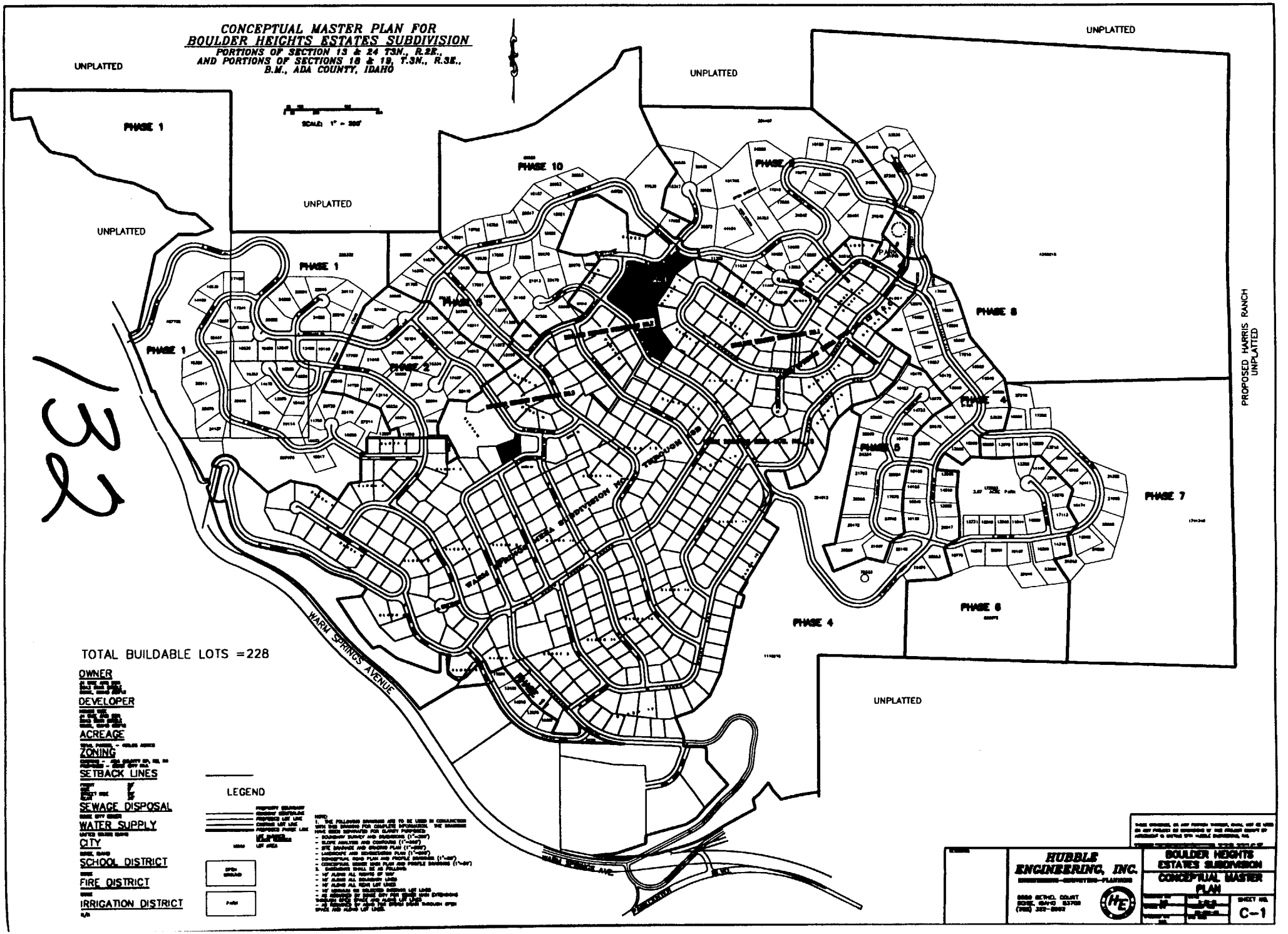
CONCEPTUAL MASTER PLAN FOR
BOULDER HEIGHTS ESTATES SUBDIVISION
PORTIONS OF SECTION 13 & 24 T3N., R.2E.,
AND PORTIONS OF SECTIONS 18 & 19, T.3N., R.3E.,
B.M., ADA COUNTY, IDAHO
SCALE: 1" = 200'
UNPLATTED
UNPLATTED
UNPLATTED
UNPLATTED
UNPLATTED
PROPOSED HARRIS RANCH
UNPLATTED
PHASE 1
PHASE 1
PHASE 1
PHASE 2
PHASE 3
PHASE 10
PHASE 4
PHASE 5
PHASE 6
PHASE 7
PHASE 8
PHASE 4
PARK
WARM SPRINGS AVENUE
TOTAL BUILDABLE LOTS =228
OWNER
DEVELOPER
ACREAGE
ZONING
SETBACK LINES
SEWAGE DISPOSAL
WATER SUPPLY
CITY
SCHOOL DISTRICT
FIRE DISTRICT
IRRIGATION DISTRICT
LEGEND
HUBBLE ENGINEERING, INC.
BOULDER HEIGHTS ESTATES SUBDIVISION
CONCEPTUAL MASTER PLAN
C-1

June 6, 2001

Memorandum

To: Mayor Coles and Members of the City Council

From: Bruce Eggleston, A.I.C.P., Planning and Development Services Department

Subject: Reconsideration of the motions for the proposed Boulder Heights Estates annexation and rezone, CAR00-00021/DA, and the appeal of the denial of planned development conditional use, CUP00-00055.

The issue before the Council is the reconsideration of the motions for approval of two applications, for the proposed Boulder Heights Estates annexation and rezone, CAR00-00021/DA, and the appeal of the denial of the planned development conditional use, CUP00-00055.

Council adopted two motions on March 13, 2001, to approve the annexation application and grant a rezone, without the development agreement, to the Open Land "A" zone for the entire property; and to sustain the denial of the conditional use application from the Planning and Zoning Commission that was before Council on appeal, respectively. On March 20, 2001, Council Member Forney asked for a reconsideration of the above motions in two separate motions which were granted by the Council. Reconsideration of those motions was set for June 19, 2001. A unanimous consent was granted at the discussion of the motion to have a work session on Foothills annexation and development agreement/rezone issues, that was held June 5.

History of Hearings and Actions on the proposed Boulder Heights Estates Annexation and Planned Development, CAR00-00021/DA, and the Appeal of the Denial of CUP00-00055

October 16, 2000: The Planning and Zoning Commission recommended approval of the annexation application, CAR00-00021/DA, and a rezone with a development agreement to the R-1A and Open Land "A" zones. They denied the conditional use application CUP00-00055.

December 12, 2000: Hearing on CAR00-00021/DA and CUP00-00055 appeal deferred to January 9, 2001.

January 9, 2001 Hearing on CAR00-00021/DA, deferred until January 30, 2001, and CUP00-00055 appeal deferred to March 13, 2001.

January 30, 2001: Hearing on CAR00-00021/DA, deferred until March 13, 2001, at applicant's request, to allow it to coincide with hearing on CUP00-00055 appeal.

March 13, 2001: City Council approved motions for the annexation application, CAR00-00021/DA, and grant a rezone, without a development agreement, to the Open Land "A" zone for the entire property; and to sustain the denial of the conditional use application, CAR00-00055, from the Planning and Zoning Commission that was before the Council on appeal.

March 20, 2001: Council Member Forney asked for a reconsideration of the above motions in two separate motions which were granted by the Council. Reconsideration of those motions was set for June 12, 2001, then later rescheduled for June 19, 2001.

attachments: Minutes from the hearings of October 16, 2000, January 9, 2001, January 30, 2001, March 13, 2001, and March 20, 2001

BOISE CITY PLANNING & ZONING COMMISSION
MINUTES OF

October 16, 2000

Commission Members Present: Rinda Just/Chairman, Margaret Johnson, Amber Van Ocker, Norman Hobson, Maryanne Jordan, Richard Pavelek, Charles Kennedy & Chris Shandera. **Staff Members Present:** Tom Curren, Bruce Eggleston, Scott Spjute & Vicki Van Vliet.

CAR00-21-DA/J. H. Wise & Sons Company

Location: Warm Springs Mesa and surrounding lands north of Warm Springs Ave.
ANNEX 406 ACRES WITH A ZONING DESIGNATION OF R-1A WITH A DEVELOPMENT AGREEMENT.

and

CUP00-55/J. H. Wise & Sons Company

Location: Warm Springs Mesa and surrounding lands north of Warm Springs Ave.
CONCEPTUAL CONDITIONAL USE APPROVAL FOR A PUD TO CONSTRUCT 228 SINGLE FAMILY DWELLING UNITS ON 406 ACRES IN A PROPOSED R-1A ZONE WITH A DEVELOPMENT AGREEMENT.

and

CFH00-15/J. H. Wise & Sons Company

Location: Warm Springs Mesa and surrounding lands north of Warm Springs Ave.
CONCEPTUAL HILLSIDE AND FOOTHILLS DEVELOPMENT APPROVAL TO CONSTRUCT A PUD OF 228 SINGLE FAMILY UNITS ON 406 ACRES IN A PROPOSED R-1A ZONE WITH A DEVELOPMENT AGREEMENT.

Bruce Eggleston presented the staff reports with a recommendation of approval based on the following findings of fact and conclusions of law:

CAR00-21

A) That the proposed annexation complies with and conforms to the Comprehensive General Plan.

Finding: The proposed annexation with the requested zoning classification is consistent with the Land Use Map and the Interim Foothills Transportation Plan.

B) The proposed annexation will provide and maintain existing and future capabilities of

public utilities.

Finding: All essential public services and facilities are not available to this site, specifically it is out of the service area for fire at present, but is programmed for inclusion within a year or two.

C) That the proposed annexation will maintain and preserve compatibility of surrounding zoning and development.

Finding: This site is bordered on one side by a large area of the Harris Ranch development zoning. The proposal would surround the existing subdivisions with R4 County zoning. The requested zone will be compatible with existing zoning and development.

D) That the proposed annexation incorporates the Boise Sewer Planning Area.

Finding: The proposed annexation incorporates the Boise Sewer Planning Area.

E) That the proposed annexation honors negotiated area of impact agreements.

Finding: Annexation of this area will honor negotiated area of impact agreements.

F) That the proposed annexation attempts to balance costs of services with anticipated revenues.

Finding: It is questionable that annexation of this area will balance costs of services with anticipated revenues. There is not enough information provided in the conceptual application to make this finding.

G) That the proposed annexation promotes goals of population balance, contiguous development and prevention of costs due to leapfrog development.

Finding: Annexation of this area will promote the goals of population balance, contiguous development and prevention of costs due to leapfrog development. Services either are in place or are readily available.

CUP00-55

A) That the location of the proposed use is compatible to other uses in the general neighborhood and will not place an undue burden on existing transportation and service facilities in the vicinity.

Finding: This finding cannot be made until the fire protection service and transportation issues are resolved.

B) That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls & fences, parking, loading, landscaping and such other features as are required by this title.

Finding: Conceptually this finding can be made, but the final proof of this will be made in the preliminary plat and the final conditional use and final hillside applications.

C) That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.

Finding: Conceptually this finding can be made, but the final proof of this will be made in the preliminary plat and the final conditional use and final hillside applications. The outstanding issue concerns the potential for geologic hazards. There is insufficient information to make any recommendations with the current information. Depending on review of more detailed engineering reports, the final approval may be for fewer lots in a different configuration than what is currently proposed. These items might require redesign of the preliminary plat to achieve the required fit.

D) That the proposed use is in compliance with and supports the goals and objectives of the Boise City Comprehensive Plan.

Finding: This finding can be made on the conceptual site plan.

CHF00-15

A) That the proposed development is in compliance with the technical requirements of this chapter including, but not limited to, those related to grading, drainage, hazardous areas, revegetation and preservation of outstanding and unique features.

Finding: With the final hillside application, the City will require conclusive studies on geologic hazards and soils. The proposal generally complies with the other aspects of the chapter.

B) That the proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity.

Finding: The traffic capacity and road alignment/grading issues are yet to be resolved, but they must be resolved prior to platting for the subdivision.

C) That the land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis.

Finding: This will depend on further studies of these issues.

D) That the project does not create a potential hazard of flooding, soil instability, fire,

erosion, etc.

Finding: This will depend on further studies of these issues.

E) That the proposal complies with all requirements of the Zoning Ordinance for foothill gulches including the requirements of this chapter and the Floodplain Ordinance.

The proposal complies with the Ordinance, Hillside chapter.

Mr. Eggleson also requested that condition #10 of the conditional use be modified to read: Boise City and the Ada Planning Association (COMPASS) have adopted Warm Springs Avenue to be a historic Boise Street. As such, the planning capacity for Warm Springs Avenue has been set at 14,175 average daily traffic. The existing traffic currently is nearing the "Historic" planning capacity of the roadway. ~~The existing traffic plus the traffic from the entire project will exceed the "Historic" planning capacity of the roadway until both Parkcenter bridges have been completed.~~ The volume from the existing, plus project traffic, will be below the "Historic" planning capacity of the roadway after the East and West Parkcenter bridges are constructed. ~~Completion of both bridges is anticipated prior to the time that homes will be constructed in this development~~.

Bob Unger (Applicant's Engineer) - Once we do get approval of the master plan, we will have to come back before this Commission with a final development plan which are all subject to the Subdivision and Hillside Ordinances. We do have 405 acres. We are proposing 228 lots which range from 13,000 sq. ft. to 1+ acre in size. The actual proposed developed acreage is 114 acres which is 28% of the property. We have 291 acres that would remain in perpetuity for open space, and the applicant is proposing to dedicate 203 acres of that 291 acres to the Boise Parks System. As a part of a rezone and approval of Boulder Heights #2 & 3 back in 1994, a master plan was developed at the request of Boise City. Bruce showed you what he thought was that plan, but it wasn't. The actual plan at that time is very similar to what we have here. The proposed road was to be a collector road out of the Mesa. In review of that master plan and the approval of the Boulder Heights #2 and #3 Subdivisions, the Ada County Highway District did vote to approve the project putting a limit of 50 lots on that development until such time as a new collector road from the Mesa to Warm Springs Avenue could be developed and built by the developer. That was solely to relieve the traffic that was currently coming down Stonepoint. The developer has gone forward with that in mind. They have also made commitments to purchase a large portion of the Gate City property and have gone forward with the understanding that once the road was built, they could go forward with their project. We've held numerous meetings with the neighborhood association for the Warm Springs Mesa and also Boulder Heights. We've made numerous changes to the plan based upon their input and the staffs from the Planning Department and the Highway District. All the roads that we are proposing comply with ACHD standards for local streets and for the 2 collector roads. The homeowners association prefers to see the collector road as shown on the original master plan of 1994. We've looked at that. Although it is doable, it poses numerous problems. Part of that area has been designated by the Heritage Committee to be preserved. Any road through that area would scare the whole hillside and really destroy what they are trying to preserve. The road would also

destroy the Penn Canal. In regard to phasing, our proposal is to go with the first three phases. One we have completed phase 3 we want to go to the east side and to phases 5 thru 9 which would put us to where we could put in the collector road on the east. By that time the East Parkcenter Bridge should be in place and the timing would work extremely well. We currently have an R8 and R4 zoning. That's how staff has justified their basis for the 55 lots. They state their justification for the 55 dwelling units is based upon the number of proposed units within the present County R8 and R4 zones. This acknowledges the development rights under the County zoning that should have been factored into the capacity calculations of the transportation system. If we are going to look at density and development rights for that existing zoning, if we were to develop just that area, approximately 40 acres of develop able area, in the same manner in which we have developed the existing subdivision, we would be developing at approximately 3 units to the acre which at 40 acres would give us 120 units. We feel we should be given the development rights for 120 lots, not 55 lots. We're not even asking for the 120, but for 79 lots which would follow along with what the Highway District has recommended. We have met with the Boise Parks and discussed the area designated for open space. They are interested in taking ownership in an area and we would be glad to dedicate that area to them. We've worked extensively with them to try and establish some sort of alignment with our trails that would connect the Ridge to Rivers System and preserve the Penitentiary Canal Trail and the Old Quarry Tram Trail. There are also some open space areas that would either remain under private ownership or would be under the ownership of the homeowners association or some entity that would take the responsibility for it so it would still be preserved for perpetuity. In staff's calculations they stated they can justify 223 lots. We are proposing 228 lots. They've also recommended that we could do some modifications to the plan, providing more open space, do a little more crunching in the northern area to make up the difference of the 5 lots. We're very open to that and we feel we could do some crunching in the corridor area or the big game migration area. We acknowledge that we do need to do more studies as far as the fault area, rock fall analysis, seismic reports, etc. Those become more extensive and more expensive and we feel that once we get through the process and at least get a nod for the conceptual plan and the annexation, then we have sound basis to go back and do further research and analysis. Your staff seems that what we have provided up to this point is sufficient for this review. Up to this point, we've not met with any opposition to the subdivision itself. The only issue that we've run into is traffic. We've provided a traffic analysis that shows that the project can be done and the Highway District was comfortable with that analysis to even allow us to go forward with the first 79 lots (phases 1 thru 3) prior to the opening of the East Parkcenter Bridge. We are very comfortable with that. In order for us to build the collector road, provide the new access, the Highway District has recommended an extraordinary impact fee of over $3,000 per lot. They will pay for the collector roads. We feel that we need the 79 lots to finance the road.

Commissioner Trounson - What means are you going to take to guarantee that during the construction phase, which will last several years, and then once there are homes, that the traffic will not adversely affect Warm Springs?

Mr. Unger - (Explained the proposed traffic system on the overhead.) The impact fees generated from this development will also contribute towards the Parkcenter bridges, etc., so there is mitigation there.

Commissioner Trounson - Again, what are the means you have to divert that traffic away from negatively impacting on Warm Springs? You have construction trucks and miscellaneous vehicles that will be using that area.

Mr. Unger - That's something we will have to look at as to how to route the construction traffic to the east. That is a valid concern. Our hope is that before we even get the first building up, the East Parkcenter Bridge is completed.

Commissioner Johnson - In reading the new report from the Ada County Highway District, I'm very confused by what their action was on Windsong Dr. I read a statement that the Commission determined that the developer should evaluate another route for Windsong Dr., and if a feasible route can be found, it should be used for the new collector connecting to Warm Springs Avenue. When I read the conditions that they imposed, it isn't clear to me what their action was on it.

Mr. Unger - It was an issue that the homeowners association brought up. The Highway District Commission did not feel compelled to identify the northern route or the southern route as the appropriate route. They felt that because of our argument that there was a particular area to be preserved by the Heritage Preservation Committee, etc. they didn't feel it was their responsibility to make that determination in that it was Boise City rules and regulations that protected that. They left that option up to Boise City.

David Bennion (Warm Springs Neighborhood Association/2212 Ridgepoint Way) - We support the development and further building up there. There have been 3 neighborhood meetings and concerns have been expressed over the access roads. There were two access roads that were initially proposed. One was proposed to come out onto Warm Springs to the northwest and one on the southeast which is a parallel road to an existing road in front of the homes. There was a lot of concern about making that into a collector road from the standpoint of the Ada County Highway officials and of the residents on the Mesa. If I understood the motion that as recorded in the minutes, Commissioner Johnson asked a question regarding the alignment of Windsong. Part of that motion was that Trent Point not be allowed, as currently aligned, but that the applicant be required to attempt to find an alternative route to get off of the Mesa to the east. The southeast side was allowed to go ahead. I am afraid that if this is allowed to go ahead as it is, it closes the door to the alternatives to better more the traffic safely and to provide fire and emergency access to the Mesa in a reasonable fashion. Our neighborhood association has looked at some alternatives. Our concern with their access was the steepness of that road (10% grade). That is 2% steeper than the existing Starcrest which is the main access. ... inaudible... We think this is something that the developer can accomplish very easily. It's a matter of building 400 ft. more of road and doing a little more planning to make it happen. Our concern is that this alignment really isn't the best alignment. It's not the alignment that was proposed in the 1994 master plan. The road proposed today is steeper than the one they had in their master plan. As far as the Warm Springs traffic, neither of these alignments will make any difference. Our main issue is to reduce the congestion on Stonepoint so people can get to Starview and go down the backside once the bridge is there. We do have an issue with going into an existing neighborhood and disturbing it when there is a different alternative. ...inaudible... Either one of their proposed routes goes through the Penitentiary Canal and Path. Relative to the vista, when you build a road

on a hillside, what interrupts the vista is how steep the hillside is that you build it on. Both roads will do that.

Rocky Bogert (East End Neighborhood Association/2102 Warm Springs Ave.) - The developer stated that we weren't opposed to his proposals. We aren't strictly opposed, but we weren't consulted either on these issues. The traffic will impact our neighborhood. The neighborhood association is not significantly opposed to the development except primarily in the area of traffic. The developer and the neighborhoods up there have all recommended some alternative transportation routes, but they all impact Warm Springs Avenue. Commissioner Trounson pointed out and asked the question of what happens to the traffic as this is building out. The assumption has been made, both by the staff and the developer, that the East End Bridge is going to be built. I'm not sure if there is a firm status yet on that. The staff also makes the assumption that the fire station is going into place and they make that a condition. I think that's a good idea. I think making the East End Bridge is a good idea. Limiting the development to 55 homes as an initial cut, that's probably a great way to do it. But, the Commission, in the Harris Ranch Development, required that Harris Ranch contribute specifically to building a bridge because of their impact on Warm Springs Avenue. I think it would be equally appropriate for this developer, in the conditions of approval, to have to contribute to the impact on Warm Springs Avenue by contributing to the bridge development, and in addition to contribute to the fire station development that they are requiring and saying that they are going to need here to support their plans. The neighborhood association supports the recommendation of the staff to limit this to the foothill development plan numbers of the 223. The East End Association did point out to ACHD that looking at the development and the impact on Warm Springs Avenue and the East End, the best alternative for the East End, impact-wise, was to look at developing the east end of this property, the east connection, the East Parkcenter Bridge, first. If the developer was given the push to develop east first, he might be able to come up with a road that is not as steep and would meet the criteria. That road would then dump in at the East Parkcenter Bridge. The developer brought up some development rights. I believe the development rights were an issue with ACHD. The developer brought those to ACHD for the reconsideration for the number of homes that they wanted built. ACHD has set a need to build the East Bridge before this development is completed. The East End Neighborhood Association believes that's a good way to go.

Mike Wardle (50 Broadway Ave./Project Manager for Harris Ranch) - In 1997 the City of Boise imposed conditions of approval on Harris Ranch intended to mitigate traffic impacts on Warm Springs Avenue by expediting construction of the East Parkcenter Bridge. Harris Ranch remains the sole project with such a mitigation requirement. No subsequently approved east or southeast Boise project has been required to participate. Boulder Heights' proposed development plan perpetuates a growth of a neighborhood with no services, no employment, no public parks or schools. In short, every need of a resident on Warm Springs Mesa adds a trip to Warm Springs Avenue. Boulder Heights makes no extra contribution toward mitigating its impact on the transportation system. The extraordinary impact fees cited earlier by the applicant is imposed on Boulder Heights to simply remedy its access problem, not mitigate anything relative to the system, not to the East Parkcenter Bridge, not to an easterly access that offers an alternative to intensifying its reliance on Warm Springs Avenue. In fact, Boulder Heights is banking on Harris

Ranch to construct the East Parkcenter Bridge as the only solution to relieving traffic on Warm Springs Avenue. Boulder Heights offers no other mitigation strategy. Their representatives at many of the meetings we have attended have simply noted that when Harris Ranch builds the East Parkcenter Bridge it will provide the capacity for their project to consume. The objective of the East End and the Warm Springs Historic District, with whom we negotiated extensively during the approval process for Harris Ranch, and even Boise City and ACHD have long-term objectives of capping the traffic levels on Warm Springs Avenue. That will only be realized if Boulder Heights' access is directed to the East Parkcenter Bridge rather than to Warm Springs. To do otherwise simply assures that trip reductions on Warm Springs Avenue, at the expense of Harris Ranch, will be consumed by Boulder Heights. There will be no long-term change in traffic levels on Warm Springs Avenue. If Boulder Heights desires to consume Warm Springs Avenue traffic capacity made available by Harris Ranch, then they should share in the solution to the impacts that the project generates. That solution could include a pro-rata financial participation on the East Parkcenter Bridge and certainly redirection of traffic from Warm Springs to the services of Harris Ranch and the access provided to the East Parkcenter Bridge. The traffic consultant for Boulder Heights indicates that with the imposition of impact fees, the Highway District would not be in a position to exact such improvements, but that was certainly exacted on Harris Ranch in 1997.

Commissioner Van Ocker - What's the build-out of Harris Ranch?

Mr. Wardle- The master plan approved roughly 3,400 housing units. There is just a bit over 1,000,000 sq. ft. of office space and a maximum of 400,000 sq. ft. of retail.

Commissioner Van Ocker - What are we letting you do before the completion of the East Parkcenter Bridge?

Mr. Wardle - Through the agreements that we struck and through the conditions of approval with the Highway District, we have the right to go to 419.

Commissioner Kennedy - I recall that you specifically offered to pay for the East Parkcenter Bridge and that was an offer from the developer before it was included as a condition of approval.

Mr. Wardle - The information that came forward from the Highway District and from COMPASS made that a condition. You added a different condition in addition to what was proposed by ACHD at that point. Your citation talked about a commitment for a financial participation on the part of Harris Ranch to do that. The exaction was proposed by ACHD initially.

Commissioner Kennedy - I thought it was great the developer offered to pay for that bridge. I didn't realize that that was only because ACHD has already required it of you.

Mr. Wardle - The reality was that was an item that came forward from the Highway District. You put a different tone on that condition because we had indicated that in order to get that

project moving, that bridge had to be expedited as well. The point is, ACHD and the City have not seen fit to put any other project, within that particular area of influence, or to even add the possibility of their participation to expedite that as well. I am not here opposing this project. I'm simply noting that the mitigation for the traffic on Warm Springs Avenue is being provided by Harris Ranch and we believe there is certainly consideration to at least get the traffic redirected away from Warm Springs Avenue through what was recommended as condition #17 on page 23 of your staff report.

Commissioner Van Ocker - Do you have any reason to believe that the impact fees that will be incurred on this subdivision will go to the cost of the bridge?

Mr. Wardle - The impact fees from Boulder Heights will go to system improvements. It's anticipated that, if ACHD's numbers are correct, that it may be 10 to 15 years before they would expand the 2-lane road and 2-lane bridge system that would be in place by Harris Ranch. The 75% design review is at ACHD currently. We expect to have the technical bridge design completed by the end of this year. Construction is in place for sometime next year.

Commissioner Pavelek - The other alternatives have to do with the rerouting of Warm Springs Avenue. You said that the impact fees paid by this development would only go to the entrances or the access onto Warm Springs Avenue. Would that be part of the relocation of Warm Springs and the whole remodeling of Warm Springs Avenue that these fees would to go, or we really talking about the existing access points?

Mr. Wardle - There are two impact fee elements. There is an extraordinary impact fee assigned to each dwelling in the range of $3,000. But, that's simply to come up with another access off the Mesa. Then there will be the standard impact fees that will go to whatever system improvements ACHD deemed necessary.

Commissioner Pavelek - These are all on-site? They have nothing to do with the ultimate duration of Warm Springs Avenue adjacent to this parcel?

Mr. Wardle - At this point probably not.

Robert Bennett (2093 Charlie Ct./Representing the Warm Springs Estates Neighborhood Association) - We agree with the Boulder Heights development as far as helping the city along with pro-growth. However, the transportation issue is the main problem as we see it, and that's Warm Springs Avenue. In our meeting we talk about the City's Comprehensive Plan and the objective to maintain a land use decision-making process which you people are involved in. When reviewing the land uses, the City shall take into consideration the impact of the project on city-levels of service. As has been pointed out, Warm Springs is already above the level of service "C". In the immediate area of the historic district, the homeowners' associations petitioned ACHD last fall to get signals put at Penitentiary, Granite and Warm Springs intersections. If you are familiar with that intersection, it is a blind intersection when you are headed east after you pass the M&W Market. ACHD gave the petition a minor priority rating and said that they would not take it under consideration until one of the four proposals for Warm

Springs Avenue was put into place. None of those four proposals are on a hold until both bridges are open. So, we are looking at least 2 years for the East Bridge to be completed and we hope the West Bridge will be open in February of 2001. It's going to be quite awhile before ACHD brings up again the four proposals, one of which was to close Warm Springs at the Mesa. But, the problem still exists. If the development is allowed to go forward, even in the conceptual phase, there is going to be more traffic on Warm Springs, there's going to be construction traffic and all kinds of things going up onto the Mesa. Our concern is with what ACHD is recommending. On August 23rd they held a meeting and voted not to present to you people their approval until both bridges were open. On September the 5th, a letter was received by the Ada County Highway District from the attorneys from Boulder Heights asking for a rehearing and stating that the developer would be hurt financially if was postponed. They did grant another hearing and the vote by ACHD was a vote of 3 to approve and 2 against. I certainly share Planning Staff's approval of 55 units, but I don't think they should be allowed until the East Bridge is open. On the figures that were presented at the August 23rd meeting, the average daily count was 17,011. The report you have, it's been reduced to 16,180. Neither report takes into consideration the storage units which Ada County has approved. Then when you add in the additional construction traffic that's going out to Harris Ranch, there's a lot of traffic going out there. We feel that the Commission ought to take into consideration the City's Comprehensive Plan, ought to take in the original recommendations of ACHD, which were no granting of approval until the bridges were open.

B.J. Smith (2318 Ridge Point Way) - I strongly oppose the developer's conceptual plan. I consider two proposed collector roads as inadequate to support the additional traffic that will be created by the developer's plan to build an additional 228 homes in our foothills community. I oppose the design and location of the west access road (Windsong Dr.) and agree with the earlier comments made by Mr. Bennion. In October of 1999, a majority of Mesa homeowners signed a petition favoring a true perimeter collector road in accordance with the 1994 master plan, rather than Windsong Drive as now proposed by the developer. We collected 250 signages and achieved a 95% approval rate to the homes we visited. I would now like to shift my comments to the east collector road (Trent Point Way). The 300+ existing homes located on the Mesa are currently served by two access roads, Star Crest to the west and Star View to the east. Neither road meets current ACHD standards with grades in excess of 12%. Star View on the east side is the greater safety hazard of the two roads. It's deficiencies include a couple of hair-pin curves at the top of the hill, with poor visibility, and an unsafe intersection with Warm Springs Avenue at the bottom of the hill. This intersection offers extremely poor vision of east-bound traffic when leaving the Mesa and makes for a difficult turn onto Star View when coming from the east on Warm Springs Avenue. It is typically the first of the two roads to close during inclement weather. According to the developer's traffic counts, only 17% of current homeowners chose to use Star View to enter and exit the Mesa. The major flaw of a plan to build a new collector road, Trent Point Way, is that the developer's intention is to significantly increase traffic levels on unsafe and substandard Star View with no planned improvements to the road. Trent Point Way is intended to serve as ingress/egress for the proposed 103 new homes on the far east side of the development. According to the developer's design, when vehicles leaving the new homes reach the end of Trent Point Way, they will exit the Mesa to the east, forced to drive down substandard and unsafe Star View. The developer's traffic analysis assumes the traffic count on Star View

will increase from its current level of 500 trips to day to 1,800 trips per day, increasing 3 ½ times it's current levels. A plan that intentionally increases traffic by over 3-fold on an unsafe and substandard road appears to be flawed, ill-conceived, irresponsible and simply unacceptable. I feel the conceptual plan submitted by J.H. Wise & Sons does not meet the standards of the ordinances. Therefore I strongly oppose the developer's conceptual plan for the additional homes on Warm Springs Mesa.

Angie Coder (2318 Ridge Point Way) - The proposed Trent Point Way will be constructed directly behind 14 existing homes on Ridge Point Way. This will create an island effect with streets running in front of and in back of these homes. Most of these homes have existed for more than 20 years and have been constructed and landscaped to minimize traffic noise from the front, but not the back. Consequently, construction of the proposed Trent Point Way will unduly place a hardship on 14 homeowners on Ridge Point Way. It will reduce property values and negatively impact our quality of life. The developer's proposed location of Trent Point Way is inappropriate and impractical considering the terrain of the Mesa. The developer plans to build the road down a ravine where currently there's an intermittent water steam and steep inclines on both sides. It is an established wildlife corridor used by deer, fox, quail and numerous other animals. While it may be technically possible to build the road in this area, it seems impractical and imprudent. Also, significant traffic calming measures would likely be required to keep this street, with a 10% grade, from becoming a drag strip. ACHD Commissioners Peavey and Bivens toured the area where the road is proposed, and expressed opinions that it is inappropriate terrain for a road. The action taken by the ACHD Commissioners at their August 23, 2000 public hearing included a condition that Trent Point Way not be allowed as currently aligned. I strongly agree with them that Trent Point Way is not an acceptable proposal by the developer. I understand there is going to be development and that the developer needs to cut costs, but I implore this Commission that if there is going to be further development, I would like that it be done right.

Jim Hansen (210 Columa Way) - This is really an island neighborhood. There's two access points going up the steep hill. It's probably one of the largest neighborhoods that has that kind of limited access in the city. There's lots of children in this neighborhood. There's lots of activity with the children going to the parks, etc. As the neighborhood grows, there's more traffic going through the middle of the neighborhood and that impacts those children and adults walking around. As it grows, the access point out of the neighborhood is very difficult. We have to drive as there are no city busses. Fortunately the proposal does includes a road with a bike path and sidewalks. The residents of the proposed area will probably exit the Mesa through the same process as we do. I cannot imagine them, unless there is a major change in the design, exiting any other way than towards the west, heading towards Warm Springs Mesa. The design of the hair pin turn coming off of a very steep hill and coming back down again just doesn't make sense. The same traffic is either going to go down a very steep Starview, which is even very more dangerous than Stonepoint and Starcrest entranceway, but still has the opportunity to come back and go down the main entrance.

Commissioner Van Ocker - Are you aware that ACHD is recommending that they actually close the south approach to Ridgepoint from Trent Point?

Mr. Hansen - Yes. Either way the traffic is either going to go down the steep entrance road or to keep on going down the main entrance. If the road is actually constructed with the assumption that folks are going to change their traveling patterns and go down the hill and then turn and go over the river, that's not going to happen. Meanwhile they've incurred a huge cost constructing that. Why the developer would do that I don't know. Their objective would not be achieved which would be to try and get as much traffic as they can going east over the East Parkcenter Bridge. It's not going to happen. The steepest part of the Mesa is over on the east side.

Deanna Smith (1208 E. Jefferson/East End Neighborhood Association) - My main concern is with traffic. I know that Warm Springs Avenue is not unique in this community for its traffic problems. However, that is part of why we are also concerned. We see traffic problems on Warm Springs, Curtis Road, 15th, Northview, etc. No one is addressing the issues and yet development continues. We have 419 homes going in at Harris Ranch before the East Bridge is completed. We have three other small developments going in in the East End which add up to over 100 homes going in, which totals over 500 homes, before this development, that are going to impact Warm Springs Ave. The East Bridge, whether it goes in or not, is yet to be know for sure. We will assume it's going in and that there's some hope that that's where all the traffic is going to go. The engineers at ACHD make the statement that once that bridge is in, the route downtown on Warm Springs Ave. will still be 7 minutes faster than the bridge route. I don't know too many drivers who pick the slower route. I'm not convinced that the East Bridge is going to solve our problems. I heard at the ACHD hearings on this issue some talk about possibly a further eastern route. I don't know if that's possible. If you go far enough east there's some flat land there that a road could actually come down somewhere near the Barber nursery. It would solve a lot of problems. Star View isn't even a legal road. Maybe you could even get rid of it all together. It's a very dangerous road. Since we are at this conceptually, it might be worth it to look at this whole development, think about maybe how to turn it east to look at if there is a road that could actually come out on Warm Springs Avenue east of the Mesa and have those people use the bridge.

Pat Dobie (Applicant's Traffic Engineer) - I would like to address a point that was brought up earlier on how Warm Springs could accommodate the traffic from this first phase of development. So far everyone has been focusing on the East Parkcenter Bridge. In a few months the West Parkcenter Bridge will open. COMPASS estimated that approximately 1,500 vehicle trips per day would be reduced from the existing stream on Warm Springs Avenue because of the efficiency of the West Parkcenter Bridge as a stand alone item. That traffic reduction will create the ability to accommodate traffic from these 79 lots if the lots happen to be built before the East Parkcenter Bridge is built. Staff made a comment that the transportation problems will be solved by the kindness of strangers, in addition to some comments that Mr. Wardle made. In 1994 when the original master plan was prepared for this development, Harris Ranch hadn't been proposed. The traffic analysis concluded that there would be sufficient capacity on Warm Springs to accommodate this development even without the East Parkcenter Bridge. It was because of two public projects that were occurring. One was the extension of Highway 21, which reduced the traffic volume on Warm Springs by 1,200 vehicles per day. That reduction was forecast before the road was opened and the actual reduction in traffic that occurred was very close to that which supports the projects of COMPASS that the West Parkcenter Bridge will reduce the volume by

an additional 1,500. That's the gap that will accommodate this development. There are very few sources of building materials currently left in the downtown area. The concrete, lumber, etc., all of those materials are either going to come down Eckert Road or from Highway 21. As they get into the preliminary platting of this development, I'm sure the Highway District will tag that on as a requirement that the construction traffic be routed to the east. They did it to Harris Ranch.

Commissioner Jordan - Going through the staff report from the Highway District and our staff report as well, what I'm hearing is that you indicated that the West Parkcenter Bridge will reduce, by 1,500 cars per day, the traffic on Warm Springs.

Mr. Doby - That's correct.

Commissioner Jordan - Our reports indicate that full build-out of this project will add 1,600 cars per day, which gives us a net increase of 100 per day. The current level-of-service on Warm Springs is at 14,103, which I don't believe takes into account applications that have been approved in the past year or two. If we add to the 14,103 the net effect of plus 100, we get 14,203 which puts us over a level-of-service C that's defined at 14,175. Am I following this correctly?

Mr. Dobie - I'm following your numbers.

Commissioner Jordan - Am I getting an accurate picture?

Mr. Dobie - First of all the existing count, as ACHD refers to it, of 14,000 vehicles per day, those are axil counts, axil pairs. In other words, what they are counting there are trailers, bicycles, they are counting every multi-axil vehicle that goes down that street as more than one vehicle. There's an error in that number. The actual number of vehicles on Warm Springs is less than 14,000. Just for a starting point, if you start off with 14,000 vehicles per day, and you take off 1,500 for the diversion that will be yielded by the West Bridge project, you are at 12,500. Construction of these 79 lots is going to add back about 680 vehicle trips per day assuming that they were fully built-out before the East Bridge was completed. I'm at 13,180. In addition to that, whatever build-out that occurs in Harris Ranch would be added to that prior to the construction of their bridge. Just counting the Harris Ranch traffic, I've got a tally of 13,180.

Commissioner Jordan - With a full build-out of 79.

Mr. Dobie - Yes. It's only 79 lots that ACHD has approved until additional improvements are made.

Commissioner Shandera - With the proposed reduction in traffic at the West Parkcenter Bridge, from what I assume there will be no reduction in traffic between the main entrance to the Mesa and Walnut?

Mr. Dobie - When the West Parkcenter Bridge is completed, there will be a reduction in traffic to the east of Walnut. I would imagine there would also be a reduction to the west of Walnut

because the time of travel on Parkcenter will decrease and make it a more attractive route to those vehicles that are now using Warm Springs and Eckert to access developments like Surprise Valley. It will be a faster route to those developments so that drivers tend to take the faster way home, which in this case would be Parkcenter Blvd.

Commissioner Trounson - I didn't see anything in our packet in regard to the numbers you give with the 1,500+ trips on Warm Springs come February. Is that in the staff report? I didn't see where those figures play into the overall numbers.

Mr. Dobie - I will enter (this) for the record.

Commissioner Pavelek - At some point in the future, the commercial center at Harris Ranch will be the closest shopping, convenience, commercial are to this development. I thought there would be a greater orientation to this proximity. At some point in the future a million square feet of office/commercial space is going to generate a whole bunch of employment and some pretty close shopping opportunities that may balance some of the movement to the west. I look at the traffic network you've got on the east side of this and I'm not sure how that's all going to tie in. Have you looked at the options for the realignment of Warm Springs and how that's going to fit in with that easterly road?

Mr. Dobie - One of the primary purposes of Trent Point Way, which is the new collector road on the east side of the Mesa, is to align the traffic from the Mesa down to those shopping, school and employment opportunities that will be created in Harris Ranch. As a result of the Harris Ranch Development, a lot of the traffic that is now external to the Mesa will be internalized within this area. The traffic won't be going down Trent Point Way and across the river and out Parkcenter. It will be going down Trent Point Way to go to school instead of going down Warm Springs to school, or it will be going down to go shopping at the local grocery store. There will be a lot of trip capture associated with that development, especially a development of that size. The external traffic from this project will be considerably less than ACHD typically estimates. ACHD acknowledged that. That's one of the reasons why they were supportive of this project.

David Bailey (Applicant's Engineer) - About 2 years ago Mr. Wise and I redesigned all the roads within this project, specifically the two collector streets. There's been a lot of time and effort put into this to try and find the best solution and to work with the neighbors and issues and find where we could go on this. We have some constrains with the land that we have available, with the requirements of the Highway District. The Highway District asked us for that street on the eastern side. They've directed us to redesign that road again in their conditions of approval. We will do our best to see where we can move that road. We would rather not affect those people on the east side of the project, but the traffic conditions dictate that needs to be done in order to move with the development, and that's what we are going to do. As to Starview on the far east end, we did look at some improvements to make to that road and the Highway District Staff, two years ago, told us that that was something that would have to be coordinated with the improvements to Warm Springs, the East Parkcenter Bridge and how that was going to connect to Warm Springs Avenue to the point that our time would be totally wasted in working on that. But, that's an improvement that needed to be done and needed to be planned along with those

issues of redesigning Warm Springs Avenue where the East Parkcenter Bridge would tie into that. I agree that something needs to be done on Starview Avenue for the traffic that we are talking about. I think that situation can be improved. The improvements that we are placing as far as Trent Way Avenue would tie into those improvements some point in the future. As far as the west road, my impression of what I heard the Highway District say was that either road, either solution is safe. Either solution meets the Highway District's standards. It meets their grade and minium radius standards. One of the Commissioners even said that the northern route would even provide a more straight path for people to go faster down the hill. There are some significant design issues with that that include either a bridge through the gully or design the road off of the Wise's property in order to accomplish that northern route.

Commissioner Johnson - In the conditions of approval, it's clear that #17 addresses that eastern route. Has anyone analyzed the western road and if so, what was the finding and what is the recommendation based on ACHD's action?

Mr. Eggleston - Mr. Bennion engineered an alternative route that was submitted. They came up with a route that was a viable alternative. We looked at the original route proposed by Mr. Wise with the '94' submittal since then. The problem with the northern route involves going off-site. There's no really good way to do that without encroaching on off-site properties without going to the bridge that was just mentioned. The fourth interpretation, the way that I read that was that they will essentially begrudgingly allow the proposed route as the lesser of the evils. This is uncharacteristically ambiguous for ACHD. Their finding was that there could be a better route, but their condition of approval was that the proposed southern route meets the standards. I think it remains ambiguous.

Commissioner Johnson - My understanding is that when we get to annexation, the entire Mesa is in Ada County.

Mr. Eggleston - Yes, that's correct. On that note, we have added the discussion about involving the remainder of the so-called hole-in-the-donut if this is annexed. The outstanding condition for that is mainly the fire protection. Should this event occur, then we would be looking at the other even sometime after the services were in place.

Mr. Unger - Mr. Bennion talked about the 1994 master plan and the northern route. It was a good conceptual idea, but at that time no one was really looking at preservation issues. Any route located in this area is going to destroy some very beautiful areas. We ask that you support the proposed route. It does meet ACHD standards and is a good collector road. The East End Neighborhood Association, I made numerous phone calls to Steve Lord, their president. I never got a response from him. We made an effort to try and meet with those people, but never got a response. We have made a major commitment for the purchase of the land for this collector road. We stand to lose substantially if we are forced to go to the east end and develop to the east first. This is the preferred route. It works well with the whole scheme of the entire development out in that area including Harris Ranch and all the bridges. In 1994, the Wise family had approval for 290 lots. They were told they could build 50 of them until they could find a new route down to Warm Springs Ave. When they did, they could come back with it. We found a

new route, an appropriate route. The Highway District has been collecting extraordinary impact fees based upon those 290 lots since 1994. They've collected over $100,000 up to this point. We've moved forward with that anticipation that we would be able to go forward and develop. During this time frame where we've tried to get the engineering together, the Vosti properties were approved for development. Harris Ranch was approved for development. All of those approvals totally ignored the development rights given to the Wise family. We aren't asking for all of them. We just want some up front here so that we can go forward and fund the construction of this road and get our project up and running. We've reviewed the staff report and with the exception of the 55 lots that they've recommended versus the 79 we propose prior to the opening of the East Parkcenter Bridge, we are in agreement with the conditions. We've worked diligently to minimize our effect on Warm Springs Avenue with this project and we will continue to work with the City and ACHD to keep the effects to a minimum. We ask this Commission to allow us to proceed with the development of the Wise property as recommended by the Highway District with 79 lots prior to the opening of the East Parkcenter Bridge.

CAR00-21-DA

COMMISSIONER TROUNSON - I WILL MOVE TO DENY CAR00-21.

MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER HOBSON MOVED FOR APPROVAL OF CAR00-21-DA BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS STATED IN THE STAFF REPORT.

COMMISSIONER KENNEDY SECONDED THE MOTION.

Commissioner Hobson - At one point during the testimony tonight I got the impression that this development was somehow substandard in many ways. I think this development has difficulties that seem to stem around transportation and road building. As I look at the topographical layout of this, I believe that within the bounds of what the developer can control, they are limited in what they can do. I have not seen anyone from the public produce any alternatives that seem feasible based on controls that are within the grasp of this developer. It is a long way from perfect, but I think I can make the findings that ACHD has made, be it marginal, to approve the project.

Commissioner Kennedy - I have no problem annexing the property... inaudible. I do however have some problems ... inaudible.

Commissioner Trounson - In the study from the staff, it says there are a number of issues that lack some substance in them, traffic, geological hazards, lack of fire ability, etc. The reason I look at denying the annexation is that the staff report says that the policies of the Foothill Policy Plan and Interim Foothill Transportation Plan recommend against annexation and zoning for proposal that would result in impacts on the transportation system that would push traffic levels over Level of Service C. Here, it's obvious there's been no thought to diverting traffic from the

Warm Springs area. You know darn well this area will be clogged up with construction traffic. Then we get into the additional traffic that is going to be generated from the already approved developments within there, so it goes way above a Level of Service C. If you stand by that the West Bridge is going to reduce the levels by 1,500, then come back in February when you have those facts before us. That's why I'm in opposition to the annexation.

Commissioner Kennedy - I think the issue is annexation and not the conditional use here. Annexation doesn't allow a single piece of construction in this context. I think the process of the City's control and planning supervision of this site begins with annexation and I think annexation is completely appropriate.

MOTION TO APPROVE CAR00-21 CARRIED 6-1 WITH COMMISSIONER TROUNSON VOTING AGAINST.

CUP00-55

COMMISSIONER KENNEDY MOVED TO DENY CUP00-55 WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW TO BE SUBMITTED FOR OUR APPROVAL AT OUR NEXT MEETING.

COMMISSIONER TROUNSON SECONDED THE MOTION.

Commissioner Kennedy - I think the area can and should be developed. The application for a conditional use and planned development that's been put before us tonight is severely flawed. Granted that it is conceptual, I spend a lot of time in that area and these access points don't work and there's nothing proposed here that's going to work any better. Putting in another 228 homes up there, with this kind of access/egress, is a problem. I'm not prepared to even support it at the conceptual level until those access issues are addressed. I'm not sure the Warm Springs traffic issues can or will be addressed, but I'm making this motion specifically based on access and egress to the site for the proposed development. I think we have heard superior approaches that need to be considered. I think that the level of traffic engineering and design work has been considerable. But, for a project of this nature, something else needs to be done.

Commissioner Van Ocker - I know we've made this plea in the past, but with this application it needs to be restated. I don't know how any of us can sit up here and make decisions on traffic situations when we have a report from ACHD that uses language like "appears, it appears that it might work, and it appears that the applicant may be responsible, or go ahead and pick which roadway you want to use." We're not the experts when it comes to ACHD policies. When they are giving us an option to choose a north or south connection, I don't know how we can stand up here and be able to intelligently do that when the experts themselves apparently unable to do that. I think we just absolutely need to demand, from ACHD, a decision. I don't know how we can even proceed or move ahead with an application where we are asked to consider whether or not a 10% grade, which is in my opinion tremendously steep, and decide whether or not one roadway is better than another. In my opinion, ACHD's response is completely inadequate. It's lengthy, but it doesn't give us any clear definition of what we are supposed to be doing. They are putting

so much responsibility on our staff, on Terry Records, to make a decision on which roadways are going to be adequate, that I think we should demand ACHD to do their job.

Commissioner Just - One of the things that struck me as I listened to all the presentations tonight is that the conceptual plan is going to dictate the accesses and is going to virtually make any other possibilities out of the realm of possibility. I don't think there's been nearly enough thought put into how we can improve that access and egress. Once we've committed to doing a particular kind of layout, we're stuck with it and there's nowhere to go from there. I just don't think that this is anywhere near ready. It's far too conceptual even for a conceptual approval. Were I to be voting on this, I certainly would be supporting the motion.

MOTION TO DENY THE CONDITIONAL USE PERMIT CARRIED 6-1 WITH COMMISSIONER HOBSON VOTING AGAINST.

CFH00-15 - Because the conditional use application was denied, the hillside application becomes moot.

Larry Durkin, Fred Meyer representative, addressed the Council in support to Vacate the Right-of-Way and provided aerial photos.

Larry Sales, Ada County Highway District, addressed the Council regarding his information regarding a Park and Ride Lot, indicated he felt it was a City Council decision.

Moved by FORNEY and seconded by MAPP that the Consent to Vacate Right-of-Way Alpine Street, extending west from Orchard Street approximately 1100 feet be granted as requested subject to conditions stated in staff report dated January 3, 2001 with the condition that the developer work with the City, grant the 8 feet in back of the property for pedestrian access and that it would be maintained by Fred Meyer and that Fred Meyer work with the City and Ada County Highway District to either designate spaces for a Park and Ride lot and/or enter into a Transportation Management Agreement for their employees and that the wording be brought back to the Council.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON and TERTELING-PAYNE.

Motion carried.

Council President TERTELING-PAYNE announced that this was the time and place set for a public hearing on CAR00-00021/DA/J. H. Wise and Sons Company request for approval of an annexation of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre), and R8 (Residential 8 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of Sections 18 and 19, T.3N. R.3E, and parts of Sections 13 and 24, T.3N. R.2E, with proposed city zoning designation of R-1A/DA (Single Family Residential with a Development Agreement) and Open Land - "A" (Open Land) and CUP00-00055/J.H. Wise and Sons Company request for conceptual Conditional Use approval for a planned development to construct 228 single family dwelling units on approximately 406 acres of property, generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue, in parts of Sections 18 and 19, T.3N.R.3E, and parts of

Sections 13 and 24, T.3N.R.2E, in a proposed R-1A/DA (Single Family Residential with a Development Agreement) zone.

Bruce Eggleston, Planning and Development Services, presented the staff report.

Bob Unger, J.H. Wise and Sons Company representative; Pat Dobie, 777 Hearthstone Drive, applicant representative; David Bailey, Hubble Engineering, 701 S. Allen Street, Meridian, applicant representative; Steve Bradbury, 225 N. 9th Street, applicant representative and Charles Ford, 3035 E. Red Stone Drive, addressed the Council in support of the annexation and concept plan.

Mike Wardle, 50 Broadway Avenue, Harris Ranch representative, addressed the Council regarding concerns that Harris Ranch is the only project that has any type of a mitigation requirement.

Rocky Bogert, 2105 Warm Springs Avenue, addressed the Council in support of the project and annexation but in opposition of the conceptual plan.

Chuck Blair, 2064 Stone Ridge Way, Warm Springs Mesa Neighborhood Association, addressed the Council with their issues regarding this development.

Brayton Willis, 1918 Stone Ridge Way, addressed the Council regarding Fire Safety concerns.

David Bennion, 2212 Ridge Point Way; B.J. Smith, 2318 Ridge Point Way and Marylou Cunningham, 2119 Ridge Point Way, addressed the Council in opposition of the conceptual plan and access issues.

Brett Labrie, 1943 S. Toluka Way, addressed the Council in support of the conceptual plan, but indicated issues of concern with access.

Jim Hansen, 2010 Coloma Way and Steven Lord, 800 W. State Street, East End Neighborhood Association, addressed the Council in support of the Planning and Zoning Commission decision.

Mayor COLES announced that the public hearing was closed.

Moved by BAKER and seconded by TERTELING-PAYNE that CAR00-00021/DA/J. H. WISE & SONS COMPANY request for approval of an annexation of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre), and R8 (Residential 8 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of Sections 18 and 19, T.3N. R.3E, and parts of Sections 13 and 24, T.3N. R.2E, with proposed city zoning designation of R-1A/DA (Single Family Residential with a Development Agreement) and Open Land - "A" (Open Land) be approved and the Development Agreement be brought back to the Council.

Substitute motion by FORNEY and seconded by MASON that CAR00-00021/DA/J. H. WISE & SONS COMPANY request for approval of an annexation of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre), and R8 (Residential 8 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of Sections 18 and 19, T.3N. R.3E, and parts of Sections 13 and 24, T.3N. R.2E, with proposed city zoning designation of R-1A/DA (Single Family Residential with a Development Agreement) and Open Land - "A" (Open Land) be deferred to January 30, 2001.

Roll call on the substitute motion resulted as follows: YEAS: FORNEY, MASON and TERTELING-PAYNE. NAYS: BAKER and MAPP.

Motion carried.

Moved by FORNEY and seconded by TERTELING-PAYNE that CUP00-00055/J.H. Wise and Sons Company request for conceptual Conditional Use approval for a planned development to construct 228 single family dwelling units on approximately 406 acres of property, generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue, in parts of Sections 18 and 19, T.3N.R.3E, and parts of Sections 13 and 24, T.3N.R.2E, in a proposed R-1A/DA (Single Family Residential with a Development Agreement) zone be deferred to March 13, 2001.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON and TERTELING-PAYNE.

Motion carried.

Councilmember FORNEY requested unanimous consent to direct staff to provide the Council with a written update on the status on Harris Ranch as it relates to the FEMA maps and the commercial that is going forward. What is in question. How all of that can potentially relate to all of this and that it be provided to the Council prior to the Joint Boise City Council/Ada County Highway Commission meeting on March 8, 2001.

Unanimous consent was granted.

There being no further business the meeting adjourned at 11:24 o'clock P.M.

APPROVE:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BOISE, IDAHO
JANUARY 30, 2001

Council met in regular session Tuesday, January 30, 2001, Mayor BRENT COLES, presiding.

Roll call showed the following members present: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Invocation was given by Pastor Corbett Lynn, Collister Community Church.

Moved by MAPP and seconded by TERTELING-PAYNE that the minutes from the January 23, 2001, City Council Meeting be approved.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that it was the time and place set for the reappointment of Monte Stiles to the Boise City Board of Parks and Recreation Commission to fill an expired five-year term to January 30, 2006.

Moved by TERTELING-PAYNE and seconded by WETHERELL that the reappointment of Monte Stiles to the Boise City Board of Parks and Recreation Commission to fill an expired five-year term to January 30, 2006 be approved.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that this was the time and place set for CAR00-00021/DA/J. H. Wise & Sons Company request for approval of an

annexation of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre), and R8 (Residential 8 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of Sections 18 and 19, T.3N. R.3E, and parts of Sections 13 and 24, T.3N. R.2E, with proposed city zoning designation of R-1A/DA (Single Family Residential with a Development Agreement) and Open Land - "A" (Open Land). This application includes a request for a Development Agreement. The annexation is proposed for a planned development to construct 223 single family dwelling units and open space.

Wayne Gibbs, Planning and Development Services, presented the staff report.

Moved by TERTELING-PAYNE and seconded by MAPP that CAR00-00021/DA/J. H. Wise & Sons Company be deferred to March 13, 2001.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON and TERTELING-PAYNE. ABSTAIN: WETHERELL.

Motion carried.

Moved by TERTELING-PAYNE and seconded by WETHERELL that CUP00-00134/Wildwood Development LLC request for Conditional Use approval to construct a 16-lot planned development consisting of 14 duplex townhouse lots and two common lots on 2.06 acres located at 11115 W. Race Street in an R-1C (Single Family Residential) zone be deferred to February 13, 2001.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Councilmember FORNEY requested that the Mayor's Office staff send out a reminder E-mail to City employees reminding them to vote on February 6, 2001.

BOISE, IDAHO
MARCH 13, 2001

Council met in regular session Tuesday, March 13, 2001, Council President TERTELING-PAYNE, presiding.

Roll call showed the following members present: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Invocation was given by Robert Barros-Bailey, Deputy City Clerk.

Moved by FORNEY and seconded by MAPP that the minutes from the March 6, 2001, City Pre-Council Meeting be approved.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Moved by FORNEY and seconded by MAPP that the minutes from the March 6, 2001, City Council Meeting be approved.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Council President TERTELING-PAYNE announced that this was the time and place set for CAR00-00021/DA/J. H. Wise & Sons Company requested approval of an annexation of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre), and R8 (Residential 8 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of

Sections 18 and 19, T.3N. R.3E, and parts of Sections 13 and 24, T.3N. R.2E, with proposed city zoning designation of R-1A/DA (Single Family Residential with a Development Agreement) and Open Land - "A" (Open Land) and CUP00-00055/J.H. Wise and Sons Company request for conceptual Conditional Use approval for a planned development to construct 228 single family dwelling units on approximately 406 acres of property, generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue, in parts of Sections 18 and 19, T.3N.R.3E, and parts of Sections 13 and 24, T.3N.R.2E, in a proposed R-1A/DA (Single Family Residential with a Development Agreement) zone.

Bruce Eggelston, Planning and Development Services, presented the staff report.

Mayor COLES arrived at 7:45 P.M.

Moved by BAKER and seconded by MASON that CAR00-00021/DA/J. H. Wise & Sons Company request for approval of an annexation of approximately 406 acres of property, currently zoned in the county as RP (Rural Preservation), M1 (Manufacturing), R4 (Residential 4 units per acre), and R8 (Residential 8 units per acre), generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of Sections 18 and 19, T.3N. R.3E, and parts of Sections 13 and 24, T.3N. R.2E, with proposed city zoning designation of R-1A/DA (Single Family Residential with a Development Agreement) and Open Land - "A" (Open Land) be approved as "A" (Open Land) only.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON and TERTELING-PAYNE. ABSTAIN: WETHERELL.

Motion carried.

Moved by BAKER and seconded by TERTELING-PAYNE that CUP00-00055/J.H. Wise and Sons Company appeal of denial of request for conceptual Conditional Use approval for a planned development to construct 228 single family dwelling units on approximately 406 acres of property, generally located in the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue, in parts of Sections 18 and 19, T.3N.R.3E, and parts of Sections 13 and 24, T.3N.R.2E, in a proposed R-1A/DA (Single Family Residential with a Development Agreement) zone be denied and uphold the Findings of Fact

and Conclusions of Law of the Planning and Zoning Commission and that staff reiterate those Findings of Fact and Conclusions of Law to be brought back to the Council on March 20, 2001.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON and TERTELING-PAYNE. ABSTAIN: WETHERELL.

Motion carried.

Moved by TERTELING-PAYNE and seconded by WETHERELL that the Boise City Checks No. 064100 thru 064575 in the total amount of $1,218,624.88 as of March 7, 2001 be approved.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Request for Approval of Phase II Changes, RFP 00-006: Library Building Consultation Services was before Mayor and Council as enumerated in staff report dated February 28, 2001.

RECOMMENDATION: The Purchasing Division concurs with the Library Board of Trustees in recommending that Approval of Phase II Changes, RFP 00-006: Library Building Consultation Services be revised to focus on branch library development and that the consultant relationship with Providence Associates continue as described in the revised proposal, awarding and authorizing payment to Providence Associates, in an amount not to exceed $95,209 for revised Phase II services.

Moved by TERTELING-PAYNE and seconded by WETHERELL that the recommendations be followed and the bid revised to focus on branch library development and that the consultant relationship with Providence Associates continue as described in the revised proposal, awarding and authorizing payment to Providence Associates, in an amount not to exceed $95,209 for revised Phase II services, subject to compliance with insurance requirements.

Roll call on the motion resulted as follows: YEAS: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

BOISE, IDAHO
MARCH 20, 2001

Council met in regular session Tuesday, March 20, 2001, Mayor BRENT COLES, presiding.

Roll call showed the following members present: FORNEY, MASON, TERTELING-PAYNE and WETHERELL. Absent: BAKER and MAPP.

Invocation was given by Associate Pastor Randy Rodes, Vineyard Christian Fellowship.

Moved by TERTELING-PAYNE and seconded by WETHERELL that the minutes from the March 13, 2001, City Council Meeting be approved.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that it was the time and place set for the reappointment of Joy Buersmeyer to the Boise City Community Development Block Grant Advisory Committee to fill an expired three-year term to January 31, 2004.

Moved by TERTELING-PAYNE and seconded by WETHERELL that the reappointment of Joy Buersmeyer to the Boise City Community Development Block Grant Advisory Committee to fill an expired three-year term to January 31, 2004 be approved.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that it was the time and place set for the appointment of Joseph Jordan to the Boise City Board of Park and

Recreation Commission to fill an expired five-year term to December 1, 2005.

Moved by TERTELING-PAYNE and seconded by WETHERELL that the appointment of Joseph Jordan to the Boise City Board of Park and Recreation Commission to fill an expired five-year term to December 1, 2005 be approved.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that this was the time and place set for Findings of Fact and Conclusions of Law regarding CFH00-00008/Appeal/Phillip Mann.

Moved by TERTELING-PAYNE and seconded by FORNEY that Findings of Fact and Conclusions of Law regarding CFH00-00008/Appeal/Phillip Mann be approved.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that this was the time and place set for Findings of Fact and Conclusions of Law regarding CUP00-00055/J.H. Wise and Sons Company.

Moved by FORNEY and seconded by TERTELING-PAYNE that CAR00-00021/Annexation/J.H. Wise and Sons Company be reconsidered.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON and TERTELING-PAYNE. ABSTAIN: WETHERELL.

Motion carried.

Moved by FORNEY and seconded by TERTELING-PAYNE that CAR00-00021/Annexation/J.H. Wise and Sons Company reconsideration be deferred to June 12, 2001.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON and TERTELING-PAYNE. ABSTAIN: WETHERELL.

Motion carried.

Moved by FORNEY and seconded by TERTELING-PAYNE that CUP00-00055/Appeal/J.H. Wise and Sons Company be reconsidered.

Roll call on the motion resulted as follows: YEAS: FORNEY and TERTELING-PAYNE. NAYS: MASON. ABSTAIN: WETHERELL.

Motion carried.

Moved by FORNEY and seconded by TERTELING-PAYNE that CUP00-00055/Appeal/J.H. Wise and Sons Company reconsideration be deferred to June 12, 2001.

Roll call on the motion resulted as follows: YEAS: FORNEY, MASON and TERTELING-PAYNE. ABSTAIN: WETHERELL.

Motion carried.

Councilmember FORNEY requested unanimous consent that a workshop be scheduled to discuss Foothills issues prior to June 12, 2001.

Unanimous consent was granted.

Moved by TERTELING-PAYNE and seconded by FORNEY that the Boise City Checks No. 064576 thru 065071 in the total amount of $3,956,263.82 as of March 14, 2001 be approved.

January 23, 2001

Memorandum

To: Mayor Brent Coles and Members of the City Council

From: Bruce Eggleston, A.I.C.P., Planner II

Subject: Proposed Annexation and Development Agreement for Boulder Heights Estates, CAR00-00021/DA

The packet contains the following items:

1) the staff report and proposed development agreement for the annexation CAR00-00021/DA;
2) a letter from Mr. Larry Sale, ACHD, dated January 17, 2001, concerning the collector road proposals for Boulder Heights Estates;
3) a letter and map sent to applicant, dated January 23, 2001;
4) a status report on the Harris Ranch planned development.

1) The annexation and development agreement are as recommended by the Planning and Zoning Commission for approval on October 16, 2000. It is the same document considered at the January 9, 2001 hearing on this proposed annexation.

The applicant, Mr. Homer J. Wise, has verbally agreed, in form, to this development agreement. He is awaiting the outcome of the annexation hearing and the appeal of the accompanying conditional use appeal prior to signing a final agreement.

The development agreement is very closely designed around the specific site plan submitted by the applicant in the conditional use permit application, CUP00-00055, with a few city-proposed changes to that plan. The proposed changes would reduce the maximum number of dwelling units from 228 to 223, and require a redesign of the northernmost part of the layout to accommodate the trail system and open space.

Changes to the conditional use/planned development design would necessitate changes to the proposed development agreement, particularly to the number of allowed dwelling units and the number of acres in the R-1A/DA and A-Open/DA zones. Therefore, staff recommends that the final reading of the annexation/development agreement ordinance be deferred until the conceptual design of the subdivision is acceptable to the city.

2) The letter from Mr. Sale is submitted to clarify some points made in the January 9, 2001 hearing on the subject annexation and conditional use transportation issues.

3) A letter and map sent to the applicant January 23, 2001 proposing an alternate to the proposed rezone boundaries.

4) The Harris Ranch planned development update was requested by the Council at the January 9, 2001 hearing on the subject annexation and conditional use appeal.

4/5/6

March 7, 2001

Memorandum

To: Mayor Brent Coles and Members of the City Council

From: Bruce Eggleston, A.I.C.P., Planner II, Planning and Development Services Department B.P.S.

Subject: **Boulder Heights Estates Annexation and Conditional Use Denial Appeal Update for the March 13, 2001 Hearing**

The applicant for CAR00-00021/DA and the appeal of the denial of CUP00-00055, J. H. Wise and Sons Company, has scheduled a hearing with the Ada County Highway District (ACHD) for later today to consider a revised road configuration for their proposed planned development. The results of that hearing will be forwarded to you later, as this must go in your packet now.

The applicant has submitted a request to the ACHD Board to reconsider the original alignment for the eastern road, known as Trent Point Way, with the addition of a new "landscape and buffering plan." The ACHD staff recommends the "construction of Trent Point Way as proposed to help reduce the amount of traffic on Ridge Point Way, a local street."

This proposed road would connect to the existing Starview Avenue, which is not in compliance with current ACHD design standards. The applicant proposes to reconstruct Starview Avenue to ACHD standards, or as close as they can come, given the steep slope the road traverses. The ACHD engineer rejected that proposal outright based on lack of funds and a good safety record for the existing road. Their staff recommends that the "applicant may rebuild this roadway at their discretion."

A plan is enclosed in the applicant's submittal that shows a new alignment for the intersection of Starview Drive, Warm Springs Avenue and East Parkcenter Bridge Roads. The ACHD staff recommends the "reconstruction of Starview Drive/Warm Springs Avenue intersection in conjunction with the East Parkcenter Bridge." They recommend that the cost of these improvements is shared between J. H. Wise and Sons, Harris Ranch and ACHD.

The Highway District also circulated a questionnaire to the residents of Warm Springs Mesa that generally asked their preferences for traffic circulation from the proposed planned development. Would they prefer the proposed roads to having more traffic on the existing roads. We do not have the results of that survey as yet. It will be forwarded to Council after today's ACHD Board hearing.

There have been no changes to the annexation application, CAR00-00021/DA, and the proposed development agreement. They are proposed exactly as recommended by the Boise Planning and Zoning Commission.

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We have attached the applicant's request to ACHD, the ACHD staff report on that request, and six letters from residents of Warm Springs Mesa concerning the above. The results of today's hearing will be forwarded to you as soon as it is available.

BOISE CITY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

Staff Report: Annexation and Development Agreement
Boulder Heights Estates
File Number: CAR00-00021/DA
and
Appeal of the Denial of Conditional Use CAR00-00055

City Council Hearing Date: January 9, 2001

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- Staff Report from Planning & Zoning Commission Hearing CAR00-00021/DA,
- Development Agreement with Support Material,
- Final Findings of Fact and Conclusions of Law for CUP00-00055 of November 6, 2000
- Staff Report from Planning & Zoning Commission Hearing CUP00-00055
- Minutes from the Oct. 16, 2000 Planning & Zoning Commission Hearing CUP00-00055 and CAR00-00021/DA
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- Letters of testimony

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Boise City Planning and Development Services Department
Planning Division

EXECUTIVE SUMMARY

Proofed by _____ **On** _____

PLANNING ANALYST:
Bruce Eggleston, A.I.C.P. Planner II

DESCRIPTION OF APPLICANT'S REQUEST:
The applicants seek annexation with a development agreement to construct a planned development with 228 dwelling units and 250 acres of open space. The project is proposed for approximately 406 acres on Warm Springs Mesa. The site is located in the Foothills East Planning Area and falls under the *Foothills Policy Plan.*

There are two applications associated with this annexation and development agreement application: a conceptual conditional use for a planned development, number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit (Hillside), number CFH00-00015.

PRIOR ACTION:
This is the first application to the City.

There have been many rezones and subdivisions approved by Ada County that have resulted in the Warm Springs Mesa I through XIII-b and Boulder Heights I, II and III Subdivisions.

On October 16, 2000, the Planning and Zoning Commission recommended approval of the proposed annexation and attached development agreement. They also recommended denial for the proposed conceptual conditional use permit, CUP00-00055. The conceptual Hillside application became a moot point with the denial of the conditional use.

On November 28, 2000, the City Council rescheduled the hearing for the annexation to January 9, 2001, so it could be heard with the accompanying appeal of the denial of conditional use, CUP00-00055.

PLANNING AND ZONING COMMISSION RECOMMENDATION:
Approval for annexation CAR00-00021/DA, conditioned upon the approval of the development agreement.

Denial for conditional use/planned development CUP00-00055.

II. SUMMARY ANALYSIS:

The Commission approved the recommendation for the annexation/DA and denied the conditional use/planned development.

The annexation was found to be in compliance with the *Boise Comprehensive Plan* and approved on that basis.

The denial of the conditional use was based upon the following:

1. the lack of traffic capacity on Warm Springs Avenue,
2. the fundamental layout of the collector road system was found to be inadequate to service the proposal.
3. the potential for geologic hazards, and,
4. the timing for the construction of the fire station at Harris Ranch.

4/5/6

III. ANALYSIS

The A&S Commission recommended approval of the annexation and development agreement as submitted in the staff Report

Annexation/Development Agreement

~~The annexation and development agreement was approved as submitted in the staff report~~ to include all of the 406 acre site. The applicant's representative testified that they were satisfied with the agreement as approved in the annexation recommendation.

The development agreement ~~recommends~~ proposes R-1A zoning for the developed areas, approximately 156 acres, and Open Land - A zoning for the open lands, approximately 250 acres. It sets a limit of 223 to 228 dwelling units, depending on the final layout of the planned development permit. The first phase of development is limited to 55 dwelling units until the transportation improvements proposed by the Harris Ranch agreement are made, and the traffic capacity of Warm Springs Avenue is evaluated and proven adequate for additional capacity. The traffic system capacity and the potential for geologic hazards will be the primary limitations on the number of units that might be approved for the project. The development agreement designates the open lands exclusively for permanent open and recreation use, and the developed areas for low density single family residential use. The development agreement excludes the subject property from any further subdivisions, except through the conditional use and subdivision ordinances. It requires the open lands to be dedicated to permanent open space use that may include public parks and trails. It establishes that Boise Board of Park and Recreation Commission has proposed to acquire a majority of the open land for inclusion into the City park system. It also requires the provision of municipal sewer, water and fire protection.

Zoned by Ada Co.

Zoned by Ada Co

Because the applications are for a conceptual conditional use, some issues are not clear and will have to be determined at the final conditional use permit analysis, the final Hillside and Foothills Development permit analysis, and preliminary plat review levels. The outstanding issues could potentially limit the number of approved dwelling units, or prevent the development of parts of the proposal. These issues are the potential for geological hazards, lack of traffic capacity on Warm Springs Avenue, and the lack of availability of fire protection. The geological hazards issue will require a detailed geo-technical analysis to prove that the site is stable and safe enough to build the proposed neighborhood. The scheduled completion of an off-site fire station at the Harris Ranch development would solve the fire safety issue. Off-site transportation improvements, slated for construction in conjunction with the Harris Ranch development, would presumably solve the traffic capacity issue.

There is a possibility of granting annexation and zoning for land that may ~~not be able to~~ develop for many years, if the Harris Ranch infrastructure improvements are not completed. If the Harris Ranch bridge and road building project are not completed as planned, then there will not be enough traffic capacity for the buildout of this proposal. Some of the land might be found unsuitable for development, due to geological hazards. The policies of the *Foothills Policy Plan,* and *Interim Foothills Transportation Plan* recommend against annexation and zoning for proposals that would result in impacts on the transportation system that would push traffic volume over Level of Service C on Warm Springs Avenue.

be restricted for most

The development agreement should serve as the means to insure that the proposed development phases are approved if, and only if, these outstanding issues are resolved in a timely manner.

Conditional Use CUP00-00055

There remain questions about the traffic capacity, the collector design for this site, the potential geologic hazards, and the availability of fire coverage. The denial of the conditional use was based upon the following:

1. **The lack of traffic capacity on Warm Springs Avenue:**

The *Foothills Policy Plan* and the *Interim Foothills Transportation Plan* prohibit approval of rezones that would result in traffic levels higher than the LOS C. (See staff reports CAR00-00021/DA and CUP00-00055 for the citations.) The applicant is asking for development that would eventually put 1,600 Vehicle Trips per Day (VTD) on Warm Springs Avenue of the 2,300 VTDs projected for the proposal. The remainder would utilize the East Parkcenter Bridge or Highway 21. Most of the VTDs in the first phases of Boulder Heights would utilize Warm Springs, thus putting it over LOS C. According to ACHD projections, Warm Springs will be far under the LOS C threshold after the East Parkcenter and West Parkcenter bridge constructions. Until that time this development would put Warm Springs over LOS C.

> "A Level of Service (LOS) C threshold of 14,175 vehicle trips per day has been established for Warm Springs Avenue, measured at the ITD permanent counter east of Walnut Street. The most recent 12-month count indicates 14,103 AAWDT travel Warm Springs Avenue now." (ACHD staff report August 23, 2000)

The proposed Boulder Heights development agreement requires a traffic study to be done after the bridges are built and other traffic calming improvements are done to determine what the actual VTDs are on Warm Springs Avenue. This will in turn determine the upper limit of dwelling units that may be approved for the subject property. If the traffic capacity is not there, this proposal may not be allowed the full 228 units proposed.

The city must consider the degree to which it is willing to let the traffic threshold exceed LOS C prior to the completion of the roads and bridges slated for Harris Ranch.

2. **T1he fundamental layout of the collector road system was found to be inadequate to service the proposal.**

A baseline premise for development in this area is the effort to move traffic away from Warm Springs Avenue onto other routes to the east with the purpose of keeping Warm Springs Avenue under the LOS C threshold of 14,175 VTDs. It is at that threshold now, so any development taking access there will push it over the threshold.

including Harris Ranch!

The problem with the Boulder Heights Estates proposal is that it does little to discourage traffic from going west on Warm Springs Avenue. This was a major reason that the Planning and Zoning Commission denied the CUP. The two existing collectors and the third proposed collector, E. Windsong Drive, all invite traffic to go west down Warm Springs. There are no off-site road improvements proposed for the development that would result in moving traffic east from the Mesa. Ada County Highway District has completed a traffic management study for Warm Springs Avenue. The District will select traffic management alternatives after both Parkcenter bridges are completed and the traffic patterns are re-established. (ACHD staff report, p. 3)

The applicant's traffic study shows that only23% of the new Boulder Heights traffic, 424 of 1,824 VTDs, will go down Warm Springs Avenue. This is predicated upon the presumption that 1,400 of the new VDTs will egress from Starview Drive on the east and all go to either the East Parkcenter Bridge or Highway 21.

> "...On September 27, 2000, the (ACHD) Commission reconsidered the action of August 23 and adopted the following proposed Site Specific Requirements to be imposed if the requested zone change and conditional use permit are approved and a specific development application is submitted:
>
> ...
>
> 5. Construct and dedicate a new eastern route, connecting the development with Warm Springs Avenue. **The applicant is instructed to attempt to find a route other than the one proposed by this application in the form of Trent Point Way.** (Emphasis by editor) The new street shall be designed and constructed as a residential collector ...The applicant will not be reimbursed for the construction of Trent Point Way. (SEE NOTE, 2 AT THE END OF THIS LIST)"
>
> NOTE 2:
> The ACHD Commission did not specifically approve the location and alignment of the proposed Trent Point Way behind the lots that front on Ridge Point Way, but instructed the applicant to find another location for an eastern outlet for the development. This condition was apparently based on the impact of the new road on those homes fronting on Ridge Point Way from which the residents would have to look down on the proposed new Trent Point Way. A connection to Warm Springs Avenue east of the Warm Springs Mesa/Boulder Heights development is necessary to minimize the amount of traffic generated by this development on Warm Springs Avenue to the west.

After discussing the questions of the Planning and Zoning Commission with you this morning, I gather there was also concern about adding traffic to Star View Drive because it does not meet current District standards. There are many roads and streets in Ada County that do not meet current design standards, but to which new traffic is being added by growth every day. Starview Drive's problems are probably more apparent than others and may be more related to safety than others. It is my hope that the lower portion of Starview Drive will ultimately be reconstructed by the combined efforts of Boulder Heights, Harris Ranch, and the District. In order to rectify the grade problem, the lower part of Star View Drive and the intersection of it with Warm Springs Avenue will have to

be raised several feet. This will be an expensive remedy, but will also aid the creation of a Warm Springs Avenue/Parkcenter Boulevard connection that will discourage traffic from using Warm Springs Avenue instead of Parkcenter Boulevard. (Letter from Larry Sale, ACHD November 21, 2000)

In short, the applicant must come up with another design for the collector on the east of the mesa or the eastern half of the proposal may not be constructed.

In addition, the Planning and Zoning Commission refused to allow more traffic on the existing eastern collector, Starview Drive. Starview Drive was considered to be substandard, and they did not want to add more traffic to a potentially hazardous road. There is a conceptual plan at ACHD to renovate the intersection of Starview Drive with Warm Springs Av. as part of the East Parkcenter Bridge improvements. This proposed renovation of the intersection may provide the opportunity to bring Starview Drive up to current standards.

It is not known if the traffic from the Harris Ranch development and other approved projects will eventually overwhelm Warm Springs Avenue, in spite of the costly and elaborate road system improvements proposed and under construction. The traffic studies for this proposal, and for all of the approved projects, show an eventual decrease in traffic on Warm Springs Avenue when all of the projects are constructed. Both the ACHD Board and the Planning and Zoning Commission stipulated that the final build-out number of units in the PUD will depend on the outcome of the post-road improvements study.

The City has several options to address the transportation issues:

a. **Modify the Development Agreement to rezone to R-1A only the buildable area that can be served by the western collector. There are approximately 156 acres proposed for buildable area and R-1A zoning. Halve that and only rezone 78 acres on the west side to R-1A. Condition the rezone of the remainder of the buildable area when the applicant secures an approved design from ACHD for the eastern collector and improvements to Starview Drive.**
b. **Modify the Development Agreement to rezone none of the land to R-1A until the solution is found for the eastern collector.**
c. **Deny the annexation until a viable solution can be found for all of the above.**
d. **Approve the annexation and development agreement as recommended by the Planning and Zoning Commission and address these issues in the final approval for the Conditional Use permit and Hillside and Foothills Area Development (Hillside) permit. Those conditions of approval would be a) find a better alignment for the propose South Trent Point Way, and b) improve Starview Drive from its intersection with South Trent Point Way to the intersection with Warm Springs Avenue.**

3. **The potential for geologic hazards:**

The Warm Springs Mesa is a landslide in repose. It was probably set sliding by the seismic fault located at its top edge. There are very large boulders strewn uphill from the

proposed development and the existing homes. There are known soil problems. all of these things pose some degree of potential geologic hazard. The initial report submitted in the conceptual Hillside application did not answer all of the questions posed by these potential hazards. The conceptual application process is not meant to be conclusive in these matters, but it should provide a reasonable risk assessment for the concerns. The findings and conclusions of law from the Planning and Zoning Commission denial stated that proof must be given for the geotechnical issues prior to granting the conceptual conditional use permit.

The Development Agreement already limits the number and location of units based on the geotechnical report evaluation of the soils, geology and hydrology to be provided in the final Hillside permit application.

The Conditions of Approval for the denied CUP00-00055 included the following:

PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL

41. Before any future phases are granted detailed hillside approval, a slope stability analysis shall be done. The analysis must indicate that the major landslide mass underlying the proposed development and the existing Boulder Heights and Warm Springs Mesa subdivisions is stable and has an acceptable factor of safety.

42. Final geotechnical reports shall:

a. Evaluate the effect of the perched water table on the development.
b. Evaluate the effect of the expansive soil and make recommendations for building structures on it.
c. Be based on test pit data that is representative of the entire site.
d. Include maps that indicate the locations of the test pits that are referenced in the report.

43. A rock fall analysis shall be provided. The analysis must indicate that all building lots are safe from the hazards posed by the large sandstone blocks above the development. If significant hazards are identified, then mitigative measures must be recommended.

44. All detention ponds shall be lined with an impermeable material to prevent infiltration of water into the landslide.

45. Runoff from all streets, roofs, and driveways must be routed to the lined retention ponds.

These conditions of approval were to be met as part of the final conditional use permit application. Staff made these recommendations with the confidence that they, in conjunction with the requirements of the Development Agreement and final Hillside permit, would provide sufficient protection of the health and safety of the residents of the area.

The City has several options to address the geologic hazards issues of annexation and the conditional use permit:

e. **Modify the Development Agreement to include the above conditions from the conceptual conditional use permit conditions of approval as requirements of approval of the Development Agreement and rezone.**

f. **Leave the Development Agreement as is and make the above conditions of approval, numbers 41 through 45, requirements for approval of the conceptual conditional use permit.**

g. **Leave the Development Agreement and the conceptual conditional use permit as is.**

para 4 appears as a continuation of e-f.

4. **The timing for the construction of the fire station at Harris Ranch.** e-g are action statements. Item

The issue of the fire protection is more about the timing of the completion of the Harris Ranch Fire Station, not one of lack of fire coverage for the area. It seems that the assumed time that this Boulder Heights project might begin construction would coincide with the slated construction of the Harris Ranch Fire Station. This is clarified by chief Ross in the following memos that discuss the proposed denial findings and conclusions of law for Boulder Heights.

Chief Ross states in his memo of November 1, 2000, that "fire protection will come from Boise Fire Station #1 and Whitney Fire Station #2 (which is now Boise Station #22)" until the Harris Ranch Fire Station is built and staffed. (Complete text of the memos is in Appendix B of this report.)

~~The~~ Fire services are not available, but are slated for development at Harris Ranch. The development will be required to have that protection prior to any plat approval. There are some design questions on the lot layout that can be addressed prior to final conditional use approval.

The fire protection requirements in the Development Agreement and the conditions of approval in the conceptual conditional use permit should be sufficient to meet the standards and codes.

Major service and infrastructure costs and contingencies are not in the hands of the applicant to provide. They depend on the Harris Ranch development and ACHD to provide the road system improvements. The feasibility of this proposal depends on those things happening.

The Development Agreement is written to give assurances that services will be in place prior to final plat approval. If the services don't materialize, approval would not be given. There is a provision in the Development Agreement that allows the city to de-annex or downzone the property should the transportation and fire facilities not be built.

BOISE CITY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

Staff Report: Annexation and Development Agreement
Boulder Heights Estates
File Number: CAR00-00021/DA
Commission Hearing Date: October 16, 2000

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- Site Plan
- Applicant's Support Material
- Development Agreement with Support Material
- Comments from other Agencies
- Legal Description

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Boise City Planning and Development Services Department
Planning Division

EXECUTIVE SUMMARY

Proofed by _____ **On** _____

PLANNING ANALYST: **Bruce Eggleston, A.I.C.P.**

DESCRIPTION OF APPLICANT'S REQUEST: The applicants seek annexation with a development agreement to construct a Planned Development 228 dwelling units with open space. The project is proposed for approximately 406 acres on the Warm Springs Mesa. The site is located in the Foothills East Planning Area and falls under the *Foothills Policy Plan.* This proposal includes approximately 250 acres of dedicated open space parcels resulting from the *Foothills Policy Plan,* Goal 1 Objective 2 Policies 2-4 that allows for density bonuses in exchange for open space. There are two applications associated with this Annexation and Development Agreement application: a conceptual conditional use for a planned development, number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit, number CFH00-00015.

PRIOR ACTION: This is the first application to the City. This proposal represents the build-out master plan for the residential development on Warm Springs Mesa, begun in 1958 by the Late Mr. Paul Wise. There have been many rezones and subdivisions approved by the County through the years that have resulted in the Boulder Heights I, II and II subdivisions.

STAFF'S RECOMMENDATION: Approval conditioned upon the approval of the development agreement, the conceptual conditional use and the conceptual Hillside and Foothills Area Development permit.

SUMMARY ANALYSIS: There is the potential for a subdivision in compliance with City codes and the Comprehensive Plan, but it is yet to be proven beyond a reasonable doubt with this conceptual application. Because the applications are for a conceptual conditional use, some issues are not clear and will have to be determined at the final conditional use permit analysis, the final Hillside and Foothills Development permit analysis, and preliminary plat review levels. The outstanding issues could potentially limit the number of approved dwelling units, or prevent the development of parts of the proposal. These issues are the potential for geological hazards, lack of traffic capacity on Warm Springs Avenue, and the lack of availability of fire protection. The geological hazards issue will require a detailed geo-technical analysis to prove that the site is stable and safe enough to build the proposed neighborhood. The scheduled completion of an off-site fire station at the Harris Ranch development would solve the fire safety issue. Off-site transportation improvements, slated for construction in conjunction with the Harris Ranch development, would presumably solve the traffic capacity issue.

There is a possibility of granting annexation and zoning for land that may not be able to develop for many years, if the Harris Ranch infrastructure improvements are not completed. All of the land might not be found suitable for development, due to geological hazards. The policies of the *Foothills Policy Plan*, and *Interim Foothills Transportation Plan* recommend against annexation and zoning for proposals that would result in impacts on the transportation system that would push traffic volume over Level of Service C.

The applicant has made a reasonable attempt to design a cluster subdivision with open space in the conceptual plan, but there is room for improvement. The *Foothills Policy Plan* directs designers to cluster developments to avoid environmentally sensitive areas in Goal 1 Objective 1 Policy 3, and a greater effort could be made on that issue. The proposal is close to complying with the density bonus formula policy in the Plan, but there needs to be a redesign to make the formula balance.

The development agreement should serve as the means to insure that the proposed development phases are approved if, and only if, these outstanding issues are resolved in a timely manner.

II. Facts and Circumstances

Notifications: Newspaper notification published on June 3, 2000, but the hearing date was set back to October 9. It was published September 28, 2000 in the Idaho Statesman. Radius notices mailed to properties within 300 feet on September 28, 2000.

Applicant/Status: J. H. Wise and Sons

Representative: Mr. Homer Wise and Mr. Bob Unger of Hubble Engineering

Location of Property: Approximately 406 acres of property located at the area known as Warm Springs Mesa and surrounding lands north of Warm Springs Avenue in parts of Sections 18 and 19 in T.3N. R.3E. and Section 24 T. 3N. R. 2E. Boise Meridian.

Parcel Numbers: See Attached list from Pinnacle Engineers, Inc.

Size of Property: 406 Acres +/-

Present Zoning: The property is approximately 406 acres in area. The present Ada County zoning is approximately 326.5 acres in RP, approximately 40 acres in R8, approximately 33.7 acres M1, and approximately 5.8 acres in R4 (Rural Preservation, Residential 8 units per acre, Manufacturing 1, and Residential 4 units per acre, respectively).

Description of Applicant's Request: The applicants seek annexation with a development agreement to construct a Planned Development 228 dwelling units with open space. They also applied for a rezone from Ada County RP, R8, R4 and M1 to R-1-A in the City. Development would occur in eleven phases. The site is located in the Foothills East Planning Area and falls under the *Foothills Policy Plan*. This project includes approximately 250 acres of dedicated open space, resulting from the *Foothills Policy Plan,* Goal 1 Objective 2 Policies 2-4 that allows for density bonuses in exchange for open space. There are two applications associated with this Annexation and Development Agreement application: a conceptual conditional use for a planned development number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit, number CFH00-00015.

Applicant's Statement/Justification: See attached letter of justification, to the Boise City Council and Boise City Planning and Zoning Commission dated April 20, 2000.

Land Use

Existing Land Use: Open space around the previous subdivisions.

Description & Character of Surrounding Area: The property is on Warm Springs Mesa, which is an ancient landslide that fell into, and was subsequently eroded back by, the Boise River. The character of the area is largely that of open space surrounding the Boulder Heights subdivisions. The ecological regime is mostly desert shrub/scrub with both small mammal and ungulate species and habitat.

Adjacent Land Uses & Zoning:

North - Open space, Table Rock Mesa: Ada RP zone, Boise Open Land - A zone

South - Residential, the Boise River, Warm Springs Avenue, Barber Road: Ada RP and RR zones;

East - Open space, the Harris Ranch development: Ada RP zone;

West - Open space limited residential, Warm Springs Golf Course: Ada RP and M1 zones

History of Previous Actions: This is the first application for annexation to the City. This proposal represents the build-out master plan for the residential development on Warm Springs Mesa that began in 1958, by the late, Mr. Paul Wise. There have been many rezones and subdivisions approved by the County through the years that have resulted in the Boulder Heights

I, II and II subdivisions.

Special Hazards: The immediate known hazard lies in the potential for wildfire across the Boise Front. There may be some potential for landslides and/or rock fall on or around the site. A large boulder field defines the edge of Table Rock above this proposal. The entire Boise Front faces the risk of seismic damage. The site is known to be near a specific seismic fault that parallels the toe of the Foothills, according to a study titled *The Evaluation of Geologic Processes in the Boise Foothills that May Be Hazardous to Urban Development: A Report Prepared for the Ada Council of Governments, May 1973*, by Kenneth M. Holenbaugh, Ph.D. The site is entirely upon the ancient landslide known as Warm Springs Mesa. Mr. Holenbaugh's study gives the following recommendation, "A thorough investigation should be made of the change in stability of the sediments, based on increased water content, before extensive development takes place." (p. 38)

Not enough is known about the potential for hazards without the detailed soils and geo-tech studies requested by the geo-tech evaluating firm, Kleinfelder. The applicant submitted a geo-tech report, but the information was insufficient to enable a definitive statement about the potential geologic hazards. The application in question, CFH00-00015, is a conceptual Hillside permit, which does not bear the full burden of proof at this stage of analysis. The Kleinfelder review of the "Soil, Geology, and Hydrology Investigation Report," and the Boise Public Works department analyst report each indicate the need for more and conclusive studies on slope stability, expansive soils and rock fall potential.

III. Zoning Ordinance

Reclassification of zoning districts must comply with Boise City Code, **Section 11-6-1.3** as follows:

> *a. Comply with and conform to the Comprehensive Plan and the Foothills Policy Plan.*

The proposal does comply with the general land use and locational policies of the Plans. It also recommends many policies that would limit the scale of development on the site. Even though the *Foothills Policy Plan* recommends for the Eastern Foothills:

Goal 1 Objective 2 Policy 5) Foothills developments shall be reviewed with the following priority considerations depending upon location:

c. The Eastern Foothills (east of 8th Street) shall be the highest priority area for open space acquisition. Where clustered developments are proposed, the Idaho Department of Fish and Game shall be asked to provide advice regarding the most desirable locations to maintain open wildlife corridors which comply with the Idaho Department of Fish and Game management plans.

The plan also specifies this site for a specific collector road and designates the area as buildable land. The *Interim Foothills Transportation Plan* also designates a collector for the Mesa. At the same time the Wildlife Habitat Areas map, Figure 2-1, shows the eastern portion of the project to be in the wildlife habitat.

The *Foothills Policy Plan* recommends that development may occur in this area in Goal 1, if the following policies can be met:

"GOAL One

To share growth throughout the community and to reduce the impacts of urban sprawl, controlled development of appropriate Foothills areas shall be allowed pursuant to standards and conditions that are protective of the Foothills, wildlife and neighborhoods.

The same goal goes on to recommend specific limitations that apply to this site, particularly concerning, "landslides and fault zones, steep slopes, and unstable soils, and shall protect wildlife and habitat areas."

Objective 1

The location of development will avoid environmentally sensitive areas such as waterbodies, floodways, landslides and fault zones, steep slopes, and unstable soils, and shall protect wildlife and habitat areas. Development shall be regulated in the flood plain.

POLICIES

1) Development shall be prohibited on slopes of 25% grade or greater, and within designated floodways. Necessary infrastructure and utilities may be placed within these areas subject to proper engineering and compliance with other policies of this plan.

2) Development within areas of landslides, fault zones, and unstable soils shall be prohibited, unless the Project Engineer can demonstrate to the City Engineer that these site limitations can be overcome. The intent is to prevent hazards to life and property, and lessen the adverse effects of development on the safety, use or stability of public ways and drainage channels. The risk evaluation will be based on engineering reports that will be subject to peer review.

3) Environmental and wildlife features, such as wetlands, threatened plant species, riparian areas, big game winter range, and sensitive wildlife habitats shall be maintained through clustering of development away from those features, and development limitations.

Objective 2

The Land Use Map for the Foothills adopted with this plan shall be considered a generalized depiction of potentially buildable areas. Further determination of the amount, type and location of development shall be made pursuant to the following policies and other applicable policies contained in the Foothills Policy Plan and the Boise City Comprehensive Plan documents.

It is clear that this site was intended for development if it can meet the other policies of the plan.

This site also presents an opportunity for recreational development, as the applicant has shown plans to convey ownership of the open land to the Boise Parks and Recreation Department. In

this aspect the proposal complies with Chapter 4, Recreation and Open Space Preservation, policies:

GOAL FOUR

To preserve and enhance recreation and open space features in the Foothills.

Objective 1

A network of parks, common open spaces and continuous recreational trail systems for public use will be planned and developed within the Foothills. The trail system will connect lowland neighborhoods and public parks with Foothill neighborhoods, public parks and public lands.

Policies

1) Common open space shall be included in Foothills developments.

2) Ownership, use and maintenance responsibilities for each type of common open space area must be addressed at the time of development application. The City may accept dedication of the open space area to the public at large and manage the same.

3) Developers shall comply with the Ada County Ridge-To-Rivers Pathway Plan by designating and preserving planned trail and common open space areas for public acquisition or dedication in exchange for density transfers, land exchanges or cluster development. All trailheads should be provided with public parking and buffered from the surrounding uses. Access for the handicapped shall be incorporated into the designs for trail heads and parking areas. No loss of allowable density shall occur where property is transferred to public ownership. A state or local unit of government may sell or exchange density from its property to developable property.

4) Public trails and common open space areas should be acquired by the public through such methods as purchase, donation, easements or land exchanges, or utilization of density transfers.

5) The development and maintenance of public trail support facilities, parking lots, rest rooms and other such features shall be the responsibility of the public.

The proposal clearly complies with some of the features, but faces the burden of proof on others. This proposal can be designed for a closer compliance with the Comprehensive Plan. Because the supporting applications to this annexation are conceptual in nature, staff recommends that the application could be approved given a strict set of conditions in the Development Agreement designed to bring the proposal completely into compliance with the Comprehensive Plan.

b. Provide and maintain existing future capabilities of public utilities; and

The parcel could be served by City water and sewer. The applicant would be responsible for extending sewer and water throughout the subject property.

The developer would be responsible for building a collector road on both the east and west side of the subject property in accordance with Ada County Highway District site specific conditions of approval.

c. *Maintain and preserve compatibility of surrounding zoning and development.*
The proposal is compatible with the surrounding land uses in this residential neighborhood made up of earlier phases of the development. The proposed zoning, R-1A, would be compatible with the existing county R4 zoning.

Section 11-6-3.3: The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

a. *That the annexation shall incorporate the Boise Sewer Planning Area.*
That is recommended by the Boise Public Works Department.

b. *Honor negotiated area of impact agreements.*
This would be a condition of approval in the Conditional Use Permit and a clause in the Development Agreement.

c. *Attempt to balance costs of services with anticipated revenues.*
There was no fiscal impact analysis submitted with this application.

d. *Promote other goals of population balance, contiguous development and prevention of costs due to leapfrog development.*
This proposal is contiguous with the Harris Ranch development. It will depend on the construction of a fire station proposed for Harris Ranch to meet the fire code.

The facts are that the *Foothills Policy Plan* includes policies that direct development to this area when services are available. The services are available, given the proposed Harris Ranch fire station is built.

Section 11-8-5: Annexation: Requests for annexation of property into the City of Boise must be heard by the City Council after receiving recommendation by the Planning and Zoning Commission, and must meet one or more of the following conditions:

a. *The land lies contiguous or adjacent to the City or to any addition or extension thereof; or*
The property is contiguous to the City Boundary on the south end of the subject property, across Warm Springs Avenue. It will eventually be contiguous on the east side as that portion of the Harris Ranch development is annexed.

b. *Any property owner by or with his/her authority has sold or begun to sell off such contiguous or adjacent land by metes and bounds into parcels not exceeding 5 acres; or*
This is not an issue in this application.

c. *An owner or any person by or with his/her authority requests annexation in writing to the council; or*

The applicant has submitted a valid application for annexation to the City this group of contiguous parcels, with several owners.

d. *A parcel of land is entirely surrounded by the properties lying within the City boundaries.*

The subject parcels do not meet that condition. However, the subject parcels in turn surround several subdivisions in the County. The owners within the Warm Springs and Boulder Heights subdivisions are non-involved parties to this annexation application. Annexation of the subject parcels would create an island of County within City limits. The City may propose annexation for these island parcels if the subject parcels are indeed annexed.

IV. Comprehensive Plan

This project is in the Foothills East Planning Area.

Goal 10.0 - Growth Management

Preserve, protect and enhance the overall quality of life in Boise and its Area of Impact by ensuring that growth occurs in an orderly manner and that public services are available along with development.

The proposal clearly complies with some of the features, but faces the burden of proof on others. This proposal can be designed for a closer compliance with the Comprehensive Plan. Because the supporting applications to this annexation are conceptual in nature, staff recommends that the application could be approved given a strict set of conditions in the Development Agreement designed to bring the proposal completely into compliance with the Comprehensive Plan.

Ensure that growth is planned and directed in a way that minimizes sprawl and creates a functional and pleasing community.

The proposal is a planned development in an area recommended for growth. At the conceptual review level, it is difficult to assess the functionality and aesthetic appeal. It represents the build-out master plan for a neighborhood that has been under development for over 40 years.

Objective 2

Ensure that development occurs only when adequate public facilities and infrastructure are available and/or financially guaranteed.

Policy 1

Develop and maintain adequate public services and facilities as defined in Table 2: "Level of Service Standards for Community Services and Facilities", for the purpose of capital improvement planning and development permitting.

It has public services available, except fire protection, and will meet the criteria for that when the fire station at the Harris Ranch development is constructed. The Development Agreement will require that development will not occur until fire service is available.

Objective 3

Require development to address its own impacts, including financial and environmental.

There was no material submitted concerning fiscal impacts, so that remains unknown. The

environmental impacts must be covered under the various sections of the zoning, fire and building codes. The proposal is a cluster design, with dedicated open space, which lessens somewhat the environmental impacts.

Objective 4

Assure that regional growth is addressed through cooperative planning and actions with local governments and public agencies in Ada and Objective six

The County has approved the previous subdivisions on Warm Springs Mesa. They have directed the applicant to apply to the City for this proposal, in compliance with the Area of Impact Boundary agreement.

It is the City's intent to annex within the Area of Impact, when it can be demonstrated that the proposed annexation is a logical outgrowth of the city and is consistent with the policies of the Comprehensive Plan, including substantial compliance with the service standards identified in this chapter.

The proposal is in the City's Area of Impact.

Level of Service Standards for Community Services and Facilities

The proposal does not meet the Fire standard listed below. It is some three miles from the closest Fire Station and over four minutes response time.

TYPE I - CONCURRENT WITH THE ISSUANCE OF ANY DEVELOPMENT PERMIT

Service	Service Standards	Service Area
Fire*	4 Minute Response Unless Excepted By Fire Department	1.5 Mile
Water	35 PSI Residential/1,500 GPM Fire Flow	Community
	40 PSI Non-Residential/1,500 GPM Fire Flow	Community
Sewer	Available to Site Treatment: Federal Standards + Capacity Collection: Capacity	Community
Schools System Capacity		Community
Streets Authorization by ACHD		Community
Police/Sheriff	Available	Community
Solid Waste	Weekly Pick-up	Community
Electricity	Available	Community
Telephone	Available	Community

Storm Drainage	Approved on site or Public System	Community

* Fire Station "set-a-side" shall be required within the City Area of Impact, and is scheduled to be built at the Harris Ranch development to meet the standard for the subject property.

TYPE II - CONCURRENT WITH 5-YEAR CAPITAL IMPROVEMENT PLAN/OR OTHER LONG RANGE PLAN

Service	Service Standards	Service Area
Police	Priority 1-3 min. Response	Community
Parks/Open Space		
Neighborhood Park	1.4 acres/1,000 population	½ mile radius
Community Park	.9 acres/1,000 population	1 mile radius
Large Urban Park	1.8 acres/1,000 population	Community
Regional Park	.6 acres/1,000 population	Region
Special Use Areas	2.4 acres/1,000 population	Community
Natural Open Space	8.3 acres/1,000 population	Community
Schools		
Elementary	13-15 acres/550-600 students	½ mile radius
Junior High	30-35 acres/1,000 students	Neighborhoods
High School	50-60 acres/1,800-2,500	Neighborhoods
Storm Drainage	Federal Standard	Community
Streets	Adherence to the LOS standards adopted in the *Destination 2020* Plan	Community

NOTE: Type II Concurrence in any given service category may be excepted by the service provider for specific sites based on findings that adherence to the adopted standards is undesirable or unintended for the area.

SERVICES

The Ada County Highway District

Ada County Highway District has recommended approval with specific site conditions. The applicant will construct two collectors, one on the east, one on the west, to serve the project access to Warm Springs Avenue. The District has conditioned approval of phases 4 through 11 on the completion of the two bridges required for the Harris Ranch development.

The Ada County Highway District requires that the applicant construct two collectors from the proposal, one on the east and one on the west of the development. They require a 29-foot street cross-section for the 50' public right-of-way. The road improvements are to begin where the

pavement ends on Warm Springs Avenue. The following is the major discussion of the public road from their staff report of Sept. 11, 2000.

> **Boise City and Ada Planning Association have adopted Warm Springs Avenue to be a Historic Boise Street. As such, the planning capacity for Warm Springs Avenue has been set at 14,175 Average Daily Traffic. The existing traffic currently is nearing the "Historic" planning capacity of the roadway. The existing traffic plus the traffic from the entire project will exceed the "Historic" planning capacity of the roadway until both Parkcenter bridges have been completed. The volume from the existing plus project traffic will be below the "Historic" planning capacity of the roadway after the East and West Parkcenter bridges are constructed. Completion of both bridges is anticipated prior to the time that homes will be constructed in this development.**
>
> In order to protect the value of Warm Springs Avenue as an historic street and to observe the LOS C planning threshold, the Commission finds that this development should not be allowed to proceed until the East Parkcenter Bridge is completed and open to traffic. The Commission will not approve a final plat for any phase of this development until completion of the East Parkcenter Bridge is accomplished and the bridge is open to traffic.
>
> If the requested zone changes and the conditional use permit are approved and a development application is submitted, the District provides the following requirements as conditions for approval:
>
> **Site Specific Requirements:**
>
> 1. The ACHD Commission will not schedule a final plat of a phase in this development until the East Parkcenter Bridge has been completed and open for traffic. Based on testimony presented to the Commission, it is the Commission's understanding and intent that the East Parkcenter Bridge will be complete and open to traffic prior to the time that this developer call complete all the preliminary approvals and have a final plat ready for the District's approval.

This Site Specific Requirement 1 was contested by the applicant and they asked for and received reconsideration. The applicant did not want to wait for the East Parkcenter Bridge to be completed prior to platting. The completion of the bridge is an unknown, and it would make it impossible to get financing on such a vagary. The reconsideration on September 27, 2000 restored the original staff recommendation that they be allowed to construct the first three phases, totaling 79 dwelling units, prior to the bridge construction and the production of a traffic study that establishes the available capacity on Warm Springs Avenue.

City staff agrees with the approach to the phasing of the development, allowing some development to go forward until the bridges are complete, then requiring a definitive traffic study to determine the resultant capacity on Warm Springs Avenue prior to approving subsequent plats. Staff does not agree on the number of units to be approved for the first phase of development.

Staff recommends approval of a first phase limited to 55 dwelling units. After the East and West Parkcenter Bridges are built, a traffic study should be submitted that establishes the available capacity on Warm Springs Avenue. The justification for the 55 dwelling units is based upon the number of proposed units within the present County R8 and R4 zoning. This acknowledges the development rights under the County zoning that should have been factored into the capacity calculations for the transportation system. This zoning was approved in 1994, and earlier, and is a de facto consent for that use. The number of units proposed for that residential zoned area represents a density for the acreage similar to that allowed in the R-1A zone sought, and for the Foothills Planning area in general. Staff strongly recommends that the subsequent phases of this proposal receive approval only after the traffic capacity can be demonstrated for Warm Springs Avenue and the other supporting segments of the network.

Sewer: Connection to central sewer is required. The proposed annexation area is in the Boise City Sewer District and will be provided with sewer service. Sewer connections are available in various places.

Water: United Water Corporation has a main at the site.

Street Lights: Public Works states that streetlights are required and the locations will be determined at the subdivision plat approval stage.

Fire: There is not fire capacity within the 1.5-mile radius or the four-minute response time. A Fire Station shall be required within the City Area of Impact, and is scheduled to be built at the Harris Ranch development to meet the standard for the subject property. Development will be conditioned on the provision of fire services to the site.

Schools: The Boise School District made no objection to the proposal. They did urge that a collector should be built on the west side of the proposal. This is in the proposed plan.

Ada Planning Association: No comment

V. ANALYSIS

There are some large questions about the geologic hazards for this site. These will be required to be answered prior to any plat approval, after more studies are done.

The impacts on the transportation system are a primary issue. The evidence given to the City by the Ada County Highway District shows that there will eventually be sufficient capacity on Warm Springs Avenue after the two bridges are built as part of the Harris Ranch proposal. They have recommended that only the first three phases be approved, with 79 dwelling units. Then a new traffic study would be done, after the two bridges were built, to determine if the traffic capacity is available for the successive phases. This will be a requirement in the Development Agreement, to limit the proposal to Phase 1, until the traffic capacity is shown to be adequate.

This Site Specific Requirement 1 was contested by the applicant and they asked for and received reconsideration. The applicant did not want to wait for the East Parkcenter Bridge to be completed prior to platting. The completion of the bridge is an unknown, and it would make it

impossible to get financing on such a vagary. The reconsideration on September 27, 2000 restored the original staff recommendation that they be allowed to construct the first three phases, totaling 79 dwelling units, prior to the bridge construction and the production of a traffic study that establishes the available capacity on Warm Springs Avenue.

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The fire services are not available, but are slated for development at Harris Ranch. The development will be required to have that protection prior to any plat approval.

There is some design questions on the lot layout that can be addressed prior to final conditional use approval.

On the positive side, the proposal includes some 200+ acres of dedicated open space, which has been proposed for a public park and trail system. This would provide a connection for the Ada County Ridge-to Rivers system from the River to the top of Table Rock, which provides connectivity to other trails in the system. The Boise Parks Board has approved the site for a park.

The open space is seen by the Idaho Fish and Game Department as a positive contribution to the wildlife habitat area, and it will provide a permanent wildlife corridor to the Boise River.

The development is supported by the *Foothills Policy Plan* and the *Interim Foothills Transportation Plan*, given that the traffic impacts are resolved through the building of the two bridges for the Harris Ranch development. This will need to be studied and proven prior to final plat approval for the proposal. This proposal is planned to develop over the next ten+ years, so the traffic impacts can be assessed in that time to ascertain the capacity in the network.

Major contingencies for the proposal depend on the Harris Ranch development to provide, and are not in the hands of the applicant. The economic feasibility of this proposal depends on those things happening. The City must hold approval for this proposal until the traffic and fire issues are resolved.

The Development Agreement is written to give assurances that services will be in place prior to final plat approval. If the services don't materialize, approval would not be given. There is a provision in the Development Agreement that would de-annex or downzone the property should the transportation and fire facilities not be built. If these assurances are enough, then this proposal should be approved.

Staff recommends approval of the applicant's request based upon the following Conclusions of Law and Findings of Fact:

VI. RECOMMENDED CONCLUSIONS OF LAW AND FINDINGS OF FACT

a) That the proposed annexation complies with and conforms to the Comprehensive General Plan:

Finding: The proposed annexation with the requested zoning classification is consistent with the Land Use Map and the *Interim Foothills Transportation Plan.*

b) That proposed annexation will provide and maintain existing and future capabilities of public utilities:

Finding: All essential public services and facilities are not available to this site, specifically it is out of the service area for Fire at present, but is programmed for inclusion within a year or two.

c) That the proposed annexation will maintain and preserve compatibility of surrounding zoning and development:

Finding: This site is bordered on one side by a large area of the Harris Ranch development zoning. The proposal would surround the existing subdivisions with R4 County zoning. The requested zone will be compatible with existing zoning and development.

d) That the proposed annexation incorporates the Boise Sewer Planning Area:

Finding: The proposed annexation incorporates the Boise Sewer Planning Area.

e) That the proposed annexation honors negotiated area of impact agreements:

Finding: Annexation of this area will honor negotiated area of impact agreements.

f) That the proposed annexation attempts to balance costs of services with anticipated revenues:

Finding: It is questionable that annexation of this area will balance costs of services with anticipated revenues. There is not enough information provided in the conceptual application to make this finding.

g) That the proposed annexation promotes goals of population balance, contiguous development and prevention of costs due to leapfrog development:

Finding: Annexation of this area will promote the goals of population balance, contiguous development and prevention of costs due to leapfrog development. Services either are in place or are readily available.

Attachments

- Development Agreement proposal with supporting material
- Vicinity/Zoning Map
- Site Plan
- Applicant's Support Material
- Other Agencies' Comments (see Conditional Use application for these comments)
- Legal description of property

BPE
October 10, 2000

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BOISE CITY
PLANNING & DEVELOPMENT SERVICES

150 N. Capitol Blvd.
P.O. Box 500
Boise, Idaho 83701-0500
(208) 384-3830

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annexation/rezone application

NOTE: A pre-application conference with staff and pre-application neighborhood meeting are required prior to the submittal of this application. Contact a procedures analyst at 384-3830 for details.

FILE # CAR00-00021 FEE: _____

REQUESTED ZONE(S): R-1A

CURRENT ZONE(S): County RP-R8

APPLICANT: J.H. Wise & Sons Company PHONE 344-2603

Owner X Purchaser _____ Lessee _____

APPLICANT'S ADDRESS: 2843 Star Circle, Boise, ID ZIP: 83712

AGENT/REPRESENTATIVE: Bob Unger, Pinnacle Engineers, Inc. PHONE 887-7760

AGENT/REPRESENTATIVE'S ADDRESS: 870 N. Linder Rd., Ste B, Meridian ZIP: 83642

CONTACT PERSON (if different from above): Same

_____ ZIP: _____ PHONE _____ FAX 887-7781

ADDRESS OF SUBJECT PROPERTY None/Multiple Parcels

Applicant must have Public Works Department initial here _____ to signify address verification.

LEGAL DESCRIPTION OF PROPERTY (Attach a separate sheet if lengthy): Attached

PARCEL NUMBER: Attached

QUARTER: _____ SECTION: _____ TOWNSHIP: _____ RANGE: _____

1. Size of property (Square feet or acres): 410.70

2. How is the property now used? Vacant Range Land - Foothills

3. How are the adjoining properties used?
   North Vacant Range Land - Foothills - A & RP Zones
   South Boulder Heights & Warm Springs Mesa Subs - S.F.Res. - R8 Zone
   East Vacant Range Land - Foothills - RP Zone
   West Vacant Range Land - M-1 Zone

4. Are there any existing land uses in the general area similar to the proposed use? If yes, what are they and where are they located? Boulder Heights & Warm Springs Mesa Subdivisions with R-8 zoning. Single family residential developments.

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5. On what street(s) does the property have frontage? Warm Springs Avenue and numerous streets within Boulder Heights and Warm Springs Mesa – See attached maps.

6. Why are you requesting annexation into the City of Boise? For future residential development as reflected on conceptual development plan.

7. What use, building or structure, is intended for the property? Approval and scheduled development of Harris Ranch planned community and the extension of Park Center Boulevard including the east and west bridges over the Boise River.

8. What changes have occurred in the area that justify the requested rezone? _____

9. Any additional comments? _____

NOTE: WHEN AN APPLICATION HAS BEEN SUBMITTED, IT WILL BE REVIEWED IN ORDER TO DETERMINE COMPLIANCE WITH APPLICATION REQUIREMENTS. A HEARING DATE WILL BE SCHEDULED ONLY AFTER AN APPLICATION HAS BEEN ACCEPTED AS COMPLETE.

ADDITIONAL SUBMITTAL REQUIREMENTS: The Boise City Council requires the following information to be submitted to the Planning Department for every application for annexation.

1. A recent vicinity map (8½x 11") at 1" = 300' scale, showing the location of the property and all adjacent properties.(Available from the Ada Planning Association [A.P.A.] Mapping Division, at 364-2317. Please indicate the location of your property. Map must be dated by APA Mapping.)

2. Attach a composite legal description of the actual property which you wish to have rezoned on a separate page. All legal descriptions must be certified by a professional engineer or land surveyor registered by the State of Idaho.

   A. Description submitted shall not have an area of closure greater than 1:5000.

   B. Descriptions shall be provided for the perimeter of the total area for which annexation is being requested; and for each zone (separate zoning classification) within said request. All zone descriptions shall correspond to the perimeter description, and have closure as described in "A".

   C. Descriptions as provided may be required to be modified by the applicant to included adjacent roads, canals, ditches, rivers, creeks, etc., as may be identified by the Public Works Department.

   D. Descriptions shall use the State Plane Coordinate System and, on all descriptions, and surveyor shall certify said system as part of the description. (Coordinate System available through County Engineer's Office).

3. Photos of existing site conditions.

4. Affidavit of Legal Interest (Use attached form)

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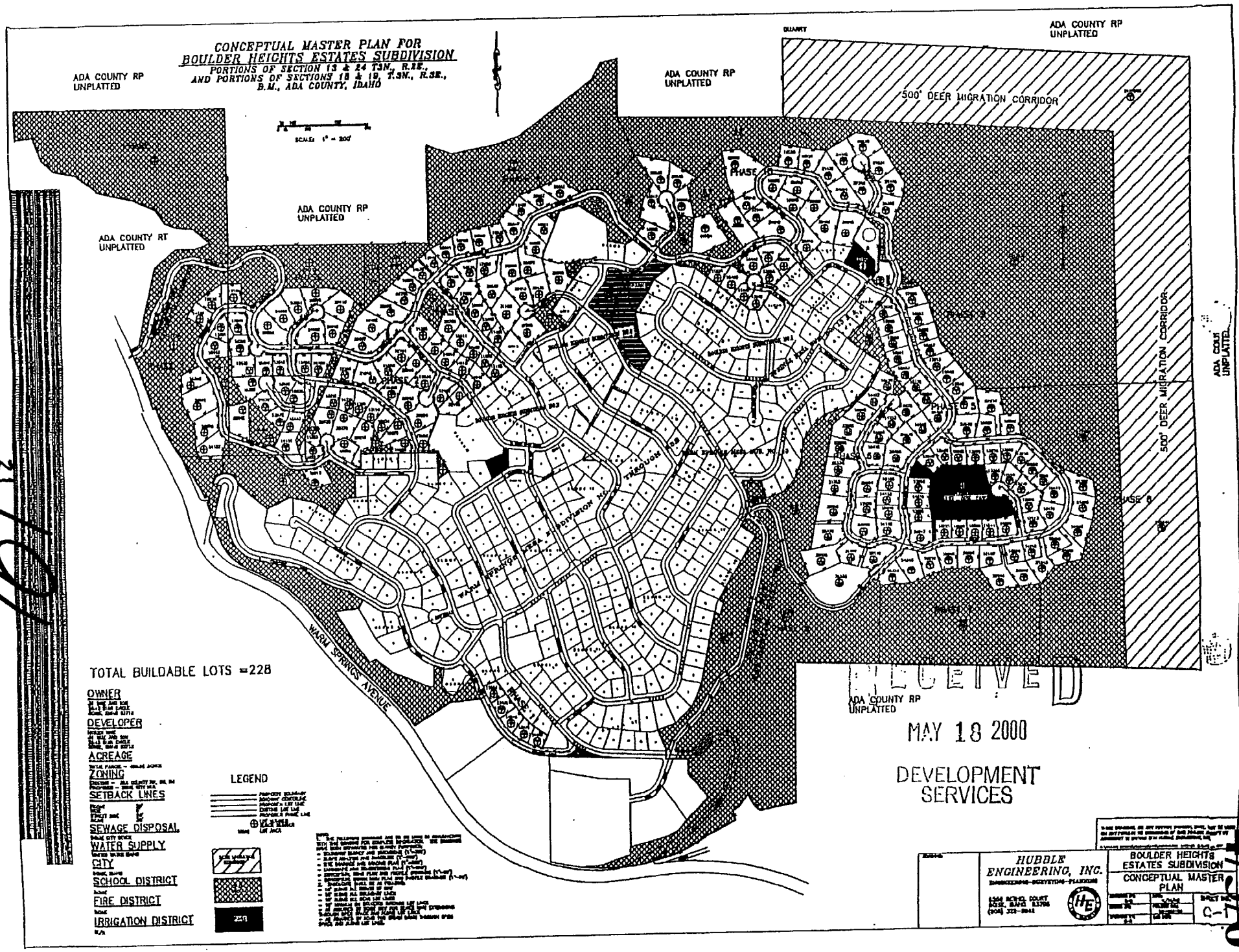
Signature Applicant/Representative _____

Date 4/20/00

20 2 195

FORM PLA 1/98


CONCEPTUAL MASTER PLAN FOR
BOULDER HEIGHTS ESTATES SUBDIVISION
PORTIONS OF SECTION 13 & 24 T3N., R.2E.,
AND PORTIONS OF SECTIONS 18 & 19, T.3N., R.3E.,
B.M., ADA COUNTY, IDAHO
ADA COUNTY RP
UNPLATTED
ADA COUNTY RT
UNPLATTED
500' DEER MIGRATION CORRIDOR
PHASE 1
PHASE 2
PHASE 3
PHASE 4
PHASE 5
PHASE 6
WARM SPRINGS AVENUE
TOTAL BUILDABLE LOTS =228
OWNER
DEVELOPER
ACREAGE
ZONING
SETBACK LINES
SEWAGE DISPOSAL
WATER SUPPLY
CITY
SCHOOL DISTRICT
FIRE DISTRICT
IRRIGATION DISTRICT
LEGEND
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ENGINEERING, INC.
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ESTATES SUBDIVISION
CONCEPTUAL MASTER
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ZONING MAP
BOULDER HEIGHTS ESTATES

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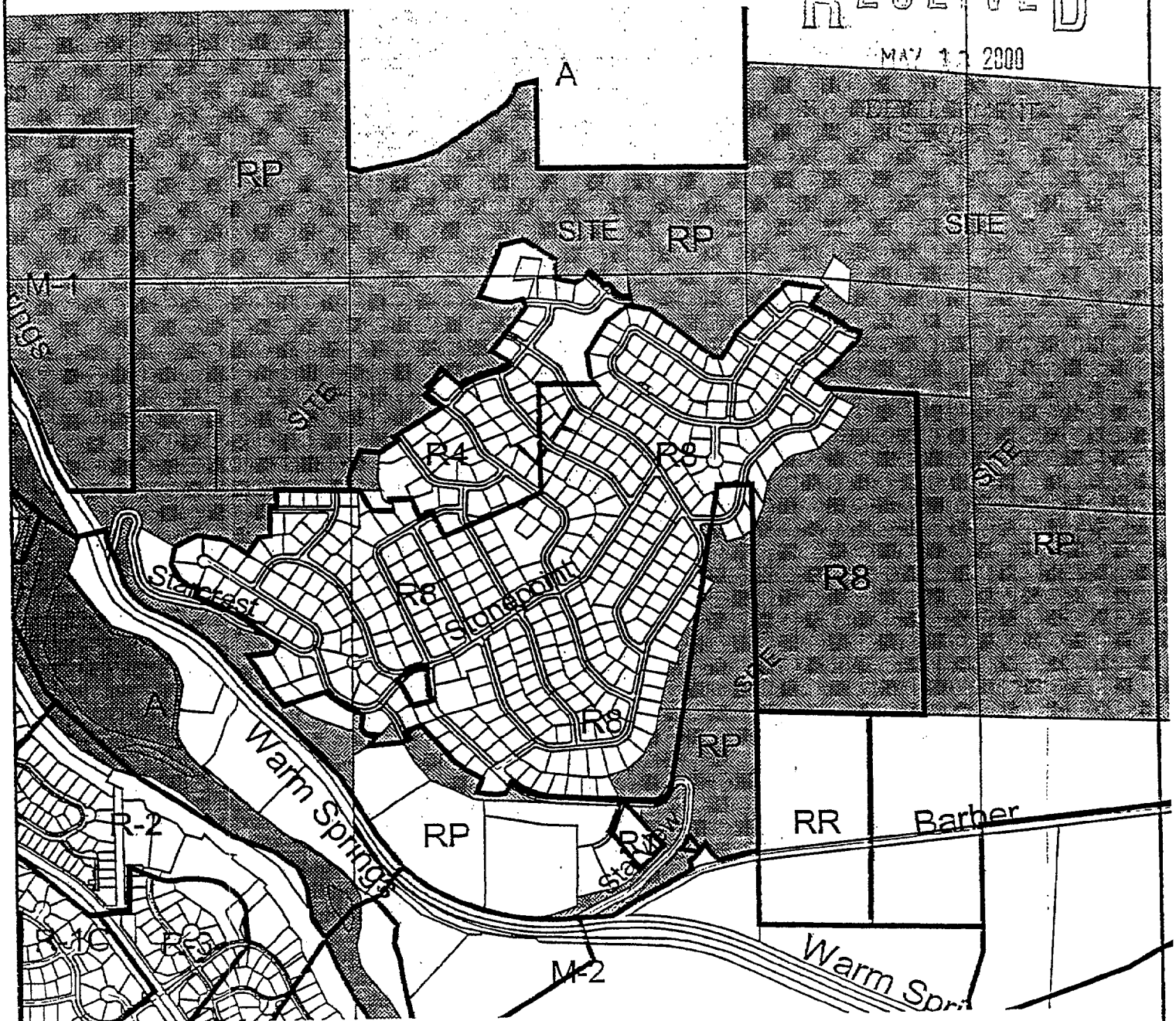

Zoning
Subdiv
Stseg
Polyrivr
S3n3e19
S3n2e24
S3n3e18
S3n2e13
S3n3e20
S3n3e17

PINNACLE ENGINEERS, INC.
870 N. LINDER RD, STE B, MERIDIAN, ID 83642
PH 208-887-7760 FX 208-887-7781

Project # 98734
Date: 12/29/99

22 197

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BOULDER HEIGHTS ESTATES SUBDIVISION

PARCEL # LISTING

PARCEL
S0918438405
S0918449100
S0918336104
S0919212408
S0919120632
S0919223014
S0919110080
S0919121000
S0919120650
S0919141950
S0919244202
S0919314820
S0919314820
S0919314820
S1013438920
S1024110122
S1024110500
S1024141855
S1024141855
S1013438920

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October 10, 2000

Memorandum

From: Bruce Eggleston, A.I.C.P., Planner II B.P.E.
Boise City Planning and Development Services Department

To: Members of the Boise Planning and Zoning Commission

Subject: Development Agreement is not finally negotiated

The Development Agreement submitted by staff as part of the annexation request by J. H. Wise and Sons, in application CAR00-00021/DA, is not in a final form at the time of publication of the hearing staff report the Boise Planning and Zoning Commission for the October 16, 2000 hearing on this matter. The applicants have not had time to review and respond to the proposed agreement. There will be several points of review and rewrite for this draft agreement before it is approved by the City Council. It is essential to get this in a correct legal format in a manner understood by each party. The City Attorney must have final approval for the City after the applicant has responded to this draft.

Development Agreement
Attached to the Annexation Proposal CAR00-00021/DA

This Agreement entered into this _____ day of _____, 200_, by and between the City of Boise, hereinafter referred to as "City," and J. H Wise and Sons, LTD., the owners of the real property described herein and applicants for Boise City annexation number CAR00-00021/DA, hereafter referred to as "Developer."

WHEREAS, the Developer has applied to the City for an annexation of the property into the City's jurisdiction with a development agreement, and with the purpose to create a planned development of residential units, and

WHEREAS, the Developer has applied to the City for a conceptual conditional use permit for a planned development number CUP00-00055, with an accompanying conceptual Hillside and Foothills Area Development permit number CFH00-00015, and

WHEREAS, the City, pursuant to 11-8-9, Boise City Code, and 67-6511A, Idaho code, has the authority to conditionally rezone the property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and pursuant to a specific site plan which is deemed appropriate in the area.

NOW THEREFORE, with mutual consideration as reflected in the covenants, duties, and obligations herein set forth the parties do enter into this Agreement.

1. **Description and Location of Property, Size of Property, Present and Development Agreement zoning:** These conditional R-1A and Open Land - A zones shall apply to the property owned by the Developer, hereinafter referred to as "the Property" and which is specifically described as follows:

   LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "A"

   The location of the site is on the north side of Warm Springs Avenue in the area known as Warm Springs Mesa and surrounding lands in parts of Sections 18 and 19 in T.3N. R.3E. and Section 24 T. 3N. R. 2E. The property is approximately 406 acres in area.

   The present Ada County zoning is approximately 326.5 acres in RP, Rural Preservation, approximately 40 acres in R8, Residential 8 units per acre, approximately 33.7 acres M1, Manufacturing 1, and approximately 5.8 acres in R4, Residential 4 units per acre.

25 200

A. The developed areas of the property shall be zoned R-1A and shall be further restricted by this development agreement. The conceptual proposal shows approximately 156 acres of developed area.

For purposes of this Agreement the term "developed areas" shall mean all of the area within the outermost perimeter, including roads, services structure areas and infrastructure appurtenances where the land will be altered from its state at the time of the adoption of this rezone and annexation. Developed areas includes all structures, dwellings, roads, sidewalks, residential parcels, drainage systems, water system facilities, the shop/maintenance yard parcel, and any structures not related to the use by Boise City Parks and Recreation Department. This area is described in the attached map labeled Exhibit "E," Zoning Designations for the Boulder Heights Planned Development. This definition does not include areas designated for public trails, recreational facilities, trail-related structures, and service related facilities related to uses and activities of the Idaho Fish and Game Department, Boise City, and the Bureau of Land Management, particularly relating to range fire control and wildlife habitat activities.

ZONING DESIGNATIONS FOR THE BOULDER HEIGHTS PLANNED DEVELOPMENT, ATTACHED AS EXHIBIT "E"

B. The open lands, undeveloped portions of the Property, shall be zoned Open Land - A, and shall be further restricted by this Agreement. The conceptual proposal shows approximately 250 acres of developed area.

This Open Land - A area shall be defined as the area outside the outermost perimeter of the developed area, and shall include all of the area proposed for ownership by the Boise Board of Park and Recreation Commission at their hearing on September 21, 2000. (See Exhibit "F," Memo to Board of Park and Recreation Commission dated September 13, 2000, with enclosure: Boulder Heights Subdivision map.")

MEMO TO BOARD OF PARK AND RECREATION COMMISSION DATED SEPTEMBER 13, 2000, WITH ENCLOSURE: BOULDER HEIGHTS SUBDIVISION MAP, ATTACHED AS EXHIBIT "F"

C. Any change of parcel boundaries, subdivision, boundary line adjustment, or resubdivision of parcels in the Property shall be made as a conditional use modification to the conditional use/planned development permit issued in conjunction with this development agreement, and, shall be further subject to the requirements of the *Boise City Subdivision Ordinance*, Chapter 9-20.

D. The property shall be excluded from the exception section of the *Boise City Subdivision Ordinance* that allows the division of lands with frontage on a public right-of-way into five-acre parcels, Sections 9-20-04 C. 2 and 3.

E. The property in the Open Land -A zone shall be platted as discrete parcel(s) separate from the developed area. Each such parcel shall be labeled "Permanent Open Space" on the final subdivision plat. The open land parcels shall be determined with the cooperation and consent of the Boise Parks and Recreation Department in order to facilitate the use as a Boise City public park.

2. **Use permitted by this Agreement:** The uses allowed pursuant to this annexation with development agreement and conditional rezone as reflected in the Agreement are those uses specifically addressed in this Agreement, and as conceptually shown on attachment Exhibit "B," Boulder Heights Estates Subdivision Conceptual Master Plan, Sheet C-1," or as amended by the Planning and Zoning Commission as directed by the Council. No significant change to the elements addressed in the Agreement or conditions of operation specified in the Agreement shall be allowed without modification to this Agreement pursuant to the requirements of the Boise City Code. In the event the Developer changes or expands the project as specified by the Agreement, without formal modification of this Agreement as allowed by the Boise City Code, the Developer shall be in default of this Agreement.

BOULDER HEIGHTS ESTATES SUBDIVISION CONCEPTUAL MASTER PLAN, SHEET C-1, ATTACHED AS EXHIBIT "B"

A. It is hereby agreed to that the following uses listed in the R-1A Zone shall be limited solely to the following uses. Any other uses proposed for the Property shall require an amendment to this Agreement following the requirements as outlined in Section 11 -08-09 of the Boise City Code. The following uses shall be subject to the requirements of Section 11-04-03.05 Use Standards of the Boise City Code.

1. One detached single family dwelling unit per lot
2. Club/Lodge
3. Agricultural Uses & Stables (Subject to Section 11-6-6.1
4. Backyard composting
5. Family Child Care Home (1-5 children)
6. Child Care within School Building After School
7. Construction Office, Temporary
8. Accessory Uses to Allowed dwellings
9. Parks
10. Planned Unit Development (PUD)
11. Recreation Center
12. School (Public, private or parochial)
13. Subdivision office, temporary
14. Utility Facility (Power Poles)
15. Utility Facility - Minor

B. It is hereby agreed to that the following uses listed in the Open Land - A Zone

shall be limited solely to the following uses. Any other uses proposed for the Property shall require an amendment to this Agreement following the requirements as outlined in Section 11 -08-09 of the Boise City Code. The following uses shall be subject to the requirements of Section 11-09-03.02 Use Standards of the Boise City Code.

1. Public Park, Forest Reserve or Recreation Area.
2. Accessory and support uses for public parks, trails, recreational facilities, trail-related structures, and service related facilities related to uses and activities of the Idaho Fish and Game Department, Boise City, and the Bureau of Land Management. Accessory and support uses include public restrooms, fencing, paved or graveled parking areas, irrigation and drainage facilities, ditching, trenching and grading, planting and cultivating vegetation particularly relating to range fire control and restoration, and wildlife habitat development and restoration activities.

C. The open land portion of the Property shall become part of the Boise Parks and Recreation Department parks system under terms to be developed between the Developer and the Boise City Parks and Recreation Department and the Boise Board of Park and Recreation Commission.

D. The open land portion of the Property, as described in Exhibit "E," shall remain in a permanent open use. These lands "must remain in a primarily natural condition with the goal to maintain it for wildlife habitat and recreational uses." (*Foothills Policy Plan,* p. 2) This is defined as "natural landscape" and "open space, public" and "open space, private" in the *Foothills Policy Plan,* p. 33. The essential use and nature of the open lands shall remain as they were at the time of the adoption of this Agreement, in their natural state. A limited temporary use for construction purposes is allowed during the construction period. Lands that are so disturbed shall be restored to their natural contours and revegetated within six months after the given construction phase is completed. These temporary uses shall be shown on the revegetation plan for the project.

E. Some uses in the open land shall be allowed that promote the recreational hiking and biking trail system related to the Ada County Ridge to Rivers Plan. The proposed trail system is shown on Exhibit "G," Boulder Heights Trail System Map.

BOULDER HEIGHTS TRAIL SYSTEM MAP, ATTACHED AS EXHIBIT "G"

F. Changes may be made to the vegetation for the promotion of wildlife habitat and the safety and protection of the community from the dangers of range fires and noxious weeds. Such changes would be made under the supervision of the Boise Parks and Recreation Department in conjunction with the Idaho State Fish and Game Department.

G. Trails, trail related appurtenances, trail head parking areas shall be allowed in the open lands on the Property. They shall be under the jurisdiction and care of the Boise Parks and Recreation Department, and will be constructed and maintained by them.

3. **Construction of Use in Conditional Zone:** A residential planned development with permanent open space may be constructed as conceptually show on the plans attached hereto as Exhibit "B," Boulder Heights Estates Subdivision Conceptual Master Plan, Sheet C-1."

A. The maximum number of dwelling units allowed given the current open space and subdivision design proposal is 223 units. The upper limit of the allowed number of dwelling units on the Property shall be 228 units, if the current proposal is redesigned to provide an additional 4.8 acres of open land.

This maximum figure was arrived at through an analysis of the proposal calculated using the policies of the *Foothills Policy Plan*, Chapter One, Goal One Objectives 1 and 2, in particular the calculation described in Figure 1 - 2, "Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation." (See Exhibit "C," Boulder Heights Estates Planned Development, CUP00-00021 Density Bonus Analysis.)

BOULDER HEIGHTS ESTATES PLANNED DEVELOPMENT, CUP00-00021 DENSITY BONUS ANALYSIS, ATTACHED AS EXHIBIT "C"

B. It is hereby agreed to that the dwelling units shown in Exhibit "D," "Land Not Subject to the Density Bonus in the Development Area," shall not be subject to the "Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation" allowance for dwelling units. The proposal shows 55 units in the area described in Exhibit "D."

MAP OF LAND NOT SUBJECT TO THE DENSITY BONUS IN THE DEVELOPMENT AREA, ATTACHED AS EXHIBIT "D"

C. It is hereby agreed to that the 55 dwelling units shown in Exhibit "D" may be constructed in the Phase One location of the planned development. Those lots may be platted and built in the area designated as Phase One on the Conceptual Master Plan Map C-1, upon the adoption of the final plat of Phase One. It is agreed by the parties that the number of dwelling units allowed on Phase One of the Property will be 55 units, given that the ordinance requirements and conditions of approval are met, and prior to the completion of the off-site street system improvements already scheduled by the owners of the adjacent Harris Ranch planned development. The approval of plats beyond Phase One shall be given only after the proof of available traffic capacity has been substantiated and verified by the Ada County Highway District Board of Commissioners, in

particular the traffic capacity on Warm Springs Avenue and the other collector and arterial roads supporting the Property. "Available traffic capacity" means that the given road or roads can accommodate the proposed number of average daily trips without causing the roadway to exceed Level of Service C. This is defined under "Roadway Functional Classification" in the *Foothills Policy Plan,* pps. 34 through 36.

D. It is agreed by the parties that the number of dwelling units allowed on the Property will ultimately be decided on the proof of available traffic capacity on Warm Springs Avenue and the other collector and arterial roads supporting the Property. Such proof shall be the responsibility of the Developer, and will be certified by Ada County Highway District at the time of subdivision plat review for each phase of the project beyond Phase One.

The maximum number of dwelling units allowed for this planned development is dependant on the traffic constraints described in the policies of the *Destination 2020: Regional Transportation Plan for Ada County, Interim Foothills Transportation Plan*, and the *Foothills Policy Plan*. Those policies direct that annexation and rezones in the Foothills Planning Area shall not be approved unless and until there is sufficient traffic capacity on the streets and roads supporting the subject area.

E. Other factors may also limit the maximum number of units allowed specifically the health and safety issues associated with geologic hazards and the availability of fire department services to the Property. The geologic hazards issue shall be resolved through compliance with the "Hillside and Foothills Area Development Ordinance," CFH00-00015, final permit. The fire safety issues will be determined by the Boise Fire Department at the time of final plat approval for each phase of the development, including Phase One.

4. **Development Standards:** It is understood by the parties that the development plan attached as Exhibit "B" is conceptual in nature. The exact subdivision layout, street design, trail alignments, phase configuration and sequence, will be determined at the time of approval of the final conditional use permit.

A. Development on the Property shall comply with the *Foothills Policy Plan* and any subsequent ordinances implementing said plan. The Developer shall also honor negotiated area of impact agreements with Ada County.

B. The applicant shall install and make available municipal sewer service to each dwelling unit in the Property, as the phases of the Property are platted.

C. The applicant shall install and make available municipal water to each dwelling unit in the Property, as the phases of the Property are platted.

D. The Property shall not receive final plat sign-off until the required fire department

facilities are in place, or until the Fire Department makes findings that the fire department facilities are scheduled for completion.

E. Failure to construct the development consistent with this Agreement, conditions established in the conceptual and final Conditional Use Permit, CUP00-00055, and the conceptual and final Foothills and Hillside Development Area permit, CFH00-00015, and the plans and conditions included as exhibits without formal modification of the plans consistent with Boise City Code, including the amendment of this Agreement, shall result in a default of this Agreement by the Developer.

5. **Conditions. Bonding for Completion:** All of the conditions hereinbefore described shall be complied with or shall be bonded for completion by the Developer before the use can receive a final Occupancy Permit for each phased developed. The Developer shall make no use of the project prior to the issuance of the Occupancy permit (Unless a temporary occupancy permit is issued with improvements having been bonded) and full compliance with the Agreement and the Boise City Code. Failure to comply or bond for completion of the conditions within the time frame established in the conditions, the Boise City Code or the terms of this Agreement shall result in a default of this Agreement by the Developer. The Developer may be allowed to bond for certain conditions at one hundred and ten percent (1 10%) of the estimated cost of completion pursuant to Condition(s) in Section 3 of this agreement.

6. **Commencement of Construction:** The Developer shall submit for a building permit for one phase of the project within Twenty-four (24) months of the effective date of this Agreement unless a time extension is approved by the Planning and Zoning Commission. The Developer shall complete construction of one phase within twenty-four (24) months after commencement of construction, unless an extension of time is approved as a modification of this Agreement.

7. **Default:** In the event the Developer, her/his heirs or assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with the terms and conditions included in this Agreement, after the City has provided 30 days written notice to the Developer, this Agreement may be modified or terminated by the Boise City Council upon compliance with the requirements of Boise City Code. The City shall provide a reasonable period of time for the developer to rectify issues prior to termination of the agreement.

A. In the event the City Council determines that this Agreement shall be modified, the terms of this Agreement shall be amended and the Developer shall comply with the amended terms. Failure to comply with the amended terms shall result in default.

B. A waiver by the City of any default by the Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any

subsequent breach of any such or other covenants and conditions.

8. **Consent to Rezone:** The Developer, by entering into this Development Agreement, does hereby agree that in the event there shall be an uncured (after written notice to developer) default in the terms and conditions of this Agreement that this Agreement shall serve as consent to a reversion described in a) and b) below, of any portion of the project that has not received valid building permit for construction. The parties further agree that the City Council may choose to remedy an uncured default by reversion to either,

   a) de-annexation from the City and a reversion to the prior Ada County zoning for any portion of the project that has not received a valid building permit for construction, or,

   b) a rezoning designation to Open Land - A for said land, with only uses allowed consistent with the adopted Boise Comprehensive Plan, as provided in S67-6511 (d), Idaho Code, as directed by the City Council, and stated in Section 2. B. of this agreement.

9. **Termination of Entire Agreement:** This agreement shall terminate and no longer be in effect 120 days after obtaining a final occupancy approval from the City of Boise for the last phase of the development on the Property. This will signify that all conditions of approval of this agreement have been completed, bonded, or met.

10. **Time Limits:** Pursuant to Section 11-08-09 D. 6 of the Development Agreement Ordinance, the developer hereby waives all time limits of the Boise City Zoning Ordinance relating to time processing requirements of related applications to Development Agreement are waived.

11. **Notices:** Any and all notices required to be given by either of the parties hereto, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

a). To the City:
Boise City
C/o Director, Planning and Development Services Department
P.O. Box 500 Boise, Idaho 83701-0500

b). To the Developer:
J. H. Wise and Sons
2843 Star Circle
Boise, Idaho 83712

Either party shall give notice to the other party of any change of their address for the purpose of this section by giving written notice of such change to the other in the manner herein provided.

12. **Attorney Fees:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

13. **Time is of the essence:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.

14. **Binding Upon Successors:** This Agreement shall be binding upon and inure to the benefit of the parties' respective successors, assigns and personal representatives. This Agreement shall be binding on the owner of the Property, each subsequent owner and each other person acquiring an interest in the Property.

15. **Effective Date:** This Agreement shall be effective on the date the Boise City Council shall adopt the appropriate amendment to the Boise City Zoning Ordinance, known as CAR00-00021/DA, changing the zoning designation of the Property to R-1A and Open Land-A.

16. **Requirements for Recordation:** The Developer shall record this document, including all the Exhibits prior to the formal adoption of CAR00-00021/DA by the City Council. Failure to comply with this section shall be deemed a default to this Agreement by the Developer.

In Witness Whereof, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this ___ day of 2000.

BOISE CITY
By _____
_____

ATTEST:

_____

DEVELOPER

By: _____
Homer Wise

By: _____

STATE OF IDAHO)
:ss.
County of Ada)

On this _____ day of _____, in the year _____, before me, _____, personally appeared _____, known to me to be the _____, of the _____ that executed the said instrument, and acknowledged to me that he/she executed the same.

_____
Notary Public For Idaho
Residing at: _____ Idaho
My commission expires: _____

4/5/6

Exhibit "A"

ANNEXATION DESCRIPTION
FOR J.H. WISE SONS COMPANY P.L.L.C.

February 2, 2000

AN AREA OF LAND LOCATED IN SECTIONS 18 AND 19, TOWNSHIP 3 NORTH, RANGE 3 EAST, B.M., AND SECTION 13 AND 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SECTION CORNER COMMON TO SAID SECTIONS 18 AND 19 AND SECTIONS 13 AND 24, TOWNSHIP 3 NORTH, RANGE 2 EAST B.M., FROM WHICH THE WEST ¼ CORNER OF SAID SECTION 19 BEARS SOUTH 00°08'08" WEST, 2659.69 FEET;

THENCE NORTH 00°11'26" WEST, 640.43 FEET ALONG THE WEST LINE OF SAID SECTION 18 TO A POINT ON THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4855);

THENCE ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4855) THE FOLLOWING COURSES AND DISTANCES:

SOUTH 69°14'24" EAST, 177.00 FEET;

NORTH 78°45'36" EAST, 332.00 FEET;

NORTH 70°23'36" EAST, 139.00 FEET;

NORTH 55°01'36" EAST, 615.00 FEET;

NORTH 29°19'36" EAST, 121.00 FEET;

NORTH 77°34'36" EAST, 116.00 FEET;

SOUTH 00°34'36" WEST, 375.13 FEET;

SOUTH 89°04'18" EAST, 1111.56 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 18;

NORTH 00°18'58" EAST, 500.03 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 18;

THENCE LEAVING SAID EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4855) AND ALONG THE NORTH LINE OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 18, SOUTH 86°33'57" EAST, 2644.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 18, BEING ALSO A POINT ON THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861);

THENCE ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) AND ALONG THE EAST LINE OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 18, SOUTH 00°22'58" WEST, 1313.75 FEET TO THE SECTION CORNER COMMON TO SECTIONS 18, 19, 20, AND 21, TOWNSHIP 3 NORTH, RANGE 3 EAST, B.M.;

THENCE CONTINUING ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) AND ALONG THE EAST LINE OF SAID SECTION 19, SOUTH 01°01'33" EAST, 2627.52 FEET TO THE EAST ¼ CORNER OF SAID SECTION 19;

THENCE LEAVING SAID EXISTING CITY LILMITS BOUNDARY LINE (ORDINANCE NO. 5861) AND ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 19, NORTH

35 210

88°12'29" WEST, 2648.06 FEET TO THE CENTER ¼ OF SAID SECTION 19, BEING ALSO THE NORTHEAST CORNER OF GOVERNMENT LOT 4;

THENCE ALONG THE EAST LINE OF GOVERNMENT LOT 4 SOUTH 00°00'46" WEST, 886.32 FEET TO THE INTERSECTION WITH THE CURVED NORTHERLY RIGHT-OF-WAY LINE OF EAST BARBER DRIVE, BEING ALSO A POINT ON THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861);

THENCE ALONG THE SAID CURVED NORTHERLY RIGHT-OF-WAY AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 207.31 FEET, SAID CURVE HAVING A RADIUS OF 1625.00 FEET, A CENTRAL ANGLE OF 7°18'34", AND A LONG CHORD BEARING SOUTH 79°39'18" WEST, 207.17 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) SOUTH 76°00'00" WEST, 39.87 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND CONTINUING ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861). THE FOLLOWING COURSES AND DISTANCES:

NORTH 42°42'20" WEST, 77.27 FEET;

NORTH 28°50'20" WEST, 59.35 FEET;

SOUTH 39°00'40" WEST, 96.00 FEET;

SOUTH 51°18'40" WEST, 51.65 FEET;

SOUTH 13°34'25" EAST, 62.72 FEET TO THE INTERSECTION WITH THE CURVED NORTHERLY RIGHT-OF-WAY OF EAST BARBER DRIVE;

THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) THE FOLLOWING COURSES AND DISTANCES:

THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 15.50 FEET, SAID CURVE HAVING A RADIUS OF 725.00 FEET, A CENTRAL ANGLE OF 1°13'31", AND A LONG CHORD BEARING SOUTH 62°59'25" WEST, 15.50 FEET;

THENCE SOUTH 62°22'39" WEST, 174.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 74.47 FEET, SAID CURVE HAVING A RADIUS OF 1025.00 FEET, A CENTRAL ANGLE OF 4°09'46", AND A LONG CHORD BEARING SOUTH 60°17'46" WEST, 74.45 FEET;

THENCE SOUTH 58°12'53" WEST, 62.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG LSAID CURVE TO THE RIGHT AN ARC LENGTH OF 194.65 FEET, SAID CURVE HAVING A RADIUS OF 675.00 FEET, A CENTRAL ANGLE OF 16°31'20", AND A LONG CHORD BEARING SOUTH 66°28'33" WEST, 193.97 FEET;

THENCE SOUTH 74°44'13" WEST, 196.03 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF WARM SPRINGS BLVD;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY AND CONTINUING ALONG THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861) THE FOLLOWING COURSES:

SOUTH 83°08'12" WEST, 60.70 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 334.62 FEET, SAID CURVE HAVING A RADIUS OF 1382.50 FEET; A CENTRAL ANGLE OF 13°52'05", AND A LONG CHORD BEARING NORTH 89°55'46" WEST, 333.81 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND SAID CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 5861), NORTH 84°35'40" EAST, 143.99 FEET;

THENCE NORTH 71°49'40" EAST, 202.60 FEET;

THENCE NORTH 00°03'20" WEST, 52.08 FEET;

THENCE NORTH 75°36'10" EAST, 271.10 FEET;

THENCE NORTH 59°09'10" EAST, 81.45 FEET;

THENCE NORTH 39°59'10" EAST, 82.79 FEET;

THENCE NORTH 45°16'28" EAST, 210.01 FEET;

THENCE NORTH 41°19'18" WEST, 210.00 FEET;

THENCE NORTH 00°29'29" WEST, 87.84 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STARVIEW DRIVE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 87°38'30" WEST, 147.89 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY NORTH 02°21'30" EAST, 64.28 FEET TO THE MOST EASTERLY CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 8A, AS FILED IN BOOK 55 OF PLATS AT PAGE 5034;

THENCE ALONG THE EASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 8A, NORTH 23°31'47" WEST, 132.74 FEET TO THE NORTHEAST CORNER THEREOF, BEING ALSO A POINT ON THE SOUTHEAST BOUNDARY OF WARM SPRINGS MESA SUBDIVISION NO.8, AS FILED IN BOOK 26 OF PLATS AT PAGE 1654;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 8, NORTH 71°30'32" EAST, 122.29 FEET TO THE MOST SOUTHERLY CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 9, AS FILED IN BOOK 30 OF PLATS AT PAGE 1874;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 9 THE FOLLOWING COURSES AND DISTANCES;

NORTH 48°03'54" EAST, 147.36 FEET;

NORTH 25°26'14" EAST, 158.36 FEET;

NORTH 12°00'59" EAST, 360.00 FEET TO THE SOUTHEAST CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 11, AS FILED IN BOOK 39 OF PLATS AT PAGE 3233;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 11, NORTH 12°00'59" EAST, 85.00 FEET TO THE SOUTHEAST CORNER OF LOT 13, BLOCK 12 THEREOF;

THENCE SOUTH 71°52'05" EAST, 40.00 FEET;

THENCE NORTH 17°07'18" EAST, 81.12 FEET;

THENCE NORTH 63°25'11" WEST, 29.93 FEET;

THENCE NORTH 31°20'53" EAST, 92.68 FEET;

THENCE NORTH 56°40'55" WEST, 10.04 FEET TO THE NORTHEAST CORNER OF LOT 14, BLOCK 12, SAID WARM SPRINGS MESA SUBDIVISION NO. 11;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 11, NORTH 31°20'53" EAST, 400.23 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 11, NORTH 56°40'55" WEST, 120.01 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF RIDGE POINT WAY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 33°28'13" EAST, 31.19 FEET TO THE MOST SOUTHERLY CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 13, AS FILED IN BOOK 45 OF PLATS AT PAGE 3725, SAID CORNER ALSO BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING ALONG THE SAID CURVED EASTERLY RIGHT-OF-WAY AND THE EAST LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13 AN ARC LENGTH OF 257.92 FEET, SAID CURVE HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 65°40'41", AND A LONG CHORD BEARING NORTH 00°37'53" EAST, 244.03 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;

THENCE CONTINUING ALONG THE SAID CURVED EAST LINE OF WARM SPRINGS MESA SUBDIVISION NO. 13 AND SAID REVERSE CURVE TO THE RIGHT AN ARC LENGTH OF 43.28 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 123°59'01", AND A LONG CHORD BEARING NORTH 29°47'03" EAST, 35.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF STONERIDGE WAY;

THENCE ALONG THE SOUTHERLY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 13 AND SAID SOUTHERLY RIGHT-OF-WAY OF STONERIDGE WAY THE FOLLOWING COURSES AND DISTANCES:

SOUTH 88°13'27" EAST, 77.26 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 24.54 FEET, SAID CURVE HAVING A RADIUS OF 161.12 FEET, A CENTRAL ANGLE OF 8°43'41", AND A LONG CHORD BEARING NORTH 87°24'43" EAST, 24.52 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE WESTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13, SOUTH 17°19'32" EAST, 118.70 FEET;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13 THE FOLLOWING COURSES AND DISTANCES:

NORTH 72°46'00" EAST, 110.54 FEET;

NORTH 46°01'02" EAST, 114.92 FEET;

NORTH 20°18'21" EAST, 130.51 FEET;

NORTH 08°14'06" EAST, 134.84 FEET;

NORTH 32°40'15" EAST, 103.20 FEET;

NORTH 48°08'53" EAST, 121.08 FEET;

NORTH 73°13'20" EAST, 166.71 FEET;

NORTH 45°58'13" EAST, 150.91 FEET;

NORTH 32°08'33" EAST, 193.78 FEET TO THE MOST EASTERLY CORNER THEREOF;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13 THE FOLLOWING COURSES AND DISTANCES:

NORTH 57°51'26" WEST, 110.00 FEET;

NORTH 53°01'09" WEST, 50.19 FEET TO THE CORNER COMMOM TO WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 1, AS FILED IN BOOK 55 OF PLATS AT PAGE 5060;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 1, NORTH 53°01'09" WEST, 110.19 FEET TO THE SOUTHEAST CORNER OF WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 3, AS FILED IN BOOK 55 OF PLATS AT PAGE 5079;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 13B, PHASE 3, THE FOLLOWING COURSES AND DISTANCES:

NORTH 47°51'11" EAST, 112.38 FEET;

NORTH 42°44'26" EAST, 107.79 FEET TO THE CORNER COMMON TO BOULDER HEIGHTS SUBDIVISION AS FILED IN BOOK 59 OF PLATS AT PAGE 5805;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BOULDER HEIGHTS SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 42°44'26" EAST, 136.19 FEET;

NORTH 23°14'47" EAST, 50.00 FEET TO THE MOST EASTERLY CORNER THEREOF;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID BOULDER HEIGHTS SUBDIVISION AND THE NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TRENT POINT WAY THE FOLLOWING COURSES AND DISTANCES:

NORTH 66°47'56" WEST, 75.64 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 13.47 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 15°26'22", AND A LONG CHORD BEARING OF NORTH 59°04'45" WEST, 13.43 FEET;

THENCE NORTH 51°21'34" WEST, 32.73 FEET:

THENCE ALONG THE BOUNDARY LINES OF A CERTAIN TANK SITE DEEDED TO UNITED WATER OF IDAHO AND THE ACCESS EASEMENT THERETO THE FOLLOWING COURSES AND DISTANCES:

NORTH 38°38'23" EAST, 51.81 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 46.75 FEET, SAID CURVE HAVING A RADIUS OF 77.50 FEET, A CENTRAL ANGLE OF 34°33'34", AND A LONG CHORD BEARING NORTH 21°21'36" EAST, 46.04 FEET;

THENCE NORTH 04°04'49" EAST, 35.30 FEET;

THENCE NORTH 84°20'35" WEST, 6.37 FEET;

THENCE NORTH 04°04'49" EAST, 209.47 FEET;

THENCE NORTH 47°30'56" WEST, 130.42 FEET;

THENCE SOUTH 28°42'05" WEST, 168.05 FEET;

THENCE SOUTH 45°15'41" EAST, 202.46 FEET;

THENCE SOUTH 04°04'49" WEST, 41.28 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 31.67 FEET, SAID CURVE HAVING A RADIUS OF 52.50 FEET, A CENTRAL ANGLE OF 34°33'34", AND A LONG CHORD BEARING SOUTH 21°21'36" WEST, 31.19 FEET;

THENCE SOUTH 38°38'23" WEST, 51.81 FEET TO THE INTERSECTION WITH THE AFORE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TRENT POINT WAY AND THE NORTHEASTERLY BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISON;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY AND BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

NORTH 51°21'34" WEST, 32.50 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 39.27 FEET, SAID CURVE HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 10°00'00", AND A LONG CHORD BEARING NORTH 56°21'34" WEST, 39.22 FEET;

THENCE NORTH 61°21'34" WEST, 113.42 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINES OF SAID BOULDER HEIGHTS SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 28°16'56" EAST, 120.39 FEET;

NORTH 79°22'39" WEST, 203.52 FEET;

SOUTH 46°19'22" WEST, 210.05 FEET TO THE NORTHWESTERLY TERMINUS OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF EAST WINDSONG DRIVE, AS SHOWN ON SAID BOULDER HEIGHTS SUBDIVISION PLAT;

THENCE LEAVING SAID EASTERLY BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISION AND ALONG THE NORTHWESTERLY PROLONGATION OF SAID SOUTHWESTERLY RIGHT OF WAY LINE NORTH 43°40'38" WEST, 6.06 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 13.97 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 6°24'11", AND A LONG CHORD BEARING NORTH 40°28'32" WEST, 13.96 FEET;

THENCE SOUTH 46°19'22" WEST, 220.06 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 22.10 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 10°07'52", AND A LONG CHORD BEARING SOUTH 60°23'27" EAST, 22.07 FEET;

THENCE SOUTH 55°19'31" EAST, 4.05 FEET TO THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF EAST ECHO DRIVE AND THE NORTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION;

THENCE ALONG SAID NORTHWESTERLY BOUNDARY LINE SOUTH 31°15'19" WEST, 30.87 FEET TO AN ANGLE POINT THEREON;

THENCE CONTINUING ALONG SAID NORTHWESTERLY BOUNDARY LINE SOUTH 34°49'40" WEST, 19.19 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST ECHO DRIVE;

THENCE LEAVING SAID EASTERLY BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISION AND ALONG THE NORTHWESTERLY PROLONGATION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE NORTH 55°19'31" WEST, 5.84 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 13.36 FEET, SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 10°12'23", AND A LONG CHORD BEARING NORTH 60°25'42" WEST, 13.34 FEET;

THENCE SOUTH 35°48'19" WEST, 134.24 FEET;

THENCE NORTH 84°25'26" WEST, 65.26 FEET TO THE MOST NORTHERLY CORNER OF LOT 14, BLOCK 1, SAID BOULDER HEIGHTS SUBDIVISON;

THENCE ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NORTH 52°42'35" WEST, 450.97 FEET;

THENCE CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY LINE NORTH 81°37'53" WEST, 119.35 FEET TO THE MOST EASTERLY CORNER OF BOULDER HEIGHTS SUBDIVISION NO. 2, AS FILED IN BOOK 70 OF PLATS AT PAGE 7206;

THENCE ALONG THE EASTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2, NORTH 11°01'42" WEST, 66.88 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2 AND THE CURVED NORTHEASTERLY RIGHT-OF-WAY LINE OF EAST WINDSONG DRIVE, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 100.80 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 46°12'17", AND A LONG CHORD BEARING NORTH 78°56'48" WEST, 98.09 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

THENCE ALONG SAID COMPOUND CURVE TO THE RIGHT AN ARC LENGTH OF 33.74 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 96°39'39", AND A LONG CHORD BEARING NORTH 07°30'50" WEST, 29.88 FEET;

THENCE NORTH 50°11'55" WEST, 40.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A LONG CHORD BEARING SOUTH 85°49'00" WEST, 28.28 FEET;

THENCE NORTH 49°11'00" WEST, 123.54 FEET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY AND ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINES OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 40°49'00" WEST, 50.00 FEET;

SOUTH 58°23'01" WEST, 61.70 FEET;

NORTH 76°48'05" WEST, 122.10 FEET;

NORTH 02°27'12" WEST, 115.00 FEET;

THENCE LEAVING SAID BOUNDARY LINE OF BOULDER HEIGHTS NO. 2 SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 57°15'42" WEST, 225.26 FEET;

SOUTH 75°43'00" WEST, 136.37 FEET;

SOUTH 21°55'50" WEST, 341.28 FEET;

SOUTH 74°36'31" EAST, 124.05 FEET;

NORTH 89°50'43" EAST, 64.32 FEET;

NORTH 74°17'56" EAST, 72.90 FEET;

SOUTH 41°43'01" EAST, 5.56 FEET TO THE WESTERLY TERMINUS OF THE NORTHERLY RIGHT-OF-WAY OF EAST BIRDSONG DRIVE, BEING ALSO A POINT ON THE WEST BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2;

THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID BOULDER HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 15°42'04" EAST, 50.00 FEET;

SOUTH 36°51'02" WEST, 341.56 FEET;

SOUTH 55°23'47" EAST, 127.17 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, BEING ALSO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH WIND DANCER WAY;

THENCE ALONG SAID CURVED NORTHWESTERLY RIGHT-OF-WAY LINE AND SAID BOUNDARY LINE OF BOULDER HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 62.58 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 28°40'58", AND A LONG CHORD BEARING SOUTH 57°50'39" WEST, 61.92 FEET;

THENCE SOUTH 72°11'08" WEST, 105.59 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 16.88 FEET, SAID CURVE HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 8°47'39", AND A LONG CHORD BEARING SOUTH 67°47'18" WEST, 16.87 FEET;

THENCE SOUTH 63°23'29" WEST, 62.26 FEET TO THE CORNER COMMON TO BOULDER HEIGHTS SUBDIVISION NO. 3, AS FILED IN BOOK 75 OF PLATS AT PAGE 7757;

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND THE NORTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 3 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 63°23'29" WEST, 7.63 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 68.96 FEET, SAID CURVE HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 22°34'39", AND A LONG CHORD BEARING SOUTH 52°06'09" WEST, 68.51 FEET;

THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY AND BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

NORTH 43°43'30" WEST, 150.40 FEET;

SOUTH 36°31'20" WEST, 143.22 FEET;

SOUTH 49°11'10" EAST, 24.00 FEET TO THE NORTHWESTERLY TERMINUS OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TOLUKA WAY, SAID TERMINUS ALSO BEING A POINT ON THE NORTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 3;

THENCE ALONG SAID NORTHWESTERLY BOUNDARY LINE SOUTH 40°48'50" WEST, 50.00 FEET TO THE NORTHWESTERLY TERMINUS OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH TOLUKA WAY;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE SOUTHWESTERLY BOUNDARY LINE OF SAID BOULDER HEIGHTS SUBDIVISION NO. 3, SOUTH 49°11'10" EAST, 120.29 FEET;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY AND ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID BOUDER HEIGHTS SUBDIVISION NO. 3 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 55°51'55" WEST, 328.48 FEET;

SOUTH 34°08'05" EAST, 27.01 FEET;

SOUTH 55°51'55" WEST, 124.18 FEET;

THENCE LEAVING SAID NORTHWESTERLY BOUNDARY LINE NORTH 85°07'28" WEST, 120.67 FEET;

THENCE SOUTH 23°07'47" WEST, 183.80 FEET;

THENCE SOUTH 03°18'56" EAST, 66.79 FEET;

THENCE SOUTH 89°35'15" EAST, 58.68 FEET;

THENCE SOUTH 27°50'06" EAST, 158.47 FEET TO THE INTERSECTION WITH THE NORTHERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 4, AS FILED IN BOOK 23 OF PLATS AT PAGE 1492;

THENCE ALONG THE SAID NORTHERLY BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

NORTH 87°58'41" WEST, 9.32 FEET;

SOUTH 57°58'55" WEST, 76.54 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 2, AS FILED IN BOOK 16 OF PLATS AT PAGE 1069;

THENCE ALONG SAID WEST BOUNDARY LINE NORTH 02°00'02" WEST, 166.29 FEET TO THE NORTHEAST CORNER THEREOF BEING ALSO A POINT ON THE NORTH LINE OF GOVERNMENT LOT 2, SAID SECTION 19;

THENCE ALONG THE NORTH LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2 AND SAID NORTH LINE OF GOVERNMENT LOT 2 NORTH 89°18'29" WEST, 40.75 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2 AND ALONG THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M., NORTH 89°39'33" WEST, 469.36 FEET TO THE NORTHWEST CORNER OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2;

THENCE ALONG THE WESTERLY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2 THE FOLLOWING COURSES AND DISTANCES;

SOUTH 00°32'48" WEST, 98.71 FEET;

NORTH 89°27'12" WEST, 37.00 FEET;

SOUTH 00°18'42" WEST, 184.14 FEET;

SOUTH 83°45'15" WEST, 71.80 FEET;

SOUTH 34°09'01 WEST, 129.63 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION, AS FILED IN BOOK 15 OF PLATS AT PAGE 1013;

THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID WARM SPRINGS MESA SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

NORTH 56°21'57" WEST, 162.56 FEET;

NORTH 78°28'57" WEST, 170.43 FEET;

SOUTH 62°27'33" WEST, 158.00 FEET;

THENCE LEAVING SAID NORTHERLY BOUNDARY LINE NORTH 49°01'00" WEST, 252.94 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF EAST STARCREST DRIVE, BEING A POINT ON A CURVE TO THE LEFT;

THENCE ALONG SAID RIGHT-OF-WAY OF EAST STARCREST DRIVE AND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 240.24 FEET, SAID CURVE HAVING A RADIUS OF 86.17 FEET, A CENTRAL ANGLE OF 159°44'13", AND A LONG CHORD BEARING NORTH 87°00'24" WEST, 169.65 FEET;

THENCE SOUTH 76°52'30" EAST, 60.00 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF EAST STARCREST DRIVE;

THENCE ALONG SAID EAST RIGHT-OF-WAY SOUTH 13°09'25" WEST, 213.38 FEET TO THE SOUTHWEST CORNER OF A CERTAIN WELLSITE DEEDED TO UNITED WATER OF IDAHO;

THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID WELLSITE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 76°52'30" EAST, 40.05 FEET;

NORTH 78°57'30" EAST, 42.36 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST STARCREST DRIVE;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 11°05'59" EAST, 124.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 255.78 FEET, SAID CURVE HAVING A RADIUS 220.99 FEET, A CENTRAL ANGLE OF 66°19'00", AND A LONG CHORD BEARING SOUTH 44°12'00" EAST, 241.74 FEET;

THENCE SOUTH 77°21'30" EAST, 238.33 FEET;

THENCE NORTH 12°38'30" EAST, 5.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 141.64 FEET, SAID CURVE HAVING A RADIUS OF 356.97 FEET, A CENTRAL ANGLE OF 22°44'00", AND A LONG CHORD BEARING SOUTH 65°59'30" EAST, 140.71 FEET;

THENCE SOUTH 54°37'30" EAST, 73.67 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 100.26 FEET, SAID CURVE HAVING A RADIUS OF 326.56 FEET, A CENTRAL ANGLE OF 17°35'30", AND A LONG CHORD BEARING SOUTH 63°25'15" EAST, 99.87 FEET;

THENCE SOUTH 72°13'00" EAST, 105.66 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY LINE OF AFORESAID WARM SPRINGS MESA SUBDIVISION NO. 2;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF EAST STARCREST DRIVE AND ALONG SAID SOUTHWESTERLY BOUNDARY LINE SOUTH 58°21'30" EAST, 105.01 FEET;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY AND ALONG THE WESTERLY BOUNDARY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2, SOUTH 31°38'30" WEST, 60.86 FEET;

THENCE LEAVING SAID WESTERLY BOUNDARY SOUTH 83°01'30" WEST, 156.87 FEET;

THENCE SOUTH 32°49'00" EAST, 254.14 FEET;

THENCE SOUTH 40°09'00" EAST, 134.87 FEET;

THENCE NORTH 71°54'30" EAST, 46.34 FEET;

THENCE SOUTH 53°49'27" EAST, 140.17 FEET;

THENCE SOUTH 69°37'33" EAST, 257.01 FEET;

THENCE SOUTH 89°54'10" EAST, 32.08 FEET TO THE INTERSECTION WITH THE EAST LINE OF GOVERNMENT LOT 3, SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M.;

THENCE ALONG SAID EAST LINE NORTH 00°05"50""EAST, 126.20 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST STARCREST DRIVE AND THE SOUTHERLY BOUNDARY LINE OF SAID WARM SPRINGS MESA SUBDIVISION NO. 2, BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID SOUTHERLY BOUNDARY LINE, AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 33.57 FEET, SAID CURVE HAVING A RADIUS OF 355.00 FEET, A CENTRAL ANGLE OF 5°25'03" AND A LONG CHORD BEARING SOUTH 71°30'19" EAST, 33.55 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID SOUTHERLY BOUNDARY LINE, AND SAID COMPOUND CURVE TO THE LEFT AN ARC LENGTH OF 35.75 FEET, SAID CURVE HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 12°24'48", AND A LONG CHORD BEARING SOUTH 80°25'15" EAST, 35.68 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND BOUNDARY LINE SOUTH 72°11'35" WEST, 21.13 FEET;

THENCE SOUTH 04°04'12" WEST, 16.62 FEET;

THENCE SOUTH 03°43'23" EAST, 97.64 FEET;

THENCE SOUTH 52°13'32" EAST, 44.93 FEET;

THENCE SOUTH 63°20'55" EAST, 39.99 FEET;

THENCE NORTH 59°58'44" EAST, 54.41 FEET;

THENCE NORTH 43°48'54" EAST, 107.48 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH STARLITE LANE;

THENCE NORTH 62°14'10" EAST, 50.00 FEET TO THE INTERSECTION WITH THE CURVED NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH STARLITE LANE, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 64.16 FEET, SAID CURVE HAVING A RADIUS OF 677.39 FEET, A CENTRAL ANGLE OF 5°25'37", AND A LONG CHORD BEARING SOUTH 25°02'48" EAST, 64.14 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG SAID REVERSE CURVE TO THE LEFT AN ARC LENGTH OF 19.89 FEET, SAID CURVE HAVING A RADIUS OF 627.39 FEET, A CENTRAL ANGLE OF 01°48'59", AND A LONG CHORD BEARING SOUTH 23°14'28" EAST, 19.89 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 3A, AS FILED IN BOOK 56 OF PLATS AT PAGE 5180;

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY LINE NORTH 69°23'25" EAST, 95.58 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY LINE OF WARM SPRINGS MESA SUBDIVISION NO. 3, AS FILED IN BOOK 22 OF PLATS AT PAGE 1436;

THENCE ALONG SAID SOUTHWESTERLY BOUNDARY LINE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 39°11'29" EAST, 296.42 FEET;

SOUTH 50°39'41" EAST, 94.49 FEET;

SOUTH 58°11'34" EAST, 103.63 FEET TO THE MOST SOUTHERLY CORNER THEREOF;

THENCE LEAVING SAID SOUTHWESTERLY BOUNDARY LINE SOUTH 26°50'26" WEST, 86.87 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 45.66 FEET, SAID CURVE HAVING A RADIUS OF 348.80 FEET, A CENTRAL ANGLE OF 07°30'00", AND A LONG CHORD BEARING SOUTH 83°53'30" EAST, 45.63 FEET;

THENCE SOUTH 87°38'30" EAST, 114.07 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A LONG CHORD BEARING NORTH 47°21'30" EAST, 28.28 FEET;

THENCE NORTH 02°21'30" EAST, 5.29 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 60.58 FEET, SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 46°17'00", AND A LONG CHORD BEARING NORTH 20°47'00" WEST, 58.95 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STARVIEW DRIVE;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 43°55'30" EAST, 0.68 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE TO THE LEFT, AN ARC LENGTH OF 346.16 FEET, SAID CURVE HAVING A RADIUS OF 465.74 FEET, A CENTRAL ANGLE OF 42°35'08", AND A LONG CHORD BEARING SOUTH 65°13'04" EAST, 338.25 FEET;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE NORTH 87°38'30" WEST, 424.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 52.20 FEET, SAID CURVE HAVING A RADIUS OF 398.80 FEET, A CENTRAL ANGLE OF 07°30'00", AND A LONG CHORD BEARING NORTH 83°53'30" WEST, 52.17 FEET, TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

THENCE ALONG SAID COMPOUND CURVE TO THE RIGHT AN ARC LENGTH OF 429.74 FEET, SAID CURVE HAVING A RADIUS OF 485.00 FEET, A CENTRAL ANGLE OF 50°46'01", AND A LONG CHORD BEARING NORTH 54°45'29" WEST, 415.82 FEET;

THENCE NORTH 29°17'21" WEST, 140.72 FEET TO THE INTERSECTION WITH THE SOUTH BOUNDARY LINE OF AFORE SAID WARM SPRINGS MESA SUBDIVISION NO. 3A;

THENCE ALONG THE SAID SOUTH BOUNDARY LINE SOUTH 84°33'16" WEST, 205.68 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE LEAVING SAID SOUTH BOUNDARY LINE SOUTH 59°21'32" WEST, 271.63 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681), BEING ALSO A POINT ON A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE AND ALONG EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681) THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 333.81 FEET, SAID CURVE HAVING A RADIUS OF 1482.50 FEET, A CENTRAL ANGLE OF 12°54'04", AND A LONG CHORD BEARING NORTH 43°13'34" WEST, 333.11 FEET;

THENCE NORTH 49°40'48" WEST, 102.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 354.37 FEET, SAID CURVE HAVING A RADIUS OF 1860.00 FEET, A CENTRAL ANGLE OF 10°54'58", AND A LONG CHORD BEARING NORTH 44°13'19" WEST, 353.84 FEET;

THENCE NORTH 38°45'48" WEST, 184.70 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 385.49 FEET, SAID CURVE HAVING A RADIUS OF 868.60 FEET, A CENTRAL ANGLE OF 25°25'42", AND A LONG CHORD BEARING NORTH 51°28'39" WEST, 382.33 FEET;

THENCE NORTH 64°11'48" WEST, 142.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 297.85 FEET, SAID CURVE HAVING A RADIUS OF 359.30 FEET, A CENTRAL ANGLE OF 47°29'49", AND A LONG CHORD BEARING NORTH 40°26'53" WEST, 289.40 FEET;

THENCE NORTH 16°41'48" WEST. 149.20 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 79.69 FEET, SAID CURVE HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 04°32'36", AND A LONG CHORD BEARING NORTH 18°58'06" WEST, 79.67 FEET TO THE INTERSECTION WITH THE SOUTHEAST BOUNDARY LINE OF A CERTAIN WELL SITE DEEDED TO UNITED WATER OF IDAHO;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS BLVD. AND SAID EXISTING CITY LIMITS BOUNDARY (ORDINANCE NO. 4681) AND ALONG THE BOUNDARY LINES OF SAID WELL SITE THE FOLLOWING COURSES AND DISTANCES:

NORTH 52°42'38" EAST, 18.37 FEET;

NORTH 13°07'30" EAST, 16.00 FEET;

NORTH 34°00'34" WEST, 30.00 FEET;

SOUTH 52°22'23" WEST, 21.79 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE AND THE EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681), BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681) AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 36.18 FEET, SAID CURVE HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 02°03'45", AND A CHORD BEARING NORTH 24°37'54" WEST, 36.17 FEET;

THENCE LEAVING SAID EXISTING CITY LIMITS BOUNDARY LINE (ORDINANCE NO. 4681) AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 101.40 FEET, SAID CURVE HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 05°46'50", AND A CHORD BEARING NORTH 28°33'12" WEST, 101.35 FEET;

THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES:

THENCE NORTH 31°32'56" WEST, 179.79 FEET TO THE INTERSECTION WITH THE NORTH LINE OF GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M.;

THENCE CONTINUING NORTH 31°32'56" WEST, 95.87 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 252.77 FEET, SAID CURVE HAVING A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 13°12'55", AND A CHORD BEARING NORTH 24°47'15" WEST, 252.21 FEET;

THENCE SOUTH 71°51'23" WEST, 17.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 396.29 FEET, SAID CURVE HAVING A RADIUS OF 3307.04 FEET, A CENTRAL ANGLE OF 6°51'57", AND A CHORD BEARING NORTH 21°37'51" WEST, 396.05 FEET;

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THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WARM SPRINGS AVENUE THE FOLLOWING COURSES AND DISTANCES:

NORTH 62°18'43" EAST, 88.95 FEET;

NORTH 09°24'24" EAST, 68.13 FEET;

NORTH 06°47'17" EAST, 125.68 FEET;

NORTH 02°11'49" EAST, 48.01 FEET;

NORTH 28°14'26" EAST, 127.14 FEET;

NORTH 03°29'58" EAST, 122.47 FEET;

NORTH 48°19'48" EAST, 188.40 FEET;

SOUTH 88°30'42" EAST, 120.80 FEET;

SOUTH 78°15'04" EAST, 127.25 FEET;

NORTH 00°44'00" WEST, 26.01 FEET;

NORTH 35°11'01" WEST, 42.98 FEET;

NORTH 48°36'50" WEST, 142.15 FEET;

NORTH 84°24'27" WEST, 110.78 FEET;

NORTH 68°01'18" WEST, 82.21 FEET;

NORTH 35°51'17" WEST, 96.18 FEET;

NORTH 53°48'39" WEST, 37.51 FEET;

NORTH 65°00'26" WEST, 130.85 FEET;

NORTH 78°17'09" WEST, 145.55 FEET;

NORTH 53°42'09" WEST, 267.04 FEET;

SOUTH 87°16'57" WEST, 93.93 FEET;

NORTH 61°44'37" WEST, 82.43 FEET;

NORTH 45°45'03" WEST, 100.15 FEET;

NORTH 20°42'19" WEST, 137.74 FEET;

NORTH 05°47'55" WEST, 124.46 FEET;

NORTH 89°23'57" WEST, 138.31 FEET TO THE INTERSECTION WITH THE CURVED NORTHEASTERLY RIGHT-OF-WAY OF WARM SPRINGS AVENUE, BEING A NON-TANGENT CURVE TO THE RIGHT;

4/5/6
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THENCE ALONG SAID CURVED NORTHEASTERLY RIGHT-OF-WAY AND SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 50.00 FEET, SAID CURVE HAVING A RADIUS OF 1113.00 FEET, A CENTRAL ANGLE OF 02°34'26", AND A CHORD BEARING NORTH 02°17'50" EAST, 50.00 FEET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY SOUTH 89°26'19" EAST, 70.96 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M.;

THENCE SOUTH 89°29'00" EAST, 1333.34 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13;

THENCE SOUTH 00°12'48" EAST, 894.06 FEET ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, B.M., SOUTH 89°41'58" EAST, 1332.82 FEET TO THE "POINT OF BEGINNING".

CONTAINS AN AREA OF 410.70 ACRES, MORE OR LESS.

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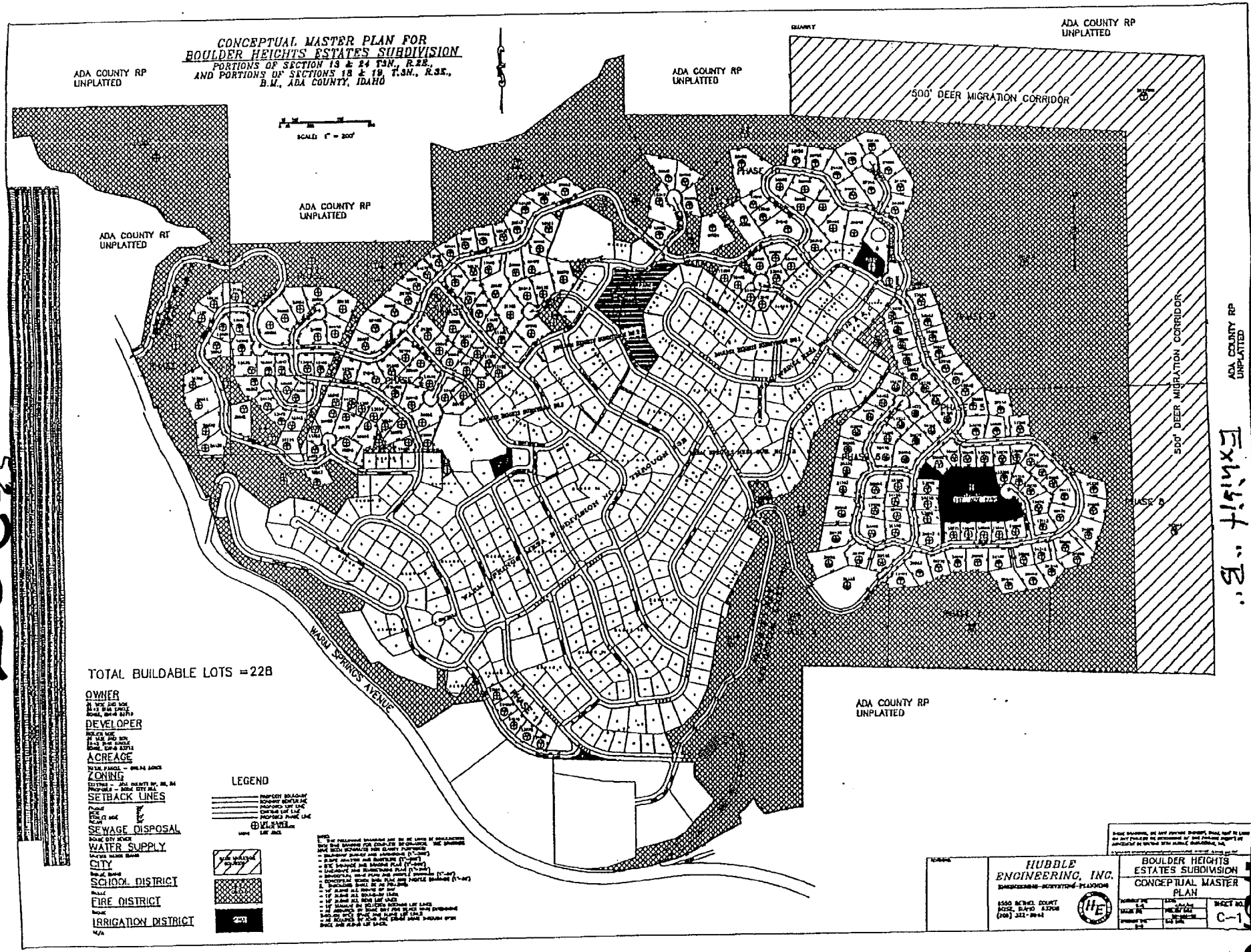

Exhibit "B"

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Exhibit "C"

	Exhibit "C"			
	Boulder Heights Estates Planned Development			CUP00-00021
	Density Bonus Analysis			
	and Calculation			
	October 5, 2000			
1	Total Area	405.96	Acres	Given
2	**Area < 25% slope**	**209.66**	**Acres**	Given
3	Area > 25% slope	196.30	Acres	Given
4	Road Area	29.70	Acres	Given
5	Built Area	118.35	Acres	Given
6	**Total Developed Area < 25% slope = multiplier for bonus**	**148.05**	**Acres**	= R4 + R5
7	Area Eligible for Bonus <25% slope, dedicated open space	58.14	Acres	From applicant's data in ArcView
8	Trails, Heritage acres, not already counted above.	25.28	Acres	From applicant's data in ArcView
9	**Sum of area <25% eligible + trails + heritage acres = dividend for % of dedicated open space**	**83.41**	**Acres**	=R7 + R8
15	**Bonus/Area < 25% = "Open Space Dedicated Percent"**	**39.78%**	**Percent of open space to total buildable <25%**	= R9 / R2
16	Bonus Units per acre	1.07	Units/acre	= See "Foothills Plan Variable Density Bonus" chart
17	Density Bonus Calculation	159	Units	= R20 * R6
18	Base Units on 406 acres - 40 acres of R-8 zone	9	Units	= (406-40) ac. / 40 u/ac.
19	Proposed units in R8 and R4 zones	55	Units	From applicant's data in ArcView
20	**Grand Total Eligible Dwelling Units for Project**	**223**	**Units**	= R17 + R18 + R19
21	Proposed units	228	Units	Given
22	**Difference between application and bonus density units**	**5**	**Units**	**= R21 - R20**
23	**Additional open space <25% slope required to qualify for the proposed units.**	**4.8**	**Acres**	**= R22 / R16**

Exhibit "C"

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10/2/'00				
Foothills Plan Variable Density Bonus		Table from proposed Draft B of the Foothills Planned Development Ordinance		
			Example	
Built Area	Open Space Dedicated Per Cent	Density Bonus Units /Acre	*Buildable Area On 100 acres*	*# of Bonus Units*
75%	25%	0.5	*75.0*	*38*
69%	31%	0.75	*68.8*	*52*
63%	38%	1	*62.5*	*63*
56%	44%	1.25	*56.3*	*70*
50%	50%	1.5	*50.0*	*75*
44%	56%	1.75	*43.8*	*77*
38%	63%	2.25	*37.5*	*84*
31%	69%	3	*31.3*	*94*
25%	75%	4	*25.0*	*100*
Boulder Heights Estates Density Bonus Calculation	**y intercept between 1 and 1.25 u/ac. is**	**-0.58333**	**% of dedicated open space is =**	**39.78%**
	slope between 1 and 1.25 u/ac. is	**4.166667**	**Density bonus is, units per acre =**	**1.07**

Exhibit "C"

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Boulder Heights Estates
Planned Development, CUP00-00021
Density Bonus Analysis

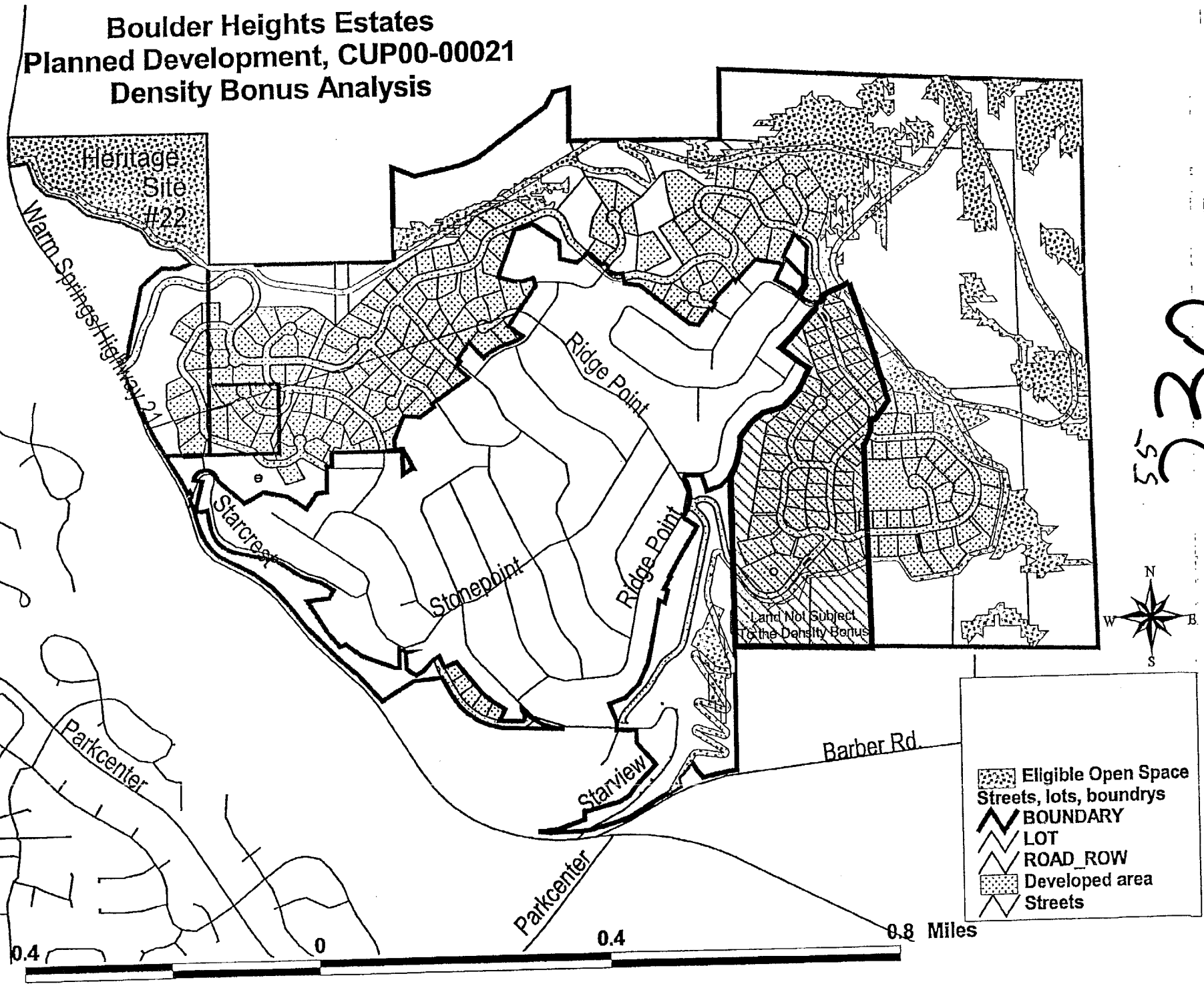
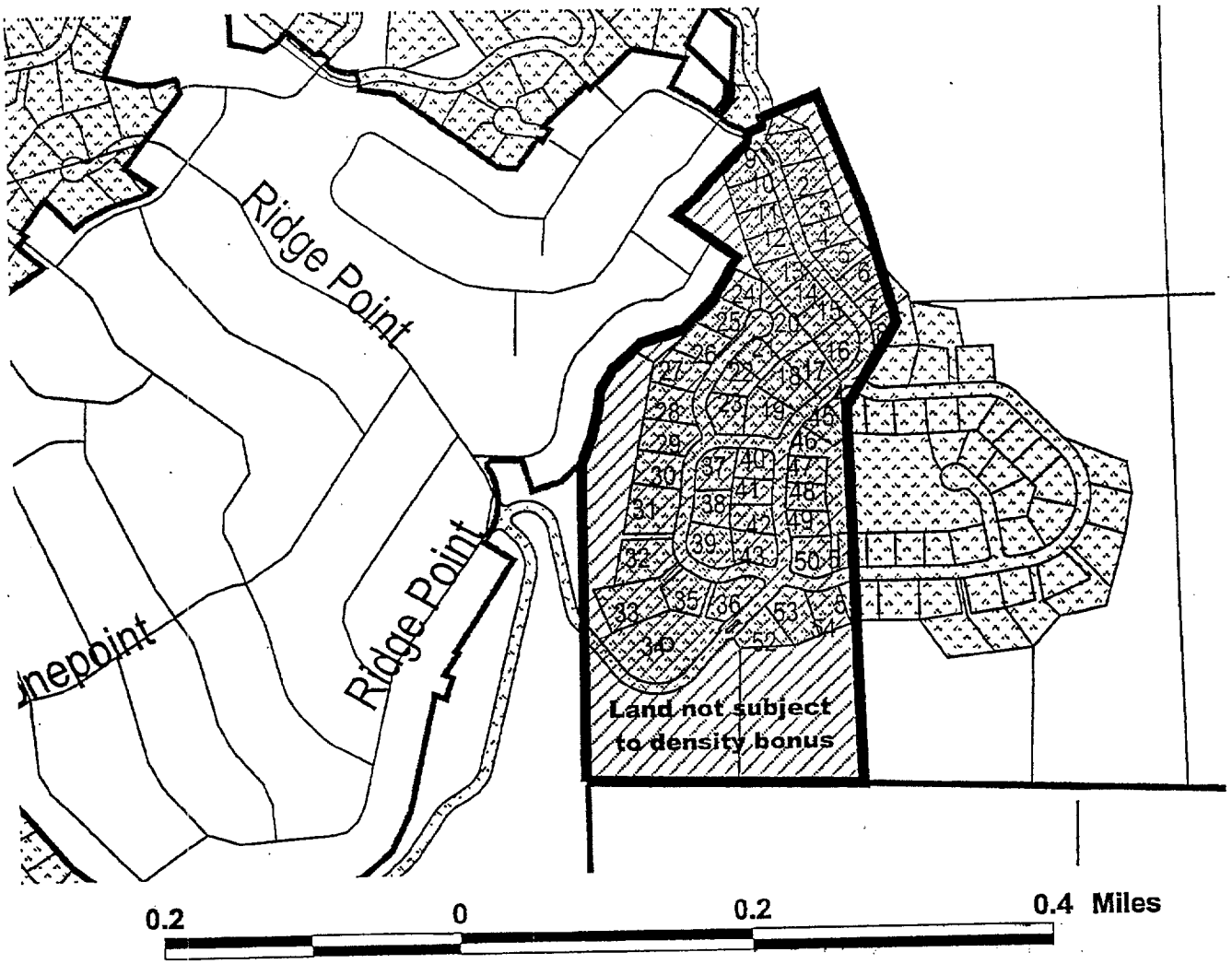


Exhibit "C"

55 230

Exhibit "D"
"Land Not Subject to the Density Bonus in the Development Area"



Streets
Streets, lots, boundrys
BOUNDARY
LOT
ROAD_ROW
Proposed Developed Area

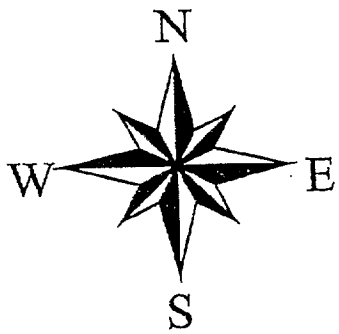


Exhibit "E" Zoning Designations for the Boulder Heights Planned Development
CAR00-00021/DA

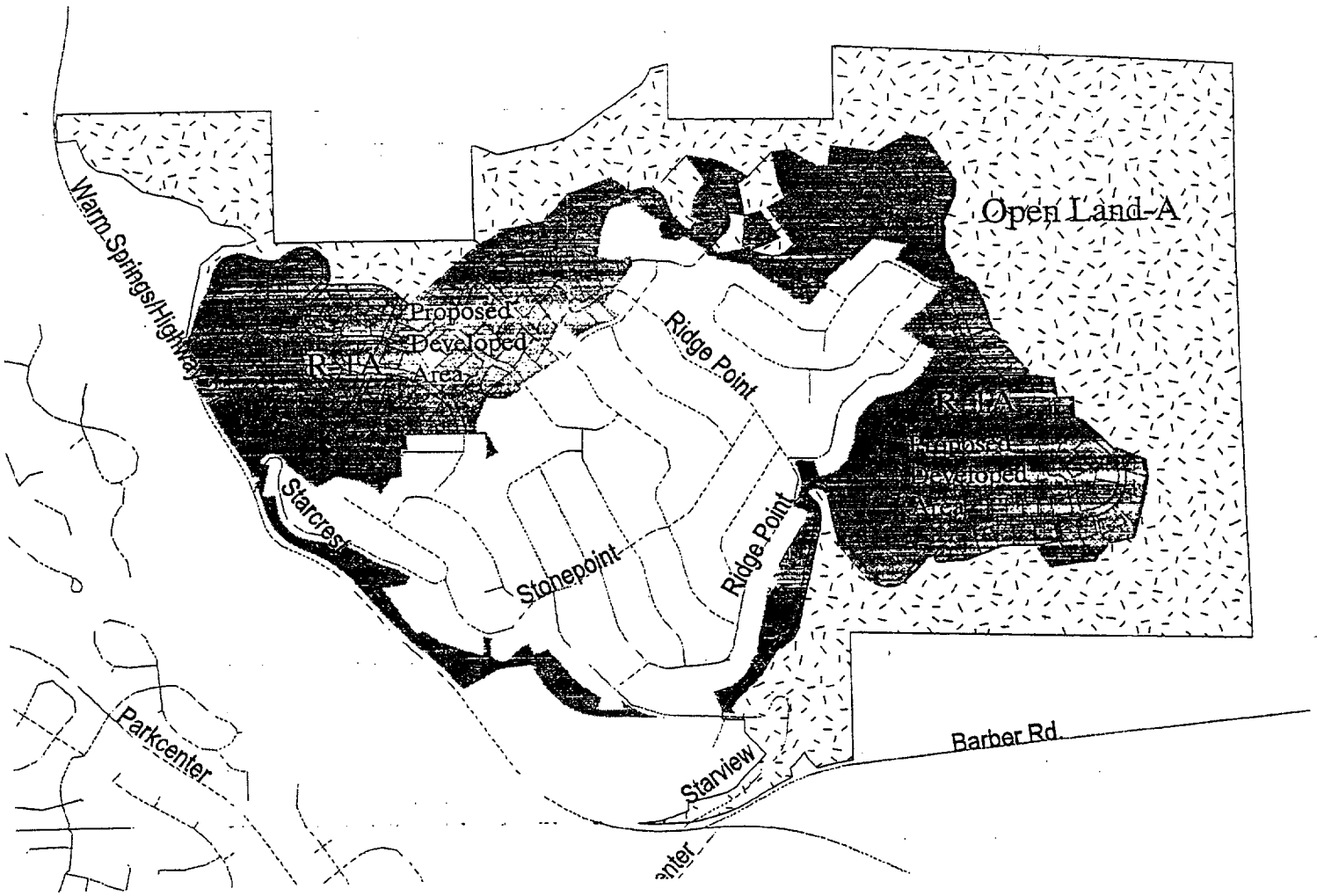


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Exhibit "F"

Memo

To: Board of Park & Recreation Commissioners
From: C.H. Weston, Park Planner through James R. Hall, Director
Date: September 13, 2000
Subject: Boulder Heights Subdivision - Concept Plan

Boise Parks & Recreation Department (BPR) has been working with developer, Homer Wise to create an open space plan for proposed Boulder Heights subdivision. The northern area of the subdivision extends from Warm Springs Avenue, near the entry to Warm Springs Golf Course, easterly to Warm Springs Creek. The area contains a variety of significant resource values including wildlife habitat, trails, cultural and visual resources.

The Boise Comprehensive Park and Recreation System Plan and the Heritage Preservation Report recognize the importance of Table Rock, the Table Rock Toe and the Old Penitentiary Historic District, the Penn Canal and old tramway corridor. The Ridge to Rivers Trail System Plan also identifies trail connections that course around Table Rock on and near the Boulder Heights property.

In conclusion, the proposed open space area conceptually drafted by the developer, contains several potentially high value resource characteristics that should be considered for conservation. The developer has indicated a willingness to work with boise Parks and Recreation to discuss preservation of these open spaces. The Parks Sub-Committee met Thursday, September 8th to review the proposed open space concept plan and recommends that the City enter into negotiations regarding preservation of these open spaces.

Enclosure: Boulder Heights Subdivision Map

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Exhibit F

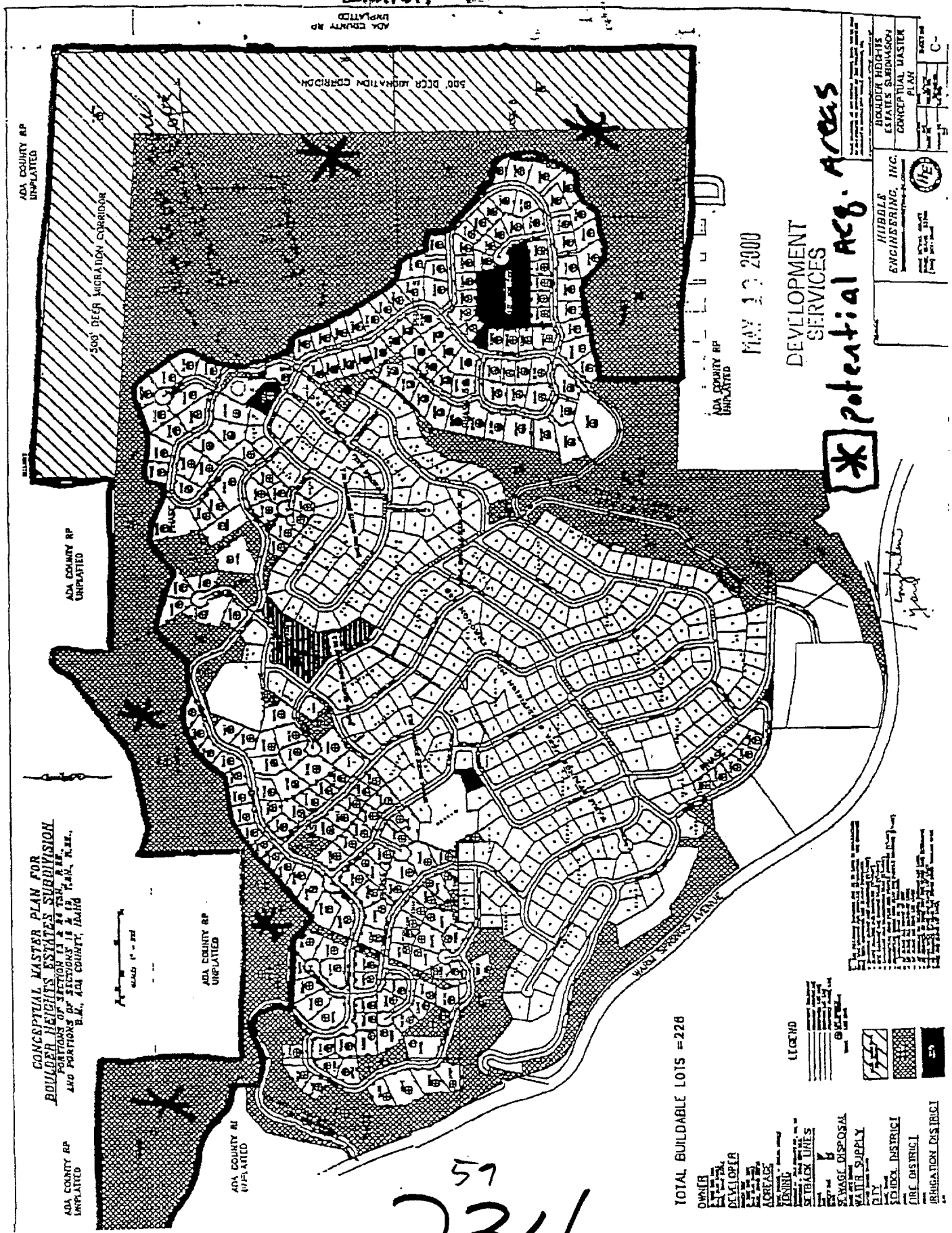

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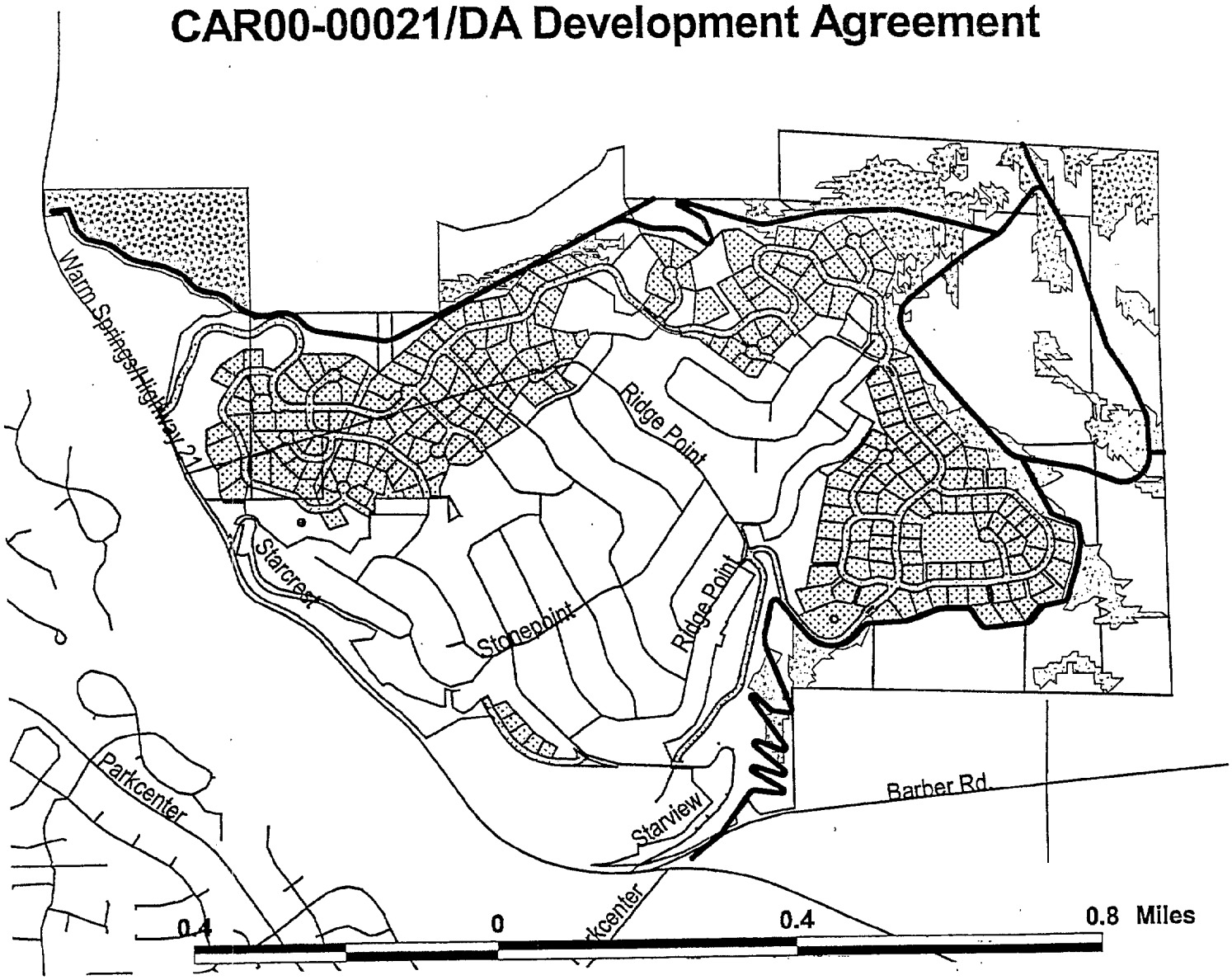
Exhibit "G" Boulder Heights Trail System Map

CAR00-00021/DA Development Agreement



Proposed Trail System
Developed area
Eligible Open Space
Streets, lots, boundrys
BOUNDARY
LOT
ROAD_ROW
Streets

N
W
E
S

October 10, 2000
Boise City Comprehensive Planning Division

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Ada County Highway District

Judy Peavey-Derr, President
Dave Bivens, 1st Vice President
Sherry R. Huber, 2nd Vice President
Susan S. Eastlake, Commissioner
David E. Wynkoop, Commissioner

318 East 37th Street
Garden City ID 83714-6499
Phone (208) 387-6100
FAX (208) 387-6391
E-mail: tellus@ACHD.ada.id.us

May 24, 2001

RECEIVED
MAY 25 2001
DEVELOPMENT SERVICES

TO: Wise & Sons Company
2843 Star Circle
Boise, Idaho 83712

FROM: Christy Richardson, Principal Development Analyst
Planning & Development

SUBJECT: **Preliminary Plat: Boulder Heights/CUP00-0055/REVISED** **Warm Springs Mesa**

On May 23, 2001, the Commissioners of the Ada County Highway District (hereafter called "District") took action on the preliminary Plat as stated on the attached staff report.

In order that the Final Plat may be considered by the District for acceptance, the Developer shall cause the following applicable standard conditions to be satisfied prior to District certification and endorsement:

1. Drainage plans shall be submitted and subject to review and approval by the District.

2. If public street improvements are required: Prior to any construction within the existing or proposed public right-of-way, the following shall be submitted and subject to review and approval by the District.

   a. Three complete sets of detailed street construction drawings prepared by an Idaho registered professional Engineer.

   b. Execute and Inspection Agreement between the Developer and the District together with initial payment deposit for inspection and/or testing services.

   c. Complete all street improvements to the satisfaction of the District, or execute a Surety Agreement between the Developer and the District to guarantee the completion of the construction of all required street improvements.

3. Furnish a copy of the Final Plat showing street names as approved by the Local Government Agency having such authority together with the payment of fee charged for the manufacturing and installation of all street signs.

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4. If Public Right-of-Way Trust Fund deposit is required, make the deposit to the District in the form of cash or cashier's check for the amount specified by the District.

5. Furnish easements, agreements and all other datum or documents as required by the District.

6. Furnish Final Plat drawings together with the plat and plan review fees for District acceptance and endorsement. The final plat must contain the signed endorsement of the Owner and the Land Surveyor's certification.

7. All of the material must be submitted to District staff two-weeks prior to Commission review of the final plat.

8. Approval of the plat is valid for one year. The Commission will consider an extension of one year if requested within 15-days prior to the expiration date.

Please contact me at (208) 387-6170, should you have any questions.

Cc: Planning & Development Chron/File
Planning & Development Services-City of Boise
Construction Services – John Edney
Drainage- Chuck Rinaldi
Pinnacle Engineers Inc
Bob Unger 870 N. Linder Road, Suite B
Meridian, Idaho 83642

ADA COUNTY HIGHWAY DISTRICT

Planning and Development Division

Development Application Report

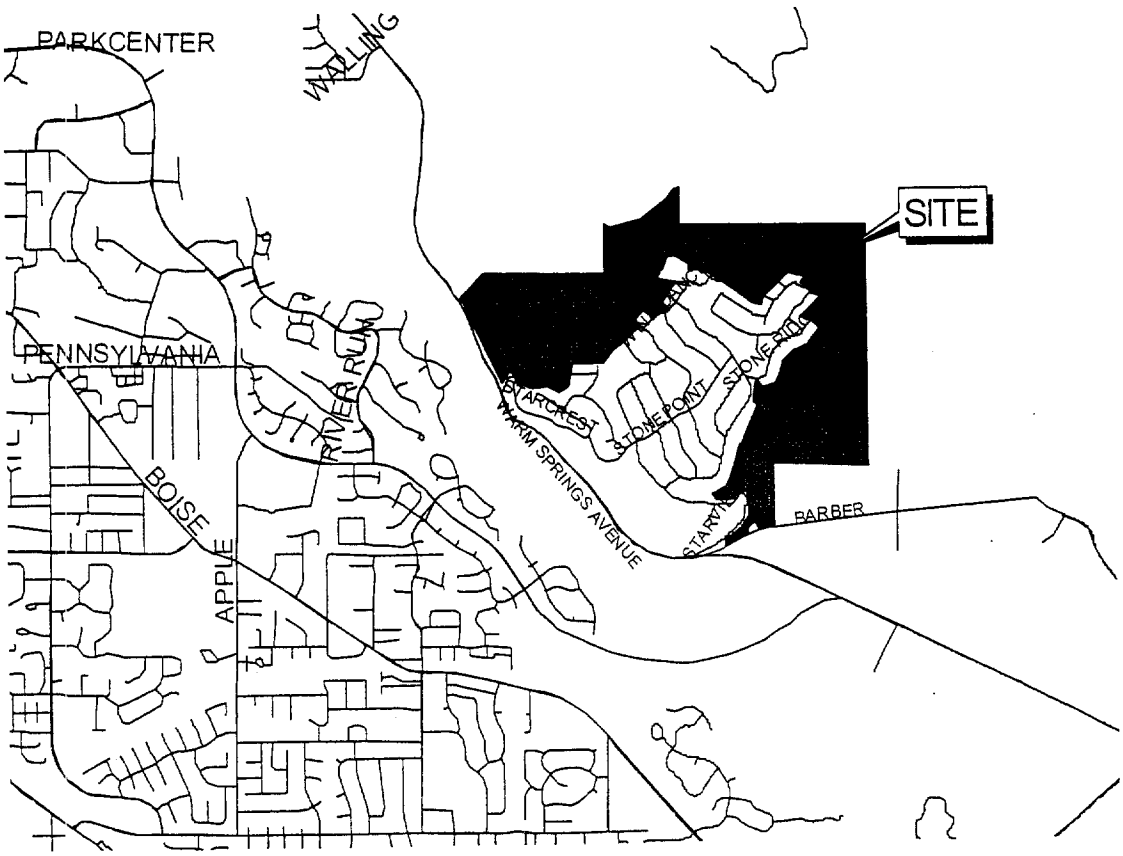
Boulder Heights/CUP00-0055/**REVISED** Warm Springs Mesa Conceptual plat

The applicant is requesting a rezone from RP, R-8, and R-4 to R-1A, with a conditional use permit to construct 228-single family dwelling units. The 405.96-acre site is located northeast of Warm Springs Avenue. The application has been referred to ACHD by the City of Boise for review and comment. This development is estimated to generate 2,280 additional vehicle trips per day based on the Institute of Transportation Engineers Trip Generation manual.

Roads impacted by this development: Warm Springs Avenue
Starcrest Drive
Starview Drive

The Commission made another action on this application on May 23, 2001, with regards to the eastern access, Trent Point Way, and improvements to Starview Drive. May 23rd revisions are in bold type.

ACHD Commission Date – May 23, 2001 6:30 p.m. REGULAR AGENDA



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Facts and Findings:

A. General Information

Owner – JH Wise
Applicant – Hubble Engineering
RP, R-8, R-4 - Existing zoning
R-1A - Requested zoning
405.96 - Acres
228 - Proposed building lots
228 - Proposed dwelling units
218 - Traffic Analysis Zone (TAZ)

Northeast Metro - Impact Fee Service Area
Boise/Garden City Metro - Impact Fee Assessment District

Warm Springs Avenue
Collector abutting the site (no front-on housing)
Minor arterial west of the site (front-on housing) with bike lane designation
Traffic count 14,103 AAWDT by ITD permanent counter e/o Walnut
Traffic count of 13,679 on 4/18/00 (w/o Straughan Avenue)
Traffic count of 4,375 on 3/30/99 (w/o Eckert Road)
300-feet of frontage
100-feet existing right-of-way
No additional right-of-way required

Warm Springs is improved with two travel lanes abutting the site and for 1.5-miles west of the site. West of Penitentiary Road Warm Springs Avenue has two travel lanes with curb, gutter and detached sidewalk.

Starcrest Drive
Residential collector with no bike lane designation
No current traffic count available
0-feet of frontage

Starcrest Drive is improved with 24-feet of pavement with no curb, gutter or sidewalk.

Starview Drive
Residential collector with no bike lane designation
No current traffic count available
0-feet of frontage

Starview Drive is improved with 24-feet of pavement with no curb, gutter or sidewalk.

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B. Effects on Warm Springs Avenue

This development will generate almost 2,300 vehicle trips per day. Until completion of the East Parkcenter Bridge, the traffic from that portion of the site that is developed will be directed to Warm Springs Avenue. After full build out of the development and completion of the East Parkcenter Bridge, staff anticipates that 1,600 additional vehicle trips per day will be directed to Warm Springs Avenue. A Level of Service C threshold of 14,175 vehicle trips per day has been identified for Warm Springs Avenue by Ada Planning Association (now COMPASS), reinforced by the City's adoption of this volume in its comprehensive planning documents. This volume is to be measured at the ITD permanent counter east of Walnut St. The most recent 12-month count indicates that 14,103 AAWDT travel Warm Springs Avenue now.

There have been several other residential and commercial development projects proposed for the Warm Springs Corridor in recent years. On each of these, the District has advised the City as to the effect the development would have on Warm Springs Avenue. Improvements to the Parkcenter Corridor will provide an improved transportation system and accommodate the additional development without unduly increasing the traffic volume on Warm Springs. (See the cumulative effects of various developments on the volume on Warm Springs Avenue in the table below.) As previously acknowledged by the District, approved developments will drive the volume on Warm Springs Avenue considerably higher than the 14, 175 level until both Parkcenter bridges are open for traffic.

Current records show that the Average Annual Weekday Day Traffic (AAWDT) volume is 14,103 at the Idaho Transportation Department (ITD) counting station located east of Walnut Street.

C. Warm Springs Avenue Traffic Calming

Last year, ACHD completed a traffic management study for Warm Springs Avenue. The scope of the study was to analyze alternative means of maintaining traffic on Warm Springs Avenue at or below the planning threshold of 14,175 vehicles per day. The study proposed a range of alternatives to maintain these traffic levels as the Harris Ranch development and other previously approved land developments progress. The alternatives included traffic signal sequencing to regulate speed, indirect roadway connections, and engineering and traffic enforcement strategies to discourage through traffic movements. ACHD will select the most effective alternatives to respond to the traffic impacts of Harris Ranch. The ACHD Commission has deferred a final decision on selection of an alternative until both Parkcenter bridges are completed and the traffic patterns are re-established.

After the Parkcenter bridges are constructed, it is anticipated that 1,600 VTD from the proposed Boulder Heights Development will contribute to daily traffic on Warm Springs Avenue, based on the submitted traffic study.

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WARM SPRINGS AVENUE TRAFFIC VOLUMES - EXISTING AND FUTURE CONDITIONS	
CURRENT ITD DAILY TRAFFIC VOLUME ON WARM SPRINGS AVENUE	14,103 AAWDT [1]
THE PROJECTIONS IN THIS CHART ARE BASED ON THE ACHD COUNT TAKEN ON DECEMBER 1, 1997 (EAST OF WALNUT STREET). THIS NUMBER IS USED BY COMPASS AS THE CALIBRATION NUMBER FOR THE MODELS.	12,666 VTD [2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITHOUT THE CONSTRUCTION OF THE EAST PARKCENTER BRIDGE AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	16,180 VTD [2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST PARKCENTER) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	12,904 VTD [2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	10,644 VTD [2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	15,993 VTD [2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	11,353 VTD [2]

Note 1: The Average Annual Weekday Traffic (AAWDT) has been compiled by ITD and is stated as 14,103 trips per day for the previous 12-month period. The AAWDT parameter is the standard basis for evaluating traffic operations of roadways. The AAWDT figures are not normally available for use in Ada County, because a permanent traffic counter installation is required (such as the one on Warm Springs Avenue east of Walnut Street). Higher and lower daily volumes than this will occur on a regular basis. The referenced ITD automatic traffic counts actually tally the number of axles and not the number of vehicles. Cars and trucks pulling boat trailers are counted as 1.5 vehicles because they have three axles. Two-axle bicycles may also be counted as vehicles. Therefore, the actual number of vehicles is slightly less than the "count".

Note 2: VTD – Vehicle trips per weekday

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D. The East Parkcenter Bridge was required to be constructed by the developer of Harris Ranch Subdivision prior to the development of any expansion of Harris Ranch beyond Phase A that was limited to 419 dwelling lots. A representative of the developer of Harris Ranch testified at the meeting on the subject application that it was the intent of Harris Ranch to complete that bridge within calendar year 2001, or as soon thereafter as possible. The applicant for the subject application testified that it would take about one and one-half year before Boulder Heights would be to the point of applying for building permits for new homes in this expanded area. From this testimony, the Commission deduced that the East Parkcenter Bridge would be available for use by the time this development is completed and ready for building permits.

E. Previous District Action

On October 24, 1994 the ACHD Commission reviewed and approved Boulder Heights No. 2 Subdivision. Site Specific Requirement No. 1 of that report states *"Because of the condition and standard of Starcrest and Stonepoint, no more than 50 additional lots shall be platted prior to the completion of a collector road from Warm Springs Avenue to the development"*. Site Specific Requirement No. 4 of the same report states *"Prior to the platting of any lots in excess of 50, construct a collector roadway from Warm Springs Avenue to the development"*. An extra-ordinary impact fee was established with the application as Site Specific No. 5, *"An extra-ordinary impact fee of $2,170 per dwelling unit is imposed on all new construction in the area that contributes traffic to the collector roadway required in Site Specific No. 4. This is equal to the estimated cost of the new collector roadway divided by 290, the number of proposed dwellings remaining to be constructed to complete the master plan. The extra-ordinary impact fee is to be collected from those existing but vacant lots. If additional development is approved outside this ownership that generates traffic to the collector, the extra-ordinary impact fee will be recalculated to spread the cost of construction among all property that uses the roadway"*.

The above action was taken by the District prior to the establishment of the 14,175 trips per day threshold on Warm Springs Avenue and it did not prohibit the generation of traffic to Warm Springs Avenue. The subject application shows a new collector connection to Warm Springs Avenue as required by the 1994 District action. The application also shows a new road along the east side of Warm Springs Mesa Subdivision that will further relieve traffic through the existing neighborhood. Development of this project will contribute to the volume on Warm Springs Avenue exceeding the LOS C threshold of 14,175 until the East Parkcenter Bridge is open to traffic. According to COMPASS' projections, the volume on Warm Springs Avenue will then drop to a level well below the LOS C threshold. Harris Ranch was allowed to contribute an estimated 1,476 trips per day to Warm Springs Avenue prior to the opening of the second bridge. This development should be allowed the same privilege since the original approval of this site assumed that development could proceed if a new collector to Warm Springs Avenue was constructed.

Staff recommended that the applicant be allowed to develop no more than the first three phases (79-lots) before the East Parkcenter Bridge is open to traffic. This will add approximately 790-trips per day to Warm Springs Avenue.

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F. In accordance with the October 24, 1994 action, the applicant is proposing to construct Windsong Drive as a residential collector from Warm Springs Avenue to the site. The street is proposed to be a 29-foot street section with vertical curbs, two 12-foot wide travel lanes, a paved and striped 5-foot wide bike lane on the ascending side of the street, and a 5-foot wide sidewalk on the descending side of the street in 50-feet of right-of-way. District policy prohibits on-street parking on a residential collector. Windsong Drive is designated as a residential collector from Warm Springs Avenue to Hard Rock Drive. Due to the hillside restraints, there will be significant cuts and fills to construct the roadway, and retaining walls and guardrail will be required.

District policy regarding residential collector design (7204.5) requires:

- Standard right-of-way widths – normally 56-feet, but may be reduced in special situations (hillside development)
- Pavement width of 29-feet may be allowed in special situations where on-street parking is prohibited and low levels of traffic will be expected
- Six-inch standard vertical curbs and gutters are required in foothills areas
- Five foot wide sidewalks are normally required on both sides of the street, but may be reduced to one side in foothills areas where there are no abutting/fronting lots
- Design speed of 30 MPH
- Stopping sight distance of 200-feet
- Minimum allowable grade is 0.4%
- Maximum allowable grade is 10.0%
- Minimum centerline radius allowed is 150-feet
- Minimum tangent of 50-feet is required between horizontal reverse curves
- Direct lot access is discouraged

The Commission determined that a 29-foot wide street did not adequately provide for use of the street by bicycle riders and that a standard 33-foot street section would be more appropriate to safely accommodate bikers.

G. It appears that the proposed alignment for Windsong Drive meets the standard ACHD requirements for a residential collector. The applicant is responsible for the construction of the residential collector roadway, but will be reimbursed for the cost from extra-ordinary impact fees collected from the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. North of Hard Rock Drive, Windsong Drive may be constructed as a local 36-foot local residential street section with vertical curbs, gutters and 5-foot wide concrete sidewalk on both sides of the street. In accordance with the action of the District on October 24, 1994, the residential collector segment of Windsong Drive should be fully constructed through Phase One prior to any building permits being issued in this development.

District policy (7204.5.9) requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35-MPH) of Warm Springs Avenue. It appears that the location and grade of the intersection of Windsong Drive

and Warm Springs Avenue meet ACHD requirements for a residential collector/collector intersection.

The District has received communications from the existing Warm Springs Mesa residents expressing concern that the proposed new road will be too steep and another route could be found that would result in a flatter grade. District policy allows the location of the road as proposed, and it would be unusual for the District to deny a new road that conforms to District standards.

After listening to conflicting testimony regarding an alternative route for Windsong Drive, the Commission determined that the developer should evaluate another route for Windsong Drive. If another financially feasible route can be found that will not have significant negative impacts on historical, geological and archeological features, and will not interfere with planned trail locations, it should be used for the new collector connection to Warm Springs Avenue.

H. The applicant is proposing to construct a second access street from Ridgepoint Way to Starview Drive. This will provide better access from the east side of the development to Warm Springs Avenue and Parkcenter Boulevard after completion of the East Parkcenter Bridge. It (Trent Point Way) is proposed as a residential collector from Ridgepoint Way to Starview Drive. Along this segment of the street, Trent Point Way can be constructed as a reduced width street section to minimize grading and foothills scarring. The street should include vertical curbs, two 12-foot wide travel lanes, a paved and striped 5-foot wide bike lane on the ascending side of the street, and a 5-foot wide sidewalk on the descending side of the street in 50-feet of right-of-way. Parking should be prohibited. The roadway should be designed to conform to District policy on residential collector design (7204.5). The applicant will not be reimbursed for the construction of Trent Point Way. Parking and direct lot access to Trent Point Way should be prohibited on the portion of the roadway that is designated as a residential collector. North of Ridgepoint Way, Trent Point Way should be constructed as a local 36-foot street section with vertical curb, gutter and 5-foot wide concrete sidewalk.

Various members of the audience testified in opposition to the construction of Trent Point Way, because it would be in view of the back yards of lots that front on Ridge Point Way. Other members of the audience testified that the second new road was necessary to reduce traffic impacts on the existing streets in the neighborhood. Written comments also supported the construction of two new streets to serve the growing neighborhood. The Commission found that a conflict existed between the District's desire to obtain a secondary eastern exit from the Warm Springs Mesa Subdivision/Boulder Heights neighborhood and the concerns of the existing residents of Ridge Point Way. The Commission instructed the applicant to attempt to find another route for an eastern connection from the development to Warm Springs Avenue.

The applicant explored the proposed Trent Point Way alignment and determined that there is no other location for the roadway. The applicant has proposed to construct "upper" Trent Point Way to connect the proposed eastern phases to Ridge Point Way, and has proposed to eliminate Trent Point Way from Ridge Point Way to Starview Drive. In lieu of constructing Trent Point Way the applicant is proposing to improve Starview Drive from Warm Springs Avenue to the Mesa with two 12-foot travel lanes, curb, gutter,

sidewalk on the descending side of the roadway and a bike path on the ascending side of the roadway. The applicant's engineer has stated that the average grade of the improved Starview Drive would be no greater than 10.25%.

On May 23, 2001, the Commission made the following motion:
I so move to not require the construction of Trent Point Way with this application in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2- attached traffic study). Scenario 2 is more defined as the reconstruction of Starview Drive to two 12-foot travel lanes, curb, gutter, sidewalk on the descending side of the roadway, bike lane on the ascending side of the roadway, and an average grade not to exceed 10.25%. The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval of any eastern phases (Phase IV – as submitted on May 22, 2001 – see attached), which describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue. Furthermore, the Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to evaluate/consider this project in the District's Five Year Work Program; and evaluate the financial participation by the Harris Ranch development.

I. Unless otherwise approved, the applicant should construct the local residential streets within the subdivision as 36-foot street sections within 50-feet of right-of-way, with vertical curbs, gutter and 5-foot wide concrete sidewalk. (Exception is Windsong Drive).

J. The District accepts local residential public roads with a 29-foot street section with parking prohibited on one side, if the projected volume on the street does not exceed 200 vehicle trips per day. The proposed density of development that will utilize each of these streets (listed below) will generate less than 200 vehicle trips per day. These interior streets may be constructed as proposed with a 29-foot street section with curb, gutter and 5-foot wide concrete sidewalks within 50-feet of right-of-way and located as proposed. Parking should be restricted on one side of each of the roadways. A signage plan should be submitted for review and approval by Planning and Development staff. The applicant is proposing to construct the following streets as reduced street sections:

Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south. These streets appear to meet District requirements for the reduced street section.

K. An extraordinary impact fee of $2,170 was imposed on all new construction in this subdivision by the District's October 1994 action. With the development of 228-single family dwellings, approximately $500,000 would be collected from extraordinary impact fees collected from these new dwellings. The new roadway cost is tentatively estimated to exceed $700,000. Due to the high quantities of cuts, fills, retaining walls and drainage, staff is unable to estimate a more precise cost at this time. At the time of final plat approval, staff will estimate the cost of the roadway based on submitted engineered construction drawings supplied by the applicant. The extra-ordinary fee should be recalculated when the actual cost of Windsong Drive is determined

by dividing the anticipated number of lots into the overall cost of the roadway. On the basis of the tentative estimate, the revised extra-ordinary impact fee would be $3,070. The applicant may opt to pass on some of the costs to the consumers in the cost of the lots, rather than a large extra-ordinary fee. The Commission may wish to give the developer that option.

L. The applicant is proposing to construct this development in eleven phases, and to extend existing streets into the subdivision. These phase numbers represent each separate phase, and not necessarily the order in which the subdivision will be constructed. The applicant is proposing to construct phases one through three of the subdivision first. These three phases constitute 79-lots. In consideration of the action by the District of October 1994, the Commission believes that the District must allow the development of some number of lots if the collector road (Windsong Drive) is constructed. If one or more phases are platted prior to the construction and opening of the East Parkcenter Bridge, this will temporarily increase the volume on Warm Springs Avenue by ten trips per day for each lot that is developed. According to the COMPASS model, the volume on Warm Springs Avenue will decrease sharply after the bridge is open. Based on the testimony of the Harris Ranch developer who indicated that the bridge will be open for use prior to the development of any additional phases of Boulder Heights, the Commission finds that the platting of up to 79-lots is in accordance with the decision of 1994 and will probably not cause the volume of traffic on Warm Springs Avenue to exceed the LOS C threshold.

M. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

N. The turnarounds should be constructed to provide a minimum turning radius of 45-feet. The applicant is not proposing to construct islands in the turnarounds, and none are required by policy.

O. The applicant is proposing to construct several knuckles within the subdivision without islands, and no islands are required.

P. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat should be owned and maintained by a homeowners association. Notes of this should be required on the final plat.

Q. Boise City and Ada Planning Association have adopted Warm Springs Avenue to be a Historic Boise Street. As such, the planning capacity for Warm Springs Avenue has been set at 14,175 Average Daily Traffic. The existing traffic currently is nearing the "Historic" planning capacity of the roadway. The existing traffic plus the traffic from the entire project will exceed the "Historic" planning capacity of the roadway until both Parkcenter bridges have been completed. The volume from the existing plus project traffic will be below the "Historic" planning capacity of the roadway after the East and West Parkcenter bridges are constructed. Completion of both bridges is anticipated prior to the time that homes will be constructed in this development.

Using the forecast volumes from the table on page 4 of this report, if this development proceeds prior to the construction and opening of the East Parkcenter Bridge, the volume on Warm

Springs Avenue will increase approximately 10-trips per day for each lot that is developed. The forecast volume on Warm Springs Avenue for 2001 without the opening of the East Parkcenter Bridge is 16,180. If this developer constructs the on-site infrastructure and develops the 79-lots recommended in Fact and Finding N, prior to the opening of the East Parkcenter Bridge, the volume on Warm Springs Avenue will increase to an estimated 16,970 trips per day.

If the bridge is completed and open prior to the development of these 79-lots, the volume on Warm Springs Avenue is forecast to be 13,694 trips per day, less the amount of trips from Boulder Heights that will use the new bridge. Because that route is significantly out-of-direction for residents of Boulder Heights until a more direct route is accomplished, a complex traffic study would be necessary to forecast the volume from Boulder Heights that would use Parkcenter Boulevard.

T. In consideration of the 1994 District action in regard to Boulder Heights, the District is obligated to approve some level of additional development/lots if the developer constructs the new collector road to Warm Springs Avenue. The Commission determines that allowing the platting of the first three of the proposed phases, totaling 79-lots would be in conformance with the 1994 decision.

Special Direction to ACHD staff:

1. **The Commission directs staff to evaluate the cost of design and construction for the intersection improvements, and to evaluate/consider this project in the District's Five Year Work Program; and evaluate the financial participation by the Harris Ranch development.**

If the requested zone changes and the conditional use permit are approved and a development application is submitted, the District provides the following requirements as conditions for approval:

Site Specific Requirements:

1. In consideration of the 1994 District action in regard to Boulder Heights, and all relevant conditions of approval having been met, the District will approve final plats for one or more additional phases of Boulder Heights prior to the construction and opening of the East Parkcenter Bridge, not to exceed a total of 79-lots.

2. Construct and dedicate Windsong Drive as a residential collector from Warm Springs Avenue to Hard Rock Drive, located as proposed at the northwest corner of the site. Windsong Drive shall be constructed as a reduced width street section in 50-feet of right-of-way with vertical curbs, two 12-foot wide travel lanes, paved and striped bike lanes on both sides of the street, and a 5-foot wide sidewalk on the descending side of the street. The curb-to-curb width of the street shall be a minimum of 33-feet. Parking and direct lot access shall be prohibited on this segment of Windsong Drive. The design of the roadway shall conform to District policy 7204.5. The applicant shall be responsible for the construction and design of the residential collector

roadway and will be reimbursed for the roadway with the extra-ordinary impact fees collected with the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. The segment of Windsong Drive that is designated as a residential collector shall be fully constructed through Phase One prior to the issuance of any building permits in this development.

3. Construct Windsong Drive north of Hard Rock Drive as a local 36-foot street section with vertical curbs, gutter and 5-foot wide concrete sidewalk, within 50-feet of right-of-way.

4. The location and grade of the intersection of Windsong Drive and Warm Springs Avenue shall conform to District policy (7204.5.9) that requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35 MPH) of Warm Springs Avenue.

5. The construction of Trent Point Way is not required/approved with this application, in lieu of the applicant reconstructing Starview Drive, as proposed (Scenario 2- attached traffic study). Scenario 2 is more defined as the reconstruction of Starview Drive to two 12-foot travel lanes, curb, gutter, sidewalk on the descending side of the roadway, bike lane on the ascending side of the roadway, and an average grade not to exceed 10.25%. The applicant shall be required to fund the entire cost of improvements to Starview Drive and a portion of the costs of the intersection, and related intersection improvements. The applicant shall enter into a development agreement with the District prior to final plat approval of any eastern phases (Phase IV – as submitted on May 22, 2001 – see attached), which describes funding responsibilities as they relate to intersection improvements at Starview Drive/Warm Springs Avenue.

6. Construct Trent Point Way north of Ridge Point Way as a local 36-foot street section with vertical curbs, gutters and 5-foot wide concrete sidewalks, within 50-feet of right-of-way.

7. Construct all of the streets within the subdivision (with exception to Windsong Drive, and those listed below) as 36-foot street sections within 50-feet of right-of-way, with vertical curb, gutter and 5-foot wide concrete sidewalk.

8. The following streets may be constructed as reduced street sections: Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south.

   These streets may be constructed as 29-foot street sections with vertical curbs, gutter and 5-foot wide concrete sidewalk within 42-feet of right-of-way. Parking shall be restricted on one side of each of the roadways. A signage plan shall be submitted for review and approval by Planning and Development staff.

9. An extra-ordinary road impact fee shall be imposed on all new construction in this subdivision. At this time, the District estimates that fee at $3,070 per dwelling unit (minimum). The applicant will be reimbursed the cost of the western collector roadway with the extra-ordinary fees collected. This extra-ordinary fee shall be recalculated when the actual cost of Windsong Drive

is determined (at the time of final plat), by dividing the anticipated number of lots into the overall cost of the roadway as established by the contract cost.

10. Extend and connect the existing streets into the subdivision as proposed.

11. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

12. Construct turnarounds to provide a minimum turning radius of 45-feet.

13. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat shall be owned and maintained by a homeowners association. Notes of this shall be required on the final plat.

Standard Requirements:

1. A request for modification, variance or waiver of any requirement or policy outlined herein shall be made in writing to the ACHD Planning and Development Supervisor. The request shall specifically identify each requirement to be reconsidered and include a written explanation of why such a requirement would result in a substantial hardship or inequity. The written request shall be submitted to the District no later than 9:00 a.m. on the day scheduled for ACHD Commission action. Those items shall be rescheduled for discussion with the Commission on the next available meeting agenda.

   Requests submitted to the District after 9:00 a.m. on the day scheduled for Commission action do not provide sufficient time for District staff to remove the item from the consent agenda and report to the Commission regarding the requested modification, variance or waiver. The Commission will act those items on unless removed from the agenda by the Commission.

2. After ACHD Commission action, any request for reconsideration of the Commission's action shall be made in writing to the Planning and Development Supervisor within six days of the action and shall include a minimum fee of $110.00. The request for reconsideration shall specifically identify each requirement to be reconsidered and include written documentation of data that was not available to the Commission at the time of its original decision. The request for reconsideration will be heard by the District Commission at the next regular meeting of the Commission. If the Commission agrees to reconsider the action, the applicant will be notified of the date and time of the Commission meeting at which the reconsideration will be heard.

3. Payment of applicable road impact fees are required prior to building construction in accordance with Ordinance #193, also known as Ada County Highway District Road Impact Fee Ordinance.

4. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services

procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

5. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

6. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. Existing utilities damaged by the applicant shall be repaired by the applicant at no cost to ACHD. The applicant shall be required to call DIGLINE (1-800-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

9. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

Conclusion of Law:

1. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular and pedestrian transportation system within the vicinity impacted by the proposed development.

Should you have any questions or comments, please contact the Planning and Development Division at 387-6170.

Submitted by:	Commission Action:
Planning and Development Staff	May 23, 2001

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BRUCE EGGLESTON - Re: development agreement for Boulder Heights

From: <Slatty@aol.com>
To: <Beggleston@cityofboise.org>
Date: 7/16/2001 4:08 PM
Subject: Re: development agreement for Boulder Heights

Dear Mr. Eggleston:

EENA Inc., respectfully notes that it still adheres to the position stated in its correspondence to the Commission from the hearing in October 2000. That is we do not oppose the Boulder Heights applications so long as no development occurs until after the East ParkCenter Bridge is open for traffic.

We appreciate the concern that subdivision law may allow for less controlled development than is proposed under the development agreement, and therefore temper our position by suggesting the following additions to the development agreement.

The East End Neighborhood Plan states, "That portion of Warm Springs Avenue within the city historic district shall be managed in such a manner that its flavor and character is preserved and enhanced while maintaining the live ability of the neighborhood and preserving the functionality of the street system." East End Neighborhood Policy Guide (1999), p. 2-5, Transportation section 5. The East End Neighborhood Policy Guide also reiterates the planning capacity threshold for Warm Springs Avenue at Walnut "at 14,000 average annual daily trips (weekdays only)." Transportation Section 5.A., p. 2-6 (1999).

In light of this information, the East End Neighborhood Association respectfully requests that the development agreement should reflect, in section 3.C. and 3.D. "traffic capacity on Warm Springs Avenue at Walnut Street and the other collector and arterial roads supporting the property" and should contain a reference to the "East End Neighborhood Policy Plan at pp. 2-5 and 2-6 (1999)" in the second paragraph of section 3.D. The proposed modifications are underlined and in red:

C. It is hereby agreed to that the 55 dwelling units shown in Exhibit "D" may be constructed in the Phase One location of the planned development. Those lots may be platted and built in the area designated as Phase One on the Conceptual Master Plan Map C-1, upon the adoption of the final plat of Phase One. It is agreed by the parties that the number of dwelling units allowed on Phase One of the Property will be 55 units, given that the ordinance requirements and conditions of approval are met, and prior to the completion of the off-site street system improvements already scheduled by the owners of the adjacent Harris Ranch planned development. The approval of plats beyond Phase One shall be given only after the proof of available traffic capacity has been substantiated and verified by the Ada County Highway District Board of Commissioners, in particular the traffic capacity on Warm Springs Avenue at Walnut Street and the other collector and arterial roads supporting the Property. "Available traffic capacity" means that the given road or roads can accommodate the proposed number of average daily trips without causing the roadway to exceed Level of Service C. This is defined under "Roadway Functional Classification" in the Foothills Policy Plan, p.p.s. 34 through 36.

D. It is agreed by the parties that the number of dwelling units allowed on

the Property will ultimately be decided on the proof of available traffic capacity on Warm Springs Avenue at Walnut Street and the other collector and arterial roads supporting the Property. Such proof shall be the responsibility of the Developer, and will be certified by Ada County Highway District at the time of subdivision plat review for each phase of the project beyond Phase One.

The maximum number of dwelling units allowed for this planned development is dependent on the traffic constraints described in the policies of the Destination 2020: Regional Transportation Plan for Ada County, Interim Foothills Transportation Plan, the East End Neighborhood Policy Guide, pp. 2-5 and 2-6 (1999), and the Foothills Policy Plan. Those policies direct that annexation and rezones in the Foothills Planning Area shall not be approved unless and until there is sufficient traffic capacity on the streets and roads supporting the subject area.

Thank you for your consideration and communication of this information to the Planning and Zoning Commission.

Steve Lord
President, EENA, Inc.

WARM SPRINGS MESA NEIGHBORHOOD ASSOCIATION

RECEIVED
JUL 12 2001
DEVELOPMENT SERVICES

Mr. Bruce Eggleston
Boise Planning and Development Services
150 N. Capitol Blvd.
Boise, ID 83702

Subject: Future development on Warm Springs Mesa – Roads and Traffic

Dear Mr. Eggleston:

The WSMNA would like to express our opinions regarding J. H. Wise and Sons proposed future development on the Mesa. We appreciate the developer's efforts to resolve access issues on the east side of the Mesa. We support the developer's commitment to not build the lower portion of Trent Point Way (from Starview Drive to South Ridge Point Way) and to improve Starview Drive with a bike lane, sidewalk, and the grade lowered to about 10%. Additionally, we believe that these actions, combined with a future improved intersection of Starview and Warm Springs address the concerns of most Mesa Residents on the east side of the Mesa. Furthermore, a redesigned intersection Starview and Warm Springs will reduce traffic on Warm Springs by facilitating movement across the future east ParkCenter Bridge and improve a dangerous intersection.

However, we still firmly believe that the 1994 Master Plan western access route, preferably with the north perimeter road as also planned in 1994, would provide the best near- and long-term third access to the Mesa and would best address our concerns about additional traffic within the Mesa as development proceeds. As we have noted repeatedly in the past, a north perimeter collector route would get future traffic out of the Mesa with minimal impact on current residents. Furthermore, the lower portion of this road would be safer than the proposed Windsong Drive because of the lower grade and better sun exposure during the winter. This position of the WSMNA was overwhelmingly supported by Mesa residents in a petition to ACHD in the fall of 1999. Finally, based on our own preliminary engineering analysis, we believe that our preferred route can be constructed without encroaching on the adjacent property owner by using a fill for this portion of the road.

We continue to believe that the amount of traffic on Warm Springs from Warm Springs Mesa will be largely determined by actions on the east side of the Mesa as they relate to the future east ParkCenter Bridge, as noted above, rather than by the exact location of a western access road.

Sincerely yours,

Charles L. Blair
President, WSMNA
cc: ACHD Commission, Homer Wise

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BRUCE EGGLESTON - Development Plan for Warm Springs Mesa

From: <mbalen@rmci.net>
To: <beggleston@cityofboise.org>
Date: 7/15/2001 10:35 PM
Subject: Development Plan for Warm Springs Mesa
CC: Homer Wise <jhson@mindspring.com>

Mr. Bruce Eggleston
Boise Planning and Development Services
150 N. Capitol Blvd.
Boise, ID 83702

July 15, 2001

Subject: Development Plan for Warm Springs Mesa

Dear Mr. Eggleston;

I am writing to express my personal opinion supporting the proposed development of the Warm Springs Mesa community as envisioned by J. H. Wise and Sons. I believe the development plan in its current form is a logical and tenable compromise for both the existing Warm Springs Mesa community and the residents who live along Warm Springs Avenue.

With construction of the East Park Center Bridge scheduled for completion within the next 2 years, many Warm Springs Mesa (Mesa) residents will undoubtedly find easier access to shopping, the airport, the university, and recreation in Boise via the East Park Center bridge and consequently will begin using Park Center Blvd instead of Warm Springs Avenue as the major artery into the city. The proposed upgrade of Starview to a lower gradient road with a bicycle lane and improved sight distance at the Warm Springs Ave intersection will facilitate the transition of Mesa residents from use of Warm Springs Ave to the East Park Center as the principal Boise access artery. This change will in turn benefit the residents who live along Warm Springs Avenue due to significantly decreased volumes of transient traffic along the Warm Springs Avenue corridor. I believe my opinion regarding Starview Road reflects that of a large number of Mesa residents who also would support the development as currently planned.

I would also like to express my support for the development of the western access road (Wind Song) and associated 79 house sites as proposed by the developer. The design and proposed construction phases 1-3 not only provides a solution for access to and from the western side of the mesa for future Warm Springs Mesa residents, it also serves to improve access to Warm Springs Avenue for existing residents by virtue of an improved intersection at Warm Springs Avenue due to better sight distance than that currently provided by Starcrest. Additionally, the proposed new western entrance to the Mesa will provide an alternate route of access in situations requiring emergency response, and will be safer to drive due to improved alignments and lower road gradients as compared to current access routes.

I urge you to facilitate and expedite the process so that the developer can begin as soon as possible to make the improvements to the Warm Springs Mesa infrastructure that will benefit us all.

Sincerely,

Michael D. Balen, P. E., P. Geo.
President, Boulder Heights Homeowners Association
3376 E. Echo Drive
Boise, ID 83712

254

July 16, 2001

Regarding:
CAR00021/DA
CUP00-00055
CFH00-00015
Dear Mr. Eggleston,
The Homeowners Association of Boulder Heights II and III Board of Directors,
support the developer's plans as proposed. We represent approximately
45 homeowners and discussed our support of the developer's plan at our last
board meeting held on July 12, 2001. We are in favor of the new road and
development for the following reasons:

More residents will use the new East bridge across the Boise River instead of using Warm Springs.

The improved Western entrance will further distribute current traffic and improve access.

We hope that the 79 lots ACHD approved in the first 3 phases are approved by
Planning and Zoning and the Boise City Council, these 79 units facilitate connection to the
existing infrastructure.
The additional roads and development as proposed by the developer meet the
needs of all the Warm Springs Mesa and Boulder Heights residents.
Sincerely,
Steven W. Heppler, President
Martin Hahle , Vice President
Santiago Rodiguez, Secretary
Jake Finders, Treasurer
Brett Labrie, Architectural Committee

255

Virginia Gillerman
2974 E. Hard Rock Dr.
Boise, ID 83712-8920
(208) 344-3685

July 16, 2001

Boise City Planning & Zoning Commission
RE: CAR00-21/DA, CUP00-55, CFH00-15
J.H. Wise & Sons Company
Warm Springs Mesa/Boulder Heights

Dear Planning and Zoning Commission:

As a resident of the Warm Springs Mesa subdivision since 1992, I wish to offer a few personal comments and concerns over the applications before you tonight. In short, I support the cautious stance of Planning Staffer, Bruce Eggleston, that the current conceptual proposal leaves many questions about whether the proposed 228-house development will be in compliance with the City requirements. In addition, after reading the ACHD report (May 24, 2001) and a subsequent newspaper article, it is quite ambiguous what the ACHD Commission actually approved concerning Starview Drive access especially. I do not know if the P & Z has better information from ACHD.

While I have many general concerns, similar to the Planning Staff, over Warm Springs Avenue and internal Mesa traffic, fires, trail access, and whether the East Bridge will actually get built, I will limit my remarks to a few specific observations on the application and the area:

1. Dangerous Access Roads - There is no mention of improving the current main access road (Starcrest) into the development. That road has a very dangerous blind corner about a quarter mile above the intersection with Warm Springs Avenue. In the last two months, I have nearly been run into at least 3 times by oncoming cars which have crept over the centerline into my (downhill) lane. I recently complained to ACHD Traffic Department engineer Craig Herndon, who unfortunately is new and was totally unaware of the Mesa roads. I know of others who have also had near-misses at this curve. Not one single house should be approved until ACHD or the developer has eliminated this safety hazard. It should be fairly easy to widen the road by taking out the corner or installing a mirror so drivers can see around the corner. A photo of the curve is attached.

I am also concerned that during construction of the new road (Windsong) or reconstruction of Starview, there should at least be two functional entrances to the development at all times. I have my doubts whether Windsong or Starview can be constructed as applicant has proposed without cost overruns and major hillside engineering. I welcome the bike lanes it would bring and hope

the Commission can make sure this is a condition of approval.

2. Expansive Clays: My husband and I recently built a house in the Boulder Heights 3 phase of the development. I am a geologist, and prior to starting building, I noticed some questionable soil on the lot. I had it tested and also examined the excavation. The soil did indeed have expansive clay in it. The excavation revealed a reddish swelling clay layer, lying 2-6 feet below the ground surface, and locally below a black, low density material. Both would be bad for building on. At my request, and at considerable expense, we had to dig out both materials prior to putting in the foundation on the more cemented sandy soil below. While the County Inspector also recognized the clay and "backed me up," it was clear that had I not been an on-site geologist, the builder and excavator probably would have built right over the clay.

I think the clay was a fairly localized deposit, but I recommend that a condition of approval be a soil test on every lot. The Mesa is a large landslide and the soils are a very heterogeneous mix of sand, rock and clay. Every single lot should be tested by a geologist/geotechnical engineer under the supervision of the City or landowner - not the developer or builder. A more comprehensive study is needed before any preliminary platting is done. Is there any way to better inform the public that some lots may simply not be buildable without special excavating or other engineering?

3. Trail Access: In one of the neighborhood meetings, I commented to the developer that I did not see any trail access. He pointed out a tiny trail between two lots on the master plan. No improvements appear to have been done on later versions. The proposed trail and open space access is inadequate for the size and type of current and proposed development. There are also no additional parks, a sore point with many residents. In the past, the developer said that Windsong (the west access road) would be a perimeter road. This was not done, and instead the number of lots has increased with each version of the application.

I suggest the Commission require that some of the lots bordering the open space on north side of proposed development (Phase 1,3, 9, and 10) be eliminated and a clear and wide path be left for trail access, and if possible, some internal open space. Most of the open space is left only because it is too steep to build on. Reduction in the number of lots was also suggested by City staff to better meet the Foothills density quotas. It would also alleviate traffic concerns.

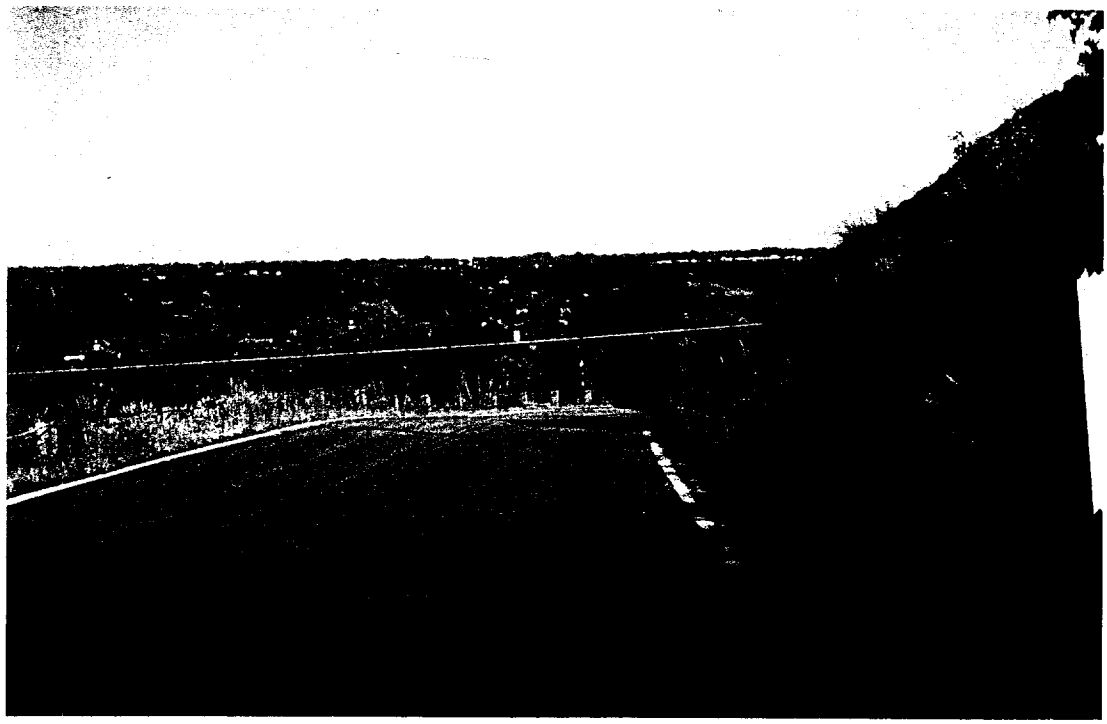
4. Staff has suggested limiting development to 55 homes until the East Bridge is built and a reasonable traffic solution devised. I strongly support this recommended condition. Traffic issues within the Mesa and on Warm Springs Avenue remain unresolved. Residents were not made aware of latest plan, as far as I can tell. No houses, or even a preliminary plat, should be allowed until the East Bridge is under construction.

Sincerely,

Virginia Gillerman

Virginia Gillerman

257



Starcrest Dr. - Blind curve, looking downhill.

Starcrest Dr. - Blind curve, looking uphill.

4/5/6a

July 3, 2001

Boise City
Planning + Development
150 North Capitol Blvd.
P. O. Box 500
Boise, Id. 83701-0500

RECEIVED
JUL 05 2001
DEVELOPMENT SERVICES

Re: CAR00-00021
CUP00-00055
CFH00-00015

Before any of the above are granted approval, we desperately need a new third access road to Warm Springs Mesa. Reducing Starview Drive will not handle the excess traffic + while Starview is being reworked, we will have only one access road.

Please, please consider this matter before granting any approval.

Thank you,
PAULINE + MARTY HOLTMAN
1952 TRAVERTINE WAY
BOISE, ID 83712-8425
344-3230
Pauline Holtman
Marty Holtman

259

4/5/6

From: Renn Ross
To: DSMiller
Date: Tuesday, June 19, 2001 2:36PM
Subject: Boulder Heights

Dave:

Yes we have comments about the new street design. Our approval of the project was based on the first street design. This modified plan no longer contains a street section of Trent Point Way that was part of the basis for our approval. Therefore, we haven't approved this new design.

Renn

260

BRUCE EGGLESTON - Boulder Heights Sub

From: <estates@micron.net>
To: <Beggleston@cityofboise.org>
Date: 3/19/2001 1:22 PM
Subject: Boulder Heights Sub

Dear Elected Officials and Staff,

I am writing to voice my concerns on the proposed Boulder Heights Subdivision. I hold an interest in property in this area and I am concerned how my impact fees are to be utilized.

My understanding is that the impact fees that I and my neighbors paid when we bought property, where to be used to help provide a new access road to the Mesa.

I attended the city council meeting last week and was frankly disappointed in the lack of knowledge the Council members had regarding this subdivision.

In fact one Council member abstained from voting because he didn't attend the previous meeting when this subdivision was discussed. I would think that it is the responsibility of the council members to do a little homework ahead of time, so they are ready to make a educated decision instead of not voting or making a hasty or uneducated decision.

I would like to see a new access road provided to the Mesa and I suggest allowing the developer to at least develop the first couple of phases to provide the money to pay for this road. I am disappointed in the council members lack of knowledge in this matter and would hope they take a little time to explore other possibilities available to them and consider the impact this has on my future property values.

Sincerely,

Steve Lewis Registered Voter
(208) 336-7788

261

BRUCE EGGLESTON - Boulder Heights Subdivision

From: "Kim Hegg-James" <khjames@earthlink.net>
To: <Beggleston@cityofboise.org>
Date: 3/20/2001 8:58 AM
Subject: Boulder Heights Subdivision

Dear Mr. Eggleston,

As property owners in the Boulder Heights Neighborhood, developed by JH Wise & Sons, we would like to weigh in on the controversy surrounding the future development of the neighborhood's west end.

We would like the city to reconsider the application for development of the west end of the mesa. Personally, we feel that the future development would bring a better access road to our neighborhood than what exists now. The existing 2 main access roads are poorly engineered and are dangerous. Particularly, the east entrance constantly has falling rock, and in wet weather small slides happen all the time. Also, during snow, it is impossible to make it "up the hill" without studded tires or 4 wheel drive.

This winter, the elementary school bus driver refused to drive up the hill with the children on board. The kids had to wait until a different driver showed up to take over. I can't blame the driver, as I have personally witnessed a bus slide off a neighborhood side street into a homeowners front yard and have to be winched out.

The idea of more homes in this neighborhood isn't one I'm crazy about - but in order to improve the access roads it seems to me that building has to be allowed to move forward to pay for it.

Sincerely,

Kim and Steven James
3322 E. Redstone Drive
368-9870

262

BRUCE EGGLESTON - Boulder Heights Development/Road

From: "John Bush" <jabush@rmci.net>
To: <beggleston@cityofboise.org>
Date: 3/20/2001 9:28 AM
Subject: Boulder Heights Development/Road

Mr. Eggleston:

I am a homeowner in Boulder Heights. My wife and I built a home and moved in last April. As part of the deal, we understood that there would be additional development and were fine with that. More importantly, we were told that there would be a new road built on the west end and, in fact, we were required to pay an impact fee to ACHD of several thousand dollars specifically for the noted road. The fact that there was to be a new road was important to us and a significant factor in our decision to purchase the lot and ultimately build our home.

I am greatly concerned about the city's current position on the. While I understand that the approval process is complicated and requires consideration from a number of competing factors, why was ACHD allowed to impose, collect, and hold fees from homeowners based on the representation that the road would be built if in fact there was no prior approval? Certainly, collection of the fee gave rise to a more than reasonable belief that the road had either been approved or that it would not be a significant issue. If the City did not know the fee was being collected, the question is why not. If the City did know the fee was being collected but has refused approval of the project, the question is obviously more troubling.

I didn't mind paying the fee because I think the road would obviously improve the access. I don't object to the additional development, but understand that there are others with a different point of view. In fairness, however, the homeowners of Boulder Heights, particularly those who have each been assessed several thousand dollars in anticipation of the proposed road, deserve complete and full consideration of the issue.

My understanding is that by sending this e-mail to you, my concerns will be passed on to the City Council. I appreciate your consideration.

John A. Bush
1863 S. Toluka Way
Boise, ID. 83712

263

BRUCE EGGLESTON - Boulder Heights Estates

From: <CNKEEVER@aol.com>
To: <beggleston@cityofboise.org>
Date: 3/19/2001 9:23 PM
Subject: Boulder Heights Estates

Attn: Bruce Eggleston, forward to city council

Regarding the city council's decision to turn down Homer Wise's developement plans for boulder heights estates and the third entrance to warm springs mesa on March 13th, 2001 I am both amazed and shocked by the city councils inability to fully comprehend the scope of the benifits that the current residents of the area will gain from this developement. I've been Homer's next door nieghbor, but had to move two years ago because of a expanding family, and had planned on moving back to the Mesa area once this project started. Unfortunitly, the the Boise City Council squashed my dreams.

I'm ashamed of the premature actions of our city council without fully looking at the benifits of the third entrance to the mesa area and would recommend that some city council members actually look at this proposed project before passing judgement.

Homer Wise is one of the most caring and honest people I know and is the only one I trust to do this project because he would have everyones best interest at heart. Please give Homer a chance on March 20th, 2001.

Sincerely,

Carl Keever

264

BRUCE EGGLESTON - Boulder Heights Denile

From: "Scott Crum" <scottcrm@micron.net>
To: <beggleston@cityofboise.org>
Date: 3/19/2001 10:28 PM
Subject: Boulder Heights Denile

Dear City Council Members,

As a long time Warm Srprings Mesa Resident I am very dissappointed w/ your decision not to approve the proposed west development. The Road proposed would help lower traffic and make the current road (StonePoint) much safer than it is now. I have young children (9&3) and support The Wises proposed development. The Trails and Public Park is also a great idea to our area. We are a 2nd Generation family to The Warm Springs Mesa, My wife gew up here and her parents still live up here (Since 1979). Please take the time to review the history and efforts of this proposed Development and the true benefits it will have to the people of Northeast Boise and the 200 acres the city will inherit. Please keep in mind all the costs that have been paid out by the Developer. Approvals by ACHD and Ada County Planning and Zoning and City Staff.

I am in Support of the approval of the West Road and 79 Lots Proposed at this time and hope you will reconsider this instead of a flat denial.

265

BRUCE EGGLESTON - Boulder Heights

From: <RJGundlach@aol.com>
To: <beggleston@cityofboise.org>
Date: 3/20/2001 7:26 AM
Subject: Boulder Heights

As a small homebuilder, beginning developer, and Warm Springs Mesa homeowner (3078 Stone Point Dr.), I have been eagerly following the next phase of Boulder Heights (along with Harris Ranch and east side traffic issues). Some of my feelings are listed below:

1. The real road issue is a third access road towards the west. If the Wise's (i.e. the new homeowners) don't build it, who will? The two existing roads are amazing to me, very poor to drive in the winter (I have witnessed two slow speed sliding accidents since moving here 5 years ago), and not conducive to walking or biking up for average people (they are popular with the extreme biking crowd).

I do favor the less steep alternative road pushed by the neighborhood assoc. that terminates across from the entrance to the golf course. I would like to remain on the mesa, either in my existing house or maybe on a lot in the proposed Boulder Heights sub. I think that the extra cost of the longer road may be offset by less earth movement.

The thing that makes it difficult to live on the mesa compared to my 8 and 10 year old son's friends that live closer to the Natatorium is that our kids can't bike to (and especially back up the hill) to school, the Nat, friends, etc., which makes it imperative on the parents to use their cars for short trips, which pushes traffic onto Warm Springs. As I understand a bike lane would be part of this, and I would enjoy being able to use my bike to get on the bike path (it is dangerous to get onto anyway at the bottom of Starriest).

2. The improvements to Starview are needed, but obviously infuriate the few residents that would have traffic in front and behind them. If implemented, I see little traffic in front of their houses, and I feel with proper use of grading, trees, and other visual/aural buffers, it would be minimal. Even with the improvements in options with the Park Center Bridges, I still see the bulk of the car trips off the mesa heading towards the West. That is where the jobs, schools, and shopping are. Now if they could put a Winco in Harris Ranch, that would push more traffic east!

3. I think that the road improvements are needed for emergency services, especially fire. I would not like to meet a fire truck at the blind corners that exist today on the hills. I realize that we will get annexed sometime soon, but feel that only the Wise's will get us the road improvements we need to make the annexation more palatable.

4. Lets encourage smart growth throughout the City of Boise to keep us living closer to our jobs, etc., and quit squeezing the growth towards the Oregon line. Our car trips are a big issue, and we need to get houses closer to downtown.

Please consider reopening hearing, meetings, or whatever to work out the details for approving the subdivision and ultimately improving the roads up here.

Thank you,

Rob Gundlach
3078 Stone Point Dr.
Boise, ID 83712

266

BRUCE EGGLESTON - Mesa zoning

From: <BP543@aol.com>
To: <beggleston@cityofboise.org>
Date: 3/18/2001 8:40 PM
Subject: Mesa zoning

Bruce Eggleston
City of Boise
Planning and Zoning
March 18, 2001

To Bruce Eggleston

My name is Bob Potts and I am a resident of Boulder Heights One subdivision located on Warm Spring Mesa. This letter is in regard to the new zoning given to the property located at the lower Mesa.

I as a homeowner in the Mesa feel that we need a third access as a minimum. I feel the only way this can be achieved is through the development of the lower Mesa. Last Tuesday, March 13, 2001, at the city council meeting, more early development was hampered tremendously. I agree there are some issues that need to be addressed concerning the new road that is to be built up the West side of the Mesa, but the developer should have maintained his Residential zoning, at least on the lower Mesa to where he could proceed with more design and review of his existing permit. My understanding is that since it has been rezoned An open the developer has to start over again trying to get a permit, and now different zoning, before he can develop the ground. I as a Mesa homeowner would like to see the benefits of a new road as soon as an agreeable plan is presented to the city counsel.

I feel it would be beneficial to the residents, and the city counsel, if they reviewed their previous work and changed a parcel of the property rezoned A open to a residential zoning so that the developer can continue with his planning.

Sincerely,
Bob Potts
1635 S. Trent Point Way
Boise, ID 83712
208-343-3051

267

BRUCE EGGLESTON - Boulder Heights Sub. CUP

From: <snyderz@dellmail.com>
To: <Beggleston@cityofboise.org>
Date: 3/19/2001 9:59 PM
Subject: Boulder Heights Sub. CUP
CC: <Boise@weba3.iname.net>, <City@weba3.iname.net>, <Council@weba3.iname.net>

To whom it may concern;

This is a letter from a troubled citizen of the city of Boise. I live on Hard Rock Drive in the Boulder Heights Subdivision. As a custom home builder in the Boise area, I am involved in numerous developments. I have not found another development of the quality of Boulder Heights.

We as owners of this subdivision have all paid an extra impact fee to A.C.H.D. to help pay for a third access to this area. This access is extremely necessary and has been in the planning stage for years. There is no reason to delay it's construction any longer.

I have followed J.H. Wise and Sons work for the past four years to plan for future development of this land and improve the access. They have done everything asked of them, by every government agency, to get the necessary approval to continue development.

The vote to deny the Conditional Use Permit by the City Council on March 13th was the improper course of action. The developer met all the criteria asked by A.C.H.D. and Ada County. For the City of Boise to have concerns and ask for more information on this project is a responsible course of action. This application should remain open giving the City time to do a complete study on this project. This also will allow J.H. Wise and Sons time to make any changes necessary to make this project acceptible to the City of Boise.

The City of Boise should reconsider their vote to deny and continue to work with this developer who is also a long time upstanding citizen of this great City.

Get your free DellMail address at http://www.dellnet.com

268

March 16, 2001

Mayor Brent Coles and City Council
P.O. Box 500
Boise, Idaho 83701-0500

RE: Warm Springs Mesa

Mr. Mayor and Members of the City Council:

I am a resident of Warm Springs Mesa, and have been for twenty years. Recently I purchased three lots on the Mesa, and paid an impact fee for the new west corridor. It is my understanding that the decision by the Council on March 13, of this year, forces Mr. Wise to restart his subdivision process. Furthermore, it is my understanding numerous different options were available to the Council, however the Council chose the most draconian and detrimental decision for Mr. Wise.

I believe it would be a great benefit to the present members of Warm Springs Mesa if the council revisited the issue and voted simply to table the matter as to the west road until Mr. Wise resolves his issues with ACHD on the Trent Point Road.

Thank you for your time and consideration.

Sincerely,

Michael J. Flanagan

MJF/dll

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MAR 19 2001
DEVELOPMENT
SERVICES

269

BRUCE EGGLESTON - Boulder Heights West Road and development

From: <FINDERSDEB@aol.com>
To: <BEGGLESTON@cityofboise.org>
Date: 3/15/2001 11:56 AM
Subject: Boulder Heights West Road and development
CC: <jhson@mindspring.com>

Dear Mr. Eggleston:

As homeowners in Boulder Heights we wish to make it known that we support the JH Wise & Son plan to build a new West access road and develop 79 lots as proposed.

We have paid over $2100 in impact fees with the understanding that we would have another access road to the West and those lots would be developed. You have denied this application but annexed the land and rezoned it and made it apparent that you intend to annex the existing homes on the Mesa. So our taxes will increase, the developer cannot develop the land due to the rezoning, AND we do not get our new road.

Please reconsider your motion to deny and listen to the Mesa residents. The impact of traffic on Warm Springs from 79 lots cannot compare to the traffic generated from the 490 lots allowed at Harris Ranch. Let the Highway Districts recommendations stand and approve the development. Allow the developer to work out the East end details at a later time and start on the West road and development now.

Sincerely,
James and Debra Finders
1889 Toluka Way
Boise, ID 83712

270

BRUCE EGGLESTON - BOULDER HEIGHTS WEST ENTRANCE DENIAL

From: Brett Labrie <brett.labrie@cshqa.com>
To: <BEGGLESTON@cityofboise.org>
Date: 3/15/2001 2:57 PM
Subject: BOULDER HEIGHTS WEST ENTRANCE DENIAL
CC: "Brandi Browndyke (E-mail)" <chip_browndyke@msn.com>, Brett Labrie <brett.labrie@cshqa.com>, <cardinales@earthlink.net>, "Chip Browndyke (E-mail)" <chip.browndyke@capitalone.com>, <FINDERSDEB@aol.com>, <j.woody@lylepearson.com>, <jimmarconi@boiseschools.org>, <jkarpach@earthlink.net>, <JReidMenu@aol.com>, <kerpa@micron.net>, <lweis@sears.com>, <mamaupin@usgs.gov>, Martin Hahle <martin.hahle@cshqa.com>, <mbvandiv@micron.net>, <montamat@micron.net>, <ntnelson@micron.net>, <rkerr@micron.net>, "Robin Labrie (E-mail)" <studiol@labrie.com>, <smyob@micron.net>, <virginia.gillerman@gte.net>, <Wardleigh@aol.com>

Dear Mr. Eggleston,

I am very troubled and disappointed at the City Councils decision to deny the portion of the Boulder Heights development proposal that is needed the most by area homeowners. All homeowners agree that the current access roads onto the Mesa are unsafe and insufficient. This has been an overriding theme at every hearing which I have attended. This is not going to disappear without the approval of some portion of development on the Mesa requiring the road to be built.

I do not understand the reasoning behind requiring that a traffic solution for all future development on the Mesa be arrived at prior to any improvements to existing access can be made.

The approval of the West Entrance and accompanying 79 lot development is absolutely necessary to improve access for the residents that live on the Mesa at this time. This will remain unchanged whether or not the East Entrance and associated development is ever approved.

In the event that a satisfactory solution to the East Entrance is unobtainable, the injustice to the current homeowners far outweighs that of the developer.

As a resident of Boulder Heights No. 3, I and many others before me fell subject ACHD impact fees associated with the need for a new access to the Mesa which now may not be built at all. I believe the City Council in its latest decision to deny this part of the development, has done so without fully considering the needs of the current area homeowners.

I respectfully ask that Boise City reconsider its decision and allow the developer to move forward with the badly needed West Entrance and associated 79 lot development.

Regards.

Brett G. Labrie, AIA
1943 S. Toluka Way

271

BRUCE EGGLESTON - Denial of West End Road and Development (Warm Springs Mesa)

From: <chip.browndyke@capitalone.com>
To: <beggleston@cityofboise.org>
Date: 3/15/2001 1:55 PM
Subject: Denial of West End Road and Development (Warm Springs Mesa)

Bruce:

Please reconsider the decline recommendation for the West side road for Warm Springs Mesa. As a taxpayer/levy payer, I'd like this email to be considered a "YES" for the proposed road.

Please respond to me with the reasoning behind the decline decision.

Thank you,

Chip Browndyke
1924 S. Toluka Way
Boise, ID 83712

272

4/5/6

Ada County Highway District

Judy Peavey-Derr, President
Dave Bivens, 1st Vice President
Sherry R. Huber, 2nd Vice President
Susan S. Eastlake, Commissioner
David E. Wynkoop, Commissioner

318 East 37th Street
Garden City ID 83714-6499
Phone (208) 387-6100
FAX (208) 387-6391
E-mail: tellus@ACHD.ada.id.us

13 March 2001

Tim Hogland, Director
Boise City Planning and Development Services
PO Box 500
Boise, ID 83701-0500

Subject: Boulder Heights Conceptual Plat-alignment of proposed eastern collector (Trent Point Way) and conceptual plan for Starview Drive/Warm Springs Avenue

Dear Mr. Hogland:

On March 7, 2001 the Ada County Highway District Commission reviewed the proposed alignment for Trent Point Way, providing a connection to Starview and an eastern access for the proposed Boulder Heights subdivision. This agenda item was a continuation of a review of this proposal that the Commission held on August 23, 2000, and upon reconsideration on September 27, 2000. At that time, the Commission took the following actions: (1) indicated that final plat approval will be given up to 79 lots prior to the opening of the East ParkCenter Bridge; (2) that Windsong Drive extension be constructed on an alignment as shown by the applicant or an alternative determined by Boise City to have less impacts on natural and cultural resources; and (3) that the applicant attempt to find an alternative alignment to Trent Point Way.

In the most recent hearing, the Commission remanded the issue of Trent Point Way and an eastern connection to staff for additional investigations, and directed that the item be subject to a future work session with the applicant and Commission. In the remand, the Commission asked staff to investigate the following: (1) impacts of not constructing Trent Point Way; (2) if the western route can be expanded; (3) the feasibility of widening Starview with pedestrian and bicycle facilities; (4) how to fund and partner for improvements to the intersection of Starview/Warm Springs/ Barber Road intersection.

At this time staff is preparing a scope of work in response to the direction of the Commission. A date for the requested work session has not been scheduled.

Sincerely,

Diane T. White
Right of Way and Development Manager

273

B.J. Smith & Angela M. Coder
2318 S. Ridge Point Way
Boise, Idaho 83712
(208) 383-9562

4/5/6

February 24, 2001

Re: **ACHD Questionnaire – Trent Point Way Proposal**

Dear Warm Springs Mesa Resident,

You probably received a letter and questionnaire from Ada County Highway District concerning the J.H. Wise and Son, Inc.'s proposed plan for additional homes in Boulder Heights. Specifically, ACHD staff requested that you return a questionnaire concerning construction of a new street on the east side of the Mesa – Trent Point Way.

We strongly feel that the questionnaire is biased and inappropriate. We also think the letter accompanying the questionnaire inadequately explains and misrepresents the issues relating to the J.H. Wise and Son, Inc.'s proposal to construct an additional 228 homes on the Mesa.

Our assessment of the issues

We feel that additional traffic created by the new homes can best be handled by a perimeter road along the north and west boundaries of the Wise property. This road would be a true collector street, and would intersect Warm Springs Avenue near the entrance to the golf course.

The developer proposed this west perimeter road master plan, and it was approved by ACHD, back in 1994. A majority of Warm Springs Mesa residents signed a petition supporting this master plan in October of 1999, and the petition was submitted to ACHD.

However, it appears that ACHD has now made the decision that a perimeter road to direct all the traffic from the new homes to the west is no longer appropriate. This decision is probably based on political reasons, considering the clout of the Warm Springs Avenue neighborhood group, and the sensitivity of adding additional traffic to historic Warm Springs Avenue.

So in response to ACHD's restrictions on new traffic on Warm Springs Avenue, the developer proposed a new road on the east side of the Mesa – Trent Point Way. The purpose of this street is to serve as ingress and egress for the proposed 103 new homes on the far east side of the development.

The street will be built directly to the east of Ridge Point Way. The developer plans to build the road down a steep ravine and environmentally sensitive area. The street will "dead end" into Starview Drive, just west of the Wise's shop / junk yard area. The developer proposes no improvements to Starview Drive.

In the August 2000 ACHD Commission public hearing, the commissioners determined that Trent Point Way would not be allowed as proposed, and directed the developer to find an alternative route to get traffic off the Mesa to the east. The developer has taken the position that no other alternative is available. It appears ACHD is considering a compromise on their earlier determination.

Our concerns

We oppose Trent Point Way for the following reasons:
1) It is a flawed concept for handling additional Mesa traffic.
2) It places an undue hardship on approximately 14 existing homes on the east side of Ridge Point Way by creating a double frontage.
3) The location and design of the road are inappropriate.

While we understand and appreciate the need to restrict traffic on Warm Springs Avenue, we think the only practical way to handle "new" traffic on the Mesa is to direct it to the west. The terrain of the Mesa just doesn't cooperate with the objective for a safe and cost effective way to direct more Mesa traffic to the east.

The major flaw of the plan to build a new east collector road, Trent Point Way, is that the developer's intention is to significantly increase traffic levels on unsafe and substandard Starview, with no planned improvements to the road.

The developer's plan intentionally increases traffic by over threefold on this unsafe and substandard road, which has grades of 14%. Starview Drive could not even be built under today's ACHD standards, which restrict grades to no more than 10%.

According to the developer's traffic projections, Starview Drive traffic levels will increase from 500 trips per day currently, to 1,800 trips per day when the new homes are complete. Will you feel safe driving down Starview when there's three times as much traffic as now?

Conclusion

Thank you for reading this letter. Our motivation for writing was because we felt the letter and questionnaire from ACHD was a misrepresentation of the real issues. According to the ACHD letter, "residents living on Ridge Point Way had concerns about visibility of the proposed Trent Point Way from their homes."

Our concerns go far beyond the "visibility" of the new road. We are concerned about the safety, property values, and quality of life of current and future Warm Springs Mesa residents. We are not opposed to the Wise family's plan to build more homes on the Mesa. We just feel they have not proposed an acceptable plan for handling the additional traffic.

If you share our concerns, please make ACHD aware of your opinion. Complete the "revised" questionnaire and mail, fax, or e-mail your response to reach ACHD by March 5, 2001.

Thanks!

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4/5/6

Jones ◆ Gledhill ◆ Hess ◆ Andrews ◆ Fuhrman
Bradbury & Eiden, P.A.
ATTORNEYS AT LAW

Stephen A. Bradbury

March 16, 2001

Boise City Council
P.O. Box 500
Boise, ID 83701-0500

Re: Boulder Heights Estates (CAR 00-00021/DA; CUP 00-00055)

Dear Council Members:

You can no doubt understand Mr. Wise's deep disappointment in the Council's March 13, 2001 decision upholding the Planning and Zoning Commission's denial of the Conditional Use Permit in the above-referenced matter. Because Mr. Wise believes the Council's decision was made without a full understanding of its ramifications, Mr. Wise has asked that I request the Council to reconsider its decision. Please treat this letter as Mr. Wise's request that the Council reconsider the denial of the above-referenced Conditional Use Permit Application. This request is made on the following grounds:

1. **The decision was premature**. As we understand it, the reason for the Council's decision is that the issues regarding access to the proposed development and the Mesa are not yet resolved. As the Council knows, however, those issues were still under consideration by the Ada County Highway District. In its letter of March 13, 2001, the Ada County Highway District advised that its Commission had further reviewed the project and had remanded the issue to its staff for additional investigation and directed that the item be the subject of a future work session with the applicant and the Commission. As of the Council's decision, a date for the requested work session had not been scheduled and now will not likely be scheduled. The result of the Council's decision to deny the application is to eliminate the incentive for the Highway District and other agencies to pursue the issues further. We do not believe that was the Council's intent. If, as we believe, Council intended that further efforts

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The 9th & Idaho Center ◆ 225 North 9th Street, Suite 820
P. O. Box 1097 ◆ Boise, Idaho 83701
Phone (208) 331-1170 ◆ Facsimile (208) 331-1529

4/5/6

be made to resolve the outstanding issues, deferral of the application would be a better approach.

2. **The Council was not fully informed with respect to the application**. The Council's decision was based upon information provided it in only one public hearing at which the applicant was given a very limited opportunity to present its project to the Council. The Council will recall that rather than holding separate public hearings on the annexation and conditional use requests, the Council combined the hearings and imposed rather stringent time constraints on the applicant. Then, while the applicant was presenting the project, the Council admonished the applicant to focus its presentation on the errors made by the Planning and Zoning Commission, rather than an explanation and description of the project. The result was that the Council never got a full picture of the development proposal.

Mr. Wise acknowledges that the project is a significant one with complex issues. Recognizing that, I suggested that the Council should consider holding additional hearings and/or work sessions in order to further discuss and explore the various issues so that the Council could be comfortable that it had all information it needed in order to make a reasoned and rational decision. In fact, during the March 13 meeting, at least one City Councilperson indicated that she did not feel fully informed and prepared to proceed. Nevertheless, rather than reopening the public hearing and/or rescheduling it to another time, the Council appeared to just give up on the project.

3. **Denial of the appeal effectively kills the project at a significant cost to the property owner**. The Council may or may not know that Mr. Wise has been engaged in the planning process for this project for nearly four years. Mr. Wise began the full-scale concept design in 1998 and presented it to the homeowners on the Mesa in 1999. As a result of comments received, Mr. Wise redesigned the project in an attempt to accommodate the desires of what he believed to be a majority of the homeowners. In the nearly four years since he began, Mr. Wise has invested over $260,000 in engineering and other fees. He has also paid the City of Boise over $8,400 in application fees. In addition to that, in order to accommodate the proposed western collector which a majority of the Mesa homeowners demanded be included, Mr. Wise was required to purchase additional land where the collector would be located at a cost of over $500,000. Now, unfortunately, Mr. Wise stands to lose much of that investment. Said rather directly, if Mr. Wise is unable to proceed with some level of development, he may not be able to pay for the land on which the western collector is to be constructed and will, in all likelihood, lose that land. Council can

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help Mr. Wise realize on his investment if it gives him the opportunity to further pursue the application to the satisfaction of the Highway District and the City.

4. **Denial of the Conditional Use Permit eliminates the western collector road**. As pointed out above, Mr. Wise does not have the ability to build the western collector road without having some level of development approval. He simply does not have the financial wherewithal to do so. As disappointing as that is to Mr. Wise, it is just as disappointing to a majority of the residents of the Mesa who, we believe, favor construction of the western collector road because it offers a safer alternative for ingress and egress to the Mesa. As the Council may or may not know, the Ada County Highway District has collected over $100,000 of impact fees to be used in the construction of the western collector road, which sums will continue to sit idle as a result of the City's denial of the Conditional Use Permit. It is Mr. Wise's sense of the desires of the homeowners on the Mesa that a majority are in favor of a western collector (although the precise location may be in debate) and that a majority oppose any plan which provides only for an eastern route. Acceptance of the staff's recommendation to approve at least the western half of the project and withhold judgment on the eastern half, we believe, accommodates both the interests of the applicant and a majority of the Mesa residents.

5. **The Council failed to take into account the timing of the development**. We do not believe that the Council fully understood the timing and schedule for development of the project. Mr. Wise has estimated that if the Conditional Use Permit, or the western part of it as proposed by staff, were approved now, construction of the homes would not begin on the property until 2003, with build out of the first 79 lots not expected until 2006. Construction of the eastern phases, where the access issues seem to be the most troubling, would not begin until 2006 or 2007. Development of those phases is far enough in the future that both the west and east Parkcenter bridges will have been long since completed and open to traffic. In other words, there is plenty of time before the eastern portion project is expected to be built for the eastern access issues to be resolved.

6. **Annexation of the property with an A-Open zone designation but without development approval eliminates a valuable property right**. As the Council may know, nearly 40 acres of Mr. Wise's property holds an R8 County zoning designation and another five acres holds an R4 zoning designation. Those zone designations, as the Council has recognized in the past, carry with them certain development rights. Annexation of the property into an A-Open zone designation, the City's most restrictive zone designation, eliminates a valuable property right. Because Mr. Wise's annexation application

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was made together with a certain zone request and in conjunction with an attendant development application, the City's annexation into another, more restrictive, zone designation and denial of the Conditional Use Permit, frustrates the basic intent of Mr. Wise's application. Annexation of the subject property under those circumstances cannot be said to be consensual, but instead must be viewed as an involuntary annexation.

In view of the foregoing, I think it appropriate to offer the following observations. First, it appears to me that both the Planning and Zoning Commission and the City Council are punishing the applicant as a result of their frustration with the Ada County Highway District. It should come as no small surprise to you that Mr. Wise is just as frustrated with the Highway District as the City is. Nevertheless, Mr. Wise is willing to continue to work with the Highway District in an attempt to resolve what is probably the only significant impediment to development on the Mesa—access. Mr. Wise simply requests that the City make that possible.

In addition, it appears to me that the Council is shortchanging Mr. Wise by not devoting sufficient time and attention to the admittedly complex issues involved in the development proposal. Mr. Wise has indicated a willingness to work with the City and staff, either in additional work sessions and/or in additional public hearings so that all interested parties can be assured that the Council fully understands those issues.

Moreover, it is important for the Council to understand that by upholding the denial of the conditional use, the Council may be dealing a financial deathblow to Mr. Wise. If Mr. Wise is not permitted to move forward with at least a part of the development, it may be a long time before he can try again, if ever. Such a result is not only bad for Mr. Wise, but is also bad for the City and its residents. Not only will no new access to the Mesa be constructed, but the City stands to lose the dedication of over 200 acres of open space (which Mr. Wise has proposed for a public park and trail system).

Accordingly, on behalf of Mr. Wise I respectfully request the Council reconsider its decision upholding the denial of the Conditional Use Permit. In lieu of denial, we request that the Council either defer further action on the application until after the Ada County Highway District has completed its review of the application or schedule work sessions either with or independent of the Ada County Highway District in order to give the applicant an opportunity to fully inform the Council about the development project. In addition, should the Council elect to reconsider its decision on the Conditional Use Permit, we request the Council defer further action on the annexation so that the annexation

4/5/6

can be consistent with the development plan as ultimately approved. Taking this action would permit the applicant the opportunity to resolve any outstanding issues with the Ada County Highway District, the Mesa homeowners and the City. Should the Council refuse to reconsider its decision on the Conditional Use Permit, then we request the Council treat this letter as notice of withdrawal of the annexation application.

We will, of course, make ourselves available to discuss these issues further should any of you desire to do so.

Sincerely,

Stephen A. Bradbury

SAB:ll
cc Honorable Brent Coles
Bruce Egleston
Homer Wise
Bob Unger

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4/5/6

Jones ◆ Gledhill ◆ Hess ◆ Andrews ◆ Fuhrman
Bradbury & Eiden, P.A.
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Boise, Idaho 83701
208-331-1170
208-331-1529 (fax)

TELECOMMUNICATION COVER PAGE

6 pages including cover page

TO: Boise City Council
FAX: 384-4420

CC TO: Honorable Brent Coles—384-4420
Homer Wise—342-6587
Bob Unger—378-0329
Bruce Eggleston—384-3753

FROM: Stephen A. Bradbury

DATE: March 16, 2001

RE: Boulder Heights/CUP00-0055

DOCUMENTS SENT: March 16, 2001 correspondence to Boise City Council

NOTES:

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NOTE: If you do not receive the total number of pages indicated, please contact Laurie at 331-1170.

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4/5/6

BRUCE EGGLESTON - Re: Boulder Heights

From: <MccWorden@aol.com>
To: <beggleston@cityofboise.org>
Date: 3/20/2001 11:23 AM
Subject: Re: Boulder Heights

Dear Mr. Eggleston,

I write to you this morning with much concern about the recent denial of Wise and Sons request to develop 79 lots on the west end of Boulder Heights which would enable them to put in a third access to Warm Springs Mesa. We are strongly in favor of this road. The current roads are not only overused but very dangerous, especially in the winter. We want and need a safer road with sidewalks for our children. We love living in the Mesa and feel very fortunate to be able to live in such a beautiful neighborhood. We do not want overdevelopment and raping of the hillsides. We do feel that Mr. Wises plan which involves a lot of open space, parkland, and access to our beautiful foothills is a good one and deserves reconsideration. Mr. Wise is not asking for anything more than has already been approved by A.C.H.D. This plan involves the development of only 79 lots over a period of six years. This would not even be started until 2003, after the area has begun using at least one of the two new bridges.

I am asking you to please reconsider the total shut down of Mr. Wises request. We in the Mesa deserve better than to be totally ignored. Thank you for your consideration of my request to look further and very carefully at this proposal.

Sincerely,

Susan Worden-McClain
3278 E. Red Stone Dr.

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Responses to Six Mile Engineering Traffic Analysis on Boulder Heights Estates Subdivision

May 10, 2001

TRIP GENERATION

The trip generation rate proposed by Six Mile Engineering of 8 daily trips per household and based on the 1998 Dobie Engineering traffic study for Boulder Heights, is approximately 33% lower than the APA agreed upon rate of twelve (12) trips per household for Foothills development. Using the 12 trips per day figure, the estimated average daily traffic (ADT) generated by the subdivision is 7,5000 vehicles per day. Of that number 2,636 trips can be attributed to Boulder Heights Estates 1-11.

Even with 15% of this traffic proposed to use the East Park Center Bridge 2,242 trips per day will be added to Warm Springs Ave. which has a Level of Service "C" threshold of 14,175 per day and is currently (14,922 on 4/1/00) over that threshold. A portion of this traffic can be attributed to Harris Ranch (1,476) based on estimated, allowed trips.

Boise City Planning staff suggest the 12 trips per household figure be used in calculating the traffic impacts of Boulder Heights Estates.

QUESTIONS

How much current traffic will be removed from Warm Springs Avenue following construction of both Park Center Bridges?

Why didn't the Dobie Study provide counts for Starview and Starcrest Drives?

4/5/6

27-Mar-01

RECEIVED
MAR 29 2001
DEVELOPMENT
SERVICES

Christy Richardson
ACHD
318 East 37th Street
Garden City, Idaho 83714-6499

Subject: Warm Springs Mesa Development Issues.

Dear Christy,

I would like to provide my opinion on the Warm Springs Mesa development issues, specifically, the access roads to the Warm Springs Mesa. Generally, change is hard. That being said, making the more difficult but right changes should be the agreed direction for change. We shouldn't let the easy change be the final decision, if the impact would be negative overall.

For any further development to be allowed in the Warm Springs Mesa or related/associated developments additional access needs to be provided. The additional access would help mitigate existing and potential future traffic flows in the Mesa and on Warm Springs Rd. The 1994 Master Plan, while maybe not a final plan (I'm not sure of the status of the plans) is the most viable solution for providing proper traffic access and proper traffic flow. An all-inclusive plan should be provided detailing the whole of the development effort. All parties should be held accountable for agreed upon plans.

Another very key component is the access to be provided by the East ParkCenter Bridge. I understand this new bridge is to be the tool to control access to Warm Springs Rd for the development, current and future. No additional development should be allowed until the East ParkCenter Bridge is fully functional, to include the re-route controls associated with the Starview and Warm Springs intersection. Wasn't the intent to funnel the majority of the traffic from current and future development onto the new bridge and ParkCenter Blvd for access to downtown?

Bottom line, everybody needs to be held accountable for the more difficult, but more correct decisions.

Very Truly Yours,

Benjamin C Jennings
2045 Rockridge Rd
Boise, Idaho 83712

CC: As follows.

Judy Peavey-Derr
ACHD Commissioner
318 East 37th Street
Garden City, Idaho 83714-6499

Dave Bivens
ACHD Commissioner
318 East 37th Street
Garden City, Idaho 83714-6499

Susan Eastlake
ACHD Commissioner
318 East 37th Street
Garden City, Idaho 83714-6499

Sherry Huber
ACHD Commissioner
318 East 37th Street
Garden City, Idaho 83714-6477

David Wynkoop
ACHD Commissioner
318 East 37th Street
Garden City, Idaho 83714-6499

✓Bruce Eggleston
Boise Planning and Dvlpmt Srvs
150 N Capitol Blvd
Boise, Idaho 83702

Chuck Blair
2064 Stone Ridge Way
Boise, Idaho 83712

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March 20, 2001

Memorandum

To: Mayor Coles and Members of the City Council

From: Bruce Eggleston, A.I.C.P., Planning and Development Services Department

Subject: Concerning the proposed Boulder Heights Estates Annexation and Planned Development, CAR00-00021/DA and the appeal of the denial of CUP00-00055.

Givens:

1. There are 406 acres proposed for development in the Boise Area of Impact.
2. Of the 406 acres, 210 acres are greater than 25% slope, therefore unbuildable, and 196 acres are less than 25% slope and buildable.
3. The applicant will be required to build a collector from the Mesa for any type of development.
4. The subject property is currently zoned in Ada County as follows:

Zone	Density	Acres	Gross Unit Yield
RP	1 u./ 40 ac.	326.5	8.2
R8	1 u./0.125 ac.	40	320
R4	1 u./0.25 ac.	5.8	23.2
M1	Not allowed	33.7	0
Total		**406**	**351 units**
County gross Density			.865 units per acre

5. The proposed density takes advantage of the Density Bonus Formula in the *Foothills Policy Plan that* allows for density bonuses in exchange for open space. The proposed gross density would be one unit per 1.78 acres. The applicant's proposal would yield about half the density allowed in the existing zoning.
6. On March 13, 2001 the City Council Approved annexation of the 406 acres under the Open Land "A" Zone with no development agreement and denied the accompanying Conditional Use application.
7. The Annexation of the 406 acres under the Open Land "A" District, without a Development Agreement, will allow the land owner to exercise all of the rights and conditional use options under that zone. These include one-acre lot standard subdivision that would be reviewed only under the Subdivision Ordinance and Hillside and Foothills Area Development Ordinance. A quick estimate shows that this might yield the land owner between 200 and 250 residential lots. Or, they could apply for a Conditional Use Planned Development that could theoretically yield 406 dwelling units (this would obviously require some form of multi-family housing to achieve such density), given the one-unit-per-acre zoning approved by the Council.

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Potential adoption measures for reconsideration of the proposed Boulder Heights Estates annexation		
	Action	Development Potential
A)	No change, adopt findings and conclusions for the Open Land "A" zone with no Development Agreement	These include one-acre lot standard subdivision that would be reviewed only under the Subdivision Ordinance and Hillside and Foothills Area Development Ordinance. This might yield the land owner between 200 and 250 residential lots. Or, they could apply for a new Conditional Use Planned Development that could theoretically yield 406 dwelling units (this would obviously require some form of multi-family housing to achieve such density), given the one-unit-per-acre zoning approved by the Council. The applicant would no longer have an application before the ACHD, and therefore there would presumably be no reason for them to continue to find a solution for the transportation issues.
B)	Applicant's request for half of the developable land in R-1A/DA and the remainder in Open Land "A"/DA	The zoning would be 87 acres in R-1A/DA zone and 319 acres in the Open Land - A/DA Zone. The applicant would be required to gain approval from ACHD for a collector road to serve the eastern half of the development before the developable area in that section can be re-zoned to R-1A/DA as specified in the development agreement. The first phase of this scenario would yield 103 units and the remainder of the 223 units, 120 units, would be approved when the transportation issues were resolved.
C)	Defer decision to date certain when transportation issues can be resolved	Remand conditional use to the Planning and Zoning Commission with instructions to work out transportation issues, application eventually built largely as originally proposed with modifications resulting from transportation redesign. Annex with the original Development Agreement in the R-1A/DA and the Open Land "A"/DA at 156 acres and 250 acres respectively, and approve the Conditional Use and Hillside applications. This would yield the 223 to 228 units staff recommended to P. & Z. or the number requested in the application.

4/5/6

Boulder Heights Estates Annexation, Half Buildable Area

This proposal would allow 103 building lots on 86.7 acres in the R-1A/DA Zone.

N
W
E
S

Legend

- Build-lots-west.shp

Streets, lots, boundrys

- BOUNDARY
- LOT
- ROAD_ROW
- R-1A/DA Zone = 86.7 acres
- Open-A Zone = 319.3 acres
- Boise River
- Streets

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Exhibit 1 doc from Dabie Eng dated 9/9/2000 Patrick Dobie, PE, Boulder Heights Concept Plan

4/5/6

2. Boulder Heights Estates Sub Road Construction Issues

" 3 Mike Wardle 10/16/2000

4 Ltr Felecia Burkhalter, 1/8/01 w/attachments

5. Report from Chuck Blair.

6. Ltr Bill Braden

7. E-mail Tom Lopez

8. Letter Michael Lukes

9. Letter B.J. Smith & Angela Coder

10. Letter Pauline & Marty Hallsman

RECEIVED
JAN 17 2001
DEVELOPMENT SERVICES

288

4/5/6

DOBIE ENGINEERING, INC.
777 Hearthstone Dr.
Boise, ID 83702
(208)345-3290

MEMORANDUM

DATE: January 9, 2000

TO: Mayor Coles and Boise City Council Members
City of Boise
P.O. Box 500
Boise, ID 83701-0500

FROM: Patrick Dobie, P.E.

RE: Boulder Heights Concept Plan

Attached you will find the following exhibits to be discussed at the scheduled land use hearing:

1. ACHD traffic summary - Warm Springs
2. Recent ITD traffic counts
3. APA, 1993 Park Center Bridge Analysis

These data indicate that the traffic volumes on Warm Springs Avenue will be less than the recommended maximum of 14,000 vpd with implementation of the current roadway improvement projects.

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WARM SPRINGS AVENUE TRAFFIC VOLUMES - EXISTING AND FUTURE CONDITIONS	
CURRENT ITD DAILY TRAFFIC VOLUME ON WARM SPRINGS AVENUE	14,103 AAWDT [1]
THE PROJECTIONS IN THIS CHART ARE BASED ON THE ACHD COUNT TAKEN ON DECEMBER 1, 1997 (EAST OF WALNUT STREET). THIS NUMBER IS USED BY COMPASS AS THE CALIBRATION NUMBER FOR THE MODELS.	12,666 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITHOUT THE CONSTRUCTION OF THE EAST PARKCENTER BRIDGE AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	16,180 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST PARKCENTER) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	12,904 VTD[2]
2001 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (2 LANES-EAST) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	10,644 VTD[2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND NO RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	15,993 VTD[2]
2020 DAILY FORECAST VOLUMES ON WARM SPRINGS AVENUE (EAST OF WALNUT STREET) WITH THE CONSTRUCTION OF THE PARKCENTER BRIDGES (4 LANES) AND RESTRICTIONS ON WARM SPRINGS AVENUE (based on the COMPASS Planning Model)	11,353 VTD[2]

Note 1: The Average Annual Weekday Traffic (AAWDT) has been compiled by ITD and is stated as 14,103 trips per day for the previous 12-month period. The AAWDT parameter is the standard basis for evaluating traffic operations of roadways. The AAWDT figures are not normally available for use in Ada County, because a permanent traffic counter installation is required (such as the one on Warm Springs Avenue east of Walnut Street). Higher and lower daily volumes than this will occur on a regular basis. The referenced ITD automatic traffic counts actually tally the number of axles and not the number of vehicles. Cars and trucks pulling boat trailers are counted as 1.5 vehicles because they have three axles. Two-axle bicycles may also be counted as vehicles. Therefore, the actual number of vehicles is slightly less than the "count".

Note 2: VTD – Vehicle trips per weekday

ParkCenter Boise River Crossings
ACHD Project 25467.0

Table 3
Summary of Traffic Projections

Location	Existing Traffic (Year 1990)	Alternative 1 No-Build (Year 2015)	Alternative 2 East Only (Year 2015)	Alternative 3 West Only (Year 2015)	Alternative 4 Both Crossings (Year 2015)
WARM SPRINGS (West of Walnut)	12,200	20,400	17,400	17,600	14,300
WARM SPRINGS (East of Walnut)	6,700	15,500	Δ = −1800 13,700	Δ = −1500 14,000	Δ = −6100 9,400
WARM SPRINGS (West of ParkCenter)	2,100	7,700	6,600	5,800	1,900
WALNUT (South of Warm Springs)	2,600	11,800	10,300	9,600	9,700
BROADWAY AVE (at Boise River)	45,100	73,300	73,000	53,200	54,500
WEST CROSSING (at Boise River)	–	–	–	44,900	45,700
DIVISION (North of Rossi)	700	1,700	1,500	3,400	3,900
PENNSYLVANIA (West of ParkCenter)	3,500	7,000	7,500	5,900	7,100
BOISE AVE (Southeast of Penn.)	6,600	8,800	6,900	6,700	6,100
PARKCENTER (West of Apple)	7,900	17,000	20,300	21,500	26,000
BEACON (West of Division)	19,000	40,600	39,700	19,400	22,700
HOLCOMB (South of Boise Ave)	3,200	5,600	10,000	8,900	9,700
APPLE ST. (South of ParkCenter)	3,100	6,300	6,400	6,100	6,900
LAW DRIVE (South of ParkCenter)	1,300	4,400	500	500	400
EAST CROSSING (At Boise River)	–	–	12,000	–	10,300
ECKERT ROAD (At Boise River)	1,600	7,500	2,500	7,000	2,500

The summary is made between the four alternatives with Holcomb in place between Amity and ParkCenter

<!--StartFragment-->

IDAHO TRANSPORTATION DEPARTMENT
TRANSPORTATION PLANNING DIVISION

AUTOMATIC COUNTER VOLUMES BY MONTHS
AVERAGE 24-HOUR TRAFFIC BY MONTHS

COUNTER NUMBER 211

COUNTER LOCATION
"SMA 7383 WARM SPRINGS BETWEEN WALNUT & LOCUST, BOISE"

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	ANNUAL AVERAGE
1990	9468	9937	10655	11608	11757	13809	13363	12711	11393	10888	10186	9170	11251
1991	9169	10211	10507	11355	11772	12905	13014	11539	10464	10521	9843	8859	10849
1992	8859	9636	10906	12001	12855	13937	13666	13084	12239	11967	10542	10738	11741
1993	10030	10721	11652	13085	14439	14760	14668	14599	13694	13023	11540	11801	12847
1994	11253	11647	13170	13785	14410	15882	15569	14838	13576	13170	11356	11527	13359
1995	11491	12179	12566	13881	14418	15289	16025	15604	13959	13391	12138	11808	13562
1996	11384	12153	12897	14335	14899	16121	16038	15724	14829	13534	12598	11644	13846
1997	11253	12261	12657	13708	13544	15090	14988	14927	13829	13232	12287	12028	13317
1998	11536	12325	12465	14370	14283	15427	15706	14835	13739	13041	11814	11886	13452
1999	11595	11905	12785	14053	14611	15316	15516	15078	14190	13436	12366	12405	13605
2000	11798	12682	13268	14477	14421	15809	15761	15403	14304	13712			

<!--EndFragment-->

4/5/6

4/5/6 (2)

Boulder Heights Estates Subdivision Road Construction Issues

1) East Access Road – Ridge Point Residential Collector

   a) Purpose:
      i) Prevents placing excessive traffic on Existing S. Ridge Point way.
      ii) Directs Traffic from northern portion of Warm Springs Mesa, existing Boulder Heights and eastern mesa portion of Boulder Heights Estates to Starview Drive and out to East Park Center Bridge.
      iii) Acts as residential collector, designed to ACHD standards for residential collector.

   b) Problem:
      i) Residents fronting on S. Ridge Point way may be inconvenienced by traffic at rear of homes.

   c) Discussion:
      i) Distances and elevation differences shown on attached drawing
      ii) Distances and elevations are from center of lot (approximate rear of homes) to centerline of road.
      iii) Most distances are similar to another lot behind existing lot.
      iv) Elevations show that road is significantly below most existing homes.
      v) Significant landscaping and screening will be employed to shield existing homes from sound and view. These items will be shown on preliminary plat.
      vi) We have spent significant effort to try to find an alternate route for this residential collector and this design is the best we can find without going off of the Wise property.

2) Starview Drive Existing problems.

   a) Problem:
      i) Starview Drive is not currently constructed to ACHD Standards and there are questions as to how it will function with additional traffic from Boulder Heights Estates.

   b) Discussion:
      i) Starview Drive Currently has a curve near the top which has an approximately 90' radius, ACHD minimum for Residential Collector is 150' Radius
      ii) Grades on the lower portion of Starview approach 13%, ACHD maximum is 10%.
      iii) The intersection of Starview with Warm Springs Avenue does not have a vertical transition and the horizontal approach is at a sharp angle to Warm Springs.
      iv) The developer had spent significant resources in redesigning Starview Drive when we first started working on this project over 2 years ago. At the time,

we were told by ACHD staff that since Starview was already an ACHD road and was functioning as a residential collector (although not currently designated as such), the correction of the Starview Problems would be handled by ACHD when issues with the East Park Center Bridge became more clear.

v) It should be noted that a designation of Starview as a Collector would qualify it for use of impact fees (already collected from Boulder Heights building permits in addition to extraordinary impact fees)

c) Solution:
   i) The attached drawing shows a potential solution to the problems with Starview Drive, as proposed by ACHD staff.
   ii) This solution needs significant study but can be resolved prior to development of the east portion of Boulder Heights Estates.
   iii) The proposed drawing would regrade the lower portion of Starview and reconstruct the substandard curve. We have performed preliminary designs of these portions as stated earlier to show feasibility.
   iv) There are several issues which need to be addressed by ACHD and the City prior to a final design being proposed, such as the proposed alignment and use of Warm Springs Avenue in this area, the location of the Barber road connection to Harris Ranch, and the final design of the Park Center Blvd connection to Warm Springs Avenue.

3) West Access Road

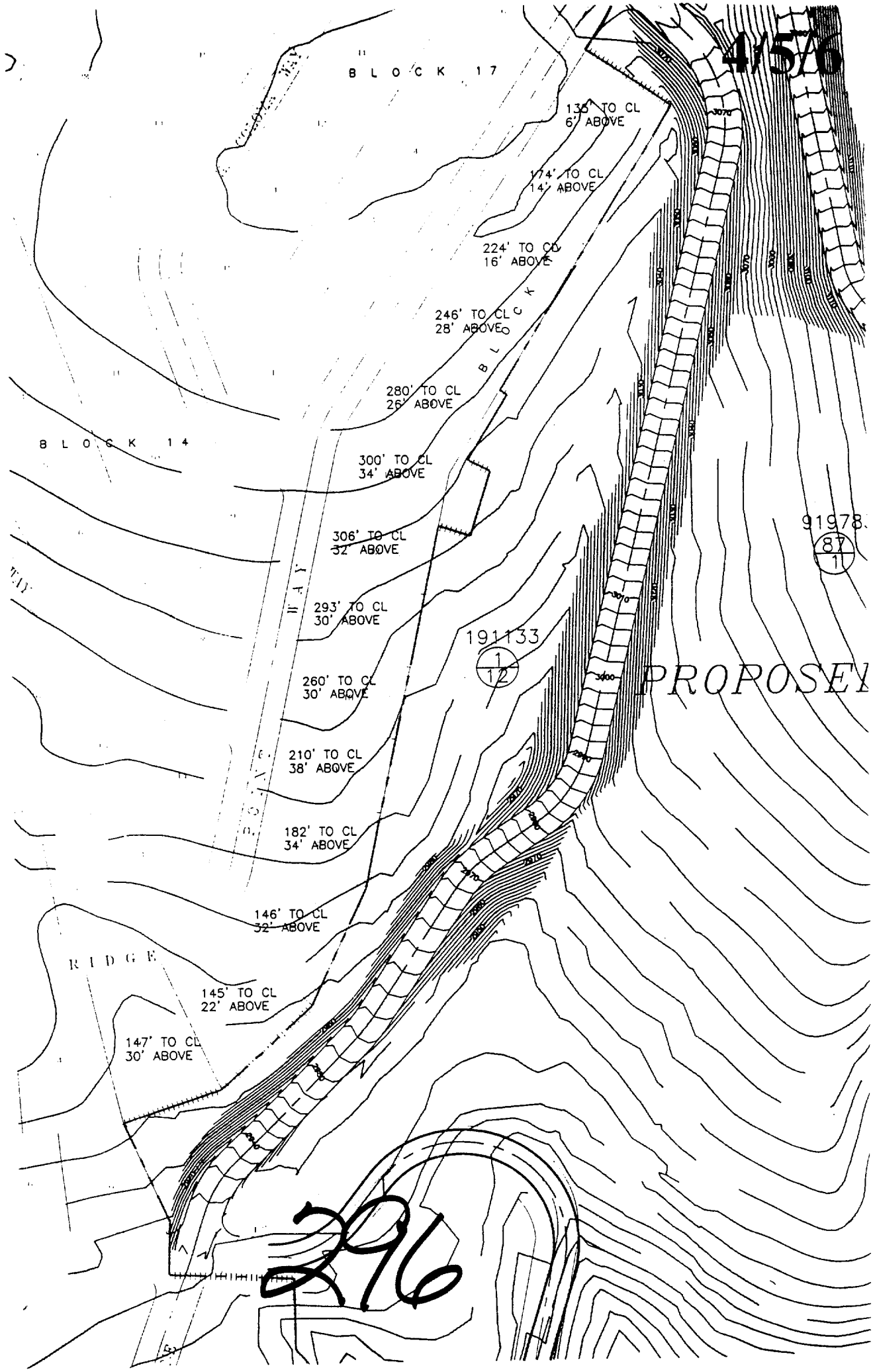
a) Purpose:
   i) Provides a connection from the northern portion of Warm Springs Mesa/ Boulder Heights/ Boulder Heights Estates to Warm Springs Avenue.
   ii) Designed to ACHD Standards for Residential Collector – Reduces traffic on StarCrest Drive, a substandard road, to within acceptable limits.
   iii) The Western Access Road was required by Boise City and ACHD in the Boulder Heights Master Plan Approval of 1994 and the proposed alignment meets the requirements of ACHD.
   iv) The developer has gone to considerable expense to obtain the required property for the right of way and in the process has obtained a significant amount of excess property which is intended in this proposal to be dedicated to the City as permanent open area.

b) Problem:
   i) Residents of Warm Springs Mesa believe that the northern alignment shown in the 1994 Master Concept Approval provides a better route than the one proposed in this application.

c) Discussion:

i) Both alignments have been analyzed and preliminary engineering drawings are attached.
ii) The northern route is approximately 500 feet longer than the proposed route and would require approximately 10,000 yards more of earthwork to construct. The terrain over which it would traverse is slightly steeper in cross slope and has significant rock outcroppings, indicating more difficult construction and larger fills and cuts required to catch points.
iii) Both designs incorporate ACHD design requirements for a residential collector including
   (1) minimum radius of 150'
   (2) maximum of 10% slope
   (3) 29' road sections with sidewalks and bike lanes
   (4) appropriate grade transitions at connection to Warm Springs Ave
   (5) sight distance requirements on Warm Springs Ave
iv) The northern route would require construction on ground which the developer does not own. Rerouting this portion into the developers property would require fills of over 40 feet (or a bridge) and significantly more earthwork and scarring of the hillside.
v) The northern route traverses an area which is designated by the Boise Heritage Preservation Committee for view preservation.
vi) The northern route would destroy significantly more of the Old Penitentiary Canal than the proposed route.

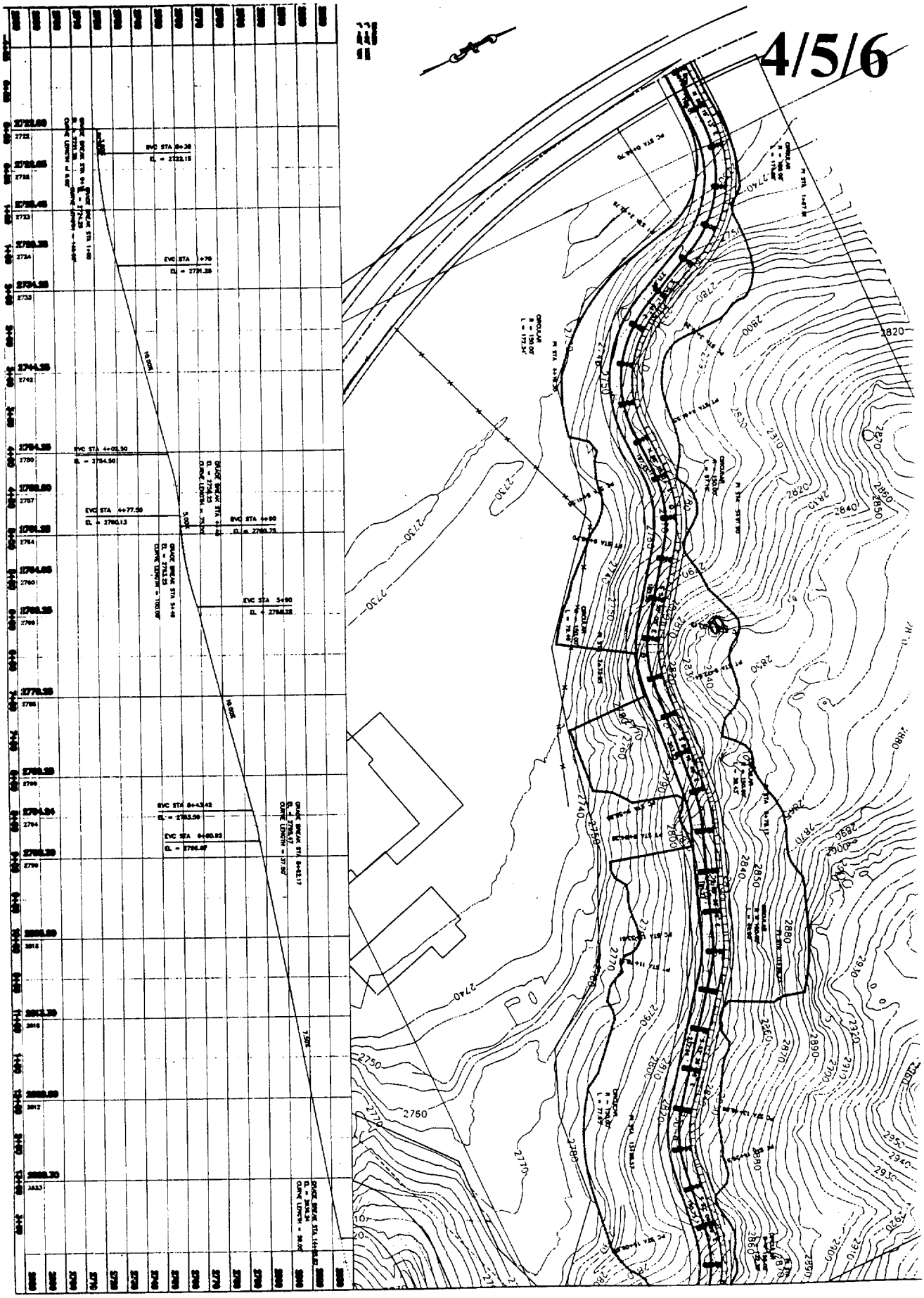
Both Designs are "safe" in accordance with standard engineering practices and ACHD standards as confirmed by ACHD staff and the ACHD Commission.


4/56
B L O C K 17
130' TO CL
6' ABOVE
174' TO CL
14' ABOVE
224' TO CL
16' ABOVE
246' TO CL
28' ABOVE
B L O C K
280' TO CL
26' ABOVE
B L O C K 14
300' TO CL
34' ABOVE
306' TO CL
32' ABOVE
91978
87
1
293' TO CL
30' ABOVE
191133
1
12
PROPOSE
260' TO CL
30' ABOVE
210' TO CL
38' ABOVE
182' TO CL
34' ABOVE
146' TO CL
32' ABOVE
R I D G E
145' TO CL
22' ABOVE
147' TO CL
30' ABOVE
296

4/5/6
PROPOSED PARK CENTER ALIGNMENT
REALIGNED BARBER ROAD
MILL POINT LANE

297

4/5/6



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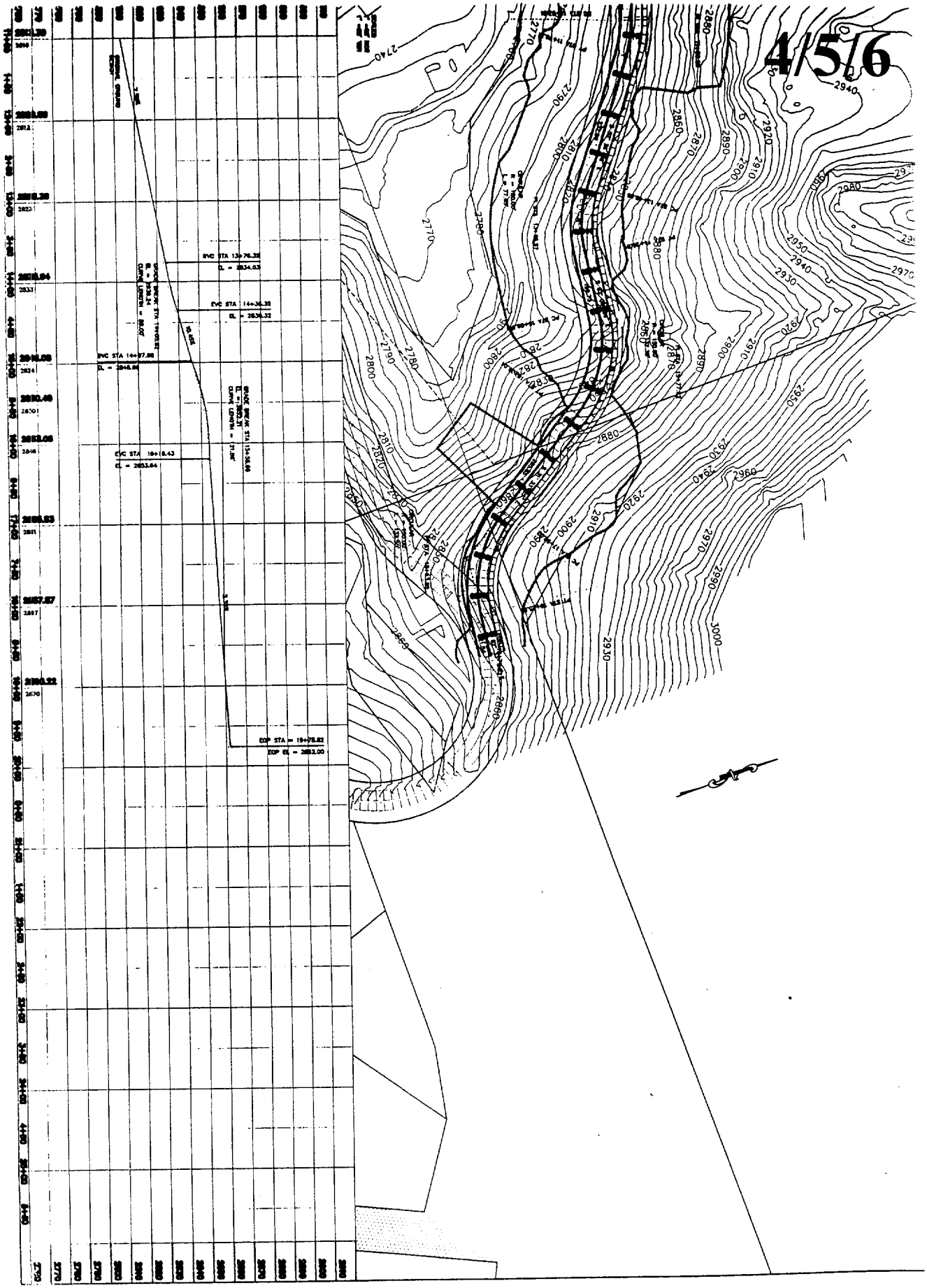
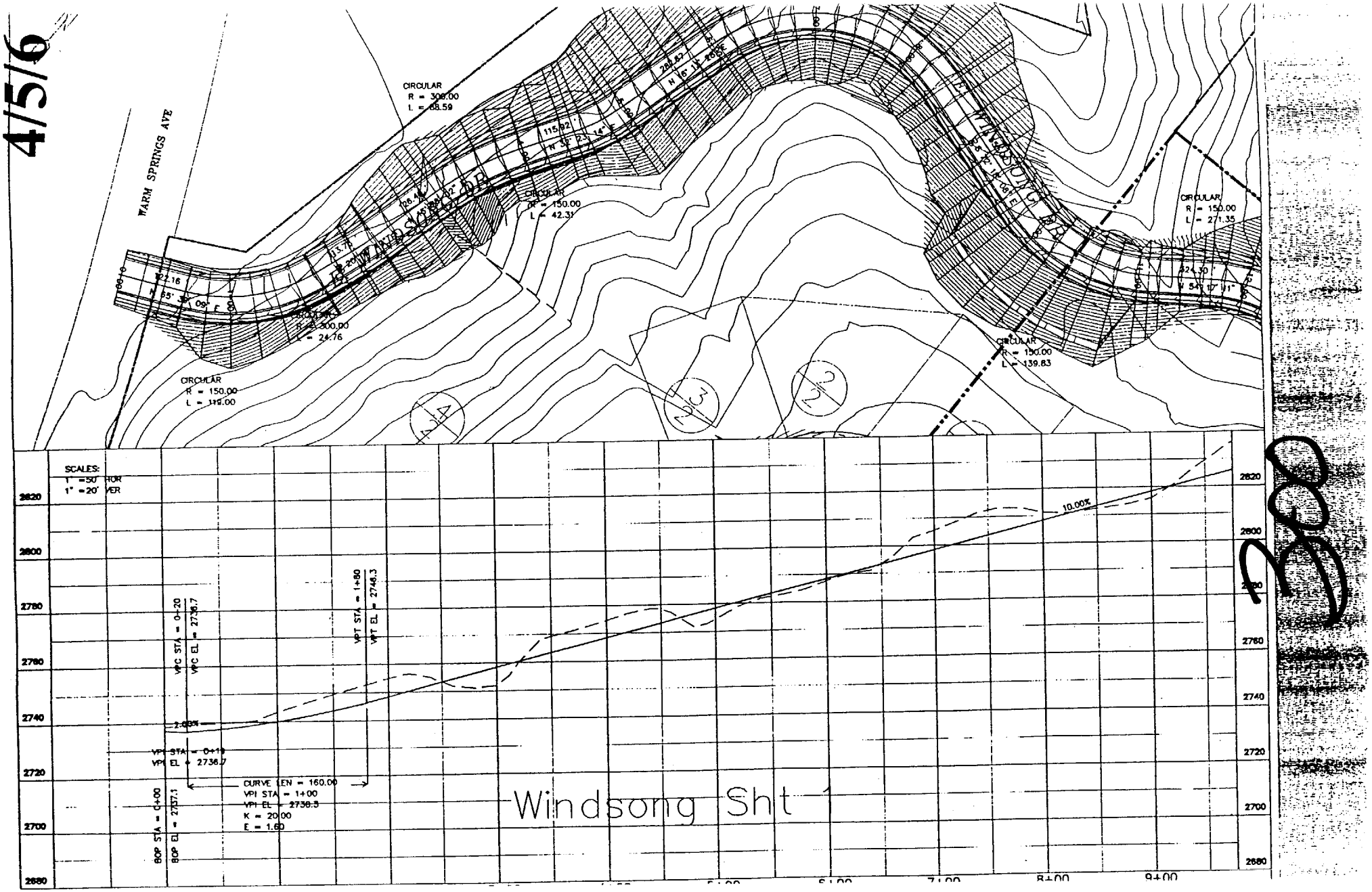
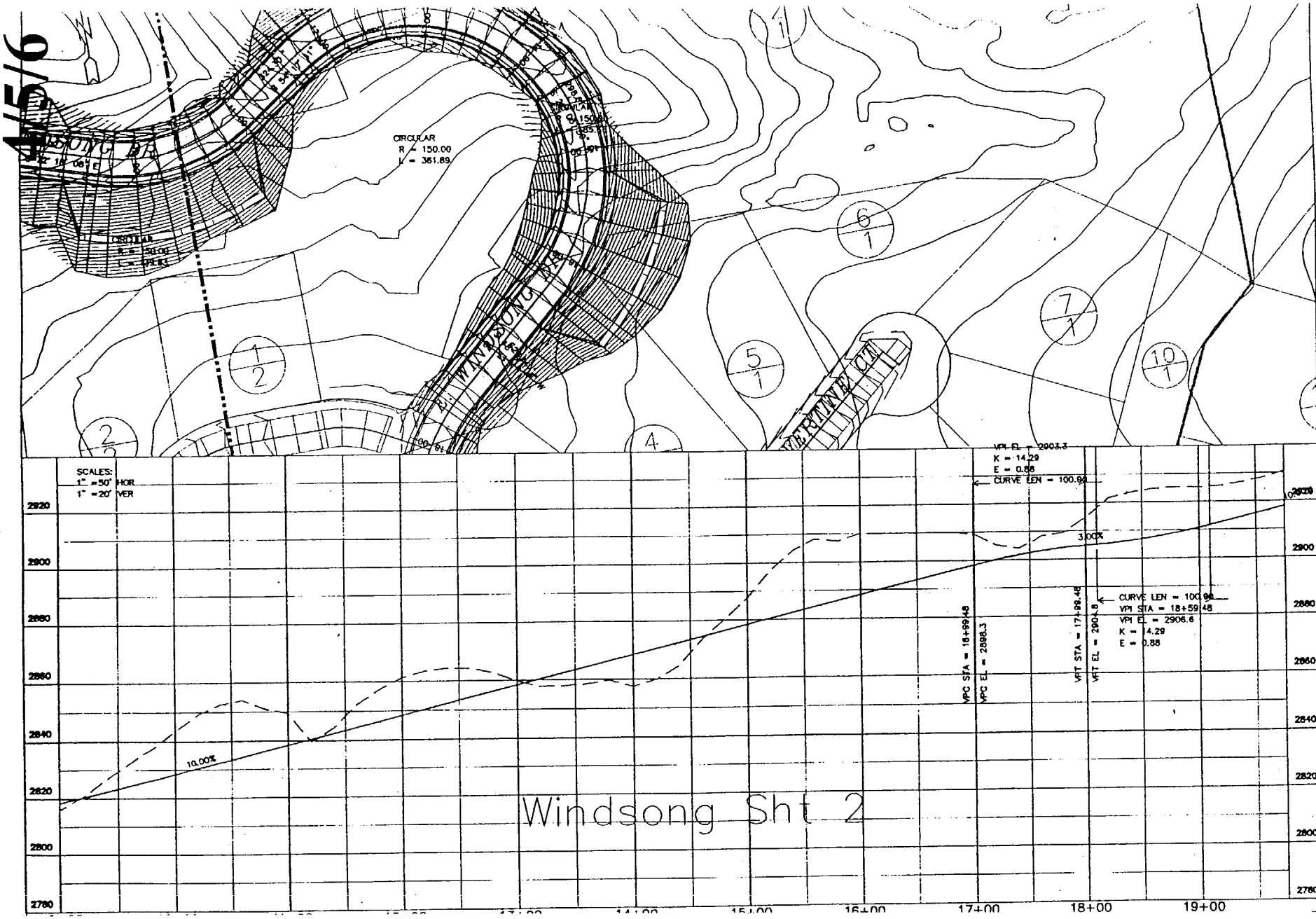

4/5/6
EVC STA 13+76.35
EL = 2834.03
EVC STA 14+34.35
EL = 2834.32
EVC STA 14+97.88
EL = 2846.86
EVC STA 16+18.43
EL = 2853.64
EOP STA = 19+78.82
EOP EL = 2883.00

4/5/6

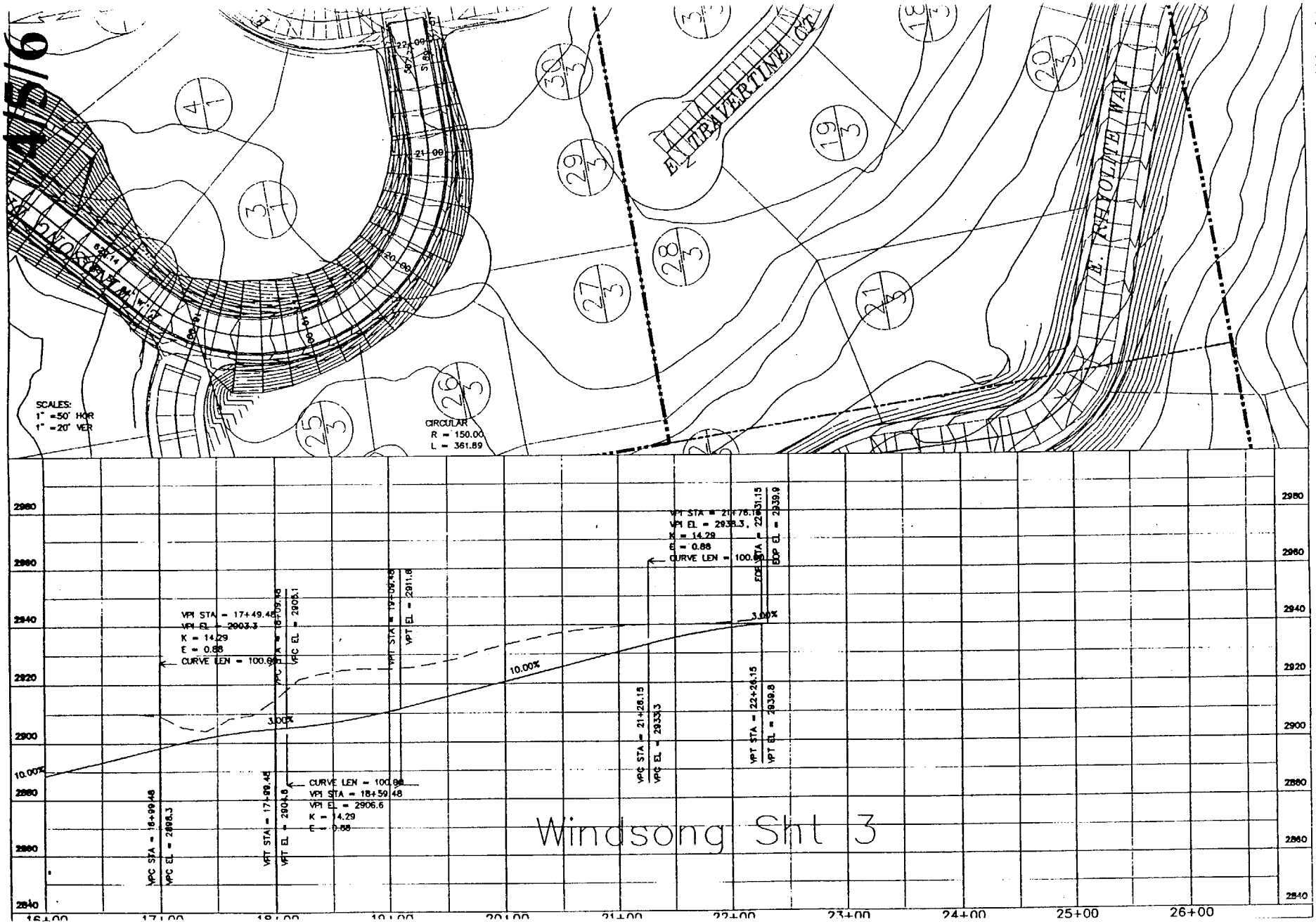

WARM SPRINGS AVE
WINDSONG DR
CIRCULAR
R = 300.00
L = 68.59
CIRCULAR
R = 150.00
L = 42.31
CIRCULAR
R = 150.00
L = 271.35
CIRCULAR
R = 500.00
L = 24.76
CIRCULAR
R = 150.00
L = 139.83
CIRCULAR
R = 150.00
L = 119.00
SCALES:
1" =50' HOR
1" =20' VER
2820
2800
2780
2760
2740
2720
2700
2680
10.00%
2.00%
VPC STA = 0+20
VPC EL = 2736.7
VPT STA = 1+80
VPT EL = 2748.3
VPI STA = 0+19
VPI EL = 2736.7
CURVE LEN = 160.00
VPI STA = 1+00
VPI EL = 2736.5
K = 20.00
E = 1.60
BOP STA = 0+00
BOP EL = 2737.1
Windsong Sht 1
5+00
6+00
7+00
8+00
9+00

45/6



Windsong Sht 2

3 of 3


E. TRAVERTINE CT.
E. TWILIGHT WAY
SCALES:
1" =50' HOR
1" =20' VER
CIRCULAR
R = 150.00
L = 361.89
VPI STA = 17+49.48
VPI EL = 2903.3
K = 14.29
E = 0.88
CURVE LEN = 100.00
VPC STA = 16+99.48
VPC EL = 2898.3
VPT STA = 17+99.48
VPT EL = 2904.8
CURVE LEN = 100.00
VPI STA = 18+59.48
VPI EL = 2906.6
K = 14.29
E = 0.88
VPT STA = 18+06.48
VPT EL = 2911.6
VPI STA = 21+76.15
VPI EL = 2933.3
K = 14.29
E = 0.88
CURVE LEN = 100.00
EOP STA = 22+31.15
EOP EL = 2939.9
VPC STA = 21+26.15
VPC EL = 2933.3
VPT STA = 22+26.15
VPT EL = 2939.8
3.00%
10.00%
Windsong Sht 3
2980
2960
2940
2920
2900
2880
2860
2840
16+00
17+00
18+00
19+00
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22+00
23+00
24+00
25+00
26+00

4/5/6

B2

(3)

4/5/6

Harris Ranch

October 16, 2000

TO: *Boise City Planning & Zoning Commission*

FROM: *Michael D. Wardle*
Project Manager

RE: *Boulder Heights / CUP00-0055*

In 1997, the City of Boise imposed conditions of approval on Harris Ranch intended to mitigate traffic impacts on Warm Springs Avenue by expediting the construction of the long-awaited East ParkCenter Bridge. Harris Ranch remains the only project with such a mitigation requirement. No subsequently approved east or southeast Boise project has been required to participate.

Boulder Heights' proposed development plan perpetuates the growth of a neighborhood with no services, no employment, no public parks or schools. In short, every resident need generates a trip on Warm Springs Avenue.

Boulder Heights makes no "extra" contribution toward mitigating its impact on the transportation system. The ACHD extraordinary impact fee imposed on Boulder Heights goes solely to remedy its poor access, not to the ParkCenter Boulevard bridges, not to an easterly access that offers an alternative to intensifying its reliance on Warm Springs Avenue.

In fact, Boulder Heights is "banking" on Harris Ranch to construct the East ParkCenter Bridge as the only solution to relieving traffic impacts on Warm Springs Avenue. Boulder Heights offers no mitigation strategy. Representatives of Boulder Heights have stated publicly that when Harris Ranch builds the East ParkCenter Bridge, Warm Springs Avenue capacity will be provided for their development.

The objective of the East End and the Warm Springs Historic District, and Boise City and ACHD, for capping traffic levels on Warm Springs Avenue will be realized only if a new Boulder Heights access is directed to ParkCenter Boulevard, rather than to Warm Springs Avenue. To do otherwise simply assures that trip reductions on Warm Springs Avenue—at the expense of Harris Ranch—will be consumed by Boulder Heights; there will be no long-term change in traffic levels on Warm Springs Avenue.

If Boulder Heights desires to consume Warm Springs Avenue traffic capacity made available by Harris Ranch, then they should share in the solution to the impacts the project generates. That "solution" could include a pro-rata financial participation in the East ParkCenter Bridge and redirection of traffic from Warm Springs Avenue to the services of Harris Ranch and the access provided by the East ParkCenter Bridge.

303

50 Broadway Avenue, Suite B Boise, Idaho 83702 (208) 344-3448 fax (208) 344-3922 e-mail: info@harris-ranch.com
www.harris-ranch.com

(4)

4/5/6

Monday, January 08, 2001

Boise City Council
C/o Bruce Eggleston
Boise Planning and Development
P.O. Box 500
Boise, Idaho 83701-0500

RE: File Numbers CAR00-00021DA and CUP00-00055

Dear Council Members:

I am concerned about the impact of the trail system proposed by Boulder Heights upon a residential lot on Barber Drive that I own. The proposed trail would wind down the very steep hill beneath Starview Road and follow my property line to Barber Drive. This is very troubling to me as possibly hundreds of people each day could be trampling by my small lot. Presently it is a pleasant quiet lot but if the trail follows the proposed route the desirable nature of my lot would be altered and its value lost.

I did attend several neighborhood meetings concerning the expansion of Boulder Heights yet never saw the schematic drawing for the trail until recently; nor was the impact of this trail ever discussed with me by any representative of Boulder Heights.
In addition to the impact upon my property the hill beneath Starview is too steep and prone to erosion for a trail. I believe the trail should stay on Starview Road.

Another concern I have is how the drainage from the Boulder Heights expansion will affect my Barber Drive lot. I hope the drainage has been adequately addressed.

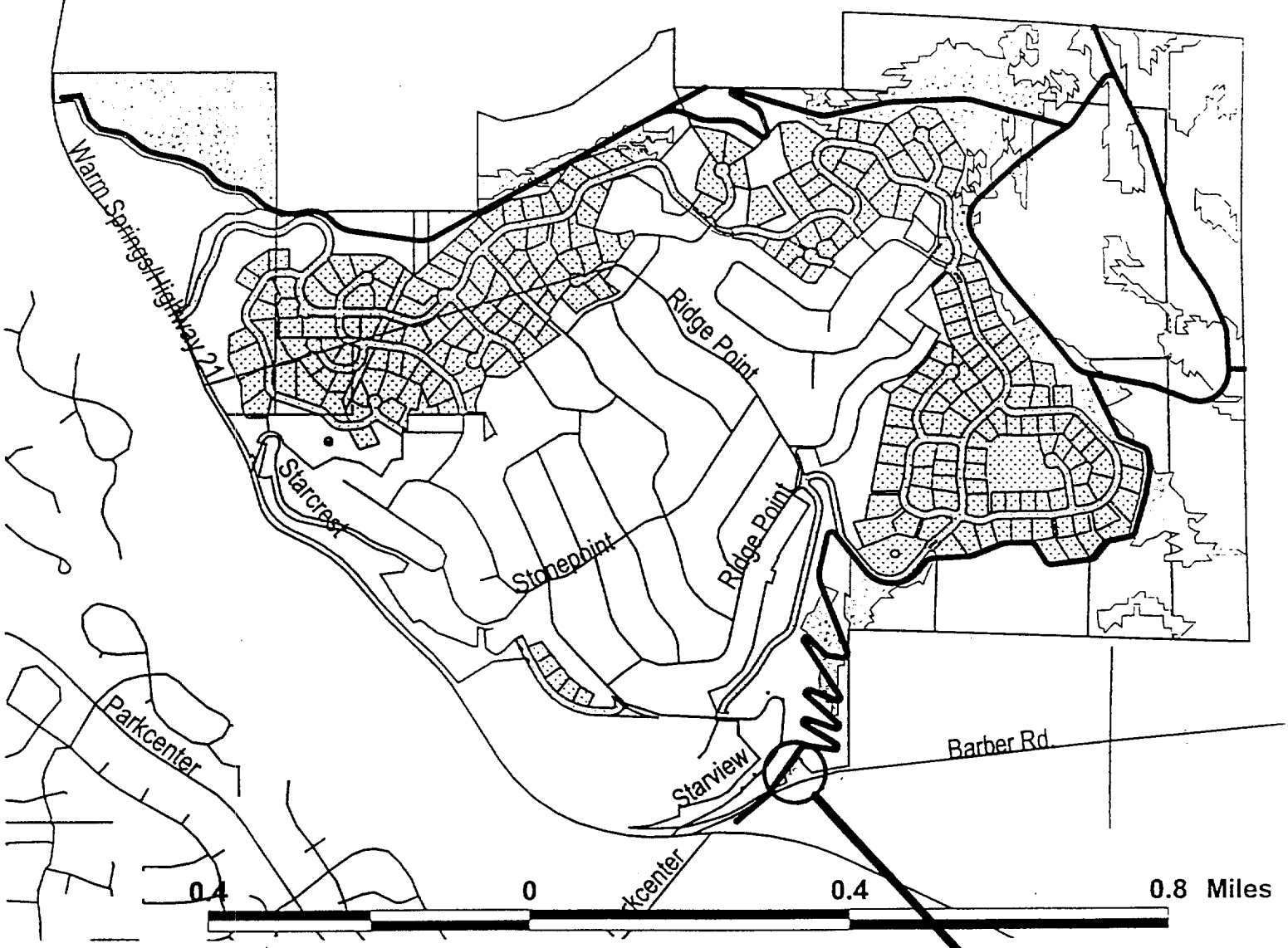
Please direct the applicants to relocate the trail that is proposed to come down the hill at Starview.

Sincerely,
Felicia Burkhalter
Felicia Burkhalter

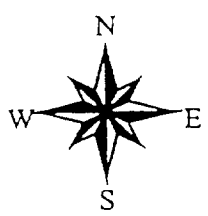
304

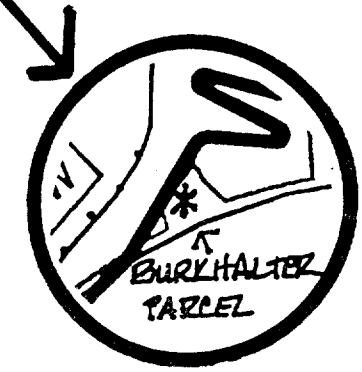
Exhibit "G" Boulder Heights Trail System Map 4/5/06

CAR00-00021/DA Development Agreement



Proposed Trail System
Developed area
Eligible Open Space
Streets, lots, boundrys
BOUNDARY
LOT
ROAD_ROW
Streets





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October 10, 2000
Boise City Comprehensive Planning Division

4/5/6

Warm Springs Mesa Neighborhood Association

CUP00-00055/J.H. Wise and Sons Company requests for conceptual conditional use approval

Introduction

Key points of Warm Springs Mesa Neighborhood Association (WSMNA) comments to Boise City Council follow.

First, the WSMNA does not oppose additional development of private lands in the Mesa. We only ask for a safe road that will handle all future development on the Mesa and adjacent property and minimize traffic impacts on existing residents.

Second, our existing access roads are at 8 % and 12 % and are not safe in the winter when there is ice and snow. The proposed road would have a 10 % slope and will not be any safer.

History

1994 Master Plan by the Wises

- Showed a perimeter road along the north side of the Mesa
- Followed a route behind Gate City Steel property identified by ACHD in 1982
- Neighborhood supported 1994 route as the third access to the Mesa, which is required by ACHD before additional development
- WSMNA has backed 1994 master plan road route in 3 public meetings and others with the developer with no response to neighborhood needs
- A 1999 petition to ACHD supporting the 1994 master plan road and access concept was signed by 238 of 246 residents contacted (letter to ACHD attached).

Perimeter road issues

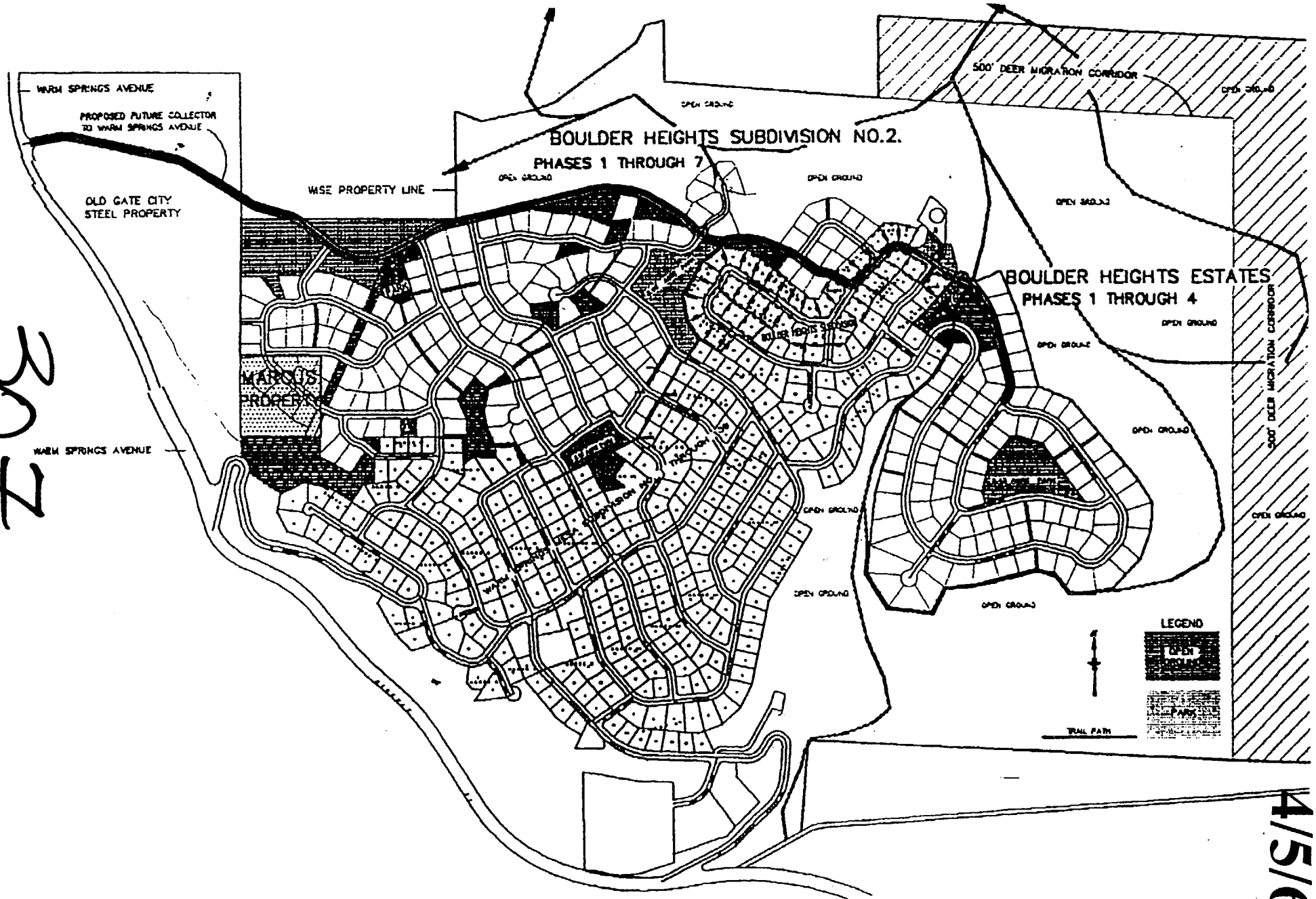
- Wise's proposal for Trent Point road was rejected by ACHD
- Wises directed to find another access for the eastern development
- ACHD and others have looked and one does not exist (too steep and unstable)
- Without another road instead of Trent Point, traffic from NE would use existing Star Crest
- 1994 perimeter road would move traffic out of the Mesa with minimal impact on existing residents as few houses exist there now.
- Other private land adjacent to this proposed development will ultimately be developed and the only access would be on the new third road into the Mesa – this must be considered in planning

WSMNA access road proposal vs. Wise proposal

WSMNA Proposal	Wise Proposal
8 % grade	10 % grade
SW exposure melts in ice winter	N and NW exposure doesn't melt ice
Safer road	Less safe road
Road would avoid canal for 900 feet	Road would impact canal at cuts and in drainage
Road would be low on slope	Road cuts would be > 50 feet above the road

306

Master Plan submitted by developer to Boise City and ACHD in 1994



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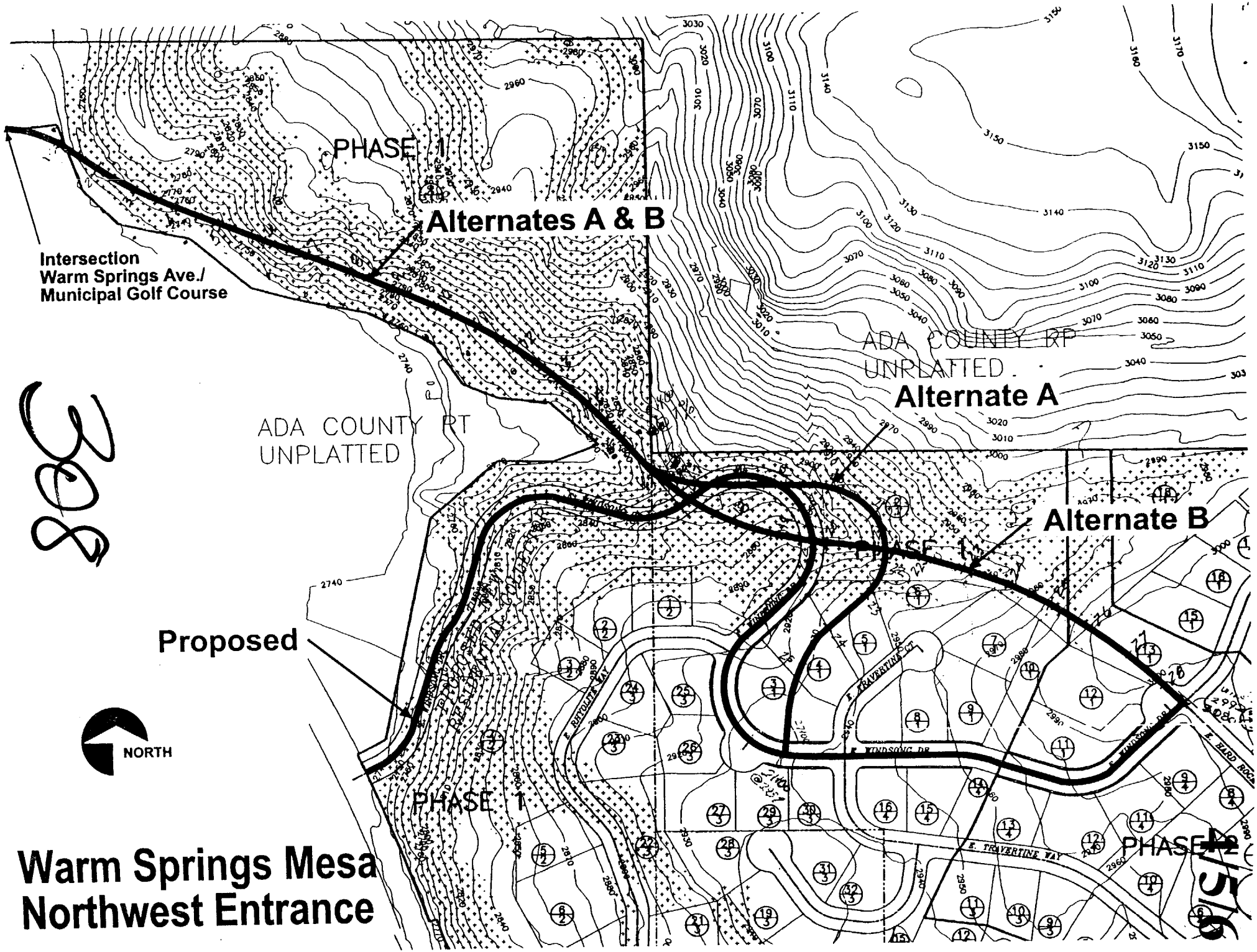
4/5/6


PHASE 1
Alternates A & B
Intersection
Warm Springs Ave./
Municipal Golf Course
ADA COUNTY RT
UNPLATTED
ADA COUNTY RP
UNPLATTED
Alternate A
Alternate B
Proposed
PHASE 1
PHASE 1
PHASE 2
E. TRAVERTINE WAY
E. WINDSONG DR.
E. RETOLITE WAY
NORTH
Warm Springs Mesa
Northwest Entrance

4/5/6

Warm Springs Mesa Neighborhood Association

Marlyss Mayer-Routson, Commissioner
Ada County Highway District
318 East 37th Street
Boise, ID 83714

November 29, 1999

Subject: Warm Springs Mesa Neighborhood Association Petition to ACHD Regarding Third Access to the Mesa and Related Subjects

Dear Ms. Mayer-Routson:

I am writing on behalf of the Warm Springs Mesa Neighborhood Association (Association) concerning a third access road to the Mesa and related topics. The Association has undertaken a petition drive to demonstrate resident support for our position. The purpose of this letter is to present the first round of petitions in support of ACHD's general position regarding the third collector standard access road and future development on the Mesa, including Boulder Heights. Furthermore, we request that ACHD require that the third access road be constructed as shown on the 1994 Master Plan submitted by the Wises. That road skirts the outside of proposed houses rather than running through future residential areas. A copy of the 1994 Master Plan map showing this exterior access road is included. Also included are two of the Wises' alternative proposals to residents of the Mesa. We are also concerned that actions outside of ACHD's control could preclude this third access and believe that access right-of-way needs to be secured at the earliest possible date. Finally, we believe that all future development on the Mesa be in accordance with all conditions of the Boise Foothills ordinances.

Paul Wise, the developer of Warm Springs Mesa and Boulder Heights (herein after jointly called the Mesa), has presented two proposals for development of up to 240 additional homes in our neighborhood to residents of the Mesa (maps are attached). One had no new access road to Warm Springs Avenue and the other showed a third access through the old Gate City Steel property. To our knowledge, neither has been submitted to ACHD for formal consideration. As you are aware the residents of Warm Springs Mesa are very interested in a third collector standard access road between the Mesa and Warm Springs Avenue because of the sub-standard and unsafe conditions of the existing access roads. ACHD's stated position, and that of the Association, is that this new access road is to be constructed to collector standard before additional lots are permitted on the Mesa (including Boulder Heights). A quote of ACHD's position regarding the third access road follows.

The 9/26/97 Preliminary Plat for Boulder Heights No. 3 (part of the Mesa) requires a third collector standard access road prior to additional development on the Mesa. On page 4, Item G of the Facts and Findings ACHD states, "In order to avoid a substantial amount of additional traffic on Stonepoint Drive, the Commission approved no more than

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495/6

RECEIVED
JAN 08 2001

January 6, 2001

RECEIVED
JAN 09 2001
DEVELOPMENT SERVICES

Dear Council member MAYOR'S OFFICE

I would like to comment on the proposed annexation (CAR00-00021/DA) and conditional use approval (CUP00-00055) of the 228 lot Boulder Heights Subdivision. I think that the application requests should not be approved at this time. My reasons are as follows:

1. No new eastside developments should be approved until the two new Park Center bridges are completed and the effect on the Warm Springs Avenue traffic is fully studied (not estimated).
2. The plat of the Boulder Heights Estates is absolutely inappropriate. This subdivision has been poorly conceived and developed since the beginning. At first, no street lights or sidewalks, road grades that were too steep and poor drainage. Now this proposed development is a continuation of the poor "business as usual" development approach. Downstream neighborhoods will suffer greatly increased vehicle-trips per day. The proposed West Collector Road (Windsong Drive) will become the major collector for the entire Mesa and not just for the 228 new homes due to the poorly planned and constructed existing roads (Starview and Starcrest).
3. No new West Collector (Windsong Drive) should be allowed now that the new bridges are in the current traffic plan. The developer and his design team should realize that there would be little opposition to this proposal if the subdivision would make use of the new bridges and not dump hundreds of vehicle-trips per day onto Warm Springs Avenue. J.H.Wise and Sons Company should partner with its eastern neighbor(s) (Harris Ranch?) to build a well-designed collector road that will utilize the new bridges. The developer could use the funds that were going to be expended on the West Collector to build a good road down the eastside. The proposed Ridgepoint-Starview eastern collector is a continuation of the poor Warm Springs Mesa road plan.
4. This a poorly conceived plan that has not made any attempt to deal with Boise's concern that new developments mitigate their effects on older, downstream neighborhoods. Particularly in this case, where a more creative plan to access the two new bridges would cause a mimimal traffic increase on Warm Springs Avenue. Boise deserves better subdivision

30

7 4/5/6

BRUCE EGGLESTON - CUP00-00055

From: Tom Lopez <thl@heiplaw.com>
To: <beggleston@cityofboise.org>, <jhsons@mindspring.com>
Date: 1/9/2001 9:40 AM
Subject: CUP00-00055

Dear Mr. Eggleston,

This e-mail is in regards to the public hearing tonight regarding CUP00-00055. I will not be able to attend and ask that you accept this e-mail as my comments regarding CUP00-00055.

I am a board member and president of the Boulder Heights Homeowners Association located at the top of the Mesa. I have lived in the Mesa since 1986 (both in the upper and lower Mesa). As such I am familiar with all of the issues that surround the proposed development as well as competing developments like Harris Ranch. I have also had a chance to review the proposed plans for the Mesa and have attended informational meetings held by J.H. Wise & Sons Company.

I am in favor of allowing J.H. Wise & Sons Company to proceed with their development planning on the Mesa and encourage the City Council to grant the conceptual Conditional Use permit. The proposed west access road is greatly needed by Mesa residents as is the proposed east side collector road. I believe both of these roads will greatly improved the quality of life for the vast majority of those who already live in the Mesa.

I also drive Warm Springs Avenue every day. I have experienced the increase in traffic over the last 14 plus years. Bases solely on my observations and not on studies it has been my experience that the traffic problems on the street are derived from traffic originating in new developments east of the Mesa. Thus, in my opinion, J.H. Wise & Sons Company's plans for another 240 homes would not significantly impact Warm Springs west of the Mesa.

Please convey this e-mail to the City Council. If you have any questions please contact me at 338-1001 during the day.

Sincerely,

Tom Lopez

311

4/5/6

January 8, 2001

Michael & Pattie Lukes
3185 E. Boulder Heights Drive
Boise, ID 83712

CITY COUNCIL
JAN 09 2001

Boise City Council
Planning Division
P.O. Box 500
Boise, ID 83701-0500

Re: CUP00-00055

Dear Boise City Council:

My wife and I have been living in the Boulder Heights Subdivision of Warm Springs Mesa since 1993, and have been patiently waiting for the 3rd access road to Warm Springs Mesa to be constructed by J.H. Wise & Sons Company. When we originally purchased our property, I was told by Paul Wise that not only would a 3rd access road be constructed into Warm Springs Mesa, but also that it would be finished by 1998. We are now 2 years past his deadline, with hundreds more houses planned for construction, but no new access roads are planned or even considered. I think it incumbent upon the Boise City Council to condition the Conditional Use permit, if granted, upon the completion of this 3rd access road into Warm Springs Mesa before any new construction is started – that would then ensure that residents of Warm Springs Mesa get what they were promised 10 years ago.

I would also request each member of the Boise City Council to travel the two entrances to Warm Springs Mesa before 7:15am or after 6:00pm, and immediately after or during a snowstorm. Without the snowstorm, travel on these two roads is dangerous at best, and it is our opinion that more serious accidents have not yet happened because of the relatively small population. When there is a snowstorm, each of the two existing entrances are simply treacherous to navigate.

I, appeal this to the Supreme Court if we have to, we've been trying to get a stoplight here for a long time already

Thanks for listening,

Michael Lukes

RECEIVED
JAN 08 2001
MAYOR'S OFFICE

/ml

Applicant Rebuttal

312

B.J. Smith & Angela M. Coder
2318 S. Ridge Point Way
Boise, Idaho 83712
(208) 383-9562

4/5/6

RECEIVED
JAN 05 2001
DEVELOPMENT SERVICES

January 4, 2001

Planning Director
Boise City Planning & Development
P.O. Box 500
Boise, Idaho 83701-0500

Re: **J.H. Wise & Son, Inc. Development Plans – Warm Springs Mesa Boulder Heights Estates Subdivision, CUP00-00055**

Dear Planning Director and Boise City Council,

As Warm Springs Mesa neighborhood homeowners, we strongly oppose the developer's plan for the project referenced above.

Our opposition is based primarily on information we obtained by attending all public information meetings conducted by the developer, two ACHD commission hearings, and the Boise City Planning and Zoning Commission hearing. We agree with the Planning and Zoning commission denial of the developer's conceptual plan.

The developer has proposed two new collector streets – Windsong Drive on the west side of the Mesa, and Trent Point Way on the east. *We consider the proposed roads as inadequate to support the additional traffic that will be created by the developer's plan to build an additional 228 homes in our foothills community.*

West Access Road – Windsong Drive

In 1994 the developer submitted a Master Plan to ACHD that included a third access road to the Mesa. The proposed road was to run along the northern perimeter of the neighborhood, and intersect Warm Springs Avenue in the vicinity of the entrance to Warm Springs Golf Course.

The 1994 proposed road could be constructed with a grade not exceeding 8%, whereas the developer's current proposal, Windsong Drive, will be a continuous 10% grade. While technically complying with ACHD standards for grade (not to exceed 10%), this road will only be a marginal improvement over the two existing access roads to the Mesa – both of which are substandard based on ACHD standards.

The 1994 proposed road was a true collector standard street with limited direct access until it reached the area north of the existing Boulder Heights subdivision. This would be the expected access route for all the additional homes proposed by the developer – an additional 2,000 trips per day according to the developer's traffic projections.

313

In contrast, Windsong Drive is a collector street for only a short distance before it runs through the middle of a neighborhood with homes on each side of the street. Its location and design will effectively limit its ability to handle the additional traffic created by the proposed development. According to the developer's traffic projections, Windsong Drive will accommodate only a portion of the new homes' traffic, with the remainder being forced onto the two existing substandard access roads.

In October of 1999, a majority of Mesa homeowners signed a petition favoring a true perimeter collector road in accordance with the 1994 Master Plan, rather than Windsong Drive as now proposed by the developer. The neighborhood group has attempted to work with the developer, but the developer has been unwilling to work with us. Our group has prepared a preliminary engineering analysis and presented a profile of the roadway to the ACHD, showing the road to be a better alternative than the developer's proposal.

In summary, the developer's proposed west access road, Windsong Drive, is inadequate, shortsighted, and not in the best interest of current and future Mesa homeowners.

East Collector Road – Trent Point Way

We oppose the proposed east collector road, Trent Point Way, for the following reasons:
1) It is a flawed concept for handling additional Mesa traffic.
2) It places an undue hardship on approximately 14 existing homes on the east side of Ridge Point Way by creating a double frontage.
3) The location and design of the road are inappropriate.

The approximately 350 existing homes located on the Mesa are currently served by two access roads, Starcrest to the west and Starview to the east. Neither road meets current ACHD standards, with grades in excess of 12%. Starview on the east side is the greater safety hazard of the two roads.

Its deficiencies include a couple of "hairpin" curves with poor visibility at the top of the hill, and an unsafe intersection with Warm Springs Avenue at the bottom of the hill. This intersection provides extremely poor visibility of eastbound Warm Springs Avenue traffic as vehicles exit the Mesa. It also makes for a difficult turn onto Starview when entering the Mesa from the east. Starview is typically the first of the two access roads to close during inclement weather. According to the developer's traffic counts, only 17% of current homeowners choose to use Starview to enter and exit the Mesa.

The major flaw of the plan to build a new east collector road, Trent Point Way, is that the developer's intention is to significantly increase traffic levels on unsafe and substandard Starview, with no planned improvements to the road.

Trent Point Way is intended to serve as ingress and egress for the proposed 103 new homes on the far east side of the development. According to the developer's design, when vehicles leaving the new homes reach the end of Trent Point Way, they will exit the Mesa to the east, forced to drive down substandard and unsafe Starview.

4/5/6

In fact, the developer's traffic analysis assumes the traffic count on Starview will increase from its current level of 500 trips per day to 1,800 per day – increasing 3 ½ times its current levels. *We are not civil or traffic engineers, but a plan that intentionally increases traffic by over threefold on an unsafe and substandard road appears to be flawed, ill conceived, irresponsible, and simply unacceptable.*

In addition, the proposed Trent Point Way will be constructed directly behind approximately 14 existing homes on Ridge Point Way. This will create an "island" effect, with streets running in front and back of these homeowners' lots. Most of these homes have existed for more than twenty years, and have been constructed and landscaped to minimize traffic noise from the front, not the back.

Consequently, construction of the proposed Trent Point Way will unduly, and without proportionate benefit, place a hardship on the 14 homeowners on Ridge Point Way by reducing property values and negatively impacting quality of life.

Finally, the developer's proposed location of Trent Point Way is inappropriate and impractical considering the terrain of the Mesa. The developer plans to build the road down a ravine with an intermittent stream running down the middle, and steep inclines on both sides. The area for the proposed street is an established wildlife corridor, used by deer, fox, quail, and numerous other animals.

While it may be technically possible to build a road in this area, it seems totally impractical and imprudent. Also, significant traffic calming measures would likely be required to keep this straight street with a 10% grade from becoming a high speed "drag strip."

ACHD Commissioners Peavey-Derr and Bivens toured the area where the road is proposed, and expressed opinions that it is inappropriate terrain for a road. The action taken by the ACHD Commissioners at the August 23, 2000 public hearing included the condition "that Trent Point Way not be allowed as currently aligned but that the applicant be required to attempt to find an alternative route to get traffic off the Mesa to the east."

We strongly agree with the ACHD Commissioners that Trent Point Way is not an acceptable proposal by the developer.

In summary, we feel that foothills development demands responsible and conscientious planning by developers. We feel the conceptual plan submitted by J.H. Wise and Son does not meet these standards. Therefore, we strongly oppose the developer's conceptual plan for the additional homes on Warm Springs Mesa.

Thank you for reading this letter. Please represent the best interest of our community as you evaluate the developer's appeal of the Commission denial. We implore you to uphold the Boise City Planning and Zoning Commission denial of the proposed conceptual plan.

Sincerely,

B.J. Smith

Angela M. Coder

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JAN 05 2001

DEVELOPMENT SERVICES

~~4/5/6~~ 10

Jan. 4, 2001

To: Boise City Planning & Dev.

Re: CAR00-0021/DA
CUP00-00055

We are opposed to the above mentioned developments until a third access road is built from Warm ~~Springs~~ Mesa to Warm Springs Ave. near the vicinity of Warm Springs Golf Course and the Eastern access road to Warm Springs Mesa is rebuilt. Also, these developments should be delayed until the East Parkcenter Bridge is built.

Thank You,

Pauline + Marty Haltman
1952 Travertine Way
Boise, Id 83712-8425
344-3230

316

4/5/6

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JAN 05 2001
DEVELOPMENT SERVICES

Jan. 4, 2001

To: Boise City Planning & Dev.

Re: CAR00-0021/DA
CUP00-00055

Letters for
Jan. 9, 2001
Council hearing
CAR01-00024/D/1

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Thank you,
Pauline & Marty Haltman
1952 Travertine Way
Boise, Id 83712-8425
344-3230

317

4/5/6

Monday, January 08, 2001

Boise City Council
C/o Bruce Eggleston
Boise Planning and Development
P.O. Box 500
Boise, Idaho 83701-0500

RE: File Numbers CAR00-00021DA and CUP00-00055

Dear Council Members:

I am concerned about the impact of the trail system proposed by Boulder Heights upon a residential lot on Barber Drive that I own. The proposed trail would wind down the very steep hill beneath Starview Road and follow my property line to Barber Drive. This is very troubling to me as possibly hundreds of people each day could be trampling by my small lot. Presently it is a pleasant quiet lot but if the trail follows the proposed route the desirable nature of my lot would be altered and its value lost.

I did attend several neighborhood meetings concerning the expansion of Boulder Heights yet never saw the schematic drawing for the trail until recently; nor was the impact of this trail ever discussed with me by any representative of Boulder Heights.
In addition to the impact upon my property the hill beneath Starview is too steep and prone to erosion for a trail. I believe the trail should stay on Starview Road.

Another concern I have is how the drainage from the Boulder Heights expansion will affect my Barber Drive lot. I hope the drainage has been adequately addressed.

Please direct the applicants to relocate the trail that is proposed to come down the hill at Starview.

Sincerely,
Felicia Burkhalter
Felicia Burkhalter

318

4/5/6

B.J. Smith & Angela M. Coder
2318 S. Ridge Point Way
Boise, Idaho 83712
(208) 383-9562

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January 4, 2001

Planning Director
Boise City Planning & Development
P.O. Box 500
Boise, Idaho 83701-0500

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319

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4/5/6

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Thank you for reading this letter. Please represent the best interest of our community as you evaluate the developer's appeal of the Commission denial. We implore you to uphold the Boise City Planning and Zoning Commission denial of the proposed conceptual plan.

Sincerely,

B.J. Smith

Angela M. Coder

321

4/5/6

January 6, 2001

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Dear Council member,

I would like to comment on the proposed annexation (CAR00-00021/DA) and conditional use approval (CUP00-00055) of the 228 lot Boulder Heights Subdivision. I think that the application requests should not be approved at this time. My reasons are as follows:

1. No new eastside developments should be approved until the two new Park Center bridges are completed and the effect on the Warm Springs Avenue traffic is fully studied (not estimated).
2. The plat of the Boulder Heights Estates is absolutely inappropriate. This subdivision has been poorly conceived and developed since the beginning. At first, no street lights or sidewalks, road grades that were too steep and poor drainage. Now this proposed development is a continuation of the poor "business as usual" development approach. Downstream neighborhoods will suffer greatly increased vehicle-trips per day. The proposed West Collector Road (Windsong Drive) will become the major collector for the entire Mesa and not just for the 228 new homes due to the poorly planned and constructed existing roads (Starview and Starcrest).
3. No new West Collector (Windsong Drive) should be allowed now that the new bridges are in the current traffic plan. The developer and his design team should realize that there would be little opposition to this proposal if the subdivision would make use of the new bridges and not dump hundreds of vehicle-trips per day onto Warm Springs Avenue. J.H.Wise and Sons Company should partner with its eastern neighbor(s) (Harris Ranch?) to build a well-designed collector road that will utilize the new bridges. The developer could use the funds that were going to be expended on the West Collector to build a good road down the eastside. The proposed Ridgepoint-Starview eastern collector is a continuation of the poor Warm Springs Mesa road plan.
4. This a poorly conceived plan that has not made any attempt to deal with Boise's concern that new developments mitigate their effects on older, downstream neighborhoods. Particularly in this case, where a more creative plan to access the two new bridges would cause a mimimal traffic increase on Warm Springs Avenue. Boise deserves better subdivision

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design and execution than we've been getting in the past and, in this case, it would be relatively easy to accomplish if the developer would work with the adjoining landowner. Sometimes develepers need a little direction and guidance to improve their product.

Sincerely,

Bill Fraser

Bill Fraser

4/5/6

BRUCE EGGLESTON - CUP00-00055

From: Tom Lopez <thl@heiplaw.com>
To: <beggleston@cityofboise.org>, <jhsons@mindspring.com>
Date: 1/9/2001 9:40 AM
Subject: CUP00-00055

Dear Mr. Eggleston,

This e-mail is in regards to the public hearing tonight regarding CUP00-00055. I will not be able to attend and ask that you accept this e-mail as my comments regarding CUP00-00055.

I am a board member and president of the Boulder Heights Homeowners Association located at the top of the Mesa. I have lived in the Mesa since 1986 (both in the upper and lower Mesa). As such I am familiar with all of the issues that surround the proposed development as well as competing developments like Harris Ranch. I have also had a chance to review the proposed plans for the Mesa and have attended informational meetings held by J.H. Wise & Sons Company.

I am in favor of allowing J.H. Wise & Sons Company to proceed with their development planning on the Mesa and encourage the City Council to grant the conceptual Conditional Use permit. The proposed west access road is greatly needed by Mesa residents as is the proposed east side collector road. I believe both of these roads will greatly improved the quality of life for the vast majority of those who already live in the Mesa.

I also drive Warm Springs Avenue every day. I have experienced the increase in traffic over the last 14 plus years. Bases solely on my observations and not on studies it has been my experience that the traffic problems on the street are derived from traffic originating in new developments east of the Mesa. Thus, in my opinion, J.H. Wise & Sons Company's plans for another 240 homes would not significantly impact Warm Springs west of the Mesa.

Please convey this e-mail to the City Council. If you have any questions please contact me at 338-1001 during the day.

Sincerely,

Tom Lopez

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4/5/6

Boise City Planning & Development Services
150 N Capitol Blvd ▪ P O Box 500 ▪ Boise, Idaho 83701-0500
Phone 208/384-3830 ▪ Fax 208/384-3753 ▪ www.boisecitypds.org

Application for Appeal

Fee: $ 151.00

I (we), J.H. Wise and Sons, **hereby appeal the decision of the Boise:**

☒ Planning & Zoning Commission ☐ Hearing Examiner ☐ Planning Director
☐ Historic Preservation Commission ☐ Design Review Committee

File Number: CUP00-00055 **Address:** 2843 Star Circle, Boise, ID 83712

The specific action being appealed is: Planning and Zoning Commission's denial of CUP00-00055 as set forth in its Findings of Fact and Conclusions of Law adopted November 6, 2000

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The grounds for this appeal are:

1. See attached
2.
3.
4.

Contact person for appeal: Robert C. Unger
Address: 701 S. Allen St., Ste. 102, Meridian, ID 83642
Home Phone Number: _____ Work Number: 322-8992

Appeals:

A. Appeal of an Administrative Decision to the Planning & Zoning Commission or Design Review Committee (this fee is not refundable)..... $ 88.00

B. Appeal of a Design Review Committee Decision to the Planning & Zoning Commission ($65 is refundable if appeal is successful) ..... $ 151.00

C. Appeal of a Planning & Zoning or Historic Preservation Commission decision to Council ($65 is refundable if appeal is successful) ..... $ 151.00

D. Appeal of a Hearing Examiner decision to the Planning & Zoning Commission ($45 is refundable if appeal is successful) ..... $ 100.00

Notes:

1. If the reasons for the appeal are resolved prior to the appeal hearing, pleasecontact the Planning Staff at 384-3830.
2. The only topics which may be discussed during the appeal hearing are the specific reasons for the appeal as stated in the application.
3. Neighborhood groups are encouraged to elect a spokesperson for appeals that are supported by numerous residents of the project to avoid a duplication of testimony.
4. Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

Signature of Appellant/Representative: Stephen E. Bradbury **Date:** 11/16/00

For Staff Use Only:
If the appellant is not the applicant, the applicant must be contacted immediately following the acceptance of this appeal. Applicant contacted on _____ by _____

☐ Appeal is by applicant

8/99

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STATEMENT OF GROUNDS FOR APPEAL

The Applicant, J.H. Wise and Sons, appeals from the decision of the Boise City Planning and Zoning Commission denying Conditional Use Permit 00-00055. In making its decision, the Planning and Zoning Commission adopted Findings of Fact and Conclusions of Law pursuant to Boise City Code § 11-06-04.13. The Applicant appeals each and every finding made therein, as more specifically set forth below.

A. That the location of the proposed use is compatible to other uses in the general Neighborhood.

The Commission found that the proposed use was not compatible with other uses in the neighborhood for the reason that the proposed collector roads (Windsong Drive and Trent Point Way) would not direct traffic away from Warm Springs Avenue with a result that traffic on Warm Springs Avenue would exceed the Level of Service C, and that the proposed Trent Point Way would create a double frontage for the residents on Ridge Point Way. The Commission's findings in that respect, however, do not properly address the actual issue. The issue is whether the proposed use is compatible with other uses in the area. The use proposed by this application is a 228 lot residential subdivision to be constructed immediately adjacent to existing residential subdivisions containing 350 lots. Approximately 250 acres of the 406-acre project site is dedicated to open space, which is also consistent with the immediately surrounding area. Over 45 acres of the project site are already zoned for residential uses. In addition, the Boise City Foothills Policy Plan designates the project area as buildable land and specifies this site as the location for a new collector road connecting to Warm Springs Avenue. The City has regularly approved residential development in hillside areas as is evidenced by existing and approved but unbuilt developments.

The Commission's conclusion that the development would cause Warm Springs Avenue to exceed Level of Service C is also erroneous. The traffic study prepared and submitted on behalf of the Applicant clearly demonstrates that upon completion of the Park Center Bridges, the traffic generated by this project will not cause Warm Springs Avenue traffic to exceed Level of Service C. Based upon current plans, the West Park Center Bridge will be completed in the spring of 2001 and the East Park Center Bridge by the end of 2001 or early 2002. Because it will be at least 1-½ years before building permits could be issued for new homes in the project area, the project will not cause Warm Springs Avenue to exceed its requisite level of service. The Ada County Highway District, in its review of the application found as follows:

> The volume from the existing plus project traffic will be below the 'historic' planning capacity of the roadway [Warm Springs Avenue] after the East and West Park Center Bridges are constructed. Completion of both bridges is anticipated prior to the time that homes will be constructed in this development.

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The Commission's findings that double frontage lots will be created on Trent Point Way is also erroneous. That road will not create such lots as defined in Boise City Code § 11-01-03.1 (see definitions of Lot, Double Fronted and Lot, Frontage).

The Commission's Findings and Conclusions respecting compatibility do not properly address the issue, are clearly erroneous, and, not based upon substantial evidence in the record.

B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity

The Commission found that the proposed use would place an undue burden on fire protection service and transportation capacity in the vicinity. With respect to fire protection, although this development is currently more than three miles from the closest Boise City Fire Station, the adjoining Harris Ranch development is required to build a fire station that would be sited close enough the subject site to meet the standards required by the Boise City Fire Department (1.5 mile response distance and/or 4 minute response time). In addition, according to the Fire Department, building sprinkling and other measures may be considered as an option, subject to approval by the Fire Department. Except for that standard, there is no evidence in the record to suggest that fire protection services will be overburdened by the project. In any event, the City can, and regularly does, adopt a condition of approval providing that requirements of the Boise City Fire Department must be met prior to execution of a final plat by the City. In addition, the City routinely approves plats subject to a non-build agreement pending satisfaction of any requirements of the Fire Department. This application should be treated no differently.

As explained above, contrary to the Commission's finding, no undue burden will be placed upon Warm Springs Avenue since this project will not cause the requisite Level of Service C to be exceeded on Warm Springs Avenue once the Park Center Bridges are completed (which will be prior in time to the issuance of building permits for new homes in the project). In addition, the Planning and Zoning Commission incorrectly concluded that no effort has been made to mitigate traffic on Warm Springs Avenue. First, no change to Warm Springs Avenue is proposed. Second, mitigation is provided through timing (as discussed above). In addition, the Applicant has volunteered to be limited to final approval for only 79 lots until both Park Center Bridges are open to traffic. And, the project will generate over $250,000 in impact fees to be used by ACHD to pay the cost of off site infrastructure improvements. That is the mechanism which ACHD employs to provide for mitigation of off site impacts.

In addition to the foregoing the Applicant proposes to mitigate transportation burdens through the existing Warm Springs Mesa Subdivision by constructing two new collector roads, one to the west and one to the east. The result will be to spread traffic among the two new collectors and the two existing collectors with projected traffic volume at build out of approximately 1,400 vehicles per day on Ridge Point Way (new east collector road), 1,800 vehicles per day on Starview Drive, approximately 1,600

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vehicles per day on Starcrest Drive (a decrease from 2,600 vehicles per day) and 1,500 vehicles per day on Windsong Drive (the new west collector road). Accordingly, the project will not exacerbate traffic issues on the Mesa but will improve them.

The Commission also found that the existing intersection and approach of Starview Drive to Warm Springs Avenue needs to be redesigned to accommodate the proposed traffic. The Ada County Highway District has, however, advised the Applicant that it need not attempt to redesign that intersection for the reason that the Highway District will do so in connection with the approaches to the East Park Center Bridge. The Highway District has advised the Applicant that it is the Highway District's responsibility to do so and not the Applicant's.

With respect to the concern expressed by the Commission regarding the location of the west collector road, the Ada County Highway District has said:

> It appears that the proposed alignment for Windsong Drive meets the standard ACHD requirements for a residential collector. . . . It appears that the location and grade of the intersection of Windsong Drive and Warm Springs Avenue meet ACHD requirements for residential collector/collector intersection. . . . District policy allows the location of the road as proposed, and it would be unusual for the District to deny a new road that conforms to District standards.

The Highway District has used the terminology "It appears" for the reason that the subject application is a concept plan and final engineering drawings have not yet been prepared. The Highway District is not in a position to make a final determination respecting those issues until the final engineering is completed. Final engineering will, of course, be completed at the appropriate time. As a consequence of those findings, the Ada County Highway District adopted as Site Specific Requirement No. 2 the following:

> Construct and dedicate Windsong Drive as a residential collector from Warm Springs Avenue to Hard Rock Drive, <u>located as proposed</u> at the northwest corner of the site.

(emphasis added).

Thus, the Planning and Zoning Commission erroneously concluded that the project would place an undue burden on transportation and other public facilities in the vicinity. Urban services are on the site, fire protection services meeting the City standards will be in place prior to issuance of building permits, the transportation network will meet both the requirements of the Ada County Highway District and the City of Boise. The Commission's findings to the contrary are clearly erroneous and not based upon substantial evidence in the record.

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C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and other features as are required by this title.

Although the Commission indicated that this finding can be made based upon the conceptual plans, it did so assuming that certain, unspecified, changes would be made to comply with the conditions of approval including redesigning the lots to cluster them in a denser configuration and moving the northern most parcels to the south to allow more room for the open space, trails, and wildlife corridor. The Applicant submits that the proposed redesign is unnecessary for the reason that the distance between the northern most lots and the Applicant's property boundary is 50 or 60 feet which is sufficiently wide to permit the placement of trails for people and a corridor for wildlife. In addition, the land adjacent to this area is undeveloped and is not developable for the reason that it contains slopes greater than 25%. As a result, that adjacent land will most likely be left open. In addition, that land is unfenced. As a result, more than enough space is provided for trails and wildlife corridors. In fact, the Idaho Department of Fish and Game has approved the open space plan. Accordingly, the open space needs are sufficiently addressed and a positive finding should be unconditionally made.

D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.

The Commission has identified three issues which it finds prevent a positive finding from being made: fire protection service, transportation capacity, and geologic hazards. The first two, fire protection and transportation capacity have been addressed at length above and will not be repeated, except to say that if appropriate conditions are imposed, neither fire protection nor transportation capacity issues will adversely affect other property in the vicinity. With respect to the third issue, geologic hazards, it is difficult to ascertain how the Commission has determined that the project would cause potential geologic hazards in the area to adversely affect other property in the vicinity. In any event, the project is subject to the provisions of the Boise City Hillside and Foothill Areas Development Ordinance that requires that significant studies be made of the potential geologic hazards and that permits addressing any such issues be issued by the City prior to development. In fact, the Planning and Zoning Commission had before it, the same night it denied the conditional use permit, a Hillside and Foothills Development Area Permit Application which addressed many of those issues. The Planning and Zoning Commission, however, did not take action on that application and apparently failed to take into account the information contained in the application and the recommendations made by City Staff on it. Although Staff requested that additional information be provided in connection with the final, more detailed review of the project, Staff recognized that "Because the applications are for conceptual conditional use, some issues are not clear and will have to be determined at the final conditional use permit analysis, the final hillside and foothills development permit analysis, and preliminary review levels." Nevertheless, Staff recommended conceptual approval and indicated that the information that has been submitted with the conceptual plan is adequate and the site is suitable for the proposed development.

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In making its findings on this issue, then, the Planning and Zoning Commission failed to take into account the information submitted to it, improperly sought to elevate the requirements for approval of this conceptual plan to those expected at final approval, and failed to consider conditions addressing any potential impacts. As a result, the Commission improperly applied the ordinances to the application.

E. That the proposed use is in compliance with and supports the goals and objectives of the comprehensive plan.

The Planning and Zoning Commission found that the proposed development project does not comply with the Foothills Policy Plan respecting fire protection service, transportation capacity and geologic hazards. As indicated above, the Applicant believes the Commission to have made erroneous findings on all of those issues. In addition, the Planning and Zoning Commission failed to determine whether the proposal generally comports with the overall goals of the comprehensive plan as required in the Idaho Supreme Court's recent decision in Urrutia v. Blaine County. With respect to the Boise City Foothills Policy Plan, the project complies with Goal 1 which allows foothills development pursuant to standards and conditions that are protective of the foothills, wildlife and neighborhoods since the project will avoid environmentally sensitive areas and is designated on the land use map as buildable area. The project complies with Goal 2 since it will be designed to avoid hazardous areas, will have no affect on watershed values, will address and minimize wildfire hazards, will identify and preserve natural wildlife corridors, will protect any archeological and historical sites, and will preserve open space and wildlife habitat areas. The project also complies with Goal 3 of the Foothills Plan in that it will protect the general shapes and textures of the foothills through minimal grading. The project also complies with Goal 4 by dedicating approximately 250 acres as open space for public trails and other uses including the preservation of wildlife habitat. The project also complies with Goal 5 in that it is compatible with and complimentary to adjacent neighborhoods and, based upon transportation infrastructure which is under construction and/or in design, neighborhoods will not be affected by through traffic. The proposed project also complies with Goal 6 in that the project will minimize impacts on the traffic system and the quality of existing neighborhoods, will provide additional collector streets to serve the area and meets the density requirements of the plan.

The project also complies with a number of goals in the City's Comprehensive Plan, including the goals set forth in Chapter 2 regarding public facilities, utilities and services, since the project has or will have all such facilities and utilities available to it at the time building permits are issued; Goal 3.4 in that it seeks to protect and enhance natural environment in the Boise Front Foothills by setting aside the majority of the land as dedicated open space; Goal 4.1 regarding geologic and seismic hazards in that it will account for known geologic and seismic risks and steps will be taken to minimize the likelihood of damage resulting from such hazards; Goal 4.3 by complying with ordinance requirements concerning wildfire hazards; Goal 5.1 by providing open space trail systems and recreational facilities for Boise residents; Goal 6.1 by maintaining at build

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out, the level of service standards adopted by the City and providing a planned collector road; Goal 6.5 by accommodating appropriate landscaping elements adjacent to the public street rights-of-way; Goal 7.1 by providing residents an opportunity to seek housing in a neighborhood of their choice; Goal 8.0 by proposing residential development in an area designated for residential development and which is compatible with adjacent uses; and Goal 10 by minimizing sprawl, and utilizing existing or planned public facilities and infrastructure. Quite clearly, the project conforms to the overall goals of the City's Comprehensive Plan. The Planning and Zoning Commission in its findings respecting the Comprehensive Plan has failed to look at all facets of it and appears to improperly elevate the plan to the level of legally controlling zoning law.

In addition to the foregoing, the Planning and Zoning Commission has apparently erroneously interpreted the requirements of Boise City Code § 11-06-05.4 concerning conditional use concept approvals. That section of the City Code provides:

> A concept approval is a statement by the City of Boise that a general development plan including the general arrangement of uses, density, location of major streets, open spaces, utilities, etc. is acceptable. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of preparing detailed building plans until after the concept approval. It provides the developer and the City with guidelines for the design of each phase of the project.

That section goes on to provide that "Each phase of a concept approval requires detailed conditional use approval through a new application, fee and public hearing." In its discussion of the issues and as expressed in its findings, the Planning and Zoning Commission has demanded a significantly higher level of engineering and design work. The Applicant disagrees with the proposition that insufficient information has been provided to the Commission for it to make its decision on a concept plan.

The Applicant reserves the right to submit additional detailed information in support of the grounds of appeal stated herein.

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Jones • Gledhill • Hess • Andrews • Fuhrman
Bradbury & Eiden, P.A.
ATTORNEYS AT LAW

Stephen A. Bradbury

March 12, 2001

VIA FACSIMILE 384-3753

Bruce Eggleston
Boise City Planning and Development Services Department
150 North Capitol Blvd.
P.O. Box 500
Boise, Idaho 83701

RE: Boulder Heights Estates (CAR00-00021/DA; CUP00-00055)

Dear Bruce:

As you know, following the City Council's January 9, 2001, public hearing on the above-referenced matters, the applicant J. H. Wise and Sons, as directed by Council, met with the Ada County Highway District Commission to further discuss the proposed collector street system for the project. At that meeting, the applicant discussed with the Commission the location and design of the proposed Trent Point Way collector street as well as a proposed design for a new connection for Starview to Warm Springs Avenue and the East Parkcenter bridge. Although the Highway District's staff recommended approval of the applicant's proposals, after some discussion, the Commission elected to defer action on those proposals until after the Commission held additional work sessions. Accordingly, the issues with respect to the collector system for the eastern portion of the project have not yet been resolved.

I understand, however, that the Highway District Commission reiterated its approval of the proposed Windsong Drive collector road (the western collector road) as previously proposed by the applicant. As explained in Mr. Larry Sale's letter of November 22, 2000 (copy attached), the Commission conceptually approved the alignment of Windsong Drive and its intersection with Warm Springs Avenue, subject to the final design being in conformance with the district's standards. In view of that decision, the Commission also reiterated its previous decision to approve final plats for one or more additional phases of Boulder Heights prior to the construction and opening of the East Parkcenter bridge, not to exceed a total of 79 lots.

The 9th & Idaho Center • 225 North 9th Street, Suite 820
P. O. Box 1097 • Boise, Idaho 83701
Phone (208) 331-1170 • Facsimile (208) 331-1529

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In your letter of January 23, 2001 (copy attached), you pointed out that the outstanding issues for Boulder Heights Estates have to do, for the most part, with the eastern half of the project and proposed that a compromise be presented to the City Council whereby the Council might consider annexing the entire property and assigning the R-1A/DA zone to only the western half of the developable area with the eastern half being annexed and assigned the Open Land-A/DA zone. You went on to propose that the Development Agreement be modified to provide for the zoning of approximately 78 acres on the west side to R-1A and condition a rezone of the remainder of the buildable area (on the east side) on the applicant securing an approved design from the Ada County Highway District for an eastern collector and improvements to Starview Drive.

In view of the Ada County Highway District's decision to further study the road connections for the easterly portion of the project, the applicant has concluded that your proposal has merit. Accordingly, the applicant consents to your proposed compromise and supports its presentation to the Council. Please understand, however, that the applicant seeks approval from the Council for up to 79 building lots prior to the completion and opening of the East Parkcenter bridge consistent with the Ada County Highway District approval rather than the 55 lots recommended in the Staff Report. In addition, the applicant will, of course, want to review and comment upon the proposed Development Agreement prior to approval by the City Council.

Please let us know how you would like to proceed on Tuesday night. The applicant and its consultants intend to be present and prepared to move forward.

Sincerely,

Stephen A. Bradbury

SAB/jm
Enclosures
cc: Boise City Council (via facsimile w/enclosures)
Theresa Sobotka (via facsimile w/enclosures)
Homer Wise (via facsimile w/enclosures)
Bob Unger (via facsimile w/enclosures)

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Ada County Highway District

Judy Peavey-Derr, President
Dave Bivens, Vice President
Marlyss Meyer, Secretary
Sherry R. Huber, Commissioner
Susan S. Eastlake, Commissioner

318 East 37th Street
Garden City, Idaho 83714-6499
Phone (208) 387-6100
Fax (208) 387-6391
E-mail: tellus@achd.ada.id.us

November 22, 2000

Bruce Eggleston, AICP
Boise City Planning Department
P.O. Box 500
Boise, ID 83701-0500

Re: Boulder Heights Concept Plan
CUP00-00055

Dear Bruce:

I have been requested to clarify the ACHD Commission action on the Boulder Heights application for annexation and concept plan approval. Specifically, I have been asked to clarify the ACHD Commission's language regarding Windsong Drive "appearing to meet District standards" and the situation regarding the proposed new eastern outlet for the development (Trent Point Way). Some of the confusion may be caused by the two actions taken by the District on this application.

On August 23, 2000, the ACHD Commission acted on CUP00-00055 and adopted 15 proposed Site Specific Requirements. In response to a request for reconsideration by the applicant, on September 27, 2000, the Commission reconsidered the action of August 23 and adopted the following proposed Site Specific Requirements to be imposed if the requested zone change and conditional use permit are approved and a specific development application is submitted:

1. In consideration of the 1994 District action in regard to Boulder Heights, and all relevant conditions of approval having been met, the District will approve final plats for one or more additional phases of Boulder Heights prior to the construction and opening of the East Parkcenter Bridge, not to exceed a total of 79-lots.

2. Construct and dedicate Windsong Drive as a residential collector from Warm Springs Avenue to Hard Rock Drive, located as proposed at the northwest corner of the site. Windsong Drive shall be constructed as a reduced width street section in 50-feet of right-of-way with vertical curbs, two 12-foot wide travel lanes, paved and striped bike lanes on both sides of the street, and a 5-foot wide sidewalk on the descending side of the street. The curb-to-curb width of the street shall be a minimum of 33-feet. Parking and direct lot access shall be prohibited on this segment of Windsong Drive. The design of the roadway shall conform to District policy 7204.5. The applicant shall be responsible for the construction and design of the residential collector roadway and will be reimbursed for the roadway with the extra-ordinary impact fees collected with the previously approved subdivisions, and the proposed 228-dwelling units that will utilize the roadway. The segment of Windsong Drive that is designated as a residential collector shall be fully constructed through Phase One prior to the issuance of any building permits in this development. *(SEE NOTE 1, AT THE END OF THIS LIST)*

3. Construct Windsong Drive north of Hard Rock Drive as a local 36-foot street section with

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vertical curbs, gutter and 5-foot wide concrete sidewalk, within 50-feet of right-of-way.

4. The location and grade of the intersection of Windsong Drive and Warm Springs Avenue shall conform to District policy (7204.5.9) that requires a minimum sight distance on Windsong Drive of 245-feet at the intersection at Warm Springs Avenue, based on the posted speed limit (35 MPH) of Warm Springs Avenue. ***(SEE NOTE 1, AT THE END OF THIS LIST)***

5. Construct and dedicate a new eastern route, connecting the development with Warm Springs Avenue. The applicant is instructed to attempt to find a route other than the one proposed by this application in the form of Trent Point Way. The new street shall be designed and constructed as a residential collector, which will include the following:

   - a 29-foot street section in 50-feet of right-of-way (minimum),
   - vertical curbs,
   - two 12-foot wide travel lanes,
   - a paved and striped 5-foot wide bike lane on the ascending side of the street, and
   - a 5-foot wide sidewalk on the descending side of the street.

   Parking and direct lot access is prohibited on this segment of Trent Point Way. The applicant will not be reimbursed for the construction of Trent Point Way. ***(SEE NOTE, 2 AT THE END OF THIS LIST)***

6. Construct Trent Point Way north of Ridge Point Way as a local 36-foot street section with vertical curbs, gutters and 5-foot wide concrete sidewalks, within 50-feet of right-of-way.

7. The location and grade of the intersection of Trent Point Way and Starview Drive shall conform to District policy (7204.5.9) that requires a minimum sight distance on Trent Point Way of 200-feet at the intersection at Starview Drive, based on the posted speed limit (less than 35 MPH) of Starview Drive.

8. Construct all of the streets within the subdivision (with exception to Trent Point Way, Windsong Drive, and those listed below) as 36-foot street sections within 50-feet of right-of-way, with vertical curb, gutter and 5-foot wide concrete sidewalk.

9. The following streets may be constructed as reduced street sections: Solar Court, Clarion Place, Galaxy Court, Galaxy Way, Echo Drive, Birdsong Court, Ridge Point Court, Hard Rock Court, Travertine Court, and an unnamed court off of Travertine to the south.

   These streets may be constructed as 29-foot street sections with vertical curbs, gutter and 5-foot wide concrete sidewalk within 42-feet of right-of-way. Parking shall be restricted on one side of each of the roadways. A signage plan shall be submitted for review and approval by Planning and Development staff.

10. An extra-ordinary road impact fee shall be imposed on all new construction in this subdivision. At this time, the District estimates that fee at $3,070 per dwelling unit (minimum). The applicant will be reimbursed the cost of the western collector roadway with the extra-ordinary fees collected. This extra-ordinary fee shall be recalculated when the actual cost of Windsong Drive is determined (at the time of final plat), by dividing the anticipated number of lots into the overall cost of the roadway as established by the contract cost.

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11. Extend and connect the existing streets into the subdivision as proposed. These phase numbers represent each separate phase, and not necessarily the order in which the subdivision will be constructed. The applicant is proposing to construct phases one through three of the subdivision first.

- Phase 1 – 38 lots – extend Windsong Drive and Rhyolite Way into the site
- Phase 2 – 27 lots – extend Windsong Drive, Hardrock Drive and Travertine Way into site
- Phase 3 – 14 lots – extend Windsong Drive and Toluka Way into the site
- Phase 4 – 21 lots – extend Windsong Drive and Ridge Point Way into the site
- Phase 5 – 35 lots – extend Trent Point Way into the site
- Phase 6 – 18 lots – connect to Trent Point Way
- Phase 7 – 18 lots – connect to Trent Point Way
- Phase 8 – 19 lots – connect to Trent Point Way
- Phase 9 – 6 lots – connect to Trent Point Way
- Phase 10 – 29 lots – extend Echo Drive; extend Windsong Drive (local section) to connect to Trent Point Way (existing section) and Boulder Heights Drive
- Phase 11 – 5 lots – extend Starlite Lane to Starview Drive

12. Provide a temporary closure of the south approach (Ridge Point Way) to the Ridge Point Way/Trent Point Drive intersection. The District will evaluate the need and justification for a permanent closure within one year of the intersection's construction. If a permanent closure is deemed necessary, its design and construction will be required of a future phase. Coordinate the road closure with District Planning and Development staff, Boise City, the Boise City Fire Department and the owners of the lots abutting Ridge Point Way.

13. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6280 (with file numbers) for details.

14. Construct turnarounds to provide a minimum turning radius of 45-feet.

15. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat shall be owned and maintained by a homeowners association. Notes of this shall be required on the final plat.

NOTE 1:

Site Specific Requirement No. 2 conceptually approves the alignment and intersection of Windsong Drive with Warm Springs Avenue and directs the applicant's engineer to proceed with engineering design of the roadway and intersection in accordance with District standards. This is supported by Facts and Findings in the body of the Commission's action that state "the alignment appears to meet District standards". Because of the nature of concept plans, the precise horizontal and vertical alignment of a given street cannot be determined until the design stage, which is based on actual physical surveys that cannot be completed at the concept stage, thus the use of the term "appears to meet District standards". SSR No. 2 requires Windsong Drive to be designed and constructed to District standards.

Site Specific Requirement No. 4 conceptually approves the configuration and location of the intersection of Windsong Drive with Warm Springs Avenue and requires the applicant's engineer to design the intersection to precisely meet District standards and policies.

NOTE 2:

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The ACHD Commission did not specifically approve the location and alignment of the proposed Trent Point Way behind the lots that front on Ridge Point Way, but instructed the applicant to find another location for an eastern outlet for the development. This condition was apparently based on the impact of the new road on those homes fronting on Ridge Point Way from which the residents would have to look down on the proposed new Trent Point Way. A connection to Warm Springs Avenue east of the Warm Springs Mesa/Boulder Heights development is necessary to minimize the amount of traffic generated by this development on Warm Springs Avenue to the west.

After discussing the questions of the Planning and Zoning Commission with you this morning, I gather there was also concern about adding traffic to Star View Drive because it does not meet current District standards. There are many roads and streets in Ada County that do not meet current design standards, but to which new traffic is being added by growth every day. Starview Drive's problems are probably more apparent than others and may be more related to safety than others. It is my hope that the lower portion of Starview Drive will ultimately be reconstructed by the combined efforts of Boulder Heights, Harris Ranch, and the District. In order to rectify the grade problem, the lower part of Star View Drive and the intersection of it with Warm Springs Avenue will have to be raised several feet. This will be an expensive remedy, but will also aid the creation of a Warm Springs Avenue/Parkcenter Boulevard connection that will discourage traffic from using Warm Springs Avenue instead of Parkcenter Boulevard.

These notes should clarify the questions expressed by members of your Planning Commission as relayed by you and the applicant's representative. If there are additional questions or clarifications needed, I will answer them on request. If you desire, a representative of the Highway District will attend meetings of the Planning and Zoning Commission or City Council to further explain the District's action.

Sincerely,

Larry Sale
Planning and Development Supervisor

cc: Chron
Project File
Hubble Engineering
Traffic Department

PLANNING & DEVELOPMENT SERVICES

January 23, 2001

Mr. Homer Wise

J. H. Wise Co.
c/o Mr. Bob Unger
Hubble Engineering

Dear Mr. Wise:

This letter concerns the annexation/development agreement to be discussed at the January 30, 2001 City Council hearing on CAR00-00021/DA. The outstanding issues for Boulder Heights Estates have to do with the eastern half of the proposal, for the most part. With your consent, we would like to propose this compromise to the City Council. We would advise the Council to consider annexing the whole property and assigning the R-1A/DA zone to only the western half of your developable area. The eastern half would be annexed in the Open Land-A/DA zone. This was proposed in the staff report of January 9, 2001 on page 10 of the staff report as quoted below.

IV. CONCLUSIONS

The City has several options to address the transportation issues:

a. **Modify the Development Agreement to rezone to R-1A only the buildable area that can be served by the western collector. There are approximately 156 acres proposed for buildable area and R-1A zoning. Halve that and only rezone 78 acres on the west side to R-1A. Condition the rezone of the remainder of the buildable area when the applicant secures an approved design from ACHD for the eastern collector and improvements to Starview Drive.**

The city attorney made the point that the Council cannot conditionally annex and rezone a property, depending on an outcome from a conditional use permit approval. The annexation and rezone must be a clearly defined area with certain describable boundaries. By rezoning half the developable land, as shown on Exhibit "E" in the proposed development agreement, your project could move forward. You would be able to submit a rezone on the eastern developable to R-1A/DA when the final conditional use permit is adopted.

It would expedite the process if your response could be included in the Council's packet before noon on January 24, 2001.

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Sincerely,

Bruce Eggleston

Bruce Eggleston, A.I.C.P.
Planner II
Boise City Planning and Development Services Department

cc: file
H. Wayne Gibbs, Planning Director
Teresa Sobotka, Assistant City Attorney

339

4/5/6

JONES ◆ GLEDHILL ◆ HESS ◆ ANDREWS ◆ FUHRMAN
BRADBURY & EIDEN, P.A.
225 N. 9th Street, Suite 820
P.O. Box 1097
Boise, Idaho 83701
208-331-1170
208-331-1529 (fax)

TELECOMMUNICATION COVER PAGE

9 pages including cover page

TO: Bruce Eggleston

FAX: 384-3753

FROM: Stephen A. Bradbury

DATE: March 13, 2001

RE: Boulder Heights

DOCUMENTS SENT:

NOTES: Bob told me you had not received this yet, so here's another. Feel free to call if you want to discuss.

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WARM SPRINGS MESA MEIGHBORHOOD ASSOCIATION

Ms. Christy Richardson
Ada County Highway District
318 East 37th Street
Garden City, ID 83714

February 26, 2001

Subject: Proposed Boulder Heights Development Access Roads Questionnaire

Dear : Ms. Richardson:

J. H. Wise and Sons have proposed development of an additional 228 houses in the immediate vicinity of Warm Springs Mesa (Mesa). Part of this development includes a proposed extension of Trent Point Way, intended to move traffic off of the new development on the east side of the Mesa. This road is intended to direct traffic to the existing Starview Drive, which has a 12 to 14 percent grade.

The ACHD Commission determined that the proposed Trent Point Way extension connecting to Starview Drive was a poor alignment and was too steep for a collector road. The commission directed the developer to find another route from the eastern side of the Mesa. The developer has apparently determined that there is no other route because of topography and geologic instability. This comes as no surprise to those of us familiar with the far east side of the Mesa.

In light of ACHD's earlier determination concerning the proposed Trent Point Way extension, we were surprised to see the content of the recent ACHD questionnaire sent to a few residents on the east side of the Mesa. Apparently the road that was too steep and shouldn't be built is now acceptable. What has changed? If this proposed road was too steep 3 months ago, how is it that it is now acceptable?

The other choice on the questionnaire suggests that if the Trent Point Way extension is not built, all new traffic from the eastern part of the proposed development (900 trips per day) will exit the Mesa via Ridge Point Way and Starview Drive, with its 12 to 14 percent grade. This presumption is simply ludicrous and we have pointed this out in the past. Other than traffic headed across the future east ParkCenter Bridge, most of the additional traffic will go down Stone Point and Starcrest, the current main access route to and from the Mesa, which is already at or near capacity. Traffic projections are only as good as the assumptions that go into the model. We believe the developer has adjusted these assumptions to meet their desired outcome and that their projections for use of Starview have little basis in reality.

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Another major problem with the questionnaire is that it ignores a solution to the problem of getting traffic off the new development that has been considered since the 1980s. The solution is the perimeter road that was presented by the Wises in their 1994 master plan submitted to the City of Boise as part of the approval process for Boulder Heights 2 and 3 subdivisions. A copy of this master plan is included for your review. This perimeter road concept along the northern edge of the Wise development exiting to Warm Springs Avenue near the golf course entrance has been supported by the Mesa residents for many years. This road would move new traffic out of the Mesa without burdening current residents with more traffic on our two steep, sub-standard access roads. This perimeter road would serve new Boulder Heights residents and some existing Mesa residents. We have elaborated at length in the past on the clear advantages of the perimeter road alignment (8 percent grade, south and southwest exposure, flatter slope for construction) compared to the new collector route the Wises are proposing on the west side of the Mesa (10 percent slope for the entire route, north and northwest exposure, steep construction area).

This perimeter road would also provide future access to the 120 to 160 acres of relatively flat private land at the base of Table Rock. This land is designated as suitable for development by Boise Planning and Zoning and will be developed some day. The Wises current plan even shows a flag lot connecting to this private land. Future development of this adjacent parcel has been ignored throughout this process. This probable additional future development only strengthens the case for the safest possible collector road into the Mesa.

The Warm Springs Mesa Neighborhood Association (WSMNA) has supported this perimeter road concept since it was first considered by ACHD in the 1980s. We supported it in 1994 when the Wises developed their master plan. We voiced support for it in three meetings with the developer over the last two years and got virtually no response. We have also supported this perimeter road in a petition to ACHD signed by 96 percent of the residents we were able to contact, and in testimony to ACHD, Boise Planning and Zoning, and the Boise City Council.

We understand the problem of additional traffic on Warm Springs Avenue. However, there is no way to have less traffic if additional developments continue to be approved to the east of Boise. The best way to encourage current and future Mesa traffic to avoid Warm Springs Avenue is to develop a convenient and safe intersection at Starview and Warm Springs Avenue and to make it easy for Mesa traffic to move back and forth across the future east ParkCenter Bridge.

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February 26, 2001

The WSMNA urges the ACHD Commission to adopt the 1994 master plan perimeter road as the solution to the issue of getting traffic off the east side of the Mesa and as the safest new collector route required before additional development on the Mesa. This will be our only opportunity to have a safe collector road constructed for the residents of the existing 350 homes on the Mesa, the proposed 228 homes, as well as perhaps several hundred additional homes in the adjacent area discussed above.

Sincerely,

Charles L Blair

Chuck Blair
President, Warm Springs Mesa Neighborhood Association
2064 Stone Ridge Way
Boise, ID 83712

cc: ACHD Commissioners
Bruce Eggleston, Boise City Development Services

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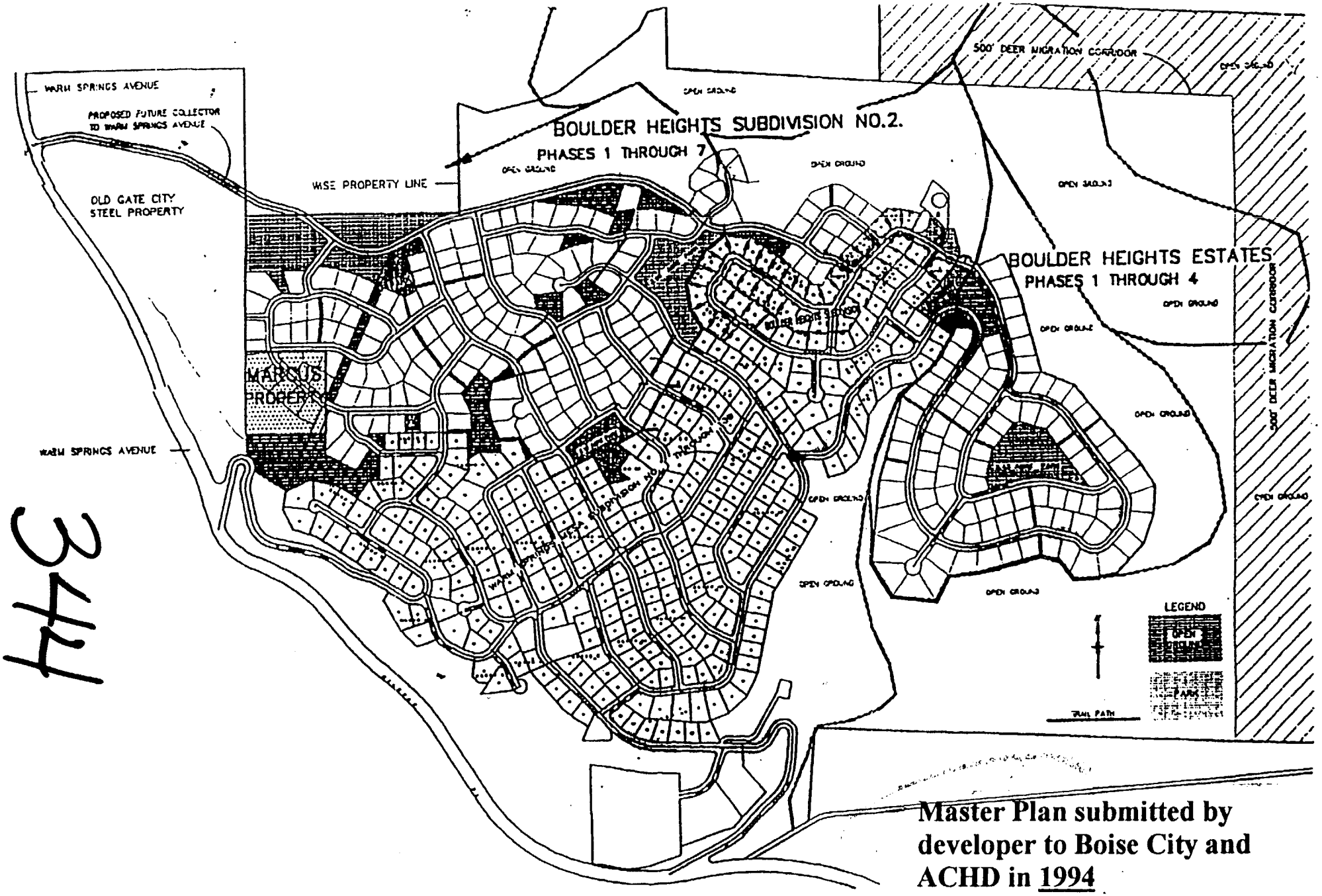

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Master Plan submitted by developer to Boise City and ACHD in 1994

TOTAL BUILDOUT—2010

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CERTIFIED PUBLIC ACCOUNTANT

CPA

B.J. SMITH CPA, P.A.

INTEGRITY / EXPERTISE / SERVICE

CERTIFIED FINANCIAL PLANNER

CFP

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March 1, 2001

Ms. Judy Peavey-Derr, President
Ada County Highway District
318 East 37th Street
Garden City, Idaho 83714-6499

RECEIVED
MAR 07 2001
DEVELOPMENT SERVICES

Re: **J.H. Wise & Son, Inc. Development Plans – Warm Springs Mesa Boulder Heights Estates Subdivision**

Dear Commissioner Peavey-Derr,

As a Warm Springs Mesa neighborhood homeowner, I strongly oppose the developer's plan for the project referenced above. Enclosed is a letter my wife and I distributed to some of our neighbors, which provides you our assessment of the issues and a summary of our concerns.

At the upcoming ACHD Commission meeting, I anticipate the developer will ask you to reconsider the requirement to relocate the proposed Trent Point Way. I do not anticipate the developer will propose improvements to substandard Starview Drive – the east access road.

I urge you to reject the developer's faulty conceptual plan that forces additional traffic to the east side of the Mesa, yet offers no improvements to substandard and unsafe Starview Drive.

I oppose Trent Point Way because of its inappropriate location down a steep ravine and environmentally sensitive area. I also oppose it because the new street creates a double frontage for residents on the east side of Ridge Point Way. However, the most compelling reason to oppose Trent Point Way is because it is an unsafe design for handling additional traffic on the Mesa.

Trent Point Way is designed to funnel traffic from the new homes on the eastern plateau to the "top" of Starview Drive. Between the proposed intersection with Trent Point way and the existing intersection with Warm Springs Avenue, Starview Drive has grades approaching 14%.

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910 MAIN STREET, SUITE 350 • BOISE, IDAHO 83702

TEL: 208-336-2444 • FAX: 208-345-6615 • E-MAIL: BJSIDAHO@AOL.COM

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Starview is substandard, unsafe, and generally avoided by the majority of Mesa homeowners. Yet according to the developer's traffic projection, the daily vehicle trips will increase from 500 currently to 1,800 when the new homes are completed. That amount of traffic on Starview Drive is a tragedy waiting to happen.

A decision to allow the developer to proceed as planned will totally disregard the safety concerns of Warm Springs Mesa residents. The developer is asking you to approve a plan that intentionally increases traffic on a substandard street by over threefold. Is that a prudent decision for ACHD? I don't think so.

I urge you to reject the developers unacceptable plan for handling the additional traffic from the proposed new homes on the Mesa.

Sincerely,

B.J. Smith, CPA, CFP

cc: Bruce Eggleston, Boise City Planning & Development

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Loyal & Monica Perry
2723 Starcrest Drive
Boise, ID 83712
208-336-8414
liperry@micron.net

March 3, 2001

RECEIVED
MAR 06 2001
DEVELOPMENT SERVICES

ACHD Commissioners
318 East 37th Street
Garden City, ID 83714-6499

Dear ACHD Commissioners:

RE: Hearing for Warm Springs Mesa/Wise Development

We have resided on Starcrest Drive in Warm Springs Mesa since 1992. Over the years, we have participated in multiple meetings regarding future development by the Wise family. The residents participating in these meetings have studied various options and deemed the safest to be the west access and perimeter road as shown in the 1994 master plan.

We feel betrayed, having been promised a third access road (as outlined in the 1994 master plan) in exchange for our "support for future development" only to have the Wise family redraw the third access road, one NOT acceptable to the residents of this area, but more economical for them.

Growth of our area is inevitable BUT we must grow responsibly. Safety must be of utmost concern. The two existing routes are NOT safe, even in the best of weather and current traffic volume.

We SUPPORT the third access road as proposed in their 1994 master plan, **prior to** any further development.

Sincerely,

Loyal Monica

Cc: Bruce Eggleston, Boise Planning & Development Services

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March 6, 2001

TO: Boise City Planning & Development
150 N. Capitol Blvd.
Boise, ID 83701-0500

FROM: Samantha Silva & Michael Hoffman
2675 Warm Springs Avenue
Boise, ID 83712

RE: File #CAR00-00021/DA and CUP00-00055

I am unable to attend the March 13th Boise City Council meeting regarding the J.H. Wise & Sons request for Conditional Use approval for a planned development to construct 228 houses in the Warm Springs Mesa area.

The Boise City Council should reject the request and appeal, if nothing else, for this reason: Warm Springs Avenue cannot sustain it.

Last year, in a landmark case, a friend of mine successfully sued the San Francisco Board of Supervisors for approving a development in violation of its own Comprehensive Plan. The development was stopped, the story got lots of press, and my friend is now getting calls from all over the country from neighborhood associations wanting to sue their own city councils for violating existing comprehensive plans.

Warm Springs is operating at full capacity already, and for those who drive it, the beautiful and historic street has become a nightmare to be reckoned with. Harris Ranch, which should never have been approved without mitigation measures in place, has already taken its toll, with no relief in sight. Big trucks and cars drive at highway speeds around the Mesa, veer into the wrong lane. Traffic is backed up and bumper to bumper many hours of the day. Cars disobey speed limits, and have nearly mown down children around Adams School.

I personally have seen near-misses several times a week.

The hillside itself is coming down bit by bit, and the decision to delay reinforcement of the hillside, risky.

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The belief that the new bridge and future bridges will change all this is a fantasy. Warm Springs remains the most direct route into town (physically and psychologically).

Until mitigation measures are in place, and Warm Springs is operating as it should be, based on targets already established, no new developments should be approved.

Now that there is a clear legal precedent, from a city whose Board of Supervisors is believed to be bought and paid for by developers, neighborhood associations all over the country have hope that irresponsible development can be stopped.

Of course, that's a long shot in a place like Boise. But we have to hope that someone in power, somewhere along the way, will be true to their word.

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RECEIVED
MAR 06 2001
DEVELOPMENT
SERVICES

2739 Starcrest Drive
Boise, Idaho 83712
March 5, 2001

ACHD Commissioners
318 East 37th Street
Garden City, Idaho 83714-6499

Subject: Proposed Boulder Heights Development Access Road

Dear Commissioners:

We are Verlene and Gary Kaiser and we reside at 2739 Starcrest Drive located on the south edge of Warm Springs Mesa.

Our purpose in writing is to voice our **strong opposition** to the proposed Trent Point Way extension or the use of existing roads to exit the Mesa. Instead, we strongly favor the construction of the perimeter road that was proposed by J. H. Wise and Sons in their 1994 master plan for Boulder Heights 2 and 3. This perimeter road can be constructed with a flatter grade than the other alternatives and will keep the new traffic off the steeper and already overburdened exit roads.

We urge the Commissioners to take action that will provide the residents of Warm Springs Mesa with at least one exit that meets today's standards rather than adding to the existing problems of steep, sub-standard access roads.

Thank you for your consideration of this matter.

Sincerely yours,

Verlene Kaiser, Gary Kaiser

Verlene and Gary Kaiser

cc: Bruce Eggleston, Boise Planning & Development Services
150 North Capitol Boulevard, Boise, Idaho 83702

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BRUCE EGGLESTON - Re: Boulder Hts. Estates proposal

From: "Larry Sale" <Lsale@achd.ada.id.us>
To: <Beggleston@cityofboise.org>
Date: 3/7/2001 4:50 PM
Subject: Re: Boulder Hts. Estates proposal
CC: "Christy Richardson" <Crichardson@achd.ada.id.us>, "Diane White" <DWhite@achd.ada.id.us>

Bruce -

The Commission remanded the application to staff with the assignment to work with the applicant, his engineer, Harris Ranch, and staff to examine four questions:

- Is Trent Point Way necessary?
- If Trent Point Way is not constructed, should/can the District require the developer to improve Starview Drive, OR, can/should the District enter into a partnership with the developer, Harris Ranch to improve portions of Starview Drive and the intersection with Warm Springs Avenue.
- If Trent Point Way is not constructed, determine the benefits and efficiency of the original north loop connection to Warm Springs Avenue included in the 1994 Master Plan for Boulder Heights.
- Can Starview Drive remain in its current configuration and accept any more traffic (excepting the intersection with Warm Springs Avenue)

>>> "BRUCE EGGLESTON" <Beggleston@cityofboise.org> 03/07/01 04:06PM >>>
Dear Mr. Sale:
Please let me know what action, if any, was taken by the Board today on the above issue.
Thanks,
Bruce

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BRUCE EGGLESTON - Boulder Heights Eastern Collector Roadway

From: <rjaspe1@sears.com>
To: <BEGGLESTON@CITYOFBOISE.ORG>
Date: 3/7/2001 7:43 AM
Subject: Boulder Heights Eastern Collector Roadway

I am a resident of Boulder Heights and would like to express my support for the Eastern Collector Roadway. It is essential that this roadway be approved. The rebuilding of Stone Point can not proceed until the new western access and the eastern collector are completed. As you are aware, Stone Point does not meet current standards for grade and degree of curvature. This places all residents in the area in danger when emergency vehicles try to access the Mesa and Boulder Heights.

I have been made aware that Chuck Blair has stated that he represents the Mesa residents and is opposed to this project. Chuck Blair does not represent me or any other residents that I know off. Mr. Blair has a vested interest to oppose this road, as it will pass near his property.

Recently Boulder Heights held its annual meeting. This proposal was discussed and the residents of Boulder Heights attending the meeting were in unanimous support of the project.

Please do not let a few residents who are only concerned with their property affect the safety and well being of over 200 families living in this area.

Thank you for your support. If you require any additional information, I may be reached at:

Richard T. Jasper
3344 E. Red Stone Drive
Boise, ID 83712

Work 424-2946
Home 387-061

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MEMORANDUM

Warm Springs Mesa Neighborhood Questions regarding Wise Development

TO: Christy Richardson, ACHD P&D
Commissioners:
Judy Peavey-Derr, President
Dave Bivens, 1st Vice President
Sherry Huber, 2nd Vice President
Susan Eastlake, Commissioner
David Wynkoop, Commissioner

FROM: Chuck Blair, President
Warm Springs Mesa Neighborhood Association

DATE: March 7, 2001

WARM SPRINGS MESA NEIGHBORHOOD ASSOCIATION

Members of the Warm Springs Mesa Neighborhood Association have questioned the noon hour scheduled time of the meeting and requested the staff to reschedule the meeting for an evening session. The response was that there has been a number of letters sent regarding the issue and timing was to short to reschedule.
The following are some of the questions from the neighborhood that we believe have not be responded to. Questions for the Developer and ACHD regarding Boulder Heights Development to ACHD 3/07/01

If the proposed Trent Point Way was unacceptable as aligned in August because of steepness and location, what physical conditions have changed to make it acceptable now?

If there is no alternative to Trent Point Way for access to proposed development on the east side of the Mesa, why isn't the west access and perimeter road proposed by the Wises in their 1994 master plan, and repeatedly backed by the residents since then, being considered to provide access to and from the new eastern areas to avoid adding major new traffic to existing neighborhood streets?

Why isn't ACHD pursuing the 1994 Master Plan access route and perimeter road as a solution to the overall Mesa access issue since it has a lower grade, better winter sun exposure and would be a safer road than the Developer proposed Windsong Drive?

How can the traffic model assumptions that lead to the conclusion that 900 vtd from the new development will go down Ridge Point and Starview if Trent Point Way is

not constructed be valid when it is most likely that a high percentage of this traffic will be drawn to schools on Warm Springs, downtown, and to the west via Stone Point and Starcrest instead of across the east Park Center bridge?

How can the traffic model assumptions that lead to the conclusion that 1400 vtd from the new development and from Boulder Heights 1 will go down Ridge Point and Starview if Trent Point Way is not constructed be valid when it is most likely that a high percentage of this traffic will be drawn to schools on Warm Springs, downtown, and to the west via Stone Point and Starcrest.

Why does the Feb. 22nd staff report state that ACHD approved a western residential collector when the Commission actually said on August 23rd that either the developer's proposal or the neighborhood association's alternative were acceptable pending a Boise City decision and the October 12th staff report determined that that the developer should evaluate another route for Windsong Drive given certain conditions?

If Trent Point Way is not constructed, why can't the money that would be saved by not building this road be used to offset the higher cost of constructing the west access road shown in the 1994 master plan?

Since the new 1994 Master Plan west access route would substantially benefit existing residents on the west side of the Mesa and provide potential future access to areas beyond the Wise Development , why shouldn't ACHD participate in the funding?

Since the first 1100 feet of Starview Drive above Warm Springs Avenue currently averages 12% grade, how does the developer plan to lower the grade of this section of road to 10%?

What would be the depth and amount of fill required on Warm Springs Avenue to facilitate the above 10% grade?

Why hasn't the developer and ACHD shared with the neighborhood plans that show modifications to Starview Drive and the Starview Drive / Warm Springs intersection concepts that are acceptable for ACHD to construct this road?

How can the developer build the intersection of Starview Drive, Mill Point Lane, and the proposed Trent Point Way to meet standards of a collector road in terms of safety and sight distances considering the projected 1400 vtd on Trent Point Way and the significant increase in traffic traveling east on Starview from the established Mesa residences?

How many total vtd are planned to use Starview Drive for access to and from the Mesa (existing and new development) and are the traffic model assumptions valid in light of other problems cited above?

Based on the 1400 vtd projected by the developer from either the Developer's proposed Trent Point Way alternative or the existing Ridge Point Way route and the projected added traffic from established neighborhood traveling East on Starview to access the new Bridge has ACHD prepared a traffic study for Starview Drive.

Regarding the proposed Trent Point Way, does ACHD really want to have another residential collector road that is steeper than Starcrest to salt, sand, and maintain?

In light of the high level of neighborhood interests (petition signed by over 280 residents and repeated testimony and letters) why wasn't this meeting scheduled for an evening session?

In light of the high level of neighborhood interests (petition signed by over 280 residents and repeated testimony and letters) why wasn't the neighborhood association informed of the issues that are the subject of this meeting and of the meeting itself?

Since this is our last and only opportunity for a good access road into the Mesa forever, why is the minimum standard collection road that barely (questionably) meets grade standards considered adequate when a better and safer route has clearly been identified?

Has ACHD considered that there are between 120 and 160 acres of relatively flat private land at the base of Table Rock immediately North of the Wise Development, which the developer shows a key lot connecting , and that the Foothills Policy Plan shows as suitable for development and that the only way for traffic to get down from this area is via the future west access to the Mesa, adding an additional traffic load to this road and strengthening the case for the best possible collector road?

Has the Developer and ACHD considered the Polices of the Foothills Policy Plan providing for future rights-of-ways in locations to connect to adjacent development?

What is the purpose of the keyed lot platted beyond the adjacent lots through the open space between Windsong and the Satz property to the North?

The developer has depicted that the intersection of his proposed Windsong Drive and Warm Springs Avenue has excellent sight distances to the east. Has ACHD staff gone on site to view this for themselves, as those depicted sight distances are not nearly as good as portrayed?

Does ACHD believe that the configuration of developer proposed Windsong Drive intersection with Warm Springs Avenue and associated sight distances and roadway grades are appropriate for a major foothill collector that will need to serve areas beyond the Wise Development in the future.

cc: ACHD Commissioners

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EAST END NEIGHBORHOOD ASSOCIATION, INC.
800 WEST STATE STREET, SUITE 200
BOISE, IDAHO 83702
208/342-3953 FAX-208/343-3282

March 7, 2001

Board of Commissioners
ADA COUNTY HIGHWAY DISTRICT
318 EAST 37TH
GARDEN CITY, ID 83714

RE: Boulder Heights

Dear Commissioners:

The East End Neighborhood Association Board of Directors continues to express its view that the Boulder Heights application be:

A. Deferred and remanded to staff for further study, or alternatively,

B. Approved conditioned on *both* the *opening* of the East and West ParkCenter Bridges *and* the *verification* that these bridge openings will have the effect of reducing Warm Springs traffic counts at Walnut.

The present design for an easterly connection to Warm Springs is unlikely to become a reality for the following reasons.

1. Mesa neighbors remain dissatisfied with the Trent Point design.

2. The cost sharing is unrealistic and no more than idle speculation.

3. The proposal adversely impacts greenbelt design over the old railroad right of way. The City Parks Department has not seen this plan. Parks Department is the owner of the Greenbelt, and needs to have comment before, not after, ACHD and others review this latest plan.

4. Even at concept level approval, the proposal has not been studied for any engineering effectiveness. That is, nothing in the submittal substantiates that this design will truly direct Mesa traffic easterly nor reduce traffic on historic Warm Springs at Walnut.

5. The proposal impacts wetlands to the south of the greenbelt and may also create an intrusion into the floodplain, in violation of the City's River system

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ordinance. No mitigation plan has been proposed. Mitigation must clearly be part of the concept plan.

The intersection and eastern access road plan are not fully developed enough even as concepts to warrant further approval. The only rational options for this Commission to adopt are stated in the first paragraph.

Sincerely,

Stephen J. Lord
President, EENA, Inc.

Cc: Bayless Manning, President, WSHDA
Homer Wise
Bruce Eggleston, City Planner
Dave Selvage, Parks Planner