

**JBS ENTERPRISES, LLC**  
**LAND DEVELOPMENT CONSULTING**

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February 22, 2011

Mr. Cody Riddle  
Mr. Todd Tucker  
Boise City Planning and Zoning  
150 N. Capitol Blvd.  
Boise, ID 83712

Subject:       Boise River Ranch Subdivision  
                  Annexation / Rezone / Preliminary Plat / PUD / Boise River System /  
                  Hillside Development / Variance

Dear Cody and Todd:

On behalf of Hoyle Investment, LLC, please accept the subject applications and support materials for the development of Boise River Ranch in the City of Boise. The new 7-lot subdivision is planned for 7.7 acres located at 4008 and 4310 E. Boise Avenue with frontage on Healey Road at the end of Boise Avenue. (3N, 3E, Section 29). The property is adjacent to the Boise City limits and is bounded on the north by the Boise River and Nampa Meridian Irrigation District property, to the south by the New York Canal and Healey Road, to the west by Eckert/Healey Road and to the east by residential and open space lots. The property currently has a zoning designation of R-1 (one dwelling unit per acre) in Ada County. The Boise City Comprehensive Plan designation is Open Space.

#### History

An application for a 10-lot subdivision was made to Boise City in 2008. That development plan, also known as Villa Verona, was denied by the Boise City Council. Subsequently an application for a 7-lot subdivision was made to Ada County in 2009. That project was also denied by the Ada County Commissioners. Many of the concerns and issues that were raised in these development proposals have been addressed in the current application.

#### Annexation/Rezone

The subject property is within Boise City's Area of Impact and has a Comprehensive Plan land use designation of Open Space. According to the Land Use/Zoning Consistency Matrix, the Open Space designation allows zoning for the A-1 open space zone. We are requesting that the property be annexed into the City of Boise with an A-1 open space zone which allows one dwelling unit per acre. This zoning classification will allow development of residential uses that are compatible with the existing uses in the area while also using the existing infrastructure and services.

## Preliminary Plat/Planned Unit Development (PUD)

The current development plan is to subdivide the 7.7-acre site into 7 single family residential building lots and one common lot, as is allowed by the proposed zone. Through the Planned Unit Development application we are requesting that the building lots be reduced in size and clustered on the western portion of the property. This layout is responsive to the unique features on and adjacent to the site. In fact, all of the building lots will be located west of the entry into the property and will be 0.47 to 0.69 acres in size. The common lot encompasses the eastern portion of the property that is adjacent to the New York Canal. The undeveloped common lot will be 3.92 acres or just over 50% of the site. Each of the building lots has the required frontage on Healey Road; however, the lots will take access via an access roadway that connects to Boise River Lane. We are also requesting, through the PUD application, that the interior lot line setbacks be reduced to 5 feet, instead of the 10' as set by this zone. The 5' side yard setback is in keeping with the residential use of the property. None of the homes will exceed the 35' height limit. The setback from the Boise River is discussed below in the Boise River System Permit section of this letter.

The entry into the property will be improved to allow a perpendicular intersection with Healey Road, plus a tapered connection to the existing Boise River Lane. The access to the proposed lots will be a 24-foot wide asphalt roadway, with a fire/emergency turnaround between lots 2 and 3. The new access will be screened from Healey Road with heavy landscaping upon and around the existing berm that runs much of the length of Healey Road.

We are requesting that this access be gated. The gate is requested due to the need to restrict public access to the private lots and to the Boise River in this location. Currently recreationists have been using the property as overflow parking for Barber Park. The owner has posted the property for trespassing and also had over 40 vehicles towed from his property within the past year. Mr. Hoyle is concerned that the paved access will continue to be used by trespassers, especially when the access is improved. Parking will not be allowed on the paved access roadway adjacent to the new lots. The public may also attempt to access the Boise River at this location. There will not be a public access along this section of the river due to slopes and the NMID waterworks.

The homes in Boise River Ranch will be custom built and must meet architectural guidelines set by the developer. We have provided some example photos of homes that may be constructed; however, we expect each home to be designed to fit each building lot individually. The architectural controls will also direct garages and driveways to be constructed so as to protect perching eagles from light and noise. (Eagles and the "eagle trees" are discussed below) Decks and patios will also be screened from the eagle habitat. And of course, no construction of the homes (or subdivision) will occur during the winter roosting/perching months of December 15 – February 15, or later if eagle are in the area.

The residents in Boise River Ranch will also be subject to strict CCRs that will help maintain the property and protect the wildlife on the land and in the trees, specifically the eagles in the known perch trees. As noted on the landscape plans, the developer will install the landscaping within the building lots at the top of the river bank as part of the development of the subdivision. The developer and HOA/CCRs will also provide homeowners with directions for landscaping their back yards with native vegetation (no closely cropped back yards).

Please also note that the boundary of the preliminary plat reflects a lot line adjustment that was recorded in 2008 between the property owner and the Nampa Meridian Irrigation District. The lot line adjustment gave the NMID better access to the intake for the Ridenbaugh Canal.

### Hillside Development

A portion of the site that is to be developed is comprised of slopes in excess of 15%, so we have applied for a Category II Hillside Permit. No grading will take place in the steeper areas in the perimeter of the site. The majority of the grading will occur in the area of the bench located in the western interior portion of the site. That bench will be leveled to allow construction of the access roadway and pads for the building lots. As noted on the grading plan, each lot will have a 2-4 foot bench at the mid point of the lot. This grading scheme will maintain flatter areas between the homes, minimizing soil stability and improved drainage.

The only grading east of the entry will be to tie the new entry pavement into the existing Boise River Lane pavement as quickly and safely as possible. We do not plan any grading or landscaping adjacent to the New York Canal or Boise River Lane, except for the entry area, as shown on the landscape plan.

As required by the Category II checklist, we have included with our application: a stamped grading and drainage plan, a Geotechnical Report by MTI that addresses both geological conditions and soils (This report was prepared for the previous Villa Verona application; however, conditions have not changed and the report is applicable to this proposal), and a revegetation plan and report by Jensen Belts Landscape Architects.

### Boise River System and Variance Application

As you are aware, most of the subject property lies within 200 feet of the Boise River and is subject to the Boise River System setback noted in Boise City Code 11-16-04.2.C: *Eagle Perching, Feeding & Loafing Setback Lands and Waters*. The current proposal for developing the property recognizes the importance of keeping all homes 200 feet or more from the known "eagle trees" on the property. In fact, more than half of the property will not be developed and will be left in the existing condition and natural habitat.

We would like to include, by reference, the abundance of information concerning the Boise River System waters, land and setback areas that was included in the previous

proposal for developing this property. As you can tell from our current plans and applications, we have incorporated the most important findings and comments from the previous application process. Included in those comments were the recommendations from the Boise Parks and Recreation Commission. One of the recommendations was to increase the Greenbelt Setback Area to 200' in select locations for the protection of the eagle perch trees. We have incorporated this recommendation by setting all building envelopes 200' or more from the known eagle trees. This development proposal will meet the previously recommended conditions from the Parks Commission.

Also, as part of the previous application, the Boise City planning staff made some important recommendations, many of which are included in this proposed development plan. The *staff's recommendations* are list below, along with our comments.

*Recommended Modifications by staff for Villa Verona application:*

*1. With the exception of the access road, development should not be located within 200' of the known eagle perch trees. For the purposes of this recommendation development includes structures, driveways, and manicured landscape.*

We have incorporated this recommendation into the proposed plan.

*2. The observation blind and entry feature should be eliminated and replaced with additional open space, placed in a common lot with the other naturalized areas.*

The observation blind and entry water feature have been eliminated. The entry will be heavily landscaped to provide a natural buffer to the eagle trees.

*3. The building envelopes for those lots labeled 1-4 shall maintain a minimum 150' setback from the 6,500 cfs line. The building envelopes on lots 5-7 shall maintain a minimum 120' setback. This setback shall be placed in a common lot and landscaped in a manner consistent with the mitigation and enhancement plan.*

The recommended setbacks for lots 1-7 have been included in the proposed design. The setback area will be landscaped (see landscape plan) by the developer; however the area will remain with the individual lots. The individual ownership will discourage homeowners and the general public from using this area as a park, walking area or as access to the Boise River.

*4. The area labeled as lots 8, 9 and 10 should be placed in the common lot and landscaped in a manner consistent with the mitigation and enhancement plan.*

The previously labeled lots 8-10 have been eliminated and the area is now a common lot to be left in its existing condition.

*5. The project should include a maximum of eight dwelling units, within the setback parameters established above.*

The proposed project is now designed with 7 dwelling units, within the setback parameters that were recommended by the staff.

6. *The applicant should provide a crosswalk from the project site across Healey Road. The crosswalk location should comply with ACHD requirements. If a crosswalk is not provided, the applicant should provide documentation justifying its absence from ACHD.*

We have not shown a crosswalk as noted above; however, we have contacted ACHD for a determination if a safe crossing is possible in this area.

We do not recommend a crosswalk to the property because it will encourage the public to enter into this privately owned land, likely looking for an access to the Boise River, which does not exist. A crosswalk will also encourage the public to enter the area during the eagle perching months.

7. *If a crosswalk is provided, a walkway from the edge of Healey Road into the development should be incorporated into the project design.*

If a cross walk must be provided, an appropriate, but limited, sidewalk section will be incorporated into the design. This design change will reduce the landscaping at the intersection of Healey Road and Boise River Lane.

8. *The service drive east of the project entrance should not encroach any further into the 200' setback than the current private lane.*

As shown on the plat, the required entry improvements taper into the existing service drive to the east as quickly and as safely as possible, minimizing encroachment into the 200' setback

9. *The project shall not include a gate that restricts public access to the development.*

We are proposing a gate into the section of the project with the new lots, for the reasons noted previously. The gate will not be constructed at the entry into Boise River Lane and will not impact the current residents using the Lane or the general public.

The variance request, included in the application package, reflects the requested 150' and 120' setbacks for the homes on lots 1-7 as noted above. Variances and waivers of the Boise River System Ordinance are allowed if there is a hardship or exceptional circumstance associated with the property and/or if the enhancement to the property increases the quantity or quality of natural resources. This property is unique in its linear configuration and location, so that a strict application of the 200' setback will allow less than 25% of the property to be developed. The current proposal for the property development will dedicate approximately half of the site as a common lot. This lot is expected to be left in its natural condition and will never be developed, permanently enhancing the natural resources in the area. The lot may be gifted to the City of Boise or a land trust, or may be recorded with a conservation easement and maintained by the homeowners. In any case, the common lot will not be built upon and will remain as lasting natural habitat.

As you can see from reduction in the number and the clustering of lots, the location of homes outside of the 200' setback from the eagle trees, the commitment to quality landscaping and buffering, we are meeting most, if not all, of the concerns raised during the previous application process. In addition, we held a neighborhood meeting on

February 8, 2011, to review a draft layout for the project. The meeting was well-attended by neighbors and a representative of SENA. Based on comments from the meeting we understand that the neighbors are supportive of this latest development proposal.

I look forward to working with you and your staff through the approval process. Please do not hesitate to contact me if you have questions about the application or the project.

Sincerely,

*Jane B. Suggs*

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