



**Derick O'Neill**

Director

**Boise City Hall**

150 N. Capitol Boulevard

**Mailing Address**

P. O. Box 500  
Boise, Idaho 83701-0500

**Phone**

208/384-3830

**Fax**

208/384-3814

**TDD/TTY**

800/377-3529

**Web**

[www.cityofboise.org/pds](http://www.cityofboise.org/pds)

**Mayor**

David H. Bieter

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Ben Quintana

TJ Thomson

## Planning & Development Services

August 10, 2016

Jeremy Telford

Arete Investments Group, LLC

2048 W Astonte St.

Meridia, Idaho 83646

[jeremy@jeremytelford.com](mailto:jeremy@jeremytelford.com)

sent via email

**Re: PUD16-00015, CVA16-00033, CFH16-00031 & SUB16-00033  
1250 E Amity Rd**

Dear Mr. Telford:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use and hillside development permit along with a preliminary plat for a 28-unit planned residential development comprised of attached townhomes on a  $\pm 3.66$ -acre site located at 1250 E. Amity Road in R-1C (Single Family Residential), C-4D (Planned Commercial with Design Review) and M-1D (Light Industrial with Design Review) zones. An exception to exceed the 35' height limit by approximately 7' for the dwellings along Federal Way and Amity Road and a variance to reduce the front setback requirements for a retaining wall and parking are also included.

The Boise City Planning and Zoning Commission, at their hearing of **August 8, 2016**, **approved** your conditional use, hillside development & variance permit requests, based on compliance with the attached Reasons for the Decision and Conditions of Approval.

May we also take this opportunity to inform you of the following:

1. These approvals will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:  
<http://pds.cityofboise.org/> or <http://pds.cityofboise.org/home/documents/apps/100/>
3. All appeals of these permits must be filed by **5:00 P.M., on August 18, 2016**.
4. If these permits are not acted upon within two (2) years, it will become null and void without further notification from this Department.
5. If this Boise River System and Floodplain Development Permit is not acted upon within 36 months, it will become null and void without further notification from this department.

This letter constitutes your Conditional Use Permit, Hillside Development Permit & Variance Permit.

On **August 8, 2016**, the Boise City Planning & Zoning Commission recommended **approval** of the Preliminary Plat of the Echelon Ridge Subdivision to the Boise City Council, subject to compliance with the Conditions of Approval listed below.

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

If you have any questions, please contact me at (208) 384-3816.

Sincerely,



Leon Letson  
Associate Planner  
Boise City Planning and Development Services

LL/wm

cc: Jay Walker / Allterra Consulting / 9208 JR Way Middleton, ID. 83644  
Fred Fritchman / Southeast NE / [Ffritchman@msn.com](mailto:Ffritchman@msn.com)

## **Reason for the Decision**

### **Planned Unit Development**

This attached single-family home development is compatible with other uses in the neighborhood and those reasonably expected to develop. It will serve as a transition between a large neighborhood of detached single-family homes that exist to the northeast of the subject property and more intense commercial and industrial uses that exist to the south and west. The project is also consistent with the Comprehensive Plan, which includes numerous principles encouraging a mix of housing in neighborhoods near activity centers as well as infill development that does not require the costly extension of infrastructure. The subject property is located slightly more than one mile from the Bown Crossing Neighborhood Activity Center and the Micron Regional Activity Center. All necessary utilities and infrastructure are readily available. With the approved conditions, the site is large enough to accommodate the project without adversely impacting surrounding properties. The requested height exception is not approved because it will negatively impact the existing neighborhood by providing too prominent of views into the rear yards of the existing neighborhood. Furthermore, internal setbacks between paired townhomes have been increased to 5' to side property lines, versus the requested 3', to mitigate the intensity of the development by providing additional visibility between structures. Comments from public agencies confirm the project will not place an undue burden on the transportation system or other infrastructure in the neighborhood.

### **Variance**

There are exceptional circumstances associated with the subject property, which is a uniquely shaped lot with steep hillside areas. Due to its location at the northwest corner of two arterial roadways, Federal Way and Amity Road, options for access to the site are limited. Approximately 420' from the intersection, ACHD has approved a private street access onto Amity Road. A 9' retaining wall in the front setback is required to construct this access. Although the Comprehensive Plan does not specifically address variances for retaining walls, the single access point proposed for this project in conjunction with new sidewalk proposed along Amity Road are supported by *Goal CC7*, which aims to enhance pedestrian connectivity and comfort. Granting this variance will not be materially detrimental to the public health, safety, or welfare of the neighborhood.

### **Hillside Development**

The project is in compliance with the technical requirements of the Hillside and Foothills Areas Development Ordinance. The applicant's engineering analysis approved by Boise City Public Works demonstrates the land is capable of the volume and type of development proposed. The project site does not include any lands within the floodway or floodplain and as a result will not create potential hazards related to hydrology or soil instability. Furthermore, the Boise Fire Department noted the application can be approved subject to compliance with the Boise City Fire Code and adopted sections of the International Fire Code. Conditions of approval will prevent adverse impacts on other property in the vicinity as it relates to grading, drainage, and hazardous areas.

## Recommended Conditions of Approval

### Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **June 28, 2016**, and the revised preliminary plat and landscape plan received **August 2, 2016**, and **August 3, 2016**, except as expressly modified by the following conditions:
2. **Planned Unit Development:**
  - a. A 9' retaining wall for the construction of the private street is permitted within the front setback.
  - b. Internal setbacks between paired townhomes shall be a minimum of 5'.
  - c. The central gathering space shall be located within a common lot.
  - d. Landscaping along Federal Way shall be installed between the existing multi-use pathway and the proposed private street.
  - e. A denser planting of Class II trees and multiple conifer species shall be required in the landscape buffer along the northeastern boundary of the property.
  - f. Class II trees shall be planted in the landscape buffers along Amity Road and Class I trees along Federal Way, due to overhead power lines.
3. **Subdivision:**
  - a. A note on the face of the Final Plat shall state: *"The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD16-00015, CVA6-00033, and CFH16-00031."*
  - b. A letter shall be provided to the City from the Idaho Department of Environmental Quality stating the subject property is suitable for residential development prior to submittal of grading permits.
  - c. The plat notes designating the associated common lots from Breckenridge Subdivision #5 and Promontory Ridge Subdivision as "non-buildable" shall be vacated prior to submittal of grading permits.
  - d. A note on the face of the Final Plat shall designate that any Common Lots be owned and maintained by the Echelon Ridge Homeowner's Association. These lots cannot be developed for residential purposes in the future. The common lots shall be designated by Lot and Block.

- e. No building permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of the B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a "Satisfaction of Non-Building Agreement" is recorded.
- f. The name, **Echelon Ridge Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur, applicant shall submit, in writing, from the Ada County Engineer, the new name to the Department of Planning and Development Services and re-approval by the Council of the "revised" Final Plat shall be required. Developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "revised" Final Plat for hearing.
- g. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).
- h. Prior to submitting the Mylar of the Final Plat for the City Engineer's signature, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.
- i. The Mylar shall include the following endorsements or certifications: signatures of owners or dedicators and acknowledgment, certificate of the surveyor, certificate of the Ada County Surveyor, certificate of the Central District Health Department, certificate of the Boise City Engineer, certificate of the Boise City Clerk, signature of the Commissioners of the Ada County Highway District and the Ada County Treasurer (I.C. Title 50-17). The signatures of the owners or dedicator, certificate of the surveyor, certificate of the Central District Health Department and acceptance of the Commissioners of the Ada County Highway District must be executed prior to submittal of the Mylar for the City Engineer's signature.
- j. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
- k. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least twenty working days prior to the expiration of the first two-year period, or expiration date established thereafter.

1. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
2. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer's signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.
- k. Covenants, homeowners' association by-laws or other similar deed restrictions which provide for the use, control and maintenance of all common areas, private streets, shared access and shared parking shall be reviewed and approved by the Boise City Attorney. After recordation of the final plat and CC&R's, no building permit shall be accepted until a copy of the recorded CC&R's have been submitted to the Boise City Attorney.
- l. Prior to the City Engineer's Certification of the Final Plat and/or prior to earth disturbing activities, an Erosion and Sediment Control (ESC) permit must be obtained. An ESC plan conforming to the requirements B.C.C. 8-17, is to be submitted to the ESC Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.
- m. An individual who has attended the Boise City Responsible Person (RP) certification class, or has obtained Interim Certification for the RP shall be identified for this project. A permit will not issue until such time as the name and certification number of the RP has been provided to Boise City. This information can be faxed to 388-4735 or e-mailed to [ejenkins@cityofboise.org](mailto:ejenkins@cityofboise.org).
- n. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:
  1. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,

OR

2. A Non-Building Agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

**NOTE:** “No Parking” signs and curb painting shall be required on streets having a width less than 36-feet, back of curb to back of curb. Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

- o. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."
- p. A letter of acceptance for water service from the utility is required (B.C.C. 11-09-04.3).
- q. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

Contact: Dan Frasier, Postmaster  
770 S. 13th St.  
Boise, ID 83708-0100  
Phone No. (208) 433-4341  
FAX No. (208) 433-4400

- r. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C 9-06-05.M).

### **Agency Requirements**

- 4. Comply with requirements of the Ada County Highway District (ACHD).
- 5. Comply with the requirements of the Idaho Transportation Department (ITD) as outlined in comments dated **June 7, 2016**.
- 6. Comply with the requirements of the Boise School District (BSD) as outlined in comments dated **July 12, 2016**.
- 7. Comply with the requirements of the Boise City Fire Department as outlined in comments dated **July 15, 2016**.
- 8. Comply with the requirement of the Boise Airport as outlined in comments dated **June 3, 2016**.
- 9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for

- a. Grading in comments dated **July 26, 2016**.
- b. Hillside in comments dated **July 27, 2016**.
- c. Drainage in comments dated **July 7, 2016**.
- d. Hydrology in comments dated **July 25, 2016**.
- e. Municipal sewer in comments dated **June 1, 2016**.
- f. Street lighting in comments dated **June 1, 2016**.
- g. Pretreatment comments dated **June 1, 2016**.
- h. Solid Waste collection in comments dated **June 2, 2016**.

Contact BCPW at 208-384-3900 for specific comments or questions. All requirements of the BCPW shall be completed or bonded for prior to submittal of the Final Plat for the signature of the Boise City Engineer.

- 10. Comply with requirements of the Central District Health Department as outlined in comments dated **June 13, 2016**.

### **Standard Conditions of Approval**

- 11. Building permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact Planning and Development Services at (208) 384-3830 regarding questions pertaining to this condition.
- 12. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.
- 13. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
- 14. In compliance with Title 9, Chapter 16, Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling (208) 384-4083. Species shall be selected from the Boise City Tree Selection Guide.
- 15. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
- 16. Utility services shall be installed underground.



17. An occupancy permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
18. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid and submitted to the Subdivision desk on the 2<sup>nd</sup> floor of City Hall. For additional information, please call (208) 384-3830.
19. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
20. 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 successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
21. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
22. This conditional use permit shall be valid for a period not to exceed twenty four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.
23. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
24. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.