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Planning & Development Services

November 15, 2016

Dave Marmillion
Wood River Builders, LLC
516 S. Capitol Blvd
Boise, ID 83702
davemarmillion@gmail.com
(sent via email)

Re: PUD16-00029 & SUB16-00055 / 2420 N. 36th Street

Dear Mr. Marmillion:

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 permit for a 17 unit planned residential development comprised of detached single family homes on 2.87 acres in an R-1C (Single Family Residential) zone and a preliminary plat for a residential subdivision comprised of 17 buildable lots and 2 common lots on 2.87 acres in an R-1C (Single Family Residential) zone.

The Boise City Planning and Zoning Commission, at their hearing of **November 14, 2016, approved** your conditional use request, 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. This conditional use approval 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 this conditional use permit must be filed by **5:00 P.M.**, on **November 25, 2016**.
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit.

On **November 14, 2016**, the Boise City Planning & Zoning Commission recommended **approval** of the Preliminary Plat of the Breneman Square 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) 608-7083.

Sincerely,



Céline Acord
Associate Planner
Boise City Planning and Development Services

CA/tt

CC: Dave Powell / RiveRidge Engineering Company / dpowell@rvrdg.com (sent via email)
Terry Tippery / sandytippery@packagingcorp.com (sent via email)
Sunset Neighborhood Association / Michelle Doane / sunsetna83703@gmail.com (sent via email)

Reason for the Decision

This infill project is compatible with the surrounding neighborhood which is mainly comprised of detached, single-family homes with a few attached townhomes to the south. The applicant has requested reduced lot sizes and widths but the proposal does not exceed the allowed density for the R-1C (Single Family Residential) zone. The proposed homes will be a mix between one- and two-story homes with unique character and modulation and will provide pedestrian-scaled visual interest in the neighborhood. The garages are located in the rear, facing service drives that function like alleys. This development complies with several policies in *Blueprint Boise*. *Principle IDP-N.3* encourages minimizing the placement of garages along the block face of residential streets. Overall, infill projects are encouraged by *Principle IDP-N.1* and *Goal CC1.1* for this mostly undeveloped, vacant lot within an established neighborhood.

Correspondence received from commenting agencies indicates the proposed use will not place an undue burden on transportation or other public services in the vicinity. This project will widen and connect Breneman St with 34th St. Both ACHD and the Boise City Fire Department are supportive of this connection as it will improve circulation and provide emergency responders with two access points for the nearby residents. This connection applies *Goal CC2.1* which promotes a connected system of roadways to increase travel options.

Conditions of Approval

Site Specific

1. Construction, use and property development shall be in compliance with the plans and specifications on file with the Boise City Planning and Development Services Department submitted on **September 27, 2016**, revised elevations and house footprints on **October 18, 2016**, landscape plan on **October 25, 2016**, and revised preliminary plat received on **October 28, 2016**, except as expressly modified by the following conditions:
2. Solid, six-foot high fencing shall be provided along all perimeter boundaries currently lacking fencing.
3. In accordance with Boise City Code (B.C.C.) 11-07-05.2.F(4), prior to submittal of any construction permits, a landscape plan demonstrating mitigation for the removal of existing trees shall be approved by the Planning Team.

Subdivision Requirements

4. A note shall be added to the face of the Final Plat which states: "The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD16-00029."

5. 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.
6. The name **Breneman Square 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 Surveyor for review and reservation. Should a change in name occur, applicant shall submit, in writing, from the Ada County surveyor, 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.
7. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).
8. 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.
9. 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.
10. Developer shall comply with B.C.C. 11-03-04.3 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.
 - a) 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.

- b) If a time extension is granted, the Boise City Council reserves the right to modify and/or add conditions to the original preliminary plat or Final Plat to conform with adopted policies and/or ordinance changes.
- c) 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.

Agency Requirements

- 11. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of B.C.C. Title 8 Chapter 17 is to be submitted to the Director of Planning and Development Services for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.
- 12. A person 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 be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control with this information at 208-608-7100 or via fax at 208-388-4735.
- 13. 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.).
- 14. 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: 208-433-4301
Fax: 208-433-4400

- 15. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:
 - a) A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
 - b) A non-build 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 29 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.

16. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3.).
17. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for:
 - i. Municipal sewer and pressurized irrigation in a memo dated **September 29, 2016,**
 - ii. Street lighting in a memo dated **September 29, 2016,**
 - iii. Drainage in a memo dated **October 3, 2016,** and
 - iv. Solid Waste collection in a memo dated **September 29, 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.

18. Compliance with the memo from the Independent School District of Boise City dated **October 10, 2016.**
19. Compliance with conditions required from the Ada County Highway District dated **October 19, 2016.**
20. Compliance with the conditions required from the Boise City Building Department dated **October 3, 2016.**
21. Compliance with the conditions required from the Boise City Fire Department dated **October 21, 2016.**
22. Approval from the Boise City Canal prior to the submittal of the final plat.

Standard Conditions

23. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Department at 208-608-7100 regarding questions pertaining to this condition.

24. 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.
25. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
26. 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 208-608-7700. Species shall be selected from the *Boise City Tree Selection Guide*.
27. 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.
28. Utility services shall be installed underground.
29. 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.
30. 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 Planning and Development Services Department. For additional information, please call 208-608-7100.
31. 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.

32. 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.
33. Failure to abide by any condition of this permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
34. These approvals 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:
 - a) 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;
 - OR
 - b) For projects that require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.
35. Prior to the expiration of these approvals, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
36. 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.