



**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. Bieler

**City Council**

**President**

Elaine Clegg

**Council Pro Tem**

Lauren McLean

Maryanne Jordan

Scot Ludwig

Ben Quintana

TJ Thomson

## Planning & Development Services

December 8, 2016

Bob Taunton

The Taunton Group, LLC

2724 S. Palmatier Way

Boise, ID 83716

**Re: CPA15-00008, CAR15-00029 & SUB15-00055 / 6298 S. Cole Road**

Dear Mr. Taunton:

This letter is to inform you of the action taken by the Boise City Council on your request for a rezone of approximately 601 acres from A-2 (Open Land) to SP-03 (Syringa Valley Specific Plan), an amendment to Policy SW-CCN 2.5 of the Comprehensive Plan to remove both the area and density limits on residential development north of the future Land Hazel Road Extension and a preliminary plat for a residential subdivision comprised of 453 buildable and 41 common lots on approximately 101 acres generally located in a proposed SP-03 (Syringa Valley Specific Plan) zone.

The Boise City Council, at their meeting of **November 29, 2016**, **approved** your requests based on the Reason for the Decision and attached Conditions of Approval formally adopted by the Boise City Council on **December 6, 2016**.

**This final decision by the Boise City Council includes the notice to the applicant of the applicant's rights to request a regulatory taking analysis pursuant to Idaho Code 67-8003.**

It will be necessary for the Boise City Council to present three readings of the proposed ordinance before the completion of the rezone.

If you have any questions, please contact Todd Tucker in this department at (208)384-3834.

Sincerely,

Hal Simmons

Planning Director

Boise City Planning and Development Services

HS/wm

cc:

Corey Barton Homes, Inc. / 1977 E. Overland Road Meridian, ID 83642

Southwest Ada County Alliance, Inc. / Attn: Annette DeAngelis / [jangelis10@gmail.com](mailto:jangelis10@gmail.com) (sent via email)

---

**Reason for the Decision****Rezone**

The rezone is consistent with the goals, objectives and policies of the Comprehensive Plan. ***Policy NAC7.1*** encourages a mix of housing types and densities in residential neighborhoods, particularly for projects greater than two acres. The specific plan provides a mix of housing types and products within its neighborhoods to help promote a community feel. The rezone is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties. The majority of the surrounding property to the northwest is currently developed with single-family residential homes. The specific plan includes adequate provisions for utilities, services, roadway networks and emergency vehicles access, and public service demands will not exceed the capacity of existing and planned systems. Public utilities are available to the site and the applicant will be extending those utilities throughout the development. No commenting agency has indicated that the specific plan will place a burden on the public infrastructure in the area. The specific plan will enhance the potential for superior urban design and land use in comparison with development under the base district provisions that would apply if it were not approved. The property is identified as Planned Community on the Land Use Map. Approval of a specific plan is the mechanism the applicant has used to facilitate a planned community. The specific plan has language that regulates the design of the development. It will insure a cohesive development pattern and continuity throughout the specific plan area.

**Comprehensive Plan Amendment**

The amendment is required for the public convenience or necessity, or for the general welfare of the community. To achieve the densities needed along Lake Hazel to warrant transit service in the future, and to provide a buffer to the lower densities further to the south an increase in density is needed. As such, the amendment is for the public convenience, necessity, and for the general welfare of the community.

The amendment is necessary to address changes in conditions within the community that have occurred since the Boise City Comprehensive Plan was adopted or is necessary to correct one or more goal, objective, or policy that exist in the plan. In 2015 the Boise Airport conducted an update to the Noise Exposure Maps and Noise Compatibility Program. The results indicated that no changes to the Airport Influence Overlay for this property would occur. As such, an increase to the allowed density and area allowed for residential development north of Lake Hazel is possible. The amendment is in compliance with and will further the goals, objectives, and policies of the Boise City Comprehensive Plan. Increasing the density in this area will allow for a greater number of homes to be constructed within current City Limits. This development pattern will limit urban sprawl and provide for better opportunities for a mixture of housing types. The amendment will not create inconsistencies between the goals, objectives, and policies within or between any chapters of the Boise City Comprehensive Plan. ***Policy CC9.1(a)*** promotes development patterns that will help build new routes and enhanced service over time. Increasing the density in this area will provide the need for new transit routes in this part of the City.

The amendment will not place an undue burden on transportation or other public facilities in the planning area, and does not adversely impact the delivery of services by any political subdivision providing services. Correspondence from commenting agencies confirms the project will not place an undue burden on the transportation system or other public facilities in the vicinity. The Ada County Highway District (ACHD) Commission approved the project on **January 27, 2016**.

## **CONDITIONS OF APPROVAL**

### **Specific Plan**

1. **No more than 24 building permits and 12 occupancy permits for single-family homes shall be issued within the Kirsten Subdivision until both the Lake Hazel Road and Orchard Street extensions are constructed as a minimum 2 lane interim road section.**
2. **No more than 60 building permits for single-family homes shall be issued within the Kirsten Subdivision until the intersection of Lake Hazel Road and Cole Road and the Lake Hazel bridge over the New York Canal is constructed as a minimum 2 lane interim road section.**
3. **Heavy construction truck traffic shall only use Cole Road to access the property between the hours of 9:00 am and 2:30 pm until Orchard Street and Lake Hazel Road have been constructed with a 2 lane interim road section. After the completion of the interim street construction heavy construction truck traffic shall only utilize Orchard Street and Lake Hazel Road west of Cheyenne for access to the site. The time restriction shall also be removed at that time.**
4. **Prior to approval of the first preliminary plat, after Kirsten Subdivision, the Specific Plan shall be amended to identify a minimum square footage amount of commercial development or establish limits to residential development on the ground floor or some other way to ensure an adequate level of commercial development occurs within the village center sub-district. This amendment shall be approved by the City Council.**
5. **Prior to approval of the first preliminary plat after the Kirsten Subdivision the developer shall work with the City of Boise to establish a mechanism to fund a second fire station.**
6. **The applicant shall coordinate with the Boise City Planning Team and ACHD staff to process a request to allow Eagle Grove Street be a permanent public street access onto Cole Road.**
7. **Streetlight fixtures shall be of a design that will focus the light down to prevent light trespass from the development.**

8. The residential development along the south side of Lake Hazel shall have a density range between 10 and 20 dwelling units per acre.
9. The residential development directly adjacent the City Park, and elementary school located south of Lake Hazel shall have a density range between 6 and 15 dwelling units per acre.
10. All public streets within the specific plan shall be improved with detached sidewalks.
11. All new residential development within the specific plan is subject to an avigation easement and required to meet the sound attenuation standards of a minimum noise level reduction (NLR) of 25 dB.”

**Subdivision**

12. **No more than 12 building permits for single-family homes shall be issued within the Kirsten Subdivision until both the Lake Hazel Road and Orchard Street extensions are constructed as a minimum 2 lane interim road section.**
13. **No more than 60 building permits for single-family homes shall be issued within the Kirsten Subdivision until the intersection of Lake Hazel Road and Cole Road and the Lake Hazel bridge over the New York Canal is constructed as a minimum 2 lane interim road section.**
14. **Heavy construction truck traffic shall only use Cole Road to access the property between the hours of 9:00 am and 2:30 pm until Orchard Street and Lake Hazel Road have been constructed with a 2 lane interim road section. After the completion of the interim street construction heavy construction truck traffic shall only utilize Orchard Street and Lake Hazel Road west of Cheyenne for access to the site. The time restriction shall also be removed at that time.**
15. **The applicant shall coordinate with the Boise City Planning Team and ACHD staff to process a request to allow Eagle Grove Street be a permanent public street access onto Cole Road.**
16. Prior to approval of the final plat containing the 171<sup>st</sup> buildable lot, the applicant shall submit an updated traffic impact study to Boise City and the Ada County Highway District for review.

**NOTE:** ACHD must sign the final plat before it is recorded. ACHD’s signature of the final plat is contingent upon review and acceptance of the required updated traffic impact study.

17. The final plat shall provide a minimum 30 foot wide common lot along both Cole and Lake Hazel, to be used as a landscaping buffer, as required by Section 11-09-03.7.A of the Boise Development Code.
18. All public streets located within the subdivision shall be improved with a minimum five-foot wide detached sidewalk.
19. The section of Eagle Grove Street between Banded Eagle/Spotted Eagle and Cole Road shall be public right-of-way and not a temporary access easement.
20. The eastern half of Cole Road as it abuts the subject property shall be improved with the following design:
  - a. Vehicle travel lanes shall be 11 feet wide.
  - b. The five-foot wide sidewalk shall be separated from the back of curb by a minimum of eight feet. If located outside of the public right-of-way it shall be located within a permanent easement.
21. Umatilla Avenue shall be constructed with 10.5-foot wide vehicle travel lanes.
22. Umatilla Avenue shall be constructed with a minimum five-foot wide bike lane (measured from the lip of gutter or parking lane line).
23. Umatilla Avenue shall be constructed with seven-foot wide sidewalks that are detached from the back of curb by a minimum of eight feet.
24. Lake Hazel shall be improved with on-street bike lanes when the temporary shoulder is removed.
25. Stormwater facilities along Lake Hazel shall be planned for. The applicant shall identify where future stormwater is to be retained within the right-of-way and/or typical street section (i.e. median, landscape buffer).
26. A note on the face of the Final Plat shall state: "The development of this property shall be in compliance with the Boise City Development Code."
27. A note on the face of the Final Plat shall designate that any common lots shall be owned and maintained by the Kirsten Subdivision Homeowner's Association. These lots cannot be developed for residential purposes in the future. The common lots shall be designated by lot and block.



28. A note shall be placed on the face of the Final Plat which states: "This subdivision is located within the Airport Influence Area A, which is affected by average sound levels in the 60-65 DNL, and/or aircraft traffic patterns below 1,000 feet. All new residential development is subject to an aviation easement and required to meet the sound attenuation standards of a minimum noise level reduction (NLR) of 25 dB."
29. After approval of the Final Plat by the Boise City Council and prior to submittal of the Mylar of the Final Plat, 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, and which shall be consistent with the Fair Housing Act of 1968, as amended from time to time, 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.
30. 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 B.C.C. Title 8-17, 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.
31. An individual who has attended the Boise City Responsible Person (RP) certification class, or has obtained Interim Certification for Responsible Person is not 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 emailed to [ejenkins@cityofboise.org](mailto:ejenkins@cityofboise.org).
32. 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.
33. 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.
34. 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,
  - OR
  - b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

35. The name, **Kirsten 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.

36. 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).
37. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).
38. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).
39. 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

40. Prior to submitting the Final Plat for recording, the following endorsements or certifications must be executed: Signatures of owners or dedicators, 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, signatures of the Commissioners of the Ada County Highway District, and the Ada County Treasurer (I.C. Title 50-17).
41. 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.
- 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 condition(s) to the original preliminary 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**

- 42. The applicant shall comply with the requirements of ACHD as per their staff reports dated **January 19, 2016** (SUB15-00055) and **January 27, 2016** (CAR15-00029 & CPA15-00008).
- 43. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
  - Grading & Drainage – **September 29, 2015**
  - Street Lights – **September 29, 2015**
  - Sewer – **September 30, 2015**
  - Pressure Irrigation – **September 30, 2015**
- 44. The applicant shall comply with any conditions of the Boise Fire Department from the memos dated **January 20, 2016**. Any deviation from this plan is subject to Fire Department approval.
- 45. The applicant shall comply with any conditions of the Boise Parks and Recreation Department from the memo dated **January 11, 2016**.
- 46. The applicant shall comply with any conditions of the Boise Building Division of Planning and Development Services from the memo dated **September 29, 2015**.
- 47. The applicant shall comply with any conditions of the Independent School District of Boise City #1 letters dated **November 5, 2015**, (SUB15-00055) and **November 17, 2015** (CAR15-00029 & CPA15-00008).
- 48. The applicant shall comply with the requirements of the Ada County Street Name Committee evaluation dated **July 9, 2015**, (CAR15-00029) and **September 10, 2015** (SUB15-00055).
- 49. The applicant shall comply with the requirements of the Central District Health Department memo dated **October 15, 2015** (SUB15-00055).
- 50. The applicant shall comply with the requirements of the Boise Project Board of Control from the comments submitted on **October 15, 2015**.