MEMO

TO:	Mayor and Boise City Council
FROM:	Hal Simmons, Planning Director
PREPARED BY:	Leon Letson, Associate Planner
HEARING DATE:	February 27, 2018
RE:	SUB18-00001 / Echelon Ridge Subdivision

The applicant is requesting approval of a final plat for a 29-lot residential subdivision comprised of 28 buildable lots and 1 common lot on 3.7 acres 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.

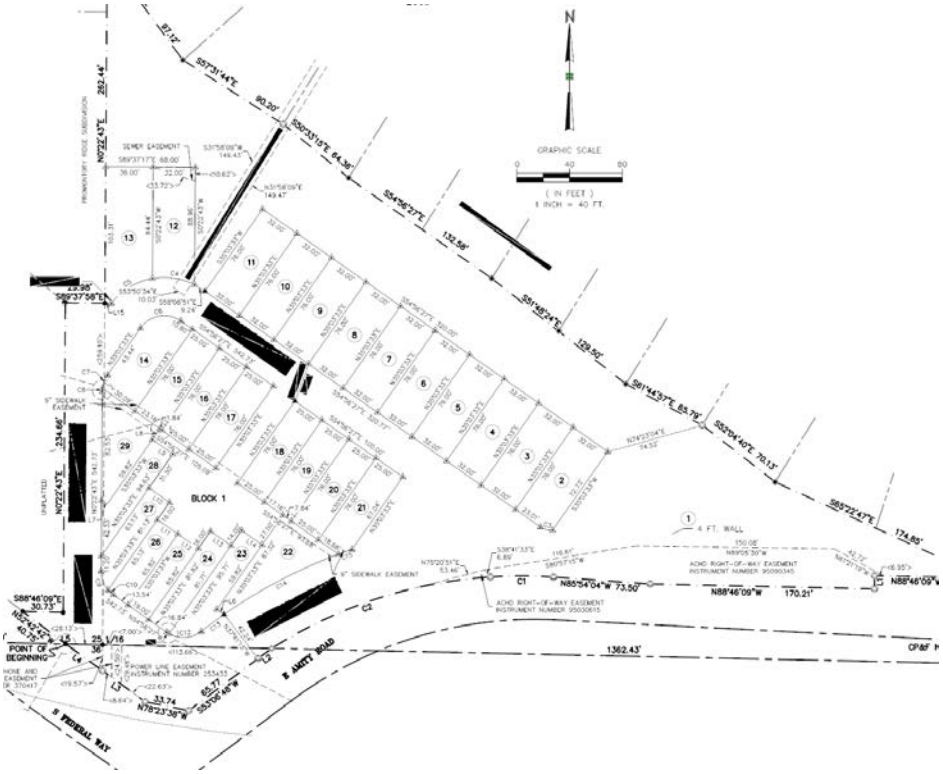


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Summary

The Preliminary Plat of the Echelon Ridge Subdivision (SUB16-00033) was approved by the Boise City Council on November 15, 2016. This application is a final plat for 28 buildable lots and 1 common lot on 3.7 acres. The design and layout of the final plat for Echelon Ridge Subdivision is in conformance with the approved Preliminary Plat, the Boise City Comprehensive Plan, and Development Code.

Recommendation

Approval of the Echelon Ridge Subdivision plat, subject to Conditions of Approval.

PRELIMINARY PLAT OF

ECHELON RIDGE SUBDIVISION

A PORTION OF LAND LOCATED IN A PORTION OF
THE SW1/4 OF SECTION 25 AND THE NW 1/4 OF SECTION 36,
T.3N, R.2E, B.M, BOISE CITY, ADA COUNTY, IDAHO
JULY 29, 2016

NOTES

1. SEE SHEET PP-1 FOR LEGEND.
2. SEE SHEET PP-1 FOR ADDITIONAL NOTES.
3. SEE SHEET PP-1 FOR VICINITY MAP.
4. LOT 1 OF BLOCK 1 IS A COMMON LOT THAT WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND WILL CONTAIN THE PROPOSED SHARED DRIVEWAY AND CONTAINS A BLANKET PUBLIC UTILITY, DRAINAGE, BOISE CITY STREETLIGHT, BOISE CITY SEWER EASEMENT.
5. SEE SHEET GP-1 FOR PRELIMINARY GRADING PLAN.
6. SEE SHEET GP-2 FOR PRELIMINARY PROFILES OF SHARED DRIVEWAY.
7. SEE SHEET ESC-1 FOR PRELIMINARY EROSION AND SEDIMENT CONTROL PLAN.

DEVELOPMENT DATA

TOTAL SUBDIVISION AREA:	3.66 ACRES±
EXISTING ZONING:	R-1C & C-4D
PROPOSED ZONING:	R-1C
TOTAL LOTS:	29 TOTAL (28 BUILDABLE LOTS AND 1 COMMON LOT)
COMMON LOT AREA:	2.20 ACRES± (LOT 1 OF BLOCK 1)
AVERAGE BUILDABLE SIZE:	2,275 SF± (0.052 ACRES±) EXCLUDES COMMON LOTS
GROSS DENSITY:	7.65± BUILDABLE LOTS (UNITS) PER GROSS ACRE

SCALE (FT) 0 15 30 60

REVISIONS		
A	05/24/16 – REVIEW	
B	05/30/16 – STORM	
C	06/15/16 – STORM	
D	07/29/16 – CITY	

PROFESSIONAL ENGINEER — LANCE B. WARNICK — 10077 — STATE OF IDAHO — 07/29/2016

ASPEN ENGINEERS
485 W. Main St, Suite B · PO Box 205 · Kuna, Idaho 83634
Phone: (208) 466-8181 · www.AspenEngineers.com

OWNER / DEVELOPER
ARETE INVESTMENTS GROUP, LLC
2648 W. AMITY RD
MERIDIAN, IDAHO 83642
CONTACT: JEREMY TELFORD
(208) 577-0225

ECHELON RIDGE SUBDIVISION
1350 E. AMITY RD
BOISE, IDAHO 83716

DRAWN	SCALE
PSL	SHOWN
CHECKED	REVISION
LBW	D
DATE	
07/29/2016	
PROJECT	
15078	

TITLE
ECHELON RIDGE SUBDIVISION
PRELIMINARY PLAT DRAWING

SHEET
PP-2
2 of 5

P:\2015\15078\Drawings\Civil\Rev6\15078_PP1.dwg – Lance – Jul 29, 2016 – 12:29pm

ECHELON RIDGE SUBDIVISION

A PORTION OF LAND LOCATED IN A PORTION OF THE
SOUTHWEST $\frac{1}{4}$ OF SECTION 25 AND THE NORTHWEST $\frac{1}{4}$ OF SECTION 36,
TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN,
CITY OF BOISE, ADA COUNTY, IDAHO
2018

BOOK _____, PAGE _____

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	47.97	350.00	007°51'11"	47.93	N89°52'47"W
C2	176.48	350.00	028°53'28"	174.62	S71°55'20"W
C3	9.76	14.00	039°56'37"	9.56	S74°54'46"E
C4	32.88	51.00	036°56'39"	32.32	S81°34'41"E
C5	37.14	51.00	041°43'26"	36.32	N59°05'16"E
C6	34.56	22.00	090°00'00"	31.11	N80°03'33"E
C7	11.02	22.00	028°41'50"	10.90	N20°42'38"E
C8	2.30	22.00	005°59'00"	2.30	N03°22'13"E
C9	15.72	22.00	040°56'18"	15.39	N20°05'26"W
C10	5.52	22.00	014°22'52"	5.51	N47°45'01"W
C11	2.17	22.00	005°38'31"	2.17	N57°45'43"W
C12	25.92	22.00	067°30'58"	24.45	S85°39'33"W
C13	21.48	391.50	003°08'35"	21.47	S53°28'21"W
C14	98.42	391.50	014°24'16"	98.17	S62°14'47"W
C15	10.96	391.50	001°36'14"	10.96	S70°15'02"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°18'09"W	10.00
L2	S53°22'38"W	12.85
L3	N53°57'18"W	40.01
L4	N53°59'05"W	34.29
L5	N88°46'09"W	0.33
L6	S54°56'07"E	6.68
L7	N54°56'27"W	5.09
L8	N35°03'33"E	10.00
L9	N54°56'27"W	19.00
L10	N54°56'27"W	19.00
L11	N54°56'27"W	19.00
L12	N54°56'27"W	19.00
L13	N54°56'27"W	19.00
L14	N54°56'27"W	19.00
L15	S89°37'58"E	4.96

NOTES

1. LOT 1 OF BLOCK 1 IS A COMMON LOT THAT WILL BE OWNED AND MAINTAINED BY THE ECHELON RIDGE HOMEOWNER'S ASSOCIATION AND WILL CONTAIN THE PROPOSED SHARED DRIVEWAY AND CONTAINS A BLANKET PUBLIC UTILITY, DRAINAGE, BOISE CITY STREETLIGHT, AND BOISE CITY SEWER EASEMENT.
2. 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.

REFERENCES

1. BRECKENRIDGE SUBDIVISION NO. 5, BOOK 595794.
2. PROMONTORY RIDGE SUBDIVISION, BOOK 95 PAGE 11651.
3. EASEMENTS AS NOTED.

LEGEND

- BRASS/ALUMINUM CAP
- FOUND 5/8" REBAR WITH PLS 5461 CAP
- FOUND 5/8" REBAR WITH PLS 737 CAP
- FOUND 5/8" REBAR WITH BROKEN CAP
- FOUND 1/2" REBAR REPLACED WITH 5/8" REBAR WITH PLS 7876 CAP
- FOUND 1/2" REBAR WITH NO CAP
- SET 5/8" REBAR WITH PLS 7876 CAP
- SET 1/2" REBAR WITH PLS 7876 CAP
- (1) LOT NUMBER
- <19.57> EASEMENT LINE DISTANCE
- SECTION LINE
- BOUNDARY LINE
- LOT LINE
- CENTER LINE
- EASEMENT
- TIE LINE

GRAPHIC SCALE
0 40 80
(IN FEET)
1 INCH = 40 FT.

S36°18'30"E 97.12'
S57°31'44"E 90.20'
S50°33'15"E 64.36'
S54°56'27"E 132.58'
S51°48'24"E 129.50'
S61°44'57"E 65.79'
S52°04'40"E 70.13'
S65°22'47"E 174.85'
N88°46'09"W 83.58'
N88°46'09"W 170.21'
N85°54'04"W 73.50'
S88°46'09"E 2669.56' BASIS OF BEARING
1362.43'
1306.79'
262.44' N0°22'43"E
234.66' N0°22'43"E
103.31'
82.53'
42.33'
11.20'
S88°46'09"E 30.73'
N52°42'42"W 40.75'
POINT OF BEGINNING
CP&F NO. 94012373
CP&F NO. 106116489
25 1/16 36
26 25 35 36
25 36 1/4

PROMONTORY RIDGE SUBDIVISION
BRECKENRIDGE SUBDIVISION NO. 5
UNPLATTED
BLOCK 1
E ECHELON RIDGE LANE (PRIVATE)
E ECHELON VIEW LANE (PRIVATE)
E AMITY ROAD
S FEDERAL WAY
SEWER EASEMENT S89°37'17"E 68.00'
SEWER EASEMENT PER BRECKENRIDGE SUB. NO. 5
S31°58'09"W 149.43'
N31°58'09"E 149.47'
4 FT. WALL
9" SIDEWALK EASEMENT
AVIGATION EASEMENT INSTRUMENT NUMBER 105132825
THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY EASEMENT INSTRUMENT NUMBER 370417
POWER LINE EASEMENT INSTRUMENT NUMBER 253433
ACHD RIGHT-OF-WAY EASEMENT INSTRUMENT NUMBER 95090345
ACHD RIGHT-OF-WAY EASEMENT INSTRUMENT NUMBER 95030615

Quadrant Consulting, Inc.
1904 W. Overland Rd
Boise, Idaho 83705
(208) 342-0091 PHONE (208) 342-0092 FAX
CIVIL ENGINEERING-SURVEYING

ECHELON RIDGE SUBDIVISION

BOOK _____, PAGE _____

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS THAT DENNIS HOURANY AND IDAHO LAND HOLDING, LLC ARE THE OWNERS OF THE PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL BEING PORTIONS OF LOTS 57 AND 58 OF BLOCK 1 OF BRECKENRIDGE SUBDIVISION NO. 5 AS SHOWN IN BOOK 59 OF PLATS ON PAGES 5794 THRU 5795, ADA COUNTY RECORDS, LOT 5 OF BLOCK 1 OF PROMONTORY RIDGE SUBDIVISION AS SHOWN IN BOOK 95 OF PLATS ON PAGES 11651 THRU 11654, ADA COUNTY RECORDS, BEING LOCATED IN THE SW¼ OF SECTION 25, AND ALSO BEING A PORTION OF THE NW¼ OF SECTION 36, ALL IN TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SW¼ OF SECTION 25, FROM WHICH A ½ INCH DIAMETER REBAR MARKING THE SOUTHEAST CORNER OF SAID SW¼ BEARS S 88°46'09" E A DISTANCE OF 2669.56 FEET;

THENCE S 88°46'09" E ALONG THE SOUTHERLY BOUNDARY OF SAID SW¼ A DISTANCE OF 1306.79 FEET TO A 5/8 INCH DIAMETER REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 5 OF BLOCK 1 OF PROMONTORY RIDE SUBDIVISION AND THE **POINT OF BEGINNING**;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 5 THE FOLLOWING DESCRIBED COURSES:

THENCE N 52°42'42" W A DISTANCE OF 40.75 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE S 88°46'09" E A DISTANCE OF 30.73 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE N 0°22'43" E A DISTANCE OF 234.66 FEET TO A 5/8 INCH DIAMETER REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 5;

THENCE S 89°37'58" E ALONG THE NORTHERLY BOUNDARY OF SAID LOT 5 A DISTANCE OF 29.98 FEET TO A ½ INCH DIAMETER REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 5;

THENCE N 0°22'43" E ALONG THE EASTERLY BOUNDARY OF SAID PROMONTORY RIDGE SUBDIVISION AND THE WESTERLY BOUNDARY OF SAID BRECKENRIDGE SUBDIVISION NO. 5 A DISTANCE OF 262.44 FEET TO A POINT MARKING THE NORTHWEST CORNER OF SAID LOT 57 OF BLOCK 1 OF BRECKENRIDGE SUBDIVISION NO. 5;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LOT 57 THE FOLLOWING DESCRIBED COURSES:

THENCE S 36°18'30" E A DISTANCE OF 97.12 FEET TO A ½ INCH DIAMETER REBAR;

THENCE S 57°31'44" E A DISTANCE OF 90.20 FEET TO A POINT;

THENCE S 50°33'15" E A DISTANCE OF 64.36 FEET TO A ½ INCH DIAMETER REBAR;

THENCE S 54°56'27" E A DISTANCE OF 132.58 FEET TO A ½ INCH DIAMETER REBAR;

THENCE S 51°48'24" E A DISTANCE OF 129.50 FEET TO A ½ INCH DIAMETER REBAR;

THENCE S 61°44'57" E A DISTANCE OF 65.79 FEET TO A POINT;

THENCE S 52°04'40" E A DISTANCE OF 70.13 FEET TO A ½ INCH DIAMETER REBAR;

THENCE S 65°22'47" E A DISTANCE OF 174.85 FEET TO A POINT MARKING THE SOUTHEAST CORNER OF SAID LOT 57 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY OF E. AMITY RD.;

THENCE N 88°46'09" W ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 57 AND SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 83.58 FEET TO A POINT;

THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY S 0°18'09" W A DISTANCE OF 10.00 FEET TO A POINT;

THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY N 88°46'09" W A DISTANCE OF 170.21 FEET TO A POINT;

THENCE LEAVING SAID SOUTHERLY BOUNDARY AND CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY OF E. AMITY RD. THE FOLLOWING DESCRIBED COURSES:

THENCE N 85°54'04" W A DISTANCE OF 73.50 FEET TO A POINT;

THENCE A DISTANCE OF 47.97 FEET ALONG THE ARC OF A 350.00 FOOT RADIUS NON-TANGENT CURVE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 7°51'11" AND A LONG CHORD BEARING N 89°52'47" W A DISTANCE OF 47.93 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID LOT 57;

THENCE LEAVING SAID WESTERLY BOUNDARY A DISTANCE OF 176.48 FEET ALONG THE ARC OF A 350.00 FOOT RADIUS NON-TANGENT CURVE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 28°53'28" AND A LONG CHORD BEARING S 71°55'20" W A DISTANCE OF 174.62 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT 58 OF BLOCK 1 AND THE SOUTHERLY BOUNDARY OF SAID SW¼ OF SECTION 25;

THENCE LEAVING SAID SOUTHERLY BOUNDARIES S 53°22'38" W A DISTANCE OF 12.85 FEET TO A POINT;

THENCE S 53°06'48" W A DISTANCE OF 65.77 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF S. FEDERAL WAY;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF S. FEDERAL WAY THE FOLLOWING DESCRIBED COURSES:

THENCE N 78°23'38" W A DISTANCE OF 33.74 FEET TO A POINT;

THENCE N 53°57'18" W A DISTANCE OF 40.01 FEET TO A POINT;

THENCE N 53°59'05" W A DISTANCE OF 34.29 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID NW¼ OF SAID SECTION 36 AND THE SOUTHERLY BOUNDARY OF SAID LOT 5 OF BLOCK 1 OF PROMONTORY RIDGE SUBDIVISION;

THENCE N 88°46'09" W ALONG SAID NORTHERLY BOUNDARY OF SAID NW¼ AND SAID SOUTHERLY BOUNDARY OF LOT 5 A DISTANCE OF 0.33 FEET TO THE **POINT OF BEGINNING**.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT. THE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR THE USES SPECIFICALLY DEPICTED ON THE PLAT. ALL LOTS WITHIN THIS PLAT WILL BE ELIGIBLE TO RECEIVE WATER FROM SUEZ WATER AND SUEZ WATER HAS AGREED IN WRITING TO SERVE ALL THE LOTS WITHIN THIS SUBDIVISION.

_____

DENNIS HOURANY, PRESIDENT
IDAHO LAND HOLDING, LLC

ACKNOWLEDGMENT

STATE OF IDAHO)
) SS
COUNTY OF ADA)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DENNIS HOURANY, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF IDAHO LAND HOLDING, LLC, AN IDAHO LIMITED LIABILITY COMPANY, WHO EXECUTED THIS INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

_____
NOTARY PUBLIC FOR IDAHO
*COMMISSION EXPIRES:*_____

*RESIDING AT:*_____

Quadrant Consulting, Inc.
1904 W. Overland Rd
Boise, Idaho 83705
(208) 342-0091 PHONE (208) 342-0092 FAX
CIVIL ENGINEERING-SURVEYING

ECHELON RIDGE SUBDIVISION

BOOK _____, PAGE _____

CERTIFICATE OF SURVEYOR

I, PETER W. LOUNSBURY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT, AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS, AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE 55–1601 THROUGH 55–1612.

_____
PETER W. LOUNSBURY *IDAHO NO. 7876*

APPROVAL OF CENTRAL DISTRICT HEALTH DEPARTMENT

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS OR HER AGENT LISTING THE CONDITIONS OF APPROVAL. SANITARY RESTRICTIONS MAY BE RE–IMPOSED, IN ACCORDANCE WITH SECTION 50–1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

_____
DISTRICT HEALTH DEPARTMENT, EHS *DATE*

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE _____ DAY OF _____, 2018.

_____
PRESIDENT ADA COUNTY HIGHWAY DISTRICT

CERTIFICATE OF CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER, IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY CERTIFY THAT I HAVE CHECKED THIS FINAL PLAT AND THAT THE CITY OF BOISE REQUIREMENTS REGARDING FINAL PLATS HAVE BEEN MET.

_____
CITY ENGINEER

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED CITY CLERK, IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE _____ DAY OF _____, 2018, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

_____
CITY CLERK, BOISE, IDAHO

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR FOR ADA COUNTY, IDAHO, HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

_____
COUNTY SURVEYOR

CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF IDAHO CODE 50–1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS PROPOSED SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

_____ _____
DATE *COUNTY TREASURER*

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO)
) SS
COUNTY OF ADA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF _____ AT _____ MINUTES PAST _____ O'CLOCK _____.M., ON THIS _____ DAY OF _____, 2018 IN BOOK _____ OF PLATS AT PAGES _____ THROUGH _____. INSTRUMENT NO. _____

_____ _____
DEPUTY *EX–OFFICIO RECORDER*

Quadrant Consulting, Inc.
1904 W. Overland Rd
Boise, Idaho 83705
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CIVIL ENGINEERING–SURVEYING

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

MEMORANDUM

TO: **Mayor and Boise City Council**

FROM: **Hal Simmons - Planning Director**
Boise City Planning and Development Services

PREPARED BY: **Leon Letson – Associate Planner**
Boise City Planning and Development Services

HEARING DATE: **November 1, 2016**

RE: **APPEAL of PUD16-00015 / SUB16-00033**

Arete Investments Group, LLC is appealing conditions associated with the Planning and Zoning Commission's approval of a conditional use permit for a 28-unit planned residential development on a ±3.66-acre site generally 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. The project also includes a preliminary plat for a 29-lot subdivision consisting of 28 buildable lots and 1 common lot.

The following record is provided for your review:

Page 2 Summary
Page 4 Planning and Zoning Commission Action
Page 5 Appeal Grounds and Response
Page 6 Planning Team Recommendation
Page 6 Standards of Review for Appeals
Page 7 Appeal Application and Memoranda
Page 12 Planning and Zoning Commission Action Letter (Findings)
Page 21 Minutes from the August 8, 2016 P&Z Hearing
Page 53 Project Report from the August 8, 2016 P&Z Hearing
Page 185 Parties of Record List from August 8, 2016 P&Z Hearing
Page 186 Public Comment received after August 8, 2016 P&Z Hearing

Summary

The applicant requests Preliminary Plat approval of a 29-lot subdivision on ±3.66 acres generally 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. As pictured below (**Figure 1**), the project included 28 buildable lots, and 1 common lot.

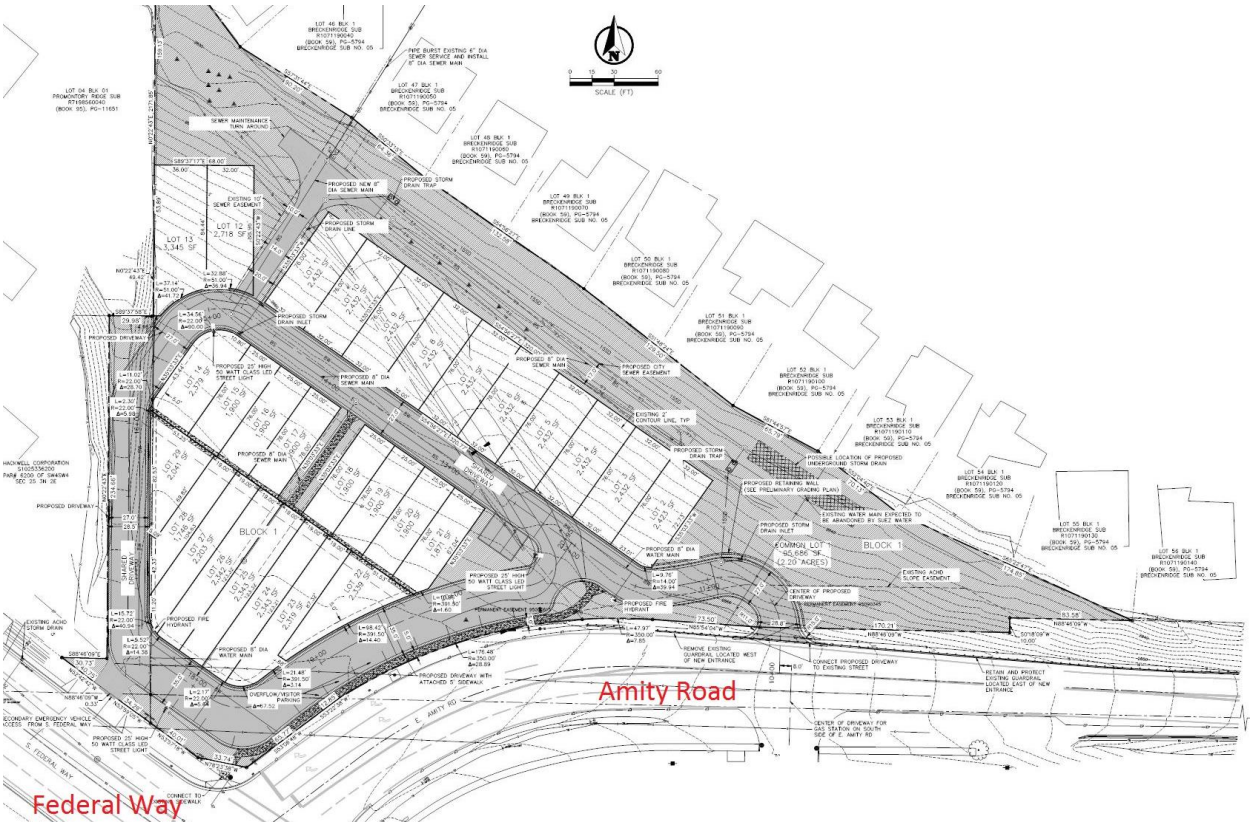


Figure 1

An associated variance, hillside development permit, and planned unit development were also heard at this meeting. The variance was necessary to construct a retaining wall for a private street and parking in the front setback. The hillside development permit was required due to the presence of sensitive slopes and hillside areas on site, and the planned unit development was necessary to reduce lot sizes, lot widths, and setbacks internal to the development. An exception to exceed the 35' height limit by approximately 7' for the dwellings along Federal Way and Amity Road was also included (**Figure 2**).

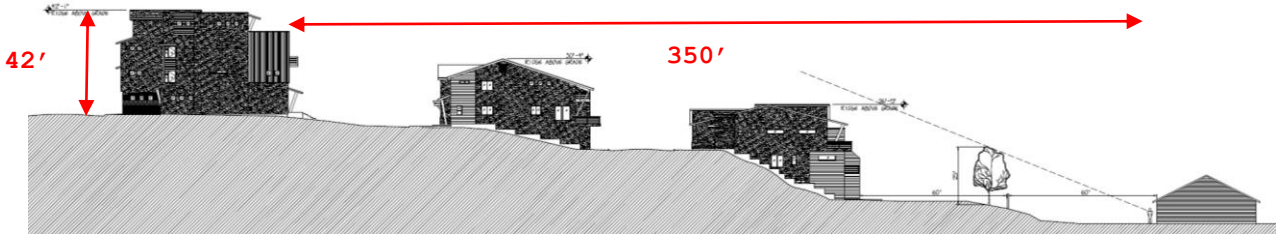


Figure 2

The property is located at the northwest corner of Federal Way and Amity Road. A large neighborhood of detached single-family homes exists to the northeast; more intense commercial and industrial uses exist to the south and west (**Figure 3**).



Figure 3

A connectivity index review was not provided because the proposed private street for this development essentially serves as a looped service drive with a single, primary access to Amity Road and secondary, emergency access to Federal Way. The applicant has requested a waiver to Table 11-09.1 of the Boise City Subdivision Ordinance, which requires that private streets that serve more than 11 lots have a minimum right-of-way width of 40' with a street width (back-of-curb to back-of-curb) of 28'. A 4' wide sidewalk is also required on both sides of the private street. The applicant proposes a 40' wide private street with a street width (back-of-curb to back-of-curb) of 35'. Parallel on-street parking is located on one side of the street and a new 5' sidewalk is proposed along Amity Road. Further into the development, the street narrows to 27' with no on-street parking. The new 5' wide sidewalk along Amity Road will run approximately 280 linear feet from a connection near the proposed private street entrance to an existing 12' wide multi-use path on Federal Way. Extending sidewalk along the remaining 350 linear feet of Amity Road to the end of the development is not possible without the use of significant retaining walls to make passable a steep hillside that starts at the edge of the roadway and is less than 5' from the travel lane.

In addition to the waivers requested to the private street standards requested above, the applicant has also requested a waiver to the 30' buffering requirement for developments adjacent to arterials. A rendering of the applicant's proposal is provided below (**Figure 4**).

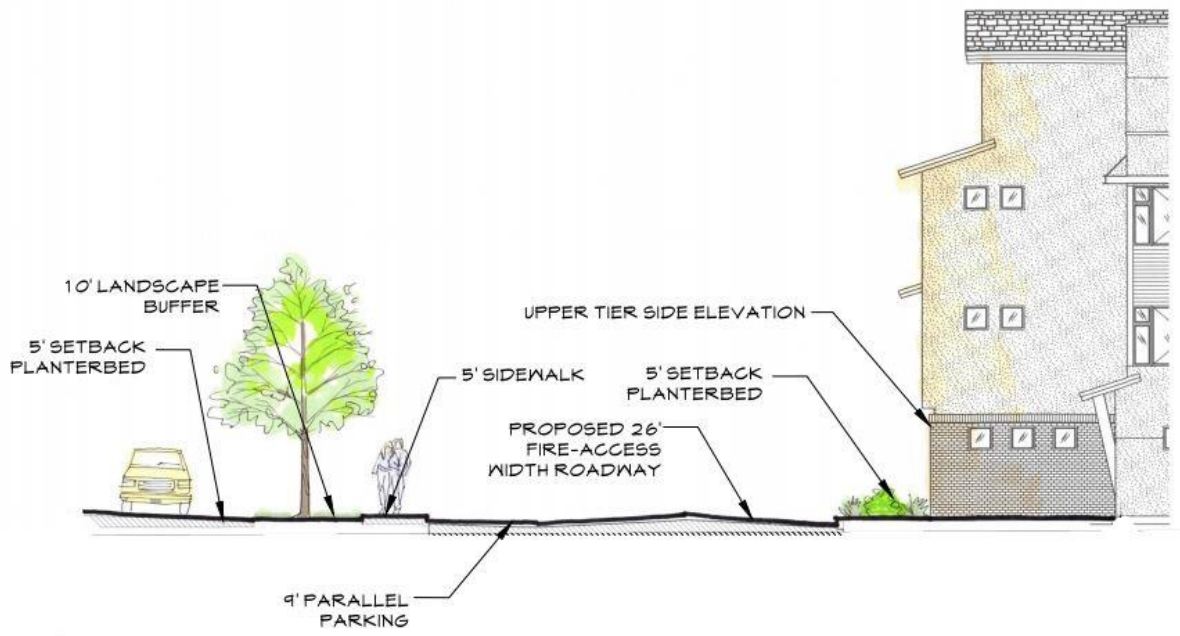


Figure 4

Regarding the requested waivers to the private street standards, The Boise City Fire Department has determined that the proposed design will adequately serve the development. Furthermore, all homes within the development can easily access the internal pathway network that links to the central gathering area and to the pathway and sidewalk that run along Federal Way and Amity Road. Regarding the requested waiver to the arterial buffering requirements, the applicant has proposed an acceptable alternative that integrates landscaping and pedestrian facilities while also providing the necessary separation of dwelling units from high-traffic roadways.

Planning and Zoning Commission Action

The item was heard by the Planning and Zoning Commission on August 8, 2016. After reviewing the application materials and listening to public testimony, they voted unanimously to approve the project, including all waiver requests. However, specific conditions related to the conditional use permit were added. These included denying the requested height exception and increasing the internal setbacks between paired townhomes to 5' to side property lines, versus the requested 3'. The following are the adopted reasons for the conditional use permit decision:

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.

Appeal Grounds and Response

The applicant is appealing to receive approval of the requested height exception and remove the following condition of approval required by the Commission for this project:

2b. Internal setbacks between paired townhomes shall be a minimum of 5'.

The applicant contends the Commission decision to deny the height exception and increase internal setbacks between paired townhomes was inconsistent with previous approvals made by the City for similar projects. The applicant's argument is further detailed below, followed by the Planning Team's response.

1. **The requested height exception will have minimal impact on adjacent residents, but will improve the outdoor living environment of homeowners.**

   Response: The Commission may approve a conditional use permit with conditions to ensure compatibility and prevent negative impacts on surrounding properties. However, the front of the dwellings seeking a height exception of approximately 7' are adjacent to Federal Way and Amity Road and set back an average of 350' from the rear of homes in the existing neighborhood to the northeast. Furthermore, views from the proposed balconies of these units into the rear yards of homes in the existing neighborhood, will be screened by both the second and third tier of townhomes as well as a landscape buffer consisting of a mix of deciduous and evergreen trees. As such, the Planning Team maintains its support of the project as originally proposed by the applicant.

2. **Previous designs of the project included the option of 4-unit town homes, which would have involved more 0' setbacks than the approved project. More 6' separations between paired townhomes will allow for better lighting and egress. There will also be no fences between units. Finally, 6' separations between paired townhomes have been approved in multiple planned unit developments throughout the City and increasing this to 10' is negligible and does not add any value to homeowners.**

   Response: The applicant is accurate regarding the fact that multiple planned unit developments have been approved throughout the City with reduced internal setbacks. Based upon a review of the record, however, the Commission acknowledged that the inclusion of this condition was an attempt to reduce the intensity of the development. The existing zoning of the subject property would allow for a maximum density of 29 units. The applicant is proposing 28 units. Furthermore, this project is located adjacent to two arterial roadways where higher density residential projects are appropriate and will serve as a transitional

buffer between the neighborhood of detached single-family homes to the northeast and the more intense commercial and industrial uses to the south and west. As such, the Planning Team agrees that the Commission's inclusion of this condition may have been arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented.

Planning Team Recommendation

The Planning Team maintains the project is in compliance with Boise City Code and all applicable planning documents. Furthermore, detailed review by ACHD, the Boise City Fire Department, Public Works, and other commenting agencies demonstrates the requested use would not have an adverse impact or place an undue burden on the transportation or other public facilities in the vicinity.

The Planning Team recommends the following:

Uphold the appeal and reverse the decision of the Planning and Zoning Commission by adopting the findings and conditions of approval from the Planning Team's original project report.

In order to approve these applications, the Council will need to find error in the lower body's decision.

Standards of Review for Appeals

Section 11-03-03.09.C(2) of the Boise Development Code provides Council with the following options when acting on an appeal:

(a) Because the review bodies are recognized as having expertise in their substantive areas, the Council shall give due consideration to their decisions.

i. The Council may find error on the following grounds:
ii. The decision is in violation of constitutional, state, or city law. An example would be that the review body's decision would be a taking.
iii. The review body's decision exceeds its statutory authority.
iv. The decision is made upon unlawful procedure. An example would be if notice of a required public hearing was inadequate. In such cases, the matter may be remanded to correct the error.
v. The decision is arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration.
vi. The decision is not supported by substantial evidence.

(b) If error is found, the review body decision may be reversed or modified.

(c) If no error is found the appeal shall be denied and the decision upheld.

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

MEMORANDUM

TO: **Mayor and Boise City Council**

FROM: **Hal Simmons - Planning Director**
Boise City Planning and Development Services

PREPARED BY: **Leon Letson – Associate Planner**
Boise City Planning and Development Services

HEARING DATE: **November 15, 2016**

RE: **PUD16-00015 / SUB16-00033**

Background

On November 1, 2016 City Council heard an appeal of conditions associated with the Planning and Zoning Commission's approval of a conditional use permit for a 28-unit planned residential development on a ±3.66-acre site generally 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. Action was also take on the associated height exception and preliminary plat for a 29-lot subdivision consisting of 28 buildable lots and 1 common lot.

After reviewing the record, and hearing public testimony, Council voted unanimously to remove conditions placed on the project by the Planning and Zoning Commission. As authorized by *B.C.C. 11-03-03.09.C(2),* Council determined the Commission's decision was not supported by substantial evidence. In particular, the following errors were found:

1. The Commission arbitrarily disregarded facts and the proposed conditions in the record intended to address the mitigation of impacts and ensure compatibility with surrounding properties.

***

In overturning the Commission's decision, Council adopts a modified reasoned statement included in the August 8, 2016 project report. Council also adds to the conditions included in that report. The reasoned statement and conditions of approval are attached for review and final adoption.

***

Reason for the Decision

PUD16-00015 (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 requested variance, the site is large enough to accommodate the project without adversely impacting surrounding properties. This is true of the reduced internal setbacks between paired townhomes and the height exception for the dwellings along Federal Way and Amity Road. The reduced internal setbacks allow for larger living units and increased useable open space elsewhere in the development. Regarding the height exception for the dwellings along Federal Way and Amity Road, these are set back an average of 350' from the rear of homes in the existing neighborhood to the northeast. Furthermore, views from the proposed balconies of these units, as they relate to the rear yards of homes in this neighborhood, will be screened by both the second and third tier of townhomes as well as a landscape buffer consisting of a mix of deciduous and evergreen trees. Comments from public agencies confirm the project will not place an undue burden on the transportation system or other infrastructure in the neighborhood.

SUB16-00033 (Preliminary Plat)

The proposed preliminary plat conforms to the requirements of the R-1C (Single Family Residential), C-4D (Planned Commercial with Design Review) and M-1D (Light Industrial with Design Review) zones. With the recommended conditions of approval, the Preliminary Plat is in conformance with the Boise City Comprehensive Plan, Development Code, and other guiding documents.

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**, 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. A maximum height exception of 7'1" is granted for the tier of townhomes nearest Federal Way and Amity Road.
    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.
g. Reduced setbacks of 6' are permitted between paired townhomes.
h. Homes on Lots 12 and 13 of Block 1 shall be restricted to a maximum of two-stories.

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.

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**.

11. Comply with requirements of the Department of Environmental Quality per the emails dated **July 28, 2016** and **August 4, 2016**.

Standard Conditions of Approval

12. 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.

13. 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.

14. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

15. 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.

16. 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.

17. Utility services shall be installed underground.

18. 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.

19. 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 2nd floor of City Hall. For additional information, please call (208) 384-3830.

20. 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.

21. 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.

22. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.

23. 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.

24. 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.

25. 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.

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Application for Appeal

Fee: $ _____

I (we) Jeremy Telford of Arete Investments Group, LLC, **hereby appeal the decision of the Boise City**:

- ☒ Planning & Zoning Commission
- ☐ Hearing Examiner
- ☐ Design Review Committee
- ☐ Historic Preservation Commission
- ☐ Planning Director

File Number: PUD16-00015, CVA16-00033, CFH16-00031 & SUB16-00033 **Address**: 1250 W. Amity Rd.

Specific Action Being Appealed: 1. Denial of internal setback variance allowing 3' to PL (vs. 5') and 2. Denial of height exception allowing 7' of additional building height to allow for 2 stories of views for upper tier units.

Grounds for Appeal

1. Previous designs included the option of 4 unit town homes (zero lot lines), 6' buffer allowed for better lighting & egress.
2. No fences on PL, so the actual space is 6' between buildings, which has been approved in multiple Boise PUDs.
3. 6' space vs 10' space is negligible and does not add any added value to homeowners.
4. Height exception will have minimal impact on adjacent residents but improve the outdoor living environment of the owners.

Appeal Contact Person: Jeremy Telford | Manager of Arete Investments Group, LLC

Address: 2048 W. Astonte St | Meridian, ID 83646

Home Phone: 208.577.0225 Work Phone: _____

Appeals

- ☒ Appeal of an Administrative Decision to the Planning & Zoning Commission or Design Review Committee (non-refundable fee).
- ☐ Appeal of a Design Review Committee Decision to the Planning & Zoning Commission.*
- ☐ Appeal of a Planning & Zoning or Historic Preservation Commission decision to City Council.*
- ☐ Appeal of a Hearing Examiner decision to City Council.*

* Portion of fee is refundable if appeal is successful.

Notes

1. If the reasons for the appeal are resolved prior to the appeal hearing, please contact 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: _____ **Date:** _____

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

ATTN: **Leon Letson | City of Boise Planning & Development Services**
FROM: Jeremy Telford | Arete Investments Group, LLC
DATE: September 1, 2016
REGARDING: Appeal of P&Z Conditions (PUD16-00015) | Echelon Ridge Subdivision

Introduction

Arete Investments Group, LLC has submitted an appeal to the Boise City Council to override two conditions placed on the approval of PUD 16-00015 on August 8, 2016 by the Planning and Zoning Commission. These conditions are:

1. Increase of minimum interior setback requirements from 3′ to 5′ from property lines
2. Denial of building height exception in order to allow four 3-story buildings (out of 14 total) to be built on top of their garages at a total of 7′ higher than standard. Total of 42′ high.

Overview

The challenge we face is that these two site-specific conditions are an essential part of the design and intent of this subdivision. They were intentionally included in our submission to add value as a whole.

When these two items were discussed at the Planning and Zoning hearing, there were multiple opinions expressed with very little facts nor precedent cited. As such, I invite the City Council to reconsider the full approval of this project, as previously proposed by the Planning and Development staff.

Here are the reasons these items should be overruled and PUD16-00015 should be approved as originally submitted.

Item #1

This project is zoned to allow 8 Units per acre—yet we have designed Echelon Ridge to still provide as much common area open space as possible. As such, in working with the Planning Staff, we designed the building layout with a minimal amount of space between the buildings. (The other alternative was to design the project with 3-plex and 4-plex building, but this would have created less desirable "middle" units and given even less of a break between buildings).

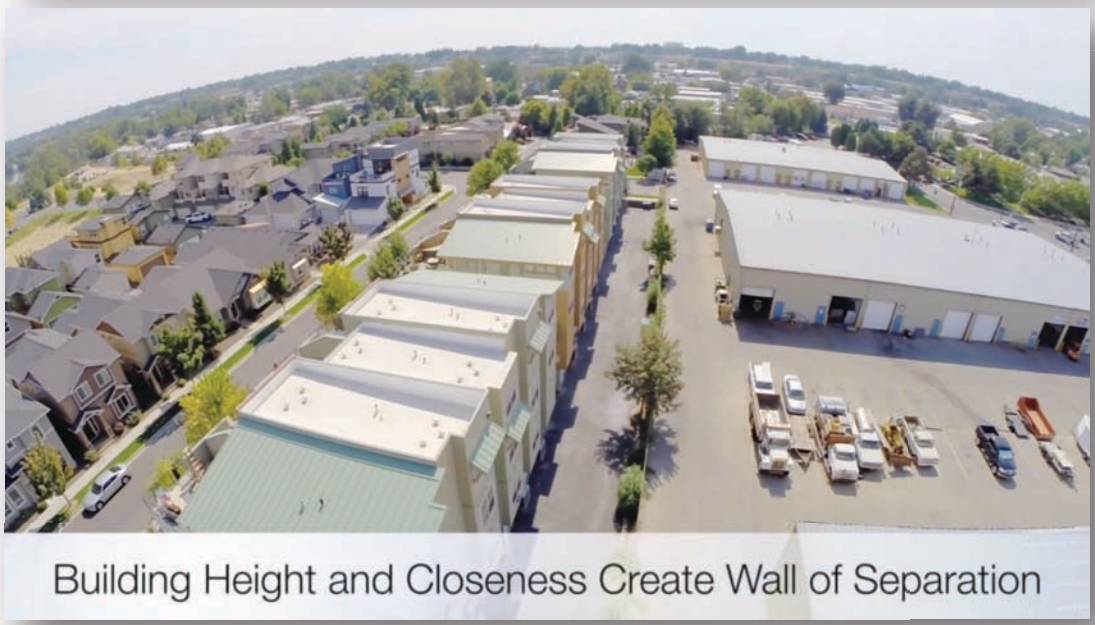
By designing the layout with a 3′ setback to PL—a total of 6+ feet between buildings—we are able to maintain the "medium density" designation of this infill site while giving each unit three walls of window light and additional Fire Department ingress/egress. The narrow space between the tall buildings in the Southwest corner also creates a sight and sound barrier for downhill neighbors against the noise created by Federal Way, Motive Power, Maverik and the Mattress Factory. This "barrier" concept was well utilized in a similar project in Garden City called The Waterfront District, which backs to ACHD's production facility. (See Page 2).

We feel that the P&Z recommended increase from 6′ between buildings to 10′ between buildings does not add a noticeable value to the subdivision (nor its neighbors) and will allow more ambient industrial sound to pass

between the buildings. This negates our intent to create a comfortable common courtyard area and a quiet environment for the elevated outdoor living areas that are the primary attraction to this style of project.



Similar Scale & Massing of 4-Story Buildings



Building Height and Closeness Create Wall of Separation

The space between the buildings is not intended to be usable space—whether at 6 or 10 feet wide. It is intended only to allow walking access from front to back, fire access and additional window light.

In addition, because we are building paired townhomes, we cannot simply take out one lot from each row of homes. If we widen from 3′ to 5′ between units, we lose 6 units in the subdivision and would need to start from scratch in our engineering work.

The 3-foot interior setback is a condition that has been approved in the past on various projects in Boise—we are asking for the same approval.

Item #2

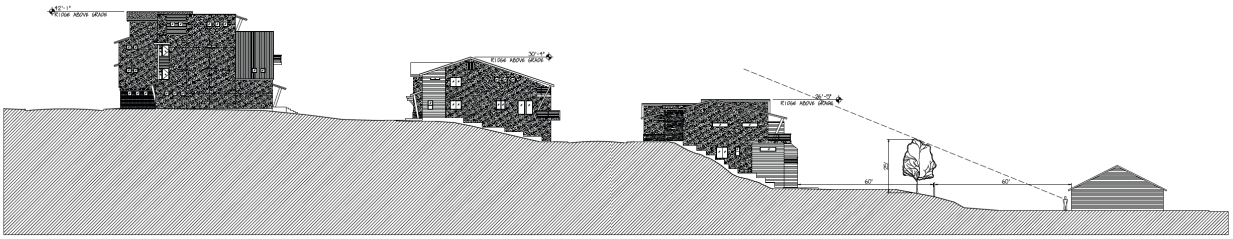
There is a mild slope to the existing property and excellent views for future residents. We plan to take advantage of these views by building three tiers of buildings, cascading downward in 18′-20′ increments. This will allow for two outdoor patios on the upper stories of each residence with unobstructed views across the Treasure Valley. Our vision is to provide an "elevated" lifestyle for residents, in which barbecues and social gatherings will be held three and four stories in the air while enjoying unmatched views of the City and Mountains. By allowing just 7 additional feet of building height, we can provide these dual level patios for all 28 units.



As mentioned above (Item #1) the additional proposed height of the 4 of the 14 buildings (rear units in the SW corner) allows not only for spectacular city views but also provides a sight and sound barrier for all other units by obstructing the noise flow from the adjacent roads and industrial properties.

As discussed in the by the Planning and Zoning Commission, a building that is 42′ high rather than 35′ high does not create any additional risk to motorists or pedestrians operating at street level and—as neighbors down the hill are over 400′ away from these buildings—the increase of 7′ in height will have a minimal impact.

In fact, per the exhibit below, because of the lower tier of homes (which are standard height) the downhill homeowners see very little of these buildings regardless of height at which they are constructed.



2 SITE SECTION
SCALE: N.T.S.

Conclusion

Per these points of reason, we invite the City Council to support the recommendation of the Planning & Development Staff in Approving PUD16-00015 "as is" by overriding these two additional conditions imposed by the Planning and Zoning Commission.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Jeremy Telford, Manager
208.577.0225 | Jeremy@JeremyTelford.com

Derick O'Neill
Director

Boise City Hall
150 N. Capitol Boulevard

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Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council Pro Tem
Lauren McLean

Maryanne Jordan
Scot Ludwig
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
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 ±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.

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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

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.

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 2nd 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.

CITY OF BOISE

PLANNING & ZONING COMMISSION MEETING

MINUTES ● August 8, 2016

City Hall – Council Chambers 6:00PM

FINAL

COMMISSION MEMBERS PRESENT

☐ Rich Demarest, Chair
☒ Milt Gillespie, Vice-Chair
☒ Stephen Bradbury
☐ Douglas Gibson
☒ Jennifer Stevens
☒ Tamara Ansotegui

PDS MEMBERS PRESENT

Scott Spjute, Cody Riddle, Susan Riggs, Leon Letson, Brent Moore, David Moser, Celine Acord, Todd Tucker, Whitney Montgomery and Andrea Carroll (Legal).

I. CONSENT AGENDA

CVA16-00027 / GTRE-Victory & Eagle SEC LLC
Location: 1428 E. Jefferson Street
Variance to reduce the front and street side setback for an addition to a single family home located in an R-2H (Medium Density Residential with Historic Overlay) zone. *Susan Riggs*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CAR16-00020 / Interstate Truck and Equipment
Location: 7150 W. Targee Street
Rezone of 7.69 acres from L-OD (Limited Office with Design Review) to M-1D (Light Industrial with Design Review). *Brent Moore*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CAR16-00021 / Big Tree Development, LLC
Location: 2320 N. 16th Street
Rezone of 0.15 acres from C-2D (General Commercial with Design Review) to R-3D (Residential Multiple-Family with Design Review). *Brent Moore*

FINAL

CVA16-00037 / Big Tree Development, LLC
Location: 2320 N. 16th Street
Variance to reduce the front and rear yard setbacks from 15 to 10 feet and side yard setbacks from 10 to 5 feet for two single family residences proposed on 0.15 acres located in a proposed R-3D (Residential Multiple-Family with Design Review) zone. *Brent Moore*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CUP16-00050 / The Land Group, Inc
Location: 1209 S. Broadway Avenue
Conditional use permit for a general exception and parking reduction for the 5.3-acre site generally located in a R-3D (Multi-Family Residential with Design Review) and C-2D (General Commercial with Design Review) zones. The general exception is to apply the commercial zoning standards to the entire subject property. *David Moser*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CUP16-00051 / Wal-Mart Stores, Inc
Location: 8256 W. Overland Road
Conditional use permit to add a convenience store with fuel sales to an existing commercial development on 1.2 acres located in a C-4D (Planned Commercial with Design Review) zone. *David Moser*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CVA16-00039 / Golden West Signs
Location: 918 W. Idaho Street
Variance to exceed the maximum allowed height and background area for a projecting sign proposed in a C-5DD (Central Business District with Downtown Design Review) zone. *Céline Acord*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

FINAL

SOS16-00013 / Hunter Foothills, LLC
Location: S0920449765
Waiver of the Development Code to allow the issuance of building permits for model homes on property that is involved in the platting process but has not had the final plat recorded. The property is zoned SP-01 (Harris Ranch Specific Plan) and is approximately 69.22 acres in size. *Todd Tucker*

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

JULY 11, 2016 MEETING MINUTES

JULY 18, 2016 MEETING MINUTES

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CVA16-00027; CAR16-00020; CAR16-00021 & CVA16-00037; CVA16-00039; SOS16-00013; CUP16-00050; CUP16-00051 AND MEETING MINUTES FROM JULY 11, 2016 & JULY 18, 2016.

SECONDER: COMMISSIONER STEVENS

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

II. DEFERRAL AGENDA

PUD16-00020 & CVA16-00040 / Barcat LLC
Location: 6230 W. State Street
Conditional use permit for a 44-unit planned residential development comprised of 11 4-plex buildings on 1.85 acres located in a C-4D (Planned Commercial with Design Review) zone. A variance to reduce the side yard setback for a service drive and parking lot is included. *Todd Tucker*

MOTION: COMMISSIONER ANSOTEGUI MOVED TO DEFER PUD16-00020 & CVA16-00040 TO A DATE CERTAIN OF SEPTEMBER 12, 2016.

SECONDER: COMMISSIONER BRADBURY

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

III. ADOPTION OF FINDINGS

COMMISSIONER BRADBURY RECUSED HIMSELF

Chairman Gillespie: Why don't we take up item B which is the adoption of findings for five items we considered last week and I think this matter is before the Commission.

CUP16-00017 / Suggs Community Solutions
Location: 701 E. Ridgeline Drive
Conditional use permit modification to add 12 additional homes to a previously approved residential development on approximately 47 acres generally located in an A-1 (Open Land) zone. *Susan Riggs* & *Todd Tucker*

CFH16-00014 / Suggs Community Solutions
Location: 701 E. Ridgeline Drive
Hillside development permit for the grading associated with a 25 acre subdivision located in an A-1 (Open Land) zone. *Susan Riggs* & *Todd Tucker*

SUB16-00013 / Somerset Ridge Subdivision No. 7
Location: 701 E. Ridgeline Drive
Preliminary plat for a residential subdivision comprised of 18 buildable lots and 3 common lots on 25 acres located in an A-1 (Open Land) zone. *Susan Riggs* & *Todd Tucker*

CFH16-00015 / Suggs Community Solutions
Location: 750 E. Nature View Court
Hillside development permit for the grading associated with a 22.3 acre subdivision located in an A-1 (Open Land) zone. *Susan Riggs* & *Todd Tucker*

SUB16-00014 / Somerset Ridge Subdivision No. 8
Location: 750 E. Nature View Court
Preliminary plat for a residential subdivision comprised of 2 buildable lots and 2 common lots on 22.3 acres located in an A-1 (Open Land) zone. *Susan Riggs* & *Todd Tucker*

Commissioner Stevens: I'm going to make a motion to approve the findings brought back by staff, including numbers 1-7, and I think that staff did a great job reflecting the discussion that was had on the record and I think it's important to add 7 regarding the adverse impact per Boise City Code 11-3-4.6C7A4 and I appreciate that they recognized that that was part of our discussion, but wasn't necessarily immediately, or specifically noted by the Commission last week. So, I do want to add number 7 to that motion.

Commissioner Ansotegui: Mr. Chair, second.

MOTION: **COMMISSIONER STEVENS MOVED TO APPROVE THE REVISED FINDINGS INCLUDING NUMBER 7 FOR ITEMS: CUP16-00017; CFH16-00014; SUB16-00013; CFH16-00015 & SUB16-00014.**

SECONDER: **COMMISSIONER ANSOTEGUI**

Chairman Gillespie: We have a second. Is there any discussion? So, let me just repeat for the record, so we have a motion to approve the findings 1-7.

Commissioner Stevens: That's correct.

Chairman Gillespie: Is there any further discussion? So on this matter, Commissioner Bradbury because he recused himself from the last meeting, he will also be recusing himself from this vote on the adoption of these findings. So, for the three of us, all those in favor of the motion to adopt these findings, please say aye. Any opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

IV. REGULAR AGENDA

COMMISSIONER BRADBURY RECUSED HIMSELF

PUD16-00018 / NHS Community Services, LLC
Location: 2407 S. Ormond Street
Conditional use permit for a 12-unit planned residential development comprised of 12 detached single family homes on 1.54 acres located in an R-1C (Single Family Residential) zone. Included in the request is a variance to reduce the rear yard setback for parking. *Leon Letson*

SUB16-00040 / Ormond Street Cottages
Location: 2407 S. Ormond Street
Preliminary plat for a residential subdivision comprised of 12 buildable and 2 common lots on 1.54 acres located in an R-1C (Single Family Residential) zone. *Leon Letson*

Leon Letson (City of Boise): Thank you, Chairman and Commissioners. The project before you is a conditional use permit for a 12-unit planned residential development along with a preliminary plat. Included in this request is a variance to reduce the rear yard setback for parking.

The subject property is a 1.6 acre site zoned R-1C located at 2407 S. Ormond St. Detached single family homes surround the subject property. The greater neighborhood is also largely comprised of detached single family homes.

The applicant has made use of the planned unit development application for relief of the minimum lot sizes, street frontage, and internal setbacks for the project. All perimeter setbacks have been met other than for parking in the rear setback. In accordance with City Code, two amenities have been provided. These include preserving more than 10% of the gross site area in landscaped open space as well as community gardens and a tool shed.

The applicant's variance request includes locating two enclosed garages within 3' of the rear property line, and you can see those highlighted here with the red line and the arrow. A 15-foot setback is typically required. The Planning Team, however, supports the applicant's request. The unique shape of the subject property, which is also limited in width, as well as the cottage housing-style nature of the design require a reduction to the rear setback in this area to allow for parking to be effectively integrated into the development as well as the creation of the private street that serves the development.

The applicant's proposal includes a preliminary plat for 24 lots of which 12 are for homes, 10 are for garages only, and two are common lots for a private street and the previously mentioned amenities. The applicant has also requested to waive the installation of curb, gutter, and sidewalk along 104 feet of Ormond Street related to the subject property.

The Planning Team supports the applicant's request to waive these improvements for the following reasons. Of the 1/4 mile length of Ormond Street, between Targee St. and Suncrest Drive, only 112 feet have been improved with curb, gutter, and sidewalk. Furthermore, paving on Ormond Street is quite limited, averaging 18 feet to 20 feet in width. Adding 104 feet of curb, gutter, and sidewalk adjacent to the subject property would do little to improve this situation, particularly since it is not adjacent to the limited amount of curb, gutter, and sidewalk that does exist on the roadway. The ACHD Commission will make a final decision on these improvements on August 17th, 2016.

Regarding agency comments, ACHD estimates this project will generate 120 vehicle trips per day with 11 during the PM Peak Hour. As mentioned before, ACHD will make a final decision on street improvements on August 17th.

All other reviewing agencies approved the project with standard conditions of approval. The Boise Fire Department has stated that fire sprinkler systems may be required for the homes in the NW Corner and along the South of the development due to fire access.

Regarding public comment, the Planning Team received one comment of opposition for this project. Concerns focused on density, traffic impacts, and design. Regarding density, the applicant is developing the project within the allowances of the R-1C zone. Although the density for this project is greater than the average of the surrounding neighborhood, the land use designation of this area is "Compact," which supports this type of infill development. Regarding traffic impacts, ACHD has determined that the adjacent roadway network can support the project. Finally, regarding concerns about design, the applicant has proposed structures that are in line with those of the surrounding neighborhood, in terms of scale, materials, and appearance.

Finally, the Planning Team recommends approval of both applications. As a reminder, the decision concerning the Planned Unit Development is final unless appealed to City Council. The Subdivision is a recommendation to City Council. Thank you.

Chairman Gillespie: Thank you, Leon. Is the applicant present? How would 10 minutes' suite you?

Joe Canning (5505 W. Franklin Road): I'm sure that's more than adequate.

Chairman Gillespie: Thank you.

APPLICANT TESTIMONY

Joe Canning (5505 W. Franklin Road): Mr. Chairman, members of the Commission, I'm employed by B&E Engineers, we're the engineers on this project and I'm here tonight with the applicant. We reviewed the staff report, have no objection to any of the conditions within the report, and really I think that's all we have to say. We are going to ACHD next week regarding the Ormond Street improvements, but I would be more than happy to answer any questions the Commissioners may have.

Chairman Gillespie: Thank you. Any questions from the Commission for the applicant or staff? Leon and applicant, I do have a question. Just a short preface, this Commission has a long history of really liking sidewalks and the related improvements. Can you talk specifically about, again the condition on Ormond and can you summarize ACHD's view on this issue and their staff report?

Leon Letson: Yes, Chairman. So ACHD has brought this to their Commission because they also do typically require improvements. Looking at this with the applicant and kind of the state of Ormond right now, we recognize that 104 feet of curb, gutter and sidewalk and a little bit of additional paving in front of this site, which is essentially midway between Targee and Suncrest, although it would be great if the entire roadway could have that at some point. It certainly isn't going to do much for that section right now and in reality, if there ever are improvements installed, say through an ACHD action to kind of finish that street off, it would likely have to be removed. So, given the fact that it's not adjacent to those improvements that are south on Suncrest, the Planning team feels comfortable waiving them for this project.

Chairman Gillespie: Leon, I'll go ahead and ask another question. Why, so the variance for the parking setbacks applies, as I'm looking at it, to parking lot stalls 14 and 15 or are those garages?

Leon Letson: Chairman, those are enclosed garages.

Chairman Gillespie: And those are the, that's where the setback variance is required is next to those two.

Leon Letson: That's correct, yes. There's actually a common lot that runs behind 14 and 15, but it's still only 3 feet from the rear property line. Typically, a 15-foot setback is required.

Chairman Gillespie: And it's to the property line to the west?

Leon Letson: To the west.

Chairman Gillespie: And so it's 5 and not 15 in that one spot?

Leon Letson: It would be 15, actually. We are considering that the rear of the project because it runs parallel to the Ormond Street frontage. With a lot like this, side and rear become a little more difficult to interpret, but the Planning team has interpreted that as the rear setback.

Chairman Gillespie: I understand, thank you.

Commissioner Stevens: Mr. Chairman, just to ask a follow up on that, and can you just tell us what is on the west side of that variance request?

Leon Letson: Mr. Chairman, Commissioner Stevens, that is the rear yard of single family homes.

Commissioner Stevens: Thank you.

Chairman Gillespie: Commissioner Stevens, if you slide up in the staff report to page 5 of 15, you kind of see a picture of them, those two houses kind of right in the middle of that line.

Commissioner Ansotegui: Mr. Chair, Leon what is the setback on unit 9 there on the rear?

Leon Letson: Chairman, Commissioner Ansotegui, unit 9, let's see here, because that's kind of a flagged lot off the common lot 1 area there, we've gone with 5 feet for that side and 15 feet to the north. So again, the "L" shaped nature of this lot, and particularly when we have lots fronting on a common area, we kind of have to interpret where side and rear would be, and considering the majority of those along the north side have gone rear, the number 1 closest to Ormond, actually is facing Ormond, so therefore the front is Ormond Street, the side would be the north and now the rear, which is an internal setback and reduced through the PUD, is parallel to Ormond Street.

Commissioner Ansotegui: Thank you.

Joe Canning (5505 W. Franklin Road): If I may, a little more on the Ormond Street improvements.

Chairman Gillespie: Please.

Joe Canning (5505 W. Franklin Road): I'll go back to that first question, if you look at our frontages it is very minimal. We do have a private road that comes out along that frontage, so if you would fully improve it with curb, gutter, sidewalk and the approach for that private road, the amount of sidewalk you get is very, very minimal, it's just really across that one lot is all you do receive.

Chairman Gillespie: Thank you. Any further questions.

Commissioner Stevens: Mr. Chair, if I could just continue around the perimeter of this site with similar questions about the setbacks, because I guess I want to make sure that we're clear on the record that we're being consistent with how we're looking at each of these. So, if you look at where 6 is and where 1 is for instance, which is the north property line, did you consider those to be rear or side?

Leon Letson: Chairman, Commissioner Stevens, we consider those to be side. 1, again, was side because we've got frontage on Ormond. 6 because we have access off of common lot number 3, that's essentially the driveway and you pull into the front of the garage. So based on where the garage door was, is kind of how we could figure out where the front of that one was and in keeping with number 1 and how it's kind of oriented towards Ormond Street. That's why we went with that as a setback that didn't need reduced by a variance.

Commissioner Stevens: Okay, thank you.

Chairman Gillespie: Thank you both very much. So, is anyone from the Vista Neighborhood Association here who would like to testify on behalf of that neighborhood association. Okay, so we'll go to the sign-up sheet. Again, this is the sign-up sheet for 2 and 2a, we have two people. The first person who signed up is Joe Guariho.

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

PUBLIC TESTIMONY

Joe Guariho (2404 Ormond Street): I like how the houses are laid out. Originally, it was a lot more density and now I think it looks pretty good. I do have a big problem with the variance on the improvements on Ormond Street; largely a safety issue. It's an 18-foot-wide street and I see visibility problems as it is, it has essentially turned my driveway into an intersection because it's not showing on the map there, but my driveway is right across from their entrance road, but it is not lined up with it. Also, there's a driveway that isn't shown as well right on the side of the entrance road. So without sidewalks there, those trees there, without a setback, I think you're asking for problems. It could be a dangerous situation and I'm really kind of concerned about it. That's my only issue.

Craig Kulchak (4839 Mountain View Drive): PASS

Chairman Gillespie: So, we're done with the sign-up sheet. Is there anyone else who would like to testify on item 2 at this time? Okay, hearing none, the applicant has time for rebuttal, I'm not sure how much time you need, but I'm hoping 5 minutes is going to do it.

APPLICANT REBUTTAL

Joe Canning (5505 W. Franklin Road): Mr. Chairman, members of the Commission, sounds like the issue is the Ormond Street improvements and we're aware of Mr. Guariho's drive across the street. Ormond is a local road, so the off sets to intersections are fairly important, but ACHD doesn't really have particular requirements on off sets for driveways. Regarding the same thing with the one to the south, we actually have a row of parking along the south side of our private drive so it moves the, I guess the point of intersection of Ormond a little bit further to the north. So there would be a little bit bigger off set there to the next driveway to the south. We will see what the Highway District does next Wednesday as far as the improvements go. We actually looked at it as a bit of a safety concern in doing widening. One of the requirements that currently, well normally the Highway District also wants us to widen it to a certain width, that width would require improvements be placed on the east side of Ormond, about 3 or 4 additional feet. It's a fairly short distance and requires installation of borrow ditches on that east side also. If you look at traffic going up and down that road, I'm not sure really what benefit we have with that 3 additional feet on that east side. We always get concerned about tapers as far as people meandering over there and having to meander back, because of the widening and that can create some issues, but I guess the main point is that we're hoping that we'll let the Highway District decide on this and we'll go from there. I'd be more than happy to answer any questions.

Chairman Gillespie: Thank you, sir. So, the matter is before the Commission.

PUBLIC TESTIMONY CLOSED

Commissioner Stevens: Mr. Chair, I move that we approve, can I do them both in one motion or do I need to do them separately? And which do you prefer first?

Chairman Gillespie: Let's do them separately. So, let's approve the PUD and then we'll just recommend on the SUB.

MOTION: **COMMISSIONER STEVENS MOVED TO APPROVE PUD16-00018 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER ANSOTEGUI**

Chairman Gillespie: So we have a motion to approve PUD16-18 in accordance with the staff report. Is there any discussion?

Commissioner Stevens: Mr. Chair, I think we have before us a really pretty dynamite new development; I think it's going to be a real addition to the neighborhood. You know, I think there's been hints in our questioning of staff about some concerns with the setback as well as the street improvements and I think it is a departure in some ways for us to step away from those, but we've seen it a lot in other, older neighborhoods in the City that also have similar lack of connectivity issues and I support and think that staff has done a good job explaining to us why it makes sense to permit a variance from those in this situation. I think there could be some issues with widening the street here. It looks to me from some studying of the area on maps and the roadways that this is a pretty, 18 feet is, you know it's not tiny, but it's also not a huge street, it's a local one, and I think widening it and going that direction could actually make that start happening up and down Ormond, could end up making this a more troubled street than we necessarily want it to be, being that's in the middle of a pretty developed neighborhood. So, that's why I'm comfortable with the conditions that staff has put on this and the staff report as it stands.

Commissioner Ansotegui: Chairman, on this, I completely concur with Commission Stevens.

Chairman Gillespie: And I'll recognize myself, I also will be voting in favor of the motion, I would just like to note that the ACHD staff recommended a waiver of the sidewalk policy because there's not adequate right of way to widen Ormond and the improvements would be cost prohibited for a small development. I agree with their reasoning in this case. So, if there is no further discussion, we have a motion to approve PUD16-18 in accordance with the staff report, all those in favor please say aye. Any opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Gillespie: So PUD16-18 is approved. So now we'll move onto the recommendation on the subdivision, SUB16-40, it's before the Commission.

MOTION: **COMMISSIONER ANSOTEGUI MOVED TO RECOMMEND APPROVAL OF SUB16-00040 TO CITY COUNTIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER STEVENS**

Chairman Gillespie: We have a motion to recommend approval of SUB16-40. Is there any discussion? Hearing none, all those in favor of recommending approval of SUB16-40, please say aye. Any opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

PUD16-00015 & CVA16-00033 / Arete Investments Group, LLC
Location: 1250 E. Amity Road
Conditional use permit for a 28 unit planned residential development comprised of attached townhomes on 3.66 acres located 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 foot height limit by approximately 7 feet 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 included. *Leon Letson*

CFH16-00031 / Arete Investments Group, LLC
Location: 1250 E. Amity Road
Hillside development permit for the grading associated with a 3.66 acre residential subdivision proposed in R-1C (Single Family Residential), C-4D (Planned Commercial with Design Review) and M-1D (Light Industrial with Design Review) zones. *Leon Letson*

SUB16-00033 / Echelon Ridge Subdivision
Location: 1250 E. Amity Road
Preliminary plat for a residential subdivision comprised of 28 buildable and 1 common lot on 3.66 acres located in R-1C (Single Family Residential), C-4D (Planned Commercial with Design Review) and M-1D (Light Industrial with Design Review) zones. *Leon Letson*

Leon Letson (City of Boise): Thank you Chairman and Commissioners. The project before you is a conditional use and hillside development permit along with a preliminary plat for a 28-unit planned residential development comprised of attached townhomes. Also included are an exception to exceed the 35' height limit by approximately 7 feet for the townhomes along Federal Way and Amity Road and a variance to reduce the front setback requirements for a retaining wall along Amity Road.

The subject property is a 3.7 acre site zoned R-1C, C-4D, and M-1D, the majority being R-1C. It is located at the northwest corner of Federal Way and Amity Road. Single family homes abut the site to the northeast and more intense commercial and industrial uses exist to the south and west.

The applicant has made use of the Planned Unit Development application for relief of the minimum lot size, lot width, and setbacks internal to the project. All perimeter setbacks have been met other than for a 9 foot retaining wall required to construct the private street for the development off of Amity Road. Per requirements of City Code, the applicant has provided two amenities. These include preserving more than 10% of the gross site area in landscaped open space as well as a 5000 square foot central gathering area with pathways. Each townhome will also have private balcony areas

A height exception is also included to allow the units closest to Federal Way and Amity Road to be constructed at 42 feet, versus the standard 35 feet. Although the proposed townhomes are taller than the

single-family homes located to the northeast, the overall development has been design to stepdown in scale as it approaches the neighborhood to the north east, as you can see by the diagram below. The lowest tier of townhomes will be setback an average of 120 feet from existing homes in the neighborhood and the townhomes seeking a height exception will be setback an average of 350 feet. A dense landscape buffer is also proposed along the northeast boundary of the development.

The applicant's proposal includes a preliminary plat for a 29-lot subdivision comprised of 28 buildable lots and 1 common lot. The applicant is also planning to make use of a private street which will have a single access point onto Amity Road, approximately 420' from the Federal Way intersection. The applicant has also requested a waiver to the buffering standards for development adjacent to arterials. An alternative has been proposed that integrates landscaping and pedestrian facilities while also providing the necessary separation of dwelling units from high-traffic roadways. A new detached 5 foot sidewalk will run approximately 280 linear feet along Amity Road from a 12 foot multi-use path on Federal Way to the proposed intersection for the private street for this development. Extending sidewalk along the remaining 350 linear feet of Amity road is not possible without the use of significant retaining walls to make passable a steep hillside area that drops off at the edge of the Amity Road roadway. So, there is a waiver to the subdivision or the subdivision standards for sidewalk as well.

The applicant is also seeking, as mentioned before, a variance to reduce the front setback for a 9 foot retaining wall in the front setback along Amity Road and that's pictured here. So, just to orient the Commission, the car is essentially parked at grade where Amity Road is. Amity Road and private street grade are similar and then it drops down significantly as it gets closer to the neighborhood to the northeast. A retaining wall of this height would typically require a 20 foot setback, within the front setback. The Planning Team is in support of the variance because it is necessary to construct the private street access approved by ACHD and is not visible from the roadway.

Regarding the Hillside application, the proposed grading for this project is largely related to the creation of the proposed private street, infrastructure improvements, and retaining walls for the private street. This will be a balanced earthwork project. Boise City Public Works has approved the preliminary grading plan, but additional review will be required prior to issuance of grading or building permits.

A quick note on the parcel history for this project. The subject property is largely comprised of a former use-exception area for planned commercial associated with the larger Breckenridge development and two common lots from previously platted subdivisions. In 2007, the City removed the requirement that the Breckenridge use-exception area develop as commercial. Regarding the two common lots, the applicant has submitted two applications to vacate the plat notes restricting the common lots as "non-buildable." Reviewing the previous approvals for both subdivisions, the Planning Team has confirmed that neither of the common lots were created to meet open space or amenity needs, but rather were formed in response to different constraints of each property.

The common lot for Breckenridge Subdivision #5 contains several wells to monitor contaminated groundwater caused by a large industrial site located to the south across Amity Road. It also contains a steep hillside area with limited development potential. The common lot for Promontory Ridge Subdivision served as a secondary access during the initial development of the project and was eventually cut off from

the other lots when a retaining wall for the residential lot to the north was constructed. As a condition of approval, the applicant must complete the vacation of plat note process for each common lot prior to submittal of grading permits.

All reviewing agencies have approved the project with standard conditions of approval. ACHD estimates that this project will generate 163 vehicle trips per day with 15 during the PM peak hour and all roadways will continue to operate at acceptable levels of services. Furthermore, the Idaho DEQ has approved the project as proposed with the requirement that all groundwater monitoring wells on site be protected and opened for continued monitoring.

Regarding comments from the public, these are centered on density, design, the nature or issue of property ownership, traffic impacts, and connectivity. Regarding density, the applicant is developing the project in-line with the standards of the R-1C zone. As discussed earlier, this project is adjacent to two arterial roadways where higher density residential projects are appropriate. Regarding design, the applicant has proposed a project that steps down in scale to the neighborhood to the northeast and makes use of substantial landscaping to provide screening. Regarding the concerns over property ownership, the applicant is the current owner of all of the property proposed within this development and must receive a number of approvals, including the vacation of plat note process that I mentioned earlier, prior to being able to develop. As for traffic impacts, the Planning team previously noted ACHD's approval of the project. Finally, the challenge of providing additional sidewalks along Amity Road was also addressed earlier in my presentation.

In conclusion, the Planning Team recommends approval of all applications. There are four motions required. The hillside variance and PUD will be final decisions unless appealed and the subdivision is a recommendation to City Council. Thank you.

Chairman Gillespie: Thank you, Leon. Is the applicant ready to roll? Sir, would 10 minutes be sufficient?

Jeremy Telford (2048 W. Astonte Street Meridian, ID): If that's what you'd like I can run through it.

Chairman Gillespie: Let's see where we are at 10 and then we'll recheck.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Okay.

APPLICANT TESTIMONY

Jeremy Telford (2048 W. Astonte Street Meridian, ID): I am the owner of Arete Investments Group, this is a company photo of our company here. This is our landscape maintenance division here on the left, this is the division that goes and gets stuff from the printer for me on the right, this is my 49% partner and this is me, the 100% manager, I am essentially a one man show and I don't want anybody to misinterpret that by granduesque name. When I refer to the term we, I have also had the privilege to work with a variety of great consultants on this project. Although I'm the sole owner of both the company and the project. The Echelon Ridge project consists primarily of two lots that Leon introduced you to. Lot 58, which has been

privately held for, I believe, 15 to 20 years, and lot 57, which has been owned by the Breckon Ridge Homeowner's Association. There are also three other small parcels that have been owned. Lot 58 was listed publicly on the NLS and I took a wild hair and went and looked at it one day and it was astonished by the views that are there. This is an aerial, these are the views… inaudible due to sound from computer… The intent of the design of the project is to provide views of all upper floors of the homes, taking advantage of that view and that's part of the reason why we're asking for the height exception. We want those buildings that are to the very back, not only do we want to provide the views, but we also want to provide a buffer. Right now there's industrial surrounding the entire southeast side of the project and so we did that intentionally to try and create kind of a backdrop. Quick history of why lot 57 came into play. Back in 1984 when this was originally proposed, the access point is drawn right here approximately 150 feet from the intersection of Federal and Amity Way. As those roadways have been expanded, ACHD required that that access point to lot 58 be moved back. Specifically, they wanted it moved back 360 feet, which then conflicts with 150 foot guideline that they don't want two opposing inlets to a road. So the only feasible way to do it was to enter through lot 57. Just some brief history, when I first started meeting with ACHD, they were quoting numbers that people had been looking at this project literally for 20 years and saying we just can't get access to it. There were a couple of issues with that. Number one, it's a two to one slope on the other side of that road, that's why we are requesting a retaining wall that Leon had mentioned. In doing that retaining wall, if you look at the bottom that's kind of the topography as it goes around the bend there. With the 20 foot easement with ACHD, it's at 9 feet, it will eventually extend to 15 to 16 foot maximum and then taper back down as it curves around. The other issues that we faced were, number one it was zoned by a HOA and trying to buy land from a HOA is not an easy process. The second thing, there were also a lot of chip parcels around there, one owned privately by Roe Chambo Inc, another by Brighton Corporation and another by Maverik gas station. And then lastly, there's a lot of topography there, there's also 19 monitoring well heads and so as you can see it's not necessarily a property that we wanted to obtain, but when we went to the homeowner's association and said we just need this to be able to make the project work, could you give us an easement? The HOA board jumped right on the idea of instead selling the property, which I was surprised that they did that, I thought it would have been easier to do an easement, but as I now have been involved with this project for over 10 months, it sounds like there's been a lot of history. There have been pipe breaks in that property, there's been fire hazards, there's been flooding during rain events and there's also been a number of contentious relationships between some of the home owners along that back side and the HOA and how it's been maintained. Based on a signed contract to purchase the property, I went ahead, or lot 57, I went ahead and purchased the other 4 parcels and then we hit the challenge that to purchase a homeowner's property out of a HOA you have to have 66% approval. There were 297 homeowners so we needed 198 yes votes. The HOA issues ballots in two or three different rounds saying please return your votes. Of the votes that were returned, they had over 66%, but the volume of votes had not been met. So I, at that point, being part of the homeowner's association, being a landowner within the subdivision, I printed up some information, went door to door to get as many people and as much information as we could and encourage others to vote. We eventually got 77% approval, but two other things happened. One, I learned of all of the neighborhood concerns. I met with about 100 neighbors before we even purchased the land so I knew all about the neighborhood concerns. The downside is we also pissed off about 65 homeowners who just voted no and they've been very involved in the process since then at both the neighborhood meeting and the hillside meeting. Just to review those neighborhood concerns and how we tried to address them. There's really been five that have come up over, and over, and over and then one last one that came up at the hillside meeting which was a detail of a land purchase and I'll just skim

through these and anything you want me to slow down on or go back to we can. The first was privacy and proximity. When we first issued a letter of intent to the homeowner's association to purchase the land, we talked about a 20 – 30 foot buffer between the existing fence lines and any buildings that we would build. That eventually, when I went door to door giving out maps and information and encouraged people to vote, we guaranteed a 50 foot setback and eventually we settled with a 60 foot setback. So, we actually gave them a lot more room that we had originally talked about it. In addition, we wanted to create a visual barrier; we respect the privacy of those downhill and so I proposed putting up a visual barrier of trees with a 66% line of site. So, if there's a 30 foot space, we put a 20 foot tree in it, if we do more than that the trees begin to conflict against each other and that is in addition to the trees that are already there. There's some very mature trees in the back that we'll try and space trees on the other side of the fence lines to augment that. The last thing is proximity. If you take all of the homes that back to our property, the average distance from the back fence to their back door is 59.8 feet. So I rounded that up to 60, plus the 60 feet that we have. There's about 120 feet of separation from our homes to their homes; keeping in mind that their side yard setbacks are 5 yards. So they have homes 10 feet away from them on the side, our homes will be about 120 feet away from them on the rear. This is a visual, a larger visualization that Leon had shared as well. Second item that came up was the financial impact on homes. A number of homeowners expressed concern by building homes behind them it would decrease the value of their properties. Which could be the case in some scenarios, in this case their current back door neighbors are the Mattress Factory, Motive Power and a gas station and in my opinion, as a licensed real estate broker as well, anytime that you put well designed current architecture homes that sell for about $100,000.00 more than the homes that are there, I don't see that that's going to have a negative impact on their values. Number three was water runoff and fire hazard. This line, there's a 12 inch main line that's been there that's actually broken, I believe a couple of times and flooded some of the homes at the base. As part of our project, Suez Water is going to disconnect that line and reroute it through a new pipe. Secondly, instead of just being subject to whatever drainage happens, we are now installing a 100 year floodplain designed storm water facility with surface flow throughout all of the roads that'll be contained in a large storm water basin at the bottom. During the hillside meeting, some different items came up. One of the home owners had mentioned on this left, top left side where the majority of that water flows to create kind of a barman and additional inlet down there, and we did incorporate that into our plan. As Leon mentioned with traffic impact, we are estimated to generate 163 vehicle trips per day and 15 during peak hours. That comes out to 1 car every 4 minutes. So, we don't see that as substantial, but just to appease the neighbors and makes sure we're not creating any sort of a problem, we did propose and work with ACHD. We found that there is enough pavement there to add a left turn lane into the project. All that we have to do is restripe it. It has the linear distance, side to side, to be able to fit a lane in there. If we do go ahead and do that, the lane would be deep enough to fit approximately 10 vehicles at any given time, which would facilitate 2 ½ hours' worth of standard traffic without inhibiting any traffic flow, there would still be an open lane as the cars pass by. Number five was density. There was a lot of concern that they felt that there were too many units. As Leon mentioned this is along two major arterial streets. It also is in a future transit district which we could have proposed for a bonus density at 50% more going up to 44 units, I put it at 28. I thought that that was comfortable within the design of the community. When you look at it in post, because the buildings will be joined together as paired townhomes, the rooftops and density, they don't really stand out as much different than that that's already there. Especially in the adjoining units that are currently there. The last thing that I just want to address for the record. After the fact, after lot 57 was purchased, the homeowner's association had a meeting that, as I understand it, became very volatile and there was a lot of accusations thrown around. I just wanted to

reiterate the history of that. We only needed an easement. There was a long history of homeowner problems with the site and that was part of the reason that the HOA was so eager to sell to us, kind of offload that. As one of the homeowners stood up in our neighborhood meeting and said I'm probably the reason they wanted to sell it to you because I complained about that lot for 15 years and I just, I kind of inherited that conflict I guess, but when we sent the rough draft of the street entrance to the HOA board this was the map that we sent and it was primarily a map, obviously that cul-de-sac is drawn at about a 20 foot radius, it just wasn't to scale or anything, I sent it primarily to show the entrance point. The HOA board interpreted that, I learned after the fact, that they thought that we would be only putting 9 units because we had put three building pads, which would be building 9 units on 1/3rd acre lots. Which is just not feasible. Attached to that email was this text that said I have attached a very rough layout of the street I am hoping to construct with approximate location of the building pads. This is very preliminary and will change. I only state that, because I just feel bad. When the HOA president came back and said that the lot had been acquired under deceit, there's no truth to that at all. There may have been a misunderstanding, but there was not deceit and that's all. Secondly, somebody else made the complaint that they didn't know that we would be trying to develop that land and put roadways in it. In the purchase contact that was signed by the HOA board members, it states right in there that we would be submitting it to the City of Boise to remove the common lot designation which is a part of our plat note vacation. Lastly, I put in there, if they ever wanted to schedule a presentation time with the homeowner I was happy to do it. It was never requested. So, we did our best to do what we needed. Do you care to see the architecture or?

Chairman Gillespie: So, I threw another 5 minutes on the clock for you, so we're at 15. So, let me ask the Commission if they would like to continue or if they have that information in the report.

Commissioner Bradbury: The architecture is in our packet, so we've seen that, but I don't…

Chairman Gillespie: Thank you very much, sir. So you will get time at the end for rebuttal, so you'll have 5 minutes.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Okay, thank you.

Chairman Gillespie: Alright, so any questions from the Commission to the applicant or staff?

Commissioner Bradbury: Mr. Chairman, I'll start with staff, but I may want to ask Mr. Telford some questions. I'll start with Leon. So, one of the things I just want to confirm is that the only height variance that we're being asked to consider or height exception is for the units 8, I believe, that are nearest to the intersection of Amity and Federal Way?

Leon Letson: Chairman, Commissioner Bradbury, that's correct.

Commissioner Bradbury: All of the other proposed units are within our requirements for the zone for height?

Leon Letson: That is correct.

Commissioner Bradbury: What are the internal setbacks for this project between the units? I understand that they are all two unit townhouses being proposed?

Leon Letson: Chairman, Commissioner Bradbury, that's right. So, obviously zero lot line setback for the attached units. Sorry there's a lot of details with this project, I believe it is three feet, but I'll request the applicant give you specific details on that setback between the units themselves.

Commissioner Bradbury: That's what I'm getting at. So, maybe Mr. Telford knows off the top of his head.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): They are 3 foot setbacks from the property line, so 6 feet total.

Commissioner Bradbury: 6 feet total. Okay. So the only other setback exception that we're asked to consider is for the retaining wall for the private road, right?

Leon Letson: That's correct.

Commissioner Bradbury: Okay. Mr. Telford, maybe you could answer this one. The open area that's find in the north/east portion of the property that is up against the existing neighborhood. The area between your 3rd tier of units and the existing neighborhood there, is that a common lot down there?

Jeremy Telford (2048 W. Astonte Street Meridian, ID): It is, yes.

Commissioner Bradbury: Okay.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): And it's been under debate of if we would even put access points going out that back door of those homes, because there's' really no reason to get back down there. There would be a walking path back and forth, but yeah, it would be common area lot at that point.

Commissioner Bradbury: It looked to me, from looking at the drawings, that there was some sort of hammerhead turnaround going down that slope. What's the purpose of that?

Jeremy Telford (2048 W. Astonte Street Meridian, ID): The purpose of that, as mentioned, there are monitoring wells on the property for Motive Power and as part of our agreement with Motive Power, who we've worked hand in hand with, is that we want to maintain that access that they need to. We don't want to get into the cross hairs of DEQ or Motive Power, or any of those guys. We're not only providing; they've been driving trucks down dirt roads for as long as those monitoring wells have been there and we're now providing a paved access way as well as either a gravel or asphalt path extending along the frontage of those and it will have a dual purpose both for Motive Power and for City sewer.

Commissioner Bradbury: I got you. Okay. Lastly, at least for the moment, we're also asked of a waiver of the buffer area on arterials. Talked to us a little bit about why it is you're asking for the waiver. What it is that you're proposing to do.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Give me, I'm trying to get this slide back up and my computer has gone dark. Leon, do you have the landscape profile?

Leon Letson (City of Boise): Yes. Just a moment, Chairman, Commissioners.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): So your question is regarding those homes and how we're treating between Amity Road and Federal, correct?

Commissioner Bradbury: Right. While Leon is scrolling, I know that in our packets that we received an updated landscaping plan and I just want to make sure that when we're talking about it, that we're looking at the one that's actually proposed.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Okay.

Leon Letson: Chairman, Commissioners, I think that this is the most up to date landscape plan. I'll have the applicant confirm. This is a section specifically to the Federal Way/Amity Road frontage. Is that what you were looking for?

Commissioner Bradbury: Yes. Thanks.

Chairman Gillespie: If I might, Leon, I'm looking at page 8 of 17 of the staff report that has that profile. Is that what Commissioner Bradbury is talking about?

Jeremy Telford (2048 W. Astonte Street Meridian, ID): It's the one that's got the building on the right and there's cars on the left? That's the one I'm trying to get to.

Leon Letson: That's the Amity Road rendering.

Commissioner Bradbury: And I do remember seeing that. I'm just trying to get a feel for what it is that you want to…

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Leon, do you mind if I plug back in? Because mine came back up.

Leon Letson: Thank you, Whitney.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): So, because of the high density nature of the project I believe it's normally a 15 – 20 foot setback between the street, the interior road and the…

Leon Letson: Chairman, Commissioners, the buffering is 30 feet of which 10 feet needs to be a landscape buffer.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): And because of the complexity of the project, just to show how we've treated that. There's a 10 foot easement, there's an ACHD right of way there that we are proposing and ACHD has agreed that we actually use that as part of our landscape buffer. Then there is a 5 foot sidewalk and then there's a 9 foot parallel parking section that's proposed there. If you could visualize with me, in the evenings, when these parallel parking spots are full, that creates kind of another buffer, where it's just a visual buffer where there's a row of cars on the side. Then we have a 26 foot wide fire access width roadway, that's even wider than normal and part of that is because of the type of truck that has to be able to reach a 42 foot high building. Lastly, we have a 5 foot setback from the interior road to the side of the building. So, a total of 55 feet of setback, as a minimum.

Commissioner Bradbury: Great, thank you.

Commissioner Stevens: Mr. Chair, I have a couple of questions as well. Leon, if the City were to say, and this is hypothetical, but in the applicant's presentation tonight, he talked about the ability, in terms of the width of that street, to be able to put a left turn lane in and require restriping. So, this is a two part question, first, is this the kind of thing that the City can actually require, or is this in ACHD's hands and then number two, if we were to be able to require that, if that's something we wanted to do, who would be required to do the restriping? Because isn't that ACHD's work?

Leon Letson: Chairman, Commissioner Stevens, you're correct. That's ACHD. City of Boise can certainly make recommendations and request that certain improvements be done. Speaking very generally, since this is a hypothetical question, ACDH typically requires improvements be made by the developer for any roadways. I'm not sure how restriping is normally handled, but yes.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): That's part of our condition with meeting with ACHD, is that volunteered to do it.

Commissioner Stevens: Okay. Mr. Chair, one other question. I understand that there's a requirement to vacate the plat note for the common lot. Could you just explain briefly on the record how that process works and is this the public hearing for that or is there something else that happens beyond what we're doing here tonight?

Leon Letson: Chairman, Commissioner Stevens, so vacation of plat notes are actually sent directly to City Council as a section of the subdivision ordinance, that's how we've regulated that. So, the planning team provided that detail just to let you know that we are aware of the non-buildable nature of some of the lots as they exist today. It's ultimately City Council's decision to remove those plat notes.

Commissioner Stevens: Thank you. That's all I have.

Leon Letson: Chairman, I do have one thing that I would like to state for the record which is that comment that I provided to the Commission regarding Mr. Rubert's letter which did make it in during our comment

period time. As all parties of records lists are important these days, I would like to identify him as someone who made the comment period on time.

Chairman Gillespie: Just for the record we have entered that as exhibit 1 in this hearing. So, Leon I had a couple of questions really quick. First of all, I always get CUP's and PUD's mixed up, does he need to provide, does Mr. Telford need to provide amenities, because I know we always talk about one or two or three amenities? I missed that in the staff report somehow.

Leon Letson: Yes, Chairman, two amenities are required. The two identified with this project we're 10% of the growth site area remained in landscaped open space and then the second amenity was the 5000 square foot central gathering area in the center of the development which will include shade trees, pathways and that sort of thing. There are also private balconies which do not meet the requirement for PUD's over an acre in size, they do meet it for PUD's under an acre in size so we just added that as an additional detail. The first two that I mentioned are the two that are meeting the requirements by code.

Chairman Gillespie: Thank you Leon. Couple more questions. So, is it correct to assume that this Commission is not looking at the details of a private property transaction in this place between the developer and the HOA that anything about that is really not in our scope tonight. Is that a correct statement?

Leon Letson: Yes, chairman, I believe that is the case. If legal wants to further specify that, I would defer to them, but yes I believe that's between two private property owners.

Andrea Carroll (City of Boise): Mr. Chair, Commissioners, I agree completely.

Chairman Gillespie: Thank you. So, Leon back to Commissioner Bradbury's question now I've confused myself. So when I look at page 8 of 17, that road section, it says the applicant is also requesting waiver to the 30 foot buffering requirement for developments adjacent to arterials, a rendering is below. Then I add up all of the math and I get like 26, 5, 36, plus 9 is 45, so I get like, there's 45 feet in his renderings, so why does he need a waiver from a 30 foot? I'm not understanding that.

Leon Letson: Chairman, Commissioners, arterial buffering is a complex section of the code. There are multiple ways to achieve waiver to arterial buffering, it can be an alley loaded project, it could be a frontage road and it can also just provide the 30 feet with the 10 foot landscape buffer. This kind of exists in the nexus of those three things, the private street almost serves as a frontage road for this development. The 10 foot landscaping that the applicant has provided does ultimately meet one of the major components of the buffering standard, but because the private street is actually within 10 feet, property line wise, of Amity Road, it needs to be reviewed per that section of the ordinance.

Chairman Gillespie: So the street itself, the private street, doesn't count towards the 30 foot buffer because it's too close to Amity Road, technically?

Leon Letson: Yes, that's correct Chairman.

Chairman Gillespie: Okay, thank you. Any further questions?

Jeremy Telford (2048 W. Astonte Street Meridian, ID): To expand on your question, had we flip flopped that, if we had backed, if we had put the homes facing Amity Road then they could have been within 30 feet, but because we wanted to put the road on the exterior, which creates kind of the common area in the center, that's where we got into the cross hairs of it.

Chairman Gillespie: Thank you. Thank you both. So now we will hear from a representative from the… oh I'm sorry, anymore questions from the Commission? So, now we'll hear from the registered neighborhood association which I believe is the South East Neighborhood Association. Is there a representative here from that group?

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

Chairman Gillespie: Okay, so we'll move onto public testimony. I have a sign-up sheet here with three names, we'll go through these three and then we'll open it up and everybody can get a chance. Again, you're limited to three minutes of public testimony and you're precise on that limit. The first person on the sign-up sheet is Steve Brahm.

PUBLIC TESTIMONY

Steve Brahm (1255 E Oakridge Dr.): I'm completely against this whole process because basically it's a complete invasion of privacy. These folks are going to be looking down into our backyard. So, their front yards are their backyards and their backyard is basically their front yard. So everything they do, is going to be in front of these structures, not to mention the balconies. We are already having issues with Promontory Ridge which is just to the west of this building that he wants to build. Not to mention to put up with all of the dust and the noise, the compressors, and all of the phase I and phase II process, it's going to be quite an extensive project so we've got to put up with all of the noise. We went through that with Promontory Ridge and by the time they finally landscaped it, it was just horrifying. We couldn't even go in our backyards because when the wind blew the dust was so bad we couldn't hardly breathe. It blew the tarp paper off of the roofs and then the mold came; it even made channel 7 news. They had to mow down the structure because the mold was so bad. So, honestly this project is a very ambitious project they brought up in the last meeting, so ambitious I think it really doesn't belong in our really single story well established neighborhood. Not only that, it's going to really bottle up, even though he says they're going to put a turn lane for 10 cars to turn into that structure from Federal Way, it's going to bottle up that intersection really bad where you're going to have to sit through several lights just to get through the dog gone thing; it's already bad enough as it is now. So when I go out in my backyard, I'm going to be looking at a 4 story building. I'm not real excited about that. If I wanted to live in a downtown environment, I would live downtown. Or, I can put it to you this way, when we bought our home, we wanted to get away from that type of environment. Now the people that live in those type of environments, like in Harris Ranch that he says that he'd like to copycat the structure that looked like the ones in Harris Ranch, the people that bought in that area, they already knew what they were getting into. When we bought our house in 1995, we loved the environment and now we're getting turned into downtown environment by looking at these four story buildings. So when I go in my backyard, I don't really appreciate the fact of somebody watching every move I make. My 6 foot fence is exactly, is essentially worthless…

Whitney Montgomery (City of Boise): Time.

Lance Warnick | Engineer (485 W. Main Kuna, ID): I'm actually Mr. Telford's engineer. I'm here tonight if there are any specific technical questions if you all had that I could step in and address, but I think he's done a great job of introducing the project and I appreciate Leon's staff report as well.

Shashan Rayasm (4466 S. Constitution): I am to the north/west of this proposed subdivision. One of the things that struck me when Mr. Telford presented this project is that the density was staggering and a lot of people did not realize, just from the slides and pretty pictures, that the geography off of that land. As a property owner there for the last 5 – 6 years now, I've seen and the land itself is a gravel pit so it makes for very unstable soil, it's all true and you're talking about high density development, putting a lot of pressure on top of this hillside lot. I'm pretty sure there will be requisite engineering that would be going into this project, but my concern is in the past we've seen a lot of hillside developments, particularly in the north end that have had requisite engineering done, as you know, but that caused issues 10 – 15 years down the path. Now, my concern is immediately there is a couple of buildings that will be right next to my property lot. I'd like to know the height of those three units and the other one is just to be concerned of the density and also the height grading that the developer is asking for. Thank you.

Chairman Gillespie: Thank you sir. Is there anyone else who would like to testify in this matter tonight? Please, come forward and just to the right you'll see white slips, if you could write your name and address there and then turn that into us, and you can do that after your testimony, sir.

Mike Hackwell | Leisure Industries (4540 Federal Way): We are a factory right to the west of the proposed development and really I just wanted to put on the record that we have a factory there and the factory starts up 6 days a week, early in the morning, we've got machinery, trucks and these residents are going to be right behind us, right up against us, and I just want it on the record that there's a factory there. That's it.

Chairman Gillespie: Thank you, Mr. Hackwell. Is there anyone else who would like to testify on this matter tonight? Again, I would just remind you of that little slip to the right of the lectern, you can turn that in later.

Janice Abramovich (4296 S. Rim View Way): I've lived there for 25 years and Steve had said they would be looking down into his backyard, but it's not just his backyard, it is the whole development. I live on the furthest street way from this development, from Rim View, yet we can see the street light up at Federal Way and Amity. So, it's a concern. We will also see the development from the furthest street away. The safety concern, I'm really glad to see that Mr. Telford is a family man. The safety concern is there's lots of bike riders going to and from Micron, to and from other business and up and down Amity Way. There's a bike path, there will be a 4 story unit there next to the bike path that already has limited view because of just a short traffic box there and there have been numerous close calls with bicyclist and several hits there, including my daughter. He has said that there will be a left turn lane. Right now there is not a bike lane on Amity Road; that is missing. It's a very dangerous area there with the Maverik driveway coming in and then there's a guardrail along Amity. It is not a safe situation, having a left turn lane there. There's no

specific bike lane and it is a safety issue. I do want to go back on what Mr. Telford said about the contentious situations that happened between the residents about the lot and I've been to most of the meetings and I believe the most contentious part we had was the complaint because we used goats one time to mow down, so I believe that that has been overblown. There was concern about the fire and keeping it down and the cost of keeping it mowed down. So, the subdivision did use goats at one time. That is the extent of the contentious display there. So, I just want to go on record that the safety should be a primary concern and also to the people that bought knowing or believing they would not have anyone behind them and I want everyone to put themselves in that situation. It's your home, it's your castle and yet, it'll be invaded by somebody else's property and a property that should not be built on that steep section. That's my concern. Thank you.

Chairman Gillespie: Thank you, Mrs. Abramovich. So, after this lady, is there anyone else who would like to testify? Okay, we will check back.

Rebecca Nelson (4375 S. Constitution Ave.): I live in Promontory Ridge. I believe the three questions that were brought before you today were about the sidewalk variance to the north/east. As mentioned before, there is quite a bit of bike traffic that goes on that road and I'm happy to see that there will be sidewalk added more towards Federal Way, but that little bit that happens between that development's driveway and where the bike path begins on Amity in front of Breckon Ridge, there is nothing there so the sidewalk, the bicycles then are forced to ride on the street. There's no shoulder, there's no safety whatsoever. So, I personally don't want to see a variance aloud there, just for safety reasons. My other concern is the height variance next to Federal Way; three stories in itself. It's going to feel very large, very intrusive, because everything else around there is shorter. So, that's going to feel just overly high. The third, he addressed quite a bit the setbacks facing Breckon Ridge, however no mention was made of the two units that are right next to the Promontory Ridge development to the home that is right on that corner. I'm not sure what kind of space is aloud, but those properties will be built extremely close to the home that's already there and he was asking about height, but even the further it is away from that, the more it allows for a height variance I think without feeling like you're home suddenly became right next to a commercial building. So those are my three concerns, the setback and not allowing the two variances because it's overwhelming in such a small area.

Chairman Gillespie: Thank you, ma'am. Can I remind everyone who's testified to turn in your white slips. Is there anyone else who would like to testify at this time? The gentleman in the navy blue and then we'll go to the lady in front of him.

Kelly Stover (4488 S. Constitution Ave.): I just want to bring to your attention that Promontory Ridge, when that development went in, all the homes that back up to the neighborhood to the north/east, those lots were all held to a story and a half. They couldn't even be two story. So, now he's proposing that these are going to be up a hill, towering over everything down below, and he's proposing to go to 4 stories and even go above height restrictions and that doesn't not seem fair to me. Then, probably a bigger concern maybe is even that the property that's right next door, the gentleman that spoke earlier, how tall is that building going to be over him? He said he had over a 120 foot setback from the homes behind, but that house is probably, I don't know how far is it, 30 – 40 feet or something, at the most, maybe less. The way these things step up that hill, they're just going to really tower over everything down below and then because of

the narrow setbacks as well, they're just going to look like one big building with 6 feet between 42 feet just seems quite ridiculous to me in a very residential area. So, those are my concerns that I would like you to consider.

Chairman Gillespie: Thank you, Mr. Stover. Is there anyone else who would like to? Please…

Teri Mahler (313 W. Arrowrock Lane): I'm a previous resident of Peekaboo sub which is located between Breckon Ridge East and Breckon Ridge West. I built up there in 1996, seen quite a few things in the years since I just moved a year and a half ago. I'm a Boise native and this property does not suite this design by any stretch of my imagination. Turning almost 54, I've lived all over Boise and I just don't think it's the geographic location for this kind of development. It does encroach on walkers, bikes, and to address Mr. Telford's comments about the in fighting with the HOA, that was largely a volunteer organization for 18 years. We went through things like selling our park to the City, Cyprus Park was privately owned, it was sold to the City. There were some issues with sidewalks and other lot spaces, so there was a lot of in fighting, you just had regular normal people on a board, so they're not used to dealing with that kind of thing, it was volunteer and until two years ago the dues up there in Breckon Ridge were $100.00 a year. So, to bring this kind of structure in, in a kind of community into that community, just seems interesting. Another concern I have is the road washout. Amity Road every year due to high rains, I'm sure if you check with ACHD they're out there sandbagging and putting pylons and those concrete things that keep the rest of the road from washing off, almost every year. The grade on the hill is significant so there's slide in the winter, they slide backwards, the hill completely piles up. So in this case I would encourage all of you to go out and actually look at this property and look at the streets and see, I don't even live there anymore, but it's very concerning to me because I still live in the area. My chief concern is for children in the area, I'm a 20 year veteran educator here in the Boise District, and I'm curious if Mr. Telford can provide for us where the bus stop will be for children who wait for the bus on Amity or Federal Way and if the bus has a pull around because school buses have to have a certain amount of distance to be able to drive in and drive out. So, I'm curious where the bus stop will be. The last thing is, when you have a bunch of homeowners who are not sure of what they're doing, we were at one time told that land was protected because of a certain type of sage brush, which is why we hired the goats, as Janice brought out. So I would think that would be something that we wanted to make sure was provided for as far as the natural features of our land up there. Thank you.

Chairman Gillespie: Thank you, Mrs. Mahler. Please hand in your slips. Is there anyone else who would like to testify in this matter tonight? Hearing none, we'll go to the applicant for a 5 minute summation and rebuttal.

APPLICANT REBUTTAL

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Thank you, Commissioners. Shashan, I did the calculations and I would be happy to show anything on your home. The side yard setback on that lot is at 7 feet, just so you know, to give additional separation. The plate before the roof of where homeowners would actually see rest between, it's either 20, depending on the elevation of the home, it's either 28.8 or 30 feet. So, it's a three story structure on the front end and a one story structure on the backyard, so to address that. I don't mean to point fingers at all, but the contention between the homeowners, I only felt like I stepped

into something that I didn't know, that's the only reason why I brought it up and ironically in support of those that liked the goats, that was one of the number one comments that I got when I was going door to door is people said, no but we like the goats, we like seeing them there. Regarding a couple of the issues, regarding drainage in particular of it flooding, as mentioned we are designing systems to actually make the drainage better, once the project is done, you will have less flooding vs. more flooding. The bus stop will, Leon did you get any comments back from the school district?

Leon Letson: Chairman, I'm free for conversation, I guess, maybe this will be the last time I do it.

Chairman Gillespie: I think you're good to just answer the question.

Leon Letson: So we did receive comments from the school district. So the practice by the school district is actually to stop in the roadway, if necessary, to load kids off of the sidewalk or at a pickup. There's also a pull out area on Federal Way, I believe, which is a bit west of the development down Federal Way. The buses will not pull into the private street, there's just radius issues there and kind of getting around, but stopping on Amity or stopping on Federal Way, that's how they would pick kids up.

Chairman Gillespie: Thank you, Leon, please continue.

Jeremy Telford (2048 W. Astonte Street Meridian, ID): Then regarding the safety issue of putting taller homes in this subdivision, regarding kids on bikes and that, we have to step back and realize is it any less safe to ride a bike around the corner of a one story building or a two story building, vs a three or a four. It's not that we want to build these buildings really high, it's the topography. The bottom floor, just to clarify, is just garage, it's garage space with a partial step up to then the living space above that. Then from the gentleman from Leisure Time Mattress Factory, that has been noted and it'll definitely be disclosed to homeowners when they move in there that they realize, not only is there that, but also Motive Power also has noise making machines that go all day long as well. Part of the, with the Breckon Ridge and the Promontory Ridge subdivisions, that's part of why we wanted to create a little bit of the back stop there is there will be some sort of an audible barrier as well. The backs of those homes will hear it, but it's the decrease the amount of noise filtering down the hill as much as possible. That's it for my notes, unless there's any other questions.

Chairman Gillespie: Thank you, Mr. Telford. With that, the matter is before the Commission. So, I would suggest we take up the PUD first since we're final on that. That's PUD16-00015, see how that goes and then move onto the other three permits.

PUBLIC TESTIMONY CLOSED

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE PUD16-00015 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN BUT NOT THE WAIVER OF THE INTERNAL SETBACKS

SECONDER: COMMISSIONER ANSOTEGUI

Chairman Gillespie: Is there discussion?

Commissioner Bradbury: Mr. Chairman, I made the motion, kind of frankly just to get the conversation started because I think that this application is probably going to require a little conversation among the Commission here before we get to the end. It feels like there's a little too much going on in this site and yet I don't really quite know how to cope with that. We can deal with lot sizes, we can deal with lot widths, we can deal with the setbacks, meaning in what ways we can de-densify this thing and I chose the setbacks as kind of a way to do it, which frankly might force fewer lots. In all likelihood it would and in all likelihood would affect lot sizes. That way, we leave that to the applicant to untangle. That's why I chose that. The heights, I can sure see why these things would be a concern to the neighborhood, but the two nearest tiers of buildings are within code that could be built. It's the furthest tier that is, for which the exception or the waiver is being requested and it's pretty remote from the neighborhood, at least as I understand the testimony tonight. That's why I attacked the thing the way I did. I'm willing to consider any other alternatives that any of the Commissioners might have.

Commissioner Ansotegui: Mr. Chairman, first of all I want to say that I think that the height variance is acceptable and it's acceptable because it's far enough away with the setback from Federal Way and from Amity that I think that compensates for the height issues along the roadway. I also thing that, in terms of design, this works pretty well height wise. I'm not sure how high the buildings are on Federal Way, but in terms of three stories down to two stories down to one story I think that step down is an acceptable, I think it's a good step down and I think that design wise this works as staff mentioned in the report. I'm curious, Commissioner Bradbury, about the internal setbacks and why we're starting there. Is it the zero lot line that's a problem? Are we trying to? I'm wondering what we're going for.

Commissioner Bradbury: Mr. Chairman, I should probably be more clear because I don't mean to remove the exception for the zero lot line. I understand that, as the Chairman points out, I'm talking about the three foot setback from the lot line to the building between the each two unit building. That's the piece that I'm trying to, I'm trying to expand that in order to provide a method to create a little less of a, as I think was described as solid wall of building, by moving the buildings a little further apart; creating a little bit more space between them. Did that help you understand?

Commissioner Ansotegui: Yes, thank you.

Commissioner Bradbury: Sorry. I wasn't clear, you are right.

Chairman Gillespie: With the Commission's approval I would like to ask Leon a question about what the normal setback between those buildings might normally be.

Leon Letson: Chairman, so obviously zero lot lines for the attached town homes, 5 feet would be the required setback between the structure and the property line. So we would now have 10 feet between buildings vs. 6 feet.

Chairman Gillespie: Thank you.

Commissioner Stevens: Mr. Chair, I want to direct a question to Commissioner Ansotegui if I could. So, I was pretty concerned with the height exception. I'm not sure that I feel that it's necessary and I think this is already imposing a pretty major development on a piece of property that admittedly has never been declared open space or anything of the sort and there's commercial all over it. However, I guess I'm trying to understand, you feel that the height exception is acceptable because of the setback from the road and you don't think it's going to be imposing for traffic or for bicyclist or for pedestrians, is that what I understood you to say?

Commissioner Ansotegui: Mr. Chair, yes, that's the way that I'm interpreting that. Also, it seems that that is crucial to the design of the property, of the PUD in general is to have site lines over the tops of the buildings that are there. Without that addition, those site lines would not be there.

Commissioner Stevens: Thank you.

Chairman Gillespie: So let me just add a few points. I agree with you with respect to its 360 feet from the four story buildings to the homes below. However, I also agree that I don't see that there's a strong hardship or need to do that. The code doesn't really, we can consider the fact that those wouldn't have views, but that's not to me a normal hardship. So, I'm actually very comfortable, I don't have a problem with the internal setbacks. I would vote for…

Scott Spjute: Mr. Chairman, quick point of order, I'm sorry. Just so we don't get too far astray, a height exception need only meet the conditional use criteria. Nothing about necessity, nothing about hardship, just the CUP criteria.

Chairman Gillespie: Thank you, Scott. I think we're holding in on the issue, the height exception and the distance between the buildings. We have a motion on the table. I would support the motion as it is currently stated, but I would also be open to considering some change in the height of the four story building. So, that's where I'm at. Let me give everyone a chance to…

Commissioner Stevens: Mr. Chair, I'm genuinely torn about this. I feel the same way that you do and that I'm less concerned about the setbacks in between and in think frankly, the more compact this is, probably the better for the whole site. So, that's not my concern, my concern is really is with the height of those buildings closest to the road and I'm looking at the CUP criteria and, you know these came from our code and they say that the location and the use is compatible to other uses in the neighborhood and I think that's the one that I'm really sort of struggling with and so I'm don't know if Commissioner Bradbury wants to

weight in, but I think, you know, we're dealing with a really strange piece of land. We have single family on one hand and then we have a factory adjacent to it on another property and so I think it's really important that we really talk this through and understand amongst ourselves what the impact is going to be on the neighbors per our CUP criteria. While also taking into account that it is adjacent to commercial. So I think that it's a tough line.

Chairman Gillespie: If I might, I just, more on the buildings next to Federal Way. I don't think the height of them has anything to do really with the safety or the site triangles, the intersections or any of that so I agreed with the applicant when he said, you know whether it's three stories or four stories, it doesn't really affect the safety of that intersection and that road. It's really a question of the mass and impact and that's harder and Mr. Spjute is right that a CUP isn't, we don't apply the variance conditions, so I'm actually more inclined to support the motion as it is now without addressing the height issues because on the height issues and the impact on the neighbors, it's 360 feet from those buildings, the tall ones, to the neighborhood. That's a long way.

Commissioner Bradbury: Mr. Chairman, so I didn't go after the height of that last tier primarily for the reason you just expressed, the fact that it is a fair distance from the existing neighborhood, but I'll tell you, I was tempted to. I could pretty easily be swayed to go along with the rest of the Commission if others think that we ought to be looking at that one and if I were, the reason it was bothersome to me is not so much because it's seven feet higher than what the code allows, but because it sits, I don't know how many more feet higher than, because it's on a hill, it's a lot. Those buildings will probably look really tall sitting up there.

Commissioner Stevens: Mr. Chair, I think what I'm really stuck on is number one, the location is compatible to other uses in the general neighborhood, and I think what we're struggling with is the fact that we don't see anything like this in the neighborhood. We have commercial, but it's all low and we have single story on one side and I'm really, you know I'm not sure that I can find that the location for this particular, for the height exception here is compatible to other uses in the neighborhood. Again, this is not about me not supporting the project as a whole, I'm going to be more comfortable with this motion if we address the height issue. So, I just don't think we can find that it's compatible, the height exception, they have 35 feet, I think that's plenty. I don't see any need for anymore then and I don't think it's compatible to what we see existing right now in the vicinity of this project.

Commissioner Bradbury: Mr. Chairman, could I suggest that Commission Stevens make a substitute motion?

Commissioner Stevens: I would be happy to.

Chairman Gillespie: May I ask the seconder if she's okay with that? Commissioner Ansotegui is that acceptable to you?

Commissioner Ansotegui: That's acceptable.

Commissioner Bradbury: Or a motion to amend?

Commissioner Stevens: Please, I'll allow you Commissioner Bradbury to amend.

Commissioner Bradbury: No, no I was going to have you do that.

Commissioner Stevens: I'll just offer a substitute motion per Robert's Rules if we can and that is to keep the motion as it is but to deny the height exception.

MOTION: **COMMISSIONER STEVENS MOVED TO APPROVE PUD16-00015 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN RESTORE SETBACK BETWEEN BUILDINGS BUT DENY THE HEIGHT EXCEPTION ALONG FEDERAL AND AMITY IN THE SOUTHWEST CORNER.**

SECONDER: **COMMISSIONER ANSOTEGUI**

Chairman Gillespie: We have a motion on the floor to restore setback as per code between the buildings, allow the zero's to create the duplexes and to not allow the height exception for the units along Federal and Amity in the south/west corner. Is that a correct formulation?

Commissioner Stevens: Yes.

Chairman Gillespie: Is there any discussion of the motion? Alright, hearing none, all those in favor of the motion to approve PUD16-00015 with the changes discussed please say aye. All opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Gillespie: That motion carries, PUD16-00015 is approved with those changes. So now let's move onto the variance which we have final approval. So this variance deals with that retaining wall and the front setback requirement to create that retaining wall for the entry drive.

MOTION: **COMMISSIONER BRADBURY MOVED TO APPROVE CVA16-00033 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER STEVENS**

Chairman Gillespie: Motion by Commissioner Bradbury, second by Commission Stevens. Is there any discussion on the motion to approve variance CVA16-33?

Commissioner Bradbury: Mr. Chairman, I just think the staff report adequately covered the issue and I didn't really want to add anything to that other than to specifically point to the findings in the staff report.

Chairman Gillespie: Is there any further discussion on the motion to approve the variance? Hearing none, all those in favor in approving CVA16-00033 please say aye. Any opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Gillespie: The motion carries. Next on the docket is the hillside permit, CFH16-31 for this we have final approval. It's before the Commission.

MOTION: **COMMISSIONER BRADBURY MOVED TO APPROVE CFH16-00031 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER STEVENS**

Chairman Gillespie: Motion by Commissioner Bradbury, seconded by Commissioner Stevens to approve CFH16-00031. Is there any discussion? Hearing none, all those in favor of the motion, please say aye. Any opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Gillespie: Motion carries. The final is our recommendation on SUB16-33. I would ask whoever the motion maker is to simply, well I guess we don't need to, we don't really need to reference the PUD for the subdivision plat because we're just dealing with setbacks. So, it's before the Commission.

MOTION: **COMMISSIONER BRADBURY MOVED TO RECOMMEND APPROVAL OF SUB16-00033 TO CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN RECOGNIZING THE CHANGES MADE IN APPROVAL OF PUD16-00015**

SECONDER: **COMMISSIONER STEVENS**

FINAL

Chairman Gillespie: A motion by Commissioner Bradbury, seconded by Commissioner Stevens to approve SUB16-00033 as effected by the changes the Commission made to PUD16-00015. Is there any discussion on the project?

Commissioner Bradbury: Mr. Chairman, I really just want to point something out that I, and frankly I'm not certain how to cope with it or how staff would want to cope with it or even the applicant. My suspicion is that based upon the approval of the PUD that the subdivision itself is likely to, or the proposed subdivision itself is likely to change. That is the plat and I'm kind of wondering if recommending approval is the right thing to do under those circumstances. Kind of getting a nod I think, from staff. Does anybody over there on that table want to weigh in on that issue?

Commissioner Stevens: Mr. Chair, I think the appropriate thing to do would be to deny subdivision or recommend denial or defer it until something new comes back that accommodates our…

Commissioner Bradbury: That's kind of what I was thinking.

Chairman Gillespie: It will go to City Council. They have an approved PUD. Presumably the applicant is now going to decide how he wants to handle his PUD and whether he wants to appeal that or change that. He'll have a chance to redo his subdivision before it goes to Council. He may need to, I don't know, so I'm not sure that we need to do anything other than approve it in conjunction with what we've already done. Leon.

Leon Letson: Chairman, Commission, so minor modifications could be allowed between this stage and bringing it to Council. Obviously density has been set by the PUD. You've set setbacks, but lot widths, different things like that, the Council can play with some of that or even building design as an alternative for the applicant to comply with your requirement to actually shrink the footprints of those buildings themselves. So, there are alternatives between this stage of the process and when we get to City Council.

Chairman Gillespie: Any further discussion on the motion to approve the subdivision? So, we have a motion to approve SUB16-33, all those in favor please say aye. Any opposed?

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

IV. MEETING ADJOURNED

(07:49 PM)

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

CFH16-00031, CVA16-00033, PUD16-00015 & SUB16-00033 / Arete Investments Group, LLC

Summary
The applicant requests approval of 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 ±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.

Prepared By
Leon Letson, Associate Planner

Recommendation
The Planning Team recommends **approval** of each request.

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 requested variance, the site is large enough to accommodate the project without adversely impacting surrounding properties. This is also true for the height exception for the dwellings along Federal Way and Amity Road. The front of these dwellings are set back an average of 350' from the rear of homes in the existing neighborhood to the northeast. Furthermore, views from the proposed balconies of these units, as they relate to the rear yards of homes in this neighborhood, will be screened by both the second and third tier of townhomes as well as a landscape buffer consisting of a mix of deciduous and evergreen trees. 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

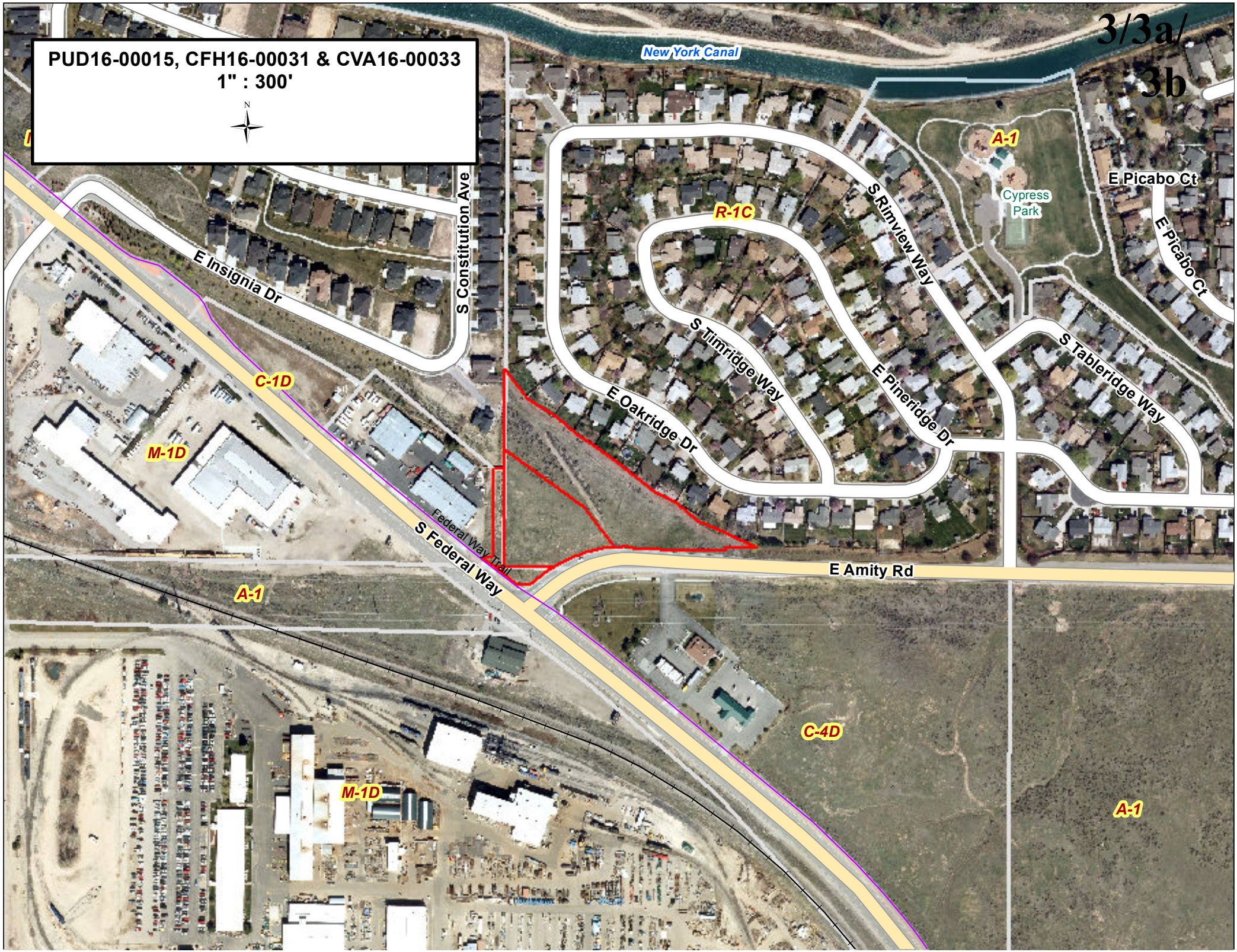
front setback is required to construct this access. Although the Comprehensive Plan does not specifically address variances for retaining walls, the single access point proposed for this project in conjunction with new sidewalk proposed along Amity Road are supported by *Goal CC7*, which aims to enhance pedestrian connectivity and comfort. Granting this variance will not be materially detrimental to the public health, safety, or welfare of the neighborhood.

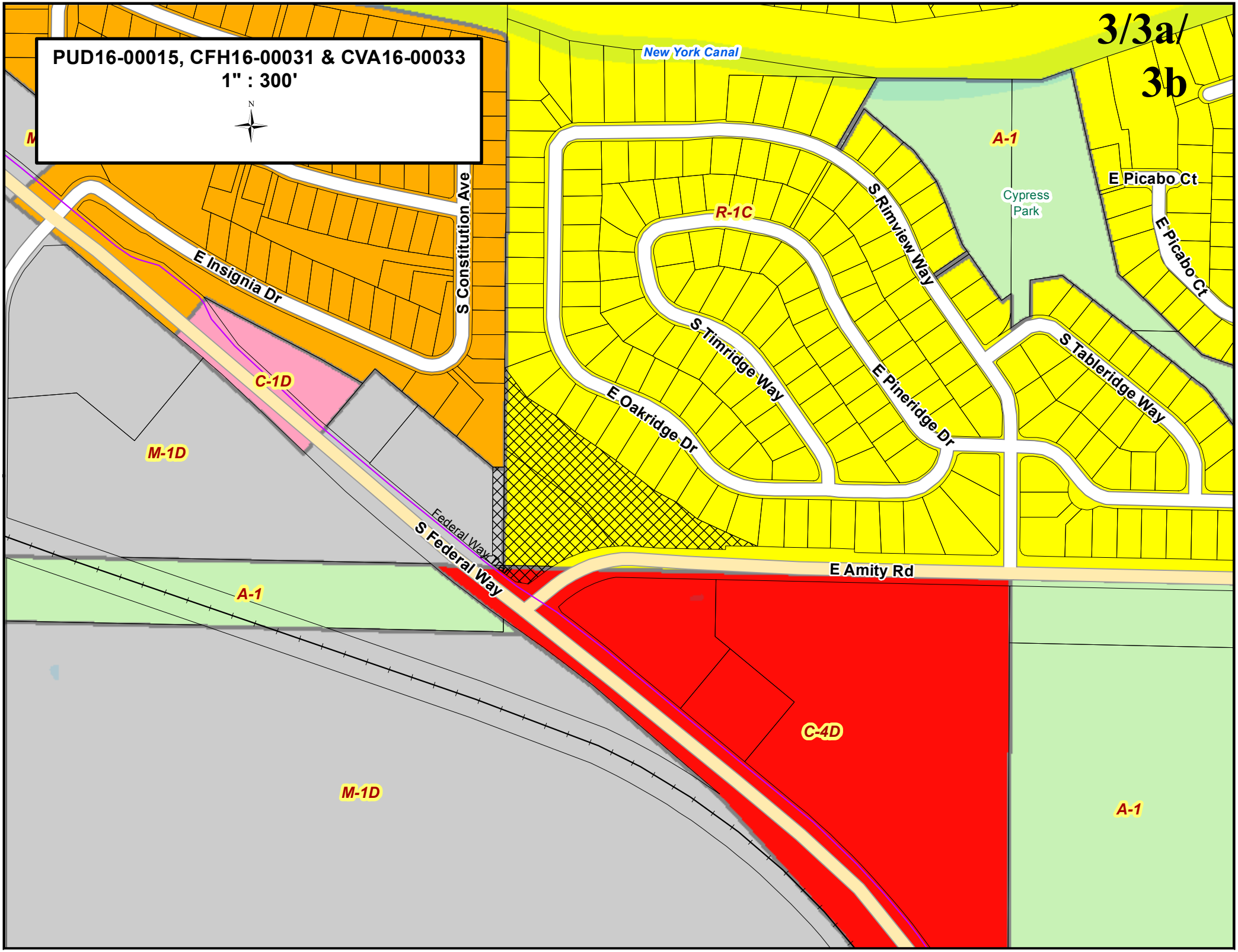
Hillside Development

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.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online through the following link:

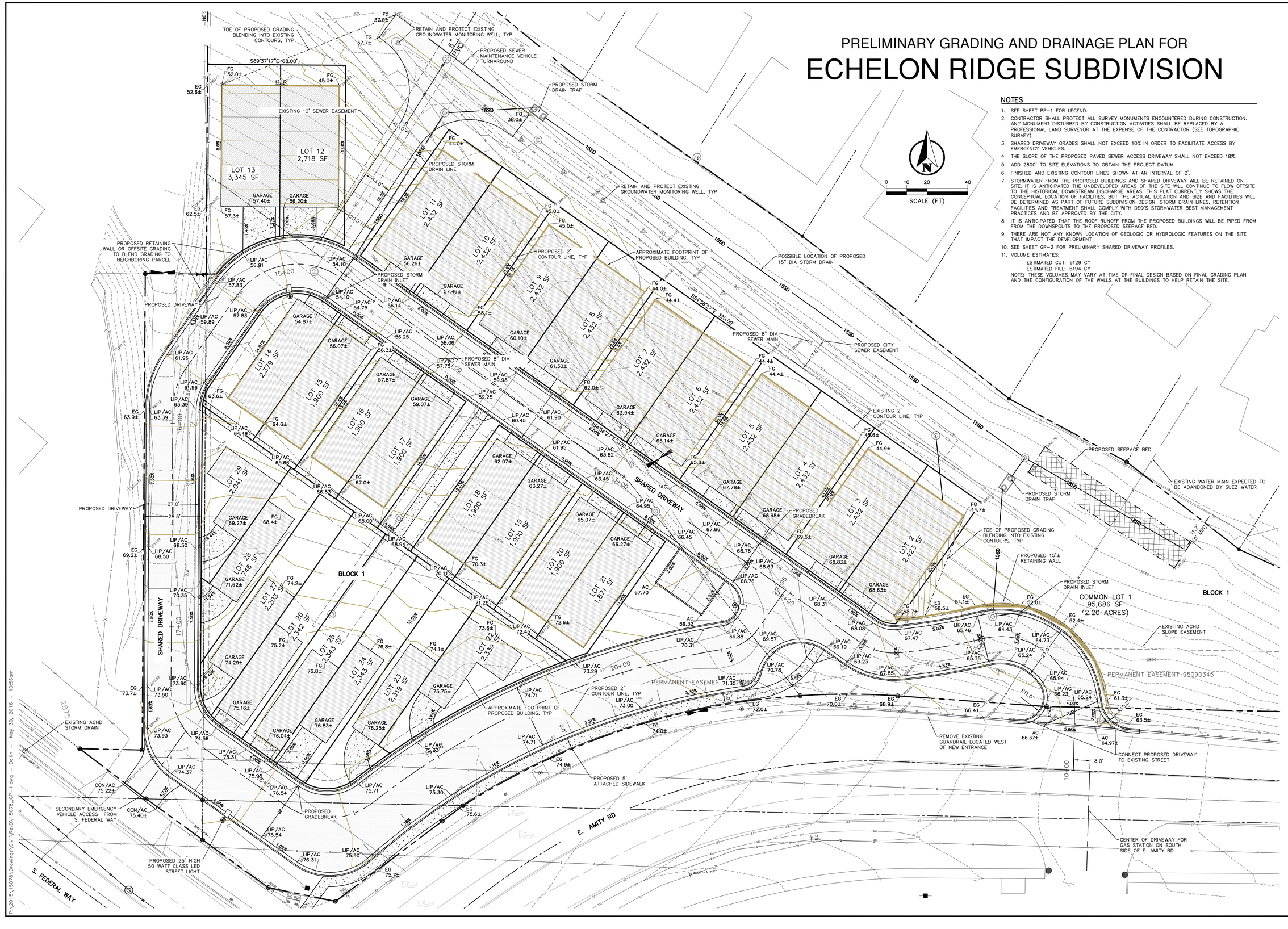
http://pdsonline.cityofboise.org/pdsonline/Permits.aspx?id=0


PUD16-00015, CFH16-00031 & CVA16-00033
1" : 300'
N
3/3a/
3b
New York Canal
A-1
E Picabo Ct
Cypress
Park
R-1C
S Rimview Way
E Picabo Ct
S Constitution Ave
E Insignia Dr
S Timridge Way
S Tableridge Way
E Pineridge Dr
E Oakridge Dr
C-1D
M-1D
Federal Way Trail
S Federal Way
E Amity Rd
A-1
C-4D
M-1D
A-1


PUD16-00015, CFH16-00031 & CVA16-00033
1" : 300'
N
3/3a/
3b
New York Canal
A-1
Cypress
Park
E Picabo Ct
E Picabo Ct
S Rimview Way
R-1C
S Timridge Way
E Pineridge Dr
S Tableridge Way
E Oakridge Dr
S Constitution Ave
E Insignia Dr
C-1D
M-1D
Federal Way Trail
S Federal Way
E Amity Rd
A-1
C-4D
M-1D
A-1

PRELIMINARY GRADING AND DRAINAGE PLAN FOR

ECHELON RIDGE SUBDIVISION



NOTES

1. SEE SHEET PP–1 FOR LEGEND.
2. CONTRACTOR SHALL PROTECT ALL SURVEY MONUMENTS ENCOUNTERED DURING CONSTRUCTION. ANY MONUMENT DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED BY A PROFESSIONAL LAND SURVEYOR AT THE EXPENSE OF THE CONTRACTOR (SEE TOPOGRAPHIC SURVEY).
3. SHARED DRIVEWAY GRADES SHALL NOT EXCEED 10% IN ORDER TO FACILITATE ACCESS BY EMERGENCY VEHICLES.
4. THE SLOPE OF THE PROPOSED PAVED SEWER ACCESS DRIVEWAY SHALL NOT EXCEED 18%.
5. ADD 2800' TO SITE ELEVATIONS TO OBTAIN THE PROJECT DATUM.
6. FINISHED AND EXISTING CONTOUR LINES SHOWN AT AN INTERVAL OF 2'.
7. STORMWATER FROM THE PROPOSED BUILDINGS AND SHARED DRIVEWAY WILL BE RETAINED ON SITE. IT IS ANTICIPATED THE UNDEVELOPED AREAS OF THE SITE WILL CONTINUE TO FLOW OFFSITE TO THE HISTORICAL DOWNSTREAM DISCHARGE AREAS. THIS PLAT CURRENTLY SHOWS THE CONCEPTUAL LOCATION OF FACILITIES, BUT THE ACTUAL LOCATION AND SIZE AND FACILITIES WILL BE DETERMINED AS PART OF FUTURE SUBDIVISION DESIGN. STORM DRAIN LINES, RETENTION FACILITIES AND TREATMENT SHALL COMPLY WITH DEQ'S STORMWATER BEST MANAGEMENT PRACTICES AND BE APPROVED BY THE CITY.
8. IT IS ANTICIPATED THAT THE ROOF RUNOFF FROM THE PROPOSED BUILDINGS WILL BE PIPED FROM FROM THE DOWNSPOUTS TO THE PROPOSED SEEPAGE BED.
9. THERE ARE NOT ANY KNOWN LOCATION OF GEOLOGIC OR HYDROLOGIC FEATURES ON THE SITE THAT IMPACT THE DEVELOPMENT
10. SEE SHEET GP–2 FOR PRELIMINARY SHARED DRIVEWAY PROFILES.
11. VOLUME ESTIMATES:

    ESTIMATED CUT: 6129 CY
    ESTIMATED FILL: 6194 CY

    NOTE: THESE VOLUMES MAY VARY AT TIME OF FINAL DESIGN BASED ON FINAL GRADING PLAN AND THE CONFIGURATION OF THE WALLS AT THE BUILDINGS TO HELP RETAIN THE SITE.

REVISIONS	
A	05/24/16 – REVIEW
B	05/30/16 – STORM

PROFESSIONAL ENGINEER — STATE OF IDAHO — 10077 — 05/30/2016 — LANCE WARREN CLK

ASPEN ENGINEERS
485 W. Main St, Suite B · PO Box 205 · Kuna, Idaho 83634
Phone: (208) 466-8181 · www.AspenEngineers.com

OWNER / DEVELOPER
ARETE INVESTMENTS GROUP, LLC
2043 W. ASTON TE ST.
MERIDIAN, IDAHO 83642
CONTACT: JEREMY TELFORD
(208) 577-0225

ECHELON RIDGE SUBDIVISION
1350 E. AMITY RD
BOISE, IDAHO 83716

DRAWN	SCALE
PSL	SHOWN
CHECKED	REVISION
LBW	B

DATE: 05/30/2016

PROJECT: 15078

TITLE: ECHELON RIDGE SUBDIVISION

PRELIMINARY GRADING AND DRAINAGE PLAN

SHEET: GP-1

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PRELIMINARY PLAT OF

ECHELON RIDGE SUBDIVISION

A PORTION OF LAND LOCATED IN A PORTION OF
THE SW1/4 OF SECTION 25 AND THE NW 1/4 OF SECTION 36,
T.3N, R.2E, B.M, BOISE CITY, ADA COUNTY, IDAHO
MAY 30, 2016

NOTES

1. SEE SHEET PP-1 FOR LEGEND.
2. SEE SHEET PP-1 FOR ADDITIONAL NOTES.
3. SEE SHEET PP-1 FOR VICINITY MAP.
4. LOT 1 OF BLOCK 1 IS A COMMON LOT THAT WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND WILL CONTAIN THE PROPOSED SHARED DRIVEWAY AND CONTAINS A BLANKET PUBLIC UTILITY, DRAINAGE, BOISE CITY STREETLIGHT, BOISE CITY SEWER EASEMENT.
5. SEE SHEET GP-1 FOR PRELIMINARY GRADING PLAN.
6. SEE SHEET GP-2 FOR PRELIMINARY PROFILES OF SHARED DRIVEWAY.
7. SEE SHEET ESC-1 FOR PRELIMINARY EROSION AND SEDIMENT CONTROL PLAN.

DEVELOPMENT DATA

TOTAL SUBDIVISION AREA:	3.66 ACRES±
EXISTING ZONING:	R-1C & C-4D
PROPOSED ZONING:	R-1C
TOTAL LOTS:	29 TOTAL (28 BUILDABLE LOTS AND 1 COMMON LOT)
COMMON LOT AREA:	2.20 ACRES± (LOT 1 OF BLOCK 1)
AVERAGE BUILDABLE SIZE:	2,275 SF± (0.052 ACRES±) EXCLUDES COMMON LOTS
GROSS DENSITY:	7.65± BUILDABLE LOTS (UNITS) PER GROSS ACRE

0 15 30 60
SCALE (FT)

REVISIONS	
A	05/24/16 – REVIEW
B	05/30/16 – STORM

PROFESSIONAL ENGINEER — JOHN L. STERLEY — 10077 — 05/30/2016 — STATE OF IDAHO — LANCE WARREN

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ECHELON RIDGE SUBDIVISION
1350 E. AMITY RD
BOISE, IDAHO 83716

DRAWN	SCALE
PSL	SHOWN
CHECKED	REVISION
LBW	B

DATE: 05/30/2016
PROJECT: 15078
TITLE: ECHELON RIDGE SUBDIVISION — PRELIMINARY PLAT DRAWING

SHEET: PP-2
2 of 5

P:\2015\15078\Drawings\Civil\Revit\15078_PP1.dwg – Dallin – May 30, 2016 – 10:54am

PRELIMINARY PLAT OF

ECHELON RIDGE SUBDIVISION

A PORTION OF LAND LOCATED IN A PORTION OF
THE SW1/4 OF SECTION 25 AND THE NW 1/4 OF SECTION 36,
T.3N, R.2E, B.M, BOISE CITY, ADA COUNTY, IDAHO
MAY 30, 2016

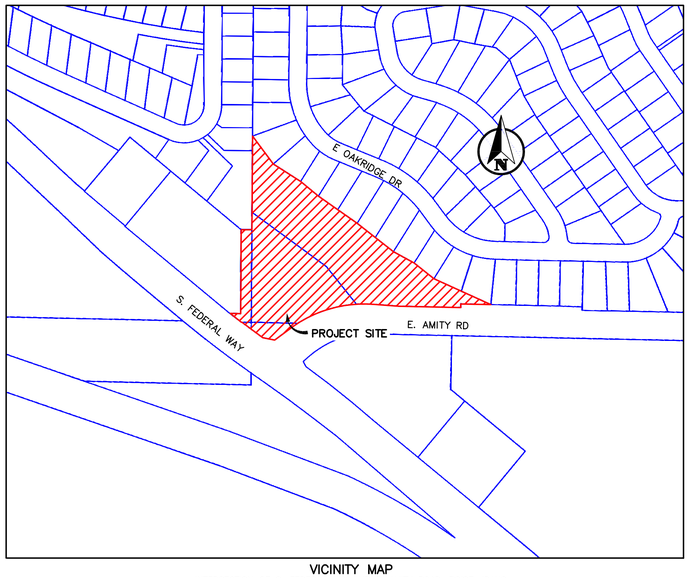
LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE
		LOT LINE
		CENTERLINE
		SECTION LINE
		EASEMENT
EP	EP	EDGE OF PAVEMENT
EG	EG	EDGE OF GRAVEL
GAS	G	UNDERGROUND GAS LINE
W	W	WATER LINE
WS	WS	WATER SERVICE LINE
S	S	SEWER MAIN LINE
SS	SS	SEWER SERVICE LINE
SD	SD	STORM DRAIN LINE
OHP	OHP	OVERHEAD POWER
UP	UP	UNDERGROUND POWER
UT	UT	UNDERGROUND TELEPHONE
		FLOW LINE
GB	GB	GRADE BREAK
GC	GC	GRADE CHANGE
TB	TB	TOP OF BANK
TOE	TOE	TOE OF SLOPE
PI	PI	PRESSURE IRRIGATION LINE
IRR	IRR	GRAVITY IRRIGATION LINE
		CHAIN LINK FENCE
		WOOD FENCE
		VINYL FENCE
X	X	WIRE FENCE
2601		CONTOUR
SSMH		SEWER MANHOLE
		WATER IRRIG/FAUCET
SCO		SEWER SERVICE MARKER
		CLEANOUT
		FIRE HYDRANT
W		WATER WELL
WM		WATER METER
WV		WATER SERVICE
		WATER VALVE
		BLOW-OFF ASSEMBLY & VAULT
		TEMPORARY BLOW-OFF
		PRESSURE IRRIGATION DRAIN
		PIPE END CAP
		PIPE ADAPTER
		FITTINGS W/THRUST BLOCK
		STORM MANHOLE
		STORM DRAIN CATCH BASIN
		STORM DRAIN DROP INLET
		SAND AND GREASE TRAP
PIV		AIR RELEASE VALVE
IRR		IRRIGATION BOX
		IRRIGATION MANHOLE
		UTILITY POLE
		POLE ANCHOR
		ELECTRICAL BOX
		LIGHT POLE
		TELEPHONE RISER
		GAS METER/MARKER
		GAS RISER
		CABLE TV RISER
		MAILBOX
		SIGN
		BARRICADE
		DECIDUOUS/CONIFER TREE
	1	LOT NUMBER
	A / 1	DETAIL NUMBER / SHEET NUMBER
	0.40%	GRADE & DIRECTION OF FLOW

NOTE: THIS IS A TYPICAL LINE AND SYMBOL LEGEND AND MAY NOT APPLY TO ALL PROJECTS.

ABBREVIATIONS

AC	ASPHALT ELEVATION	MDD	MODIFIED DRY DENSITY	TBC	TOP BACK ROLLED CURB
BOW	BACK OF WALK	ME	MATCH EXISTING	TBM	TEMPORARY BENCHMARK
CB	CATCH BASIN	MJ	MECHANICAL JOINT	TBVC	TOP BACK VERTICAL CURB
CF	CUBIC FEET	NTS	NOT TO SCALE	TOC	TOP OF CURB
CON	CONCRETE ELEVATION	PC	POINT OF CURVATURE	TOG	TOP OF GRATE
CFS	CUBIC FEET PER SECOND	PRC	POINT OF REVERSE CURV	TOW	TOP OF WALK
DIA	DIAMETER	PT	POINT OF TANGENCY	TYP	TYPICAL
EG	EXISTING GRADE	PUE	PUBLIC UTILITY EASEMENT	WALL	TOP OF RETAINING WALL
EP	EDGE OF PAVEMENT	PVI	POINT OF VERTICAL INTER		
FL	FLOW LINE	QTY	QUANTITY		
FLG	FLANGE	R	RADIUS		
GB	GRADE BREAK	ROW	RIGHT-OF-WAY		
GC	GRADE CHANGE	SDR	STD DIMENSION RATIO		
IE	INVERT ELEVATION	STA	STATION		
LF	LINEAR FEET	STD	STANDARD		
LIP	LIP OF GUTTER	TB	THRUST BLOCK		



VICINITY MAP
INTERSECTION OF S. FEDERAL WAY AND E. AMITY ROAD, BOISE, IDAHO
N.T.S

GENERAL NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL COMPLY WITH IDAHO CODE CHAPTER 22, TITLE 55 REGARDING UNDERGROUND FACILITIES DAMAGE PREVENTION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF EXISTING UTILITIES BEFORE COMMENCING WORK. THEY AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE THEIR FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES. CALL DIGLINE, INC., 48 HOURS BEFORE COMMENCING ANY UNDERGROUND WORK AT 811 OR 342-1585.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT EDITION OF THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPWC).
3. ALL SANITARY SEWER MAINS SHALL BE 8" DIAMETER UNLESS OTHERWISE NOTED. SEWER MAINS SHALL BE DEDICATED TO THE CITY OF BOISE.
4. ALL DOMESTIC WATER MAINS SHALL BE 8" DIAMETER UNLESS OTHERWISE NOTED.
5. THIS PROPERTY IS NOT LOCATED WITHIN A FLOODPLAIN.
6. THIS PROPERTY IS LOCATED IN A HILLSIDE DEVELOPMENT AREA.
7. CONTINUATION OF GRAVITY IRRIGATION DITCHES OR DRAINS TO DOWNSTREAM PROPERTIES, SHALL BE PROVIDED IN ACCORDANCE WITH IDAHO CODE.
8. THIS PROPERTY DOES NOT HAVE A SURFACE IRRIGATION WATER RIGHT, THEREFORE LANDSCAPE IRRIGATION WATER WILL BE PROVIDED BY A CONNECTION TO THE POTABLE WATER SYSTEM.
9. STORMWATER FROM THE PROPOSED BUILDINGS AND SHARED DRIVEWAY WILL BE RETAINED ON SITE. IT IS ANTICIPATED THE UNDEVELOPED AREAS OF THE SITE WILL CONTINUE TO FLOW OFFSITE TO THE HISTORICAL DOWNSTREAM DISCHARGE AREAS. THIS PLAT CURRENTLY SHOWS THE CONCEPTUAL LOCATION OF FACILITIES, BUT THE ACTUAL LOCATION AND SIZE AND FACILITIES WILL BE DETERMINED AS PART OF FUTURE SUBDIVISION DESIGN. STORM DRAIN LINES, RETENTION FACILITIES AND TREATMENT SHALL COMPLY WITH DEQ'S STORMWATER BEST MANAGEMENT PRACTICES AND BE APPROVED BY THE CITY.
10. ANY RESUBDIVISION OF THIS PLAT SHALL BE IN COMPLIANCE WITH THE CURRENT SUBDIVISION STANDARDS OF THE CITY OF BOISE.
11. LOT 1 OF BLOCK 1 IS A COMMON LOT THAT WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND WILL CONTAIN THE PROPOSED SHARED DRIVEWAY AND CONTAINS A BLANKET PUBLIC UTILITY, DRAINAGE, BOISE CITY STREETLIGHT, BOISE CITY SEWER EASEMENT.
12. SEE THE ACCOMPANYING CONDITIONAL USE PERMIT SITE PLAN AND PRELIMINARY GRADING PLAN FOR CONFIGURATION OF THE PROPOSED BUILDINGS IN LOTS 2 THROUGH 29 OF BLOCK 1. THE BUILDING, PARKING LOT AND SITE IMPROVEMENTS SHOWN ON THIS DRAWING ARE ANTICIPATED TO BE CONSTRUCTED TO SUPPORT THE BUILDINGS AS THEY DEVELOP.
13. THERE IS A 10' PUBLIC UTILITY, IRRIGATION DRAINAGE EASEMENT AROUND THE PERIMETER OF THE SUBDIVISION UNLESS NOTED OTHERWISE.
14. THERE IS NOT ANY PUBLIC UTILITY EASEMENT ALONG THE INTERIOR LOTS OF THE SUBDIVISION.
15. THERE ARE NOT ANY NEW PUBLIC OR PRIVATE STREETS PROPOSED FOR THIS DEVELOPMENT.
16. THIS DEVELOPMENT WILL USE A NEW 30' WIDE DRIVEWAY FROM E. AMITY RD TO PROVIDE VEHICULAR ACCESS TO THE SITE. THIS NEW DRIVEWAY WILL BE LOCATED 8' WEST OF THE EXISTING DRIVEWAY FOR THE GAS STATION ON THE SOUTH SIDE OF E. AMITY RD. A SECONDARY EMERGENCY VEHICLE ACCESS WILL ALSO BE PROVIDE TO THE DEVELOPMENT FROM AN EXISTING CURB CUT DRIVEWAY FROM S. FEDERAL WAY. REMOVABLE BOLLARDS OR A CHAIN ACROSS THIS SECONDARY EMERGENCY VEHICLE ACCESS WILL BE USED TO LIMIT ACCESS TO ONLY EMERGENCY VEHICLES..
17. THE PROPOSED STREETLIGHTS WILL BE DEDICATED TO THE CITY OF BOISE.

DEVELOPER

ARETE INVESTMENTS GROUP, LLC
2048 W ASTONTE ST
MERIDIAN, ID 83646

CONTACT: JEREMY TELFORD
(208) 577-0225

ENGINEER

ASPEN ENGINEERS, CHARTERED
485 W. MAIN ST, SUITE B
PO BOX 205
KUNA, IDAHO 83634

CONTACT: LANCE WARNICK, P.E.
(208) 466-8181

DRAWING INDEX

1. PRELIMINARY PLAT LEGEND AND NOTES SHEET PP-1
2. PRELIMINARY PLAT DRAWING PP-2
3. PRELIMINARY GRADING AND DRAINAGE PLAN GP-1
4. PRELIMINARY PROFILES OF SHARED DRIVEWAY GP-2
5. PRELIMINARY EROSION AND SEDIMENT CONTROL PLAN ESC-1

REVISIONS	
A	05/24/16 – REVIEW
B	05/30/16 – STORM

PROFESSIONAL ENGINEER — LANCE WARNICK — 10077 — STATE OF IDAHO — 05/30/2016

ASPEN ENGINEERS
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Phone: (208) 466-8181 · www.AspenEngineers.com

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ECHELON RIDGE SUBDIVISION
1350 E. AMITY RD
BOISE, IDAHO 83716

DRAWN	SCALE
PSL	SHOWN
CHECKED	REVISION
LBW	B

DATE: 05/30/2016
PROJECT: 15078
TITLE: ECHELON RIDGE SUBDIVISION — PRELIMINARY PLAT LEGEND AND NOTES
SHEET: PP-1

P:\2015\15078\Drawings\Civil\Revit\15078_PP1.dwg – Dallin – May 30, 2016 – 10:52am

PDS Online | eApply

City of Boise • Planning & Development Services • (208) 384-3802 • pds.cityofboise.org

3/3a/

#117: Planned Unit Development

Case #: PUD16-00015 **3b**

Property Information

Address

Street Number:	Prefix:	Street Name:	Unit #:
1250	E	AMITY RD	

Subdivision name:	Block:	Lot:	Section:	Township:	Range:	Zoning:
BRECKENRIDGE SUB NO 5			25	3	2	R-1C

Parcel Number:	Additional Parcel Numbers:
R1071190185	R1071190151, R7198560050, S1036223002, S1036212422

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

○ Agent/Representative ○ Applicant ◉ Owner

Applicant Information

First Name:	Last Name:
Jeremy	Telford

Company: Arete Investments Group, LLC

Address:	City:	State:	Zip:
2048 W. Astonte St.	Meridian	ID	83646

E-mail:	Phone Number:	Cell:	Fax:
Jeremy@JeremyTelford.com	(208) 577-0225		

Agent/Representative Information

Role Type: ○ Architect ○ Land Developer ○ Engineer ○ Contractor ◉ Other

First Name:	Last Name:
Jay	Walker

Company: Allterra Consulting

Address:	City:	State:	Zip:
9208 JR Way	Middleton	ID	83644

E-mail:	Phone Number:	Cell:	Fax:
walker@allterraconsulting.com	(208) 484-4479		

Owner Information

Same as Applicant? ○ No ◉ Yes (If yes, leave this section blank)

First Name:	Last Name:

Company:

Address:	City:	State:	Zip:
		ID	

E-mail:	Phone Number:	Cell:	Fax:

3/3a/ 3b

Project Information

Is this a Modification application? ○ Yes ◉ No File number being modified:

1. Neighborhood Meeting Held (Date):

05/26/2016

2. Neighborhood Association:

Southeast Boise

3. Comprehensive Planning Area:

Southeast

4. This application is a request to construct, add or change the use of the property as follows:

Subdivision of 3.66 acres into 28 Townhouse Building Lots and 1 Common Area Lot within the R1-C Zoning Guidelines.

5. Size of Property:

3.66 ○ Acres ○ Square Feet

6. Water Issues:

A. What are you fire flow requirements? (See International Fire Code):

1500 gpm

B. Number of hydrants (show location on site plan):
Note: Any new hydrants/hydrant piping require United Water approval.

Number of Existing: Number of Proposed: 2

C. Is the building "sprinklered"? ○ Yes ◉ No

D. What volume of water is available? (Contact United Water of Idaho at 362-7330):

1500 gpm

7. Existing uses and structures on the property are as follows:

None.

8. Are there any hazards on the property?

(Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:

There is a ground water plume underneath the property which is monitored and treated by Motive Power. Currently in good standing, but we are maintaining monitoring well access for them and designing our storm water retention to mitigate any

9. Adjacent property information:

	Building types and/or uses	Number of Stories	Zone
North:	Residential	2	(R-1C) Single Family Resider
South:	Commercial	1	(C-4D) Planned Commercial
East:	Residential	2	(R-1C) Single Family Resider
West:	Commercial	2	(M-1D) Limited Industrial w/

3/3a/ 3b

10. Non-Residential Structures:

A. Number of **Proposed** non-residential structures: 0

Square footage of proposed non-residential structures or additions (if 5+ floors, attach narrative with chart):

	Gross Square Feet	Net Leasable Square Feet
1st Floor	0	0
2nd Floor	0	0
3rd Floor	0	0
4th Floor	0	0

B. Maximum Proposed Height:

C. Number of stories: 0

D. Number of **EXISTING** non-residential structures to remain: 0

Square footage of existing non-residential structures or additions (If 5+ floors, attach narrative with chart):

	Gross Square Feet	Net Leasable Square Feet
1st Floor	0	0
2nd Floor	0	0
3rd Floor	0	0
4th Floor	0	0

E. Existing Structure Height(s): 0

F. Number of Stories: 0

11. Residential Structures:

A. Number of **Proposed** residential units (if applicable):: 28

B. Size of Proposed residential structures (if applicable):

	Number of Units	Square Foot per Unit	Total Square Feet
One-Bedroom:	0	0	0
Two-Bedroom:	6	1950	11700
Three-Bedroom:	16	2100	33600
Other:	6	2500	15000
Total Number:	28	0	60300

C. Number of **Existing** units to remain: 0

D. Maximum Proposed Structure Height(s): 45

E. Number of Stories: 4

3/3a/ 3b

12.Site Design:

A. Percentage of site devoted to building coverage:	39
B. Percentage of site devoted to landscaping:	41
C. Percentage of site devoted to paving:	20
D. Percentage of site devoted to other uses:	0
E. Describe other use:	N/A

13.Loading Facilities, if proposed (For Commercial uses only):

Number:		Location	
Size:		Screening	

14.Parking:

	Required		Proposed
A. Handicapped Spaces:	0	Handicapped Spaces:	0
B. Parking Spaces:	3	Parking Spaces:	16
C. Bicycle Spaces:	0	Bicycle Spaces:	0
D. Proposed Compact Spaces:	0		
E. Restricted (assigned, garage, reserved spaces) parking spaces proposed:			56
F. Are you proposing off-site parking?	○ Yes ◉ No	If yes, how many spaces?	
G. Are you requesting shared parking or a parking reduction?	○ Yes ◉ No	If yes, how many spaces?	

Note: If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15.Setbacks (Plans that are not graphically dimensioned will not be accepted.)

	Building		Parking	
	Proposed	Required	Proposed	Required
Front:	7	7		
Rear:	7	7		
Side 1:	3	3		
Side 2:	3	3		

16.Waivers Requested:

A. Lot size:	◉ Yes ○ No	Description:	2275 SqFt Average
B. Internal Setbacks:	◉ Yes ○ No	Description:	3' Minimums between townhouse buildings
C. Frontage:	◉ Yes ○ No	Description:	19' Minimums

17. Sidewalks:

Proposed: ☑ Attached ☑ Detached

Adjacent: ☐ Attached ☐ Detached

18. Amenities:

Number: 4

Description: 1. Elevated Outdoor Living Space (Patios) on all homes. 2. Landscaped open area space between Top and Middle Tier of homes. 3. Paved or Gravel Walking

19. Density:

Allowed Density: 8

Proposed Density: 7.65

20. Building Exterior:

	Materials	Colors
Roof:	Metal & Asphalt	Various
Walls:	Stucco, Concrete, Metal	Various
Windows/Doors:	Fiberglass & Plastic	
Fascia, Trim etc.:	TBD	

21. Drainage (Proposed method of on-site retention):

Storm Water Retention Basin at base of Site

22. Floodways & Hillsides:

A. Is any portion of this property located in a Floodway or a 100-year Floodplain? ○ Yes ◉ No

B. Does any portion of this parcel have slopes in excess of 15%? ◉ Yes ○ No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

◉ No ○ Area A ○ Area B ○ Area B1 ○ Area C

24. Street Layout:

A. PUBLIC Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains no more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required?

○ **Yes** ◉ **No**

B. PRIVATE Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required?

○ **Yes** ◉ **No**

Are you proposing public street connection to adjacent properties?

○ **Yes** ◉ **No**

25. Solid Waste:

A. Type of trash receptacles:

☑ **Individual Can/Residential** ☐ **3 Yd Dumpster** ☐ **6 Yd Dumpster** ☐ **8 Yd Dumpster** ☐ **Compactor**

B. Number of trash receptacles:

28

C. Proposed screening method:

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)

○ **Yes** ○ **No**

E. Is recycling proposed?

◉ **Yes** ○ **No**

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant's responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature:

Date:

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3/3a/

#114 Hillside & Foothill Development Application

Case #: CFH16-00031 **3b**

Property Information

Address

Street Number:	Prefix:	Street Name:	Unit #:
1250	E	AMITY RD	

Subdivision name:	Block:	Lot:	Section:	Township:	Range:	Zoning:
BRECKENRIDGE SUB NO 5			25	3	2	R-1C

Parcel Number:	Additional Parcel Numbers:
R1071190185	R1071190151, R7198560050, S1036223002, S1036212422

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

(•) Applicant ( ) Owner

Applicant Information

First Name:	Last Name:
Jeremy	Telford

Company: Arete Investments Group, LLC

Address:	City:	State:	Zip:
2048 W. Astonte St.	Meridian	ID	83646

E-mail:	Phone Number:	Cell:	Fax:
Jeremy@JeremyTelford.com	(208) 577-0225		

Owner Information

Same as Applicant? ( ) No (•) Yes (If yes, leave this section blank)

First Name:	Last Name:

Company:

Address:	City:	State:	Zip:
		ID	

E-mail:	Phone Number:	Cell:	Fax:

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature:

Date:

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3/3a/

#122 Variance Application

Case #: CVA16-00033 **3b**

Property Information

Address

Street Number:	Prefix:	Street Name:	Unit #:
1250	E	AMITY RD	

Subdivision name:	Block:	Lot:	Section:	Township:	Range:	Zoning:
BRECKENRIDGE SUB NO 5			25	3	2	R-1C

Parcel Number:	Additional Parcel Numbers:
R1071190185	R1071190151, R7198560050, S1036223002, S1036212422

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

○ Agent/Representative ○ Applicant ◉ Owner

Applicant Information

First Name:	Last Name:
Jeremy	Telford

Company: Arete Investments Group, LLC

Address:	City:	State:	Zip:
2048 W. Astonte St.	Meridian	ID	83646

E-mail:	Phone Number:	Cell:	Fax:
Jeremy@JeremyTelford.com	(208) 577-0225		

Agent/Representative Information

Role Type: ○ Architect ○ Land Developer ○ Engineer ○ Contractor ◉ Other

First Name:	Last Name:
Jay	Walker

Company: Allterra Consulting

Address:	City:	State:	Zip:
9208 JR Way	Middleton	ID	83644

E-mail:	Phone Number:	Cell:	Fax:
jwalker@allterraconsulting.com	(208) 484-4479		

Owner Information

Same as Applicant? ○ No ◉ Yes (If yes, leave this section blank)

First Name:	Last Name:

Company:

Address:	City:	State:	Zip:
		ID	

E-mail:	Phone Number:	Cell:	Fax:

3/3a/
3b

1. Neighborhood Meeting Held (Date):

05/26/2016

2. Neighborhood Association:

Southeast Boise

3. Comprehensive Planning Area:

Southeast

4. This application is a request to construct, add or change the use of the property as follows:

Subdivision of 3.66 Acres of bare land into 28 building lots and 1 common area lot. 28 Lots to be built out as 14 paired townhome structures (2 units per building).

5. Size of Property:

3.66 (●) Acres ( ) Square Feet

6. What Ordinance standards are you requesting a variance from:

1. Requesting variance to exceed 35' maximum building height for buildings that back to Federal Way and other Commercial zones in order to block road/industrial sounds and provide views for rear row of buildings.

7. What special circumstances or conditions apply to the land or use which do not generally apply to other lands or uses in the same zone or vicinity?

1. This property is a "transition" project between commercial and residential. Hence, by building taller buildings along the commercial sides of the project, we will create a visual and audible barrier that will benefit the homeowners within the

8. Why is a variance necessary for the enjoyment of your rights as a property owner?

1. The taller buildings in the upper tier will reduce noise from Motive Power, Mattress Factory and Federal Way and block the visual presence of the surrounding commercial/industrial buildings.

9. Explain why this variance will not adversely affect the health, safety, or general welfare of the persons residing or working in the vicinity of the property.:

1. No adverse affects of taller buildings against Federal Way, Motive Power, Mattress Factory, etc. Due to the topography of the site, and the buildings in the lower tiers (all standard height), none of that adjacent the Homeowners within

10. Explain any hardships associated with the property that were not the result of your own actions or were not known to you prior to the purchase or development of the property.:

No usual hardships. Just trying to obtain highest and best use of this infill land while creating the most inviting & livable environment for both existing and new residents.

11. Adjacent property information:

	Building types and/or uses		Zone
North:	Single Family Re	North:	(R-1C) Single Family Residential
South:	Commercial	South:	(C-4D) Planned Commercial w/Desigr
East:	Single Family Re	East:	(R-1C) Single Family Residential
West:	Commercial	West:	(M-1D) Limited Industrial w/Design R

12. Any additional comments?

We have been discussing these variances with the Planning Dept. since we first began designing the project. Please call to discuss any questions or details. Thanks, Jeremy

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature:

Date:

3/3a/
3b

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#201 Subdivision

Property Information

Address

Street Number: 2407 | Prefix: S | Street Name: Ormond | Unit #:

Subdivision name: Amended Annett | Block: — | Lot: 11&12 | Section: 22 | Township: 3N | Range: 2E | Zoning: R-1C

Parcel Number: R0432000435 | Additional Parcel Numbers: None

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?
(✓) Agent/Representative ( ) Applicant ( ) Owner

Applicant Information

First Name: Bud | Last Name: Comphr

Company: NHS Community Services, LLC

Address: 3380 W. Americana Terrace Suite 120 | City: Boise | State: ID | Zip: 83706

E-mail: bcomphr@nwboise.org | Phone Number: 208-343-4065 | Cell: | Fax: 208-343-4963

Agent/Representative Information

Role Type: ( ) Architect ( ) Land Developer (✓) Engineer ( ) Contractor ( ) Other

First Name: Joe | Last Name: Canning

Company: B&A Engineers, Inc

Address: 5505 W. Franklin Rd. | City: Boise | State: ID | Zip: 83705

E-mail: jdcanning@baengineers.com | Phone Number: 208-343-3381 | Cell: | Fax: 208-343-5792

Owner Information

Same as Applicant? ( ) No (✓) Yes (If yes, leave this section blank)

First Name: Bud | Last Name: Comphr

Company: NHS Community Services, LLC

Address: 3380 W. Americana Terrace Suite 120 | City: Boise | State: ID | Zip: 83706

E-mail: bcomphr@nwboise.org | Phone Number: 208-343-4065 | Cell: | Fax: 208-343-4963

3/3a/
3b

1. Type of Application:

(✓) Preliminary ( ) Final ( ) Preliminary/Final

2. Proposed Subdivision/Condominium Name:

Ormond Street Cottages

Note: Must be approved by the Ada County Surveyor.

3. Cross Reference Files:

Please list all previously approved or currently associated file(s):

PFDP16-00018

4. Subdivision/Condominium Features:

Number of buildable lots/units:	12	Buildable lots/units per acre:	7.74
Number of common lots/units:	2	Zoning Classification:	R-1C
Total acres in subdivision:	1.55		

5. Building Program:

Fire Department Training Burn

Number of Existing Buildings: 1 Number of Existing Buildings to Remain: 0

Type of Existing Buildings: (✓) Residential ( ) Commercial ( ) Industrial ( ) Mixed Use

If Residential What Type? [✓] Single Family [ ] Townhouse [ ] Duplex [ ] Multi-Family

Type of Proposed Buildings: (✓) Residential ( ) Commercial ( ) Industrial ( ) Mixed Use

If Residential What Type? [✓] Single Family [ ] Townhouse [ ] Duplex [ ] Multi-Family

6. Waivers or Modifications:

Are any waivers/modifications being requested from the Subdivision Ordinance? ( ) Yes (✓) No

If yes, please include a detailed explanation in your letter.
An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:

Are private streets proposed? ( ) Yes (✓) No

If yes, please provide justification in the letter of explanation.
An additional private street review fee must be paid at the time of submittal.

3/3a/
3b

8. Public Streets:

Number of new public streets proposed: 0

9. Floodways & Hillsides:

Is any portion of this property located in a Floodway or a 100-year Floodplain? ○Yes ✓No

Does any portion of this parcel have slopes in excess of 15%? ○Yes ✓No

Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

11. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

✓No ○Area A ○Area B ○Area B1 ○Area C

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: Joe Cunningham

Date: 27 June 2016

3/3a/
3b

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, NeighborWorks Boise - Bud Compher (Name) 3380 W Americana Terrace Su 120 (Address)

Boise 83706 (City), ID (State)

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to B&A Engineers, Inc (Name) 5505 W. Franklin Rd Boise (Address) to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 21 day of April, 20 16

Signature

Subscribed and sworn to before me the day and year first above written.

RITA BEEDLE
Notary Public
State of Idaho

Notary Public for Idaho

Residing at: 3380 W Americana Terrace, Suite 120 Boise, ID 83706 Ada County

My commission expires: October 18, 2016

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Jeremy Telford, Manager of Arete Investments Group, LLC, 2048 W. Astonte St.
Name **Address**

Merdiain, Idaho
City **State**

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to _____ _____
Name Address
to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 31st day of May, 20 16

Signature

Subscribed and sworn to before me the day and year first above written.

April Ashby
Notary Public for Idaho

Residing at: RESIDING IN KUNA, ID

My commission expires: COMMISSION EXPIRES 1-24-18

APRIL ASHBY NOTARY PUBLIC STATE OF IDAHO

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Jeremy Telford, Manager of Arete Investments Group, LLC, 2048 W. Astonte St.
Name **Address**

Merdiain, Idaho
City **State**

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to _____ _____
Name Address
to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 31st day of May, 20 16

Signature

Subscribed and sworn to before me the day and year first above written.

April Ashby
Notary Public for Idaho

APRIL ASHBY NOTARY PUBLIC STATE OF IDAHO

Residing at: RESIDING IN KUNA, ID

My commission expires: COMMISSION EXPIRES 1-24-18

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Planning Division Project Report

File Number	CFH16-00031, CVA16-00033, PUD16-00015 & SUB16-00033
Applicant	Arete Investments Group, LLC
Property Address	1250 E. Amity Road
Public Hearing Date	August 8, 2016
Heard by	Planning and Zoning Commission
Analyst	Leon Letson
Checked By	Cody Riddle

Public Notification

Neighborhood meeting conducted: May 26, 2016
Hillside Work Session conducted: July 6, 2016
Newspaper notification published on: July 23, 2016
Radius notices mailed to properties within 300 feet on: July 23, 2016
Staff posted notice on site on: July 22, 2016

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Exhibits

Agency Comments

Public Comments

1. Project Data and Facts

Project Data	
Applicant/Status	Arete Investments Group, LLC
Design Professional	Tomlinson Designs
Location of Property	1250 E. Amity Road
Size of Property	±3.66 Acres
Zoning	R-1C (Single Family Residential), C-4D (Planned Commercial with Design Review), and M-1D (Light Industrial with Design Review)
Comprehensive Plan Designation	Suburban
Planning Area	Southeast
Neighborhood Association/Contact	Southeast/Brian McDevitt @ 867-5224
Procedure	The Planning and Zoning Commission renders a final decision on the hillside, conditional use, and variance, and makes a recommendation to City Council on the subdivision.

Current Land Use
The property is currently vacant.

Description of Applicant's Request
The applicant is seeking approval of a hillside and conditional use permit, as well as a variance and preliminary plat. Each application is associated with a 28-unit planned residential development comprised of attached single-family homes. The preliminary plat includes 28 buildable lots and one common lot for a private street, central gathering space, and landscaping.

2. Land Use

Description and Character of Surrounding Area
The property is located at the northwest corner of Federal Way and Amity Road. A large neighborhood of detached single-family homes exists to the northeast; more intense commercial and industrial uses exist to the south and west.

Adjacent Land Uses and Zoning

North:	Single Family Homes / R-1C (Single Family Residential)
South:	Industrial/Commercial / C-4D (Planned Commercial with Design Review) and M-1D (Light Industrial with Design Review)
East:	Single-Family Homes / R-1C (Single Family Residential)
West:	Industrial/Commercial and Single Family Residential / M-1D (Light Industrial with Design Review) and R-2D (Medium Density Residential with Design Review)

Site Characteristics
The subject property is a triangular-shaped lot with frontage on Federal Way and Amity Road. Steep hillside areas exist along the northeast. Primary access has been restricted to a single point on Amity Road; a secondary emergency access is provided from Federal Way.

Special Considerations
The subject property includes two common lots designated as "non-buildable" on the Breckenridge Subdivision #5 and Promontory Ridge Subdivision plats. Two applications to vacate these plat notes (SOS16-00011 and SOS16-00012) are under review.

3. Project Proposal

Parking

Proposed		**Required**	
Accessible spaces proposed:	0	Accessible spaces required:	0
Total parking spaces proposed:	59	Total parking spaces required:	56
Number of compact spaces proposed:	0	Number of compact spaces allowed:	22
Bicycle parking spaces proposed:	0	Bicycle parking spaces required:	0
Parking Reduction requested?	No	Off-site Parking requested?	No

The parking requirements for the development have been met. Table 11-07.1 establishes the off-street parking requirements for single-family dwellings at two spaces per dwelling, one of which may be reduced to compact standards. The applicant proposes to construct attached, two-car garages for all of the townhomes. Three additional guest parking spaces are located within the common area. There are also 13 compact, on-street parking spaces connected to the private street.

Setbacks (Perimeter)

Yard	**Building / Parking Required**	**Building / Parking Proposed**
Front (Amity Road)	15' (Building) / 20' (Parking)	15' (Building) / 20' (Parking)
Street-Side (Federal Way)	15' (Building) / 20' (Parking)	40'+ (Building) / 40'+ (Parking)
Sides (West)	5' (Building) / 5' (Parking)	30'+ (Building) / 30'+ (Parking)
Rear (North)	15' (Building) / 15' (Parking)	50' (Building) / 100'+ (Parking)

All perimeter setbacks for the project have been met, excluding the variance required to construct a retaining wall for a private street in the front setback. Internal to the development, homes have been setback a minimum of 3' from the private street. Setbacks between structures have been reduced to 0' to allow for the construction of single-family townhomes. Setbacks for parking have also been reduced. The attached parking for townhomes is reduced in areas to as little as 7' from the private street and the guest parking spaces located within the common area are reduced to 0'.

Structure(s) Design
Number and Proposed Use of Buildings
28 attached single-family homes.
Building Height
The tier of homes along Federal Way and Amity Road will be approximately 42' in height; the middle tier will be approximately 30' and the lowest tier approximately 26'.
Number of Stories
Eight four-story homes along Federal Way and Amity Road; all other homes will be three-story.
PUD Amenities*
1) 10% landscaped open space; and 2) 5,000+ square foot central gathering space with pathways.

* All homes within the development are also provided private open space in the form of multiple balcony areas.

4. Zoning Ordinance

Section	Description
11-03-04.4	Subdivision Plat
11-03-04.7	Planned Unit Developments
11-03-04.14	Variance
11-03-04.17	Hillside Development Permits
11-04-03.1	General Purpose of Residential Districts
11-07-03	Off-Street Parking and Loading Standards (Parking Reductions)
11-07-06.05	Planned Unit Development Standards
11-09	Subdivision Standards

5. Comprehensive Plan

Chapter	Goals, Objectives & Policies
Chapter 2 - Citywide Vision and Policies	Goal CC1 Goal CC7
Chapter 3 - Community Structure and Design	Principle GDP-N.3 Principle IDP-N.1 Principle IDP-N.2

- Connected Community (CC)
- General Design Principles for Neighborhoods (GDP-N)
- Infill Design Principles for Neighborhoods (IDP-N)

6. Transportation Data

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Level of Service
Federal Way	116’	Principal Arterial	1,040	“E”
Amity Road	426’	Minor Arterial	453	“D”

This development is estimated to generate 163 vehicle trips per day, with 15 in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition. The acceptable level-of-service for a principal arterial is “E,” or 1,770 vehicle trips during the PM Peak Hour; for minor arterials the acceptable level-of-service is “D,” or 550 vehicle trips during the PM Peak Hour.

7. Analysis & Findings

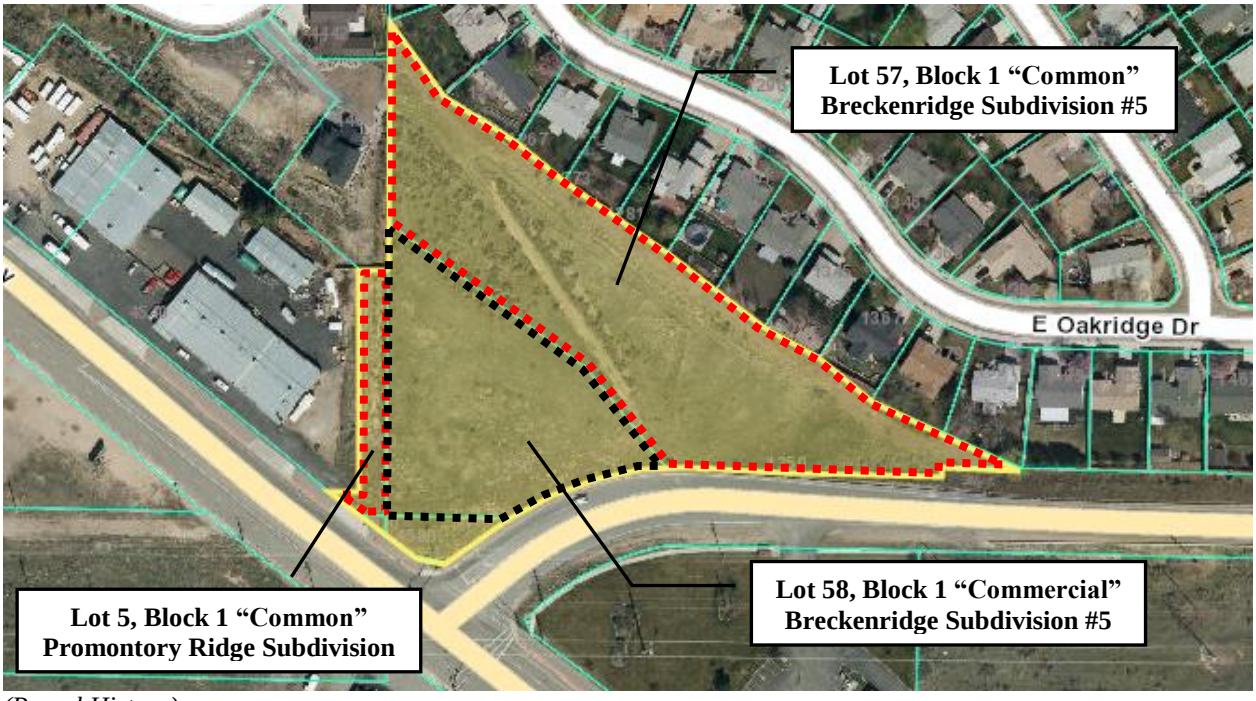
The applicant is requesting approval of a conditional use and hillside development permit along with a preliminary plat for a 28-unit planned residential development comprised of attached townhomes located at the northwest corner of Federal Way and Amity Road. An exception to exceed the 35’ height limit by approximately 7’ for the townhomes nearest Federal Way and Amity Road and a variance to reduce the front setback requirements for a retaining wall and parking are also included. As illustrated below, a large neighborhood of detached single-family homes exists to the northeast; more intense commercial and industrial uses exist to the south and west.



(Vicinity Map)

The subject property is largely comprised of a former use-exception area for planned commercial associated with the larger Breckenridge development (Lot 58, Block 1 of Breckenridge Subdivision #5) and two common lots from previously platted subdivisions (Lot 57, Block 1 of Breckenridge Subdivision #5 and Lot 5, Block 1 of Promontory Ridge Subdivision). In 2007, the City removed the requirement that the Breckenridge use-exception area develop as commercial. Regarding the two common lots, the applicant has submitted two applications (SOS16-00011 and SOS16-00012) to vacate the plat notes restricting the common lots as "non-buildable." Reviewing the previous approvals for both Breckenridge Subdivision #5 and Promontory Ridge Subdivision, the Planning Team has confirmed that neither of the common lots were created to meet open space or amenity needs, but rather were formed in response to different constraints.

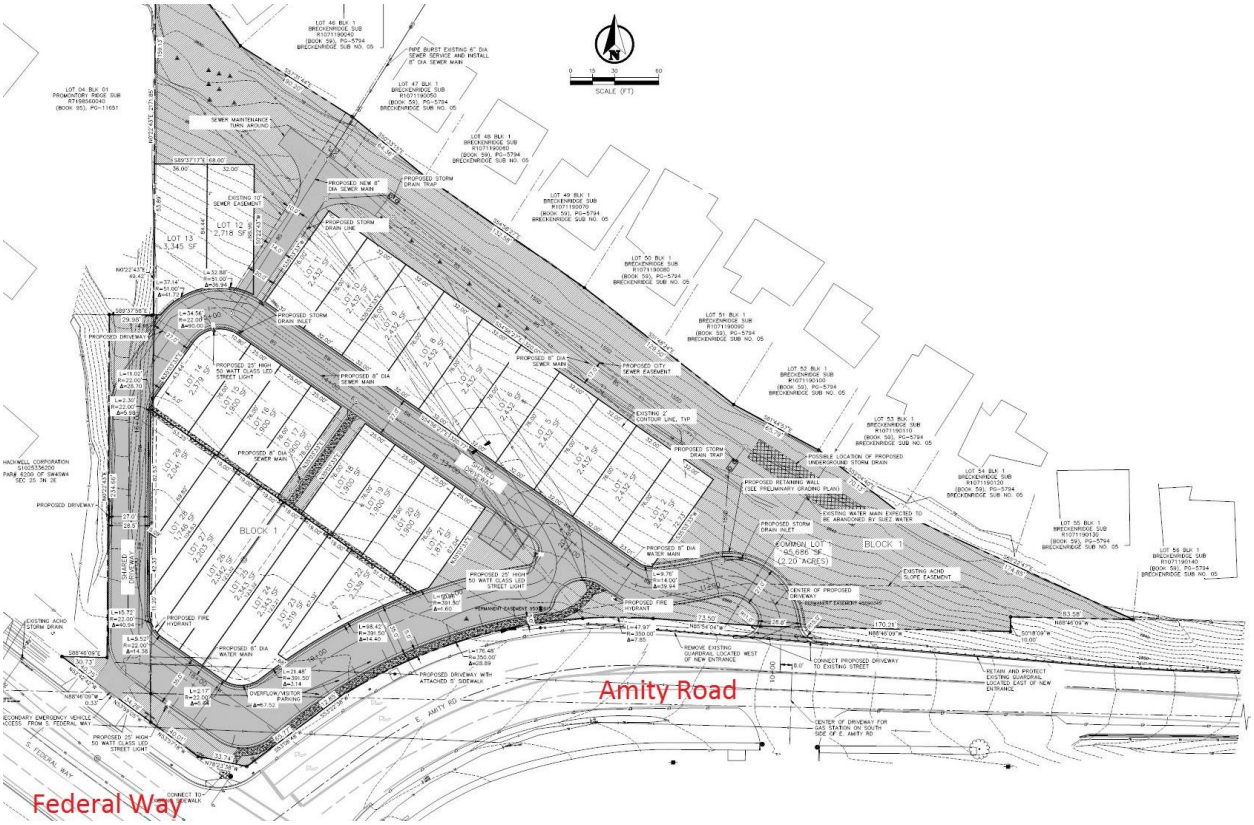
The common lot for Breckenridge Subdivision #5 contains several wells to monitor contaminated groundwater caused by a large industrial site located to the south across Amity Road. It also contains a steep hillside area with limited development potential. The common lot for Promontory Ridge Subdivision served as a secondary access during the initial development of the project and was eventually cut off from the other lots when a retaining wall for the residential lot to the north was constructed. Both lots have been purchased by the applicant. As a condition of approval, the Planning Team is recommending a letter 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. A second recommended condition of approval requires completion of the vacation of plat note process for each common lot prior to submittal of grading permits.



(Parcel History)

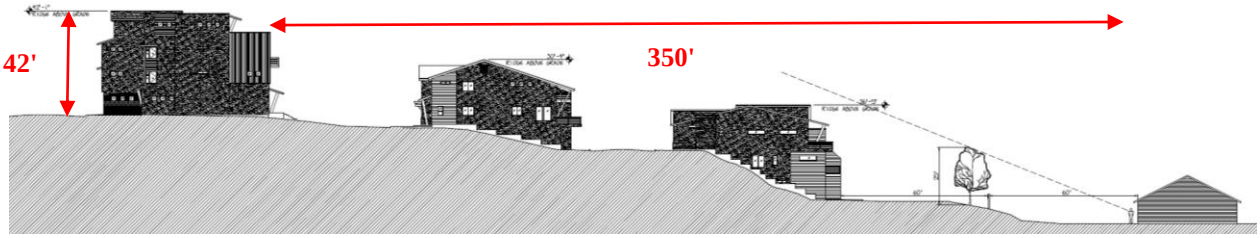
Based on reduced lot sizes, widths, and setbacks internal to the development, a conditional use permit is required in conjunction with the subdivision. Per the requirements for developments over one acre in size, the applicant has provided two amenities. These include the dedication of more than 10% of the gross site area to landscaped open space as well as a large central gathering space (5,000+

square feet) and pathway system. In addition, all homes within the development are also provided private open space in the form of balconies.



(Site Plan/Preliminary Plat)

The buildable lots range in size from 1,746 to 3,345 square feet. Lot widths range from 19' to 36'. All homes front on the private street. The proposed design of the project integrates well with the surrounding residential neighborhood in that it serves as a transitional buffer between the neighborhood of single-family homes to the northeast, and the more intense commercial and industrial uses to the south and west. Although the proposed townhomes are taller than the adjacent single-family homes, the overall development has been designed to step down in scale as it approaches the neighborhood to the northeast. The front of the dwellings seeking a height exception of approximately 7' are adjacent to Federal Way and Amity Road and set back an average of 350' from the rear of homes in the existing neighborhood to the northeast. Furthermore, views from the proposed balconies of these units into the rear yards of homes in the existing neighborhood, will be screened by both the second and third tier of townhomes as well as a landscape buffer consisting of a mix of deciduous and evergreen trees. The Planning Team is recommending the use of Class I trees.



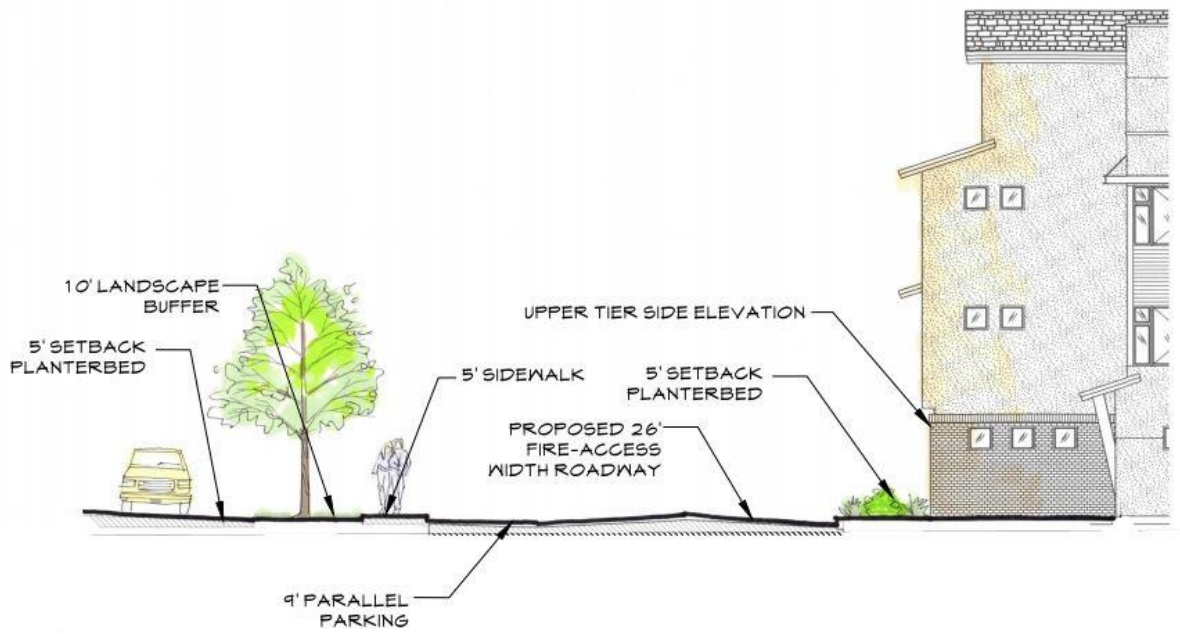
(Typical Elevations)

Connectivity

A connectivity index review was not provided because the proposed private street for this development essentially serves as a looped service drive. Federal Way and Amity Road abut the site to the south. The property to the north, east, and west are improved with detached single-family homes and commercial/industrial uses.

The applicant has requested a waiver to Table 11-09.1 of the Boise City Subdivision Ordinance, which requires that private streets that serve more than 11 lots have a minimum right-of-way width of 40' with a street width (back-of-curb to back-of-curb) of 28'. A 4' wide sidewalk is also required on both sides of the private street. The applicant proposes a 40' wide private street with a street width (back-of-curb to back-of-curb) of 26'. Parallel on-street parking is located on one side of the street and a new 5' sidewalk is proposed along Amity Road. Further into the development, the street narrows to 27' with no on-street parking. The new 5' wide sidewalk along Amity Road will run approximately 280 linear feet from a connection near the proposed private street entrance to an existing 12' wide multi-use path on Federal Way. Extending sidewalk along the remaining 350 linear feet of Amity Road to the end of the development is not possible without the use of significant retaining walls to make passable a steep hillside that starts at the edge of the roadway and is less than 5' from the travel lane.

In addition to the waivers requested to the private street standards requested above, the applicant has also requested a waiver to the 30' buffering requirement for developments adjacent to arterials. A rendering of the applicant's proposal is provided below.



(Arterial Buffering)

Regarding the requested waivers to the private street standards, The Boise City Fire Department has determined that the proposed design will adequately serve the development. Furthermore, all homes within the development can easily access the internal pathway network that links to the central

gathering area and to the pathway and sidewalk that run along Federal Way and Amity Road. Regarding the requested waiver to the arterial buffering requirements, the applicant has proposed an acceptable alternative that integrates landscaping and pedestrian facilities while also providing the necessary separation of dwelling units from high-traffic roadways. The Planning Team recommends approval of all waiver requests.

As indicated below, the Planning Team finds the applications to be consistent with the standards for approval.

***

FINDINGS

Section 11-03-04.07 (C7) Planned Unit Development
The Hearing Examiner or the PZC shall review pursuant to Section 11-03-03.4 and according to the following criteria:

i. The location is compatible to other uses in the general neighborhood;

This attached single-family home development is compatible with other uses in the neighborhood and those reasonably expected to develop. The project consists of 28 attached single-family townhomes. The density of this project (7.7 dwelling units per acre) is under what is allowed for the R-1C zone (8 dwelling units per acre) but greater than the average density of the neighborhood to the northeast (4.0 dwelling units per acre). This development will serve as a transitional buffer between the neighborhood to the northeast and more intense commercial and industrial uses that exist to the south and west. The height exception for the dwellings along Federal Way and Amity Road is also compatible. The front of these dwellings are set back an average of 350' from the rear of homes in the existing neighborhood to the northeast. Furthermore, views from the proposed balconies of these units into the rear yards of homes in the existing neighborhood, will be screened by both the second and third tier of townhomes as well as a landscape buffer consisting of a mix of deciduous and evergreen trees.

ii. The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;

Correspondence received from commenting agencies, including ACHD and the City of Boise Fire Department, indicate the proposed use will not place an undue burden on transportation or other public services. The development is estimated to generate 163 vehicle trips per day, with 15 in the PM peak hour. All adjacent roadways will continue to operate above acceptable levels-of-service.

iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this Code.

With the requested variance to reduce the front setback requirements for a retaining wall,

the site is large enough to accommodate the proposed use without adversely impacting other properties in the vicinity. All other perimeter setbacks required for the development have been met.

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

With the attached conditions of approval, the project will not adversely affect other property in the vicinity. The proposed design of the project integrates well with the surrounding residential neighborhood in that it serves as a transitional buffer between the neighborhood of single-family homes to the north and the more intense commercial and industrial uses to the south. Although the proposed townhomes are taller than the adjacent single family homes, the overall development has been designed to step down in scale as it approaches the residential neighborhood and provide substantially buffering, both in terms of setbacks between new and existing homes as well as robust landscaping along the northern boundary of the development.

v. The proposed use is in compliance with the Comprehensive Plan;

The project is consistent with the Comprehensive Plan. *Principle CC.1* and *GDP-N.3* encourage 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 utilities and infrastructure necessary to support this development are readily available. The design of this project also conforms to *Principles IDP-N.1* and *IDP-N.2*, which promote compatible development that reinforces the existing streetscape character through the incorporation of complementary setbacks, landscape, and design.

Section 11-03-04.14 (C7b) Variance
The Hearing Examiner or the PZC shall review pursuant to Section 11-03-03.4 and according to the following criteria:

i. There is either a hardship associated with the property itself or an exceptional circumstance relating to the intended use of the property that is not generally applicable in the district;

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.

ii. Granting of the variance will not be in conflict with the Comprehensive Plan and will not affect a change in zoning; and,

The Comprehensive Plan does not specifically address variances for retaining walls, but the single access point proposed for this project as well as additional sidewalks along Amity Road is supported by *Goal CC7*, which aims to enhance pedestrian connectivity and comfort.

iii. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment thereof.

Granting of the variance will not be materially detrimental to the public health, safety, or welfare. Commenting agencies confirm the project will not place an undue burden on the transportation system or other infrastructure in the neighborhood.

Section 11-03-04.17 (B7) Hillside Development
The Hearing Examiner or the PZC shall

i. The proposed development is in compliance with the technical requirements of Section 11-07-08 including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features.

The project is in compliance with the technical requirements of the Hillside Ordinance and the Foothills Area Development Ordinance, including those related to grading, drainage, hazardous areas, revegetation, and preservation of outstanding and unique features. The engineering analysis provided by the applicant and reviewed 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. Furthermore, comments received from City agencies confirm the project will not create hazards related to soil instability or fire.

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

With the conditions proposed, this development will not adversely affect other property in the vicinity. The preliminary grading plan indicates that the majority of the grading is for construction of the private road, infrastructure, and retaining wall construction. The applicant is proposing a balanced earthwork condition and will utilize on-site slopes to build tiered structures and sloped roads for access. This plan is similar to previously approved subdivisions in the City

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

Public Works review of the geotechnical information confirms the land is capable of the volume and type of development proposed as determined by the geological, hydrological and soils engineering analysis.

iv. The project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Correspondence received from commenting agencies confirm the project will not create a potential hazard of flooding, soil instability, fire, or erosion. The subject property is not located in a floodplain or floodway. The site is within the Wildland Urban Interface (WUI) zone "B". WUI requirements are designed to protect foothill developments from fire hazards and the future development will be required to comply with these standards.

v. The proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of Section 11-07-08 and the Floodway and Floodplain Ordinance.

The site does not include foothills gulches, nor is it encumbered by the Floodway or Floodplain.

8. 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**, 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. A maximum height exception of 7'1" is granted for the tier of townhomes nearest Federal Way and Amity Road.

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.

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 2nd 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.

3/3a/ 3b

ATTN: **City of Boise Planning & Development Services**
FROM: Jeremy Telford | Arete Investments Group, LLC
DATE: May 31st, 2016
REGARDING: Echelon Ridge Subdivision | 3.66 Acres in to 28 Townhome Lots

Arete Investments Group, LLC is submitting the following applications to subdivide 3.66 Acres into 28 Townhome Lots—to be built as Paired Townhome:

- PUD Application
- Subdivision Application
- Hillside & Foothills Development Application
- Variance Application

The property is located at the intersection of Federal Way and Amity Road in the Southeast area of Boise. Our intention is to build 28 Paired Townhomes (no middle units) that will have a strong architectural variety of mixed sizes and elevations. The design style will be similar to elevations found in Harris Ranch, Bown Crossing and Surprise Valley. Homes will range from 1900 to 2500 square feet with 2-3 stories of living space in each. Our anticipated selling price will be around $300,000.

There is a mild slope to the property and excellent views for future residents. We plan to take advantage of these views by building three tiers of buildings, cascading in 20′ +/- increments. This will allow for up to two outdoor patios in each residence—each with unobstructed views across the Treasure Valley.

This land was assembled through the purchase of five smaller parcels that, together, have solved a previously insurmountable ACHD access issue. The proposed access point has been aligned with an existing driveway (Maverik) across Amity Road, of which ACHD has been favorable. There is a 6″ existing sewer connection at the base of the property that will upsized to an 8″ line and there is a 12″ Suez Water main on site. There is no irrigation water available so all landscaping on the property will be designed with water conservation in mind.

Drainage facilities will be built on site to manage and contain all storm water and disseminate the runoff through a seepage bed at the base of the property. This will be designed as part of the Hillside Requirement and will retain all roof and landscape water. We will also work with Motive Power to ensure its continued access to the ground water (plume) monitoring wells that exist on site.

The roadway will be a shared private drive and will be wide enough to facilitate a ladder-enabled fire truck (26′ per Boise Fire) that can access a building exceeding 30 feet in height. Fire hydrants and 150′ 360 degree hose access have been accounted for as well as Idaho Power transformer stations and street light locations.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Jeremy Telford, Manager
208.577.0225 | Jeremy@JeremyTelford.com

ARETE INVESTMENTS

an Opportunity-based Company

Echelon Ridge Townhomes


E Oakridge Dr
E Amity Rd
S Timric
4492
4438
4466
4457
4460
1253
1262
1274
1220
1201
1302
1257
1325
1243
1301
1254
1345
1369
1307
1370
1401
1408
1250
1350
4430
4480



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an Opportunity-based Company

Four Views of the Entrance Slope



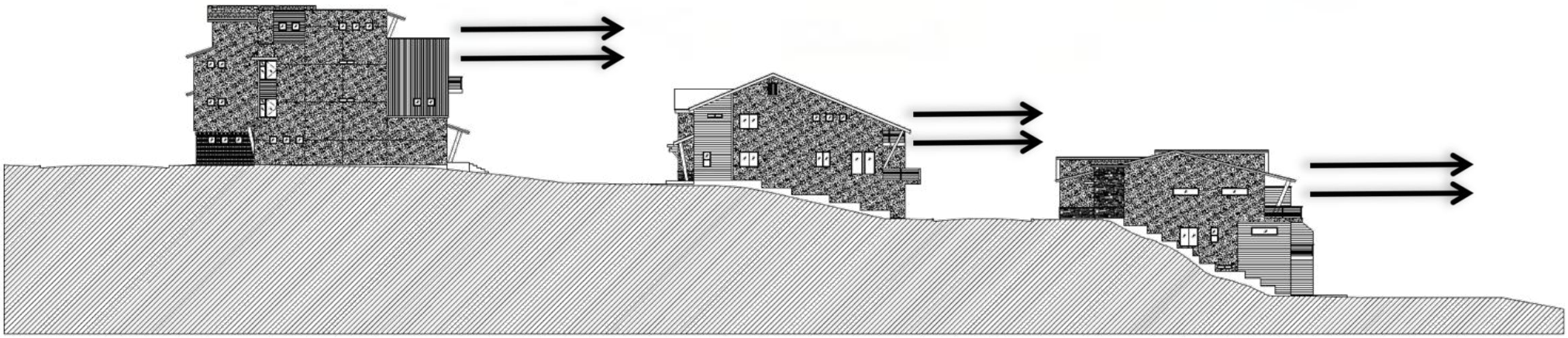






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Planning for Views



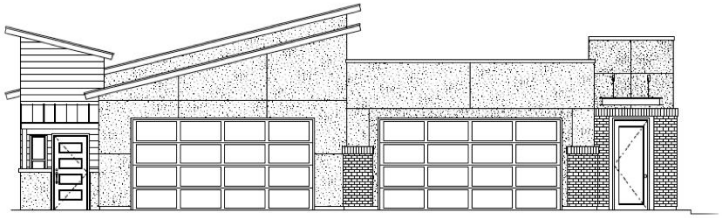
2 SITE SECTION
SCALE: 1" = 15.00'



UPPER TIER FRONT ELEVATION B



MIDDLE TIER FRONT ELEVATION A



LOWER TIER REAR ELEVATION A

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City Views from Property

Neighboring Commercial Properties


Mattress Factory


Motive Power


Maverik Country Store

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Architectural Themes

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an opportunity-based company



Mixed Architecture Theme

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an Opportunity-based Company

3/3a/
3b



Mixed Style, Themes & Color

ARETE INVESTMENTS
an opportunity-based company

3/3a/ 3b



Mixed Style, Themes & Color

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an Opportunity-based Company

3/3a/ 3b



Sample Elevation

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an Opportunity-based Company

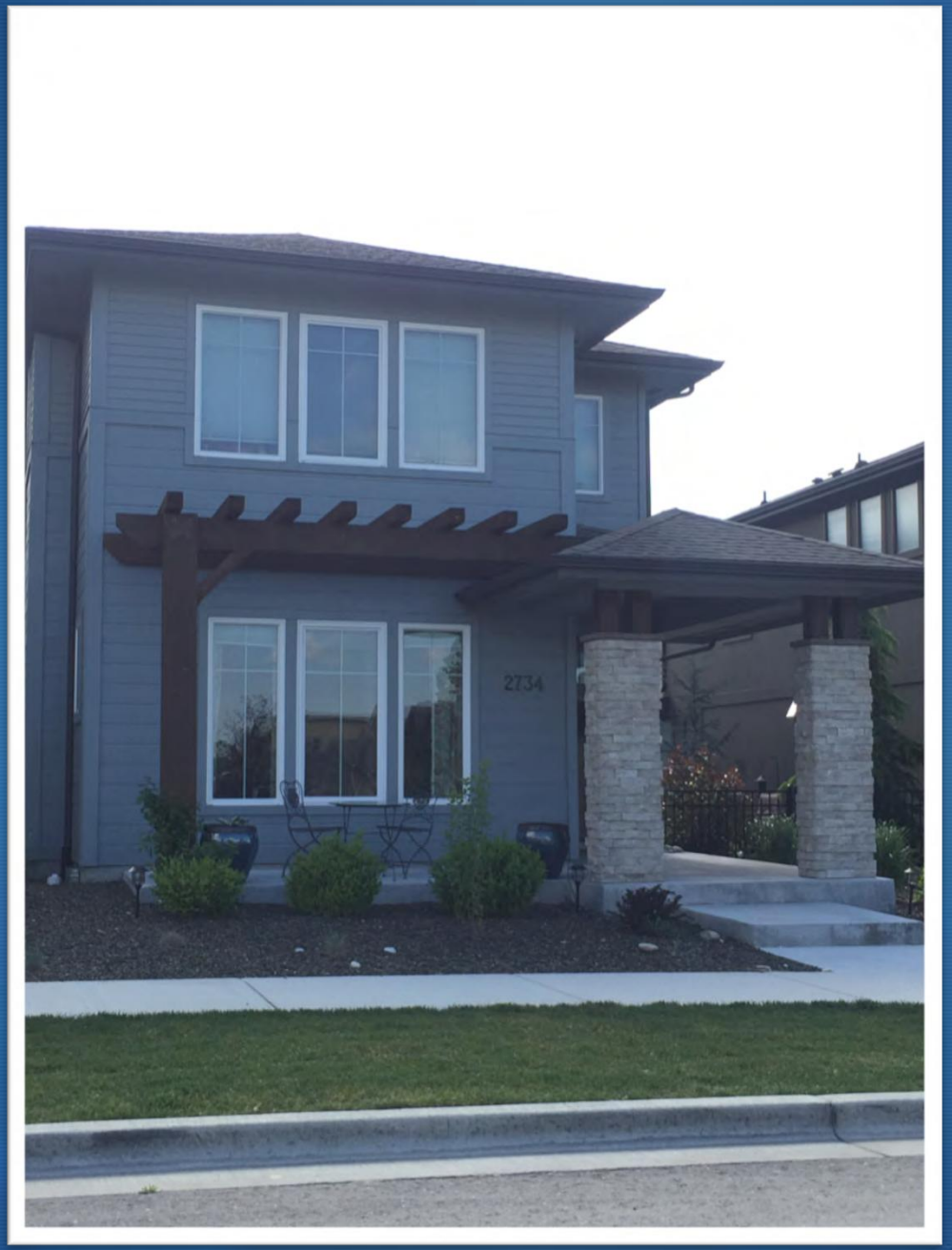
3/3a/ 3b



Sample Elevation

ARETE INVESTMENTS
an opportunity-based company

3/3a/ 3b



Sample Elevation

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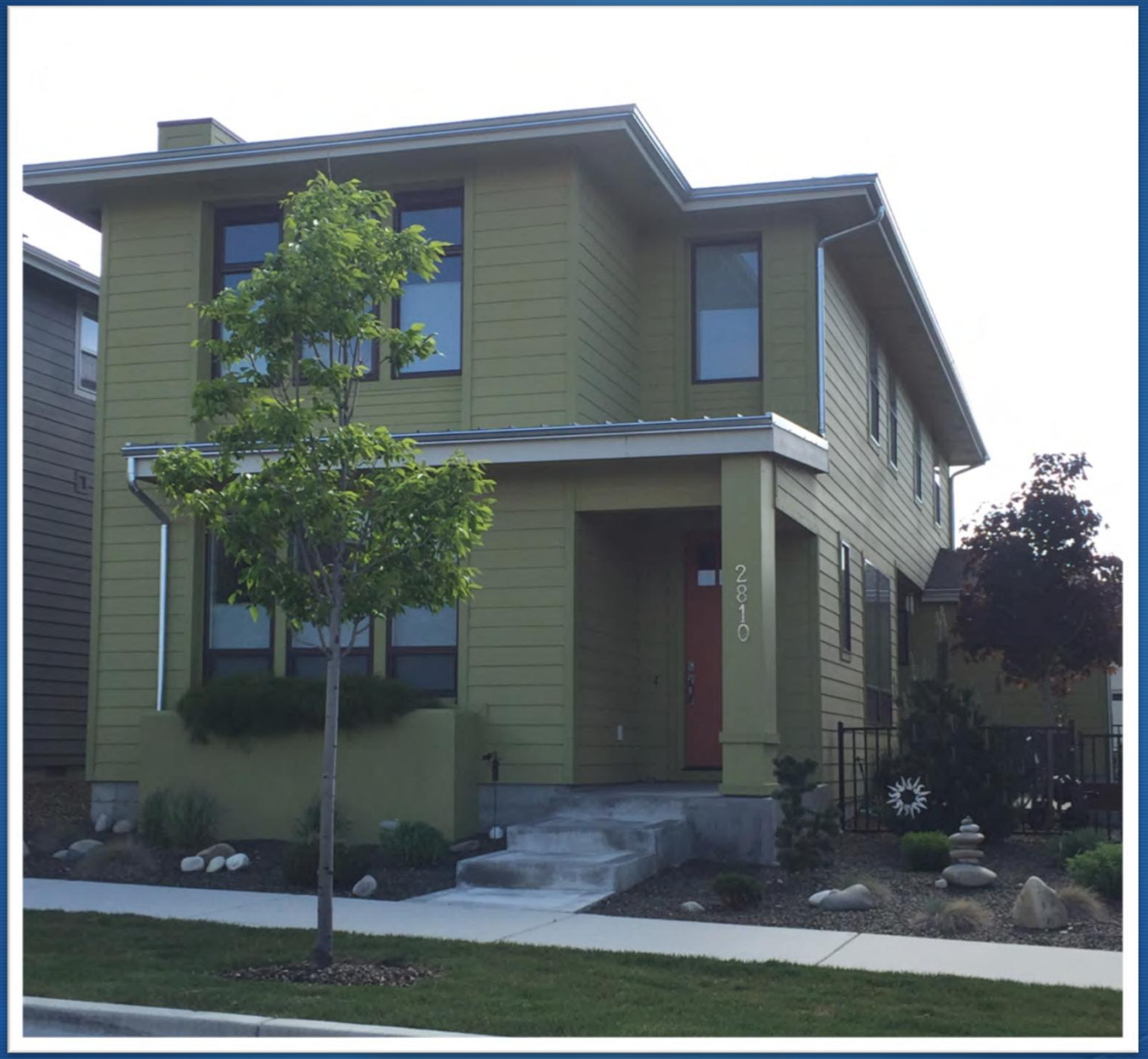
3/3a/ 3b



Sample Elevation

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an opportunity-based company

3/3a/ 3b



Sample Elevation

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What we are trying to avoid by Mixing Architecture...

ARETE INVESTMENTS
an opportunity-based company

3/3a/ 3b



Another Good Mix-in Option

ARETE INVESTMENTS
an opportunity-based company

3/3a/ 3b



Paired Townhome Format

ARETE INVESTMENTS
an opportunity-based company

3/3a/ 3b



ARETE INVESTMENTS
an opportunity-based company

3/3a/
3b



Paired Townhome Format

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Architectural Designs

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an opportunity-based company

Lower Tier | Street & Rear Profiles

3/3a/ 3b



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Middle Tier | Front and Street Profiles

3/3a/ 3b



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Upper Tier | Front and Street Profiles

3/3a/ 3b



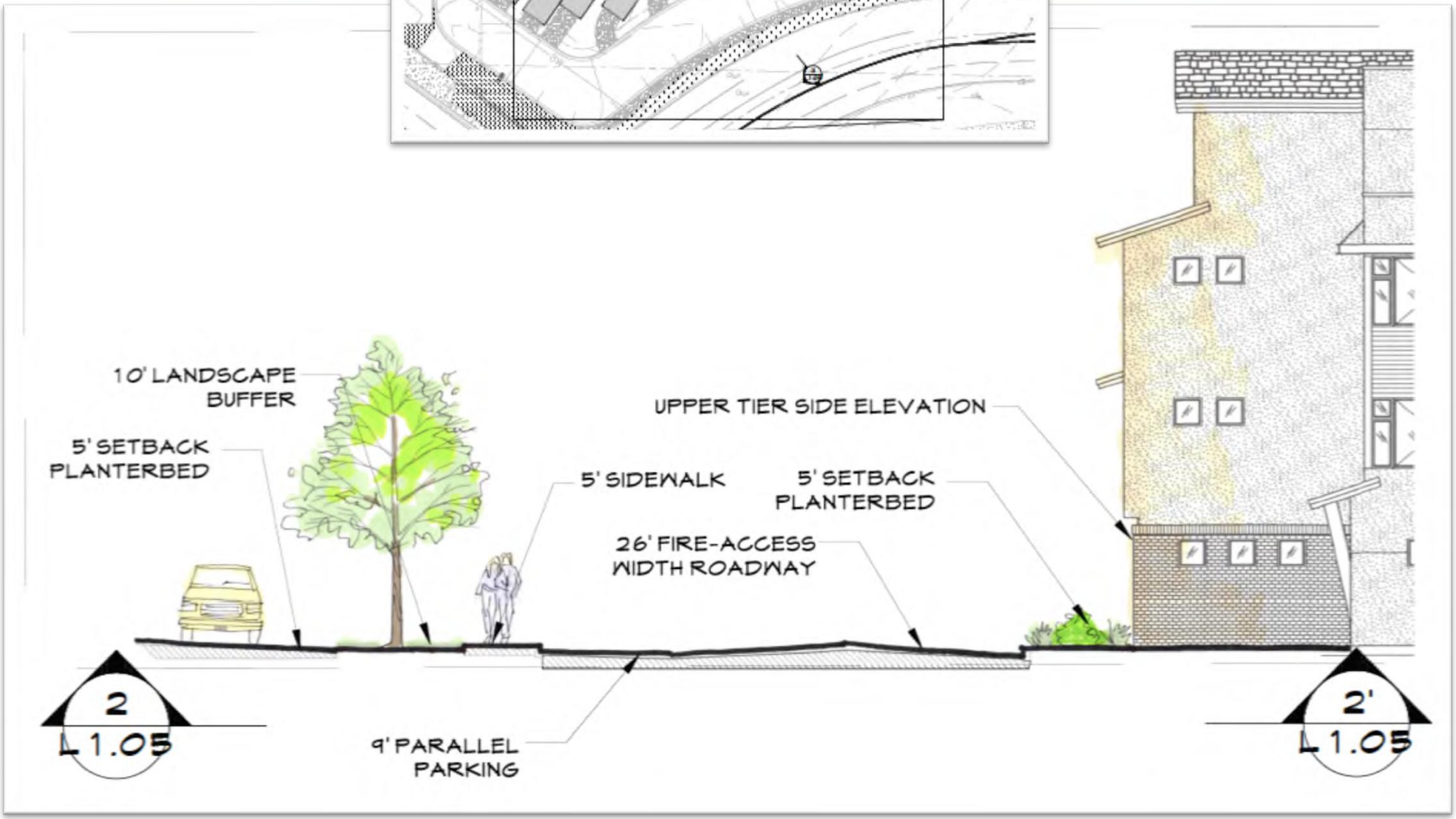


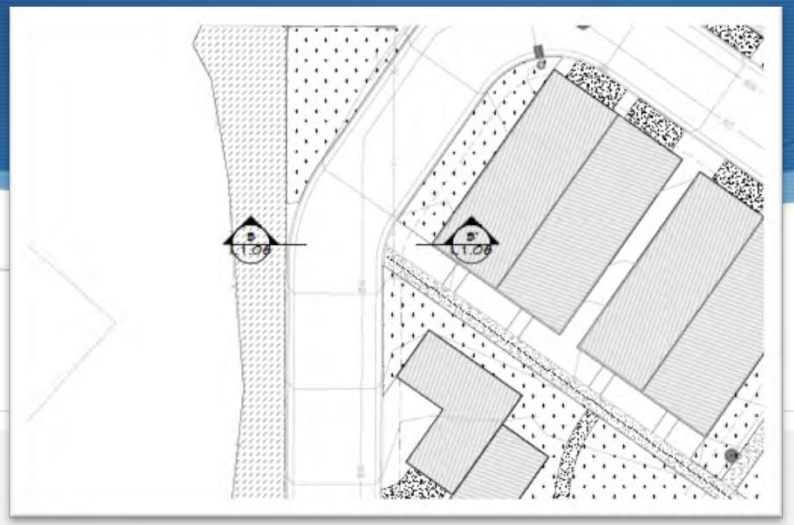
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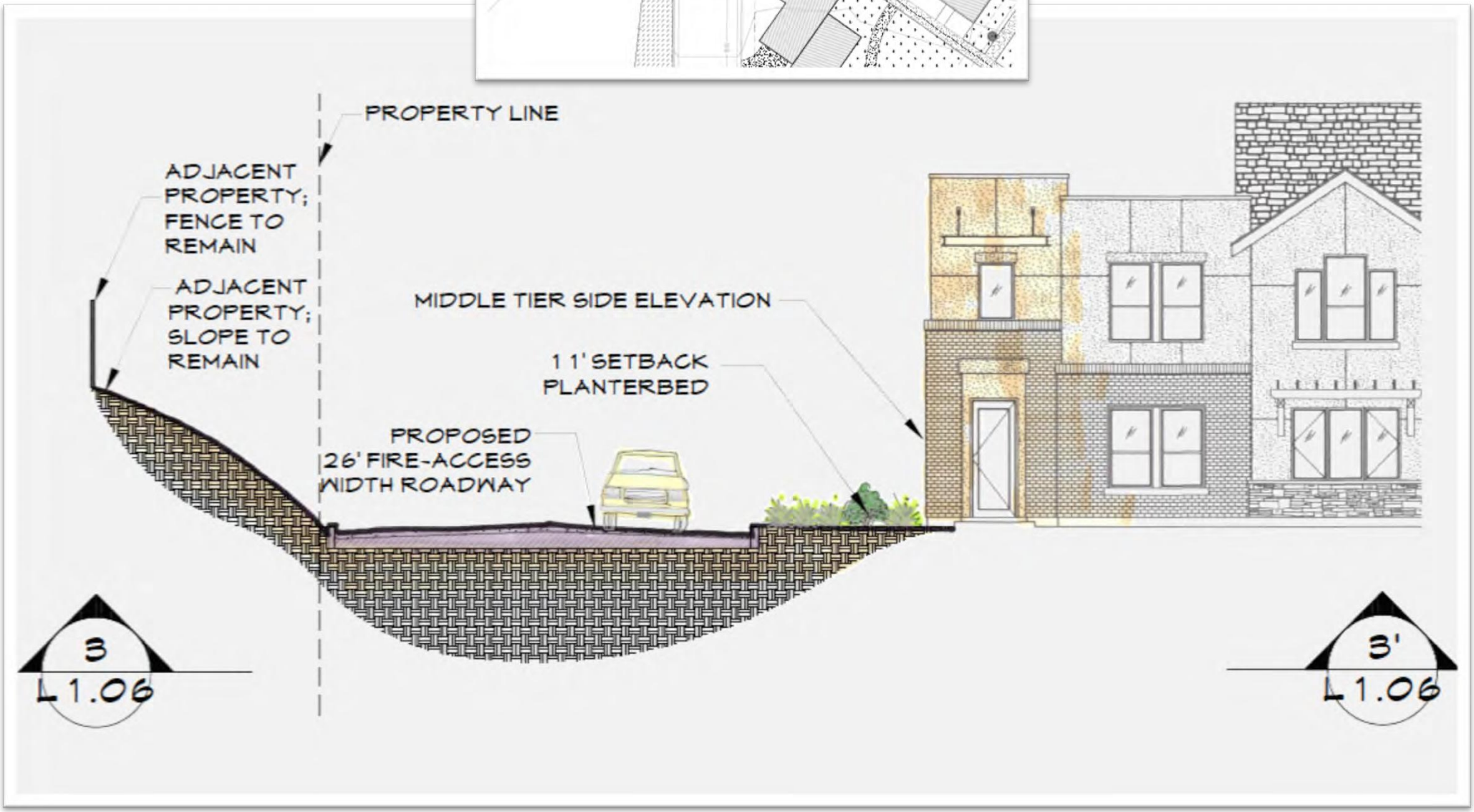
Landscape Profiles

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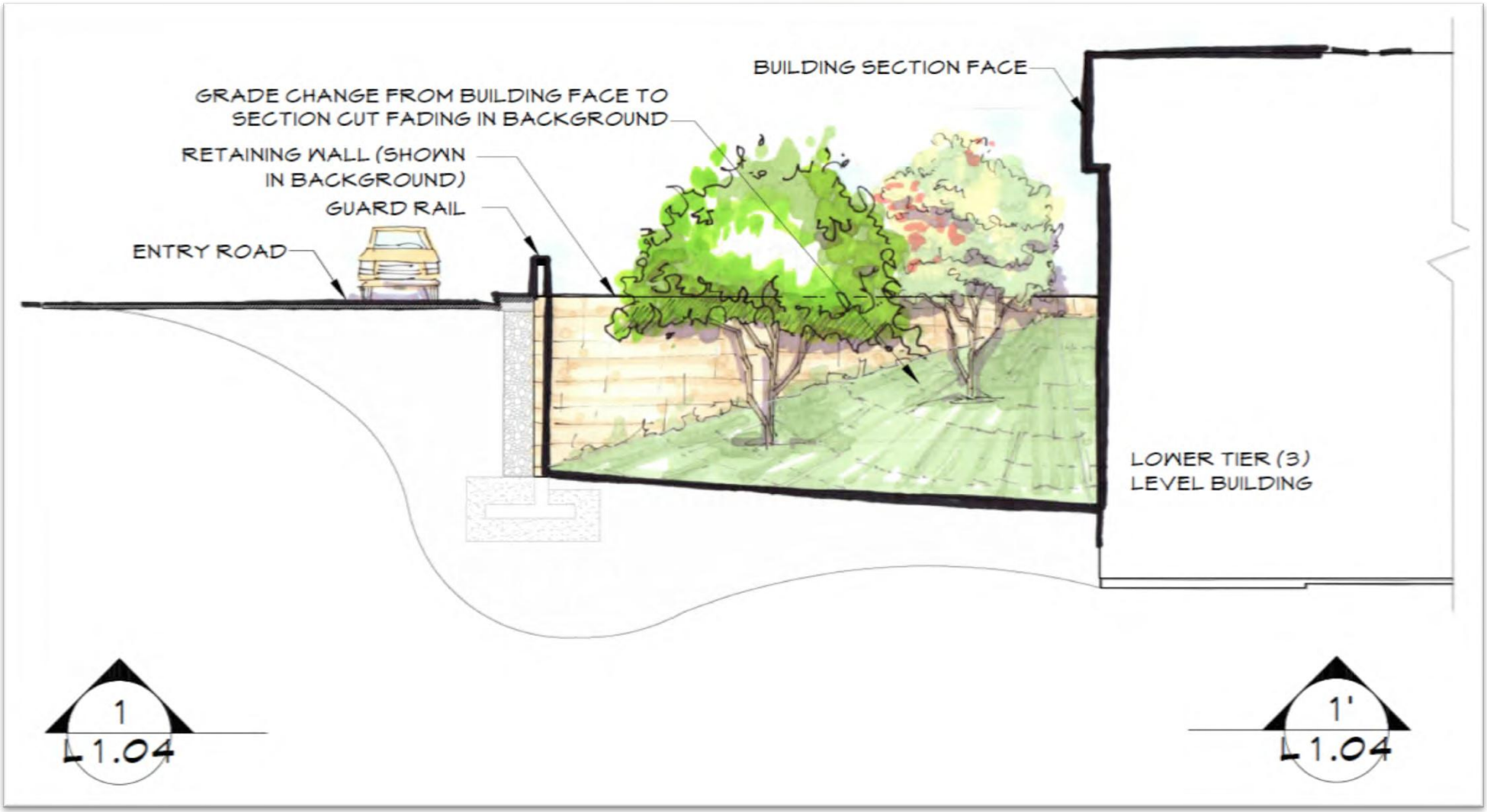



10' LANDSCAPE BUFFER
5' SETBACK PLANTERBED
5' SIDEWALK
5' SETBACK PLANTERBED
UPPER TIER SIDE ELEVATION
26' FIRE-ACCESS WIDTH ROADWAY
9' PARALLEL PARKING
2
L1.05
2'
L1.05



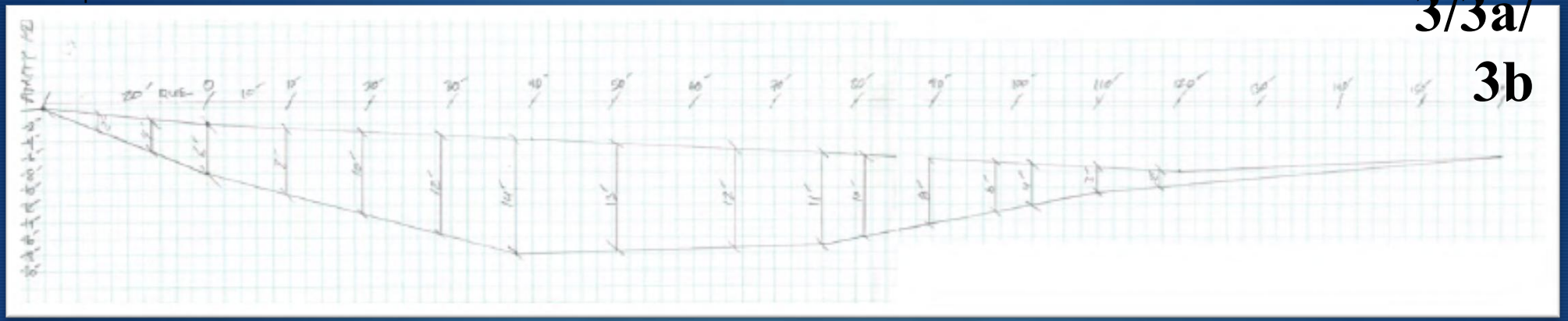

PROPERTY LINE
ADJACENT PROPERTY; FENCE TO REMAIN
ADJACENT PROPERTY; SLOPE TO REMAIN
MIDDLE TIER SIDE ELEVATION
11' SETBACK PLANTERBED
PROPOSED 26' FIRE-ACCESS WIDTH ROADWAY
3
L1.06
3'
L1.06

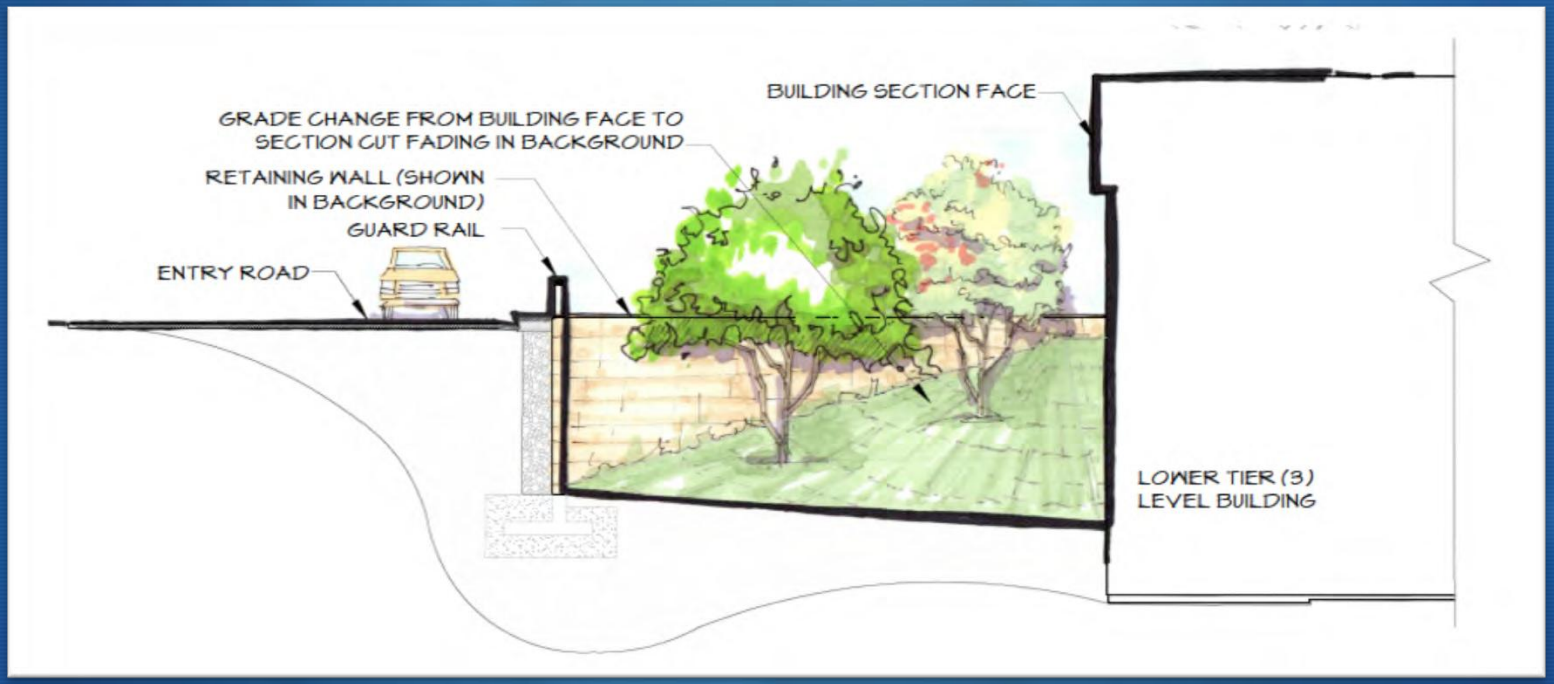
Retaining Wall Profile



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an Opportunity-based Company

3/3a/
3b





Retaining Wall Profile

120 feet long with Max Depth of 15-16′

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an Opportunity-based Company

Company Info

Arete Investments Group, LLC
208.577.0225
jeremy@jeremytelford.com

Founded—

January 2009 in Boise, ID

Managing Member—

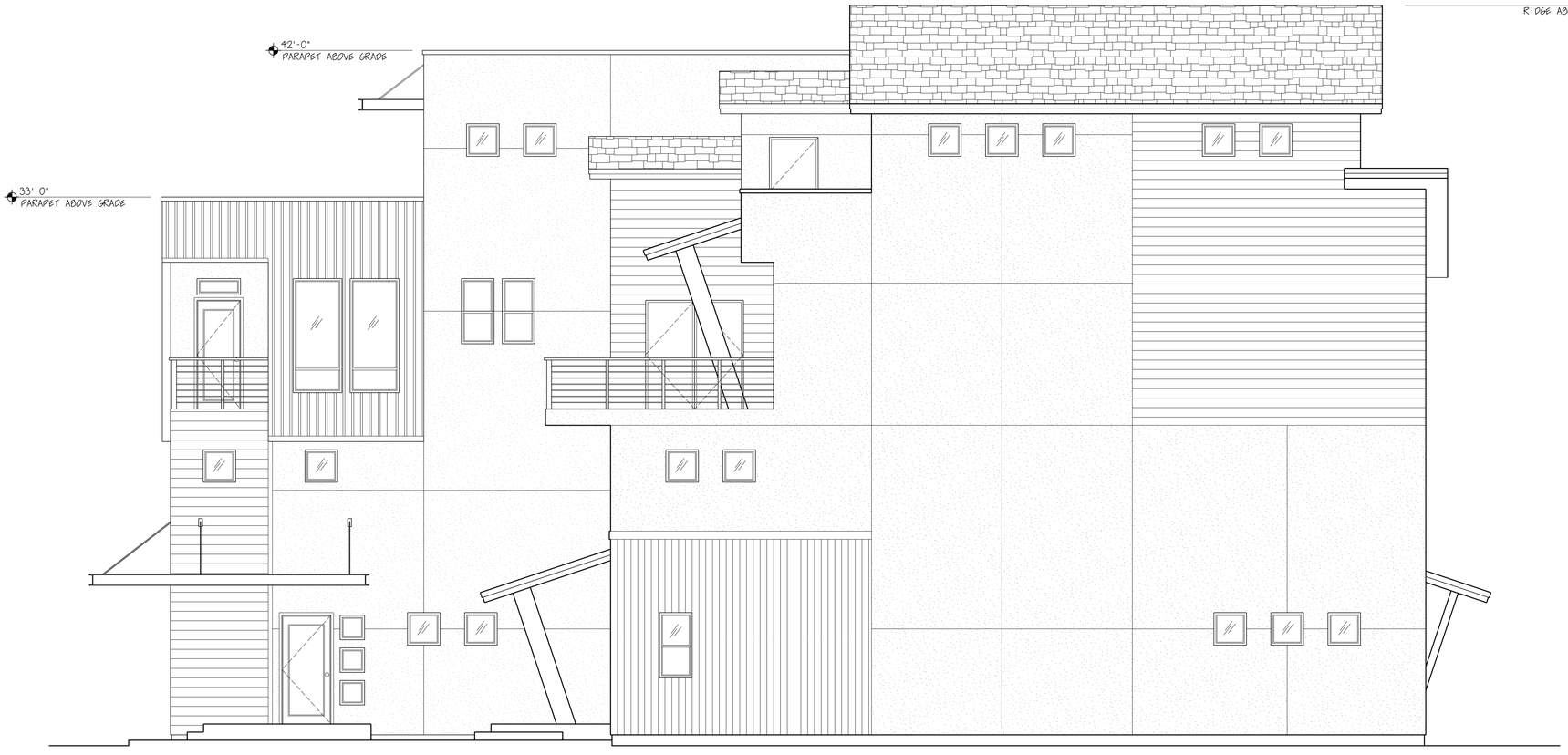
Jeremy Telford, MBA

- BYU MBA Class of 2005
  Hawes Award Recipient—
  the highest honor given to an MBA student
- Member/Manager—TelQuist, LLC, a family-owned commercial real-estate investment group (1998-Present)
- Former Land Acquisition Project Manager—Woodside Homes of California (2005-2008)
- Designated Real Estate Broker in Idaho and California
- Guest Lecturer—BYU Marriott School of Management's Real Estate Academy
- Motivated father of four—married for 17 years to Trisha Steelman

ARETE INVESTMENTS
an opportunity-based company

ARÊTE INVESTMENTS

an Opportunity-based Company



UPPER TIER RIGHT ELEVATION A

1/4" = 1'-0"



UPPER TIER FRONT ELEVATION A

1/4" = 1'-0"

SUB DATE:
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UPPER TIER LEFT ELEVATION A

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UPPER TIER REAR ELEVATION A

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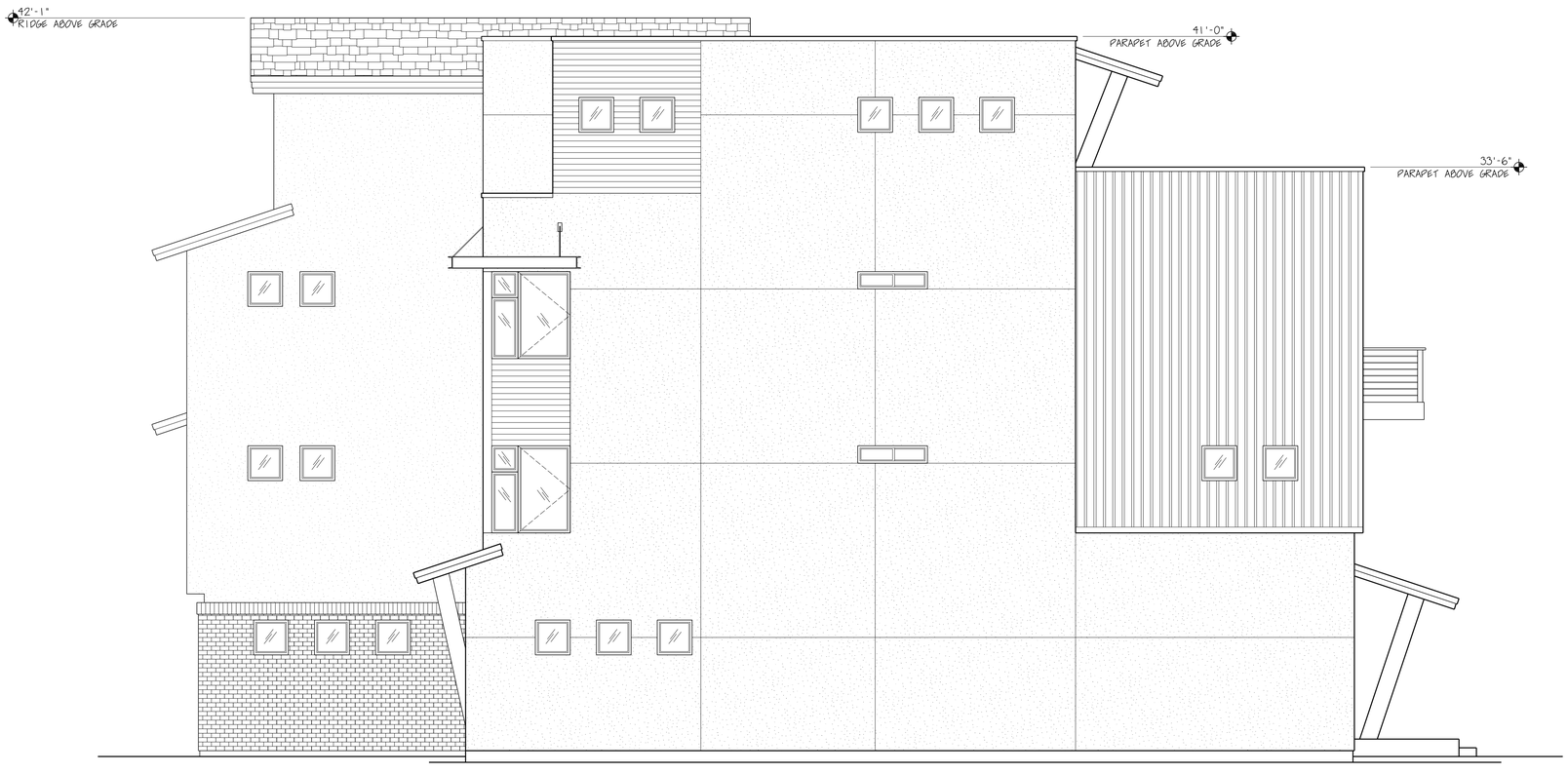
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UPPER TIER LEFT ELEVATION B

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UPPER TIER FRONT ELEVATION B

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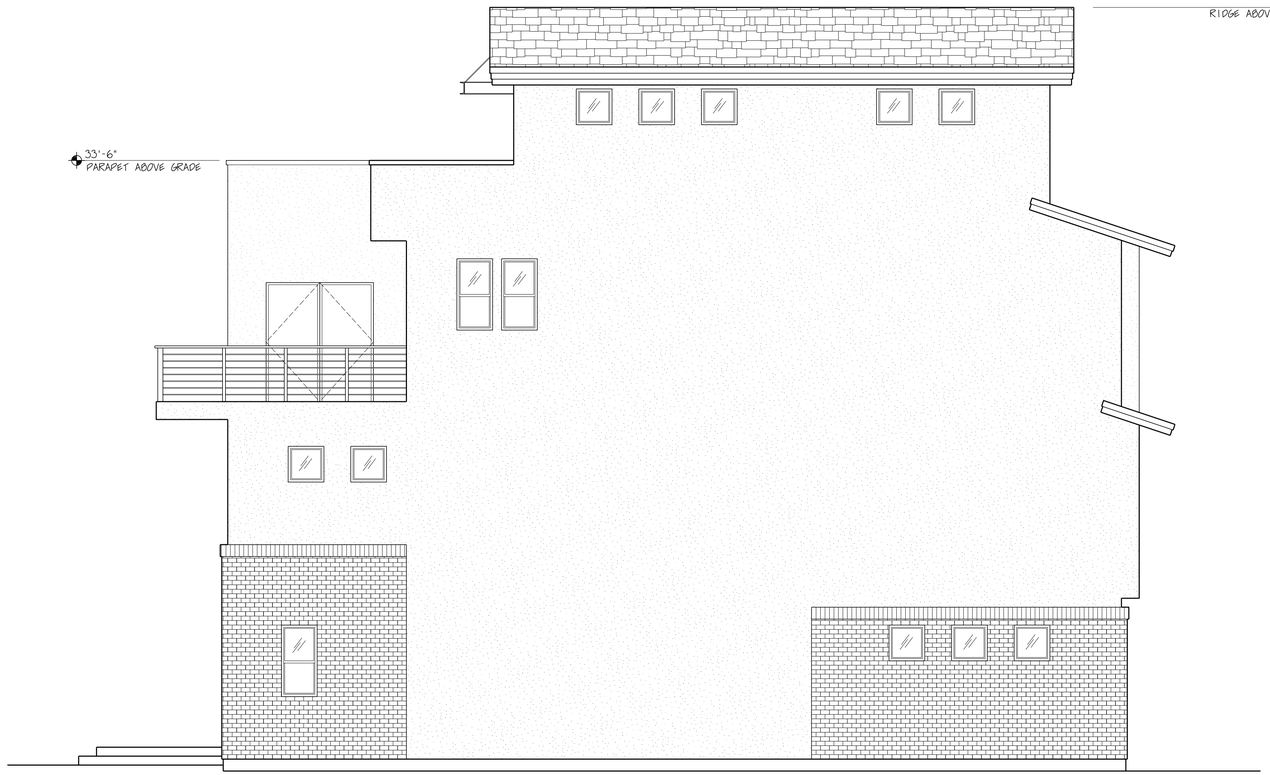
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UPPER TIER RIGHT ELEVATION B

1/4" = 1'-0"



UPPER TIER REAR ELEVATION B

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UPPER TIER STREET ELEVATION





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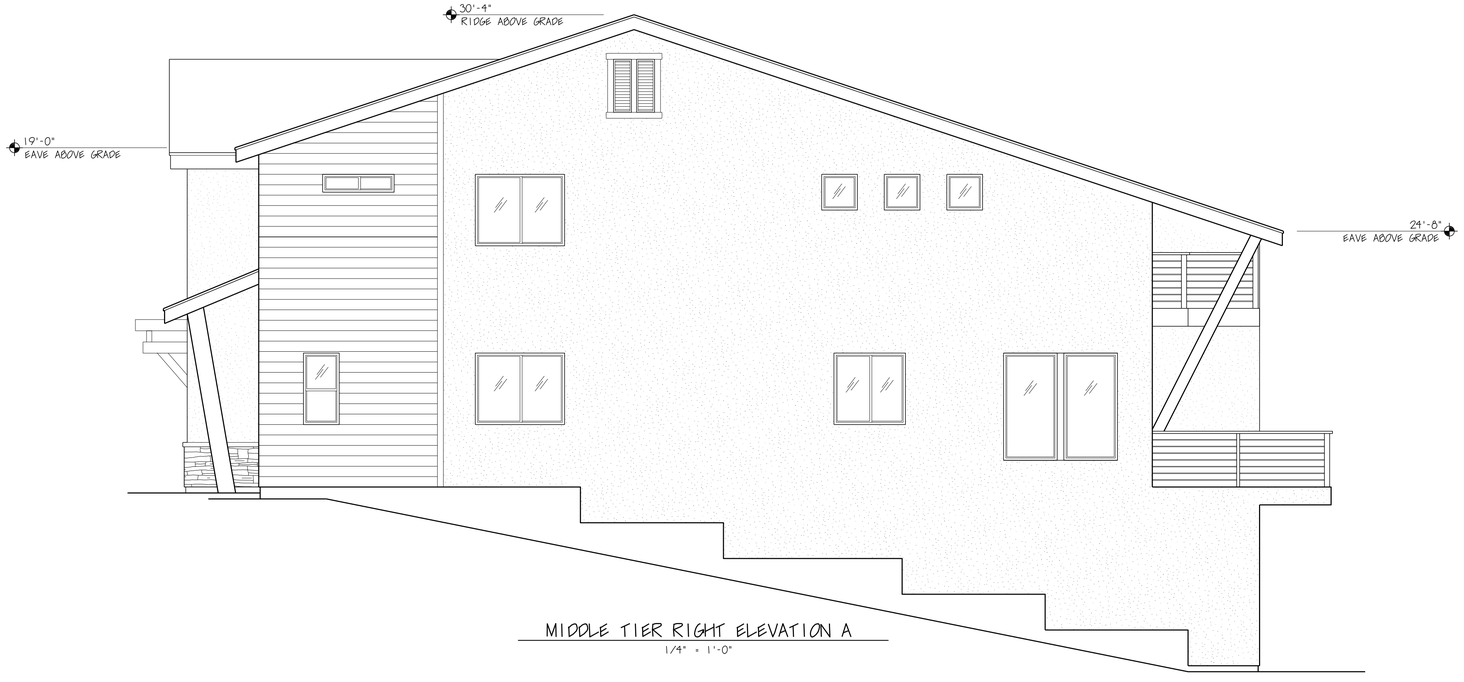
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MIDDLE TIER FRONT ELEVATION A

1/4" = 1'-0"



MIDDLE TIER RIGHT ELEVATION A

1/4" = 1'-0"

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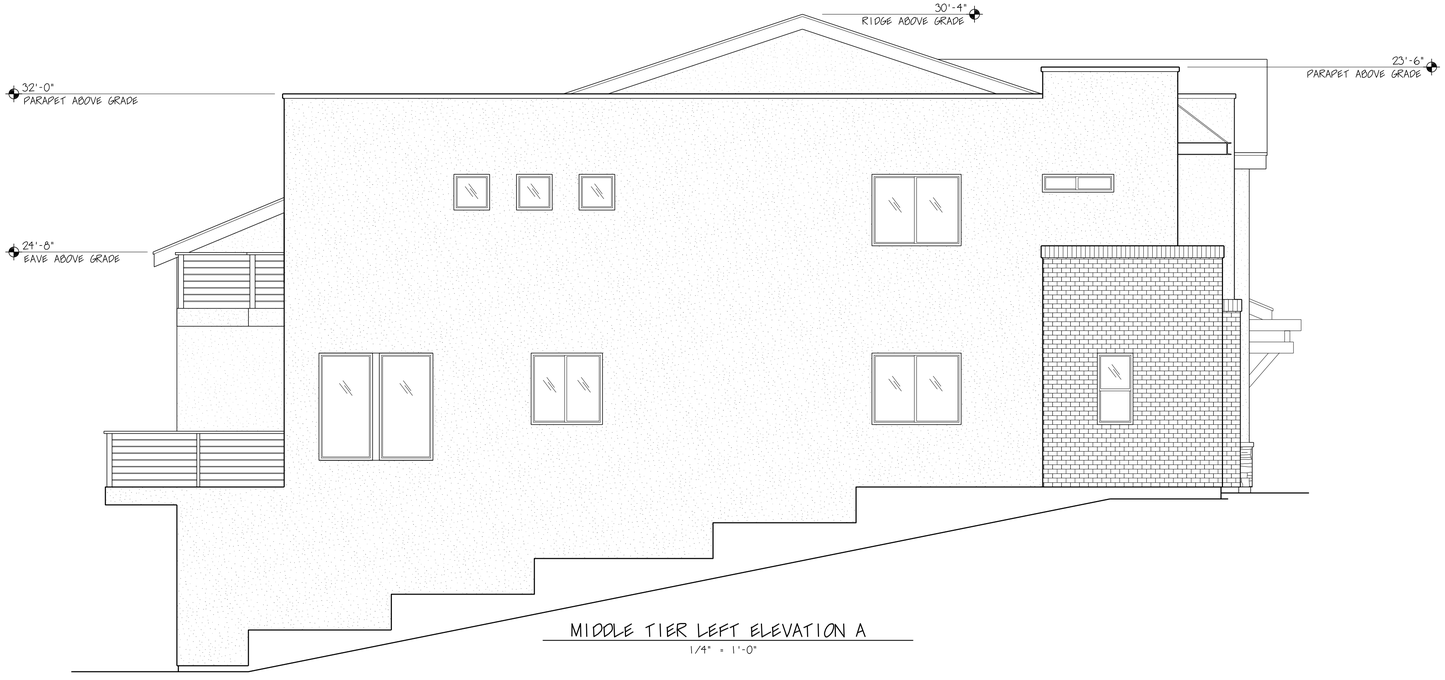
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MIDDLE TIER REAR ELEVATION A

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MIDDLE TIER LEFT ELEVATION A

1/4" = 1'-0"

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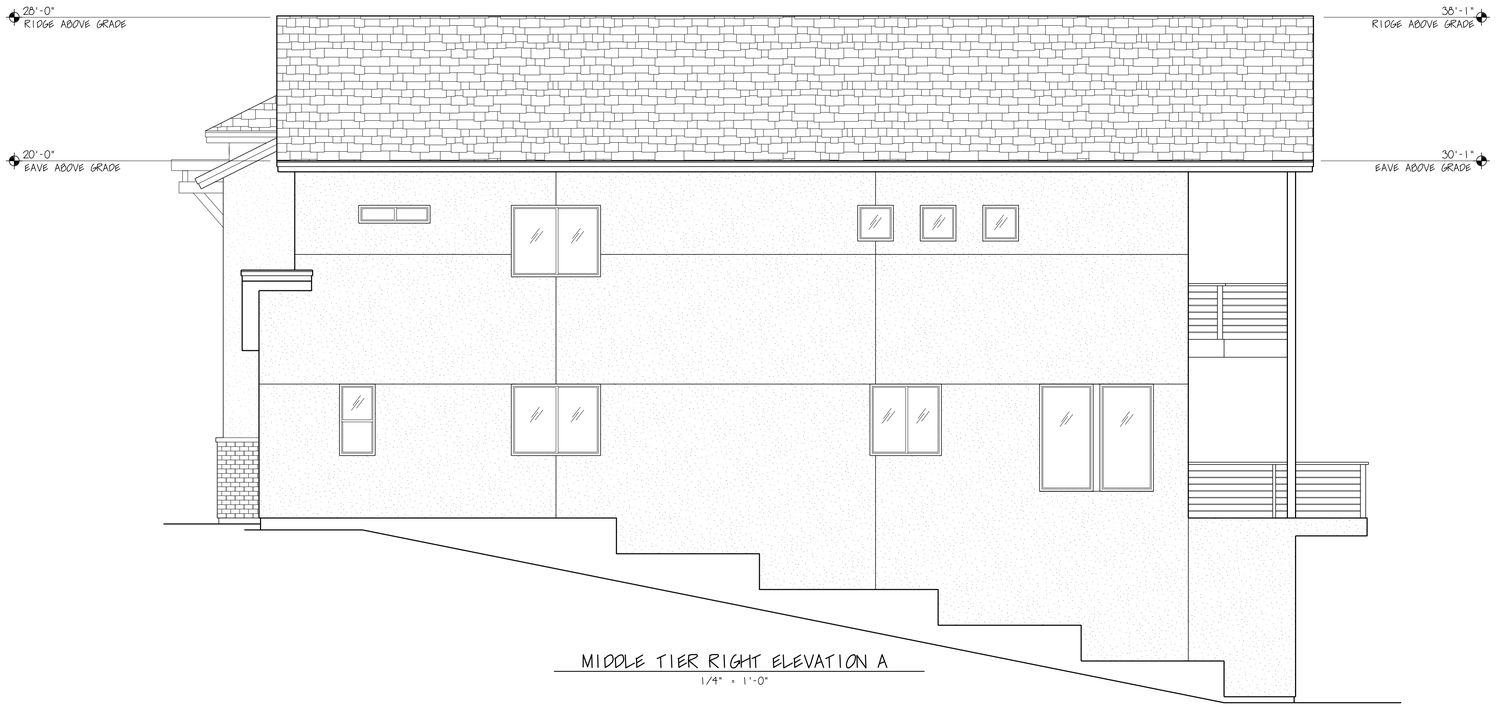
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MIDDLE TIER FRONT ELEVATION A

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MIDDLE TIER RIGHT ELEVATION A

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MIDDLE TIER LEFT ELEVATION A

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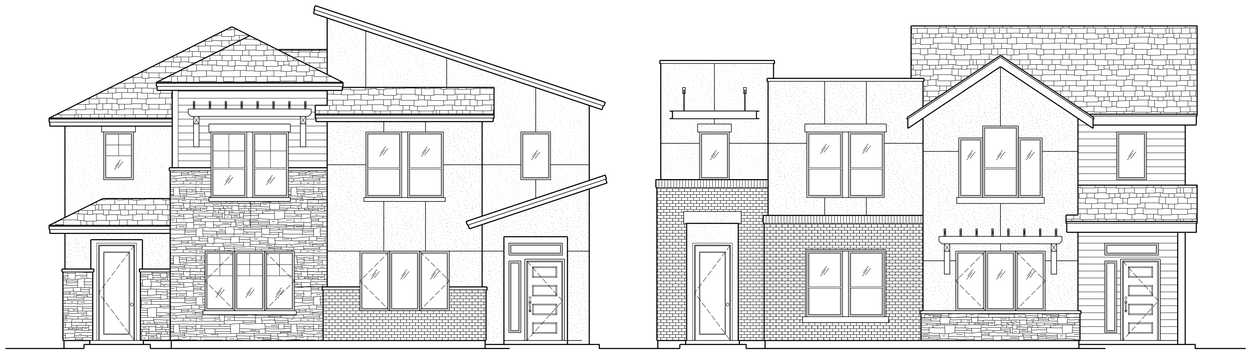
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MIDDLE TIER STREET ELEVATION





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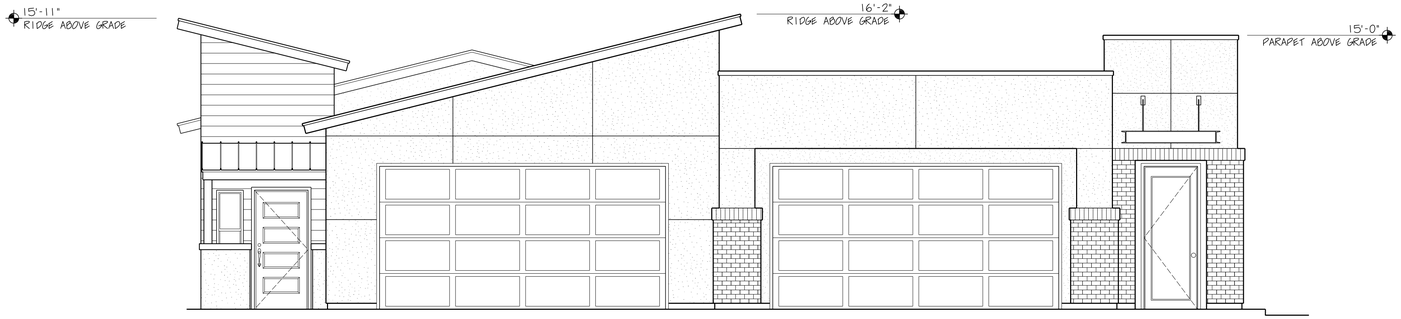
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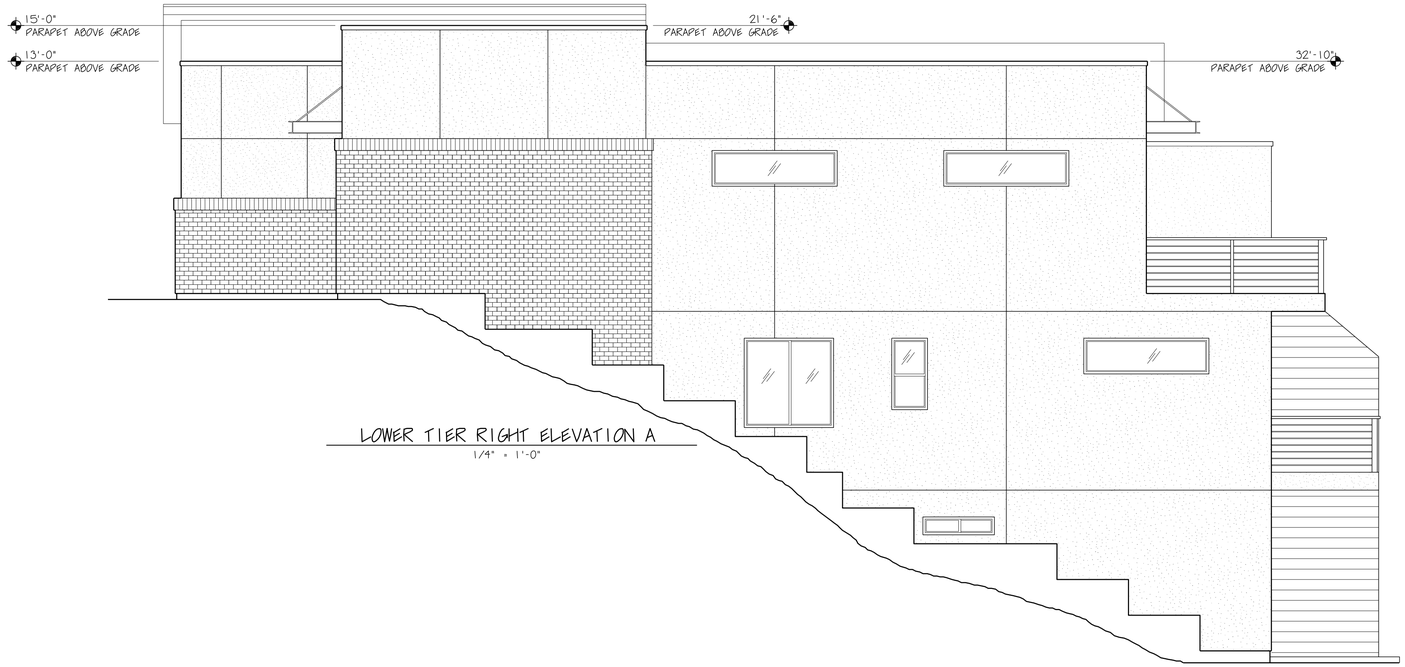
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LOWER TIER REAR ELEVATION A

1/4" = 1'-0"



LOWER TIER RIGHT ELEVATION A

1/4" = 1'-0"

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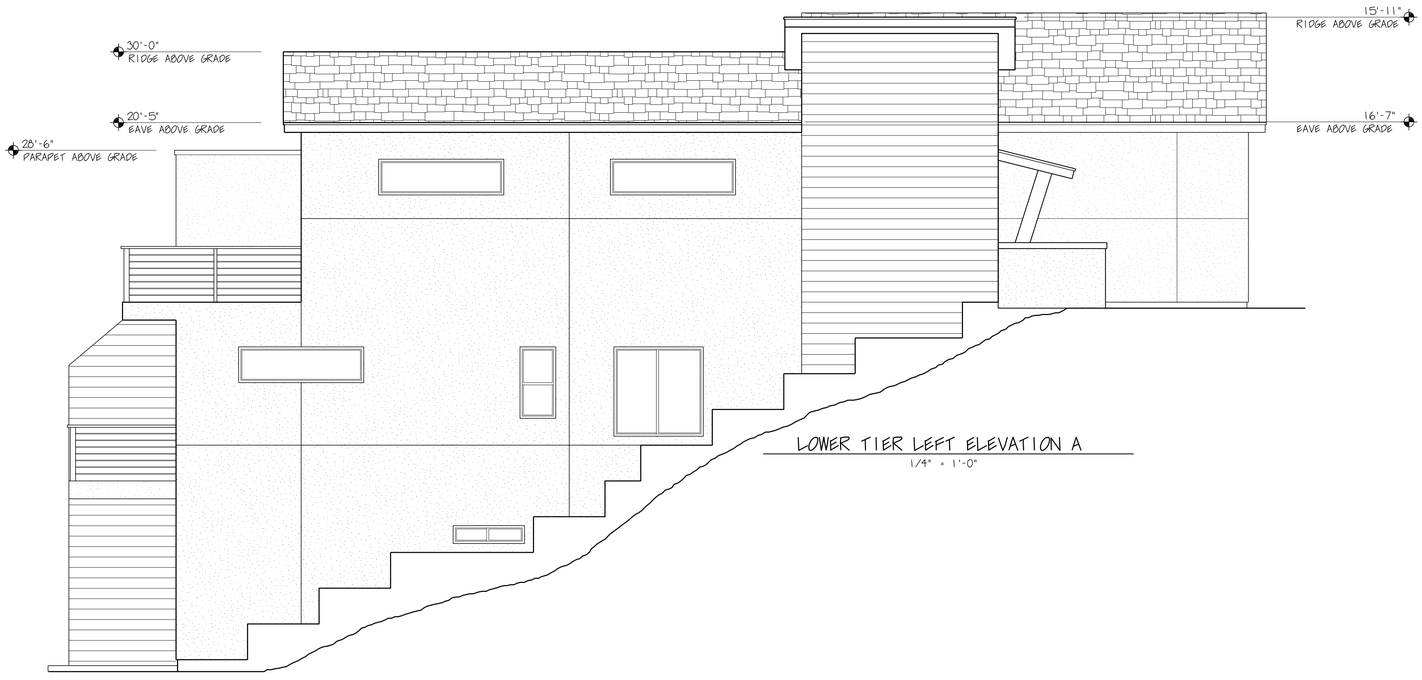
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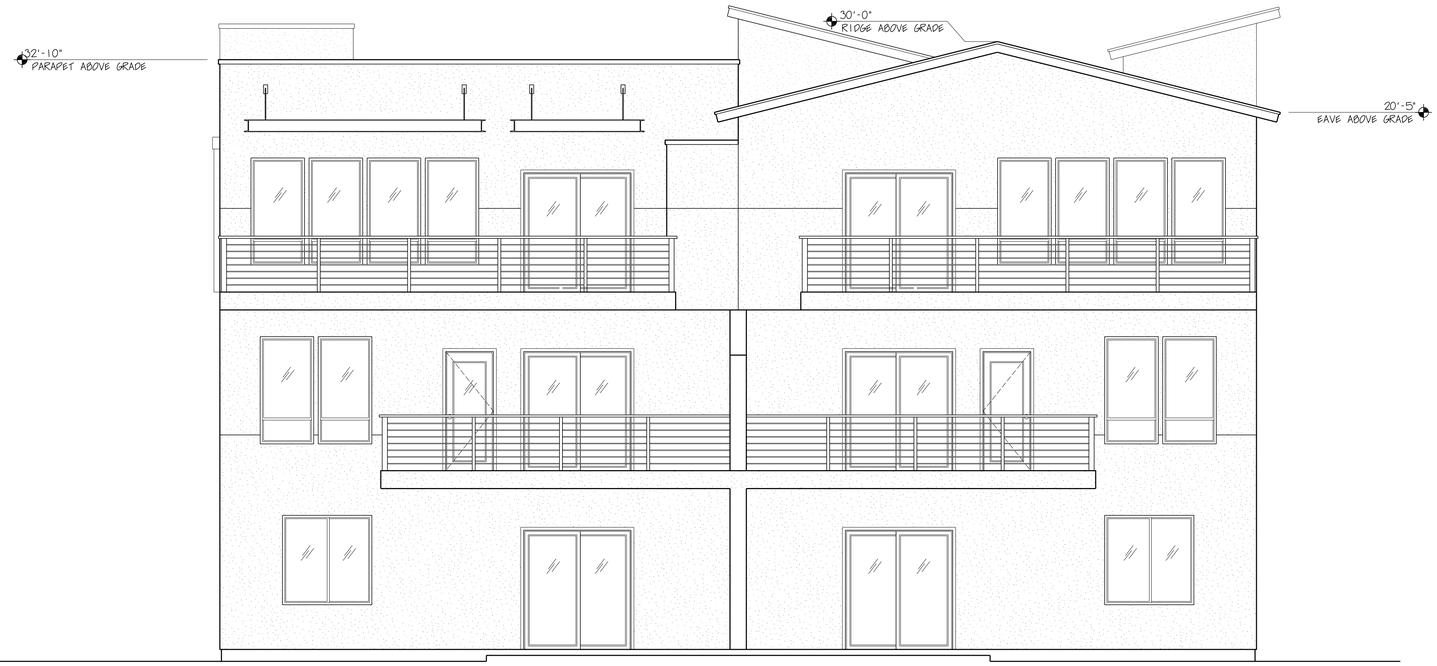
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LOWER TIER LEFT ELEVATION A

1/4" = 1'-0"



LOWER TIER REAR ELEVATION A

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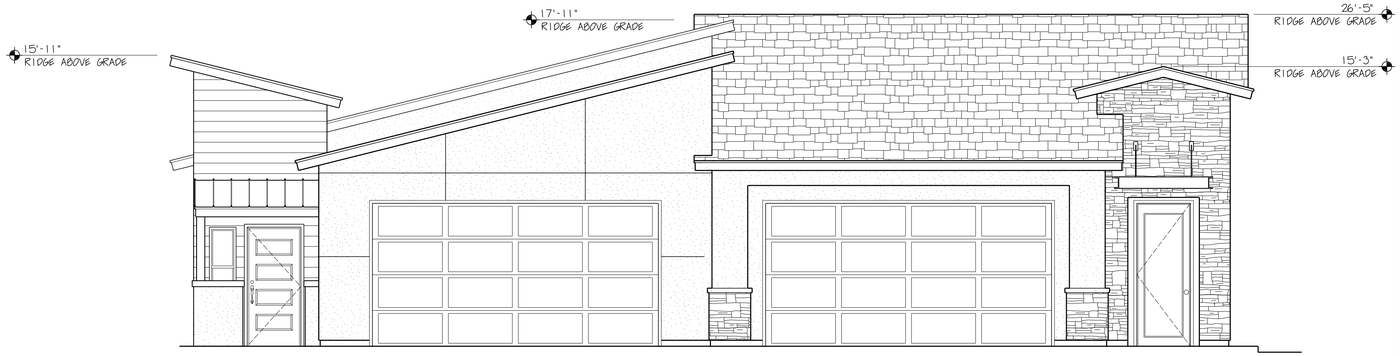
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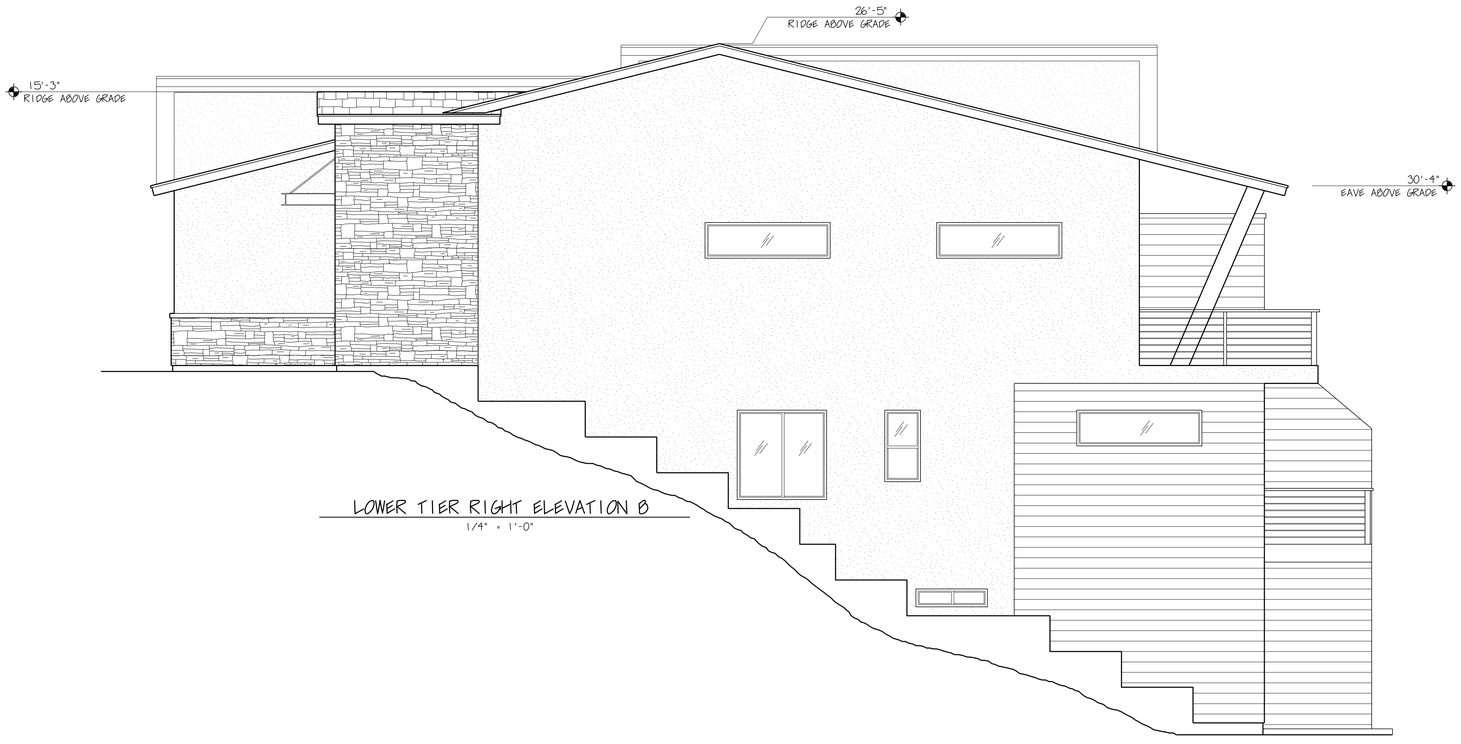
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LOWER TIER REAR ELEVATION B

1/4" = 1'-0"



LOWER TIER RIGHT ELEVATION B

1/4" = 1'-0"

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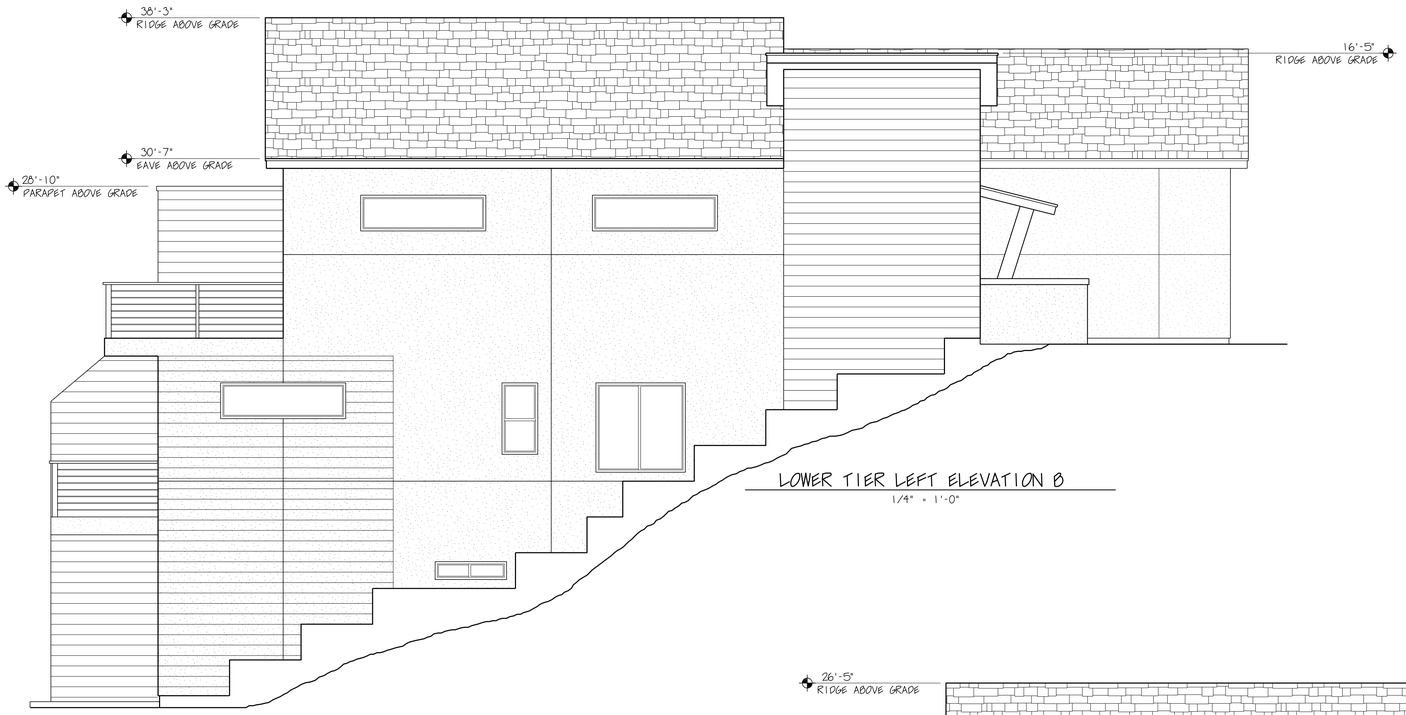
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LOWER TIER REAR ELEVATION B

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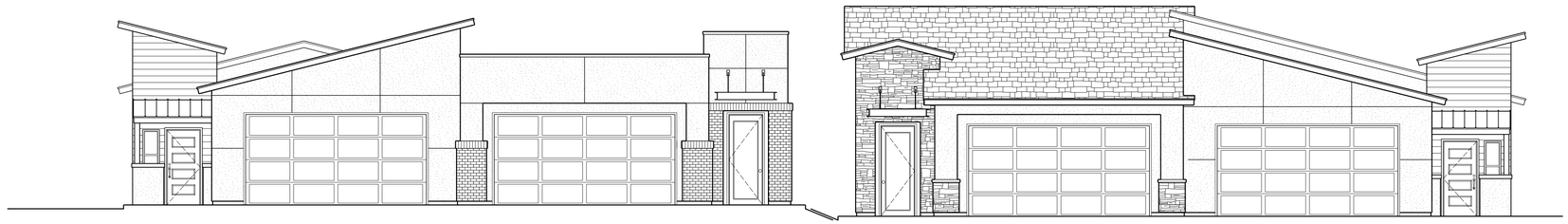
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LOWER TIER STREET ELEVATION





SUB DATE:
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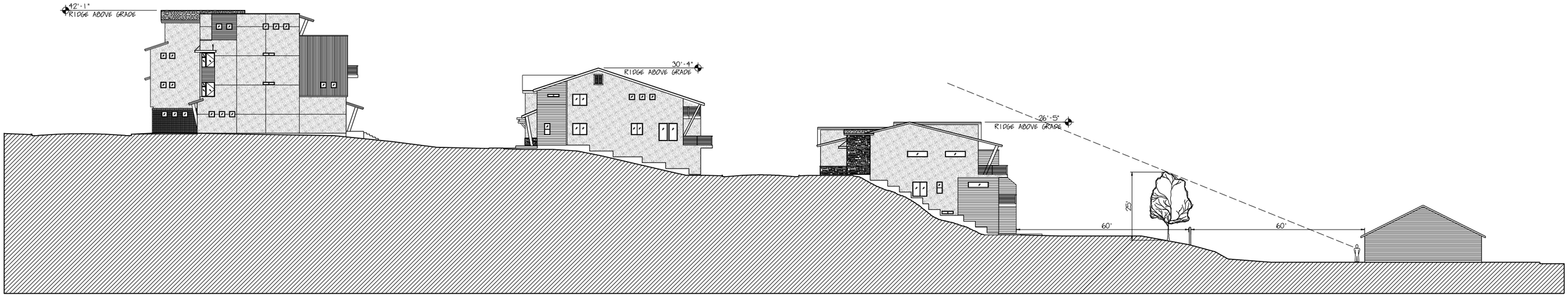
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EXTERIOR
ELEVATIONS

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2 SITE SECTION
SCALE: N.T.S.

LANDSCAPE NOTES:

1. REGULATIONS & STANDARDS
   - 1.1. All contractor work shall be conducted in accordance with ISPWC (Idaho Standard Public Works Construction), 2016; and City of Boise, ID codes, standards and state and local regulations.
2. EXISTING CONDITIONS
   - 2.1. All utilities shall be located prior to construction and protected. Any damage to structures, utilities or concrete will be replaced at contractor's expense.
   - 2.2. The site has many existing improvements such as underground utilities, curb and gutter, light poles and sidewalks.
   - 2.3. See Engineer's plans for information about existing features.
3. GRADING & SITE PREPARATION
   - 3.1. Prepare finish grades for planting by grubbing and removing weeds. If necessary apply Round-Up (or equivalent herbicide), using a certified applicator. Remove rocks and other materials over 2".
   - 3.2. All gravel overprep to be removed and disposed of off site.
   - 3.3. Finish grade to be smooth transition to allow for entire site to be a natural flowing space.
   - 3.4. Fine grade lawn areas to elevations set by Engineer's plans with positive drainage away from structures.
   - 3.5. Refer to Engineer's plans for grading information & for all drainage pipes and locations. Protect and retain drainage at all times.
   - 3.6. No pooling or standing water will be accepted per industry standards.
3. SOILS
   - 3.2. Reuse of existing topsoil that has been stockpiled on site is permitted if:
     - 3.2.1. Topsoil is tested and analyzed to ensure a proper growing medium. Provide additional amendments as determined by soil tests. And
     - 3.2.2. Topsoil is to be loose, friable sandy loam that is clean and free of toxic materials, noxious weeds, weed seeds, rocks, grass or other foreign materials.
     - 3.2.3. Topsoil should have a ph of 5.5 to 7.0.
     - 3.2.4. If on site topsoil does not meet these minimum standards contractor is responsible for providing approved imported topsoil or improving onsite topsoil per the approval of the Landscape Architect.
   - 3.3. If imported topsoil is used it must be from a local source and be screened free of any debris or foreign matter. Topsoil must not contain rocks, sticks, lumps, or toxic matter.
   - 3.4. Smooth, compact, and fine grade topsoil in lawn areas to smooth and uniform grade .5" below adjacent surfaces.
   - 3.5. Amend soil for all new plantings 2 parts topsoil & 1 part compost.
4. PLANTER BED MULCH
   - 4.1. All planter beds to receive 3" depth of Black and Tan Mini mulch, submit for approval prior to placement.
   - 4.2. Install over commercial grade weed barrier fabric.
5. LAWN AREAS
   - 5.1. Sodded lawn to be tall turf-type fescue (regionally harvested).
   - 5.2. Lay sod within 24 hrs of harvesting. Lay sod to form a solid mass with offset, tightly fitted joints on even grades.
   - 5.3. Steel edging at all lawn locations adjacent to all planter beds per detail 3/L1.00
6. PLANTS
   - 6.1. All plant material shall be installed per industry standards.
   - 6.5. All plant material shall meet or exceed the minimum federal standards as regulated by ANSI Z60.1, American Standard for Nursery Stock. Plants not meeting these standards for quality, or plants determined to be unhealthy by Owner's representative, will be rejected.
   - 6.6. All Ball and Burlap trees to be installed per Balled and Burlapped planting detail 2/L1.00.
   - 6.7. All shrubs to be installed per detail 1/L1.00.
   - 6.8. Trees and shrubs over 36" shall not be planted within clear vision triangles per city code.
   - 6.9. Fertilize all trees and shrubs with 'Agriform' planting tablets or approved equal. Apply per manufacturers recommendations.
7. IRRIGATION (POC)
   - 6. Irrigation system shall be built to the following specifications:
     - 6.0.1. Adhere to city codes when connecting to city water.
     - 6.0.1. All irrigation material to be new with manufacturers' warranty fully intact.
     - 6.0.2. Install indoor rated controller in specified location on plan. Coordinate with project manager on exact location.
       - 6.0.2.1. Controller to include On/Off rain switch or other rain shut off device that does not alter program.
     - 6.0.3. Irrigation system piping in landscape areas to be minimum schedule 40 PVC or approved equal, sleeves to be double the size of pipes located within, all wires to be contained in separate sleeves 1-1/2" dia min.
     - 6.0.4. Coordinate all sleeving & pipe runs with owner (Local Construct) & Builder before installing.
     - 6.0.5. Use common trenching where possible..
     - 6.0.6. All wires to be 18 gauge direct, bury wire at a minimum of 12" below finished grade. Size wire for correct voltage loss.
     - 6.0.7. Supply a minimum of (2) spare wires to furthest valves from controller in all directions.
     - 6.0.8. Flow control device to be included on all remote control valves, including master control valve.
     - 6.0.9. Connect mainline to point of connection in approximate location shown on plan.
     - 6.0.10. Provide ¾" winterization port in location near POC. Winterization port to be located inside of its own standard valve box.
     - 6.0.11. Contractor is responsible complying with all codes and paying all permits necessary.
     - 6.0.12. Sprinkler heads shall have matched precipitation within each control circuit. Velocities shall not exceed 5 feet per second.
     - 6.0.13. Locate irrigation materials in planters when possible.
7. CONTRACTOR RESPONSIBILITIES
   - 7.1. Estimated quantities are shown for general reference only. Contractor shall be responsible for all quantity estimates.
   - 7.2. Refer to note 2.1 regarding damages to existing utilities & permitting note in irrigation section.
   - 7.3. All plant material and workmanship shall be guaranteed for a period of one year beginning at the date of Acceptance by Owner. Replace all dead or unhealthy plant material immediately with same type and size at no cost to Owner.
   - 7.4. Landscape contractor to turn in as built drawings at the end of project. Substantial completion will not be granted until 2 copies @ 1"=20' scale are turned in and approved by owner's representative.
8. In the event of a discrepancy, notify the Landscape Architect immediately.

LANDSCAPE REQUIREMENTS:

(PER BOISE CITY CODE)

SCREENING & BUFFERING:

STREETS & PROPERTY PERIMETER:

STREETSCAPE TREES: 1 TREE 40LF (CLASS II OR III)

**NO TREES WITHIN 10' OF SUBSURFACE STORM SEEPAGE BEDS

**NO TREES OR SHRUBS OVER 36" WITHIN CLEAR VISION TRIANGLE

INTERSECTIONS: 40'x40' ALONG CURBS

**PRESERVE & PROTECT ALL EXISTING TREES WITHIN PROJECT BOUNDARY

PERIMETER:	LENGTH (LF)	TREES REQUIRED	TREES PROVIDED
NORTH	N/A	N/A	N/A
EAST	632	16	16
SOUTH	141	4	4
WEST	N/A	N/A	N/A

OWNER TO PROVIDE 1 TREE / 30' ALONG NORTH/EAST BORDER TO PROVIDE SCREENING FOR ADJACENT PROPERTIES.

PERIMETER:	LENGTH (LF)	TREES REQUIRED	TREES PROVIDED
NORTH/EAST	814	27	34

PLANT SIZING MINIMUM REQUIREMENTS:

TREE SIZING:

CANOPY TREES: MIN 2" CAL, B&B MIN

CONIFER TREES: MIN 6' H MIN

SHRUB SIZING:

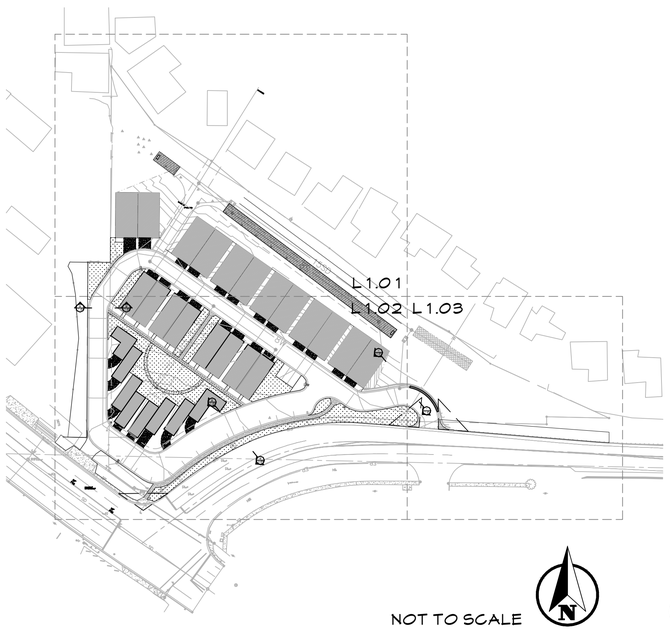
SHRUBS 2GAL POTS MIN

REFERENCE NOTES SCHEDULE

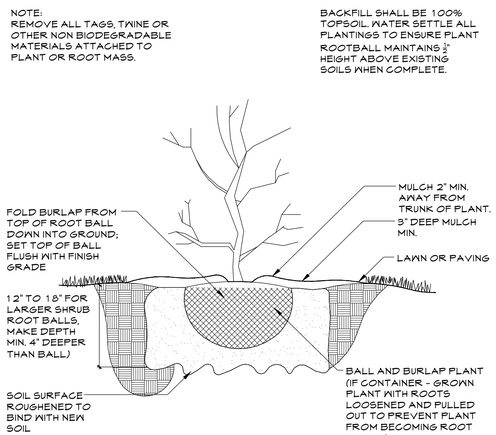
CODE	DESCRIPTION	QTY	DETAIL
1	SIDEWALK AND/OR WALKWAY REF. CIVIL		
2	ENTRY FEATURE (TBD)		
3	PROPERTY LINE		
4	NEW BUILDING REF. ARCHITECT/CIVIL		
6	CLEAR VISION TRIANGLE, NO TREES OR SHRUBS OVER 36" PLANTED WITHIN (40' x 40') @ INTERSECTION		
7	LAWN, SOD, TALL TURF-TYPE FESCUE, OR APPROVED EQUAL (TYP.)		
8	STEEL EDGING AT ALL LAWN LOCATIONS ADJACENT TO ALL PLANTER BEDS		3/L1.00
9	PATHWAY (MATERIAL TBD)		
10	BENCH (TBD)		
11	EXISTING WELL HEADS REF. CIVIL		
12	ON STREET PARKING REF. CIVIL		
13	NATIVE GRASS SEED MIX (TBD)		
14	WALKWAY WITH STAIRS TO HOUSE. LAYOUT TBD		
15	NATIVE GRASS SEED MIX OR APPROVED MATERIAL BY ADJACENT PROPERTY OWNER		

PLANT SCHEDULE

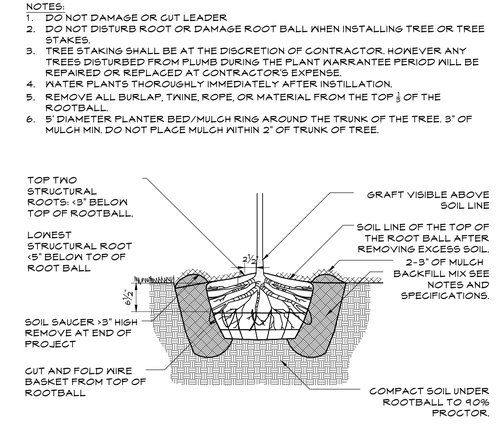
TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE		QTY
	CAR FRA	Carpinus betulus 'Franz Fontaine' / Franz Fontaine Hornbeam	B & B	2"Cal			8
	FRA AU2	Fraxinus pennsylvanica 'Autumn Purple' / Autumn Purple Ash	B & B	2"Cal			7
	PIC LAY	Picea pungens 'Layered' / Layered Colorado Blue Spruce	B & B		8'-9"H X 3'-4"W		8
	PRU TH2	Prunus cerasifera 'Thundercloud' / Thundercloud Plum	B & B	2"Cal			13
	PRU VIR	Prunus virginiana 'Shubert' / Canada Red Cherry	B & B	2"Cal			13
	PRU CHA	Pyrus calleryana 'Chanticleer' / Chanticleer Pear	B & B	2"Cal			5
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	SIZE	FIELD2	FIELD3		QTY
	CAL KAR	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	1 gal				29
	CEN JUP	Centranthus ruber 'Albiflorous' / Jupiter's Beard	1 gal				10
	FES ELI	Festuca cinerea 'Elijah's Blue' / Elijah's Blue Fescue	1 gal				41
	LAV MUN	Lavandula angustifolia 'Munstead' / Munstead English Lavender	2 gal				41
	PEN HAM	Pennisetum alopecuroides 'Hameln' / Hameln Dwarf Fountain Grass	1 gal				68
	PRU OTT	Prunus laurocerasus 'Otto Luyken' / Luykens Laurel	5 gal				20
	SAL NEM	Salvia nemorosa 'East Friesland' / East Friesland Perennial Sage	1 gal				56



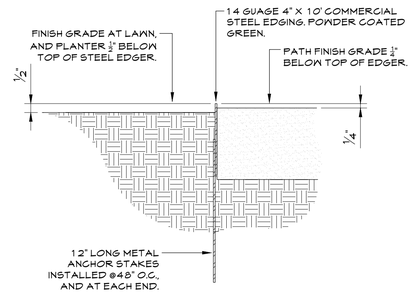
NOT TO SCALE



1 SHRUB PLANTING
1" = 1'-0" 329333.16-01



2 BALL AND BURLAP TREE PLANTING
3/4" = 1'-0" 329343.33-05



3 STEEL LANDSCAPE EDGING
3" = 1'-0" 329413.12-01

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JOB NO:	16-420
DATE:	MAY 31, 2016
DRAWN BY:	KG
CHECKED BY:	WH

DRAWING TITLE

LANDSCAPE OVERVIEW

SHEET NUMBER
L1.00

SHEET 1 OF 7



PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME
	Carpinus betulus 'Franz Fontaine' / Franz Fontaine Hornbeam
	Fraxinus pennsylvanica 'Autumn Purple' / Autumn Purple Ash
	Picea pungens 'Layered' / Layered Colorado Blue Spruce
	Prunus cerasifera 'Thundercloud' / Thundercloud Plum
	Prunus virginiana 'Shubert' / Canada Red Cherry
	Pyrus calleryana 'Chanticleer' / Chanticleer Pear
SHRUBS	BOTANICAL NAME / COMMON NAME
	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass
	Centranthus ruber 'Albiflorous' / Jupiter's Beard
	Festuca cinerea 'Elijah's Blue' / Elijah's Blue Fescue
	Lavandula angustifolia 'Munstead' / Munstead English Lavender
	Pennisetum alopecuroides 'Hameln' / Hameln Dwarf Fountain Grass
	Prunus laurocerasus 'Otto Luyken' / Luykens Laurel
	Salvia nemorosa 'East Friesland' / East Friesland Perennial Sage

REFERENCE NOTES SCHEDULE

CODE	DESCRIPTION
1	SIDEWALK AND/OR WALKWAY REF. CIVIL
2	ENTRY FEATURE (TBD)
3	PROPERTY LINE
4	NEW BUILDING REF. ARCHITECT/CIVIL
6	CLEAR VISION TRIANGLE, NO TREES OR SHRUBS OVER 36" PLANTED WITHIN (40' x 40') @ INTERSECTION
7	LAWN, SOD, TALL TURF-TYPE FESCUE, OR APPROVED EQUAL (TYP.)
8	STEEL EDGING AT ALL LAWN LOCATIONS ADJACENT TO ALL PLANTER BEDS
9	PATHWAY (MATERIAL TBD)
10	BENCH (TBD)
11	EXISTING WELL HEADS REF. CIVIL
12	ON STREET PARKING REF. CIVIL
13	NATIVE GRASS SEED MIX (TBD)
14	WALKWAY WITH STAIRS TO HOUSE. LAYOUT TBD
15	NATIVE GRASS SEED MIX OR APPROVED MATERIAL BY ADJACENT PROPERTY OWNER

AMITY RIDGE
DRAFT LAYOUT
(05/31/2016)

0 10 20 40
SCALE (FT)

LANDSCAPE ELEMENTS:

- NATIVE GRASS SEED MIX
- LAWN, SOD, TALL TURF-TYPE FESCUE, OR APPROVED EQUAL (TYP.)
- STORMWATER UTILITIES
- GREASE TRAP AND SEEPAGE BED
- CONCRETE
- STREET SIGNS
- WATER METER AND WATER LINE CONNECTIONS
- PARKING SYMBOLS

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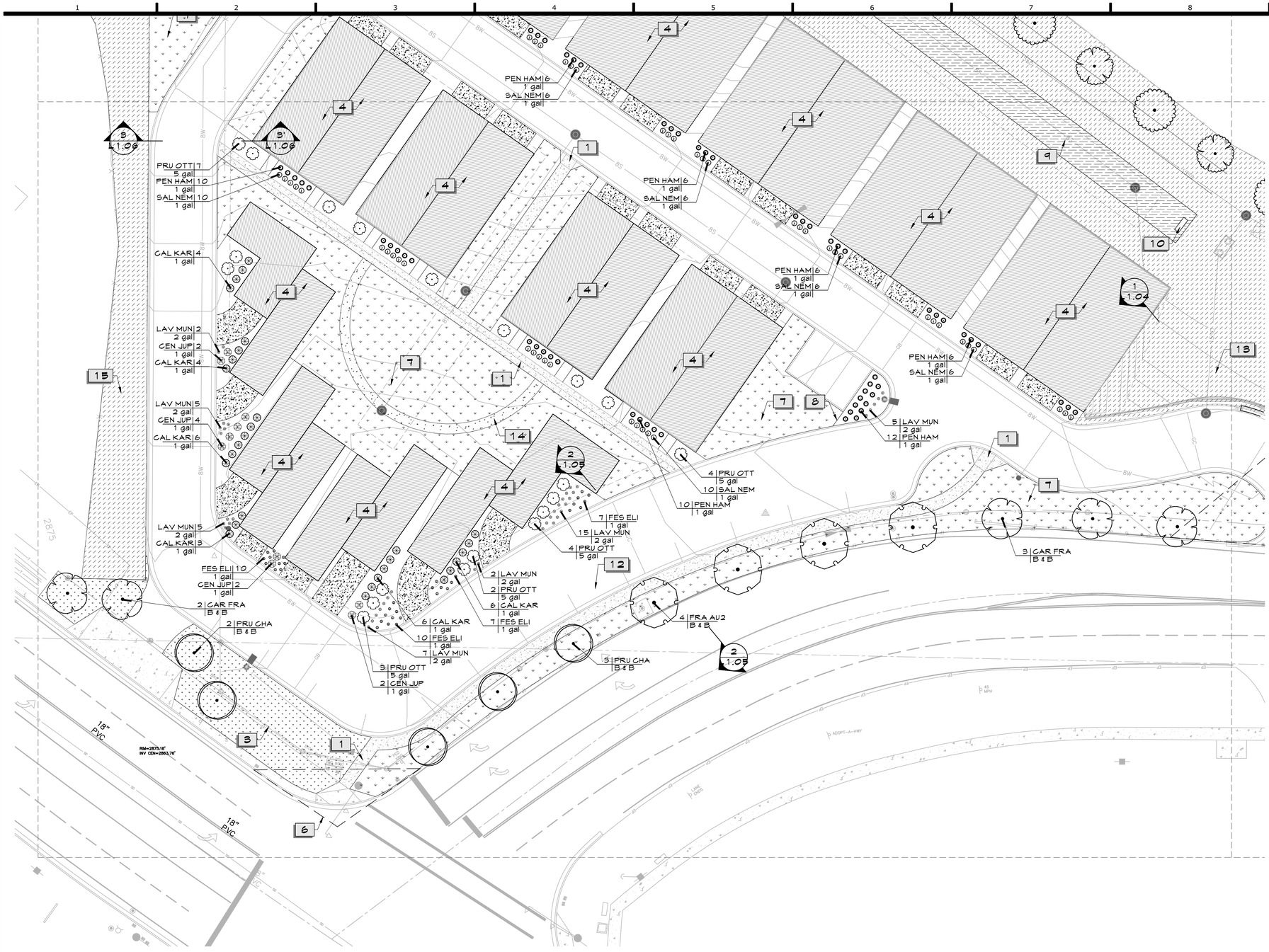
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LANDSCAPE PLAN

SHEET NUMBER
L1.01

SHEET 2 OF 7



PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME
	Carpinus betulus `Franz Fontaine` / Franz Fontaine Hornbeam
	Fraxinus pennsylvanica `Autumn Purple` / Autumn Purple Ash
	Picea pungens `Layered` / Layered Colorado Blue Spruce
	Prunus cerasifera `Thundercloud` / Thundercloud Plum
	Prunus virginiana `Shubert` / Canada Red Cherry
	Pyrus calleryana `Chanticleer` / Chanticleer Pear
SHRUBS	BOTANICAL NAME / COMMON NAME
	Calamagrostis x acutiflora `Karl Foerster` / Feather Reed Grass
	Centranthus ruber `Albiflorus` / Jupiter's Beard
	Festuca cinerea `Eli Jah's Blue` / Eli Jah's Blue Fescue
	Lavandula angustifolia `Munstead` / Munstead English Lavender
	Pennisetum alopecuroides `Hameln` / Hameln Dwarf Fountain Grass
	Prunus laurocerasus `Otto Luyken` / Luykens Laurel
	Salvia nemorosa `East Friesland` / East Friesland Perennial Sage

REFERENCE NOTES SCHEDULE

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12	ON STREET PARKING REF. CIVIL
13	NATIVE GRASS SEED MIX (TBD)
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15	NATIVE GRASS SEED MIX OR APPROVED MATERIAL BY ADJACENT PROPERTY OWNER

AMITY RIDGE
DRAFT LAYOUT
(05/31/2016)

0 10 20 40
SCALE (FT)

LANDSCAPE ELEMENTS:

- NATIVE GRASS SEED MIX
- LAWN, SOD, TALL TURF-TYPE FESCUE, OR APPROVED EQUAL (TYP.)
- STORMWATER UTILITIES
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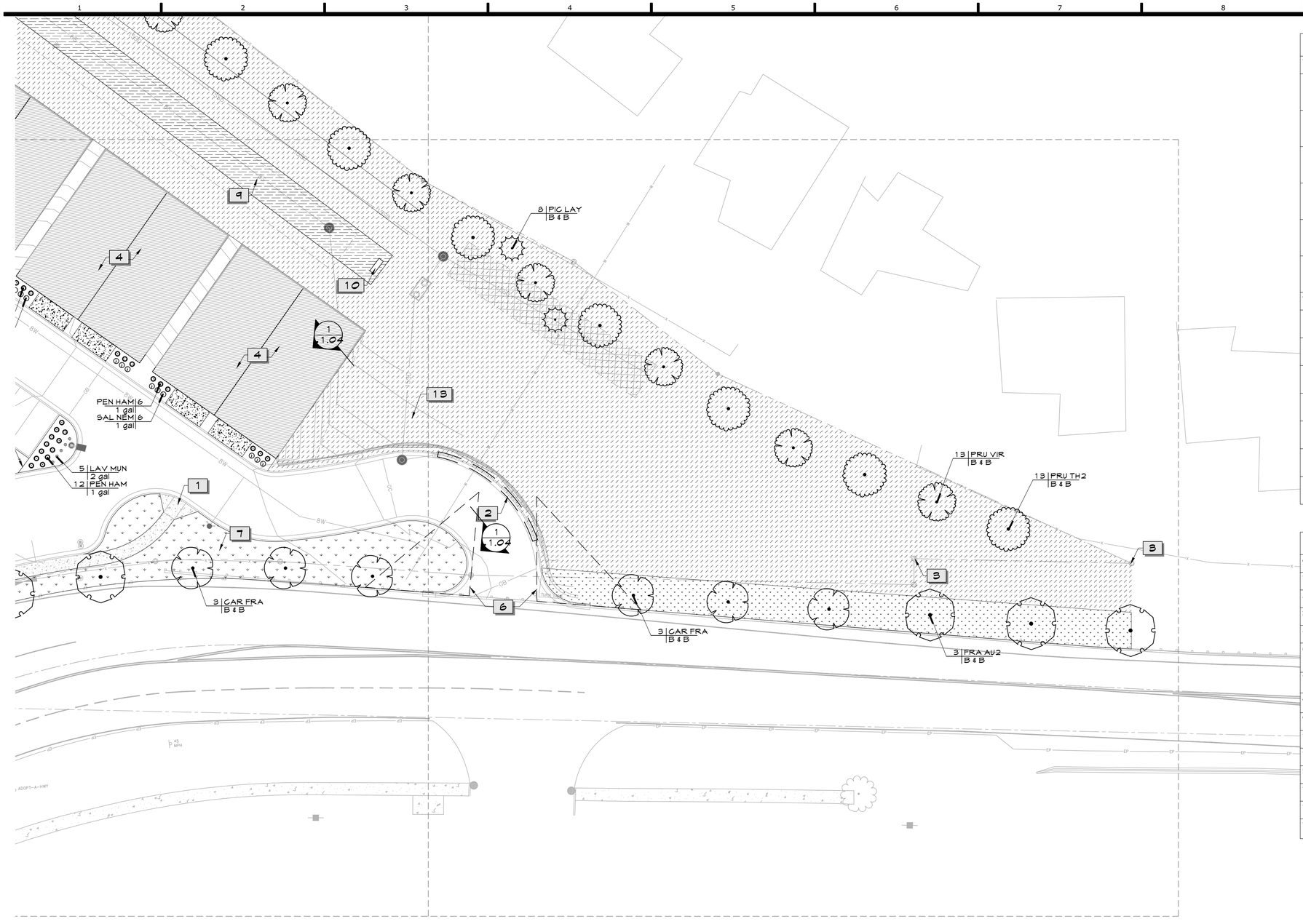
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LANDSCAPE PLAN

SHEET NUMBER
L1.02

SHEET 3 OF 7



PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME
	Carpinus betulus 'Franz Fontaine' / Franz Fontaine Hornbeam
	Fraxinus pennsylvanica 'Autumn Purple' / Autumn Purple Ash
	Picea pungens 'Layered' / Layered Colorado Blue Spruce
	Prunus cerasifera 'Thundercloud' / Thundercloud Plum
	Prunus virginiana 'Shubert' / Canada Red Cherry
	Pyrus calleryana 'Chanticleer' / Chanticleer Pear
SHRUBS	BOTANICAL NAME / COMMON NAME
	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass
	Centranthus ruber 'Albiflorous' / Jupiter's Beard
	Festuca cinerea 'Elijah's Blue' / Elijah's Blue Fescue
	Lavandula angustifolia 'Munstead' / Munstead English Lavender
	Pennisetum alopecuroides 'Hameln' / Hameln Dwarf Fountain Grass
	Prunus laurocerasus 'Otto Luyken' / Luykens Laurel
	Salvia nemorosa 'East Friesland' / East Friesland Perennial Sage

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AMITY RIDGE
DRAFT LAYOUT
(05/31/2016)

0 10 20 40
SCALE (FT)

LANDSCAPE ELEMENTS:

NATIVE GRASS SEED MIX

LAWN, SOD, TALL TURF-TYPE FESCUE, OR APPROVED EQUAL (TYP.)

STORMWATER UTILITIES

GREASE TRAP AND SEEPAGE BED

CONCRETE

STREET SIGNS

WATER METER AND WATER LINE CONNECTIONS

PARKING SYMBOLS

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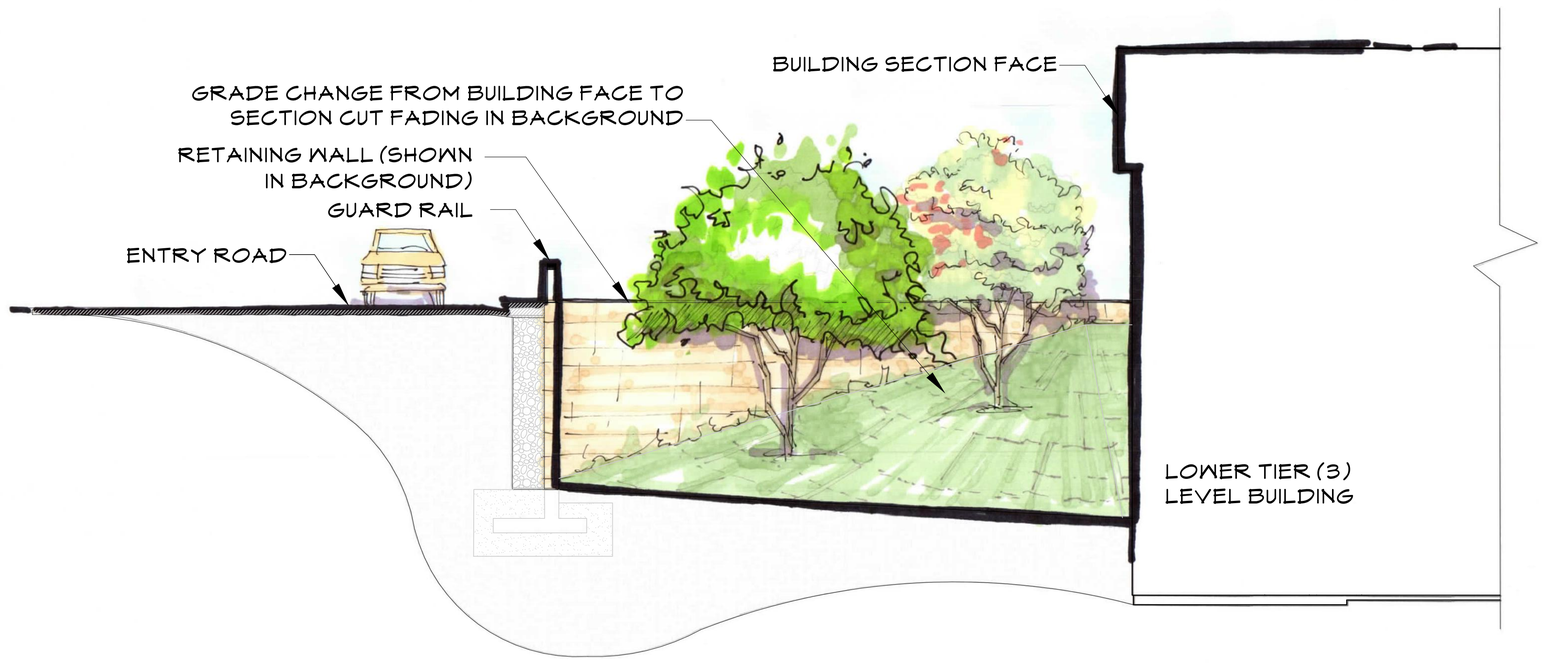
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LANDSCAPE
PLAN

SHEET NUMBER
L1.03

SHEET 4 OF 7





1
L1.04

1'
L1.04

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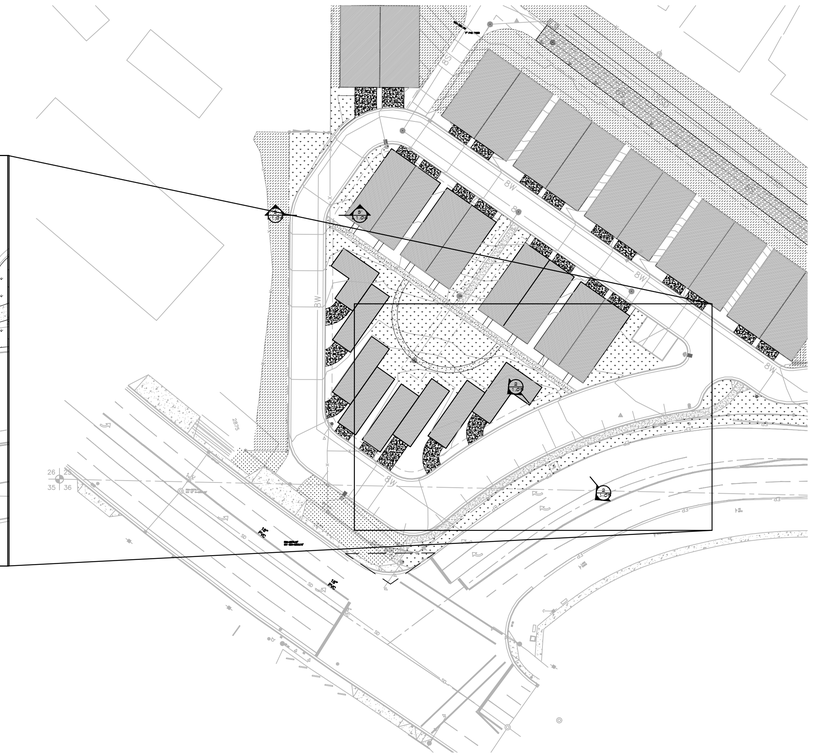
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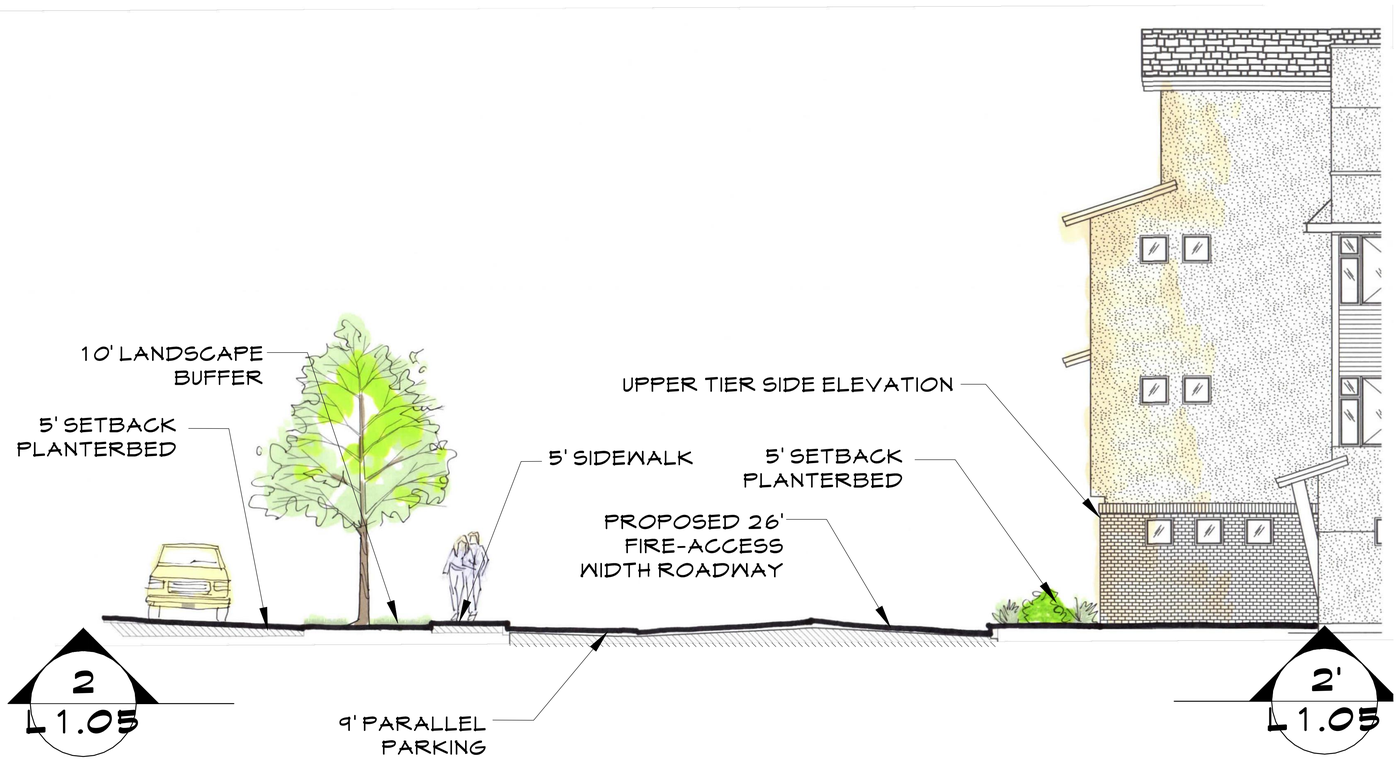
LANDSCAPE SECTION

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SHEET 5 OF 7







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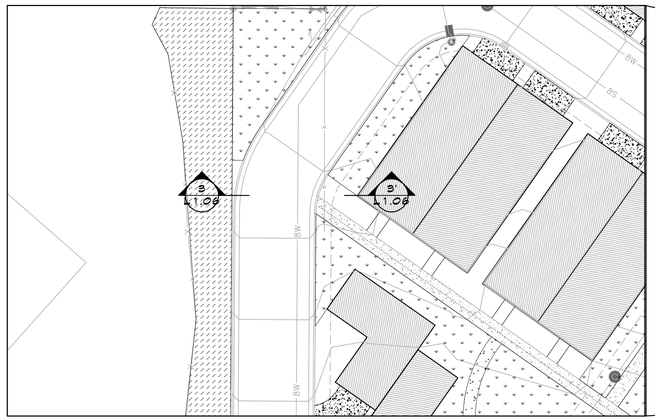
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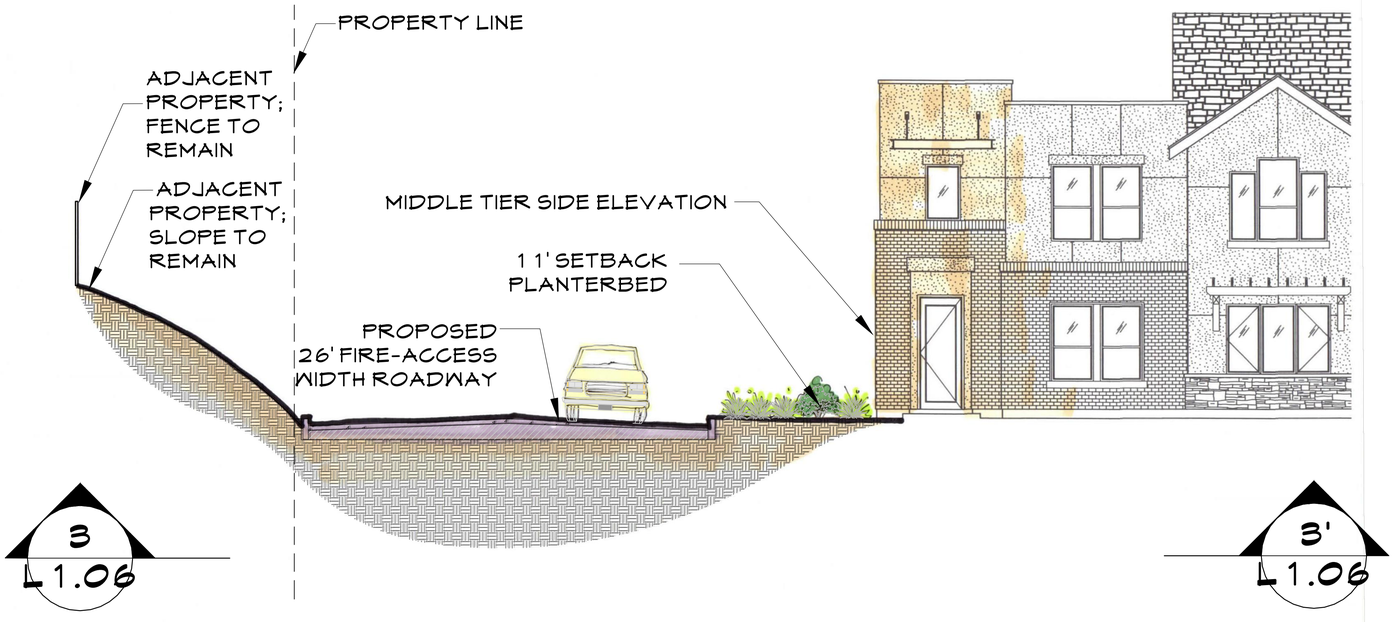
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WILLET C HOWARD, PLA
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Seals

PRELIMINARY NOT FOR CONSTRUCTION

ECHELON RIDGE TOWNHOMES

AMITY / FEDERAL WAY
BOISE, ID

REVISIONS

MRK	DATE	Description
1	**	**

JOB NO:	16-428
DATE:	MAY 31, 2016
DRAWN BY:	KG
CHECKED BY:	WH

DRAWING TITLE

LANDSCAPE SECTION

SHEET NUMBER
L1.06

SHEET 7 OF 7

3/3a/
3b

CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: 1 June 2016

To: Planning and Development Services

From: Tom Marshall, Street Light Technician
Public Works

Subject: PUD16-00015; 1250 E Amity Rd; Street Light Comments

Street lights are required. Plans for this private street light system must be submitted, reviewed, and approved by Public Works prior to issuance of a building permit. A Homeowners' Association shall be created to be responsible for the ongoing operation and maintenance of the system.

If you have any further questions contact Tom Marshall at 388-4719 or tmarshall@cityofboise.org.

I:\PWA\Subjects\Review Comments\CUs\CU street light comment template.doc

3/3a/
3b

CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: June 1, 2016

To: Planning and Development Services

From: Mike Sheppard, Civil Engineer
Public Works

Subject: PUD16-00015; 1250 E. Amity Road; Sewer Comments

Connection to central sewer is required. Sanitary sewers are available at the north property line per the plat map.

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

If you have any further questions, please contact Mike Sheppard at 384-3920.

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 25, 2016

To: Leon Letson
Planning and Development Services

From: Jim Wyllie
Public Works

Subject: Echelon Ridge Subdivision
Preliminary Hydrology Report
CFH16-00031 & SUB16-000
PWE 827

Comments on the Preliminary Hydrology Report for Echelon Ridge Subdivision are listed as follows:

Project Location & Description

Echelon Ridge Subdivision is located in southeast Boise at the north corner of the intersection of Federal Way and Amity Road. The proposed development includes 29 lots consisting of 28 townhome lots and 1 common lots located on 3.66 acres. Breckenridge Subdivision No. 5 borders the northeast side of the property. Proposed development will occur on most of the property (2.53 acres) except for an undeveloped area (1.13 acres) of land bordering the northeast side of the property. Elevation of the site ranges from a high point of 2876 feet at the most southerly part of the subdivision to a low point of 2824 feet located at the northerly corner of the subdivision.

Pre-Development Conditions

The site has good vegetative cover consisting of native grasses and sagebrush with sagebrush being the minor element. Surficial site soils consist of lean clays and silts. Deeper soil layers consist of silty gravels to poorly graded gravel with sand. Some of the gravels are cemented. Surficial soils are classified as a type "C" or "D" soil. On steeper slopes, these soil types produce moderate amounts of runoff.
In the development's present condition, stormwater runoff from the project infiltrates into the native soils or in more extreme events runs off the property as sheet flow.

Hillside slopes range from approximately 50:1 (2%) at the southern end of the property to steeply descending slopes of 2:1 (50%) located adjacent to the north side of Amity Road along the eastern portion of the subdivision.

Pre-Development Hydrology

Pre development runoff rates and volumes for this project were not included in the Preliminary Hydrology Report.

Post-Development Hydrology

The site drainage plan proposed is intended to intercept and infiltrate all of the runoff from the developed portion of the site except for an undeveloped 1.13 acre portion of the site bordering the Breckenridge Subdivision No. 5. The proposed stormwater facilities should result in less stormwater runoff leaving the site.

According to the Preliminary Hydrology Report, peak runoff rates and volumes proposed are:

Peak post development runoff rate - 5.9 cubic feet per second (cfs)

Peak post development runoff volume - 8197 cubic feet (cf)

Comments

1. An eighteen foot deep seepage bed is proposed to be located between 11 and 15 feet from the exterior boundary of Breckenridge Subdivision No. 5. The seepage bed must be designed to prevent groundwater intrusion into the crawl spaces or basements of existing homes located in the subdivision.

2. The Geotechnical Report revealed the presence of cemented sand and gravel layers on the property. If encountered, seepage bed must be extended through cemented soils.

3. Contaminated soils may exist below or near the seepage bed location. Approval of the seepage bed will not be granted by the City unless the seepage bed is approved by the Idaho Department of Environmental Quality.

4. Excavation of test holes did not find evidence of groundwater at the site. The Final Geotechnical Report must include findings for groundwater levels at the proposed seepage bed location.

5. Final Hydrology report shall provide documentation of infiltration rates for the seepage bed.

6. The subdivision Home Owners Association shall be responsible for operation and maintenance of all private drainage facilities.

Recommended Conditions of Approval

1. Final Hydrology Report and Drainage Plans are required at or prior to the time of Final Plat submittal. Report and plans shall be approved by Public Works prior to signature of the Final Plat by the City Engineer. The Final Hydrology Report shall include but not be limited to the following information:

   A. A full and complete description of the project hydrology including: analysis or comments on characteristics of upslope drainage areas, the provision for drainage through the project, drainage from the project area (both for predevelopment and post-development conditions), current condition of downslope drainage area and conveyance systems, and the effects that the new project will have on the downslope drainage system.

   B. A full discussion of pre-development and post-development peak runoff rates and volumes. Supporting documentation in the form of calculations, computer program input and output data, and drainage maps of the project drainage basin will be included.

C. The location and size of drainage control facilities and a description of methods for controlling runoff from the new development.

D. A description of how hydrologic hazards, present at the site, will be mitigated to the point where development can be allowed.

E. A discussion of the effects that onsite detention and discharge will have on the downslope drainage basin. Specifically, the report will contain a pre-development hydrograph, which is generated for the most downslope point in the project. A post-development hydrograph will also be provided. The post-development hydrograph will show that the peak discharge, as a result of new development, is no greater than pre-development peak flow at the most downslope point in the development for all storm events up to and including the one hundred (100) year storm.

Conclusion

The Preliminary Hydrology Report indicates that off-site post-development peak flow rates and volumes can be limited to no more than predevelopment levels. Full documentation for existing subsurface conditions and all onsite drainage facilities can be provided in the Final Hydrology Report and Grading and Drainage Plans.

cc: Rob Bousfield, Assistant City Engineer
Jason Taylor, Associate Civil Engineer
Lance Warnick, P.E., Aspen Engineers, 485 W. Main Street, Suite B, P.O. Box 205, Kuna, ID 83634
PWE 821 2.4

I:\PWA\Project Program\PWE827EchelonPreHydRpt

3/3a/
3b

CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: 6/1/2016

To: Planning and Development Services

From: Terry Alber, Pretreatment Coordinator, 384-3992
Public Works

Subject: **PUD16-00015**; 1250 E AMITY RD; Pretreatment Comments

Public Works, Pretreatment offers NO COMMENT.

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

June 7, 2016

City of Boise
Planning and Development Services
P.O. Box 500
Boise, ID 83701-0500

EREVIEW

RE: PUD16-00015 ECHELON RIDGE TOWNHOMES

The Idaho Transportation Department (ITD) has reviewed the planned unit development application for the Echelon Ridge Townhomes at 1250 East Amity Road west of SH-21. ITD has the following comments.

1. ITD has no objection to townhomes being constructed at this location.
2. The property does not abut the State highway system.

If you have any questions, you may contact Ken Couch at 332-7190 or me at 332-7191.

Sincerely,



James K. Morrison
D3 Property Manager
jim.morrison@itd.idaho.gov

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 27, 2016

To: Leon Letson
Planning and Development Services

From: Jason C Taylor, P.E.
Public Works

Subject: Echelon Ridge Subdivision
PWE 827, CFH16-00031, SUB16-00033

Echelon Ridge Subdivision is a proposed 29 lot (28 buildable, 1 common/open space) development located on approximately 3.7 acres at the corner of Federal Way and Amity Rd. The existing site consists of mostly undeveloped hillsides with slopes varying from 1.2:1(84%) on the northern and eastern portions to 50:1 (2%) on the south-western portion of the site. The site has surficial soils consisting of silt fill underlain by native silty sand and lean clay soils. Vegetation is primarily sagebrush, bitterbrush, bunchgrass, and other native vegetation typical of the semi-arid Boise foothills. The development proposes to utilize the slopes and to build tiered structures and sloped roads for access. This plan is similar to previously approved subdivisions similar to North Hills and Somerset Ridge #6.

Grading Plan Review

The proposed grading for this development satisfies the intent of Public Works Hillside Development Manual for Technical Reports and the Boise City Hillside and Foothills Areas Development Ordinance. The preliminary grading plan (Aspen Engineers dated May 30, 2016) indicates that the majority of the grading is for construction of the private road, infrastructure, and retaining wall construction. The proposed grading plan indicates that fills of up to 15 feet and cuts up to 5 feet are anticipated. Proposed cuts and fills will produce approximately 13,000 cubic yards of material. This material will consist of surficial soils and over-excavated material from the blending and shaping of the hillside. Typical earth moving equipment is planned to be utilized. However, blasting could be required if bedrock is encountered and is unrippable with on-site equipment. The applicant is proposing a balanced earthwork condition (i.e.; no import or export of cut/fill material). If there is a material shortage, then material will need to be brought to the site from an approved source.

The proposed private roadways have variable slopes ranging from 1% up to 10%, the maximum allowable by Boise City Fire Department is a 10% slope. An access road on the north side of the

development has a 18% slope and will need to be approved by the sewer department prior to issuance of a grading permit. The proposed lot grading shows that the lots have been graded to minimize impacts of sheet flow draining down the slope faces. The final grading plan will need to show that all stormwater will stay on the individual lots or be transferred to the roof drain storm water system. All proposed roof and driveway drainage is to be piped to the storm water system. Temporary berms or an effective soil stabilization program may also be required until pad vegetation becomes established or buildings are constructed.

Prior to approval of a grading permit the following will need to be addressed.

1. Proposed seepage bed drainage (shallow injection well) will need to be approved by DEQ
2. Engineering for the retaining walls needs to be provided.

Geotechnical Review

The Geotechnical Engineering Report submitted by Materials Testing & Inspection (dated January 18, 2016) included multiple exploratory locations, laboratory testing, and a geologic and geotechnical literature review. The onsite soils consisted of varying mixtures of silts, sand, clay, and gravel materials. The overall report did conclude that the onsite soils were adequate to support the proposed development.

Additional geotechnical exploration, including test pits and or test borings will need to be performed prior to final approval and the issuance of a grading permit. Specific areas of investigation that will need further investigation, as identified in the Public Works Hillside Development – Requirements for Technical Reports manual include:

1. Stormwater Disposal – Soils will be evaluated for infiltration, allowable infiltration rates, liner types, and recommended setback distances from structures, slopes, and potential impacts of subsurface drainage on existing downstream structures and domestic water wells. Any changes to the currently proposed system will need to be reviewed by the geotechnical engineer to ensure no adverse effects will occur.

2. Earthwork and Grading – Final earthwork and grading recommendations will be required and should include: Suitable onsite soil types, evaluation of onsite fill soils for use as structural fill, testing requirements of fill, recommended over-excavations(in any), embankment construction, fill placement recommendations, additional recommendations relative to specific soil characteristics at proposed deep cut locations, reusability of soils developed from cut locations, boulder/rock outcropping depths and construction issues with removal or blending with fills. Additional recommendations based on proposed grading plan.

3. Slope Stability Analysis- – A detailed slope stability analysis will be required for critical cut and fill slopes. Slope instability in these areas may impact adjacent development, and should be evaluated as the project design progresses. Sampling and testing shall be sufficient enough to address saturated strength of materials, depth to slide surface, potential for future movements, and risks to proposed structures and roadways/driveways.

The evaluation should include a numerical slope stability analysis and report. Minimum industry standard factors of safety should be applied under saturated and psuedostatic conditions that include vertical and horizontal accelerations.

4. Evaluation of Subgrade Soils below Pavements and Residential Lots – A specific evaluation of subgrade soils for pavements, residential lots, and structural fill will be required. Specifically, this evaluation should include identification of active clay soils, evaluation of settlement potential associated with proposed grading, recommendations for pavement and subgrade preparations, as well as recommendations to reduce the potential effects of identified detrimental soil conditions. This evaluation will not be used for each residential lot. A separate geotechnical report will be required for each lot as required per the Boise City Hillside and Foothills Areas Development Ordinance.

Revegetation Plan

The Revegetation Plan proposes to reestablish all disturbed areas within the proposed subdivision with a native seed mix and typical yard type landscaping. The plan proposes to use the native topsoil across all areas that will be disturbed except for the building pads. The disturbed areas will then be hydroseeded with a blend of hillside plant seed, mulch, and tackifier at a proposed application rate of 2000 lbs. per acre. The site includes a good outcropping of sagebrush. Replanting of sagebrush on disturbed slopes should be considered.

Conclusions

The proposed area, as determined by the geological, hydrological, and soils engineering analysis, has been shown to be capable of the volume and type of development proposed. Cut and fills for subdivision construction have been minimized to ensure compliance with the Hillside Ordinance. Fill areas will require engineering oversight and construction monitoring prior to approval by Public Works staff to ensure soil stability. All individual lots within this development will be subject to the Hillside and Foothills and Development Standards Ordinance and will be required to submit individual engineering reports and analysis prior to construction of houses.

Public Works Recommended Conditions of Approval

Once the above mentioned items are addressed and approved by Public Works a grading permit can be issued with the following conditions of approval.

1. All site work shall comply with the Boise City Hillside and Foothills Areas Development Ordinance (B.C.C. 11-07-08 through 11-07-09), International Building Code Chapter 18 and Appendix J as modified by Boise City Code Chapter 4-02 and the conditions of approval for CFH16-00026.

2. Prior to the start of earthwork construction, the project engineer shall hold a pre-construction meeting. Authorized representatives from the project engineer, the contractor, the developer, the geotechnical engineer, and Boise City shall attend this meeting. This meeting will outline all construction activities, erosion and sediment control techniques, geotechnical engineering testing, report submittal requirements, etc.

3. All earthwork must be done in compliance with the recommendations contained in the approved Geotechnical Engineering Report submitted by Materials Testing & Inspection (dated January 18, 2016) and under the direct supervision of the geotechnical engineer. Any future reports or additional geotechnical recommendations submittal after this report shall be reviewed prior to issuance of a grading permit. Inspection and testing of earthwork is to be provided by a soils engineer/testing laboratory. Embankment compaction test data and daily logs of construction activities shall be submitted to Public Works by the Project Engineer on a weekly basis.

4. Unforeseen or difficult soil conditions may be encountered during earthwork activities. If soil conditions, weather conditions, or other situations alter work activities or potentially impact satisfactory completion of work; the City shall be immediately notified. The geotechnical engineer shall respond to these conditions in a manner acceptable to the City. If these conditions are not appropriately dealt with, a "work stop" will be imposed on the project until satisfactory resolution of these problems can be achieved.

5. Stripping and topsoil removal shall not be done on an area until just prior to cutting or filling in the area.

6. If excess waste materials or excavated materials are to be removed from the site, positive measures shall be taken to prevent soil and other debris from being deposited on existing streets. Any offsite disposal of excess cut material must be approved in advance by Boise City Public Works or Erosion and Sediment Control. The permittee shall also repair any damage the work causes to existing public and/or private property.

7. Identify, stake, and maintain through construction markers at the limits of grading. Stakes shall be placed at reasonable intervals around the grading perimeter. All perimeter construction staking shall be in place prior to commencement of work. Disturbance outside the marked limits of grading shall not be permitted.

8. The permittee shall apply water or other dust palliative to control dust when necessary or requested by Boise City Erosion and Sediment Control.

9. All slopes and disturbed area shall be protected in accordance to an approved erosion control plan & revegetated in accordance to the approved Revegetation Plan.

10. If blasting is required, it shall be done in compliance with a blasting permit obtained from the Boise City Fire Department.

11. No operation of heavy equipment shall occur prior to 7:00 a.m. or later than 7:00 p.m., Monday through Saturday (unless a more detailed plan is required/approved). Upon request work may be permitted outside of these hours on limited basis provided that there is not excessive disturbance to adjacent property owners from noise and/or lights.

12. Boise City shall be reimbursed for review and inspection costs associated with Hillside Ordinance Requirements.

13. Final reports as required by International Building Code Chapter 18 and Appendix J as modified by Boise City Code Chapter 4-02 shall be provided prior to full release of grading performance security. Record drawings must include the location and the invert of the stormdrain stubouts to the individual lots.

14. The Owner/Contractor must provide for temporary erosion protection of all disturbed slopes on an "as required" basis until the project is successfully revegetated. The intent of this condition is to minimize erosion to this project and to prevent the transport of eroded materials outside the boundary of this project. The Owner/Contractor shall have onsite or readily available sandbags, sediment fence, or other materials deemed necessary by the Project Engineer for emergency response to drainage, erosion, or sedimentation problems.

15. All bonding for grading, erosion protection, revegetation, and related work, including an agreement to perform work under this permit, shall be submitted to and accepted by Boise City prior to the issuance of a grading permit. In the event of default and/or failure to complete the project and to perform the conditions stipulated herein, the developer/landowner hereby grants to Boise City and their agents the right of access to the property to do the work as necessary to complete the improvements and/or restore drainage and aesthetics of the site.

16. The Contractor and/or Developer, to whom this permit is issued, shall be responsible for maintaining the project site in a safe, environmentally stable condition. If the Project Engineer is notified of unacceptable conditions at the project site, including but not limited to, excessive dust generation, excessive erosion of soil materials from the site, and deposition of these materials on adjoining properties, and the permittee does not respond to and resolve these matters, then the City of Boise reserves the right to direct and have said unacceptable conditions corrected by a contractor of its choice. The cost of said work will be paid for by the Developer or Contractor as appropriate. In the event the Developer will not pay for work performed, the City will demand payment from the grading bond held for this grading work.

17. Any changes to the Grading, Erosion Control, or Revegetation plan shall be forwarded to the Public Works Department in writing for review and approval prior to commencing with actual construction.

18. Any correspondence and communications relative to this permit shall be directed to the Department of Public Works with copies to the Building Department.

19. 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 properties that border wild lands. Information on naturally fire resistive plant materials can be obtained from the International Fire Code Institute (IFCI) Urban-Wild Land 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), Boise Parks and

Recreation Department Urban Forester, and the Colorado State Forest Service. For additional information call the Boise Fire Department at 384-3827.

20. The Landscape Architect shall be required to perform the following tasks:

    a. Sample the stockpiled topsoil and make any recommendations for necessary soil amendments before the topsoil is redistributed on the disturbed slopes.

    b. After the topsoil has been applied to the slopes, the Landscape Architect shall inspect and certify that the topsoil has been properly amended and spread at the minimum thickness recommended in the revegetation report.

    c. After the hydroseed and mulch have been applied, the Landscape Architect shall inspect and certify that the correct rates were applied.

    d. After the first year of revegetation, the Landscape Architect shall write a report on the progress and success of the re-vegetation. The report shall address the need for any remedial revegetation work that may be required. Periodic reports shall be required thereafter on an "as needed" basis until the landscape architect certifies the re-vegetation is complete. Revegetation must be 80% completed in 2 years as per the Hillside Ordinance. At this time the revegetation bond shall be released.

cc: Rob Bousfield, Assistant City Engineer
Jim Wyllie, Civil Engineer
Cody Riddle, Current Planning Manager
Lance Warnick, P.E., Aspen Engineers, 485 W. Main St, Suite B ▪ PO Box 205 ▪ Kuna, Idaho 83634

PWE 827 2.4

Fire Department

Dennis Doan
Chief

City Hall West
333 N. Mark Stall Place
Boise, Idaho 83704-0644

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208/570-6500

Fax
208/570-6586

TDD/TTY
800/377-3529

Web
www.cityofboise.org/fire

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
David Eberle

Elaine Clegg
Lauren McLean
TJ Thomson
Ben Quintana

June 15, 2016

Todd Tucker
PDS – Current Planning

Re: Preliminary Plat and Planned Unit Development, Echelon Subdivision
SUB16-00033, PUD16-00015, CVA16-00033, and CFH16-00031
1250 E. Amity Rd.

Dear Todd,

This is a request for a Preliminary Plat and Planned Unit Development consisting of 28 buildable lots and 1 common lot.

The Boise Fire Department has reviewed and can approve the application subject to compliance with all of the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Ordinance 6308.

Comments:

1. For streets having a width of 29 feet back of curb to back of curb parking shall be restricted on one side. A note on the face of the final plat is required. No Parking signs shall be installed in accordance with the requirements of the IFC.(BCC 7-01-32)
2. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B105.2, IFC C105).
3. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility.
4. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. No Parking signs shall be installed on the side adjacent to the buildings that are over 30-feet in height. (IFC D105)

General Requirement:

Specific building construction requirements of the International Building Code, International Fire Code and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Ron Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department

An Equal Opportunity Employer

Leon Letson

From: Dean.Ehlert@deq.idaho.gov
Sent: Thursday, July 28, 2016 1:45 PM
To: jeremy@jeremytelford.com
Cc: Pete.Johansen@deq.idaho.gov; Albert.Crawshaw@deq.idaho.gov; Mark.Jeffers@deq.idaho.gov; Jason Taylor; Leon Letson; lance@AspenEngineers.com; Catherine Chertudi; jwalker@allterraconsulting.com; Robert.Bullock@deq.idaho.gov
Subject: RE: Echelon Ridge Development Proposal

Dear Mr. Telford,

Thank you for the response regarding the proposed Echelon Ridge Development and the comments DEQ provided to the City of Boise regarding this project. We've had an opportunity to review the development plans on the City's website. Based on DEQ's review of the plans, it appears the infiltration basin will not impact the monitoring wells and injection wells. If you could provide verification of the infiltration basin's location, that would be greatly appreciated. If you have not contacted MotivePower, we request you contact them to address any concerns they may have regarding the monitoring/injection wells and access agreements for the property. DEQ requests you work with MotivePower to replace any wells impacted during construction with special care when working around MW-25A. MW-25A is located just NE of the E. Amity Road/Federal Way intersection.

If the above-mentioned issues can be addressed, DEQ can provide a response to the City that we have no further concern with the project.

Sincerely,
Dean Ehlert
Ground Water & Remediation Manager
IDEQ Boise Regional Office
Phone: 208-373-0416
Fax: 208-373-0287
Email: Dean.Ehlert@deq.idaho.gov

Independent School District of Boise City #1

Boundaries, Transportation, and Traffic Safety
8169 W Victory Rd - Boise, ID 83709
(208) 854-4167 Fax (208) 854-4011

RESPONSE TO PLANNING & DEVELOPMENT SERVICES

DATE: **July 12, 2016**

TO: **PDSTransmittals@cityofboise.org**

FROM: **Lanette Daw, Supervisor Traffic Safety and Transportation**

RE: **PUD16-00015 & SUB16-00033 – Echelon Ridge Subdivision**

At the present time, the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District.

The schools currently assigned to the proposed project area are:

Elementary School: **Liberty**
Junior High School: **Les Bois**
High School: **Timberline**

Comments Regarding Traffic Impact: **None**

Comments Regarding Safe Routes to School Impact: **The Boise School District requests sidewalks on the north side of Amity Road, from S Federal Way to S Rimview Way. Sidewalks on Amity Road would allow students to walk to access current bus stops**

If you have any further questions, please feel free to contact this office.

Boise Airport

Rebecca Hupp, A.A.E.
Airport Director

BOI
Boise Airport
Suite 1000
3201 Airport Way
Boise, Idaho 83705-6530

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208/383-3110

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Web
www.cityofboise.org

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
Elaine Clegg

Scot Ludwig
Lauren McLean
Ben Quintana
TJ Thomson

DATE: June 3, 2016

TO: Boise City Planning & Development Services

FROM: Matt D. Petaja
Deputy Director, Engineering & Facilities

SUBJECT: CVA16-00033 / PUD16-00015

This project is located adjacent to Airport Influence Area A, which is affected by average sound levels in the 60-65 DNL and/or aircraft traffic patterns below 1000 feet. New residential development and new schools are required to provide a sound level reduction of 25 DB.

Although we have no regulatory authority over this area, neighbors in this area complain of overflights, which have historically been occurring for 60 years. We respectfully request an avigation easement.

Please call 383-3110 x0 if there are any questions.

An Equal Opportunity Employer
Printed on recycled paper

Development Services Department

ACHD
Committed to Service

Project/File: **Echelon Ridge / BPP16-0020/ PUD16-00015**
This is a preliminary plat and PUD application for 28 townhouse lots and 1 common lot on 3.7 acres. The site is located at 1250 E. Amity Road in Boise, Idaho.

Lead Agency: City of Boise

Site address: 1250 E. Amity Road

Staff Approval: June 30, 2016

Applicant: Jeremy Telford
2048 W. Astonte Street
Meridian, ID 83646

Representative: Jay Walker
9208 JR Way
Middleton, ID 83644

Staff Contact: Mindy Wallace, AICP
Phone: 387-6478
E-mail: mwallace@achdidaho.org

A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval of a preliminary plat and PUD application for 28 townhouse lots and 1 common lot on 3.7 acres. The site is located at 1250 E. Amity Road in Boise, Idaho.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Single family residential	R-1C
South	Limited Industrial	M-1D
East	Planned Commercial	C-4D
West	Limited Industrial/Single family residential	M-1D/R-2D

3. **Transit:** Transit services are not available to serve this site.

4. **New Center Lane Miles:** The proposed development includes no new public roads.

5. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 163 vehicle trips per day; 15 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Federal Way	116-feet	Principal Arterial	1,040	Better than "E"	Better than "E"
Amity Road	426-feet	Minor Arterial	453	Better than "D"	Better than "D"

* Acceptable level of service for a five-lane principal arterial is "E" (1,770 VPH).

* Acceptable level of service for a two-lane minor arterial is "D" (550 VPH).

3. **Average Daily Traffic Count (VDT)**
   Average daily traffic counts are based on ACHD's most current traffic counts.

   - The average daily traffic count for Federal Way south of Amity Road was 16,910 on 10/28/15.
   - The average daily traffic count for Amity Road east of Federal Way was 8,039 on 11/29/15.

C. Findings for Consideration

1. Amity Road

a. Existing Conditions: Amity Road is improved with 2 to 5-travel lanes and no curb, gutter or sidewalk abutting the site. There is 80 to 88--feet of right-of-way for Amity Road (35 to 50-feet from centerline). The Amity Road/Federal Way intersection is currently signalized.

b. Policy:

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Amity Road is designated in the MSM as a Industrial Arterial with 3-lanes and on-street bike lanes, a 46-foot street section within 76-feet of right-of-way.

Street Section and Right-of Way Width Policy: District Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70

feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Frontage Improvements Policy: District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

c. Applicant Proposal: The applicant hasn't proposed any improvements to Amity Road abutting the site.

d. Staff Comments/Recommendations: Consistent with ACHD's Sidewalk policy, the applicant should be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 42-feet from the centerline of Amity Road abutting the 5-lane section of the roadway, tapering to 30-feet from the centerline of Amity Road. The sidewalk should terminate at the site's driveway due to topography east of the driveway.

The applicant should be required to provide a permanent right-of-way easement if public sidewalks are placed outside of the dedicated right-of-way.

2. Federal Way

a. Existing Conditions: Federal Way is improved with 5-travel lanes, vertical curb, gutter, and a detached pathway that extends the entire length of Federal Way.

b. Policy:

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

c. Applicant Proposal: The applicant hasn't proposed any improvements to Federal Way abutting the site.

d. **Staff Comments/Recommendations:** Federal Way is already improved with 5-travel lanes, vertical curb, gutter, and a detached pathway that serves as a sidewalk abutting the site. Therefore no additional street improvements or right-of-way dedication should be required as part of this application.

Consistent with ACHD's Minor Improvement policy the applicant should be required to replace any broken or deteriorated curb, gutter, and pathway abutting the site.

3. Driveways

Amity Road

a. Existing Conditions: There are no driveways from the site onto Amity Road.

b. Policy

Access Points Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

Access Policy: District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

Driveway Location Policy: District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

Driveway Width Policy: District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

c. Applicant's Proposal: The applicant has proposed to construct one 25.5-foot wide full access driveway onto Amity Road, located approximately 420-feet east of Federal Way (measured centerline to centerline). The driveway is proposed to align centerline to centerline with a driveway on the south side of Amity Road across from the site.

d. Staff Comments/Recommendations: The applicant's proposal meets the spacing requirements for a right-in/right-out driveway onto a minor arterial roadway however, staff recommends a modification of policy to allow the driveway to be a temporary full access driveway. Staff's recommendation is due to the fact that the driveway is proposed to align with a business driveway across from the site. The driveway may be restricted to right-in/right-out when conditions warrant as determined by ACHD.

The applicant should be required to construct the driveway as a curb return type driveway with a with 30-foot radii. The driveway should be paved its full width at least 30-feet into the site beyond the edge of pavement of Amity Road.

The applicant has proposed to construct one 20-foot wide secondary emergency access onto Federal Way at the site's southwest property line. The applicant's proposal for secondary emergency access should be approved, as proposed. The driveway should be constructed as a curb return type driveway with a minimum radii of 15-feet. The secondary emergency access should be restricted with the installation of a gate or bollard, as determined by the Boise Fire Department.

4. Neighborhood Concerns

An area property owner raised concerns regarding safe access to the site given the speed limit on Amity Road and the topography in the area. To address these concerns and to ensure there is access to and from the site, the applicant has proposed to restripe Amity Road to provide a center turn lane at the site's driveway. In response to this request ACHD's Traffic Services staff prepared a center turn lane analysis for the proposed driveway onto Amity Road and found that it did not meet the warrants for a center turn lane. However, Traffic Services staff believes there is a benefit to the center turn lane for the proposed driveway and that it will provide safer access for residents of the proposed townhouse development and the traveling public. As such staff recommends approval of the applicant's proposal to restripe Amity Road to provide a center turn lane at the site's driveway. The applicant should be required to coordinate the restriping of Amity Road with ACHD's Planning Review and Traffic Services staff.

5. Private Roads

a. Private Road Policy: District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

b. Applicant Proposal: The applicant has proposed to serve the site with the construction of a private loop road.

c. Staff Comments/Recommendations: If the City of Boise approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Boise, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

6. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

7. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

8. Other Access

Amity Road is classified as a minor arterial roadway. Federal Way is classified as a principal arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Construct a 5-foot wide detached concrete sidewalk located a minimum of 42-feet from the centerline to Amity Road abutting the 5-lane section of the roadway, tapering to 30-feet. The sidewalk should not extend east of the driveway.

2. Restripe Amity Road to provide a center turn lane at the site's driveway. Coordinate the restriping of Amity Road with ACHD's Planning Review and Traffic Services staff.

3. Provide a permanent right-of-way easement if public sidewalks are placed outside of the dedicated right-of-way.

4. Replace any broken or deteriorated curb, gutter, and pathway on Federal Way abutting the site.

5. Construct one 25.5-foot wide temporary full access driveway onto Amity Road, located 420-feet east of Federal Way (measured centerline align centerline to centerline with a driveway on the south side of Amity Road across from the site.

6. Construct the driveway as a curb return type driveway with a with 30-foot radii and pave the driveway its full width at least 30-feet into the site beyond the edge of pavement of Amity Road.

7. This driveway may be restricted to right-in/right-out only as conditions warrant, as determined by ACHD.

8. Construct one 20-foot wide secondary emergency access driveway onto Federal Way at the site's southwest property line. Constructed the driveway as a curb return type driveway with a minimum radii of 15-feet.

9. Restrict the secondary emergency access driveway with the installation of a gate or bollard, as determined by the Boise Fire Department.

10. Payment of impacts fees are due prior to issuance of a building permit.

11. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) 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. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. 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 ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall

require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

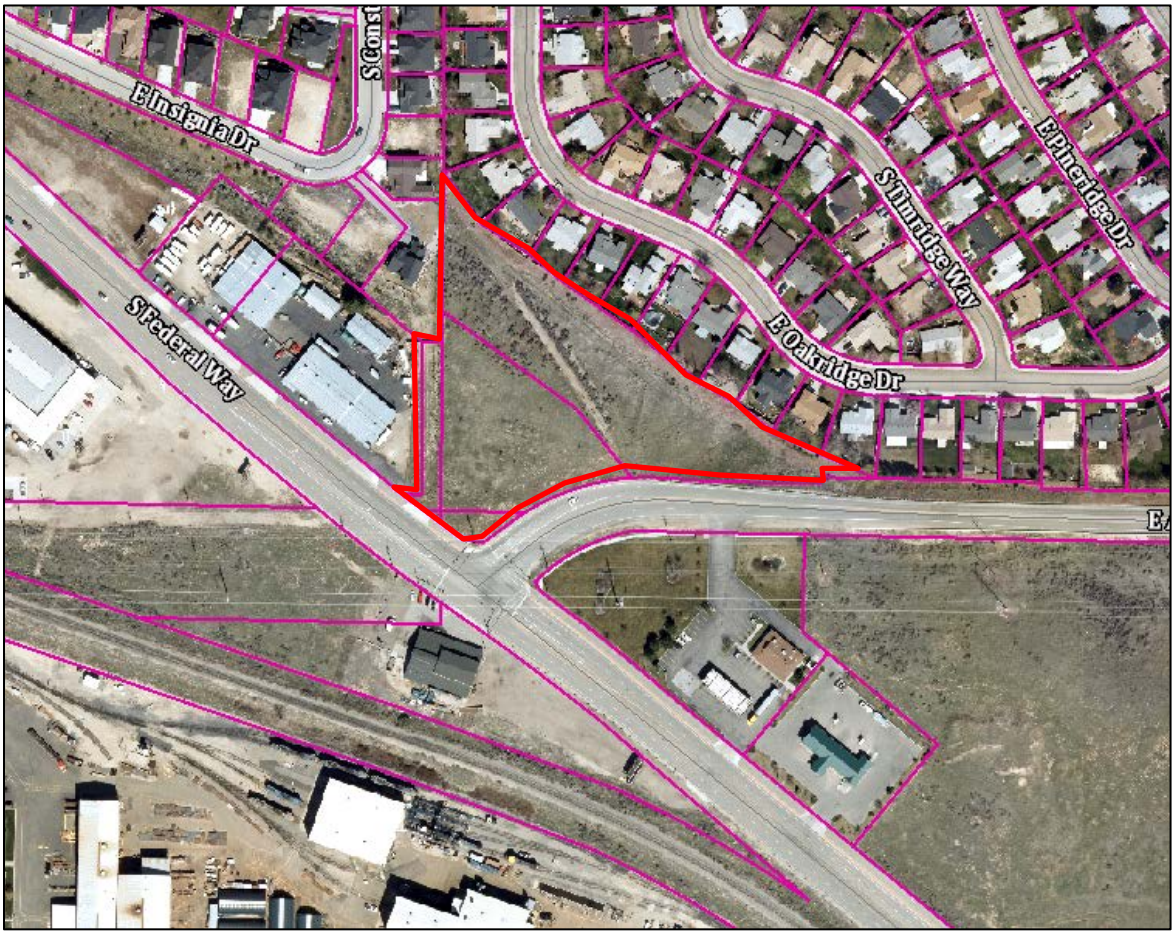
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

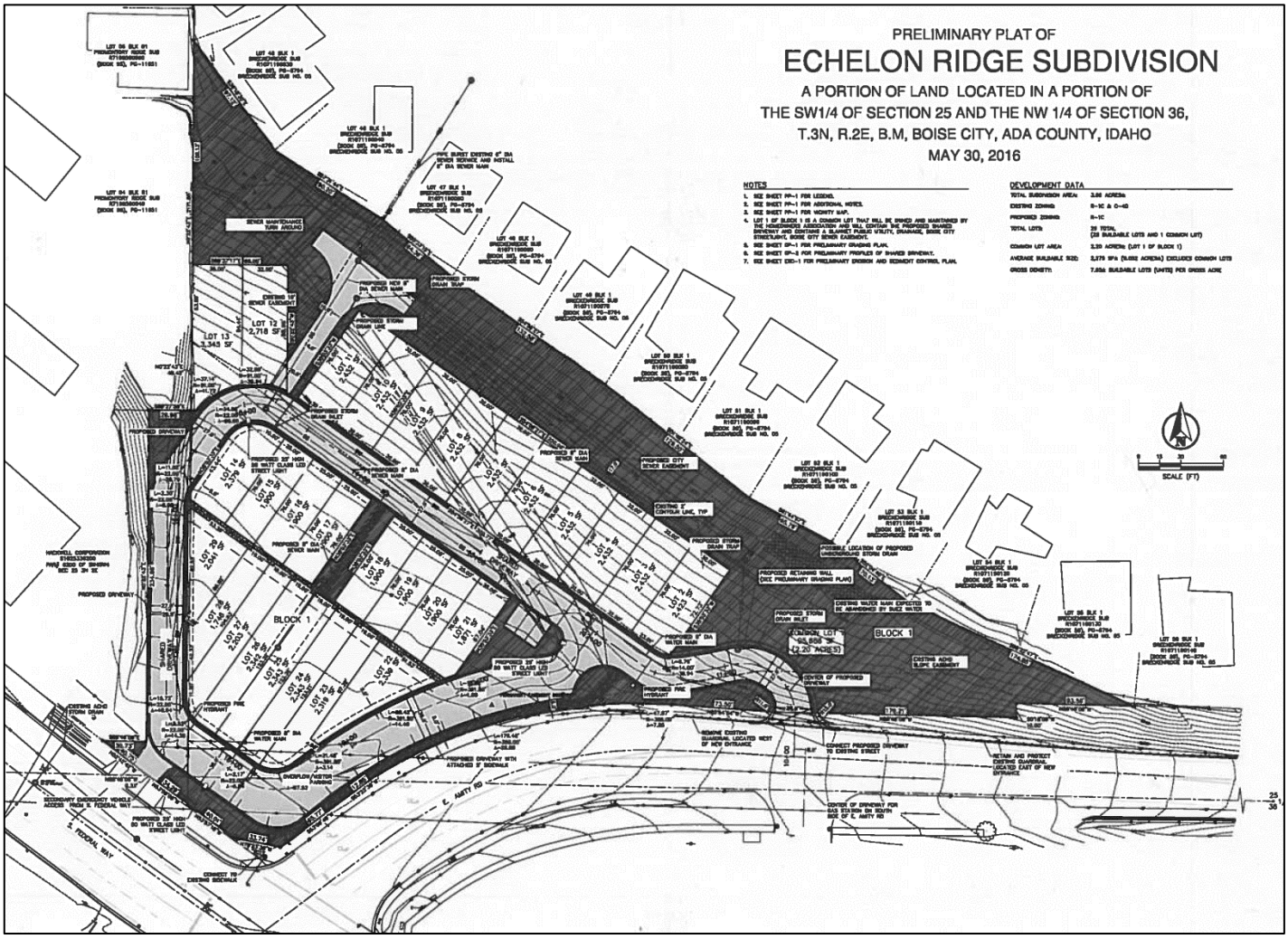
G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines

VICINITY MAP



SITE PLAN


PRELIMINARY PLAT OF
ECHELON RIDGE SUBDIVISION
A PORTION OF LAND LOCATED IN A PORTION OF
THE SW1/4 OF SECTION 25 AND THE NW 1/4 OF SECTION 36,
T.3N, R.2E, B.M, BOISE CITY, ADA COUNTY, IDAHO
MAY 30, 2016
NOTES
DEVELOPMENT DATA
BLOCK 1
COMMON LOT
SCALE (FT)
E. AMITY RD
S. FEDERAL WAY

Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

☒Submit a development application to a City or to Ada County

☒The City or the County will transmit the development application to ACHD

☒The ACHD **Planning Review Section** will receive the development application to review

☒The **Planning Review Section** will do one of the following:

☐Send a **"No Review"** letter to the applicant stating that there are no site specific conditions of approval at this time.

☒Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

☐Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

☐For **ALL** development applications, including those receiving a **"No Review"** letter:

- The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
- The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:
Construction (Non-Subdivisions)
☐ **Driveway or Property Approach(s)**

- Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
  a) Traffic Control Plan
  b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)
☐ **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

☐ **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

☐ **Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

    a. Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

    b. Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

    c. Time to Reply: The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

    d. Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

    e. Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

City of Boise

Memo

To: Planning and Development Services

From: Peter McCullough; Public Works Department

Date: 6/2/16

Re: Solid Waste Comments- PUD16-00015

The following requirements for trash and/or recycling service apply to any residential subdivision or development in the City of Boise. Solid Waste collection vehicles utilize mechanical arms to collect 48 to 95-gallon plastic wheeled carts which require certain space and access specifications. If the following conditions can't be met, commercial service or separate collection locations may be required**.**

a. General Requirements

i) All streets must be designed so that collection vehicles are not forced to back up at any time. (Hammerhead drives may be permitted only with prior approval from Public Works, 384-3906)
ii) All developments utilizing residential service, including, condominiums, town homes, and patio homes, must provide a minimum of 9 feet of curb space per dwelling unit for the carts to be placed at the curb for collection.
iii) Cul-de-sacs must have an unobstructed 70'minimum diameter.
iv) Alleyways and service drives designated for solid waste collection shall be a minimum of 16' (curb to curb) with no parking permitted.
v) Trees, street lights, wiring and other overhead obstacles shall not impede trash or recycling collection and will be maintained to provide an 18' high clearance above the cart collection location(s).
vi) Designated parking areas shall not impede curbside solid waste collection, including parking in a cul-de-sac.
vii) Developers of gated subdivisions shall provide the solid waste hauler with access to the subdivision.
viii) Flag lots and lots with extended driveways will be serviced at the nearest public or private through street.

Please contact me with any questions at 384-3906.

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: January 23, 2018

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: SUB18-00001; 1250 E Amity Road; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

REV 5/1/14

a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to signing of the final plat by the Boise City Engineer.
    1. The owner, person, firm or corporation filing the subdivision plat shall provide a pressurized irrigation system. The system must conform to the minimum design standards and specifications of Boise City, or of the entity that will operate and maintain the system, if that entity has published standards; or
    2. The owner, person, firm or corporation filing the subdivision plat shall provide written documentation that a valid waiver of the requirement to provide a pressure irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water rights, has been complied with.
b. Prior to either commencing construction or signing of the final plat by the Boise City Engineer, developer shall:
    1. Submit for approval by the Department of Public Works, construction plans and specifications for the pressurized system, stamped by a registered engineer.
    2. Provide written assurance that provisions have been made for ownership, operation, and maintenance of the system.
    3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).
c. Developer shall provide for an independent inspection of the installation of irrigation facilities and written certification by the design or project engineer that the system was installed according to the approved plans. In addition, the Department of Public Works must be present for the system pressure test and participate in a final inspection.
d. Developer may construct prior to final platting or bond in the amount of 110% of the estimated construction costs based on the approved plans.

e. **Fees**: Developer and/or owner shall pay the current inspection and plan review fees applicable to the proposed subdivision prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-03-03.3.B.).

2. STANDARD SEWER CONDITIONS

REV 5/1/14

City Subdivision Conditions

a. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).
    1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

       NOTE: All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

    2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.
    3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, *Subdivision Standards; Required Improvements*).
b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, *Subdivision Design Standards; Easements).*
c. Unless previously paid, developer and/or owner shall pay a sewer assessment along S Federal Way and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

PUBLIC WORKS DEPARTMENT
MAYOR: David H. Bieter | DIRECTOR: Stephan Burgos

MEMO

TO: Planning and Development Services

FROM: Peter McCullough
Environmental Analyst
Public Works Department

DATE: 1/19/2018

RE: Solid Waste Comments –SUB18-00001

City of Boise Solid Waste staff has reviewed the application for this project and has the following comments:

The following requirements for trash and/or recycling service apply to any residential subdivision or development in the City of Boise. Solid Waste collection vehicles utilize mechanical arms to collect 48 to 95-gallon plastic wheeled carts which require certain space and access specifications. If the following conditions can't be met, commercial service or separate collection locations may be required.

A. **General Requirements**

i) All streets and alleyways must be designed so that collection vehicles are not forced to back up at any time. (Hammerhead drives may be permitted only with prior approval from Public Works, 384-3906)
ii) All developments utilizing residential service, including, condominiums, town homes, and patio homes, must provide a minimum of 9 feet of curb space per dwelling unit for the carts to be placed at the curb for collection.
iii) Cul-de-sacs must have an unobstructed 70'minimum diameter.
iv) Alleyways and service drives designated for solid waste collection shall be a minimum of 16' (curb to curb) with no parking permitted.
v) Trees, street lights, wiring and other overhead obstacles shall not impede trash or recycling collection and will be maintained to provide an 18' high clearance above the cart collection location(s).
vi) Designated parking areas shall not impede curbside solid waste collection, including parking in cul-de-sacs.
vii) Developers of gated subdivisions shall provide the solid waste hauler with access to the subdivision.
viii) "Flag lots" and lots with private or shared driveways must take their carts to the street for collection or pay for carry-out service.

ix) Trash service will be provided on private streets only when a service agreement is signed.

January 18, 2018

PDS Building Department Plan Review:

The subdivision final plat SUB18-00001 has been reviewed and there are no comments at this time.

Michael Hanson
Plans Examiner I
Planning and Development Services
Office: (208)608-7101
mdhanson@cityofboise.org

Making Boise the most livable city in the country.

February 14, 2018

Leon Letson
PDS – Current Planning

Re: SUB18-00001; Echelon Ridge Subdivision

Dear Leon,

This is a request for a Final Plat of a subdivision with 28 buildable lots and 1 common lot.

The Boise Fire Department has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Ordinance 6308.

Comments:

1. For streets having a width less than 32 feet, exclusive of shoulders, parking shall be restricted on one side; for streets having a width less than 26 feet, exclusive of shoulders, parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (BCC 7-01-32, IFC 503.8)
2. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B105.2, IFC C105).
3. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility.
4. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. No Parking signs shall be installed on the side adjacent to the buildings that are over 30-feet in height. (IFC D105)

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Ron L. Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department

Leon Letson

From: Gordon McGee <glmcgee22@cableone.net>
Sent: Thursday, July 14, 2016 10:00 PM
To: Leon Letson
Cc: glmcgee22@cableone.net; Richard Rubert; JUDY FARNSWORTH; Jacki
Subject: Echelon Ridge Townhouse project - CFH16-00031 - Fwd: Proposed Purchase of Breckenridge HOA Common Lot (#57) near Amity & Federal
Attachments: image[30].jpg; Preliminary Site Plan.pdf

Leon:

I was at last weeks meeting regarding the Echelon Ridge Townhouse project - CFH16-00031.

Just to set the record straight I am forwarding you the first email I received from Jeremy Telford. This is in regards to the purchase of lot 57 that our HOA owned. This included the attached Preliminary Site Plan, which only **shows 3 building pads.** Jeremy agreed that lot 57 could not be developed and that he only needed it for the required entry from East Amity.

We then agreed on a price of $20,000.00 for the lot. I trusted Jeremy as we discussed this transaction, only to now realize that my trust was misplaced. From what I saw last week this project has now expanded a great deal with many variances granted. If we had known of Mr. Telford's real plans we would have never sold him the lot.

Now, members of our neighborhood and all neighborhoods along East Amity are going to have to deal with a lot more traffic and construction. The homeowners who live on Oakridge are going to have buildings much closer to them than what is illustrated in the site plan. The townhouses will be built on the hillside so that now not only are they closer, but they are higher, and there will be little privacy in their backyards.

Please take this information into consideration as you review whether or not to approve Echelon Ridge.

Lot 57 was acquired through deceit, and the homeowners of the Breckenridge Owners Association have been taken advantage of.

I know that the City may be interested in this development for financial purposes. Please remember that the Breckenridge subdivision homeowners also pay property taxes as well. We hereby voice our opinion **against** the development of Echelon Ridge.

Like I said earlier, if we knew then what we know now, we would have **never** sold lot 57!

Gordon L. McGee
Treasurer, Breckenridge East Owners Association

From: "Jeremy Telford" <jeremy@jeremytelford.com>
To: glmcgee22@cableone.net
Sent: Friday, October 16, 2015 4:20:46 PM
Subject: Proposed Purchase of Breckenridge HOA Common Lot (#57) near Amity & Federal

Hi Gordon:

Thank you for taking my call yesterday. It was nice talking with you.

As mentioned, I am working with the owner of Lot 58 (@ Federal & Amity intersection) to purchase and improve that land into residential building lots (most likely for townhomes). Per ACHD, the only way to access those lots is to create an inlet/outlet that aligns with the Maverick Gas Station

inlet/outlet on Amity. As such, it is only possible to access the property if we are able to utilize Lot 57.

Per your comments yesterday, it sounds like the Breckenridge homeowners would prefer, in that case, to simply sell the entire parcel (rather than subdivide) along with the responsibility to maintain that area and maintain the access for Motive Power to maintain the well heads.

Due to the circumstances of needing a portion of Lot 57 (along Amity) to gain access to Lot 58 and, recognizing that the HOA would rather sell than subdivide, my (one-man) company would be willing to pay $20,000 to purchase the land outright and assume maintenance responsibilities of the weeds and well heads.

In doing so, we would need to 1) remove the restrictive covenant (on the plat map) as a common area lot and 2) potentially extract Lots 57 and 58 completely from the HOA altogether. (As we will need our own HOA in place for the maintenance of the homes we put in).

If the homeowners are agreeable to this transaction, I would prefer to close on the land as soon as possible due to the purchase of Lot 58 being contingent upon the acquisition of Lot 57.

I have attached a VERY rough layout of the street I am hoping to construct and the approximate location of the building pads. This is very preliminary and will change as the City and jurisdictions get involved. Due to the well locations, even if some of the building pads encroach into the lower lot, we would still have a significant buffer (20-30 ft) from the rear fences of the existing homeowners. (i.e. We are not going to be building anything close to the existing homes).

Lastly, if you would like to schedule a presentation session with a Q&A time for the Homeowners I am happy to come and answer any questions they may have. We would just need to do it fairly soon to stay within the due diligence period for the other land purchase.

Thank you Gordon!

Jeremy Telford, MBA
Broker | Owner
Jeremy Telford Real Estate Services, LLC
208.577.0225 | Jeremy@JeremyTelford.com

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Gordon L McGee
glmcgee22@cableone.net
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August 1, 2016

To: Members of the Planning & Zoning Commission
Attention - Leon Letson – Associate Planner
City of Boise Planning and Development Services Department

Subject: Written Testimony for CFH16-00031, CVA16-00033, PUD16-00015, and SUB16-00033
August 8, 2016 Public Hearing on proposed Echelon Ridge Townhome Development

I am unable to attend the public hearing for the proposed Echelon Ridge Townhome Development because I am out of town on vacation. Please consider this my written testimony concerning the proposed Echelon Ridge Townhome Development.

My wife and I are residents at 4252 S. Rimview Way in the Breckinridge Subdivision. We have lived in our house for three years and deeply value living in this neighborhood. We first heard of the proposed development at a Homeowner's Association Meeting in May 2016. I have attended the Hillslope Development Meeting and have reviewed all plans and drawings for the proposed development.

I have two primary concerns from the proposed development:

- Visual impacts to adjacent neighbors, Breckinridge Subdivision, and motorists using Amity Road and Federal Way.
- The proposed density of 28 units greatly exceeds the capacity of the site.

Visual Impacts

The proposed development will be visible to most of the residences in the Breckenridge Subdivision during the winter and summer. Currently from my residence at 4252 S. Rimview I can see the Maverick gas station, Leisure Industry mattress factory, and Wilson RV during the winter when leaves are off deciduous trees and screened views of the Leisure Industry mattress factory during the summer. I am concerned about the height of the upper tier of townhomes and their visibility from my residence.

The existing one story homes are just 90 feet apart from the lower tier of proposed townhomes (as measured from the developer's own plan drawings). The three story townhomes in the lower tier are 30 feet in height and approximately 300 feet in length. This distance is measured from end to end of the five townhomes (not including the sixth townhome to the northwest).

The "massing" of the five adjacent townhomes, building height, and the close distance to adjacent homes of Breckenridge subdivision creates a strong sense of enclosure and these residents will feel like they are living in a fish bowl. The visual impacts to the adjacent residences of one story homes from the three levels of almost continuous windows and building walls is tremendous and eliminates all sense of privacy for my neighbors. These impacts cannot be mitigated through planting of conifer and deciduous trees for many years due to the long period of time for the trees to reach full maturity.

> *Recommendation:* Decrease the number of windows on the second and third levels through using more broadly spaced windows (See Boise Development Code 11-06-03 Residential Use Standards 1. B. (1) (e) Design ix. Second story windows shall be designed to limit impact on the privacy of neighboring properties.).

Recommendation: Use a mix of different roofline heights and deep structural eaves to decrease the effects from the lower tier of townhomes.

Recommendation: Plant additional trees between the lower tier and adjacent neighbors in scattered clumps closer to break up the "mass" of the townhomes.

Recommendation: Impacts to adjacent neighbors could be mitigated by increasing the distance between the existing and proposed townhomes on the lower tier.

The proposed development will also be very visible from Federal Way. The existing screening is inadequate to separate the proposed town homes from the four-lane boulevard of Federal Way. Currently there are only four tree's along Federal Way! This is a minimal level of screening and provides no visible separation between the townhomes and Federal Way. In comparison, the Monterra Townhomes has two rows of trees, ample green space, and the townhomes are set back a significant distance from Federal Way as shown in this picture.



Picture of entrance to Monterra Townhomes

Recommendation: Increase the size of the planting strip along Federal Way to allow planting of at least two or more rows of landscape trees.

Density of proposed development

As described in the proposal there are a total of 28 units. This greatly exceeds the capacity of this building site and creates a variety of visual impacts to new owners, adjacent residents, and travelers along Federal Way and Amity Road. The lower tier of townhomes are too close to the adjacent residents and they will feel like they are living in a fishbowl. The upper tier of townhomes are so close to the intersection they will hear every sound from the traffic as well as the Motive Power railroad repair center. Travelers along Federal Way get to drive by four story townhomes which will be one of the highest along Federal Way. While the proposed development is meeting the minimum

requirements prescribed by code there is not enough space to create a livable community for the residents who are supposed to live there nor for the adjacent residents in the Breckenridge Subdivision. Finally, there is no identified park space for the proposed development and this is a serious oversight. The closest park is Cypress Park in the Breckenridge Subdivision and will require residents (ie. children) who are not able to drive to walk along a very busy road with no shoulder to get to the closest park.

Recommendation: Eliminate the upper tier of townhomes and replace with a small park.

Recommendation: Elimination of at least one of the six townhomes in the lower tier and increase the distance between units.

Summary

At the Hillslope Development Meeting Mr. Telford (the developer) described the rationale for a four story townhome and the need for a variance to exceed the height requirements. He made the comment that no one cares what happens on Federal Way so it should not be a big deal.

My response is that I care very deeply what happens with this parcel and I believe that many others do too. Federal Way is Boise's premier boulevard with fantastic views of Boise and the surrounding mountains. I am not against development at the proposed parcel, but I do expect that the proposed development to complement Breckenridge Subdivision and the surrounding businesses at the intersection of Federal Way and Amity Road.

The current plan maximizes density at the expense of the livability of the current and future residents of Echelon Ridge and Breckenridge Subdivision. Decreasing density will significantly improve the visual impacts to surrounding residents from the proposed development and allow the opportunity for improving the landscape plan to provide additional screening and the separation between Federal Way. Decreasing density would also make this a more desirable community for the residents who decide to live there. Attached at the end of this letter is a quick sketch showing another alternative that incorporates some of the recommendations identified in my comment letter. This alternative would provide some spatial separation from the high use traffic areas of Federal Way as well as mitigating the impacts to the adjacent residents of Breckenridge Subdivision.

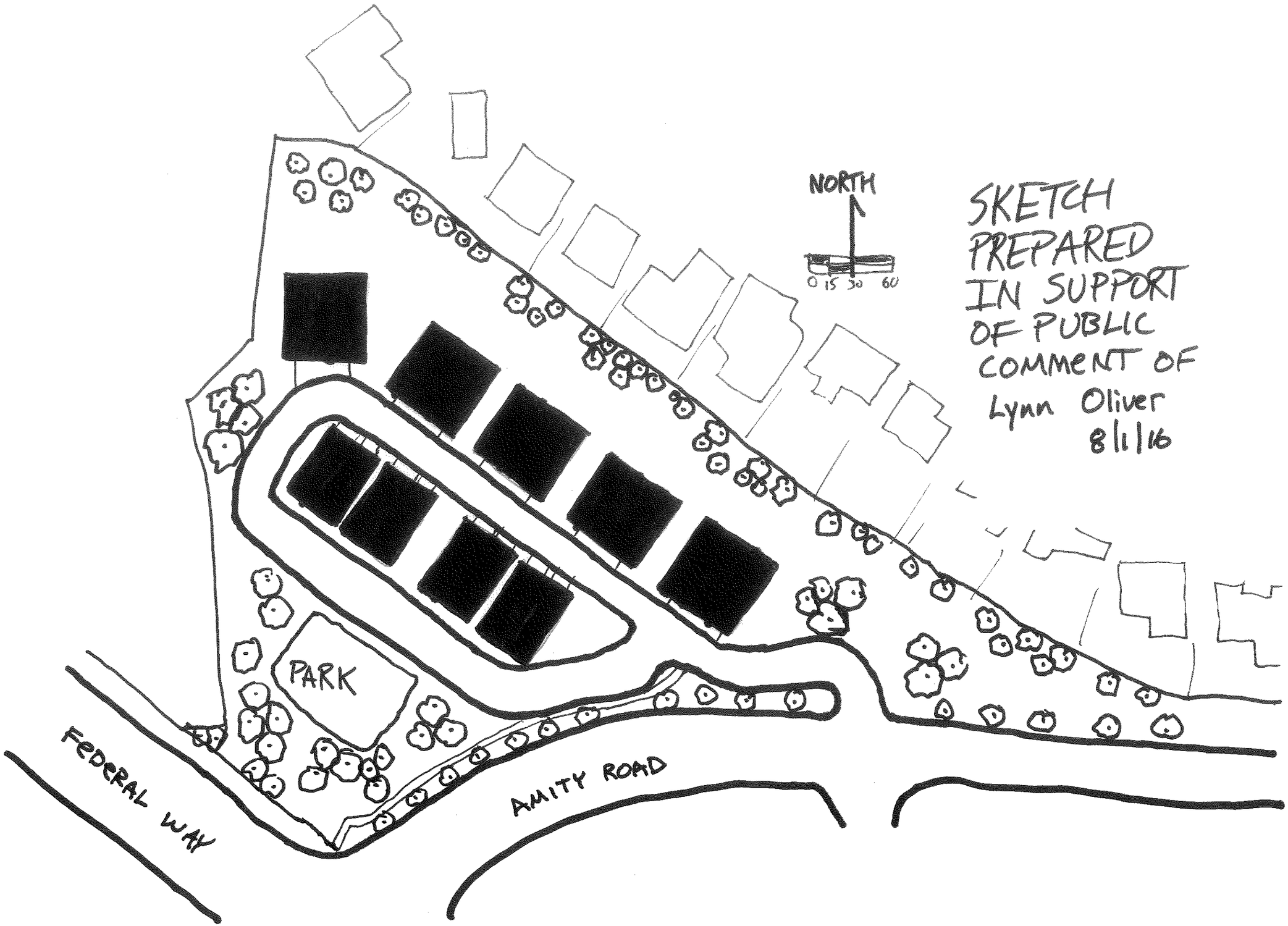
Please reject the proposed development and send it back to the developer for a new design.
Mr. Telford should develop a plan that has no more than 18 townhomes in two tiers, no more than three levels in any townhome, larger setbacks, a park, and additional landscaping.

Please accept these comments as my public input concerning the proposed Echelon Ridge Townhome Development.

Regards,

Lynn Oliver

Lynn Oliver
4252 S. Rimview Way
Boise, ID 83716



SKETCH PREPARED IN SUPPORT OF PUBLIC COMMENT OF
Lynn Oliver
8/1/16

PARTIES OF RECORD

PUD16-15, CVA16-33, CFH16-31 SUB16-33 | August 8, 2016

FIRST NAME	LAST NAME	ADDRESS	CITY	STATE	ZIP CODE	Email
Steve	Brahm	1255 E. Oak Ridge Dr.	Boise	ID		
Lance	Warnick	PO Box 205	Kuna	ID		
Shashane	Rayasm					
Rebecca	Nelson	4375 S. Constitution Way	Boise	ID	83716	reb_dav@yahoo.com
Mike	Hackwall	4540 Federal Way	Boise	ID	83716	sleep@leisurematttress.com
Teri	Mahler	313 W. Arrowrock Lane	Boise	ID	83706	mahler.teri@gmail.com
Kelly	Stover	4488 S. Constitution Ave	Boise	ID	83716	armadahomes@gmail.com
Janice	Abramovich	4296 S. Rimview Way	Boise	ID	83716	
Ron	Abramovich	4296 S. Rimview Way	Boise	ID	83716	abramovich.ron@gmail.com
Gordon	McGee					glmcgee22@cableone.net
Jeremy	Telford					jeremy@jeremytelford.com
Lynn	Oliver	4252 S. Rimview Way	Boise	ID	83716	lynnkoliver@hotmail.com
Fred	Fritchman	SENA	Boise	ID		ffritchman@msn.com

Leon Letson

From: SCOTT WADE <tigers90@msn.com>
Sent: Friday, September 02, 2016 10:25 AM
To: Leon Letson
Subject: Echalon Ridge

Boise City Counsel,

Please consider not allowing the proposed Echelon Ridge subdivision at Amity and Federal Way to move forward. We purchased the property at 1301 E. Oakridge Dr. (Lot 51 Breckenridge 5) to build our home. We chose this particular piece of property since it was on the back side of the subdivision with a large non-buildable common area directly behind. We spent the first three years terracing our backyard to make it an inviting and enjoyable place to spend our time. We even added an above ground swimming pool for our daughter.

I have attached several photos of the proposed build site, both from our backyard and from the intersection of Amity and Federal Way. Photo 1) is of me holding a 25ft pole at 60ft from our aft property line which is the planned set back. The proposed homes that will be directly behind our home planned to be 26.5 ft tall. With a row of homes 26.5 ft tall it will drastically reduce the afternoon and evening sun to our backyard which is the prime time to enjoy our yard and pool. Photo 2) is of the power pole on the NE corner of Amity and Federal Way. From ground level to the top the pole is 57.5ft tall. The planned homes against Federal Way would be approximately 75% of the height of the power pole at 42ft. Homes of that height would be an eye-sore especially since there is nothing in the area that tall. Photo 3) Is from our backyard looking up towards the Maverick store were there will be a 15ft high retainment wall for the new street. Photo 4) is looking down into our backyard and our pool from the ridge.

I have also attached a letter from the attorney we hired to try to stop our HOA's sale of the common area lot 57. The HOA disregarded the attorney's letter and we did not have the 12,000 dollars required for a court ordered injunction.

We have further concerns as to how the proposed subdivision would alter the environment of our property. Currently we get nice breezes the come from NW to SE down the ridge . With the proposed homes, especially at maximum density,they would severely limit if not all together stop those breezes. We also have concerns of how the outdoor lights and noise from those homes will effect us since our master bedroom is on the back side of our home. The trees slated to be planted to block the view of those homes will further impact the sun and breezes to our property.

The Building of Echelon Ridge will severely impact our rights to enjoy the yard we have worked so hard to build for the past 24 years!
Please reconsider allowing Echelon Ridge to go forward, or at the very least deny the developers appeal for variances. If possible, could the counsel please also consider some type of environmental impact study be required to determine how the homes of Echelon Ridge will effect our property and those of our neighbors.

Sincerely,

Scott & Tammy Wade

Tammy Wade

BROWDER LAW FIRM PLLC
John J. Browder

380 E. ParkCenter Blvd., Ste. 200 Boise, Idaho 83706
Phone: (208) 246-8968 Fax: (208) 391-4456 E-Mail: jbrowder@browderidlaw.com
Web: www.browderidlaw.com

December 8, 2015

Gordon McGee, Interim President
Breckenridge East Owners' Association
P.O. Box 170183
Boise, ID 83714

Via Electronic Mail/U.S. Mail
breckenridgehoa@cableone.net

Re: Proposed Sale of Lot 57 to Arete Investments, LLC
Our File No.

Dear Mr. McGee:

Scott Wade has hired this law firm to advise him about the Breckenridge East Owners' Association (hereinafter "Association") proposed sale of Lot 57 to Arete Investments, LLC. Mr. Wade is against the proposed sale because it adversely impacts its Lot and unjustifiably upsets the expectations he had when he purchased his home. But for the reasons explained herein, the contemplated sale appears unlawful pursuant to the Association's governing documents. The Association should abandon the proposed sale.

I.
FACTUAL BACKGROUND

The Association appears to have sent ballots to the Members for the proposed sale of Lot 57 to Arete Investments, LLC, which needs it to obtain ingress and egress to its adjoining parcel. Lot 57 is adjacent to the back of the Wade's Lot and is a Common Area. In purchasing their Lot, the Wades relied on the fact that it was a Common Area. It serves as a nice buffer to the city environment, and the Wades enjoy the fact that they do not have neighbors behind them.

In planning for this proposed sale, it does not appear that the HOA has obtained the prior written consent of all Mortgagees of Lots within the Property, as required by CCR § 13.06. Moreover, on the ballot sent to the Members the Association misleadingly implied that Lot 57 lacks "value" because it assessed value is "$0.00." The Association failed to advise the Members that the assessed value of "0" is because Lot 57 is a Common Area owned by a non-profit organization.

II.
LEGAL ANALYSIS

As contemplated by the Association, the proposed sale would violate the CCR's.

A. Pertinent CC&R Provisions.

The following provisions of Master Declaration of Covenants, Conditions, Restrictions and Easements for Breckenridge Subdivision No. 6 (hereinafter "CCRs") are relevant to the

Association's proposed sale of Lot 57.

> Common Area: All real property in which the Association owns an interest or controls or which the Association is obligated to maintained [sic], and which is owned, held controlled or maintained for the betterment of the Owners and Occupants of the Property, whether or not such real property is within the boundaries of the Property or any other land annexed thereto as provided herein.
>
> Lot: A portion of the Property which is a legally described tract or parcel of land within the Property or which is designated as a Lot on any recorded subdivision plat relating to the Property.
>
> Mortgagee: The holder of a Mortgage or the beneficiary under a Deed of Trust, including an assignee(s) thereof, which Mortgage or Deed of Trust encumbers a Lot with the Property owned by an Owner. Unless otherwise specifically provided, the reference to a "Mortgagee" in this Master Declaration shall be limited to a holder of a first Mortgage, including a beneficiary under a fist Deed of Trust on a Lot.
>
> Owner: A person or persons or other legal entity or entities, including the Grantor, holding fee simple title to a Lot within the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation . . .
>
> Property: The whole of the Property described in Article I, above, excluding Lot 59 of Block 1, but including any additional landed annexed under this Master Declaration even though such additional land annexed may be platted under a name other than "Breckenridge Subdivision."
>
> Section 13.06. Changes Requiring Unanimous Approval. Without the prior unanimous approval of all Mortgagees of Lots within the Property, neither the Association nor the Owners shall:
>
> > (a) By act or omission seek to abandon, partition, subdivide, encumber, sell or transfer the Common Area which is owned, directly or indirectly, by the Association, provided, however, that the granting of easements for public utilities or for other public purposes consistent with the intended use of the Common Area by the Association shall not be deemed a transfer within the meaning of this Section.

B. Unless the Association Obtains the Prior Unanimous Consent of the Mortgagees, the Proposed Sale of Lot 57 Would Violate CCR Section 13.06.

"Covenants that restrict the uses of land," including CCRS, "are valid and enforceable" when clearly expressed. *Jacklin Land Co. v. Blue Dog RV, Inc.*, 151 Idaho 242, 246, 254 P.3d 1238, 1242 (2011); *Sky Canyon Props. v. Golf Club at Black Rock, LLC*, 155 Idaho 604, 606,

315 P.3d 792, 794 (2013).

Here, Section 13.06 unequivocally requires the "prior unanimous approval of all Mortgagees of Lots within the Property" in instances when the "Association or Owners . . . sell or transfer the Common Area which is owned, directly or indirectly by the Association." The CCRs define "Common Area" in relevant part to include all "real property in which the Association owns an interest or controls or which the Association is obligated to maintained [sic]." This definition of Common Area obviously includes Lot 57. As such, any contemplated sale of Lot 57 requires the "prior unanimous approval" of all holders of a Mortgage encumbering portions of the real property described in Article I of the CCRs owned by those holding fee simple title. It does not appear that the Association has obtained such prior unanimous approval. Assuming this is true, the proposed sale would violate the CCRs and, as such, expose the Association to considerable legal and equitable risk.

C. The Association's Ballot is Misleading.

The ballot for the proposed sale states that "[a]ccording to the 2015 Ada County Assessment" Lot 57 has a "value of **$0.00**." It then that the states developer has "offered to pay **$20,000.00** to purchase this lot." A reasonable interpretation of these two statements is that because Lot 57 has no value, the $20,000 offer is generous.

The Association has failed to establish that the $20,000 offer is generous or in accord with market value. As noted above, Lot 57 has an assessed value of $0.00 because it is a Common Area held by a non-profit corporation. The Ada County Assessor's office confirmed as much. The Association has failed to obtain a valuation or appraisal of Lot 57 and, accordingly, lacks a reasonable basis for knowing what the value of Lot 57 is. Moreover, any appraisal needs to take into account of the fact Lot 57 is essential for ingress and egress to the adjoining lot that Arete Investments, LLC owns. In other words, if Arete Investments, LLC cannot obtain Lot 57, its lot lacks substantial value. Accordingly, Lot 57 likely is much more valuable to Arete Investments, LLC than $20,000. Selling it for that amount, apart from the unlawfulness explained above, violates duties owed by the Association to its Members.

III.
CONCLUSION

As explained above, the proposed sale of Lot 57 appears to violate the CCRs. Moreover, the proposed sale price is too low and lacks any basis. Accordingly, the Wades demand that the Association cease all efforts to sell Lot 57.

Very truly yours,

John J. Browder
jbrowder@browderidlaw.com

JJB/ts


FALEMURE

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