



## Planning & Development Services

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## Planning Division Staff Report

**File Number**                      **CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065**

**Applicant**                        Aase's Canyon Pointe Development LLC

**Property Address**              6890 N. Plano Lane

**Public Hearing Date**          July 14, 2008

**Heard by**                         Boise City Planning and Zoning Commission

**Planning Analyst**              Bruce Eggleston, AICP

**Planning Supervisor**        Patricia Nilsson, AICP

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### Attachments

Vicinity/Zoning Maps

Site Plan

Applications

Applicant's Support Material

Agency Comments

Exhibit A Boise Fire Department report dated June 27, 2008

Exhibit B Boise City Public Works Department (BCPW) for drainage, and hydrology per department comments dated May 19, 2008

Exhibit C May 20, 2008, Preliminary Hydrology Report, May 28, 2008,

Exhibit D Plano Road Sub Grading

Exhibit E Memorandum from the Solid Waste/Ground Water and Street Lights Managers dated January

16, 2007

Exhibit F Ada County Highway District conditions of approval date stamped received May 30, 2008, and revisions dated June 30, 2008

Exhibit G Boise City Parks and Recreation Department comments dated June 27, 2008

Exhibit H Requirements of the Independent School District of Boise City #1 comments dated July 6, 2007

Exhibit I Boise Planning and Development Services Department Subdivision requirements and conditions of approval, SUB07-00065 dated May 30, 2008

Exhibit J Development Agreement from CAR07-00042/DA

Exhibit K Boise Foothills Concept Plan, Total Onion Conservancy

Exhibit L Design Review Criteria For The Plano Road Subdivision

Exhibit M Design Review Overlay Map

Exhibit N Letter from Idaho Department of Fish and Game dated June 30, 2008

Exhibit O Set-aside Open Space Calculations and Zoning

Applications: CAR07-00042/DA, Proposed annexation, zone change with development agreement  
CUP07-00084, Proposed conditional use permit for 155 dwelling units between Collister and  
Plano Roads

CFH07-00022 Proposed Hillside and Foothills Area Development application for grading and  
hydrology

SUB07-00065, Proposed preliminary plat subdivision application

Letters from the Public

## 1. Executive Summary

### **Description of Applicant's Request**

CAR07-00042/DA is a request for annexation of 296.12 acres, and a rezone of 36.63 acres within Boise City Limits for a total of +/- 332.75 acres with zoning designations of R-1A/DA (Single family Residential with a Development Agreement, 2.1 DU/Acre) and A-1/DA (Open Land with a Development Agreement). The development agreement would define the more restrictive zoning requirements found in the Foothills Planned Development Ordinance, Sec. 11-06-05.07, pertaining to land use, environmental impacts, traffic impacts and site design.

CUP07-00084 is a request for a Foothills Planned Development to allow 155 dwelling units on 332.75 acres: 152.6 acres dedicated for the preservation of the threatened species of the Aase's Onion plants; and 81.9 acres of dedicated open space for the Homeowners' Association; and 97.8 acres in building lots and infrastructure. The 152.6 acres for the Aase's Onion Conservancy would be donated to the Treasure Valley Land Trust for its continuing care and management. The proposal also includes road and trail head connection to the Boise Polecat Gulch Reserve, as well as set-aside riparian areas and private trails.

The Hillside and Foothills Area Development permit application, CFH07-00022, requests approval for grading and hydrology systems. There is also a preliminary plat application, SUB07-00065.

### **Staff's Recommendation**

Staff recommends approval, with conditions, of the annexation, rezone (with Development Request) Foothills Planned Development, and Hillside Permit. Staff further recommends that the approval not exceed 151 dwelling units.

## Summary

The Plano Road Subdivision proposal on one hand is a typical application for a 155 lot residential subdivision, but it is in the very complex setting and environment of the Boise Foothills. The complexities arise from both the land forms and the regulatory structure.

In 1997 Boise City adopted the *Foothills Policy Plan* that was the product of a lengthy community-wide planning effort. The *Interim Foothills Transportation Plan* was adopted in 1997 by Boise City, Ada County and Ada Planning Association (now COMPASS), where it established development levels in the Foothills. In 2002 the “Foothills Planned Development Ordinance” was amended to the *Boise Zoning Ordinance* and represents regulatory measures recommended by the *Foothills Policy Plan*.

The *Foothills Policy Plan* provides guidance for development in the Boise Foothills Planning Area. This is the second application under the Foothills policies and ordinances, and the first to utilize the density bonus policies that assign development value to the preservation of ecological values. The Commission must find a balance between those primary issues represented by this application.

The proposal is for 155 dwelling units on the ridge tops between Plano Lane on the west and upper Collister Drive on the east. To the east is the Boise Parks and Recreation Department’s Polecat Gulch Reserve, a recently acquired and undeveloped regional park facility comprised of one of the few Foothills gulches left in its native state. This Reserve and the surrounding Idaho State Department of Lands property provide nearly 700 acres of public lands for the perennial enjoyment by the residents of Treasure Valley. It is also one of the few parks facilities in the West Foothills Planning Area.

To the south are residents of the older Briarhill Subdivision on upper Collister Drive and Quail Ridge, which were built along the ridgelines to the south. Upper Collister Drive, built in the bottom of Polecat Gulch where the water naturally flows, has its drain running down the center of the road. As such it provides an incentive to drive more slowly than one would on a standard road in a similar situation. The people in this neighborhood are very concerned that their safety may be jeopardized by the traffic proposed by this application. Traffic on this road would increase from 570 Average Daily Trips (ADTs) to 1,335 ADTs. Neighbors have also expressed concerns about the loss of wildlife habitat, an issue reinforced by the Idaho Department of Fish and Game comments on the proposal. A third major concern is visual impact. Some feel that the proposed dwellings would appear to loom over the Briarhill neighborhood from the prominent ridge tops.

The primary concern of any Foothills development proposal is the traffic impacts on downstream neighborhoods. The traffic from the proposed subdivision, some 1,500 average daily trips, will all end up on Hill Road with roughly a 60/40 split distribution between Plano Lane and Collister Drive. The Ada County Highway District has recommended approval for the proposal with some significant conditions for off-site improvements. The application has been conditioned to require full improvements of Plano Lane from the subject site to Hill Road, where the intersection will be widened. The City is also recommending a sidewalk to Hill Road. The applicant would also

be responsible for a traffic signal at Collister and Hill Road with lane widenings when the 81st building permit is sought. There would also be some widening of Hill Road around Plano Lane to improve the sight distance. The applicant is concerned that the impacts from the proposal do not warrant his share of the improvements to Hill Road.

The applicant would also have to provide a connecting road between Plano Lane and Collister Drive at the first phase of development as means ingress/egress for public safety. This road would be paved at the ends and gravel in the middle until the 54th building permit is issued, then would be paved the entire length. The neighbors are concerned that this connection will skew the traffic distribution between Plano and Collister Roads. Staff supports the ACHD Commission's recommendation.

The proposal includes a dedication of 169.7 acres of open space with the purpose of protecting the habitat of the Aase's Onion, a federal species of concern. This would also provide the applicant with the majority of the density bonus, in combination with set-aside of some wetlands and riparian areas on Polecat Gulch Creek, the provision of access and a trail head for the Polecat Gulch Reserve, and open space adjacent to the Reserve. The 169 acres would be donated to the Treasure Valley Land Trust which would in turn provide long-term conservation for the species of concern. The Land Trust has agreed to this arrangement which would be executed at Phase One of the Development. This proposal is wholly supported by the Foothills Policy Plan (Plan), but concerns remain with the impact on the onions from the grading and human traffic. The Plan and the Foothills Planned Development Ordinance (the Ordinance) would allow a density bonus only if the conservation of the species can be reasonably assured. The proposal includes four smaller areas with approximately 5.5 acres of Aase's Onion that would be separated from the large onion fields by either roads and/or dwellings. Staff has recommended that all the areas with onion fields should be part of the Treasure Valley Land Trust conservation effort. It seems a difficult task to protect those plants when they are so near the developed part of the proposal.

The development proposal meets the standards and regulations in the Foothills Planned Development Ordinance with the recommended conditions from City Departments and other agencies with jurisdiction, including the Ada County Highway District and Idaho Department of Fish and Game. The anticipated impacts from this proposal seem to be in balance with the mitigation measures. There is never a way to accommodate all impacts and all property rights, but staff believes this application represents a good faith effort to try to achieve that balance.

## 2. Facts and Standards of Review

### **Type Application**

The applicant requests the following:

To annex +/- 296.12 acres, and rezone that land, combined with +/- 36.63 acres within Boise City Limits, for a total of +/- 332.75 acres with zoning designations of R-1A/DA (Single family Residential with a Development Agreement, 2.1 DU/Acre) and A-1/DA (Open Land with a Development Agreement), CAR07-00042/DA.

A conditional use permit for a Foothills Planned Development, CUP07-00084, comprising 155

dwelling units on 332.75 acres, with dedication of some 152.6 acres for the preservation of the threatened species of the Aase's Onion plants, and 81.9 acres open space for the Homeowners' Association and 97.8 acres in the building lots and infrastructure. It would also include road and trail connection to the Polecat Gulch Reserve, as well as riparian areas and private trails.

The Hillside and Foothills Area Development permit application, CFH07-00022, requests approval for grading and hydrology systems.

There is also a preliminary plat application, SUB07-00065.

### **Applicant/Status**

Stewart Land Group, Kerry Winn, representing Aase's Canyon Pointe, LLC, and Capitol Development, Inc.

### **Location and Site Description**

The proposed development is located between Plano Lane and the end of Collister Drive in the Boise Foothills, nominally at 6890 N. Plano Lane. The site is a series of very steep ridges looming above Collister Drive with the relatively flatter areas on the ridge tops. The Boise Polecat Reserve is on the east, the Collister Drive neighborhood is on the south; to the north are a few single family residences; and to the west is largely vacant Foothills land.

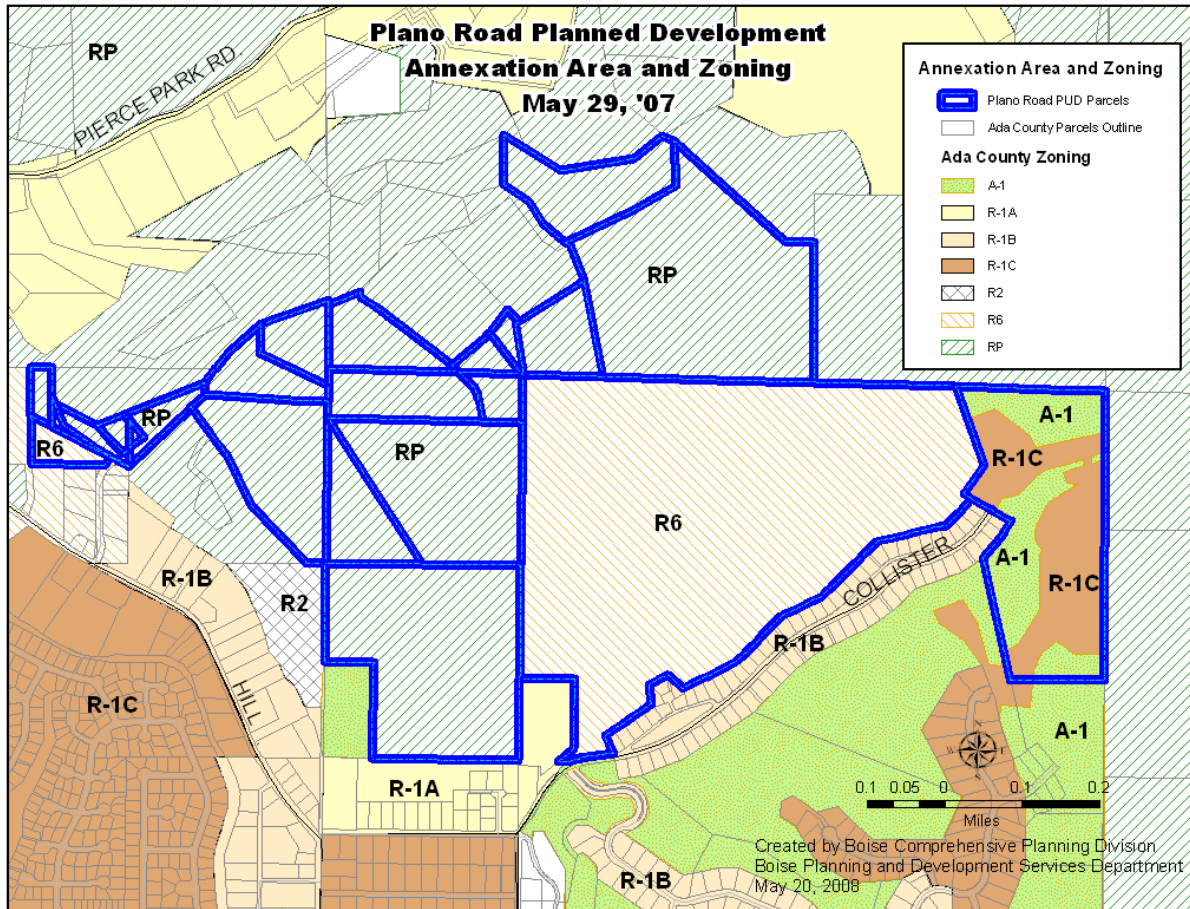
### **Zoning, Zoning Allowances, and Comprehensive Plan Designation**

The site is currently zoned R-1C (Single Family Residential), A-1 (Open Space/ 1 unit/acre), RP (Rural Preservation-Ada County) and R6 (Medium Density Residential-Ada County). Planned unit developments require conditional use approval in this Planning Area.

The subject site is zoned as shown in the table and map below:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U./Ac.
Sub-Total, Boise City	A-1	16.4	1
Sub-Total, Boise City	R-1C	20.1	8
Sub-Total, Ada County	R6	122.9	6
Sub-Total, Ada County	RP	173.1	0.025
Total		332.5	





### Comprehensive Plan Designation

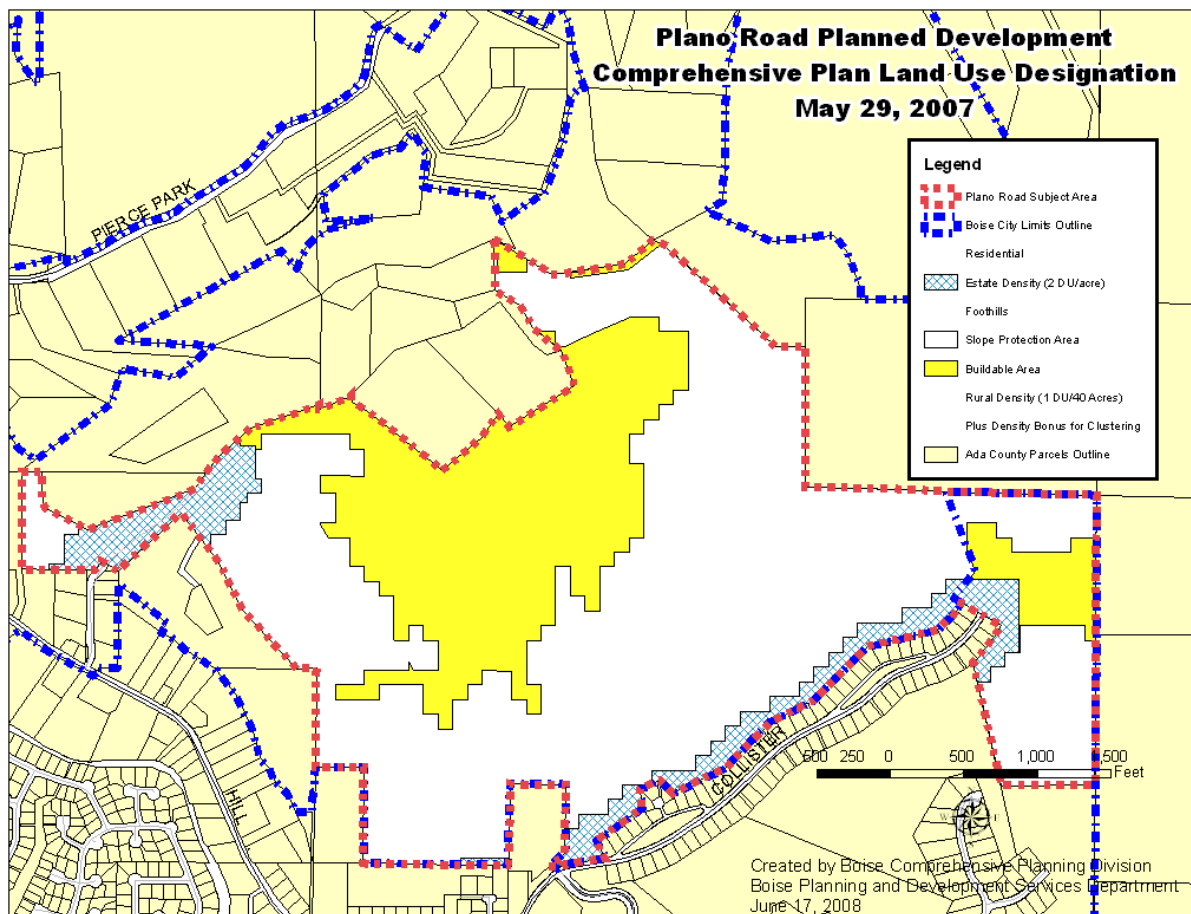
The land is in the Foothills Planning Area within the Boise Area of Impact. As such, it is subject to the Foothills Policy Plan and the “Foothills Planned Development Ordinance,” Chapter 11-06-05.07 in the Zoning Ordinance.

The Boise City Comprehensive Plan Land Use Map designates the site as Foothills Buildable (Rural Density (1 DU/40 Acres Plus Density Bonus for Clustering), Foothills Slope Protection and Estate Density Two Units per Acre see table below). The Land Use/Zoning Consistency Matrix lists R-1A, A-1 and A-2, and L-O as a permissible zones for the Estate Density Two Units per Acre land use designation.

The Boise City Comprehensive Plan, Chapter 8, Goal One, Objective 19 Objective 2 states, “The Foothills Policy Plan contains goals, objectives and policies addressing the issues of land use and general development; environmental protection and open space preservation; scenic and aesthetic concerns; recreation and open space preservation; neighborhood protection; and transportation, infrastructure and services. These goals, objectives and policies should guide the land uses and development in the Foothills.” This supersedes the land use policies stated the Land Use/Zon-

ing Consistency Matrix for the allowed uses in the R-1A/DA and A-1/DA Zones in the Foothills Planning Area.

<b>Plano Road Subdivision Proposal</b>		
<b>Boise Comprehensive Plan Land Use Designation</b>		
<b>PLANNING AREA</b>	<b>LAND USE DESIGNATION</b>	<b>ACRES</b>
FOOTHILLS	Slope Protection	218.22
FOOTHILLS	Buildable	89.45
FOOTHILLS	Estate Density 2 Units/acre	24.93
	<b>TOTAL ACRES</b>	<b>332.60</b>



### Development Proposal

The proposal includes two land uses: 97 acres of built area to include 155 low density residential lots, mostly on the ridge tops; and 234 acres of open space. There would be 82 acres of open space within the proposed homeowners' association and 153 acres proposed to be donated to the Treasure Valley Land Trust for preservation of the threatened plant species, Aase's Onion.

A ten-year build-out is proposed with about half of the project phased for development in the first three years.

The open space would not involve public access. The Aase's Onion Conservancy would be set aside and maintained with the sole purpose of protecting that species in its natural habitat. There would be no public trails within the proposed project. Collister Drive would be extended off-site to provide a cul-de-sac access and trail head for the Polecat Gulch Reserve Boise Parks and Recreation facility adjacent to the subject site.

<b>Plano Lane Subdivision Application</b>			<b>28-May-08</b>
CAR07-00042/DA, CUP07-00084, CFH07-00022, SUB07-00065			
Land Use	Acres	Percent of Total	
Open Space, Aase's Onion Conservancy	152.7	46%	
Open Space, Homeowners' Association	82.0	25%	
Sub-Total Open Land	234.6	71%	
Built Environment	97.8	29%	
Total	332.5	100%	
			Units
Proposed Dwelling Units			155
Density, gross = Units per Acre			0.47
Density, net = Units per Acre			1.58
			Units
Recommended Dwelling Units			150
Density, gross = Units per Acre			0.45
Density, net = Units per Acre			1.53

### History of Previous Actions

Approximately 54.8 acres of the subject property was annexed by the City of Boise on June 23, 1991, Ordinance 5318, with a zoning designation of R-1C (Single-family Residential) and A-1 (Open Land). This was part of the Quail Ridge annexation and rezone.



## Zoning Standards of Review

### Section 11-06-03 ANNEXATION

The corporate boundary of the City may be expanded whenever the Council deems it to be for the public convenience or necessity or for the general welfare. A request for the annexation of property into the City may be initiated by the City Council, the Planning and Zoning Commission or by one or more property owners or holders of valid options to purchase the property.

When the annexation request is initiated by the property owner, the Planning and Zoning Commission may expand or modify the annexation request.

#### Section 11-06-03.01 Application Required

Every person seeking annexation into the City of Boise shall file, with the Planning Director, an application as prescribed in Sections 11-3-2 and 11-3-3.

#### Section 11-06-03.02 Public Hearing

The Commission shall hold at least one public hearing for each annexation request as prescribed in Section 11-3-6 of this Ordinance.

#### Section 11-06-03.03 Commission Shall File Recommendation

The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

- A. That the annexation shall incorporate the Boise sewer planning area.
- B. Honor negotiated area of impact agreements.
- C. Attempt to balance costs of services with anticipated revenues.
- D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

### Section 11-06-01 AMENDMENT, RECLASSIFICATION

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#### Section 11-06-01.03 Public Hearing

The Planning and Zoning Commission shall advertise, provide notice and conduct a public hearing in accordance with Section 11-3-6 of this Ordinance for each application to amend this Ordinance or to reclassify a zoning district.

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. The recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

- A. Comply with and conform to the Comprehensive Plan; and
- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing ser-

vices.

- C. Maintain and preserve compatibility of surrounding zoning and development.

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#### Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

- A. That the location of the proposed use is compatible to other uses in the general neighborhood; and
- B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and
- C. That 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 title; and
- D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and
- E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Multiple family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The Commission or committee must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

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#### **Section 11-06-05.07 Foothills Planned Development Ordinance**

##### **11-06-05.07.01. Purpose and Intent**

The purpose of the Foothills Planned Development Ordinance is to implement residential subdivision density and design elements of the Boise City Foothills Policy Plan (The Plan) and the Boise City Comprehensive Plan. It is also designed to protect and promote preservation of contiguous areas of Foothills open space that contain important and significant natural and cultural resource values, as identified in The Plan and this ordinance.

##### **11-06-05.07.02. Applicability**

The Foothills Planned Development Ordinance shall apply to all proposed developments

in the Boise City Foothills Planning Area where an annexation and/or rezone is required.

**11-06-05.07.03. General Application and Development Requirements**

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the Boise City Zoning Ordinance.
2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a “Hillside and Foothill Areas Development” permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.
3. Upon annexation the buildable areas of the PD shall be zoned R-1A, Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned “A” Open.
4. Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.
5. Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.

**11-06-05.07.03. General Application and Development Requirements**

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the Boise City Zoning Ordinance.
2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a Hillside and Foothill Areas Development permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.
3. Upon annexation the buildable areas of the PD shall be zoned “R-1A,” Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2.
4. Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.
5. Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.

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### 3. Background and Analysis

#### **Foothills Policy Plan Background**

The Plano Road Subdivision proposal is the second application to seek entitlement under the Foothills Policy Plan (FPP) and the Foothills Planned Development Ordinance (FPDO), and the first to seek the density bonus under the provisions of that ordinance. The FPDO is the implementation of the Foothills Policy Plan and it is a sub-set of the conditional use and planned development sections of the Zoning Code, thereby making this type of application one of the most difficult to prepare and to evaluate. City staff worked with the applicant for over two years to ensure that the application was sufficient to meet the standards of annexation, zone amendment, development agreement, conditional use and hillside/grading application requirements. It is the policy of the City and PDS to assist applicants to create applications that closely meet the spirit and intent of the law.

The first level of review is for compliance with the Boise Comprehensive Plan and the FPP. The second level of review is for compliance with the Boise Zoning Code. The third level of review is for compliance with the more technical codes including the Boise City Subdivision Code, Boise City Fire Codes, Ada County Highway District considerations, the Hillside and Foothills Area Development Ordinance, Boise City sewer, hydrology and streetlight regulations, Independent Boise School District ordinances, and the regulations of all other affected agencies that provide urban services or have jurisdiction over these lands, including Idaho Department of Fish and Game. Because of the geographical and locational constraints inherent in the Boise Foothills the issues are more complex than those associated with development proposals in the valley.

#### **The Boise Comprehensive Plan and the Foothills Policy Plan**

The planning process for the Foothills began in the 1970s with a citizens' committee that produced an analysis of the growth issues. This in turn was the impetus for the Foothills Steering Committee that advised in the production of the *Foothills Background Report*, and eventually turned over two drafts of a Foothills Policy Plan. One draft hewed more closely to the policies favored by landowners and developers, the other more thoroughly reflected the concerns of the neighborhood organizations and the environmental community. Boise City Planning and Zoning Commission and the City Council melded those documents into the plan that was adopted by the Council March 5, 1997. Since the time of adoption three implementing plans, a development ordinance and the popular vote for Foothills levy have all been adopted as implementation measures of the *Foothills Policy Plan*. Very few if any issues in local Idaho law have undergone as many debates, planning meetings and public scrutiny.

The breadth of public participation in these plans and issues clearly demonstrate the depth of feeling and concern that the people of Ada County have for the Foothills. It is the City's duty to execute the plans and ordinances resulting from that process. Under the City's jurisdiction, the Foothills deserve the full measure of care and concern to ensure that the dedicated work of the community is embodied in the process and decisions made.

The challenges for the *Foothills Policy Plan* are most clearly and succinctly stated in the Plan's

Introduction quoted here:

The purpose of the plan is to protect existing neighborhoods, to preserve and enhance the environmental, recreational and aesthetic values of the Foothills while allowing for controlled development. The plan recognizes the constraints to Foothills development, including topography, flood hazard areas, wildlife habitat, and the lack of, or inadequacy of, infrastructure and public services.

These issues must be resolved; preferably through a plan that balances the economic and environmental components of quality of life, and satisfies a broad cross-section of community interests. The *Foothills Plan* must preserve and enhance the community's quality of life values, as well as provide guidance for growth and development. Information presented in the *Foothills Policy Plan* and its companion document, the *Foothills Plan Background Report*, will enable the community to chart a new and clear direction in Foothills development.

This *Foothills Policy Plan* allows for continued development in the Foothills within the parameters of physical and infrastructure limitations. Developable areas have been identified based on slope and other physical factors, while land use densities are limited primarily by roadway capacities and plant and animal habitats. The plan promotes clustering and density transfers to protect sensitive environmental areas, such as wildlife habitats, and to allow for dedication of trails and open spaces.

These statements clearly address the subject area in all of its ramifications. The City, in this application, is attempting to resolve those issues, "... preferably through a plan that balances the economic and environmental components of quality of life, and satisfies a broad cross-section of community interests." Fortunately the Plan and its implementation present a means and method to balance economic and environmental issues. The means include the fair application of policies and ordinances through the public hearing process.

The basic development premise of the Foothills Policy Plan is that the three Foothills Planning Sub-Areas are prioritized as follows for open space, traffic, development and development impacts:

Chapter 1 Objective 2 Policy 5) Foothills developments shall be reviewed with the following priority considerations depending upon location:

- a. The Western Foothills (Highway 55 to 36th Street) shall be considered to be the first priority area for development, subject to adequate street capacity and infrastructure.
- b. The Central Foothills (between 36th Street and 8th Street) shall be developed only to the extent that it can be demonstrated that traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required.
- c. The Eastern Foothills (east of 8th Street) shall be the highest priority area for open space acquisition. Where clustered developments are proposed, the Idaho



Department of Fish and Game shall be asked to provide advice regarding the most desirable locations to maintain open wildlife corridors which comply with the Idaho Department of Fish and Game management plans.

The subject property resides in the Western Foothills Planning Sub-Area, and hence may be developed if it is found in compliance with the other policies and regulations, subject to adequate street capacity and infrastructure. The proposal has received a recommendation for approval from the Ada County Highway District, with conditions, and the subject property is adjacent to public utilities and infrastructure. The proposal thereby meets the first test for compliance with the *Boise Comprehensive Plan*.

The *Foothills Policy Plan* represents many compromises between the values of the landowners and the community, and the balance of federal, state and local laws. It was not intended make development easy, nor to make it so difficult that all development would be excluded. That is why the compromises in the development of the FFP and the FPDO took the better part of 15 years to bring to adoption. It may also have contributed to the reason that this is only the second project in 11 years submitted for entitlement under the FPP. There have been other projects approved in the Foothills Planning Area since 1997, but they all had entitlement prior to adoption of the FPP and the FPDO, and were subject to the law at time of adoption.

The second priority for evaluation of the application is to determine if the property is contiguous to city limits, has access to infrastructure and municipal services and is in an area with sufficient traffic capacity to accommodate a Level of Service C in the supporting road system post development. The subject property has made a case for coompliance with these policies. See the Ada County Highway District Staff report with conditions of approval, Exhibit F, where approval was recommended on May 28, 2008 and amended June 25, 2008.

The third priority for evaluation of the application is to look at the slope analysis and the sensitive areas of the subject land to determine if there is viable land for development. If so, are there sensitive areas that would benefit from set-aside in permanent open space as a bonus for development. There is a detailed analysis of the slope analysis in the following section. The findings are that the application does qualify for the density bonus with a resulting allowance for dwelling units, rather than the 155 requested. This number is derived from the slope characteristics, the set-aside of sensitive areas and buildable areas for permanent open space; the protection of the species of concern, the Aase's Onion, some riparian area and a small wetlands. In addition, the proposal would provide access and trail head facilities for the neighboring Polecat Gulch Reserve. The application has complied with the density bonus sections for both the *Foothills Policy Plan* and the Foothills Planned Development Ordinance.

Analyses of the other sections of the *Foothills Policy Plan* are detailed in other parts of this report.

### **Additional Boise Plans of Record**

The *Foothills Policy Plan* is a detailed area plan of the *Boise Comprehensive Plan* and it expresses the goals, objectives and policies for development in the Western Foothill Planning Area.

The *Foothills Policy Plan* has several implementing plans and ordinances that describe in more detail those goals, objectives and policies. These are the *Interim Foothills Transportation Plan*, Foothills Planned Development Ordinance (Ch. 11-06-05.03), the *Public Land Open Space Management Plan for the Boise Foothills* (Open Space Plan), and the *Boise Comprehensive Park and Recreation Plan 2004*. The Hillside and Foothills Area Development Ordinance preceded the adoption of the FPP by several years and it regulates the grading and drainage aspects of development in areas with slopes greater than 15%. There are other portions of the Boise City Code that regulate building, fire services and sewer service to the Foothills Planning Area.

### **The Interim Foothills Transportation Plan**

The *Interim Foothills Transportation Plan* set transportation and recommended density policies for the sub-planning areas within the Foothills. The development scenario in Western Foothills Planning Area recommended the development potential for the area as follows.

The assumptions recognize the rural density of the Ada County Comprehensive Plan outside the Boise Area of Impact and provides for the maximum allowable density of the *Boise City Foothills Policy Plan* inside the Area of Impact for a twenty year growth horizon. 80% of the buildable area inside the Area of Impact will be developed. For the private non-buildable land both inside and outside the area of Impact, growth will be based on the past twenty years development trends. For Development outside the Area of Impact, growth will include 915 households in Hidden Springs.

Inside Area of Impact	Households
2,742 acres, buildable area	1,645
3.110 acres, privately owned, non buildable	0
Outside area of Impact	
12,692 acres, privately owned	60
1,724 acres Hidden Springs	915
<b>West Subtotal</b>	<b>2,620 Households</b>

The above policy states that within the Western Foothills Planning Area in the Area of Impact, there are “2,742 acres of buildable area 1,645 [projected households]”, and “80% of the buildable area inside the Area of Impact will be developed.” These policies and projected development levels pertain to the subject area. This means that development at the level proposed by the subject applications is in compliance with this transportation plan. The infrastructure can accommodate up to 1,645 additional dwelling units within the Boise Area of impact.

The FPP and the *Interim Foothills Transportation Policy Plan* (IFTTP) were created prior to the adoption of the County’s Planned Community Ordinance that has allowed large planned communities in the Foothills where none were anticipated under the *Boise City Foothills Policy Plan*. The following table lists the development entitlements and pending applications for development in the Foothills since the adoption of the FPP. What these figures show is that Hidden Springs and Cartwright Ranch exceed the limits set by the *Interim Foothills Transportation Policy Plan* for development outside the Area of Impact. Yet if we assume that both Cartwright Ranch and

Plano Road Subdivision are approved, the traffic capacity in the Western Foothills is within the guidelines of the IFTPP. The subsequent approval of Dry Creek Ranch by Ada County, should it occur, would add 4,300 dwelling units to the assumed 2,620 combined from Dry Creek, Deer Valley, Cartwright Ranch and Plano Road Subdivision. The IFTPP dwelling unit capacity for the Western Foothills Planning Area is 2,620, so the approval of Dry Creek Ranch would put the assumed total at 6,362 dwelling units, or 3,742 dwelling units over the planned capacity for the area. The approval of Dry Creek Ranch would far exceed the planning capacity for the region regardless of the approval of the Cartwright Ranch and/or Plano Road Subdivision. This application was recommended for denial by the Ada County Planning and Zoning Commission on June 26th. The denial was based upon the lack of regional planning and transportation considerations for the region.

Development Entitlements, or pending applications in the Foothills 1997 to Present				25-Jun-08	
From east to west:					
Project description and name	Foothills Planning Area	# of Dwelling Units entitled, approximately	# of Dwelling Units pending, in process, approximately	Entitlements granted before adoption of Foothills Policy Plan & Ordinance	Jurisdiction
The Cliffs- 10 year build-out, not started	Ada County	1,400		No	Ada County
The Terrace, Barber Valley, 5 year build-out, not started	Not in Foothills, in Southwest Planning Area	245		Yes	Boise City
Triplett, 5 year build-out, about 25 units built	Not in Foothills, in Southwest Planning Area	60		No	Boise City
Harris Ranch (Foothills only), 11 year build-out, not started	Eastern Foothills	340		Yes	Boise City
Wildhorse Ranch, mostly sold some built	Eastern Foothills	24		No	Ada County
Boulder Heights Estates, 15 year build-out, about 75 units built	Eastern Foothills	218		Yes	Boise City
Summerset 2, 5 year build-out (?). mostly done	Central Foothills	200		Yes	Boise City
Highlands Hackberry 4 and 5, built	Central Foothills	75		Yes	Boise City
Bonar Subdivision, 5 year build-out, not started	Central Foothills	14		No	Boise City
Cartwright Canyon (2002), mostly done	Central Foothills	25		No	Ada County

Arrowhead, 2 year build-out (?), mostly done	Central Foot-hills	100		Yes	Boise City
Quail Ridge No. 7, 8, 9, 10, mostly done	Central Foot-hills	75		Yes	Boise City
Eyrie Canyon, 2-5 year build-out (?), half done	Central Foot-hills	200		Yes	Boise City
Proposed Plano Road Subdivision, goes to Boise P & Z on July 14, 2008, proposed 10 year build-out (?)	Western Foot-hills		150	No	Boise City
Deer Valley, Pierce Park Road, not started	Western Foot-hills	30		Yes	Boise City
Cartwright Ranch, almost approved, will be on July 16, 2008 at Ada County Commission hearing, six year build-out	Western Foot-hills		682	No	Ada County
Hidden Springs, approved by Ada County, 10 year build-out, about half done?	Western Foot-hills	1,200		No	Ada County
Pending hearing at Ada County Comm: Dry Creek Ranch, 4 million sq. ft. of commercial, 15 year build-out	Western Foot-hills		4,300	No	Ada County
<b>Approximate Total of pending or approved dwelling units</b>		<b>4,206</b>	<b>5,132</b>		

### The Public Land Open Space Management Plan for the Boise Foothills

The *Public Land Open Space Management Plan for the Boise Foothills* was the result of seven agencies cooperatively writing the plan and adopting the policies therein for the management of public lands in the Foothills.

The subject area is specifically cited for inclusion in the Idaho Fish & Game Management area should the funds become available. A letter addressing this issue was received from I. D. F. & G. on June 25, 2008.

That plan also designates the western portion of the subject properties as a visually sensitive area. The “Visual Sensitivity Levels” Map-Figure 15 from that document shows the western half of the subject property to be a “Sensitivity 1” Visual Sensitivity Level. This is defined as having “the highest priority for visual protection. Any modifications to the landscape should be carefully planned to match existing landscape character and should not be evident. (Human modifications should be moved to lower-priority landscapes, where possible.)”

The *Public Land Open Space Management Plan for the Boise Foothills* policies would then recommend against development of these properties based upon the visual impacts and the value for big game wildlife habitat, as supported by the letter from the Idaho Department of Fish and Game.

***The Boise Comprehensive Park and Recreation Plan 2004***

The *Boise Comprehensive Park and Recreation Plan 2004* supports the policies and strategies of the Open Space Plan and cites the key components of the plan on page 12.3. These components are:

- (1) To continue to assess open space impact fees to acquire identified heritage preservation sites.
- (2) Pursue and maintain partnerships for acquisition and management of open space areas.
- (3) Identify alternative funding sources and supplemental revenue streams that enhance limited acquisition and management resources.
- (4) Develop management plans and strategies to promote linkage of and connectivity to public open space parcels, meet wildlife needs, protect rare and endangered plants, provide public education, protect natural resources, and provide for recreational trails.
- (5) Establish strategically located public access trail heads that promote the open space experience by providing adequate parking, rest room amenities, and management signage.

The above policies from the *The Boise Comprehensive Park and Recreation Plan 2004* support the proposed component of the application that would provide access to the land-locked Polecat Gulch Reserve adjacent to the subject site through an extension of Collister Drive. The applicant also proposes to extend sewer, water and power to the Reserve and build a parking area for the trail head that is scheduled to be developed in the next year or two. (See attached letter from Boise Parks and Recreation, Exhibit G, dated June 27, 2008.) To the end of seeking compliance with the above policies from the *The Boise Comprehensive Park and Recreation Plan 2004*, and to qualify for the density bonus under the Foothills Planned Development Ordinance, Boise Parks & Recreation has recommended the following in their letter of June 27, 2008:

BPR requests the following conditions of approval also be attached to this development request.

- Developer shall complete the road from the current North Collister Drive cul-de-sac to Polecat Gulch Reserve and provide the public access on this road.
- Developer shall construct a post and rail fence to BPR standards along the north property line of the subdivision to help protect the Reserve from encroachment by the future adjacent residences.
- Developer shall construct an approved turn-around and trailhead at the new terminus of North Collister Drive to BPR specifications while adhering to ACHD access standards.
- Developer shall stub utilities (water and power) to an acceptable location near the turn-around as approved by BPR and public works department.
- The turn-around and trailhead shall be graded and graveled to include 12 auto spaces with wheel blocks, an area for emergency vehicles to turn around, a boundary two post and rail fence and a trailhead kiosk.



- Neither the riparian area (Polecat Gulch) nor the raptor nesting trees on the east side of the current dirt roadway at the north end of Collister should be disturbed as both provide considerable habitat for wildlife in the area.
- All conditions should be met during Phase I of the development.

The Foothills Planned Development Ordinance was adopted in December 2002 to implement the land use policies of the Foothills Plan. It requires all Foothills developments to apply for a planned development permit, to cluster dwellings in the less steep areas and to provide permanent open space. It allows for a density bonus in exchange for setting aside a percentage of the buildable lands in a project.

## The Boise Zoning Code Analysis

### **11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE**

#### **11-06-05.07.01. Purpose and Intent**

The purpose of the Foothills Planned Development Ordinance is to implement residential subdivision density and design elements of the *Boise City Foothills Policy Plan* (The Plan) and the *Boise City Comprehensive Plan*. It is also designed to protect and promote preservation of contiguous areas of Foothills open space that contain important and significant natural and cultural resource values, as identified in The Plan and this ordinance.

#### **11-06-05.07.02. Applicability**

The Foothills Planned Development Ordinance shall apply to all proposed developments in the Boise City Foothills Planning Area where an annexation and/or rezone is required.

#### **11-06-05.07.03. General Application and Development Requirements**

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the *Boise City Zoning Ordinance*.
2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a "Hillside and Foothill Areas Development" permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.
3. Upon annexation the buildable areas of the PD shall be zoned "R-1A," Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open

The following is a section by section analysis of the Foothills Planned Development Ordinance 11-06-05.07 and the compliance of these applications with that code. The code is in the left column and the analysis is in the right.

#### **11-06-05.07.01. Purpose and Intent - Analysis**

The applications were submitted after extensive review for sufficiency to meet this intent. The degree to which it is met will be the matter for the Planning and Zoning Commission and the City Council to determine. The applications have met the level of sufficiency characterized as the letter of the law to the degree that they can be presented in public hearing as such.

#### **11-06-05.07.02. Applicability - Analysis**

The proposal meets these standards as they are in the Foothills Planning Area, and has requested annexation and/or rezone.

#### **11-06-05.07.03. General Application and Development Requirements - Analysis**

The proposal is being reviewed under the Boise City Code sections regulating annexation, rezone and development agreement, CAR07-00042/DA, the conditional use and planned development, CUP07-00084, the Hillside and Foothill Areas Development, CFH07-00022, and a preliminary plat, SUB07-00065. These are applications for final approval, not conceptual approval.

The applications request R-1A/DA zoning for the developed portions of the project and A-1/DA for the slope protection and preserved open space areas. The density request is based upon the provisions of this ordinance and is reviewed in other sections of this report.

The proposal requests connection to Boise City sewer service and municipal water service from

space areas shall be zoned A-1 or A-2.

4. Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.

5. Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.

#### **11-06-05.07.04. Density Bonus**

A density bonus pursuant to the formula in Table 1 shall be granted in return for the provision of preserved open space.

##### **A. Basic Provisions:**

1. The base density on parcels proposed for development is that given for the existing Boise City or Ada County zone(s).

2. The density bonus is based upon the ratio of buildable area to be preserved as open space, to the buildable area to be developed. See the Definitions section for the definition of "Buildable Area."

3. The base density units may be added to the density bonus units without the requirement for additional open space preservation.

4. A developer may propose open space/density bonus points between those identified in Table 1, provided that the curve of the formula is unchanged.

5. The density formula may be adjusted to allow density transfers from other non-contiguous parcels at such time as a Transfer of Development Rights (TDR) ordinance is adopted and in effect..

**B. Preserved Open Space Eligible for a Density Bonus as per the formula in Table 1, shall meet the following requirements:**

1. Lands of 25% slope or less, one acre or greater in size, with a minimum average

United Water. It would be provided Boise City services for fire, police, emergency medical, library, parks and recreation. Street services would be provided by Ada County Highway District. The Independent School District of Boise would provide school services.

#### **11-06-05.07.04. Density Bonus - Analysis**

The density bonus formula was the result of years of work by an ad hoc Foothills Advisory Committee, Boise City staff, the Boise Planning and Zoning Commission and finally the Boise City Council.

It is unique in the Boise Zoning Code in that density is based not upon a fixed standard, such as one unit per 20,000 square feet in the R-1A zone. It is derived from a base density of one unit per forty acres plus additional density given the amount of buildable area, dedication of buildable area to open space and dedicated sensitive areas, clustering of units and more practical considerations of health and safety, site design and ingress and egress. It is a combination of all that to achieve the purpose of this ordinance stated above. How well this is achieved by any given application is to some degree subjective and circumstantial, but the terrain and ecological values of the Boise Foothills are too varied to write a one-size-fits-all density standard if the purposes of the FPP and this ordinance are to be achieved. The density ultimately derived from this complex evaluation is then stated in the development agreement that serves as the density standard for that zone. (See Exhibit J - Development Agreement)

This application includes lands not owned by the developer, and whose owners are co-applicants. The three co-applicants agreed to include their properties in this application to provide the right-of-way for the proposed extension of Plano Lane. As such, their lands are also included in the density bonus formula and the proposed annexation and rezone with development agreement, CUP and Hillside applications. Their lands are also part

width of 30 feet.

2. Public rights-of-way that meet requirements of this section, serve to connect development pockets, and provide access to public open space may be included in the density calculation for open space, but roads within a development pocket shall not be included. Rights-of-way that have dwelling units fronting or siding onto them shall not be included.

3. Other lands classified as Priority Open Space in section C below.

Table 1 - Density Bonus Formula\*

Built Area Percent	Open Space Dedicated Percent	Density Bonus Units / Acre	Example	
			Buildable Area / On 100 Acres After Open Space Set-Aside	# of Bonus Units
75%	25%	0.5	75.0	38
69%	31%	0.75	68.8	52
63%	38%	1.0	62.5	63

of the proposed preliminary plat necessitated by the requirement to plat and dedicate the proposed right-of-way. The City has set the acquisition of the right-of-way for Plano Lane as a primary condition for approval of the preliminary plat. This is because of the several ownerships involved and each of them necessary for the provision of a right-of-way up to current standards.

The base density for this proposal is one unit per forty acres, that equals 8 units on 332.8 acres. There are 73.1 acres of "Buildable" (less than 25% slope) based upon and slope analysis of the subject site.

There are 81.9 acres of Aase's Onion fields (Priority Open Space). The buildable and Priority Open Space are 155 acres combined. This is the amount eligible for the density bonus. The proposal would use 47.8 acres of the 155 bonus acres to build upon, which equals 30.8% of the 155 acres. That

leaves 69.2% of buildable plus the Priority Open Space to be permanently set aside to earn the bonus. The 69.2% set-aside yields the density bonus of 2.99 unit per acre according to Table 1 in the opposite column. (See bolded line)

The resulting density bonus is 143 units. Add the eight base density units and the total units allowed would be 151 units. (See

Appendix A Density Bonus Formula) The application requests 155 units.

Staff recommends 151 units maximum based on the accompanying calculations.

\*1) The base density of one unit per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.

#### C. Other Open Space Allowances:

The City recognizes that the foothills provide a great degree of variability in landforms, environmental habitats and cultural resources. Some areas may have a combination of characteristics that cause them to be considered worthy of special incentives for preservation,

#### C. Other Open Space Allowances: - Analysis

The adjoining ordinance states it best: "In order to qualify for a density bonus, Priority Open Space lands must demonstrate at least four of eleven characteristics established for high priority open space lands. There must also be a demonstrable increase in the public value of the resource by

even if they do not meet the normal size, slope or dimensional requirements necessary to qualify as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B above. When these areas are identified on a property and proposed for preservation, the Planning and Zoning Commission may classify them as Priority Open Space and allow all or a portion of them to qualify for the granting of a density bonus.

In order to qualify for a density bonus, Priority Open Space lands must demonstrate at least four of eleven characteristics established for high priority open space lands. There must also be a demonstrable increase in the public value of the resource by such allowance that would not be realized by strict adherence to the other provisions of this code.

#### Priority Open Space Characteristics:

Of the following eleven characteristics of high priority open space, at least four must coexist on a property for consideration as Priority Open Space Eligible for a Density Bonus:

1. Wetlands
2. Riparian areas
3. Rare plant communities
4. Critical deer and elk winter range and migration corridors
5. Boise City Historic Preservation Committee: Potential Public Preservation Sites
6. Unique geologic or visual features
7. Archeologic or other historic sites
8. Trails and trail-heads designated in the Ada County Ridge to Rivers Pathway Plan
9. Other public trails and trail heads as approved by the Boise City Parks and Recreation Board

such allowance that would not be realized by strict adherence to the other provisions of this code.”

The applicant has submitted documentation and studies that substantiates the existence of at least four of the eleven priority open space characteristics required to qualify for the density bonus. They have demonstrated as well that these phenomena would also increase in public value through the preservation of same.

The application includes three environmental study documents that examine the potential for priority open spaces on the subject site. They are “A Report Discussing General Design Criteria, Special Areas Analysis, and Preliminary / Conceptual Design Requirements”, June 6, 2008, prepared by Ecological Design, Inc., Boise, Idaho; “A Report Documenting the Presence of Wetlands and Riparian Areas, Boise Foothills Property (Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision) Boise, Idaho”, February 28, 2007, prepared by Ecological Design, Inc., Boise, Idaho; and, “A Report Documenting a Survey for Occurrences of Aase’s Onion (*Allium Aaseae*), Boise Foothills Property (Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision) Boise, Idaho”, February 28, 2007, prepared by Ecological Design, Inc., Boise, Idaho.

These studies were prepared by qualified professionals with a history at Boise City Planning and development Services Department of developing accurate and thorough environmental reports. Their field and research study techniques are consistent with sound scientific methods and the reports arrive at reasonable conclusions and results.

Staff accepts their findings as reasonably accurate and pertinent to the requirements and issues stated in this section of the FPDO.

Their findings include the following items that go towards fulfilling the priority open space characteristics necessary to allow the density bonus.

- 1) 76.79 acres of Aase’s Onion fields greater than one acre in size; and 90.81 acres total in onion fields. This establishes the basis for the potential



10. Lands adjacent to publicly-held open spaces

11. Lands adjacent to areas that are, or have the potential to be, designated and set aside as public open space lands in accordance with the provisions of this ordinance.

Criteria for Determining Demonstrable Increase in Public Value of Priority Open Space:

In allowing density bonus credit for priority open space in steeply sloped areas or in fragmented pieces, there must be a demonstrable increase in the public value of the resource by such allowance. Demonstrable increase in value may include but is not limited to the following:

1. Allowance for public access.
2. Protection from alteration of important vegetation, terrain or scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction of utilities or infrastructure.
3. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.
4. Dedication or discounted sale to a willing public agency.

Planning and Zoning Commission Consideration of Priority Open Space:

It is not the intent of this section to broadly allow the designation of highly fragmented or steeply sloped land as open space, to the total exclusion of the normal requirements of clustering and set aside of buildable area open space. Priority Open Space, when it exists, should be used in balance with other forms of eligible open space to meet the requirements of this code.

preservation of rare plant communities under priority open space rules. This resource is characterized as abundant on the subject site making it a worthy area for conservation to aid in the preservation of this “species of concern.”

The applicant proposes to deed 152.66 acres containing 80 to 90 acres of the species of concern to the Treasure Valley Land Trust for conservation and management of the species. This would qualify the demonstrable increase in public value of this valuable resource. This transfer of land for conservation is included in the proposed development agreement as part of the zone regulating the use of this land.

2) Documentation of a wetland “isolated seep originating in one of the unnamed draws west of North Collister Drive.” This “woody thicket” would be included in the Aase’s Onion Fields to be set aside as permanent open space and donated to the Treasure Valley Land Trust for conservation management.

3) There is a second wetland and riparian area that “parallels Polecat Gulch in and immediately adjacent to its deeply incised channel.” This also extends upstream to the Boise City Polecat Reserve adjacent to the subject site, which has the effect of enhancing the lower reach of Polecat Gulch and buffering the City Reserve with acreage south of the Gulch and east of the Quail Ridge Subdivision.

The proposal would set aside in total 152.66 acres in an Aase’s Onion Conservation Area that would serve several functions. It would protect and conserve the species of concern and a small wetland area in perpetuity. Management practices would discourage public access, particularly during the spring when the onion species is in bloom.

In addition to the findings about the proposed conservation area, there would be approximately 24 acres adjoining the Boise City Polecat Reserve south of Collister Drive that would serve to extend that habitat and the Polecat Gulch riparian area, and buffer the reserve from the residential uses.

When the applicant demonstrates that a portion of his property not otherwise qualified as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B, does meet the above-listed criteria, the Commission may classify it as Priority Open Space and allow some or all of it to qualify for the granting of a density bonus. The amount allowed to qualify as Open Space Eligible for a Density Bonus shall be discretionary based upon the degree to which it meets or exceeds the minimum criteria established in this section. The Planning and Zoning Commission shall seek the input of the Idaho Department of Fish and Game, the Boise City Parks and Recreation Board and other public agencies with expertise in the issue at hand, in determining the proper amount to be allowed to be set aside in return for a density bonus.

...

This area constitutes “lands adjacent to publicly-held open spaces” that would fulfill that criteria for the density bonus.

Boise Parks and Recreation Department requested, as a means for the applicant to achieve the “Criteria for Determining Demonstrable Increase in Public Value of Priority Open Space” that the applicant provide a cul-de-sac turn-around, a trail head, vehicle parking, fencing and a gateway into the Polecat Reserve, and other related facilities. The proposed cul-de-sac and trail head facilities would be on the City’s Reserve property and include the extension of public utilities to the trail head.

This would open up the Polecat Gulch Reserve to the public, and allow access to the City’s newest addition to its Foothills Reserve system, acquired through the Foothills Levy funding and gifts from the Blessinger Family and the Dengler Family.

In summary, the applicant is offering the Aase’s Onion Conservation Area, small wetland and riparian areas, lands adjacent to Polecat Gulch Reserve, and public road access, a trail head, parking area and other associated facilities to comply with the density bonus sections of the Foothills Planned Development Ordinance. These areas comprise approximately 176 acres of the 332 acre proposal, or 53% of the property designated for conservation and public access.

Staff has several concerns about this aspect of the proposal. The first has to do with the loss of approximately nine acres of the Aase’s Onion field. The study cites 90.81 acres of onions on the site, and the applicant is claiming 81.9 acres for the density bonus. That means that approximately nine acres of the surveyed onion fields are either within the area to be graded, or they were in concentrations too small to be included in the calculations for the bonus. This issue should be cleared up by the applicant. There is no proposal for restoration of onion fields that might be graded in the proposed built environment.

The onion fields are also shown to be in five discrete areas, separated by the proposed developed areas, Collister Drive and the proposed Daylight

Rim Drive. Two of the areas, the greater south-facing sloped area and the area north of the sand pit are to be included in the proposed conservation property under control of the Treasure Valley Land Trust. There are 5.74 acres, according to their exhibit map, "Boise Foothills Concept Plan" marked received March 27, 2008, that fall out of the proposed conservation area, but within open space that would be controlled by the home owners' association. It is staff's opinion that these 5.74 acres of onion fields would be in some jeopardy if the home owners' were to not follow strict conservation practices to protect these fields.

It is possible to assume that the home owners' association could protect the species of concern, but there is nothing to address these issues in the application. By the applicants own narrative, they claim that these onion fields are significant in their concentration and proximity to another large population in the Polecat Gulch Reserve, so the ability to demonstrate the increase in public value of this priority open space has considerable responsibility attached to it. The applicant should proposed a means to protect all the onion populations on the subject site for the long term. If that is not possible, consideration should be made to reduce the density bonus where this can not be reasonably achieved.

This issue could be resolved by the time of the hearing as the applicant has requested that all of the areas contributing to the density bonus would be put under protection by the Treasure Valley Land Trust. This will be necessary to qualify for the density bonus as stated in this report.

A small area of onion fields would also be in way of the proposed water tank on the upper end of the site and the area where the distribution mains would be. Measures would have to be taken to protect that part of the proposed onion conservation area from harm during construction and maintenance of the water tank installation.

Staff regards the entire onion population on the site to be of value, and would be concerned with destruction of a significant portion of the population. Also the density bonus owes about two third of its value to the onion fields. If a significant part of the

population would be destroyed, then staff would urge a re-calculation of the proposed density bonus to reflect the loss of this species of concern.

The applicant also proposes another 81.98 acres for open space under control of the proposed home owners' association. This would include the sand pit site on the north side of the project that would be restored to a natural geography and vegetation. Nevertheless, the 81.98 acres proposed for open space under control of the home owners' association would not contribute to the criteria to achieve the density bonus.

#### 11-06-05.07.05. General Design Criteria

A. Foothills Planned Developments shall be designed to meet the following general criteria:

1. Residential uses shall be clustered within development pockets rather than scattered throughout the property, while preserving the remaining land in separate parcel(s) of permanent open space.

2. Designated open space areas shall be linked to other open spaces to the greatest extent possible.

3. Road and trail access to adjacent properties shall be provided to prevent landlocked parcels and/or breaks in the trail systems.

4. Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill.

5. Development pockets shall be sited and designed in compliance with policies in The Plan concerning clustering, environmental protection, open space conservation and scenic and aesthetic goals.

#### 11-06-05.07.05. General Design Criteria - Analysis

The design concept of clustering units is important for two related reasons, first to lessen the overall impacts on the land, and second to minimize the extension of public services and infrastructure to and through the site. A scattering of units throughout the subject property is neither good practice on flatlands nor in the Foothills, and is a good description of sprawl. The overall linear design of this proposal has been an ongoing topic of discussion since its inception several years ago.

The facts are that this property is buildable only on the ridge tops or gully bottoms due to the almost uniform steepness of the site. The ordinance prohibits building on slopes greater than 25%, except for roads. Therefore the only possible site pattern must follow the linear patterns of the ridges and gullies. It is a case where the ordinance both prohibits building on areas with steeper slopes and at the same time discourages building on prominent ridge tops, leaving few design choices for the developer. At the same time, the FPP designates this area for development.

The City can't designate an area for development then create an ordinance under which it would be impossible to develop. The City can not permit such a regulatory structure, or interpretation of the code in this manner.

The question then becomes how much clustering is enough?

The applicant would contend that they have clustered as much as possible given the terrain and the allowable number of dwelling units. Staff has suggested that the lot dimensions could be reduced to make narrower lot widths facing the street frontages. The response is that the terrain difficulties and the market for large houses on large lots direct the wider lot sizes.

Staff would still recommend an overall lessening of lot widths along the street frontage dimension to promote clustering.

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Boise Foothills Policy Plan  
3.0 SCENIC AND AESTHETIC CONCERNS  
GOAL

To retain and preserve, and in appropriate cases enhance, the natural scenic values of the Foothills.

Objective 1

Development shall be designed to protect the general shapes and textures of the Foothills.

Policies

- 1) Development shall comply with all guidelines and standards for excavation, grading and placement of building envelopes as provided in the Uniform Building Code, the Hillside and Foothill Area Development Ordinance and the proposed Uniform Foothills Design Guideline Manual when adopted.
- 2) Developments shall maximize the retention of the existing natural topography.
- 3) Cut and fill slopes shall be integrated into the surrounding terrain when viewed from a distance.
- 4) Grading shall seek to blend development into the Foothills' backdrop. Fills and grading shall be contoured to the maximum extent, to avoid a flat or squared off appearance on ridges and toe slopes and to create the appearance of natural topography.

3.0 SCENIC AND AESTHETIC CONCERNS  
GOAL - Analysis

Staff is concerned with the lots sited on the most prominent portions of the ridges that create a "sky-lining" issue. The most prominent ridges on the western half of this property have been identified as Visual Sensitivity Level 1 in the *Public Land Open Space Management Plan*. As previously discussed, that plan recommends that any modification should be in character with the existing form and, if possible, uses should be moved to lower priority areas. The FPP policies in the adjoining column also encourage the avoidance of prominent ridge lines for both grading and the siting of structures on the skyline, in which dwellings are sited in manner that defines an area. If the site plan were to cluster dwellings more tightly away from the prominent ridges, the skylining issue would tend to recede as well.

**Grading**

The grading issues also has been the focus of lengthy effort to find this application sufficient for acceptance and hearing. The proposal for the most part would grade off the tops of the ridges and build on a single-loaded road for considerable stretches. The concept of minimized disturbance



- 5) Roadways must be designed to prevent erosion, road slippage and/or breakups.
- 6) Graded and filled areas shall be revegetated within one growing season from the initial disturbance.
- 7) Lighting systems on Foothills roadways should be designed to both provide adequate public safety and to lessen the light directed toward the valley.

#### Objective 2

Development proposals shall take into account unique geologic features and integrate developments around them.

- 1) Development shall be located on the least intrusive portion of sites having unique geologic features.
- 2) The natural scenic values of prominent ridges and knolls shall be maintained. Project design shall preserve the natural appearance of prominent ridges and skylines, and concentrate development on more obscured areas of the sites. Prominent ridges and knolls shall be designated by the City in the "Open Space Management Plan," and this term is not intended to include every ridge and knoll in the Foothills.
- 3) Building site pads will be contoured to resemble the natural slope of the terrain.
- 4) Use of retaining walls associated with lot pads will be limited in height and bulk and set back from property lines to provide for the integrity of the hillside, the safety of the subject property, and the neighboring properties.
- 5) The design and colors of structures and retaining walls shall blend with the natural environment to limit sharp contrast. Retaining walls shall be designed and engineered to hold the loads placed upon them.
- 6) Building forms and roof lines shall help blend the structure with the natural terrain through var-

and the avoidance of excessive grading is difficult to achieve where the most buildable areas are on the ridge tops. The single loaded road was a significant concession by the applicant to minimize grading.

The proposed preliminary grading plan would result in an excess of over one million cubic yards that would be used to fill the existing sand pit. The reason that one million cubic yards of overage seems to fit in the context of the FPDO is that the applicant proposes to fill in the large sand pit on the north end of the project with that very large amount of fill. The sand pit is seen as an undesirable feature and potentially an attractive nuisance, so it is better to fill it and re-vegetate it and make it look like it was before excavation began there. Were the sand pit not available for deposition of the one million cubic yards of fill, that grading proposal would have been rejected as excessive. The proposed development agreement includes a section that would regulate the re-construction and revegetation of the sand pit back to a semblance of its native form.

Our Public Works staff has recommended approval of the preliminary grading plan, as it meets the standards of safety and is in line with the Hillside ordinance and common building practices in the Foothills. This is not quite the same as saying that "disturbance of the land shall be minimized". These two issues, that of safe and logical grading practices compared to policies for minimized grading have been at loggerheads for several decades, particularly since 1997 when the FPP was adopted.

Staff has no good resolution to this without having to get further into the design end of application review. These issues might be better approached through amendments to the Hillside Ordinance to further clarify the policies and ordinances concerning excessive grading.

The recommendation from the Public Works staff is based upon the slope and grading constraints faced in putting the roads into the buildable areas. There is no approach that would allow the roads to be built that would involve less grading. It comes down to the practical engineering criteria and safety



ied roof levels, and other suitable architectural treatments.

standards for road design that dictate the placement of the roads, and therefore the lots, and in turn requires the given amount of cut and fill. The only resolution would be to declare large area of the site unbuildable, which would have to be balanced against all the other issues of entitlement.

### **Boise Foothills Planned Development Ordinance (Continued)**

6. Fire safety and protection measures to reduce the threat of wildfires shall be incorporated into the design in accordance with Uniform Fire Code and Boise City Code Title 7. Such measures shall include internal residential sprinkling systems, defensible space for the structures and the provision of safe evacuation routes for residents in case of wildfire.

7. Gated developments are prohibited due to the potential for such limited access to restrict or delay emergency response in the Foothills.

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### **Foothills Policy Plan - 2.0 ENVIRONMENTAL PROTECTION AND OPEN SPACE CONSERVATION**

#### **Objective 3**

Where Foothills developments are adjacent to undeveloped areas, wildfire hazards shall be assessed and minimized through subdivision design, street layout, building design and landscape and building materials restrictions.

1) Foothills development located outside of the 1.5 mile driving distance or four minute response time from fire stations shall require approved fire sprinkler/suppression systems in dwelling structures.

2) The use of Class A (noncombustible) roofs within all Foothills developments shall be required. This shall include retrofit for houses which are to have at least 50% or more of the roof area remodeled or replaced.

3) Fire sprinkler systems are required in new residential buildings with a floor area in excess of

### **Fire Safety and Emergency Access - Analysis**

The requested subdivision has a ten year build-out period with 22 proposed phases. The internal connecting road, Daylight Rim Drive, would eventually connect Plano Lane and Collister Drive. The issues revolving around that connection include the safety of the residents in the existing Plano and Collister neighborhoods, the timing and intensity of traffic on Collister and Plano, the distribution of trips from one to the other, and the provision of emergency access and safety services. Ada County Highway District recommended approval of the road and transportation aspects of the proposal with condition of approval 11 that would require the connecting road to be constructed in the first phase as a public roadway prior to the signing of the first plat.

The City supports this condition because of the following policy from the FPP and Sections 11-06-05.7.5 A. 6 and 7 quoted in the adjoining column.

“Goal 6 Objective 1 Policy 2) All urban density Foothills development projects must have a means of emergency access if a reasonable means of secondary access cannot be provided. All development shall meet the access requirements of the fire district within which the development is located.”

The ACHD staff requested a reconsideration of the timing for making the connection in the first phase as stated in condition 11. Upon reconsideration on June 25, 2008, the Ada County Highway District Commission amended their recommendation that Collister and Plano should be connected as a condition of the first plat to provide for the safety of all the residents in the area, but it can be a gravel road that meets the standards for fire safety equipment. The connecting road, Daylight Rim Drive, should then be paved after the 53 lots proposed for the first four phases are approved for construction.

5,000 square feet, and are encouraged for all other residences in areas vulnerable to range fires.

4) Emergency and/or secondary access shall be provided in all Foothills subdivisions.

5) Structures bordering any open area with natural vegetation shall use fire rated roofing materials, siding, decking material and fencing.

6) All newly constructed Foothills structures shall be protected by a landscaped fire break and fire breaks should be encouraged for already constructed structures.

7) The maximum building envelope for development sites must be identified on each parcel to provide adequate access around the structure for fire protection, and to provide a fire break.

8) Use of common driveways and other design innovations should be used in Foothills developments and should be encouraged to reduce curb cuts on roadways in the Foothills, and to reduce the area of impervious surface in developments.

9) A fire safety plan shall be filed with the Planned Unit Development application to include safety measures to be used during the construction phase, and plans for fire prevention and emergency evacuation in the case of a wild fire. This plan will be an enforceable part of the PUD approval agreement.

Staff supports that recommendation with no further amendments, as it meets the standards of the Foothills Planned Development Ordinance and the FPP.

Boise City Fire Department submitted a letter dated June 27, 2008 that included as conditions of approval the policies in the adjacent column and those in the Foothills Planned Development Ordinance. The recommended policies for fire-safe site design and landscaping, and structure sprinklering would also be included in the design review criteria for all structures in the proposed project. These design criteria would be incorporated into the CC&Rs for the proposed homeowners' association as well. The purpose would be to both create the basis for safe site design in the range-fire prone area, and to educate the potential residents concerning ways to protect their homes against these types of emergencies.

Staff supports their recommended conditions of approval that address these very important aspects of public safety, and would bring the proposal into compliance with the Fire Code, the Foothills Planned Development Ordinance and the FPP.

Boise Foothills Policy Plan  
5.0 NEIGHBORHOOD PROTECTION  
GOAL

To preserve, enhance and protect neighborhoods and developed areas from unacceptable adverse impacts resulting from Foothills development.

Objective 2

Neighborhoods affected by through traffic will be protected.

1) Improvements to the transportation system need to balance the long term development objectives with protection of neighborhoods and

*5.0 NEIGHBORHOOD PROTECTION*

*GOAL and Traffic Impacts on Existing Neighborhoods - Analysis*

It is a property of urban development that new growth will have impacts on existing neighborhoods. The FPP contains goals and policies that would lessen the impacts of new developments. In the Foothills traffic impacts will always present the most significant potential for impacts to existing neighborhoods due to the limited capacities in the roadway system. This was the overarching issue in the creation of the FPP. The policies from Chapter 5 are listed here to further inform the discussion

must be in scale with existing neighborhoods.

2) Upgrading of residential streets to collector and arterial status shall be discouraged and shall only occur where a significant community wide need can be identified as part of the adopted Regional Transportation Plan.

3) Public and urban service requirements for developments, including transportation improvements shall minimize impacts on existing neighborhoods.

4) Mitigation of the effects of increased traffic on existing neighborhoods shall be paid for by the developments causing such effects on a proportionate basis, through the use of mechanisms such as impact fees, installation of traffic calming infrastructure, trail and pathway development and mass transit development.

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about the traffic impacts faced by the Collister and Plano neighborhoods.

When it comes to the traffic impacts, the neighbors characterize the permitting of this proposal as pitting their safety against that of the presumed new-comers. They have always had their secluded neighborhoods with only local traffic to contend with.

The Collister Drive issue is tough, as the existing road is problematic, it is narrow, with front-on housing and driveways, gutter in the center of the road, parking on both sides of the road. There are no plans to upgrade this section north of the entry into Quail Ridge.

The road can handle some additional traffic. It has 570 Average Daily Trips (ADTs) now, well below the 9,500 estimated for LOS D on a two lane collector cited by the District as the standard. The District projects 1,335 ADTs for buildout, more than doubling their traffic, yet well below the allowed standard.

The neighbors on Plano Lane are in a similar circumstance, with a 105 ADT traffic count on their road. It is functionally classified as a local road with a build-out impact of 870 ADTs for an eight-times increase. Plano Lane would be improved to 30 feet of pavement with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides from Hill Road to the current extent of the right-of-way.

The application has 21 lots on the Collister end of the property, for approximately, 210 ADTs, and the connection would add another 565 ADTs, according to ACHD. There would be increased auto and bike traffic from recreationists due to the opening of the road to Polecat Gulch Reserve.

The potential traffic impacts still seem great by comparison to the relatively small amount of traffic experienced today on Plano and Collister Roads, that are essentially dead-end streets.

The Highway District has conditions of approval for this proposal to provide off-site improvements to Plano Lane and Collister Drive. These improve-

ments would be funded by the developer. The required improvements on Plano do seem to mitigate the effects of the traffic impacts to Plano Lane as recommended in Policy 4. The required traffic signal at the intersection of Collister and Hill Roads are also designed to provide some relief to the neighborhoods and the greater area.

There is little to recommend in the area of mass transit in this proposal that would lessen the impact on the existing neighborhoods.

The proposed improvements to the road system are in scale with the existing neighborhood and the traffic impacts, although much greater than the existing traffic, do not exceed the functional classification standards for the local and collector roads. To that extent the proposal meets the policies of the Neighborhood Protection chapter of the FPP.

\*\*\*

#### Street Connectivity & Sidewalk Design

The proposed street pattern provides connectivity with public right-of-way to all adjoining properties with the exception of the parcel to the northwest. The applicant has provided an access easement to that parcel. The access from the project site to that parcel is very steep and not very practical. If and when that parcel is presented for development, there might be better access from an extended Plano Lane where dirt roads currently provide limited private access.

The sidewalk design will be addressed in the Subdivision analysis, for the most part. Staff was concerned by the lack of recommendation from the Ada County Highway District for a sidewalk on the existing lower Plano Lane. Their conditions would only require a four-foot stripped bike lane on the east side of lower Plano, and three-foot gravel shoulders on both sides.

Staff recommends that sidewalk shall be installed on the east then southerly side of the road from Hill Road and Plano Lane to the point of ingress/egress of the proposed subdivision to provide a safer pedestrian environment.

Staff recommends a detached sidewalk design with a landscaped strip on one side of the local roads within the proposed subdivision.

\*\*\*

*[Resume the Foothills Planned Development Ordinance]*

8. The crossing of designated open space, floodways, wetlands and areas of high wildlife habitat value with roads and infrastructure shall be avoided to the greatest extent possible.

9. A mixture of dwelling unit types is allowed, including single family and multi-family units.

10. Neighborhood commercial and service commercial uses are allowed, but they must be designed to reflect and conform to the height, mass, materials and site design of the residential structures in the PD.

11. Setbacks and other dimensional standards may be varied to suit the conditions.

B. Trails are required in Foothills Planned Developments according to the following:

1. There shall be public access to public trails contiguous to and/or intersecting the subject parcel(s).

2. Trail design should preserve the natural scenic and wildlife habitat values.

3. The *Ada County Ridge-To-Rivers Pathway Plan* shall be used as a guide for trail locations.

4. Trails shall be secured through dedication, easement or other such binding mechanism, and shown on the subdivision plat.

5. If no contiguous and/or intersecting public trails exist or are proposed, private trails may be established through the common open space area, provided that the design preserves the natural character and wildlife habitat value of the open space area.

Sub-sections 8 through 11 opposite are not issues with this proposal but are included for consistency in review of the FPDO.

***Trails - Analysis***

There is not much on the subject site offered for trails. There would be a street and sidewalk system, but Boise Parks and Recreation Department (BPR) does not advocate connecting to trails internal to the development.

Staff recommends that a private internal trail should be installed and maintained across the sand pit area that is to be re-constructed from the grading overage. The proposed trail would provide a recreational amenity for the residents and also provide a way to avoid the proposed onion conservancy to better protect that sensitive resource.

Boise Parks and Recreation Department has requested a right-of-way and street connection off-site of the subject property, at the end of the proposed extension of Collister Drive. They have requested an ACHD standard 50-foot radius cul-de-sac dedicated by the City, on the City's Polecat Gulch Reserve property that would provide public access to the Reserve. This request is also part of the proposed Development Agreement and thereby subject



to the re-zone ordinance. The Boise Parks and Recreation Department request includes a trail head, a driveway and parking for a dozen vehicles and truck and horse trailer, a sidewalk, sewer, power and water connections, and fencing. These requests were made in a letter to PDS dated July 7, 2007 and amended in a letter dated June 27, 2008 (See Exhibit G).

The applicant is largely in agreement with the request from BPR with the exception of the timing of the installation. The Foothills Conservation Advisory Committee requested the improvements in the first phase of the proposed project. The applicant has programmed the improvements for the second year of the development.

There are no Ridge-To-Rivers trail segments that intersect the subject site, so no connections are requested from BPR.

C. The general design and use of preserved open space shall comply with the following requirements:

1. Preserve contiguous areas of open space, both within the subject parcel and adjacent parcels, by aligning them along common corridors to the extent possible.

2. Maintain open space in a "natural condition," ungraded and left in indigenous plant species as much as possible. Noxious and invasive weeds are not considered part of the indigenous plant population and are not protected by this ordinance.

3. Preserve areas of highest wildlife habitat value and contiguous wildlife migration corridors in designated Wildlife Habitat Areas, as defined on the map, Figure 2-1, in The Plan. This requirement is subject to the approval of the Idaho State Fish and Game Department.

4. Preserve unique geologic and historic features, defined as Heritage sites and sites designated for historic preservation by City,

#### **Open Space Preservation - Analysis**

The request includes approximately 165 acres of open space dedicated to the Treasure Valley Land Trust for the purpose or preservation of approximately 82 acres of the Aase's Onion, a species of concern under Federal guidelines, and one of the three species so sanctioned in the Boise Foothills.

The proposal includes six separate onion fields that are separated by either roads and/or building lots. (See Exhibit J, stamped received dated June 30, 2008) This plan was recently revised due to concerns expressed by staff that the onion fields were not going to be adequately protected in the smaller areas, particularly those between rows of lots.

Exhibit J shows the approximately 5.5 acres of separated onion fields now included in the area to be deeded to the Teasure Valley Land Trust. Yet the small onion fields remain separated from the two largest parcels as discrete shapes irrespective of the adjacent parcel boundaries. One of the concerns all along has been that the smaller onion fields would be more difficult to protect and save from human encroachment.

Staff recommends that a good-faith effort to con-



State and Federal agencies.

5. Exclude development from geologic hazard areas, specifically landslide areas, and areas with unstable soils.

**11-06-05.07.06. Building and Grading Disturbance Envelopes**

1. Building envelopes depicting the limits of building footprints shall be shown on the final Conditional Use site plan for all structures and facilities in the planned development.

2. Parcels with slopes greater than 25% shall be shown on the Conditional Use permit with a disturbance envelope that defines the area outside of which no grading will be allowed. The purpose is to protect neighboring properties, storm water drainage systems, and other infrastructure from the collapse or failure of non-approved poorly designed cuts and fills.

**11-06-05.07.07. Ownership and Maintenance of Open Space**

Open space areas may be owned and maintained as follows:

1. Owned and maintained by and for the use of the homeowners' association of the project of which it is a part; or,

2. Joined with preserved open space lands held by any neighboring homeowner's association, or, preservation through an organization with adjacent lands held in permanent open space which would then be jointly maintained under an agreement contained in the Conditional Use Permit and/or Development Agreement with the City; or,

3. Dedicated or sold to the city, if recommended for approval by the Boise City Board of Parks and Recreation Commission, or other public agency, or private land trust for open space uses as may be approved in the Development Agreement and/or the Conditional Use

serve the small onion fields should include the dedication of the parcel upon which they rest to the Treasure Valley Land Trust as well.

**11-06-05.07.06. Building and Grading Disturbance Envelopes - Analysis**

The application includes a large set of plans, sheets C2.0 through C2.5, dated March 18, 2008, that depict the building footprint envelopes and slopes less than 25%. This set was used to evaluate the slopes for the density bonus. This is the final amended preliminary plat that shows the proposed 155 building lots.

All of the proposed 155 lots have slopes greater than 25%. The grading plans depict the majority of the development on fully graded out pads taken down to the same grade as the proposed road. The plans also show a 30-foot Wild Land Urban Interface building setback line. They also show a 30-foot setback from the edge of the grading.

**11-06-05.07.07. Ownership and Maintenance of Open Space - Analysis**

The request includes approximately 165 acres of open space dedicated fee simple to the Treasure Valley Land Trust for the purpose or preservation of approximately 82 acres of the Aase's Onion, a species of concern under Federal guidelines.

There would be small areas in control of the homeowners' association, including the reclaimed sand pit.

and approved by the City Council; or,

4. Other open space preservation strategies under sole or joint ownership, such as deed restrictions, or conservation easements, may be set up, and executed when approved by the city.

5. Where the goals and policies of the *Ada County Ridge-To-Rivers Pathway Plan*, the Boise City Heritage Preservation Committee: Potential Public Preservation Sites plan, *Boise City Comprehensive Plans* and/or *Ada County Comprehensive Plans* and their referenced plans specify the need for public trails or open space, easements for public lands or trails may be required as part of the development's permanent open space. These trails or open spaces may be held in private ownership with an easement, or may be purchased by the city, or dedicated to the city for that use by the landowner(s).

6. Specific agricultural or utility use exceptions may be permitted in open spaces, including livestock grazing, community gardens, irrigation ponds or storm water retention ponds. These uses shall not include buildings or structures except those necessary appurtenances required by those uses, such as dams and irrigation/drainage systems. These use exceptions shall comply with the policies of The Plan, shall be shown on the conditional use site plan, and shall not degrade the value of the permanent open space.

7. Fencing shall not encroach into or bisect preserved open space areas.

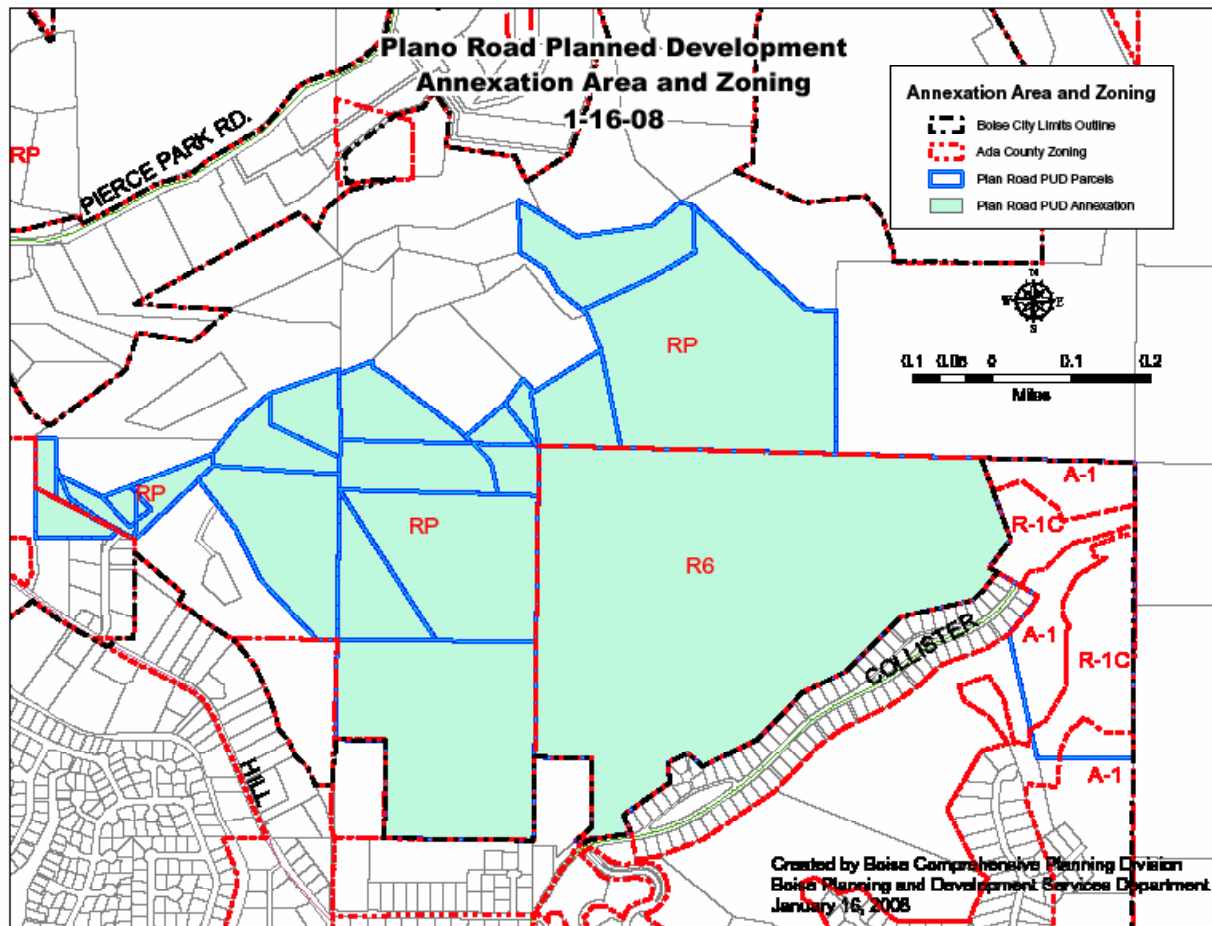
8. The city will accept no responsibility for the costs for maintenance of open space or recreational facilities unless the Boise City Board of Parks and Recreation Commission and the Boise City Council specifically approves such charges.

## Annexation

The proposed annexation involves 296 acres in Ada County zoned RP and R6. The remaining of 36.5 of the 332.75 acres are in Boise City Limits as a result of the Quail Ridge annexation, Ord. 5318, June 22, 1992.

The proposed annexation is contiguous with City Boundaries. The area is served by City sewer, Police, Fire and Parks and Recreation resources. United Water has indicated that they would provide municipal water supply via a water tank installation at the top elevation of the subject site, if approved. The subject site is adjacent to public rights-of-way.

Current Zoning for the Plano Lane Annexation Application	Current Zoning	Acres, Approx.
Sub-Total, Boise City	A-1	16.4
Sub-Total, Boise City	R-1C	20.1
<b>Total Boise City</b>		<b>36.5</b>
Sub-Total, Ada County	R6	122.9
Sub-Total, Ada County	RP	173.1
<b>Total Ada County/Annexation Total</b>		<b>296.0</b>



The *Foothills Policy Plan* Goal 1, Objective 2 Policy 5 supports development in the Western Foothills Planning Area.

The subject property is in the City's Area of Impact and the proposal honors that agreement with Ada County. The site is subject *Boise City Comprehensive Plan* and the *Foothills Policy Plan* and the proposal is generally in compliance with those plans.

Staff recommends annexation of the proposed properties with the zoning prescribed by the Foothills Planned Development Ordinance in R-1A/DA (Single family residential with development agreement) and A-1/DA (Open Space with development agreement) zones.

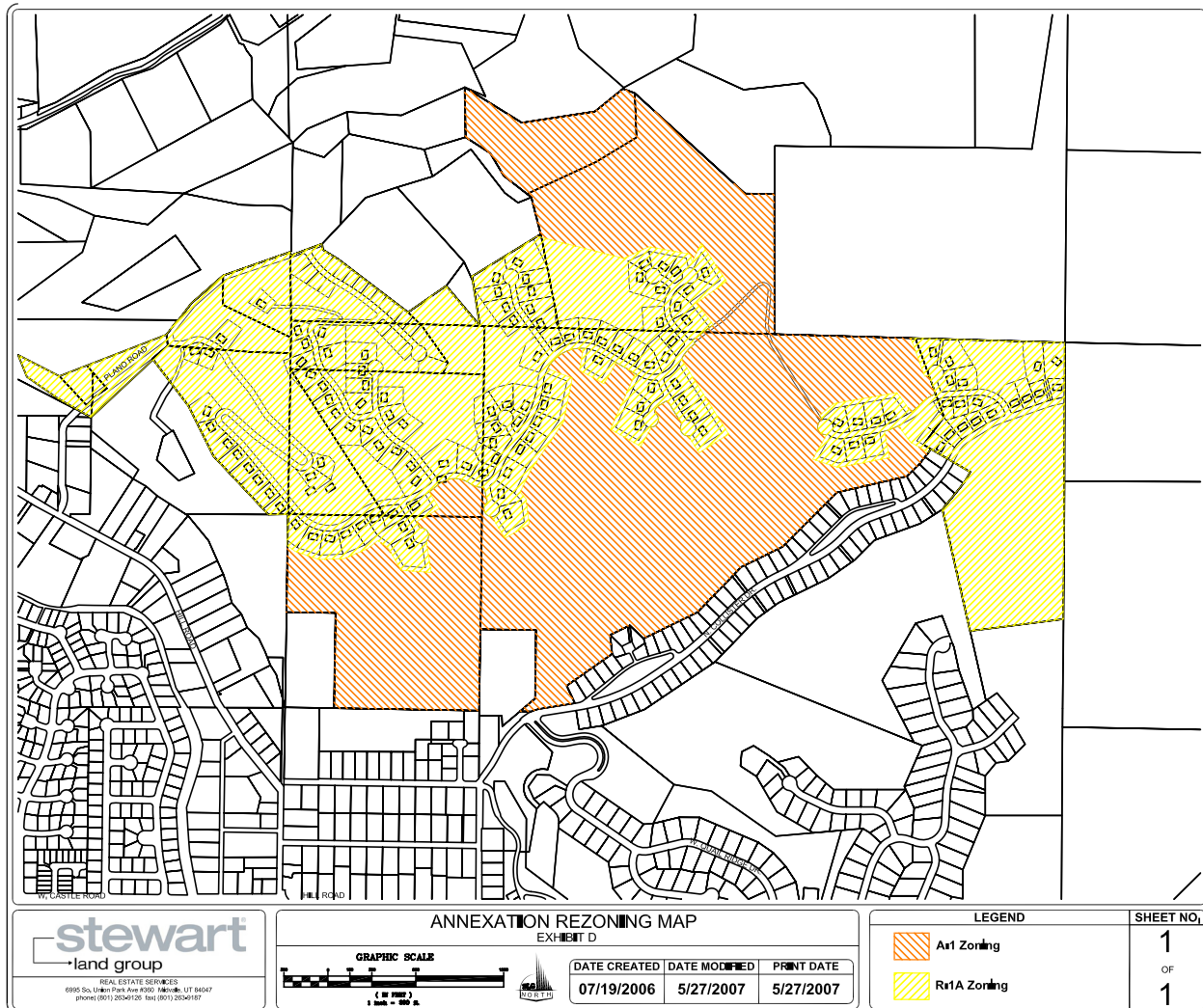
## Zone Amendment

The zoning proposal involves 97.84 acres of the developed area in the R-1A/DA (Single family residential with development agreement) and 234.91 acres in the A-1/DA Zone (Open space with development agreement). The respective zones are shown on the following map.

The proposed zones are in compliance with the Foothills Policy Plan and the Foothills Planned Development Ordinance. The R-1A/DA Zones are comprised of the built portion of the proposal and the A-1/DA areas are the set-aside areas for permanent open space as further described in the proposed development agreement, Exhibit J. The delineation of the zoning criteria is found in Section 11-06-05.07.03 General Application and Development Requirements. Item 3 states

3. Upon annexation the buildable areas of the PD shall be zoned R-1A, Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned "A" Open.

These standards will have been met with the applications under consideration.



#### Summary:

The Plano Road Subdivision proposal on one hand is a typical application for a 155 lot residential subdivision, but it is in the very complex setting and environment of the Boise Foothills. The

complexities arise from both the land forms and the regulatory structure. Development is more difficult and costly on the steep hillsides where human activities compete with the wildlife habitat that is the cherished signature of Boise City and the Treasure Valley. Living in this environment is also richly rewarding.

## Staff's Recommendation:

Staff recommends approval of the annexation of +/- 296.12 acres, and the rezone of +/- 332.75 acres with zoning designations of R-1A/DA (Single family Residential with a Development Agreement, 2.1 DU/Acre) and A-1/DA (Open Land with a Development Agreement), requested in CAR07-00042/DA with the proposed development agreement, the conditional use permit for 155 dwelling units within a Foothills Planned Development, CUP07-00084, with conditions of approval, and Hillside and Foothills Area Development Permit, CFH07-00022, with conditions of approval.

\*\*\*

## 4. Reasons for the Decision

### ANNEXATION

#### Section 11-06-03.03 Commission Shall File Recommendation

The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

- A. That the annexation shall incorporate the Boise sewer planning area.
- B. Honor negotiated area of impact agreements.
- C. Attempt to balance costs of services with anticipated revenues.
- D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

#### Section 11-08-05 ANNEXATION

Requests for annexation of property into the City of Boise must be heard by the City Council after receiving recommendation by the Planning and Zoning Commission, and must meet one or more of the following conditions:

- A. The land lies contiguous or adjacent to the City or to any addition or extension thereof has been divided into parcels containing not more than five (5) acres of land each; or
- B. Any property owner by or with his/her authority has sold or begun to sell off such contiguous or adjacent land by metes and bounds into parcels not exceeding five (5) acres; or
- C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or
- D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.



## RECLASSIFICATION OF ZONING DISTRICTS

Section 11-06-01.01 Power to Amend

Section 11-06-01.03 Public Hearing

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. The recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

- A. Comply with and conform to the Comprehensive Plan; and
- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.
- C. Maintain and preserve compatibility of surrounding zoning and development.

## CONDITIONAL USE PERMIT

Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

- A. That the location of the proposed use is compatible to other uses in the general neighborhood; and
- B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and
- C. That 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 title; and
- D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and
- E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.
- F. Multiple family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The Commission or committee must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

\*\*\*

## 5. General Information

### Notifications:

Neighborhood Meeting held on: April 9, 2008

Newspaper notification published on: May 24, 2008

Radius notices mailed to properties within 300 feet on: May 22, 2008

Staff posted notice on site on: June 25, 2008

### Size of Property:

± 332.75 Acres

### Land Use

#### Existing Land Use:

The site is currently vacant for the most part with two parcels occupied by single-family residences.

#### Hazards:

The site is steep and hilly with the difficulties presented by that type of terrain.

#### Adjacent Land Uses and Zoning:

North:	Vacant mostly with three single family dwellings on the perimeter / RP Ada County (Rural Preservation)
South:	Single-Family Residences / R-1B (Single-Family Residential)
East:	Vacant, Polecat Gulch Reserve / RP Ada County (Rural Preservation)
West:	Vacant / RP Ada County (Rural Preservation)

#### Setbacks

R-1A	BUILDING SETBACKS		PARKING LOT AND SERVICE DRIVE SETBACKS	
	Standard	Rear or Side Yard Abutting a Residential Use or District	Standard	Rear or Side Yard Abutting a Residential Use or District
Front/side adj. to street	20'	30'	20'	20'
Interior side & rear yards - 1 story	5'	10'	5'	10'
2 or more stories	5'	10'	5'	10'
Yards adjacent to the Interstate or Connector	20'	NA	10'	NA

\*The applicant is proposing to meet or exceed all required perimeter setbacks. The exceptions to interior setbacks are outlined below.

\*\*\*

#### Parking

Land Use	Unit Of Measure	General (Parking Space)
Single Family Residential	Per Unit	2

\*\*\*

## 6. Boise City Comprehensive Plan

This project is located in the Foothills Planning Area with the following specific or applicable goals, objectives and policies in the Boise City Comprehensive Plan and the Foothills Policy Plan.

### Policy 8.19

Land use and development policies specific to the Foothills Planning Area shall include the following:

- 1) The Foothills Policy Plan, adopted by the City Council on March 4, 1997, is adopted into and is a part of the Boise City Comprehensive Plan, subject to all of the stated purposes and procedures of the Comprehensive Plan.
- 2) The Foothills Policy Plan contains goals, objectives and policies addressing the issues of land use and general development; environmental protection and open space preservation; scenic and aesthetic concerns; recreation and open space preservation; neighborhood protection; and transportation, infrastructure and services. These goals, objectives and policies should guide the land uses and development in the Foothills.

\*\*\*

Additional Boise City Comprehensive Plan Goals, Objectives and Policies

## CHAPTER 6 TRANSPORTATION

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### Objective 6.1.3

Encourage completion of the existing street system and creation of new links, within reasonable constraints, as the transportation system develops.

\*\*\*

### Policy 6.1.3.6

All new development shall be reviewed for appropriate opportunities to connect to local roads and collectors in adjacent developments.

\*\*\*

## CHAPTER 7 COMMUNITY QUALITY

### Objective 7.2.3

Provide for the protection of character and the enhancement of services in existing residential neighborhoods.

\*\*\*

## CHAPTER 8 LAND USE

### Objective 8.1.1

The land-use map and attendant policies shall be the official guide for development of the planning area and shall be implemented through zoning and development review.

### Policy 8.1.1.2

Zone change requests that are consistent with the Land Use/Zoning Consistency Matrix and the policies of the Boise City Comprehensive Plan should be approved by the City pursuant to appropriate findings related to service levels and other requirements of the Boise City Comprehensive Plan.

\*\*\*

### **Objective 8.1.6**

Residential landuses shall be designated to provide a variety of housing densities, product types and affordable costs, and shall be located and distributed in a manner that is compatible with adjacent uses and promotes transit and pedestrian activity.

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## **Foothills Policy Plan**

### **Chapter 1 - LAND USE AND GENERAL DEVELOPMENT**

#### **GOAL**

To share growth throughout the community and to reduce the impacts of urban sprawl, controlled development of appropriate Foothills areas shall be allowed pursuant to standards and conditions that are protective of the Foothills, wildlife and neighborhoods.

#### **Objective 1**

The location of development will avoid environmentally sensitive areas such as waterbodies, floodways, landslides and fault zones, steep slopes, and unstable soils, and shall protect wildlife and habitat areas. Development shall be regulated in the flood plain.

#### **POLICIES**

- 1) Development shall be prohibited on slopes of 25% grade or greater, and within designated floodways. Necessary infrastructure and utilities may be placed within these areas subject to proper engineering and compliance with other policies of this plan.
- 2) Development within areas of landslides, fault zones, and unstable soils shall be prohibited, unless the Project Engineer can demonstrate to the City Engineer that these site limitations can be overcome. The intent is to prevent hazards to life and property, and lessen the adverse effects of development on the safety, use or stability of public ways and drainage channels. The risk evaluation will be based on engineering reports which will be subject to peer review.
- 3) Environmental and wildlife features, such as wetlands, threatened plant species, riparian areas, big game winter range, and sensitive wildlife habitats shall be maintained through clustering of development away from those features, and development limitations.

#### **Objective 2**

The Land Use Map for the Foothills adopted with this plan shall be considered to be a generalized depiction of potentially buildable areas. Further determination of the amount, type and location of development shall be made pursuant to the following policies and other applicable policies contained in the Foothills Policy Plan and the Boise City Comprehensive Plan documents.

- 1) The Foothills Land Use Map provides a generalized depiction of potentially buildable areas based upon slope. At the time of zone change or development application, the developer shall submit detailed documents depicting wildlife habitat areas, existing slopes, geology and soils. This data shall be used to make more detailed determinations regarding the extent of the buildable area governed by the policies of this plan and the "Hillside and Foothill Area Development" ordinance.
- 2) Areas designated on the Land Use Map (Figure 1 - 1) as Buildable are generally characterized by slopes less than 25% grade. The base density shall be 1 unit / 40 acres plus a density bonus formula (See Figure 1 - 2). Within the buildable areas there may be pockets of land greater than 25% slope. The exis-

tence of such areas shall be documented by the developer through detailed slope surveys as part of the application. Within such areas, the base density shall be 1 unit / 40 acres and density credits must be transferred to areas of less than 25% slope.

3) Areas designated on the Land Use Map as Slope Protection Areas are generally characterized by slopes that exceed 25%. Within such areas, the base density shall be 1 unit / 40 acres. Within Slope Protection Areas there may also be pockets of land that are less than 25% slope. The existence of such areas must be documented by the developer through detailed slope surveys. Density for these pocket areas shall be 1 unit / 40 acres, plus additional units allowed under the density bonus.

4) In buildable areas density bonuses may be granted in return for the provision of permanent open space. As the amount of permanent open space increases, the allowable density shall also increase according to the Density Bonus Formula. Only areas of less than 25% slope on parcels greater than 1 acre in size may be counted in the open space/density bonus calculations. All open space credited for density bonus purposes must remain in a primarily natural condition with the goal to maintain it for wildlife habitat and recreational uses. Such areas may remain as private open space, may be used for public trail easements, or may be dedicated to a public land trust or other group for conservation management purposes. Within the mapped Wildlife Habitat Areas, (See Figure 2 - 1) the open space areas shall be located to form continuous corridors subject to the review and recommendation of the Idaho Department of Fish and Game.

[FIGURE 1-1 LAND USE MAP]

5) Foothills developments shall be reviewed with the following priority considerations depending upon location:

- a. The Western Foothills (Highway 55 to 36th Street) shall be considered to be the first priority area for development, subject to adequate street capacity and infrastructure.
- b. The Central Foothills (between 36th Street and 8th Street) shall be developed only to the extent that it can be demonstrated that traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required.
- c. The Eastern Foothills (east of 8th Street) shall be the highest priority area for open space acquisition. Where clustered developments are proposed, the Idaho Department of Fish and Game shall be asked to provide advice regarding the most desirable locations to maintain open wildlife corridors which comply with the Idaho Department of Fish and Game management plans.

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Figure 1 - 2

Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation

- 1) Base Densities: The base density shall be one unit per 40 acres for all areas designated as buildable (less than 25% slopes) and non-buildable (greater than 25% slopes).
- 2) Density Credit Transfer: Density credits for non-buildable areas may be transferred to buildable areas at a rate of one unit per 40 acres.
- 3) Density Bonus: Density Bonuses earned through open space preservation will be in addition to the one unit per 40 acres base density.

Density Bonus Formulas

Open Space Preservation	Density Bonus Within
Within Buildable Areas	Buildable Areas*
25%	.50 units/acre

50% 1.5 units/acre  
75% 3.0 units/acre

\* The transfer of density rights from one parcel to another is allowed and encouraged under this plan. The method of calculating the available density on a given parcel for transfer to another parcel will be detailed in a future implementing ordinance.

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6) All zone change and development applications shall include traffic impact analysis as required by the Streets Section of the Transportation Chapter of the Boise City Comprehensive Plan. Approval of the application shall be contingent upon findings regarding protection of service levels, as designated by the traffic plan of record, and use of traffic management strategies.

7) All zone change and development applications shall be filed as Planned Unit Development (PUD) proposals. The PUD application shall demonstrate compliance with all applicable requirements of the Foothills and Comprehensive Plans, including design guidelines, provision of public facilities, habitat protection and fire protection.

#### Objective 3

A mixture of land uses and housing densities shall be permitted in the Foothills in order to accommodate a variety of housing, shopping, transportation, public facility, recreation and wildlife needs.

1) Proper development shall reflect the multiple roles that gulches play including, but not limited to, transportation corridors, flood control, trail access, recreation, wildlife and environmental attributes.

2) Limited commercial and office development shall be considered in Foothills planned developments. Commercial and office uses shall be predominantly neighborhood related and located in areas where:

- a. The slopes are 15 percent (15%) or less; and,
- b. They are adjacent to activity centers, clustered development or the intersections of collector or arterial streets; and,
- c. By their proximity to residential uses would reduce vehicular trip generation. Such development should be compatible with the design and size of the surrounding neighborhoods.

3) Employment center uses may be considered as part of Planned Development proposals, given that they meet a standard of land use intensity not unlike adjoining residential uses. Acceptable uses will be held to design and environmental protection standards, and shall not produce traffic greater than that generated by residential uses for the same amount of land.

4) A mixture of densities and housing types shall be encouraged in the Foothills.

Multiple family dwelling developments shall be located:

- a. Near dedicated open space, schools, or parks; or
- b. Adjacent to arterial or collector streets; or
- c. Near commercial/community activity centers.

5) Density transfers between parcels of different ownership and/or the same ownership, and clustering of development shall be allowed, and in some areas required, as a means of protecting sensitive areas by maintaining open space and allowing for more efficient urban services.



6) Gated developments in the Foothills are prohibited due to the potential for such development to restrict or delay emergency response in the Foothills.

## 5.0 NEIGHBORHOOD PROTECTION

### GOAL

To preserve, enhance and protect neighborhoods and developed areas from unacceptable adverse impacts resulting from Foothills development.

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### Objective 1

Foothills developments shall be compatible with and complementary to adjacent neighborhoods.

### Policies

1) Substantial density, intensity or design changes shall only be allowed by creating transitional uses or buffers so that abrupt changes are avoided.

2) Foothills developments, adjacent neighborhoods, schools, and open spaces shall be linked with a pedestrian pathway system which is distinct and separate, where feasible, from the roadway system.

3) Internal neighborhood connections shall be provided through varied design provisions, including sidewalks and paths.

4) Sidewalks will be provided on at least one side of all Foothills roads with appropriate landscaped buffers. In lieu of a second sidewalk on the opposite side of the road, an adequate bicycle and pedestrian pathway system shall be provided. Sidewalk buffer requirements and pathway designs will conform to the Foothills Uniform Design Guideline Manual criteria.

5) Where streets or other public services within and through the built community will be negatively affected by new developments, new projects will provide or make contributions toward effective mitigation to protect public health, safety, and welfare in the built community as well as in the newly developed areas.

6) The planned unit development is the required Foothill development mechanism, as regulated by Section 11 06 05 on the Boise City Zoning Ordinance, because it is the most effective tool for solving problems associated with traffic, terrain, aesthetics, intra , and inter neighborhood connections for urban density developments. Planned unit developments will be required as a means to provide adequate buffers for transitional uses between adjacent existing developments.

### Objective 2

Neighborhoods affected by through traffic will be protected.

1) Improvements to the transportation system need to balance the long term development objectives with protection of neighborhoods and must be in scale with existing neighborhoods.

2) Upgrading of residential streets to collector and arterial status shall be discouraged and shall only occur where a significant community wide need can be identified as part of the adopted Regional Transportation Plan.

3) Public and urban service requirements for developments, including transportation improvements shall minimize impacts on existing neighborhoods.

4) Mitigation of the effects of increased traffic on existing neighborhoods shall be paid for by the developments causing such effects on a proportionate basis, through the use of mechanisms such as impact fees, installation of traffic calming infrastructure, trail and pathway development and mass transit development.

5) The City Planning and Community Development Department shall annually monitor street capacity as it is consumed by Foothills development and shall be prepared to limit Foothills development as capacity is reached. Capacity shall be determined according to a formula to be defined jointly by Boise City, Ada Planning Association (APA) and Ada County Highway District (ACHD) and adopted in a governing Foothills Transportation Plan.

## 7. Boise City Zoning Ordinance

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### Section 11-04-04-.01 General Standards

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#### Section 11-04-03.02 Purpose of R-1A, R-1B and R-1C Districts

It is the purpose of the R-1A, R-1B and R-1C District Classifications to provide various regulations and districts for predominantly single family residential uses within the urban community. Land may be classified to these respective classifications in conformity with the goals and objectives of the Comprehensive General Plan, for location, topographic or other reasonable purposes to guide the physical growth and stability of the City.

#### Section 11-04-09.02.01 Purpose A-1 District

It shall be the purpose of the Open Land or A-1 District classification to provide a zoning district within the City for low density residential use and land uses requiring larger land areas for development such as parks, schools, golf courses, agriculture, rural residential neighborhoods, and other uses in conformity with the Comprehensive Plan. The regulations set forth in this Section shall apply in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any A-1 District.

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### Section 11-06-01 AMENDMENT, RECLASSIFICATION

#### Section 11-06-01.01 Power to Amend

This Ordinance may be amended whenever the Council deems that amendment is required for the public convenience or necessity, or for the general welfare. Any amendment to this ordinance shall be enacted pursuant to this section. The amendment of this Ordinance or the reclassification of zoning districts may be initiated by the City Council, the Planning and Zoning Commission or by one or more property owners or holders of valid options to purchase property. The procedures set forth in this Section shall apply to any measure to change district boundaries, reclassify districts, to change district regulations, to add, repeal or amend district regulations and to add, repeal or amend any other provisions of this Section or the whole of this Ordinance.

#### Section 11-06-01.03 Public Hearing

The Planning and Zoning Commission shall advertise, provide notice and conduct a public hearing in accordance with Section 11-3-6 of this Ordinance for each application to amend this Ordinance or to reclassify a zoning district.

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. The recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

- A. Comply with and conform to the Comprehensive Plan; and
- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.
- C. Maintain and preserve compatibility of surrounding zoning and development.

Failure of an application to meet these findings shall not prevent the request from being forwarded to the City Council for consideration after Commission review. Notice of the Commission's recommendation shall be included in the notice of the public hearing of the City Council.

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#### Section 11-06-04 CONDITIONAL USE PERMITS

##### Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

- A. That the location of the proposed use is compatible to other uses in the general neighborhood; and
- B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and
- C. That 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 title; and
- D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and
- E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.
- F. Multiple family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The Commission or committee must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

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#### Section 11-06-05 PLANNED DEVELOPMENTS

##### Section 11-06-05.01 Justification

A planned development is a parcel of land which is planned and developed as a unit under single

ownership or control, containing one or more uses, buildings and common open space or recreational facilities.

The planned development process provides an opportunity for land development that preserves natural features, allows efficient provision of services, and provides common open spaces or other amenities not found in traditional lot-by-lot development. The process also provides for the consistent application of conditions of approval for the various phases of a planned development. Every planned development requires a conditional use application, and shall be subject to all conditional use procedures.

#### Annexation

##### Section 11-06-03.03 Commission Shall File Recommendation

The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

- A. That the annexation shall incorporate the Boise sewer planning area.
- B. Honor negotiated area of impact agreements.
- C. Attempt to balance costs of services with anticipated revenues.
- D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

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##### Section 11-08-04 COUNCIL ACTION, AMENDMENT AND RECLASSIFICATION

The Council is prohibited from amending, supplementing, changing, modifying or repealing any provisions of the Zoning Ordinance or Comprehensive Plan until the substance thereof has first been referred to and reported upon by the Planning and Zoning Commission.  
(5916, Amended, 05/18/1999)

##### Section 11-08-04.01 Amendment and Reclassification: Power to Amend

This Ordinance may be amended whenever the Council deems that amendment is required for the public convenience or necessity, or for the general welfare. Any amendment shall be enacted pursuant to this section, and for purposes of this Section, includes any measure to change district boundaries, establish or disestablish districts, to change district regulations, to add, repeal or amend district regulations, and to add, repeal or amend any other provisions of this Section or the whole of this Ordinance.

If the requested ordinance amendment or reclassification is found by the Council to be in conflict with the adopted Comprehensive Plan, the Council may consider an amendment to the Comprehensive Plan. After the Plan has been amended, the Zoning Ordinance may then be considered for amendment. The zoning districts shall be in accordance with the policies set forth in the adopted Comprehensive Plan.  
(6006, Amended, 07/25/2000)

##### Section 11-08-05 ANNEXATION

Requests for annexation of property into the City of Boise must be heard by the City Council after receiving recommendation by the Planning and Zoning Commission, and must meet one or more of the

following conditions:

- A. The land lies contiguous or adjacent to the City or to any addition or extension thereof has been divided into parcels containing not more than five (5) acres of land each; or
- B. Any property owner by or with his/her authority has sold or begun to sell off such contiguous or adjacent land by metes and bounds into parcels not exceeding five (5) acres; or
- C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or
- D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.

#### Section 11-08-09 DEVELOPMENT AGREEMENTS

##### A. Purpose.

The purpose of a Development Agreement is to provide a vehicle for development in areas and for uses where, in the opinion of the Council or the Commission, approval of a requested rezone by itself does not satisfy the requirements set forth in the Zoning Ordinance for rezone approval; but, that use of a development agreement will assure compliance with the required rezone findings and conclusions. Development agreements can be used after a determination has been made that the proposed rezone by itself is not appropriate, unless the use of a development agreement could allow development to proceed under stricter restrictions than those imposed generally in the proposed zoning district. Nothing in this section shall be construed as relieving the property which is subject to development agreement restrictions from further compliance with all other permit and code requirements applicable because of the zoning designation of the property. Restrictions imposed upon property as a result of a development agreement are in addition to all other zoning ordinance requirements.

B. After an application for rezone has been received in the Planning Division, a request to enter into a development agreement for that parcel may be submitted by the rezone applicant; or, a development agreement may be required by Council at Council's rezone hearing, or may be required by Council upon recommendation from the Commission following the Commission's rezone hearing.

1. In the event of a recommendation by the Commission that a development agreement should be entered into, the rezone shall be forwarded to the City Council with a recommendation that the requested rezone be denied or that it be remanded to the Commission, with the Council requiring an application for a development agreement to be submitted by the applicant. If, however, the applicant agrees to submit an application for a development agreement, then the Commission shall defer its recommendation to the City Council on the rezone application until a public hearing is held on the development agreement application. After the public hearing on the development agreement application is held, the Commission shall forward its recommendation on both the rezone and development agreement requests to the City Council.

2. In the event of a determination by the Council that a development agreement should be entered into, the Council shall remand the matter back to the Commission, with the Council requiring an application for a development agreement to be submitted by the applicant, unless the applicant has already done so and a public hearing was held under subsection 1. above. The Council shall, upon remand, direct the Commission on the specific issues to be addressed by the development agreement. The Commission shall then proceed as specified in this Section.

3. In the event a developer seeks to enter into a development agreement, the developer's application for

a development agreement shall be taken to the Commission at the time of the scheduled rezone hearing. The Commission shall, following consideration of the rezone and development agreement applications, forward its recommendation to the City Council regarding each of the applicant's requests.

C. In the event of (1) or (2) above, all time limits required by the City Code may be stayed upon affirmative vote of the Council or Commission.

#### Section 11-10-06 OFF-STREET PARKING REQUIREMENTS

Each residence shall have two off-street parking stalls in compliance with the provisions of this ordinance.

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## 8. Recommended Conditions of Approval

### Site Specific

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on March 27, 2008 and amended April 18, 2008, except as may be modified by the Boise City Planning and Zoning Commission, or Staff, or expressly modified by the following conditions:
2. The applicant shall construct sidewalks along the frontage of Plano Lane and the project section of Collister Drive. The sidewalk on Collister Drive shall extend to the off-site cul-de-sac on the Polecat Gulch Reserve property and terminate at the trail head. If the sidewalk is located outside of the right-of-way, the applicant will be required to provide ACHD with an easement for the sidewalk. A sidewalk shall be added on the east side of Plano Lane from Hill Road to where it enters the project site.
3. Provide a recorded cross access agreement among the lots for access to the public street system, prior to issuance of a Building Permit for lots with shared driveways.
4. This approval shall be for a maximum number of 151 dwelling units as specified in the Development Agreement for CAR07-00042/DA.
5. Development of the site shall be subject to design review criteria detailed in Exhibit L of this staff report. The design review process is delineated in the accompanying development agreement, Exhibit J. All structures in the development are subject to the site and landscaping criteria supplied by Boise Fire Department and Idaho Department of Fish and Game. Development lots situated on prominent ridgelines are subject to design criteria for the structures with the goal to minimize the visual impact on the landscape. These lots are depicted in Exhibit M.
6. The following conditions and guidelines from The Idaho Department of Fish and Game letter, dated June 27, 2008, shall be included in the homebuyer's disclosure statement and the



CC& Rs.

- a. The following language shall be incorporated into a homebuyer's disclosure statement and signed by all residents of the Plano Road Subdivision: This area has been identified as wildlife habitat. Damage to landscaping and personal property from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Neither Ada County nor the State of Idaho will be liable for wildlife depredation and/or damage.
- b. The following items shall be included in the homeowner codes, covenants, and restrictions:
  - i. Big game animals shall not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.
  - ii. Domestic pets must be confined or under the owner's control at all times. Freeroaming dogs and cats pose a threat to many wildlife species.
  - iii. Fences in the Plano Road Subdivision must be of a design that does not pose an undo risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208)465-8465 for additional guidance on wildlife friendly fence design.

In addition, the following list is the Department's general recommendations to minimize the adverse impacts to wildlife from housing developments in wildlife habitat. We would ask that this information be provided to the developer and in turn to potential residents.

- c. Native vegetation communities should be protected to the greatest extent possible. This includes native grasses, forbs, and shrubs. It is much easier to protect this vegetation initially than to attempt to revegetate disturbed areas. Native plants are generally difficult to locate in nurseries, they can be extremely challenging to restore, and are quite expensive. Disturbed sites should be mitigated elsewhere on the property. Disturbance can be minimized through clustering of homes, which results in a minimum of infrastructure development.
- d. Known migration routes or movement corridors of big game animals should not be disturbed by development. Migrating big game animals generally follow traditional migration routes from summer ranges to lower elevation transition and winter ranges. Deer migrate along well-established routes and are fairly predictable, while elk are more nomadic. Recommendations include clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space.
- e. Domestic stock such as horses, llamas, and cows should be fed in distinct, fenced

enclosures that are off-limits to big game. All feed should be stored in sheds or enclosures out-of-sight of big game animals. If deer and elk can see it, they will attempt to eat it! Elk are big, strong animals and can wreak havoc on exposed feed areas. Domestic fowl should be housed in wildlife-proof homes since they are very vulnerable to predators such as coyotes and fox.

- f. When observing wildlife, maintain a safe distance. Do not disturb their normal activities. Resist the temptation to “save” baby animals, as their parent(s) are generally nearby.
  - g. Effective means to protect ornamental trees and shrubs from being eaten by wildlife include wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife
  - h. Bird feeders should be routinely cleaned to prevent the spread of disease.
  - i. Any burning of trash or vegetation on properties adjacent to wildlands should be carefully monitored and under control at all times. Fireworks should be avoided. Dry, brittle vegetation lights easily and fires spread rapidly. Wildfires are dangerous and pose a tremendous threat to human life and property, public lands, and wildlife habitat.
  - j. High numbers of big game animals on limited winter range attract predators such as mountain lions and bears. Precautions that should be followed include a) making noise as you come and go in the morning and at night, b) installing outside lighting, c) make it difficult for predators to approach your house unseen by avoiding planting dense vegetation near your home, d) keep your pets under control and bring them indoors at night since they are easy prey for predators, e) place livestock in enclosed sheds or barns at night.
1. All conditions of the Boise Fire Department report dated June 27, 2008 (Exhibit A) shall be complied with. Any deviation from this plan is subject to fire department approval. The Developer shall implement the measures spelled out in the “Plano Road Fire Prevention Plan” submitted with the application and dated May 31, 2007, and amended to provide more detail as directed by the Boise Fire Department. The amended plan will be included in the CC&Rs for the Homeowners’ Association, and it will also be part of the design criteria review by PDS staff at the building permit review stage as described in the Development Agreement (Exhibit J) Item Number 8.
- a. Foothills development located outside of the 1.5 mile driving distance or four minute response time from fire stations shall require an approved fire sprinkler/suppression system in dwelling structures.
  - b. The use of Class A (noncombustible) roofs within all Foothills developments shall be required. This shall include retrofit for houses which are to have at least 50% or more

of the roof area remodeled or replaced.

- c. Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet.
- d. Emergency and/or secondary access shall be provided in all Foothills subdivisions.
- e. Structures bordering any open area with natural vegetation shall use fire rated roofing materials, siding, decking material and fencing.
- f. All newly constructed Foothills structures shall be protected by a landscaped fire break.
- g. The maximum building envelope for development sites must be identified on each parcel to provide adequate access around structure for fire protection, and to provide a fire break.
- h. A fire safety plan shall be filed with the Planned Unit Development application to include safety measures to be used during the construction phase, and plans for fire prevention and emergency evacuation in case of a wildfire. This plan will be an enforceable part of the PUD approval agreement. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management. The cost of fire plan preparation and review shall be the responsibility of the applicant. The fire protection plan shall be retained by the code official.
- i. Fire safety and protection measures to reduce the threat of wildfires shall be incorporated into the design in accordance with Uniform Fire Code and Boise City Code Title 7. Such measures shall include internal residential sprinkling systems, defensible space for the structures and the provision of safe evacuation routes for residents in case of wildfire.
- j. 2006 International Wildland-Urban Interface Code 403.3 and 404.3 Fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.
- k. Draft sites. Approved draft sites shall be provided. The design, construction, location,

access and access maintenance of draft sites shall be approved by the code official.

- l. For streets having a width less than 36 feet back of curb to back of curb parking shall be restricted on (1) one side; for streets having a width less than 29 feet back of curb to back of curb parking shall be restricted on both sides; and for standard ACHD cul-de-sacs 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.
  - m. Fire hydrant location and distribution shall meet requirements of International Fire Code Appendix C.  
No fire hydrants have been noted. In the absence of information on existing hydrants it appears that many new hydrants may/will be needed. However, we reserve the right to modify requirements as more information comes to light. Variables affecting hydrant numbers and location include, but are not limited to, area, construction type, existing hydrants, accuracy of information provided in the application, strategic location for fire fighting forces, and required fire flow. New hydrants must be “non-private” installations.
  - n. 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.
  - o. 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 building permit application.
1. Specific building construction requirements of the Uniform Building and Uniform Fire Codes will apply. However, these provisions are best addressed at the Building Permit application.
  2. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, and hydrology per department comments dated May 19, 2008 (Exhibit B), and May 20, 2008, Preliminary Hydrology Report (Exhibit C), May 28, 2008, Plano Road Sub Grading (Exhibit D), and per the memorandum from the Solid Waste/Ground Water and Street Lights Managers dated January 16, 2007 (Exhibit E). Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved Storm Water Plan must be resubmitted to BCPW for approval.
  3. All of the Ada County Highway District conditions of approval related to the development of the subject property shall be complied with per staff report date stamped received May 30, 2008 (Exhibit F), and amended by the following conditions approved by the Commission on June 25, 2008 per a letter date stamped received June 30, 2008.

Staff has reviewed the issues and concerns raised by the Commission at the May 28th Commission Meeting and recommends the Findings and Site Specific Conditions of Approval be revised to reflect the following:

1. To address the concerns of fire safety, emergency services and mitigation of construction traffic staff recommends:
  - a. Require the applicant to construct an emergency/construction access road between Collister Drive and Plano Road with the first phase of the development.
  - b. The access road shall be a minimum 20-foot wide gravel roadway meeting the loading requirements of the Boise City Fire Department.
  - c. The access road shall be gated and access restricted to emergency services and construction traffic only.
2. To improve safety at the Plano Lane / Hill Road intersection with the anticipated construction traffic staff recommends:
  - a. Require the applicant to widen Plano Road at the Hill Road intersection to 40-feet of pavement to allow a right turn lane and left turn lane southbound on Plano and one northbound lane as well as the 4-foot bike/pedestrian area on the east side. The additional pavement width should extend 50-feet back from Hill Road and then taper to the 30-foot street section.
  - b. The design of the Plano Lane / Hill Road intersection should be coordinated with District staff to explore and implement measures to improve the site distance and awareness at this intersection, and shoulders along Hill Road should be widened as much as possible within the confines of the existing right-of-way. As noted in the original staff report, the site distance meets the minimum required for the posted speed. However, a speed study did indicate that a significant number of drivers are exceeding the posted limit. Measures could include trimming vegetation in the existing right-of-way or within any easement areas the District may be able to voluntarily acquire.
  - c. The District should provide a report and special recommendation to the City of Boise regarding the speed study conducted by the District to request increased enforcement in this area.
3. To address concerns of winter safety staff recommends:
  - a. The roadway connection not be made until necessitated by traffic demands from the development. If the roadway is opened prematurely the District will be required to perform winter maintenance for a limited number of drivers to reduce the risk of accidents.

4. To address the concerns of general connectivity staff recommends:

- a. A public roadway shall be required to connect Plano Lane and Collister Drive.
- b. The applicant has proposed an alternative to the original threshold of 80 lots recommended by staff. The applicant proposes that the connection be constructed as a public roadway after platting 53 lots, 36 lots off of Plano Lane and 17 lots off of Collister Drive. Staff supports this proposal as a reasonable compromise when considered in total with the other recommendations above. Therefore, staff recommends that the public roadway connection between Plano Lane and Collister Drive shall be completed after the platting of a maximum of 36 buildable lots accessing from Plano Lane and/or a maximum of 17 buildable lots accessing from Collister Drive for a total of 53 buildable lots. The public roadway would be required prior to signature of a final plat that included either the 54th buildable lot total in the development, or the 37th buildable lot accessing from Plano Lane, or the 18th buildable lot accessing from Collister Drive.

1. The applicant shall comply with the requirements of the Boise City Parks and Recreation Department (BPR) for public right-of-way connection, cul-de-sac, parking area and trail head per Department comments dated June 27, 2008 (Exhibit G).

- a. The developers will be required to provide for emergency services at the new terminus of North Collister Drive. The configuration of the terminus has yet to be determined. In order to accommodate these road requirements, the City would consider dedicating ROW for a public turn-around at the end of the proposed new North Collister Drive extension. The turn-around would provide public and emergency access.
- b. Should development be approved at this location, Boise Parks and Recreation (BPR) and the developer could consider entering into a development agreement. This agreement would necessitate recognition of the value of the city property being used as an emergency turn-around and require infrastructure related improvements, such as utility stubs be constructed to meet BPR and other required agency approvals.
- c. Boise Parks and Recreation requests the following conditions of approval also be attached to this development request.
- d. Developer shall complete the road from the current North Collister Drive cul-de-sac to Polecat Gulch Reserve and provide the public access on this road.
- e. Developer shall construct a post and rail fence to BPR standards along the north property line of the subdivision to help protect the Reserve from encroachment by the future adjacent residences.



- f. Developer shall construct an approved turn-around and trailhead at the new terminus of North Collister Drive to BPR specifications while adhering to ACHD access standards.
  - g. Developer shall stub utilities (water, sewer and power) to an acceptable location near the turn-around as approved by BPR and public Works Department.
  - h. The turn-around and trailhead shall be graded and graveled to include 12 auto spaces with wheel blocks , an area for emergency vehicles to turn around, a boundary two post and rail fence and a trailhead kiosk.
  - i. Neither the riparian area (Polecat Gulch) nor the raptor nesting trees on the east side of the current dirt roadway at the north end of Collister should be disturbed as both provide considerable habitat for wildlife in the area.
  - j. All conditions should be met during Phase I of the development.
1. Provide detailed information on the design and layout of the trail head and parking site on the Polecat Reserve property. Site plan shall be approved by PDS and Parks and Recreation Department. At a minimum, the following shall be provided to staff prior to submittal for any construction permits on the site:
- a. Site Plan, at scale, showing existing vegetation, contours trail head and dirt road.
  - b. Layout of cul-de-sac, sidewalks, parking area, connection to trail head, fences;
  - c. Signage to be approved at staff level by PDS and Parks and Recreation;
  - d. Location of stubs for sewer and water hook-ups;
  - e. Landscaping.
1. The applicant shall comply with the requirements of the Independent School District of Boise City #1 for signage in the cul-de-sacs, per District comments dated July 6, 2007 (Exhibit H).
2. The applicant shall comply with the requirements of the Boise Planning and Development Services Department Subdivision requirements and conditions of approval, SUB07-00065 per Department comments dated May 30, 2008 (Exhibit I).
3. Conserve the small onion fields through the dedication of the parcel upon which they rest to the Treasure Valley Land Trust.

## **General**

1. The applicant shall submit a revised, detailed revegetation plan. This plan must be prepared and stamped by a licensed landscape architect. The plan should include the following information at a minimum:
  - a. The location of all existing trees larger than 2" in caliper and whether they are to be retained or removed. Any tree larger than 2" in caliper removed from the site shall be replaced with a tree or tree(s) with an equal or greater caliper.
  - b. The location of all proposed plant materials including trees and shrubs. All species should be represented by their approximate size at maturity.
  - c. The plant palette shall be expanded to include a variety of drought-tolerant deciduous and evergreen trees and shrubs that will provide for year-round interest.
  - d. All new deciduous trees shall have a minimum caliper of 2" and evergreen trees shall be a minimum of 6' in height at the time of planting.
1. All exterior mechanical and utility equipment at the front of the structures shall be screened by vegetation or decorative fencing. Proposed screening must be indicated on the landscape plan and submitted with the application for a Building Permit.
2. All amenities shall be constructed or bonded for prior to the issuance of the first building permit.
3. The minimum unobstructed interior width of a two-car private residential garage shall be twenty (20) feet. The minimum unobstructed depth of the stalls must be twenty (20) feet for the first stall and may be sixteen (16) feet for the second stall. These dimensions must be kept clear of any permanent obstructions including, but not limited to mechanical units.
4. A common party wall agreement shall be provided for all zero line units.
5. A condominium plat must be approved by Boise City and recorded with the Ada County Recorder prior to sale of any condominium units.
6. The applicant shall comply with the standards and conditions of the City of Boise Solid Waste Commercial and Multi-Family Centralized Trash Requirements.
7. Occupancy Permit will not be issued by the Boise City Building Department until all conditions of approval have been complied with. In the event a condition(s) cannot be met by the desired date of occupancy, the Boise City Planning and Development Services Department Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond will be required in the amount of one hundred ten percent (110%) of the value of the condition(s) which are incomplete.

8. Vision Triangles as defined in Section 11-01-03 and Section 11-10-04.4G. of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.
9. The applicant or his/her contractor shall obtain a right-of-way permit from the Ada County Highway District prior to any construction in the public right-of-way.
10. All private streets must be approved and constructed prior to the issuance of any Building Permit for this property.
11. All parking areas and driveways shall be paved, marked and provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.
12. Existing mature vegetation shall be retained wherever possible.
13. Street trees, as selected from the City Forester's list of approved trees, shall be provided. Each tree will be a minimum 2-inch caliper at time of planting.
14. A detailed landscaping plan shall be submitted to the Planning and Development Services Department Staff for review and approval prior to issuance of a Building Permit. Such plan shall indicate existing and proposed plant and landscaping materials, method of irrigation, quantities, locations, approximate size at maturity, and minimum size at time of planting and locations of existing trees to be removed.
15. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.
16. Development on the site shall not obstruct the flow of water through any irrigation ditches on or adjacent to the site. If any watercourse is to be altered, written approval shall be obtained from the appropriate agency.
17. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
18. A detailed grading and drainage plan shall be submitted for review and approval by the Ada County Highway District and Boise City Public Works Department before a Building Permit is issued.
19. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).
20. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.
21. Utility services shall be provided underground.

22. Trash receptacles, on-grade and roof-top mechanical and electrical equipment shall be screened from public view by use of an approved sight-obscuring fence and/or hedging.
23. All drainage and irrigation ditches, laterals or canals crossing, intersecting and lying adjacent or contiguous to the site shall be covered or fenced with a chain link fence at least four feet (4') high as required by Section 11-06-04.14(J) of the Boise City Code. (Required for multiple family dwelling(s), kindergarten, school, nursery or mobile home park uses. May be waived by the Commission if found the fence will not serve the public interests)
24. 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 the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
25. 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 its successors in interest advises the City of its 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.
26. This conditional use shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:
  - a. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations; or
  - b. Commence the use permitted by the permits in accordance with the conditions of approval; or
  - c. For conceptual conditional use permits, submit an application for detailed conditional use permit; or
  - d. For projects, which require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.
1. Any future division of these parcels into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 9, Chapter 20, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting. Such a subdivision would also require a zone amendment and amendment of the development agreement adopted with the subject zone reclas-

sification ordinance associated with CAR07-00042/DA.

2. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
3. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a one-year time extension. A maximum of three (3) one-year time extensions may be granted to an unexpired permit. The Commission reserves the right to require additional conditions or modifications to the revised plans.
4. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.
5. The Conditional Use Permit shall be completed within sixty (60) months of the Commission's approval or a new Conditional Use Permit shall be required.

### **Construction Practices**

1. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.
  - a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.
  - b) Applicant shall submit and receive approval from Planning and Development Services and Ada County Highway District for a construction, transportation and parking plan. The plan shall also comply with all construction standards of Ada County Highway District to those streets contiguous to the construction site and surrounding neighborhood. The approved plan shall be posted at each street abutting the construction site and shall address the following:
    - Ingress/egress of construction equipment and trucks;
    - Hours of operation for the loading and unloading of construction equipment and materials;
    - Truck access routes, to and from site, for excavation and construction phases;
    - Street closures (if any); and
    - Location of off street parking for construction workers.
  - c) Measures shall be taken to manage construction debris and trash on the construction

site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures may include, but are not limited to:

- Provide suitable containers for solid waste generated by construction activity;
  - Wet demolition of existing buildings;
  - Watering of driving surfaces and earth moving activities;
  - Installation of wind screening around property and each open floor above grade; and
  - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
- d) 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.
- e) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
- f) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
- g) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- h) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.



**Appendix A**  
**Density Bonus Formula**

May 29, 2008

<b>PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION</b>			
<b>SUMMARY</b>			
<b>PARAMETERS</b>	<b>OWNERSHIP</b>	<b>ACRES</b>	<b>FORMULA/SOURCE</b>
1. Total Land in Slope Analysis:	Aase's Canyon LLC, Capital Development, Marie E. Casey, Kelly E. Troutner and Perry Harding		1. Application
TOTAL ACRES		332.8	1. Application
2. Total Buildable Land (Slopes less than 25 %:)			
Used (proposed development)		47.8	2. Application
Not used (Open Space Dedicated)		25.3	3. Application
*Aase's Onion fields (Open Space Dedicated)		81.9	4. Application
TOTAL ACRES		155.0	5. Sum
*See Zoning Code 11-06-05.07.04 Density Bonus			
Proposed developed land		47.8	2. Application
Percent of Buildable land to be developed		30.8%	2. Application / 5. Sum
Percent of Buildable land to be set aside in open space =		69.2%	100% - 30.8%
Density Bonus on remaining buildable land - in units/acre		2.99	+see calculations below
		UNITS	FORMULA
DENSITY BONUS - Based on analysis of plans SUBMITTED March 27, 2008, using a maximum of 47.78 acres of the 332.8 acres of slopes less than 25%, including the credit for the Aase's Onion fields, the density bonus value is =		143	47.8 ac. X 2.99 Units/ac. Density Bonus =
Base Density =		8	Base Density = Total Land-acres/40 u/acre
<b>TOTAL POTENTIAL UNITS =</b>		<b>151</b>	<b>DENSITY BONUS + BASE DENSITY</b>

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)					
Density Bonus Formula - Foot-hills Planned Development Ordinance					
PROPOSED PLANO LANE SUBDIVISION			Total acres =		332.75
Base Density = 1 unit per 40 acres			Base Units @ 1/40 =		8
PROPOSED PLANO LANE PROJECT TOTAL BUILT ACREAGE < 25% SLOPES =					47.8
Built Area	Open Space Dedicated Per Cent	Density Bonus Units / Acre	Buildable Area On 332.8 acres	# of Bonus Units	Potential Total Units
75%	25%	0.5	116.2	58	66
69%	31%	0.75	106.6	80	88
63%	38%	1	96.9	97	105
56%	44%	1.25	87.2	109	117
50%	50%	1.5	77.5	116	124
44%	56%	1.75	67.8	119	127
38%	63%	2.25	58.1	131	139
31%	69%	3	48.4	145	153
25%	75%	4	38.7	155	163







**Appendix A**  
**Density Bonus Formula**

May 29, 2008

<b>PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION</b>			
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		UNITS	FORMULA
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69%	31%	0.75	106.6	80	88
63%	38%	1	96.9	97	105
56%	44%	1.25	87.2	109	117
50%	50%	1.5	77.5	116	124
44%	56%	1.75	67.8	119	127
38%	63%	2.25	58.1	131	139
31%	69%	3	48.4	145	153
25%	75%	4	38.7	155	163

