Plano Road Subdivision Applications
Recommendations From the Planning and Zoning Commission for Annexation
CAR07-00042/DA
Appeal to the Denial of CUP07-00084, CHF07-00022 & SUB07-00065

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MEMORANDUM

TO: **Mayor and Boise City Council**

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

DATE: **October 14, 2008**

RE: **Staff Memorandum of Response to the APPEAL of DENIAL for CUP07-00084, Conditional Use Permit application; CFH07-00022, the Hillside and Foothills Areas Permit; and SUB07-00065, Preliminary Subdivision Plat application,; located at 6890 Plano Road; and, RECOMMENDATION FOR APPROVAL of CAR07-00042/DA Annexation and Zone Change with Development Agreement**

The following applications have been scheduled for **hearing on December 9, 2008:**

Aase's Canyon Pointe Development LLC and Capitol Development, Inc. are appealing the Planning and Zoning Commission's denial of the Conditional Use Permit CUP07-00084 to build 155 dwelling units in the Boise Foothills Planning Area, as well as the supporting Hillside and Foothills Areas Development application, CFH07-00022, and Preliminary Plat application SUB07-00065 located at 6890 Plano Road in an Ada County R6 (Medium density residential zone) and RP (Rural preservation zone), and Boise City R-1C (Single Family Residential) and A-1 zones.

The Planning and Zoning Commission recommended approval of CAR07-00042/DA, annexing in the entire project site, 332 acres +/-, into the City with an A-2/DA Zone with Development Agreement, (Open space with a density of one unit per forty acres with a development agreement).

PUBLIC NOTIFICATION

Newspaper publication: November 22, 2008
Radius Notices: November 21, 2008
Site Posting: November 21, 2008

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ACTION BY THE BOISE CITY PLANNING AND ZONING COMMISSION

After reviewing the evidence, and hearing all testimony, the Planning and Zoning Commission **denied** the conditional use permit CUP07-00084 to build 155 dwelling units in the Boise Foothills Planning Area, as well as the supporting Hillside and Foothills Areas Development application, CFH07-00022, and preliminary plat application SUB07-00065 located at 6890 Plano Road in an Ada County R6 (Medium density residential zone) and RP (Rural preservation zone), and Boise City R-1C (Single Family Residential) and A-1 zones.

After reviewing the evidence, and hearing all testimony at their August 11, 2008 hearing, the Planning and Zoning Commission **recommended approval** of CAR07-00042/DA, annexing in the entire project site, 332 acres +/-, into the city with an A-2/DA Zone with Development Agreement, (Open space with a density of one unit per forty acres with a development agreement). The development agreement shall state that development proposals shall comply with the *Foothills Policy Plan*, the "Foothills Planned Development Ordinance" and the "Foothills and Hillside Area Development Ordinance".

ZONING ORDINANCE

11-03-07 - Quasi-judicial Appeals; Form; Content:

Any administrative, committee or Commission level decision may be appealed to the appropriate Commission, or Council in accordance with the procedures established herein. All such appeals must be written, accompanied by the appropriate fee and submitted to the Planning Director prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and specify the issues, items or conditions that are being appealed.

11-03-07.2: Quasi-judicial Appeals to City Council of Decisions of the Planning & Zoning Commission, Hearing Examiner and Historic Preservation Commission

7. The City Council may find error on the following grounds:

   (a) The decision below is in violation of constitutional, State or City provisions. An

example would be that the review body's decision would be a taking or failed to comply with mandatory notice required under the local planning act.

(b) The review body's decision exceeds its statutory authority. An example would be when there is no authority for the decision in federal or Idaho law, local ordinance or the Comprehensive Plan. Because the decision-makers below are experts in their substantive areas, the City Council shall give due consideration to a reasonable interpretation of a City Ordinance adopted by the review body.

(c) The decision below is made upon unlawful procedure. An example would be if inadequate notice of the hearing was provided.

(d) The decision below is arbitrary, capricious or an abuse of discretion. For the City Council's actions to be deemed arbitrary or capricious, it must be shown that that its actions were done without rational basis; or in disregard of the facts and circumstances presented; or without adequate determining principles. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.

(e) The decision below is not supported by substantial evidence.

APPEAL

The appellant contends the Planning and Zoning Commission committed error in denying the conditional use permit, the Hillside permit and the preliminary plat, based on improper procedure. Four grounds were included in the appeal and supporting memoranda. Each ground has been summarized below, along with staff's response.

1. The decisions below are in violation of constitutional, state or city law.

Response: The appellant contends that the Planning and Zoning Commission's decisions violate constitutional, state or city law.

The appellant's memorandum of October 2, 2008 largely addresses the issues of annexation and zone change that the Boise Planning and Zoning Commission (P&Z) at their hearing of August 11, 2008 made as recommendations to City Council. Recommendations to City Council on annexation and zone change are not subject to appeal, and the normal statutory course of hearing review and decision-making on these issues reside only at City Council. Because the issues of annexation and zone change are so intertwined with the application for conditional use permit in this case, we will address those issues as well in this memorandum stating the City's analysis of the appeal of the conditional use permit.

Staff disagrees as City code is clear that the Planning and Zoning Commission has the authority to make decisions concerning requests for conditional use permits, Hillside and

Foothill Areas Development permits and preliminary plats as outlined in the following code sections:

Section 11-06-04.04 Commission Action

Following the hearing, the Commission shall approve, deny or modify the application for a conditional use permit, imposing any conditions needed to establish the findings of Section 11-06-04.11.

Section 11-06-05.03 Development Standards

The Planning and Zoning Commission may approve planned unit developments in accordance with the following standards:

A. Changes from the development standards of the underlying zone may be approved.

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. In excess of the statutory authority of the agency.

Response: The appellant contends that the Planning and Zoning Commission's decisions exceed its statutory authority.

Staff disagrees as City code is clear that the Planning and Zoning Commission has the authority to make decisions concerning requests for conditional use permits (CUP), Hillside and Foothill Areas Development (Hillside) permits and preliminary plat as outlined in the code sections cited in the previous section. The appellant's claims to this effect address the recommendations for annexation and zone change, not the findings for the CUP, Hillside and preliminary plat. Therefore this basis for appeal has not been demonstrated in regards to the P&Z's decision on CUP07-00084, and the supporting Hillside and Foothills Areas Development application, CFH07-00022, and preliminary plat application SUB07-00065.

3. The decisions are arbitrary, capricious or an abuse of discretion.

Response: The appellant further argues that the decisions are arbitrary, capricious or an abuse of discretion. Staff disagrees in light of the testimony from all parties, and that the discussion, findings and conclusions of the Commission were relevant to the body of evidence and a response to that evidence. The appellant's discussion of this is again focused on the recommendations for annexation and zone change and do not address the findings and conclusions approved by the Commission on September 11, 2008.

4. The decisions are not supported by substantial evidence.

Response: The appellant further argues that the decisions by P&Z are not supported by substantial evidence. Staff would agree that this may be the case in regard to the issue of base density associated with current zoning on the parcels and the extent to which the base density may have impacted the applicant/appellants need for a density bonus under the terms of the CUP. While Staff made every effort to provide the Commission with the entire body of evidence pertaining to the CUP, Hillside and Preliminary Plat, it became evident during the public hearing that there was an unresolved question about how the Foothills Planned Development Ordinance addressed base zoning and base dwelling unit allowances. As described in the narrative that follows, that unresolved issue may constitute error on the part of the Planning & Zoning Commission in a portion of their justification for denial of the CUP.

The following is a narrative developed by Staff to summarize the history of this application; the Planning & Zoning Commission's rationale for their actions; the appellant's bases for appeal; staff's responses and a discussion of possible remedies; and a recommendation to City Council.

Project Proposal

Aase's Canyon is a request for Annexation/Zoning, Conditional Use Permit, Hillside Permit and Subdivision for a 155-unit Foothills planned development on 332.5 acres. The property is located in the Western Foothills north of Hill Road and west of Collister Drive. The majority of the property is currently in the unincorporated County and is contiguous to Boise City limits. The property has a combination of R6 (six units per acre) and RP (one unit per 40 acres) county zoning as well as some R-1C and A-1 city zoning. The geography of the property is characterized by unbuildable steep slopes topped with a relatively narrow ridgeline that constitutes the majority of the buildable area less than 25% in slope. The steep hillsides are heavily populated with Aase's Onion, a relatively rare plant species of concern.

The applicant has proposed a CUP for development of the property in accordance with the standards of the *Foothills Policy Plan* and Foothills Planned Development ordinance. Their proposal is to develop the ridgelines with single-family homes and to provide vehicular access from both Plano Lane and Collister Drive. In accord with the *Foothills Policy Plan*, the applicant and staff assumed a starting base density of one dwelling unit per 40 acres with an option to increase to a density of 2 units per acre on the 73 buildable acres in return for set-aside of open

space consistent with the density bonus formula in the Foothills Planned Development Ordinance. With a starting base density of one unit per 40 acres, the property initially only qualifies for eight dwelling units.

Under normal circumstances, open space set-aside to qualify for the density bonus must be on developable lands of less than 25% slope. However, the ordinance also makes provision for steeply sloped lands to count toward the density bonus if they meet the definition of "Priority Open Space." In this case, the steep slopes of the property:

1) contain a strong population of Aase's Onion (a threatened plant species) that will be placed in a land trust for management;

2) are contiguous to public open space (Polecat Gulch Reserve);

3) include a small area of wetlands/riparian zone that will be protected; and

4) the project will provide public access and a trailhead for the Polecat Gulch Reserve.

In consideration of these factors, the applicant has proposed that these sloped areas should be termed "Priority Open Space" as defined by the ordinance and used to calculate their density bonus. Consequently, the project proposes that almost all of the available flat area be developed and that the majority of the steeply sloped areas, which cannot be developed under the ordinance, be counted as their set-aside open space. The amount of sloped area set-aside (83 acres) and buildable area set-aside (25.97 acres) has yielded a density bonus that raised the allowable unit count on the property from eight units to 155 units.

Planning Commission Action
The Planning and Zoning Commission held a public hearing, followed by a work session and another public hearing. After hearing testimony from the applicant, their various consultants and the public, the Commission voted to deny the CUP/Hillside Permit and Subdivision and recommend to the City Council annexation with A-2 (Open Space - One Unit/40 Acres) rather than the applicant's requested combination of R-1A and A-2 zoning. The Planning Commission based this decision on a number of findings.

Density Bonus. The Commission's most significant concern was that the applicant had placed too much reliance on the use of steeply sloped onion conservation areas for their density bonus and as a result had received more density bonus than was appropriate for the property or consistent with the intent of the Foothills Plan and Ordinance. They based this decision in part upon testimony from the applicant's own biological consultant and the land trust representative who both testified at the work session that they had no definitive management plan in mind for the Aase's onion fields and that in fact none was necessary since all the onions really needed to survive was to be left alone and not disturbed by grading or development.

The Commission noted that the basic standards of the Foothills Ordinance said that steeply sloped areas could not be developed, so the onions were already adequately protected by the ordinance and did not need public ownership or management to be adequately protected. As such, the Commission did not believe that the onion-populated slopes should be counted as "Priority Open Space" and should not be used to calculate the density bonus. The Commission further stated that the wetlands areas were similarly protected already and also should not count

as Priority Open Space. They also discounted the suggestion that deer corridors had been adequately demarcated as part of the Priority Open Space formula. The result of these determinations was that the applicant should have set aside flat land on the ridge tops for their density bonus credit.

Subdivision Design. The Commission also expressed concerns with the layout of the subdivision. They noted that the front ridge (southwest-facing ridgeline) was a visually prominent ridge and should not have been developed to the extent proposed by the applicant. They suggested that the most prominent ridges should have been preserved as open space set-aside with development concentrated on the northern and western portions of the property, primarily in the area currently occupied by a sand and gravel pit, which was proposed by the applicant to be filled and used as open space.

Grading. Lastly, the Commission expressed general disagreement with the amount of grading proposed by the applicant for the project overall. They felt that the proposed 1-million cubic yards of grading was excessive and inconsistent with the Hillside Ordinance and the Foothills Plan/Ordinance which both require "minimizing" grading.

Zoning. After stating reasons for denial of the CUP, the Commission debated what zoning to place on the property. The applicant had requested a combination of R-1A zoning for the developable areas and A-2 zoning for the sloped and non-built areas. Ultimately, the Commission voted to recommend A-2 zoning for the entire property along with a Development Agreement requiring that the property cannot be developed or rezoned in any way until a CUP application consistent with the *Foothills Policy Plan* and Foothills Planned Development Ordinance is approved. This zoning recommendation was made despite the applicant's contention that based on current City and County zoning, they really have a starting density of up to 12 units per acre on the 73 buildable acres of their development, not one unit per 40 acres. The P&Z Commission disagreed and cited the *Foothills Policy Plan* statement that one unit per 40 acres is the base.

Grounds for Appeal

The applicant has appealed the Planning and Zoning Commission's denial of the CUP/Hillside Permit/Subdivision and is also contesting the recommended zoning of A-2 Open for the entire property. Their primary contention is that they have a base right to development of up to 917 units on the property (based on current city and county zoning) and that the Commission should have approved their request for 155 units on that basis, or at least approved the R-1A zoning on the 73.5 buildable (less than 25% slope) acres of their property.

Their contention of a base allowance of 917 units comes from a statement in the Foothills Planned Development ordinance regarding how base (starting) density in the Foothills should be calculated. Although the *Foothills Policy Plan* states that the base density is one unit per 40 acres, the Foothills Ordinance provides additional clarification that base density is actually to be calculated using the existing zoning on the property as follows: " The base density on parcels proposed for development is that given for the existing Boise City or Ada County zones;" and "the base density may be added to the density bonus units without the requirement for additional open space preservation."

In this case, the applicant has 122.8 acres currently zoned R6 in the County, 165.5 acres zoned RP in the County, 20.1 acres zoned R-1C in the City and 16.4 acres zoned A-1 in the City. Based

on the zones and the acreages associated with each, the applicant is claiming a base right to construct up to 917 dwelling units on the property. Accordingly, they are arguing that they have no need for the density bonus formula requirements contained in the Foothills Ordinance, and that all they need to gain approval of a 155-unit subdivision is a CUP and Hillside permit that demonstrate basic consistency with the design requirements of the Foothills and Hillside ordinances.

During the Planning & Zoning Commission work session and public hearing the applicant noted that their project design provides "linear" clustering of the units along the buildable areas of the ridgelines, with single-loading of the roadway used in some locations to minimize grading and other disturbance of the ridge. In order to minimize visual impacts (skylining) of the ridge tops, the applicant's design includes extra-large setbacks for the homes from the ridge slopes, thus preventing the homes from looming over the tops of the slopes and becoming less visible from vantage points below the project. They submitted perspectives from various points in Boise to demonstrate that the setbacks will minimize the visual impact of the units on the ridge tops. They also proposed design review conditions and building height limitations for the homes on the prominent ridges in order to further ensure non-intrusive home designs.

The applicants also contend that the layout of the subdivision includes breaks in the development at critical locations that will allow for passage by resident mule deer and other wildlife in the area. They also contend that the grading is minimal given the steepness of the property and the fact that the excess grading will be used to fill in and restore the existing gravel pit on the back of the property in order to create useable open space and eliminate an unattractive scar on the landscape.

Lastly, the applicants have asserted that they are providing significant protection and enhancement of the priority open space in and around their development by dedicating the sloped areas to a land trust for ownership and management, by providing access to and trailhead development for Polecat Gulch Reserve, and by protecting existing wetlands and riparian areas from development. They have argued that this combination of factors meets the intent of the Foothills Ordinance for Priority Open Space and as a result the steeply sloped portions of their property should be allowed to be counted toward their open space set-aside in order to meet the density bonus formula requirements.

In summary, the applicants/appellants contend that:

1. Their project complies with the Foothills Policy Plan/Foothills Planned Development Ordinance and Hillside Ordinance in all respects including density bonus allowances, cluster design, environmental protection and aesthetics.

2. The density bonus/open space set aside portion of their application is essentially voluntary since they have a base zoning right for 917 units, or nearly six times the number of 155 units they are actually requesting.

3. The P&Z Commission erred in not giving them credit for a base allowance of 917 units and thus erred in denial of the CUP based on lack of proper open space set aside.

4. Based on the existing zoning rights associated with their property, they should be annexed with R-1A zoning on the 73 acres of buildable (less than 25% slope) land area on their property.

Planning Staff Response

This application has provided a difficult case for interpretation and use of the *Foothills Policy Plan* and Foothills Planned Development Ordinance. The subject property is located within the portion of the Western Foothills that is designated as the area of highest priority for development based primarily upon downstream traffic capacity as well as upon general lack of critical deer and elk winter range on the property itself. The property is located adjacent to the recently City-acquired Polecat Gulch Reserve and is positioned to provide much needed public access to the park. High quality and biologically valuable Aase's onion fields on the steep southern slopes characterize much of the property. Planning staff agreed that if these onion fields were actively owned, managed and protected by a public agency or land trust and if public access and related improvements were granted to the City owned Polecat Gulch Reserve, it may be within the standards of the Foothills Planned Development Ordinance to allow the steeply sloped portions of the property to count toward their open space/density bonus requirements. Staff took an admittedly liberal approach to this issue largely in recognition that this property was within the priority development area defined in the Foothills Plan.

A key part of staff's agreement to this approach also had to do with the potential long term value to the onion fields of active management and protection. However, the applicant prepared an inadequate management plan for the onion fields and their own consultants discounted the value or feasibility of such a plan. The Planning & Zoning Commission, therefore, determined that in the absence of a more detailed management plan that the sloped areas should not be allowed to qualify as Priority Open Space to the extent that they were. In light of the applicant's own testimony, Planning staff cannot disagree with the Planning & Zoning Commission's decision and thus we do not believe that they erred in this regard. We do believe, however, that there should be some credit given for access granted to the public property to the northeast (Polecat Gulch) and that some density credit for the sloped areas may be factored into this, but not to the extent proposed by the applicant and initially agreed to by staff.

In regard to the subdivision design and grading issues, staff would offer the following commentary. Steeply sloped areas in the Foothills are inherently difficult to develop in an unobtrusive manner because in most cases the only area that meets the slope criteria for development is on the ridge tops. That is the situation with this property. While the Policy Plan and Ordinance both say that grading and ridge toping should be minimized, we believe that the intent is to minimize grading in the context of the individual unique nature and constraints of the property that is being developed. In this case is it not possible to develop the property without significant grading. Nor is it possible to define large areas for development apart from the ridge tops. We do not believe it was the intent of either the Policy Plan or the Foothills Ordinance to disallow development of a property if the strictest interpretation of the design standards cannot be met.

We believe that the applicant has made efforts to minimize grading by proposing single-loaded sections of the roadway in some areas. We believe they have also addressed aesthetic concerns by establishing large setbacks in conjunction with design review conditions for the homes on the most prominent ridges. However, we also agree in some regards with the Planning & Zoning Commission that too much emphasis was placed on conventional development of the ridge lines

and that additional effort should have been made to locate units in other areas such as the filled gravel pit on the upper end of the property and/or to reduce lot widths so that units could be clustered along the ridge tops rather than spread uniformly upon them. The proposed breaks in development along the ridgelines are minimal. Staff believes that rather than outright denial of the subdivision design, the Commission could have considered directing the applicant to explore design modifications such as smaller lot widths to better meet the intent of the ordinance. But such direction should not have implied that development of the ridge tops is prohibited or that grading could be significantly reduced.

A most significant difficulty with this application arose during the public hearing process when the applicant suddenly changed their position on how base density for their project should be calculated. They had initially agreed with staff that the base density was one unit per 40 acres as stated in the *Foothills Policy Plan*. When they realized that there may be concerns with the Priority Open Space/Density Bonus determinations they were proposing, they then focused their argument on the existing zoning of the property and the fact that they may have enough base zoning rights to avoid the need for a density bonus all together. The Planning & Zoning Commission was not swayed by this last-minute argument and determined that the applicants' initial agreement to a base density of one unit per 40 acres had committed them - and the City - to that approach and that it should not be changed at this late point in time.

Planning staff believes that the applicants are correct in their assertion that the starting or base density should be based upon the combination of city and county zoning that currently exists on the property. As noted at the beginning of this memorandum, the property is zoned RP (one unit per 40 acres), R6 (6 units per acre), R-1C (8 units per acre) and A-1 (one unit per acre). It is clear what the base unit allowance of the RP zoned property is, but the base allowance of the other properties is subject to interpretation. The most logical method may be to apply the minimum lot size of the zone to the amount of buildable area of the property, where it is applied after first subtracting a percentage of land for roads. Since the majority of the R6 zoned property is very steep and unbuildable under any possible scenario, the buildable area is much less than the total acreage of the property.

The buildable area is in fact only what the applicant has already proposed to develop under the CUP. They have proposed a total of 38 units on the R6 property and 13 units on the R-1C property. Since the proposed lot size is equal to or greater than the minimum lot size of the R6 and R-1C zones, that may be considered a reasonable starting point for determining the base allowance of that property. The same general approach may hold true for their A-1 zoned properties, although no subdivision lots are currently proposed for the A-1 properties and staff would need to assume a subdivision layout with one-acre lots to generate a base right for that property. Planning staff did in fact verbally suggest this approach to determining base density or unit allowance at the August 11th public hearing, so this issue is a part of the public record. Staff had suggested a base unit allowance of at least 54 units.

The applicant, however, is not taking actual buildable area into account under their base unit calculations, nor are they taking into account roads, grading or minimum lot sizes. Rather, they are taking the maximum density allowed in the zone by CUP and multiplying that number by total acreage to arrive at 917 units as a base right. Further, they are assuming the ability to spread that unit count across all their lots despite the low density (RP) zoning on 52% of the subject property. Planning staff and the Planning & Zoning Commission strongly disagree with this approach to determining base zoning rights.

Planning staff would note that the Foothills Planned Development Ordinance contains an overly simplified statement about how to calculate base unit allowances and essentially leaves it up to the planning review process to resolve a reasonable base allowance, taking into account the unique circumstances of the property. In this case, planning staff can see a potential base allowance of at least 54 units and perhaps significantly more, depending upon which exact set of assumptions about lot size, buildable area, zone density allowances, subdivision layout and averaging of density across parcels are applied; perhaps even approaching the requested 155-units. However, such an upper end calculation would rely almost entirely upon the R6 and R-1C zoned portions of the property where in this case the fewest number of units are actually proposed and assume some right to apply that excess density to the RP zoned property where the majority of development is actually proposed to occur.

It is unfortunate that this base allowance approach was not resolved early on by staff and the applicant. However, our initial assessment of the site and the proposal seemed to suggest enough confidence in the ability to obtain adequate density bonus through Priority Open Space set aside that there was no need to tackle the difficult issue of base zoning allowances other than one unit per 40 acres. The applicant was in agreement with this approach at the time.

In consideration of the potential base zoning rights associated with the property, it seems clear to staff that the applicant does in fact have an ability to assume a much higher starting unit count prior to putting into effect the density bonus formula. However, it is not proven that the base rights equal the 155 units that they have requested and there may still be a need for set-aside of either flat developable land or sloped Priority Open Space land, or some combination of the two in the context of the Foothills Ordinance.

Staff's assessment is that the Planning & Zoning Commission did err in determining that the applicant's base density was only one unit per 40 acres. We also believe that the applicant is incorrect in the assertion that they have a right for 917 units. Staff believes that a more appropriate action for the Planning Commission to have taken may have been to defer action on all of the applications so that staff and the applicant could jointly work to resolve the base unit allowance issue. Two or three reasonable approaches for determining base unit allowance could have been prepared for consideration by the Commission. We believe it could be determined they acted on the density issue with insufficient information and should instead have set the items over for further work.

STAFF RECOMMENDATION

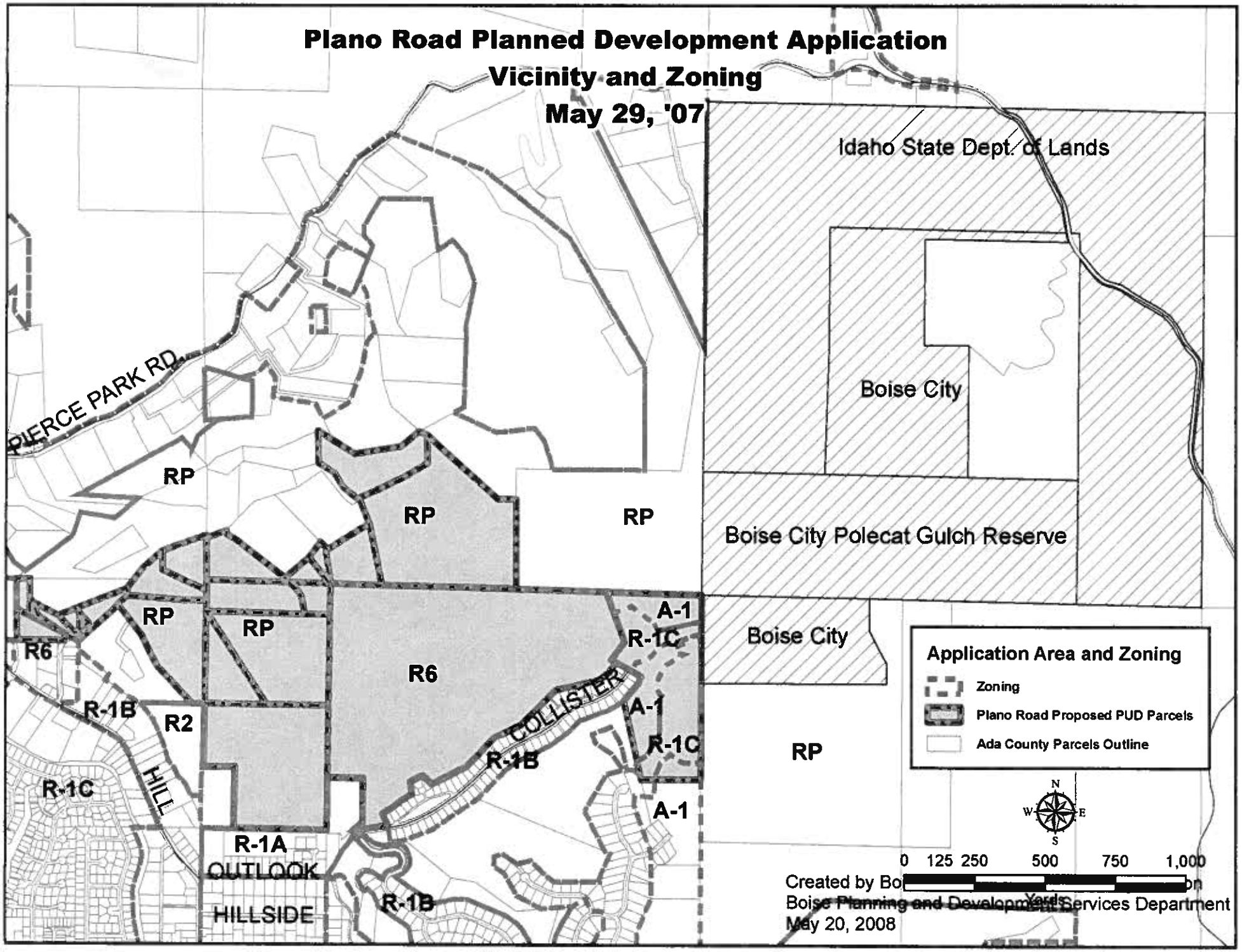
Planning staff recommends that the City Council find that the Commission erred in not adequately resolving the base zoning allowance for the property. Not resolving the base density issue prevented the Commission from fully understanding how many units were permitted on the property by CUP either with or without the requested density bonus. Planning staff also does not agree with the applicant/appellant that the R-1A zoning should be applied to the buildable portion of the property in the absence of an approved CUP.

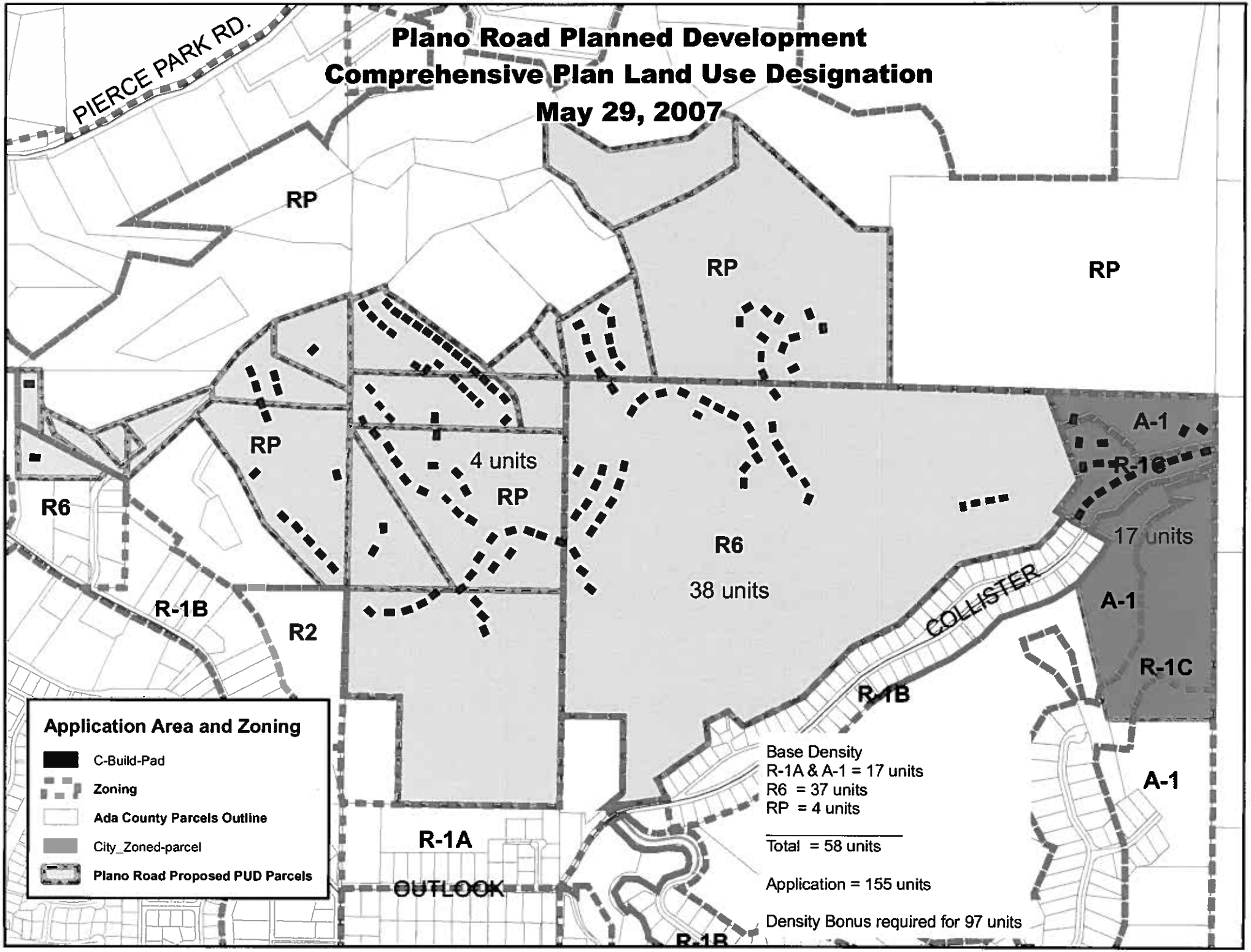
Recommendation: City Council should remand all of the applications back to the Planning & Zoning Commission for further study, revision and recommendation/action.

Staff would also ask that the City Council provide some policy guidance on how to resolve the issues related to Priority Open Space and subdivision clustering, design and grading.

2

Vicinity Maps


Plano Road Planned Development Application
Vicinity and Zoning
May 29, '07
Idaho State Dept. of Lands
Boise City
Boise City Polecat Gulch Reserve
Boise City
PIERCE PARK RD.
RP
RP
RP
RP
RP
R6
R6
A-1
R-1C
A-1
R-1C
A-1
R-1B
R2
R-1C
HILL
COLLISTER
R-1B
R-1A
OUTLOOK
HILLSIDE
R-1B
Application Area and Zoning
Zoning
Plano Road Proposed PUD Parcels
Ada County Parcels Outline
N
W
E
S
0 125 250 500 750 1,000
Yards
Created by Boise Planning and Development Services Department
May 20, 2008


Plano Road Planned Development
Comprehensive Plan Land Use Designation
May 29, 2007
PIERCE PARK RD.
RP
RP
RP
RP
4 units
RP
R6
R6
38 units
A-1
R-1C
17 units
A-1
R-1B
R2
COLLISTER
R-1B
R-1C
A-1
R-1A
OUTLOOK
R-1B
Application Area and Zoning
C-Build-Pad
Zoning
Ada County Parcels Outline
City_Zoned-parcel
Plano Road Proposed PUD Parcels
Base Density
R-1A & A-1 = 17 units
R6 = 37 units
RP = 4 units
Total = 58 units
Application = 155 units
Density Bonus required for 97 units

3

APPEAL APPLICATION &

STATEMENTS FROM THE APPLICANT.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
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Benjamin C. Ritchie
Rebecca A. Rainey
Andrew J. Snook
** licensed in WA, ID application pending*

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October 21, 2008
via Hand Delivery

RECEIVED
OCT 21 2008
DEVELOPMENT
SERVICES

Mayor David H. Bieter and Boise City Council
P.O. Box 500
Boise, Idaho 83701-0500

Re: Plano Road Subdivision--CAR07-00042/DA (annexation and rezone); CUP07-00084 (conditional use permit); CFH07-00022 (hillside and foothill development permit); and SUB07-00065 (preliminary plat)
MTBR&F File No. 23405.0000

Dear Mayor and Council Members:

This letter memorandum is submitted on behalf of the project applicants in reply to the Staff Memorandum of Response ("Staff Memorandum") filed October 14, 2008, in connection with your hearing of the annexation/rezone and the denial of the development applications referenced above.

As an initial matter, my clients wish to express their gratitude for Staff's review of this matter and its recommendation "that the City Council find that the Commission erred in not adequately resolving the base zoning allowance for the property." Staff Memorandum at p. 11. For as Staff acknowledges: "Not resolving the base density issue prevented the Commission from fully understanding how many units were permitted on the property by CUP either with or without the requested density bonus." *Id.* This is, of course, among the very reasons that my clients assert reversible error was committed by P&Z. *See Lane Ranch P'ship v. City of Sun Valley*, 144 Idaho 584, 590-91 (2007) (remanding applications denied on multiple grounds, including improper interpretation of annexation agreement, because "we are unable to tell if the City reached the wrong result, or even if it reached the right result, did so for the wrong reason.").

Based on the points and authorities discussed below, however, my clients contend that remanding all of the applications back to P&Z for further study, revision, and recommendation or action, as Staff recommends, can only make sense in the context of the City Council first providing clear

guidance on the following three legal issues regarding the application of Boise's Foothills Planned Development Ordinance ("FPDO"), in addition to those issues with respect to which Staff has requested your guidance:

1. Does FPDO § 11-06-05.07.03.3 require that "[u]pon annexation the buildable areas [of the property] be zoned 'R-1A,' Single-Family Residential," as the ordinance expressly states?

2. Does FPDO § 11-06-05.07.04.A.1 establish that "[t]he base density on parcels proposed for development is that given for the existing Boise City or Ada County zone(s)," as the ordinance expressly states?

3. Does FPDO § 11-06-05.07.01 implement by reference the intent to allow for density transfers among parcels within a project in accordance with the *Boise City Foothills Policy Plan* (the "Foothills Plan"),[1] as reflected in the attachments to this letter?

In other words, because there is an existing dispute between my clients, on the one hand, and Staff or P&Z, on the other, with respect to the effect of the FPDO in determining the zoning, base-density, and density-transfer issues stated above, a resolution of the present appeal is dependent on the City Council's prior determination of these three legal questions. *Cf.* BOISE MUNICIPAL CODE § 11-03-07.05.G, which does *not* provide for the City Council's remand to P&Z of legal issues raised on appeal. Moreover, because a city's unreasonable interpretation of its zoning code is an abuse of discretion and violative of a landowner's "substantial right to have its application evaluated properly," *Lane Ranch P'ship v. City of Sun Valley*, 145 Idaho 87, 91 (2007), the proper resolution of the foregoing contested legal questions is essential if litigation is to be avoided in this matter.

I. The Zoning Issue.

The first legal issue presented is whether Boise can rezone my clients' property upon annexation to A-2 Open Land in contravention of the requirement in the FPDO that "[u]pon annexation the buildable areas of the [planned development] shall be zoned 'R-1A,' Single-Family Residential . . . ." In this regard, no legal authority or argument was presented to or by P&Z supporting its recommendation that the buildable area of my clients' property be zoned to open space, rather than to R-1A.

---

[1] FPDO § 11-06-05.07.01 provides, in relevant part: "The purpose of the Foothills Planned Development Ordinance is to implement residential subdivision density and design elements of the [Foothills Plan] . . . ."

The position of Staff on this elemental legal issue was reduced to one sentence, which is bereft of legal authority or analysis: "Planning staff also does not agree with the applicant/appellant that R-1A zoning should be applied to the buildable portion of the property in the absence of an approved CUP." Staff Memorandum at p. 11. With all due respect to Staff, its unsupported interpretation of the FPDO subjects the ordinance to possible voidance by the courts.

As held in *Cowan v. Bd. of Comm'rs of Fremont County*, 143 Idaho 501 (2006), statutes and ordinances "that are found to be vague, indefinite or uncertain are in violation of the constitutional provisions found in the Fourteenth Amendment to the United States Constitution or Article I, section 13 of the Idaho Constitution." *Id.* at 513. Thus, as explained by the Idaho Supreme Court:

> "It is a general principle of statutory law that a statute must be definite to be valid. It has been recognized that a statute is so vague as to violate the due process clause of the United States Constitution . . . where its language is such that men of common intelligence must necessarily guess at its meaning."

Id. (citation omitted; ellipsis in original). The "void for vagueness" doctrine applies to civil ordinances. *Id.*

Accordingly, Staff's unsupported contention that FPDO § 11-06-05.07.03.3 does not require the buildable areas of my client's property to be zoned R-1A upon annexation is either (a) an erroneous interpretation of the FPDO, or (b) a clear demonstration that the FPDO's language is so vague "that men of common intelligence must necessarily guess at its meaning." *Cowan, supra.* In either event, remanding my clients' applications back to P&Z without first resolving this legal dispute can serve no possible beneficial purpose--as P&Z has made clear it intends to see my clients' property rezoned to open space, and my clients have made clear that Boise's attempt to do so will result in the withdrawal of the application for the annexation and rezoning of my clients' property.

II. The Base-Density Issue.

The second legal issue presented is whether, as the FPDO expressly states: "The base density on parcels proposed for development is that given for the existing Boise City or Ada County zones." FPDO § 11-06-05.07.04.A.1. P&Z refused to give effect to the foregoing provision based on its contention that my clients untimely raised the issue, notwithstanding the fact that the issue was raised to P&Z *before* its first hearing on my clients' applications, *and* during both of P&Z's public hearings, *and* during P&Z's August 5 work session.

Staff's position on this legal issue is as follows:

> Planning staff would note that the Foothills Planned Development Ordinance contains an overly simplified statement about how to calculate base unit allowances and essentially leaves it up to the planning review process to resolve a reasonable base allowance, taking into account the unique circumstances of the property. In this case, planning staff can see a potential base allowance of at least 54 units and perhaps significantly more, depending upon which exact set of assumptions about lot size, buildable area, zone density allowances, subdivision layout and averaging of density across parcels are applied;[2] perhaps even approaching the requested 155-units.
>
> * * *
>
> Staff's assessment is that the Planning & Zoning Commission did err in determining that the applicant's base density was only one unit per 40 acres. We also believe that the applicant is incorrect in the assertion that they have a right for 917 units. Staff believes that a more appropriate action for the Planning Commission to have taken may have been to defer action on all of the applications so that staff and the applicant could jointly work to resolve the base unit allowance issue. *Two or three reasonable approaches for determining base unit allowances could have been prepared for consideration by the Commission.* We believe it could be determined they acted on the density issue with insufficient information and should instead have set the items over for further work.

---

[2] Although the term "base density" is not expressly defined in the FPDO, base residential density is not dependent under Boise's zoning ordinance upon the indicated listing of considerations and adjustments. *See* Boise City Code § 11-06-05.03.C (specifying that residential density is "calculated by dividing the gross area, less the area set aside for nonresidential uses (that is, office, commercial or industrial), by the minimum lot area per dwelling unit required by the zone in which the site is located."). Staff has provided no rationale for why the base residential density of property subject to the FPDO should be calculated differently than the base residential density of any other property subject to Boise's zoning ordinance, nor, my clients submit, could any such discriminatory and unequal treatment be justified under the law.

Staff Memorandum at p. 11 (emphasis added). Again with all due respect to Staff, its admission that it cannot decipher what the FPDO means and that therefore the matter should be remanded so that Staff and my clients can work out two or three reasonable alternatives from which P&Z can pick and choose subjects the ordinance to possible voidance by the courts.

Thus, Staff's contention that FPDO § 11-06-05.07.04.A.1 does not establish that the base density for my clients' property is 917 dwelling units is again either (a) an erroneous interpretation of the FPDO, or (b) a clear demonstration that the FPDO's language is so vague "that men of common intelligence must necessarily guess at its meaning." *Cowan, supra*. And as with the first legal issue discussed above, remanding my clients' applications back to P&Z without first resolving this legal dispute can serve no possible purpose other than delay.

III. The Density-Transfer Issue.

The final legal issue presented in this appeal is whether the FPDO allows for density transfers among parcels within a project as provided in the attached excerpts from the Foothills Plan and as my clients contend. To support their position, my clients rely on the attached excerpts from the Foothills Plan and the stated intent of the FPDO "to implement residential subdivision density and design elements of the [Foothills Plan] . . . ." FPDO § 11-06-05.07.01. Again without citing to legal authority or providing any analysis to support a contrary interpretation of the FPDO's intended application, Staff merely asserts: "Planning staff and the Planning & Zoning Commission strongly disagree with this approach to determining base zoning rights." Staff Memorandum at p. 10.

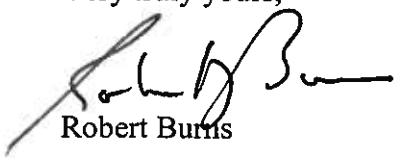
Based on the established strong disagreement between the parties on this legal issue, and as with the first two legal issues previously discussed, my clients submit that remanding their applications back to P&Z without first resolving the question presented can serve no possible purpose other than delay.

IV. Conclusion.

Because my clients have already invested three years of time and many millions of dollars in acquiring and developing their property with the expectation that Boise will adhere to its duly adopted ordinances, my clients are not willing to now engage in protracted negotiations with Staff and P&Z over whether the FPDO might be interpreted to mean something other than what the ordinance expressly states. Accordingly, after considering the arguments to be presented at the hearing of this appeal discrediting the erroneous "findings" made by P&Z, your rejection of P&Z's recommendations and actions, coupled with the annexation and rezoning of my clients' property and the approval of my clients' development applications in accordance with the provisions of the FPDO, is respectfully requested. However, in the event you are inclined to remand all of the applications back to P&Z for further study, revision, and recommendation or

action, as Staff recommends, clear guidance on the three elemental legal issues discussed above should first be provided, so that my clients, P&Z, and Staff all know what the Boise City Council intends the FPDO to mean and whether the ordinance is constitutionally valid.

Very truly yours,



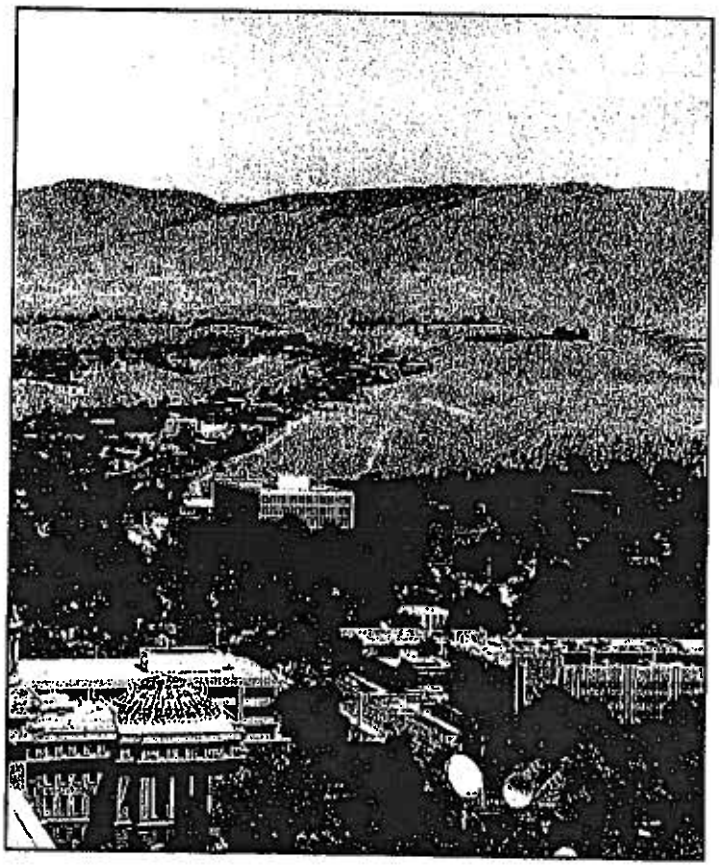
Robert Burns

RBB/smh/kdp

Enclosures

cc: Amanda Horton (*via e-mail*)
Hal Simmons (*via e-mail*)
Bruce Eggleston (*via e-mail*)
Ramon Yorgason (*via e-mail*)
Dave Yorgason (*via e-mail*)
Chris Yorgason (*via e-mail*)
Joe Johnson (*via e-mail*)
Kerry Winn (*via e-mail*)

BOISE CITY
FOOTHILLS POLICY PLAN



An Amendment to the
BOISE CITY COMPREHENSIVE PLAN
Boise, Idaho – March 1997

BOISE
CITY OF TREES

Client:1029208.3

PREFACE

INTRODUCTION

Since 1978 the goals and policies of *A Policy Plan for The Boise Metropolitan Area* and the 1981 *Hillside and Foothill Areas Development Ordinance* have been used to guide growth and development in the City portion of the Foothills. As development continued in the Foothills through the 1980's, it became evident to many that a more detailed plan for the area needed to be developed to protect sensitive areas and to provide long-range guidance for development.

The Foothills Plan Steering Committee, appointed by Mayor Kempthorne, worked through many difficulties to produce a set of primary and secondary alternatives. The Plan was then reviewed and refined by a Sub-Committee of two members each from the respective Planning and Zoning Commissions of Boise City and Ada County. It was then reviewed and brought to hearing before the Boise City Planning and Zoning Commission. They made a recommendation to the City Council on July 17, 1995. The City Council extensively reviewed the recommendations and prepared a final draft for hearing on November 20, 1996.

This *Foothills Policy Plan* includes a policy section, land use maps, and implementation programs. There is an extensive *Foothills Plan Background Report* which provides the technical information upon which the policies were founded. This report will also provide guidance for the analysis of development applications in the Foothills.

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.

The policy and land use sections of the *Foothills Policy Plan* reflect the extensive public ideas received during the past few years. These public concerns are summarized below.

Goals, objectives and policies for "Land Use and General Development" in the Foothills Planning Area. (continued)

GOAL	OBJECTIVE	POLICIES
(continued)	Objective 2 (continued)	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.
		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

(continued)

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 Within Buildable Areas	Density Bonus Within 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.

Client:1029208.3

Goals, objectives and policies for "Land Use and General Development" in the Foothills Planning Area. (continued)

GOAL	OBJECTIVE	POLICIES
(continued)	Objective 3 (continued)	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.

APPENDIX A - GLOSSARY OF TERMS

Activity Center - These centers could include development of a range of commercial services, urban support services and urban residential densities to attract or avoid vehicular trips. Uses might include grocery stores, restaurants, apartments, townhouses, fire stations, schools, parks, recreational uses, and public open space.

Archeological Artifacts - Material evidence of human life and cultures in past ages. This includes paleontologic sites, fossils, ancient life forms and remains of the culture of a people, for example: fossil beds, or Native North American village sites and artifacts.

Boise Area of Impact - [See definition on the "Foothills Land Use Map," Figure 1 - 1.] An extraterritorial review area surrounding Boise City which was negotiated between Boise City and Ada County in accordance with Section 67-6526 of the Idaho Code. The *Boise City Comprehensive Plan* Policies and the City *Subdivision Ordinance* apply within this unincorporated portion of Ada County and certain zoning and development applications within this area are referred to Boise City for review and comment.

Building Envelope - The designated area on a lot within which a building or other structure (including footings) must be contained.

Built Community - Developed areas including homes, businesses, schools, golf courses, farms/agricultural operations, roads and sidewalks.

Built Landscape - Developed areas including homes, businesses, schools, golf courses, roads, sidewalks and the associated landscaping. The character of plant materials in the built landscape differs from that of the natural landscape and typically includes large conifers, deciduous shade trees and flowering ornamental trees and shrubs with lawn as the primary ground cover.

Cluster Development - Residential development, usually reviewed under the regulations for a planned unit development, which utilizes a variety of densities and housing types in an effort to concentrate infrastructure, avoid sensitive environmental sites and to optimize the more rights from one parcel of land to another parcel which is not part of the same PUD. It is a development technique in which certain lands are dedicated to open space, or other public or other uses not involving buildings, and the potential development density, or units per acre, is transferred either to another portion of the project or to a separate site. The density transfer process would allow density of dwelling units on a parcel to exceed underlying zoning density restrictions in order to create extra open space within or between planned developments. The transfer of development rights (TDRs) would also permit the transfer of density from one parcel ownership in a holding zone to another parcel located in a receiving zone. Receiving zones would be located in either the flattest, least environmentally sensitive areas of the Foothills, or in certain parts of the City or County that are not located in the Foothills.
The TDR process would essentially keep most holding zone parcels in their undeveloped state. By permitting the density transfer from the holding zone, the public would restrict a holding parcel to rural uses through some form of legal instrument such as a conservation easement or deed restriction. The TDR process would not prevent development of a single family residence on a legal parcel of land, if the land owner chose not to transfer density from the holding parcel to a receiving site.

Destination 2015: Regional Transportation Plan for Northern Ada County - This plan includes all committed transportation projects as well as those enumerated in the *2010 Regional Transportation Plan*.

Easement - A grant of the right to use land for a specific purpose or purposes, such as the right to install, access and maintain public utilities.

Ecosystem - That area which provides the biological and physical requirements to maintain the viability of plant or animal populations or associations. An ecological community, together with its environment, functioning as a unit.

Efficient Water Management - Utilization of water saving irrigation technology and includes the selection of plant materials that require less water.

Enhancement - To make greater, as in value, beauty, or reputation; augment.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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October 2, 2008
via Hand Delivery

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DEVELOPMENT SERVICES

Mayor David H. Bieter and Boise City Council
P.O. Box 500
Boise, Idaho 83701-0500

Re: Plano Road Subdivision--CAR07-00042/DA (Annexation and Rezone); CUP07-00084 (conditional use permit); CFH07-00022 (hillside and foothill development permit); and SUB07-00065 (preliminary plat)
MTBR&F File No. 23405.0000

Dear Mayor and Council Members:

This letter memorandum is hereby submitted on behalf of the project applicants, whom I represent, in connection with your hearing of the annexation/rezone and the denial of the development applications referenced above.

I. Annexation and Rezone CAR07-00042/DA.

The Boise Planning and Zoning Commission ("P&Z") recommended your annexing 296 acres of my clients' Ada County property and rezoning both it and the adjoining 36.5 acres of my clients' Boise property to "A-2 Open Land," with the requirement for a development agreement containing certain specified provisions. As Boise's Planning & Development Services ("PDS") and my clients concur, the property subject to P&Z's recommendation is currently zoned by Boise and Ada County, as applicable, to allow for a maximum allowed density of approximately 917 dwelling units, as set forth in the below table:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U/Ac	Current Maximum Allowed Density
Sub-Total, Boise City	A-1	16.4	1	16
Sub-Total, Boise City	R-1C	20.1	8	160
Sub-Total, Ada County	R6	122.9	6	737
Sub-Total, Ada County	RP	173.1	0.025	4
Total		332.5		917±

My clients' property is also subject to the application of Boise's Foothills Planned Development Ordinance ("FPDO"), which provides, in relevant part, as follows:

- "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.*" FPDO § 11-06-05.07.02 (emphasis added).

- "*Upon annexation the building areas of the [planned development] 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." FPDO § 11-06-05.07.03.3 (emphasis added).

Thus, there is no discretion provided under the FPDO to zone the buildable area of my clients' property to open space, rather than R-1A.

Moreover, as the record before P&Z unequivocally establishes:

1. My clients requested (and hereby again request) that the buildable area of their property be zoned R-1A, as provided in the FPDO.

2. The buildable area of my clients' property under the FPDO comprises a total of 73.10 acres. *See* Amended Planning Division Staff Report ("Amended Staff Report") at p. 74 (Appendix A).

3. No evidence was presented to P&Z establishing the buildable area of my clients' property to be other than 73.10 acres, nor was there any contrary finding adopted by P&Z.

4. No evidence was presented to P&Z supporting a zoning designation of other than R-1A for the buildable area of my clients' property.

5. No legal authority or argument was presented to P&Z supporting its avoidance of the express requirement of the FPDO that the buildable area of my clients' property be zoned R-1A upon annexation.

6. P&Z's Findings and Conclusions of Fact adopted September 8, 2008 ("Findings & Conclusions") expressly found that the FPDO "*requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones, as are so*

> *requested in this application*." Findings & Conclusions at p. 5, finding C (emphasis added).

Accordingly, based on the foregoing grounds, the Boise City Council is respectfully requested to reject P&Z's recommendation that all of my clients' property be downzoned to open space, and to instead approve my clients' application for annexation and the rezoning of the buildable area of my clients' property to R-1A, as required by the FPDO.

Further, and not withstanding the foregoing request, should the Boise City Council determine to annex and rezone my clients' property without also approving their development applications being heard on appeal, no rezoning of my clients' existing Boise property should be adopted, nor should any other zoning designations (such as "DA") be adopted establishing additional requirements from those set forth in the FPDO. *Cf. Highlands Dev. Corp. v. City of Boise*, 145 Idaho 958, 962 (2008) (favorably citing prior precedent establishing that property owners may seek judicial review to void decisions downzoning their property). Finally, in light of the patently arbitrary, unsupported, and illegal action by P&Z in deciding my clients' applications, as further discussed below, my clients must hereby respectfully (a) reserve their rights to withdraw their annexation and rezone application through the time the Boise City Council should approve an ordinance annexing and rezoning my clients' property, *see, e.g.*, Boise Municipal Code § 11-08-03 (acknowledging an applicant's right to withdraw an application for annexation or rezone); and (b) object to the annexation of their Ada County property absent the Boise City Council's approval of my clients' development applications in connection with deciding this appeal of P&Z's action.

II. Conditional Use Permit CUP07-00084, Hillside and Foothill Development Permit CFH07-00022, and Preliminary Plat SUB07-00065.

After three years of working with PDS to come up with a project design that would meet the intent of the FPDO, PDS expressly found based on its in-depth analysis of my clients' applications as follows:

> 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.

Amended Staff Report at p. 4.

In rejecting PDS's recommended approval, P&Z repeatedly "found" that my clients' proposal for 155 dwelling units was excessive under the FPDO. *See, e.g.*, Findings & Conclusions at p. 6, finding A ("The proposal . . . fails to comply with the policies concerning density"), and at p. 11 ("The subdivision as proposed for 155 lots is excessive in number"). However, as was pointed out to P&Z *before* its first hearing on my clients' applications, *and* during both of P&Z's public hearings, *and* during P&Z's August 5 work session, the base density for my clients' proposed project under the FPDO—before the award of *any* discretionary density bonus—is 917± dwelling units, as set forth in the table on the first page of this letter memorandum. Thus, as expressly provided in the FPDO:

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

FPDO § 11-06-05.07.04.A.1 (emphasis added). The import of the foregoing provision being the starting point and very first provision of the applicable ordinance cannot be overstated. *Cf. Evans v. Teton County*, 139 Idaho 71, 77 (2003) ("ordinances must be construed so as to give effect to all their provisions and not to render any part superfluous or insignificant."). Accordingly, the 155 dwelling units proposed by my clients were only 17% of the base density provided under the FPDO.[1]

Both by refusing to recognize and give effect to the base density provisions in the FPDO and by recommending that the buildable area of my clients' property be rezoned to open space in disregard of the express requirement that such area be zoned R-1A, as discussed above, P&Z contravened the unambiguous requirements of Boise's FPDO in order to get to its desired result. Such conduct constitutes a clear violation of city law, is in excess of P&Z's statutory authority, comprises a clear abuse of discretion, and is not and cannot be supported by substantial evidence. *See Lane Ranch P'ship v. City of Sun Valley*, 145 Idaho 87, 91 (2007) (city's unreasonable interpretation of its zoning code is an abuse of discretion and violative of a landowner's "substantial right to have its application evaluated properly"). Such conduct also constitutes clear reversible error. *Lane Ranch P'ship v. City of Sun Valley*, 144 Idaho 584, 590-91 (2007) (remanding applications denied on multiple grounds because "we are unable to tell if the City reached the wrong result, or even if it reached the right result, did so for the wrong reason.")

[1] The 155 proposed dwelling units are also less than the 159 dwelling units allowable under Boise's R-1A zone (i.e., 73.10 buildable acres x 43,560 sq. ft. per acre ÷ 20,000 sq. ft. minimum lot area (*see* Boise Municipal Code § 11-04-03.07) = 159 dwelling units).

Accordingly, in light of P&Z's manifest refusal to decide my clients' development applications and to make zoning recommendations in accordance with the unambiguous requirements of the FPDO, after repeatedly being asked to do so, and after considering the arguments to be presented at the hearing of this appeal discrediting the other erroneous "findings" made by P&Z, the Boise City Council is respectfully requested to:

> (a) examine the evidence to determine whether additional findings could be supported, make those additional findings and then review the original decision; [and]
>
> (b) make such decision as is supported by the findings[.]

BOISE MUNICIPAL CODE § 11-03-07.05.G.5.

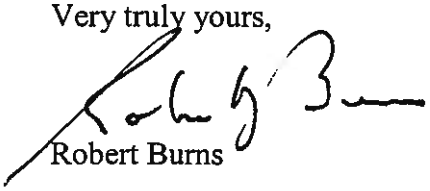
III. Conclusion.

In closing, my clients wish to make clear that they are not seeking to develop more than 155 dwelling units on their property, together with their acquiescence to both Boise's FPDO and Chapter 3, Title 9, Ada County Code (Boise City Area of City Impact)—provided Boise is also willing to adhere to its own ordinances. However, in consideration of the fact that my clients have invested many millions of dollars in acquiring and developing their property with the expectation that Boise will follow its duly adopted ordinances, my clients simply cannot and will not consent to Boise annexing and rezoning to open space property that is already zoned by Boise for the development of up to 176 dwelling units and by Ada County for the development of up to 741 additional dwelling units, for an *existing* allowed density of up to 917 residential dwellings.[2] Your rejection of P&Z's recommendations and actions, coupled with the annexation and rezoning of my clients' property and the approval of my clients' development applications in accordance with the provisions of the FPDO, is therefore respectfully requested.

---

[2] Following P&Z's decision, PDS indicated that a discretionary density bonus might still be required, as only 4 of the 917 allowable dwelling units are attributable to that portion of my clients' property currently zoned RP by Ada County. As reflected in the attachments to this letter, however, such a contention is directly at odds with the intention of the *Boise City Foothills Policy Plan* ("the "Plan") to allow for density transfers among parcels within a project. And as expressly stated in the FPDO, its very purpose was to "implement [the] residential subdivision density and design elements of the [Plan]." BOISE MUNICIPAL CODE § 11-06-05.07.01. PDS's contention is thus without merit.

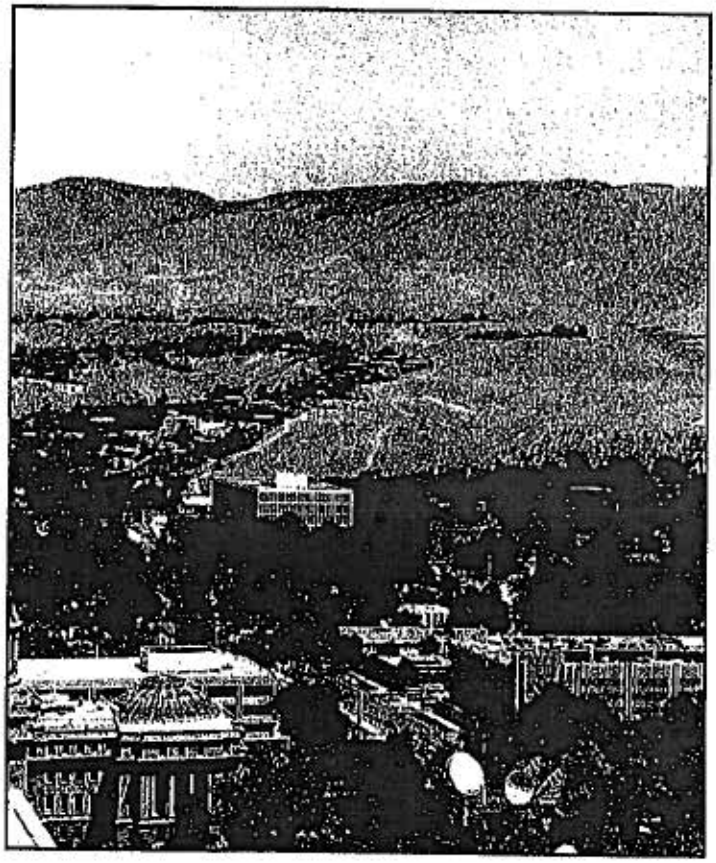
Very truly yours,



Robert Burns

RBB/kdp
cc: Amanda Horton (*via e-mail*)
Hal Simmons (*via e-mail*)
Bruce Eggleston (*via e-mail*)
Ramon Yorgason (*via e-mail*)
Dave Yorgason (*via e-mail*)
Chris Yorgason (*via e-mail*)
Joe Johnson (*via e-mail*)
Kerry Winn (*via e-mail*)

BOISE CITY
FOOTHILLS POLICY PLAN



An Amendment to the
BOISE CITY COMPREHENSIVE PLAN
Boise, Idaho — March 1997

Client:982451 5

PREFACE

INTRODUCTION

Since 1978 the goals and policies of *A Policy Plan for The Boise Metropolitan Area* and the 1981 *Hillside and Foothill Areas Development Ordinance* have been used to guide growth and development in the City portion of the Foothills. As development continued in the Foothills through the 1980's, it became evident to many that a more detailed plan for the area needed to be developed to protect sensitive areas and to provide long-range guidance for development.

The Foothills Plan Steering Committee, appointed by Mayor Kempthorne, worked through many difficulties to produce a set of primary and secondary alternatives. The Plan was then reviewed and refined by a Sub-Committee of two members each from the respective Planning and Zoning Commissions of Boise City and Ada County. It was then reviewed and brought to hearing before the Boise City Planning and Zoning Commission. They made a recommendation to the City Council on July 17, 1995. The City Council extensively reviewed the recommendations and prepared a final draft for hearing on November 20, 1996.

This *Foothills Policy Plan* includes a policy section, land use maps, and implementation programs. There is an extensive *Foothills Plan Background Report* which provides the technical information upon which the policies were founded. This report will also provide guidance for the analysis of development applications in the Foothills.

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.

The policy and land use sections of the *Foothills Policy Plan* reflect the extensive public ideas received during the past few years. These public concerns are summarized below.

Goals, objectives and policies for "Land Use and General Development" in the Foothills Planning Area. (continued)

GOAL	OBJECTIVE	POLICIES
(continued)	Objective 2 (continued)	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.
		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

(continued)

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 Within Buildable Areas	Density Bonus Within 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.

Goals, objectives and policies for "Land Use and General Development" in the Foothills Planning Area. (continued)

GOAL	OBJECTIVE	POLICIES
(continued)	Objective 3 (continued)	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.

APPENDIX A - GLOSSARY OF TERMS

Activity Center - These centers could include development of a range of commercial services, urban support services and urban residential densities to attract or avoid vehicular trips. Uses might include grocery stores, restaurants, apartments, townhouses, fire stations, schools, parks, recreational uses, and public open space.

Archeological Artifacts - Material evidence of human life and cultures in past ages. This includes paleontologic sites, fossils, ancient life forms and remains of the culture of a people, for example: fossil beds, or Native North American village sites and artifacts.

Boise Area of Impact - [See definition on the "Foothills Land Use Map," Figure 1 - 1.] An extraterritorial review area surrounding Boise City which was negotiated between Boise City and Ada County in accordance with Section 67-6526 of the Idaho Code. The *Boise City Comprehensive Plan* Policies and the City *Subdivision Ordinance* apply within this unincorporated portion of Ada County and certain zoning and development applications within this area are referred to Boise City for review and comment.

Building Envelope - The designated area on a lot within which a building or other structure (including footings) must be contained.

Built Community - Developed areas including homes, businesses, schools, golf courses, farms/agricultural operations, roads and sidewalks.

Built Landscape - Developed areas including homes, businesses, schools, golf courses, roads, sidewalks and the associated landscaping. The character of plant materials in the built landscape differs from that of the natural landscape and typically includes large conifers, deciduous shade trees and flowering ornamental trees and shrubs with lawn as the primary ground cover.

Cluster Development - Residential development, usually reviewed under the regulations for a planned unit development, which utilizes a variety of densities and housing types in an effort to concentrate infrastructure, avoid sensitive environmental sites and to optimize the more rights from one parcel of land to another parcel which is not part of the same PUD. It is a development technique in which certain lands are dedicated to open space, or other public or other uses not involving buildings, and the potential development density, or units per acre, is transferred either to another portion of the project or to a separate site. The density transfer process would allow density of dwelling units on a parcel to exceed underlying zoning density restrictions in order to create extra open space within or between planned developments. The transfer of development rights (TDRs) would also permit the transfer of density from one parcel ownership in a holding zone to another parcel located in a receiving zone. Receiving zones would be located in either the flattest, least environmentally sensitive areas of the Foothills, or in certain parts of the City or County that are not located in the Foothills.
The TDR process would essentially keep most holding zone parcels in their undeveloped state. By permitting the density transfer from the holding zone, the public would restrict a holding parcel to rural uses through some form of legal instrument such as a conservation easement or deed restriction. The TDR process would not prevent development of a single family residence on a legal parcel of land, if the land owner chose not to transfer density from the holding parcel to a receiving site.

Destination 2015: Regional Transportation Plan for Northern Ada County - This plan includes all committed transportation projects as well as those enumerated in the *2010 Regional Transportation Plan*.

Easement - A grant of the right to use land for a specific purpose or purposes, such as the right to install, access and maintain public utilities.

Ecosystem - That area which provides the biological and physical requirements to maintain the viability of plant or animal populations or associations. An ecological community, together with its environment, functioning as a unit.

Efficient Water Management - Utilization of water saving irrigation technology and includes the selection of plant materials that require less water.

Enhancement - To make greater, as in value, beauty, or reputation; augment.

Client:982451.5

Planning & Development Services

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

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

Application for Appeal

Fee: $ 174.00

I (we) AASE's Canyon Pointe Development, LLC and Capital Development, Inc., **hereby appeal the decision of the Boise City:**

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

File Number: ~~CAR07-00042~~ CFH07-00022 CUP07-00084 SUB07-00065 **Address:** 6890 N. Plano Road

Specific Action Being Appealed:

Denial of CUP07-00084 (conditional use permit), CFH07-00022 (hillside and foothill development permit), and SUB07-00065 (preliminary plat).

Grounds for Appeal (See Boise Municipal Code § 11-03-07.05.G.8.)

1. The decisions below are in violation of constitutional, state or city law.
2. The review body's decisions exceed its statutory authority.
3. The decisions below are arbitrary, capricious or an abuse of discretion.
4. The decisions below are not supported by substantial evidence.

Appeal Contact Person: Robert B. Burns, Esq.

Address: Moffatt, Thomas, Barrett, Rock & Fields, 101 S. Capitol Blvd., P.O. Box 829, Boise, ID 83701

Home Phone: _____ Work Phone: 385-5412

Appeals

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

* Portion of fee is refundable if appeal is successful

Notes

1. If the reasons for the appeal are resolved prior to the appeal hearing, please contact the Planning Staff at 384-3830.
2. The only topics which may be discussed during the appeal hearing are the specific reasons for the appeal as stated in the application.
3. Neighborhood groups are encouraged to elect a spokesperson for appeals that are supported by numerous residents of the project to avoid a duplication of testimony.
4. Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

Signature of Appellant/Representative: _____ **Date:** 9-17-08

For Staff Use Only:

If the appellant is not the applicant, the applicant must be contacted immediately following the acceptance of this appeal.

Applicant contacted on _____ by _____ ☐ Appeal is by applicant

RECEIVED
SEP 17 2008
DEVELOPMENT SERVICES

8/05

CLIENT:998151.1

From: Suezann Yorita
To: Planning & Zoning
Date: 9/17/2008 1:07 PM
Subject: APPEAL REC'D CAR07-00042 9/17/2008

We, AASE's Canyon Pointe Development LLC and Capital, hereby appeal the decision of the Boise City Planning & Zoning Commission.

File #: CAR07-00042

Action being appealed: Denial of CUP07-00084 (conditional use permit), CFH07-00022 (hillside and foothill development permit), and SUB07-00065 (preliminary plant).

Grounds for appeal: (1) The decisions below are in violation of constitutional, state or city law. (2) The review body's decisions exceed its statutory authority. (3) The decisions below are arbitrary, capricious or an abuse of discretion. (4) The decisions below are not supported by substantial evidence.

Analyst: Bruce Eggleston

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Christine E. Nicholas
Bradley J Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Tara Martens
Julian E. Gabiola
Kimberly D. Evans Ross
Jason G. Murray
Mark C. Peterson

Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson
C. Edward Cather III
Michelle C. Michaud
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Nathan R. Starnes
Andrew J. Snook

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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August 27, 2008

DRAFT

Mayor David H. Bieter and Boise City Council
P.O. Box 500
Boise, Idaho 83701-0500

Re: CAR07-00042--Plano Road Subdivision Annexation and Rezone
MTBR&F File No. 23405.0000

Dear Mayor and Councilmembers:

On Monday, August 11, the Boise Planning and Zoning Commission ("P&Z") voted to recommend your annexing 296 acres of my clients' Ada County property and rezoning both it and the adjoining 36.5 acres of my clients' Boise property to "A-2 Open Land," with an overlay district requiring the approval of a development agreement containing certain specified provisions prior to development. As Boise's Planning & Development Services ("PDS") and my clients concur, the property subject to P&Z's recommendation is currently zoned to allow for a maximum allowed density of approximately 917 dwelling units, as set forth in the below table:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U/Ac	Current Maximum Allowed Density
Sub-Total, Boise City	A-1	16.4	1	16
Sub-Total, Boise City	R-1C	20.1	8	160
Sub-Total, Ada County	R6	122.9	6	737
Sub-Total, Ada County	RP	173.1	0.025	4
Total		332.5		917±

In this regard, and as was pointed out to P&Z before its first hearing on my clients' applications and during both of P&Z's public hearings and its August 5 work session, my clients' property is subject to the application of Boise's Foothills Planned Development Ordinance ("FPDO"), which provides, in relevant part, as follows:

DRAFT

- "Upon annexation the building areas of the [planned development] *shall be zoned 'R-1A,' Single-Family Residential, with the density and design further controlled by the provisions of this ordinance.*" FPDO § 11-06-05.07.03 (emphasis added).

- "The base density on parcels proposed for development is that given *for the existing Boise City or Ada County zone(s).*" FPDO § 11-06-05.07.04.A.1 (emphasis added).

As explained by Commissioner Baskin following the close of P&Z's public hearings, P&Z believed that it was not required to adhere to the foregoing provisions of the Boise Municipal Code because, in Commissioner Baskin's opinion, their application had not been timely raised by my clients. However, as noted above, my clients repeatedly pointed to the application of the FPDO in establishing the base density for their property not only *prior* to the initial hearing before P&Z, but also *during* each of the two hearings and work sessions held by P&Z. Thus, P&Z's determination that it was free to ignore the FPDO appears to be rooted not in any "untimeliness," but in Commissioner Baskin's expressed desire for my clients to return with a project proposal in the range of 90 dwelling units, rather than the 155 dwelling units being proposed by my clients. And apparently to ensure that my clients would accede to Commissioner Baskin's direction for their further reduction in density from the up to 917 dwelling units allowed under existing zoning and the 155 units worked out between my clients and PDS over the last three years of cooperative efforts, P&Z recommended that you annex my clients' Ada County property and rezone it and my clients' Boise property to open space in disregard of the following facts:

1. PDS expressly found in its in-depth analysis of my clients' applications contained in the amended Planning Division Staff Report ("Staff Report"), page 4, as follows:

> 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.

DRAFT

2. The developable portion of my clients' property under the FPDO was established to comprise 73.10 acres. *See* Staff Report, Appendix A.

3. My clients requested the developable portions of their property be zoned R-1A, as provided in the FPDO.

4. No evidence was presented to P&Z establishing the developable portions of my clients' property to be other than 73.10 acres.

5. No evidence was presented to P&Z supporting a zoning designation of other than R-1A for the developable portions of my clients' property.

6. No legal authority or argument was presented to P&Z supporting its avoidance of the express requirements of the FPDO quoted above.

Accordingly, based on the foregoing grounds, together with the extensive record supporting my clients' project applications made in the proceedings before P&Z, the Boise City Council is respectfully requested to reject the recommendation of P&Z and to approve my clients' applications, including rezoning the developable portions of my clients' property to R-1A. Further, should the Boise City Council determine to annex and rezone my clients' property without also approving their development applications being heard on appeal, ~~(i)~~ no rezoning of my clients' existing Boise property should be adopted, nor should any overlay district be adopted establishing ~~and (ii) the zoning of the developable portions of my clients' Ada County property should include an overlay district establishing that the maximum allowed density for the property is 741 dwelling units but omitting~~ additional requirements from those set forth in the FPDO. *See* FPDO § 11-06-05.07.03 (quoted above). Finally, in light of the patently arbitrary, unsupported, and illegal action by P&Z in deciding my clients' applications, my clients must hereby respectfully reserve their rights to withdraw their above-referenced annexation and rezone application through the time the Boise City Council should approve an ordinance annexing and rezoning my clients' property. *See, e.g.*, Boise Municipal Code § 11-08-03 (acknowledging an applicant's right to withdraw an application for annexation or rezone).

In closing, my clients wish to make clear their acquiescence to Boise's FPDO and Chapter 3, Title 9, Ada County Code (Boise City Area of City Impact), provided Boise is also willing to adhere to its own ordinances. However, in light of the fact that my clients have invested many millions of dollars in acquiring and developing their property with the expectation that Boise will follow its duly adopted ordinances, my clients cannot and will not consent to Boise annexing and rezoning to open space property that is already zoned by Boise for the development of up to 176 dwelling units and by Ada County for the development of up to 741 additional dwelling units, for an *existing* allowed density of up to 917 residential dwellings. Your rejection of P&Z's

recommendations, coupled with the annexation and rezoning of my clients' property in accordance with the provisions of the FPDO, is therefore respectfully requested.

Very truly yours,

DRAFT

Robert Burns

RBB/kdp
cc: Teresa Sobotka
Hal Simmons
Bruce Eggleston
Ramon Yorgason
Dave Yorgason
Chris Yorgason
Joe Johnson
Kerry Winn

Teresa Sobotka - Plano Road Subdivision

From: Bob Burns <RBB@moffatt.com>
To: Teresa Sobotka <TSOBOTKA@cityofboise.org>
Date: 8/20/2008 11:28 AM
Subject: Plano Road Subdivision
CC: "ryorgason@cableone.net" <ryorgason@cableone.net>, "dyorgason@cableone.net" <dyorgason@cableone.net>, "cyorgason@cableone.net" <cyorgason@cableone.net>, "Joekjohn@msn.com" <Joekjohn@msn.com>, Kerry Winn <kwinn@stewartlandgroup.com>
Attachments: Document.pdf

Teresa, I have attached for your review a draft letter to the mayor and city council summarizing my clients' position with respect to P&Z's recommendations concerning the annexation and zoning of my clients' property. Although a great deal of thought and research have already gone into the letter, my clients and I would very much like to meet with you, Hal and Bruce to discuss the letter and elicit your comments and suggestions before it is finalized and sent. (Although the week after next generally works for everybody on my team, we would prefer to meet next Wednesday anytime after 11:00, if that works for you.) Of course, I am also available to discuss the legal issues over the phone or in person with you, should you like to do so before we pull everybody into a meeting. Accordingly, perhaps you would be so kind as to discuss this matter with Hal and Bruce and then let me know how your team would like to proceed.

Thanks again for all your courtesies in handling this obviously highly controversial and difficult development. Talk to you soon. Bob

P.S. I'm on my way over to my other office at the law library, but will be back in late this afternoon.

Robert B. Burns
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P. O. Box 829
Boise, ID 83701-0829
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800-422-2889
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rbb@moffatt.com

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Idaho Falls
Pocatello
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R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
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Gary T. Dance
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Randall A. Peterman
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Tyler J. Anderson
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Nathan R. Starnes
Andrew J. Snook

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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August 20, 2008

Mayor David H. Bieter and Boise City Council
P.O. Box 500
Boise, ID 83701-0500

Re: CAR07-00042--Plano Road Subdivision Annexation and Rezone
MTBR&F File No. 23405.0000

Dear Mayor and Councilmembers:

On Monday, August 11, the Boise Planning and Zoning Commission ("P&Z") voted to recommend your annexing 296 acres of my clients' Ada County property and rezoning both it and the adjoining 36.5 acres of my clients' Boise property to "A-2 Open Land," with an overlay district requiring the approval of a development agreement containing certain specified provisions prior to development. As Boise's Planning & Development Services ("PDS") and my clients concur, the property subject to P&Z's recommendation is currently zoned to allow for a maximum allowed density of approximately 917 dwelling units, as set forth in the below table:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning – U/Ac	Current Maximum Allowed Density
Sub-Total, Boise City	A-1	16.4	1	16
Sub-Total, Boise City	R-1C	20.1	8	160
Sub-Total, Ada County	R6	122.9	6	737
Sub-Total, Ada County	RP	173.1	0.025	4
Total		332.5		917±

In this regard, and as was pointed out to P&Z before its first hearing on my clients' applications and during both of P&Z's public hearings and its August 5 work session, my clients' property is subject to the application of Boise's Foothills Planned Development Ordinance ("FPDO"), which provides, in relevant part, as follows:

- "Upon annexation the building areas of the [planned development] *shall be zoned 'R-1A,' Single-Family Residential, with the density and design further controlled by the provisions of this ordinance.*" FPDO § 11-06-05.07.03 (emphasis added).

- "The base density on parcels proposed for development is that given *for the existing Boise City or Ada County zone(s).*" FPDO § 11-06-05.07.04.A.1 (emphasis added).

As explained by Commissioner Baskin following the close of P&Z's public hearings, P&Z believed that it was not required to adhere to the foregoing provisions of the Boise Municipal Code because, in Commissioner Baskin's opinion, their application had not been timely raised by my clients. However, as noted above, my clients repeatedly pointed to the application of the FPDO in establishing the base density for their property not only *prior* to the initial hearing before P&Z, but also *during* each of the two hearings and work sessions held by P&Z. Thus, P&Z's determination that it was free to ignore the FPDO appears to be rooted not in any "untimeliness," but in Commissioner Baskin's expressed desire for my clients to return with a project proposal in the range of 90 dwelling units, rather than the 155 dwelling units being proposed by my clients. And apparently to ensure that my clients would accede to Commissioner Baskin's direction for their further reduction in density from the up to 917 dwelling units allowed under existing zoning and the 155 units worked out between my clients and PDS over the last three years of cooperative efforts, P&Z recommended that you annex my clients' Ada County property and rezone it and my clients' Boise property to open space in disregard of the following facts:

1. PDS expressly found in its in-depth analysis of my clients' applications contained in the amended Planning Division Staff Report ("Staff Report"), page 4, as follows:

> 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. The developable portion of my clients' property under the FPDO was established to comprise 73.10 acres. *See* Staff Report, Appendix A.

3. My clients requested the developable portions of their property be zoned R-1A, as provided in the FPDO.

4. No evidence was presented to P&Z establishing the developable portions of my clients' property to be other than 73.10 acres.

5. No evidence was presented to P&Z supporting a zoning designation of other than R-1A for the developable portions of my clients' property.

6. No legal authority or argument was presented to P&Z supporting its avoidance of the express requirements of the FPDO quoted above.

Accordingly, based on the foregoing grounds, together with the extensive record supporting my clients' project applications made in the proceedings before P&Z, the Boise City Council is respectfully requested to reject the recommendation of P&Z and to approve my clients' applications, including rezoning the developable portions of my clients' property to R-1A. Further, should the Boise City Council determine to annex and rezone my clients' property without also approving their development applications being heard on appeal, (i) no rezoning of my clients' Boise property should be adopted, and (ii) the zoning of the developable portions of my clients' Ada County property should include an overlay district establishing that the maximum allowed density for the property is 741 dwelling units but omitting additional requirements from those set forth in the FPDO. *See* FPDO § 11-06-05.07.03 (quoted above). Finally, in light of the patently arbitrary, unsupported, and illegal action by P&Z in deciding my clients' applications, my clients must hereby respectfully reserve their rights to withdraw their above-referenced annexation and rezone application through the time the Boise City Council should approve an ordinance annexing and rezoning my clients' property. *See, e.g.*, Boise Municipal Code § 11-08-03 (acknowledging an applicant's right to withdraw an application for annexation or rezone).

In closing, my clients wish to make clear their acquiescence to Boise's FPDO and Chapter 3, Title 9, Ada County Code (Boise City Area of City Impact), provided Boise is also willing to adhere to its own ordinances. However, in light of the fact that my clients have invested many millions of dollars in acquiring and developing their property with the expectation that Boise will follow its duly adopted ordinances, my clients cannot and will not consent to Boise annexing and rezoning to open space property that is already zoned by Boise for the development of up to 176 dwelling units and by Ada County for the development of up to 741 dwelling units, for an *existing* allowed density of up to 917 residential dwellings. Your rejection of P&Z's

recommendations, coupled with the annexation and rezoning of my clients' property in accordance with the provisions of the FPDO, is therefore respectfully requested.

Very truly yours,

DRAFT

Robert Burns

RBB/kdp
cc: Teresa Sobotka
Hal Simmons
Bruce Eggleston
Ramon Yorgason
Dave Yorgason
Chris Yorgason
Joe Johnson
Kerry Winn

From: Suezann Yorita
To: Planning & Zoning
Date: 9/17/2008 1:07 PM
Subject: APPEAL REC'D CAR07-00042 9/17/2008

We, AASE's Canyon Pointe Development LLC and Capital, hereby appeal the decision of the Boise City Planning & Zoning Commission.

File #: CAR07-00042

Action being appealed: Denial of CUP07-00084 (conditional use permit), CFH07-00022 (hillside and foothill development permit), and SUB07-00065 (preliminary plant).

Grounds for appeal: (1) The decisions below are in violation of constitutional, state or city law. (2) The review body's decisions exceed its statutory authority. (3) The decisions below are arbitrary, capricious or an abuse of discretion. (4) The decisions below are not supported by substantial evidence.

Analyst: Bruce Eggleston

4

Letters from the

Public on Appeals

after Sept. 8th

Letters From The Public on Appeals

BRUCE EGGLESTON - Plano development proposal

From: Michael Jones <michaelrjones44@yahoo.com>
To: Bruce Eggleston <beggleston@cityofboise.org
Date: Tuesday, October 21, 2008 8:33 AM
Subject: Plano development proposal
Attachments: For Boise City Council.doc

Bruce Eggleston
Planning and Development Services
City of Boise
Dear Mr. Eggleston:
Below are my comments for the City Council as they consider the Plano proposal appeal. Thank you for including them in the materials of record.

Sincerely,
Michael Jones

For Boise City Council
Concerning Aase's/Plano Subdivision Proposal

October 20, 2008

Dear Mayor and Members of the City Council:

As a resident of this Valley, the city of Boise, and the Hill Road Neighborhood, and as a participant in the proceedings so far, I strongly support the Planning and Zoning Commission's rejection of this development proposal. I urge the City Council to confirm the rejection.

Here are a few of the many reasons why this proposed development should not be accepted.

1. A stark confrontation between the Foothills Plan and unbridled twentieth century style development
This first major application since adoption of the Boise Foothills Plan/Ordinance is an extremely important test case. Because the proposal violates letter and spirit of important provisions of the Plan, approval would send the message to citizens and developers alike that the Plan is not worth the paper it is written on.

Some of the provisions contravened by this proposal are:

a. Development is to be avoided where it would require "excessive grading, cut and fill." The millions of cubic yards (tens of thousands of dumptruck loads) of ridgetop to be moved for this development are many times the quantities of previous developments. If this is not "excessive," there is no such thing. Dumping some of the excess on site may ameliorate truck traffic down below, but it does not alter the excessive amount of earth hacking.

b. "The natural scenic values of prominent ridges and knolls shall be maintained." In order to place luxury homes on big flat lots, the developers say they will scrape up to 50 vertical feet off the ridge tops. Thus "natural scenic values" would be turned into yet another row of large houses.

c. Nearby neighborhoods are to be protected from "unacceptable adverse impacts resulting from Foothills development." In fact, traffic impacts, including construction vehicles, will be devastating to the two small neighborhoods immediately below the development.

f e c e e g egg e c e g e e

2. The rare Aase's onion
Though the developers have claimed that they will preserve Aase's onion beds, the cut and fill they propose will destroy countless of these delicate foothills natives. Furthermore, the ones not destroyed live mostly on steep unbuildable hillsides where they don't really need anyone's protection. Saying this development is good for Aase's onions is a cynical manipulation of rare plant protection concerns.

3. Public opinion favors foothills preservation
Many people regard the (relatively) undeveloped foothills as one of Boise's greatest assets and attractions. For example, a county task force just this spring found that 94 per cent of participants in workshops listed open space as their main concern, with the foothills highly favored. (Idaho Statesman, April 23, 2008)

4. Aesthetics, open space, urban sprawl
Framers of the Foothills Plan have told me that Quail Ridge subdivision was an example of the type of development they were trying to avoid as they worked out the terms of Plan. When I asked Boise Planning staff if this development would look like Quail Ridge, the answer was one word: "Yes." As I have studied the contours and extent of the ridges of the current proposed area, I think it would very likely be an even worse aesthetic assault on the near foothills than Quail Ridge.
This particular piece of Boise's unique geography could reasonably have some homes tucked unobtrusively in the gullies and folds of the land, but the development as proposed is fundamentally inappropriate for the hills, the neighborhood, and the city.
If Boise needs more housing units, low cost, luxury, or in between, let's put them in moderately tall condominiums and apartments downtown, vitalizing the urban center and keeping our hills natural.

Respectfully submitted,

Michael Jones
5218 Castle Drive, Boise, 83703
345-4199 michaelrjones44@yahoo.com

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http://mail.yahoo.com

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http://mail.yahoo.com

f e c e e g egg e c e g e e

Daniel Young
965 Collister Dr.
Boise, Id. 83703
Tel 208-344-4822

August 21, 2008

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

Subject: Aase's Canyon Development/ Plan o Road Subdivision

Dear Mayor Bieter, Members of the Boise City Council, Boise City Commissioners, and Staff of Boise City,

I would like to express my opposition to the Plano Road Subdivision proposal. While the developers may have some right to develop the land they own, I feel that the density of homes proposed will have too negative an impact on traffic, wildlife and foothills aesthetics.

The proposal to connect Collister Drive with Plano Lane will create a large increase in traffic along Collister Drive which will in turn bring more congestion and safety hazards to the residents along Collister Drive. The number of homes on this northeasterly portion of the proposed subdivision will likely use this "alternative route" along Collister Drive as a primary route because of the easy access to Hill Road and closer proximity to the city center. The burden this will place on current residents will be great.

I have been a resident of this particular area for 5 years and am aware of the tremendous amount of wildlife present in these foothills. This subdivision would surely displace the majority of wildlife accessing these hillsides. The proposed wildlife corridors appear to be inadequate. I cannot believe wildlife will use such narrow corridors next to homes. The sheer number of proposed homes and roads along with the noise from traffic, pets and residents that will be created are sure to keep wildlife from entering the area, let alone from using these small, narrow corridors. The reduction of proposed lots 19 through 25 along Sunrise Point Drive would provide a large corridor for wildlife to pass through along with a rare, flat, natural area for wildlife to inhabit.

This proposal appears to be the kind of development that the Foothills Ordinance was created to prevent. An excerpt from this plan states, "The 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..." I am particularly concerned with proposed lots 19 throug h 25 along Sunrise Point Drive. There are a dozen existing homes at the end of and on the north side of Collister Drive. Presently, they enjoy an undisturbed, natural looking "knoll" and hillside above their backyards. Proposed, is a road and 7 lots that will be looming over their backyards. This proposal surely will ruin the scenic value and peace that these residents currently enjoy. In addition, these proposed lots are placed in one of the few, small flat areas midway up these foothills. Does every small patch of buildable land need to be developed on? These homes will be an eyesore for all the residents towards the end of

Collister Drive. At a minimum I would request that these lots be removed and that the road be moved further away or designed so that it will not be visible by the residents below.

In conclusion, the number of proposed homes in Plano Road Subdivision, particularly at the end of Collister Drive and along Sunrise Point Drive is too high in density and will create too negative an impact. While I would hope for a complete denial of the proposed development, I would at least like to see a reduction in density and a limitation that homes are built at the top and bottom of hills, away from current residents and not across the midsection of the hills. These limitations will help protect residents, wildlife and aesthetic values that are currently enjoyed and valued in this area. I would like to thank you for taking the time to consider my opinion.

Sincerely,

Daniel Young

From: karen knudtsen <karenlynnefox@yahoo.com>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 9/5/2008 2:29 PM
Subject: Re: Fwd: P&Z Findings, CAR07-42, 8-11-08

Bruce,

Thank you very much for sending the Plano notes to all of us interested parties. I very much appreciate being kept informed; it is excellent to know that the Foothills Ordinance is being referred and adhered to by the city leaders.

Now we all need to figure out how to deal with the intense traffic pressure on Hill Rd and surrounding arterials so that the integrity of all the local neighborhoods is preserved. Somehow, specific arterials need to be improved drastically to carry projected traffic loads given all the upcoming foothill developments that are sure to happen. As well, these improved arterials must flow seemlessly into an improved State Street, all without blowing our federal ozone numbers that would take away needed federal funding for such traffic improvements, if I understand that correctly. Anyway, the community leaders now need to come up with an overall plan for foothills development that preserves open space, maintains local neighborhoods' quality of life, controls carbon monoxide air pollution in the area, and develops systems for handling increased traffic flows, etc.

Thank you,

Karen Knudtsen

--- On Fri, 9/5/08, BRUCE EGGLESTON <Beggleston@cityofboise.org> wrote:

From: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Subject: Fwd: P&Z Findings, CAR07-42, 8-11-08
To: "Don Plum" <doger14@aol.com>, "Milt Coffman" <miltc62@aol.com>, sbacon@boisestate.edu, keslers@cabelone.net, lowellandbarbara@cabelone.net, "Dave Yorgason" <dyorgason@cableone.net>, fbsmithiv@cableone.net, "John E. Clifford" <johnclifford@cableone.net>, "Ramon Yorgason" <ryorgason@cableone.net>, "Nancy Brennan" <butterfly@clearwire.net>, "Julie Klocke" <president@collistercna.org>, "Jeff Tucker" <jeffttucker@gmail.com>, "Julia Wright" <trick.walker@gmail.com>, "Janel Brown" <janelbrown12@hotmail.com>, "Mark Fogarty" <mark_fgty@hotmail.com>, run_1@hotmail.com, youn9241@hotmail.com, "Kevin MCintyre" <kevin.mcintyre@hp.com>, "Rick Ward" <rward@idfg.idaho.gov>, tbreuer@lttv.org, "Ethel Ficks" <boisebook@mac.com>, "Mike Wardle" <mdwa@micron.net>, "Robert Burns" <rbb@moffatt.com>, "Dale Higher" <dghiger@msn.com>, "Gene Wortham" <GeneWortham@msn.com>, "JUSTIN WORTHAM" <justingwortham@msn.com>, "Stacy Beeson" <middleton11@msn.com>, "Sharon Clawson" <mkclawson@msn.com>, "Bruce Parker" <parkerb@pwncpa.com>, "Jimmy Smith" <jimmy@steelhead.com>, "Kerry Winn" <kwinn@stewartlandgroup.com>, "Katie Watts" <katie@tvlitho.com>, "John Watts" <john@veritasadvisor.com>, "Chuck Link" <chucklink@worldnet.att.net>, "Julie Klocke" <jnclocke@yahoo.com>, "Joanie Fauci" <joanie4c@yahoo.com>, "Karen Knudtsen" <karenlynnefox@yahoo.com>, "Patti Raino" <pattiraino@yahoo.com>, pjjcourtright@yahoo.com
Cc: woody@azimutheng.com, Cynthia.Sewell.-.csewell@idahostatesman.com, "Josh Wright" <JWright@stewartlandgroup.com>
Date: Friday, September 5, 2008, 11:21 AM

Dear All,

Attached are the findings for the Plano Road Subdivision applications. They are scheduled to be reviewed for adoption at the September 8, 2008 hearing.

I have also attached the minutes of the Commission discussion of the recommendations and decisions.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

For Boise City Council
Concerning Aase's/Plano Subdivision Proposal

October 20, 2008

Dear Mayor and Members of the City Council:

As a resident of this Valley, the city of Boise, and the Hill Road Neighborhood, and as a participant in the proceedings so far, I strongly support the Planning and Zoning Commission's rejection of this development proposal. I urge the City Council to confirm the rejection.

Here are a few of the many reasons why this proposed development should not be accepted.

1. A stark confrontation between the Foothills Plan and unbridled twentieth century style development

This first major application since adoption of the Boise Foothills Plan/Ordinance is an extremely important test case. Because the proposal violates letter and spirit of important provisions of the Plan, approval would send the message to citizens and developers alike that the Plan is not worth the paper it is written on.

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If Boise needs more housing units, low cost, luxury, or in between, let's put them in moderately tall condominiums and apartments downtown, vitalizing the urban center and keeping our hills natural.

Respectfully submitted,

Michael Jones
5218 Castle Drive, Boise, 83703
345-4199 michaelrjones44@yahoo.com

BOISE
CITY OF TREES

Bruce D. Chatterton
Director

Boise City Hall
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David H. Bieter

City Council
President
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Council ProTem
David Eberle

Vernon L. Bisterfeldt
Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

September 29, 2008

Parties of Record
AASE's Canyon Point Development, LLC
Capital Development, Inc.

Re: **Appeals of the decisions made by Boise Planning and Zoning Commission for cases CUP07-00084, CFH07-00022 and SUB07-00065 / 6890 N. Plano Road**

Dear Parties of Record:

An appeal of the Planning and Zoning Commission's decision on **CUP07-00084, CFH07-00022 and SUB07-00065** has been filed and accepted On September 17, 2008. This appeal is scheduled for hearing before the Boise City Council on December 9, 2008 at 6:00 p.m. in Boise City Hall.

Parties to the appeal (the appellants, the applicant and the land owners)

a. The parties to the appeal, including staff, may file memoranda consisting of written arguments that support their position until October 14, 2008.

b. Any replies to the memoranda must be filed by October 21, 2008. No further memoranda shall be accepted after this time.

c. Neither memoranda nor responses may contain new facts or evidence or discuss matters outside the record. Memoranda are limited solely to why the record does or does not support the decision, or meet the other enumerated grounds for appeal.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Bruce Eggleston, AICP
Planner II
Boise City Planning and Development Services Department

BE/bpe

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

5A

Minutes from

P&Z

Sept. 8, 2008

Commissioner Wilson – Is the applicant present for this item? The applicant is not present. As usual we will assume that the applicant is in agreement with staff's report. Is there any member of the public that wishes to testify in opposition to this item? Okay, seeing none we can approve that with another consent motion.

COMMISSIONER COOPER MOVED TO ADD CUP08-00098 TO THE CONSENT AGENDA.

COMMISSIONER ELLSWORTH SECONDED THE MOTION AND THE MOTION CARRIED UNANIMOUSLY.

SUB08-00037 / RIVERHEIGHTS SUBDIVISION

Commissioner Wilson – We do have on the agenda, SUB08-00037, Riverheights Subdivision. That one is actually not scheduled for this evening, so if you are here for that item it will be coming up in October.

DEFERRAL AGENDA

CUP08-00096 / INSITE TOWERS, LLC

Location: 3353 N. Five Mile Road

COMMISSIONER BASKIN MOVED TO DEFER CUP08-00096 TO A DATE CERTAIN OF 10-6-08.

COMMISSIONER COOPER SECONDED THE MOTION AND THE MOTION CARRIED UNANIMOUSLY.

CAR07-00042 / AASE'S CANYON POINT DEVELOPMENT, LLC

Commissioner Wilson – Before we get to agenda item #1, we have a set of findings to approve. This is the findings and conclusions for the Plano Road Subdivision proposal, the results of the August 11 hearing for cases CAR07-00042/DA, CUP07-00084, CFH07-00022, SUB07-00065. Present this evening to approve the findings are; Commissioner Stevens, Commissioner McLean, Commissioner Baskin and Commissioner Cooper.

COMMISSIONER MCLEAN MOVED TO APPROVE THE FINDINGS FROM THE HEARING ON AUGUST 11, 2008.

COMMISSIONER COOPER SECONDED THE MOTION AND THE MOTION CARRIED UNANIMOUSLY.

5B

Plano Lake

P&Z Minutes

from Aug. 11, 2008

COMMISSIONER BARKER MOVED TO APPROVE CUP08-00080 TO INCLUDE STAFF'S RECOMMENDED CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONS OF LAW.

COMMISSIONER MCLEAN SECONDED THE MOTION.

Commissioner Barker – I am generally not in favor of having these tall poles dispersed through out the City, but in this case, it seems like we are really getting an advantage. For those of us who sat through the Clearwire hearing, we had a lot of neighborhood opposition to those two poles and this application gives us the opportunity for that problem to go away. The other thing I see about this, which I am really in favor of and that is there won't be any equipment hanging off of this monopole. The equipment itself is going to be located on the ground and not in a converted garage. I think given that we live with wireless communication, I think this is a good solution.

Commissioner Stevens – I see this as moving into a new age and I think as the years pass, what we are going to see is not only more of the monopoles, but some of these other poles being taken down and the wires gone. I frankly think that alternative is a better solution as land lines disappear. In addition to what Commissioner Barker has said, I will be supporting the motion.

Commissioner Baskin – I voted against the two prior Clearwire applications but I think I am going to be inclined to support this one, the reasons being those given by Commissioner Barker and Commissioner Stevens. I don't like the fact that this is adjacent to somebody's back yard, but it is meeting the setback requirements from Broadway and is killing three birds with one stone. I think that's probably a trade off that we can live with, or I can live with. I will support the motion.

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER BASKIN	AYE
COMMISSSIONER MCLEAN	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER FADNESS	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

CAR07-00042 / DA / AASE'S CANYON POINT DEVELOPMENT, LLC
SUB07-00065 / PLANO ROAD SUBDIVISION
CUP07-00084 / AASE'S CANYON POINT DEVELOPMENT, LLC
CFH07-00022 / AASE'S CANYON POINT DEVELOPMENT, LLC

Commissioner Fadness – As the vast majority of people here tonight know, we took this matter up on July 14. We took testimony on a wide range of issues and we decided we still had a number

of unresolved issues that we wanted to work out through a work session which involved the applicant, city staff and some other agencies including Fish & Game and Parks. Those issues are the scope of our public hearing tonight. Let me just quickly state what those issues are. These are the issues determined by the Commission that they wanted to hear more about and which we have received more information in our packets. The first issue is phasing of the development and the completion of the proposed Daylight Rim Drive. The second issue is to consider issues again around phasing of the extension of Collister Drive to the Boise City Pole Cat Reserve, and the installation of a parking lot and trailhead. The third issue has to do with deer and wildlife corridors, and we do have some updated information from the Idaho Department of Fish & Game. The fourth issue is the management program proposal for the onion conservancy. We are asking that you limit your comments to those four issues. We already discussed at length and have in the record issues regarding traffic, traffic counts on Collister Road, the issue of the ridge top and the material removed required for the project. We would rather not hear those issues again tonight. Those are issues that the Commissioners felt they received adequate information at the last public hearing. I don't want to be a stickler and I want to give everyone an opportunity to comment, but if I do feel like you are veering off into these already determined issues, I may try to get you to either end your testimony or limit the scope of your testimony to the four issues that we want to discuss tonight. Is there any testimony from the Neighborhood Association? We will take those first. Okay, we will go to the sign-up sheets.

Commissioner Baskin – I just wanted to comment on an ex parte contact I may have had. I am a member of the Foothills Citizen Advisory Committee. I did attend the 8-6-08 meeting of that committee of which there was discussion about a possible resolution of the Pole Cat Reserve access issue. I did not participate in that discussion. Everything that took place in that discussion has been or will be revealed by Mr. Eggleston in his comments if not already included in the written materials the Commission has received.

Commissioner Fadness – Commissioners, are there any concerns about including Commissioner Baskin in our deliberations tonight in light of what he told us?

Teresa Sobotka – Commissioner Baskin, is there anything about that that would make it so you could not be fair and impartial?

Commissioner Baskin – No Council. I feel that I can still be fair and impartial in the matter.

Commissioner Fadness – Do we need to take a vote on this?

Teresa Sobotka – Yes, I think it would be best for the record to go ahead and take a vote.

Commissioner Fadness – I will entertain a motion then.

Commissioner McLean – Is the motion that this is de minimus?

COMMISSIONER MCLEAN MOVED THAT THIS DUAL ROLL IS DE MINIMUS.

COMMISSIONER COOPER SECONDED THE MOTION.

Commissioner Fadness – We have a motion and a second. Is there any discussion? Okay we will take a roll call vote.

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER FADNESS	AYE

Bruce Eggleston (Staff) – There are four issues that are continuing over from the work session on July 31. We were instructed to find further information on those four issues. These are the items that were submitted since Friday afternoon at 4:55 pm which are rather important to the case; a letter from Robert Lazechko, who is a citizen in the neighborhood and opposes the project, a letter from Rob Tiedemann, part of the application team from Ecological Design discussing the issues and conversations they had with Idaho Fish & Game on the wildlife issue, a letter from Fish & Game describing their position on the wildlife corridors that may result from this proposed development, two maps were submitted and I put together a table summary of the deer counts in the area for the past 10 years or so, a letter from Ms. Janel Brown, who expressed comments relating directly to the issues tonight and is generally in opposition. Also, a letter from Mr. Brent Smith, a resident of Plano Lane area expressing opposition and issues pertaining to the four issues tonight. We received a letter from Stephanie Bacon, a resident from the area expressing the issues before us tonight. A letter from Matt Edmond with the Highway District saying basically that they would like to continue the same positions they had at the Highway District Hearing. A draft letter from the Park's and Recreation Department on a negotiation between the applicant, the Park's and Recreation Department and the Foothills Citizen Advisory Committee concerning the timing, phasing, and installation of facilities at the end of Collister Road that would provide access to Pole Cat Gulch. I will be addressing problems found in this document to reference. This document has changed considerably since Thursday. On page 2, the first item of discussion was to work with the applicant and Briar Hills Subdivision representative on the phasing for completion of the proposed Daylight Rim Drive. To find the best solution to provide for public safety and there are many issues associated with that. Basically, we wanted to find a situation that would provide for the safety of the citizens living on Collister Road and Briar Hills Subdivision, a solution that should this application be proposed to allow the development to go ahead in a timely manner and also provide safety for the citizens of the proposed subdivision as well as those in the area who may need fire service and so forth.

Based on the condition from the Highway District, that road would be installed in it's entirety from the end of Collister Drive to Plano Lane. The greatest majority would be in a graveled situation up to Fire District standards to be able to sustain the weight of fire equipment. The built portions where Daylight Rim Drive had dwelling units on it would be paved to Ada County Highway District (ACHD) standards for a local road as recommended in their conditions of

approval. Also, from ACHD maintain the number of dwelling units to be built at 53 prior to the completion of the pavement one end to the other the proposed Daylight Rim Drive. At that point, the interim gate will go across that gravel section in the road with a remote control optics type of control to allow safety access in the area. The Fire Chief thought they could work with that as long as the gate came down when the pavement was installed. This was sent out Thursday evening to members of the public and the Planning and Zoning Commission. There were about 17 copies and I believe they may be gone. This was emailed out Thursday afternoon of last week. We do have a list of participants, citizen neighborhood representatives who have provided email address, they were emailed as well. Anybody who has provided me with an email address through the process got this document. We don't have much to add to the first item will pretty much stays as is. The applicant certainly has some comments on that.

The second item, item 2, they are asking to specific issues around phasing, extension of Collister Drive to Boise City Pole Cat Gulch Reserve an installation of a parking lot and trailhead. We had a negotiation on Tuesday of last week that included myself, Mr. Hal Simmons from Planning And Development Services, Terry Records from Public Works, Dave Hanneman from the Fire Department, Mr. John Watts with Briar Hills Neighborhood Association and the applicant Mr. Ramon Yorgason and his son, Dave Selvage from Parks and Recreation and the Honorable Charles McDevitt representing the Foothills Advisory Committee on the issues having to do with the interface of the subdivision and Pole Cat Gulch Reserve. There was a lot of discussion on all of the issues. Nothing was resolved at that time and in a letter we received this afternoon and the packet I showed earlier there is a tentative agreement with the applicant representative and representative of Parks allotted to us Pole Cat Gulch Trailhead dated today's date. The essence of that agreement is one that the City Parks and Recreation Department wanted to accelerate their access to Pole Cat Gulch. They didn't want to be dependant on the timing of this proposed subdivision and so the standard agreement looks at acquiring easement over the connection at the end on Collister Road and Pole Cat Gulch Reserve. Installing a gravel road and parking area that would be temporary. Then that would meet the three conditions that would trigger further improvements. Let's say the finished improvements from the end of Collister Road and Pole Cat Gulch, that would include Holsack, Old County Road, speck pavement, curb, gutter, sidewalk and then a trailhead facility with parking lot and other facilities, utilities to the site and they would be triggered by one of the following three; close of sale of 28 lots in the entire development, close of sale of any single lot in the Collister area, that would be in the east end of the development nearest to Pole Cat Gulch Reserve, or item C, a passage of three years, 36 months from the day of construction activity then planting any portion of the R-Y applicants subdivision to take this to Pole Cat Gulch. It is my understanding that this agreement would have to be sustained and finalized by Foothills Citizens Advisor Committee. The particulars of this would be subject to the Development Agreement and so we are still some what in a tentative situation. I think that it's a solid agreement but needs a little bit more verification within the Parks Department on that. That would amend conditions in the Conditional Use Permit that address the installation of those items at the beginning of phase one for the whole project. In other words, at the out set of the subdivision of the entire project and would have to be looking at a condition of approval recommendation from the Commission to that affect.

The third item talked about, the applicant proposed wildlife corridors on the property. We asked for verification from the Idaho Fish & Game Department as to the adequacy or potential liability of these wildlife corridors and to sum up their letter that I received about 3:30 pm this afternoon, there's one corridor to be represented by these two arrows that have a span between the two proposed built parts of the subdivision greater than 600 feet. The 600 feet standard is the narrowest linear corridor that would serve as a viable corridor for wildlife big game to pass through. Their letter says "*one that would probably be an acceptable corridor, the terrain there is very rugged and there is Open Space to the north of it*". The other part of that letter says the quarter that is proposed isn't viable and probably wouldn't serve by any reasonable stretch of the imagination for wildlife corridors. That letter is in the material you received today. We have a letter from The Land Trust of Treasure Valley that further expands the original letter they quoted in the July 11th packet. It outlined the management of the perpetual onion conservancy on the property and the Commission has concerns with the adequately of the management program. We asked the applicant to give us a little more detail. In fact, we would have to have this in a relatively final format before it could go to City Council because it is also subject to the Development Agreement. Even thought the details of the description of how this would be operated would be part of the condition of approval and would be looking for condition of approval to refer to this letter and the management program they are in. Staff feels that this is a good start but there are still a lot of issues that need far more detail and need to be worked out before the finalization of both the management plan and the proposed Development Agreement. I would like to note for the public record a few more items that were sent out last week. An amended zoning map and this has a small error. The proposed zones for the project in the yellow color, the developed part of the project would result in the R-1A/DA, even though this doesn't have the DA designation, that's the zone being proposed. For the green hashed area, the proposed zone is A-1/DA, subject to the Development Agreement. This would replace the map that was part of the July 11 packet. Lastly, we prepared this map just to show the relationship of the proposed development to the Pole Cat Gulch Reserve. Three properties owned by Boise City. This one, which is adjacent to the property where that proposed cul-de-sac would end up. This is the Blessinger property that was both purchased and provided as a gift from the Blessinger family. The property was provided under a similar agreement with the Dangler family. You can see this large horseshoe page that is part of the Idaho Department of Lands which is public space and provides a great buffer to the Pole Cat Gulch Reserve. I also want to point out that the city itself doesn't have direct access into the reserve without going over the public lands.

Commissioner Baskin – What is the procedure you would like to follow? I do have some questions for Mr. Eggleston.

Commissioner Fadness – Typically what we do is hear from city staff, the applicant and then we open it up to questions unless you feel you need to ask them now.

Robert Burns (Applicant) – My assistant is going to flip a couple of exhibits up on the computer. Let me address, in reverse sequence, the four items discussed by Mr. Eggleston. First, with respect to the details on the onion management plan, the applicant's position is that we concur with the proposal from the Land Trust of the Treasure Valley attached to the staff report for tonight's hearing. Together, with the refinements to that proposal as suggested in the staff report

by Mr. Eggleston. I don't believe there is any difference between what staff is proposing and what the applicant is willing to accept with respect to the onion management plan. With respect to the deer migration corridors, this is an exhibit that was prepared by Rick Ward with the Idaho Fish & Game Department and it is in your packet. I think those pictures that were just handed out were for rebuttal purposes. Those will be for later on.

Commissioner Fadness – Since we have received them Mr. Burns, I need to note for the record that we have received a submission from the applicant regarding the Plano Road Subdivision.

Robert Burns (Applicant) – The exhibit packets that are being handed out will be for the rebuttal this evening. The exhibit that is on the wall is an exhibit that was prepared by Rick Ward at Idaho Fish & Game Department and it essentially depicts the area where the density of the mule deer within the project area and as indicated on the particular exhibit. It is all shaded in a brown which is a low density of mule deer. The second exhibit is the exhibit that Mr. Eggleston had on the wall just a few minutes ago depicting the proposed wildlife corridors. There are really 2 proposed wildlife corridors that meet the 600-foot linear requirement. The first is on the eastern portion of the project where they are currently marking. There was another potential 600-foot wildlife corridor on the western portion that goes between the end of the project at Plano Road and the first housing project. There are 2, 600-foot areas that meet Fish & Game's proposal, but I would like to point out, as established in the staff report itself, there are no wildlife corridors located anywhere on this property. This is a low density mule deer area. The areas we are depicting are areas where deer that might find themselves on the property, could work themselves back into the hills, but these are not corridors in the sense that deer commonly move back and forth in these areas today. We would also point out that Fish & Game has reviewed the proposed limitations that are required by Section 8 of the Development Agreement, having to do with fencing and the limitation on dogs by the residence in the subdivision requiring that all dogs be maintained on a leash. Rich Ward has indicated that the proposed corridors together with the limitations required by Section 8 of the Development Agreement will be helpful and adequate for purposes of Fish & Game's point of view.

With respect to the phasing of the completion of the Pole Cat Gulch Reserve parking lot and trailhead, there was a proposal made by Mr. John Watts that was discussed both at the initial hearing on July 14, as well as at a meeting we held last Monday we held at Planning and Development Services. Essentially, Mr. Watts proposal, as I understand it, Collister Road should be completed in the improvements built when either the city can pay for those improvements or the Daylight Rim Drive which is to be constructed on the property is paved. The applicant's position is that the requirements of the Foothills Conservation Advisory Committee can not be reconciled with Mr. Watt's proposal. The applicants can accept either Mr. Watt's proposal or the phasing that was negotiated with the Foothills Conservation Advisory Committee and submitted to the staff today and shown by Mr. Eggleston. Those are acceptable alternatives. We would support the phasing plan for the construction of those improvements submitted by Mr. McDevitt and the Foothills Conservation Advisory Committee. We can also live with the phasing plan, with respect to the completion of those improvements proposed by Mr. Watts, understanding that it is at odds with the requirements or the suggestion of the Foothills Conservation Advisory

Committee. In exhibit #3 shows phasing plan for the project. The phasing plan for the project, the single biggest issue I think that needs to be discussed tonight.

Mr. Watts has proposed that the project be developed exclusively from the west end of the project until the road is paved throughout, until Daylight Rim is paved throughout. With a gated access road approximately midway, the specific location has not been called out. The applicant has an objection to that proposal and the gate is a problem to the applicants for three reasons; it is an expensive fix. The electricity is going to have to be brought to that gate to service it. That means building the infra-structure in the road all the way to the gate area. If it was expense it self, maybe one way or another we can make it work, but the reality of the situation, the applicant feels that the gate is really unnecessary because the road coming from Collister Drive, up the hill, in to the project area that is going to be graveled. The fact that that road is graveled will limit and dissuade people from utilizing the gravel road to get to Collister Road, instead of taking the Plano Road exit over on the other side, the western side. The applicant believes that a gravel road will serve the purpose of a temporary gate that is to dissuade the usage of the graveled area or the uncompleted area. Finally, based upon the comments that were included in the work session staff report and specifically the comments that are found on page 14 and 15 of that work session staff report, it appears that putting a gate there would be illegal and in violation of Boise City's Ordinances, with respect to gated communities. The applicant also has a problem with a requirement that the project be developed exclusively from the west side, or the Plano Road side to the east for two reasons; the first reason is that such a limitation as proposed by Mr. Watts would restrict or limit the applicants ability to flexibly construct it's development. The real problem is that as you go into the hills, the lots become much more expensive. Because of the slow down in housing development currently, the applicant needs the ability to develop those lots that will be most marketable in a slow environment. Those are the lots that are down lower. If you take a look on the western portion of the project along Collister Road, those lots in there are not view lots and they offer the developer the ability to go forward and construct lots that may meet today's economic constraints and limitations. More importantly or equally important to that concern is the fact that this project is owned by 2 developers. The eastern part of the project is owned by Capital Development, Mr. Ramon Yorgason who has appeared before this Commission. The western portion of the project is owned by another developer, Mr. Joe Johnson. By forcing the development to start over on the western side and work eastward means that only one developer has the ability to generate the revenue to pay for the front end costs associated with building that road through and any other front end development costs. It is not economically feasible to impose on one developer substantial costs of starting this project if he has no ability to develop lots and sell them. For those two reasons the developers are opposed to a requirement that the phasing of this project be exclusively from the west to the east as proposed by Mr. Watts.

In summary, the applicant's position is that the requirements imposed by the Ada County Highway District, the Boise Fire Department and the Foothills Planned Development Ordinance can not be reconciled with Mr. Watts proposal. The applicants are willing to accept most any compromise so long as no temporary gate is required and both developers can start the development of their respective properties without unreasonable delay so they can both participate to the substantial front end costs required for building the required road through the project.

Commissioner Barker – My question deals with the 53 lots specifically. I will address this to Bruce. Just so I am clear on this. We have a letter from ACHD staff that says that the 53 lots are not generic. That is a total of 53 lots. It says that ACHD has set a limit of 36 lots on the Plano Road side, and 17 on the Collister Road side. My question is will any one of these require the development of the Daylight Rim Road, beyond just a gravel road? What the letter indicates is that 36 lots on the Plano side will then be the threshold for complete development of that road. Is that correct?

Bruce Eggleston – The Highway's recommendation about the 53 lots has a couple of fundamental premises. One is the distribution of the traffic overall and the second issue and one that is shared with the city is the safety aspects of providing two points of ingress/egress into the subdivision and it is outside of the current 4-minute response time, a mile and a half drive through that. That is our major concern that any kind of delay to provide safety services to this area could be tenacious to the residents therein. The Highway District and the city agree on that point. That is the whole nexus for putting the road in completely to start with and finishing it off fairly early in the project, at 53 units being roughly a third of the project. We feel that is the point where safety concerns become over riding and requiring the full paving of the road.

Commissioner Barker – I think where I need clarity is this note we got from Matt Edmond. It spells out that it isn't 53 lots, that there is 36 on one end and 17 on the other. Let me ask you hypothetically. If 36 lots were built up on the Plano Road side, would the roadway, that Daylight Rim Road, according to ACHD, would that roadway need to be fully developed?

Bruce Eggleston – Yes. Our Fire Department regulation is such that one can only have 750 feet of dead end roadway from the nearest intersection. The initial installation of Plano Road just to get to the first runoff is several hundred feet beyond that. They are already essentially beyond the standard at the outset. That is why there is an overwhelming need to complete the road from one end to another is felt by the Highway and the City Safety Services.

Commissioner Fadness – If 36 were built on the Plano side and none on the other side, the 53 really doesn't apply. It's either side if they are built out 17 on Collister and 36 on Plano then we need to complete the road according to ACHD.

Bruce Eggleston – That is correct.

Commissioner Baskin – I think I got part of my answer in Mr. Burn's presentation in which he stated there are no wildlife corridors on the property. One of the criteria for establishing the greater that 25 percent slopes as priority Open Space is preservation or the finding that the lands in question constitute "*critical deer and elk winter range and migration corridors*". I read that it doesn't suggest to me that you satisfy that criteria by simply creating corridors for deer that might not be there and that you satisfy that criteria by protecting extant migration corridors with current known deer traffic. What is your comment on that?

Robert Burns – When we get into the rebuttal section, I will address that further. The basic comment to that is the requirements that you are talking about I believe go to the density bonus

issue and for the reasons I will discuss in the rebuttal portion of the hearing tonight. The applicant does not need and is not requesting the bonus density. We are relying on the existing density, or based density allowed by the zoning for the property so my response to your question is we are not looking for bonus density.

Commissioner Baskin – I'm really troubled by that. I have tried to convey my frustration with that assertion at our work session and our previous meeting. We need an analytical framework to evaluate this application. It has been presented as though you are applying under the density bonus analysis. It is present as though you acknowledge the base density is 1 unit for 40 acres. Frankly, if it is your position that that is not what you are doing, I don't know how you expect the Commission to evaluate this.

Robert Burns – The applicant has worked for three years with staff to try to put together a development proposal that meets the Foothills Planned Development Ordinance. We think we have succeeded in doing that. That is the way the project has been presented in the staff report. Having said that, in connection with reviewing the staff report prior to the hearing, it became apparent to me, which is the first time I reviewed this documentation, that based on the existing zoning in place and based on the city's ordinance, there was no requirement or need to seek a density bonus. Based upon that analysis which occurred just shortly before the first hearing in this matter and after the initial staff report was prepared, I submitted the matter to the Teresa Sobotka, from Boise City's Legal Council. We've had extensive discussions around this and we both concur that based upon the Foothills Planned Development Ordinance requirements the based density of this project is in excess of the 155 units that the applicant is requesting. There is no bonus density that is necessary in order to support the project that is before you.

Commissioner Barker – I think that I will be very interested in going through this again because, one of my concerns was in looking at the based density, and we've introduced that at this point, that so much of this property exceeds the 25 percent slope. Could you tell me how that related to your based density calculations?

Robert Burns – The based density calculation is derived, not looking at the 25 percent slope, but is based upon the existing zoning as providing by Boise code and Ada County code and applying it by the acreage. That is the basis for determining the allowed density. If you go through that analysis, that gives you a number that is in excess of 900 units without any bonus density. You also have to take a look at what limitations are imposed by the city codes, the Foothills Planned Development Ordinance. Not number limitations, but rather developmental constraints limitations. No matter what that limitation may be, the city staff and the applicant are in concurrence that the number is substantially greater than the 155 units being proposed and requested by the applications pending before this Commission.

Commissioner Fadness – Just one second. I just want to caution the Commissioners. I don't want to cut off questions, but we have heard these bonus density arguments and that was not one of the four that are on the list for tonight. Although, I realize that it is related to the wildlife corridors. I would caution the Commission that the density issue, which you can certainly use as reasoning for your vote for or against later on, is really not up for discussion tonight.

Commissioner McLean –Mr. Chairman, just a point of clarification then. I felt that at the work session it was both the applicant and staff that walked us through the formulations of how it came about. We didn't hear this 900 number. If we are indeed not discussing that tonight, I don't think this number, that this based density should be brought up either by the applicant now or in the rebuttal.

Commissioner Fadness – I could be mistaken, but I heard the 900 number come up at a previous hearing, however, I thought I had left the work session under the impression that it was clarified so to hear this based density number brought up again (interrupted by Commissioner Fadness)

Commissioner Fadness – I certainly agree, although I don't think that the applicant has brought up anything new in their argument.

Robert Burns –Attached to the applicant's comments from the work session was an exhibit. There was only one exhibit attached to our comments which I prepared, and that exhibit went through the calculations for the 917 plus units. That was submitted at the work session. I wasn't at the work session, but it was part of the applicant's submission for the work session.

Commissioner Cooper – I have a question for staff that relates to the Fish & Game deer corridors. In our packet tonight from Idaho Fish & Game, it mentions that they feel there is one corridor of 600 feet or greater in width that would be in their requirements to be adequate for deer to use. Then in Mr. Burn's discussion tonight, he mentions what he called a potential corridor to the west of adequate width. I don't recall seeing that on any documents from the applicant before and it certainly is not mentioned in this letter. Have you discussed that with the applicant, this western corridor?

Bruce Eggleston – No. That's new evidence tonight.

Commissioner Barker – That's related to the proposed corridors and I will direct this to the applicant. Since Fish & Game does not feel a corridor less that 600 feet is really viable for the deer migration, do you still plan to leave open the areas that you have on your plan that are less than 600 feet? I believe there are a couple of them that are 100 feet.

Robert Burns – Absolutely. They are absolutely going to be the same. They are part of the tentative map and they won't change.

Commissioner Baskin – A question for Mr. Eggleston. The same question I posed to Mr. Burns about the priority Open Space characteristics subdivision part four "*preservation of critical deer and elk winter range and migration corridors*". Is it staff's view that this relates just to extant demonstrative migration corridors or to somebody's wish that if you provide the space, the deer will migrate thorough it?

Hal Simmons (Staff) – I just want to clarify on that particular question. There is a list of 11 items and you have to have 4 of those in concert in order to get the density bonus credit. The deer

migration corridor was not one of the 4 that we counted. We counted the riparian areas, the wetlands, the adjacency to public lands, the trailhead and the roadway so we had 4 or 5 issues that we counted. The deer migration corridors are not needed to meet the density bonus formula.

Commissioner Baskin – The reason I ask is because it is referenced in the July 30 memorandum and is one that might satisfy one of the requirements.

Hal Simmons – In light of Fish & Game's response back to us, we don't think it is that significant of an issue, to tell you the truth.

Commissioner McLean – If I could ask you the 4 that you were counting.

Hal Simmons – We counted wetlands on the property, riparian area, rare plant community, which would be the onion, public trails and trailheads as approved by the Boise City Parks & Recreation Board, and lands adjacent to publicly held Open Spaces.

Commissioner Stevens – With regards to the wetlands, my recollection is that there was one that met the Army Corp of Engineers definition of wetlands and then one that did not.

Hal Simmons – That is correct.

Commissioner Stevens – Could you refresh my memory on how the density bonus calculation is calculated? Do you just need one wetland? Does one of them need to meet that definition? If you could enlighten us a little bit.

Hal Simmons – The formula isn't that specific. Basically, they have to form a contiguous package of items. If we had a wetland that was isolated away from the onion field and away from the publicly held land, if there was one small piece on its own, we probably wouldn't count it. If it can be counted as an entire package if it can be managed as a package, we would count it.

Commissioner Fadness – Are there any further questions of staff or applicant on the 4 issues before us.

Commissioner Baskin – Another question on the Pole Cat Reserve access. I reviewed the proposal which I think comes from the City Parks dated 8-11-08, which we received tonight. I'm puzzled about the proposal that the City of Boise first pays the applicant $25,000.00 for the easement. The city will then gravel the roadway to the trailhead and then after one of three things occur, the applicant shall re-pay the Park's Department the $25,000.00, the cost of the road and they will go ahead and pave the road. How does the $25,000.00 creep into this? It seems to me that we are paying for the easement and then we are getting it back. Why don't we side step that and dedicate the right-of-way and then tell the city to build the road and you won't have this extra step in there about exchanging $25,000.00.

Robert Burns – This particular language was not discussed with the developer. It came from the Parks Department. I suspect, but don't know that the reason for the language is Parks wanted to

make sure that there was consideration given and that there could be no question as to it's ownership of that property, the gap from the existing end of Collister Road to the Pole Cat Gulch Reserve. I suspect that Justice McDevett included that in order that he would feel 100 percent comfortable that the city would end up with that property, but I am just speculating.

Commissioner Stevens – Can I briefly go back to the 917, far a point of clarification from staff?

Commissioner Fadness – Go back to what?

Commissioner Stevens – The 917 number that was discussed during the work session with regard to the based density.

Commissioner Fadness – We have already ventured for into it and we will probably have to allow public testimony on this topic anyway, so go right ahead.

Commissioner Stevens – It is just a quick point of clarification. If you can find page 7 of 21, back on the memo from July 31. Bruce, you wrote, "*the claim for a potential 917 dwelling units under current zoning is based solely upon the theoretically maximum allowed density for the zones and not the real world of steep geography and slope constraint site design*". If I remember correctly, you said during that work session that you had not done the analysis of that so there was no way for you to tell us the exact number because you hadn't done that slope analysis, is that correct?

Bruce Eggleston – That is correct. We have looked at that a little bit more if you wanted to go into detail on how the ordinance regards that.

Commissioner Stevens – Mr. Chair, I would if he has more information since the last time we spoke.

Bruce Eggleston - I will bring up a particular slide on that. What we are looking at is the Foothills Concept Plan and the reason I bring this up is that it has very faint property lines as well as the proposed building sites. It is extremely difficult to see this, but this red line on top of the property is a parcel line that runs over here and a ¼ section right here.

This is the northwest corner of Mr. Yorgason's property that is zoned R-6. It is sort of a triangle wedge shape that comes over to the end of Collister and follows this boundary of their project. That is the R6 area and comprised of 122.9 acres and if we were to count the lots in the green, the green lots that they placed on the R6 area amounts to approximately 37 units because there are several lots that straddle the boundaries. In the R6 area under this proposal that R6 zoning would account for 37 of the proposed units.

If you look at the parcel that is actually Quail Ridge #7, which has a city zoning of R-1A and A-1, the applicant has proposed some 17 units on that portion of it, and that is comprised of about 36.5 acres.

Those are the two portions of the development that have development zoning in either the City or the County. As the proposal stands, we could count for 54 building lots of the 155, approximately a third.

About a third of their proposal is on what lands currently have zoning other than RP in the county. Out of that, we have 332 acres total. There are 173 acres that comprise all the rest of it through Plano Lane. Everything west and north of that is RP Zoning and on that RP Zoning would be another 100 dwelling units, the other ⅔ of the proposal is proposed to be on RP zoning on 173 acres. I might note that there is already a dwelling here, the Casey Family. There are 3 other parties with dwelling units that also figure into the equation.

The answer to that is we looked at the base density for those areas. The ordinance doesn't say anything about taking that 900 theoretical number and spreading it across the parcels and the zoning specific to those parcels that I pointed out. Those are parcels that would receive a base density other than 1 per 40. The remainder still has the based density of 1 per 40 because it has RP Zoning and I would like to make the contention that we made in the staff report, that we feel this development represents pretty closely the maximum type of development that would comply with all of the other Comprehensive Plan and Policies and ordinances in the Foothills Planned Development Ordinance, and the whole City Ordinance.

My contention of this proposal is, given the lot size and the type of product, is pretty much what they could get under the regulations, with or without the density bonus. This is a fairly optimum design. What I would like to further include is that the 100 units that are on the RP zone will have a requirement to meet the density bonus to go beyond the 1 per 40.

Commissioner Fadness – Further questions. With that we will go to public testimony. I will point out that public testimony is limited to 3 minutes. Try as much as possible to stick to the four issues that are up for discussion this evening.

PUBLIC TESTIMONY

Michael Jones – I live below the hill that would be rendered into upper 50 feet of oblivion crowned by houses. That is my view from my little farm. Based on the question that the Commission ended the public session with last time, I thought there would be opportunity to talk about important things. I went and took photographs of issues relating to excessive cut and fill. I have a different report than you would have gotten from staff. I think the reason onions is even mentioned in this proposal is as a diversion from a proposal that is a direct head to head conflict with the Foothills Policy Plan, and also a direct head to head conflict with a recent plan from a County Task force that listed the Foothills Preservation as the highest priority of land use in the county. This direct head to head conflict is why these extraneous issues keep coming up. The onions have been there since whenever they started until now in those steep slopes. They do not need the protection of the Treasure Valley Land Trust or anyone else. The onions that do need the protection are the ones that are going to be bulldozed if this project goes through, if they take the 50 feet off the ridge-tops. The resistance on the part that the developer just stated about wanting to be able to develop the lower lots first, against the proposal made by the other neighbor person.

It is just further evidence that this proposal as a whole is going to have the massive impact on those 2 exit lanes, neither of which can handle anything like the traffic. The phasing and the new an sing is just trying to make a proposal that essentially conflicts with the Foothills Plan, look somehow viable. I would just like to conclude by saying it really is an important decision that you have. The Foothills Ordinance was drafted, as I said last time in public testimony, in response to Quail Ridge, with all due respect to Mr. Yorgason and the Quail Ridge residents and everyone else, that thing was the inspiration of the language in the Foothills Ordinance and when they come back with another one just like it, it better be a conflict or there is no reason to have a Foothills Ordinance.

Jerry Bower – I for one am for approval of this project. I have been working with Kerry Winn and the developers on this for 3 years and I just want to say they have gone through a lot in the 3 years to worked closely with Planning and Zoning to get this approved. Dealing with the issues at hand, I think they proposed a very good plan with the onion management. The deer migration; since they do not have a clear migration path right now, I think they have given 2 good proposals for this 600-foot linear requirement. Phasing; they are clearly trying to put together a good plan that will not create a burden on traffic on both sides. Most of the traffic will go off of Plano Road where there is very of it based on the plan should come down to Collister. Both parties on both sides are going to be unhappy with this proposal, but the developers are really trying to do a very good plan to meet everybody's requirements as best they can. The phasing of a total of 53, splitting it off from both sides so the developer can develop lower priced lots and sell those to help pay for the development, I think it is a very reasonable plan and affordable for them and meet all of the requirements. They are proposing to pay, including impact fees and lights and everything else with impact fees, close to a million dollars. That will go directly into the local area to improve the roads and the community. The phasing I think of 53 and enabling the developer to develop from both sides is a very good compromise for everybody. From what I have heard of the migration and the onions, I think they are really doing a good job and a delicate job of trying to create safety for everyone and also preserving the wildlife that is going to be there as well as preserving the onions. I for one am for approval of this project. I think it will be a great benefit and will give a great tax base to the city, and will be helpful to the whole community.

Stephanie Bacon – On the new management proposal for the onion conservancy, I question the fitness of The Treasure Valley Land Trust to protect this important colony of Aase's Onion. The relative newness and inexperience of The Treasure Valley Land Trust, evidence by their vague inadequate first proposal and their hasty revisions makes them unsuitable for the task. I also think that Robert Tiedemann's association with the Land Trust raises serious conflicts of interest. I have provided Planning & Zoning (P&Z) a CD with many photos showing the onions blooming on the ridgelines in April 2008. I did not find creditable The Treasure Valley Land Trust's claim that they will transplant the quote "*small amount of rare plants that will be disturbed during initial construction*". The amount of plants is not small and these plants are not suitable for transplanting. We have all heard how they only grow in certain soils, on certain slopes, at certain altitudes. There rareness is evidence of their particularity as to habitat and disruption. It is not a creditable quote "*a pre-construction education effort to guide initial grading activities*" will help unless all grading is restricted to the month of April because the onion is not visible at other times

of year. When the stapes and leaves are visible for a short time before and after blooming, they are indistinguishable visually from grasses that grow in the area. Before this project goes forward, a new and impartial onion study must be prepared by a qualified professional who's livelihood does not depend on enabling development.

Regarding the August 5th meeting; there are procedural problems with the August 5th meeting and the recommendations proceeding from it. The phasing negotiations spearheaded by the developers and their colleague Mr. Watt are improper because no representatives of Plano Lane and adjacent sections of Hill Road, who are profoundly impacted in any scenario were party to the discussion. While Mr. Watt claims his concerns regard safety and timing only, it is clear to us that he hopes to force as much as possible of the impact onto Plano Lane for as long as possible. It's a transparent, not in my backyard strategy. In their findings ACHD sought to distribute the impacts of construction and other traffic between Plano and Collister from the outset. They did not think it was fair to subject Plano to all of the negative impacts of the project when another larger street already classed as a collector also would inevitably access the project. We don't think it would be fair either and we don't think it is fair to have the spirit of ACHD's decision undermined at a closed meeting. To suggest that the 53 units would be platted on the western end of the proposed subdivision, taking access from Plano Road to provide a delay to increase traffic on Collister Drive simply seems like doing a nice favor for Collister at the expense of the residents of Plano. I don't think ACHD would approve it and I hope P&Z will not endorse it. Please note that Plano is in the county and adjacent to R-P zoning, while Collister is in the city and adjacent to mixed zoning and might reasonably expect to share some of the burden of the development.

Brent Smith – I submitted an email to you this afternoon. With respect to the deer, my wife and I walk up there weekly, particularly in the winter. We generally find between 12 and 24 deer on that property all winter long. I don't know if that has anything to do with migration but those deer live there. This 600-foot corridor is not going to do anything. The houses are not going to do anything but move the deer out so they are not going to have access to whatever it is they access through the property, which they do go down across Hill Road. In terms of other things I have heard tonight, regarding something that may or may not be allowed, that is the density bonus issue. I am not hearing a lot of clarity from, with all due respect, the Commissioners, about what these developers are actually trading to get these 148 additional lots. It is a dry gulch that they are trading. They are going to put a fence around this dry gulch and there is a little water seep, which I have been unable to find. Ask yourself, what good is a fence? What kind of public good does that fence do? Ask the City and Parks & Rec. if this fence is so valuable, are they going to fence the rest of Pole Cat Gulch? If not, why not, if this fence is so valuable. Is it going to look more beautiful to see the gulch through the fence? The onion, the developer has basically put together this package so that he is basically holding us hostage to this trailhead access, is the way it looks to me. He has put together these other 3 elements; the protection of the rare plant, the protection of the riparian area, which is a dry gulch, the protection of wetlands, which is a water seep that could be a little puddle. In fact, one of the water seeps I did locate is a little puddle. These elements together are giving this developer the supposed right to put a 148 additional lots in this property with 100 of them on the ridgeline, which is specifically excluded in the Foothills Policy Plan.

Raelene McGavis – Having grown up in a Foothills environment I can certainly understand the emotional attachment that all of the neighborhoods have expressed. However, with that being said, there are a few people that get to enjoy that, but when you bring it up where no one in your backyard can develop, then that is an issue. My compliments go to the staff and the developers. I have been in here through the beginning. I am completely for this project. I know that it took a lot of time and effort to understand, not only the Boise Foothills Comprehensive Plan, but also the Boise Comprehensive Plan. They have done a lot of research and they have had more than one study for the onions to be able to appreciate and understand where they grow. They have taken into consideration the expert witnesses that may have been hired but certainly they are outstanding in their field and reputable in the community. I believe that those witnesses testimony should stand as is. The subdivision will benefit many, where as now there are just a few. I admire Mr. Watts for coming forward. Having been a participant during all of the neighborhood meetings, Mr. Watts was the only one that came forward after many invitations from everybody to come and have a collaborative effort. I can appreciate the phasing plan that the developers are presenting to you and ask for your consideration that given all of the information that has been presented to you and the compliments that they have and the compromises that they have made along the way, that they have a very viable and safe community in which they want to introduce to the valley. I think the Treasure Valley at large will benefit from having access to the Pole Cat Gulch Trailhead as well as other trailheads that will be accessible there. Thank you and good luck. This is not an easy job.

Paul Warner – I know that this is not directly on the four issues, but if I may because this is important in setting a precedent for future development. In 3 weeks they will be back with Eyrie Canyon, which is another 106 units that are going to come before you. It's just one issue on traffic that I would like to bring up again.

Commissioner Fadness – I did let the Commissioners stray on the density bonus, so I guess we can add that to tonight's. We do have the ACHD traffic as well as the comments from traffic, so if you can tie them into any of those 4, that would be fine, but I'm asking you not to make it based on traffic alone. We have an adequate record on that. I will allow you another 30 seconds since I took that time.

Paul Warner – Basically, in the Foothills Policy Plan it says to mitigate the traffic going east on Hill because Harrison Blvd. and 15th Street are at capacity. If you could put somewhere in this when you vote, a statement in there so that ACHD sees this and that you are concerned about the traffic that is going to be created from this and Eyrie Canyon and others going east on Hill Road and impacting our neighborhoods, would you please put a note on that to try to mitigate it some way so that it goes to the State Street Corridor? If you can do that, it would be sincerely appreciated. I also, in due respect, Chairman, I wish you would have let a few other people talk about some of these other areas. I would have like to hear some of these things on the cut and fill.

Bob Lazechko – I will make my comments brief. I am going to try to relate them to #1 on the best solution to provide for public safety. To me it seems like I hear a lot of numbers, the 900 number. I see a lot in the written documents and all the proposal traffic numbers, number of houses put in, how many acres are doing that. It seems like to me that the cart is being put before

the horse. Before all of these numbers can be discussed whether it's R-6 or all of these numbers and ⅓ falls under the city and ⅔ fall under the county. The issue that it comes down to is this Foothills initiative. It really does and that is a tough on for you guys. It's a precedent setting thing. I think that applies to the safety in my household or my neighborhood since I live on Collister because obviously the decision on how the Foothills initiative applies to this application will effect the density and the bonus and whether it needs to be applied or not. For me to make any more comments on that it's kind of mute until that question has been answered. Because then I feel like as a public citizen I can make informed comments on whether I think it is safe or not. How it is going to affect my children on that road based upon the number of houses. That seems to be in big debate. I just noticed in watching you, that when the 900 number was mentioned there was a lot of questions and a lot of confusion there. I was at the previous meeting where there were a lot of questions on the intent and you have a tough job. I think that is the thing, because this is a huge thing. The man has the right or the developers have the right to develop their land providing they don't use a ruse or disguise to develop that land. I have nothing against that. If he wants to develop 900 lots and it is zoned that way and you guys feel that is the way, I'm not going to be happy about it, but I have to accept that. If I don't feel it's properly administered and proper decisions made for everybody based on the how the Foothills initiative applies to the situation, we are just going down a wrong road. I also did submit a letter that you guys received and my other comments ore in there.

Commissioner Fadness – We did get that letter.

Mariah Courtwright – I just wanted to touch on a couple of things. First, I talked about the traffic count last time and I wanted to clarify that there are driveways that actually do come out below Outlook. You had asked that question last time and I had misrepresented that information last time and so I wanted to clarify. Second, the thing that is frustrating to me is that I have been here through the beginning and all I hear is that we have been spending a lot of time, three years, we are getting a lot of community support or talking to. I think it is unique then that within the last month they can come to you and say; "*we just recently discovered we don't need the density bonus in order to get what we want*". They are able to take it off of the table and I think it is extremely confusing to know what you need to have in, what you don't need to have in, how many counts need to be where, if it's 80 here, 80 there, do you need a road, not need a road, do you need a gate or not need a gate. I feel for you guys because, I am so confused as to what is required and not required, what somebody has negotiated, not negotiated. I really think that if they have taken that long to try to figure it out and then are still having issues or taking things off of the table, then I don't know that we should expect you guys to figure it out in a couple of months. I hope that you guys take the opportunity to step back and try to get the actual facts of what is required. Everybody gets emotionally attached to it and I think that you are getting some misinformation that could or could not sway your discussion.

Patrick Courtwright – I will start off with the deer. When I look at the Fish & Game data I notice there is no data beyond 2003 and I question why. A lot has happened in the last 5 years. We have had new developments, more pressure. I'm an outdoors guy. I love the deer. I have to believe that there is more deer than what I see presented in the data from fish & game. I am not a biologist but I'll tell you this is a wintering zone and we do have game there. Onto phasing, a

different tune tonight. We heard that the developer would be pursuing, or at least identifying some other ideas. Mr. Watts presented some additional ideas and then we talked about punishing a developer for if we put the road on one side, if we don't do it. My understanding is that there is one applicant, there are 2 developers, if the road is to be gated or the roads need to be built. We are not punishing anybody. They made the decision to buy each piece of property. It has come through as one proposal. I think that is null and void. I will say that I do analytics as a living. I am thoroughly confused as well. I hear numbers, 900 lots, 1 per 40, 155. We surely have all of the numbers. I say the same thing. The developers and staff have spent 3 years trying to make a decision? How can the public be informed, how can we make a good decision, how can we make sure that we understand everything when documents are still coming in at 3:45 this afternoon? With that, I have one last point, and that is all of the witnesses and public who have come here tonight in support of this, I didn't hear any of this in the last meeting, so I go gosh, everybody has a right to an opinion but they seem kind of weird that we didn't hear them on the first meeting and we are hearing them now.

Don Plum – I would just like to follow up on Paul Warner's testimony about western Foothills development and traffic and two reasons for this development is the wildlife corridors and the capacity downstream from these developments and I don't see the Commission or the staff addressing the second one and where the traffic is going to go once it hits Hill Road. I would just encourage this Commission to include some sort of a condition especially with the Collister intersection that is going to be redesigned and signalized that we encourage traffic to hear south. Especially traffic from this development if you are going to approve it to head south towards State Street to the major arterials instead of east where the traffic capacity doesn't exist and we arte hoping we approve development in the western Foothills because of the capacity that does exist downstream.

Commissioner Stevens – Do you have anything specific you would recommend at the Collister intersection to make that happen?

Don Plum – I believe that there are a number of different ways you can design that intersection whether it's a free right turn at Collister, and timed signals for eastbound traffic for those that are heading east into downtown and possibly. I'm not sure how you could address it for those that are heading out of downtown, west, but this is all part of the Interim Foothills Transportation Plan. We were looking for diversions at 36th, at Collister, at Gary Lane and at 28th Street. When we made this decision that we were going to encourage development in the western Foothills, we were going to put some of these phases into action. Whether it was the 36th Street extension or these diversions at these intersections because we recognized the lack of capacity east.

John Watts –The point I would like to make clear. I have 3 things in front of you this evening. Number 1 is I am a resident that built my home and have lived there for 20 years. I am the former co-chairman of then Mayor Dirk Kempthorn's Foothills Advisory Task Force that wrote the plan and the ordinance that you are considering. I am a former Fish & Game Commissioner. I am not a colleague of Mr. Yorgason or the applicant or the folk from Utah. Let's be really clear on that. I am also shocked as I stand here this evening at the rejection I heard by Council for the applicant for the many ideas that have been proposed. I am a student of public policy and a practitioner of

the process that is why I was involved in the meetings. I asked at a public meeting to be involved. We had agreements and they were all set aside tonight and I am shocked. They have supported the gate here before. They had the gate in the original ACHD application. Tonight, they don't. For electricity reasons, there are solar panels today. But perhaps that could create vandalism and they would have that destroyed. Well that would be the point of the road that we are concerned about too. Vandalism, and what happens when the vandalism turns to a Foothills fire because somebody is up on top of that ridge that doesn't belong there. It's an ungated road, it's a paved road and it's not policed. As far as the gated community, sided by council for the applicant tonight, we had this discussion once before and I thought the matter was settled. It's clear in your ordinances at 1.3.6 that this is not a gated community. This is a Foothills subdivision seeking zoning, seeking conditional use. I would also point out that there are 2 applications, one application and 2 owners. If there is a hardship for the owners because of a west and east end, let me suggest they split it and bring 2 applications to you. That would resolve a lot of these issues because then they could deal with how are they going to get off the top without connecting to Collister? They are going to fix up Plano but they are not going to do anything for Collister, so what would that front end applicant do if they had to come by themselves? What if the applicant on the east end had to come by themselves? How would they get up there, they can't. How would they get off, they can't get off. Then what happens with the city park trailhead? If that gets split, the city loses this leverage with the applicant, at least with Mr. Yorgason in order to get the trailhead built for the park. If you reject this completely tonight and watch everyone scurry because what now has occurred is some agreements have been made and some hard work has been put in by all the neighborhoods here tonight for all their reasons, by myself, by Briar Hill, by the city, by P and Z, by Parks and Rec. and now we are still in this state of disarray of 80 lots, 0 lots, 53 lots, 36 lots, 17 lots. Then the parks, 18 months, 5 years, 7 years and now an agreement that just occurred outside of a public meeting that was referenced earlier, 28 lot, 1 year or maybe 3 years. I think you should reject this thing completely. I wasn't going to ever say that, but I am tonight. I think you should reject it completely. I think they need to go back to the drawing board, I think you need to study your Foothills ordinances very closely and line them up with respect Mr. Chairman, particularly to 5.1.5, 5.2.1 and 6.2.3, those three. This application violates them all.

Commissioner Fadness – Is there anybody else from the public that wishes to testify?

Gene Wortham – As far as the mule deer out there are concerned. I have lived out there since 1968. I live up on top of the hill. You can see the whole west side of this proposed subdivision. There are quite a few deer that reside there all year and in the wintertime I have counted up to 42 different deer at one time. There are a lot of mule deer that live out there. Before, I don't seem to comprehend what Mr. Watts has been talking about. But now Mr. Watts tonight has finally brought this whole thing to a head and what it boils down to is all of these meetings we have had and the public suppose to know what the developer is going to be doing, I guarantee you, we don't know for sure what's going on. Before anything is voted on, I think somebody better get this proposed development scheme summarized, finalized and then the public would like to look at it and I think you would be entitled or the proper perspective as to what you are going to be voting on.

Commissioner Fadness – Anybody else that wants to testify? Commissioners, you may now ask questions of the applicant or the staff.

PUBLIC HEARING CLOSED

Bruce Eggleston – I would like to reiterate the suggestion I made a little earlier to implement some of these changes that have occurred since the July 14th hearing. We would be looking at motions to change those and in particularly to the onion management plan, the phasing plan and any changes to those that might be reflected in a motion for adoption. I did fail to mention, a letter that I entered into the record passed out this evening from Mrs. Marie Casey, who happens to be one of the applicant in support of that. They were handed out this evening.

Robert Burns – I would like to address a couple of the comments Mr. Watts made. The first comment of criticism he had is that there was an agreement with respect to the gate. The applicant has no problem supporting a gate. The applicant's problem is that a temporary fence makes no sense. If in fact a gated community would be allowed by this Commission and the city, the applicant can support it. The problem is that a temporary fence makes no sense if it has to be taken down after 36 lots are built on the Plano Road side or 17 lots are built on the Collister Road side, so it's a temporary gate, not a gate that is the issue. With respect to building all 53 lots off of Plano Road, the applicant was working with Mr. Watts as well as the community to come up with a solution. My client has informed me that to the best of his knowledge at no time was there an agreement made for the reasons and because of the concerns I earlier discussed, that would limit the first 53 lots to be constructed off of Plano Road. We are sorry for any confusion or misunderstanding with Mr. Watts, but at no time did the applicant intend to deceive or other wise mislead Mr. Watts or any of the other neighborhoods with respect to its development plans. Every development of course, imposes impacts on a community. The question is not whether or not impacts result from a project, but whether the development proposal complies with a development planning objectives and ordinances. There has been extensive analysis of the project before you by the city staff with a multitude of departments and agencies. I think that the record is clear that the city staff, the agencies and the departments that have all looked at this have all concur that the project before you complies with the city's planning goals, policies, and ordinances. Having said that, there are a few issues that have been brought up by the opponents to this project that I would like to quickly address; these are in the packets that were distributed to you earlier today.

The first slide is an excerpt taken from the work session handout that staff prepared and this has to do with the density and the density bonus. The yellow portion out of the staff report specifically states that the density bonus methodology is not necessary to qualify for 155 units for this project. There can be no doubt about that. Staff, city's attorney and the developer are all in concurrence on that point. The next exhibit is from the staff's original staff report. It was prepared in connection with figuring the density bonus, but I am submitting it in the yellow portions, not because of the density bonus, but rather to do with the clustering concept. As this report that was prepared by staff indicates a total of almost 73 acres of land that is developable on this property based upon the 25 percent slope analysis. The developer is setting aside over ⅓ of this land and not developing on it. By definition the developer is clustering his project, the 155 requested units, into a little less than ⅔ of the developable land that is possible and available for development.

This exhibit is the letter from ACHD that I believe you saw as part of the work session handout. There are a couple of items that I want to bring to the Commissions attention. The first is that there has been argument that the Collister Drive is not capable of handling the additional development that this project will introduce. As indicated, on page 3 of the letter from ACHD, the ACHD response is "the upper portion of Collister Drive is sufficient to accommodate both current and projected traffic volume and drainage requirements at build-out of this proposed development. The experts in the area, the ACHD, have looked at this issue and they have determined that there is no requirements, no improvements to Collister Road that are required to meet the ACHD's requirements. I would just point out that the yellowed portion on that map establishes that we are going to be in gridlock. We are going to be a problem at Foothill and Collister by 2015 unless the improvements are constructed by the developer. The Commission has asked to take a look at the remaining exhibits that are included. Most of them are self explanatory. I would be more than happy to answer any question the Commission may have with respect to the exhibits included in the packet.

Commissioner Fadness – With that, Commissioners, we are done. You may deliberate towards a decision.

Commissioner Stevens – Could we take a break?

Commissioner Fadness – Yes we can. We probably should have taken the break before the public testimony portion and that is my fault. I would just encourage the Commission not to discuss this proposal, as I know you won't with either each other or the applicant or the public.

BREAK

Commissioner Fadness – It looks like we have all of the Commissioners back and we will reconvene the meeting. Commissioners we are at the point of deliberation and a vote on these items. We will probably need to take them up separately. I am getting a yes from legal council. First up is the annexation issue with the zoning designations recommended and then we will take up the Subdivision, Conditional Use Permit and the Hillside and Foothill Area Development Permit. As you know we have done in the past on applications such as this, we want to discuss any and all portions of this before motions we can do that as well since some of these issues do overlap.

Commissioner Baskin - I don't have a motion to make, but I do have something I'd offer to start the discussion. I think for me it's the starting point, and that is; "*what are the rules?*" as some of the neighborhood folks have asked.

I noticed that the applicant in his rebuttal was quick to point out the statement that was contained in the staff report from July 30, about how staff concurred that the base density given the existing zoning would exceed the 155 units requested by the applicant. There are a number of other statements in the staff report, as well as provisions in the applicable Ordinance that suggest to me that staff is persuaded that this project is to be evaluated on the basis of 1 unit per 40 acres to apply the density bonus provisions of the Foothills Planning and Development Ordinance.

Quote, "*in working with the applicant for 3 years on this project, all were in agreement to utilize a base density of 1 unit per 40 acres*", end of quote.

Quote; "*for purposes of this application, the applicant is bound by the densities reflected in the application and proposed development agreement. The applications expressed the intent of the applicant for the proposal. Their applications invoke the density bonus regulations and went to great lengths to comply with those regulations. The applicant followed the density bonus and the calculations are expressed on the work sheet*", end of quote.

I think this recognition or realization that maybe some other based density applies, comes too late. I am going to evaluate this under the Foothills Planned Development Ordinance or I'm not going to evaluate it. That's the entire premise for this entire exercise is that this applies.

With that starting point, I've got some real problems with the density bonus analysis. First of all, the Ordinance seems to require that in identifying the Priority Open Space, is satisfying ourselves that the 81 acres of the 25 percent slope or greater qualifies the criteria for Priority Open Space. I am not convinced that a lot of that area meets the criteria. For example, the general guidelines in Section 11-6-5.07.4 of the Ordinance which discusses Priority Open Spaces; it says that you have to be satisfied generally and initially that there is 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 the code. We are told by staff that the 81 acres in question meets 4, if not 5 of the Priority Open Space characteristics; wetlands, riparian areas, rare plant communities, public trails, lands adjacent to public areas. Rare plant communities, that's figured prominently in all of these discussions, the Aase's Onion. First of all, as it's been noted, it is protected because you can't build on it anyway. There aren't any other permitted uses like mining or logging that are going to interfere with the onion preservation. I suppose grazing might be out there as a permitted use that will not be allowed if this land is dedicated or conservation easement is dedicated to the Land Trust. But, grazing has been out there already as a possibility, and the onions seem to have survived it.

The onions and the natural vegetative cover which are to be protected by the designation of this area as Priority Open Space might also be protected under the Hillside Development Ordinance because, that Ordinance, which they must comply with does contain provisions that protect from the disturbance of these areas already. I refer to a Section 11-14-04 sub parts F and G, and 11-14-09 sub parts C of the Hillside Development Ordinance. I'm not persuaded that there isn't protection that is already extant for the rare plant communities. For that reason, I'm not sure I would assign as much value to the 81 acres as the applicant would have us do.

Second thing, my point on elk and deer winter range and migration corridors, I think staff has indicated that never figured as a significant reason supporting the Priority Open Space Designation. The wetlands and riparian areas, as I looked at this, are pretty small, they aren't significant. The fact that these lands are going to open up access to the Pole Cat Reserve is important and in my mind may be the most important criteria that satisfy Priority Open Space characteristics. Once you go through that analysis, you're supposed to demonstrate an increase in

public value of the Priority Open Space. True, it does allow for public access. I don't think it does much to protect the onions. For those reasons, I'm not persuaded that we should assign the value to the protection of that area that the applicant says we should. I point out again that this is a matter that's to our discretion. Referring to Section 11-6-5.7.4, quote, "*when the applicant demonstrates that a portion of his property, not otherwise qualified as Open Space, eligible for a density bonus does meet the above listed criteria, the Commission may classify it as Priority Open Space and allow some or all of it to qualify, with the grants and the density bonus. The amount allowed to qualify is Open Space eligible for a density bonus shall be discretionary based on the criteria or the extent to which the property in question exceeds the minimum criteria*". Contained in that same section is the admonition that priority Open space when it exist should be used in balance with the other forms of eligible Open Space, that is the space that is actually buildable to meet the requirements of the code.

Here, we have 81 acres proposed to be Priority Open Space verses 25 acres that are otherwise buildable. I think the Ordinance specifically invites us to make some determination as to whether that 81 acres provides the City with sufficient value to justify the density bonus the applicant has requested. I'm not persuaded that it does. By the same token, I'm not really in a position to say that you should credit them for 30 acres, or 20 acres, or 40 acres. I am persuaded that to give them full credit under the statute or under the Ordinance for 81 acres is more than the circumstances justify. I wouldn't support the proposal as a recommended by staff for that reason.

Commissioner Fadness – But you are not making that in form of a motion.

Commissioner Baskin – No, not just yet.

Commissioner Fadness – That's fine, we can have discussion. I want to be careful that we don't have really long discussion before we have at least have a motion on the table.

Commissioner Stevens – I actually have quite a few things I want to say, but I am not going to say them right now. I just want to piggy back off of what Commissioner Baskin said regarding the based density, and I want to point out if I'm not mistaken that one of the things that staff assumed in it's calculation of that based density, let's call it 155 for argument sake, was that they, being the applicant, would go to the County, if not to us and use the existing zoning that the County has on it. Or that they would come and we would annex it at 1 per 40. I just want to make the point that we also have the option of doing a holding zone and asking for something different.

Commissioner Fadness – Thank you, Commissioner. Further discussion or motions?

Commissioner Barker – We could start with a motion about zoning, with the annexation.

COMMISSIONER BARKER MOVED THE APPROVAL OF CAR07-00042/DA TO INCLUDE THE ANNEXATION OF 332.75 ACRES WITH A ZONING DESIGNATION OF R-1A DEVELOPMENT AGREEMENT AND A-1 DEVELOPMENT AGREEMENT.

COMMISSIONER COOPER SECONDED THE MOTION.

Commissioner Barker – I think it would benefit the City and the community that we bring all of this property into the City to have a consistent and hopefully, more clear designation of the zones involved in this development.

Commissioner Baskin – I have a concern about that because I think if I understand what staff is proposed correctly, would that bring the property in at a based density of greater than one unit per forty acres?

Commissioner Fadness – Unfortunately we have closed the public hearing and so I don't think we can direct that question to staff. We can try and resolve it among ourselves.

Commissioner Barker – This does get to the root of the based density question. I think there are other provisions, other than just density per acre that come into play when looking at Foothills development and more specifically, the development on increased slopes, 25 percent slope. Where I would agree with Commissioner Baskin is that we are taking a look at the density. I think that there are other ordinance provisions that overlay that density that would come into play.

Commissioner Baskin – I appreciate Commissioner Barker's comment but I think that pre-supposes that we'll come to some agreement about what type of development agreement should be attached to this development because it's R-1A with a Development Agreement. Isn't it?

Commissioner Fadness – That's correct.

Commissioner Baskin - And if we don't come to agreement about the development agreement or about the Conditional Use Permit (CUP), then we have this parcel that's annexed and it's annexed with zoning that is greater than 1 unit per 40 acres.

Commissioner Fadness – That's a good point Commissioner Baskin. I would note that that assumes then that the other Commissioners would not come to agreement or have any development agreement attached. I guess I don't foresee that as a realistic situation. Further discussion before we take a vote on this motion?

Commissioner Stevens – I concur with Commissioner Baskin on this. I think there needs to be more discussion about the CUP before we vote to annex the development agreement that we haven't had any discussion about. I would move to table the motion until further discussion on the CUP takes place.

Commissioner Fadness – When there is a substitute motion, don't we have to vote on the original motion first?

Teresa Sobotka – You would have to vote on the substitute first. I think you are getting a little confused here. There are two types of rezones: one with the development agreement, and one without a development agreement. When you annex, you would have to rezone either with or without a development agreement. You could stop right there. You don't have to look at

underlying development of the Conditional Use Permit. You can if you want to, you don't have to.

Commissioner Barker – I think that we have to begin somewhere. Again, I will argue for annexation because there's certainly been presented to us some confusion about what would be allowed or not allowed in the County. This is an important parcel for the City to be looking at as a whole. Secondly, I think the zone to require development agreement should be applied to this parcel regardless of what kind of development we are going to see. The development agreement is the key piece of information that we would want attached to any development, any application for this parcel.

Commissioner Fadness – Further comments?

Commissioner Cooper – I seconded the motion for discussion purposes. I wish we were able to discuss all aspects of this application before making a decision on the annexation. I understand we can't do that. I have been trying to look through the report to see what other avenues we have besides the one before us with this annexation. It does all depend on the development agreement.

Commissioner Baskin – That was part of the motion. I have a question for Council. If the motion is passed as proposed by Commissioner Barker, does that require consideration of the CUP to take place under the Foothills Policy Plan Ordinance? In other words, would it require us to consider the density bonus provisions of the Ordinance as applicable to that property as a rezone?

Teresa Sobotka – Yes and no. The first motion was to annex with the development agreement. Then after that you are looking at the Conditional Use Permit. Once you annex, the County zoning goes away. You totally be looking at what ever the City zoning with the development agreement was. The application and the development agreement state its 155 units. You were looking at a rezone for 155 units spread out over the property. Then look at the clustering and the density bonus requirements in relation to the rest of the CUP issues.

Commissioner Baskin – Let's suppose that this application isn't adopted, the property changes hands, ten years from now we are faced with another application, this time for 300 homes. Would the Foothills Policy Plan Ordinance apply to evaluate that application or does the rezone impact that?

Teresa Sobotka – In your hypothetical, this was denied, once you deny, then the applicant can go to the County and develop pursuant to the zoning he has in the County, as well as to the City pursuant to the zoning in the City. Now, in the County they have to look at our Comprehensive Plans and the Foothills Policy Plan. Our plan talks about the density bonus and preserving the 11 issues. They would be applying it to a based zoning using that as a starting place, the Foothills Policy Plan, but they would be applying it to the zoning.

Commissioner Baskin – If the annexation is approved, but the CUP is denied, then the property is still annexed. Correct?

Teresa Sobotka – That is correct.

Commissioner Baskin – Having done that, what would the base density be for any future Foothills Planning Development applications?
Teresa Sobotka – It's the 155 units. I think it is the 1 per 40. I would have to re-look at everything to make sure. I believe the 1 per 40 is what it would turn out to be. The 155 units are what the development agreement would be considered. Everything that is in that development agreement, those are commitments that they would be making. Since there would be no development, a specific CUP approval, then when they came in with another application or modified this one, they would have to do that in accordance with the development agreement. When you would look at the CUP in the future, you would have to check off to make sure they met every one of the requirements in the development agreement, unless they wanted to modify the development agreement.

Commissioner Stevens – I have a question since I am new on this Commission. I have a question regarding zones. I will address this to Commissioner Barker. The R-1A, is that the lowest density that you can have or a development agreement to be attached to it? I'm just curious, why that zone, as opposed to anything else?

Commissioner Barker – No, it is not the lowest density for which a development agreement can be attached. I don't believe that development agreements are tied to density. R-1 is a single family residential development zone.

Teresa Sobotka – I have the answer to Commissioner Baskin's question. The two zones are A Open and R-1A, so the CUP would have to develop pursuant to those two zones, and in particular they are R-1A.

Commissioner Fadness – Further discussion on the motion to accept the annexation and the zoning designations.

Commissioner Stevens – I have a follow up question. Is the A-1 zone then, I know that is open space, is there a density associated with that, like 1 per forty? I'm trying to figure out what our choices are before I am comfortable voting on this.

Commissioner Cooper – I believe that the density for A-1 is 1 per acre.

Commissioner Fadness – Further discussion on the motion. The motion is to approve the annexation along with the zoning. We have a motion to table.

Commissioner McLean – That was never seconded.

Commissioner Fadness – Is there a second on the motion to table? Okay, with no second, we are back to the original motion to approve the annexation with the zoning designations. With that, we will take a roll call vote.

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER BASKIN	NO
COMMISSIONER MCLEAN	NO
COMMISSIONER STEVENS	NO
COMMISSIONER FADNESS	AYE

THREE IN FAVOR, THREE OPPOSED, MOTION FAILS.

Commissioner Fadness – With the tie, I believe that the motion fails. Is that correct? The motion fails in event of a tie.

Teresa Sobotka – The motion fails, yes. You could keep making motions until you get somewhere.

Commissioner Fadness – If the motion to annex fails on a 3-3 vote.

Commissioner McLean – It was my intention of making that vote against annexing with that zone designation. Are we able to entertain other motions?

Commissioner Fadness – We can certainly entertain other motions. I'm gathering your motion would be to annex with different zoning designations.

Teresa Sobotka – In that consideration, I think you could say that this motion failed for lack of approval. You could annex with something like an A-2, which would be a holding zone. Perhaps that could get you to where you want to get.

Commissioner Fadness – We could annex with a holding zone, perhaps an A-2. Could you define what an A-2 zone would be?

Teresa Sobotka – Literally, the holding zone of 1 per 40 and it does not have the development agreement attached to it. That's what we have been discussion over here because Foothills Development requires a development agreement, so what would happen is it simply puts it in a holding zone so they could do some sub-development of the 1 per 40, but when they want to do a higher density, a zoning urban level development, they would have to come back and they would have to get a development agreement at that point, approved with a rezone that gives you the higher level density, perhaps an R-1A.

Commissioner Fadness – Would that require a whole new application?

Teresa Sobotka – Yes.

Commissioner Stevens – I am going to go ahead and state a basic opinion. There is no question in my mind that there is a development right associated with this land. There are a lot of things in this proposal in front of us tonight that I am very uncomfortable with. I would like to annex the property with an A-1 holding zone.

Commissioner Fadness – Wouldn't that be an A-2?

Teresa Sobotka – A-2 is our lowest zone.

Commissioner Stevens – I thought A-1 was the 1 per 40.

Teresa Sobotka – A-2 is too. They are both 1 per 40. I'm sorry A-1 is 1 per acre, A-2 is 1 per 40.

Commissioner Stevens- I am going to restate my motion to annex the property with an A-2 holding zone.

COMMISSIONER MOVED TO APPROVE CAR07-00042 WITH AN A-2 HOLDING ZONE.

COMMISSIONER MCLEAN SECONDED FOR DISCUSSION.

Commissioner Fadness – We have a motion and a second, discussion.

Commissioner Stevens – I also made the motion for discussion purposes. I feel strongly that there is going to be development here for a host of reasons. I think that what is in front of us tonight needs to comply with parts of the plan; the Foothills Policy Plan, the Foothills Ordinance and the Comprehensive Plan that it doesn't currently comply with. Therefore, by annexing in with that zone, I'm hoping that we can encourage the applicant to come back with something more appropriate for the site.

Commissioner Baskin – I think I understand the intent of this motion. I have some concerns about whether it will do what we hope it will do. If this motion is passed and we bring it in as a holding zone, A-2, 1 unit per 40 acres, hypothetically, if somebody comes in wants to develop a 40 acre estate with a prominent house up on the ridge top, is that application going to be governed by the provisions of the Foothills Policy Plan and the Foothills Planning Ordinance?

Teresa Sobotka – Yes, the Foothills Policy Plan for sure. We are in agreement that the Foothills Plan would apply, but not the Ordinance. It goes to a straight subdivision in that situation. You would limit it to the flatter area and protect all the things it states in the plan. Actually, we started requiring the development agreements.

Commissioner Cooper – Under that motion with the zone of A-2, or 1 unit per 40, then the requirements that would have to be met would be dramatically reduced as I understand. They would have to meet the requirements of the Subdivision Ordinance.

Teresa Sobotka – The Foothills Plan, we can start with that, we can not specifically require something. That is what you encourage. What you can require is in the Ordinance, so you are correct. It would simply be that if they want to do the 1 unit per 40 acres, it would be the subdivision requirements. However, we would strongly encourage a look at the Foothills Plan. If they came down to say, we are not going to, I would enforce it.

Commissioner Stevens – I would like to withdraw my motion.

Commissioner McLean – Second concurs.
Commissioner Fadness – Do I have another motion?

Commissioner Barker – It is unfortunate that we have some confusing information before us. We owe it to ourselves and we owe it to the public to be very clear about the basis of our decision, particularly, with attempting to apply to this parcel, the Foothills Policy Plan, and the Ordinance requirements. It is unfortunate that we have an application before us that deals with density bonus and then when we began to question, or others questioned how we arrived with the density bonus, we found out late in the game that there is an argument that we really don't even need to consider it. I think where I would like to go is for more clarification about all of these issues. If we don't need to deal with density bonus then we should have an application before us that doesn't consider it. That it lays out for us exactly the facts related to the densities and the slope issues. I would like us to annex this ground. I think that it serves the City and the community to have a consistent set of policies related to Foothills Development. I would like to annex it with a development agreement clearly attached to it so that we have some basis for reviewing the development.

Commissioner McLean – I agree. This has been in many ways extremely frustrating because we have gotten conflicting information late in the game. We've been told that conversations were held and they weren't, but it's important that we annex tonight if nothing more.

COMMISSIONER MCLEAN MOVED TO APPROVE CAR07-00042, ANNEXING IN THE ENTIRE PARCEL INTO THE CITY WITH AN A-1 ZONING WITH DEVELOPMENT AGREEMENT, AND THAT WOULD BE OPEN SPACE DESIGNATION MAKING IT ONE UNIT PER ACRE WITH A DEVELOPMENT AGREEMENT ATTACHED TO IT.

Commissioner Fadness – So your motion would be not to do the A-1 with the Development Agreement zoning, but the entire parcel R-1A with the Development Agreement, which is 1 unit per acre.

Commissioner McLean – No, it's the other way around because, if I understood the motion correctly, it was split between R-1A and A-1. I am proposing that we annex the entire parcel with the Open Space designation, which is 1 unit per acre with a Development Agreement attached to it. It's A-1/DA.

Commissioner Stevens – May I ask a question of legal? Teresa, would that fall then fall under the Foothills Hillside Ordinance?

Teresa Sobotka - You would have to amend the development agreement to specifically requirement of the development agreement would be that any development would have to comply with the Foothills Ordinance.

Commissioner Stevens – Can the motion be stated as such?

Teresa Sobotka – Yes.

Commissioner McLean – Before I restate my motion, I just want to make sure that by making this motion that we are not throwing out some of the changes people wanted to make to the development agreement.

Teresa Sobotka – You can say, the development agreement as is with the addition to comply with the Foothills Ordinance. I suggest that you don't, I suggest you do is the A-1 with a development agreement with the sole condition of the development agreement be that any future development has to comply with the Foothills Ordinance.

Commissioner McLean – That was my intent. I would like to amend my motion as such that the development agreement would have to comply the sole condition would have to comply with the Foothills Planning and Development Ordinance.

Commissioner Fadness – Does the seconder concur?

Commissioner Stevens – I don't think there was a seconder.

COMMISSONER BASKIN SECONDED THE MOTION.

Commissioner Fadness – Is there any discussion?

Commissioner Baskin – I have a question for legal. As crafted, the motion would admit the property into the City under a designation of A-1 with development agreement that is generic speaking with some subsequent development agreement that we may decide upon. Correct? It's not this development agreement.

Teresa Sobotka – No, it is a new development agreement and that new development agreement has one condition in it at this point, which says you must comply with the Foothills Ordinance and it runs with the land and is binding on their successors and its assigns. Any other conditions would come up at another time.

Commissioner Cooper – The application before us has both R-1A and A-1. The proposed motion has just A-1 and in reading in the staff report under the 11.06.05.07.03, describes, *upon annexation of buildable areas the PD shall be zoned R-1A, single family residential.* Then in bold, *with the density and designed further controlled by the provisions of this ordinance and slope protection and preserved Open Space areas shall be A-1 or A-2.* I'm not sure what the difference is.

Commissioner Fadness – Are you asking that to the maker of the motion?

Commissioner McLean – What I was trying to prevent was one of the questions we have had all along was whether or not 155 units should indeed be the based density from which we begin to have this discussion. With the original motion that we put forth, the base density would have been 155 units. That is not the way that I wanted to vote to annex this piece of property right now. Instead, my intention was that we wouldn't be as low as the 1 per 40, yet we would be looking at one unit per acre with a development agreement, so that we can revisit some of these questions that we have. And to make sure that the next application we see with this zone ___. I would be proposing that we annex it, and it does indeed have to comply with the Foothills Ordinance.

Commissioner Cooper – The difference is that it excludes the R-1A single family dwelling and that zoning. The intent is that we will get as application that meets the requirements of the Foothills Ordinance and have fewer units on it.

Commissioner McLean - At that point by meeting the requirement of the Foothills Ordinance would be applying for a density bonus. That would be an option that we revisit the calculations of ___.

Teresa Sobotka – Mr. Chair. It doesn't quite work. It gives you too much density even with the development agreement attached. I am very sorry for all of this. It is hard to keep thinking all through these technicalities. Going back to the A-2, the problem with the A-2 is that you just went straight to the subdivision. If you did the A-2 with the development agreement and the development agreement's sole condition was that you had to comply with the Foothills Ordinance, I think that gets you to where you are actually trying to go.

Commissioner McLean – I would like to amend my motion to an A-2 with a development agreement with the sole condition being the proposal must comply with the Foothills Development Policy Plan Ordinance.

Commissioner Fadness – Does the seconder concur?

Commissioner Baskin – Second concurs.

Commissioner Fadness – Is there any further discussion on this amended motion? With that we will go for a roll call vote. Again, the motion is to go for an A-2 zone with a Development Agreement with a single, thus far, condition of the development agreement that it comply with the Foothills ~~Policy~~ Planned Development Ordinance. Am I correct in stating the motion?

Commissioner McLean – Yes, Mr. Chairman.

Commissioner Stevens – Just for clarification, so A-2 is 1 per 40, is that correct?

Commissioner McLean – Yes, and this would require the development agreement, which is different than the motion that came earlier.

Commissioner Baskin – Would any development under such a zoning classification have attached to it a requirement to comply with the Hillside Ordinance?

Teresa Sobotka – Yes.

Commissioner Stevens – A follow up question for Teresa. Is there any other Ordinance that this zoning designation would exclude the developer from complying with?

Teresa Sobotka – Exclude?

Commissioner Stevens – Are there any Ordinances that are excluded, other that the Foothills Ordinance?

Teresa Sobotka –With the development agreement, I'm confused about the word exclude, with the development agreement?

Commissioner Stevens – No, I know that the way the motion is worded that the development agreement is required to comply with the Foothills Ordinance. I'm wondering if there are other Ordinances besides that one that this zoning doesn't require compliance with.

Commissioner McLean – I think that our intent from this is that we want to make sure what we have covered tonight; the Hillside Ordinance, the Foothills Ordinance, density calculations are going to be covered by this zone because we made the mistake previously by choosing the wrong zone. I think you understand our intent.

Teresa Sobotka – I suggest the most conservative thing you can do is to say in your development agreement that the development agreement has a condition of must comply with the Foothills Policy Plan, the Foothills Ordinance and the Hillside Ordinance. That is all of the ordinances that are applicable to this development, so rather than by reference you would include it specifically.

Commissioner Cooper – I believe that would be required to meet the Hillside Ordinance because of the slopes.

Teresa Sobotka – That is what we were saying, you would naturally. But her question was being the most conservative way of making sure everything is included.

Commissioner Fadness – Are we ready for a vote on this motion?

[Note: restatement of the motion in its final form for clarity: Ed.

COMMISSIONER MCLEAN MOVED TO APPROVE CAR07-00042/DA, ANNEXING IN THE ENTIRE ~~PARCEL~~ PROJECT

SITE INTO THE CITY WITH AN A-2/DA ZONING WITH DEVELOPMENT AGREEMENT, AND THAT WOULD BE THE OPEN SPACE DESIGNATION MAKING IT ONE UNIT PER FORTY ACRES WITH A DEVELOPMENT AGREEMENT. THE DEVELOPMENT AGREEMENT SHALL STATE THAT DEVELOPMENT PROPOSALS SHALL COMPLY WITH *THE FOOTHILLS POLICY PLAN*, THE "FOOTHILLS PLANNED DEVELOPMENT ORDINANCE" AND THE "FOOTHILLS AND HILLSIDE AREA DEVELOPMENT ORDINANCE".

COMMISSONER BASKIN SECONDED THE MOTION.]

ROLL CALL VOTE

COMMISSIONER MCLEAN	AYE
COMMISSIONER BASKIN	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER BARKER	AYE
COMMISSIONER FADNESS	NO

FIVE IN FAVOR, ONE OPPOSED, MOTION CARRIES.

Commissioner Fadness – Given that, the subdivision no longer applies. Do we need to take a vote on it?

Teresa Sobotka – Yes, I think you need to vote on the CUP and the Subdivision because you don't know what is going to happen at City Council.

Commissioner Fadness – Should we go with the CUP next?

Teresa Sobotka – Yes.

Commissioner Fadness - We will take up the Condition Use Permit next which is Item #8 on your agenda.

Commissioner Barker – I'm hoping I understanding the concerns of the Commission. It's two-fold; one is that the density may be too high, too high for the type of terrain we have. The second concern is that the entire confusion about how the density was derived with the density bonus or not. Having said that, I would like to say that there was a lot of thought that went into this development and application. Hopefully, we will see something that will comes back to us that is more clear, more straight forward and more easy for us to digest.

COMMISSIONER BARKER MOVED TO DENY CUP07-00084.

COMMISSIONER BASKIN SCONDED THE MOTION.

Commissioner Fadness – We have a motion and a second, do we have further discussion?

Commissioner Cooper – I walked in tonight thinking I knew what I was going to do here and after the applicant's testimony, I was completely confused. I think it was a different presentation tonight and I don't agree with Commissioner Baskin on his opinions on the 11 points of the Policy Plan. While they might not be the largest wetlands around, I think they meet the requirement so f the application. Clearly, the Commission was not going to go that way. I just wanted to get that on the record, that I will be supporting the motion.

Commissioner Stevens – This [Planning] area contains the thousands acres of land. Not all of it is equally suitable for development and that this parcel's mere existence within this designated area does not mean that the City, when it adopted the City's Foothills Policy Plan, meant for it to be developed.

I would argue that the spirit of the Foothills Policy Plan which is accessed in my mind, via specifics sections, which I will get into in a minute, suggests that this parcel should not be developed in the density that is proposed tonight. I find staff's revelation that the Foothills Policy Plan was created prior to Ada County's passage of the Planned Community Ordinance, really pretty telling. The communities of Avimor, Hidden Springs, Cartwright Ranch and the list goes on, were, according to staff's report, not anticipated when Boise passed the Foothills Policy Plan in 1997. I would argue that that changes everything.

The Western Foothills area is slated for development only subject to adequate street capacity and infrastructure. There is clearly a lack of coordinating planning between the City and the County and I am unwilling to tax our streets, our infrastructure, not to mention our downstream neighborhoods until it gets sorted out. Again, I feel real strongly that there is a development here, but I think there are some important things that need to happen between the County and the City before that can happen. Second, while the western area was slated as most appropriate for development, that was only the most broad of designations.

The Foothills Policy Plan then directs us to look at more specific items and to determine appropriateness for development. The first of those things is grading. In the Foothills Plan Development Ordinance says in 11-06-05.07.05, "*disturbance in the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill*". There is no question in my mind that this proposal in front of us qualifies as excessive. The plan goes on to say "*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 create the appearance of natural topography*". This proposal is clearly squaring off the tops of the ridges. We also need to look at skylines and prominent ridges. I think the applicant is doing some interesting things. When they say that they aren't sky lining, I think the homes are being put on ridges and I think it is a matter of parsing words. In the Foothills

Open Space Management Plan it is very clear that these ridges have been identified as prominent ridges. The Foothills Policy Plan guides that "*the natural scenic values of prominent ridges and knolls shall be maintained. Project design shall preserve the natural appearance of prominent ridgelines and skylines and concentrate development on more obscured areas of the site*".

I think it is important that those items have not been complied with in the plan and in the ordinance. I think that while there is the one part of the ordinance that tells us, this is the area we need to develop in. I think there is a whole bunch of other parts of the ordinance and the plan that suggests that what we saw tonight and the proposal that is in front of us is not appropriate. With that said, I will be supporting the motion.

Commissioner Baskin – I appreciate Commissioner Cooper's comment and I certainly didn't mean by my comments to suggest that there is no worth be attached to the applicant's proposal, to set aside these 81 acres. I think that the applicant has attached more significance to it than it warrants. Again to quote from the ordinance, "*the commission may classify the area as Priority Open Space and allow some or all of it to qualify for the granting of a density bonus*".

What I would like the applicant to consider is to come back with the same type of Open Space protection that has been proposed and yet attach to it a lesser demand for a density bonus for setting those 81 acres aside. I did some calculations to give you some idea of what I am thinking of. Under your proposal, you would take full credit for the 81.9 acres that you have set aside, supposing that if you had some of the concerns that have been tossed around tonight, you said "*well, we will just acetate credit worth 30 of those acres in our density calculations*", although, we will still set aside the full 81 acres. If you did that, my calculations show that you could develop 91 dwellings, as opposed to 155. That might go along ways towards addressing some of the concerns that you've heard tonight from Commissioner Stevens and others about the amount of fill involved. It might even satisfy some of Mr. Watt's traffic concerns.

My suggestion would be that you look at attaching less significance to those areas that you propose to set aside, at least in the terms of the density bonus transfer. I appreciate that this is a tough process and you have to fine pencil it out, and I know that you have done the due diligence on it and it has to pencil out or you can't do it. That is where I am coming from.

Commissioner Fadness – With Commissioner Cooper, I do want to go on the record to state the reason for my vote for the motion but with great hesitancy. I guess the main reason I am going to vote for the motion is because I do feel like we had some information come to us extremely late and perhaps our error was in scheduling our second hearing so close to the work session and the hearing of July 14. I was disappointed to hearing the change of tune regarding the density bonus although I tend agree with the applicant and the staff's position on the density bonus. I was disappointed to learn that there are 2 developers on one application. I feel like that is critical information. I'm disappointed that, we were so close, we had a draft agreement with the Park's Department, we had an agreement regarding the onion conservancy plan that seemed to be in agreement with most parties, and I guess I just feel comfortable in voting for the motion but not for some of the same reasons that my fellow Commissioners have stated. Are there any other comments? With that I we will take a roll call vote.

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER BASKIN	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER FADNESS	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Commissioner Fadness – The final two motions are matters of formality even though we should still vote on them. We will first take up the subdivision proposal item 7A.

Teresa Sobotka – It's not just formality. We need to give council a little guidance in case they overturn you. So in other words, do you like the way the subdivision is set out? Did you also vote on the Hillside?

Commissioner Fadness – Not yet. The Hillside is the final one. I will entertain a motion on the subdivision.

COMMISSIONER BASKIN MOVED TO DENY SUB07-00065.

COMMISSIONER COOPER SECONDED THE MOTION.

Commissioner Baskin – For reasons previously stated I would support the motion denying the subdivision application with 154 buildable lots.

Commissioner Fadness – Even though there were reasons previously stated, if you could give a summary. We need to have it in the record.

Teresa Sobotka – I don't think you need to go through everything you went through before, but if Council overturns you, are you okay with the subdivision, or do you think it needs to be more clustered?

Commissioner Baskin – First of all, I believe that the subdivision as proposed for 154 lots is excessive in number for the reasons I previously stated in the connection with the CUP and the density bonus provisions of the Foothills Planning and Development Ordinance. I feel that the subdivision as proposed places too many houses or units on prominent ridges. This is something that is specifically prohibited in the Foothills Policy Plan. It is not a matter for our discretion. The Foothills Policy Plan says that prominent ridges shall be protected from development. This is identified as a prominent ridge. I recognize that the Foothills Policy Plan is a plan that we are not governed by as we are the Zoning Ordinance. It still informs my decision about this. The

development is too linear; it does not do any service to the clustering requirements of the Foothills Planning and Development Ordinance so I would oppose the subdivision for that reason as well.

Commissioner Stevens – I would just add to that that I think there were parts of the parcel that weren't being developed on, that I think would be useful for development and I would like to see on the next round, lots be located in those areas as opposed to the ridge tops.

Commissioner McLean – Just for City Council's notes, there was quite a bit of concern, at least in discussion and I still have it, with that decision not to develop back towards the back where it isn't visible in the sand pit, verses to being on the ridge-tops. I think it was 25 acres that were being set aside as opposed to being developed, it wouldn't have been noted.

ROLL CALL VOTE

COMMISSIONER BASKIN	AYE
COMMISSIONER COOPER	AYE
COMMSIIONER MCLEAN	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER BARKER	AYE
COMMISSIONER FADNESS	AYE

ALL IN FAVOR, MOTION CARRIES.

Commissioner Fadness – Finally we have the Hillside and Foothills Area Development Permit.

COMMISSIONER BASKIN MOVED TO DENY CFH07-00042.

COMMSSIONER MCLEAN SECONDED THE MOTION.

Commissioner Baskin – Again, for a lot of the reasons previously stated, I would vote to reject the Hillside Permit application. I'm not convinced, under Section 11-14-04 of the Hillside Development Ordinance that enough consideration has been given to allocation for Open Spaces and protection of soil, geology, vegetation and minimizing disruption of existing plant and animal life. As well, Section 11-14-08 of Section C existing vegetation should not be disturbed or removed beyond the limits of the cuts and fills of the approved grading plan. Because of the degree of cut and fill proposed by this development, I question whether it meets the spirit and intent of the Hillside Ordinance and to preserve, enhance with existing or future appearance and resources of Hillside areas. I'm not sure it meets the spirit of that purpose and intent language of the Hillside and Foothills Areas and Development Ordinance and would vote to reject the application on that basis.

Commissioner Barker – I think this is one of the areas I struggled with and I will concur with Commissioner Baskin that in moving over 1 million cubic feet of material as proposed, I believe it does violate the intent of the Hillside Ordinance with respect to excessive grading.

Commissioner Fadness – My comment on that motion is that I would like to see in a future application maybe more guidance for us. Staff said that there really was no definition for what excessive grading is and one of the reasons I understood that there was a lot of grading in this , is so we would avoid houses right on the very top and have more of a hill hugging development. That was the reason for the grading. The slides that were shown to us by the applicant did not show in my opinion houses on the ridge top unlike what we see in some other parts of the Foothills. So I was of the opinion that grading was necessary in order to have a more hill hugging development although I realize that some of the grading was at the top of the hill. What's excessive, what's not, I hope that is more clarified in a future application.

ROLL CALL VOTE

COMMISSIONER BASKIN	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER BARKER	AYE
COMMISSIONER FADNESS	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Commissioner Fadness – With that we have come to the end of the agenda tonight. We are adjourned.

Approved:

Brandy Wilson, Chairman
Planning & Zoning Commission

Date: 11/3/08

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Plano Lane

P&Z Minutes

from Worksession

July 31, 2008

Boise City Planning & Development Services
150 N. Capitol Blvd ▪ P O Box 500 ▪ Boise, Idaho 83701-0500
Phone 208/384-3830 ▪ Fax 384-3753 ▪ www.cityofboise.org/pds

Planning & Zoning Commission

Work Session
July 31, 2008

Commission Members Present	Brandy Wilson /Chairman, Gene Fadness /Vice-Chairman, Doug Cooper, Lauren McLean, Anne Barker, Thomas Baskin and Jennifer Stevens
Staff Members Present	Hal Simmons, Terry Records, Cody Riddle, Bruce Eggleston, Scott Spjute, Pam Baldwin & Teresa Sobotka (Legal).

AASE'S CANYON POINT DEVELOPMENT, LLC / 6890 N. Plano Road

A worksession to discuss Plano Road Subdivision applications was held on July 31, 2008 in the Boise City Hall, 3rd floor Bonneville Room.

Meeting was called to order by Brandy Wilson / Chairman at 6:00 pm. Format was to go through the table of contents and take up each of the topics in turn.

Presentation by **Bruce Eggleston** on density. The density of the foothills is based on a number of things but we start out with the slope analysis; (pointing to a map). The green areas on the map are the areas that are buildable, less than 25% slope. The large blue chunk is the sandpit. The blue areas are also less than 25% slope and that is part of the buildable that is to be set aside as permanent open space. The items on the map that are blue and green correspond to the numbers in the table. The buildable is approximately 73 ½ acres. There are 2 parts to that; there is the calculation to the ordinance and there is where the building is going to land and we require that both of those are associated with buildable land with less than 25% slope. In addition to the actual buildable the applicant has presented a couple of documents of studies by Mr. Tiederman that came up with the number of 81.9 acres of the calculated growth of the Asse onion. And so we added the actual buildable 75 acres to the 81.9 acres and come us with something like 155 acres that would factor towards the density bonus. So that is essentially the pool of the buildable properties that are associated with this land.

Commissioner Barker: You go from about 75 acres of property that has a less than 25% slope and that is clearly buildable according to code and you add to that the onion fields space which is greater than 25% slope for the most part and call that buildable. Could you please go over again why that is buildable, the 82 acres.

Bruce Eggleston: The plan in the ordinance directs a couple of things. They describe this formula and they also call out the point of protection of present endangered species, and they name 3 specific ones, the Asses Onion and 2 other species but they are specifically called out in the plan and in a document (that was put together by one member that is in the audience) known as the Heritage Document that also specifies there are certain areas and features in the Foothills that are conservable and the onion is one of those features.

Commissioner Baker: I think first the question isn't about why the Asse Onion deserves protection but is rather all slopes that are greater than 25% that contain the Asse onion why are those being included in the 81 acres that are being used to calculate the density bonus?

Bruce Eggleston: It is quite simple, that is where they live.

Hal Simmons: When the ordinance was put together for the Foothills, first of all it was based simply on buildable area, things that needed to be discussed, things that needed to be protected in the foothills. There was a feeling that there were other areas that maybe on steep slopes that might not be otherwise protected. So the ordinance was written to allow slope areas to count towards density bonus, plus slope areas have certain characteristics. They are listed on the Heritage Preservation sites as unique geological outcropping that might be otherwise destroyed if there were planned communities on them, if there were recurring areas on them, a list of things. There's a list of 11 items that can occur on sloped areas that otherwise you wouldn't get buildable credit for but if you have those and you can protect those, and if you can put together 4 of them into a package, then you get density credit as if that was flat land.

Commissioner Baker: And we have that list of 11 somewhere in the packet?

Bruce Eggleston: Yes

Commissioner Baskin: It is up to the applicant as to whether or not to apply for a density bonus. Let's suppose in this case the applicant decided not to apply for any density bonus. With respect to the onion fields, what extent would those areas be otherwise protected under the provisions of either the Foothills Policy Plan or the Foothills fire and development codes.

Hal Simmons: That is a good question. It would be protected to the extent that we would not allow him to propose even a low density development on that. If he came in and wanted to build one unit per 40 acres we still wouldn't let him build on the sloped areas where the onion fields are. However we would not have any control over how he used the sloped areas somewhat, if he wanted to run cattle on them he could, if he wanted to build a trail system for the owners of the homes he was selling, he could do that, if he wanted them to be covered with noxious weeds, if could basically do that. In this case what he is doing is turning it over to a land trust. So that is the difference.

Commissioner Baskin: Setting aside again the density of the open space issue. Is there nothing in the plan that would say you've got to protect these areas where there are sensitive or rare species of plants?

Hal Simmons: Yes the plan does say when you design your clusters; you need to cluster away from the unique areas.

Tom Baskin: So can it be said that there are protections build into the ordinance that provide protection for the onion fields apart from the open space protection that is being proposed?

Hal Simmons: Yes. What the ordinance contemplates is that if you're packaging, putting together an active management plan for those areas that is better than what you would have just following the base provision of the ordinance and you can get density credit.

Commissioner Baskin: Just one final question. Apart from the ordinance, are there any federal or state or other protections that might apply to protect the onion fields?

Hal Simmons: If I could just add one other point. The only thing he has going on this property was he still couldn't get density credit for it. It has to be in conjunction with other elements off of that list.

Commissioner Baskin: Wouldn't the wetlands as well be otherwise protected?

Hal Simmons: The wetlands would have federal protection. You have to remember what we are looking at here is a package of conservation for this area.

Commissioner McLean: Is there enough of a management plan for us?

Hal Simmons: That is a good question. I'm not sure that we're a 100% comfortable with the management plan.

Chairman Wilson: I think we will table that question until we get to the environmental issues so we will stick with density for right now.

Commissioner McLean: On page 3 of 21, under Density Bonus; it says using the maximum of 47.78 acres of the 332.8 acres of slopes less than 25%. Is that correct? Are they saying there are 332 acres of slopes that are buildable that are less than 25% or is there 155? And then I was wondering if that was what was used for the calculation.

Bruce Eggleston: The 47.8 acres are the built portion and the bonus itself is credited to the built portion, not the set-aside. The set-aside is the 155 minus this 47, approximately 110 set aside and if you add the actual number, density number, you take this built portion, in this case the 47.78 acres, times that by the multiplier which in this case is 2.99 units per acre to result in the 143 units that are eligible under the density bonus. Then the set aside is the set aside, there is not a calculation for density on it. That is the requirement to get to this point.

Commissioner Stevens: Are there 322 acres of slope less than 25%, or are there 155 acres?

Bruce Eggleston: It is actually 75 ½, 322 is the total project size. 155 is the actual buildable land 25% or less slope with the onions in it together.

Commissioner Cooper: Just a clarification, the 155 acres are the less than 25% slope?

Bruce Eggleston: That is with the onions, the actual number is 47.8 used and the not used is 25.3 which adds up to 75 approximately.

Commissioner Stevens: On page 2 of 21, number 2 in that grid needs to be changed, it needs to be deleted. Something there is not connecting.

Commissioner Cooper: Would it be correct to say that number 2 should say total buildable land slope less than 25%.

Commission McClain: In the two pieces, there is your piece and then there is the applicant's piece, and there is a part about what can be done in the city verses what can be done in the county. My read was that the density would be the same regardless. Did I read that correctly?

Bruce Eggleston: That is really kind of the crux of the discussion here. I would cut to the chase and say that when all the ordinances and policies are applied in the city that we would end up with about the same number that the applicant has put on the table for his application. I am not exactly sure we haven't analyzed that in the sense of the County because half of the land is RP, 120 acres are in the R-6, which has its own density value and then there is a portion in the city and they all have to be analyzed as if they were separate properties. We haven't had time to evaluate each property individually. In either case, the County has adopted the Foothills Policy Plan with the restrictions.

Commissioner Baskin: I just want to understand what the city's position is on whether the base density is 1 unit per 40 acres or whatever density applies in the county. Are you guys and gals and staff satisfied that it is 1 unit per 40 acres and whatever county zoning is out there is not applicable to this application?

Bruce Eggleston: There are 2 questions there. How we calculate what is allowable in the foothills on a given property. And then there is the end product if and when the property is rezoned and you have to separate these 2 issues. One is trying to get at what the project would look like, how many units and so forth, what the city would allow. In the end product, let's say it is annexed and rezoned, nothing in the county applies.

Hal Simmons: Just to add to that; I don't think that we've attempted to put a number as to what their base right is at the county zoning. We acknowledge that they have zoning on a good portion of the property. They clearly have the right to go to the county if we deny them and request an application. They may get an urban development approval with density similar to what is before us here. All I can say is we decided to use that zoning as the base for determining the numbers. We used our own numbers, our own ordinance, our own formula we started at 1

for 40. We acknowledge that they have a certain amount of property rights associated in the county with the zoning that they have.

Commissioner Baskin: Here is my question…I think that the implied threat from the applicant was, if you won't let us move forward with what we want to do here, we'll just pack our bags and go back to the county and do this, and if we do you will end up with something worse there than what you would get here. How much validity does that threat have?

Hal Simmons: I think that there is a reality to that threat. We've dealt with that for many years here in the area of impact where we have county zoning. Our rules and the County's are all the same, they have to come to us first. We have a chance to review them with our zoning standards and our policies and either approve them or deny them. If we deny them they do have the right to go back and request approval from the County. I don't doubt that they have an opportunity to go back to the County and getting an urban development approved. They would still have to try to meet the spirit of our policy plan but our ordinance may not apply to their project.

Commissioner Baskin: Can we annex the property, zone it and deny the application?

Hal Simmons: I guess you could do that. Obviously you would have to find that they weren't complying with our policies and our ordinances. I guess you would end up in court on it and the judge would decide. We've been through that with other landowners and prevailed only because the landowners had not submitted detailed applications consistent with our policy plan and ordinance.

Teresa Sobotka: This application before you; you have an opportunity to annex it. When you annex it you have to start a zone and that zone would have to be consistent with our comprehensive plan. So that is one and two. You have several different decisions to make, whether or not you approve the conditional use permit, whether or not you approve the subdivision, those are separate decisions. This is a very comprehensive and detailed plan. The two biggest decisions are annexation and rezone and you could separate the others out if you need to.

Commissioner Stevens: I have a follow up, part of the staff report on this exact issue mentioned a possibility of annexing the property with a holding zone and that is something I'm not familiar with. I was hoping that you would explain what a holding zone was.

Bruce Eggleston: We've had one example where the city did just that. The applicant requested R-1B and (Brandy) excuse me Bruce but I think Teresa wants to jump in on this.

Teresa Sobotka: This other case had not given detailed analysis, which is completely different from this one. We did prevail at the Supreme Court and we put them in a holding zone and when they could come back and give detailed analysis and go through the system again. You have a different situation here because they have given detailed analysis. Does that mean you have to approve it as is? No you don't. You still need to look at what they provide and see if it works for you or not. What a taking would be, if we take away all economic ability for them. Even in

our holding zone, holding kind of sounds like zero, you can't do anything at all in there, we don't do that. At the very minimum you could always do the one per forty. The court so far has said as long as you have very good reasoning for what you base it on you do not have to give them the highest and best use.

Commissioner Baskin: I'm looking at section 11.06.05.07.04 under the calculation of Density Bonus Formula, and after you get through reading the 11 characteristics that define priority open space, after you get through the 4 additional criteria for density increase for public value you finally get down to a section in the ordinance where it says 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. And then in the same paragraph above it says 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. So here you've got 81 acres of priority open space that is being considered and 25 acres of other buildable space that is being considered. What is meant in your view by use of the term balance?

Bruce Eggleston: The idea there is that the applicant has a report from a certified biologist who presents 81.9 acres of the actual habitat of this area of concern and there may be other mitigating factors that would either add to or subtract from that 81.9 acres. The factors might be, say a road going through it or are there trails going through it that would somehow disrupt that habitat. Or in this case what he have to be very careful about in here is the missing 9 acres in the hearing is that some of these onions may be destroyed during the construction process so this would be the kind of thing you look at to make that determination whether it is 81.9 acres or if some of that is going to go away. Or could it be rehabilitated, revegetated after construction. So that is where your discretionary powers come for here, your mitigating circumstances would not allow that full measure. That would be the call you would have to make.

Hal Simmons: If I could add a few things too. This is one of the vague things in the code that we have to deal with, there is no number associated, it doesn't say lets balance, it says we shouldn't use 100% slope there for density. I'll be honest with you, this has probably been our biggest concern in reviewing this is the question of have we gone too far in allowing this amount of onion field on sloped land to be counted towards the density credit. That is really a valid question and I don't know the answer to it. I will say that part of our rational in allowing this much to be counted is based primarily on the fact that this is in our priority development area. I think if this was in one of our most sensitive areas where we had very limited downstream street capacity or if it was next to the Fish and Game Management Area we would probably be less likely to have gone with the percentage of slope area counting towards density as we have gone with here. I think our view is kind of shaded by the fact that this is where the City said they wanted to direct development, so we gave them the benefit of the doubt. Also I think because from what we can tell this is a really significant and a good condition onion field. It is probably one of the best places for that particular plant species in the Foothills right now, and if they do a

meaningful management plan for the whole thing that is also weighing our consideration. That was our thinking.

Commission Fadness: On page 8 where it talks about in order to qualify for the density bonus, priority open space lands must demonstrate at least four of the eleven characteristics and then you list the eleven and claim that they meet 5. I'm actually counting 6, unless wetlands are so insignificant that it doesn't count as one. I'm counting 1-4 and 9 and 10 which one am I counting that I shouldn't be counting?

Bruce Eggleston: The applicant submitted or would count 5 and then the one is kind of a double benefit; 10 – lands adjacent to publicly-held open spaces is also counted as part of the open space set-aside and it has riparian areas and is adjacent to the Polecat Gulch Reserve. So it is sort of double counted, it has riparian areas and it's adjacent to a park and it is all the same piece of land.

Chairman Wilson: Back to the question of density and the point that Hal brought up about this being in alignment with the area for priority development in the Foothills. I wondered if maybe we could just skip ahead to the Comprehensive Plan Policies and Zoning Ordinances and just talk about that framework a little bit. Why is this the priority area and what was the thinking on the foothills plan?

Hal Simmons: Ten years ago when we looked at the whole Foothills Planning Area, we looked at the various constraints that existed across the front and it was pretty easy to identify three different areas. The area east of the military reserve was really dominated by state and federal lands and by the Fish and Wildlife Management Area. That was an area that drained down into the Harris Ranch area and it had significant historic uses and provided winter range. Fish and Game felt very strongly that that area should not be developed. So that was prioritized through the policy plans as an area where the first priority would be purchase of that land for public ownership to be preserved as winter range and that to a large extent is where the Foothills serial Levy is in order to protect the area from development. The central foothills were defined primarily by street capacity. That was the area between 36th Street and 8th Street extension. That was an area that was served primarily by 15th Street and Harrison Boulevard, which then as they are today operating just about at the maximum design capacity of those streets. So that became an area that was also not a priority development area because there was no way to get the traffic out of there. During all that time, the area roughly north of the northwest of 36th Street on west was an area that was less developed there then than it is today. There was more clearly identifiable street capacity downstream, fish and game did not operate a facility anywhere near there, they had not rank that as a priority area. So sort of by default that became the area where the city decided to promote development, simply it had available street capacity and it did not have a critical winter range. The council at that time was really under the gun to find a way to allow for some Foothills development, so they used street capacity and winter range as their priority determination and slope to identify where they should direct these homes.

Commissioner Stevens: When I read the policy regarding the western foothills it is the lack of wildlife and the street capacity. We are looking at those 11 items and what we have in there is a

credit towards the developer for maintaining wildlife and big game winter range, migration trails. So that feels like a real contradiction to me, I would like your insight into that. Another question is, is everything in the western foothills considered the same or there variations within that very large area that dictate looking at that large area differently?

Hal Simmons: It is impossible to compare any 2 areas in the foothills and say they are the same. The foothills are extremely variable. What we have recognized is that the western foothills is pretty steep and it is maybe not the easiest place to develop even though it is identified as a priority area. Every foothills development has to stand or fall on the analysis that it does protect the sensitive area it is developing in or around. Just because we have identified an area as a priority development area, if the developer happens to pick the one spot within that priority development area that has the most sensitivity environmental issues that is going to be known as probably undesirable. I don't know to what extent onions and corridors and other environmental issues are elsewhere within the western foothills. At the time it didn't rise to the level of significance as it did for wildlife issues. If you got a detailed analysis of the other sites in the western foothills you would probably find some that were more developable and some that were less.

Chairman Wilson: We will move on to design and grading, it actually begins on page 13.

Bruce Eggleston: The chief issues here are the building on the ridge tops and the amount of grading required to do that. The approach that staff takes in evaluating this is the building must occur on buildable area less than 25% slope. What sets the foothills apart is that one development has to be in a cluster, it has to be sloped less than 25% and it has to protect scenic and aesthetic requirements like the skyline issue that is so prominent in this one. One of the things that I've found has to do with the buildable areas, one of the exhibits about this section we showed that we looked at each individual parcel and footprint and we determined it was on a greater amount of buildable. If there were no grading, every footprint would land on a buildable area. We have to grade out a lot of that to make the roads work and the approaches to the lots work. It gets into that question of what is excessive. We have a lot of descriptive portions of the hillside ordinance which I quoted in here and the Foothills Plan and Development Ordinance that talk about the issue, blending in, trying to stay away from the areas that would require a lot of grading in the first place, just don't go there. The kinds of factors that come in through safe design and then coupled with the clustering we want to see things that are away from areas that are excessive grading. The mix here is in order to keep the proposed units on the buildable area and protect the onions at the same time. What we end up with is a lot of grading on those buildable areas in order to accommodate the number of units that they would be allowed to have.

Chairman Wilson: I think for me one of the main questions is ways that the project could be brought more into compliance with code. You have listed several ideas in the report, have you and the applicant discussed any of these yet?

Bruce Eggleston: We have discussed these all along and I guess the upshot of this is we make an effort to comply with the code and keep the policies in the forefront of our discussions. This paragraph summarizes the bulk of the last 2 years of discussion with the applicant. They've

done 7 versions to the grading plan because of the difficulties associated with this site and we're still not totally satisfied. Their prospective is one that they have to somehow have to make some money off of this thing. They have to make their plan and decide on what direction they want to go but these are directions that they could have to achieve a clustering and get out of areas that require more excessive grading.

Hal Simmons: One thing that I think is maybe not recognized on this one is that when a builder builds a road he wants to use the road to the maximum extent which means he loads lots off of both sides of that. What we asked the developer to do up front was we asked him not to double load his lots to the extent that is possible, to minimize grading. So if you look here you will see that probably half of the lots are not double loaded and that is a very unusual form of development.

Commissioner Stevens: Doesn't that also do something for them because all of those lots then face outwards and therefore have views? So my question if we were to double load some of these streets and we have houses on both sides what would that do to clustering and what does that do to open space?

Hal Simmons: I guess the answer is it would allow denser clustering in one portion of the project and more grading. Our goal I guess was try to minimize how much of the top of the slopes you had to cut off. You can certainly ask them about the possibility of double loading lots on the smaller portion of the site.

Chairman Wilson: We will have the applicant come forward. Have you considered any changes to the site since last we met here?

Ramon Yorgason: We have not tried to redesign since the last time we were here a few weeks ago. We have spent 3 years and many redesigns. It takes several months; I don't think you could do it in just a few weeks. I think we have exhausted all the redesigns that we think makes sense and the city would accept.

Commissioner Cooper: Any of those previous versions of your designs that you looked at putting lots on the 2 large areas of buildable land that have not been used, the sandpit and the lower southeast part which as I understand from testimony at the hearing that maybe don't have the views but are imminently buildable.

Ramon Yorgason: Early on we looked at the possibility of building in the lower area to the right, not the sandpit. The sandpit is the balancing area where we put the excess dirt, although it could be graded and put some units in there. This is a rather unique project in the sense that they've asked us to single-load the project on the roads that go up. A typical project, the homes on one side of the road pay for all the infrastructure. The lots on the other side give you your profit margin. In this case the bulk of the lots are single loaded on just one side and so it makes it more economically difficult and if we start reducing the valuable lots either in side which reduces their value or in their number which reduces the viability of the project then we can add more to the lower area such as the sandpit but for every lot that we might lose or size of the lot

the less valuable lots in the sandpit area would require many more lots there. I say many, it would depend on the configuration and how much infrastructure it takes to build those lots then we might have 6 or 8 to 1 ratio. I don't have that number but it would take many more lots than we would lose of the more valuable lots. The road itself really drives the amount of earthwork that is involved. Initially we had some double loaded lots on the main road. I think we started with 240. The city has asked us to cut down, and cut down and cut down, which we have done. We are down to the 155 now. We believe yes it can be cut more, then we would have to add quite a few more lots for each one we lose just because of the value of those lower lots in the sandpit or the other area has much less value to them.

Commissioner Cooper: So there isn't a way to put lots in those 2 areas and reduce the amount of excavation that is being done on the ridge top, reducing your costs there as a way to balance.

Ramon Yorgason: I don't have a dollar calculation. I do know that the road pretty much has to go where it is just because of the 10% grade minimum that is required to be met. We can't just put it in any location, there is only one or two places you can even put the road. To meet the 10% grade requires a certain amount of cut to make that grade, then you're up on top and then you have to get down. The road has to go from Plano to Collister and there are very few options where that road can go across the top. We have reduced the amount of cutting by raising the road and only single loading most of the road rather than cutting more and having more lots up along the top, which we would like to do but staff has asked us not to and we have tried to comply with that.

Commissioner Cooper: Does staff concur?

Bruce Eggleston: Their design is a really thorough struggle to preserve the onions to maximize the density bonus and at the same time grade as much as possible to site the lots. It is an absolute essential to understand about this project that the effort to preserve the onions has cost them some of the sites that would have been available had the onion population not been there. That really is a tough mix for them to achieve, to accomplish both goals at the same time. If the onions weren't part of this application the design would be much easier for them.

Commissioner Fadness: The applicant talks about how difficult it is to find roadway routes and one of the suggestions that staff brings up as alternatives includes flipping the road to the front side of the ridge. Is that doable?

Bruce Eggleston: Directed question to Terry Records who did the evaluation.

Terry Records: The road could be flipped; it would be a very easy thing to do, put the road on the front side as suggested. We talked about all these redesigns; I really never saw any redesigns, they were all variations of the plan but it was just to get to a plan that we could review because there were so many mistakes on the earlier version. This plan is about the only place they can go with the subdivision. They are restricted by the requirement for building on slopes less than 25%. If we relaxed that requirement and be more like Quail Ridge, they could take the front ridge line off and fill in some of the tops of these valleys and put houses where it is now

steeper than 25%. They would be less visible. The pit is buildable. When they fill that pit in it will come up where those houses will be view lots. They won't be prime view lots like the front ridge.

Commissioner Baker: There is a considerable amount, a huge volume of fill as a result of this project, if this property that is in green is buildable. Why are we seeing so much grading and fill coming from this project…where is it coming from?

Terry Records: It is driven by the requirement that the road be no steeper than 10%. So as the road goes up in 10% the hill is going up much steeper so by the time you get up on the top you are 50 feet deep and that generates a lot of material. In Quail Ridge they went even deeper to widen that flat area so that they could get a double-load road. Here they did the absolute minimal cut just to get the road up on top. In this area that generated this 2 million cubic yard fill but because they can't take that fill and fill in some of these areas like they did in Quail Ridge, it's just excess fill that they have to dispose of in the sandpit.

Chairman Baker: The grading is not on the building lots themselves, it's to put the road in.

Terry Records: The grading is driven by the road, yes. It creates this wide flat area up on top. I think it is important to understand also that a significant part of that lot is going to be flat that was not previously less than 25%. Some of these lots are fairly big lots but they are not big enough that you could move the road over and put a double loaded street. It is just kind of a unique hillside. They are double loading where they can.

Commissioner Stevens: One of the things that Bruce wrote in his report was that there was a possibility of reducing some of this cut, of reducing some of the flattening effect by building driveways up to a home that would be more hillside hugging. What is the grade allowed for a driveway and what kind of change total would that make doing that sort of thing on all those ridges and is it possible in your mind?

Terry Records: You could put the street in and rather than cutting off all the way up to where that cut would be right on the slope, you'd put the street here, have a driveway go up and have a flat pad up here. Now that would reduce the area of the flat pad. I'm not sure how much that would accomplish other than reducing the total amount of cut. You still have a house of here perched on the edge of the slope and maybe more visible because there is not as much flat area to put the house and it's going to be closer to the slope and that does 2 negative things, it creates a house that is going to be more visible and creates a more dangerous situation for that house. It would reduce grading if the goal is just to reduce grading it would accomplish that.

Commissioner Stevens: Having a 30 foot setback of grass, how much of a difference does that really make in a fire situation?

Terry Records: 30 foot as opposed to?

Commissioner Stevens: As Bruce put in his report, a hill hugging house that sits into the landscape that may be more visible but doesn't require all that grading and still maintains the contours of the hill.

Terry Records: We would not want to put houses out on the edge of the slope that would be inviting a disaster. That is one of the benefits of these front roll houses, they are very deep lots and they can realistically say we are going to provide a 30 foot setback from the slope if you narrow up those lots, they can't do that.

Commissioner Cooper: Terry, you said that you felt that the sandpit area would be buildable with the fill. Do you have the same opinion of the southeast portion there?

Terry Records: I don't see any reason why that can't be built. From an engineer's point of view, you can build anywhere. It may be more expensive in some areas but you can build anywhere.

Commissioner Cooper: Maybe the applicant can help me. You weren't going to put any fill in that southeast area right? It was just going in the sandpit?

Ramon Yorgason: That is correct.

Commissioner Baskin: Am I correct in assuming that none of the ridges in questions are so called prominent ridges that is contemplated by the foothills open space report.

Bruce Eggleston: That assumption is incorrect. The Open Space Management Plan by Parks and Recreation and I included this in the original staff report I had it in color for you. Essentially if you watch the mass on the screen here this area right here is shown on the map as being one of those prominent ridge lines and it is quite visible. It's steep, it goes straight up and you can see it from many parts of the county. It is called out in the Open Space Management Plan as one of those desirable ridges to protect..

Commissioner Baskin: In your mind does this plan meet the natural scenic values of prominent ridges and skylines and concentrate development on more obscured areas or is this one of the contentions that we are suppose to struggle with?

Bruce Eggleston: I don't feel that we can make that finding.

Commissioner Baskin: The policy does not seem to be discretionary it says that we shall maintain those.

Bruce Eggleston: Between the balances that we've talked about, it comes a point where we make a concession to preserve one thing such is the onions and we have to let another thing go. That is your task here. It is impossible to meet every policy in the plan.

Teresa Sobotka: I want to caution you a little bit. The Foothills Development Plan is very detailed but it is a guide. If push comes to shove, it's a guide and your ordinance actually controls it. It is a very detailed plan and usually plans are a little more flexible. You asked us to come up with many alternatives and so we brainstormed and came up with them. As we did so I was a little bit reluctant because there are lots of factors that go into them and we can't just say this one would work or that wouldn't work. As the developer said it would take a lot of looking at to different alternatives to see what all was there. We gave you some possibilities but we are certainly not saying that all these other roads would absolutely work.

Chairman Wilson: It is just important for us to go through that thought process as well.

Kerry Winn: Initially as our plan was brought forward to the Planning and Zoning Commission the staff did say, if my thought pattern is correct, that our plan complies with the ordinance. We worked for 3 years so we could have that, and we are very pleased that we were able to comply with it. Secondly, on the slope, we have the roads down to minimize the grading and then have lots that are up a little higher; of course we have the potential for steep driveways. If the lots are narrower then we can't set them back. Yes it can be done but I don't think the city wants us to do that. And thirdly, you might recall in our photo presentation that this is a ridge top project, it is not a skyline project. This is not a ridgeline project. The homes blend in with the background. There are one or two spots on Hill Road that you can see blue sky behind them, two spots, but on the whole city you don't see any skyline behind them. We have made a great effort in working with the city and staff has spent a lot of time trying to massage this around so it would comply with the ordinance. One other thing that I think is quite important is I think on page 5, on the city's comments it says 'applying all of the ordinance requirements, a realistic estimate of the base density is 332 units,' and we believe it is 900 and some but even if it is 332 that is way higher than the 155 we are asking for. This number would be reduced further by traffic impact constraints on the road system. Thus a maximum estimated density is 290 to 300 units as demonstrated in the table below. And then down below the paragraph, just below the grid it says 'staff also concurs that the base density given the existing zoning would exceed the 155 units requested by the applicant. Therefore the density bonus methodology is not necessary to qualify for the 155 units.' So we feel like we really don't need to do all this density stuff. But even if you want to go with the base density, that's fine because we believe that we comply. I think that those are important factors to consider as we deal with all the different problems we're dealing with here and it is a tough one…3 years is a long time for us to work on a project.

Commissioner Fadness: I realize we are on design and grading but then the applicant brought up something about density. The statement that the applicant brought about the maximum estimated density is 290 to 300 units that is per city not county zoning correct?

Bruce Eggleston: That calculation is for the whole site. The base density doesn't reflect all the ordinances that we've discussed here. The end result is based on everything not just that one statement of what the potential is for a given zone. We have to look at each and every factor that we've discussed here tonight both in the plan and the ordinance. My contention is no matter how you look at it, if you comply as much as possible with the plan and the ordinance we are still

going to end up somewhere around the 155. It is the net result of everything that is doable and what we see before us is pretty much the maximum of what is doable on this piece of land.

Commissioner Baskin: Your whole analysis is premised on the base density being 1 unit per 40 acres and that is the way the density bonus is calculated and that is the way we get to where we are. If we have questions about the density bonus or about the assignment of value to the priority open space, none of those things are relevant if Mr. Yorgason is right and he's got a density of 290 houses. Our discussion is either premised on 1 unit per 40 acres or premised on something else, which is it?

Teresa Sobotka: We have been working on this for 3 years, applicant and staff worked under the premise of 1 per 40, the staff report was written up at 1 per 40, etc. After the applicant read the report he started looking at some things and that is where he came up with wait a minute maybe I could have my 117 units of based density. So 117 is certainly a long ways from 1 per 40. We don't know what would happen in the county, there is no application there, we don't know how they would apply the ordinance, etc. We know for sure that 1 per 40 is a real safe estimate. Above and beyond that we don't know. So that is why you are hearing these conflicts.

Kerry Winn: At this time we are not asking for more than 155. That is our application, that's what we're hoping you will rule on. We're not asking for more, unless we have to get rid of a lot of valuable lots then it may have to go up.

Bruce Eggleston: I would like an opportunity to answer Commissioner Baskin's question, he made a statement that if the density bonus isn't required or needed then all the other stuff goes away. That is not the case. That is a means to getting additional density but all those items that we talked about, the whole package that makes the foothills unique are not negated by whether or not an individual applies for the density bonus. The policy on the wildlife, everything is still there. We are still looking at those policies for the design and that is why I could very confidently make the statement that regardless of the density bonus or not it is the current capacity of the land and the context of the ordinance. So if the density bonus didn't exist, we would still end up with a design that would look pretty much just like that. The policies are all taken into consideration regardless of the density bonus or not.

Commissioner Baskin: You've just made the statement that I made earlier that all these things are protected under the Foothills Policy Plan, and maybe they shouldn't be considered as priority open space because if they are protected you don't get to count them as priority open space. Is that what you're saying?

Bruce Eggleston: In the particular case of the onions, the protection has been elevated to the sense of having conservation management, a plan, conservation easement; there are things that wouldn't otherwise pertain here. We are raising the management in protection of that through the density bonus process. Whether we get a bonus for that or not, it is still a plan we would enforce anywhere in the Foothills.

Chairman Wilson: I think it goes back to what Hal had explained earlier. That protecting the onion under the Foothills Plan alone that might be able to put houses on top of the onions but they could run plows through the onions and put trails through the onions where with this we are getting assurance that they wouldn't do those things. So maybe we could go ahead and start the environmental issue section. I would like to invite Tim Breuer, Director of the Land Trust of the Treasure Valley to come forward.

Tim Breuer: We don't advocate for or against specific development projects. We are not working out with the developer or for the developer but rather we were invited in to see if there was something we could do to help protect the onion site. The Foothills Plan identifies the rare onion plant. I think it is important to note that if you look at the onion population across the foothills, it occurs nowhere else in the world but in the foothills between Weiser and Boise. Many of those plants are on private land, they are not on public land, and they are not protected. The conversations we have had thus far I would describe as being general agreements in broad principle as to how we would go about doing this. There hasn't been a real detailed management plan. I believe the applicant in his application suggested that a management plan would be done during their first phase or prior to the final plat of the first phase. What we have done is outline a real basic framework of what we believe would be some the major components of what it would need to protect the onion plant. I really was basing this on the past history. It really comes down to a conservation agreement that was done 10 years ago. I would describe that as to being aware of the plant, to consult with Fish and Wildlife Service, to avoid impacts and then to try and monitor and measure the populations. The next step would be what would be the threats to the plant, which then drives what you are going to do out in the ground. Sometimes the best strategy is not to manage them but to leave them be. Leave them alone. Some of the biggest threats of course are grading, development, sandpit mining, grazing, recreation, so I think by having the protective strategy which we suggested being a conservation easement with the ownership by the homeowners association we feel is a solid model. The development agreement in some of the earlier discussions there was the potential for the land trust receiving fee title and we've had conversations about that and have expressed our desire to the applicant that we would prefer the other model and I think that gives everybody a little more flexibility and includes the homeowners and gives them some ownership.

Chairman Wilson: What kind of protections could you put in place if you didn't use the fee, the fee transfer title approach?

Tim Breuer: I believe the use of a transfer fee is a more sound approach than if you are using homeowner's association assessments. Two different critters. The real estate transfer fee can actually be tied to the parcel and be a requirement and you cannot undue that. The models that I have seen have it placed in several locations; the CC&R's the deed restriction and then writing it up in the conservation easement, so you are covering your bases that way. In terms of what we would do on the ground, some of the big risks that I see to the onion plant are going to come at the front end. When the site is being graded, and prepped for development is probably when monitoring and oversight is going to be needed. And frankly it's at a time when there isn't funds in the transfer fee account and so we've had brief conversations with the applicant as to how we would overcome that challenge and they seem very committed to figuring out a solution to that.

Chairman Wilson: Tell us more about what you discussed and proposed.

Tim Breuer: We talked about the potential need for some kind of upfront funding or resources in order to provide the kind of monitoring that would be required. I think another part of that would be that the city would be responsible for the oversight of the grading plan. Creating a system where you are communicating with what's happening on the ground is really critical. It is great if we all agree, it's great if the project manager agrees but if the guys on the equipment don't know what's going on, there is a higher chance for trouble. Our monitoring efforts typically on a conservation easement would be once a year. We would go out and look for encroachments. This project has a little bit different twist to it and so in our framework we suggested establishing transits to measure the health of the plant population and the encroachment of weed infestations which I think could be one of the more significant threats. Right now there is no real active management of rare plant sites in the foothills by any agency. We are interested in this project for a number of reasons and one of them is to try and bring a little more science and strategy to play that might be able to be used in other places. I think there is some opportunity there.

Commissioner Barker: If your monitoring did show that there was weed infestation how is it proposed that that would be corrected? Who would take on the task of financing that correction?

Tim Breuer: Our concept at this point would be if we see something needing to be done, likely we would need to reach out to the scientists who have the best available information to deal with that issue. Frankly right now I don't know if there is anyone out there who has the answer to that challenge and its one more element to bring into this discussion. There are a number of other things that we are not going to have control over that I think are a significant threats; fire suppression, fire lines, cat lines and the like, it is hard to undo those once they are done in the heat of battle. There is some discussion at the local level providing fire fighting efforts and the organizations with some guidance about where these special places are. We would be modeling a lot of what we do after what's already being done by other agencies.

Commissioner Fadness: Did I understand you to say that the applicant has already agreed to some upfront funding, that's a commitment you've received?

Tim Breuer: I don't know that there has been any agreement. There have been a number of conversations and my experience thus far is that they have been very accommodating and open to ideas. Our organization will continue to want to pursue and work through the details, at some point we can get to a spot where we feel like we're in a solid place. There is no commitment that we have to follow through. The applicant would then simply go to the next alternative allowed in the ordinance which would be to turn to the homeowners association and have them basically take this on and that's one of the alternatives. Why we want to be involved is that we can bring something extra to the process that might add some value to conservation of rare plants. That's why we're interested.

Chairman Wilson: I just want to ask Teresa a question about the development agreement because the Land Trust isn't funded by the development agreement, correct?

Teresa Sobotka: The development agreement does say that there will be a conservation easement to a public entity. If these guys couldn't reach an agreement with the land trust then it would be some other public entity to take it over. We would not put it to the homeowners association.

Chairman Wilson: In the development agreement do we have a requirement that the plan for onion conservation be completed prior to submission of the first plat, is that in there?

Teresa Sobotka: It is.

Commissioner Fadness: I assume the Land Trust is in charge of the bookkeeping end of it as well then too?

Teresa Sobotka: Yes.

Commissioner Fadness: So with the development with this real estate transfer fee you are the ones that would monitor that and does that also set up some sort of lasting revolving fund? Is it just a one time thing that they pay when a homeowner buys a lot so we could see at some point in time that fund going away?

Tim Breuer: The way that would be set up within the land trust is a special restrictive fund account would be set up. We do this with other easements where we actually ask a donor of an easement to place funds into an endowment and we can't use the corpus or the principal of that, just the income. The way that real estate transfer of fees have worked is that they are perpetual so subsequent transactions would apply to it as well.

Commissioner Fadness: Once that is paid is it also that some principal as well that corpus isn't used and you just use the principals so there is a fund always there? Or once the development is built out then contributions to the fund kind of wither away.

Tim Breuer: The fund would build up, we would use only the income, not the principal. Subsequent transactions would also feed the principal and continue to grow it. It is important to note, if you have 300,000 dollars in an endowment which sounds like a nice little chunk of money, its really only going to generate at a 5% return $1,500 per year. It's not a lot of money. On the upside, there is not a lot being done with rare plants in the foothills at this point and I think that we can do some good work with a small bit of funds and there are other folks that are interested in participating. But to answer your question, we're continuing in perpetuity.

Commissioner Barker: If some problems were to develop in this area and say there was only $1,500 available per year, how would that be taken care of? Say there was a fire, would there be an attempt to replant, to reestablish? Say there were weeds, whatever may come, who is going to take care of this with the amount of money you are talking about?

Tim Breuer: We will do what we can with the resources available and there is not much more anyone can offer. Fire in and of itself has not proved to be a significant threat to the onion plant. Sometimes the best thing is just to leave it alone. Disturbance is the worst thing for the onion. One of the advantages of this particular site, the slopes are particularly steep. We don't see the kind of threats to the site from disturbances of unbridle recreation or some of these other things because of that steepness. And quite frankly if all of a sudden some neighborhood trail was created the fact that there is so much acreage of onions that the real effect to the population would not be a threat to the population itself, you kind of pick your battles. I hope that answered your questions.

Commissioner Baskin: A question for Teresa. Does the dedication of the conservation easement set aside the discounted sale requirements of the client...in other words in your view does the ordinance require dedication of the simple title or is conservation easements possible?

Teresa Sobotka: Well we obviously thought that the conservation easement was what was always done. I haven't done gray analysis to see if there was some conflict there. We've never required a fee transfer for a couple of reasons. One is, we want to have that flexibility so if things don't work out with the one entity, we can have it transferred to another one. That's always been our biggest reason to, if they are just not doing a good job or whatever, that we can come in and try and have the flexibility there to get it turned over to somebody else. That's the way we've always done it. I really haven't analyzed it to see if it met that requirement or not as much as just trying to keep as much flexibility for the city.

Bruce Eggleston: Mr. Yorgason has said that the open spaces in general would be platted and set aside and noted on the plat as permanent open space. That is as far as that goes and it doesn't get into the conservation verses the title ownership.

Commissioner Fadness: I'm not sure I'm following, so do I understand you Teresa correctly to say that the City then is not comfortable with the idea of handling this through a real estate transfer fee?

Teresa Sobotka: When there is a sale of land, owner (inaudible) to the corporate and that was what he was talking about earlier, which is different should we require them to transfer the onion land by fee title to the land trust and that's what I was saying, I want that flexibility in case for some reason the land trust doesn't work out, I'd like to give it to another public entity of some sort.

Commissioner McLean: What if in the fill process of the 81.9 acres that we are crediting them with, becomes 75 because this amount of fill either dips into the onion area or something else? What happens then?

Bruce Eggleston: The proposed area is 155 acres. There are a lot of non-onion species areas around the onion fields. It is up to us to insure that the grading doesn't impinge on those areas that are set aside.

Tim Breuer: I would like to ask Mr. Tiedemann, an onion expert to come up and say if what I was suggesting was scientifically accurate.

Rob Tiedemann: I am a certified wetland scientist, certified wetland delineator, certified wildlife biologist and certified fishery scientist. The onion primarily grows on the south facing slopes, steep in nature and very, very, course sandy material. Because of that there really is little or no threat of weeds invading the areas where Asses onions grow because it is so inhospitable. When we surveyed the project area we found little or no weed species in association with the onion at the present time. Because the ground is so coarse and because there is so few fine fuels like cheat grass growing where Asses onions occur. Its not fire, per say, that would be the threat to the species. As Tim correctly identifies; aggressive fire fighting techniques in the heat of the moment, the firefighters traipsing through or building roads through these areas, as being principle threat. There are two wetland locations within the project area. Polecat Gulch is an intermittent stream but does have vegetation associated. There also is an isolated wetland, it would be the east facing slope next to the north Collister subdivision. That would not be, although a wetland, would not be within the Corps of Engineer's jurisdiction so it is not protected by Section 4.4 of the Clean Water Act. And that is because of a recent Supreme Court ruling that there needs to be a connection between wetlands and waterways for these wetlands to fall within the corps jurisdiction. Now the same can't be said for the Polecat Gulch wetland area. The intermittent stream and the wetlands associated with it would be within the corps' jurisdiction. I would like to tell you, the framework or some the elements of a conservation plan appear in some of the documents that I have written for the applicant in this several paged document; the summary of mitigation measures to mitigate potential impacts of wildlife in the wetlands. For example, the operation and maintenance of subdivision. Item number ten reads in part "the developer will work with Idaho Department of Fish and Game to prescribe future management by the developer and the holder of the conservation easement of wildlife habitat within open space within Plano Road Subdivision. Number 11, access to and use of open space within the subdivision by recreators will be by the expressed permission of the developer. Number 12, dogs will be contained by a fence, domestic dogs will be controlled outside the fence by a leash. There are several other pieces and parts that would contribute to a management plan that is already contained in some of these and other documents written for the project.

Chairman Wilson: But most of those documents are actually incorporated as part of the site plan or the development agreement and those measures would not necessarily be followed.
(Asked Bruce to place a large map up on the screen for them… in our packets it is on page 43). Chairman Wilson asked about the groups that were being preserved.

Rob Tiedemann: The arrows are locations where there are gaps in the lots. These are locations where there would be no fence; it would be part of the open space plan of the project. It is important to take note of the fact that it is not just mule deer but its other nongame species that also will require the ability to move from one portion of the property to another so we're taking that into account. The size of those corridors varies by species and probably the largest corridor would be required for species found in this area, would be required for mule deer. It is recommended that migration corridors for mule deer be between 600 – 800 feet in size. We have

a resident population that is there year round and during our surveys for Asse onions we observed as many as a dozen deer. Mule deer making use of the property and traversing on a daily basis from the east side of the ridge that runs roughly north south from the east to the west and back again. Of the 3 corridors that you see there the one to the far right meets Idaho's Fish and Game minimum requirement. It is a 777 foot wide corridor; one in combination with the 300 plus feet within the project area, within the property that is part of the Plano Road Subdivision is combined with an adjacent property that is greater than 25% slope and not buildable. So this will be by default, open space and will remain as open space. The other corridors vary within 125 – 312 feet in width.

Commissioner Stevens: I am looking at your report that was submitted with the application on June 6, 2008, which you are also the author of. There are a couple of maps in here regarding the game in these areas and they show no data for game on this project. Is the only thing you have to go on is the 12 deer you saw when you were there surveying for the onions or is there any more information? What I am trying to get at here is this idea that the Western Foothills are ripe for development or should be promoted for development because there is a lack of game. Without data I'm not convinced there is a lack of game.

Rob Tiedemann: There is a graph within that document labeled 2a. What I would like to do is show you my color version of it. It is a graph of representation of data that has been prepared by Idaho Fish and Game Southwest Region. There are numbers to go behind it but its been summarized and distilled so that it's easy to understand by lay people. My understanding of this graph as well as the data that stands behind it is that indeed the area of the foothills that contains the greatest density of wandering mule deer is going to be the eastern portion of Boise. There is a general trend of displacing numbers of mule deer and use of winter habitat as you move into the western portions of Boise. The theory is that animals are primarily coming down from the Boise National Forest and trailing along the drainages that parallel the Boise River and some of its major tributaries like Forest Creek. What you will notice of this graph is that we are at the extreme southern end of winter range. This area is winter range but would only be used in only the harshest of winters.

Commissioner Fadness: Our report says that the applicant has submitted this to Fish and Game for them to sign off on it. Are we going to have that in advance of the August 11th hearing and do we know if that report will have some of the data Commissioner Stevens was asking about?

Rob Tiedemann: I believe Rick will not provide that kind of information unless specifically requested. I could certainly help you in making that request so that you have the data before you. There are 2 letters of comments that has already been issued by Fish and Game in regards to this project. One is an informal email the other a formal letter on Fish and Game letterhead, I believe you have both of those available to you.

Commissioner Fadness: I'm wondering if the applicant can follow-up on what their progress is in working with Fish and Game on this?

Ramon Yorgason: To my understanding, we have the 2 letters already and there is a third one coming. That is really all I have. We have been working with them and they have been very cooperative and to my knowledge very supportive.

Commissioner Fadness: So you don't have any indication if we will receive that in advance of the August 11th hearing or not? Fish and Game is suppose to comment on these wildlife corridors and you have apparently submitted those to them and I'm just hoping that we might have that sooner rather than later.

Ramon Yorgason: We can certainly contact them and if they have other pertinent information I think we can get it before then.

Teresa Sobotka: There are two points that you all brought up that I want to touch on. One is for Commission Stevens; regardless of how many wildlife is there, the plan as it is right now, this south whole area and the application they submitted, they are allowed to drive on it. I just wanted to make sure you knew that, so we couldn't say, well there is wildlife there so we can't develop there.

Chairman Wilson: Let me interrupt and ask a question as a point of procedure. If I'm not mistaken, the way it is written is that it is considered the priority development area based on the lack of game. If we find that this in fact is not true, that this particular area has a substantial number of game based on the emails from Rick Wood, May 28, March 13, can we not then find that...what is the procedure there? The western foothill is this enormous amount of acreage, so we look at every acre of land as priority for development or do we take these other things into consideration? Such as lack of game or not lack of game?

Teresa Sobotka: First of all, quickly I can tell you that the day that the applicant submitted the application, that is the law that was placed that very day. And on that very day it says that this is the priority area for development. So that is the number one thing. Now if by some chance their whole development was set right in the middle of the key migration route, then the development would have to be minimized in that area, etc. So how the development works certainly is the key. But with this application you cannot pressure this being the primary development area, what you can do is after the fact say "I think you're crazy, go back and look at it." The other think I want to say is about the onion. The more I listen to you all, maybe we should have the development agreement tied to the first plat when the plan comes in for the onion. It's a very powerful time. I can see how it is loose, squishy, and we all might like to see some more details. So that was just a date and time because I wanted to make sure we had some date and time in place. Where as I listen to you all, I could tell that maybe that isn't the right date and that perhaps we should move it forward some.

8:05 pm - Commissioner McLean had to leave due to another commitment.

Chairman Wilson: Based on Teresa's comments then... the timing with the onion plan that we think would be better than first plat, is this something that we would want to have approved as it goes to City Council and would the applicant be amendable to changing that time?

Ramon Yorgason: We are fine with that. I think maybe you should make it a condition of the plat.

Chairman Wilson: That is where it is right now, it's a condition of a plat. So we could just say that City Council would need to be able to see that plan and incorporate that into their approval.

Ramon Yorgason: It has to be approved and if it doesn't go then you can't get a plat.

Chairman Wilson: Yes. It is just the timing; whether or not we think that City Council needs to have the plan in front of them so they can review or whether we think that it is okay to leave that as a condition. It wouldn't actually have another step to the review. But that is the question, should we make it contingent upon City Council's approval? You would have to submit the plan along with the packet that goes to City Council, so that would be something that they could talk about in their hearing process. If we make it contingent upon the plat, then it would be something that would be developed after all the public hearings and everything is closed. Especially if we have approval. At that point it would only be city staff that would be reviewing the plan and deciding whether or not it is adequate rather the plan being evaluated by Planning and Zoning or City Council. So that is what we are talking about in terms of the timing, that's the difference. If it is done with the plat then its staff level approval if you've left it as a condition in the development agreement. If it is done at the time of City Council then that is something that would actually be a hearing item.

Teresa Sobotka: That is correct.

Ramon Yorgason: I'll move forward as quickly as I can. I don't think it will take much time to get it ready.

Tim Breuer: I think Rob could also speak to this. It would seem to me a fairly straight forward process. One thing that is currently happening, I was a little hesitate to bring it up but it seems perhaps a worthy topic. I became aware just within the last day or so that the Fish and Wildlife service in Boise City and Ada County are working to upgrade the conservation agreement for rare plants in the Foothills. The information that I've got is that it may not be completed until some time late fall or early winter. My thinking is that there are going to be some things contained in that, conservation prescriptions, what you do if…to get at Commissioner Barkers concerns. I think that document is going to have great value to what we might be doing out on the ground. In the same time you've got a process that you're working, so I just put that out as information.

Chairman Wilson: We could include in the plan a provision for adaptive management, that when a better science comes along, we'll buy it.

Tim Bruer: Absolutely. In fact I fully intended to use that as a guide. Quite honestly we'd like to enter in and participate in the document preparation.

Chairman Wilson: Any other questions about wildlife and flora and fauna issues? The only other environmental issue that we have, let's go ahead and take that up very quickly. That is the potential impact on downstream run-off and whether or not these are issues. Staff has indicated here in the response that engineering evaluated this and that they found the walls are protected by a thick clay layer.

Commissioner Barker: We talked about having lawn areas in this development and having irrigated areas in this development, what is the potential for downhill mass movement when we have saturation of the soil uphill?

Terry Records: I think it is unlikely that a lot of water in these locations will be a habit. These are very stable formations. These soils are very compact, dense formations that water shouldn't have a hugh effect.

Chairman Wilson: The only other topic we have left this evening is the very minor topic of traffic and roads. I was going to ask the Commission if you want to take a short break and finish that up this evening or if you want to set this over further.

We'll take a five minute break.

Commissioner Wilson: We are going to move onto the topics of traffic and roads. Bruce, we got a new letter from ACHD. Do you want to tell us a little bit about it, if it brought up any new information or confirm what we already knew.

Bruce Eggleston: I think it is just reiterating their positions. They have a comment on item 6 on page 18. The basic question is; is Collister Drive in any kind of shape to accommodate this proposal and the kind of traffic generated with that. Their response is that, essentially there is but it is not slated for capital funding for any significant improvements. I asked the author of this, Matt Edmonds from the Highway District, the only thing you can do to make this road or corridor better is to put sidewalks on it, the north side, then that would give that same kind of profile that we see and understand it as a collector of this type if it were to be installed new. He said of course the down side of that is the acquisition of the right-away. Their statement is basically we will accommodate the proposal as is without further improvement.

Commissioner Wilson: Then also on issue 9, we asked to check out the issue of placing a gate along the Daylight Rim Drive and that is something that they rejected in the interest of connectivity and safety goals, and the traffic light issue. ACHD said they are not concerned with that and that they think the traffic signal will improve the capacity of service. Of those kinds of roadway issues, Commissioners, do you have any other questions? If you don't have any questions about that, we could talk about the phasing proposals that Mr. Watts had provided, or some of these other Plano Lane ideas. What do you guys need to talk about?

Commissioner Fadness: I would like to know more about the phasing proposals. From what I understand, perhaps the applicant is not in disagreement with some of those suggestions. Mr. Watt is here if you would like to further clarify what he is proposing.

Commissioner Wilson: Bruce, did you have a chance to go over those proposals and could you tell us just a little bit about that?

Bruce Eggleston: Madam Chair, I'm afraid I don't fully understand Mr. Watts proposal and I think it would be instructive if we got some clarification of what exactly that was, but I think basically we are talking about the completion of the road from Plano Road to Collister Road being phased as the development occurs being essentially a gated situation until build out. Mr. Watts, is that even close to what you had suggested?

Jon Watts: The short answer is that he is in the ballpark.

Commissioner Fadness: Could you be more specific in explaining what it was that you are proposing?

John Watts: What I presented at the last meeting was a notion that I thought would go to your goal 5, which deals with protection of neighborhoods and preservation of neighborhoods and goal six which goes to a similar topic but with regards specifically to traffic. Bruce, could you put up the map? Envision the map of the development with the line that connects the end of Collister up to the Plano Subdivision on the top. That is of course the item of discussion because then the solid dark line if you will, it has been the contention of the residents of Briarhill Subdivision, since they won that, although if you want to argue that the status of that road is a collector under ACHD standards that functionally, realistically, If you have walked it, driven it, or live on it like we do, it will not really be able to handle any more traffic in a safe manner. We are accepting the reality that this proposal could go forward and it could go forward as proposed, we don't know. It is up to ACHD, you Commissioners and up to City Council for the annexation and the rezoning question in front of them. What could we do for some sort of mitigation along the way? The discussion among the neighborhoods and with the developer, as he is aware of this, what could we do to re-order the phasing to address several issues at that plan or that road in the current plan that ACHD is asking for raises? First of all, I think safety is a huge issue, if the traffic comes down off the top of that it's all going to have to go down Collister. They estimate upwards of 1,500 trips. They say perhaps their estimates are on a 50/50 split. How might we slow that down? Clearly, if the road was a gated emergency road, then that would slow that down.

That would then have the traffic using the brand new entrance being developed. The reason they would have to build something other than the entrance of that road is based on the ACHD's requirement for an emergency road, a road to be put in for phase one. Now understand that ACHD went from the original position. Their original position was we will have a road at 80 lots. Then they went to zero, then they went to 36, then to 17. So there is no magic to their number.

Why don't we look at the phasing then and let's go from a logical perspective. If you look at the plan and do a measurement of distance, by the time they get through phase one, I think phases five and seven is the information I gave you in the bundle that I left with you the last time. There will be somewhere around about where his cursor is now, which is about an equal distance off the front, verses going off the back and perhaps using Collister. If you were to re-order the phases rather than opposed to just going phase one first, then going to the very top of Collister phase two, then somewhere near the back, which is about phase four, them coming back to the front, you would negate anything other than a emergency gated road for quite some time. Until the market place, they could sell those homes until you got to that eightieth lot which was ACHD's original position. That is triggered off of their formula they use for trips per day, per house which calculates up to about a thousand trips per day until they get to that eightieth lot. That then, according to Boise City Fire Department, is when they want an emergency access. They went from 80 to zero and they weren't quite sure what to do. So let's go to 53, no well maybe ought to trigger it to 36, or how about 15. We propose an alternative phasing plan that gives you folks an opportunity to work with the developer to figure out how to build this thing if it is going to be built. How to bring logical flow in safety going in and out of a brand new built ingress/egress area off of Hill Road, avoiding having to put anything but emergency on Collister, but still providing that.

If you go forward and build that road, what issues does that raise for the City? Under the current phasing, as opposed to the alternative phasing I have proposed, you would have police issues because you would have to police it once that was built because you would have access traffic up there. I think you would have fire monitoring issues because people will be up there. If they are up there on a roadway, there are no homes. You increase your chances of Foothill fires. I think you also increase maintenance costs because it will have to be maintained. It will have to have snow plowed in the winter and the road maintained during the other months of the year and still no homes there, given the current phasing. Until they get into years three, four, and five. But if you go with a phasing plan given to you as an alternative that I propose the developer has seen. We can get into perhaps the seventh year when we hit the eightieth lot which then could trigger a decision. Do make this a through road or do we leave it as an emergency gated road. That then goes to your goals five and six which reserve the downstream neighborhood, which would be a plus to provide that emergency safety. Our public safety then raises to the same level, as thus far a nameless, faceless public that will be in habiting the new proposed development.

Commissioner Wilson: I would first like to hear from the applicant and what you considered with the Phasing Plan, if you have talked about this at all.

Ramon Yorgason: We have talked several times about the phasing plan that John Watts has proposed and generally we are supportive of that. We do have one concern and that is we do not want to build roads that we aren't able to put houses on. It is very expensive to put roads in without putting the houses there. So we would like to be able to be sure that when as we put roads in we can put houses along the sides of those roads. I think in general, we can follow that. There is one concern that the Fire Department would like to have their access right up front, but if we can't put houses there, right up front, it is pretty expensive to build a road, even an access road without putting houses on it, with the grading and everything else. You can't really build it

without putting all of the infrastructure in. I would say that we are very supportive of Mr. Watts's proposal and we think it makes sense.

Commissioner Cooper: I am just noting that part of the ACHD document received saying that they will not approve a final plat more than 53 buildable lots on Plano Road prior to the dedication of Daylight Rim Drive as a public street. So that tells me that you could do this but you would have to do it up to 53 lots. At least that is the way I understand it.

Ramon Yorgeson: It is my understanding that the city makes that determination even though ACHD has made their proposal and what they want to go forward with. It is my understanding that the City is the one to make that decision.

Teresa Sobotka: When I heard at the hearing Mr. Watts proposal, it sounded interesting to me also. I did study it and I went back to the code and looked at it, but I keep looking at 11.06.05.07.05 which is general design criteria and on A7 it states any developments are prohibited due to the potential for such limited access to restrict or delay emergency response to the Foothills. It doesn't say maybe prohibited, or whatever. It just sounds like a blanket thing. I don't know that we can delay that we can delay that requirement. That is why I get stuck unless you say, Okay, maybe we could find development some weird way, but once you put a house up there and sell it, people move in, I think you have a development.

Commissioner Cooper: It sounds to me like the way to do it is you don't put the gate up. You just don't put the connection.

John Watts: With due respect to Council, I think if you go to 1.3-6, this is not a gated development. This is a development within the Foothills and we are proposing an emergency gated road, not a gated community. It will have full ingress/egress from Plano of the development on the Hill Road side of this development. I don't believe that Ordinance is in play here, and Quail Ridge is an example of that and there is an additional community in Boise that also has emergency gated roads. This is not a gated community.

Commissioner Barker: I think at the hearing we talked about 80. That was the magic number, when you got to 80 buildable lots. Now, we have something that says 53. Can you bring those two together for me?

Commissioner Wilson: Bruce, that sounds like a question for you.

Bruce Eggleston: The 80 number is the impact threshold for off-site ACHD road improvement. The 50 number has to do with the applicant's proposed phasing plan and when it hits phase four I believe it would culminate that number. That also had the effect that phase four would include the extension of Collister Road to the Pole Cat Gulch Reserve and then you get up on top of the ridge. The first four phases would have 53 number of units and that looks like a logical break point. I think the City's position on that is we had a feel all along for some kind of road to connect it strictly for the safety issues. I think that given the findings recommendation of the Highways District, we would be okay with the road being built and not completed. Having some

kind of gravel road that will support fire safety equipment or what ever kind of safety equipment that needs to get in there. It has the flow with the curb, gutter and sidewalk would follow the development. We are not ready to support a gate just for the safety reasons. The gates that Mr. Watts pointed out that could be difficult for fire to get through, or emergency crew to get through. We would rather if they took the unfinished approach and finish as you go, but have the whole right of way in there from the beginning.

Commissioner Barker: Following that, when would the finished road be required? I know you finish as you go, but at what point would you suggest it would be appropriate to go ahead and have that as a public street?

Bruce Eggleston: I don't have a definitive number on that, I think it would be something like the Highway District's original position summary in the '80's where you reach a critical point where that flow has to have occurred, or it has to really come to safety access and to maintain the four minute response time. I think in looking at that response time and the emergency access is a prime consideration.

Commissioner Fadness: I do see in hearing Mr. Watt's response to Bruce's suggestion on the unfinished road, as opposed to the gate, if that would address the neighborhood concerns?

John Watts: To a limited degree, it may. Because I think that if I concur in the thought, the premises if it is a gravel emergency type road, folk aren't going to be in a hurry to use that, except perhaps ATV, off-road motorcycles, or say perhaps, folks looking for a good time on a Saturday night from a Foothills point of view. If you put that in and you will chuckle but I had to put the reality right on the table, because I live in the third house from the end of Collister now. It is not uncommon to have traffic on the weekend all through the night to drive to the end just to turn around because it is a dead end, and go right back out. They are looking to go somewhere at one or two or three in the morning. I will leave the reasons up to you, but they are looking to go somewhere. It is not an occasional occurrence. It is an every weekend occurrence. With that said Commissioner Fadness, thank you for your indulgence on that. I think the police expense comes into play. I think the maintenance of the road for ACHD comes into play, and the Fire Department could still have access to that, but there is another issue that comes into play. That is if maintenance isn't done until after the first year of after it is completed, then the developer is going to have to be responsible for it and if there is no traffic on it then that road won't be traveled on much and what happens when we actually need to use it? We have a bump in for the fire engine and a radio control for our fire engine or ambulance or something to get up there. It is going to be several years before anyone needs to get up there. By not gating it, I think you are opening yourself to liability and to mischief, if you will. In the meantime, there will be no homes. If you take the new phasing plan, you will have homes there sooner than the original phasing plan that ACHD asked for. About where that darkest little almost sideways rectangle or I mean triangle is at. That would occur about the seventh year or so. So, you will have the need to get up on top and folk will be up there. But, before that there will be no one from that solid black line up to those initial lots that are on the far right hand side, right there. There will be no development there and so there will be no need for police or fire or anyone to have to go up there, other than mischief that would occur and the temptation to use it, if it is a

fully paved road, it will be probably be used for lots of different kinds of folks and lots of different reasons.

Commissioner Baskin: Mr. Watts, where would you say these phases, one two three four, would be?

Commissioner Wilson: For the record, I have received some 11x17 color maps of the phasing timeline. Much appreciated, thank you very much.

John Watts: Phase one is the purple. If you have the alternative phasing plan that I gave you last time, phase one is the purple that you can see there, the initial development. You can see a handful of lots up through there. Phase two, would be the gray area clear up to the end of Collister and then you can just track it through yourself. Phase three brings it back down to the center near phase one, the turquoise color. Phase four back to the end. Phase five brings you back down to the lighter green area in the center. What I was proposing in the alternative is in year one, phases one the purple, phase three which would be the turquoise and phases five which is the green. So you have a more functional logical development that addresses some of the economics you were talking about earlier. It uses the brand new ingress/egress that would be developed on the Plano side and negate the need for anything other than that emergency road once they are doing those developments should you have to get out or have to get up, you could access that through the gated emergency road on the back side. So once you get off of the front side you would have your brand new roads and brand new entrance too built by the developer off of Hill.

Commissioner Baskin: The applicant has proposed that they don't like the requirement that has been suggested by the Park Department that the road up to Pole Cat Gulch reserve be conducted immediately; rather the applicant would like to defer that until they actually start building phase two as they have proposed. Under the phasing plan that you proposed, it would seem to me that the applicant's logic requirement for putting in the road at Pole Cat would be pushed out even further. Is that correct?

John Watts: That is correct and I have my rationale for that if you don't mind.

Commissioner Wilson: If you can keep it brief.

John Watts: I will keep it brief. Again, your goal five and six in your Foothills Policy Plan in protecting the …

Commissioner Wilson: Keep it specific to the issue of delaying the parking structure.

John Watts: There are three issues. There is a traffic issue, a budget issue and a promise issue. The traffic issue is that as soon as you build a park, we already now have cars up there with bikes on them accessing the new bike trails that are put in up there. The new park will have 12 parking stalls there and a gravel parking lot, and with two horse trailers stalls there. We will be getting horse trailers now up and down, sub-standard, cement, cracked gutter in the middle of the road.

The second issue is when the Foothills Levy is passed, there was a promise by the City that we are going to develop these trails and it's going to be cool and everybody said yes, let's go vote and we will develop them when we have the money. They don't have the money. Clearly stated they can't develop that until they get the money, at best probably two years out and in the mean time they are developing with City budgeted money in the Park's Department budget, those accesses they originally planned off of Cartwright Road. So they have their access, and it is adequate for their access. We do now have bicycles that ride up and down Collister that park at the bottom, which is fine.

The third issue is making the developer pay that as a condition of going forward. Which I find fascinating when the City said, we will build that if you pass this Foothills bond, when we get the money, we will budget. We are going to force the development here which forces more traffic onto Collister which I believe is goals five and six, with their funds and their work as opposed to the original plan that was put to the voters to pass the Foothills Ordinance. They have Foothills money, but they are not going to use it. They are going to force a sooner development rather than later development. At the end of the day, it is going to happen. This phasing plan gives us time to figure out what we are all going to do.

Commissioner Baskin: If you run this phasing plan to the people living on the other side here, living on Plano, and if so have you got any comments from them?

John Watts: They have had an opportunity to review it via public testimony I presented at ACHD as well as at the P&Z Hearing.

Commissioner Wilson: Further questions? Do you have any topics at this time you want to discuss with the applicant as far as his perspective or ways you may be leaning at this point that you want a little more information?

Commissioner Fadness: I have a procedural question for staff. I am just wondering if a whole change in the phasing, is that something fairly easy to do this late in the process and still be okay with our current timelines?

Bruce Eggleston: We are not strict on the phasing in realizing it is more a function of the realm of economics to build as needed. We've never held tightly to a phase in plan. That is why you see a lot of little lots up in the middle, as phases by themselves. That is in case things don't go in the sequence that it should. As far as the road situation is concerned, there's a real great logic to where they lay the road along with the houses. There is an economic argument made that was brought up by Mr. Watts. I think there is some room for compromise, but I do think that we have to focus on the one item of the access and safety issues. The starting position on the whole thing with Fire was we can support a completed gravel road, stem to stem with a gate on it, where there is 70,000 pounds per square inch road profile. That is where we started this whole thing and the Highway District itself had concerns that have been expressed here. We have tried to lean towards having the completed road navigable for safety services through out the process. We can't get away from the public safety issues. We will have to keep our eye on that issue.

The paving to me is not nearly as important as having that connectivity and having the safety access right up at the front

Commissioner Cooper: Is it reasonable to ask the applicant to work with staff to come up with a revised phase plan that maybe accomplishes their goals and cause for neighborhoods to be a little more comfortable?

Commissioner Wilson: We can do that and the answer may be, no, we are going to stick with the phasing plan. At least we can ask them to have that discussion with staff.

Commissioner Barker: If we could come back to what you were saying about them working with staff on the phasing plan, I think I am leaning more toward the 80 lot solution and building that into the phasing than the 53 because I think there was some logic behind the vehicle trips per day. I am talking about when there would be a finished public road.

Commissioner Wilson: That is what I was fishing for is some guidance for these guys when they meet and what we would like to see when they come back.

Commissioner Baskin: I have a concern about the timing for the development of the road into Pole Cat Ridge area. I must confess that I am concerned about it being pushed back. Phase two as the applicant has proposed would be of greater concern about it being pushed back longer than that because I think Mr. Watts phasing plan would endorse. I would ask staff to consider that issue to work with the applicant on the phasing proposal.

Teresa Sobotka: Part of the aspect of doing that in phase one, we would need guidance from you all, is that where you are standing?

Commissioner Wilson: I was just wondering if there is interim way to without totally building the road in phase one to just establish a parking area and trailhead without going full bore on the road. It could start out as a more primitive parking area and then when that phase for development comes along, they can pave it.

Ramon Yorgason: The phasing for the parking lot, the City Park's Department has asked to have all utilities brought to them and so if whenever you bring it in, you have to bring all of the utilities in and all of the cut and fill and all the compaction to build a parking lot except the asphalt. We would like to see that as a second or third phase. That's a lot to bring on board it seems to me as a front end expense, which I understand we are prepared for, but we don't want a burden with additional front end expense.

Commissioner Wilson: That is what I am asking staff to look into, is can we live without this parking lot for awhile until we get to phase two or three. Will that meet the immediate need without completely disrupting the neighbors?

Commissioner Stevens: If you look at those eleven things that provide the density bonus, one of them is providing this trailhead facility at the end of Collister. My question is two-fold; I am a

little bit intrigued by Mr. Watts assertion that this was something that the Levy was suppose to pay for. I am wondering if there is any history behind that. The second part is if this isn't done in the first phase, is the density bonus factored on when this is done or do they just have to eventually do it to get their density bonus.

Commissioner Wilson: I was on the steering Committee for the Foothills Levy with Commissioner McLean. The foothills Levy identified the priority areas for improvements to take place in terms of Wildlife Preservation areas that needed to be purchased, certain linkages that need to be made for trails, but it never identified specific pieces of property that would be improved with the Levy. I think that perhaps what the Parks Department is looking at is if we had the opportunity for somebody else to buy it and then we can take that money and spend it somewhere else. The second part of the question is that we can tie the paving of that to the approval of the plat.

Teresa Sobotka: The Parks Department is worried if they will ever see it.

Commissioner Baskin: I think that was the Parks Departments concern is that we don't know what will happen with the economy. You get part way through phase one and have to call it good because the market won't support any more sales.

Commissioner Wilson: I think it was just the staff and applicant sitting down and perhaps inviting someone from Park's staff to talk about what they need in terms of a road for this time and if that will be satisfactory or not and see what phasing plan will come out of that for our next get together.

Bruce Eggleston: I think from a planning stand point the base line issue is the acquisition of the right-of-way from the end of Collister Drive and Pole Cat Gulch. I see that as a definitely baseline phase one up front platting condition to acquire the right-of-way to have the right-of-way dedicated and at that point it would relieve a lot of the concerns like what if. You would have the right-of-way to the property and then there could be other solutions. Without the right-away, we are stuck in the mud.

Teresa Sobotka: That would go to Commissioner Stevens issue too. If we have that right-a-way then it's easier for us to count that.

John Watts: I appreciate the conversation here. It seems to me that most of the time, having been involved in this line of work for a long number of years, it seems to me that most of the time you guys are really in tough situations to have to balance competing requests, competing demands, competing needs. And often times you are the tribunal that has to settle the fight. What has been brought to you is an alternative from Briarhill Neighborhood that has actually taken the time and the energy to multiple means to help work out with the developer. It would be my hope that the Briarhill Subdivision, who is in the line of fire, is invited to work with the applicant and the City staff if they further continue to work on this phasing, because what you have in front of you is a product of working collaboration already between the neighbors and the applicant. We would like to be a part of that because we are public too. Our public safety is

every bit as important. We remain the nameless, faceless occupants of the subdivision being proposed.

Commissioner Wilson: There's absolutely no problem with that. You can be involved with staff up until the moment our next hearing starts. Bruce, if you could make those arrangements and make sure they are invited. I am a big supporter of collaboration. Is there anything else on the phasing? How do we all feel about Collister Road and the response from ACHD? Is there anything else on the traffic issues? This pretty much wraps it up as topics because we have already talked about our Plan Policies and Zoning Ordinances. Is there anything else that the Commission wishes to discuss this evening? Any notes that you have made?

Commissioner Barker: I think we set the second meeting in August is the time to rehear this application. Will that give enough time to the applicant, the neighborhood and staff to take a look at phasing?

Hal Simmons: I will say that it will be tight, but we will give it our best.

Commissioner Fadness: Are we going to have the minutes from our hearing in time for this August 11th hearing?

Bruce Eggleston: They are almost done.

Commissioner Stevens: I guess another question along those lines. It may be done by August 11, but are we going to get it at 10:00 the night on August 10th, if it is another 50 page packet that we have to get through in twelve hours?

Hal Simmons: We've basically got a week to do that is what it comes down to.

Commissioner Wilson: Will everything be ready for our packet in the traditional manner to which we have become a custom the Thursday before the hearing?

Hal Simmons: That is our goal. If it looks like we are going to seriously not meet it, we will call everybody and let them know. It depends on how successful we are with Parks and the applicant on some of these issues.

Teresa Sobotka: If the only hang up is the phasing maybe you would want to hear a hearing on everything else.

Commissioner Wilson: I would prefer to do it in one shot. I don't think we need to ask people to come out multiple times. I think most of the other issues we have pretty thoroughly discussed. Anything else? Because I was going to wrap up with what I considered to be the new information from this meeting, that would be eligible for discussion at the next hearing. What I heard from this evening that would be new information for the next hearing would be the Phasing Plan, the map of the deer migration corridor and the details of the Onion Management Plan, even though we are not going to have a Management Plan for our next hearing. I think a

lot of information came out tonight that people might want to address. Is there anything else Commissioners that you heard that was new that we should perhaps make eligible for comment on the hearing?

Commissioner Stevens: I was going to say that I thought there were some concern about the density issue, the number and the base density.

Commissioner Wilson: None of the numbers changed.

Commissioner Stevens: Except for the one section on page five of the staff report where it says maximum estimated density 290 to 300. At least from what Teresa said, there was some conflict over the week that the applicant brought up and made them sort of re-calculate and that they weren't really sure.

Commissioner Wilson: It didn't change the number, so I don't think it is new information.

Commissioner Fadness: We are still waiting to hear from the Park Department on the Pole Cat Trail.

Commissioner Wilson: I was grouping that with the Phasing Plan.

Commissioner Fadness: And these are the only issues we can hear testimony on in the new hearing?

Commissioner Wilson: Yes.

Commissioner Fadness: That is going to be a tough one.

Commissioner Stevens: What about this idea about the road being flipped to the other side, sloped driveways?

Commissioner Wilson: We didn't provide them any direction to change the site plan this evening. If we would have provided or changed the site plan as a result of considering those things, then that would be a new piece of information. We are just going to evaluate it, as is. We don't need to make comment on all of the things we made comment on tonight, is what I am trying to say.

Commissioner Barker: We did have a new letter from ACHD regarding its positions, not just on the gated community and all of that. I'm wondering if we should probably go over that.

Commissioner Wilson: In my opinion, they reaffirmed what they had said before. I don't think they said anything new.

Commissioner Fadness: I gathered that it was a reiteration just to clarify to us what their parameters were.

Commissioner Barker: This whole idea of 53 lots came up in this letter and maybe it came up before.

Commissioner Wilson: Bruce, was the notion of the 53 lots something that was included in ACHD's original materials?

Bruce Eggleston: That was at their recommendation hearing on the reconsideration. It hasn't changed.

Commissioner Wilson: We are adjourned and at this point we are planning on a hearing on August 11th unless we can't make the finish line by then and staff will let us know.

Approved:

Brandy Wilson, Chairman
Planning & Zoning Commission

Date: 9/8/08

5A

Plano Lake

P&Z Minutes

from July 14, 2008

ROLL CALL VOTE

COMMISSIONER BARKER	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER BASKIN	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER FADNES	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER WILSON	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

REGULAR AGENDA

CAR07-00042 / DA / AASE'S CANYON POINT DEVELOPMENT, LLC

Location: 6890 N. Plano Road
REQUESTS APPROVAL TO ANNEX ± 332.75 ACRES WITH ZONING DESIGNATIONS OF R-1A/DA AND A-1/DA.

Commissioner Wilson - We will move on to agenda items 1, 1a, 2, and 3, the Aase's Canyon Point Development, LLC. We need to begin with a couple of legal matters. We have a couple of disclosures this evening. I need to disclose that I corresponded today on some matters of process only with Stephanie Bacon, Brent Smith, and John Watts. Commissioners anyone else have any other disclosures for this application?

Commissioner Baskin – I am also a member of the Foothills Citizens Advisory Committee. I did participate in the Committees discussions concerning the extension of N. Collister to the turnaround point inside City property. I believe that group's recommendation and thought process is adequately set forth in the materials that have been provided.

Commissioner Wilson - Commissioners, any discussion about his disclosure. Does anybody feel awkward about it? Is everybody okay that he is serving on both committees? Okay, great, I just needed to ask the question.

Commissioner Fadness – I should disclose that I live in the area. I was approached by a fellow YMCA member. Basically, I just answered questions he had regarding procedure. He did start to express a very strong opinion and I told him that I couldn't hear that and that ended the discussion.

Commissioner Wilson – Thank you for disclosing that. Are there any other disclosures?

Commissioner Stevens – I need to disclose that I am a board member of the Land Trust of Treasure Valley. I was present for one discussion at the board level regarding the fee simple dedication to the Land Trust prior to being appointed by the Mayor to this Commission. That

discussion did not reference the development, but referenced only the Aase's onion itself and whether or not the onion should be protected. I don't know if anyone has a question or if you want me to give more information.

Commissioner Wilson – The Land Trust of the Treasure Valley is party to the Development Agreement in this case and Commissioner Stevens is on the board that made that decision to move forward with setting aside the conservancy and adopting the conservancy.

Commissioner Steven – Correct, and since being appointed to this Commission, I did actually recuse myself and left the room on any discussion regarding this particular subdivision.

Commissioner Wilson – Alright Commissioners, we are going to make a finding on whether Commissioner Steven's service on the Land Trust Board disqualifies her from serving with us this evening. We usually don't like to penalize people for volunteering twice because in this case The Land Trust is a party to the Development Agreement. Commissioners, is there any discussion?

Commissioner Stevens – I would also point out that it is voluntary and there is no economic interest. The Land Trust is not an advocacy organization and that is the reason that The Land Trust was approached. At least that is the perspective of The Land Trust and we were never asked to take a position, nor did we ever take a position on the proposal, nor did we even discuss the merits of it.

Commissioner McLean – I think that we are volunteers here and when we agree to this service we agree to spend many hours and try to make very objective decisions for the valley. I would move that Commissioner Steven's volunteer work for The Land Trust is de minimis and will not affect her ability tonight to be objective on this issue.

Commissioner Barker – I second that.

Commissioner Wilson – We have a motion and a second. Is there any further discussion? We will call for a vote.

ROLL CALL VOTE

COMMISSIONER BARKER AYE
COMMISSIONER MCLEAN AYE
COMMISSIONER BASKIN AYE
COMMISSIONER FADNESS AYE
COMMISSIONER WILSON NO

FIVE IN FAVOR, ONE AGAINST, MOTION CARRIES.

Commissioner Wilson – To begin this evening, we do have some administrative details to take care of. One is that staff has provided us with the complete set of the errata sheets that were

submitted to the Planning and Zoning Commission and on the public website on Friday. We have also been provided with a color set of maps and a presentation for the Plano Road Subdivision from the Stewart Land Group. At our business meeting this evening, we received all of the emails that have been submitted since the staff report was provided. We have a copy of all of those. We also received a copy of a preliminary draft that was prepared by Ecological Design of some of the preliminary conceptual design requirements and the report that discusses the general design criteria in special areas analysis. I guess the first question to Bruce Eggleston is, is this different from the report that is already in our packet and if so, could you please summarize the differences?

Bruce Eggleston (Staff) – When I received this in an email, the commentary from the preparatory Ecological Design, the only change was that they took the draft status off and made it final. None of the words actually changed. I have a couple more items that were handed to me at the last moment and would like to enter those into the record.

Commissioner Wilson – Yes, please do.

Bruce Eggleston – A letter from Sarah and Todd Harris dated July 14, 2008. They are residents of Collister Drive. I have two discs of photographs from Mr. Brent Smith that are not published, but he wanted to have them as part of the record. Mr. Smith is also going to make a presentation with records that have been added to the computer. We also have a presentation from Mr. Michael Jones who will enter the contents of this disc into the record.

Commissioner Wilson – Thank you, with that we will begin with your staff report.

Bruce Eggleston – I appreciate this opportunity. It is rather unique in the history of Boise City in the sense that this is the first application that we have had in the Foothills that is being applied for under the regulatory device of the Foothills Planned Development Ordinance and taking full advantage of the density bonus provisions of that Ordinance. This development is subject to the Boise Comprehensive Plan, the Foothills Policy Plan, the Interim Foothills Transportation Plan and the Parks and Recreation Plan in the Foothills. So the preparation of this took a better part of three years. Staff has worked with the applicant to ensure the final application was sufficient and was deemed final in March of this year. Then we started the process of review and there have been revisions up to a July 7, 2008. We have been trying to work with the applicant to ensure that their application was as complete as possible and did comply with the regulations. City staff then analyzed all of the above as well as the four plans shown and the Ordinance. The Ordinance is a subset of the Conditional Use Permit (CUP), under the Planned Development section of the CUP and is a subset of the Planned Development section. The Ordinance applies when lands in the Foothills Planning Area seek either annexation and/or rezone. In this case, the application is seeking annexation and a rezone with a Development Agreement under CAR07-00042/DA. In order of hierarchy, this would have to have a decision first on the annexation and rezone in order to proceed ahead to the second application, the CUP; CUP07-00084.

The CUP is the essence of this application. It deals with such things as the density bonus and the clustering of the subdivision set aside of Open Space, the protection of threatened endangered

species and provisions of recreational facilities and permanent Open Space to the potential residents and the City.

The next application is the Hillside Foothills Area Development Ordinance application which looks at the hydrology, the topography, soils and grading, CFH07-00022. Should these be approved in that order, we would make a consideration on the subdivision plat application SUB07-00065.

I would just like to say that the complexity of the application itself really was a three-year effort. I think it is a testament to the people who put together the Foothills Policy Plan and its implementation. This had to be considered very seriously and in great detail. It has countervailing purposes of providing developable area additions to our housing stock and orderly growth of the City in line with the infrastructure and provision infrastructure to an area. Another purpose is the idea that this plan also represents protection to the existing neighborhoods, the most sensitive areas and the things that fall purview of Wildlife Habitat and Wildlife preservation.

It is beyond the power of staff to make the kind of decision necessary to create the balance that will have to be finally effective by City Council.

One of the biggest issues here is the impact to traffic and it will always be the biggest issue in the Foothills because it was the main point of contention or discussion in debate in the creation of the Foothills Policy Plan. That remains the point today. We have to look at a greater context.

There have been a lot of things that have happened, not within the City, but within the County, since 1997 when the Foothills Policy Plan was adopted. We now have in the near vicinity the Hidden Springs Planned Unit Development (PUD). We are anticipating that the Ada County Commission might approve the Cartwright Ranch just a couple of air miles away from this site location. They have already approved Avimore. That has taken much of the capacity on State Highway 55. There is also an application that is coming up in Ada County for the Dry Creek Ranch, which if approved would comprise 4300 dwelling units and two-and-a-half million square feet of commercial and office space. I mention this in the context of traffic that it is hard to make our plan work when these other Planned Communities are being approved by Ada County. This makes it more difficult to provide a valid assessment and we tend to look at these things in smaller context, particularly from the viewpoint of the Ada County Highway District (ACHD) and their responsibility to aspects of the subdivision of this application. They are not really looking at Comprehensive Planning issues of Boise City. They trust that to our judgment. This proposal did receive affirmative recommendation from Ada County Highway District and I would just like to make a few mentions of their findings and recommendations.

The big issue for ACHD is the overall traffic impacts in the immediate system; Hill Road, Collister Road and the small Plano Lane. Their recommendation was to approve the development we see on the screen. The issue at ACHD is that there is going to be a lot of impact on this point of Plano Lane in that existing Plano Lane where they have approximately 530 average daily trips. That would almost triple at build out. This is considered to be a local road,

Plano Road from Hill Road up into the subdivision, and would be extended as a local road and take the brunt of the traffic from this proposal, if approved, at 855 dwelling unit level would be approximately 1,500 average daily trips. That calculates out to approximately over 800 coming down Plano Road. The local road is designed to handle that. The applicant would make the improvements necessary for that to happen.

The other part of the proposal is eventually to connect Plano Road through these two roads winding near Collister Road and servicing some 27 proposed lots. The discussion at ACHD was to balance the timing when this connection was going to be made. The issues are the overall impacts and the distribution of the traffic. The thinking is that if the potential residents learn to go one way or the other, they are going to stick with that. When the connection is made between the two portions, essentially the west portion and the east portion, then the traffic would tend to find the best way and therefore would be a larger share of percentage of traffic on Collister Road. The issue of Collister Road is that it is marked as a collector road, but because it is in the bottom of Polecat Gulch, it essentially has a culvert running through the center of the road which makes it difficult to negotiate under any kind of difficult weather. The neighbors who live there consider it a substandard road and it does not reflect the current standards of a collector road. The balance distribution of that traffic was the big issue and the Ada County Commission found in their initial hearing that this connection should be made from Hill Road to this point of Collister Road at Phase 1. That would provide a lot of immediate impact to both sides of the subdivision and the neighbors downstream. There was a request by staff to reconsider their original recommendation which is to pick a point, in this case 80 dwelling units, on this side where the road would have to be completed in making that connection. I believe the count came out to reflect the applicant's first four phases, which amounts to 47 dwelling units. At that point this connection would have to be made.

Boise City's policy in the Foothills Policy Plan is that there must be two points of ingress/egress. Our consideration is that we would like to see the road completed in some fashion. The part that is not developed would be completed in gravel surfacing to provide emergency access. Our concern is primarily safety and access in case of wildfires or other such situations. Those recommendations stand in the conditions of approval.

The other big issue is the impact itself. This is an extremely steep location. All but 50 acres of this property are too steep to build on according to both the Foothills Planned Development Ordinance and the Policies of the Comprehensive Plan. What you see in the green areas, the developed areas, represent the entirety and then some of land that is not too steep to build on. A necessity if they are going to develop this property at all is that they have to put the development on the ridge tops. That is being contradicted by policies in the Foothills Policy Plan and statements in the Planned Development Ordinance say that we would rather not have developments on ridge tops and one of the other salient issues is the prominence of the proposal. Generally, the area that is in the southwest, the lots that would rear on the southwest, are going to be very prominent from just about anywhere in the Boise City area. To mitigate that the applicant has come up with increased setbacks, lowered maximum height and worked out a mechanism that is unique in this context go through Design Review. This is a new wrinkle that is part of our Development Agreement. In order to ensure that the measures that are proposed

including low reflectivity in all materials; subdued earth tone colors, setbacks, height restrictions, landscaping according to fire safety, are adhere to the only way that we could think of is to require these particular homes to under go a Design Review the first time through to gain a Certificate of Occupancy. On remodels, that would be the responsibility of the proposed Home Owners Association. The City would not want to be involved past the original building permit and Certificate of Occupancy.

This again is governed by the Development Agreement and I think there is a reasonable proposal before us for the mitigation of that. Staff also suggests that part of the mitigation could include more closely clustering these lots, narrowing the width, bringing them back a little bit from the ridge, making the whole thing a little tighter. That has been a point of discussion and one that we have not resolved. That will be up to the Commission to resolve in the context of the CUP.

The Development Agreement itself has several key features that are somewhat unique. I have just mentioned the Design Review aspects. That's a feature of the Development Agreement and the particulars of that are found in the Conditions of Approval in the CUP. Other aspects of that are portrayed in the map before you. The orangish red areas are known as the onion fields in this proposal. Everything with that orangish red hue is habitat for the Aase's Onion which is considered a species of concern by the Federal Government and is called out in our Foothills Policy Plan as a species that the City of Boise would seek to protect that species where and when it can.

The proposal for the areas shown in the red hue is to turn that land over to the protection of the Treasure Valley Land Trust. This would be regulated in the Development Agreement which would be part of the zoning and is a key feature for the protection of the species. It also provides the basis for the majority of the dwelling units in the density bonus. We have had many discussions about this. We have a couple of letters for the record from Mr. Tim Breuer of the Treasure Valley Land Trust that agrees to take control, manage and conserve the threatened species, should this be approved. In the staff report there is mention that we have five areas, the larger area is what I call the south and southeast basin slope. This is one contiguous area that would be easiest to manage because of its contiguity and it is a step ration how the rear yards on this and the Covenants, Conditions and Restrictions (CC&R'S) of this subdivision would require people to stay out of there. The other large areas here connected above the north are somewhat separate from the developed part and would be somewhat easier to manage. The concern that staff has is there is an area here, here, here and in here, that are not being offered to fee simple ownership. I might be corrected by the applicant, but staff feels that in their evaluation of trying to write an onion conservation scheme, the lands with those onions for which the density bonus is offered should be protected in perpetuity. It seems to staff that it would be difficult to protect the smaller spaces and we are going to have to work with the Treasure Valley Land Trust, the applicant and the City. We can get into some kind of Ordinance Enforcement issue as well and we would leave the recommendation as such that if that can be protected and can be a part of The Treasure Valley Land Trust Conservation effort, then it complies with the policies and the Ordinance. If it can't, we recommend that these areas not be counted towards a density bonus and thereby reducing the bonus. We haven't calculated that.

I consider this to be an area for discussion that will have to be worked out. We do have a letter from The Treasure Valley Land Trust to the fact that they might be able to manage these interstitial patches of onions.

The big issues, we talked about the traffic impact and the turn over of the open space. Also, the lands starting here are owned by Boise City and extending up to Cartwright Road. Cartwright Road is part of what we call The Polecat Reserve. This is one of our most recent additions to the City's jewels. It has access to some 700 acres of Open Space there owned by the City and the State in public ownership. The applicant has been asked to provide access to the property which would have occurred through the subdivision process. We always, prior to stubbing off to adjacent land so that they are not land locked through the development and subdivision process. The City's Park and Recreation has also asked that with the access, there is a cul-de-sac provided there, a standard ACHD cul-de-sac. This cul-de-sac right away would be dedicated by the City to ACHD's system. The applicant has also been asked to provide this driveway area that is sufficient for horse trailers, about a dozen parking stalls, fencing to separate the parking area from the public and the provision of utilities, sewer, water, electricity, to at least the edge of the property boundary. In general, they would still have to work out a Development Agreement with Parks and Recreation. Part of their application depends on that. The density bonus requires not only that we accept a density bonus to be based on something like protection of the Aase's Onion, but you have to have four other significant contributions to the general well being of the citizens of Boise to qualify. One of the criteria is providing access and trail heads to parks. Also along here is a third one, the onions, the parks, and a riparian area here that would be protected. Actually the riparian area of Polecat Gulch, and then the contiguous Open Space represented along this boundary of the park will provide some sort of a buffer to that facility. That, along with a few little riparian areas in the interior of the site comprise of the value of the density bonus for which this has been equated or required through that bonus situation. The timing issue of when these items would be implemented in the Polecat Gulch Reserve is still not resolved. The issues that the Foothills Advisory Committee and the Parks and Recreation Department have issued two letters; in July 2007 and in July or late June of 2008, that they would like to see this connection made. Right now, this is private property belonging to Mr. Jorgenson and his firm. We would like to see the road itself, the right away dedicated, the cul-de-sac and the parking area facility be done at the initial phase of the project. This, of course, has a cost associated with it. The applicant is asking that they are allowed to basically build the road and facility as the units are developed. The Park Department's recommendation is that that is put in at the first phase. We still have discussion on that matter. This area that has the predominant blue, also known as the sandpit, has been a sand excavation pit for quite some time. It is actually a fascinating area in the sense that the excavation sand has revealed the stratigraphy of the Foothills. It presents in the same hand an attractive nuisance and it also results in a convenient place to put the overage from the grading of the site. We have several issues that the current status of the preliminary grading plan would yield approximately a million cubic yards of overage. In any circumstance, that is the largest overage that we have had. Their proposal is to take any overage there is, we are not sure if it is a million cubic yards, but it is going to be a very large number to fill in this sand pit and essentially recontoured it to look like it did before excavation. The City is asking in the Development Agreement that the sandpit be built up, recontoured and revegetated. It won't be finished until the very final lot is graded because it will continuously be moving overage

material into that. We have set up a structure where at each phase the deposition of the fill that they would put into the sandpit would have to be contoured out and would have to be revegetated as they go. The other aspect of that, we had a phone call today from the Wortham family who owns property here. The current Plano Road goes up here and there is access to the sandpit which today is a locked gate right here. Their concern is that they didn't want all of the trucks with overage going through their property and accessing this. We are asking that the applicant create an access through the property. A likely spot is over in this area off the end of this cul-de-sac where a haulage road could be devised to fill this sandpit. This is a relatively new request that came this morning and it is not as a Condition of Approval, but my discussion with Terry Records with Public Works is that it doesn't need to be a Condition of Approval because the City doesn't have rights to grant access over some one else's property. That will be handled through the grading permit process. We are concerned that the amount of dirt and what that is going to look like is an unknown right now. That is going to have to be diligently reviewed as building permits come in with each phase to ensure that if worse comes to worse, this isn't left into a jumbled mess which is an unattractive nuisance. To the overall process I would have to say the staff report reflects that for the most part, this proposal does meet the basic requirements of the Comprehensive Plan and meets the policies in general. There are some short comings in the areas that I have discussed in what I call sky lining these prominent ridge areas, the visual impact. We have a recent letter that came in on June 29th or June 30th from Idaho Fish and Game, that said that this is an important part of the wintering grounds for the deer, elk and smaller species as well. They fear the impact, not only through this one development, but a cumulative impact of all of the developments in the immediate Boise Foothills consuming that habitat resource. This is not the bereft of habitat value. It is really tough to make a finding based on that. To balance that, we would have to say they are proposing the conservation on the onion fields. These are just the discussions that have to be made ultimately by Council. I have addressed the traffic impacts. Both the Plan and the Ordinance talked about the traffic impacts. The Comprehensive Plan divides the Foothills into three planning areas, sub areas. The eastern area is primarily for Open Space to set aside wildlife habitat like we see in the efforts of Harris Ranch and other wildlife management areas. The Central Foothills, from the Military Reserve to 36th Street, has limited development, and that development capacity has just about been used. From 36th Street to the west, including this particular subject site, development is encouraged under the auspices of the goals and policies that I have discussed this evening. The Comprehensive Plan and the Foothills Policy Plan say that this is a desirable area for building if it can meet the criteria. There are pluses and minuses in areas where it does comply and areas where it doesn't. We have to evaluate each one of those in turn and make some kind of balance. The proposal generally meets the criteria of the Foothills Planned Development Ordinance is really the keystone through which we evaluated. The submittal was focused on the tenants of 11-06-05.07, Foothills Planned Development Ordinance. The applicant has generally met those requirements. We still have issues with the grading, as I discussed. By any standard, if it turns out that there is a million cubic yards of overage results from this, we are not particularly comfortable with that. Our Public Work's staff has stated the preliminary grading plan is doable and workable and will meet the criteria of that Ordinance, given the tools that we have. The Foothills and Hillside Ordinance is very general in the sense that it talks about discouraging excessive grading, but there is no standard of excessive. In order to resolve issues like this one we would have to rewrite the Ordinance to put standards in there that don't exist today. We do

have a positive recommendation from the Highway District. We are backing their recommendations, we think they are reasonable. The City has looked at a higher standard on the sidewalk. They aren't attached sidewalks with a planting strip, at least on one side of the road in this case. We are making a recommendation to that affect starting at Hill Road and Plano Road in putting a sidewalk in one side in addition to their requirements already stated by the Highway District. That is a Condition of Approval that we would like to see in all the subdivisions in Boise City. We would like to see sidewalk accessibility consistently through the subdivision and the Council has made it clear that they would prefer the separated planting strip and separated sidewalk. We will hear a lot from the neighbors about the overall impacts of this. It is a beautiful place. We think that balance is the key here that there has to be some kind of balance between areas where development is advocated by the Foothills Policy Plan and the execution of that development that it does comply with the plans and Ordinances. That is going to be up to this Commission to make those kinds of decisions. If you look through the findings and the staff report, there are a lot of areas that we just can't come down hard on one side or the other of these issues. The Council will have to make that decision.

Ramon Yorgason (Applicant) – I am President of Capital Development Inc., which is one of two joint applicants for the annexation and development proposals that are before you this evening. As an initial matter, I would like to thank and commend Boise's Planning and development staff for its efforts in working with our development team in formulating and refining the proposals that are before you tonight, which we have all been working on for the last three years in order to get it right. That is right in the sense of complying with Boise's Zoning Ordinance and Planning objectives. Right in the sense of addressing and mitigating environmental, traffic and neighborhood concerns, and right in the sense of reflecting a development project that can be economically justified and therefore actually built. Therefore resulting in the realization of the significant project benefits provided to Boise and the community in general. Although three years of planning sounds like along time, believe me it is when the bills for the many consultants keep rolling in month after month. Three years is really a blink of the eye in context of the time I have vested in this project. I acquired my land over 20 years ago when I bought the property that we developed in the Quail Ridge Subdivision. Since then I have been more or less continuously involved in planning and working on this development. Until the balance of the property included in the development proposal has been assembled by Aase's Canyon Point Development, LLC, which is my co-developer on the project. It was simply not possible to build a second means of access and therefore meet Boise's requirement for the development. I would ask the Commission to remember when reviewing the proposal before you tonight that this project is not being submitted by a carpet bagger from out of town who wants to make a fast buck by zoning and flipping a property. To the contrary, not only have I owned my land for 21 years, I was born and raised in this valley and have lived here almost all of my life and been developing property in the valley for the past thirty years, including the Quail Ridge Subdivision. Please be assured that the development proposal before you tonight is being made by people who are deeply committed to making sure the project is done right. Because it is summer time and this hearing ended up being rescheduled, we are not able to have the many consultants who worked on this project. I am confident that the members of the development team should be able to answer any questions you may have. An overview of

the project will be presented by our attorney Bob Burns with the Boise law firm of Moffett Thomas.

Bob Burns (Co-Applicant) – I too would like to thank staff for its patience and diligence in working over the last three years in putting this development proposal together. We believe that the staff report that was put submitted last week is a competent and comprehensive and balanced report that fairly presents the aspects of the development that need to be considered, with two relatively minor adjustments of the Conditions of Approval. The developer is in agreement with staff with respect to virtually everything of materiality in the staff report. A project binder reflecting the power point presentation has been distributed to you. It's initial matter as what is pointed out in the staff review of the project. A Foothill development does not mean that the property is not developable. In fact, as pointed out on page 13 of the revised staff report, The Policy Plan establishes three Foothills planning sub areas. The one in which this particular property is located being, and I quote from page 13, "is considered to be the first priority area for development, subject adequate street capacity and infrastructure". The ACHD report that accompanies this application evidences that there is adequate infrastructure for street capacity for this project. As pointed out by staff on page 42 of the staff report, "the developed proposal meets the standards and regulations in the Foothills Planned Development Ordinance with recommended conditions from City Departments and other agencies with jurisdiction, including the ACHD and Idaho Department of Fish and Game". The anticipated impacts from this proposal seem to be in balance with mitigation measures. There is never a way to accommodate all impacts and all property rights, but this application represents a good faith effort to try to achieve that balance. The developer concurs with this conclusion. The developer has worked mightily for a very long period of time to get to such a result. We will start the power point presentation. The first and last consideration for most development projects is generally density. If you have too little density, the project is not economically feasible. The public benefits can not be provided, the development doesn't go forward, somebody acquires the property and you start all over again. Too much density, you trespass or destroy the environmental protections you are trying to reach, the project is politically impossible and never gets approved and again you don't have a development. The starting point in density is of course the existing zoning density for the project. The first screen shows a plan that was prepared by the City, Planning and Development Services. What it reflects is the density for the project. The density on the right hand side, the A-1, C-1 C, is being pointed out as Boise density, meaning that property is already in the City of Boise. And the remaining density, the R-6, and the R-P is Ada County density establishing or reflecting the density of that property as established by Ada County, because that is where the property is situated. If we look at the next slide, this is an excerpt that is taken from the staff report, page five, and if you look at the far right hand side of this particular slide towards the bottom, we have added a separate column and extended the density out. All we have done is taken the acreage and multiplied it by the established allowed by the existing density to show that the existing zoning for this property establishes or allows a maximum of 917 to be developed. The point I want to make is that this development proposal before you tonight is not an ump zone or a request for this condition or the City of Boise to vastly increase the density or the development potential of this property. In fact, what we are asking for is something like 17 percent of the 917 units that the existing zoning would allow for the development of the property. This particular screen reflects some key aspects of what the project would look like.

First, if you could point out the red line border of the project, basically where the project is situated. The green area is where the projects improvements would go, the housing. The blue area is the additional portion of the project that is developable under the City's standards, but which we are not asking for any development. There's about 25 acres of area that could be developed with housing that we have not asked this Commission or the City of Boise to approve for development. The reason we have not is because to do so would run a fowl the environmental protections that we are seeking to obtain and would result in us not being able to stand here and tell you tonight that we have tried to come up with the best development we can that will meet our economic objectives as well as meet the environmental considerations and concerns that are inherent to this beautiful piece of property. If we look at the next slide, we have a video that gives us a bird's eye view of this. While she is setting this up to run, let me tell you that our land planners have prepared this based upon a state of the art presentation or technique. It is based upon aerial photographs taken of the site built up in increments and then they overlay the actual roads and housing, cuts and fills. These are accurate to within two feet. The surrounding area to the project has been laid in. Let's run this particular video and you will see what the project looks like. First, there is an over view with no development and the development will pop in here in just a moment. From a bird's eye view, that is how the project sits. You can see the substantial areas of the project that are not touched. Something like 70 percent of the project will be preserved. We have five perspectives that have been taken to show what the project will look like from off site. This is taken perspective taken from the train station on vista Avenue. What this is showing is the actual hills. This was also developed Patented approach I discussed earlier with the foreground being a photograph that has been implemented in order to give a context to what you are looking at. You can't see the quail Ridge Subdivision because of the aerial photography doesn't pick that up, but it is all there. The next screen you will see what it visually looks like when the housing is put in. Go back to the first one again, you can't see any housing. Now go to the one after and show where the housing is again. It's not sky lighted and so it is very, very limited visual impacts from the train station. Let's look at the next one from Hewlett Packard. Go to the next screen to show what the housing looks like. The next one is from the fairgrounds and Chinden Blvd and Glenwood Street. You can see the area, it's in the lighter area and the surrounding area is darker and is simply a matter of the picture of the surrounding area being put in there at a time where there coloration is different. Now go to where the housing is stuck into the project. You can see it, go back, show it before the project is developed out. The system must have frozen up. You have it in your packet. Hopefully we can get to this next shot which is a video taken from the Walmart site. It starts with the Quail Ridge Subdivision then pans westward to the project with the project being implemented. There's the Quail Ridge Subdivision, pans over to the project. Project is popped in again. As you can see there is nothing sky lighted from a distance when viewed. The next slide is taken from Hill Road at the most problematic position. It demonstrates the maximum visual impacts of the project. The first exhibit shows what the project would look like at this problematic perspective. If in fact the homes were built white at 38 feet tall right on the edge of the side. That is what it would look like. We don't think that is the right solution either. Our solution is actually this next depiction. The difference is we moved the houses back to a 15 foot setback. We utilized the darker palettes as worked out with staff. By pushing everything back that 15 feet and reduce the height of the homes to 28 feet, from 38. You can see that there are minimal visual impacts, even looking at the most negative portion of the property. If you go to

30 foot setback, we looked to see what would happen and at 30 feet there is virtually no difference between a 15 foot and a 30 foot setback. The project as pointed out has a lot a very environment sensitive property. If you look at the next slide, there is a picture of the Aase's Onion and there is a picture of it to show what this little creature actually looks like. This is on the Federal list for rare species and the yellow area on this slide depicts all of the area where the Aase's Onion is currently located. That is shown next to the green area where the development is going and the blue area which is the additional developable area that we are not touching. If you go to the next slide you will see that the area in red is all of the area that is going to be contributed to The Treasure Valley Land Trust. That includes the areas that were pointed out as being concern areas, if you could point out the area that is segregated. All of that now is going to The Treasure Valley Land Trust. Arrangements have been made in the last few days for them to accept this additional area. All of the area comprising the Aase's Onion is going to the Land Trust. If you could take a look at the next slide, what this demonstrates is the red area is the area going to the Land Trust. The yellow area is where the Aase's Onion is located and as you can see all of the yellow area is included in the land that is being contributed to The Land Trust. Finally, we go to the slide and the yellow area is the entire project area that is being preserved for Open Space. This includes the land that will be preserved by the homeowners association as well as the land that is going to The Land Trust. That's 70 percent of the project. The blue lines reflected on this exhibit the cut/fill line. The next slide reflects the multitude of meetings that the developer has had with members of the community to try to discuss their concerns to present the project and to make sure that there is a full and fair disclosure of what is being proposed as well as to get the information to meet the community's concern.

Commissioner Wilson – Commissioners, any questions for the staff or applicant.

Commissioner Barker - Fortunately, we didn't have the opportunity for the applicant to discuss the two conditions that have been mentioned that they questioned the staff report. I'm wondering if we might take some time to hear what those are.

Commissioner Wilson – Certainly, could you please come forward and list those two and the changes that you would propose.

Bob Burns –The first question has to do with the timing of the construction of the improvements requested by Parks and Recreation for access to the Polecat Reserve.

Commissioner Wilson – Which condition is this, which number? Bruce, if you know the answer then you can answer.

Bob Burns – Condition 11 J of page 67 of the staff report. Boise Parks and Recreation had requested that all of these improvements be constructed in connection with the first phase of the development. We have no problem with the dedication of the land to make sure it happens. This project is going to start on the opposite side of the hills, over on the eastern side. That is the first phase of development and our only request is that when we get to the second phase of development on the eastern side of the project that we have no problem in constructing those improvements. We would ask that if we start on the western side first, that we not be required to

build the road, the cul-de-sac or the trailhead improvements until we actually start improvements on the eastern side. The only other point that we have to the staff report has to do with condition of approval number four. It's on page 60 of the revised staff report. It has to do with a difference of opinion in how Boise City Ordinances work. The first slide that we have is taken directly out of the staff report, it is page 71. What it reflects is staffs interpretation of the Boise's Ordinances and that the base density is eight units, for a total allowed density under the Ordinance of 151 units. The next slide, number 19, is an excerpt from the Foothills Planned Development Ordinance itself and the developers argument is based on an expressed reading of the Ordinance. The Ordinance says, part of 11, A1, right at the very bottom of this slide, the based density on parcels proposed for development is given for the existing Boise City or Ada County zones. If you go to the next slide you will see that the existing zoning provisions as we discussed earlier in the presentation will actually provide for 917 units, not eight. If you go to the next slide and you plug in the 917 units per the City's Ordinance, there's an actual allowed density for this project of 1,060. Our argument is that at 15 percent of the 1,060, there is no reason to further limit the number of units from 155 requested in this development proposal to the 151 recommended by staff, because we are so far within the density allowances under the City Ordinances that no further reduction is possibly justified.

Commissioner Cooper – I believe in the staff report there was mention that the documented area of the onion fields was 90 acres and that the application proposes to preserve 81 of those, for a difference of 9 acres. I want to know from staff or applicant if that is a correct recollection and why we are losing some?

Kerry Winn (Stewart Land Group) – I think what staff was saying is that there is a total of 90 acres, but if we went back to a cut and fill line, all that is taken out by the cut or fill line is what reduced it from the 90 to the 80 acres.

Bruce Eggleston – The fine point that we are trying to draw is the disturbance of the proposed conservation threatened species. Staff's view is that if it is going to be disturbed, then that species has essentially been eliminated from that area. We eliminated those disturbed areas from the calculation. I think that is our disagreement as to how much has actually been disturbed. We are unwilling to allow any disturbed areas to be contributed to the density bonus.

Commissioner McLean – I have a question for clarification on that because I thought I heard that they were in agreement that all of the small pieces where the onions are found are to be given to The Land Trust. I also just heard that there are cut and fill areas.

Kerry Winn –I think that is where the 90 to 80 came from is that the cut and fill areas of the Aase's Onion were taken out of the formula. Then the five acres is the part about the detached areas that have also been included in The Land Trust of The Treasure Valley for protection. The 90 acres to 80 acres comes because the areas that were disturbed are taken out of the total amount of Aase's Onion that is on the property to qualify for the bonus density. The five acres that it mentions in the staff report that was in dispute are also being taken over and managed by the Land Trust of the Treasure Valley.

Commissioner Barker – I'm confused. When calculating the density advantage or the increase in density, are we using 90 acres preserved, or are we using 80 acres?

Bruce Eggleston – We are looking at 80, at about line six on the chart 1.9. The criteria for an area to be counted, has to be greater than an acre. A contiguous acre has to be part of the Open Space, greater than 30 feet in width. It has to be more or less by other areas that are buildable areas. We applied those standards by reducing some of the pieces that are being proposed that weren't significant in size to be counted and also the ones that we thought would be damaged through grading.

Commissioner Fadness – I have a question for the applicant on the modification of condition 11-J. What you are saying is that you want all of the conditions in 11, A through J waived. You still want to adhere to them, but you just want the date different. You want it to be met at a later phase when that phase is complete. You are still in agreement with all of the conditions, A through J under 11.

Kerry Winn – That is correct.

Commissioner Fadness – I have some questions for staff. On page three, in talking about traffic and averaged daily trips, it says that 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 to 1,335 averaged daily trips. Then we skip down to the next paragraph. 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. I'm confused. In one paragraph, we are saying that right now we are at 570 average daily trips. Then in the next paragraph we are saying 1500 average daily trips.

Bruce Eggleston – In the first case we are talking about Collister and the projected trips. In the second case we are talking about the overall proposal. I'm not sure if it is exactly a 60/40 split, but 60 percent of the 1500 would be roughly 1335.

Commissioner Wilson – The division of the traffic between Plano Lane and Collister?

Bruce Eggleston – Right.

Commissioner Fadness – Sixty percent would take one route and the forty percent would take the other, is what you are saying.

Bruce Eggleston – Yes, that is right out of the Highway District's staff report.

Commissioner Fadness – On page 15 we are talking about the number of households inside the Area of Impact and we have inside the area of impact 2,742 acres, buildable area, 1,645 households. This, I take it from reading the paragraph above, is in the Ada County portion since that is an Area of Impact not yet annexed. Does that include the number of projected households

for this application that are still in Ada County since it is not annexed? Is this counting some of those Ada County developments that are on the books?

Bruce Eggleston – When the Interim Foothills Transportation Plan was written, was it looking at all of Ada County? It was essentially looking at the vision that was in the Foothills Policy Plan of the three sub-areas of planning and they took that policy and then where these numbers came from is based on what we consider the build-out scenario for each of those three areas. The way to look at this, we have got Hidden Springs with 915 that were proposed. The 1,645 would be available capacity and the traffic would be divided up by all developments. That would be the slice of the pie that would be available for this project, to be part of that 1,645.

Commissioner Fadness – So that is the projected maximum build-out inside the Area of Impact that they are saying the area could sustain.

Bruce Eggleston – That is correct.

Commissioner Baskin – Mr. Eggleston, isn't it correct that the 1,645 number is based on certain assumptions that were made concerning the projected development outside the Area of Impact and that those assumptions are no longer correct?

Bruce Eggleston – That is correct. My staff report talked about Dry Creek and Cartwright Ranch. I think that Dry Creek right now is approved for something like 1,200 dwelling units and 300 over what they have shown. They have in turn cut 300 out of the larger 1,600 slice of the pie. If Cartwright Ranch is approved, that's another 600 and some odd dwellings. They would reduce that pool by the 1,300 that are remaining by another 600.

Commissioner Baskin – I see a lot of discussion in the applicant's presentation and also in staff's report about the impact on Plano Lane and Collister. Could you give me a thumb nail sketch of what the current capacity is on Hill Road and how this development is expected to impact that capacity or get as close to capacity?

Bruce Eggleston – The ACHD staff report talks in terms of the impacts from this development and I would have to go to the section to give you an exact number count on Hill Road. Essentially what they are saying is in the original staff report. When the impacts from the first 80 units in their proposal are absorbed into the system, it would put it over the capacity for the current infrastructure and they in turn, prior to the applicant, would put in a stop light and turn lanes at the intersection of Collister and Hill Road. They are saying that essentially the community is 80 houses over the threshold at Collister and Hill Road. That is one indication. The other indication is that the requirements that they had for the improvements for Plano Road and Hill Road are also looking to within the current right away, widen as much as possible, Hill Road, in either direction from the intersection of Plano Road. I think we have summarized from there in the staff report and findings that it is very near capacity now and they are requiring some off-site improvements to try to maintain that capacity.

Commissioner Stevens – Am I correct in assuming that buildable areas define the slopes less than 25 percent?

Bruce Eggleston – That is correct.

Commissioner Stevens – I'm a little bit confused on the staff report. If you go to page 27, it states in the right hand column; "The Ordinance prohibits building on slopes 25 percent except for roads". Then if we go to page 36 of the staff report in the right hand column it says "All of the proposed 155 lots have slopes greater than 25 percent". Then there is another document that I believe was submitted by the applicant that is a four page document that somebody had wrote on received March 24, 2008, and if I count correctly, there are 37 of 154 lots that are delineated that have slopes greater than 25 percent. How many lots have a slope of greater than 25 percent and how do we define if the Foothills Interim Transportation Plan says that 80 percent of buildable area is expected to be developed? How do we make sense of all of these numbers and how many of these lots are more than 25 percent and where are the 80 percent of buildable areas in the Western Foothills Planning Area that the planners and the Council of the 1990's expected building on?

Bruce Eggleston – First of all, a great deal of the effort during the three years of discussion was in trying to get that very aspect correct. When we look at the grading plans and we look at the areas of less than 25 percent super-imposed on the grading plans with the road. The threshold requirement for this application was to ensure that there was a buildable patch, not the whole lot. The applicant used a building footprint template of 40 feet by 60 feet and that template had to fit within the property boundaries with the proper setbacks and be largely defined as 85 percent or more of that building footprint had to be on buildable slope less than 25 percent. In the preparation at the application, there was prolonged discussion with the applicant to meet that standard to have each and every buildable lot with at least 60 by 40 building footprint largely on buildable land. We would have to go to the detailed drawings. I do have a scan of the working drawings I used to do the analysis. We held the applicant to that standard that each lot would have sufficient buildable space on it at the outset of pre-grading to adequately site a house.

Commissioner Stevens – Let me understand. There is a percentage that we expected of each of that 60 by 40 to be in the 25 percent or less. What was that percentage again?

Bruce Eggleston – That is correct. We held it to 85 percent or greater. The majority of them are, something like 60 percent are 100 percent or greater. There are some that are marginal and that is a standard that we use to evaluate that. It is not in the Ordinance, but is something that we will apply to all Foothills Developments. This is the only way to make the density bonus area work is that each and every house has to be built on a buildable area, pre-grading.

Commissioner Fadness – If I could follow up on that. One thing you said confused me Bruce, you said that they had to be 85 percent of the land, 25 percent had to be buildable. You said that a majority of them were 60 percent or greater. Didn't you mean to say that 85 percent or greater?

Bruce Eggleston – I say all of the 155 proposed units, at least 60 percent of those 155 had 100 percent of the building pad on the developable area. The other 40 percent were variations from 99 to 75. We did have some leeway in there because it is not stated in the Ordinance that this standard exists. We felt in order to make the mechanics of the density bonus work, we had to set some standard and we felt like 50 percent was too low, 90 percent was too high.

Commissioner Cooper – This is a related follow-up. Bruce, in your presentation you said that without construction on the ridge tops, which is against one of the goals of the Policy Plan, that you felt that this development was impossible to build. I assume this calculation you just went through is really only available in those locations on the ridge tops.

Bruce Eggleston - Commissioner Cooper, could you clarify that a little bit for me? They showed in the blue, the buildable area in that blue map. That was their universe of choices. There wasn't enough in the gully bottoms or places that weren't ridge tops or plateaus to make that work. They have pretty much consumed that whole universe of buildable land.

Commissioner Cooper – I think that is what I was getting at. To meet that standard of slope on buildable areas, you have to use the ridge tops.

Bruce Eggleston – Absolutely. The argument in that, is it economically feasible if they don't use the ridge tops? It becomes an argument of economics at that point and we don't go there. We just go as far as the mechanics of the buildable area.

Commissioner McLean – Two related questions that are both related to the density bonus. First off, I think what I understood you to say is that the density bonus was based on four things. So it wasn't just the protection of the onion, but also the development of the trail head area, protecting the riparian areas and providing Open Space contiguous to the park space.

Bruce Eggleston – Part of the Ordinance says you have to have multiple values to the community in order to qualify. If you have just the onions, it still would need more contributions to make that stick. It is trying to get a balance of values, both private and public, and these values are going to be private as well. The Ordinance itself raises the standard to ensure that there is not some fluke, but it has to be a concerted effort to deserve or achieve the density bonus.

Commissioner McLean – So you counted the creation of the cul-de-sac and the parking spaces at the Polecat Gulch trailhead as one of the amenities or improvements when you made the calculations for the density bonus. I ask because that is one of the conditions, the timing of that is in dispute tonight.

Bruce Eggleston – It is item number 8. There is a list of eleven out of the Ordinance. Item number 8 is Trails and Trailheads, designated by the Ada County Ridges to Rivers Plan to qualify for that. There is a small bit of wetlands, riparian areas number 1, number 2, number 3, the rare plant communities, and number 8 is the fourth one. There is actually a fifth one; lands

adjacent to public held Open Spaces. So they can make a case for five out of the eleven, where four of the eleven is the base line requirement.

Commissioner Baskin – Just to follow up on that, it seems to me that you have identified four or five criteria that satisfied the prior Open Space characteristics. It still seems a lot hangs on the onion fields. That's a big piece of it. I noticed that one of the requirements in the statute was that it must be demonstrated that this would not be protected by strict adherence to some other provision in the code. If we weren't worried about density bonus transfers, if this wasn't part of the consideration, the onion fields aren't buildable. They are certainly more than 25 percent slope. Wouldn't they otherwise be protected if we didn't have this density bonus argument before us? In other words, what does the City gain by including the protection of the onion fields as part of the density bonus argument if those areas that would other wise be protected by simply the fact that it's over 25 percent slope?

Bruce Eggleston – That is an excellent question and one that has been brought up by the community at large. What is different? Let's compare and contrast Quail Ridge which does have Open Space but is not of the same nature. What is different in pertaining to the onions and the overall Planned Development Ordinances is that one is going to be set aside as permanent Open Space through platting. It will be dedicated in ownership to The Treasure Valley Land Trust or some other similar organization. That trust will have a forever commitment in maintaining those species. I think the key features are the permanent set aside and the permanent conservation efforts that separate this from just letting it be, with no development.

Commissioner Baskin – I perceive that may be the advantage also. I see that one of the proposals is that this property will be deeded to The Land Trust of The Treasure Valley. I know just enough about The Land Trust to know that it is a new organization that has struggled somewhat as new non profits do. I would feel more comfortable having some assurance that they could undertake this mission. If the benefit that is obtained, this density bonus, is that we do preserve these lands in perpetuity, we make sure that motorcycles don't ride across them and we make sure that there is someone there watching to make sure that nothing happens. One of my questions is that I don't see enough in the materials to persuade me that The Land Trust or some other entity has the capacity to provide that long term protection for us. Is that something that staff has looked at?

Bruce Eggleston – Again, another excellent question. This is where we are in new territory with this Ordinance. In the Development Agreement it talks about this. It requires these lands to be conserved in perpetuity and that also has to have a management program. We have set standards in the Development Agreement. We are going to have to craft this to ensure that it does. That is the standard that the whole Foothills Policy Plan and the Ordinances are based on. That will actually receive a value for this set aside and for the density bonus. I don't have a clear answer for that and that was my concern when I talked about those interstitial spaces that are not going to be in whole ownership or contiguous ownership with The Treasure Valley Land Trust areas. My confidence is a little less that those small areas between the houses could be protected as well as the larger set aside areas.

Teresa Sobotka (Legal Staff) – We spent a lot of time drafting the Development Agreement and if that falls through, and that hypothetical should happen and The Land Trust can't keep up with it, then they would be in violation of the Development Agreement at which time they would be back before this body in looking to amend the Development Agreement, or we would stop the development. I think the actual language is that we would rezone it to whatever we feel is appropriate, so we would stop the zoning at that point because they would no longer be getting any kind of a density bonus.

Commissioner Wilson – I think Commissioner Baskin's question has more to do with after it is developed. How are we assured that this is going to be continued in perpetuity?

Teresa Sobotka – After the whole thing is developed?

Commissioner Wilson – Yes, because that is the basis for the density bonus in that it is going to be preserved and which is what makes it different from just saying these non-buildable slopes can't preserve the onions by default.

Teresa Sobotka – Okay. I had it protected up through the whole build-out, but not after.

Commissioner Barker – I think I was convinced that we have a fairly high percentage of buildable area for each residential lot. But my question is, why are we going to see so much overage of graded material, potentially going into the sandpit? I think you mentioned a million cubic yards of overage. So if we have buildable areas for each lot, could you generally explain to me why we have so much material in excess?

Commissioner Wilson – Perhaps Mr. Records would take this question.

Bruce Eggleston – I will take a shot at it and then have Terry explain it. It's an engineering answer. The steepness of these hillsides when you enter into the subdivision is a very steep angle. In order to get these roads at the correct angle, it takes a lot of grading. The idea is to get to the ridge tops as soon as possible. In order to have both the road and a buildable width underneath that, they are taking a lot of those ridge tops off. That is just the mechanics of the angle, the slope and everything to make these roads work on what would be the back side of the ridge. Providing the width of a buildable lot at the same time brings that situation of the mass amount of grading.

The question you are asking, that if we already had buildable lots on top of the ridgeline, why grade? We don't really have good standards to address that question. All the standards say is to discourage excessive grading. That is an objective standard and so we are left with this construct where we are saying that it could have been built on the buildable area that exists pre-grading, but in order to make the road work, we have to do the grading. That is the general issue. We have to say that if we allow development, then it has to physically be able to be built. This is the only way the roads could work. Terry is nodding his head in agreement.

Commissioner Stevens – When you go to the map that the applicant has submitted tonight that does have the blue area shown, which he claims is buildable and is less than 25 percent slope, and this is directed to the applicant, is there a reason those appear to be not on the ridge line and under the ridgeline, all of them? I am curious why you didn't chose to build there, as opposed to choosing to build on the ridge tops which the Foothills Policy Plan seems to be quite clear.

Kerry Winn – Bruce, if you could pull up either yours, or we could pull up one of ours, with the blue and green. It would help you also in your last question. The baseline for safety in this development is that the roads have to be less than 10 percent, and you have to maintain all storm water runoff on property so everything from a lot has to slope towards the roads to be able to be captured down in the detention ponds, so that is the greater necessity of the grading. If we point to the 3-D model, I can show you better. Those are ridge tops in the blue. All of these are ridge tops and you can see basically the blue or green that you see is 25 percent slope, pre-grading slopes. There is very little utilized area that the Ordinance allows us to develop into the ravines.

Commissioner Cooper – A lot of your fill is going into the old sandpit and then will be re-graded. Why are you not building homes in that area?

Kerry Winn – To take advantage of the Ordinance and to be able to leave this certain largest percentage we could have buildable area as necessitated by the Ordinance. I would love to, outside the Ordinance, to build on all of our buildable areas. The Ordinance directs us to set aside as much as possible to not build on as well as the other contiguous open spaces. The only reason we are not building there is to make compliance with the Ordinance in bonus density and other density bonuses. The whole thing that we have tried to do is make compliance with the Ordinance to build a good subdivision and not stretch it out as far as we can.

Commissioner Stevens – Has there been any discussion with the applicant about the narrowing of the lots that you mentioned in the staff report?

Bruce Eggleston – Yes, this has been an ongoing topic and one where we agree to disagree that the clustering aspect of the Ordinance is very important in the subdivision design. We try to cultivate clustering as tightly as possible in this proposal. Their values are in providing a nice buildable lot. Their argument is more economic than ours, which is to try to preserve more Open Space. I do think the applicant, through our many discussions, has taken measures in that regard. The other aspect of this is that you notice that there are large areas of single loaded development which is very costly and typically, to make any kind of money, you need double loading to afford the cost of the road. That would have increased even more the amount of grading and overage, so we found that this is probably the least amount of grading that could be done and still have a viable project. If we wanted more clustering the grading would expand almost geometrically the amount that would have to be done to achieve that.

Commissioner Cooper – I have one last question and it relates to the second of the two conditions. Actually the first numerically mentioned by the applicant of the disagreement about calculating the base density and I wanted to get Bruce's response to that. The base density, as I understand it from the City, is based on density described by the use. I thought the applicant

made a reasonable presentation about the fact that the actual number should be based on the density of the zone and their number was much larger than yours. I just wanted to hear your response on that.

Bruce Eggleston – When the Foothills Policy Plan was adopted and then the subsequent implementation to the Foothills Planned Development Ordinance, the policy and the plan are what guide the allowable zoning in a given area within our Area of Impact. The policies are primarily the clustering and set aside of Open Space. You look at the Foothills Policy and this density bonus table is in the Foothill Policy Plan itself. It was lifted directly from the Foothills Policy and put into the Ordinance. Generally speaking, if you follow the whole density bonus thing and do all the things to set aside Open Space, buildable verses non-buildable, that is the policy that guides the density within the Boise City Area of Impact. The zoning was there. I believe the City annexed the R-1A and A zone, in 1991. I don't know exactly when the R-6 was there. It's currently in the jurisdiction and policies of the Foothills Policy Plan adopted in 1997. Even though they have zoning in there, they must comply with those policies. Recently we had a case with the Highlands verses the City of Boise that essentially says that regardless of what the applicant applies for, the zoning given to the applicant will be based on the Comprehensive Plan. We have made every effort to comply with the Comprehensive Plan, yet we have the R-6, the R-P in the County. When you apply for annexation, that zoning essentially goes away and becomes subject to the policies of the Comprehensive Plan. There is definitely a discussion there, but we have an application before us that attempted not to utilize what is in the County, but to utilizing our Comprehensive Plan and our Ordinance to achieve that. Teresa might have some comments on that too.

Teresa Sobotka – The case that Bruce is referring to just came down from the Supreme Court. When you annex land in from the County, you are required to assign it a zone and give it what ever zone the City feels is appropriate. When you look at what is appropriate, of course you look at your Comprehensive Plan to decide that, along with a number of other factors. In other words, you do not have to look at what the density or the zoning was in the County and give it an equivalent zone in the City. You give it whatever was appropriate in the City when you annex it in. When they are telling you those numbers in the County, that is irrelevant because the land is before you to be annexed in and so you would give it what ever zoning you feel is appropriate. Also, the land that was already in here was given R-1C and A-1 zoning in the past, but has also been combined and is part of the Development Agreement, so it's being rezoned with the Development Agreement. There is that strange wording and it certainly is in the Ordinance, I read it myself. I also refer you to 11-06-05.07.04.B, which is the line right after the bonus density table and also 11-06-05.07.03. Both of those state that you would look at one for forty is the base density you would start with. The density is further controlled by the Ordinance. There is that peculiar line in there, but everything else I look at as a whole, makes me feel comfortable with starting at the one per forty acres and then looking at all of the issues you've looked at to see where the bonus density actually turns out to be.

Commissioner Stevens – I have two more that are unrelated. The first one is back to the Western Foothills Planning Area and just the three different planning areas that the Policy Plan put into place. I guess that I am looking for a little more flavor about the intent behind those

three areas and specifically I have concern about that 80 percent that the Interim Transportation Plan assumes will be built out eventually. I'm wondering where that 80 percent comes from and what in the Policy Plan made that number show up in the Transportation Plan? Did the Policy Plan treat all the land within the Western Foothills Planning Area equally? Just because that is the highest priority for development, does that mean that this particular piece of land is the right parcel for development in this area?

Bruce Eggleston – Let me address your last question first. The policy also talks about being available to services. This is in both our Annexation Policies and Ordinance. This is contiguous to the City and we do have infrastructure essentially adjoining this property. It meets the first two criteria; it is in the Western Planning Area and they have the ability to service and provide services. The calculations were based on an analysis done by a Spatial Dynamics consulting firm for the overall Foothills Policy Plan that looked at every single parcel in the Boise Foothills and basically made a judgment on a very gross scale, whether it was buildable or non-buildable. There are two criteria; everything is zoned at R-P, 1 unit for forty acres, so we took the one unit for forty acres, divided 40 into the number of acres and got a base density. The other part of the number is based on a scientific evaluation of what the slope and contours were and how much of this 25 percent slope or greater, at five acre resolution, that their calculation would yield. That is where those numbers came from in the staff report. It was based on slope analysis at the time that the Interim Transportation report was written.

Commissioner Wilson – Your other question.

Commissioner Stevens – The other one was regarding the cut and fill and it seemed to me that the staff report was primarily concerned, although you did state that it was a difficult question, but that the concern was really about the balance between the cut and fill, and you are going to have to explain why that is significant to me. I'm not sure what the significance of balancing those two, verses looking at how much we are cutting off.

Bruce Eggleston – I would like to turn the answer over to Mr. Records from Public Works.

Terry Records (Staff) – There is a pretty simple answer. In general, we like Foothill developments to balance the cut with the fill. They are not hauling out or bringing in large amounts of material. In this case, when we first heard how much overage they had, we were flabbergasted. They have this pit available to dispose all of this extra material.

Commissioner Stevens – So the concern is not with how much is cut off, it is about where it's going.

Terry Records – Correct.

Commissioner Wilson – Are there any other questions? I just want to remind the Commissioners that we should be bringing up questions for clarification and any new items right now, and then we will go to public testimony. At that point the only questions you will have left to you are concerns that have been brought up during the public testimony.

Commissioner Baskin – I understand that there is a lot of public concern about the sky lining of units on the ridge tops and that in some respects the topography of the project makes it difficult to cluster the structures. They have the necessity to almost have to be along the ridge tops where the slopes are 25 percent or less. If sky lining is a major concern, has there been any consideration given to, as Commissioner Cooper suggested, building on your fill-in sandpit and clustering more of that development there and give up some of the ridge top development or other development that would require cutting into the top of the ridges there? Why not do something like that and keep from building on some of those ridges?

Kerry Winn – If you are up on the property, you would see the Ordinance limits us to where we can build. It is a natural clustering affect. The idea of putting the units where they are, is basically our choice. We think we have done some very substantial things to mitigate skylines. You can see by our presentations, what you will see when the project is done. We don't have sky lining. We showed you five views across the valley that there is not sky lining. The only place that you could see houses on the sky lining are immediately below Hill Road where you are looking up and you can't see Bogus Basin or the other mountains behind it. We have mitigated that by setback requirements and height restrictions. You saw the difference what could be and what is over on Quail Ridge, and other places in the valley. The important part is going back off the cuts and fills and reducing the height restrictions. Even at the most obvious places, you don't see any sky lining. You barely see the tops of a few houses when we set those back and height restricts them. We think we have minimized the effects of that sky lining. Why would we want to put those there instead of back in the areas? Because those are more valuable lots and produce a great view across the valley and we think we have minimize the visual impacts and blended those into the Foothills very well.

Commissioner Wilson – Are you still choosing to build on new ground instead of previously disturbed ground? I think that is one of the issues tied in here. Was there a thought process involved in that?

Kerry Winn – Only from a construction stand point. I would rather build on ground that has been there for hundreds and hundreds of years rather than depending on compaction by human means.

Commissioner Fadness – When I initially saw the way it was laid out, I thought it was an odd shape, and I thought it was spread out like that because of topography reasons and that was the way you had to build. Basically you chose to build to cluster less because you wanted the views. It is a balancing act. You cluster where you can, but you also wanted the views and the higher values that go with those views. You could have had the option to cluster it more, isn't that correct?

Kerry Winn – We feel that we have done a very good job at clustering. We have 70 percent Open Space. The Ordinance itself naturally makes us cluster. The 25 percent limitation is unusual across the nation and is a very limiting factor in where you can build. It is not based on engineering standards, but simply the Ordinance. The clustering affect basically limits us to

where we can build, verses one spot to the other. That is somewhat our choice. We think we have done a very good job of balancing and leaving buildable space as Open Space.

Commissioner Fadness – In the pictures you provided, I noticed that those are kind of dark. It looked like they would be a picture at dusk. That might have been because of the light.

Kerry Winn – If we turned the lights out you would see them much better.

Commissioner Fadness – When lights are in those homes and it's at night, how visible would those homes be from those same spots?

Kerry Winn - We have chosen the darkest one so you can see. One of the other things we did is material restrictions beside the color so no reflective materials with low glaze glass, so you don't get that. We have minimized the light with downward facing lights in the subdivision. You will see houses up there when they have their lights on, they will sparkle. It is impossible to hide our subdivision. We just tried to minimize the visual impacts, and I think the most important factor is housing color. Along that front ridge line is the height restriction along with the setbacks. Across the valley, after all of those other shots, the number one thing is to not have any reflective materials. We do this down in St. George to blend things in and to also have that limited color palette. That is what blends in more than anything else.

Commissioner McLean – On the topic of setbacks, your presentation shows pictures of houses along the ridge line that have 15 foot setback and then a 30 foot setback. I was wondering which one right now is required, stipulated, or both. To me there is a big difference in the pictures.

Kerry Winn – We would like the 15 foot setback, but we show 30 feet, so that decision hasn't been made with staff. We wanted to show that a 15 foot or a 30 foot setback was very little difference.

Commissioner Wilson – Mr. Eggleston, is that one of our conditions of approval, and if so, could you point us to which one? Or is that not a condition of approval yet?

Bruce Eggleston – Let me start back with the previous question. The base on requirements is the R-1A zone, 30 foot setback. That is a given. What we are talking about is the difference between an additional 15 or 30. Staff feels that the 30 foot would probably be best. Fifteen feet is not going to make a lot of difference. It is still going to be there. The most significant factor is the height limitation and the colors and non reflective materials.

Commissioner Wilson – Right now it all has a 30-foot setback, correct?

Bruce Eggleston – Yes, given 30 and we are discussing an additional 15 or 30 on top of that.

Commissioner McLean – These pictures, are they 30 feet, or 30 plus 30, which is 60 feet?

Kerry Winn - It might help you to understand that the 30 foot is a requirement from property line. These are all figured from the cut line. Basically, where your topography changes regardless of the 30 foot setback required from the back of the lot. It is simply a standard against what the cut line is to set that back for the view shed. That is where you are getting the difference of ideas. The 15 feet and the 30 feet are from the cut line, not from the property line, where there is a standard 30 foot setback. That would be a condition.

Commissioner Wilson – A condition of approval that deals with the setback from a cut line, rather than the setback from the property line?

Bruce Eggleston – This is part of the package they proposed, that is the Design Review for these prominent houses. They would try to resolve that under the Design Review and it would be a minimum of 30 foot rear setback and then an additional from what ever the cut line would be resolved at Council.

Commissioner Wilson – Do we have it in the conditions of approval that those particular houses will go before Design Review? And which number is that?

Bruce Eggleston – It is both in the Development Agreement and the particulars of those conditions are conditions of approval.

Kerry Winn – I believe that if you look in condition five, you will see that addressed and there is an exhibit that goes with it. We have identified those lots that will be required in the Design Review, which is mentioned more specifically in the Development Agreement. You will see at the end of that paragraph, "development lots situated on prominent ridge lines are subject to design criteria for the structures with the goal to minimize the visual impacts on the landscape". These lots are depicted in Exhibit M.

Commissioner Wilson – He is reading condition of approval five on page 60.

Kerry Winn – If you went to your Development Agreement, it is section eight.

Commissioner Cooper – Then what is the relationship of the cut line to the property, or does it vary?

Kerry Winn – It varies by lot. That is why it would be important to look at it in Design Review. Remember the one that had the Open Space and had the blue line that we were showing? Those blue lines on that front ridge are cut lines. It doesn't matter where the lot line is, it is how you see it and that is what this is designed for, the cut line.

Bruce Eggleston – I did find the answer to your question about what the standard says. It says exhibit L to the staff report and page five of five, item 24, "structures shall be setback 30 feet on the crown of the ridge to reduce visibility from south and southwest". It is 30 feet from the crest of the break point of the grading.

Commissioner Wilson – Are there any other questions. Okay, with that we will end the question and answer session. We are going to open up the public testimony now and we are going to begin with the representative of the Collister Neighborhood Association.

PUBLIC HEARING

Julie Klocke (President of the Collister Neighborhood Assoc.) – I would like to take a moment to point out that much has been made about the amount of time that has been in working with the City and the applicant. Unfortunately, the neighborhood was not involved in that process, nor was it invited to be involved in that process. We have had three or four informational meetings with the full neighborhood in which we were allowed to ask questions. This was not a Harris Ranch process where there was a coalition of neighborhoods, who worked together with a developer to come up with a project that was acceptable to everyone. The applicant currently owns land situated in Ada County within the Boise Area of Impact. It is zoned rural preservation, one per forty acres. They have requested annexation, rezoning and a conditional use permit. In February, the Collister Neighborhood Association opposed the development as it was presented, with concerns over traffic, density, the impact on wildlife, the environment and the impact on the quality of life in the Collister Neighborhood Association. Like the Commissioner, we had a question regarding the bonus development. The intent of the Foothills Policy Plan was to allow non-buildable areas, those areas with greater than 25 percent slope, to be considered as priority Open Space. We looked at the requirements of the Foothills Ordinance that said it is not the intent 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 as buildable Open Space. That priority Open Space can be allowable, if you can show a demonstrable increase in value. But, you have to show that protection from alteration of important vegetation, terrain, scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction utilities and infrastructure. We don't think they meet that standard.

The second item they are using for a density bonus is the development of the Polecat Gulch trailhead. Three-and-a-half or four years ago Parks and Recreation came to the Collister Neighborhood with a proposal for the trailhead. We did not oppose it. They said they would come back to us and we would be involved in the design of this trailhead, how big it would be and where it would be located. That has not happened. It has cropped up again. Suddenly, the developer is going to provide a trailhead for the City. That is not the case. This has been in the plan and has been in the works. What is being proposed is that the developer is going to pay for it.

I would also like to make a correction that showed up in the staff report. There was mention made that Polecat Gulch does not currently have public access. We do have public access. Currently the signs are up there at upper Collister asking that you not bring your dogs on the trail because of damage to the trail. There is also access off of Cartwright Road. Further more, our Collister Neighborhood Plan, Chapter eight Land Use, adopted by the City last year, states that we ask that you preserve, enhance and protect the existing neighborhood character and quality of

life while allowing for reasonable growth. This proposed development does not protect our existing neighborhood or its character, and the proposed density is not reasonable growth.

With regard to grading, the Collister Neighborhood Plan asks that the policies of the Foothills Policy Plan also apply to the Collister Neighborhood. That requires development to be designed to preserve the natural appearance of prominent ridges and sky-lines and concentrate development on more obscured areas of the site. Constraints of the site are known to the developer, because much of the property is steeply sloped, the staff report refers to the fact that the only possible pattern for development must follow the patterns of the ridges and gullies. We suggest that less density and building back from the ridgeline in the gullies would better conform to this requirement of the Foothills Policy Plan.

We recognize that the 1997 City Council adopted the Foothills Policy Plan which sets the priority of preserving eastern and central Foothills first. The development would happen in the western Foothills. That does not negate the need to follow the Foothills Policy Plan. The Foothills Policy Plan also requires that the Foothills development meet criteria, not closely meet them. The map included with the Foothills Policy Plan is described as; shall be considered to be a generalized description of potentially buildable areas. It does not grant an absolute entitlement to development. With regard to the condition use permit; we believe that the proposed use will place an undo burden on the transportation and other public facilities in the vicinity looking at ACHD's limited analysis, which focused only on automobile traffic. Upper Collister Drive, which I consider the portion of Collister Drive north of where the Quail Ridge entrance is, is only 36 feet wide and has a depressed drain running down the middle as drainage for Polecat Gulch. The road is narrow winding and rollercoaster with limited visibility particularly around two overflow parking areas. Because of the steep yards and driveways, residents park on both sides of the street and children play in the street. Although it has been classified as a collector, only the southern portion of the road, that portion south of where the Quail Ridge access is, is built to what we would normally consider to be collector dimensions. Likewise, Plano Lane is a narrow, winding, uphill lane that serves a few families that live there. The intersection at Hill Road is dangerous, even with improvements. We are not sure how they will change current driving habits. During the workshop with Ada County Functional Classification of Streets, the memorandum states that vehicle level of service focuses solely on the comfort of vehicular travel on a corridor. This metric does not take into account the community character, pedestrian safety, or other factors that are important to an individual community. Vehicle levels of service should be weighted against other community goals. It does the community no good if the solution is worse than the problem.

Our neighbors that are here tonight will describe to you what the impact will be both on those who live on Collister, Plano and other areas in the neighborhood. The Neighborhood Association did not take sides regarding any fire road or regarding which side should be developed first, or anything else. We don't want to pit one side of the neighborhood against the other. We simply opposed the development as it was proposed. Our Collister Neighborhood Plan, Chapter eight, Land Use, states that in addition to current road capacity, assessment of the impact of development should include the impact on the quality of life from increases in traffic, congestion, noise and speeding, particularly on small narrow streets. The Foothills Policy Plan,

5.2.1, states that neighborhoods effected by through traffic will be protected. Improvements to the Transportation System need to balance the long term objectives with protection of quality of neighborhoods and must be in scale with existing neighborhoods. The ACHD report that was on this proposal states that Hill Road has bike lanes. Those of us who live here know that the so called bike lanes are gravel and hardly more than two feet wide. The area is winding, has hidden dips and curves and poor visibility. This area, Hill Road to Pierce Park, Castle and Collister, is heavily used by pedestrians and bicyclists. We have children still walking to Cynthia Mann, Pierce Park and Collister Elementary. Older students walk to bus stops for the junior and senior High Schools. We have neighbors walking to their valley ride stops. Route number 10, comes through the neighborhood and we have been working with Valley Ride for the last three years for a location of bus stops.

We have been working with ACHD on improvements on our local streets. Hill Road is a well known bike route and in fact it can be a very congested bike route. There has already been an increase in traffic to the Polecat Gulch area and will continue to be more as things get developed. The City's Comprehensive Plan, objective 8.1.6, requires that residential land uses shall be compatible with adjacent uses and promote transit and pedestrian activity. We do not see how transit, pedestrian activity, or connectivity being promoted by the proposal as it currently stands. Foothills Policy Plan 8.2.3, also states that motorized traffic may be required to experience some inconvenience for the purpose to preserve the integrity of the neighborhoods. In addition, ACHD recommended that a signal light be placed at the intersection of Hill Road and Collister. This is in response to the proposed application. It was not part of a long term Comprehensive Plan. It is not in their Capital Improvement Plan and is contrary to stated ACHD policy, which says you do not come up with a solution without involving the neighborhoods first. We have been working for more than six years with ACHD on the round- about proposal for 36th and Hill and have learned that signalized intersections are not necessarily the safest for pedestrians and bicyclists. There are more points for possible impact. You have more autos speeding to catch the light or running through the light and free right turns are particularly dangerous.

We have problems with the signal at Hill Road and Collister, as proposed, would also increase cut through traffic through streets in our neighborhood that would not be able to handle it. Maple Look, Outlook and Hillside; there would be more traffic speeding down Collister, turning onto Catalpa to head east going by Collister School, lessening the safety of those students. We are also concerned about increased congestion, as we have at 36th Street. There are times in the morning, waiting on Hill Road at 36th Street, you can wait through three or four lights. This has caused air quality issues to the extent that we have neighbors who live along Hill Road who can not open their doors or windows during rush hour, because their smoke alarms go off.

We are also concerned that the signal would block access from the adjacent streets. We have several large subdivisions in the area along Castle. We have Castle Hills, North Point, the Jordan's Landing area, where there is not direct access onto the arterials and people have to access onto Hill Road and if those access points are blocked, because of traffic backed up at the traffic light, it has not improved the situation in any way.

We have been working with ACHD to get sidewalks along Collister. Collister has between 40 and 50 feet of right-away. Our Neighborhood Plan calls for bike lanes, sidewalks on both sides and retaining on-street parking for the residents. The ACHD recommendation is that there be right turn lanes on each of the approaches. There is not room for right turn lanes, sidewalks, bike lanes and parking. Our neighborhood needs those sidewalks. We have people trying to get to the buses. We have a new library in the neighborhood. Our pedestrian and bicycle activity is high and we want to encourage that and not do anything that is going to take away from that. There was also discussion by ACHD, the limited visibility at the intersection, which may require removal of the landscaping. The mature trees, fences and walls located on the southeast corner, the southwest corner and the northwest corner. These neighbors aren't even close to where this development is, but they may find parts of their landscaping or parts of their yards taken to put in right turn lanes so that this development can happen. We would like to say that the signal requirement by ACHD is premature. It will not provide relief to the Collister Neighborhood. It will not mitigate the traffic impacts and we ask that however this turns out, we will need to continue to work with ACHD to look at traffic problems and solutions regionally.

Another item in the ACHD recommendation is that we do not like the vertical curb requirement unless it is necessary for drainage issues. The Collister Neighborhood Plan, Chapter six, Objective four, calls for new or re-developed sidewalks to be constructed with a rounded profile so that the walking surface is level even at driveways. We are also concerned that the proposed Plano Way be only 36 feet wide, not the standard 50 feet wide. Our concern is for emergency vehicles. We have experienced several fires in the last few years along Hill Road and up Collister and we do not want to compromise on safety. Adequate, in our opinion, is not sufficient.

With regard to criteria and findings for the conditional use permit, we believe that the proposed use will adversely affect other property in the vicinity and many of my neighbors will describe what the adverse impact will be, both in upper Collister and Plano Lane. If the signal is required at Collister and Hill, we do not believe that this proposal protects the existing neighborhoods, and therefore does not meet the requirements of the Comprehensive Plan and the Collister Neighborhood Plan.

Last, but not least, looking through this whole thing, this is not a single project, but is rather proposed to have 22 phases, built out over ten years. We have just lived with 15 years of construction going up to Quail Ridge. Now, they are proposing another ten years, a million cubic yards of fill. To make it easy, I use 150 homes. That is 6,666 cubic yards per house that they propose to put up there. How many cubic yards are in a dump truck? Ten, fifteen, twenty? Let's say twenty. That is over 300 truck trips a day. We are supposed to live with that for the next ten years?

I have a question, there were four sign-up sheets out front before and I think there is some confusion on whether or not they signed up for the proper one.

Commissioner Wilson – I will be going through all four sign-up sheets. We will get to everybody.

Commissioner Stevens – Could I ask her a question, or do you want us to wait?

Commissioner Wilson – Go ahead and come back forward, Commissioner Stevens has a question.

Commissioner Stevens – I was actually going to ask you to re-read the very first quote from The Foothills Policy Plan if you could, because I didn't catch all of it.

Julie Klocke – It is in the staff report on page 24, about half way down the page on the left hand side.

Commissioner Fadness – You confused me a little on the trailhead project that the developers are proposing at Polecat Gulch. Isn't that something that you would support? I know that you aren't in favor of the development as a whole, but isn't that something that you would like to see done especially since it is being paid for by the developer?

Julie Klocke – It depends on what it looks like, how big it is, where it's located and what is the impact going to be on the neighborhood. All of which, we were assured by Parks and Recreation that we would be included in the process. We have not been.

Commissioner Fadness – Wouldn't most of the truck trips circulate within the projects, since they are using that sand area to fill that?

Julie Klocke – They have to get there. Like I said, we have lived with fifteen years of Quail Ridge construction and yes most of it is on-site. But all of those suppliers, all those trucks have to get there and they come through the neighborhood to get there.

Commissioner Barker – You mentioned a difference in the width of Plano Way. I think you said that the neighborhood would prefer that it be 36 feet. I didn't hear you correctly. You would like it to be widened from 36 feet to 50 feet. Is that correct?

Julie Klocke – Fifty feet is standard for the Fire Department. Last summer, we had two or three fires going on up on Collister. People were parked on the street, as they usually do. But to get all of the emergency vehicles in there and everything else, there was hardly room to move. Our concern is not a question of if there is going to be fires up there, it a question of when there is going to be fires up there. We prefer that we air on the safe side. If it means making the streets wider and less lots, so be it, but I don't think we can compromise on safety. We have seen what has happens.

Commissioner Baskin –There is a specific proposal concerning the Polecat Reserve Trailhead that involves a paved cul-de-sac that is on City property, adjacent to a gravel parking lot with twelve spaces. Is that something that the Neighborhood Association opposes?

Julie Klocke – This is the first that we have seen it and we have not been able to bring it up before the whole neighborhood.

Commissioner Wilson – I believe the issue is that they were not involved in the process and they had been assured of involvement, correct?

Julie Klocke – Yes.

PUBLIC TESTIMONY

Brent Smith – The development that needs to utilize two water seeps as wetlands, a dry gulch as a riparian area, an onion habitat that needs protection only if this development is approved, as qualifications allowing the development to go from eight to a hundred and fifty lots, seems like a bad deal for Boise and a bad president for the Foothills Ordinance. There may be technical compliance, but it does not comply with the spirit of the Ordinance that I voted for. Some neighbors believe that the fix is in on this development.

The City wants the Trailhead parking and that is all that matters. What should matter is what the people want, and I maintain that we do not want or need this development. There is no justification for this density bonus. Please follow the Ordinance and keep the houses off of the ridgelines. The developers have gerrymandered properties together to produce and argument to this ridgeline development as environmentally important. This map shows the entire project. Please note the blue areas, which designate areas that are flat enough to build on, which are not being built upon. These non-buildable areas are applied to the density bonus formula to help boost the number of lots allowed in the development. Please note how the blue areas are scattered throughout the site, particularly the larger areas of the blue in upper central section, which is the sand pit area. The upper left section, which is along Plano Lane and the section from the adjacent Quail Ridge Subdivision, is on the far right. This image shows one of the developments key environmental areas along with the sizable tract on a piece of buildable ground that is being used to help justify the lot increases. This is the sand pit area, which is also designated as buildable ground in this proposal and is also being used to increase the density bonus. The developer claims that there are a total of 26 acres of buildable ground that is not being used. If this land is buildable, then why not build on it. This land would easily replace many of the lots on the ridgeline, since the entire buildable area being used is only 47 acres.

There are reasons for this. They have in part, expenses and difficulty in building roads to some of these very steep areas. Mostly, they are not where the developer wants to build, which are the ridgelines where the big money lots are located. Why allow the developer to build exactly where he creates the biggest eye sore in exactly the area designated by the Public Land Open Space Plan as having the highest priority for visual protection? The developer and the P&D staff rely on the Foothills Ordinance as a source for many of their decisions, including their generous recommendations of bonus density. In this matter of such importance to the overall visual aesthetics of the City, why totally disregard the Ordinance and allow this ridgeline development to go forward? If nothing else, please reduce the number of lots significantly to reflect the actual

environmental benefits to come with this development package. The developers are not offering anything that impacts their bank account, except in the plus direction.

Stephanie Bacon – There are reasons to oppose the excessive and inappropriate number of houses the developers propose for this site. I could talk about the impact on my neighborhood and Plano Lane. But in the interest of brevity, I chose to confine my remarks to environmental impacts. Since moving to Plano Lane six years ago, I have often walked the private section of Plano Lane to the sandpit for quiet exercise, and sometimes walk down the animal trails that run the ridgelines where the developer proposes to build. I often have seen herds of 20 to 30 deer every time I walk those hills from October through March and scattered pairs in smaller numbers in the summer months as well. The area constitutes wildlife habitat and known big game migration routes which Fish & Game states quote, "should not be disturbed by development". That is unambiguous. I have seen foxes, coyotes and badgers up there. There are always raptors and lots of quail. I have an amateur enthusiasm for botany and have been charmed by 30 plant species, including 20 showy wildflowers that I have identified on my walks. This year, I walked with a special goal of finding Aase's Onion, a plant I had never seen growing before. I was stunned to find the onion growing every where the developer plans to build. I can provide numerous photographs from this year that prove definitively that those onions grow not only on the slopes that the developers plan to set aside, but also right on the ridgelines. They grew in what I believe to be significant populations there this year. Staff report notes that quote, "the study sites 90.81 acres of onions on the site", and the applicant is claiming 81.9 acres for the density bonus. That means that approximately 9 acres of the surveyed onion fields are either within the area to be graded, or they were in concentrations too small to be included. There is no proposal for restoration of onion fields that might be graded in the proposed built environment. Elsewhere, the report goes on to say; "the applicant should propose a means to protect all of the onion population 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. My contention is that this can not be easily achieved and the figure of nine acres is probably grossly underestimated, because this year the onion bloomed in dense clusters and drifts through out the ridgelines in the subject site. Staff notes that the density bonus owes about two thirds of its value to the onion fields. If a significant part of the population would be destroyed, I would urge a re-calculation of the proposed density bonus to reflect the loss of this species of concern. This re-calculation needs to happen. The re-calculation would not only reflect the loss of the species of concern, but it would also stem the loss.

Bob Lazechko – I have two pictures that I would like to submit. Something is smelly and it is not the onion. That is what gets to me. One of the things sighted to me, and I am a father of four, is public safety. I took this picture. This is Collister. You can see the cars parked on the side, and that is just a standard truck. You can see that he is straddling the middle of the line. I don't know how increased traffic is going to go up safely, construction traffic. Not only in your own staff reports and the ACHD reports, everyone acknowledges that upper Collister is problematic with its gutter down the middle. The sidewalk is only on one side and driveways empty onto the street. I am concerned because there is a lot of talk about the onion and it seems like the public education and protection of the onion supersedes my children's and the public's safety on this stretch of Collister. There are no plans in the ACHD report to improve ours. They

are going to improve upper Collister where they develop, but there is not going to be a sidewalk put on ours. There is not going to be speed bumps, there is not going to be signs. There is going to be signs that advertise the onion and how important it is, but there is not going to be a sign for my children. That is appalling to me. I am sorry if I get emotional about that, but as you can see, the kids play there. You can also see the driveways that empty out onto the streets. I simply can not see our street handle any more increased traffic.

I want to echo subjective and circumstantial calculation of the density bonus. This development couldn't be feasible without including the density bonus. Within your own statutes, it states that there are only 73.1 acres that meet the requirement that are not the 25 percent slope. Then, you throw in the additional 80 acres of the Aase's Onion from you picture. That gives them 150 to calculate the density bonus from. Everybody knows that those slopes are too steep for development and I understand that he has a right and he wants to develop his property. Realistically, the developer is not going to develop that land. He can't. It does not follow the Ordinance. Whether there is onion there or not. It's not reasonable and it's not there. Once again, I think it just doesn't make sense, because what the Ordinance is being used for, rather than protecting the land, it is allowing increased uses on the property. My last statement; I want to say the Foothills Trailhead, the integrity and safety are the aesthetics of the existing neighborhood. Once again, I understand that is a caveat for the City. I voted in the election too. I did not vote in jeopardizing my children's safety. If you put in a stop light like ACHD wants, that is not going to effectively do that. It will send a lot more traffic up there. In conclusion, if the Commission would seriously consider re-calculate the bonus density and limiting the number of homes proposed in this development.

Mariah Courtright – I am here tonight to voice my concerns regarding the public safety issues associated with the proposed density of the 151 units for the Plano Development. Based on your staff report, you have been notified that there are no plans to improve North Collister Road, even though traffic will be added to it with an ACHD recommendation to make a connective road and also just in general the several homes that will go up within Collister. With the current proposed density of 151 homes and no road improvements, the Planning and Zoning, in approving the proposal will endanger, not only the public safety of my family, my neighbors and Briarhill, Collister, Quail Ridge, Outlook and in fact, I think you will be endangering every Boise City, Ada County or Idahoan who chooses to use the Polecat parking lot for trails. Even though you don't have a parking lot up there, even though you aren't promoting it, we have seen a significant amount of traffic, both pedestrian and bikes who are in some cases apparently trespassing to be using that. The reason for this level of concern is that I think you are not maybe getting the whole picture. Any of the estimates for traffic that you have been giving talk about north of Quail Ridge, talk about Collister, N. Collister. I did some research and just slightly down from that is Outlook. If you look up the volume of traffic currently going just north of Outlook, which again, is just a few feet down from Quail. If you add in the proposal, we will actually be over at 2529 traffic count for that section and down to Hill Road. If you think about that, that doesn't include the under developed Quail Ridge sites, which, on their website still show 30 still for sale. It doesn't include the twelve parking lots that are proposed at Polecat. It doesn't include the people who have potentially, like all of us, sorry to all of the people on

Outlook, cut through Outlook currently, to avoid having to deal with the Hill Road traffic. I urge you to look at that and question, are you comfortable in promoting, as the City of Boise, our trails, when you have one of the new ones coming out on the road that doesn't meet any standards that has been proposed. It doesn't have a sidewalk for almost a tenth of that mile which again exceeds the traffic for a collector. I am here tonight asking you to please stop and slow down and actually anyone of you go and drive up the road and not just look north of Quail Ridge, but look north of Outlook, look north of Hill and ask yourself, would you want to walk up that and ride your bike?

Commissioner Fadness – You said that you were at 57 something Collister. Is that north of Hill Road?

Mariah Courtright – Yes.

Commissioner Fadness – I know that there is the Junior High there on the corner, no that's 36th. Before you get into Quail Ridge, are there still quite a number of single family homes on the north side of Hill Road of Collister?

Mariah Courtright –Hillside coming in and Outlook coming in and then Briarhill Subdivision. They are not actual driveways that go onto that.

Jenna Raino - I would like to say thank you to her for bringing up the point of traffic that would be going on. We already see a lot of traffic that cuts from Hill Road up to North Collister and the fact that this development does not bring up this point at all, worries us because we have quite a few families with little kids that play on the street and we are a small street that has parking on both sides. We also are concerned with flood plain changes. When the Quail Ridge subdivisions were put in, they changed the flood plain borders and we now have to pay $1200.00 in flood insurance that we previously did not have to pay due to the subdivision change. We are wondering how that would affect our neighbors down below us who are not currently in the flood plain and do not have to pay flood insurance. We also are extremely concerned about well water. Most of the people on Outlook with the older houses have wells and septic tanks. We are reliant on these for our water usage and having a large amount of houses above us, who will all be using pesticides, herbicides, and stuff for their grass, would affect the quality of our water. The perk system that they are talking about putting in the drainage, we are worried about how that would affect us and we have not seen enough evidence showing that it would not affect us.

Shelley Phillips – I am here to present a petition signed by 75 residents or property owners located along Collister Drive, including some of our Outlook neighbors. The homeowners and residents along North Collister Drive, north of Hill Road, petition the City of Boise for our public safety. As Boise City residents and property owners, we ask that Boise City elected officials prioritize our public safety and protect our neighborhoods, families and children from increased vehicle traffic associated with the Polecat reserve and parking lot, that Plano Lane be a connection to Collister, and from additional homes planned for the end of North Collister Drive associated with the Plano Lane Development. Further, we ask that Boise City Planning and Zoning officials, elected Boise City Councilors and Mayor, honor the spirit and intent of the

Foothills Policy Plan 6.1.2.7; motorized traffic may have to experience some inconveniences in order to preserve neighborhoods and reduce the size in density of the proposed Plano Subdivision to the extent the public safety of the existing neighborhood is not compromised due to increase traffic on North Collister.

We ask Boise City to reject the plan, Collister / Plano Road connection, as a open road. If a connection road must exist, we ask that it be a gated emergency road to protect residents, public safety and stop the ACHD estimated 1,500 additional car trips per day through this quiet local neighborhood on a dead end street.

Commissioner Wilson – For the record we have received a copy of the petition that was just read.

Roger Phillips – The North Foothills are a unique area that do not fit the usual mold of a Treasure Valley subdivision and should be developed with much less density to protect the safety of both Briarhill and Plano neighborhoods. My first concern is a through street from Plano to Collister. I checked every road north of Hill Road, between old Horseshoe Bend Hill Road and Bogus Basin, and could not find any public roads that connect over a ridge to an adjacent neighborhood. Two major subdivisions, Quail Ridge and the subdivision at the end of 36th Street, have emergency roads with locked gates. ACHD claims that the road between Plano and Collister is for connectivity and safety, but the road would create far more safety hazards than it solves. The top of Collister Drive to Hill Road averages 6 percent grade. For comparison, according to ACHD, the two steepest paved roads in Boise are Quail Ridge Road at 10 percent and Ginzel Drive north of Hill Road which is about 10.5 percent. Due to the steepness of upper Collister Drive, a coasting vehicle quickly reaches the 25 mile per hour speed limit and exceeds it if the driver doesn't ride the brakes, because there is a constant down hill gravity pull for about .8 miles and only one short up hill section in its entire 1.26 miles.

The new road section between Plano and the top of Collister will be 1.8 miles long and over a mile of constant down hill that is steeper than six percent average because of the steep ridge that separates Plano from Collister. The top of Collister is 459 feet higher than State Street and Briarhill subdivision sets in the bottom of a canyon. We get more snow and ice and both stay longer than in near by areas. This creates an especially hazardous road conditions. There are often vehicles parked at the Collister, Hill Road intersection, because they can't make it up the upper end of Collister and those of us with four wheel drive vehicles often use it to get up our steep driveways. ACHD officials say Collister through Briarhill was poorly designed and they would never allow a similar road to be built today. The road was built with cement, rather than asphalt. There is a single sidewalk and a gutter running down the middle of the road. There are numerous long cracks in the cement that will only get worse with time and traffic, especially with heavy construction vehicles. ACHD applied the same traffic loads to our neighborhood that they would a flat subdivision on the valley floor, despite the obvious differences in steepness and poor road design and deteriorate concrete. ACHD's decision is arbitrary, dangerous and unfair to the residents of Briarhill. The agency is requiring the developer to rebuild Plano to safely handle additional traffic there, but is not requiring the developer to do anything to mitigate the safety concerns of Briarhill residents or inevitable damage to our roads.

We hope that Planning and Zoning will take these things into consideration as it plans for density allowances for this subdivision.

Commissioner Fadness – Roger, if it so awful in the winter, why do you live there?

Roger Phillips – Because it is awful in the winter. I like snow.

Michael Jones – I would like to say that for many reasons, this subdivision as proposed is a very bad idea. It needs to be radically modified to be acceptable for all the reasons that many people have stated already, from traffic to safety.

All of the residents along Hill Road, below the Plano drainage, out of this subdivision, most of them are on shallow wells and the drainage from this subdivision can threaten those wells. This was brought up in an earlier informational hearing that the City staff conducted, but I haven't heard it since. I'm glad that our neighbor Jenna brought up the threat concerning the flood plain because of increased run-off. Because of subdivision type development, we have experienced peoples' swimming pools in our garden because Outlook doesn't have adequate drainage. I would like to back up just a little bit to the beginning of the Foothills Policy Plan. I have heard it from three people who were involved in the drafting of the Foothills Policy Plan, that in the minds of the people who drafted that plan, it was a high priority to avoid the visual and other impacts of Quail Ridge. Quail Ridge is the only thing that looks like that along the entire scope of the Foothills and to me and I think many others, it is a visual blight. I think it is probably a nice place to live. They have nice views.

As far as protecting the integrity of the Foothills, this is a reason for a lot of the language in the Foothills Ordinance to leave ridge-tops in tact, build with as little cut and fill as possible. When I asked City staff, is this one going to look like Quail Ridge, there was a one word answer, yes. For those kinds of reasons, I think it is good to take a really close look at this cut and fill off the top of the ridge. The spokesman for the developer at that same hearing said they were going to cut 50 feet off the tops of the ridges. If you multiply this by 4, in terms of height, that is the amount of elevation that are going to be cut off of these ridges in order to get wide enough lots to build on. When staff report says, this parcel is buildable only on ridge-tops and gully bottoms, it is not quite true. It is not buildable on the ridge-tops. It is only buildable up there where the ridge-tops use to be after they got scraped off to make this wide enough area. I took walks up there when the onions were in bloom. There are two important things about the onions in this development; countless Aase's Onions will be dull-dozed when this ridge goes in. I think that is where you are missing nine acres. Second, the onions on the steep slope have survived all of these decades with no protection what-so-ever, and they don't need the protection of the subdivision or The Treasure Valley Land Trust to survive because of the slopes.

Milton Coffman – I was interested when I read the staff report on page 53, it said Objective 2; neighborhoods will be protected. ACHD's report allows that access road to become a permanent two lane road after 30 homes, which will then create all the traffic coming down Collister. It is real interesting, in past history ACHD approved Collister from Quail Ridge to the termination, as

a unique cul-de-sac with an in sloping concrete road, and there are no plans in the near or far future to improve the road, yet ACHD is shoving all of the traffic from the Plano Subdivision down Collister. This is unacceptable, as you have heard before, for the safety of our children, the safety for people walking up and down our streets and when the Polecat Gulch preserve goes in, the bicyclers and the people with their horse trailers going up and down the road, will create a traffic hazard that will be unacceptable. It is my thought that the access road should be a gated emergency access only, like they have at Quail Ridge and ACHD work with the developer to put a three way stop sign at Plano and Hill, then work on putting east, west turn lanes, so that traffic can get in and out of Plano and not be shoved over into Collister.

James Smith – I recommend that you all come up to upper Collister. Why? Do you know what happened to me when I was coming to this meeting? I almost hit a kid. I have been living on that road for some time. I didn't almost hit him, but the potential was there. You don't realize how steep our drives are. How narrow our lots are, how little our backyards are. Here was a kid that wasn't very good with his bicycle, had his helmet on, thank goodness, and I have been raising my children up there, and so I am particularly keen for looking for them. We have this rabbit trail of a road that soaks all the water into the center of it causing it to glaze with ice in the winter. I have had three times where my car has backed out of the driveway, with the emergency brake set, and I live up there because I love it. I feel like I have fallen down the rabbit hole tonight. You give them a density bonus for areas that they can't build on. You say, well these lots have these gorgeous views, but we won't be able to see them.

When is a million cubic yards not excessive in-fill, or strip fill, or what ever you call it? It seems nuts to me. This is deja vu all over again for me.

This is the third time. Twice again, we have been here addressing issues between you and ACHD and they disapproved this connection going into the top there. Now all of a sudden, they are doing this. We worked with the builders and said alright, we realize there is going to be some development, but what we need is a locked and gated road that would give them the fire access and would be just the same as they have there in Quail Ridge and it would provide everything that is needed. It would protect the bicyclist who are going to be increasingly coming up and down our streets and would protect the existing things. We will work with the neighborhoods in the upper level to teach them about what is involved with being able to come up and down Collister. I am president of the home owners Association and last time I came here, I got 20 minutes. Now I have got to squeeze it into three. You counted land twice.

Commissioner Fadness – We haven't approved anything here tonight. We have a staff report that says some of the things that you have claimed. We haven't approved anything tonight, so.

James Smith – The general impression with everybody in my neighborhood is that the fix is in.

Commissioner Fadness – The general impression is what?

James Smith – That the fix is in. That you have already made up your minds.

Commissioner Wilson – Sir, that is out of line. This is a volunteer Commission. We spend our time up here to do what's right for the City. We are an independent board, separate from the City and I would appreciate it if you would treat us with some respect.

James Smith – Okay, very good.

Commissioner Wilson – Take your seat. Justin Wortham. It's okay, we won't be mad at you. You look a little nervous.

Justin Wortham – It's okay for me to speak? In this big report, exhibit D, it goes into talk about 2 million cubic yards of excavation. Two million yards of excavation on any on any project is a lot of excavation. Out of that two million cubic yards of excavation, about 900,000 will be used in fills and pads for homes. There is going to be cuts and fills on this project up to 50 feet or so in height. That's big. Now, this is going to lead us to the next deal. Madam Chair, maybe if you would on the smaller report that Bruce has, do you have that one handy. If you turn to C-11,

Commissioner Wilson – Can we pause the timer for just a minute while we find the exhibit? Bruce, can you put it up on the screen for us, please?

Justin Wortham – It is this page right here, Madam chair.

Commissioner Stevens – It is inside the legal description packet.

Commissioner Wilson – Sorry, we have a few inches of paper her. Thankfully, the City of Boise is environmentally sensitive and they have double-sided it.

Commissioner Fadness – If the fix is in, why do I have to read all of this stuff?

Commissioner Wilson – That is a good question.

Justin Wortham – It is towards the end of that report.

Commissioner Wilson – Okay. Bruce, just lay it that down on the projector, in stead of trying to find it.

Justin Wortham – Madam Chair, did you find that page? It is very important that you find it.

Commissioner Wilson – That green area that you are showing there. Okay, he has his pencil on it.

Justin Wortham – That is what Bruce is pointing to right there. On this page by this surveying company, they show this right there, where Bruce is pointing up there, they show that as part of this project. All of the right-of-ways that this developer has is up right to the left of Bruce's pencil. Then the one million cubic yards of excess excavation is going to have to be hauled

either through the project or up that road. I am here to say that the developer doesn't have the required access to come up that road and we just hope that you look at it in terms of this million cubic yards that are going to have to be hauled within the project site itself.

Patty Raino – If the approval for the stop light on Collister and Hill Road were to go through, I can only imagine how much cut through traffic will go onto Outlook. It is a small one block street that already has cut through traffic of people from upper Collister and Quail Ridge that cut through onto Hill Road. They do it all of the time and they come down to a section of a sharp turn onto Hill Road. We have experienced that for years. This will only increase it and that concerns me a great deal. I would concur that there are too many houses or lots being approved here. I think that whatever you do, the set-backs from the ridgelines are extremely important and have to be part of what ever approval you give. It is a travesty in some ways what has happened to the ridgeline at Quail Ridge.

Commissioner McLean – I was wondering if staff has a map that we could take a look at. I am just trying to get bearings as to where Outlook is.

Diane Jones – I would like to reiterate something that Bruce said at the very beginning of his report. I think this is a really important discussion that you all are being asked to make because as I understand it, this is the first development under the Foothills Plan. And so what happens here is really going to set the president for other subdivision sequence applications. Particularly, the Foothills Plan, as I read it says, developments shall maximize the retention of the existing natural topography. You are looking at a development that they are talking about one million, two million cubic feet of stripping off of the ridge-tops and then filling in. It doesn't sound to me like it is very consistent with the Foothills Plan. I would like to take strong exception to one of the sentences of the staff report, it is on page 27. It is regarding this problem where the developer is going to develop the ridge-tops because that is the only place that the developer deems developable. The City deems because it is too steep. According to the staff, the City can't designate an area for development. Meaning, the west Foothills can't designate an area for development, then create an Ordinance under which it would be impossible to develop. We are not looking at the entire area. We are looking at one small piece. This piece may not be developable, developable in a reasonable way that would respect the vision of the Foothills Plan. If it is not, then it is up to you to say to the developer that it is not developable. I say that as a citizen and I hope you consider that approach. I hope you will consider that approach. About Aase's Onion, Aase's Onion is anemic to Ada County. That means that it only grows in Ada County. This onion is not wide spread. That is why it's an onion of concern. This developer, by its own admission, will rip out nine acres of Aase's Onion. Then mitigate the development by protecting 80 acres. So, what does protection mean? I haven't heard any description of what the protection plan is. What does The Treasure Valley Land Trust propose to do to protect this onion? This onion has existed there long enough to become a distinct species. It has been there a long time and it's doing fine. It is the development that is going to hurt the onion, not protect it.

Janel Brown – I have two perspectives on this. I have my citizen of Boise perspective and that is, yes, we do need in-fill, and I understand that, but I think the infrastructure should be in place

before in-fill is encouraged. I don't see Hill Road or State Street being improved to the extent that they could safely absorb this particular development or other developments any time in the near future. In fact, if I remember correctly, they were out almost 18 years in ACHD plans for improvements. I have a real problem with that. You can extend it and go down Hill Road to Harrison, to Fifteenth. The traffic can't be absorbed. Those arterials are already failing. I also have a backyard issue. Because I live on Collister, I understand in-fill is necessary. I understand people want to live inside the City. There is no way that this section of Collister is going to be forced to function with up to 1,500 additional cars a day. There is no way it can do it. If you haven't been up our street, please drive up it, or walk up it. You will see that we park on both sides. We have to, especially in winter because you can't get up your driveway. You have to at least park on the street long enough to plow or to shovel your driveway off. Of course, there is the issue of the kids. All of us have steep backyards and front yards. Very few flat. A lot of kids play in our street. There is going to be a real safety issue. If you live on the street long enough, you learn how to negotiate it. You can tell when a stranger is driving our street, and there is a lot more of them lately with Polecat Reserve opening than there had been. I do take issue with the staff report, where it says our rain gutter down the middle will serve to impede speed. It hasn't served to impede speed yet. I don't think it's going to. I also heard in my journeys trying to activate all of my neighborhoods to fight this that at the bottom of our road there is a dip and a wetland on the Quail Ridge side. There are these big concrete pillars lining it. According to my neighborhoods, they are car catchers. At some point it was recognized that our street is not a safe street and that we need car catchers at the bottom of it. I am sure that was a requirement for some development or another.

Lowell Browning – I have lived on Hillside for about 40 years and I have seen Hidden Springs develop. I have seen Quail Ridge develop. Now, Hillside is just south of Outlook, that we have been talking about and Hillside is just north of Hill Road. Since the Hidden Springs has been developed, we have a lot of traffic that is trying to get down the street into Boise, and they think it is a shortcut to drive down Hillside. We see quite a bit of traffic at about 7:30 in the morning, that we don't really feel needs to come that way. I want to say that on each side of Hillside, traffic backs up from the traffic that is trying to come out of these developments. I ask you this, how many more developments are we going to have before we say enough is enough? What will be the straw that will break the camels back? I would hope that this project will not be developed.

John Watts – I am quite familiar with the road that we have been talking about. I would like to start if I may, by quoting from the staff report on page 32, "the Collister Drive issue is tough. The existing road is problematic. It is narrow with front on housing and 75 driveways, gutter in the center of the road, parking on both sides of the road. There are no plans to upgrade this section. ACHD told us all in person at the hearings when we pointed out at the top of Collister with the area to be developed for the proposed 21 sites will get new modern road, sidewalk on both sides, fixed completely to code. We ask if they would do the same for our road. They said no. Their Ordinance only applies to new roads. Their words, not mine. With regard to the issue that was brought up; that is a very accurate description, but in this case it is all of our front yards, not the backyards. This road goes in front of 75 homes, 75 families. I would like to point out a few things before my time runs out. I too had a long list of policies I wanted to quote. Many of

them have been mentioned tonight, but I will tell you that there are 11 policies in your Policy Plan that directly relate to this proposal. If someone was to ask me a question when the buzzer goes off, I would be happy to at least recite those by number so that you might review them at your convenience. Importantly, two of them, 2.3.4 and 6.1.2 relate specifically to when an emergency road should be used as opposed to a secondary access road. We come and play in there, hence that is why you have heard some of my neighbors and myself now, asking that if this does have to go forward, if a road must be put in place between Plano and Collister, that it be an emergency road only and that it be locked and gated. In the spirit of you always having to listen to complaints and problems, I would like to try and help bring you a solution to achieve what I just requested. If the buzzer goes off, perhaps someone could ask me a question as to explain what I just handed you. Let me try to walk you through it quickly. Recognizing that this may or may not win favor, it is not our decision and is out of our purview. With the authority that you have, we very much respect that you control the development in this City; when it occurs and how it occurs and under what conditions it occurs. One of the things that I think we would want to take a look at very closely as we contemplate development here is phasing it in so that you don't have to build the park first which forces the road, if the road has to exist. If you look at the phasing plan that I am recommending to you on the back, you can see that you don't have to do it first. It allows you then to implement your policies that apply to the Emergency Policy Plan that I sited and we will have a locked gated road and the Safety Ordinances. The other nine that I had mentioned will be in play.

Wesley Seideman – I have live here for 28 years. Could I get the picture that is on the back of this report put up on the screen for just a second? It will help visualize exactly where Outlook and Hillside are and what some of the conditions are that we have to deal with. If you could trace Hill Road for us please. That is Hill Road coming down from the northwest and then it goes exactly north/south along the edge of the Hillside/Outlook development and then it takes a right angled turn and goes east/west across the bottom of that little project and then wanders off again to the southeast. This was a development that was originally approved in 1955 and the two roads, Outlook and Hillside were streets that were developed as of a 1955 platting. They are very narrow. They are actually narrower than the north end streets. I strongly encourage you to look at this area and unfortunately traffic does choose when they come down Collister to take the first opportunity to turn right, go down Outlook Avenue to connect onto Hill Road. They take a left at that point go down to Castle Drive, take a right , go out Castle Drive, hook up to Pierce Park and down to State Street. It is the shortest physical route to State Street if you intend to go west, whether it is up to Capital High School, out to Hewlett Packard or anywhere west. Unfortunately, we have a lot of people who are using that route. If there are cars parked on either side of Outlook, it essentially is a one-way street and gets extremely congested and we do have young children who play in the street because there is nowhere else to go. There are no sidewalks in that area except on the one side of the street. There is a problem there. I would also like to suggest the big picture possible solution to this and similar situations that are and will develop. The community of Klamath Falls Oregon faced a similar situation to this, building in the Foothills. They have a major north/south arterial. They have a river running through their town. They have a secondary east/west arterial that goes through their town. They chose to build a major though fare that runs semi-circular around the City in the Foothills and assumes a great deal of that traffic and solves a great deal of the problems of how to get traffic from one

side of town to the other without having to go through these narrow streets. I highly recommend that you folks take a few minutes to try to look at that community and how that area might be useful as a model for our community.

Commissioner Fadness – I know we are getting into ACHD purview, but you have captivated my interest with that last comment a semi-circular that would arch over this? If you were designing this, where would this go?

Wesley Seideman - This would go way north, probably in the area of Pierce Park/Cartwright, and possibly even north of that. In that general vicinity, if you were to take a look, you can Google Earth to the community of Klamath Falls and you can see how they have created this outside of the city. There are a lot of major cities in the east that have already created these circles that go around the city. Washington DC, Baltimore and other major cities like that. It allows traffic to circle the city to get to a point where they want to get off that freeway and get back into where they want to go. This same approach could be used now to get ahead of the curve, bring people in from Avimore and Dry Creek, all of these communities that are developing on the outside of the community. Give them an opportunity to go over to highway 55, continue clear down to highway 21. Concept wise, this is something that really needs to be looked at.

Commissioner Stevens – Were you present during the previous history? There's been a long history with the Foothills loop road in this community. Were you ever present during those debates?

Wesley Seideman – I have been on several of them, yes.

Commissioner Stevens – And your take on the argument that that sort of Foothills loop road creates sprawl and creates communities in areas that we wouldn't necessarily have them otherwise because traffic impacts service mitigating factor. What is your take on that?

Wesley Seideman – My philosophical approach to community development is that we need to put people some place and it is more logical, in my estimation, to put people in the Foothills to use property that is currently unusable rather than plowing up farmland and planting houses in the farmland.

Commissioner Wilson – Commissioners, we have strayed off of the topic this evening, so I think that will do for questions. That was definitely into ACHD territory.

Darin Ogden –One thing, which another person has already brought up, is the deer habitat. I'm glad it is being even looked at as an issue. The other thing is about the million cubic yards that we are talking about that needs to be taken off of the property or not, and the bottle neck of traffic that we are talking about with construction. We still need to bring up Collister or you need to bring up Plano, a large amount of construction vehicles including your road mix dump trucks and all of the tractors that you need to build the roads and the concrete vehicles that you need to build the project with. The other thing is Collister Road; when talking about the issues

of the road itself, being updated and the safety issues etc. Closing that off as an option of an emergency road only, I ask that if you guys drive up Plano Lane and then turn around and come back down and try to make that turn either way which now force all of those people to go down that at eight o'clock to that intersection at Plano Land and Hill Road.

Ruth Salinas – As mentioned earlier, this is pretty much a presidential case after the Ordinances. I would like to reiterate and invite all of you to drive over there and see how narrow the streets really are. I have lived there for over 20 years and watched my children grow up. Two independent accidents have affected our lives. I had one myself on Collister. I was hit by an inattentive driver, so we can not gauge how careful anyone is going to be even after we implement all of the safety concerns. The other concern I have is that I understand there may be a signal on Hill and Collister and a stop sign at the T on Quail Ridge. A few of us live in the cul-de-sac just west of the RV and I can tell you that over the years there have been a lot of near misses because of the blind spot. I know this is probably an ACHD issue but I don't know if that has been addressed. Within the volume of this report it talks about here that if problems should arise in relationship to accidents, should problems arise at this intersection in the future they can't be resolved. I want to address retrospective applications. There was a young mother in her 30's. We had a dip for a very long time sandwiched between Quail, just prior to the RV. It not only was a nuisance. She was riding a motorcycle and hit the dip very hard, she popped off, her head hit the rocks and she was comatose for months and she died. The dip was not corrected because of this by ACHD. It was actually corrected because of the sewage from the Quail Ridge subdivision. It was a great loss to the neighborhood. She was the mother of one of my son's class mates and neighborhood friend. That road has claimed a life already and it would be nice if we could do whatever it took to work with ACHD so it isn't implemented retroactively. The streets are very narrow and I don't see this accident within this document. I think it happened prior to but it had a result just the same. Like this gentleman is concerned about his family, I'm concerned about the kids and I like to thank you for your time and allowing me to be the voice of a woman who couldn't be here herself.

Paul Werner – I think you need to have the density recalculated. I think you need to have staff, before you approve or disapprove vote tonight, you need to have them recalculate that density bonus. I think it is flawed. One of my main contentions is that nine acres they talk about and also Aase's Onion area, a lot of that is 25 percent slope already. Why should a density bonus be given to that as stated in here? Why should you give a density bonus to something that is already protected, because it is 25 percent slope already? I think you really need to consider that. I think if you reduce the density on this proposal it may be a better development for us to accept. Secondly, I am in a downstream neighborhood. I am the President of the Central Foothills Neighborhood Association. I have lived in this city for 40 years. We are affected by the traffic and one thing in the staff report, on page 33, it states that there is little to recommend in an area of mass transit. Yes there is. There is something you can do in the area of mass transit to help mitigate the traffic going east bound. You can have the developer set aside park and ride areas or bus stop area for the future. Maybe a fund can be set aside for some funds to go in that for mass transit. That could be done. Hidden Springs uses a title transfer fee to help with some of their projects. Something like that can be done for mass transit, so there is something there. Thirdly, I think this violates the spirit of the Foothills Policy Plan. So you can say no on this

development because it violates it with excessive grading, a million cubic yards or more. I calculated that out. A dump truck holds 16 cubic yards. That is 61,000 dump trucks of fill. That is excessive. My Toyota holds one cubic yard. That would be a million Toyota trips. It violates the Foothills Policy Plan in that it is excessive in that regard. The density; please have staff go over that again. I'm confused on how they calculated that. I think the density could be reduced which could help. Another thing is the aesthetics. I talked to Mr. Kerry Winn at an ACHD meeting and he told me that the height of those buildings would be 26 feet max. I tried to find this in the document, it's not in there. It just says a height restriction. Then the attorney tonight says 28 feet. Kerry says 26, attorney says 28. What is it? It needs to be specifically spelled out on that height because that affects the aesthetics. This development is higher than Quail Ridge. One of the residents says you look down on Quail Ridge, so it is higher. The aesthetics is very important because it affects all the neighborhoods, all the community. So take a look at that, get that in writing some way. Density bonus, I would like you to question that and then the mass transit.

Debbie Winkler – I wanted to check with you. The Board of Directors submitted a letter and I wanted to confirm whether or not you had received it. It was dated July 7, 2008 and was routed through Bonnie Cuber but I did not see it in the package. Do you know if you guys got that? It was a one page letter to you with a couple of items that Bruce had provided to us.

Commissioner Wilson – I don't remember seeing the little quail. Bruce, did we see the little quail?

Bruce Eggleston – The 7th is the date that it went to press. If it wasn't in the packet before that, then it wouldn't be in the packet. It might be in what we gave you this afternoon.

Commissioner Wilson – I don't remember seeing it in there. All I saw from this afternoon were a lot of emails and then the report. I don't believe that we have that letter. Do you have an extra copy of it that you could provide to us?

Debbie Winkler – We can get you an extra copy of it if that would help. What I would like to do is share a few concerns that we have. In April, we submitted a letter to ACHD regarding concerns that we had as it related to North Collister Drive and the traffic there. We were concerned that the Plano Road to the subdivision when complete with a 154 homes would add 1530 daily vehicles trips would be shared between Plano Lane and N. Collister Drive. Quail Ridge only has one road. West Quail Ridge Drive is an access in and out of our subdivision supporting 178 homes. It feeds directly onto N. Collister Drive. The intersection is already dangerous due to limited visibility created by a sharp curve and a rise in that road. There is just a lot of traffic routed onto that road, so we have safety concerns regarding the traffic. Our safety concerns are further compounded when we look at the construction phases of the proposed development that are going to add more traffic and heavy equipment. Additionally we have concerns about fire hazard and timely access by Fire and Rescue services. With W. Quail Ridge Drive serving as our only open and viable emergency exit with 178 homes. We have Briarhill with 76 homes with the Briarhill Condominiums with 85 homes and Outlook Drive, and all of us are locked in and that is how we have our fire access out. We are concerned again about safety

issues with the added traffic coming out of there. We are further concerned with the traffic congestion and hazards at all of the intersections running along Hill Road. From Hill and Plano, to Hill and Collister, clear down to Harrison Boulevard. I wanted to share with you that we expressed those concerns to ACHD. It really didn't go anywhere for us and we realize that these concerns relate to density as it relates to what is in your scope. So we wanted to be able to deal with and approach you with what is in your scope to address. Related to that, what we have found is that in section 11-06-05.7.9 of the Foothills Planned Development Ordinance, it defines buildable areas as lands with a slope of 25 percent or less as buildable and it says that buildable area is determined by natural topography. Not by post construction graded contours. It says that non-buildable area land is that with the slope greater than 25 percent. They are non-buildable aerials and they do not qualify as a development pocket. Our review of the documents that were provided to us by Bruce Eggleston indicates that the developer shows 39 of 157 properties exceeding the 25 percent slope. It also shows an interpretation of those buildable areas as being the building pad areas, not the lots themselves and the natural contours of the land. We don't really understand why that interpretation is being made that it's the building pads. We wanted to bring that to your attention to deal with the density issue. We will get you a copy of this stuff through Bonnie or however appropriate.

Patrick Courtright – I am up here to ask you to keep Boise, Boise. Open spaces, adequate infrastructure, wildlife and safety. There's no doubt that this development is going to be an eye sore. Whether we are talking about a setback of 15 feet, 30 feet, 60 feet or 90 feet; however we want to look at it, it's going to be noticeable. It is going to stand out. It is going to look a lot like every other metropolitan city that has Foothills. I heard an analogy earlier that we want to do this to make it look like St. George. I don't want Boise to look like St. George. I don't want it to look like Salt Lake City. I don't want it to look like Los Angeles. I want it to be Boise. I am asking you to look at the density. Do what we can to protect the Foothills and the view of the Foothills and let the infrastructure catch up. Any of us who commute at prime commuting hours know that the infrastructure is not there yet. It is not looking like Boise right now. I realize that Boise is going to have growth, but we need to look at the entire picture. My safety should be as important as an onion, a deer and undeveloped dirt.

Commissioner Fadness – May I ask you a question? We often hear testimony, especially when we talk about people realize that Boise is going to grow, they don't want sprawl, they don't want more development in the Foothills, which I can understand that too. They also don't want more high rises downtown because that blocks views of the Foothills. Would you support ten, twelve, fourteen, or sixteen story high rise condo units downtown, or in west downtown?

Patrick Courtright – That's a tough question and I don't know the answer to it. In this context I see that we are talking about stripping off the top of the Foothills because that is the prime land where as the bottom land we can't build on. I say look at Briarhill. We are in the bottom of a canyon land. We still have some nice Foothills and we are not visible. So going back to your sky rise question, it is very tough to happen. I just say let's look at the density and do it right and not have another Quail Ridge.

Commissioner Wilson – For the record, we have received a copy of the Quail Ridge Neighborhood Association letter. At this point Commissioners before we go to closing comments, questions rebuttal and closing the public hearing, I just want to check with everybody and see if you think we have enough information to proceed to make a decision this evening or if there are some other areas that we want staff to investigate and perhaps proceed with a work session or a second hearing. Evidentially we would need a second hearing to close it out. I just want to do a gut check with everybody and see where we are all at before we proceed with closing comments.

Commissioner Barker – I am glad you brought that up. I do have a number of issues that I would like to see addressed in more detail. These are issues that I don't feel comfortable about making a determination about. I will list those and see how many people might agree with me.

Commissioner Wilson – Commissioner Barker, if I could interrupt you for just a minute and check in with the other Commissioners if this is the direction we want to take because if it is then we should go ahead and go through and one by one each of us direct staff in what we would like to see happen for our next work session. I don't want to interrupt you but on the other hand I'd like to have a more coherent chain of thought in that discussion.

Commissioner Fadness – I always hate to do this because we have had people who have been extremely patient and have sat here and listened to all of this and probably want a decision tonight, but I don't feel that I am in a position to make a decision to make a decision just because I have so many questions on a number of issues that I won't list right now. I lean toward further study and work.

Commissioner McLean – I agree and actually I have a different take from Commissioner Fadness in that when I've testified before Planning and Zoning hearings and other places, I have wished that they gone and actually taken the information that has come to them that night. We have a lot of stuff to go and work through to be able to make a better decision than we might be able to if we did it quickly tonight.

Commissioner Baskin – I agree, I would like some more time to think about this.

Commissioner Wilson – Thank you, Commissioner Baskin.

Commissioner Cooper – As all of my fellow Commissioners know I am definitely a supporter of in-fill, but I need a lot more discussion about how this meets the goals of The Foothills Policy Plan.

Commissioner Wilson – Well, it sounds like we've definitely got over whelming support for going to a work session and then a second hearing. What I would propose for the structure is what we have done before and that we go to a work session that the public is able to attend but we don't take testimony because we have heard your testimony this evening and that is part of what we will consider during the work session. What we would do I is provide a laundry list to staff of things we want them to investigate further and then they would provide that information

at the work session. After that, we would schedule another hearing where the public would have the opportunity to comment on anything new that has come out of that work session. Instead of going through all of the issues that we have gone through tonight, hopefully by doing the work session, we would have some resolution on those questions that were brought up this evening. Then at the next hearing we could just go through the issues that have changed and only comment on those. Then we can deliberate towards a decision. Is that approach acceptable to everybody on the Commission? Let me ask it differently. Are there any objections to that approach? Okay, so we are going to have to pick out a date, which means everyone is going to have to whip out their calendars for the work session and the next hearing. Then we will need to go through and list all of our questions for staff and make it really clear to them what direction we would like for them to take and what things we need to have investigated. Typically we have done the work sessions as two hours, eleven o'clock to one o'clock, noon time, rather than doing it in the evening. Is that acceptable?

Commissioner McLean – I might have trouble with that, given that next week I will be spending a half day on the Comp. Plan stuff, so it depends on when it is.

Commissioner Wilson – We all will. I guess I would kick it out to Bruce. How much time would you need to do some more research and work with the applicant. Typically, what we have done, is the work session about two weeks after the this initial hearing, so that you have time to prepare the responses and work with the applicant and get more input from the public because of course all of you who want to provide additional input to staff, you can continue to do that before the work session.

Bruce Eggleston – We had a two week turn around with the Harris Ranch proposal. I think that was fruitful.

Commissioner Wilson – That would be the week of the 28th.

Commissioner McLean – I can't do it.

Commissioner Wilson – Wednesday the 30th?

Commissioner McLean – A mid day, I can't do that week.

Commissioner Barker – I can do the 31st, but not the 30th.

Commissioner Wilson – Okay, the 31st. Does that look good for everybody?

Commissioner McLean – I won't be able to make a mid day. That week, I will not be able to. Could we do just the regular work session time on the 28th?

Commissioner Wilson – No, I won't be available, and we have a Design Review Committee and Historic Preservation that meet on the other Mondays, so that usually sucks up our staff so we can't switch.

Commissioner Stevens – Evenings work better for me that week as well.

Commissioner Wilson – How about Wednesday evening the 30th.

Commissioner Stevens – That would be fine.

Commissioner Wilson – Will that work for everybody? Okay, so Wednesday evening from 6 PM to 8 PM? Is Thursday better?

Commissioner Barker – Chairman, certainly don't schedule around my time. I am coming back into town on the 30th. I will certainly do my best to get here.

Commissioner Wilson – Will Thursday work for folks? That will be Thursday, July 31 from 6 PM to 8 PM. Then for the hearing, Scott could you provide us some input on what a good hearing night would be for that, looking at our August hearings?

Scott Spjute – How far out are you looking at? If the work session yields the results you are asking for on the 31st, I suppose we could have the hearing on either the first or second Monday in August.

Commissioner Wilson – Are you aware of any other large agenda items on either one of those nights that would make this issue be heard?

Scott Spjute – Nothing that compares with this. You've got the Villa Verona project on E. Boise Ave. that you looked at earlier through the Comp Plan amendment. It doesn't have a lot of people involved, but there are some tricky issues.

Commissioner Fadness – If we have our work session on the night of the 31st and things come out of that, I am just wondering if it's on the agenda for the fourth, if that is enough time for the neighborhood folks to hear and respond to what comes out of that work session and if we should wait until at least the 11th.

Scott Spjute – We understood that you weren't taking any more testimony.

Commissioner Wilson – We would only take testimony on the items that have changed as a result to the work session. So if, as a result of the work session the density changes, then we would take comments as per the Ordinance.

Scott Spjute – Right, any new information is going to have to be open to the public. I would suspect you'll be conducting another public hearing. It is up to you if you want to go to September or August 11th.

Commissioner Fadness - I would think August 11th at the soonest.

Commissioner Wilson – Bruce, do you have any input on that?

Bruce Eggleston – No.

Commissioner Wilson – August 11th. Okay. So, Teresa, do I have to actually take a formal motion on that?

Teresa Sobotka – No.

Commissioner Wilson – Alright, with that we will begin at the end of the table there with Commissioner Barker, and your list of things you would like to have staff take a look at.

Commissioner Barker –

- I started off with the density bonus calculation. I think there were a number of issues raised about based density and how that was determined.
- In addition to that, the intent of the public benefit, or the intent of the Ordinance with respect to public benefits and how those were determined.
- I would also like to explore any alternatives that might be available to building on the ridge tops for this development.
- I would like to explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.
- I would like to take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project.
- I would like to look at improvements to down stream Collister Drive. What is needed to accommodate the traffic volumes that are projected?
- I would like to look at the impact on down streams wells and runoff and whether or not that is an issue.
- Finally on my list, I believe we heard testimony this evening that some of the building pads them selves, not just the building lots, exceed the 25 percent slope pre-grade. I am concerned that this does not meet the intent of the Foothills Ordinance.

Commissioner McLean – I am just going through my list to see. I'm not ready.

Commissioner Fadness – I think Commissioner Barker hit on a lot of them.

- Concerning the Plano Road issue, can we look at other options? Can it be similar to what we see in other subdivisions and emergency roads that could be gated, as we heard in some testimony tonight?
- Would a traffic light that is being proposed, would that actually do more harm than good?
- Does the timing need to be different on when that road is completed.
- Bruce made a comment about the standard of when it is excessive and when it is not. Do we have a standard, and if not, why not?

Commissioner Wilson – I have one question. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for a hundred years rather than new ground that would be filled and constructible.

- My question is; is that area truly buildable? If not, then we should remove it from the calculation for the buildable density.

Commissioner Fadness – I had another one also.

- Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

Commissioner Baskin – I concur with all of the points that the Commissioners have raised. I too am particularly intrigued by the answer to the question that was the last point raised by Commissioner Barker about;

- What we actually are looking at when we are calculating the 25 percent slope or less. Is it pre-built?
- I would like to look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.
- I would like to see some alternatives to sky lining.
- I am also concerned about the cut and the fill.
- This density bonus clustering thing that we are struggling with, it's so subjective in so many ways and are we really getting the most bang for the buck by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.
- In particular, I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

Commissioner Cooper – I will pile on with the piece of the sandpit.

- I guess it gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.
- There is not only that sandpit area and I know that fill can be engineered to support anything.
- There are also some portions on the far eastern side that probably don't have views and that is why they are not being used. I think we need to be looking at the less visible locations.
- The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this.

Commissioner McLean – The onion protection plan, for lack of a better way to describe it at this point.

- I know that there is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.
- In addition to looking at the Plano Lane ideas, I don't know if we can get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it.
- Also, Bruce had mentioned something earlier tonight that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal.

Commissioner Stevens – My fellows Commissioners have come up with a great list that incorporated most of mine, but I do have others.

- It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.
- There has been a lot of talk tonight that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. I am just wondering if the Foothills Policy Plan the way it is construed in the staff report is really just another way to get us a Quail Ridge, and if so I am curious what the vision of that plan was.

Commissioner Wilson – Hearing is adjourned.

Approved:

Brandy Wilson, Chairman
Planning & Zoning Commission

Date: 10/6/08

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STAFF MEMORANDUM TO P&Z

Aug. 7th, July 20th, July 18th, 2008

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Planning & Development Services

August 7, 2008

Memorandum

To: Boise City Planning and Zoning Commission

From: Bruce Eggleston, AICP Planner II

Subject: The Plano Road Subdivision proposal, results of the July 31st work session and the August 5th meeting with concerned parties about phasing of connecting roads and Parks facilities for cases CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

The July 14, 2008 hearing on the above cases resulted in a work session held on July 31st and a hearing to be continued on August 11, 2008. This memorandum will address the issues that were discussed in the work session and directions that were given to staff at that time to explore phasing proposals and threatened plant and wildlife habitat.

At the work session The Commission directed staff to do the following:

1) Work with the applicant and the Briarhill Subdivision representative on the phasing for completion of the proposed Daylight Rim Drive to find the best solution to provide for public safety.
2) Consider the issues around phasing of the extension of Collister Drive to the Boise City Polecat Gulch Reserve and the installation of a parking lot and trailhead.
3) Solicit a review from Idaho Department of Fish and Game of the deer corridor map submitted by the applicant.
4) Work with applicant to expand the management program proposal for the onion conservancy.

These items are discussed in detail on the following pages.

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Topics for further discussion and testimony:

1. Work with the applicant and the Briarhill Subdivision representative on the phasing for completion of the proposed Daylight Rim Drive to find the best solution to provide for public safety.

Staff had a meeting on August 5th with the following: Applicants Representatives Ramon Yorgason, Chris Yorgason, Robert Burns; Hal Simmons, Planning Director; Bruce Eggleston, Planner II; Dave Selvage, Boise Parks and Recreation Department; Teresa Sobotka, City Attorney's Office; John Watts, Briarhill Subdivision Representative; Dave Hanneman, Boise City Fire Department; Terry Records, Public Works; Scott Spjute, Zoning Supervisor; the Honorable Charles McDevitt, Foothills Conservation Advisory Committee Chair.

The issues concern the timing of the proposed connecting road between Plano Lane and Collister Drive, the safety issues presented to the Briarhill Subdivision by additional traffic from the proposed subdivision and visitors to Polecat Gulch Reserve and the emergency services access to the proposed development were thoroughly discussed. More specifically we discussed the timing of the installation of a through road; the phasing of the development with finished segments of the road, the question of whether or not to put a gate on the unfinished road, and the timing of the final improvements to ACHD standards and recommendations.

There was a lot of discussion on the impacts on Collister Drive from new traffic generated by the proposed development and visitors to the Polecat Gulch Reserve. Mr. Watts presented his ideas on phasing the development to the west end of the proposal to delay the impacts on Collister Road as long as possible. He suggested that the access to Polecat Gulch Reserve should be from the area presently available on Cartwright Road. Parks stated that the Cartwright Road access is not adequate for the public. Parks is receiving great pressure from the public for a direct access to the Reserve as soon as possible. The Polecat Gulch Reserve is comprised of 240 acres of land adjacent to the proposed subdivision. There is an additional 360 acres of Idaho State land on three sides of that. The current access to the Reserve is through the State land, there is no direct access to it. The land was acquired through the Foothills Levy and donations from the previous owners, and the City would like to make this reserve accessible to the public as soon as possible.

The recommendations coming from the consensus of the participants are:
a) stay with the ACHD recommendations to install the connecting road, Daylight Rim Drive at final plat of Phase 1 with paving, curb, gutter and sidewalk for the road with platted lots and a gravel surface built to Fire Department standards on the remainder;
b) prior to a through road being completed, a gate would be installed near the middle of the connecting road and would be operated by remote OPTICOM mechanism for emergency services vehicles;
c) maintain the number of allowed units at 53, as recommended by ACHD, before Daylight Rim Drive would be fully paved to the end of Collister Drive;

d) the 53 units would be platted on the western end of the proposed subdivision taking access from Plano Road to provide a delay to increased traffic on Collister Drive;
e) the proposed gate must be removed when the road is finished.

2. Consider the issues around phasing of the extension of Collister Drive to the Boise City Polecat Gulch Reserve and the installation of a parking lot and trailhead.

The issues of concern for the Polecat Gulch Reserve are: the dedication of the proposed right-of-way, the phasing of the installation of the road improvements, the phasing of the proposed improvements for the parking lot and trail facilities on Parks and Recreation land.

The Applicant and the Parks Department quickly agreed that the trail head should be established in an unfinished gravel form immediately. As stated above, Mr. Watts favored this opening remained closed for the time being with access solely from Cartwright Road. The discussion focused on the timing of the fully functioning trailhead, paved and with utilities. The details of this agreement have yet to be worked out. The applicant didn't want to be obligated to make improvements until the corresponding subdivision phases came to fruition. Parks timeline is to get access and improvements within the next two years, regardless of the fate of the proposed subdivision. Mr. Watts proposed that the trail head not be open for 7 or 8 years. The Parks Department felt that it was unrealistic and labor intensive to rely on temporary bathroom accommodations for that long of a time period. The discussion ended up un-resolved, but was focused on an offer to the Applicant from Parks to secure right-of-way to the Reserve at Phase 1 final plat, and a gravel road surface for the road and parking lot. The final paving and facilities would be done two years after the first final plat. The Applicant requested an additional year to provide the final paving and facilities. That is where the discussion ended in the meeting. The discussion is still continuing vis a vis Parks' note below.

The recommendations coming from the consensus of the participants are:
Boise City Parks and Recreation Department is still negotiating a proposal with the Applicant on the phasing of the access to Polecat Gulch Reserve, and the installation of a cul-de-sac, parking lot and trail head facilities. See Parks' comment below on the status of their discussion with the Applicant.

Status of Foothills Conservation Advisory Committee (FCAC) Negotiations With the Applicant: The FCAC and the Department of Parks & Recreation continue to seek access across the applicant's property in as timely a manner as possible. To that end, the FCAC continues to discuss with the applicant various options for accomplishing this goal. As of Thursday afternoon FCAC is awaiting a response to a proposal made to the applicant Thursday morning, following a review and approval of that proposal by FCAC at its monthly meeting Wednesday, August 6. FCAC and the Department will provide the Commission with an updated report, either orally or in writing, at its Monday meeting.

3. Solicit a review from Idaho Department of Fish and Game of the deer corridor map submitted by the applicant.

The applicant submitted a map showing potential wildlife corridors through the project as an aspect of the requirements for increased public value in return for the density bonus. The City and the applicant both requested a review of this exhibit from Idaho Department of Fish and Game at the first of this week. Fish and Game will try to provide a response prior to the hearing on August 11th.

There is no recommendation yet on this aspect of the proposal.

4. Work with applicant to expand the management program proposal for the onion conservancy.

Staff received a revised management program from The Land Trust of Treasure Valley today. It is attached as Exhibit 18. The revised plan brings in additional material on potential threats to the species, funding for the long-term management of the conservancy and monitoring of the fields and plants.

Staff recommends that the present proposal should undergo refinement in the areas of integration with the fire safety plan for the development, the methodology for both pre- and post-construction protection of the species, and thresholds and responsibilities for the monitoring. The contract with the applicant will have to be provided prior to the adoption of the zone change and the development agreement. This would include a legal description of the conservation area, and a description of the ownership and control of the land. As part of the development agreement, the program must be complete at the time of adoption.

Other items:

The minutes for the July 14, 2008 hearing are being sent out today in a separate file.
The minutes for the July 31, 2008 work session will be sent out Friday August 8th.

Attached is a corrected zone change map, Exhibit 20, from the applicant. The map in the packet for July 11, 2008 was erroneous in the proposed zone for the land south of Collister Drive.

Bruce D. Chatterton
Director

Boise City Hall
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Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

August 4, 2008

Memorandum

To: The Applicants for the proposed Plano Road Subdivision, Hal Simmons, Planning Director, Dave Selvage, Boise Parks and Recreation Department, Teresa Sobotka, City Attorney's Office, John Watts, Dave Hanneman, Boise City Fire Department, Terry Records, Public Works, Scott Spjute, Zoning Supervisor

From: Bruce Eggleston, AICP Planner II

Subject: Meeting on phasing of connecting roads and Parks facilities for the proposed Plano Road Subdivision, CAR07-00042/DA

The Boise Planning and Zoning Commission requested at their work session on the above case July 31st that staff and the applicant work out a phasing plan for the proposed connection of Daylight Rim Drive.

The issues of concern are:
1) The timing of the installation of a through road,
2) The phasing of the finished segments of the road,
3) The question of whether or not to put a gate on the unfinished road, and
4) The timing of the final improvements to ACHD standards and recommendations.

We must also arrive at a recommendation for the extension of upper Collister Drive to the Boise City Parks Polecat Gulch Reserve, the dedication by the City of land for a right-of-way cul-de-sac, and the installation of the proposed parking lot and trail facilities on the Park land.

The issues of concern for the Polecat Gulch Reserve are:
5) The dedication of the proposed right-of-way,
6) The phasing of the installation of the road improvements,
7) The phasing of the proposed improvements for the parking lot and trail facilities on Parks and Recreation land.

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>, <hsimmons@cityofboise.or...
CC: <citycouncil@cityofboise.org>, <tbaskin@mbelaw.net>, <qabarker@dds.state...
Date: 8/5/2008 2:39 PM

August 5, 2008

Good afternoon Ms. Sobotka, Mr. Eggleston and Mr. Simmons:

Thank you for allowing me to join the meeting yesterday. I and my Briarhill neighbors appreciate the chance to remain involved and be part of the dialogue. I will offer however, I was disappointed the meeting was not as productive as I had envisioned going in, albeit was interesting.

My personal impression is that the meeting was conducted and treated as a pure negotiation of numbers with lines being drawn in the sand just for position sake. For example, numbers such as if and when to build a secondary access road between north Collister and Plano subdivision (80 lots, 0 lots, 53 lots, now 45 lots as suggested by the city yesterday, 36 lots or 17 lots, or, frankly, if at all), and when during the development should the developer should be required as a condition of development to build a bicycle parking lot, for example, immediately, 18 months, 3 years, 5 years or 7 years.

To me, the almost immediate move to a number negotiation approach lead to a discussion for negotiation and resolution sake, not for a discussion leading to consideration (and ideally resolution) of conflicting ordinances surrounding public safety, excessive traffic conditions onto "downstream" roads, private property rights and bicycle trespass, and the desire for the city leaders to build its city in a coherent organized manner. Parties at the meeting seemed to strain at times for some objective or analytical logic or rationale reflecting city ordinances and driving decisions toward solid timing and development of the bicycle parking lot and emergency road construction. Clearly this development and the attended decisions have conflicting ordinances governing roads and public safety, property rights and trespass. These values really should be worked through yet before any decision is rendered.

In my mind, and in the mind of my Briarhill neighbors, anything we can do for daily public safety is paramount as we live currently on a substandard, 6% slopped road with street-side parking on both sides, the presence of children in the street, and a storm gutter down the middle. These conditions and the application of permanent meaningful public safety for 75 existing families should be measured in light of conflicting current ordinances calling for no negative impact to existing neighborhoods from new developments, traffic may have to be inconvenienced, need for secondary roads, requirements for sprinkled houses, adequacy of emergency roads to fulfill a public safety mission, phasing of development for some form of mitigation to all of the aforementioned, and the construction of a parking lot adding heretofore unaccounted for traffic trips.

Briarhill residents have worked hard, for as citizens without any staff or paid help or government employee to aid in research or analysis, we

have tried to be thoughtful, measured, objective and honest, and we have tried to be constructively helpful to find solutions. Thus far, we have found that our ideas continue to be overshadowed for mere expeditiousness of this proposed development and needs of a city proper today versus the needs or requests of citizens that constitute the city government genesis. Perhaps we should slow down and examine carefully the above outstanding issues. The decision rendered will last a lifetime and its impact will not go away, ever, even when a new development proposal comes along to turn our attention.

Significantly, a P&Z and City Council nearly twenty years ago prioritized Briarhill's public safety over more housing lots atop north Collister (that would have generated additional traffic) and a connection road or extension of north Collister Drive up to Quail Ridge. That was their ruling and I would hope it serves as a precedent at some level to draw upon today. To your peers before you, it was a safe and prudent action to take.

Today, except for drainage culverts scattered down the center-road gutter on north Collister, the pavement conditions, housing density, traffic volume, parking arrangements and deteriorated condition of the road remains the same, nothing has been done to the road, but, yet, somehow, it seems okay today to connect this substandard road to a different ridge top development; a connectivity our neighborhood has collectively and publicly opposed via petitions, in letters to the editor, and in public ACHD and P&Z meetings via testimony.

Furthermore, the voting and tax paying residents of Briarhill are being forced to accept traffic from a foothills bicycle park that the developer is required to construct because the city Parks Department can't or won't wait until they "save" enough money to build this amenity for people that ride bicycles in the dirt. A parking lot exists on Cartwright today for egress and ingress to the foothills park and seems to be working fine serving to keep excessive traffic removed from Collister. That Cartwright access seems quite sufficient for the foreseeable future. A few years ago Briarhill residents publicly asked the Foothills Advisory Committee that this parking lot be located only on Cartwright road. We were told that would be the case until the city parks department could save the money for a structure near where a ranch house now stands and that we could be part for the review of the plan. To date we have not been included in any detail of the parking lot plan except as set out in the development proposal. Certainly, the city leaders and parks and department can wait, save their money and attain a better, clearer sense of utilization and potential traffic impact from this city park upon north Collister and the residents of Briarhill just to accommodate a closer-in vehicle driving convenience for people that ride bicycles in the dirt.

All this said, what too is to become of north Collister's cramped conditions when the horse riders drive their (more than likely) dual wheel, extended cab, 4x4 pickups dragging a 4-6 capacity horse trailer through our neighborhood to the two parking lot spots for trucks and horse trailers designated in the plan? A constant, steep, 6% downhill grade with the weight of multiple horses and large steel pickups and horse trailers competing with little children on or near the street is not a good scenario.

Lastly, neighbors have taken their time and personal resources to drive the length of the north foothills and found that from Highway-55 to Bogus Basin road there are virtually no north-south gulch to ridge-top

connections, virtually none; but there is precedent of two existing locked and gated emergency roads to ridge top developments, Quail Ridge and Bison (?) Ridge (end of Quail Hollow Drive) providing the fire department with appropriate alternative emergency access.

We appreciate the difficult job you and the P&Z commissioners have, and respect the public service you provide to our community, but a meeting to negotiate numbers for numbe4rs sake without reliance upon current city ordinance and efforts to resolve policy conflicts are frustrating. We can all do better.... Boise can do better.

Thank you,

jw

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>, <TSobotka@cityofboise.or...
CC: <bwilson@ch2m.com>, <citycouncil@cityofboise.org>, <tbaskin@mbelaw.net>,...
Date: 8/6/2008 1:15 PM
Subject: phasing plan and park development

Aug 6, 2008

Good afternoon P&Z associates,

Thank you again for taking time to consider my views and inviting me to the meeting the other day. It was illustrative.

Regarding the phasing plan which we didn't discuss in detail, I believe it is worth mentioning again because it has direct bearing on the stages and timing of park development, emergency access and impact to the existing neighborhood.

I recently heard that Mr. McDevitt is presenting (or presented this morning) to the Parks Board a Jorgenson/McDevitt bi-laterally negotiated/discussed proposal to build the park a permanent completed condition at either the 23rd lot on top, or after 3 years from the sale of the first lot, or upon the first lot at the end of Collister. I wish I could have been included in this discussion as a follow-up to our Monday meeting. I'm not sure what happened or how it took place but does impact directly the immediately adjacent Briarhill neighborhood.

I don't believe the "development milestones" from the Tuesday discussion were so clearly enumerated at the meeting I attended Monday, but rather it was more a negotiation of 18 months vs. 5 years vs. 7 years, then maybe 2 years, etc.

Certainly, I wish and respectfully request again P&Z leaders give consideration to the proposed development phasing plan offered by Briarhill. It addresses multiple components and has support of the applicant. Please indulge me to present the detail in full here so that it is a least in everyone's hands from this point forward.

If we utilize the proposed new phasing plan it becomes easier to tie certain secondary triggers to the primary development.

1. Build original Phases 1,3,5; then review need or take action on a gravel emergency road - functional analysis to determine if all or what portion of residential and construction traffic would utilize the brand new up-to-code and constructed egress/ingress from Hill to Plano and the suitability of the main entrance to serve the development for the next short interim period. Phases 1,3,5 would yield 53 lots, less than the 80 houses ACHD sets as their standards for 1,000 vehicle trips triggering a dual access. 80 lots is a quantifiable and accepted measurement ACHD uses to determine impact via vehicle trips per day and triggers decisions about dual access. (year 1)
2. Then proceed with phase #14; given market conditions and the reality there may still be a glut of houses available and no one is interested yet in very large, very expensive houses on a hill (54 lots total) (year 2)
3. Then phases 7-8 (+18 lots totaling 72 lots); this reaches the

mid-point of the development and a more measured discussion can take place about traffic flow, traffic direction, bicycle park utilization (using the Cartwright access point), emergency access, down road impact, and Hill road traffic signaling considerations. (Year 3)

4. Then phase 15 (1 lot and total of 73 lots); this respects/acknowledges again market conditions (see same rationale for phase 14 above) (year 4)

5. Then phases 9-10 (24 lots totaling 97 lots) which puts the development well onto the back of the hill and emergency roads remaining as gravel or converted to pavement makes functional sense as the distance to Hill road becomes functionally shorter using north Collister.

6. Then phase 11, again see # 2 and #4 above (total 98 lots) (year 6)

7. Then phases 2 and 12. This triggers the bicycle park parking lot by the contractor if the city hasn't saved the funding for its own development timeline, and adds 20 more lots for a total of 131 lots. (year 7)

I hope you do not feel this is a selfish proposal. I believe it recognizes construction costs to the applicant, public safety needs of Briarhill residents, emergency needs for city/ACHD control of road maintenance/city policing/city fire costs associated with any secondary road until all parties are satisfied it is needed and useful, recognizes functional drive time needs of eventual Plano subdivision residents, creates a modern up-to-code entrance onto Hill from Plano for the new residents, accepts the reality that north Collister will not be upgraded and new subdivision and bicycle park traffic impact onto north Collister can be measured to see if the original ACHD decision is worthy of a reconsideration, and acknowledges the slow economy and checks us all from not getting too far out in front of the reality of the market needs so that if a default may occur Boise isn't left forever with a legacy of foothills cuts and skyline ridge contours leaving a scarred up mountain side, altered ridge lines and partially disrupted onion.

I think it contains many win-win components and invite again to consider it; you may gain many new allies.

Thank you for taking the time to review and consider this. I hope that if any more discussions are had about the park or the road we have a chance to be involved. I look forward to your discussions and deliberations at the August 11 meeting.

Good luck and thank you

jw

Land Trust
Treasure Valley

PO Box 106 Boise, ID 83701 (208) 385-7927 www.lttv.org

Conserving natural, scenic, recreation and farm lands in the Treasure Valley.

August 5, 2008

Bruce Eggleston
Boise City Planning and Zoning
150 N. Capital Blvd.
Boise, Id 83702

RE: Plano Road – CAR07-00042/DA

Dear Bruce:

The Land Trust of the Treasure Valley has been asked by the applicants of Plano Road Subdivision to assist in creating and implementing a conservation strategy for the protection of the rare and sensitive plant species, Aasae's onion. This letter will outline the general approach with further detail, as desired by the Planning and Zoning Commissioners.

The Land Trust will be granted a conservation easement over the rare plant areas. The terms of the easement will include a monitoring requirement, permitted and restricted uses and other items that will be detailed in an associated management plan referenced below. The land will be owned in fee by the HOA or others. The Land Trust will provide a report to the city annually in the first five years and bi annually thereafter, or as determined necessary by Boise City.

In the Land Trust's letter of December 3, 2007 a framework for development of a rare plant management agreement was presented. To assist Boise City staff and decision makers, the applicants and the Land Trust have agreed to develop the details of this management plan and proposed funding structure to be included in a packet of information for Boise City Council consideration.

The components of the management plan will include:

Threats

- A draft of possible threats is listed below. This information is a rough draft and is in discussion stages with US Fish and Wildlife Service, Boise City and Ada County. This is not considered a final version. The plan will focus on those threats that relate to the Collister site.

	Threat
1	Habitat loss and fragmentation
	- land conversion for agricultural and urban/commercial development
	- landfill development
2	Habitat degradation/disturbance
	- nonnative weed species invasion
	- wildfire - major contributor to habitat degradation/non-native weed species invasion

	Threat
	- livestock use – historical and ongoing
	- motorized recreation
	- non-motorized recreation
	- trail/road construction and maintenance
	- off trail use and recreation
	- soil/habitat disturbance
	- powerline construction and maintenance
3	Mining
4	Seeding non-native plant species
5	Existing regulatory mechanisms
6	Hybridization
7	Data gaps
8	Public/agency awareness of species of conservation of concern
9	Over utilization for commercial, recreational, scientific, or educational purposes
10	Herbicide and pesticide application
11	Herbivory
12	Drought
13	Climate change
14	Military training/operations

Pre-Construction protection:

- A pre-construction education effort will be created to guide initial grading activities.
- It is anticipated that the Land Trust will work closely with Boise City and the applicants or their successors during the initial site preparation and grading.

Post-Construction protection:

- A post-construction education effort for homeowners and neighbors will be developed.
- The education effort will be closely linked to the Homeowners Association and will be designed as an environmental education effort.

Monitoring:

- Monitoring protocol will be created to include a site visit and report each year for the first five years and bi-annually thereafter. This report will be provided to the Homeowners Association and Boise City.
- The monitoring will include the establishment of a minimum of 2 transects that will measure the ecological integrity of the onion conservancy area.
- The Land Trust reserves the right to conduct additional research on the conservancy site to further information about the rare plant.

Enforcement:

- An enforcement/ compliance process will be established to assure corrective actions are taken in the event of non-compliance.

Transplanting.

- The potential will be explored for transplanting the small amount of rare plants that will be disturbed during initial construction. Success cannot be guaranteed, but the feasibility of such action will be reviewed and considered.

Funding Mechanism:

- A real estate transfer fee will pay for monitoring and protection of the plants.
- This real estate transfer fee will be assessed at ¼% of the value of the lot and home.
- This fee will apply in perpetuity and will be assessed each time a property is sold and is paid by the buyer at closing.
- The fee will be established in the Conditions, Covenants and Restrictions and referenced in the Conservation Easement Document and recorded, assuring its perpetual nature.
- The funds will be held by the Land Trust of the Treasure Valley in a restricted account and used for monitoring and stewardship of the rare plant conservancy area.
- A method of funding monitoring of the initial site preparation in advance of home sales will be identified, as it will take time to build the monitoring fund.

Institutionalizing the Conservation Plan:

- The necessary documentation to assure protection of the plant in perpetuity will include the Development Agreement, the Conservation Plan, the Conservation Easement and the Conditions, Covenants and Restrictions.
- These documents will need to be developed in harmony to assure there are no conflicting statements.

It is anticipated that this Conservation Plan will be reviewed by staff prior to its submittal to City Council. In addition, the Land Trust will use the proposed Conservation Agreement being created by federal, state and local agencies as a guide, when it is completed.

We look forward to working with the applicants and Boise City staff to create a program that will be successful in assuring long term protection of this sensitive plant species.

Thank you.

Kind regards,

Tim M. Breuer
Cc: Kerry Winn, Stewart Land Group

From: Mark Fogarty <mark_fgty@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 7/21/2008 8:07 PM
Subject: RE: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

We are so screwed.....Thanks politicians> Date: Fri, 18 Jul 2008 12:05:36 -0600> From: Beggleston@cityofboise.org> To: miltc62@aol.com; sbacon@boisestate.edu; keslers@cabelone.net; lowellandbarbara@cabelone.net; dyorgason@cableone.net; fbsmithiv@cableone.net; jenstevens@cableone.net; johndifford@cableone.net; ryorgason@cableone.net; bwilson@ch2m.com; butterfly@clearwire.net; president@collistercna.org; ebrennan@ddrs.net; brian@ekcconstruction.com; jeffttucker@gmail.com; trick.walker@gmail.com; janelbrown12@hotmail.com; mark_fgty@hotmail.com; run_1@hotmail.com; kevin.mcintyre@hp.com; rward@idfg.idaho.gov; tbreuer@lttv.org; boisebook@mac.com; lauren.mclean@mac.com; tbaskin@mbelaw.net; dougc@mckibbencooper.com; mdwa@micron.net; rbb@moffatt.com; dghiger@msn.com; GeneWortham@msn.com; justingwortham@msn.com; middleton11@msn.com; mkclawson@msn.com; gene.fadness@puc.idaho.gov; parkerb@pwncpa.com; ganne_barker@q.com; jimmy@steelhead.com; kwinn@stewartlandgroup.com; doug@thelandgroupinc.com; katie@tvlitho.com; john@veritasadvisor.com; chucklink@worldnet.att.net; jnclocke@yahoo.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; pattiraino@yahoo.com; pjjcourtright@yahoo.com> CC: woody@azimutheng.com; Cynthia.Sewell.-.csewell@idahostatesman.com; JWright@stewartlandgroup.com> Subject: Work session topics for the July 31, 2008 on the Plano Road Subdivision proposal,> > July 18, 2008> > Memorandum> > > To: Boise City Planning and Zoning Commission Hearing> > From: Bruce Eggleston, Planner II> > Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065 > > > At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session. > > The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.> > Bruce Eggleston, AICP> Boise Planning and Development Services Department> >

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From: "Gene Wortham" <GeneWortham@msn.com>
To: "Milt Coffman" <miltc62@aol.com>, <sbacon@boisestate.edu>, <keslers@cabe...
CC: <woody@azimutheng.com>, <Cynthia.Sewell.-.csewell@idahostatesman.com>, "...
Date: 7/25/2008 1:24 PM
Subject: Re: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

Bruce, I was talking to a major earth moving contractor in the Boise area. The biggest job he said in their history for excavation was the new land fill. He said there was 3.2 million cy of excavation.
This development being proposed has 2 million cy of excavation. With this much excavation being planned, no doubt the hill tops and ridgeline will be reduced drastically in height. This is where the majority of the excavation will come from as the hillside cuts for the roads will not require this quantity.
Please review this plan closely as this is a MAJOR EARTH MOVING operation
and will change the topography as it now exists.
Thank you,
Gene Wortham
---- Original Message ----
From: BRUCE EGGLESTON<mailto:Beggleston@cityofboise.org>
To: Milt Coffman<mailto:miltc62@aol.com> ; sbacon@boisestate.edu<mailto:sbacon@boisestate.edu> ; keslers@cabelone.net<mailto:keslers@cabelone.net> ; lowellandbarbara@cabelone.net<mailto:lowellandbarbara@cabelone.net> ; Dave Yorgason<mailto:dyorgason@cableone.net> ; fbsmithiv@cableone.net<mailto:fbsmithiv@cableone.net> ; Jennifer Stevens<mailto:jenstevens@cableone.net> ; John E. Clifford<mailto:johnclifford@cableone.net> ; Ramon Yorgason<mailto:ryorgason@cableone.net> ; Brandy Wilson<mailto:bwilson@ch2m.com> ; Nancy Brennan<mailto:butterfly@clearwire.net> ; Julie Klocke<mailto:president@collistercna.org> ; Erin Brennan<mailto:ebrennan@ddrs.net> ; Brian Ellsworth<mailto:brian@ekcconstruction.com> ; Jeff Tucker<mailto:jeffttucker@gmail.com> ; Julia Wright<mailto:trick.walker@gmail.com> ; Janel Brown<mailto:janelbrown12@hotmail.com> ; Mark Fogarty<mailto:mark_fgty@hotmail.com> ; run_1@hotmail.com<mailto:run_1@hotmail.com> ; Kevin MCintyre<mailto:kevin.mcintyre@hp.com> ; Rick Ward<mailto:rward@idfg.idaho.gov> ; tbreuer@lttv.org<mailto:tbreuer@lttv.org> ; Ethel Ficks<mailto:boisebook@mac.com> ; Lauren McLean<mailto:lauren.mclean@mac.com> ; Tom Baskin<mailto:tbaskin@mbelaw.net> ; Doug Cooper<mailto:dougc@mckibbencooper.com> ; Mike Wardle<mailto:mdwa@micron.net> ; Robert Burns<mailto:rbb@moffatt.com> ; Dale Higher<mailto:dghiger@msn.com> ; Gene Wortham<mailto:GeneWortham@msn.com> ; JUSTIN WORTHAM<mailto:justingwortham@msn.com> ; Stacy Beeson<mailto:middleton11@msn.com> ; Sharon Clawson<mailto:mkclawson@msn.com> ; Gene Fadness<mailto:gene.fadness@puc.idaho.gov> ; Bruce Parker<mailto:parkerb@pwncpa.com> ; Anne Barker<mailto:ganne_barker@q.com> ; Jimmy Smith<mailto:jimmy@steelhead.com> ; Kerry Winn<mailto:kwinn@stewartlandgroup.com> ; Douglas Russell<mailto:doug@thelandgroupinc.com> ; Katie Watts<mailto:katie@tvlitho.com> ; John Watts<mailto:john@veritasadvisor.com> ; Chuck Link<mailto:chucklink@worldnet.att.net> ; Julie Klocke<mailto:jnclocke@yahoo.com> ; Joanie Fauci<mailto:joanie4c@yahoo.com> ; Karen Knudtsen<mailto:karenlynnefox@yahoo.com> ; Patti Raino<mailto:pattiraino@yahoo.com> ; pjjcourtright@yahoo.com<mailto:pjjcourtright@yahoo.com>
Cc: woody@azimutheng.com<mailto:woody@azimutheng.com> ; Cynthia.Sewell.-.csewell@idahostatesman.com<mailto:Cynthia.Sewell.-.csewell@idahostatesman.com> ; Josh Wright<mailto:JWright@stewartlandgroup.com>
Sent: Friday, July 18, 2008 12:05 PM
Subject: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

July 18, 2008

Memorandum

To: Boise City Planning and Zoning Commission Hearing

From: Bruce Eggleston, Planner II

Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session.

The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: TERRY RECORDS
To: EGGLESTON, BRUCE
Date: 7/25/2008 10:55 AM
Subject: Plano

Bruce,
I would like to respond to a the issues raised the Planning and Zoning commission that are engineering related.

Question. Are alternatives to building on the ridgetops?
Answer. The areas where houses can be located is severely restricted by the prohibition on building on slopes that are currently steeper than 25% This leaves only the very narrow corridors along the tops of the ridges and along the valley floors. If this prohibition were relaxed there would be a much larger area where houses could potentially be located so that the visibility from the valley below could be reduced.

Q. Is there going to be an impact on the downstream wells?
A. The report by SPF Water Engineering looked at the impact of the proposed retention basins on the down gradient wells along Plano Lane. It concluded that the wells are adequately protected by a thick clay layer and a relatively thick unsaturated zone that will provide filtration and or adsorption of suspended solids and dissolved materials. Further the report indicates that well contamination is much more likely to be caused by surface activities and septic drainfields in the immediate vicinity of the wells.

Q. Can homes be placed in the area of the sand pit?
A. Yes. Any grading that is done on the site will be engineered and will be able to support roads and structures.

From: <Doger14@aol.com>
To: <Beggleston@cityofboise.org>, <PNilsson@cityofboise.org>
CC: <Doger14@aol.com>
Date: 8/6/2008 8:00 PM
Subject: Re: Plano Road Subdivision application

In a message dated 8/6/2008 11:53:44 A.M. Mountain Daylight Time, Beggleston@cityofboise.org writes:

Dear Don,

I would be glad to talk to you about the proposed subdivision and the downstream impacts that might ensue.

Please contact at 384-3839, or e-mail me.

Thanks,

Bruce

Bruce,

Would it be reasonable to say that the language in the Foothills Policy Plan (FPP) and the Foothills Planned Development Ordinance (FPDO) are encouraging the development in the Western Foothills partially because of the available traffic capacities downstream from that particular area.?

If so, that would mean that the traffic generated from these developments should be encouraged, through intersection design measures, to continue South through the Hill Road intersections to the major arterial State Street, NOT East towards the North End streets that are already beyond capacity. It is Boise City's responsibility when approving these developments to recognize this fact and include designs for these intersections as a condition of approval.

From reading the staff report, I know that you understand the purpose and intent of the FPP and FPDO. Based on the public input provided for these two plans, a decision was made to allow/promote foothills development in the western foothills. These applications come to you years in advance of these type of public hearings. City staff has worked hard with the developer to come up with the best application that fits the intent of the plans.

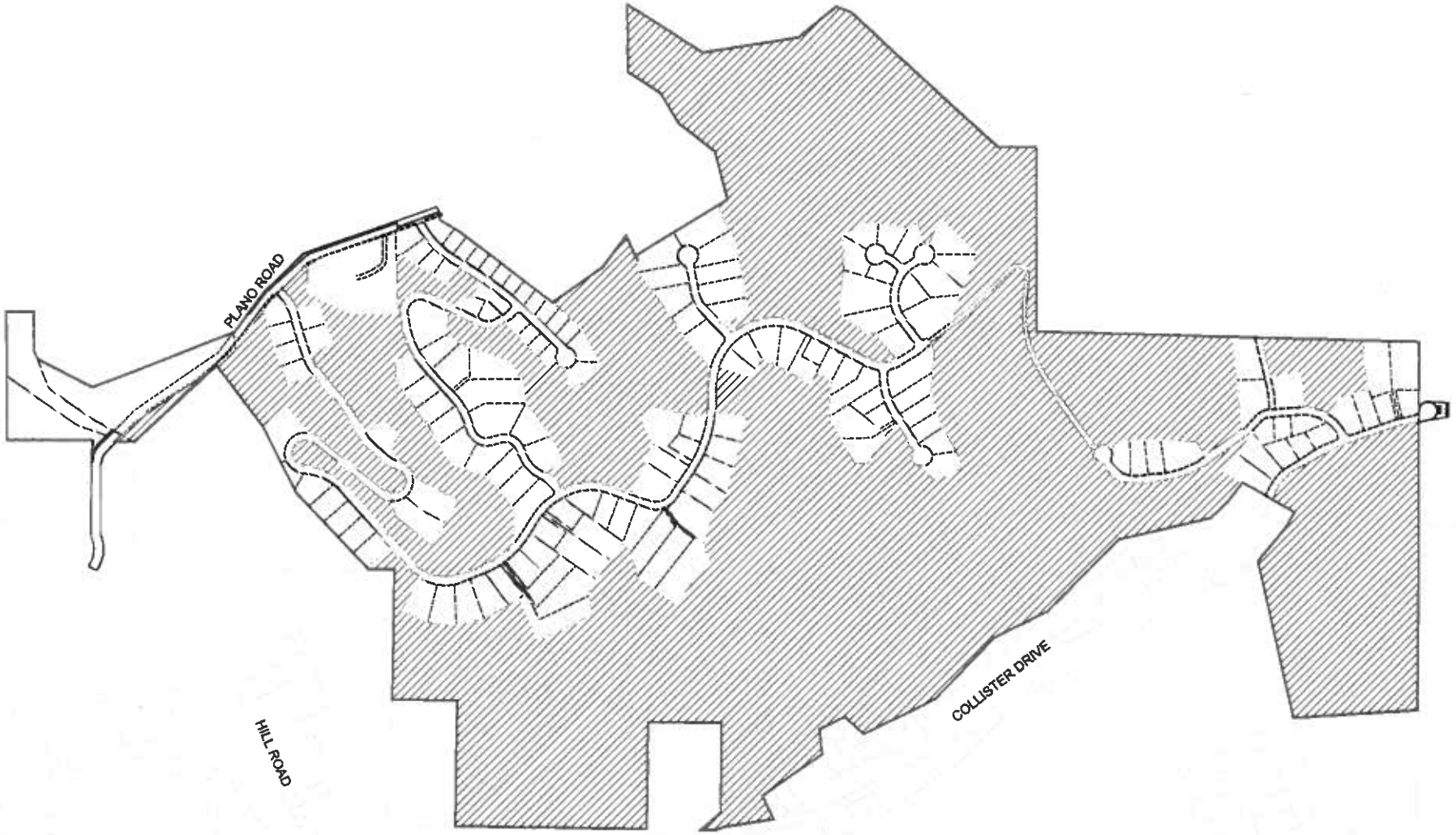
It is also your responsibility to address the capacity issues and the reason given to allow these developments. There is capacity downstream from this development, but only directly south and not to the east. I don't see this addressed in the staff report. If staff is to recommend approval, staff should write a condition of approval that would say that Boise City recognizes the downstream traffic impacts of these western foothills developments and we will do everything in our power to keep the traffic on the roads that have the capacity.

I would be happy to talk more about this by phone or e-mail.

Regards,

Don Plum
1221 N. 15th
Boise, Id
doger14@aol.com (mailto:doger14@aol.com)
631-6036

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Stewart Land Group
AN AMTEC DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
6995 So. Union Park Ave #380 Midvale, UT 84047
phone: (801) 263-9126 fax: (801) 263-9187

BOISE FOOTHILLS ZONING MAP

GRAPHIC SCALE
(IN FEET)
1 inch = 800 ft.

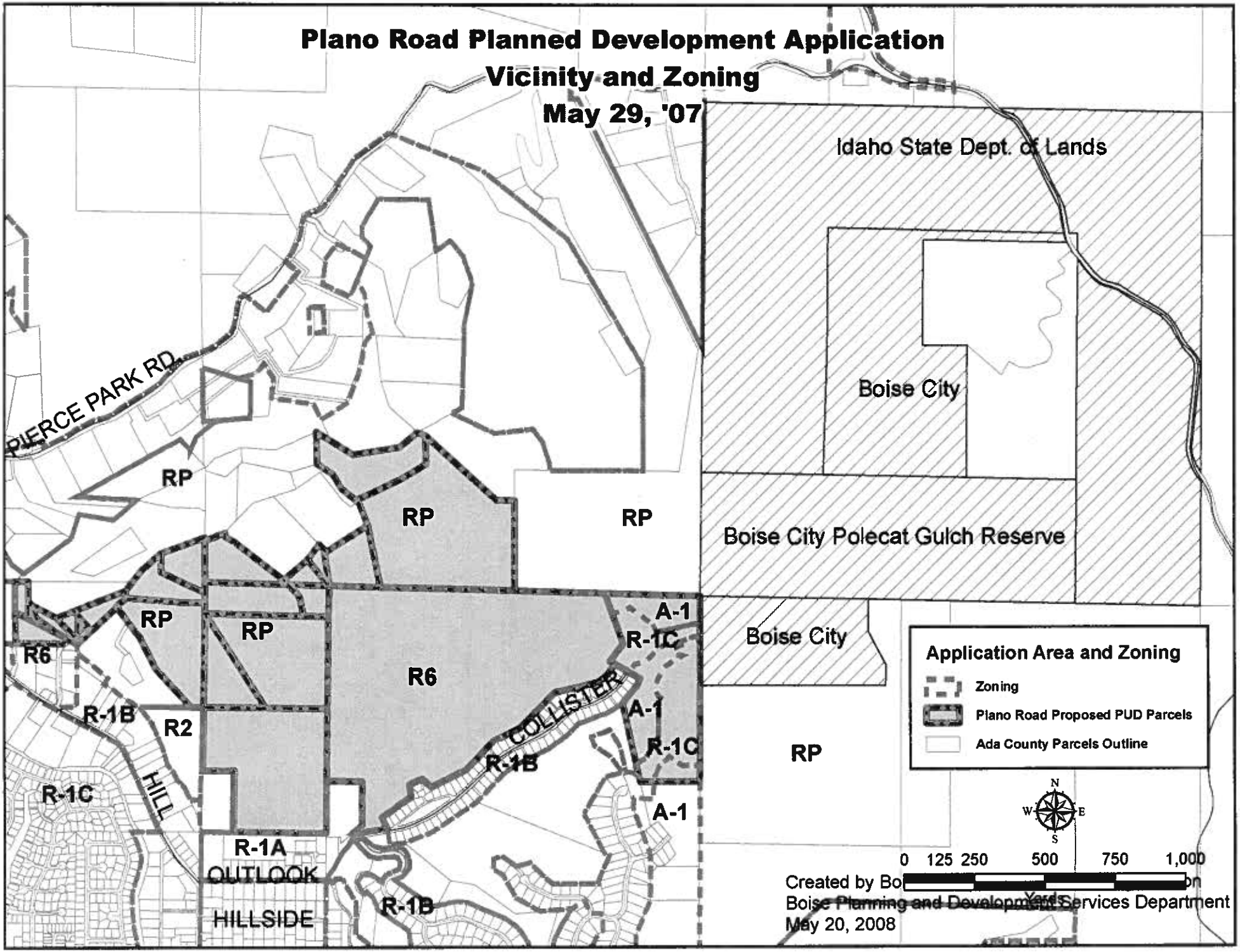
NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	7/28/2008	7/28/2008

LEGEND

ZONE - R-1A
ZONE - A-1
Conceptual
Property Boundary
Ada Parcels

SHEET NO. 1 OF 1


Plano Road Planned Development Application
Vicinity and Zoning
May 29, '07
Idaho State Dept. of Lands
Boise City
Boise City Polecat Gulch Reserve
Boise City
PIERCE PARK RD.
RP
RP
RP
RP
RP
RP
R6
R6
R-1B
R2
R-1C
HILL
R-1A
OUTLOOK
HILLSIDE
R-1B
COLLISTER
R-1B
A-1
R-1C
A-1
R-1C
A-1
RP
Application Area and Zoning
Zoning
Plano Road Proposed PUD Parcels
Ada County Parcels Outline
N
W
E
S
0 125 250 500 750 1,000
Yards
Created by Bo
Boise Planning and Development Services Department
May 20, 2008

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council ProTem
David Eberle

Vernon L. Bisterfeldt
Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

July 30, 2008

Memorandum

To: Boise City Planning and Zoning Commission

From: Bruce Eggleston, AICP, Planner II

Subject: Work session report for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

The July 14, 2008 hearing on the above cases resulted in a work session scheduled for July 31st and a hearing to be continued on August 11, 2008. The attached report is comprised of questions that arose at the hearing and the staff's responses and the applicant's responses to those questions.

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Plano Road Subdivision Proposal Work Session Topics

Density

1. Show how the density bonus was calculated and how base density was calculated.

The following tables show how the density bonus was calculated. The acreages come from a GIS map file dated March 25, 2008. The same data is portrayed on the attached exhibit "Boise Foothills Concept Plan" dated 6/26/2008.

May 29, 2008

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
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 implementation of Plan 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
TOTAL POTENTIAL UNITS =		**151**	DENSITY BONUS + BASE DENSITY

FOOTHILLS AREA DENSITY BONUS CALCULATIONS

+Find y, Units per acre multiplier, given the percentage of set-aside buildable land below		**FORMULA**
% of Set-aside buildable land =	69.17%	
	2.99	**y=mx+b**
Density Bonus on remaining buildable land - units/acre	2.99	Calculated by y=mx+b from Table 1 below
Y intercept is	-1.389	Constant per ordinance derived from Table 1
Slope is	6.333	Constant per ordinance derived from Table 1

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)
Density Bonus Formula - Foothills 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

City staff calculation regarding base density and density bonus

The City calculated base density at 1 per forty for 8 units and the bonus density at 143 units = 151 units total.

Response to Applicant's comments on base density.

The applicant gave testimony at the hearing and in the attached "Applicant's Responses to Plano Road Subdivision Proposal Work Session Topics" to the effect that the base density for the proposal is at least 917 dwelling units. They state, "... that, because the 917-unit base density is far greater than the 155 homes proposed by the Applicants, no density bonus is actually being utilized by the Applicants. Or put otherwise, the actual size of the density bonus is largely irrelevant to the pending development proposal."

In working with the Applicant for 3 years on this project, all were in agreement to utilize a base density of one unit per forty acres. Staff agrees that the ordinance allows a base density in accordance with Section 11-06-05.07.04. A 1. This section states that the base density for development is that given for the existing Boise City and Ada County zones. However, the base density is also regulated by the ordinance in its entirety, not just one statement in the Foothills Planned Development Ordinance according to the following statements from that section of the Code.

Boise Zoning Code 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. The base density of one per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.
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 (emphasis added)**. Slope protection and preserved open space areas shall be zoned A-1 or A-2.

One of the most significant concerns with the Developer's contention concerning the base density is that he fails to take in consideration the buildable slope and cluster density into his analysis. That is to say that the FPP and FPDO restrictions against siting development clusters on slopes greater than 25% still prevail in development proposal in both the City and the County. Thus, applying all of the ordinance requirements, a realistic estimate of base density is 332 units, as estimated by the applicant. This number would be reduced further by traffic impact constraints on the road system. Thus a maximum estimated density is 290 to 300 units as demonstrated in the table below.

The subject site is zoned as shown in the table below and map, Exhibit 1:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U./Ac.	Buildable acres in Zone
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		73.1

Staff concurs with the interpretation of the base density allowances in Section 11-06-05.07.04. A 1 for the existing Boise City and Ada County zones. Staff calculated the base density in accordance with the Foothills Policy Plan at the rate of one unit per forty acres. Staff also concurs that the base density given the existing zoning would exceed the 155 units requested by the applicant. An exact number would require map analysis that there was not time to do. Therefore the density bonus methodology is not necessary to qualify for 155 units.

For purposes of this application, the applicant is bound by densities reflected in the application and proposed development agreement. The applications express the intent of the applicant for the proposal. Their applications (zone change, development agreement and conditional use permit) invoked the density bonus regulations and went to great lengths to comply with those regulations. The applicant followed the density bonus and the calculations are expressed on the (24" x 36") aerial map and site plan labeled "Foothills Concept Plan" and in several work sheets in the record.

Furthermore, **in KMST v County of Ada, the Supreme Court found that there was no taking when the developer voluntarily agreed to a condition on his application. Likewise, the Applicant has limited his development proposal to 155 units on his application. That is the application being processed and the Applicant cannot, request a greater number at this point.**

Also, when land is annexed into the City, a zone is assigned based upon the policies of the Comprehensive Plan, its ordinances and other considerations such as availability of services and infrastructure. The most pertinent policies are cited above from the FPP in regards to the density bonus and the base density. The application includes a development agreement that would govern the zone change and density; it is also based on the 1 unit per 40-acre base density. The proposed development agreement (DA) refers to compliance with the Foothills Planned Development Ordinance (FPDO) in the recitals D and E on page 1, and in sub-sections 1 and 2 on page 2 and in Exhibit D depicting the lot layout and set-aside of permanent open space. Sub-section 4 and Exhibit F also shows the lands proposed for permanent open space for the onion conservancy. Upon annexation, the City does not have to assign a zone that is equivalent to the County zoning.

There are other parts of the ordinance that also address the density issues. 11-06-05.04, item 3 the table and the line below the table all refer to the City's analysis.

> 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.

11-06-05.07.04.B. Table 1 - Density Bonus Formula*
Table 1 - Density Bonus Formula*

			Example	
Built Area Percent	**Open Space Dedicated Percent**	**Density Bonus Units /Acre**	*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*
56%	44%	1.25	*56.3*	*70*
50%	50%	1.5	*50.0*	*75*
44%	56%	1.75	*43.8*	*77*
38%	63%	2.25	*37.5*	*84*
31%	69%	3.0	*31.3*	*94*
25%	75%	4.0	*25.0*	*100*

*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.**

Even if the Commission believes the Applicants contention that the density is high enough without the density bonus, they would still need to protect priority Open Spaces. The FPDO and the Comp. Plan still require this compliance. Refusing to acknowledge the existence and

protection of the 11 priority open space characteristics refutes the entire reason for the Foothills Plan and its goals to tailor development to the environmental values of the land.

The City contends that the whole of the Boise Zoning Code, Subdivision Code, the Uniform Fire Code, recommendations from Ada County Highway District, and the *Boise City Comprehensive Plan* must also be taken into consideration in the matter of density in this location.

Relevance of Maximum Density

The potential maximum density could come into play if the City does not annex the property. The City has entered into an area of impact agreement with Ada County. Part of that agreement states that when land is contiguous to the City, the landowner must request annexation from the City. If the City denies the annexation request, the landowner may develop the land through the County. The County has agreed that for County development within Boise's area of impact, the County shall adopt and apply the City's Comprehensive Plan. However, the agreement also states that County zoning will apply in the area of impact.

As stated in the case of *Bone v City of Lewiston*, the comprehensive plan and the zoning ordinance are distinct concepts serving different purposes. A comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making the zoning decisions. Further, in *Urrutia v Blaine County, Idaho,* the Idaho Supreme Court held that a governing board should not rely only on the comprehensive plan in denying a specific application, and should instead craft its findings of facts and conclusions of law to demonstrate that the goals of the comprehensive plan were considered, but were simply used in conjunction with the zoning ordinances in evaluating the proposed development. Thus, when reviewing a development application, Ada County would need to consider the *Boise Comprehensive Plan* and *The Boise Foothills Policy Plan* (FPP), but would also need to consider existing zoning. A County analysis would have to recognize the restrictions on 25% slope. Therefore, the claim for a potential of 917 dwelling units under current zoning is based solely upon the theoretical maximum allowed density for the zones and not the real world of steep geography and slope-constrained site design.

The following policies from the FPP apply regardless of whether development is in the City or County.

> ***Boise Foothills Policy Plan*** **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 Within Buildable Areas	Density Bonus Within Buildable Areas*
25%	.50 units/acre
50%	1.5 units/acre
75%	3.0 units/acre

2. Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.

This would only apply if the applicant required credit for open space in steeply sloped areas. This is not needed for density, but it is required to satisfy the parts of the FPDO and FPP to protect and conserve sensitive areas.

The following analysis demonstrates that the applicant has made and effort to establish at least five of the eleven Priority Open Space Characteristics. It is up to the Commission to make the determination as to how well the application establishes these characteristics.

Staff analysis: [The following Times New Roman font sections are from the Foothills Planned Development Ordinance, 11-06-05.07, the plain Aerial font is the staff analysis.]

See (in the July 14, 2008 Planning and Zoning Commission Packet, not reprinted here for space considerations) Ecological Design, Inc. Reports: "A Report Documenting the Presence of Wetlands and Riparian Areas, February 28, 2008 Boise Foothills Property Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision, Boise, Idaho"; "A Report Documenting a Survey For Occurrences of Aase's Onion (Alluimum Aaseae), February 28, 2008, Boise Foothills Property Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision, Boise, Idaho"

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, 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 co-exist on a property for consideration as Priority Open Space Eligible for a Density Bonus:

1. Wetlands

The application includes and environmental site analysis "A Report Documenting the Presence of Wetlands and Riparian Areas" (PWRA) that delineated a small patch of wetlands in the lower south-central part of the subject property north of upper Collister Drive.

2. Riparian areas

The PWRA report documents a riparian area at the bottom of Polecat Gulch in and around its deeply incised channel.

3. Rare plant communities

This is documented in "A Report Documenting a Survey For Occurrences of Aase's Onion (Alluimum Aaseae)," February 28, 2008, Boise Foothills Property Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision, Boise, Idaho. The location and the treatment of the species are discussed in detail in other parts of this topic paper.

4. Critical deer and elk winter range and migration corridors

The applicant contends that the priority open space on the site provides deer and elk winter range and migration corridors. See attached map submitted July 28, 2008, Exhibit 5.

5. Boise City Historic Preservation Committee: Potential Public Preservation Sites

N/A

6. Unique geologic or visual features

N/A

7. Archeologic or other historic sites

N/A

8. Trails and trail-heads designated in the Ada County Ridge to Rivers Pathway Plan

N/A

9. Other public trails and trail heads as approved by the Boise City Parks and Recreation Board

The applicant has proposed a trailhead facility at the end of Collister Drive on the City's property in the Polecat Gulch Reserve.

10. Lands adjacent to publicly-held open spaces

The application includes property at the end of Collister Drive that is proposed for priority open space and is adjacent to Polecat Gulch Reserve.

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.

N/A

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.

Public access would be provided to Polecat Gulch Reserve through the extension of upper Collister Drive and the construction of a cul-de-sac, parking area and trailhead on the City's property. The extension of upper Collister Drive to the adjoining property, regardless of the

ownership, reflects a standard requirement of the subdivision and conditional use processes. The City usually requires the provision of public r-o-w access to adjoining properties, particularly when they are landlocked.

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.

The proposed Aase's Onion Conservancy fulfills part of this criterium.

3. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.

The application includes a parcel adjacent to Polecat Gulch Reserve, south of the proposed extension of upper Collister Drive that would provide some open space buffering to the Reserve and protection of the riparian area at the bottom of the Gulch. This could be argued as a fulfillment of this criterium.

4. Dedication or discounted sale to a willing public agency.

The proposed Aase's Onion Conservancy is designed as conservation easement over property that would be conveyed fee simple to the Land Trust of the Treasure Valley, according to the proposed development agreement.

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.

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.

The proposal attempts to meet the requirements for priority open space and staff recommends that the applicant has met the minimum criteria for this section of the Code. The Commission will make the decision on this issue.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance?

The proposed development meets the definition for development pockets. These areas will be largely less then 25% slope, but may contain fragments of steeper areas as needed. The attached Exhibit 4 is the review staff did of the individual lots that demonstrate the

methodology used to evaluate the compliance with the ordinance. See ordinance definition for development pockets below.

11. What are the issues concerning the timing of the proposed facilities on the Parks' Polecat Gulch Reserve?

The Boise Foothills Advisory Committee and the Parks and Recreation Department have requested in a letter dated June 27, 2008, that the Developer install the proposed access r-o-w, cul-de-sac, trailhead and parking lot as part of phase one of the project. Staff supports that request.

The Developer requests that those features would not be required to be built until phase 4, potentially two+ years into the project. Their concern is that the installation is not warranted until there are dwelling lots along the proposed extension of Collister Drive to support the cost of the proposed installation of the Parks facilities.

14. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible.

Buildable is defined below as it pertains to the development pockets, where some areas of non-buildable land are allowed to accommodate the site design. The attached table and detailed maps, Exhibit 4, Plano Road Proposal - Building Envelope Placement Within Buildable Area, also examines each proposed lot to determine if they comply with the standards.

11-06-05.07.09. Definitions

BUILDABLE AREA:

Lands with a slope of 25% or less are buildable areas, if outside floodways or geologic hazards. Buildable areas must be designated in the Conditional Use site plan as either development pockets or permanent open space in the ratio chosen under the density bonus formula. Buildable area is determined by natural topography, not by post-construction graded contours.

DEVELOPMENT POCKETS:

These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be largely less than 25% slope but may contain fragments of steeper areas as needed to accommodate the site design.

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.

The sand pit can only be built upon if materials from ridge tops are utilized to build up the sand pit. This would be counter to the policies.

15. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"?

The slope analysis is based upon the original contours, pre-grading. In order for the areas to count as buildable they must be at least one acre in size, with a minimum average width of 30 feet and must be connected or in close proximity to other such areas.

Excessive fill is not defined. The amount of fill could possibly by defined by the harm that it is causing. Public Works believes that the fill is okay as it will be utilized on site. Another factor could be a determination as to whether this development adequately protects ridge tops. A third factor could be how visible the development is from the valley. The intent of the foothills ordinance was for development to blend in with the foothills. However, this factor should be weighed against safety requirements for a safe development.

Excessive fill is not defined, even though the FPDO and the Hillside Ordinances both recommend against it through various descriptions such as, "4. Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill." See discussion on this in next section.

16. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.

See the discussion under item three below.

17. What are some alternatives to sky lining dwellings on the ridge lines?

See the discussion below in the Design and Grading section on this issue.

18. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.

Onions are specifically listed in the ordinance and the Foothills Policy Plan as something that needs to be protected as development occurs. So we have to adhere to the ordinance. The application has to be processed pursuant to the ordinance in place at the time the application was filed. Further, the Applicant is entitled to rely on the ordinance in designing his development. We can make sure that adequate protection is in place. Also, onions are only 1 of 4 reasons for density bonus. Staff has made findings in this report and in the July 14, 2008 staff report that the applicant has met the letter of the law in regards to the criteria for open space.

19. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

See the discussion above in item 2.

Design and Grading

3. Explore any alternatives that might be available to building on the ridge tops.

There are two significant areas with buildable land that have been set aside for permanent open space. They are the sand pit and the area south of Collister Drive. Each area would be less visible from off-site and each would be accessible from the proposed roads. The sand pit is not buildable as is; it would have to be filled, graded and compacted to be buildable. The area south of Collister has significant riparian areas in the Polecat Gulch and some onion population. Either area could be used for building sites if efforts were made to protect the sensitive areas therein.

Ridge tops are largely less than 25% slopes and represent the majority of the buildable areas capable of providing areas for development clusters. The only way to prevent all ridge top development on this site would be to deny the conditional use permit and Hillside permit then recommend annexation with a holding zone.

Design is governed by 11-06-05.07.05.A General Design Criteria. Cited and discussed below.

> 11-06-05.07.05.A 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.

Analysis: This criterion remains problematic in its application of the design criteria. The proposed clustering is on the ridge tops, as that is where the buildable land is found, but the layout is linear, not clustered. The applicant has been advised to tighten up the layout with narrower lots, with consideration for attached dwellings in the lower areas.
The open space component of these criteria is in compliance.

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

Analysis: The open space areas are linked for the most part, but are separated by the road system in all cases. The area south of Collister Drive is not linked, but it is adjacent to Polecat Gulch Reserve.

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

The extension of upper Collister Drive would provide access to the landlocked Polecat Gulch Reserve and a trailhead facility.
There are no public trails proposed on this project site.

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

Analysis: This finding can't be made with a certainty either pro or con even though the proposed development is focused on the more or less buildable ridge tops. The reason for some of the excessive cut and fills results from the effort to minimize filling gulch areas that contain parts of the proposed onion conservancy. Under other circumstances these areas

would be filled and the overage would be considerably less than the current proposal. So the issue becomes a trade-off between minimizing either grading or the impacts on the sensitive species. The resulting plan minimizes the impact on the sensitive species. On this site any development plan would face the same task of minimizing either grading or the impacts on the sensitive species with the hope of finding a balance between the two.

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.

Analysis: This finding can be made in part as the proposed development is focused on the more or less buildable ridge tops, provisions have been made for open space conservation and environmental protection. The scenic and aesthetic goals have been met to some extent through the proposed mitigation of the visual impacts of the structures through the design review process. The clustering of the development pockets could be tighter and could utilize attached housing and/or smaller lots. Lots and structures could be designed for "hill-hugging" styles of dwellings in some areas, to avoid grading, or excessive grading. Another attempt could be made to come up with a site layout and grading plan that reduces the overage situation for the fill. Tighter clustering may provide part of the solution for this issue. Another approach would involve routing the proposed road on the front side of the ridge (the southwest facing ridge), flipping the design to the northeast instead of the southwest side of the road as proposed. Another method to minimize fill would entail placing the level of the ridge roads below relative level of the building envelopes, so that most driveways would slope up from the road. The net result would be less earth moved when compared to the current approach to lower the building envelope to the same level as the road. This would also narrow the overall width of the grading on the ridge tops.

This finding is difficult to make fully either pro or con. The applicant has made some efforts to address these concerns, but staff feels that there are additional measure that could be taken to further comply with the spirit of this requirement.

The City cannot re-design this project and is not aware of what the difficulties would be with either suggested approach. The Commission may want to discuss this matter with the Applicant. A re-design would have to be agreed to by the Applicant. Otherwise, the Commission would need to make decisions based on the application as submitted.

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.

Analysis: This finding can be made. The development agreement and the design guidelines address these issues. The protection measures would also become part of the CC&Rs.

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

Analysis: Compliance with this prevails in the discussion of the proposed road connecting Plano Lane and Collister Drive. Staff does not support the proposal to place a gate on the proposed Daylight Rim Drive, because to do so might compromise the safety of potential residents and the activities of public safety personnel. Further, if gate placement would make

this into a gated development, a gate would be prohibited under the ordinance. This requirement is not discretionary and must be complied with.

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.

Analysis: The compliance with this is adequate given the terrain and the location of the buildable area on the site.

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

Analysis: Some attempt should be made to incorporate this into the design and layout of the proposal. It would provide more affordable housing and may present a partial means to intensify the clustering of the development pockets. Presumably this would help to minimize grading as well.

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.

N/A

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

Analysis: Some instances of this are proposed.

Summary:
The Commission must evaluate the application presented; however, alternatives may be suggested to the applicant to bring the project more into compliance with the code. Alternatives include flipping the road to the front side of the ridge and building the dwellings on the back, or far side; tightening the lots along the road frontage, making them narrower in width and smaller; build in sand pit, post filling; multifamily or attached housing could be placed in the lower parts of the site; put more units in the bottom of the gulley, along the proposed Doe Valley Drive, and move units off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways). The ridge top building envelopes could be graded to a level higher than the road, thereby lessening the amount of dirt to be moved.

The areas where houses can be located are severely restricted by the prohibition on building on slopes that are currently steeper than 25%.

4. How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.

Minimized grading is a judgment call based on 11-06-05.07.05 (4) and (5) cited above. The City cannot require applicant to leave all the open space and not give them the benefit of clustered developable area. On the other hand, this development is not hill hugging development – another design could reduce grading and more closely adhere to 11-06-05.07.05 (4) and (5). The Ordinance is designed for minimum grading in development and increased grading for roads and infrastructure to allow proper access and serviceability.

12. What are the standards and regulations concerning excessive grading?

General design is regulated by Sections 11-06-05.07.05 (4) and (5) cited above, and the provisions of the Hillside Ordinance.

The following section is for the Hillside Ordinance, 11-14, and it contains the standards that would seek to minimize grading.

> Section 11-14-04 HILLSIDE DEVELOPMENT AND STANDARDS
> All development proposals shall take into account and shall be evaluated by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architectural and landscape design, and related disciplines are applied in hillside areas, including but not limited to:
> A. Planning of development to take into account the topography, soils, geology, vegetation, outstanding features such as outcropping and cliffs, hydrology and other conditions existing on the proposed site;

This finding can be made inasmuch as the basic criteria of site design have been taken into account in the grading and drainage plans and they have been deemed functional by the Public Works Department.

> B. Orientation of development on the site so that grading and other site preparation is kept to a minimum;

This speaks to the ridge top layout that has been discussed elsewhere in this report. If the priorities are to prevent excessive grading of the ridge tops along with the prominent citing of the structures then this finding can't be made, where there are other places to build on the site.

> C. Completion of essential grading during site preparation, rather than left for future lot owners so that:
> 1. Shaping shall blend in with existing natural land forms to minimize the necessity of padding and/or terracing of building sites; and

This finding can't be made as the plans do not minimize the necessity of padding or terracing building sites.

> 2. Building pads and terracing shall be graded with contour rounding and other techniques to blend into the natural contours.

This finding can be made inasmuch as the basic criteria of site design have been taken into account in the grading plans and they have been deemed functional by the Public Works Department.

> D. Projects shall be phased into workable units for which construction shall be scheduled to minimize soil disturbance and to control erosion in accordance with the approved erosion control plan.

This finding can be made inasmuch as the basic criteria of site design have been taken into account in the grading plans and they have been deemed functional by the Public Works Department. These items are also addressed by the Subdivision and Building Codes.

> E. Completion of paving within sixty (60) days after final grading (final grading deemed to be the grading done after the placement of utilities).

Standard condition of approval and platting.

F. Allocation for open spaces and recreational uses of areas not well suited for development because of soil, geology, vegetation or hydrology limitations.

This finding can be made given the amount of dedicated open space proposed that would serve to protect sensitive areas of the site.

G. Minimizing disruption of existing plant and animal life.

This finding can be made given the amount of dedicated open space proposed that would serve to protect sensitive areas of the site.

H. Minimizing soil disturbance.

This finding can't be made as the plans do not minimize the necessity of padding or terracing building sites, with the presumed results of 1,000,000 cubic yards of overage that would be used to fill the sand pit.

21. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have highly desirable views and that is why they are not being used.

See earlier answer – you can request that they redesign, but you need to rule on this design unless they acquiesce to a re-design.

Any grading that is done on the site will be engineered and will be able to support roads and structures.

Environmental Issues

5. Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project

Report came in late, but the City is asking the Developer to preserve migration routes. Fish and Game states some protection is necessary as this is big game winter range. A wildlife migration map was received from the applicant July 28, 2008 that depicts wildlife corridors on the site. The Developer has stated that migration routes are being preserved. The City has asked them to get a sign off from Fish and Game. See Exhibit 5 – Proposed Mule Deer Daily Movement Corridors, June 6, 2008.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues.

The report by SPF Water Engineering, LLC, July 1, 2008, looked at the impact of the proposed retention basins on the down gradient wells along Plano Lane. It concluded that the wells are adequately protected by a thick clay layer and a relatively thick unsaturated zone that will provide filtration and or adsorption of suspended solids and dissolved materials. Further the report indicates that well contamination is much more likely to be caused by surface activities and septic drain fields in the immediate vicinity of the wells.

22. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this.

Ask Developer to enhance the conservation plan. The provisions of Harris Ranch analogous to this involve the wildlife habitat management program that was funded through a real estate fee exaction. Ask Developer to address what happens if Land Trust goes under.

23. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.

See above.

25. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings?

Staff can't redesign their project. We can say there are some other ideas that could be explored – such as: flipping the road to the front side; tightening the lots making them narrower and smaller; build in sand pit post fill; they could do some multifamily or attached housing in the gulley; put more units in the bottom of the gulley and move off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways), etc. per the discussions above.

Traffic and Roads

6. Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. ACHD has recommended that the proposal is good to go.

Please review the Ada County Highway District's comments in the attached ACHD Letter to Boise Planning and Zoning Commission dated July 30, 2008, Exhibit 7.

ACHD Staff Response: While the ridability and aesthetics of upper Collister Drive are not ideal, the condition of the roadway is not a limiting factor for increased traffic from the proposed Plano Road development. The upper portion of Collister Drive is sufficient to accommodate both current and projected traffic volumes and drainage requirements at build-out of this proposed development. Members of the public have expressed concerns that although upper Collister Drive is currently classified as a collector roadway, that it is to narrow and degraded to operate as one. However, projected build-out traffic volumes will be approximately 1,335 north of Quail Ridge Drive. This is well below the 2,000 daily trip threshold for even an existing local street.

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

ACHD does not want a gate and Fire would prefer there to be no gate. The FPDO and the FPP do not allow gated communities, as cited above.

ACHD Staff Response: The ACHD Commission considered the proposal of a gated emergency access, and rejected it in the interests of connectivity and safety goals. In addition to connectivity and safety goals, ACHD Commissioners and staff have concerns over the long term maintenance of a private gated emergency access between two public streets. ACHD Commission determined that, due to the size and scope of the proposed development, that a full public street connection between Plano Lane and Collister Drive shall be required at build-out. After significant deliberations on the timing of this requirement, the ACHD Commission decided that a gated emergency access road shall be required prior to the first final plat, and that the full public street connection shall be required prior to the final plat of more than 53 buildable lots. Once Daylight Rim Drive is opened as a public street, it cannot be gated.
The ACHD Commission WILL NOT approve a final plat of more than 53 buildable lots in Plano Road Subdivision prior to the dedication of Daylight Rim Drive as a full public street connection between Plano Lane and Daylight Rim Drive.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. ACHD has recommended that the proposal is good to go.

ACHD Staff Response: The installation of a traffic signal at the intersection of Hill and Collister Drive will improve its peak hour capacity and level of service. This is particularly true for the westbound approach, which currently experiences the greatest delays at this intersection during the PM peak hour. This intersection is currently four-way stop controlled. Although the Hill Road approaches experience the greatest volumes and delays at this intersection, the limited site distance onto Hill Road from the Collister Drive approaches precludes the possibility configuring it as a two-way stop control (with stops on the Collister approaches) in order to improve its level of service. If a traffic signal is not installed, and the intersection remains under all-way stop control, the Plano Road development will cause the intersection to operate at an unacceptable level of service due to average vehicle delay time. Even without the Plano Road development, this intersection is projected to operate at an unacceptable level of service in 2015.

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

It seems that these suggestions had something to do with phasing access to the Polecat Gulch Reserve to a later phase when the homes are built, and advocating a gated emergency road for the Daylight Rim Drive proposed connecting road. ACHD does not want a gate and Fire would prefer there to be no gate. The FPDO and the FPP do not allow gated communities, as cited above. Staff does not support either part of these suggestions to the extent that the information about them is correct.

24. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. Some of the safety issues come from a local practice of residents parking along the road rather then in their garages and driveways. ACHD has recommended that the proposal is good to go.

ACHD Staff Response: Boise City may levy requirements above and beyond what is required by ACHD. Collister Drive north of Hill Road currently exceeds what the District would normally require for off-site improvements in accordance with District policy 7203.3 (24-feet of pavement and 3-foot gravel shoulders on each side). Even if the existing portion of Collister Drive were internal to the proposed Plano Road development, the existence of sidewalk on the south/east side of Collister meets the requirements of District policy of 7204.4.7 for developments in hillside areas. Boise City can choose to direct the installation of sidewalk along the north/west side of Collister Drive. There appears to be sufficient right-of-way along the north/west side of Collister Drive north of Outlook Avenue to allow for the installation of a 5-foot attached sidewalk. However, the installation of sidewalk on this side of Collister Drive would require coordination with and approval of the adjoining homeowners, as well as a substantial degree of grading, encroachment removal, and retaining wall installation. ACHD staff is willing to discuss any proposals that Boise City might have to address their concerns regarding Collister Drive.

Comprehensive Plan Policies and Zoning Ordinances

20. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.

It is staff's duty to present the facts, provide an analysis of those facts and make recommendations and findings based upon them. The Ordinance and Foothills Policy Plan each contain standards and requirements that call for application of policy and/or regulation that aren't well defined or may be prioritized one above another. One example is the discussion on how much of each buildable footprint should be on land with less than 25% slope. Staff's recommendation dwells more in the "Letter" of the Plan where the facts reside. The ordinance, in Section 11-06-05.07.04.C, gives the power to the Commission to accept all or part of the Density Bonus allows the intent to be respected. "...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."

Please Review Exhibit 6 - Foothills Policy Plan and Ordinance Review – Presented to City Council on 7/08/08 that provides a discussion of the many issues surrounding Foothills development and open space preservation.

26. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of

wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.

Foothills development issues have been studied for 20 years. The foothills plan and ordinance took 7 years to bring to fruition. It is an intricate plan that looks at all areas of the foothills. This area is not void of wildlife; rather it simply has less wildlife then other areas. Further, eastern foothills are set up to protect wildlife while this area is not set up that way. Eastern foothills – top priority is protection of wildlife habitat; Central foothills has limited development capability due to limited road capacity. Western Foothills are the priority area for development due to minimal wildlife and availability of street capacity. Legally, the Developer is allowed to rely on the plan and the ordinance and we cannot change it mid application.

27. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that plan.

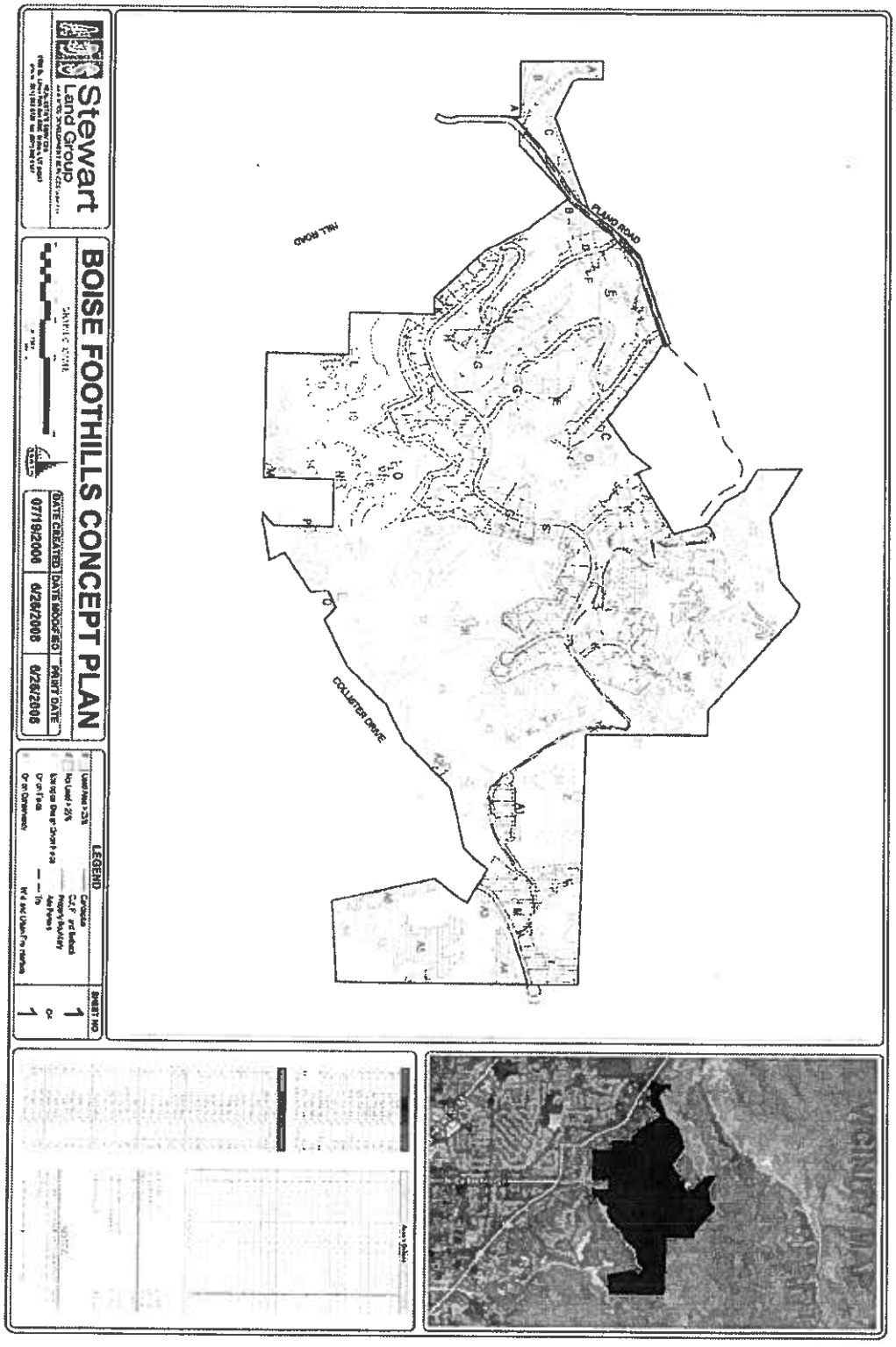
The plan requires sensitivity to the Foothills. Quail Ridge did stair-step grading plan that was not very sensitive. The current proposal requires design review and restrictions on material and colors for exteriors of the homes and the landscape design. Quail Ridge did not require design review or restrictions on material and colors for exteriors of the homes. There is also a proposed Wildland and Urban Interface setback required to enable more protection from wild fires and enables better fire-fighting access to the area. Fire safety access, plans and construction techniques are required with the current proposal, where they were not a feature of Quail Ridge.

The plan is designed to create a balance between development, open space preservation, and community development. Quail Ridge does not include a component of the Ridge-to-Rivers Trail system, which is a feature of the current proposal. As an example, the City could not afford to put the trailhead in for 5 to 10 years, and with the development the community will get a trailhead several years earlier. Another difference is the proposed preservation of a species of concern. The Plan and ordinance require set-aside of open land and protection for threatened and endangered species. There is no such set-aside of land, nor protection of sensitive areas in Quail Ridge.

The density is a function of the proposal is controlled by slope and the set-aside of buildable open land and the cumulative efforts to conserve sensitive areas and species. The density in Quail Ridge was a function of the standard zone modified by the conditional use permit and Hillside regulations. The net result may seem similar, but the regulatory basis is very different.

The vision of the plan was to allow developments in the Western Foothills Planning Area that provided set-aside of open space around clustered lot layouts. The difficulty in achieving that vision lies in the unique geography and location of developable properties and the task of fitting the standards and requirements to a unique piece of land. How well this proposal fits the pattern or vision of the *Foothills Policy Plan* is up to the Planning and Zoning Commission to decide.

Exhibit 1- "Boise Foothills Concept Plan"



Applicants' Responses

To

Plano Road Subdivision Proposal Work Session Topics

Density

1. Show how the density bonus was calculated and how base density was calculated.

~~Response 1~~: The formula and calculations showing how the density bonus was calculated are set forth in Exhibit A to the Planning Division Staff Report, as amended (the "Staff Report"). The base density for the project is prescribed by the Foothills Planned Development Ordinance ("Foothills Ordinance") as follows:

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

Foothills Ordinance § 11-06-05.07.04 (emphasis added). Thus, the project's base density of 917± homes is readily determined by the mere mathematical extension of the information set forth in the table found on page 5 of the Staff Report, as reflected in **Exhibit 1** attached hereto.

It should be noted that, because the 917-unit base density is far greater than the 155 homes proposed by the Applicants, no density bonus is actually being utilized by the Applicants. Or put otherwise, the actual size of the density bonus is largely irrelevant to the pending development proposal. *See* Foothills Ordinance § 11-06-05.07.03.5 ("Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.").

2. Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.

~~Response 2~~: Foothills Ordinance Section 11-06-05.07.04.C provides that each of the following criteria, among others, demonstrates an increase in public value of "Priority Open Space":

> "1. Allowance for public access." – Here, the Applicants are constructing a public trail through the project from N. Collister Drive to Plano Road, together with access to the trailhead at Polecat Gulch Reserve.
>
> "2. Protection from alteration of important vegetation . . . that could otherwise occur from a permitted use . . . ." – Here, as reflected in Exhibit 1, Boise's denial of the project could result in the development of up to 917 homes on the subject property by the Applicants' development of their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance. *See* Foothills Ordinance

§ 11-06-05.07.02 (ordinance applies "where an annexation or rezone is required.").

"4. Dedication or discounted sale to a willing public agency." – Here, 165 acres of open space (including 82 acres of onion fields) are being conveyed to the Land Trust of the Treasure Valley (the "Land Trust"), with the Applicants agreeing to the perpetual endowment of the Land Trust's maintenance and preservation of the dedicated area through the payment of .25% of the sales price for each sale or resale of a lot or home on the property (estimated at $1,500 to $2,500 based on current values). *See* Applicants' Narrative, Plano Road Subdivision, at p. 3 ("Rare plant communities") and proposed Development Agreement at Section 4.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance?

~~Response 8~~: "Development Pockets" are defined in the Foothills Ordinance as follows:

> These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be *largely less than 25% slope* but may contain fragments of steeper areas as needed to accommodate the site design.

Foothills Ordinance § 11-06-05.07.09 (emphasis added). Here, as set forth in the detailed analysis included in the Staff Report, 75% of all the building pads are being constructed where none of the slope exceeds 25%; 16% of the pads are being constructed where not more than 10% of the slope exceeds 25%; 8% of the pads are being constructed where not more than 20% of the slope exceeds 25%; and none of the pads are being constructed where more than 25% of the slope exceeds 25%. Thus, unless "largely less than 25% slope," as such phrase is used in the Foothills Ordinance, means something less than a quarter of the area, all of the Applicants' proposed building pads meet the intent of the Foothills Ordinance.

11. What are the issues concerning the timing of the proposed facilities on the Parks' Polecat Gulch Reserve?

~~Response 11~~: Because the Applicants intend to start the project on the western (or opposite) side of their property, they are requesting that they not be required to construct the improvements required by the Department of Parks and Recreation ("Parks & Rec.") until the earlier of either (a) starting phase two (instead of phase one) of the project or (b) starting the improvement of lots along the northerly extension of N. Collister Dr. The Applicants' full performance is assured by the terms of the proposed Development Agreement (*see* Section 5). It should be noted (i) that the Applicants do not contest the specified timing for the dedication of the right-of-way necessary to get to Boise's Polecat Gulch Reserve, but only the requirement for the premature and uneconomic construction of improvements that could result in the delay of any improvements at all being constructed (including those required by Parks & Rec.) because of the imposition of additional front-end costs, and (ii) that none of the contributions required by Parks & Rec. (including the dedication of the right-of-way necessary to get to Polecat Gulch Reserve) can or will be made by the Applicants until it is economically possible to commence construction

on their project. Thus, the Applicants' proposed modification of Condition of Approval 11.j is in both Boise's and the Applicants' best interests.

14. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible.

    ~~Response 14~~: The Applicants' civil engineer confirmed after the July 14 hearing that the sand pit and other areas having a slope of 25% or less located on the property are "buildable." The Applicants apologize for any confusion caused by the erroneous response to the contrary given at the hearing. However, because no density bonus is actually being utilized by the Applicants, the question of whether the sand pit and other areas are buildable is largely irrelevant to the pending development proposal.

15. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"?

    ~~Response 15~~: The 25% slope requirement is measured "pre-grading." *See* Foothills Ordinance § 11-06-05.07.09 (first two definitions). The term "excessive grading, cut and fill," as used in Foothills Ordinance § 11-06-05.07.05.A.4, is not defined in the ordinance. However, by its logical definition, the term must be viewed in the context of what grading would otherwise occur if the proposed project were not approved. Here, the Applicants maintain that the only economically viable alternative to the development being proposed is to develop their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance and allow for a density of up to 917 homes (with the possibility of significantly more grading). Moreover, as depicted in the Applicants' computer modeling of the project presented at the July 14 hearing, the proposed grading is designed to protect the general shapes and textures of the foothills by integrating the cut and fill slopes into the surrounding terrain.

16. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.

    ~~Response 16~~: The Applicants maintain that the only economically viable alternative to the development being proposed is to develop their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance and allow for a density of up to 917 homes. Thus, the reconfiguration of the proposed project to allow for the construction of significantly less valuable lots would also require the development of a substantially greater number of homes.

17. What are some alternatives to sky lining dwellings on the ridge lines?

~~Response 17~~: As depicted in the Applicants' computer modeling of the project presented at the July 14 hearing, there is, in fact, virtually no sky lining of dwellings on the ridge lines. (The one limited exception being the view from a small portion of Hill Road looking directly up the hill.) Moreover, the color, materials, height, and setback restrictions being imposed as conditions of approval (*see also* Section 8 of the proposed Development Agreement) will mitigate any visual impacts from homes to the extent reasonably possible. *See also* Response 16 (p. 4), above.

18. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.

    ~~Response 18~~: *See* Responses 1 and 2 (pp. 1-2), above.

19. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

    ~~Response 19~~: *See* Responses 1 and 2 (pp. 1-2), above.

Design and Grading

3. Explore any alternatives that might be available to building on the ridge tops.

    ~~Response 3~~: *See* Response 16 (p. 4), above.

4. How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.

    ~~Response 4~~: The amount of the grading being proposed is driven largely by the road requirements (particularly the $\leq 10\%$ slope limitation), the requirement that storm water run-off be maintained on site, and the quantity of material required to mitigate and restore the unsightly and potentially dangerous sand pit located on the property. Further, by its logical definition, the minimization of grading must be viewed in the context of what grading would otherwise occur if the proposed project were not approved. *See also* Response 15 (p. 3), above.

12. What are the standards and regulations concerning excessive grading?

    ~~Response 12~~: *See* Response 15 (p. 3), above.

21. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have views and that is why they are not being used.

    ~~Response 21~~: *See* Response 16 (p. 4), above.

Environmental Issues

5. Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project.

   ~~Response 5~~: The Idaho Department of Fish and Game ("IDFG") has identified no migration routes on the property. Nevertheless, the Applicants have implemented multiple open-space corridors in their design and agreed to implement fencing policies proposed by IDFG that will allow for the free movement of wildlife throughout the property, over 70% of which will remain in or be restored to its natural condition.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues.

   ~~Response 7~~: As reflected by the storm water infiltration analysis that was prepared by SPF Watering Engineering, LLC and included in the Staff Report, there are no expected adverse impacts to existing domestic wells. Moreover, because the project is designed to divert all runoff within the development footprint to a series of on-site detention ponds, existing residences along Plano Road will realize a 90% reduction of possible water flows from a 100-year event (from a current 6.8 cubic feet per second to .5 cubic feet per second) and existing residences along N. Collister Drive will realize a similar reduction (from a current 25 cubic feet per second to 3.5 cubic feet per second).

22. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this.

    ~~Response 22~~: As set forth in Section 4 of the proposed Development Agreement: "Prior to recording a final plat for any portion of the Property, [the Applicants] shall . . . (b) enter into a written agreement with the Land Trust or other approved entity for the protection and preservation of [the] onion fields *on terms approved by the Planning Director*." (Emphasis added.) Thus, the specific tasks and benchmarks required of the Land Trust to protect the onions are open to direction by P & Z and the Boise City Council.

23. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.

    ~~Response 23~~: *See* Response 22 (p. 6), above.

25. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the

tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings?

~~Response 25~~: *See* Response 16 (p. 4), above.

Traffic and Roads

6. Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

   ~~Response 6~~: The ACHD projects that the intersection of Collister Drive and Hill Road will operate at Level of Service E or F in 2013 even if the Applicants build nothing on their property. Thus, by both constructing improvements to Plano Lane and the signalized intersection at Collister and Hill required by the ACHD and, in addition, contributing over $531,000 in traffic impact fees to the ACHD, the Applicants are contributing to the mitigation of existing road and traffic problems, not causing them. Further, the traffic impact fees can, of course, be utilized for constructing additional improvements on N. Collister Dr. if such improvements can be shown to be needed.

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

   ~~Response 9~~: The Applicants support the proposal.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

    ~~Response 10~~: *See* Response 6 (p. 6), above.

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

    ~~Response 13~~: The Applicants are unclear on what "phase-in proposals" are at issue, but would be happy to address the issue at the July 31 work session if requested to do so. *See also* Response 9 (p. 6), above.

24. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

    ~~Response 24~~: *See* Response 6 (p. 6), above.

Comprehensive Plan Policies and Zoning Ordinances

20. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.

~~Response 20~~: The Applicants have worked for three years with Staff to design a project that meets the letter and intent of the Foothills Ordinance, while still providing an economically viable development. In this regard, the Applicants fully concur with the following conclusion set forth in the Staff Report:

> 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.

Id. at p. 4. Moreover, the Applicants wish that it be clearly understood that a denial of the proposed project will necessarily result not in the preservation of the Applicants' highly valuable (and expensive) property as undeveloped open space, but in the Applicants developing their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance.

26. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.

~~Response 26~~: The Applicants will have to rely on Staff to provide the requested historical information, with respect to which the Applicants have no particularized knowledge. Additionally, although the Applicants fully acknowledge that there is wildlife on their property, they rely on the report by Ecological Design, Inc. contained in the Staff Report (entitled, A Report Discussing General Design Criteria, Special Areas Analysis, and Preliminary/Conceptual Design Requirements) for the proposition that the property has been determined by IDFG to comprise merely "low density" winter range.

27. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that plan.

~~Response 27~~: *See* Response 17 (p. 4), above. Additionally, as summarized in the conclusion to the Applicants' Narrative, Plano Road Subdivision, contained in the Staff Report:

> As a base for comparison, the neighboring Quail Ridge Subdivision was developed with 176 lots on 250 acres, for an average

> density of one lot for every 1.42 acres. When compared with Quail Ridge Subdivision, and after adjustment for the differential in acreage, the Plano Road Subdivision reflects a reduction of over 80 building lots and 37% in grading. Moreover, in order to minimize grading, most of the homes will be located along "single-loaded" streets, rather than using the "double-loaded" street alignment found in the Quail Ridge Subdivision. Thus, by virtually any measure, the Plano Road Subdivision will impose significantly fewer impacts on the surrounding area and environment—while at the same time providing significantly greater benefits—than did perhaps the premiere residential subdivision in northwest Boise, the neighboring Quail Ridge Subdivision.

Id. at p. 5.

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City Cc
Preside
Elaine C

Council
David E

Vernon
Maryan
Alan W
Jim Tibb

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.	Current Maximum Allowed Density
Sub-Total, Boise City	A-1	16.4	1	16
Sub-Total, Boise City	R-1C	20.1	8	160
Sub-Total, Ada County	R6	122.9	6	737
Sub-Total, Ada County	RP	173.1	0.025	4
Total		332.5		917+/-

Exhibit 1

Exhibit 3 - Plano Road Planned Development Application, Zoning, May 29, '07

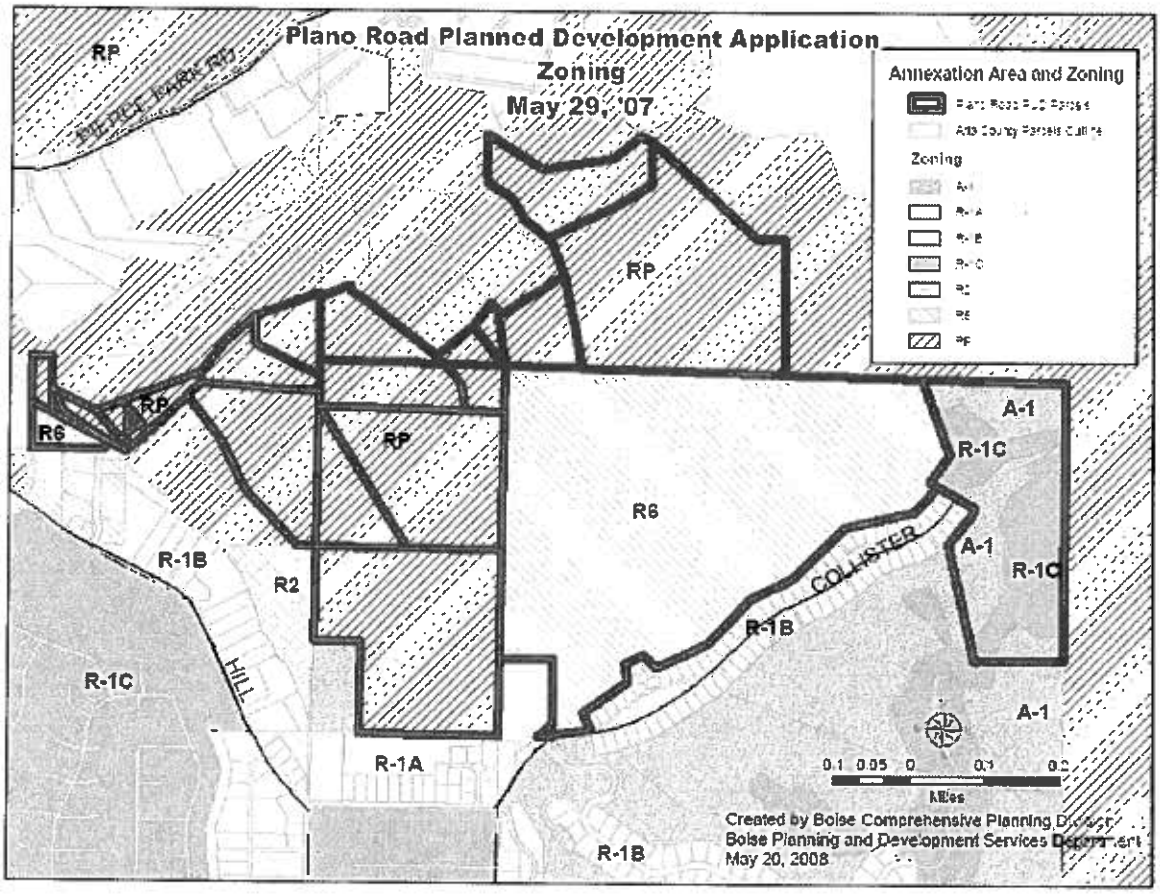


Exhibit 4 - Plano Road Proposal - Building Envelope Placement Within Buildable Area

Plano Road Proposal - Building Envelope Placement Within Buildable Area

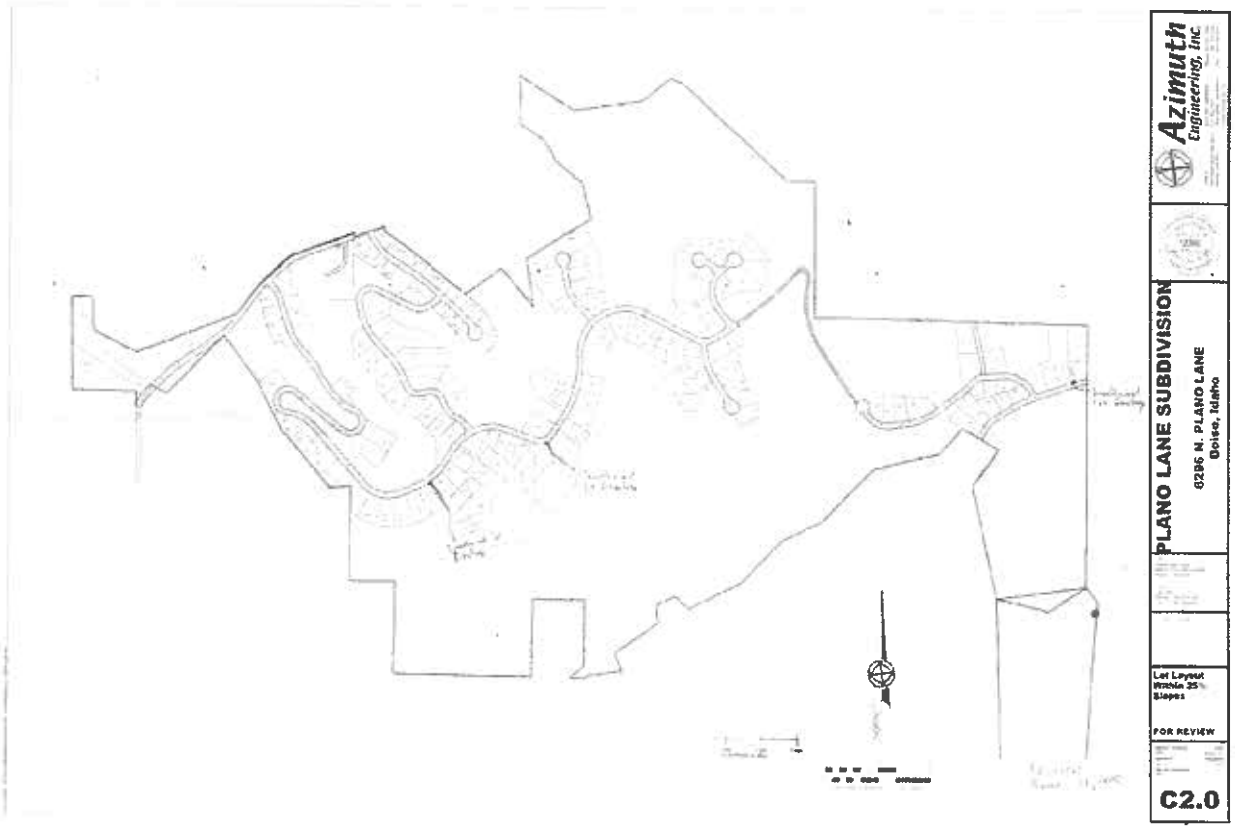
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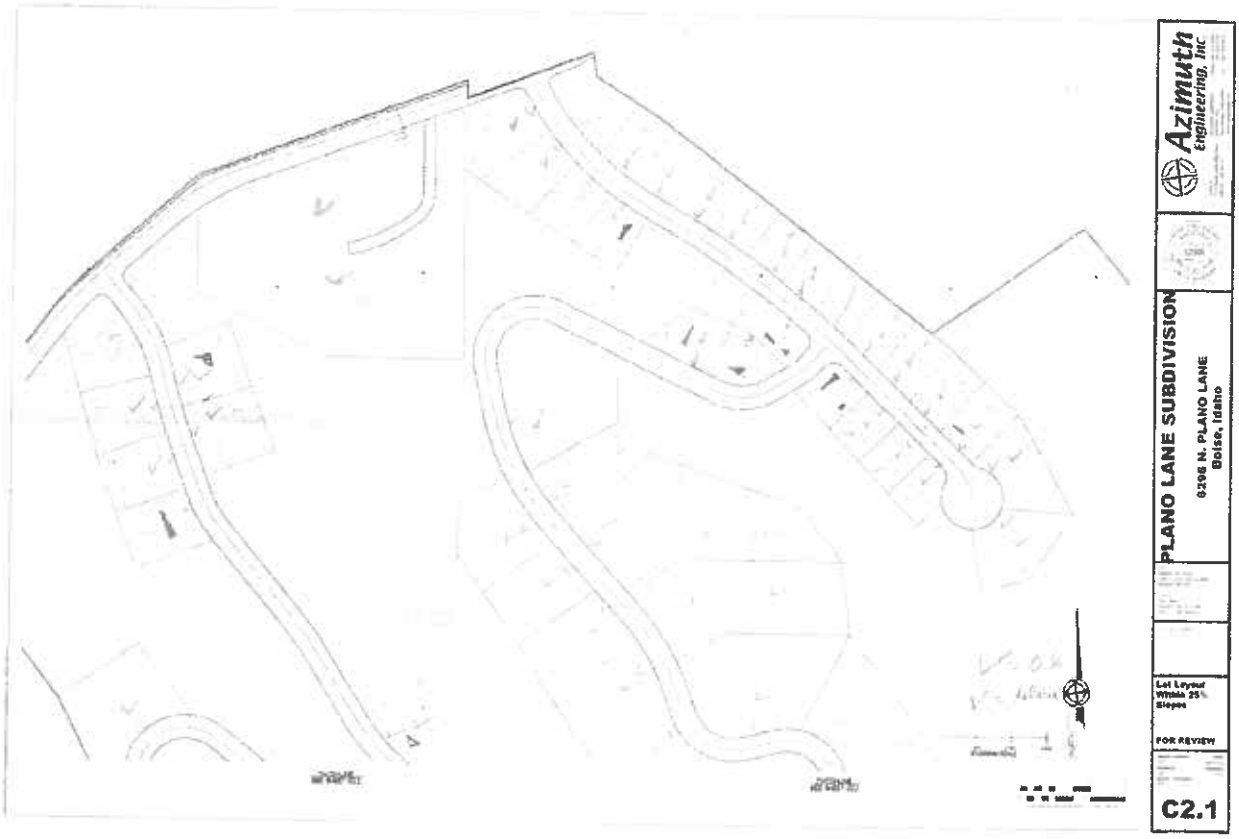
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3		1			Short on frontage-failed
4			1		
5			1		
6			1		
7			1		
8			1		Requires private road status
9			1		
10			1		
11			1		
12			1		
13			1		
14			1		
15			1		
16			1		Reduced envelope size
17			1		Reduced envelope size
18			1		Reduced envelope size
19			1		Reduced envelope size
20			1		
21			1		
22			1		
23			1		
24			1		
25			1		
26			1		
27			1		Rear yard short-failed
28			1		
29			1		
30			1		Front yard short, can be fitted
31			1		
32		1			Front yard short, can be fitted, reduced envelope size
33			1		
34			1		
35			1		
36			1		
37			1		
38			1		
39			1		Envelope size reduced

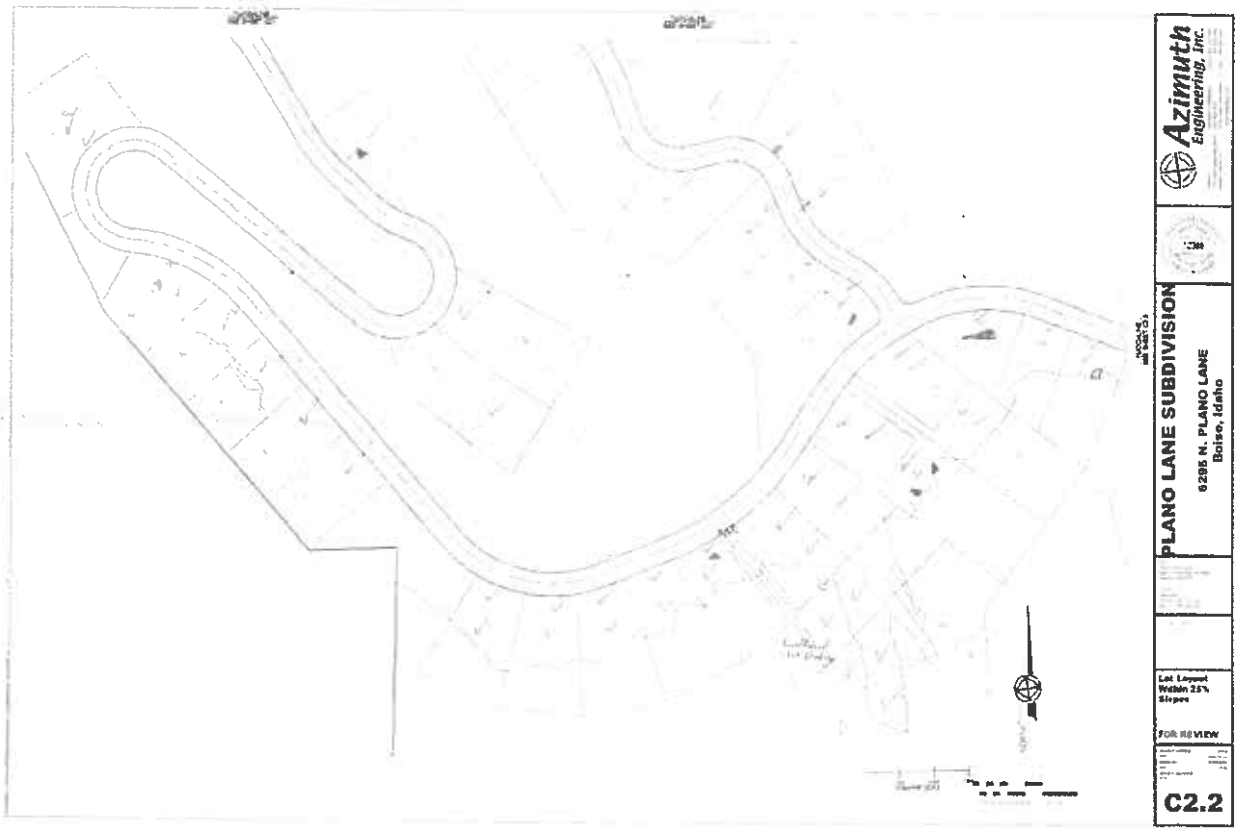
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49		1	Envelope size reduced
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92		1		
93		1		
94		1		
95		1		
96		1		
97		1		
98		1		
99		1	1	Front setback short
100		1		
101		1		
102		1	1	sideyard short
103		1		
104		1		
105	1			
106		1		
107		1		
108		1		
109	1			Envelope depth reduced
110		1		
111		1		
112		1		
113		1		
114		1		
115		1		
116		1		
117		1		
118		1		
119		1	1	Front setback short
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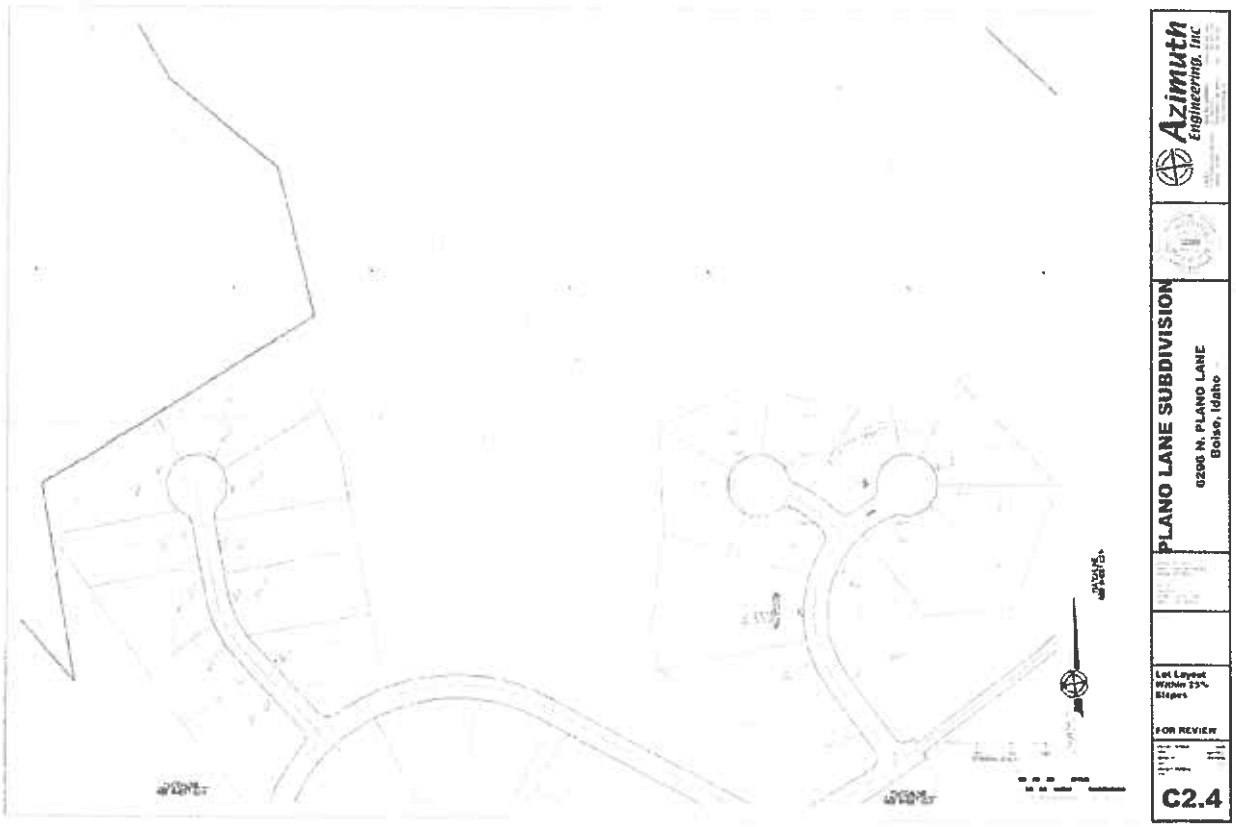
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148			1		Envelope size reduced
149			1		Envelope size reduced
150		1		1	Rear setback short, Envelope size reduced
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154			1		
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Totals	0	8	147	4	
			155		


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.0


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
9296 N. PLANO LANE
Boise, Idaho
FOR REVIEW
C2.1


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6295 N. PLANO LANE
Boise, Idaho
FOR REVIEW
C2.2


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6206 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.3


Azimuth
Engineering, Inc
PLANO LANE SUBDIVISION
6206 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.4


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.5

Exhibit 5 –

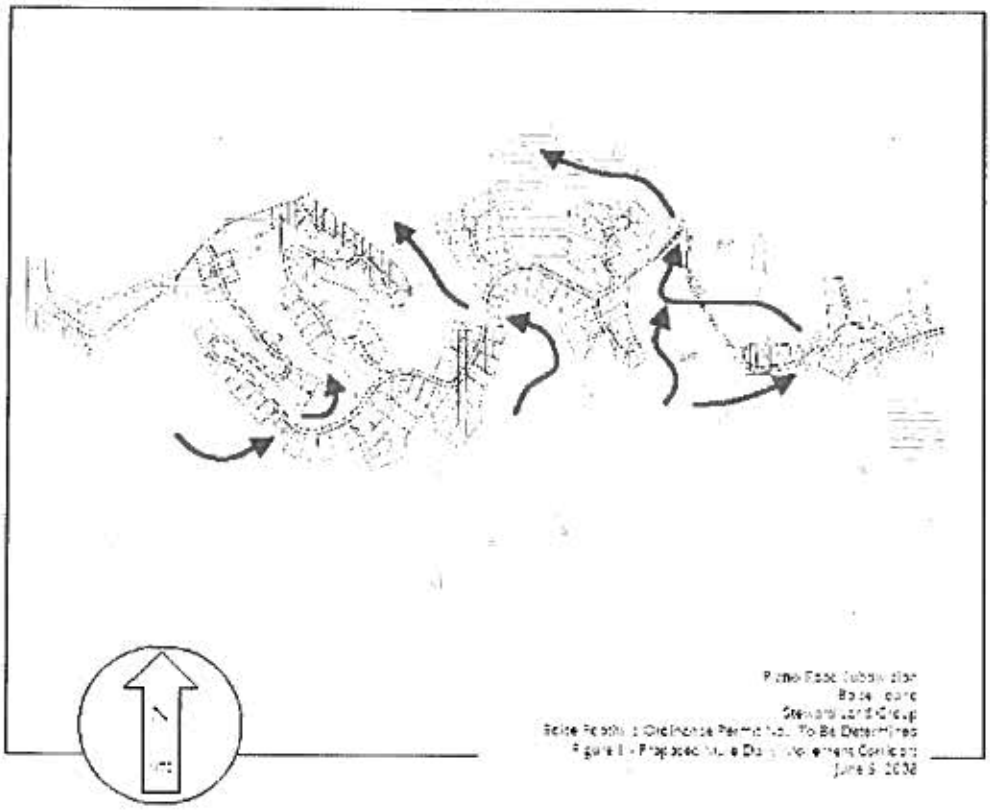


Exhibit 6 – Foothills Policy Plan and Ordinance Review

-Presented to City Council on 7/08/08-

Foothills Policy Plan the outcome of 10-years of public debate. Adopted in 1997.

Basic Policy Decisions

1. Foothills will share in growth of the community.

2. Development will be limited to slopes of less than 25%

3. Development should be clustered away from sensitive areas

4. Establishment of three Foothills Areas of differing priority:
    a. Eastern Foothills – Wildlife habitat protection first priority
    b. Central Foothills – Development okay but limited by traffic capacity
    c. Western Foothills – Priority development area based on lack of wildlife and availability of street capacity.

5. Creation of Density Bonus Formula
    a. Base Density of 1 Unit/40 Acres, increasing to 3 units per acre as flat open space is set aside.

6. Foothills Development to be protective of environment, shapes and texture of foothills

7. Street improvement plan to include:
    a. 36th Street extension to Cartwright Road/Bogus Basin Road
    b. Diversions from Hill Road to State Street,
    c. No connection to Table Rock from Warm Springs

8. Foothills to meet Urban Standards for Services and Infrastructure
    a. Sewer
    b. Fire
    c. Paved roads and secondary access

Foothills Planned Development Ordinance Adopted in 1999

1. Added quantification and detail to the concepts in the Policy Plan

2. Density bonus process needed much more detail.
    a. Minimum size to count as eligible open space (1 acre)
    b. More points defined in formula
    c. More areas (Priority Open Space) eligible for open space bonus
        i. Protection of sensitive species/areas
        ii. Protection of unique geologic/archeological sites
        iii. Provision of public access
        iv. Dedication of land to public ownership

v. Linkage of natural corridors

3. Design Criteria
    d. Clustering
    e. Linking of Open Space
    f. Minimizing of grading
    g. Building/disturbance envelopes
    h. Prohibition on gating
    i. Trail access (Ridge to Rivers)
    j. Maintenance of Open Space in natural condition

4. Review and Approval Process
    a. CUP and Development Agreement required
    b. Properties with existing urban zoning not subject to Foothills Ordinance

5. Required Process of Analysis
    a. Preliminary/Conceptual Designs Based on:
        i. Slope analysis
        ii. Special Area analysis
        iii. Infrastructure analysis
        iv. Adjacent Parcel analysis

Gray Areas in Foothills Planning and Development

1. How much grading around the edges of < 25% slope areas to create development pads is acceptable?

2. To what extent can Priority Open Space that is NOT flat land count toward the required open space set-aside for Density Bonus purposes?

3. What does "minimize grading" (cut and fill) really mean?

4. How tight does clustering have to be?

5. How much "sky-lining" of ridges is acceptable?

6. Are all urban services feasible in foothills settings?

Key Points to Remember About Foothills Development

1. Existing policy plan specifically allows for foothills development

2. No two sites in the foothills are the same. It is almost impossible to create standards that will apply equally well to all properties.

3. Foothills development is expensive and it takes a significant amount of development to cover those costs.

4. The priority development area in the foothills (Western Foothills) is difficult to develop from a technical standpoint, due to steep slopes.

5. Most developable land is on ridge lines, where it will be most visible.

6. There is a dichotomy between getting extra density credit for protecting rare species on a site, when that credit results in more intensive development of that same site.

Exhibit 7 – ACHD Letter to Boise Planning and Zoning Commission dated July 30, 2008

ACHD
Committed to Service

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

July 30, 2008

TO: Boise City Planning and Zoning Commission

RE: Plano Road Subdivision

On June 25, 2008 the Ada County Highway District Commission approved the applications for annexation, rezone, preliminary plat, and conditional use regarding Plano Road Subdivision. This memorandum is in response to questions raised at the Boise City Planning and Zoning Commission Hearing held on July 14, 2008 regarding this proposed development.

Item 6: Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

ACHD Staff Response: While the ridability and aesthetics of upper Collister Drive are not ideal, the condition of the roadway is not a limiting factor for increased traffic from the proposed Plano Road development.

The upper portion of Collister Drive is sufficient to accommodate both current and projected traffic volumes and drainage requirements at build-out of this proposed development. Members of the public have expressed concerns that although upper Collister Drive is currently classified as a collector roadway, that it is to narrow and degraded to operate as one. However, projected build-out traffic volumes will be approximately 1,335 north of Quail Ridge Drive. This is well below the 2,000 daily trip threshold for even an existing local street.

Item 9: Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

ACHD Staff Response: The ACHD Commission considered the proposal of a gated emergency access, and rejected it in the interests of connectivity and safety goals. In addition to connectivity and safety goals, ACHD Commissioners and staff have concerns over the long term maintenance of a private gated emergency access between two public streets.

ACHD Commission determined that, due to the size and scope of the proposed development, that a full public street connection between Plano Lane and Collister Drive shall be required at build-out. After significant deliberations on the timing of this requirement, the ACHD Commission decided that a gated emergency access road shall be required prior to the first final plat, and that the full public street connection shall be required prior to the final plat of more than 53 buildable lots. Once Daylight Rim Drive is opened as a public street, it cannot be gated.

The ACHD Commission WILL NOT approve a final plat of more than 53 buildable lots in Plano Road Subdivision prior to the dedication of Daylight Rim Drive as a full public street connection between Plano Lane and Daylight Rim Drive.

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achd.ada.id.us

Item 10: Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

ACHD Staff Response: The installation of a traffic signal at the intersection of Hill and Collister Drive will improve its peak hour capacity and level of service. This is particularly true for the westbound approach, which currently experiences the greatest delays at this intersection during the PM peak hour.

This intersection is currently four-way stop controlled. Although the Hill Road approaches experience the greatest volumes and delays at this intersection, the limited site distance onto Hill Road from the Collister Drive approaches precludes the possibility configuring it as a two-way stop control (with stops on the Collister approaches) in order to improve its level of service.

If a traffic signal is not installed, and the intersection remains under all-way stop control, the Plano Road development will cause the intersection to operate at an unacceptable level of service due to average vehicle delay time. Even without the Plano Road development, this intersection is projected to operate at an unacceptable level of service in 2015.

Item 24: In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

ACHD Staff Response: Boise City may levy requirements above and beyond what is required by ACHD.

Collister Drive north of Hill Road currently exceeds what the District would normally require for off-site improvements in accordance with District policy 7203.3 (24-feet of pavement and 3-foot gravel shoulders on each side). Even if the existing portion of Collister Drive were internal to the proposed Plano Road development, the existence of sidewalk on the south/east side of Collister meets the requirements of District policy of 7204.4.7 for developments in hillside areas.

Boise City can choose to direct the installation of sidewalk along the north/west side of Collister Drive. There appears to be sufficient right-of-way along the north/west side of Collister Drive north of Outlook Avenue to allow for the installation of a 5-foot attached sidewalk. However, the installation of sidewalk on this side of Collister Drive would require coordination with and approval of the adjoining homeowners, as well as a substantial degree of grading, encroachment removal, and retaining wall installation.

ACHD staff is willing to discuss any proposals that Boise City might have to address their concerns regarding Collister Drive.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Matt Edmond
Planner II
Right-of-Way and Development Services

CC: Project file
Bruce Eggleston, Boise City Planning & Development Services

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Boise City Planning & Zoning Commission Work Session
July 31, 2008
Council Chambers, Third Floor, City Hall
Work Session Will Start at 6 P.M.

Item	Presenter	Time
1. CAR07-00042/DA, SUB07-00065 CUP07-00084 & CFH07-00022	Bruce Eggleston	2 hrs.

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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

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208/384-3830

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800/377-3529

Web
www.cityofboise.org/pds

Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council ProTem
David Eberle

Vernon L. Bisterfeldt
Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

July 18, 2008

Memorandum

To: Boise City Planning and Zoning Commission Hearing

From: Bruce Eggleston, Planner II

Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal; CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session.

The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.

Plano Road Subdivision Proposal Work Session Topics

Commissioner Barker:

1. **Show how the density bonus was calculated and how base density was calculated.** In the report – Bruce to point out and clarify with graphics

2. **Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.** See Tiederman Report of June 6, 2008

3. **Explore any alternatives that might be available to building on the ridge tops.** 1- the pit is not buildable as is – it would have to be filled to be buildable. 2- ridge tops are flat and buildable 3 – ordinance design is governed by 11-06-05.07.05 4- the Commission must evaluate the application presented, however, alternatives include flipping the road to the front side; tightening the lots making them narrower and smaller; build in sand pit post fill; they could do some multifamily or attached housing in the gulley; put more units in the bottom of the gulley and move off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways). Build "hill-hugging houses, cascade down slope.

4. **How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.** Judgment call based on 11-06-05.07.05 (4) and (5) - we cannot require them to leave all the open space and not give them the benefit of clustered developable area. To avoid a regulatory taking, developable area must include to some degree the cost of infrastructure and to ensure that the building area is somewhat safe. On the other hand, this development is not hill hugging development – another design would reduce grading and more closely adhere to 11-06-05.07.05 (4) and (5). Ordinance is designed for minimum grading in development and increased grading for infrastructure – see ordinance definition for development pockets, also see Hillside ord. + Foothills Policy Plan

5. **Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project** Report came in late, but City is asking the Developer to preserve migration routes – Fish and Game states some protection is necessary as this is big game winter range. Part of the pit. Will there be enough open space to provide for sustainable habitat?

6. **Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?** ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. ACHD has clarified good to go. the proposal on is Collister. There are no recommendations to improve Collister in the ACHD conditions of approval. The projected traffic volumes are under 2,000, which is the standard for a local road.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues. According to report from SPF water engineering LLC July 1, 2008, there will be no impacts. Public Works agrees.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance? see ordinance definition for development pockets – these areas will be largely less then 25% slope, but may contain fragments of steeper areas as needed…

Commissioner Fadness:

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated? ACHD does not want a gate and Fire would prefer there to be no gate.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good? ACHD are the experts – they have held two hearings and a reconsideration and feel this is the best way to go.

11. What are the issues concerning the timing of the proposed facilities on the Parks' Polecat Gulch Reserve? See Developer and letter from Julia Grant – Parks and Rec – the Commissions call.

12. What are the standards and regulations concerning excessive grading? General design sec. 4 and 5

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues. ACHD does not want a gate and Fire would prefer there to be no gate.

14.

Chairwoman Wilson:

15. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible. Buildable is a slope analysis only - quote ordinance – Sand Pit can only be built on if ridge tops are utilized to build up sand pit – this would be counter to the policies - see Terry

Commissioner Baskin:

16. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"? - see earlier answer

17. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development. - see earlier answer

18. What are some alternatives to sky lining dwellings on the ridge lines? - see earlier answer

19. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high. Onions are specifically listed in the ordinance as something that needs protected. So we have to adhere to the ordinance. We can make sure that adequate protection is in place. Also, onions are only 1 of 4 reasons for density bonus.

20. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code". Re-state the 4, plus wildlife migration route

Commissioner Cooper:

21. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent. This would be a good place to put in Hal's document.

22. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have views and that is why they are not being used. See earlier answer – you can request that they redesign, but you need to rule on this design unless they acquiesce.

23. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this. Ask Developer to tighten plan – pull out Harris Ranch and show them that we are about there. Ask Developer to address what happens if Land Trust goes under.

Commissioner McLean:

24. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more

accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future. Ask Developer to tighten plan – pull out Harris Ranch and show them that we are about there. Ask Developer to address what happens if Land Trust goes under.

25. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it? We could ask Developer to work with ACHD to see if any education of neighbors is needed – like park along the road and cause hazards.

26. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings? Be careful here – we can't redesign there project – we can say there are some other ideas that could be explored – such as : flipping the road to the front side; tightening the lots making them narrower and smaller; build in sand pit post fill; they could do some multifamily or attached housing in the gulley; put more units in the bottom of the gulley and move off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways)

Commissioner Stevens:

27. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight. Foothills development issues have been studied for 20 years. The foothills plan and ordinance took 7 years to bring to fruition. It is an intricate plan that looks at all areas of the foothills. This area is not void of wildlife, rather it simply has less wildlife then other areas. Further, eastern foothills are set up to protect wildlife while this area is not set up that way. Eastern foothills – top priority is protection of wildlife habitat; Central foothills has limited development capability due to limited road capacity. Western foothills is the priority area for development due to minimal wildlife and availability of street capacity. Legally, the Developer is allowed to rely on the plan and the ordinance and we cannot change it mid application.

28. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that

plan. The plan requires sensitivity to the foothills. Quail Ridge did stair step development that was not very sensitive. We are requiring design review and restrictions on material and colors for exteriors of the homes. Quail Ridge did not require design review or restrictions on material and colors for exteriors of the homes. The plan is designed to create a balance between development, open space preservation, and community development. As an example, the City could not afford to put the trail head in for 5 to 10 years, and with the development the neighbors will get a trailhead years earlier.

7

PUBLIC HEARING EXHIBITS.

TO P&Z

From: "Stephanie Bacon" <sbacon@boisestate.edu>
To: <beggleston@cityofboise.org>
CC: <fbsmithiv@cableone.net>
Date: 8/10/2008 8:03 PM
Subject: August 11 P & Z Hearing re Plano Road Sub

Dear Mr. Eggleston,

I'm not sure what the protocols are for this extension of the hearing, but I hope to testify to the remarks below, and would appreciate having them entered into the record if possible.

Best regards,

Stephanie Bacon

To: Planning and Zoning Commission
August 10 2008

1. On the management proposal for the Onion Conservancy:

I question the fitness of TVLT to protect this important colony of Aase's Onion. The relative newness and inexperience of TVLT, evidenced by their vague, inadequate first proposal, and their hasty revisions, makes them unsuitable for the task. I also believe that Robert Teidemann's association with the Land Trust raises serious conflicts of interest.

Having provided the P&Z with many photos showing the Onion blooming on the ridgelines in April 2008, I do not find credible TVLT's claim that they will transplant the "small amount of rare plants that will be disturbed during initial construction." The amount of plants is not small, and these plants are not suited to transplanting; we've all heard how they only grow in certain soils, on certain slopes, at certain altitudes. Their rareness is evidence of their particularity as to habitat and disruption.

It is not credible that "a pre-construction education effort ...to guide initial grading activities" will help, unless all grading is restricted to the month of April, because the Onion is not visible at other times of year. The plant is dormant and has no visible presence during most of the year. When the scapes and leaves are visible, for a short time before and after blooming, they are visually indistinguishable from grasses.

Before this project goes forward, a new and impartial onion study must be prepared, by a qualified professional whose livelihood does not depend on enabling development.

2. Regarding the August 5 meeting

There are procedural problems with the August 5 meeting and the recommendations proceeding from it. The phasing negotiations spearheaded by the developers and their colleague Mr. Watt are improper, because no representatives of Plano Lane and adjacent sections of Hill Road—who are profoundly impacted in any scenario—were party to the discussion. While Mr. Watt claims his concerns regard safety and timing only, it's clear to us that he hopes to force as much of the impact as possible onto Plano Lane for as long as possible—it's a transparent, not-in-my-backyard strategy. In their findings ACHD sought to distribute the impacts of construction and other traffic between Plano and Collister from the outset. They did not think it was fair to subject Plano to all the negative impacts of the project , when another, larger street, already classed as a collector, also would inevitably access the project. We don't think that would be fair either, and we don't think it's fair to have the spirit of ACHD's decision undermined at a closed meeting of would-be power brokers. To suggest that "the 53 units would be platted on the western end of the proposed subdivision taking access from Plano Road to provide a delay to increased traffic on

Collister Drive" simply seems like doing a nice favor for Collister, at the expense of the residents of Plano. I don't think that ACHD would approve it, and I hope that P&Z will not endorse it. Please note that Plano is in the county and adjacent to RP zoning, while Collister is in the City and adjacent to mixed zoning, and might reasonably expect to share some of the burden of development.

Sincerely,
Stephanie Bacon
6024 Plano Lane

From: Brent Smith <bsmith@boisestate.edu>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
CC: genewortham <genewortham@msn.com>, justin wortham <justingwortham@msn.co...
Date: 8/10/2008 7:36 PM
Subject: CAR07-0042/DA – Plano Lane Subdivision

August 10, 2008

RE: CAR07-0042/DA – Plano Lane Subdivision (hearing Aug. 11)

To: City of Boise
Commissioners of Planning and Zoning
Brandy Wilson,Chair

Dear Commissioners:

As Bruce Eggleston stated in his public and recent written report, you have discretionary powers in rewarding density bonuses based on your evaluation of the proposal and its degree of compliance with the intent of the Foothills Ordinance.
We have finally reached the time in which you as a Commission will be given the opportunity to announce how you evaluate the degree to which this proposal to save the onion, save the riparian area, save the wetlands, and capture trail head access, complies with the intent of the Prime Open Space section of the Foothills Ordinance.

After attending the work session and reading the recent report from Mr. Eggleston, it is clear that Boise Parks and Recreation desires the trailhead access. It also seems clear that there would be no development proposal without this card because, were it not for the trailhead, Parks and Recreation would not be fostering this development and pushing you to do the same.

Yes, the letter of the law has been met. But, the question that still has not been answered by the Commission, is to what degree does the overall package meet the level of intent required to fully satisfy the maximum density bonus that is being requested? At the work session and as reflected in the report, the Commission seems to have gotten sidetracked with issues that are much narrower in their scope, such as a proposal to phase-in this development and the connecting road over time, to make it more palatable for a particular neighborhood, as well as for the developer. I hope you will redirect your attention this evening to the bigger issue and not allow these side issues already addressed by ACHD to dominate.

Since the trailhead is clearly so valuable to Parks and Rec, the developer could certainly receive a density bonus for the access through his land. However, when the other three elements are examined closely, it seems they directly contradict the meaning of being environmentally valuable or conscientious. In fact, it seems more reasonable to attach a negative factor to the density bonus for these elements rather than the positive factor. This development is the only reason the "riparian area," the "wetland," and the onion habitat might need protection, although even that is questionable. In any case, how is the public good satisfied by building a fence around an area that needs no protection and offers nothing in the way of public value? Will the wetland or riparian area be more beautiful viewed through a fence; will the fence prevent rocks from the development road from flying into the riparian area? What exactly is the protection from? People certainly would not go into this gulch or the land the onion is on. How is the public good enhanced by establishing a land trust to provide a sketchy and unlikely to be successful stewardship of lands that clearly have no value and no potential for use other than to enhance the developer's specious argument that it is being protected by being put in a trust for the good of the public? At the very least, there should be an independent study sought from environmental experts, and who have no conflict of interest, to review this proposal for credibility.

If in your minds, however, these elements add together to produce a positive in the developer's column, I maintain that to give this package the maximum bonus of the additional 148 lots lacks credibility to the extreme. The lack of sufficient public value in three of the four environmental elements, as well as the myriad other reasons that this development directly contradicts clauses in the Ordinance is more than enough reason to turn this development down flat.

Time and again I have heard the developers insinuate that the city owes them something because of all of the hard work and time they have put into complying with the Ordinance. I have just one question for the developer and one suggestion for the city. If it was so difficult to make the features of this property comply with the Foothills Ordinance why didn't you just leave the Sand Pit Land unpurchased instead of buying it and speculating that you could force this ridgeline development to happen? My suggestion to the city is that it not allow itself to be 'played' by intimations that the developer is owed something in return for going to all this trouble and expense. The developer's speculation is no more deserving than anyone else's speculations in life. People that take the time and spend the money to travel to Nevada to gamble receive no guarantee of a return on their investment. Why do these developers expect special treatment (or were they promised it by Parks and Recreation?)(Was the fix really in as I have been told?)

Please don't allow your legacy to Boise to be a toothless Foothills Ordinance that will result in unsightly ridgeline developments, destruction of current living conditions in already established neighborhoods in Northwest and North Boise, and increased traffic in already overloaded and unsafe roads. Please use your power wisely and allow the developers some bonus for meeting the letter of the law, but do not allow the Foothills Ordinance to be hijacked just to provide a trailhead when the other elements in the proposal do not pass a test of reason.

If the 155 lots is the only way that the developers will play ball with the City, i.e., give it the trailhead access, then I urge you to ask them to play somewhere else – not in the foothills that my great grandfather homesteaded, where I was born and have lived for most of my life.

Sincerely,

Brent Smith
6024 Plano Lane

From: Janel Brown <janelbrown12@hotmail.com>
To: <mayor@cityofboise.org>, <citycouncil@cityofboise.org>, <tbaskin@mbelaw....
CC: <president@collistercna.org>, <beggleston@cityofboise.org>, <john@verita...
Date: 8/8/2008 5:36 PM
Subject: Plano/AASE Canyon development proposal

August 8, 2008

MEMORANDUM

TO: The Honorable David Bieter, Mayor
Boise City Councilors
P&Z Commissioners

FROM: Janel Brown
5736 N. Collister Drive
Boise, Idaho 83703

SUBJECT: CUP07-00084 & CFH07-00022 - Plano AASE Subdivision Proposal

I understand that the City of Boise has targeted the NW foothills for development. There is insufficient infrastructure to safely serve citizens of the area. The East end's infrastructure was improved as development progressed. What is the plan for the NW end? Near as I can tell, the plan is to allow development now and worry about infrastructure later. In the case of this particular development, it will be impossible to go back and improve infrastructure after the fact –at least for my little residential street.

We are led to believe that if annexation is denied, Ada County could allow even higher density than what is currently proposed. If that happens, the City of Boise will still have a problem. The new residents will be using the same traffic infrastructure – annexed or not. What is the plan?

The crux of the matter with this development seems to be the Pole Cat Reserve parking lot that is part and parcel of the deal. It is suspicious that the City of Boise is willing to sacrifice the safety and character of existing neighborhoods (Briarhill, Outlook, Hillside and greater Collister Neighborhood) in order to have a developer pay for parking facilities. What was the plan when Pole Cat Reserve was purchased? There's an entrance from Cartwright – why is a second entrance so necessary? Why can't it wait for proper funding via the City's budget process? What about other options like charging a fee to recreational users to fund the parking area?

We are told that a second access point is required for this development and that the current dead-end of Collister must become a thoroughfare. If that is the case, why was the Sherman Hollow Development recently approved with a single access point? Further, our neighbor, Roger Phillips recently canvassed the NW foothills area and found not a single instance of a foothill's subdivision with more than one access point.

We are told that Plano Lane will not be improved to current connector standards. The reasons are murky. Why won't Plano Lane be improved to the most current standard? If it were, it would easily serve the expected population. Developments on this end of town commonly have a single open access point (Quail Ridge, for instance) – why should this development be different? Because of the Pole Cat parking area, perhaps?

If a second open access is absolutely required, why can't it come from Pierce Park or Cartwright? Those streets are better suited to additional traffic because they can be improved. Would it be too expensive? For whom?

The current plan will be very expensive for those of us who live on upper Collister. It will ruin the property value and quality of life for 75 existing homes on upper Collister and according to ACHD upper Collister can and will NOT be improved in any way.

Why does the developer's private property rights and the City's lack of a budget for Polecat Reserve parking facility trump our private property rights – the right to maintain the character of our SAFE residential area, the right to protect our property value?

Would you want to purchase a home on Collister if the current plan is executed?

Where is the infrastructure? What is the plan to provide proper infrastructure?

Why did the city buy and begin to develop Pole Cat Gulch when the money to complete the project is unavailable? What was the plan? Surely there was a plan to complete the Polecat Reserve project. Why should already overburdened infrastructure absorb more traffic so the city can get a parking lot and amenities funded by the developer?

I ask you each to take the time to drive, walk or bike up Collister from Hill Rd. Imagine it with up to 1500 additional car trips daily. Even if the expected increase is evenly split between Plano and Collister, 750 additional car trips daily is unacceptable. Upper Collister is wholly inappropriate to the task. Take the time to directly experience Collister north of Hill Rd – I think you will agree.

I remain sad for our local population of wildlife. We are told that this is not a "major migratory corridor or winter range" and that the deer are largely resident to the area. Why does it matter whether they live here year-round or use it as winter range? My personal experience is that the population of deer jumps significantly in winter.

The various requirements a developer must meet obviously do not support Boise's desire to preserve the foothills and to manage growth appropriately, I ask you to honor the spirit and intent of the Foothills Initiative first particularly Boise City Foothills Policy 6.1.2.7 "Motorized traffic may have to experience some inconvenience in order to preserve neighborhoods.".

The current direction on this issue is wrong. There has to be a better way, there has to be a better plan. Finding the better way might mean sticking your neck out. It might be risky. But it is the right thing.

5770 N. Collister Drive
Boise, ID 83703
(208) 388-4678
August 8, 2008

TO: The Honorable David Bieter, Mayor
Boise City Council
P & Z Commissioners

SUBJECT:
CUP07-00084 & CFH07-00022 – Plano AASE Subdivision Proposal

As a concerned resident and father living on Collister Drive and as I citizen of the city of Boise, I was in attendance at the July 14th P& Z meeting during the testimony and discussion of the proposed Plano subdivision. After a lengthy meeting, the P&Z commission made a wise decision to have a work session on July 31st to obtain further information and to attempt to address many of the questions that arose from the proposal and public testimony. My intent in this letter is to address some of those questions that arose and bring forth the concerns that I still have with regards to it. Although I still have many more questions and concerns, I will focus on the three topic areas:
i. public safety with regards to traffic patterns,
ii. the intent of the foothills initiative as well as the precedent that will be set by the Commission/City Council decisions and
iii. the proposed phase in plan advocated by John Watts.

With regards to public safety, if the current proposal is accepted as is, there is still the problem that exists along upper Collister Drive. As you have heard from previous testimony and seen in the pictures, the construction of upper Collister is a mess. A gutter running down the middle, a sidewalk only one on side, a 6% grade, as well as the vast majority of the now 77 residences driveways emptying directly onto the street. Furthermore, most children play in the front yard, for the back yards butt up to a steep hillside. ACHD has made in abundantly clear, there will be no improvements made to the existing section of upper Collister Drive.

Currently, as a dead end road, my fellow residents and I are able to live with it since it is a dead end road. The traffic flow is light and we enjoy the seclusion of our crappy little road. However, regardless of when Daylight Rim is built (the proposed connection between Plano Drive and Collister); this will no longer be the case. At a minimum 750 additional car trips will be added, likely much more. If one simply takes the time to drive, ride or walk up upper Collister, it becomes clearly obvious this is unacceptable. Furthermore, the traffic estimates do not take into account all the additional construction traffic during phase in; a phase in which estimates at least one million cubic yards of dirt will have to be moved, a minimum of least 65,000 construction dump truck trips. I ask you, if you are a father or mother on Collister Drive, would you feel safe to allow your children to play out in the front yard?

However, this scenario of increased risk to the public safety of the residents/citizens of Boise does not have to take place. Several of the P& Z commissioners asked questions with regards to

how this proposed development fits in with the spirit/intent of this first proposed subdivision under the foothills initiative, as well as the subjective matter in which the bonus density is calculated. As was presented on July 14th, by allowing the developer to claim all the unbuildable land on the steep hillside where the AASE onion grows as open space eligible for the density bonus, it greatly increases the number of lots that can be built. So my questions are simple: was that the intent of the foothills initiative? Does filling up ridge tops with houses because the developer(s) get increased density for not building on land that they couldn't build on in the first place make sense? A type of building that is supposed to be discouraged according to the initiative that was approved by the public.

Furthermore what precedent will this set if all the "open space", regardless of its "build-ability" is calculated in the density bonus? It is clear to me, that to honor the spirit of the foothills initiative, that a significant amount if not all of the acreage on the steep hillsides be removed when calculating the density bonus. And in fact, if this is the case, the numbers of houses built would be reduced, thus negating the need for connectivity proposed by ACHD. Simply put, a connecting street between Collister and Plano would not need to be built, for a residential street along Plano would easily and safely handle the traffic flow, for the proper ACHD safeguards and standards would exist. Currently our subdivision has a single access point, as well as several others, so why would there be a need to make Plano any different? And in fact if this scenario unfolded, the safety concerns for the residents of upper Collister would not be compounded on their crappy little road. There would be minimal increases in traffic flow along upper Collister Drive, yet access to the foothills/Pole Cat Gulch would still exist.

Lastly, as noted by the P&Z commissioners, there is subjectivity to how the foothills initiative is applied and how the bonus density is calculated. Although I think a clear case has been made on why all the open space should not be included in the calculation for this proposed subdivision, the P&Z commission may not see it that way. Thus if a decision is made that allows all of or most of the acreage to be allowed, thus leaving the number of lots relatively the same, I urge you to carefully consider and support the phase in plan suggested by John Watts, e.g. Phasing Plan and Park Development, dated August 6, 2008. Not only does it have the support of the developer, it gives time for ACHD and the city to budget and see when and if connectivity is needed between Plano Drive and Collister Drive. Rather than trying to estimate traffic patterns, a pattern will be clearly in place. Furthermore it allows time to come up with solutions for the problems that exist, most importantly the public safety concerns for the residents of Briarhill

I appreciate your time reading and reviewing this. I will be in attendance on August 11th and look forward to your discussions and the opportunity to take part in the deliberations.

Sincerely,

Robert J. Lazechko

From: <Doger14@aol.com>
To: <Beggleston@cityofboise.org>, <PNilsson@cityofboise.org>
CC: <Doger14@aol.com>
Date: 8/6/2008 8:00 PM
Subject: Re: Plano Road Subdivision application

In a message dated 8/6/2008 11:53:44 A.M. Mountain Daylight Time, Beggleston@cityofboise.org writes:

Dear Don,

I would be glad to talk to you about the proposed subdivision and the downstream impacts that might ensue.

Please contact at 384-3839, or e-mail me.

Thanks,

Bruce

Bruce,

Would it be reasonable to say that the language in the Foothills Policy Plan (FPP) and the Foothills Planned Development Ordinance (FPDO) are encouraging the development in the Western Foothills partially because of the available traffic capacities downstream from that particular area.?

If so, that would mean that the traffic generated from these developments should be encouraged, through intersection design measures, to continue South through the Hill Road intersections to the major arterial State Street, NOT East towards the North End streets that are already beyond capacity. It is Boise City's responsibility when approving these developments to recognize this fact and include designs for these intersections as a condition of approval.

From reading the staff report, I know that you understand the purpose and intent of the FPP and FPDO. Based on the public input provided for these two plans, a decision was made to allow/promote foothills development in the western foothills. These applications come to you years in advance of these type of public hearings. City staff has worked hard with the developer to come up with the best application that fits the intent of the plans.

It is also your responsibility to address the capacity issues and the reason given to allow these developments. There is capacity downstream from this development, but only directly south and not to the east. I don't see this addressed in the staff report. If staff is to recommend approval, staff should write a condition of approval that would say that Boise City recognizes the downstream traffic impacts of these western foothills developments and we will do everything in our power to keep the traffic on the roads that have the capacity.

I would be happy to talk more about this by phone or e-mail.

Regards,

Don Plum
1221 N. 15th
Boise, Id
doger14@aol.com (mailto:doger14@aol.com)
631-6036

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Director

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Alan W. Shealy
Jim Tibbs

Planning & Development Services

August 6, 2008

Memorandum

To: Boise City Planning and Zoning Commission

From: Bruce Eggleston, AICP Planner II

Subject:
Meeting on phasing of connecting roads and Parks facilities for the proposed Plano Road Subdivision, CAR07-00042/DA

The Applicants for the proposed Plano Road Subdivision, Hal Simmons, Planning Director, Dave Selvage, Boise Parks and Recreation Department, Teresa Sobotka, City Attorney's Office, John Watts, Dave Hanneman, Boise City Fire Department, Terry Records, Public Works, Scott Spjute, Zoning Supervisor

The Boise Planning and Zoning Commission requested at their work session on the above case July 31st that staff and the applicant work out a phasing plan for the proposed connection of Daylight Rim Drive.

The issues of concern are:
1) The timing of the installation of a through road,
2) The phasing of the finished segments of the road,
3) The question of whether or not to put a gate on the unfinished road, and
4) The timing of the final improvements to ACHD standards and recommendations.

We must also arrive at a recommendation for the extension of upper Collister Drive to the Boise City Parks Polecat Gulch Reserve, the dedication by the City of land for a right-of-way cul-de-sac, and the installation of the proposed parking lot and trail facilities on the Park land.

The issues of concern for the Polecat Gulch Reserve are:
5) The dedication of the proposed right-of-way,
6) The phasing of the installation of the road improvements,
7) The phasing of the proposed improvements for the parking lot and trail facilities on Parks and Recreation land.

BRUCE EGGLESTON - phasing plan and park development

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>, <TSobotka@cityofboise.org>, <hsimmons@cityofboise.org>
Date: Wednesday, August 06, 2008 1:15 PM
Subject: phasing plan and park development
CC: <bwilson@ch2m.com>, <citycouncil@cityofboise.org>, <tbaskin@mbelaw.net>, <qabarker@dds.state.id.us>, <lauren.mclean@trilliuminvest.com>, <brian@ekcconstruction.com>, <gene.fadness@puc.idaho.gov>, <dougc@mckibbencooper.com>

Aug 6, 2008

Good afternoon P&Z associates,

Thank you again for taking time to consider my views and inviting me to the meeting the other day. It was illustrative.

Regarding the phasing plan which we didn't discuss in detail, I believe it is worth mentioning again because it has direct bearing on the stages and timing of park development, emergency access and impact to the existing neighborhood.

I recently heard that Mr. McDevitt is presenting (or presented this morning) to the Parks Board a Jorgenson/McDevitt bi-laterally negotiated/discussed proposal to build the park a permanent completed condition at either the 23rd lot on top, or after 3 years from the sale of the first lot, or upon the first lot at the end of Collister. I wish I could have been included in this discussion as a follow-up to our Monday meeting. I'm not sure what happened or how it took place but does impact directly the immediately adjacent Briarhill neighborhood.

I don't believe the "development milestones" from the Tuesday discussion were so clearly enumerated at the meeting I attended Monday, but rather it was more a negotiation of 18 months vs. 5 years vs. 7 years, then maybe 2 years, etc.

Certainly, I wish and respectfully request again P&Z leaders give consideration to the proposed development phasing plan offered by Briarhill. It addresses multiple components and has support of the applicant. Please indulge me to present the detail in full here so that it is a least in everyone's hands from this point forward.

If we utilize the proposed new phasing plan it becomes easier to tie certain secondary triggers to the primary development.

1. Build *original* Phases 1,3,5; then review need or take action on a gravel emergency road – functional analysis to determine if all or what portion of residential and construction traffic would utilize the brand new up-to-code and constructed egress/ingress from Hill to Plano and the suitability of the main entrance to serve the development for the next short interim period. Phases 1,3,5 would yield 53 lots, less than the 80 houses ACHD sets as their standards for 1,000 vehicle trips triggering a dual access. 80 lots is a quantifiable and accepted measurement ACHD uses to determine impact via vehicle trips per day and triggers decisions about dual access. (year 1)
2. Then proceed with phase #14; given market conditions and the reality there may still be a glut of houses available and no one is interested yet in very large, very expensive houses on a hill (54 lots total) (year 2)
3. Then phases 7-8 (+18 lots totaling 72 lots); this reaches the mid-point of the development and a more measured discussion can take place about traffic flow, traffic direction, bicycle park utilization (using the Cartwright access point), emergency access, down road impact, and Hill road traffic signaling considerations. (Year 3)
4. Then phase 15 (1 lot and total of 73 lots); this respects/acknowledges again market conditions (see same rationale for phase 14 above) (year 4)

5. Then phases 9-10 (24 lots totaling 97 lots) which puts the development well onto the back of the hill and emergency roads remaining as gravel or converted to pavement makes functional sense as the distance to Hill road becomes functionally shorter using north Collister.
6. Then phase 11, again see # 2 and #4 above (total 98 lots) (year 6)
7. Then phases 2 and 12. This triggers the bicycle park parking lot by the contractor if the city hasn't saved the funding for its own development timeline, and adds 20 more lots for a total of 131 lots. (year 7)

I hope you do not feel this is a selfish proposal. I believe it recognizes construction costs to the applicant, public safety needs of Briarhill residents, emergency needs for city/ACHD control of road maintenance/city policing/city fire costs associated with any secondary road until all parties are satisfied it is needed and useful, recognizes functional drive time needs of eventual Plano subdivision residents, creates a modern up-to-code entrance onto Hill from Plano for the new residents, accepts the reality that north Collister will not be upgraded and new subdivision and bicycle park traffic impact onto north Collister can be measured to see if the original ACHD decision is worthy of a reconsideration, and acknowledges the slow economy and checks us all from not getting too far out in front of the reality of the market needs so that if a default may occur Boise isn't left forever with a legacy of foothills cuts and skyline ridge contours leaving a scarred up mountain side, altered ridge lines and partially disrupted onion.

I think it contains many win-win components and invite again to consider it; you may gain many new allies.

Thank you for taking the time to review and consider this. I hope that if any more discussions are had about the park or the road we have a chance to be involved. I look forward to your discussions and deliberations at the August 11 meeting.

Good luck and thank you
jw

f e c e e g egg e c e g e e

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>, <hsimmons@cityofboise.or...
CC: <citycouncil@cityofboise.org>, <tbaskin@mbelaw.net>, <qabarker@dds.state...
Date: 8/5/2008 2:39 PM

August 5, 2008

Good afternoon Ms. Sobotka, Mr. Eggleston and Mr. Simmons:

Thank you for allowing me to join the meeting yesterday. I and my Briarhill neighbors appreciate the chance to remain involved and be part of the dialogue. I will offer however, I was disappointed the meeting was not as productive as I had envisioned going in, albeit was interesting.

My personal impression is that the meeting was conducted and treated as a pure negotiation of numbers with lines being drawn in the sand just for position sake. For example, numbers such as if and when to build a secondary access road between north Collister and Plano subdivision (80 lots, 0 lots, 53 lots, now 45 lots as suggested by the city yesterday, 36 lots or 17 lots, or, frankly, if at all), and when during the development should the developer should be required as a condition of development to build a bicycle parking lot, for example, immediately, 18 months, 3 years, 5 years or 7 years.

To me, the almost immediate move to a number negotiation approach lead to a discussion for negotiation and resolution sake, not for a discussion leading to consideration (and ideally resolution) of conflicting ordinances surrounding public safety, excessive traffic conditions onto "downstream" roads, private property rights and bicycle trespass, and the desire for the city leaders to build its city in a coherent organized manner. Parties at the meeting seemed to strain at times for some objective or analytical logic or rationale reflecting city ordinances and driving decisions toward solid timing and development of the bicycle parking lot and emergency road construction. Clearly this development and the attended decisions have conflicting ordinances governing roads and public safety, property rights and trespass. These values really should be worked through yet before any decision is rendered.

In my mind, and in the mind of my Briarhill neighbors, anything we can do for daily public safety is paramount as we live currently on a substandard, 6% slopped road with street-side parking on both sides, the presence of children in the street, and a storm gutter down the middle. These conditions and the application of permanent meaningful public safety for 75 existing families should be measured in light of conflicting current ordinances calling for no negative impact to existing neighborhoods from new developments, traffic may have to be inconvenienced, need for secondary roads, requirements for sprinkled houses, adequacy of emergency roads to fulfill a public safety mission, phasing of development for some form of mitigation to all of the aforementioned, and the construction of a parking lot adding heretofore unaccounted for traffic trips.

Briarhill residents have worked hard, for as citizens without any staff

or paid help or government employee to aid in research or analysis, we have tried to be thoughtful, measured, objective and honest, and we have tried to be constructively helpful to find solutions. Thus far, we have found that our ideas continue to be overshadowed for mere expeditiousness of this proposed development and needs of a city proper today versus the needs or requests of citizens that constitute the city government genesis. Perhaps we should slow down and examine carefully the above outstanding issues. The decision rendered will last a lifetime and its impact will not go away, ever, even when a new development proposal comes along to turn our attention.

Significantly, a P&Z and City Council nearly twenty years ago prioritized Briarhill's public safety over more housing lots atop north Collister (that would have generated additional traffic) and a connection road or extension of north Collister Drive up to Quail Ridge. That was their ruling and I would hope it serves as a precedent at some level to draw upon today. To your peers before you, it was a safe and prudent action to take.

Today, except for drainage culverts scattered down the center-road gutter on north Collister, the pavement conditions, housing density, traffic volume, parking arrangements and deteriorated condition of the road remains the same, nothing has been done to the road, but, yet, somehow, it seems okay today to connect this substandard road to a different ridge top development; a connectivity our neighborhood has collectively and publicly opposed via petitions, in letters to the editor, and in public ACHD and P&Z meetings via testimony.

Furthermore, the voting and tax paying residents of Briarhill are being forced to accept traffic from a foothills bicycle park that the developer is required to construct because the city Parks Department can't or won't wait until they "save" enough money to build this amenity for people that ride bicycles in the dirt. A parking lot exists on Cartwright today for egress and ingress to the foothills park and seems to be working fine serving to keep excessive traffic removed from Collister. That Cartwright access seems quite sufficient for the foreseeable future. A few years ago Briarhill residents publicly asked the Foothills Advisory Committee that this parking lot be located only on Cartwright road. We were told that would be the case until the city parks department could save the money for a structure near where a ranch house now stands and that we could be part for the review of the plan. To date we have not been included in any detail of the parking lot plan except as set out in the development proposal. Certainly, the city leaders and parks and department can wait, save their money and attain a better, clearer sense of utilization and potential traffic impact from this city park upon north Collister and the residents of Briarhill just to accommodate a closer-in vehicle driving convenience for people that ride bicycles in the dirt.

All this said, what too is to become of north Collister's cramped conditions when the horse riders drive their (more than likely) dual wheel, extended cab, 4x4 pickups dragging a 4-6 capacity horse trailer through our neighborhood to the two parking lot spots for trucks and horse trailers designated in the plan? A constant, steep, 6% downhill grade with the weight of multiple horses and large steel pickups and horse trailers competing with little children on or near the street is not a good scenario.

Lastly, neighbors have taken their time and personal resources to drive the length of the north foothills and found that from Highway-55 to

Bogus Basin road there are virtually no north-south gulch to ridge-top connections, virtually none; but there is precedent of two existing locked and gated emergency roads to ridge top developments, Quail Ridge and Bison (?) Ridge (end of Quail Hollow Drive) providing the fire department with appropriate alternative emergency access.

We appreciate the difficult job you and the P&Z commissioners have, and respect the public service you provide to our community, but a meeting to negotiate numbers for numbe4rs sake without reliance upon current city ordinance and efforts to resolve policy conflicts are frustrating. We can all do better.... Boise can do better.

Thank you,

jw

Land Trust of the Treasure Valley

PO Box 106 Boise, ID 83701 (208) 385-7927 www.lttv.org

Conserving natural, scenic, recreation and farm lands in the Treasure Valley.

August 5, 2008

Bruce Eggleston
Boise City Planning and Zoning
150 N. Capital Blvd.
Boise, Id 83702

RE: Plano Road – CAR07-00042/DA

Dear Bruce:

The Land Trust of the Treasure Valley has been asked by the applicants of Plano Road Subdivision to assist in creating and implementing a conservation strategy for the protection of the rare and sensitive plant species, Aasae's onion. This letter will outline the general approach with further detail, as desired by the Planning and Zoning Commissioners.

The Land Trust will be granted a conservation easement over the rare plant areas. The terms of the easement will include a monitoring requirement, permitted and restricted uses and other items that will be detailed in an associated management plan referenced below. The land will be owned in fee by the HOA or others. The Land Trust will provide a report to the city annually in the first five years and bi annually thereafter, or as determined necessary by Boise City.

In the Land Trust's letter of December 3, 2007 a framework for development of a rare plant management agreement was presented. To assist Boise City staff and decision makers, the applicants and the Land Trust have agreed to develop the details of this management plan and proposed funding structure to be included in a packet of information for Boise City Council consideration.

The components of the management plan will include:

Threats

- A draft of possible threats is listed below. This information is a rough draft and is in discussion stages with US Fish and Wildlife Service, Boise City and Ada County. This is not considered a final version. The plan will focus on those threats that relate to the Collister site.

	Threat
1	Habitat loss and fragmentation
	- land conversion for agricultural and urban/commercial development
	- landfill development
2	Habitat degradation/disturbance
	- nonnative weed species invasion
	- wildfire - major contributor to habitat degradation/non-native weed species invasion

	Threat
	- livestock use – historical and ongoing
	- motorized recreation
	- non-motorized recreation
	- trail/road construction and maintenance
	- off trail use and recreation
	- soil/habitat disturbance
	- powerline construction and maintenance
3	Mining
4	Seeding non-native plant species
5	Existing regulatory mechanisms
6	Hybridization
7	Data gaps
8	Public/agency awareness of species of conservation of concern
9	Over utilization for commercial, recreational, scientific, or educational purposes
10	Herbicide and pesticide application
11	Herbivory
12	Drought
13	Climate change
14	Military training/operations

Pre-Construction protection:

- A pre-construction education effort will be created to guide initial grading activities.
- It is anticipated that the Land Trust will work closely with Boise City and the applicants or their successors during the initial site preparation and grading.

Post-Construction protection:

- A post-construction education effort for homeowners and neighbors will be developed.
- The education effort will be closely linked to the Homeowners Association and will be designed as an environmental education effort.

Monitoring:

- Monitoring protocol will be created to include a site visit and report each year for the first five years and bi-annually thereafter. This report will be provided to the Homeowners Association and Boise City.
- The monitoring will include the establishment of a minimum of 2 transects that will measure the ecological integrity of the onion conservancy area.
- The Land Trust reserves the right to conduct additional research on the conservancy site to further information about the rare plant.

Enforcement:

- An enforcement/ compliance process will be established to assure corrective actions are taken in the event of non-compliance.

Transplanting.

- The potential will be explored for transplanting the small amount of rare plants that will be disturbed during initial construction. Success cannot be guaranteed, but the feasibility of such action will be reviewed and considered.

Funding Mechanism:

- A real estate transfer fee will pay for monitoring and protection of the plants.
- This real estate transfer fee will be assessed at ¼% of the value of the lot and home.
- This fee will apply in perpetuity and will be assessed each time a property is sold and is paid by the buyer at closing.
- The fee will be established in the Conditions, Covenants and Restrictions and referenced in the Conservation Easement Document and recorded, assuring its perpetual nature.
- The funds will be held by the Land Trust of the Treasure Valley in a restricted account and used for monitoring and stewardship of the rare plant conservancy area.
- A method of funding monitoring of the initial site preparation in advance of home sales will be identified, as it will take time to build the monitoring fund.

Institutionalizing the Conservation Plan:

- The necessary documentation to assure protection of the plant in perpetuity will include the Development Agreement, the Conservation Plan, the Conservation Easement and the Conditions, Covenants and Restrictions.
- These documents will need to be developed in harmony to assure there are no conflicting statements.

It is anticipated that this Conservation Plan will be reviewed by staff prior to its submittal to City Council. In addition, the Land Trust will use the proposed Conservation Agreement being created by federal, state and local agencies as a guide, when it is completed.

We look forward to working with the applicants and Boise City staff to create a program that will be successful in assuring long term protection of this sensitive plant species.

Thank you.

Kind regards,

Tim M. Breuer
Cc: Kerry Winn, Stewart Land Group

2. The base density of one per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.
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 (emphasis added).** Slope protection and preserved open space areas shall be zoned A-1 or A-2.

One of the most significant concerns with the Developer's contention concerning the base density is that he fails to take in consideration the buildable slope and cluster density into his analysis. That is to say that the FPP and FPDO restrictions against siting development clusters on slopes greater than 25% still prevail in development proposal in both the City and the County. Thus, applying all of the ordinance requirements, a realistic estimate of base density is 332 units, as estimated by the applicant. This number would be reduced further by traffic impact constraints on the road system. Thus a maximum estimated density is 290 to 300 units as demonstrated in the table below.

The subject site is zoned as shown in the table below and map, Exhibit 1:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U./Ac.	Buildable acres in Zone
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		73.1

Staff concurs with the interpretation of the base density allowances in Section 11-06-05.07.04. A 1 for the existing Boise City and Ada County zones. Staff calculated the base density in accordance with the Foothills Policy Plan at the rate of one unit per forty acres. Staff also concurs that the base density given the existing zoning would exceed the 155 units requested by the applicant. An exact number would require map analysis that there was not time to do. Therefore the density bonus methodology is not necessary to qualify for 155 units.

For purposes of this application, the applicant is bound by densities reflected in the application and proposed development agreement. The applications express the intent of the applicant for the proposal. Their applications (zone change, development agreement and conditional use permit) invoked the density bonus regulations and went to great lengths to comply with those regulations. The applicant followed the density bonus and the calculations are expressed on the (24" x 36") aerial map and site plan labeled "Foothills Concept Plan" and in several work sheets in the record.

Appendix A
Density Bonus Formula

May 29, 2008

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
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
TOTAL POTENTIAL UNITS =		**151**	**DENSITY BONUS + BASE DENSITY**

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

July 30, 2008

TO: Boise City Planning and Zoning Commission

RE Plano Road Subdivision

On June 25, 2008 the Ada County Highway District Commission approved the applications for annexation, rezone, preliminary plat, and conditional use regarding Plano Road Subdivision. This memorandum is in response to questions raised at the Boise City Planning and Zoning Commission Hearing held on July 14, 2008 regarding this proposed development.

Item 6: Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

ACHD Staff Response: While the ridability and aesthetics of upper Collister Drive are not ideal, the condition of the roadway is not a limiting factor for increased traffic from the proposed Plano Road development.

The upper portion of Collister Drive is sufficient to accommodate both current and projected traffic volumes and drainage requirements at build-out of this proposed development. Members of the public have expressed concerns that although upper Collister Drive is currently classified as a collector roadway, that it is to narrow and degraded to operate as one. However, projected build-out traffic volumes will be approximately 1,335 north of Quail Ridge Drive. This is well below the 2,000 daily trip threshold for even an existing local street.

Item 9: Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

ACHD Staff Response: The ACHD Commission considered the proposal of a gated emergency access, and rejected it in the interests of connectivity and safety goals. In addition to connectivity and safety goals, ACHD Commissioners and staff have concerns over the long term maintenance of a private gated emergency access between two public streets.

ACHD Commission determined that, due to the size and scope of the proposed development, that a full public street connection between Plano Lane and Collister Drive shall be required at build-out. After significant deliberations on the timing of this requirement, the ACHD Commission decided that a gated emergency access road shall be required prior to the first final plat, and that the full public street connection shall be required prior to the final plat of more than 53 buildable lots. Once Daylight Rim Drive is opened as a public street, it cannot be gated.

The ACHD Commission WILL NOT approve a final plat of more than 53 buildable lots in Plano Road Subdivision prior to the dedication of Daylight Rim Drive as a full public street connection between Plano Lane and Daylight Rim Drive.

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achd.ada.id.us

Item 10: Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

ACHD Staff Response: The installation of a traffic signal at the intersection of Hill and Collister Drive will improve its peak hour capacity and level of service. This is particularly true for the westbound approach, which currently experiences the greatest delays at this intersection during the PM peak hour.

This intersection is currently four-way stop controlled. Although the Hill Road approaches experience the greatest volumes and delays at this intersection, the limited site distance onto Hill Road from the Collister Drive approaches precludes the possibility configuring it as a two-way stop control (with stops on the Collister approaches) in order to improve its level of service.

If a traffic signal is not installed, and the intersection remains under all-way stop control, the Plano Road development will cause the intersection to operate at an unacceptable level of service due to average vehicle delay time. Even without the Plano Road development, this intersection is projected to operate at an unacceptable level of service in 2015.

Item 24: In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

ACHD Staff Response: Boise City may levy requirements above and beyond what is required by ACHD.

Collister Drive north of Hill Road currently exceeds what the District would normally require for off-site improvements in accordance with District policy 7203.3 (24-feet of pavement and 3-foot gravel shoulders on each side). Even if the existing portion of Collister Drive were internal to the proposed Plano Road development, the existence of sidewalk on the south/east side of Collister meets the requirements of District policy of 7204.4.7 for developments in hillside areas.

Boise City can choose to direct the installation of sidewalk along the north/west side of Collister Drive. There appears to be sufficient right-of-way along the north/west side of Collister Drive north of Outlook Avenue to allow for the installation of a 5-foot attached sidewalk. However, the installation of sidewalk on this side of Collister Drive would require coordination with and approval of the adjoining homeowners, as well as a substantial degree of grading, encroachment removal, and retaining wall installation.

ACHD staff is willing to discuss any proposals that Boise City might have to address their concerns regarding Collister Drive.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Matt Edmond
Planner II
Right-of-Way and Development Services

CC: Project file
Bruce Eggleston, Boise City Planning & Development Services

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achd.ada.id.us

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
Robert B. Tiedemann, CPWS, CWD, CFS, CWB

With Contributions by:
Millennium Science and Engineering, Inc.
Boise, Idaho
Greg Carson

Prepared for:
Boise City Planning and Zoning
Boise City Parks and Recreation
Commissioners and Staff

Stewart Land Group
Kerry Winn, Vice President of Operations

This Report is Accompanied by a Map Prepared by Stewart Land Group Reviewed and Approved by the Authors

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...ome of these valleys also intermittently convey surface water. Much of the landscape is ...facing and exposed to greater solar radiation than other hillside faces.

The area has been disturbed in the past by the construction and use of primitive dirt roads and trails, and the rough grading of what appears to be a building pad. However, the degree of disturbance is less than expected given its proximity to urban development and recreational users of the foothills. Predominant vegetation includes, but is not limited to, basin big sagebrush (*Artemesia tridentata* ssp. *tridentata*), bitterbrush (*Purshia tridentata*), cheatgrass (*Bromus tectorum*), three awn (*Aristida purpurea*), phlox (*Phlox sp.*), and storks bill (*Erodium cicutarium*). Great basin wildrye (*Elymus cinereus*) sporadically grows in stands mostly located high in each drainage way.

Plant Species of Special Concern

At the request of Ecological Design, Inc. the Idaho Department of Fish and Game - Conservation Data Center queried their database and provided an inventory of occurrences of plant species of special concern, and threatened or endangered plant species within and near the project area.

Their response, dated March 6, 2006, shows no listed, candidate or proposed threatened or endangered plant species. However, occurrences of Aase's onion (*Allium aaseae*) - a species of special concern - was identified. The data are summarized below.

1. Documented Occurrences of Aase's Onion - Status: GRank G3, SRank S3, State GP3, BLM Type 3

Aase's onion is considered by the Natural Heritage Program and Conservation Data Center to be both a global and state rare or uncommon, but not imperiled species (i.e. rare or uncommon throughout its global range and within the State of Idaho). It is considered by the US Bureau of Land Management to be an imperiled species with a moderate chance of endangerment.

Fifteen occurrences documented by Idaho Department of Fish and Game - Conservation Data Center located within and near the project area. They are: (1) Township 4N, Range 2E, Sections 16, 17, 20, and 21 on "120 acres on the north side of Polecat Gulch and the ridge above"; (2) Township 4N, Range 2E, Sections 15 and 16 on "150 acres on south facing slopes above Middle Stewart Gulch between Cartwright Road and Bogus Basin Road"; (3) Township 4N, Range 2E, Sections 6 and 7 on "120 acres on the north side of Seaman Gulch and just west of Seaman Gulch Road"; (4) Township 4N, Range 1E, Sections 11, 12, 13, and 14 on "slopes north of Hill Road near its junction with Seaman Gulch Road; west of the landfill, east of Dry Creek"; (5) Township 4N, Range 2E, Sections 6 and 7 on "approximately 15 acres just north of Seaman Gulch and approximately 0.4 miles east of Seaman Gulch Road along ridge above old landfill"; (6) Township 4N, Range 1E, Section 1; Township 4N, Range 2E, Section 6; Township 5N, Range 1E, Section 36 on "30 acres, area between Dry Creek and Goose Creek, west of Seaman Gulch Road and east of Horseshoe Bend"; (7) Township 5N, Range 1E, Section 28 "3.2 miles north of Eagle on Eagle Road which turns into Pearl Road"; (8) Township 4N, Range 2E, Sections 15, 16, 20, 21, and 22 on "100 acres on south facing slopes northwest of lower Stewart Gulch between the Boise flatlands and Cartwright Road"; (9) Township 4N, Range 1E, Sections 12 and 13; Township 4N, Range 2E, Sections 7 and 18 on "approximately 100 acres at the divide between Pierce Gulch and Seaman gulch, just north of Hill Road"; (10) Township 4N, Range 2E, Sections 9 and 10 "along a small tributary drainage of Dry Creek, confluent from the south; east of Cartwright Road"; (11) Township 5N, Range 2E, Sections 29, 30, and 32 on "slopes between lower Mora Gulch and Lower Current Creek; north side of Dry Creek Valley, northeast of Eagle"; (12) Township 4N, Range 1E,

The Report Prepared by Stewart Land Group Reviewed and Approved by the Author

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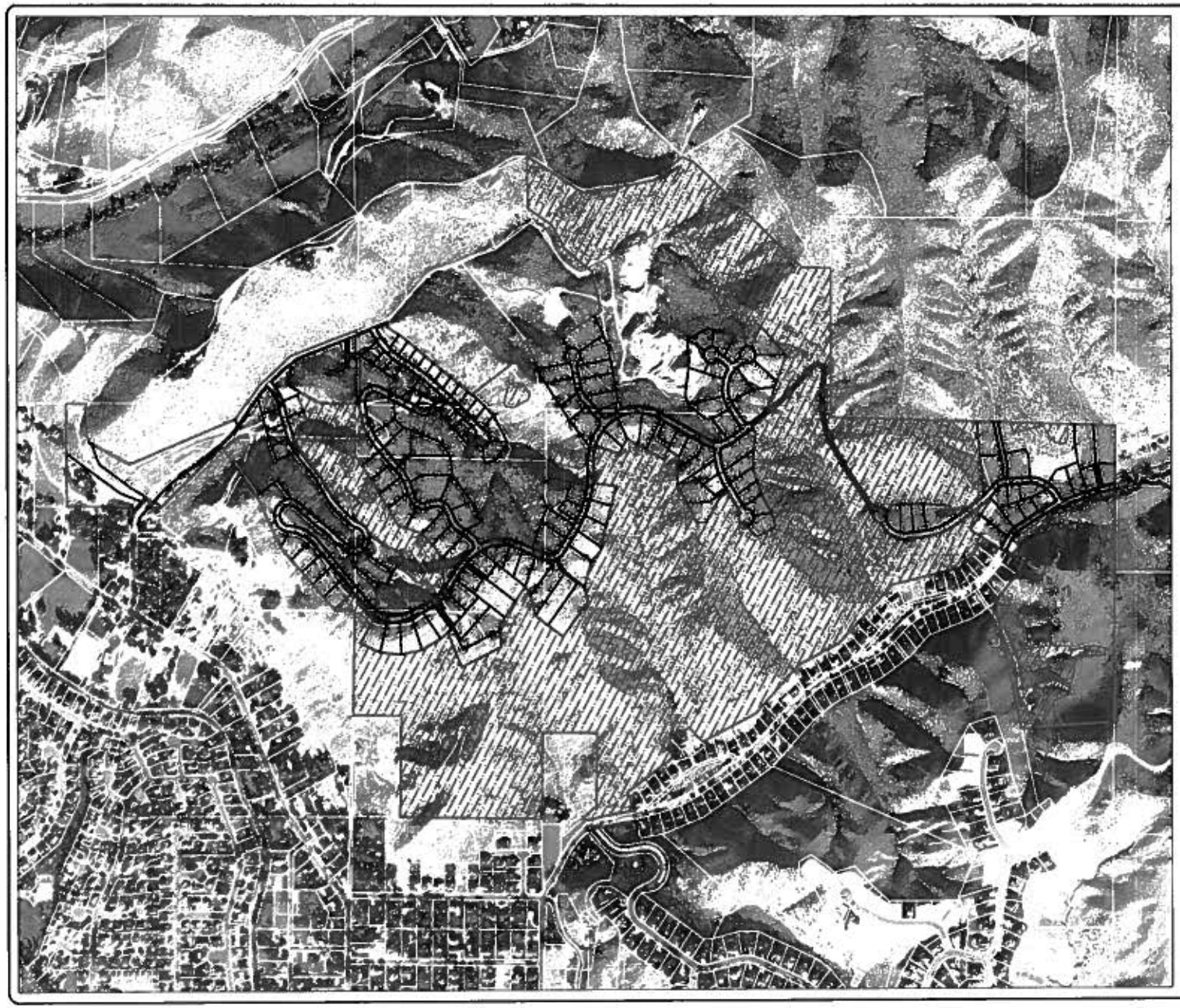


"MOTHER LODE" OF AASE'S ONIONS

1. Conservation and Preservation of the Aase's Onion.

2. Providing Protection from;
   a. Sand Removal
   b. Grazing
   c. Noxious Weeds
   d. Development
   e. Hiking
   f. Biking
   g. ATV's

3. Most known Aase's Onion are located on private land.



PRESERVE & ENHANCE ENVIRONMENTAL & RECREATIONAL RESOURCES

- 165-acre permanent conservancy, managed by the Land Trust of the Treasure Valley.
- Roadside turnout with permanent educational plaque.
- Restore the large sandpit scar.
- Protect wetlands.
- Improve riparian areas.
- Provide access to 640-acre Polecat Gulch Reserve.
- Provide an improved trail-head on the Reserve.

CAR07-00042 AA

CAR07-00042 / AASE'S CANYON POINT DEVELOPMENT, LLC
PARTIES OF RECORD AS OF 8-11-2008

BRENT SMITH
6024 PLANO LANE
BOISE, ID 83703

STEPHANIE BACON
6024 PLANO LANE
BOISE, ID 83703

MARIAH COURTRIGHT
5612 COLLISTER
BOISE, ID 83703

JERRY BOWER
3033 S. VIRGINIA
BOISE, ID 83705

MICHAEL JONES
5218 CASTLE DRIVE
BOISE, 83703

RAELENE MCGAVIS
3013 N. HIGH DESERT WAY
BOISE, ID 83746

JOHN WATTS
5954 N. COLLISTER
BOISE, ID 83703

PAUL WERNER
3014 N. MOUNTAIN ROAD
BOISE, ID 83702

GENE WORTHAM
5620 HILL ROAD
BOISE, ID 83703

ROBERT LAZECHKO
5770 COLISTER DRIVE
BOISE, ID 83703

PATRICK COURTRIGHT
5612 COLLISTER DRIVE
BOISE, ID 83703

DON PLUM
1221 N. 15TH STREET
BOISE, ID 83702

7.

PLANNING & ZONING COMMISSION
TESTIMONY SIGN-UP

FOR

CAR07-00042/DA /
AASE'S CANYON POINT DEVELOPMENT, LLC

Please Print

Name	Address	City/Zip
Michael Jones	5218 Castle Dr	'03
Jerry Baker	3055 S. Lorraine	05
STEPHANIE BACON	6024 PLANO	03
BRENT SMITH	6024 PLANO	03
Raelene McGavis	3013 N. High Desert Way	46
Paul Werner	3014 N. mountain Rd.	02
BOB LATCHAW	5770 Collister	'03
~~Jared Brown~~	~~5756 Collister~~	~~'03~~

TESTIMONY VERIFICATION
YOU MUST FILL OUT THIS FORM AND PRESENT IT TO THE CHAIRMAN AT THE PODIUM AS YOU COME FORWARD TO TESTIFY. ***Please print.***

Name: Gene WORTHAM

Address: 5620 Hill Rd

City/State: Boise ID

Zip: 83703

E-Mail Address:
GeneWortham@msn.com

Application #: ~~Avery's Canyon~~.

TESTIMONY VERIFICATION
YOU MUST FILL OUT THIS FORM AND PRESENT IT TO THE CHAIRMAN AT THE PODIUM AS YOU COME FORWARD TO TESTIFY. ***Please print.***

Name: Manda Courtright

Address: 5612 Collister

City/State: Boise, ID

Zip: 83703

E-Mail Address:
mecourtright@yahoo.com

Application #: Avery Canyon

TESTIMONY VERIFICATION
YOU MUST FILL OUT THIS FORM AND PRESENT IT TO THE CHAIRMAN AT THE PODIUM AS YOU COME FORWARD TO TESTIFY. ***Please print.***

Name: Don Plum

Address: 1721 N. 15th

City/State: Boise, Id.

Zip: 83702

E-Mail Address:
dwc14@aol.com

Application #: CAR07-00042/DA

TESTIMONY VERIFICATION
YOU MUST FILL OUT THIS FORM AND PRESENT IT TO THE CHAIRMAN AT THE PODIUM AS YOU COME FORWARD TO TESTIFY. ***Please print.***

PATRICK COURTRIGHT

Name: Patrick Courtright

Address: 5612 N. COLLISTER

City/State: BOISE, IDAHO

Zip: 83703

E-Mail Address:
pjjcourtright@yahoo.com

Application #: Avery Canyon

From: "Gene Wortham" <GeneWortham@msn.com>
To: "Milt Coffman" <miltc62@aol.com>, <sbacon@boisestate.edu>, <keslers@cabe...
CC: <woody@azimutheng.com>, <Cynthia.Sewell.-.csewell@idahostatesman.com>, "...
Date: 7/25/2008 1:24 PM
Subject: Re: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

Bruce, I was talking to a major earth moving contractor in the Boise area. The biggest job he said in their history for excavation was the new land fill. He said there was 3.2 million cy of excavation.
This development being proposed has 2 million cy of excavation. With this much excavation being planned, no doubt the hill tops and ridgeline will be reduced drastically in height. This is where the majority of the excavation will come from as the hillside cuts for the roads will not require this quantity.
Please review this plan closely as this is a MAJOR EARTH MOVING operation
and will change the topography as it now exists.
Thank you,
Gene Wortham
----- Original Message -----
From: BRUCE EGGLESTON<mailto:Beggleston@cityofboise.org>
To: Milt Coffman<mailto:miltc62@aol.com> ; sbacon@boisestate.edu<mailto:sbacon@boisestate.edu> ; keslers@cabelone.net<mailto:keslers@cabelone.net> ; lowellandbarbara@cabelone.net<mailto:lowellandbarbara@cabelone.net> ; Dave Yorgason<mailto:dyorgason@cableone.net> ; fbsmithiv@cableone.net<mailto:fbsmithiv@cableone.net> ; Jennifer Stevens<mailto:jenstevens@cableone.net> ; John E. Clifford<mailto:johnclifford@cableone.net> ; Ramon Yorgason<mailto:ryorgason@cableone.net> ; Brandy Wilson<mailto:bwilson@ch2m.com> ; Nancy Brennan<mailto:butterfly@clearwire.net> ; Julie Klocke<mailto:president@collistercna.org> ; Erin Brennan<mailto:ebrennan@ddrs.net> ; Brian Ellsworth<mailto:brian@ekcconstruction.com> ; Jeff Tucker<mailto:jeffttucker@gmail.com> ; Julia Wright<mailto:trick.walker@gmail.com> ; Janel Brown<mailto:janelbrown12@hotmail.com> ; Mark Fogarty<mailto:mark_fgty@hotmail.com> ; run_1@hotmail.com<mailto:run_1@hotmail.com> ; Kevin MCintyre<mailto:kevin.mcintyre@hp.com> ; Rick Ward<mailto:rward@idfg.idaho.gov> ; tbreuer@lttv.org<mailto:tbreuer@lttv.org> ; Ethel Ficks<mailto:boisebook@mac.com> ; Lauren McLean<mailto:lauren.mclean@mac.com> ; Tom Baskin<mailto:tbaskin@mbelaw.net> ; Doug Cooper<mailto:dougc@mckibbencooper.com> ; Mike Wardle<mailto:mdwa@micron.net> ; Robert Burns<mailto:rbb@moffatt.com> ; Dale Higher<mailto:dghiger@msn.com> ; Gene Wortham<mailto:GeneWortham@msn.com> ; JUSTIN WORTHAM<mailto:justingwortham@msn.com> ; Stacy Beeson<mailto:middleton11@msn.com> ; Sharon Clawson<mailto:mkclawson@msn.com> ; Gene Fadness<mailto:gene.fadness@puc.idaho.gov> ; Bruce Parker<mailto:parkerb@pwncpa.com> ; Anne Barker<mailto:ganne_barker@q.com> ; Jimmy Smith<mailto:jimmy@steelhead.com> ; Kerry Winn<mailto:kwinn@stewartlandgroup.com> ; Douglas Russell<mailto:doug@thelandgroupinc.com> ; Katie Watts<mailto:katie@tvlitho.com> ; John Watts<mailto:john@veritasadvisor.com> ; Chuck Link<mailto:chucklink@worldnet.att.net> ; Julie Klocke<mailto:jnclocke@yahoo.com> ; Joanie Fauci<mailto:joanie4c@yahoo.com> ; Karen Knudtsen<mailto:karenlynnefox@yahoo.com> ; Patti Raino<mailto:pattiraino@yahoo.com> ; pjjcourtright@yahoo.com<mailto:pjjcourtright@yahoo.com>
Cc: woody@azimutheng.com<mailto:woody@azimutheng.com> ; Cynthia.Sewell.-.csewell@idahostatesman.com<mailto:Cynthia.Sewell.-.csewell@idahostatesman.com> ; Josh Wright<mailto:JWright@stewartlandgroup.com>
Sent: Friday, July 18, 2008 12:05 PM
Subject: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

July 18, 2008

Memorandum

To: Boise City Planning and Zoning Commission Hearing

From: Bruce Eggleston, Planner II

Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session.

The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: TERRY RECORDS
To: EGGLESTON, BRUCE
Date: 7/25/2008 10:55 AM
Subject: Plano

Bruce,
I would like to respond to a the issues raised the Planning and Zoning commission that are engineering related.

Question. Are alternatives to building on the ridgetops?
Answer. The areas where houses can be located is severely restricted by the prohibition on building on slopes that are currently steeper than 25% This leaves only the very narrow corridors along the tops of the ridges and along the valley floors. If this prohibition were relaxed there would be a much larger area where houses could potentially be located so that the visibility from the valley below could be reduced.

Q. Is there going to be an impact on the downstream wells?
A. The report by SPF Water Engineering looked at the impact of the proposed retention basins on the down gradient wells along Plano Lane. It concluded that the wells are adequately protected by a thick clay layer and a relatively thick unsaturated zone that will provide filtration and or adsorption of suspended solids and dissolved materials. Further the report indicates that well contamination is much more likely to be caused by surface activities and septic drainfields in the immediate vicinity of the wells.

Q. Can homes be placed in the area of the sand pit?
A. Yes. Any grading that is done on the site will be engineered and will be able to support roads and structures.

From: Mark Fogarty <mark_fgty@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 7/21/2008 8:07 PM
Subject: RE: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

We are so screwed.....Thanks politicians> Date: Fri, 18 Jul 2008 12:05:36 -0600> From: Beggleston@cityofboise.org> To: miltc62@aol.com; sbacon@boisestate.edu; keslers@cabelone.net; lowellandbarbara@cabelone.net; dyorgason@cableone.net; fbsmithiv@cableone.net; jenstevens@cableone.net; johnclifford@cableone.net; ryorgason@cableone.net; bwilson@ch2m.com; butterfly@clearwire.net; president@collistercna.org; ebrennan@ddrs.net; brian@ekcconstruction.com; jeffttucker@gmail.com; trick.walker@gmail.com; janelbrown12@hotmail.com; mark_fgty@hotmail.com; run_1@hotmail.com; kevin.mcintyre@hp.com; rward@idfg.idaho.gov; tbreuer@lttv.org; boisebook@mac.com; lauren.mclean@mac.com; tbaskin@mbelaw.net; dougc@mckibbencooper.com; mdwa@micron.net; rbb@moffatt.com; dghiger@msn.com; GeneWortham@msn.com; justingwortham@msn.com; middleton11@msn.com; mkclawson@msn.com; gene.fadness@puc.idaho.gov; parkerb@pwncpa.com; ganne_barker@q.com; jimmy@steelhead.com; kwinn@stewartlandgroup.com; doug@thelandgroupinc.com; katie@tvlitho.com; john@veritasadvisor.com; chucklink@worldnet.att.net; jnclocke@yahoo.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; pattiraino@yahoo.com; pjjcourtright@yahoo.com> CC: woody@azimutheng.com; Cynthia.Sewell.-.csewell@idahostatesman.com; JWright@stewartlandgroup.com> Subject: Work session topics for the July 31, 2008 on the Plano Road Subdivision proposal,> > July 18, 2008> > Memorandum> > > To: Boise City Planning and Zoning Commission Hearing> > From: Bruce Eggleston, Planner II> > Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065 > > > At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session. > > The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.> > Bruce Eggleston, AICP> Boise Planning and Development Services Department> >

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PUBLIC HEARING EXHIBIT RECORD

Application Number: CAR07-00042
Hearing Date: July 14, 2008
P&Z Commission

Exhibit Number	Exhibit Item
1	REVISED STAFF REPORT, DATED 7-14-2008
2	REVISED DEVELOPMENT AGREEMENT, DATED 7-14-2008
3	REPORT DISCUSSING GENERAL DESIGN CRITERIA - FROM APPLICANT
4	LETTER FROM STEPHANIE BACON
5a	CD FROM STEPHANIE BACON / PICTURES OF AASE'S ONION
5b	CD FROM BRENT SMITH / PICTURES OF AASE'S ONION
6	LETTER & PHOTO FROM SARAH HARRIS
7a	PHOTO OF COLLISTER ROAD SUBMITTED BY BOB LAZECHKO
7b	PHOTO OF COLLISTER ROAD SUBMITTED BY BOB LAZECHKO
8a	CD of POWERPOINT PRESENTATION FROM APPLICANT
8b	PAPER BOOKLET OF POWERPOINT PRESENTATION FROM APPLICANT
9	CD OF PLANO PICTURES FROM MICHAEL JONES
10	LETTERS RECEIVED SINCE STAFF REPORT / PRINTED ON JULY 7TH, 2008
11	MAP AND LOT INFO FROM JOHN WATTS
12	TWO LETTERS FROM QUAIL RIDGE NEIGHBORHOOD ASSOC. DATED 5/27/08 AND 7/7/08
13	PETITION OF NAMES FROM HOMEOWNERS & RESIDENTS OF BRIARHILL AND N. COLLISTER DRIVE

14	MAP OF MOVEMENT CORRIDORS FROM APPLICANT DATED 6/6/08
15	MAP OF WINTER RANGE & TRAVEL ROUTES FOR MULE DEER AND ANTELOPE, FROM APPLICANT DATED 6/6/08
16	MAP OF PHASING TIMELINE FROM APPLICANT

Revised Staff Report 7/14/08 Exhibit 1

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.

In 1997 Boise City finally adopted its Foothills Policy Plan that was the product of a community-wide effort or journey that took the better part of twenty years to accomplish. That perseverance of many dedicated individuals and the local governments is telling as to how much the Foothills are loved by this community, and for many well-deserved reasons. 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 the best chance for a level playing field when it comes to the debate on development activities in the Boise Foothills Planning Area. The policies give voice to the many concerns shared by all members of the community including land owners, developers, neighbors and recreational users of the Foothills. 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. It is the job of the decision makers to find a balance between those primary issues represented by this application.

The proposal is for 155 dwelling units stretched across the ridge tops between Plano Lane on the west and upper Collister Drive on the east. The neighbor 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 of nature by the residents of Treasure Valley. It is also one of the few parks facilities in the West Foothills Planning Area, and is a wonder to behold.

The neighbors to the south are residents of the older Briarhill Subdivision on upper Collister Drive and Quail Ridge, also developed by Ramon Yorgason, along the ridgelines to the south. Upper Collister Drive is an unusual road with a drain running down the center of the road, as it is built in the bottom of Polecat Gulch where the water naturally flows. 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 is potentially jeopardized by the traffic proposed by this application. Traffic on this road would increase from 570 Average Daily Trips (ADTs) to 1,335 ADTs, nearly two and a half times the traffic to which they are accustomed. They 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 the visual impact from the proposed dwellings looming over the Briarhill neighborhood from the prominent ridge tops.

The most difficult aspect 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 their proposal don't warrant their share of the improvements on 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, and then the applicant would pave 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 their 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 for buffering that resource. The 169 acres would be donated to the Treasure Valley Land Trust who 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 Plan, but concerns remain with the impact on the onions from the grading and human traffic. The Plan and Ordinance would allow density bonus only if the conservation of the species can be reasonable 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 this application represents a good faith effort to try to achieve that balance.

Staff's Recommendation:
Staff recommends approval of the annexation of +/- 296.12 acres, and the rezone of +/- 332.75 acres with zoning designa-tions 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 condi-tional use permit for 155 dwelling units within a Foothills Planned Development, CUP07-00084, with conditions of ap-proval, 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.

Finding: The proposed annexation is contiguous with City Boundaries, and it is within the Boise sewer planning area.

B. Honor negotiated area of impact agreements.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal is gener-ally in compliance with those plans.

C. Attempt to balance costs of services with anticipated revenues.

Finding: The proposed land use within this annexation is single family residential dwellings with ap-proximately 27% of the land in development and 73% in open space. The gross density would be .45 units per acre, the same as found in Boise's R-1A Zone. Higher densities represent a smaller cost per unit for the urban services package. It is a matter of efficiency and economies of scale, the greater the density per acre, the lower overall costs to service the area on a per unit basis. The site is accessed up steep hills and is perched on ridge tops, which tends to increase the costs of road maintenance, sewer maintenance and water maintenance due to the hilly terrain. The cost of school bus transportation would be higher for the same reasons, and because the proposed neighborhood would be at the end of a gulch, requiring a looping back to access other neighbor-hoods. The proposed neighborhood may increase the potential for property damage and fire cov-erage due to wildfires, as the site is within the area where this phenomenon occurs. Wildfires are more difficult and costly to fight and contain than those in the more urbanized parts of the city, and they require specialized equipment to fight them, at an additional cost to the city.

The revenues from the proposal would tend to be on the high end for assessed value per resi-dence. It is not clear if the revenues would balance the costs of services, as that data is not avail-able.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Finding: 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. This is a logical extension of the city boundaries as all the urban services are available to the site.

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 condi-tions:

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

Finding: The proposed annexation is contiguous with City Boundaries, and it is proposed to be subdivided into a residential neighborhood.

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

Finding: Not applicable as items A and C are met.

C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or

Finding: The proposed annexation comes at the request of the landowners.

D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.

Finding: Not applicable as items A and C are met.

***

RECLASSIFICATION OF ZONING DISTRICTS

Section 11-06-01.01 Power to Amend

Any recommendation of the Commission relating to change, modification and reclassification of zoning dis-tricts and land use classifications and the regulations and standards thereof shall be in writing. The recommen-dation 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, modi-fications and reclassifications of zoning districts and land use classifications and the regulations and the stan-dards thereof:

A. Comply with and conform to the Comprehensive Plan; and

Finding: The proposed annexation and zone change area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the pro-posal is generally in compliance with those plans. The body of this staff report substantiates this

finding in greater detail.

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.

Finding: The proposed zone change and annexation area is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. The area is served by United Water of Boise for municipal water services.

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

Finding: The proposed zone change and annexation area is contiguous to City residentially zoned neighborhoods on the south. It is surrounded by Ada County Rural Preservation (RP) on the north and east, and a residential neighborhood with R6 zoning on the west. The proposed use and zone change are compatible with the surrounding zones.

The proposed zones are R-1A/DA, single family residential with development agreement, and A-1/DA, open space with development Agreement. These zones are derived from the regulations of the Boise City Zoning Code Chapter 11 Section 11-06-05.07, the Foothills Planned Development Ordinance. The ordinance requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones, as are so requested in this application.

The proposed development is in character with and similar in use and density with the surround-ing neighborhoods.

***

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;

Finding: The proposed planned development is for a residential neighborhood with a maximum of 151 dwelling units and an open space plant conservation area. It is contiguous to residentially zoned neighborhoods on the south and west. It is surrounded by Ada County Rural Preservation (RP) on the north and east, and a residential neighborhood with R6 zoning on the west. To the east is the Boise City Polecat Gulch Reserve, a recent addition to the City Parks and Recreation system. The residential use is compatible in scale and density with the contiguous

neighborhoods, Briarhill Subdivision and Quail Ridge Subdivisions, and the small Plano Lane Subdivision on the west. The open space component of some 160 acres would make this compatible with the Polecat Reserve. The location of the use is supported by the policies of the Foothills Policy Plan, and the proposal meets, in general, the policies of that plan.

Finding: The proposed planned development is sited along prominent ridge tops in a regionally prominent part of the Boise Foothills. That is to say that this development would be highly visible from many parts of the region. The proposal includes siting and structural design restrictions that would lessen the visual impact to some degree. These design restrictions would have the desired effect of blending the structures in with the backdrop of the Boise Foothills. Nevertheless, the proposed development would break up that prominent viewshed forever, however designed. The geography of the land is such that the majority of buildable portions of the site are on the ridge tops, with some available areas in a gully on the north and at the end of Collister Drive. The con-cerns about the policies and regulations addressing the visibility on the ridge tops of the proposal must be balanced with the policies that would allow this type of development in the West Foot-hills Planning Area. Part of that balance must include the proposal to set aside a conservation are for the Aase's Onion, a Federal species of concern and protected by policies in the Boise Foot-hills Policy Plan.

B. That the proposed use will not place an undue burden on transportation and other public facilities in the vi-cinity;

Finding: The proposal is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. The area is served by United Water of Boise for municipal water services. These agencies have all indicated by letters in the file that they could provide services to the project site. The provision of services to this site would not diminish services to other parts of the region.

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;

Finding: The site is large enough for the use to accommodate the proposed site and lot layout. It would in-clude 160 acres of permanent open space for the conservation of a species of concern, and sev-eral areas of open space available to the homeowners' for private use. Some internal pathways would be provided as well as sidewalks and bike paths. The site is designed such that the dwell-ings would be clustered in the area on the west connected to Plano Lane and in the east where Collister Drive would be extended. This built area is approximately 90 acres of the 332 total, with the remainder in open spaces of several types: conservation area, drainage basins, private open space with trails and riparian area next to the

Polecat Reserve.

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

Finding: The proposed use is largely compatible with the plans and the Municipal Code of the City and the Ada County Highway District as discussed in detail in this staff report. The primary concern is for the safety of the current residents and the future residents. The focus of that concern rests on the traffic impacts on the Plano Lane neighborhood, the Briarhill Neighborhood and the Quail Ridge Neighborhood taking access from upper Collister Drive. Collister Drive is designated as a local collector by the Ada County Highway District, and by their calculations the proposed traf-fic increases could be accommodated by this road. Plano Lane is a local road, and ACHD has also substantiated that it could handle the proposed traffic increases. The proposed development would have a visual impact on the surrounding area.

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal is gener-ally in compliance with those plans.

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 fea-tures have been added to enhance the physical appearance of such multiple-family residential structures.

Finding: This is not applicable to the application.

***

Hillside and Foothills Areas Development Ordinance - Section 11-14-03.05 Findings of Fact and Conclusions of Law

A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of law:

1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique fea-tures;

Finding: The proposed grading plan complies with the technical requirements of the Boise

Hillside and Foothills Areas Development Ordinance and Uniform Building Code, except as noted above, and can be approved with the attached conditions of approval. Final approval of the grading plan and the issuance of a grading permit are contingent upon a more extensive onsite investigation con-firming the preliminary opinions of the geotechnical engineer.

The proposed development is generally in compliance with the technical requirements of Section 11-14-03.05 as conditioned in a letter from Boise City Public Works Exhibit D Plano Road Sub Grading, dated May 28, 2008.

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

Finding: The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. A Stormwater Well Report was submitted July 1, 2008 that substantiates that the stormwater retention proposal would not adversely affect other property owners in the vicinity.

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

Finding: The site will comprise about 91 acres of developed land and approximately 241 acres of unde-veloped land. There is enough land to accommodate the proposal. The preliminary Soil and Geo-logic Evaluation, although very preliminary in nature and not based on onsite investigation, indi-cated that the proposed development could be conceptually approved. Yet, one of the conditions of approval from Public Works is that the proposed grading plan shows some off-site disturbance that would require either re-design or permission from the land owner.

4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Finding: The proposed project would not create a potential for hazards of flooding, soil instability, fire or erosion.

5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of this chapter and the Floodway and Floodplain Ordinance.

Finding: The proposal meets the application sufficiency standards, and does not require a Floodplain per-mit. It complies with the requirements for Foothills gulches through the application for the Hill-side and Foothills Areas Development permit.

B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance re-quirements including compliance with the Boise Metropolitan Plan.

Finding: The Hillside and Foothills Areas Development permit application was made in conjunction with applications for annexation, zone change, conditional use permit and a preliminary plat subdivi-sion application so this standard has been met.

***

5. General Information

Notifications:
Neighborhood Meeting held on: April 9, 2008
Newspaper notification published on: June 28, 2008
Radius notices mailed to properties within 300 feet on: June 28, 2008
Staff posted notice on site on: July 24, 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 Prcscrvation)
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 Residen-tial Use or District	Standard	Rear or Side Yard Abut-ting a Residential Use or Dis-trict
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

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.

***

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 depic-

tion 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 existence 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.

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 Within Buildable Areas	Density Bonus Within 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.

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.

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 af-

fected 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

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

***

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.

***

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.

***

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.

***

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.

***

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 home buyer's disclosure statement and the CC& Rs.

   a. The following language shall be incorporated into a home buyer'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. Free roaming 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.

7. 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.

8. 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.

9. 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.

10. 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-feet 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.

11. 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.

12. 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.

13. 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).

14. 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).

15. Conserve the small onion fields through the dedication of the parcel upon which they rest to the Treasure Valley Land Trust.

General

16. 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.

17. 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.

18. All amenities shall be constructed or bonded for prior to the issuance of the first building permit.

19. 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.

20. A common party wall agreement shall be provided for all zero line units.

21. A condominium plat must be approved by Boise City and recorded with the Ada County Recorder prior to sale of any condominium units.

22. The applicant shall comply with the standards and conditions of the City of Boise Solid Waste Commercial and Multi-Family Centralized Trash Requirements.

23. 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.

24. 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.

25. 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.

26. All private streets must be approved and constructed prior to the issuance of any Building Permit for this property.

27. 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.

28. Existing mature vegetation shall be retained wherever possible.

29. 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.

30. 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.

31. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.

32. 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.

33. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.

34. 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.

35. 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).

36. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.

37. Utility services shall be provided underground.

38. 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.

39. 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)

40. 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.

41. 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.

42. 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.

43. 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 reclassification ordinance associated with CAR07-00042/DA.

44. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.

45. 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.

46. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.

47. 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

48. 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.

B.P.E. July 11, 2008

Appendix A
Density Bonus Formula

May 29, 2008

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
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
TOTAL POTENTIAL UNITS =		**151**	**DENSITY BONUS + BASE DENSITY**

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)

Density Bonus Formula - Foothills 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

Revised Development Agreement
7/14/08

Exhibit 2

EXHIBIT
CAZ07-42
2

LEGAL DESCRIPTION

A parcel of land located in Sections 17, 18, 19, and 20, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The North line of Section 20, Township 4 North, Range 2 East, Boise Meridian, derived from found monuments and taken as South 88°43'54" East with the distance between monuments found to be 5,284.21 feet.

BEGINNING at the Northeast corner of Section 20, Township 4 North, Range 2 East, Boise Meridian, thence along the East line of said Section 20 South 00°00'29" West a distance of 1,893.36 feet to a point from which the East 1/4 corner of said Section 20 bears South 00°00'29" West a distance of 732.12 feet;
thence leaving said East line South 82°44'52" West a distance of 639.45 feet;
thence North 13°09'17" West a distance of 851.05 feet to the Southeasterly Boundary of Briarhill Subdivision No. 3, Book 42, Page 3413;
thence along the boundary of said Briarhill Subdivision No.3 the following nine(9) courses:
North 38°38'55" East a distance of 236.07 feet;
North 29°38'55" East a distance of 84.14 feet;
North 60°21'05" West a distance of 310.00 feet;
South 37°38'55" West a distance of 130.01 feet;
South 45°38'55" West a distance of 120.00 feet;
South 76°38'55" West a distance of 487.94 feet;
South 44°38'55" West a distance of 523.90 feet;
South 63°38'55" West a distance of 315.00 feet;
South 43°38'55" West a distance of 268.16 feet to the Northeasterly Corner of Briarhill Subdivision No.2, Book 42, Page 3411;
thence along the boundary of said Briarhill Subdivision No.2 the following ten(10) courses:
South 43°38'55" West a distance of 161.84 feet
South 63°38'55" West a distance of 410.00 feet;
North 46°21'05" West a distance of 130.00 feet;
South 63°38'55" West a distance of 148.97 feet;
South 06°21'05" East a distance of 130.00 feet;
South 54°38'55" West a distance of 379.29 feet;
South 25°21'05" East a distance of 132.27 feet to the northerly right-of-way of Collister Drive;
along said right-of-way South 80°38'55" West a distance of 233.18 feet;
along a curve to the left with a radius of 265.50 feet and a central angle of 35°25'27" an arc length of 164.15 feet (with a chord bearing of South 62°56'12" West, and a chord distance of 161.55 feet);
South 44°46'32" East a distance of 5.00 feet;

thence leaving said boundary of Briarhill Subdivision No.2 South 45°13'28" West a distance of 47.08 feet;
thence along a curve to the left with a radius of 566.92 feet and a central angle of 19°40'00" an arc length of 194.59 feet (with a chord bearing of South 35°23'28" West, and a chord distance of 193.64 feet);
thence leaving said right-of-way North 01°30'58" West a distance of 205.50 feet;
thence South 89°31'28" East a distance of 20.00 feet;
thence South 02°56'51" East a distance of 70.87 feet;
thence North 49°26'32" East a distance of 294.50 feet;
thence North 00°26'32" East a distance of 467.52 feet;
thence North 89°31'28" West a distance of 379.35 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 20;
thence along said East line South 00°27'54" West a distance of 555.61 feet to the Center West 1/16 corner of said Section 20;
thence along the South line of said Southwest 1/4 of the Northwest 1/4 also being the North boundary line of Outlook Heights Subdivision, Book 60, Pages 6040-6041, North 89°01'58" West a distance of 990.48 feet;
thence leavings said South line and North boundary North 00°33'13" East a distance of 650.00 feet;
thence North 89°01'58" West a distance of 335.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4;
thence along said West line North 00°33'13" East a distance of 671.88 feet to the North 1/16 corner common to Sections 19 and 20, from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 00°33'53" East a distance of 1,322.03 feet;
thence South 88°57'43" West a distance of 133.68 feet;
thence North 43°35'09" West a distance of 547.46 feet;
thence North 26°51'56" West a distance of 381.96 feet;
thence North 37°36'19" West a distance of 406.83 feet;
thence South 86°01'33" East a distance of 591.90 feet;
thence South 89°11'34" East a distance of 248.19 feet to the West line of said Section 20;
thence along said West line North 00°33'53" East a distance of 1,322.03 feet to the Section Corner common to Sections 17, 18, 19 and 20;
thence along the West line of said Section 17 North 01°01'17" West a distance of 440.55 feet;
thence North 68°30'00" East a distance of 234.01 feet;
thence South 06°56'41" East a distance of 40.89 feet;
thence South 58°51'08" East a distance of 122.41 feet;
thence South 53°01'30" East a distance of 599.99 feet;
thence South 45°43'28" East a distance of 49.26 feet;
thence North 50°03'16" East a distance of 348.41 feet;
thence South 38°06'15" East a distance of 355.86 feet to the West 1/16 corner common to Sections 17 and 20 from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 88°43'54" West a distance of 1321.22 feet;
thence along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 20 South 88°43'54" East a distance of 12.01 feet;

thence leaving said North line North 09°45'20" West a distance of 352.45 feet;
thence North 57°17'56" East a distance of 551.95 feet;
thence North 21°33'31" West a distance of 257.33 feet;
thence North 52°45'13" West a distance of 240.86 feet;
thence North 31°10'54" West a distance of 179.81 feet;
thence North 57°25'54" West a distance of 200.31 feet;
thence North 02°47'46" West a distance of 338.23 feet;
thence South 58°28'54" East a distance of 458.34 feet;
thence North 80°53'46" East a distance of 504.32 feet;
thence North 50°34'54" East a distance of 275.98 feet;
thence South 70°08'04" East a distance of 85.51 feet;
thence South 48°01'55" East a distance of 1,018.83 feet;
thence South 89°38'20" East a distance of 200.38 feet;
thence South 00°08'46" East a distance of 977.84 feet to the North line of the Northeast 1/4 of said Section 20;
thence along said North line South 88°43'54" East a distance of 1,967.75 feet to the POINT OF BEGINNING.

Said Parcel containing 13,710,749 square feet or 314.76 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, P.L.S. 12458
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

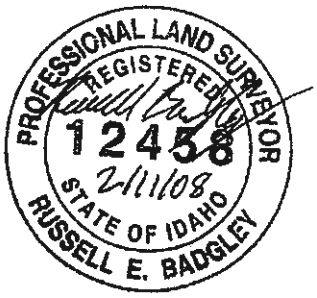


EXHIBIT B

(Legal Descriptions of Additional Parcels)

Per attached deeds recorded by the Ada County Recorder as Instrument Nos. 1193000231, 1942001262, 101094267, 102042440, and 102159044.

Order No. 89020850 TN/RN 9290 READ & APPROVED LRK KC

9010706

WARRANTY DEED

1193000231

FOR VALUE RECEIVED LARRY R. KERR, a married man, as his sole and separate property

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto ANDREW W. COVER and KATHERINE A. COVER, husband and wife

GRANTEE(S), whose current address is: 6296 N. PLANO LANE, BOISE, IDAHO 83703 the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As per EXHIBIT "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: February 28, 1990

LARRY R. KERR

STATE OF ~~IDAHO~~ County of ~~ADA~~ ss.

On this 28th day of February in the year of 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Larry R. Kerr known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Signature: Trina Nishitani

Name: Trina Nishitani (type or print)

Residing at: Boise, Idaho

My commission expires: 6/28/91

STATE OF IDAHO, COUNTY OF Ada

I hereby Certify that this instrument was filed for record at the request of STEWART TITLE

at 2:16 minutes past 3 o'clock P.M. this 1st day of March 1990, in my office, and duly recorded in Book of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

By Deputy.

Fee $ 6.00

Mail to:

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.

Security of Courses

223-A 7/85

Order No.: ST-89020850 TN/RN

EXHIBIT "A"

PARCEL I

A parcel of land lying Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 17, 18, 19 and 20 in Township 4 North, Range 2 East, Boise Meridian, thence
North 16 degrees 02' West, a distance of 415.10 feet to P.I. No. 5 of the Barnes Access Road; thence
North 56 degrees 54' East a distance of 136.72 feet to a steel pin; thence
South 70 degrees 14' West, a distance of 495.72 feet to a steel pin, THE REAL POINT OF BEGINNING; thence
South 0 degrees 02' East, a distance of 202.06 feet to a steel pin; thence
South 64 degrees 47' East, a distance of 514.36 feet to a steel pin; thence
South 0 degrees 24' West, a distance of 105.01 feet to a steel pin; thence
North 89 degrees 19' West, a distance of 247.95 feet to a steel pin; thence
North 86 degrees 06' West, a distance of 591.87 feet to a steel pin; thence
North 05 degrees 04' West, a distance of 75.16 feet to a steel pin; thence
North 37 degrees 19' East, a distance of 270.50 feet to a steel pin; thence
North 48 degrees 17' East, a distance of 290.02 feet to a steel pin, THE REAL POINT OF BEGINNING.

PARCEL II

Together with an easement for ingress and egress over and across Private Lane known as Plano Lane as described in Book 472 of Deeds on Page 32 and Book 473 of Deeds on Page 700.

PARCEL III

Together with an easement for ingress and egress over and across a private road, a portion of which is described in Warranty Deed recorded March 23, 1967 as Instrument No. 660475.

Rerecord

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE ID
SUSAN M. GRAHAM

'95 NOV 14 PM 1 00
FEE 12.00
RECD

SUSAN M. GRAHAM
ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE ID

'95 OCT 25 PM 11 02
FEE 9.00
RECD

QUIT CLAIM DEED

1942001262

For no consideration, GEORGE E. CASEY and MARIE E. CASEY, a married couple, as Grantors do hereby convey, release, remise and forever quit claim unto

"GEORGE E. CASEY and MARIE E. CASEY, Co-Trustees, or their successors in Trust, of the GEORGE E. AND MARIE E. CASEY TRUST, U/T/A dated the 24th day of October, 1995, and any amendments thereto." as the Grantee

whose current address is 6101 Plano Lane, Boise, Idaho 83703, the described premises, in ADA County, Idaho, attached as Exhibit "A" and incorporated by reference herein.

together with their appurtenances.

DATED the 24th day of October, 1995.

GEORGE E. CASEY

MARIE E. CASEY

STATE OF IDAHO)
: ss.
County of Ada)

On this 24th day of October, 1995 before me personally appeared GEORGE E. CASEY and MARIE E. CASEY, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.

Notary Public in and for Idaho
Residing at Boise, Idaho
My commission expires 9-15-2002

Client No: 95-10-17

19:C001263 POOR COPY

That part of Northwest Quarter Northeast Quarter Section 19 & North 2 East [illegible] located in the [illegible] described parcel: Beginning at a point [illegible] the [illegible] Corner of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, which is the real point of beginning; thence South 88 degrees 30 minutes East 677.31 feet to an iron pin; thence South 1 degree 37 minutes East 60.00 feet more or less; and westerly to an iron pin on the westerly line of the property described in Book 304 of Deeds at page 141, records of Ada County, Idaho; thence South 0 degrees 08 minutes East 224.41 feet to a point; thence North 89 degrees 25 minutes East 24.83 feet to an iron pin on the West side of said Hill Road; thence [illegible] Hill Road to an iron [illegible] of the NW 1/4 NE 1/4 Section 19 North 0 degrees 08 minutes West 511.79

Feet, along the Northerly side of Hill Road to an iron pin; thence North 0 degrees 08 minutes East 511.79 feet to the real point of beginning, a part of the Northwest Quarter Northeast Quarter of Section 19,Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast Corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to a point; thence North 61 degrees 25 minutes West a distance of 129.50 feet to the real point of beginning; thence South 44 degrees 01 minutes West a distance of 80.17 feet; thence South 89 degrees 35 minutes West a distance of 463.15 feet to a steel rod which is located 663 feet East and 660 feet South of the Northwest corner of the Northwest Quarter Northeast Quarter of Section 19; said point is on the property line of the property described in Book 304 of Deeds at page 141, records of Ada County, Idaho; thence North 330 feet, more or less, to the South westerly boundary of that certain property described in Book 332 of Deeds at page 140; records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 332 of Deeds at Page 140, to the real point of beginning. A part of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian, thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to the real point of beginning, thence North 61 degrees 25 minutes West 129.50 feet, thence South 44 degrees 01 minutes West 80.17 feet; thence South 89 degrees 35 minutes West 463.15 feet; thence North 330 feet, more or less, to the Southwesterly boundary of the property described in Book 332 of Deeds at page 140, records of Ada County, Idaho, thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 332 of Deeds at Page 140, to the real point of beginning. A part of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian, thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to the real point of beginning, thence North 61 degrees 25 minutes West 129.50 feet, thence South 44 degrees 01 minutes West 80.17 feet; thence South 89 degrees 35 minutes West 463.15 feet,

POOR COPY

EXHIBIT 'A'

Parcel One

Tract 1:

A part of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to a point; thence North 81°22' West a distance of 129.60 feet to the real point of beginning; thence South 44°05' West a distance of 80.37 feet; thence South 89°56' West a distance of 461.14 feet to a steel rod which is located 685 feet East and 660 feet South of the Northwest corner of the NW1/4 NE1/4 of Section 19; and which point is on the property line of the property described in Book 304 of Deeds at page 164, records of Ada County, Idaho; thence North 330 feet, more or less, to the Southwesterly boundary of that certain property described in Book 332 of Deeds at page 144, records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 332 of Deeds at page 144, to the real point of beginning.

Tract 2:

A part of the NW 1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to a point; thence South 89°56' West a distance of 131.85 feet to the real point of beginning; thence continuing South 89°56' West a distance of 68.15 feet to a point; thence South 0°15' West a distance of 180.29 feet to a point of curvature; thence 95.61 feet along a curve to the right which has a radius of 175 feet, a central angle of 31°50' and a long chord of 93.31 feet bearing North 22°12' East to a point of tangency; thence North 44°04' East a distance of 19.24 feet to the real point of beginning.

Also

A part of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to the real point of beginning; thence North 81°15' West 259.63 feet; thence North 55°30' West 759.01 feet; thence North 22°31' West 161.45 feet; thence North 25°59' West 83.47 feet; thence North 11°04' East 164.01 feet; thence North 78°00' West 100 feet + to a point on the North line of said Section 19; thence South 1°18' East 110 feet + to a point on the Northeasterly boundary of the property described in Warranty Deed No. 640808, records of Ada County, Idaho; thence along said Northeasterly boundary in a Southeasterly direction on a straight line to a point located North 61°22' West 149.60 feet from the point of beginning; thence South 61°22' East 139.60 feet to the point of beginning.

SO619120708 PAR #SO619120708 OF NW4NE4
SEC 19 4N 2E, N OF HILL RD-E OF PLANO
(more particularly described as follows)

1945001265
POOR COPY

EXHIBIT "A"

ALSO **Parcel Two**

Lot 4, Sunny Subdivision, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO **Parcel Three**

The North 100 feet of the Easterly 65.33 feet of Lot 4 in Block 5, Eagleson Park Subdivision No. 4, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO **Parcel Four**

Lot 9, Block 6, Randolph-Robertson Subdivision, according to the plat thereof, filed in Book 13 of Plats at Page 78, records of Ada County, Idaho.

ALSO **Parcel Five**

All of Lot No. 10 of Dunne Subdivision, except the East 5 feet thereof, according to the official plat thereof on file and of record in the office of the County Recorder of Ada County, Idaho; together with all water and water rights thereunto belonging or in anywise appertaining.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

subject to all easements and rights of way of record or appearing on the land.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED-REQUEST OF Perry Harding
FEE 9.00 DEPUTY MLapish

PERSONAL REPRESENTATIVE'S DEED

2001 SP 12 AM 10:53 101094267

THIS DEED, made by Gretchen Ogden, as personal representative of the estate of William F. Galloway, deceased, Grantor, to Perry C. Harding and Alla Harding, husband and wife, Grantee, whose current address is 2036 Creekside Lane, Boise, Idaho 83706.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. 3P-6023, in Ada County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Ada County, Idaho:

Parcel #S0618449275 of the SE4, Section 18, T4N; R2E

More particularly described as follows:

See Exhibit A attached hereto.

with all appurtenances.

EXECUTED this 11th day of September 2001.

Gretchen Ogden
Gretchen Ogden
Personal Representative of the
Estate of William G. Galloway,
deceased.

STATE OF IDAHO)
: ss
COUNTY OF Ada)

On this 11th day of September, 2001, before me, the undersigned, a notary public in and for said state, personally appeared, Gretchen Ogden, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of William F. Galloway, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

JENNY MASLEN NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC
Residing at: Meridian
My Commission Expires: 5/28/05

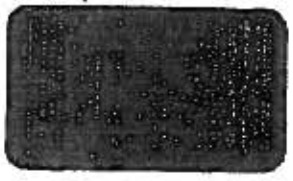
Property Description: **ESTATE OF WILLIAM F. GALLOWAY**

A parcel of land situated in Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the Section corner common to Sections 17,18,19 and 20, the Point of Beginning:
thence N02°17'12"W along the East line of Section 18 a distance of 473.63 feet to a 5/8 inch iron pin;
thence S67°56'48"W a distance of 495.84 feet to a 5/8 inch iron pin;
thence S02°19'13"E a distance of 202.06 feet to a 5/8 inch iron pin;
thence S66°59'50"E a distance of 512.51 feet to a 5/8 inch iron pin on the East line of Section 19;
thence N00°42'27"W a distance of 115.07 feet to the Point of Beginning.

The above described parcel containing 4.24 acres.

Subject to any and all easements and rights-of-way of record or in use this 18th day of December, 1991.



LETTER OF UNDERSTANDING RELATED TO THE SALE OF ANY INTEREST OF THE ESTATE OF WILLIAM F GALLOWAY IN THE REAL PROPERTY IDENTIFIED AS PARCEL NUMBER S0618449275 ADA COUNTY IDAHO

It is agreed by Gretchen Ogden , Personal Representative of the Estate of William F Galloway that any interest in the real property referred to above and as shown on the attached quit claim deed is sold to Perry Harding for five hundred dollars ($500.00) and the assumption of all outstanding unpaid real property taxes and interest and penalties charged on delinquent taxes. In addition the estate sells ANY RIGHT IT MIGHT HAVE IN REIMBURESMENT FOR PROPERTY TAXES PAID ON THIS PROPERTY AND ANY OTHER RIGHTS OR REMEDIES IT MAY HAVE ASSOCIATED WITH IT. The estate also agrees to make available all information it has on the property and to cooperate and provide assistance as needed in any future issues that may develop regarding this property.

Gretchen Ogden

GRETCHEN ODGEN, PERSONAL REPRESENTATIVE FOR THE ESTATE OF WILLIAM F. GALLOWAY

9/11/01
DATE

PERRY HARDING 9/11/01
DATE

Perry C. Harding

RECORDED REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 6- DEPUTY Overbilling

2002 AP 11 AM 9:43

102042440

QUITCLAIM DEED

For Value Received

ALLA HARDING, wife of the Grantee herein
Does hereby convey, release, remise and forever quit claim unto PERRY C. HARDING, a married man as his sole and separate property

Whose current address is P O Box 1839 Boise, Idaho 83701 the following described premises, to-wit:

Parcel S0618449275 of the SE4, Section 18 T4N: R2E more particularly described as follows: SEE ATTACHED EXHIBIT A.

Dated March 27, 2002

Alla Harding

Alla Harding

Sate of Idaho County of Ada

On this 27th day of March in the year of 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Alla Harding known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Signature: Cherie H. Anderson

Name: CHERIE H. ANDERSON
Residing at : Boise, Idaho
My commission expires: 8/6/03

CHERIE H. ANDERSON
NOTARY PUBLIC
STATE OF IDAHO

Property Description: [redacted]

A parcel of land situated in Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the Section corner common to Sections 17,18,19 and 20, the Point of Beginning;
thence N02°17'12"W along the East line of Section 18 a distance of 473.63 feet to a 5/8 inch iron pin;
thence S67°56'48"W a distance of 495.84 feet to a 5/8 inch iron pin;
thence S02°19'13"E a distance of 202.06 feet to a 5/8 inch iron pin;
thence S66°59'50"E a distance of 512.51 feet to a 5/8 inch iron pin on the East line of Section 19;
thence N00°42'27"W a distance of 115.07 feet to the Point of Beginning.

The above described parcel containing 4.24 acres.

Subject to any and all easements and rights-of-way of record or in use this 18th day of December, 1991.

[redacted]

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/31/02 11:16 AM
DEPUTY Bonnie Oberbillig
RECORDED--REQUEST OF
KELLY TROUTNER
AMOUNT 6.00



GIFT DEED

THIS DEED is made this 31st day of December 2002, by and between _Ione M. Troutner, Trustee of the Trust of Paul and Ione Troutner__, Grantor; and Kelly Troutner, an unmarried person whose address is 2275 E. Continental Dr., Meridian, Idaho 83642, _____.

WITNESSETH, that the Grantor, for no valuable consideration these presents does grant, sell and convey unto the Grantee in fee simple, an undivided 1/2 interest in that parcel of land situated in _____Ada County, Idaho_____ and more particularly described as follows: See exhibit A attached hereto and made a legal part thereof

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

exceptions: utility easements, rights of way and restrictions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Ione M. Troutner (Grantor) _____
(SEAL)

STATE OF Idaho, COUNTY OF Ada

I, a Notary Public for said County and State, do hereby certify that Ione M. Troutner personally appeared before me this day and acknowledged the due execution of the foregoing and attached Gift deed.

WITNESS my hand and notarial seal, this the 31st day of December, 2002
My Commission Expires: 12/28/04

Roger Clubb Notary Public
residing @ Boise, Idaho

ROGER CLUBB
Notary Public
State of Idaho

A parcel of land lying in Section 19, T4N, R2E, B.M., Ada County, Idaho more particularly described as follows:

Commencing at the section corner common to Sections 17, 18, 19 and 20, T 4 N, R 2 E, B. M., thence North 16 02' West 415.10 feet to P.I. No. 5 of the Barnes Access Road thence, North 56 54' East 136.72 feet; thence South 70 14' West 495.72 feet; thence South 48 17' West 290.02 feet; thence South 37 19' feet West 270.50 feet to a steel pin and being the real point of beginning; thence South 69 22' West 785.22 feet to a steel pin and being North 65 10' West 304.29 feet to a steel pin; thence South 22 51' East 161.45 feet to a steel pin; thence South 55 50' East 259.01 feet to a steel pin; thence South 61 15' East 259.16 feet; thence North 46 08' East 711.70 feet; thence North 05 04' West 75.16 feet to the real point of begining;

EXCEPTING from the above described parcel of land all that portion commencing at the section corner common to Sections 17, 18, 19 and 20 T 4 N, R 2 E, B.M.,; thence North 16° 02' West 415.11 feet to P.I. No. 5 of the Barnes Access Road; thence North 56° 54' East 136.72 feet; thence South 70° 14' West 495.72 feet; thence South 48° 17' West 290.02 feet; thence South 37° 19' West 270.50 feet; thence South 69° 22' West 785.32 feet to a steel pin and being the real point of beginning; thence South 43° 0' East 270.0 feet more or less to a point on the center line of the Barnes Access Road; thence North 45° 43' East along said Barnes Access Road center line 82.6 feet to P.I. No. 1; thence North 55° 31' East continuing along said center line 98.5 feet; thence North 43° 52' West 208.53 feet; thence South 69° 22' West 200.22 feet to the real point of beginning.
EXCEPT road right of ways.

EXHIBIT C

(Map Depicting Current Zoning of Property and Additional Parcels)

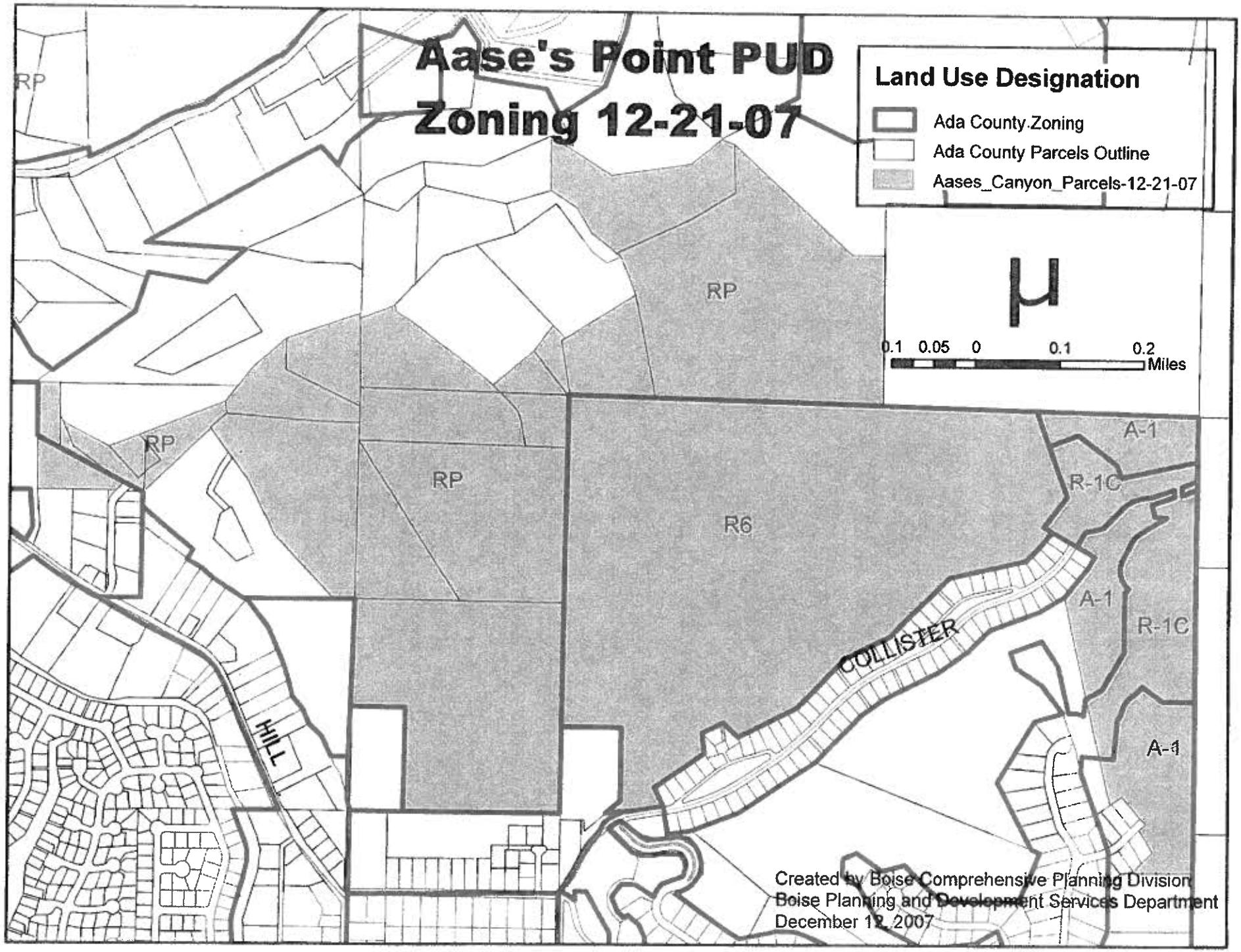
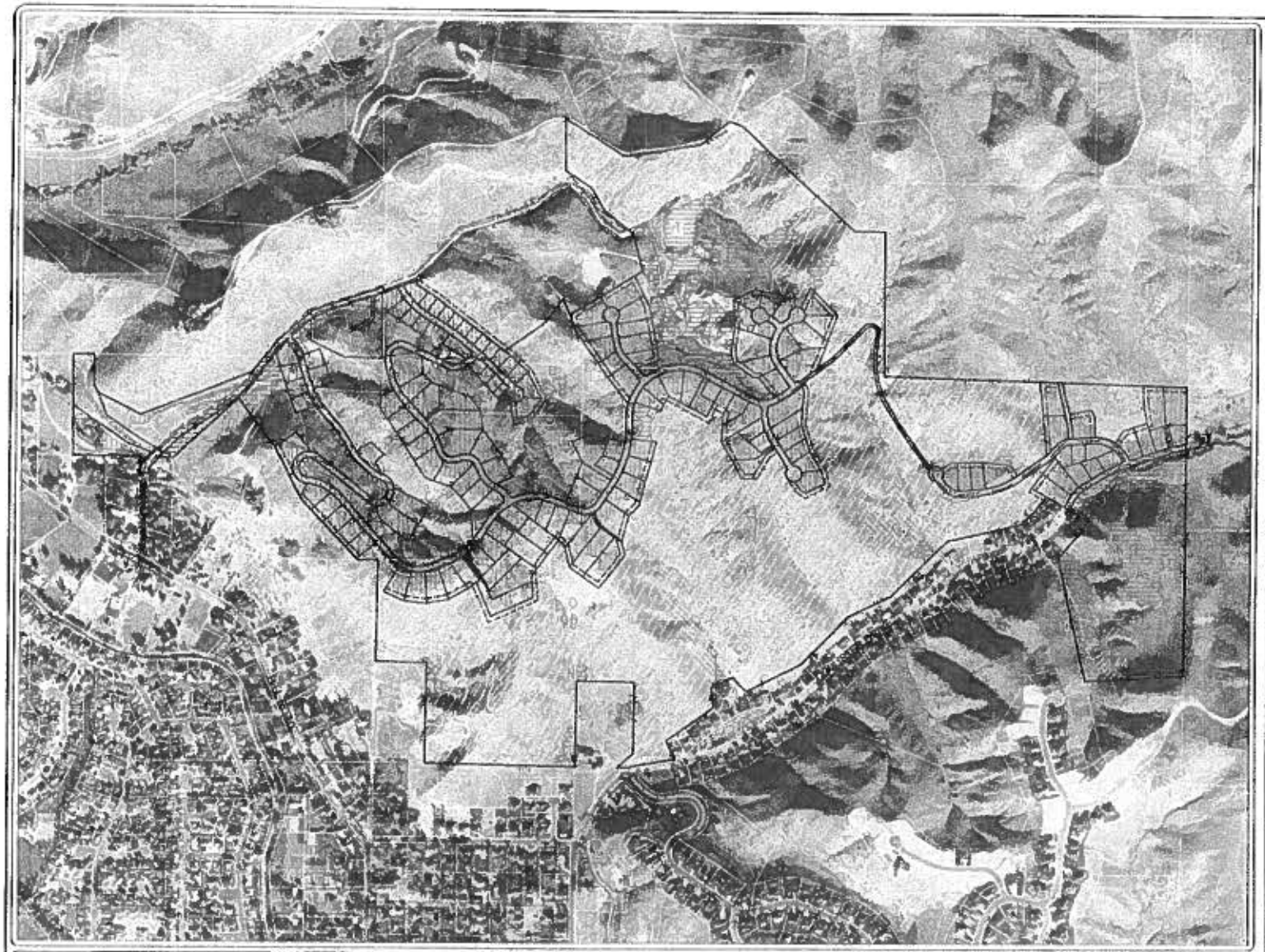
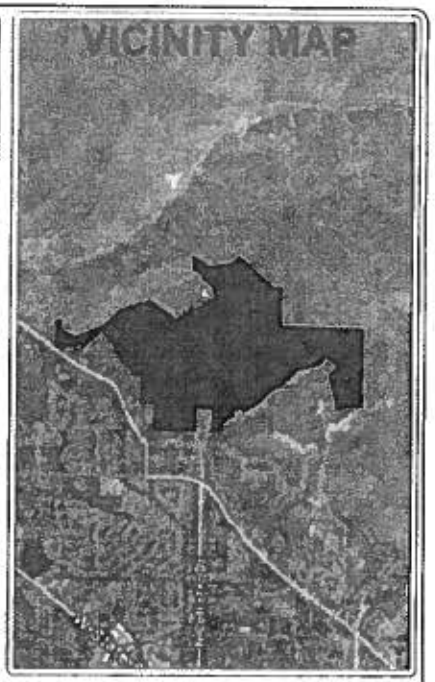

Aase's Point PUD
Zoning 12-21-07
Land Use Designation
Ada County.Zoning
Ada County Parcels Outline
Aases_Canyon_Parcels-12-21-07
0.1 0.05 0 0.1 0.2
Miles
RP
RP
RP
RP
R6
A-1
R-1C
A-1
R-1C
A-1
COLLISTER
HILL
Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
December 12, 2007

EXHIBIT D

(Boise Foothills Concept Plan)





Stewart Land Group

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	3/25/2008	3/25/2008

LEGEND

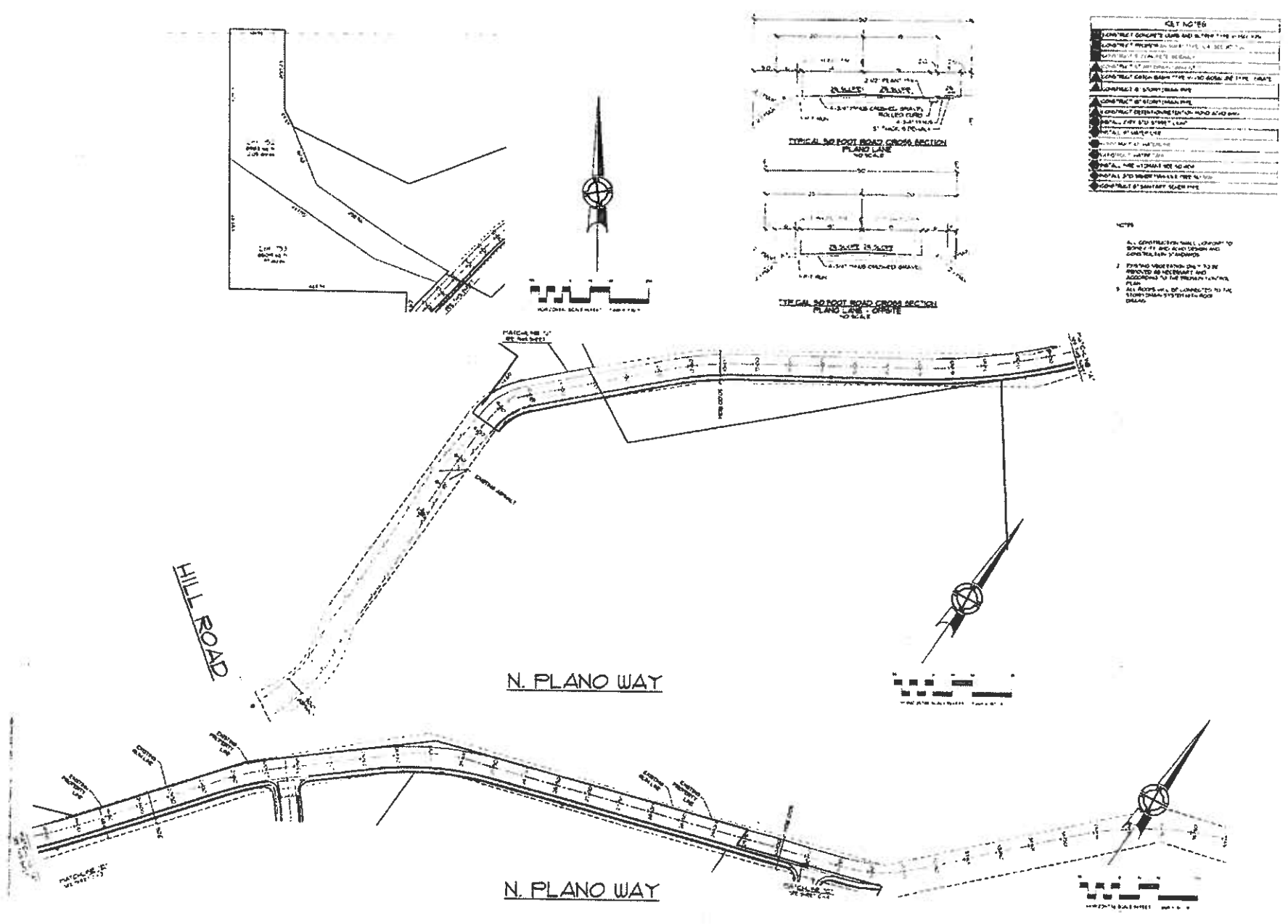
- Used Area > 25%
- Not Used > 25%
- Ecological Design Color Fields
- Color Fields
- Urban Conservancy
- Conceptual
- Cat. Fill and Setback
- Property Boundary
- Adv Parcels
- Trail
- Wildland Urban Fire Interface

SHEET NO.

1 OF 1

EXHIBIT E

(Plan Depicting Extension of N. Plano Way)



Azimuth Engineering, Inc.

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

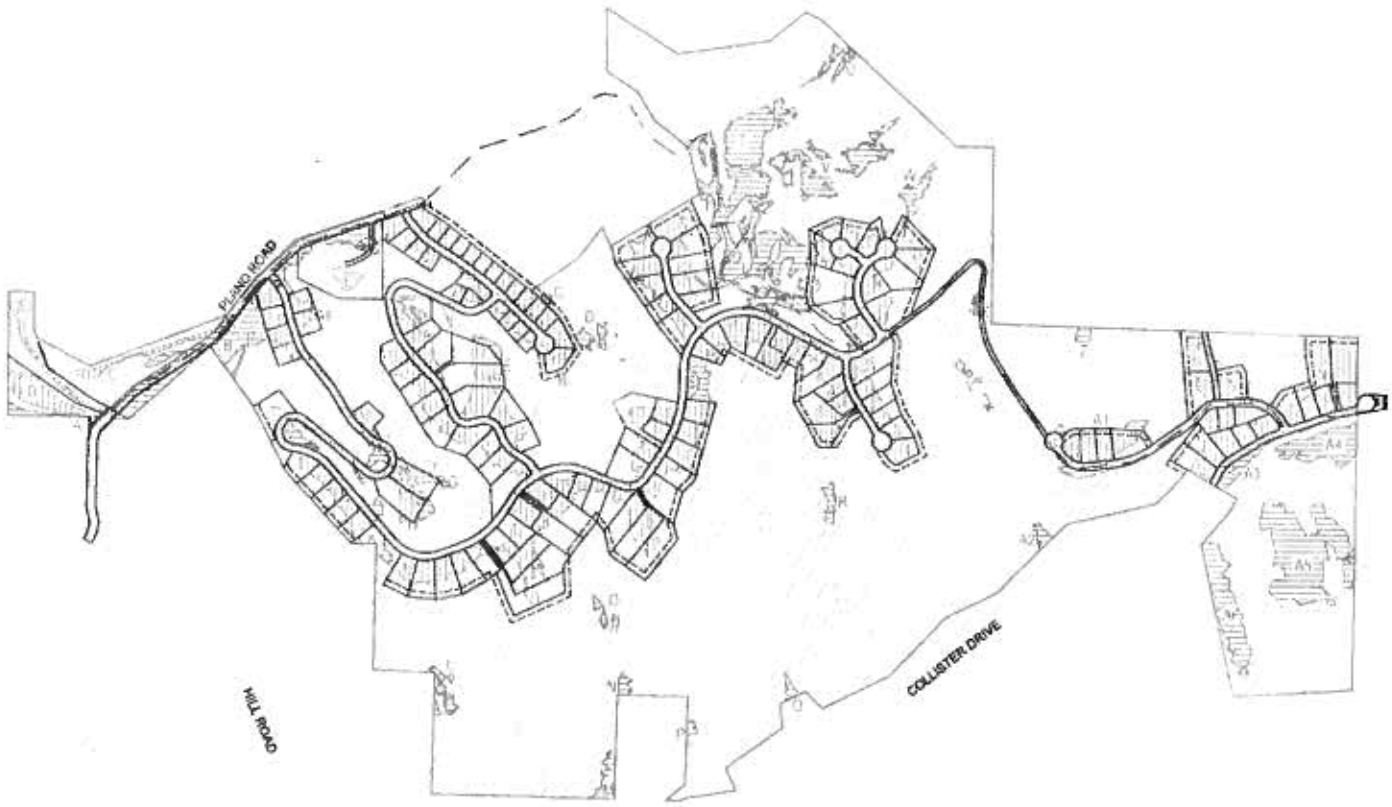
PRELIMINARY PLAT

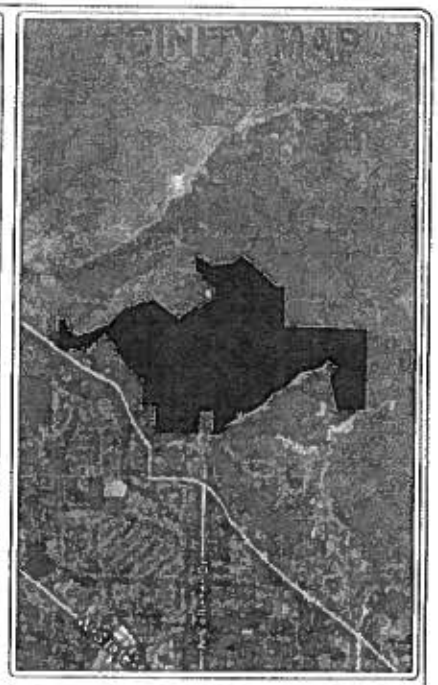
FOR REVIEW

C-1.2

EXHIBIT F

(Plan Depicting Onion Conservancy/Land Trust Property)





Stewart Land Group
An MTBC DEVELOPMENT SERVICES company

REAL ESTATE SERVICES

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

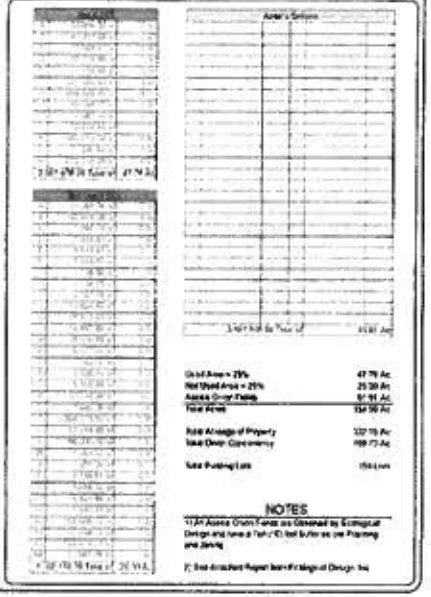
NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/30/2008	6/30/2008

LEGEND

- Used Area > 25%
- Net Used > 25%
- Ecological Design Orion Fields
- Orion Fields
- Orion Conservancy
- Concentual
- Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wildland Urban Fire Interface

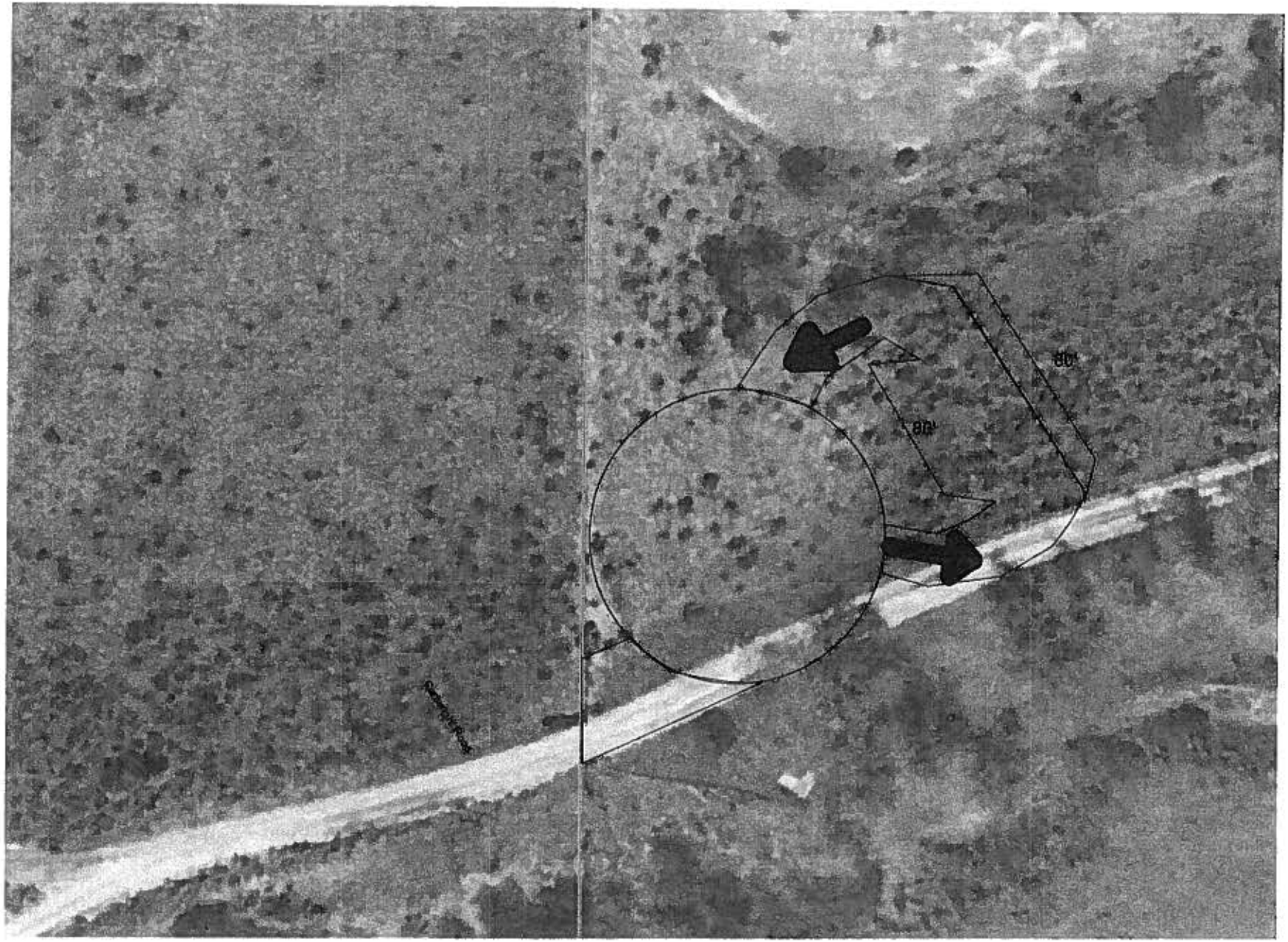
SHEET NO.
1
OF
1



NOTES

EXHIBIT G

(Depiction of Trail Head Cul-de-Sac and Parking Lot Location)



Pole Cat Gulch Reserve

0 10 20 40 Feet

From Applicant Exhibit



BOISE MUNICIPAL CODE
CHAPTER 11-06
A REPORT DISCUSSING GENERAL DESIGN CRITERIA, SPECIAL AREAS ANALYSIS, AND PRELIMINARY / CONCEPTUAL DESIGN REQUIREMENTS

PLANO ROAD SUBDIVISION
BOISE, IDAHO

JUNE 6, 2008

Prepared by:
Ecological Design, Inc.
Boise, Idaho
Robert B. Tiedemann, CPWS, CWD, CFS, CWB

Prepared for:
Boise City Planning and Zoning
Commissioners and Staff

Stewart Land Group
Kerry Winn, Vice President of Operations

BOISE MUNICIPAL CODE
CHAPTER 11-06
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Kerry Winn, Vice President of Operations

EXECUTIVE SUMMARY
Boise Municipal Code places special importance on waterways and wetlands; deer and elk habitat and migration corridors; rare, threatened, and endangered plants; and historic and aesthetic features of the natural landscape. It reads, in part, as shown below.

Boise Municipal Code
Chapter 11-06
Planning and Zoning Commission Application Requirements and Procedures

11-06-05.07.05. General Design Criteria
C. The general design and use of preserved open space shall comply with the following requirements:

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.

Appendix A
Application Submitting Requirements
The following items are required for a Foothills Planned Development application, in addition to those items required for submitting of a standard Planned Development application under Section 11- 06-05, and a "Hillside and Foothill Area Development" permit application under Section 11-14.

Preliminary Draft

2. A special area analysis in map and table form depicting the general locations of:
   a. Floodways, floodway fringes, wetlands and riparian areas;
   b. Deer and elk migration corridors as determined by the Idaho State Fish and Game Department and found on maps referenced in The Plan;
   c. Location of rare, threatened and endangered plant species and communities regulated under the Endangered Species Act of 1973, and administered by U. S. Fish and Wildlife Service Division of Endangered Species;
   d. Geologic and/or historic features of note and sites designated as Heritage sites.
   e. Potential buildable ridge tops visible as skyline features from below the Foothills.

Foothills Planned Development Design Process and Application Form Checklist Phase II - Preliminary/Conceptual Design Requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain permit applications:
7. Identify proposed preserved open space area(s) based upon site characteristics including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, unique features, etc.

This report responds to the requirements of **Boise Municipal Code 11-06-05.07.05. General Design Criteria** and presents anecdotal evidence of use of the property by resident mule deer (*Odocoileus hemionus*) gathered during field studies in the Spring of 2006 and 2007 by Rob Tiedemann and Greg Carson (Millenium Science and Engineering, Inc.). It also reviews unpublished reports, peer reviewed papers, and other documents in the literature describing game and non-game habitat and migration corridors on the property and surrounding areas. And, it documents interviews with those persons from Idaho Department of Fish and Game with local knowledge of game and non-game wildlife.

This report also analyzes features identified in **Boise Municipal Code Chapter 11-06, Appendix A, Application Submitting Requirements** as Special Areas and presents maps of these features.

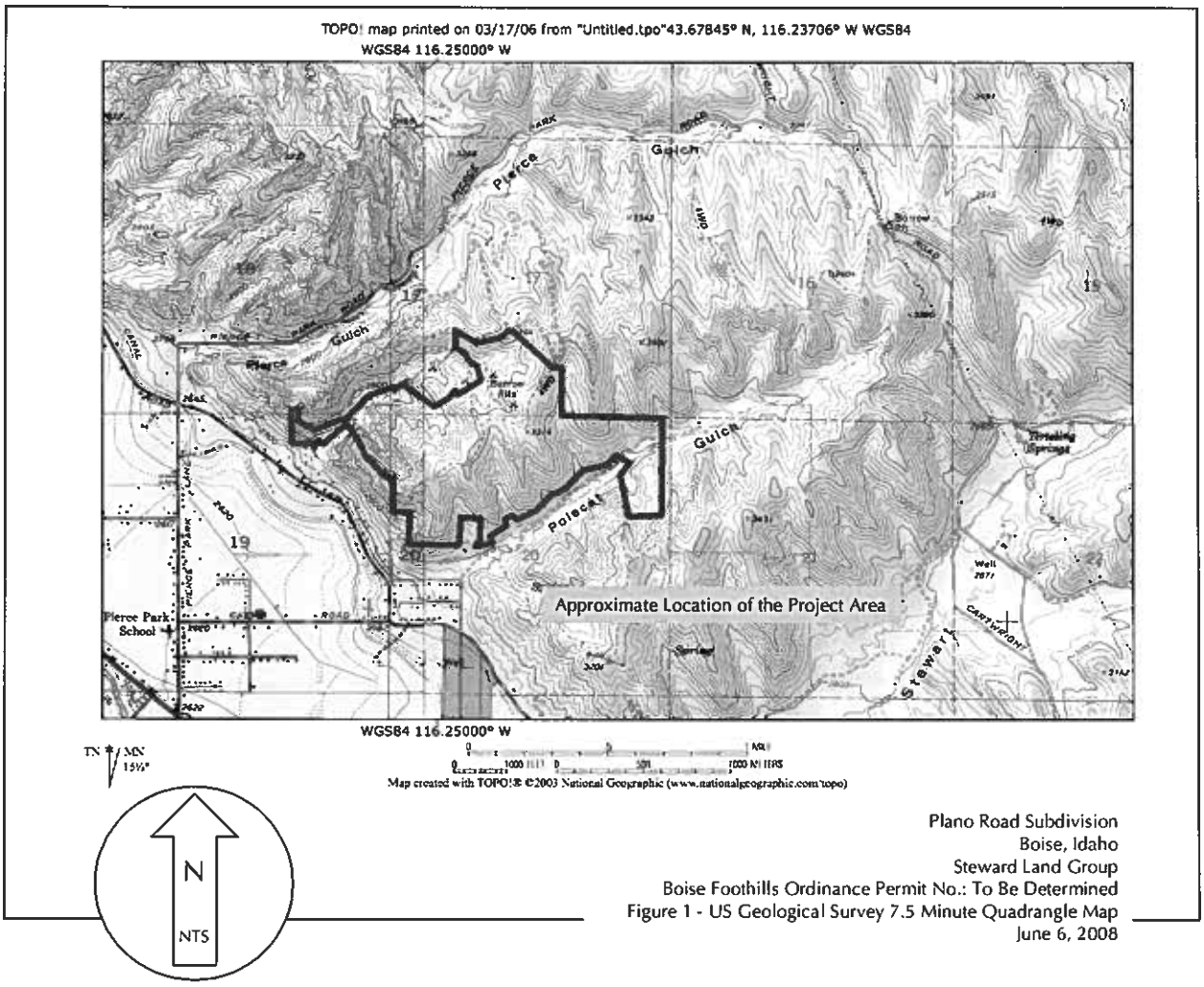
Finally, this report identifies and locates site characteristics that validate the locations of proposed open space - including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, and unique features - as required in the **Foothills Planned Development Design Process and Application Form Checklist Phase II**.

BACKGROUND

The project area is located in northwest Boise at the boundary of the foothills with what is commonly called the Collister Neighborhood. It is bounded on the east by North Collister Drive, on the west by North Plano Lane, on the north by an irregular property line extending from the north end of North Collister Drive to North Plano Lane, and to the south by Hill Road. It is located in Sections 17, 18, 19, 20, and 21 of Township 4N, Range 2E and can be seen on the Boise, North US Geological Survey 7.5 Minute Quadrangle Map (see Figure 1).

The project area is within the ridge and valley section of the foothills of the Boise Mountains where lacustrine deposits, alluvium, and colluvium have been eroded, transported, and redeposited leaving soils that are largely course in texture and ranging from sandy loam to sand.

Preliminary Draft



Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 1 - US Geological Survey 7.5 Minute Quadrangle Map
June 6, 2008

Thick layers of homogeneous soils are slightly tipped, but largely horizontally stratified leaving the appearance, when viewed from a distance, of distinct bands of soils and corresponding vegetation. Polecat Gulch, at and near the east boundary of the project area, flows intermittently in spring and during summer thunderstorms. A single predominant ridge runs north-south with numerous ridges and valleys running east-west from it. Scour marks, drift lines, and sediment deposits suggest some of these valleys also intermittently convey surface water. Much of the landscape is south facing and exposed to greater solar radiation than other hillside faces.

The area has been disturbed in the past by the construction and use of primitive dirt roads and trails, and the rough grading of what appears to be a building pad. However, the degree of disturbance is less than expected given its proximity to urban development and recreational users of the foothills. Predominant vegetation includes, but is not limited to, basin big sagebrush (*Artemesia tridentata* ssp. *tridentata*), bitterbrush (*Purshia tridentata*), cheatgrass (*Bromus tectorum*), three awn (*Aristida purpurea*), phlox (*Phlox sp.*), and storks bill (*Erodium cicutarium*). Great Basin wildrye (*Elymus cinereus*) sporadically grows in stands mostly located high in each drainage way.

BOISE MUNICIPAL CODE CHAPTER 11-06, APPENDIX A, APPLICATION SUBMITTING REQUIREMENTS

Wildlife Habitat Value and Migration Corridors

The two distinct communities of vegetation growing within the boundaries of the project area provide habitat for game and non-game species of wildlife. Some species make exclusive use of upland as compared to wetland habitat, while others make use of both depending on their life stage (e.g. juvenile v. adult) or daily and seasonal need for a particular component of habitat (e.g. reproductive space v. cover from predators v. winter browse).

Terrestrial Wildlife

Game and non-game wildlife species known to occur in the southwest region of Idaho in habitat provided by uplands including urban areas, farmlands, sagebrush steppe, shrub steppe, desert, rocky canyons, and grasslands are summarized in Table 1. These species may be found within the boundaries of the project area.

Table 1 - Species of Reptiles, Amphibians, and Mammals Known to Occur in Upland Habitat in the Southwest Region of Idaho

Reptiles:

1. Mojave black collared lizard (*Crotaphytus bicintores*)
2. longnose leopard lizard (*Gambelia wislizenii*)
3. short horned lizard (*Phrynosoma douglasii*)
4. sagebrush lizard (*Sceloporus graciosus*)
5. western fence lizard (*Sceloporus occidentalis*)
6. rubber boa (*Charina bottae*)
7. racer (*Coluber constrictor*)
8. ringneck snake (*Diadophis punctatus*)
9. night snake (*Hypsiglena torquata*)
10. gopher snake (*Pituophis melanoleucus*)
11. western terrestrial garter snake (*Thamnophis elegans*)
12. western rattlesnake (*Crotalus viridus*)

Preliminary Draft

Table 1 - Continued

Amphibians:

1. long toed salamander (*Ambystoma macrodactylum*)
2. western toad (*Bufo boreas*)
3. Woodhouses's toad (Bufo woodhousei)
4. Pacific tree frog (*Hyla regilla*)
5. Great Basin spadefoot (*Scaphiopus intermontanus*)

Mammals:

1. Virginia opossum (*Didelphis virginiana*)
2. Merriam's shrew (*Sorex merriama*)
3. coast mole (*Scapanus orarius*)
4. little brown myotis (*Myotis lucifugus*)
5. Yuma myotis (*Myotis yumanensis*)
6. long eared myotis (*Myotis evotis*)
7. long legged myotis (*Myotis volans*)
8. California myotis (*Myotis californicus*)
9. western pipistrelle (*Pipistrellus hesperus*)
10. big brown bat (*Eptesicus fuscus*)
11. spotted bat (*Euderma maculatum*)
12. Townsend's big eared bat (*Piecotus townsendii*)
13. pallid bat (*Antrozous pallidus*)
14. pygmy rabbit (*Brachylagus idahoensis*)
15. Nutall's cottontail (*Sylvilagus nutallii*)
16. white tailed jackrabbit (*Lepus townsendii*)
17. black tailed jackrabbit (*Lepus californicus*)
18. least chipmunk (*Tamias minimus*)
19. yellow bellied marmot (*Marmota flaviventris*)
20. white tailed antelope squirrel (*Ammospermophilus leucurus*)
21. Townsend's ground squirrel (*Spermophilus townsendii*)
22. Idaho ground squirrel (*Spermophilus brunneus*)
23. fox squirrel (*Sciurus niger*)
24. Townsend's pocket gopher (*Thomomys townsendii*)
25. northern pocket gopher (*Thomomys talpoides*)
26. little pocket mouse (*Perognathus longimembris*)
27. dark kangaroo mouse (*Microdipodops megacephalus*)
28. Ord's kangaroo rat (*Dipodomys ordii*)
29. western harvest mouse (*Reithodontomys megalotis*)
30. canyon mouse (*Peromyscus crinitus*)
31. deer mouse (*Peromyscus maniculatus*)
32. northern grasshopper mouse (*Onychomys leucogaster*)
33. desert woodrat (*Neotoma lepida*)
34. bushy tailed woodrat (*Neotoma cinerea*)
35. montane vole (*Microtus montanus*)
36. sagebrush vole (*Lemmiscus curtatus*)
37. Norway rat (*Rattus norvegicus*)
38. house mouse (*Mus musculus*)

Preliminary Draft

Table 1 - Continued

39. coyote (*Canis latrans*)
40. red fox (*Vulpus vulpes*)
41. kit fox (*Vulpus microtis*)
42. raccoon (*Procyon lotor*)
43. ermine (*Mustela erminea*)
44. long tailed weasel (*Mustela frenata*)
45. badger (*Taxidea taxus*)
46. western spotted skunk (*Spilogale gracilis*)
47. striped skunk (*Mephitis mephitis*)
48. mountain lion (*Felis concolor*)
49. bobcat (*Felis rufus*)
50. elk (*Cervus elaphus*)
51. mule deer (*Odocoileus hemionus*)
52. pronghorn antelope (*Antilocapra americana*)

(Source: Groves and Marks 1985)

Game and non-game wildlife species known to occur in the southwest region of Idaho in habitat provided by wetlands including wet meadows, marshes, streams, and riparian areas are summarized in Table 2. These species may be found within the boundaries of the project area.

Table 2 - Species of Reptiles, Amphibians, and Mammals Known to Occur in Wetlands in the Southwest Region of Idaho

Reptiles:
1. western skink (*Eumeces skiltonianus*)
2. western terrestrial garter snake (*Thamnophis elegans*)
3. common garter snake (*Thamnophis sirtalis*)

Amphibians:
1. western toad (*Bufo boreas*)
2. Pacific tree frog (*Hyla regilla*)
3. striped chorus frog (*Hyla triseriata*)
4. Great Basin spadefoot (*Scaphiopus intermontanus*)
5. northern leopard frog (*Rana pipiens*)
6. spotted frog (*Rana pretiosa*)

Mammals:
1. vagrant shrew (*Sorex vagrans*)
2. western pipistrelle (*Pipistrellus hesperus*)
3. nutall's cottontail (*Sylvilagus nutallii*)
4. beaver (*Castor canadensis*)
5. deer mouse (*Peromyscus maniculatus*)
6. meadow vole (*Microtus pennsylvanicus*)
7. muskrat (*Ondatra zibethica*)
8. western jumping mouse (*Zapus princeps*)

Preliminary Draft

Table 2 - Continued

9. porcupine (*Erethizon dorsatum*)
10. raccoon (*Procyon lotor*)
11. ermine (*Mustela erminea*)
12. striped skunk (*Mephitis mephitis*)
13. red fox (*Vulpes vulpes*)
14. mule deer (*Odocoileus hemionus*)

(Source: Groves and Marks 1985)

Big Game, Daily and Seasonal Migration Corridors

Idaho Department of Fish and Game, Southwest Region has observed, and local residents have reported a resident population of mule deer within the project area. Mule deer numbers observed by Rob Tiedemann and Greg Carson (Millennium Science and Engineering, Inc.) from April 7 to April 24, 2006 and from April 16 to April 24, 2007 ranged from 8 to 14. They moved mostly in the valley bottoms as a single herd from the east to the west side, and back, of the north-south trending ridgeline. They particular favored a valley bottom west of the ridgeline where clusters of woody shrubs provide cover and where they loiter. Although close to existing residences, we also observed them at an isolated wetland east of the ridgeline, presumably using it as a source of water. We observed game trails throughout the project area, but none on ridgelines where individuals would be exposed and without cover.

Migratory populations of mule deer and pronghorn antelope have been repeatedly observed by the Idaho Department of Fish and Game, Southwest Region within the project area during systematic winter counts of big game. Their locations are shown on a map prepared by Idaho Department of Fish and Game, Southwest Region (see Figures 2a and 2b). In general, their numbers are greatest north and east of the project area at higher elevations and closer to Lucky Peak. Within the project area, the numbers of observed mule deer is described as low (i.e. 1 to 15 per square mile).

Raptors and Owls, Passerine Birds, and Upland Birds

In addition to the species of wildlife listed in Tables 1 and 2, numerous species of raptors and owls, passerine birds, and upland birds may feed, perch, roost, and nest within the boundaries of the project area. A complete list of all birds that may occupy habitat present within the project area are listed below (see Table 3):

Table 3 - Species of Birds Known to Occur in the Southwest Region of Idaho

Birds:

Herons

1. great blue heron (*Ardea herodias*)

Cranes, Rails, and Swans

2. sandhill crane (*Grus canadensis*)
3. Virginia rail (*Rallus limicola*)
4. sora (*Porzana carolina*)
5. tundra swan (*Cygnus columbianus*)

Preliminary Draft

Table 3 - Continued

Waterfowl

6. Canada goose (*Branta canadensis*)
7. northern pintail (*Anas acuta*)
8. wood duck (*Aix sponsa*)
9. common merganser (*Mergus merganser*)
10. hooded merganser (*Lophodytes cucullatus*)
11. green-winged teal (*Anas crecca*)
12. blue-winged teal (*Anas discors*)
13. American widgeon (*Anas americana*)
14. cinnamon teal (*Anas cyanoptera*)
15. mallard (*Anas platyrhynchos*)
16. gadwall (*Anas strepera*)
17. lesser scaup (*Aythya affinis*)
18. ringed-neck duck (*Aythya collaris*)
19. common goldeneye (*Bucephala clangula*)
20. Barrow's goldeneye (*Bucephala islandica*)

Shorebirds

21. killdeer (*Charadrius vociferus*)
22. spotted sandpiper (*Actitis macularia*)
23. upland sandpiper (*Bartramia longicauda*)
24. solitary sandpiper (*Tringa solitaria*)
25. lesser yellowlegs (*Tringa flavipes*)
26. greater yellowlegs (*Tringa melanoleuca*)
27. Wilson's snipe (*Gallinago gallinago*)
28. long-billed curlew (*Numenius americanus*)

Gulls

29. ringed-billed gull (*Larus delawarensis*)
30. California gull (Larus californicus)

Vultures, Hawks, and Eagles

31. turkey vulture (*Cathartes aura*)
32. osprey (*Pandion haliaetus*)
33. northern harrier (*Circus cyaneus*)
34. sharp-shinned hawk (*Accipiter striatus*)
35. Cooper's hawk (*Accipiter cooperii*)
36. northern goshawk (*Accipiter gentilis*)
37. broad-winged hawk (*Buteo platypterus*)
38. Swainson's hawk (*Buteo swainsoni*)
39. red-tailed hawk (*Buteo jamaicensis*)
40. ferruginous hawk (*Buteo regalis*)
41. golden eagle (*Aquila chrysaetos*)
42. bald eagle (*Haliaeetus leucocephalus*)
43. American kestrel (*Falco sparverius*)
44. merlin (*Falco columbarius*)

Preliminary Draft

Table 3 - Continued

45. prairie falcon (*Falco mexicanus*)
46. peregrine falcon (*Falco peregrinus*)

Grouse and Ptarmigans
47. chukar (*Alectoris chukar*)
48. spruce grouse (*Falcipennis canadensis*)
49. ruffed grouse (*Bonasa umbellus*)
50. blue grouse (*Dendragapus obscurus*)
51. sage grouse (*Centrocercus urophasianus*)
52. Gambel's quail (*Callipepla gambelii*)

Pigeons and Doves
53. rock pigeon (*Columba livia*)
54. mourning dove (*Zenaida macroura*)
55. yellow-billed cuckoo (*Coccyzus americanus*)
56. black-billed cuckoo (*Coccyzus erythropthalmus*)

Nighthawks and Owls
57. common nighthawk (*Chordeiles minor*)
58. great-horned owl (*Bubo virginianus*)
59. flammulated owl (*Otus flammeolus*)
60. burrowing owl (*Athene cunicularia*)
61. long-eared owl (*Asio otus*)
62. short-eared owl (*Asio flammeus*)
63. western screech-owl (*Otus kennicottii*)
64. northern pygmy owl (*Glaucidium gnoma*)
65. northern saw-whet owl (*Aegolius acadicus*)
66. common poorwill (*Phalaenoptilus nuttallii*)

Swifts
67. chimney swift (*Chaetura pelagica*)
68. black swift (*Cypseloides niger*)
69. white-throated swift (*Aeronautes saxatalis*)

Kingfishers and Woodpeckers
70. belted kingfisher (*Ceryle alcyon*)
71. Lewis' woodpecker (*Melanerpes lewis*)
72. red-naped sapsucker (*Sphyrapicus nuchalis*)
73. Williamson's sapsucker (*Sphyrapicus thyroideus*)
74. pileated woodpecker (*Dryocopus pileatus*)
75. hairy woodpecker (*Picoides villosus*)
76. downy woodpecker (*Picoides pubescens*)
77. northern flicker (*Colaptes auratus*)

Preliminary Draft

Table 3 - Continued

Hummingbirds
78. black-chinned hummingbird (*Archilochus alexandri*)
79. calliope hummingbird (*Stellula calliope*)
80. broad-tailed hummingbird (*Selasphorus platycercus*)
81. rufus hummingbird (*Selasphorus rufus*)

Flycatchers
82. western wood-pewee (*Contopus sordidulus*)
83. olive-sided flycatcher (*Contopus cooperi*)
84. Hammond's flycatcher (*Empidonax hammondii*)
85. dusky flycatcher (*Empidonax oberholseri*)
86. willow flycatcher (*Empidonax traillii extimus*)
87. Cordilleran flycatcher (*Empidonax occidentalis*)
88. Say's phoebe (*Sayornis saya*)
89. western kingbird (*Tyrannus verticalis*)
90. eastern kingbird (*Tyrannus tyrannus*)

Larks and Swallows
91. horned lark (*Eremophila alpestris*)
92. tree swallow (*Tachycineta bicolor*)
93. violet-green swallow (*Tachycineta thalassina*)
94. northern rough-wing swallow (*Stelgidopteryx serripennis*)
95. bank swallow (*Riparia riparia*)
96. cliff swallow (*Petrochelidon pyrrhonota*)
97. barn swallow (*Hirundo rustica*)
98. purple martin (*Progne subis*)

Jays, Crows, and Magpies
99. Steller's jay (*Cyanocitta stelleri*)
100. Clark's nutcracker (*Nucifraga columbiana*)
101. black-billed magpie (*Pica hudsonia*)
102. American crow (*Corvus brachyrhynchos*)
103. common raven (*Corvus corax*)

Chickadees, Nuthatches, and Creepers
104. black-capped chickadee (*Poecile atricapilla*)
105. mountain chickadee (*Poecile gambeli*)
106. pygmy nuthatch (*Sitta pygmaea*)
107. red-breasted nuthatch (*Sitta canadensis*)
108. white-breasted nuthatch (*Sitta carolinensis*)
109. brown creeper (*Certhia americana*)

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Table 3 - Continued

Wrens and Dippers
110. marsh wren (*Cistothorus palustris*)
111. house wren (*Troglodytes aedon*)
112. rock wren (*Salpinctes obsoletus*)
113. American dipper (*Cinclus mexicanus*)

Kinglets
114. golden-crowned kinglet (*Regulus satrapa*)
115. ruby-crowned kinglet (*Regulus calendula*)

Thrushes
116. Swainson's thrush (*Catharus ustulatus*)
117. hermit thrush (*Catharus guttatus*)
118. veery (*Catharus fuscescens*)
119. varied thrush (*Ixoreus naevius*)
120. American robin (*Turdus migratorius*)
121. mountain bluebird (*Sialia currucoides*)
122. Townsend's solitaire (*Myadestes townsendi*)
123. northern mockingbird (*Mimus polyglottos*)

Catbirds, Waxwings, Shrikes, Starling, and Pipit
124. American pipit (*Anthus rubescens*)
125. loggerhead shrike (*Lanius ludovicianus*)
126. northern shrike (*Lanius excubitor*)
127. gray catbird (*Dumetella carolinensis*)
128. cedar waxwing (*Bombycilla cedrorum*))
129. bohemian waxwing (*Bombycilla garrulus*)
130. European starling (*Sturnus vulgaris*)

Vireos and Warblers
131. solitary vireo (*Vireo solitarius*)
132. red-eyed vireo (*Vireo olivaceus*)
133. warbling vireo (*Vireo gilvus*)
134. Cassin's vireo (*Vireo cassinii*)
135. MacGillivray's warbler (*Oporornis tolmiei*)
136. orange-crowned warbler (*Vermivora celata*)
137. Nashville warbler (*Vermivora ruficapilla*)
138. yellow warbler (*Dendroica petechia*)
139. Wilson's warbler (*Wilsonia pusilla*)
140. yellow-rumped warbler (*Dendroica coronata*)
141. Townsend's warbler (*Dendroica townsendi*)
142. northern waterthrush (*Seiurus noveboracensis*)
143. American redstart (*Setophaga ruticilla*)
144. common yellowthroat (*Geothlypis trichas*)
145. yellow-breasted chat (*Icteria virens*)

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Table 3 - Continued

Tanagers, Grossbeaks, and Buntings
146. western tanager (*Piranga ludoviciana*)
147. indigo bunting (*Passerina cyanea*)
148. lark bunting (*Calamospiza melanocorys*)
149. lazuli bunting (*Calamospiza melanocorys*)
150. rose-breasted grosbeak (*Pheucticus ludovicianus*)
151. black-headed grosbeak (*Pheucticus melanocephalus*)

Towhees and Sparrows
152. green-tailed towhee (*Pipilo chlorurus*)
153. rufus-sided towhee (Pipilo erythrophthalmus)
154. spotted towhee (*Pipilo maculatus*)
155. chipping sparrow (*Spizella passerina*)
156. Brewer's sparrow (*Spizella breweri*)
157. vesper sparrow (*Pooecetes gramineus*)
158. lark sparrow (*Chondestes grammacus*)
159. sage sparrow (*Amphispiza belli*)
160. savannah sparrow (*Passerculus sandwichensis*)
161. fox sparrow (*Passerella iliaca*)
162. song sparrow (*Melospiza melodia*)
163. Lincoln's sparrow (*Melospiza lincolnii*)
164. swamp sparrow (*Melospiza georgiana*)
165. white-crowned sparrow (*Zonotrichia leucophrys*)
166. dark-eyed junco (*Junco hyemalis*)

Blackbirds, Meadowlarks, and Orioles
167. red-winged blackbird (*Agelaius phoeniceus*)
168. western meadowlark (*Sturnella neglecta*)
169. yellow-headed blackbird (*Xanthocephalus xanthocephalus*)
170. Brewer's blackbird (*Euphagus cyanocephalus*)
171. brown-headed cowbird (*Molothrus ater*)
172. Bullock's oriole (*Icterus bullockii*)
173. common grackle (*Quiscalus quiscula*)

Finches and Crossbills
174. pine siskin (*Carduelis pinus*)
175. Cassin's finch (*Carpodacus cassinii*)
176. house finch (*Carpodacus mexicanus*)
177. red crossbill (*Loxia curvirostra*)
178. white-winged crossbill (*Loxia leucoptera*)
179. pine grosbeak (Pluoialts apricaria)
180. common redpoll (*Carduelis flammea*)
181. American goldfinch (*Carduelis tristis*)

Preliminary Draft

Table 3 - Continued

Old World Sparrow
182. house sparrow (*Passer domesticus*)

(Source: Groves and Marks 1985)

The Migratory Bird Treaty Act 1972 prohibits the killing, possessing, hunting, selling, and other similar actions towards the birds listed in Table 3 and other migratory birds without a permit.

SPECIAL AREAS ANALYSIS

Floodways, Floodway Fringes, Wetlands, and Riparian Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (2003) identifies the 100-year floodway and floodway fringe for Polecat Gulch (see Figure 3). Their boundaries are shown only for the southwest most portion of the waterway, abutting but not within the project area.

The floodway is that area of the river channel and floodplain that must be maintained free of encroachments to convey the 100 year flood event without increasing the water surface elevation more than one foot. The floodway fringe is that area of the floodplain that may be obstructed and still allow the river to convey the 100 year flood event without increasing the water surface elevation more than one foot (Federal Emergency Management Agency 1991). Swift moving water in the floodway and standing or slow moving water in the floodway fringe is likely during the 100-year flood event. The event has a 100% probability of occurring once every 100 years or a 1% probability of occurring in any given year.

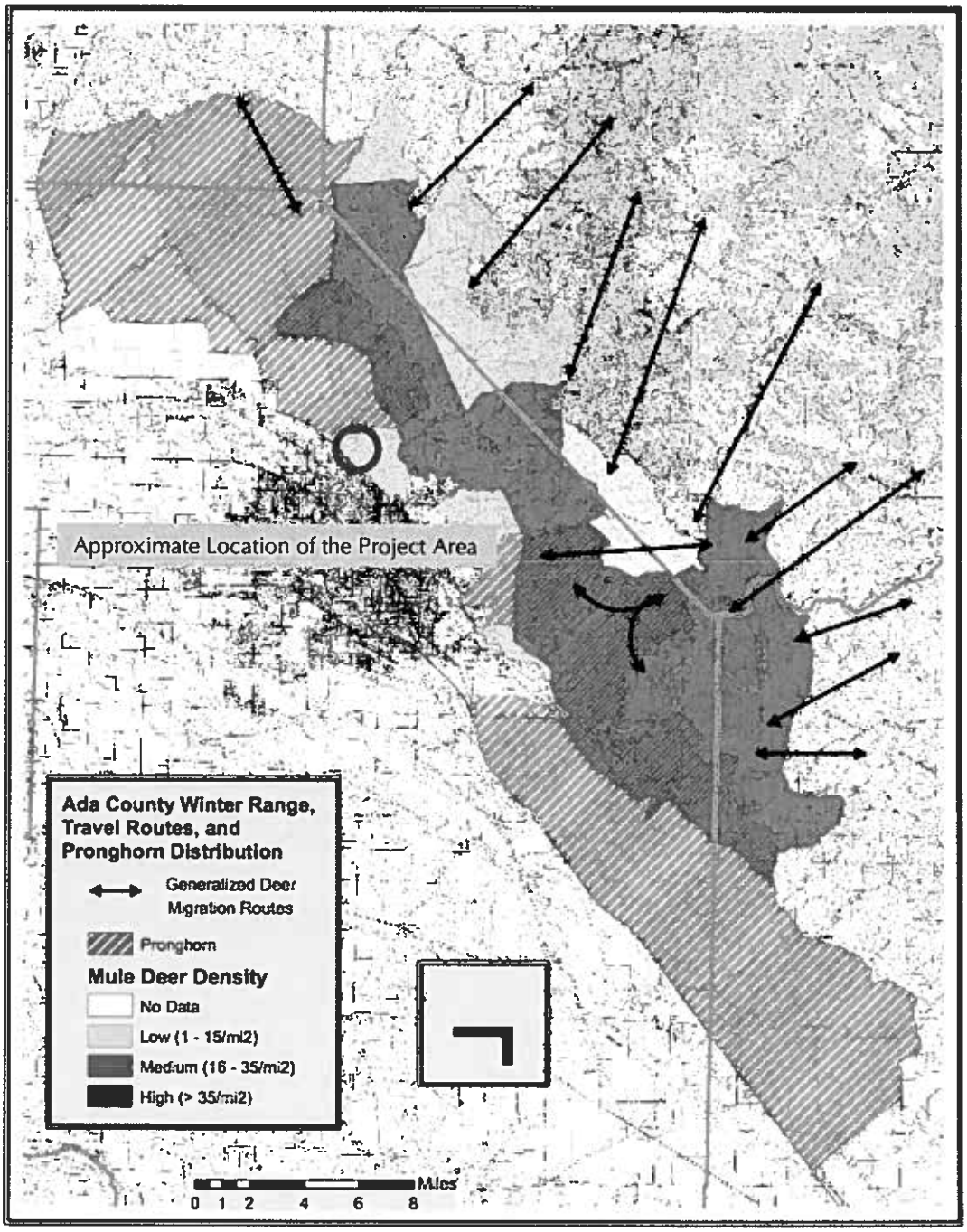
No part of the property is located within a FEMA FIRM 100-year floodway or floodway fringe.

The US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) does not identify the presence of wetlands within the project area (see Figure 4). This is likely attributable to the scale of the NWI maps and the aerial photography that was used to produce them, and not a definitive sign of the absence of wetlands.

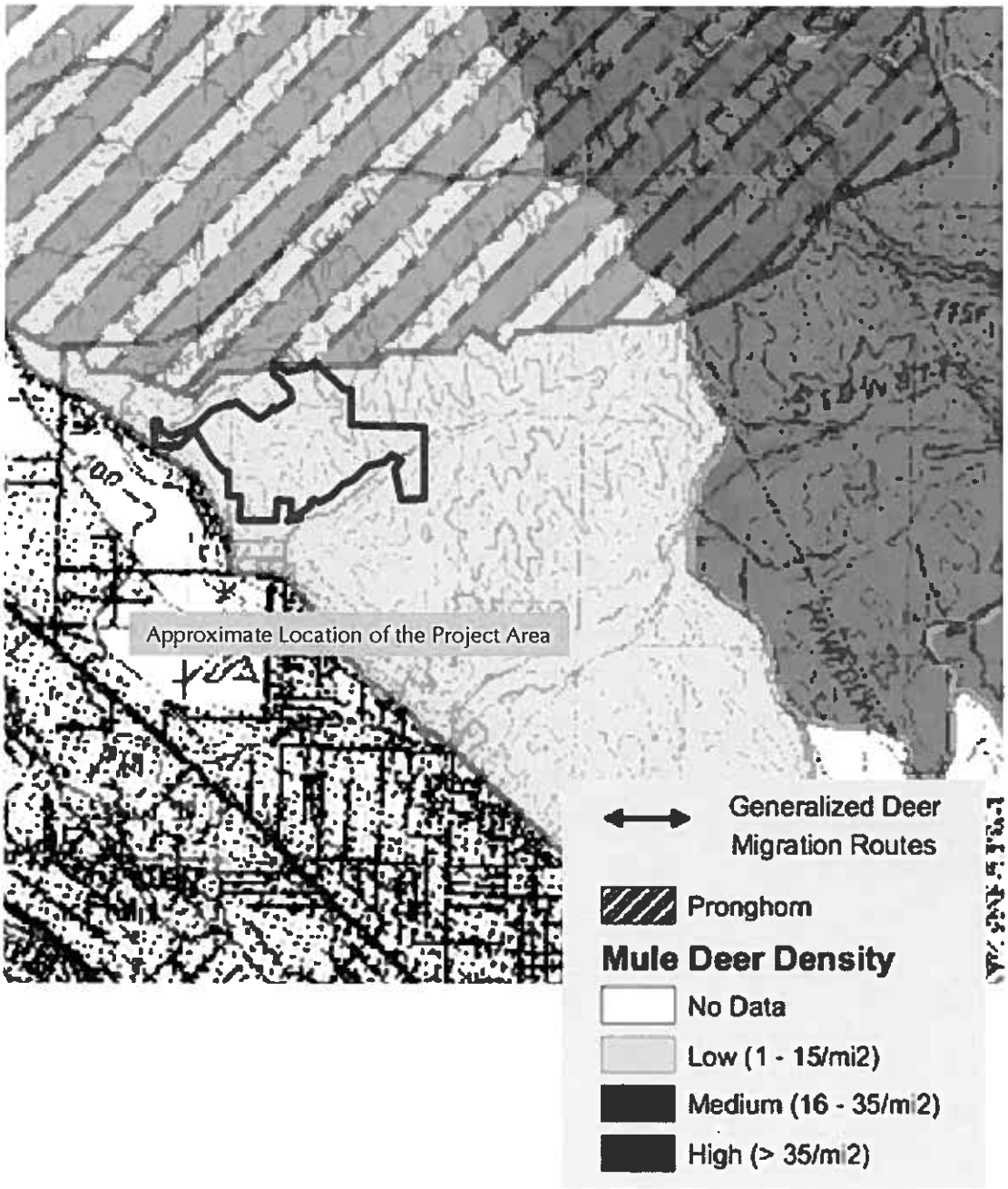
Based on previous experience in the Boise Foothills, I suspected the likely presence of wetlands within the project area. This was confirmed by field studies and examination of aerial photography. I observed positive indicators of wetland hydrology and wetland vegetation (i.e. predominance of hydrophytes) and ground truthed aerial photography to identify the general location of wetlands and riparian areas within the project area (see Figure 5). Their boundaries are drawn based on my observations in the field, and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography (2000 COMPASS).

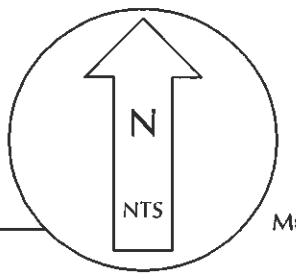
One wetland is an isolated seep originating in one of the unnamed draws west of North Collister Drive. If it were mapped by the US FWS, it would be classified as palustrine scrub-shrub wetland (PSS), and in this setting commonly called a woody thicket.

Preliminary Draft

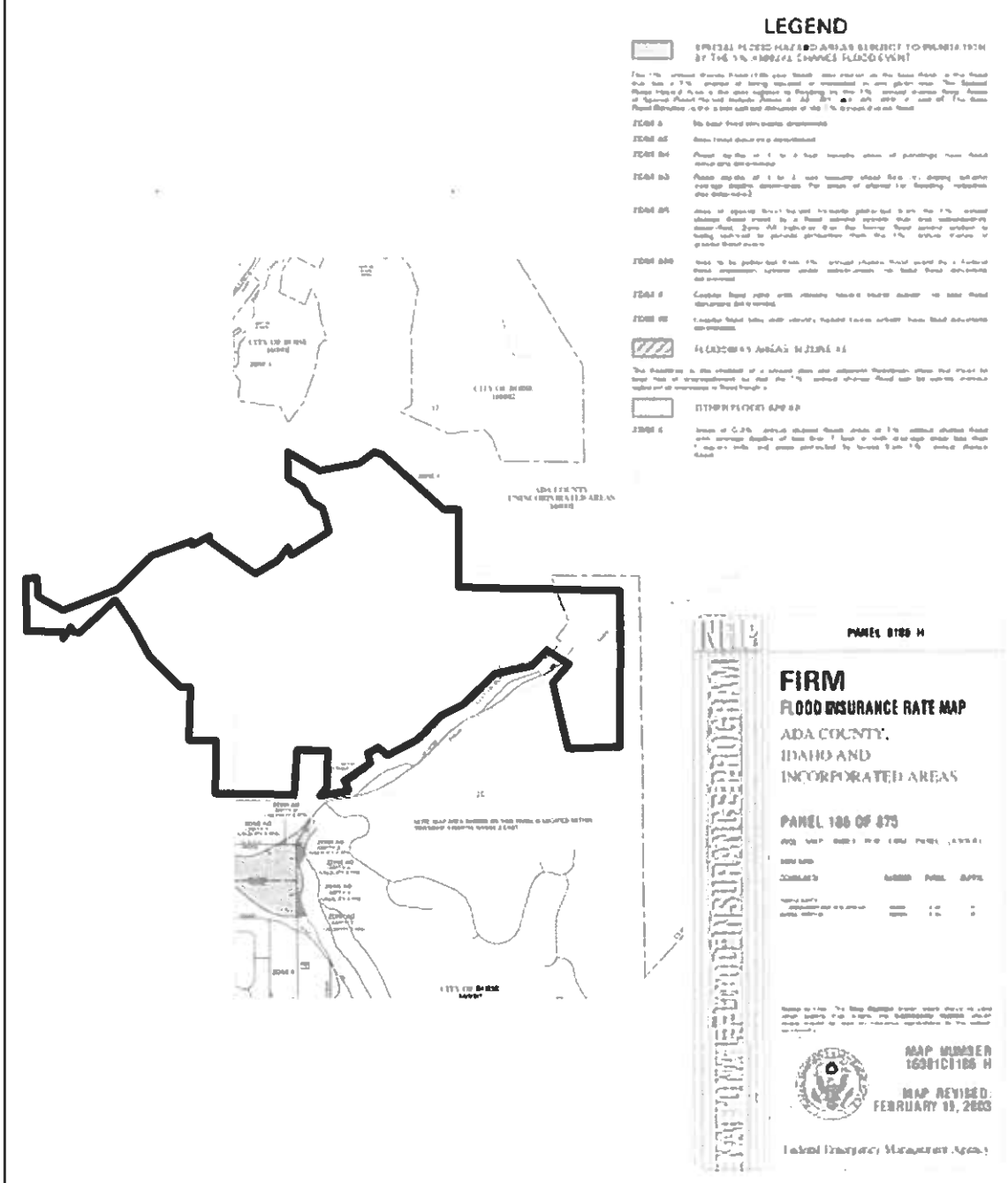


Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 2a - Idaho Department of Fish and Game
Mule Deer Winter Range and Pronghorn Antelope Distribution Map (2008)
June 6, 2008

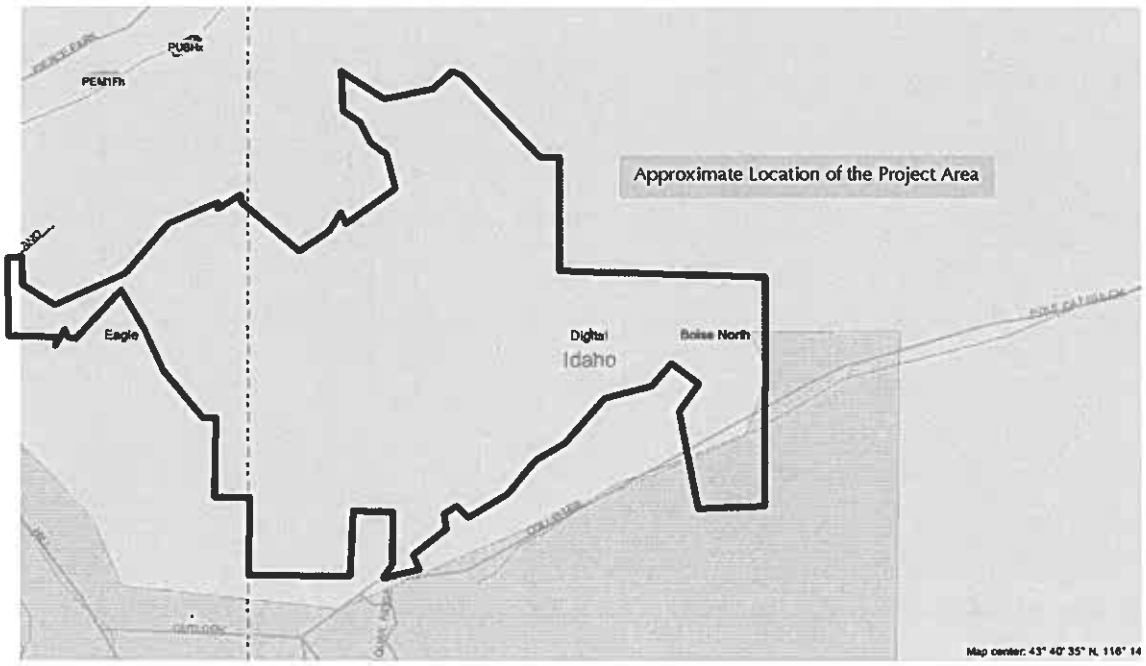


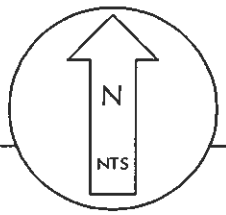


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Figure 2b - Idaho Department of Fish and Game
Mule Deer Winter Range and Pronghorn Antelope Distribution Map (2008)
June 6, 2008

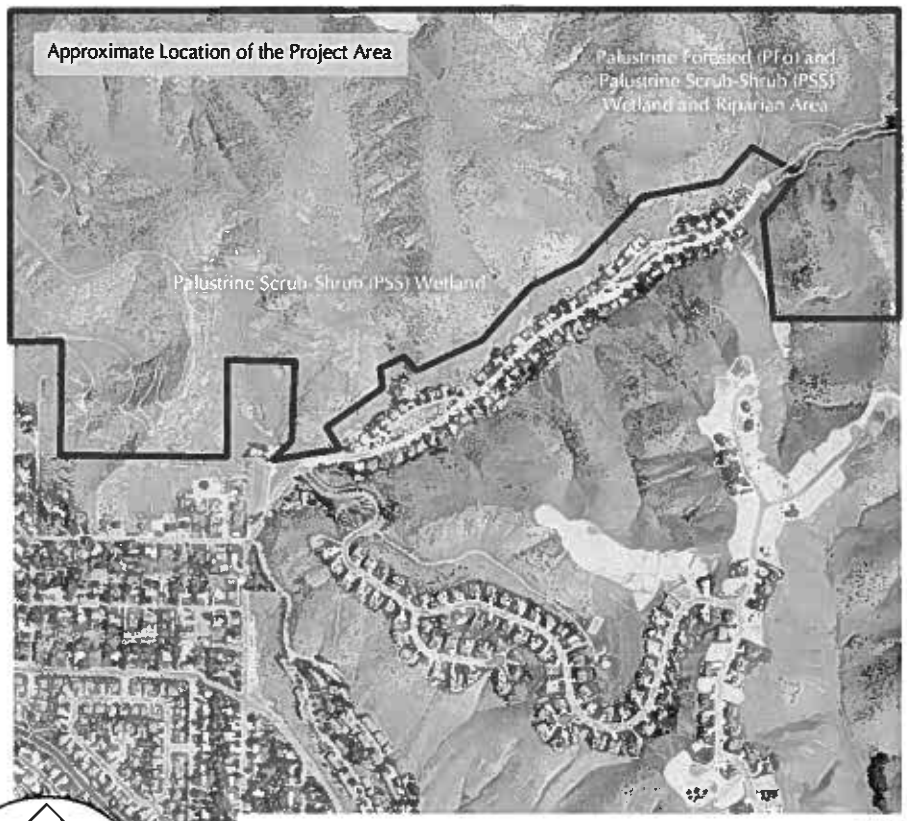


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Figure 3 - Federal Emergency Management Agency (FEMA)
Flood Insurance Rate (FIRM) Map
June 6, 2008





Plano Road Subdivision
Boise, Idaho
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Boise Foothills Ordinance Permit No.: To Be Determined
Figure 4 - US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Map
June 6, 2008



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Figure 5 - US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Map
June 6, 2008

The second wetland and riparian area parallels Polecat Gulch in and immediately adjacent to its deeply incised channel. If it were mapped by the US FWS, it would be classified as palustrine scrub-shrub wetland (PSS) and palustrine forested (PFo) wetland. This community of plants in this setting is commonly called a stand of riparian shrubs and trees. At North Collister Drive Polecat Gulch enters a culvert and is piped to the Boise River.

Wetland vegetation growing in Polecat Gulch as sporadic occurrences of trees, a continuous canopy of shrubs, and an understory of forbs includes black cottonwood (*Populus trichocarpa*), crack willow (*Salix rigida*), red-osier dogwood (*Cornus stolonifera*), and Indian tobacco (*Rumex crispus*). Vegetation growing in the intermittent waterway not normally occurring in wetlands includes ornamental rose (*Rosa spp.*), wood's rose (*Rosa woodsii*), and moth mullein (*Verbascum blattaria*).

Deer and Elk Migration Corridors

Migratory populations of mule deer and pronghorn antelope have been repeatedly observed by the Idaho Department of Fish and Game, Southwest Region within the project area during systematic winter counts of big game. Their locations are shown on a map prepared by Idaho Department of Fish and Game, Southwest Region (see Figure 2a). However, no known deer or elk migration corridors are identified within the project area.

Location of Rare, Threatened, and Endangered Plant Species and Communities

Aase's Onion - Review of the Literature

At the request of Ecological Design, Inc. the Idaho Department of Fish and Game - Conservation Data Center queried their database and provided an inventory of occurrences of plant species of special concern, and threatened or endangered plant species within and near the project area.

Their response, dated March 6, 2006, shows no listed, candidate, or proposed threatened or endangered plant species. However, occurrences of Aase's onion (*Allium aaseae*) - a species of special concern - were identified.

The appearance, distribution, status, and habitat of Aase's onion has been studied and described by Michael Mancuso, Robert Mosley, Patricia Packard, Carol Prentice, and others. A summary by Mancuso (1995) states, in part:

> *"Allium aaseae* onion is an early spring-flowering member of the lily family. It is perennial with an underground bulb that is usually buried at least a couple inches below ground level in mature individuals. Bulb coat reticulations may or may not be evident. The scape is round to slightly flattened, not winged. The two linear, channeled leaves are 1 - 4 mm wide, at least twice as long as the scape and typically lying on the ground when observed in the field early in the season. Its six similar-looking tepals are pink, often richly so, but fading to white, 6 - 9.5 mm long, and with entire to obscurely or strongly denticulate margins. Stamens are shorter than the tepals, the undehisced anthers and pollen are yellow.
>
> Aase's onion is endemic to southwestern Idaho, occurring in the foothills around Boise and arcing northwest to near Emmett, an aerial distance of approximately 18 miles. In the Boise Foothills, the easternmost populations are known from the Hulls Gulch and lower Cottonwood Creek areas, while the Freezeout Hill vicinity near

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Emmett contains the westernmost foothill populations. Disjunct populations have recently been confirmed from near the towns of Payette and Weiser, northwest of the species' main range. Populations previously reported from the Danskin Mountains, east of Boise are really *Allium simillimum*. Populations are located in Ada, Boise, Gem, Payette, and Washington counties.

Aase's onion is restricted to a narrow range of habitat conditions. It occurs on open, relatively barren, xeric, gentle to very steep, sandy slopes, generally with a southerly aspect, but ranging from east to west. It is usually associated with relatively sparsely vegetated bitterbrush (*Purshia tridentata*) or bitterbrush/sagebrush (*Artemisia tridentata*) communities. One or several bunchgrasses such as red threeawn (*Aristida longiseta*), bluebunch wheatgrass (*Agropyron spicatum*), squirreltail (*Sitanion hystrix*), needle-and-thread (*Stipa comata*), Sandberg's bluegrass (*Poa sandbergii*), Indian ricegrass (*Oryzopsis hymenoides*) and sand dropseed (*Sporobolus cryptandrus*) are often closely associated. Aase's onion sites are often bordered by *Artemisia tridentata* ssp. *wyomingensis* or ssp. *tridentata*/bunchgrass–dominated communities. Commonly associated species include *Eriophyllum lanatum, Balsamorhiza sagittata, Achillea millefolium, Phacelia heterophylla*, and *Eriogonum ovalifolium*. A number of exotic species may be abundant, especially *Bromus tectorum, Erodium cicutarium* and *Taeniatherum caput-medusae*.

Allium aaseae populations in the Boise Foothills often occur in close proximity to *Astragalus mulfordiae*, and/or *Lepidium papilliferum*, two other rare, regional endemic plants. These three rare species largely share the same conservation concerns and problems. On a local scale, *Allium aaseae* can be very common. At some sites it is one of the dominant forbs in early spring. When considering its sagebrush-bitterbrush/steppe and foothill grassland habitats rangewide, however, it is a minor constituent. Most populations are restricted to the alluvial soils of the Glenns Ferry Formation. This sandy substrate is of granitic origin and typically coarse textured, well drained and relatively deep (Packard 1979; Prentice 1988). In the Boise Foothills, all populations occur on one of three sand-dominated geologic units-Pierce Gulch Formation Sand, Terteling Springs Formation Sand and Sandstone, and Terteling Springs Formation Sandy Sediments (Beck 1988). A large majority of Boise Foothill populations occur on three soil mapping units of Beck (1988): Quincy-Lankbush complex, Payette-Quincy complex, and Haw-Lankbush complex. Rarely, populations or portions of populations occur on other soil types, namely, Lankbush-Brent sand loam, Ada gravelly sand, and Searless-Rock outcrop complex. All known populations except for the two in Cartwright Canyon occur between 2700 - 4300 feet elevation, with the great majority below 3700 feet. Cartwright Canyon populations occur at 4950 and 5100 feet, and possibly indicate that soil characteristics such as texture are more important than elevation in determining the distribution of *Allium aaseae* (McNeal 1993)."

Draft Primary Draft

Aase's Onion - Field Studies

I informally consulted with botanical experts from the Idaho Conservation Data Center, including Michael Mancuso, to identify and discuss locations of previous occurrences of Aase's onion in the Boise Foothills and the details of those observations. This information - in combination with color aerial photography available from GoogleEarth©2005, Community Planning of Southwest Idaho (COMPASS), and other sources - allowed me to locate areas on the photograph based on descriptions of habitat in the literature where color, texture, and patterns suggested Aase's onion was most likely to occur.

From April 7 to April 24, 2006 and from April 16 to April 24, 2007 Greg Carson (Millennium Science and Engineering, Inc.) and I conducted systematic field studies of the project area to identify and locate occurrences of Aase's onion and delineate their boundaries by the use of a resource grade Global Positioning System (GPS) with accuracy of 1 foot or less. We traversed in tandem all hillsides, ridges, and valleys within the project area and recorded point occurrences of both presence and absence of Aase's onion. The early data allowed us to refine the coarse, near white image of potential Aase's onion habitat seen on aerial photography and improve the reliability of this image being a predicator of its actual presence.

Data were downloaded after each day in the field to produce a map of distribution of occurrences of Aase's onion that was displayed over an aerial photograph serving as a geographic reference. A composite was generated over time to produce a highly accurate map showing occurrences in combination with soil types that were previously mapped by the US Department of Agriculture - Natural Resources Conservation Service. Polygons surrounding point occurrences were drawn based on the presence / absence data we generated; our observations in the field; and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography.

The result of field studies is a map showing *point occurrences* of presence / absence of Aase's onion within the project area. The map also shows our interpretation of this data, which delineates the boundaries of clusters of individual plants growing in close proximity to one another. From this *areas of occurrences* can be calculated (see Figures 6a and 6b). Although the density of occurrences varies within and between polygons, each polygon delineates the boundaries of appropriate habitat where the actual presence of clusters of Aase's onion were observed. Conversely, point occurrences of the presence of Aase's onion also appear on portions of the map without a corresponding polygon surrounding them. We observed these to be isolated individuals and therefore conclude it not appropriate for them to contribute to a calculation of area.

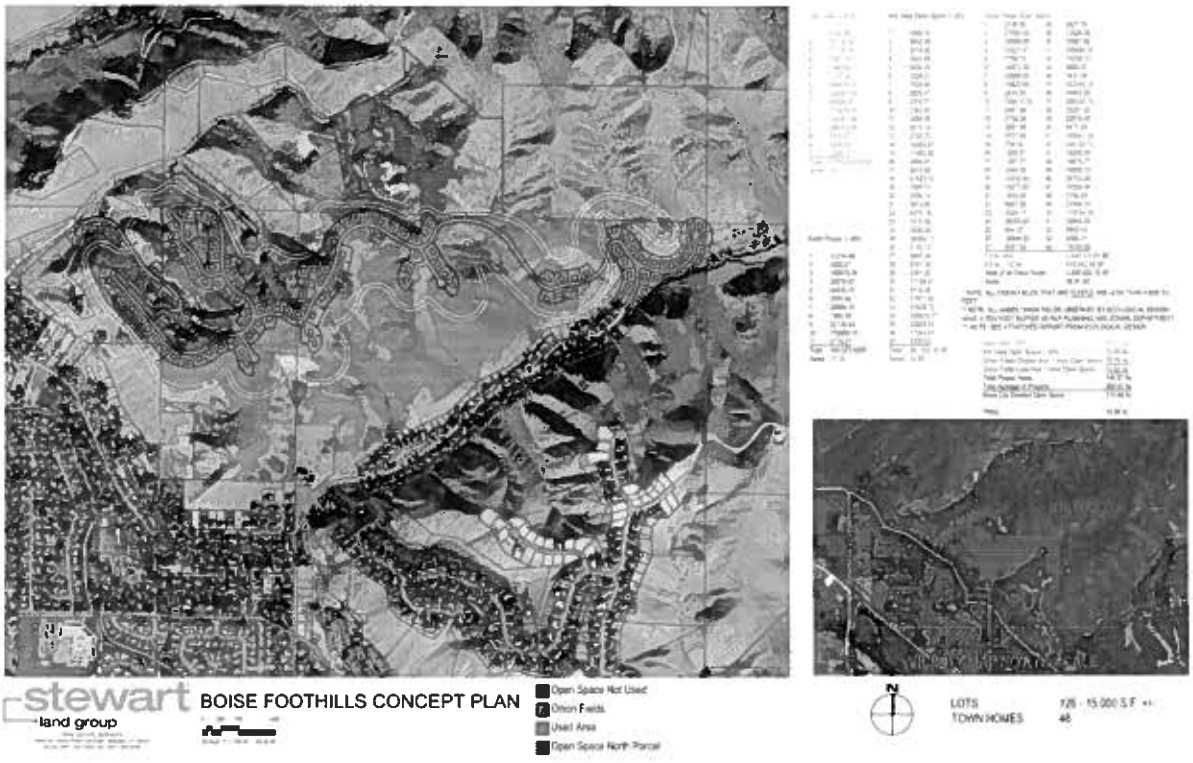
Geologic and/or Historic Features

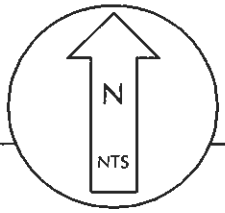
Results of field studies show there are no unique natural geologic features within the project area. A notable man-made feature is the area where sand and other building materials have been produced by excavation, exposing the soil and sub-soil horizons for study.

Potential Buildable Ridge Tops Visible as Skyline Features

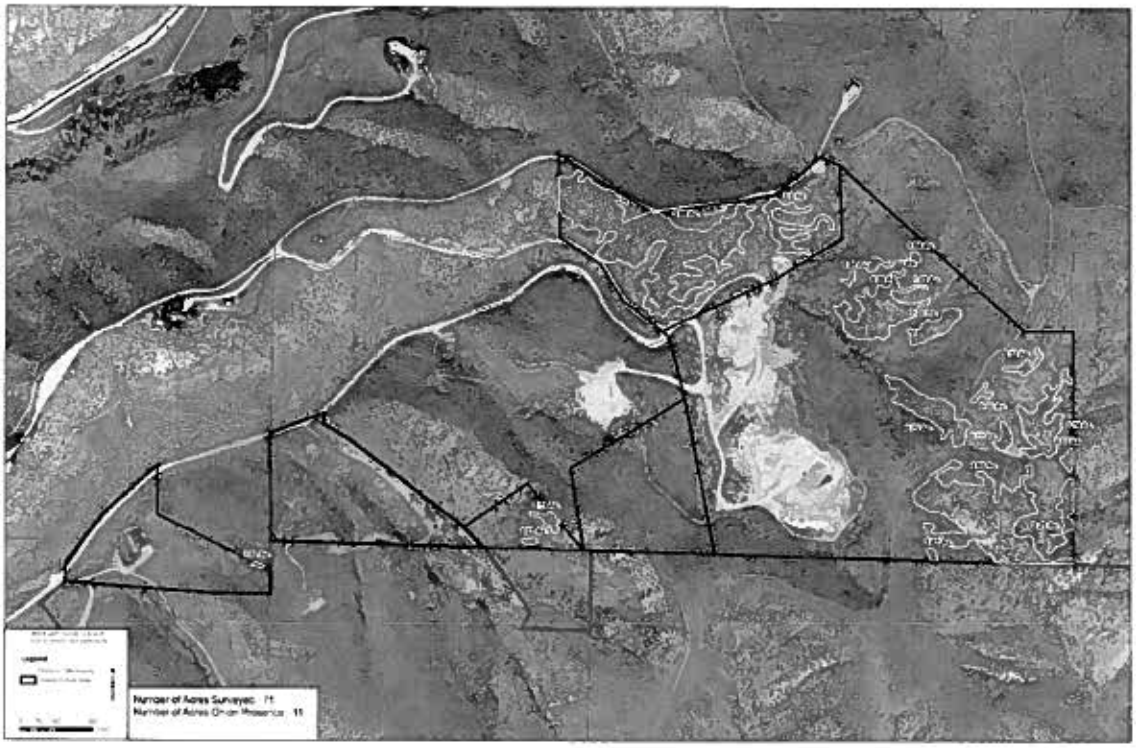
The north-south trending ridge top and several east-west trending ridge tops will be occupied by homes and be visible from the Collister and adjacent neighborhoods.

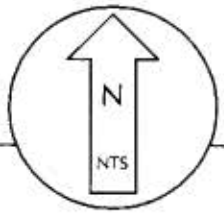
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Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 6a - Map of Surveyed Aase's Onion
June 6, 2008





Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 6b - Map of Surveyed Aase's Onion
June 6, 2008

Site Characteristics that Validate the Locations of Proposed Open Space

There are compelling reasons for the preservation of areas of Aase's onion within the project area. Michael Mancuso, states in a description of conservation needs for the species (1996) the following:

> *Allium aaseae* is endemic to southwestern Idaho. Population sizes vary from less than 100 to more than 35,000 plants. A rangewide population estimate for *Allium aaseae* is 400,000 plants. Substantial reduction in habitat and populations has occurred due to past land uses, although the exact amount is unknown. The main factors contributing to the serious conservation concern for *Allium aaseae* are its limited distribution, its restricted habitat requirements, and its location adjacent to a major population center making it subject to numerous threats (Moseley and Caicco 1989). Across its range, the sandy foothill habitats supporting *Allium aaseae* have been subject to four main land uses since European settlement: urban/suburbanization; livestock grazing; sand mining; and recreational uses, such as ORV's (off-road vehicle), equestrians, hikers, and mountain bikers. As a consequence of urban development in the Boise Foothills, portions of at least seven (11%) occurrences (007, 008, 020, 021, 033, 063, 064) have been destroyed by housing development projects in recent years. Twenty-two (34%) additional occurrences (004, 010, 011, 012, 013, 014, 019, 022, 023, 029, 030, 032, 036, 042, 047, 050, 054, 060, 061, 062, 065, 066) are known to occur at least partly on private land and in locations potentially subject to development, although future plans for these parcels are unknown. Additional private properties may also be subject to various future development. Segments of populations at the Hidden Hollow landfill (026, 027, 056, 057) may be potentially threatened over the long-term due to landfill expansion. Portions of other populations have also been lost over the years to sand mining, landfill activities and other disturbances. This permanent habitat loss and fragmentation resulting from urban developments, especially in the Boise Foothills, has accelerated in recent years, and is expected to continue. It also represents the most serious and probably difficult to resolve threat facing *Allium aaseae*.
>
> The majority of *Allium aaseae* populations occur on private land, however, and subject to few conservation options. Conservation agreements involving private entities have not been pursued to any great degree. A proposed Conservation Agreement between the U. S. Fish and Wildlife Service and the City of Boise has been at a standstill for a prolonged period. When and if this Conservation Agreement is completed, and plans implemented, populations within Military Park Reserve (006, 025, 058, 059) and Camelsback Reserve (009) should be better protected than at present. One success involves Unimin Mining Corporation, which has been sponsoring propagation research for several years. Mixed ownership patterns and the preponderance of private lands throughout the range of *Allium aaseae* indicates cooperation, coordination, and innovation will be important for the species long-term viability. A lack of on-the-ground commitment from the private sector would be a serious drawback to the conservation of rare plants in the Boise Foothills.

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If this proves to be the case, populations on public land will be invaluable for the long-term persistence of Aase's onion and other rare plants found in the Boise Foothills.

Nearly all (i.e. 152.7 acres) of the areas of occurrence of Aase's onion within the project area - some of the largest in Ada County - will be protected by conservation easement (see Figure 7).

Site Characteristics (i.e Wildlife Habitat Value, Soil Conditions, Geologic Hazards, Access Constraints, Drainage Patterns, Unique Features)

No wildlife habitat areas identified by the Boise City Foothills Policy Plan in Figure 2-1 as "sensitive areas" appear within the project area. Instead, much of the project area is identified as "potentially buildable area" or is undesignated (see Figures 8a and 8b).

Idaho Department of Fish and Game - Southwest Regional Office (IDFG-SWRO) has provided preliminary comments that are general in nature and not specific to the proposed project, at the request of the developer (see Appendix A). These concerns have been addressed in a companion document to this report titled, *A Summary of Measures to Mitigate Potential Adverse Impacts to Wildlife and Wetlands* (Ecological Design, Inc. 2008).

The City of Boise has also requested review of the proposed project and comment from IDFG-SWRO. Their response is expected in the near future.

The Soil Survey of Boise Front Project, Idaho (USDA-SCS 1997) identifies and describes soils within the project area (see Table 4 and Figure 9). They are generally described as being shallow to very deep (i.e. >60 inches) and formed in alluvium, colluvium, and residuum from lacustrine deposits of sand and mudstone. Some areas are capped with remnants of volcaniclastic sediments. The terrain of the lower foothills is a mosaic of rolling and steep hills, stream terraces, draw bottoms, and alluvial fans.

The two predominant soils within the project area (i.e. soil map unit 361 and 362) have a surface layer of fine sandy loam to coarse sandy loam to loam; a subsoil of very fine to coarse sandy loam; and a basement layer of gravely loamy course sand to soft bedrock. The restrictions for development of building sites for all soil map units is summarized by the USDA-NRCS in Table 5.

Geologic hazards include slope of the ground, caving cutbanks, flooding, and instability of soils due to low strength, shrink-swell, and frost action.

Access to and from the project area has been reviewed and approved by the Ada County Highway District, Boise City Police Department, Boise City Fire Department, and Ada County paramedics.

Drainage follows the east-west trending valley bottoms to Polecat Gulch and to an unnamed drainage that parallels North Plano Road.

Unique features of the landscape include the views from ridgetops of the Treasure Valley and Owyhee Mountains to the south, and the Boise Front to the north.

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SET ASIDE OPEN SPACE CALCULATIONS

- **AASE'S ONION CONSERVANCY (SHOWN AS YELLOW)**

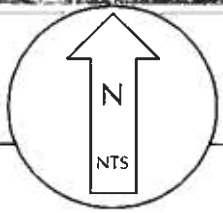
1. **152.66 ACRE'S**

- **HOME OWNER'S ASSOCIATION (SHOWN AS GREEN)**

1. **81.98 ACRE'S**

- **THE REMAINDER OF THE SUBJECT PROPERTY WILL BE ZONED R-1/DA**

1. **97.84 ACRE'S**



Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 7 - Open Space Map
June 6, 2008

Wildlife Habitat Areas

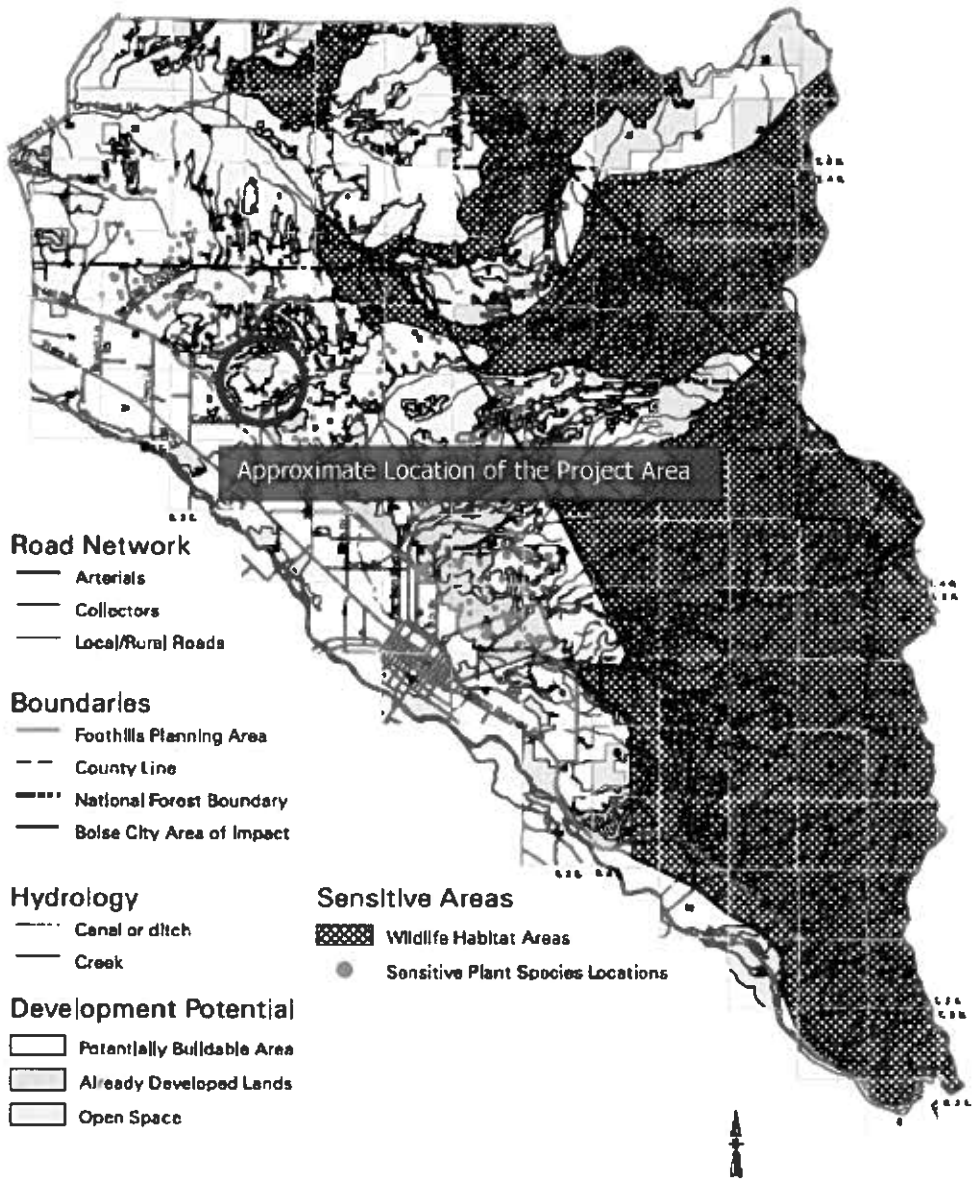
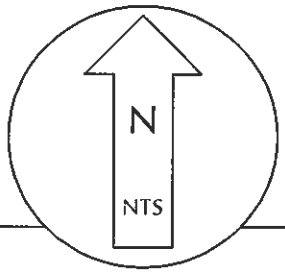
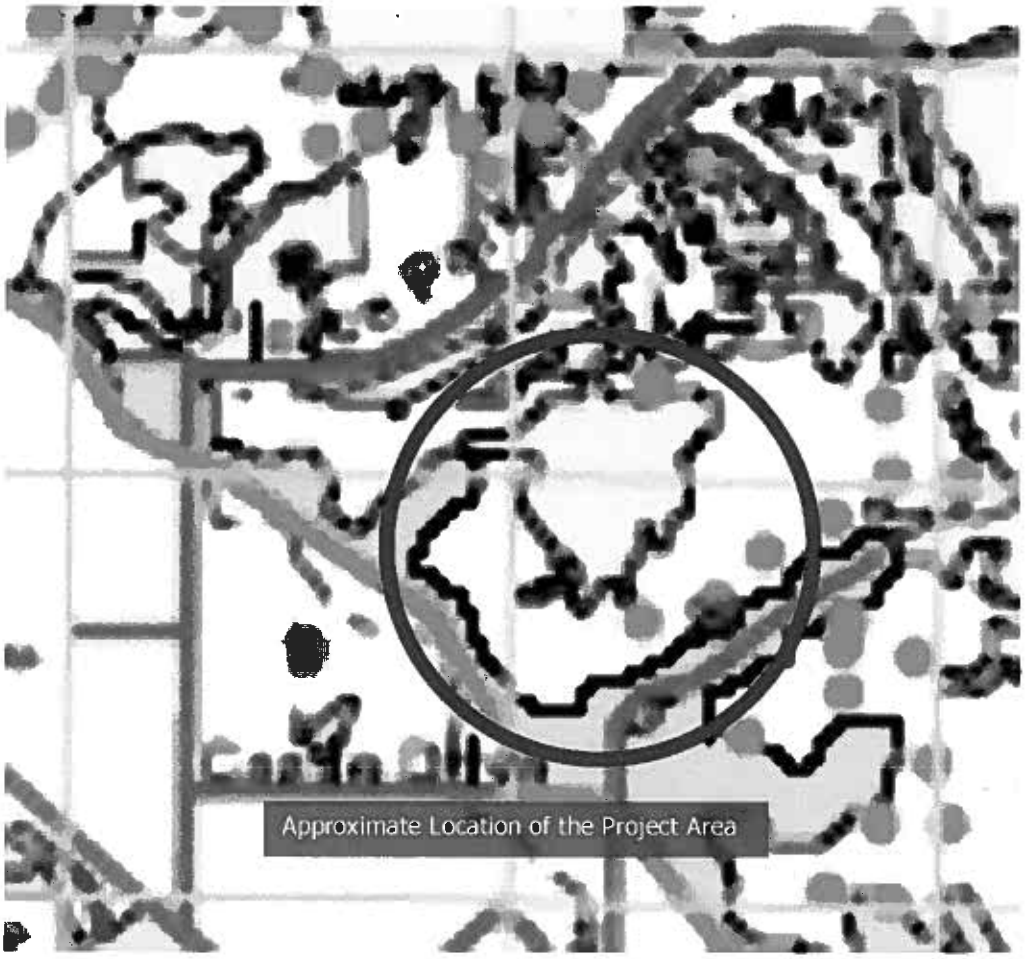


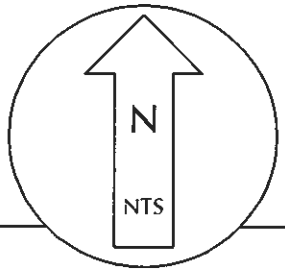
Figure 2 - 1

Map produced by Spatial Dynamics, Inc.



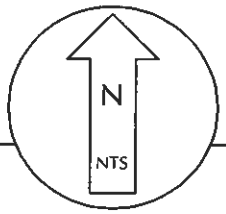
Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 8a - Map of Wildlife Habitat Areas
(Boise Municipal Code Chapter 11-06)
June 6, 2008





Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 8b - Map of Wildlife Habitat Areas
(Boise Municipal Code Chapter 11-06)
June 6, 2008





Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 9 - US Department of Agriculture (USDA)
Natural Resource and Conservation Service (NRCS) Soil Survey Map (Digital) Map
June 6, 2008

Table 4 - Soil Map Units and their Characteristics

Soil Map Unit Name and Number	Drainage Class	Surface Runoff	Permeability	Available Water Capacity	Shrink-Swell Potential	Depth Class	Flooding frequency
242 Flofeather sandy loam, 3 to 8 percent slopes	Somewhat excessively drained	Slow	Moderately rapid	Low	Low	Very deep	Rare
243 Flofeather sandy loam, 8 to 25 percent slopes	Somewhat excessively drained	Medium	Moderately rapid	Very low	Low	Very deep	-
252 Flofeather-Urban land complex, 3 to 8 percent slopes	Somewhat excessively drained	Slow	Moderately rapid	Low	Low	Very deep	Rare
315 Shadoval-Polecat complex, 25 to 50 percent slopes	Well drained	Rapid	Moderately slow	Medium	Moderate	Deep	-
350 XericTorriorthents-Urban land complex, rolling	Somewhat excessively drained	Slow to medium	Moderately rapid	Low	Low	Very deep	-
356 Cranegulch-Hullsgulch complex, 5 to 15 percent slopes	Well drained	Slow to medium	Slow to moderately slow	Medium to high	Moderate to high	Very deep	-
361 Quailridge-Hullsgulch-Cranegulch comples, 15 to 50 percent slopes	Well drained	Medium to very rapid	Slow to moderate	Low to high	Moderate to high	Very deep	-
362 Stu-Quailridge complex, 35 to 90 percent slopes	Well drained	Rapid to very rapid	Moderate	Very low to low	Low to moderate	Shallow to very deep	-

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Table 5 - Building Site Restrictions

Soil Map Unit Name and Number	Shallow Excavations	Dwellings Without Basements	Dwellings with Basements	Small Commercial Buildings	Local Roads and Street	Lawns and landscaping
242 Flofeather sandy loam, 3 to 8 percent slopes	Severe: cutbacks cave	Severe: flooding	Severe: flooding	Severe: flooding	Moderate: flooding, frost action	Moderate: droughty
243 Flofeather sandy loam, 8 to 25 percent slopes	Severe: cutbanks cave, slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope
252 Flofeather-Urban land complex, 3 to 8 percent slopes	Severe: cutbacks cave	Severe: flooding	Severe: flooding	Severe: flooding	Moderate: flooding, frost action	Moderate: droughty
315 Shadoval-Polecat complex, 25 to 50 percent slopes	Severe: slope	Severe: slope	Severe: slope	Severe: slope	Severe: low strength, slope, frost action	Severe: slope
350 XericTorriorthents-Urban land complex, rolling	Severe: cutbacks cave	Moderate: slope	Moderate: slope	Severe: slope	Moderate: slope, frost action	Moderate: droughty, slope
356 Cranegulch-Hullsgulch complex, 5 to 15 percent slopes	Moderate to Severe; too clayey, slope, cutbanks cave	Moderate to severe: shrink-swell, slope	Moderate to severe: shrink-swell, slope	Moderate to severe: shrink-swell, slope	Moderate to severe: shrink-swell, low strength, slope	Moderate: slope
361 Quailridge-Hullsgulch-Cranegulch comples, 15 to 50 percent slopes	Severe: cutbanks cave, slope	Severe: shrink-swell, slope	Severe: shrink-swell, slope	Severe: shrink-swell, slope	Severe: shrink-swell, low strength, slope	Severe: slope
362 Stu-Quailridge complex, 35 to 90 percent slopes	Severe: cutbanks cave, slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope

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I certify that I have prepared this report and that I am a qualified expert, as demonstrated by the following professional certifications.

RB Tiedemann

Ecological Design, Inc. by
Robert B. Tiedemann
Principal

Certified Professional Wetland Scientist
(Society of Wetland Scientists No. 000702)
Certified Wetland Delineator
(US Army Corps of Engineers April 15, 1994)
Certified Fisheries Scientist
(American Fisheries Society No. 1,717)
Certified Wildlife Biologist
(The Wildlife Society December 10, 1986)

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REFERENCES

Boise Municipal Code Chapter 11-06. 51 pp.

Boise City Foothills Policy Plan

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Tiedemann, R. B. 2007. 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. 5 pp.

Tiedemann, R. B. 2007. Conceptual Plan for Repair and Restoration of a Portion of Polecat Creek, Boise Foothills Property (Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision) Boise, Idaho. 4 pp. w/ appendix.

Preliminary Draft

Tiedemann, R. B., and G. Carson. 2007. 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. 8 pp. w/ maps.

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US Department of the Interior - Geologic Survey. 1972, Photoinspected 1976. Boise North, Idaho 7.5 minute quadrangle map.

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APPENDIX A
CORRESPONDENCE AND COMMUNICATIONS

From: "Ward,Rick" <rward@idfg.idaho.gov>
Subject: **RE: Boise Foothills-Plano Road**
Date: May 30, 2008 3:36:31 PM MDT
To: Robert Tiedemann <ecodesigninc@mac.com>

Hi Rob,

The email I sent to Kerry was a list I sent at his request that talks in general terms, so I haven't walked the project around the office to gather comments. I suspect that the City of Boise will send us a request for comments, at which point I will solicit internal comments and put them together in a response letter to the city. So, I guess the short answer is that my email to Kerry shouldn't be considered as final comments. Please let me know if you have any questions. Thanks.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
3101 S. Powerline Road
Nampa, ID 83686
(208)465-8465 Ext. 344
Cell - (208)860-6567
FAX-(208)465-8467

From: Robert Tiedemann [mailto:ecodesigninc@mac.com]
Sent: Wednesday, May 28, 2008 10:21 AM
To: Ward,Rick
Cc: Winn Kerry
Subject: Re: Boise Foothills-Plano Road

Good Morning Rick!

May I consider your list (shown below) complete, or is there any additional issues you would like addressed?

Rob Tiedemann, CPWS, CWD, CFS, CWB
Ecological Design, Inc.
217 North Walnut Street
Boise, ID 83712
208.338.5852
ecodesigninc@mac.com
On May 6, 2008, at 12:47 PM, Ward,Rick wrote:

Rob – Below is the email I sent to Kerry Winn a while back. Let me know if you have any questions.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
3101 S. Powerline Road
Nampa, ID 83686
(208)465-8465 Ext. 344
Cell - (208)860-6567
FAX-(208)465-8467

From: Ward,Rick
Sent: Friday, March 14, 2008 3:33 PM
To: 'Kerry Winn'
Subject: RE: Boise Foothills-Plano Road

Kerry - Below are some general comments that IDFG has made on subdivisions in similar habitats in the past. Please note that this email does not constitute IDFG endorsement of the Stewart Land Group Boise Foothills Concept Plan. Please feel free to contact me if I can offer any additional assistance.

The area is located in documented big game winter range. The Department is concerned about the continued reduction in winter range for big game inAda County. The cumulative effect of subdivisions is a reduction of the already limited winter range for big game. Ada County is fortunate to have abundant and diverse wildlife populations, and continued development in winter range will result in a permanent reduction and possible loss of these resources.

Wildlife will continue to attempt to use the area. This will result in increased big game depredation problems. People living in the proposed subdivision need to be aware that big game depredation problems are going to occur and these problems are the responsibility of the homeowners and not the Department.

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.

1. 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.

2. 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 wildlife-friendly fence designs, clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space. Riparian habitat along Dry Creek is a movement corridor and provides habitat for deer and other wildlife.

3. 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.

4. Pet foods and feeding dishes left outside and unsecured garbage will attract raccoons and other animals, which could pose a threat to property and pets.

5. Free-roaming dogs and cats pose a threat to many wildlife species. Pets should be confined or under owners control.

6. 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.

7. Big game animals should not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.

8. 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.

9. Bird feeders should be routinely cleaned to prevent the spread of disease.

10. 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.

11. 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.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
3101 S. Powerline Road
Nampa, ID 83686
(208)465-8465 Ext. 344
Cell - (208)860-6567
FAX-(208)465-8467

-----Original Message-----
From: Kerry Winn [mailto:kwinn@stewartlandgroup.com]
Sent: Wednesday, March 05, 2008 2:56 PM
To: Ward,Rick
Subject: Boise Foothills-Plano Road

Rick,
It was a pleasure to talk to you. Attached is a pdf file of our proposed 153 lot subdivision that is designed on 333 acres and has over 75% open space with environmental and recreational benefits for all of Boise included. Any comments, suggestions or questions please let me know.

Kerry Winn
V.P. of Operations
Stewart Land Group
6995 So. Union Park Center suite 360
Midvale, UT. 84047
Direct Line: 801-838-9165
Cell: 801-573-7205
Fax: 801-263-9187

Exhibit



Stephanie Bacon

6024 Plano Lane

Boise ID 83703

Planning and Zoning Commission

Re: Proposed Aase's Canyon Point Development

7/14/2008

There are myriad reasons to oppose the excessive and inappropriate number of houses which the developers propose for this site. As a resident of Plano Lane, I find it very concerning to be given a lengthy and complex staff report only one week prior to the hearing, after all opportunity to submit written comment for the record has closed, and then be limited to three minutes of testimony in a matter which has profound impacts on my life as well as on the neighborhood, the environment, and the city. Since I will not likely be able to deliver them in person, please enter these written remarks on three areas of concern— environmental impacts, response to the staff report, and neighborhood impacts—into the written record.

I am also submitting digital media (a CD) containing numerous images of Aase's Onion blooming all over the proposed development site this year. I earnestly request that you have them reviewed by an expert who is not on the developer's payroll.

Stephanie Bacon

Stephanie Bacon

I. Environmental Impacts

Since moving to Plano Lane six years ago I have often walked the private section of Plano Lane to the sand pit for quiet exercise, and sometimes walked down the animal trails that run the ridgelines where the developer proposes to build. I've been delighted by the sight of herds of twenty to thirty deer, which I saw every time I walked those hills from October through March, and scattered pairs and smaller numbers in the summer months as well. The area constitutes wildlife habitat and known big game migration routes, which Fish and Game states "should not be disturbed by development." That's unambiguous. I have seen foxes, coyotes, and a badger up there; there are always raptors on the wing, and lots of quail. I have an amateur enthusiasm for botany, and have been enchanted by the thirty plant species, including twenty showy wildflowers, that I have identified on my walks up there. This year I walked with a special goal of finding Aase's Onion, a plant I had never seen growing before.

I must tell you that I was literally stunned to find the Onion growing everywhere that the developer plans to build. My husband and I can provide numerous photographs from this year that prove definitively that those onions grow, not only on the slopes that the developer plans to set aside, but also right on the ridgelines. They grew in what I believe to be significant populations there this year.

Your staff report notes that "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...there is no proposal for restoration of onion fields that might be graded in the proposed built environment." And elsewhere, the report goes on to say, "The applicant should propose 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." My contention is that this cannot be reasonably achieved, and the figure of 9 acres is probably grossly underestimated, because this year the onion bloomed in dense clusters and drifts throughout the ridgelines in the subject site. Your report notes that "the density bonus owes about two thirds 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." This needs to happen. This recalculation would not only reflect the loss of this species of concern, but it would also stem the loss of this species of concern—because the less people up there, the better for the onion. And the better for the deer, elk, raptors and neighbors.

II. Response to the Staff Report

The staff report leaves much confusion as to how or whether staff plans to honor the provisions of the Foothills Ordinance and other pertinent policies. The ordinance states succinctly that "Project design shall preserve the natural appearance of prominent ridges and skylines, and concentrate development on more obscured areas of the sites" and further, the Public Land Open Space Plan designates that the western portion of this site has "the highest priority for visual protection." The staff report notes that "the proposed development is sited along prominent ridge tops in a regionally prominent part of the Boise Foothills...this development would be highly visible from many parts of the region" and yet goes on to recommend the development anyway, which clearly violates these policies, rationalizing in this instance that the protection of the Onion outweighs policy. This is dangerous circular logic, in which one provision of the Foothills Ordinance is used to undermine one of its central mandates.

In apologizing for the obscene amount of grading which they are recommending on this site, staff explains, "There is no approach that would allow the roads to be built that would involve less grading...practical engineering criteria and safety standards ...dictate the placement of the roads, and therefore the lots...requires the given amount of cut and fill. The only resolution would be to declare large areas of the site unbuildable, which would have to be balanced against all the other issues of entitlement." By which I guess they mean, the developer's entitlement to develop land which is unbuildable? What about the public's entitlement to have our Ordinance enforced? Is staff seriously

suggesting that they would not allow such extensive grading, unless not allowing it would make part of the land unbuildable, in which case they would allow it?

Staff report finds that all the building lots have grade of greater that 25%, and while noting that Foothills Policy Plan prohibits development on such slopes as well as on ridgelines, they recommend it anyway! Why this whimsical approach to policy? Staff theorizes thus: "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." This piece of sophistry suggests that since the site is set within a large region, the Western Foothills, in which development may be permitted, that they are automatically entitled to develop it, even if it's unbuildable? I would like to remind staff of another legal term—caveat emptor—let the buyer beware. It would have been perfectly obvious to the speculators—I mean the developers—that this land was zoned RP and would be highly problematic to develop in any other way. I am sorry that City Staff and others have invested so much time and money into this proposal, but it seems to embody precisely what the Foothills Ordinance is intended to prevent...rampant ridgeline development, excessive grading, harm to wildlife, degradation of environment and viewshed, harm to neighbors and neighborhoods. Reject this proposal.

III. Neighborhood Impacts

On the subject of neighborhood impacts: I have lived on the paved section of Plano Lane for six years. Like my neighbors on Upper Collister, I chose my home site for its sleepy and peaceful character, proximity to the foothills, low level of traffic, and seeming safety from irresponsible development. After all, with all the land to the East, West and South comfortably developed, and the land to the North, zoned RP, and too steep for anyone to want to develop anyway, and presumably protected by the Foothills Ordinance—we seemed to have chosen a location that would remain sleepy and rural-feeling. Our street has been variously characterized during these proceedings as "primitive," "basically a dead end street," and "a low-volume local street."

We have a right to expect that that RP zoning means something. We have a right to expect that policies calling for "neighborhood protection," and requiring that proposed new uses "will not adversely affect other property in the vicinity" will be taken seriously and enforced. We do understand that some development is inevitable and that all citizens must expect to bear some of the brunt of new development. However, the burden which this proposal would place on the twelve households currently accessed by Plano Lane would be enormous and untenable. If this proposal were approved, it would allow one development to turn our lives upside down. We would experience an eight-fold increase in traffic and a more than doubling of the width of our road. It amazes me to find language in these documents suggesting that widening our road, adding a turn lane and perhaps signage—that these measures are called mitigation! By what logic is the harm to

us mitigated by widening our road? We don't want to live on a giant noisy street—that's why we moved to Plano Lane!

The Planning Staff Report notes that ACHD recommended approval of the project conditional upon these and other infrastructure improvements; however as Sherry Huber recently noted in the Statesman, ACHD is not charged to make any qualitative rulings on density, only to determine what would be necessary should the development go forward. Therefore their recommendations are not to be understood as an endorsement of the overall concept; in fact Commissioner Huber explicitly questioned the density of this proposal.

In the matter of neighborhood impact, it is my contention that the proposed development would destroy our quality of life, and seriously detract from our safety, our wellness, and our property values. If that doesn't represent "adversely affecting other property in the vicinity," then the language of that policy is meaningless.

The residents of Plano lane urge you to reject the density bonuses that the developer claims, and to restrict the number of houses that may be built to a much lower number, much closer to what RP zoning would indicate. The developers have no entitlement to do more; they are here as speculators, and they are treating our neighborhoods, our deer and wildlife, our onions and our policies as gambling chips with which they hope to make a killing. I implore you not to allow it.

Sarah Harris Exhibit



July 14, 2008

To: Boise Planning and Zoning Commission

I do not support the Aase Canyon foothills subdivision road plan of making North Collister road a secondary road. I thought the original plan from the developers was acceptable. In the original plan, the road connecting to Collister was supposed to be a locked fire-access road.

As anyone who has been on Collister road, north of Hill can attest, it's one strange, deceptively steep road with blind spots, cyclists, and children playing in the street (yards and drive-ways are too steep for a game of ball). There are approximately 69 drive-ways that empty directly on our road.

Also, we are seeing increased traffic due to the new Polecat Gulch trail and the trailhead parking lot has not been built yet. I am not sure that city planners have taken that traffic into account.

I do not understand why the convenience for one new neighborhood trumps the safety and quality of life of long-time residents.

The added traffic connecting a dead-end, maze of a street may cause some serious heartache for a family one day. I can only hope that this Planning and Zoning Commission will take that into their heart when considering this plan to connect our road. Please do not turn our dead-end street into a thoroughfare for another neighborhood—the safety of our children is at stake.

I've attached a picture of children playing in our street.

Thank you for your time and consideration.

Sincerely,

Sarah and Todd Harris
5485 Collister Drive
Boise, ID 83703
(208) 344-2760

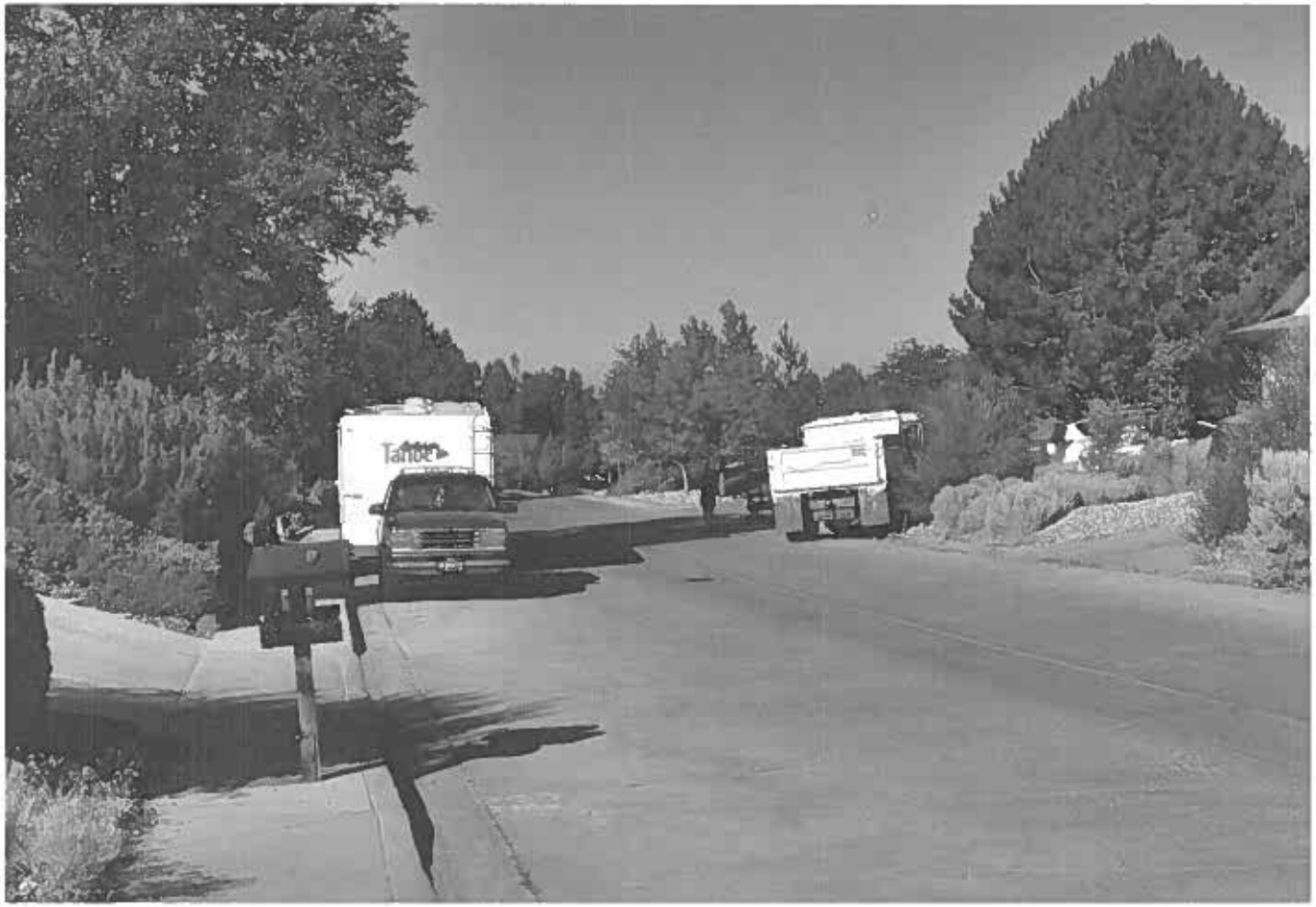
From:
Sarah & Todd Harris



Exhibit

EXHIBIT
CA2:07-42
1 A

James Smith



Exhibit

EXHIBIT

7B

James Smith



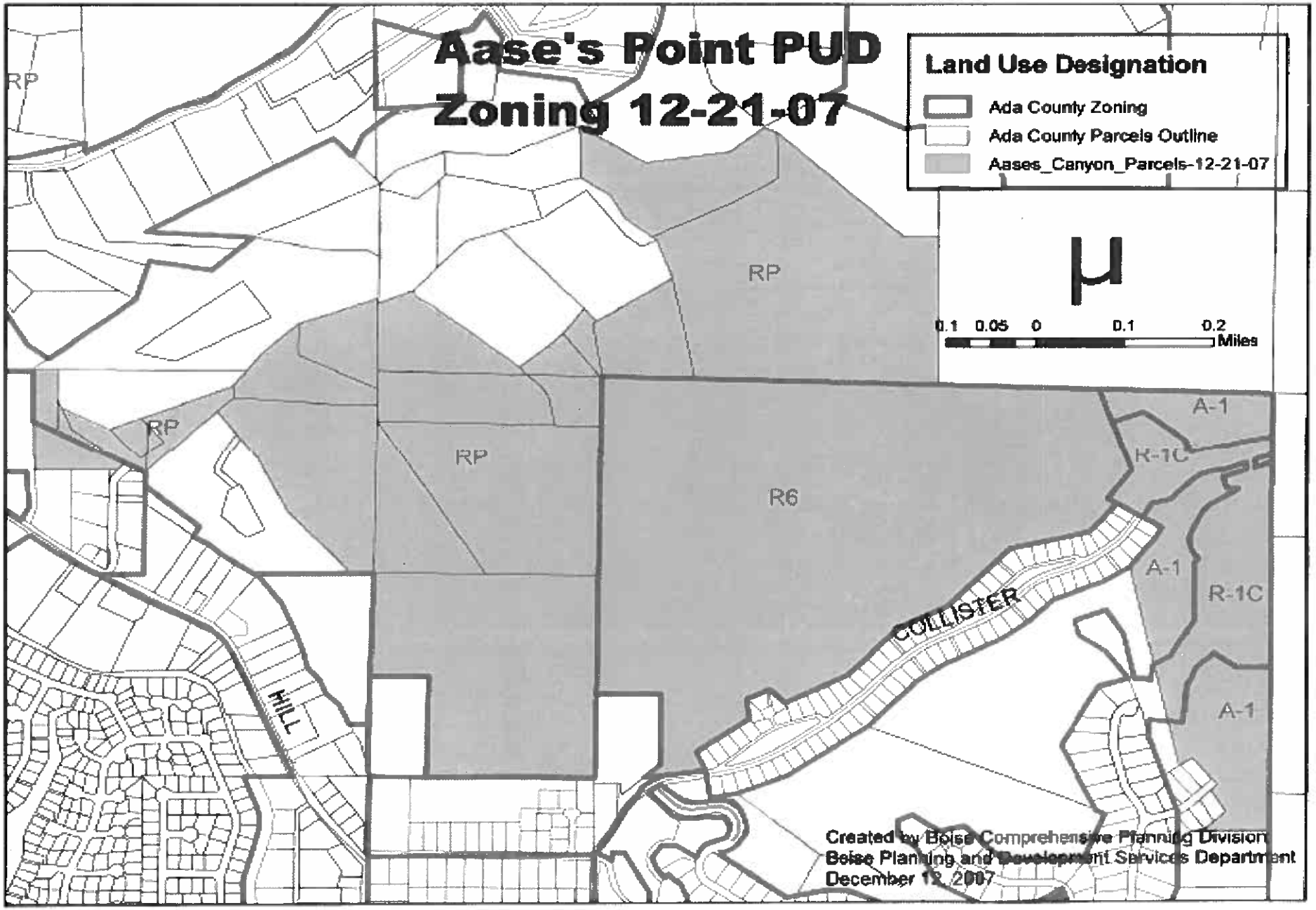
Plano Road Subdivision

Boise, ID

stewa
land group

Applicant 7/14/08 Exhibit

tabbies
EXHIBIT
CAR07-42
8 B


Aase's Point PUD
Zoning 12-21-07
Land Use Designation
Ada County Zoning
Ada County Parcels Outline
Aases_Canyon_Parcels-12-21-07
0.1 0.05 0 0.1 0.2
Miles
RP
RP
RP
RP
R6
A-1
R-1C
A-1
R-1C
A-1
COLLISTER
HILL
Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
December 12, 2007



DENSITY AND THE ORDINANCE

- Buildable area of 25% or less of pre-grading slope.
- Density Bonus for buildable area left as open space.
- Priority Open Space

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.	Current Maximum Allowed Density
Sub-Total, Boise City	A-1	16.4	1	16
Sub-Total, Boise City	R-1C	20.1	8	160
Sub-Total, Ada County	R6	122.9	6	737
Sub-Total, Ada County	RP	173.1	0.025	4
Total		332.5		917+/-

3D Animation's

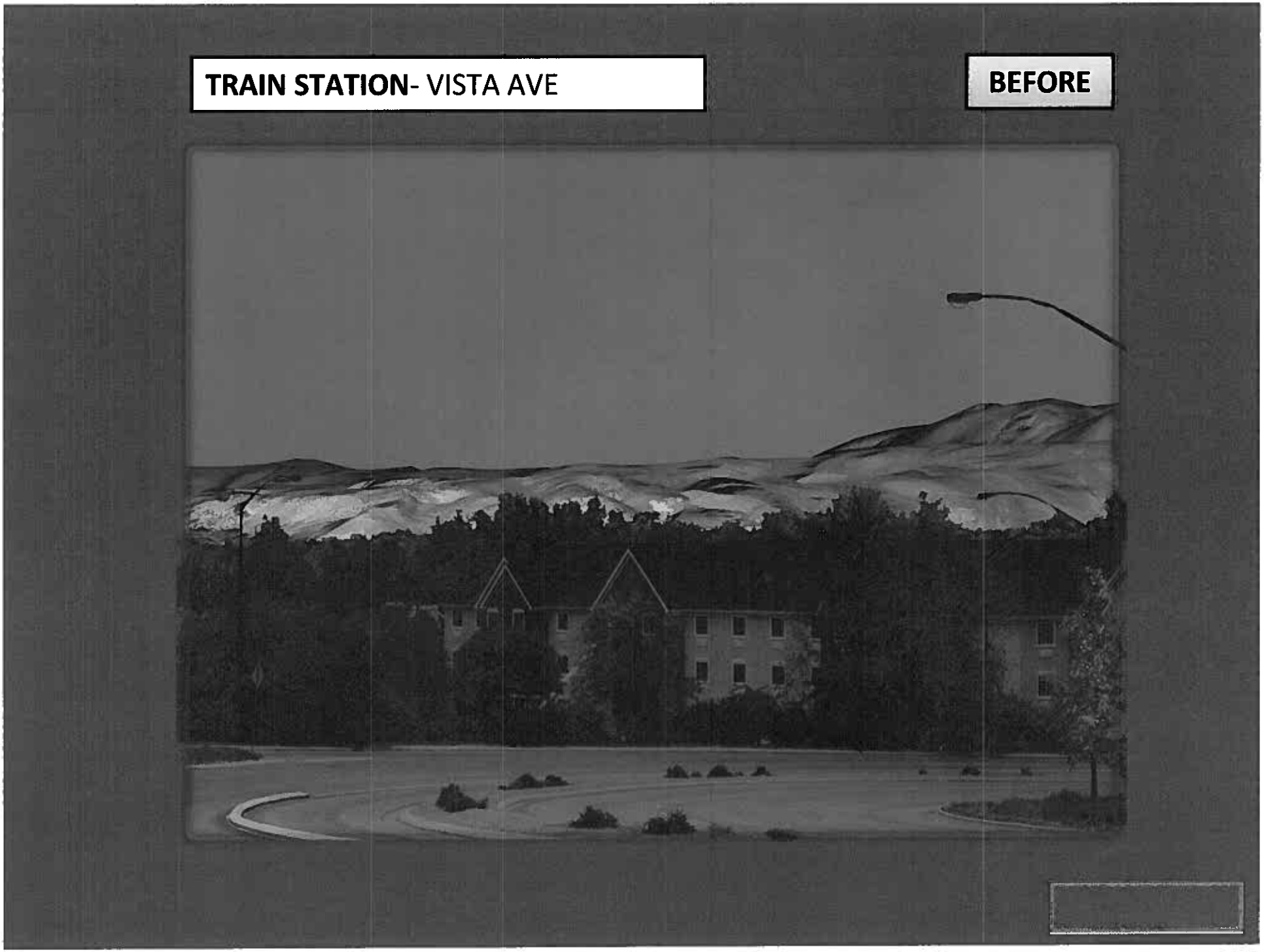
Minimize & Preserve Aesthetic Values

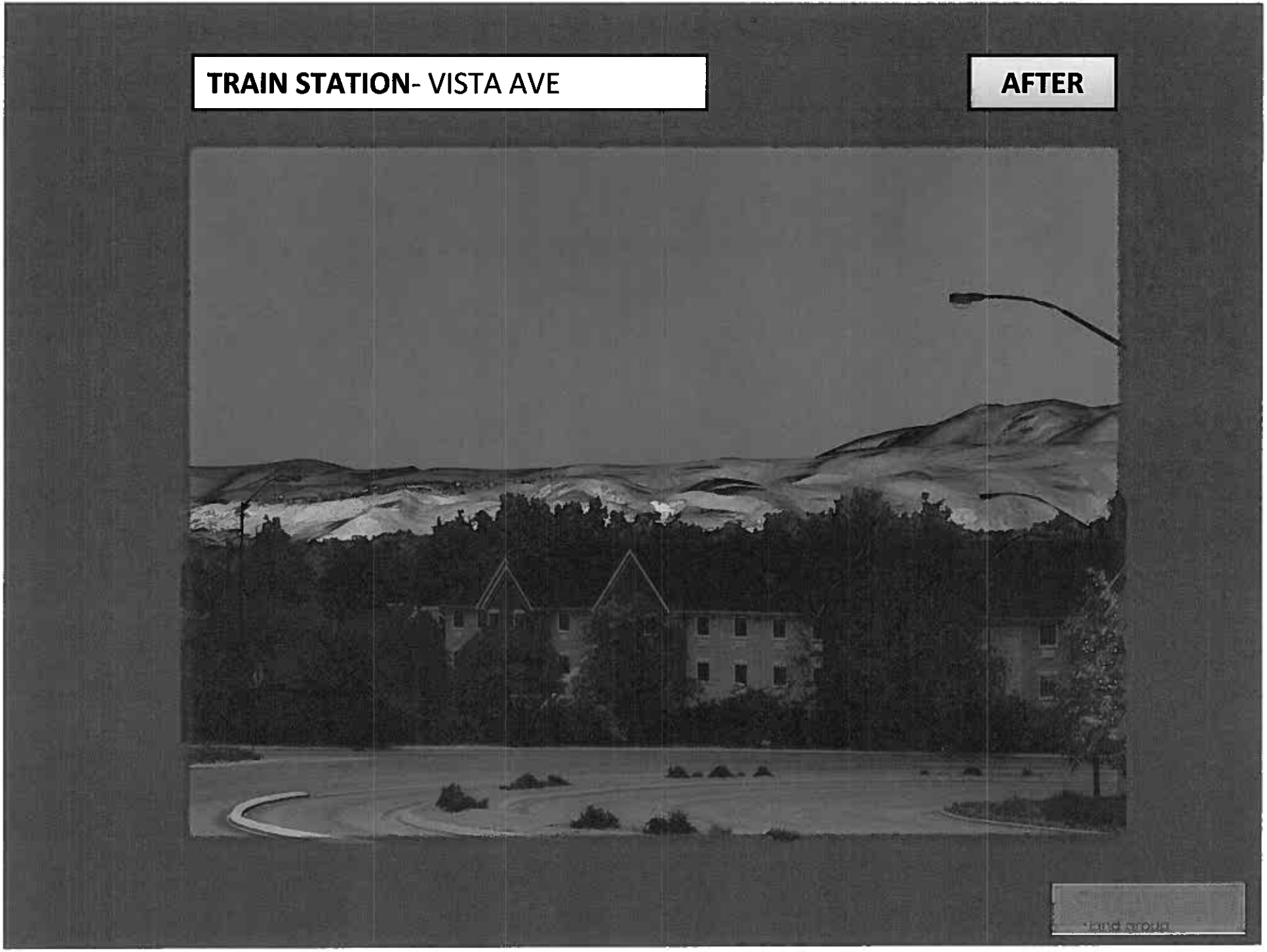
- Home Color and Material Restrictions
- Home Height Restrictions
- Mandatory Setbacks from Ridge line Cuts.



TRAIN STATION- VISTA AVE

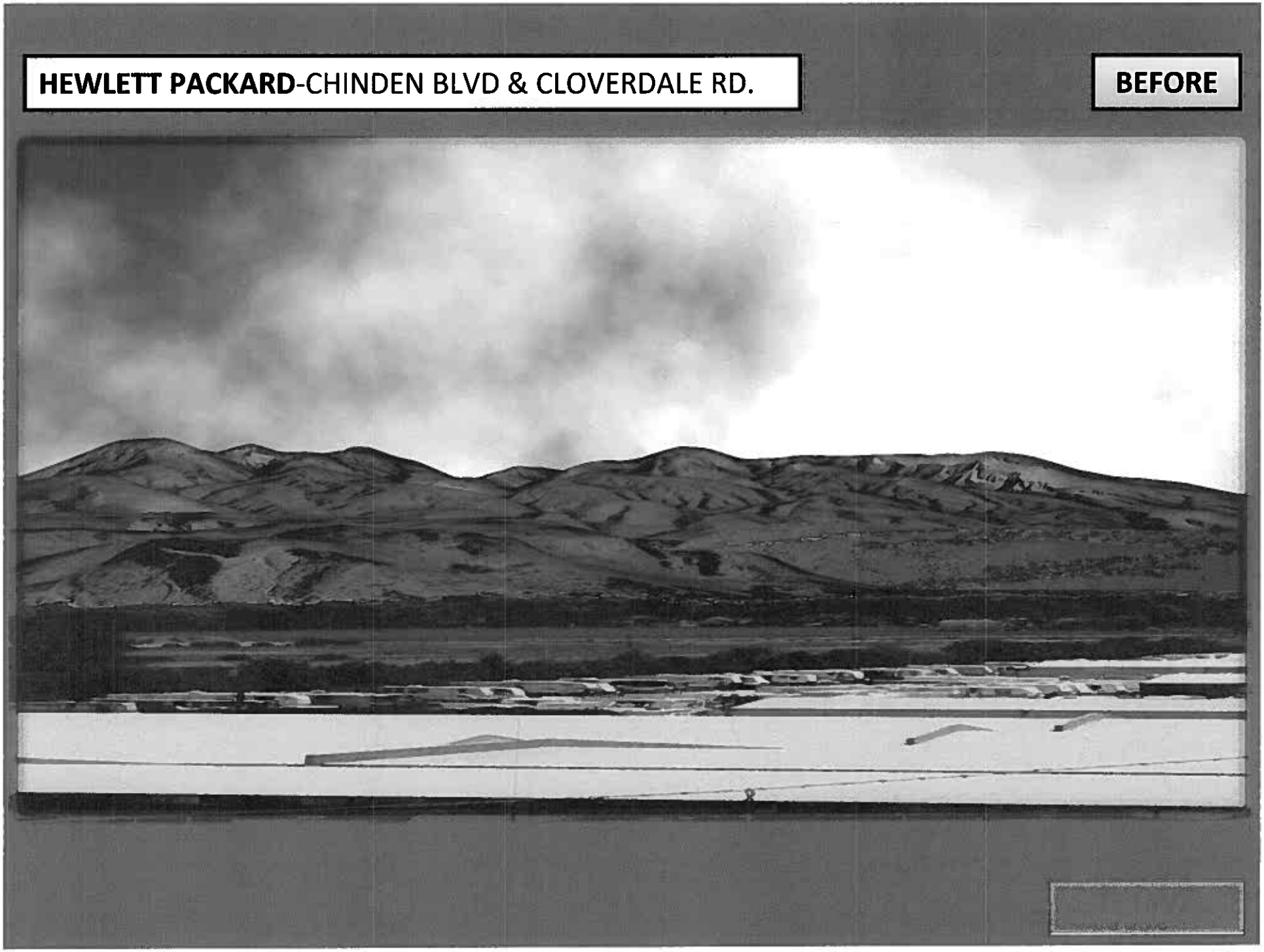
BEFORE




TRAIN STATION- VISTA AVE
AFTER

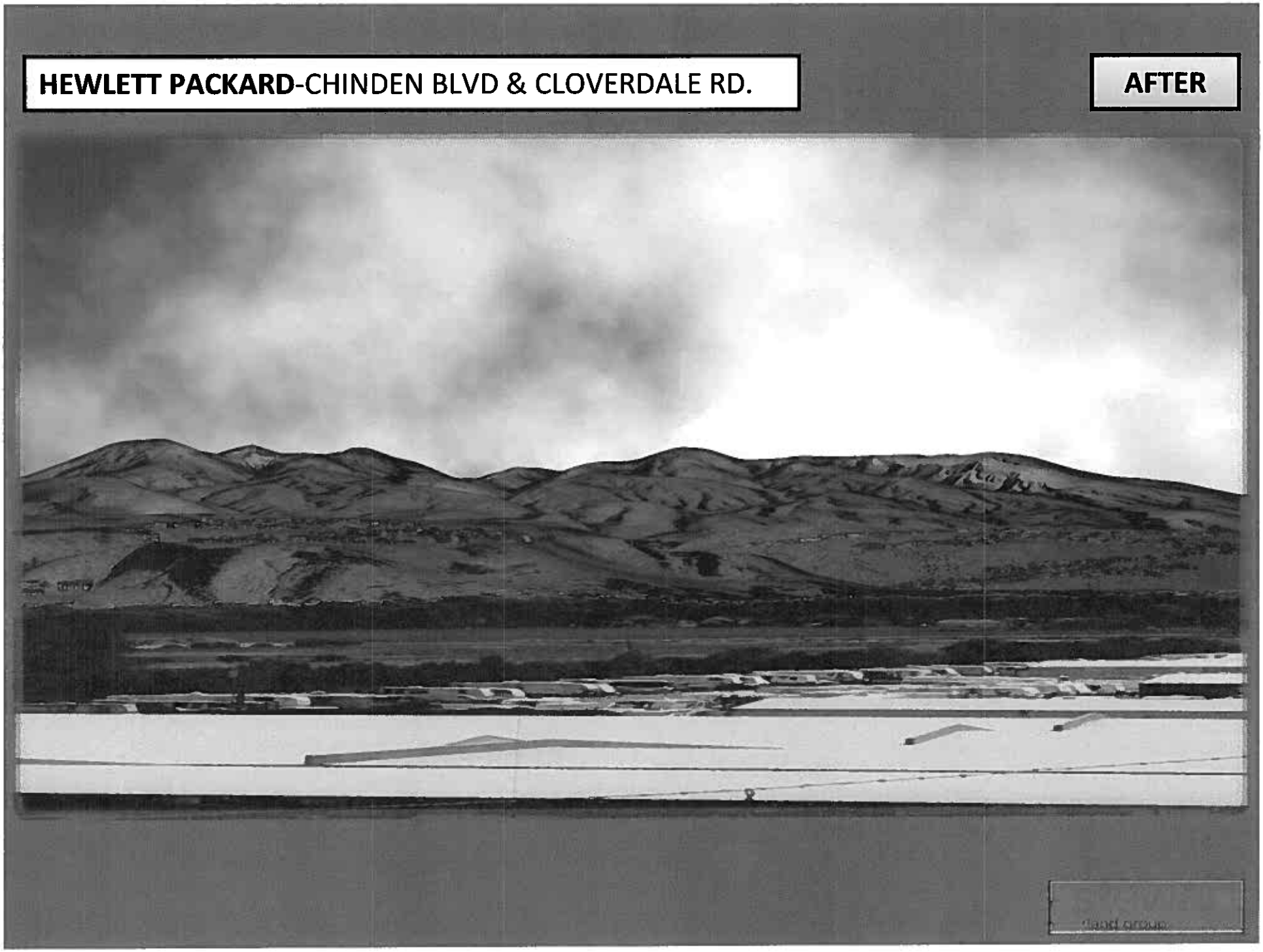
HEWLETT PACKARD-CHINDEN BLVD & CLOVERDALE RD.

BEFORE



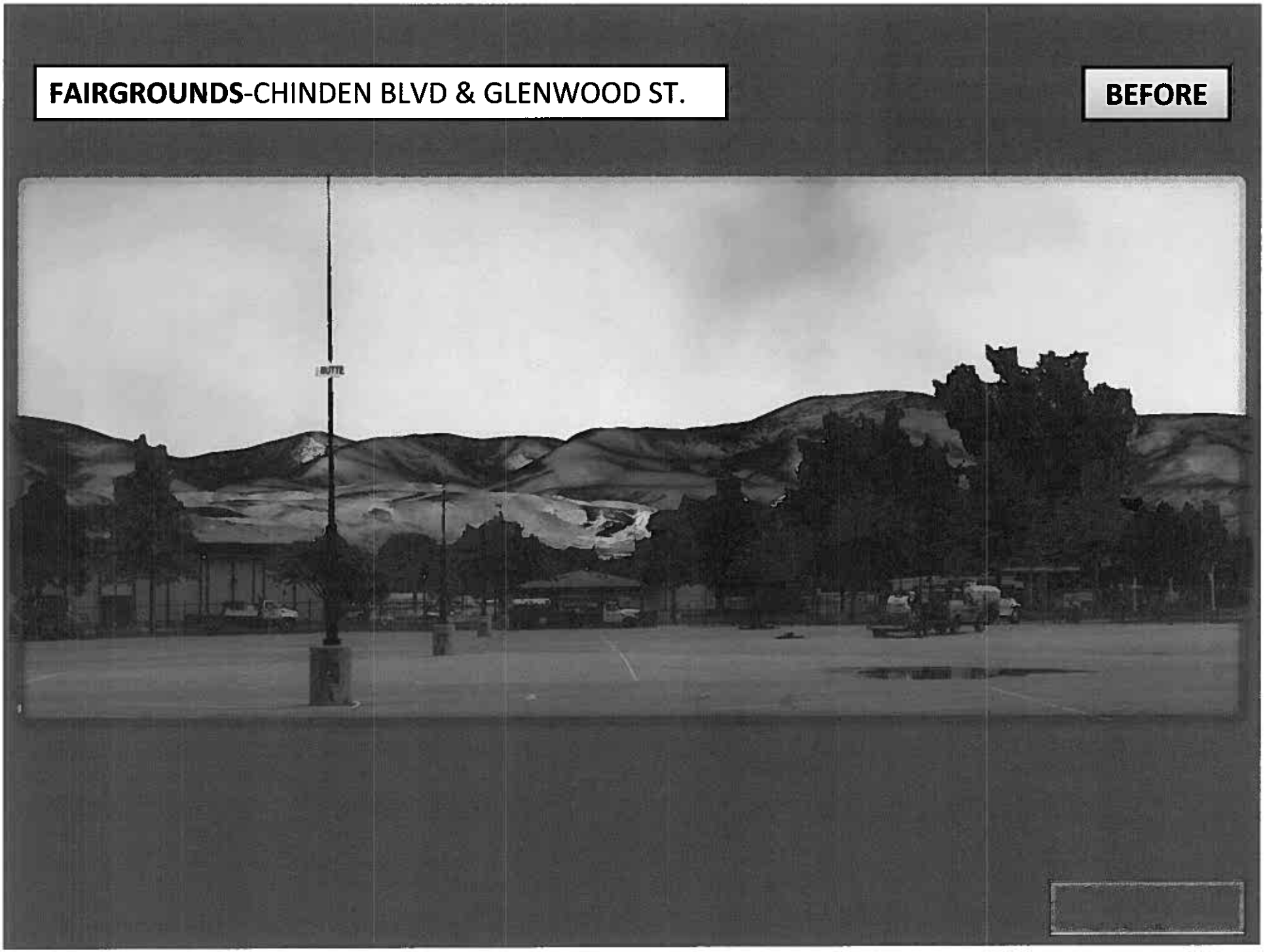
HEWLETT PACKARD-CHINDEN BLVD & CLOVERDALE RD.

AFTER



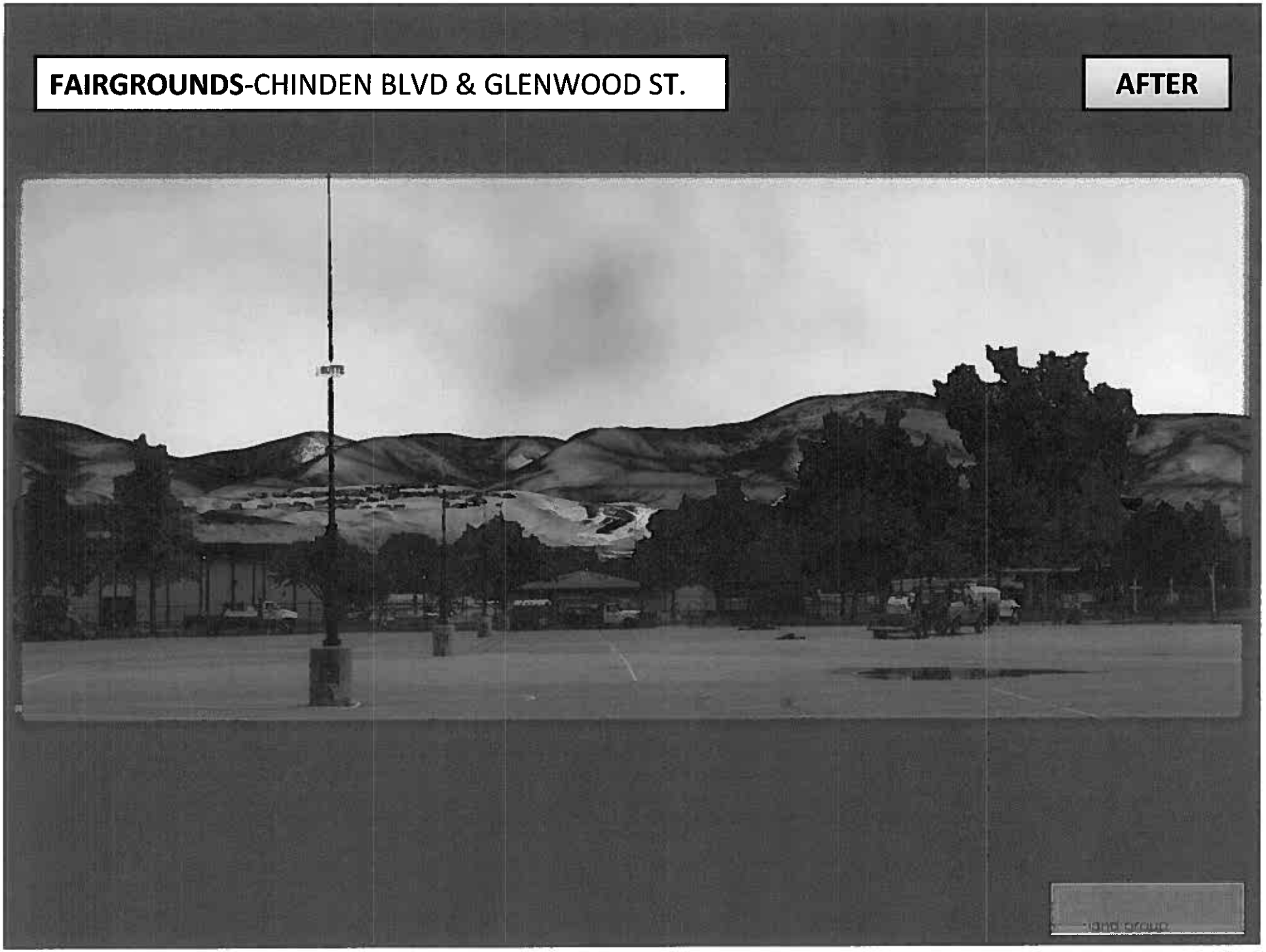
FAIRGROUNDS-CHINDEN BLVD & GLENWOOD ST.

BEFORE

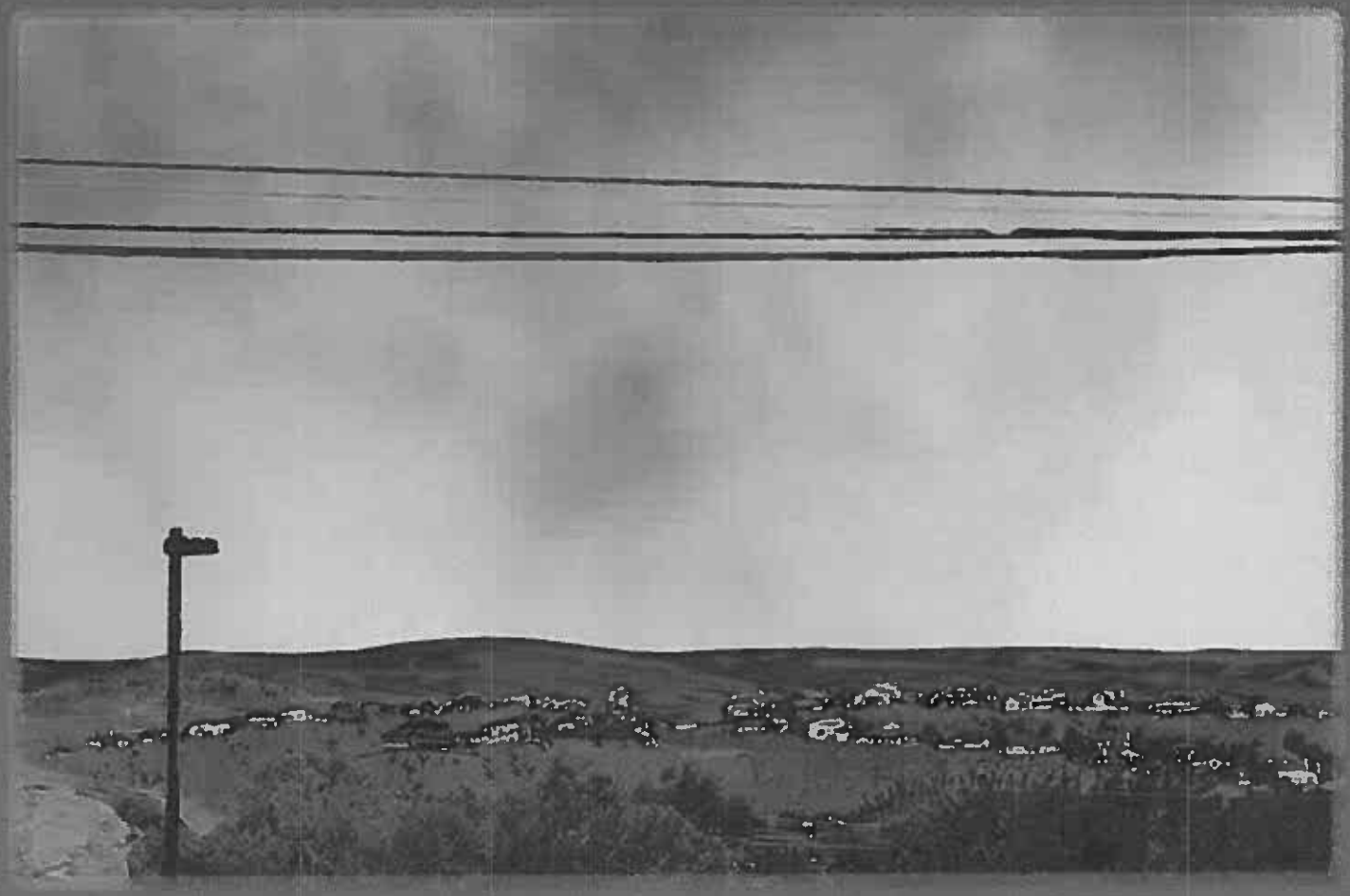


FAIRGROUNDS-CHINDEN BLVD & GLENWOOD ST.

AFTER



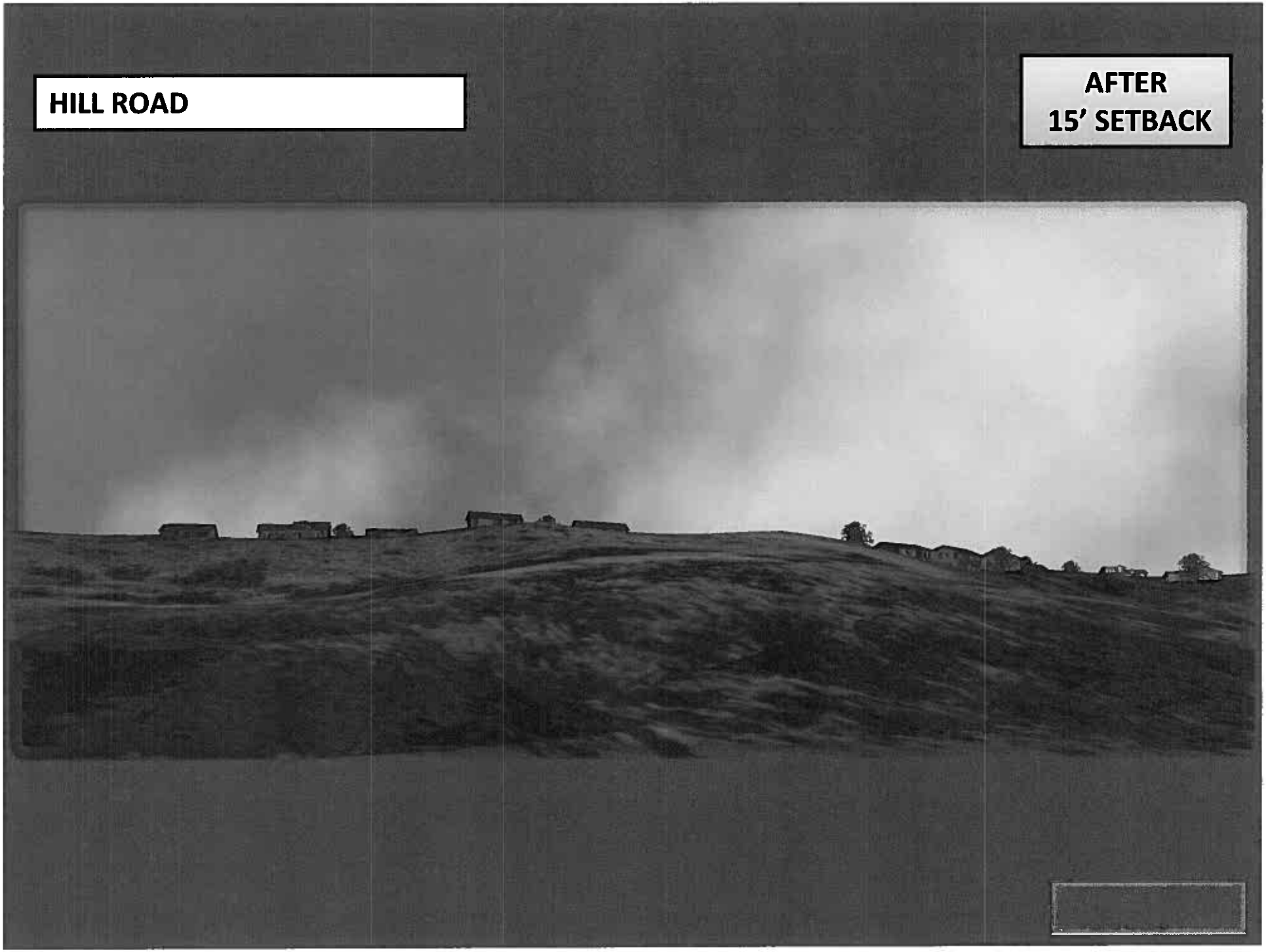
WAL-MART: STATE STREET & GLENWOOD STREET



HILL ROAD

BEFORE




HILL ROAD
AFTER
15' SETBACK

8

Staff Notification Letters

To Applicant

BOISE
CITY OF TREES

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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Elaine Clegg
Alan W. Shealy
Jim Tibbs

Planning & Development Services

September 29, 2008

Parties of Record
AASE's Canyon Point Development, LLC
Capital Development, Inc.

Re: **Appeals of the decisions made by Boise Planning and Zoning Commission for cases CUP07-00084, CFH07-00022 & SUB07-00065 / 6890 N. Plano Rd.**

Dear Parties of Record:

An appeal of the Planning and Zoning Commission's decision on **CUP07-00084, CFH07-00022 and SUB07-00065** has been filed and accepted On September 17, 2008. This appeal is scheduled for hearing before the Boise City Council on December 9, 2008 at 6:00 p.m. in Boise City Hall.

Parties to the appeal (the appellants, the applicant and the land owners)

a. The parties to the appeal, including staff, may file memoranda consisting of written arguments that support their position until October 14, 2008.

b. Any replies to the memoranda must be filed by October 21, 2008. No further memoranda shall be accepted after this time.

c. Neither memoranda nor responses may contain new facts or evidence or discuss matters outside the record. Memoranda are limited solely to why the record does or does not support the decision, or meet the other enumerated grounds for appeal.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Planner II
Boise City Planning and Development Services Department

BE/bpe

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

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CAR07-00042 / AASE'S CANYON POINT DEVELOPMENT, LLC
PARTIES OF RECORD AS OF 8-11-2008

BRENT SMITH
6024 PLANO LANE
BOISE, ID 83703

STEPHANIE BACON
6024 PLANO LANE
BOISE, ID 83703

MARIAH COURTRIGHT
5612 COLLISTER
BOISE, ID 83703

JERRY BOWER
3033 S. VIRGINIA
BOISE, ID 83705

MICHAEL JONES
5218 CASTLE DRIVE
BOISE, 83703

RAELENE MCGAVIS
3013 N. HIGH DESERT WAY
BOISE, ID 83746

JOHN WATTS
5954 N. COLLISTER
BOISE, ID 83703

PAUL WERNER
Central Foothill Neighborhood Association
3014 N. MOUNTAIN ROAD
BOISE, ID 83702

GENE WORTHAM
5620 HILL ROAD
BOISE, ID 83703

ROBERT LAZECHKO
5770 COLISTER DRIVE
BOISE, ID 83703

PATRICK COURTRIGHT
5612 COLLISTER DRIVE
BOISE, ID 83703

DON PLUM
1221 N. 15TH STREET
BOISE, ID 83702

Kevin McGowan, President
1207 West Fort St., #213
North End Neighborhood Association, Inc.
Boise, ID 83702

Bruce Parker

Cathy Carmen
6282 Eugene Ln
Boise, ID 83703

Cees Hoefnagels
5402 Hill Rd
Boise, ID 83703

Charles Link
5920 Hill Rd
Boise, ID 83703

Connie Berg
5869 Collister
Boise, ID 83703

Cynthia Alleman
5400 Hill Rd
Boise, ID 83703

Dale Higer

Donald Scantling
6262 Plano Lane
Boise, ID 83703

Edwin Genther
6060 Plano Lane
Boise, ID 83703

Erin Brennan
6025 Plano Lane
Boise 83703

Esther Ceja

Ethel Ficks
5600 Hill Rd
Boise, ID 83703

Janel Brown

Jeff Tucker
4922 W Outlook Ave
Boise, ID 83703

Jerry Bauer
410 S Orchard St. 176
Boise, ID 83705

Jimmy Smith

Joanie Fauci
2944 Hillway Dr
Boise, ID 83702

Julie Klocke
Collister Neighborhood Association
4946 N Contour Way
Boise, ID 83703-2795

Justin Wortham
6801 Plano Lane
Boise, ID 83703

Karen Knudtsen

Katie Watts

Kelly Troutner
2275 Continental Dr.
Meridian, ID 83642

Kevin McIntyre

Kristie Browning
5692 Hallmark Ct
Boise, ID 83703

Mark Fogarty
4997 Collister Dr
Boise ID

Michael Tabor
6063 Plano Lane
Boise, ID 83703

Milt Coffman

Nancy and Aaron M. Brennan
6025 Plano Lane
Boise, ID 83703

Pamela Sharp
5913 Collister Dr
Boise, ID 83703

Patti Raino

Perry Harding
PO Box 1839
Boise, ID 83701

Robert B. Burns
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor,
P. O. Box 829
Boise, ID 83701-0829

Rick Ward
Idaho Department of Fish and Game
Nampa ID

Sharon Clawson
Quail Ridge Neighborhood Association, Inc.
5163 N. Quail Summit Way
Boise, ID 83703

Planning & Development Services

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Director

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President
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Council Pro Tem
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Elaine Clegg
Alan W. Shealy
Jim Tibbs

September 25, 2008

AASE's Canyon Point Development, LLC
8899 South 700 East, Ste. 180
Sandy, UT 84070

Re: **CAR07-00042/DA / 6890 N. Plano Road**

Dear Applicant:

Your application has been scheduled to be heard before the Boise City Council on **Tuesday, December 9, 2008** at **6:00 P.M.**, in the Boise City Hall Council Chambers on the third floor. It will be necessary for you or your designated representative to attend. A staff report will be available on our website **(www.cityofboise.org/ City Council Agenda)** two (2) working days prior to the hearing date.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Bruce Eggleston, AICP
Planner II
Boise City Planning and Development Services Department

BE/bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

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Planning & Development Services

Bruce D. Chatterton
Director

Boise City Hall
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David H. Bieter

City Council
President
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Council Pro Tem
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Elaine Clegg
Alan W. Shealy
Jim Tibbs

September 25, 2008

Robert B. Burns
Moffatt, Thomas, Barrett, Rock & Fields
101 S. Capitol Blvd.
Boise, ID 83701

RE: **CUP07-00084, CFH07-00022 & SUB07-00065 / Appeal**

Dear Mr. Burns:

Your appeals have been scheduled to be heard before the Boise City Council on **Tuesday, December 9, 2008** at **6:00 P.M.**, in the Boise City Hall Council Chambers on the third floor. It will be necessary for you or your designated representative to attend. A staff report will be available on our website **(www.cityofboise.org/ City Council Agenda)** two (2) working days prior to the hearing date.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Bruce Eggleston, AICP
Planner II
Boise City Planning and Development Services Department

BE/bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047
AASE's Canyon Point Development, LLC / Attn: Aspen Capital /
8899 South 700 East, Ste. 180 / Sandy, UT 84070

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BOISE
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Alan W. Shealy
Jim Tibbs

Planning & Development Services

September 18, 2008

Robert B. Burns
Moffatt, Thomas, Barrett, Rock & Fields
101 S. Capitol Blvd.
Boise, ID 83701

RE: **CUP07-00084 & CFH07-00022 / Appeal**

Dear Mr. Burns:

An appeal of the Planning Commission's decision on **CUP07-00084** and **CFH07-00022** has been filed and accepted on September 17, 2008. This appeal will be scheduled before the Boise City Council by the City Clerk. Once the date is established a letter will be forthcoming.

Parties to the appeal (the applicant and those whose names are listed on the appeal submitted to the City on September 17, 2008) should be aware of the following:

a. The parties to the appeal may file memoranda consisting of written arguments that support their position within 14 days after the date of the appeal deadline.

b. Any replies to the memoranda must be filed within 21 days of the appeal deadline. No further memoranda shall be accepted after that time.

c. Neither memoranda nor responses may contain new facts or evidence or discuss matters outside the record. Memoranda are limited solely to why the record does or does not support the decision, or meet the other enumerated grounds for appeal.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Planning Analyst II
Boise City Planning and Development Services Department

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047
AASE's Canyon Point Development, LLC / Attn: Aspen Capital /
8899 South 700 East, Ste. 180 / Sandy, UT 84070

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BOISE
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Planning & Development Services

Bruce D. Chatterton
Director

Boise City Hall
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Elaine Clegg
Alan W. Shealy
Jim Tibbs

MEMORANDUM

TO: **Mayor and Boise City Council**

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

DATE: **September 17, 2008**

RE: **Request for Scheduling a Hearing by the Boise City Council**

At the hearing on September 8, 2008, the Boise City Planning and Zoning Commission recommended to the Mayor and Boise City Council **approval** of the following application for an annexation with the A-2/DA Zone designation with development agreement on ±332.75 acres:

CAR07-00042/DA / AASE'S CANYON POINT DEVELOPMENT, LLC requests approval to annex ± 296.12 acres, combined with ±36.63 acres within Boise City Limits for a total of ±332.75 acres located at 6890 N. Plano Road 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). *Bruce Eggleston, AICP / 3 hours for the 3 applications*

***

CUP07-00084 & CFH07-00022 / AASE's Canyon Pointe Development, LLC & Capital Development, Inc. are appealing the Planning and Zoning Commission's denial of Conditional Use and Hillside Development Permits for the construction of a 155 unit Planned Residential Development on ± 332 acres located at 6890 N. Plano Road in a proposed A-2/DA (Open Space with a Development Agreement) zone. *Bruce Eggleston, AICP / 9-8-08 hearing*

It is now requested that a hearing date be scheduled before the City Council and that all AASE's Canyon Pointe Development, LLC applications be scheduled for the same night.

Thank you.

HS/bjc

cc: Kathleen Collins

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BOISE
CITY OF TREES

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Director

Boise City Hall
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President
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Council Pro Tem
Maryanne Jordan

Vernon L. Bisterfeldt
Elaine Clegg
Alan W. Shealy
Jim Tibbs

Planning & Development Services

September 9, 2008

AASE's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042/DA, CUP07-00084, CFH07-00022 & SUB07-00065 / 6890 N. Plano Road**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your 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 at 6890 N. Plano Road 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). In addition, a Conditional Use Permit to build a 155 dwelling unit Planned Residential Development with a Hillside and Foothill Area Development Permit; and a Subdivision Preliminary Plat.

The Boise City Planning and Zoning Commission at their meeting on August 11, 2008, recommended to the Mayor and the Boise City Council approval of the annexation of the +/- 296.12 acres, and a rezone for the total +/- 332.75 acres to an A-2/DA holding zone with a Development Agreement that contains the following condition:

1) Any development application shall be required to comply with the *Boise Foothills Policy Plan*, the Foothills Planned Development Ordinance 11-06-05.07, and the Hillside and Foothill Areas Development Ordinance 11-14.

The Commission also denied the request for a Conditional Use Permit, CUP07-00084; the Hillside and Foothills Area Development permit application, CFH07-00022; and the preliminary plat application, SUB07-00065.

Staff was instructed to prepare new findings for all the application and these were to be presented at the next Planning and Zoning Commission hearing. At the September 8, 2008 hearing, the attached findings were adopted by the Planning and Zoning Commission.

This decision may be appealed to the Boise City Council. This appeal must be filed with the Boise City Planning and Development Services Department within ten (10) days of the date of this denial. The Appeal must be written, accompanied by the

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appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal Application forms are available in the Planning Department. The appeal must be submitted by 5:00 P.M., September 18, 2008.

If you have any questions, please contact this department at 384-3830.

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Planner II
Boise City Planning and Development Services Department

BE/bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

Reasons for the Decision

COMMISSION'S FINDINGS AUG. 11, 2008

ANNEXATION AND RE-ZONE CAR07-00042/DA IS RECOMMENDED FOR APPROVAL for 332+/- acres with an A-2/DA Zone designation.

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.

Finding: The proposed annexation is contiguous with City Boundaries, and it is within the Boise Sewer Planning Area.

B. Honor negotiated area of impact agreements.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject to the *Boise City Comprehensive Plan* and the *Foothills Policy Plan.*

C. Attempt to balance costs of services with anticipated revenues.

Finding: The proposed land use within this annexation is single family residential dwellings with approximately 27% of the land in development and 73% in open space in the A-2/DA Zone. The proposed development would represent low-density residential use.

Higher densities represent a smaller cost per unit for the urban services package. It is a matter of efficiency and economies of scale; the greater the density per acre, the lower overall costs would be to service the area on a per unit basis. The site is accessed up steep hills and is perched on ridge tops, which tends to increase the costs of road maintenance, sewer maintenance and water maintenance due to the hilly terrain. The cost of school bus transportation would be higher for the same reasons, and because the proposed neighborhood would be at the end of a gulch, requiring a looping back to access other neighborhoods. The proposed neighborhood may increase the potential for property damage and fire coverage due to wildfires, as the site is within the area where this phenomenon occurs. Wildfires are more difficult and costly to fight and contain in proximity to Foothills developments, than fires in the more urbanized parts of the city, and they require specialized equipment to fight them, at an additional cost to the city.

The revenues from the proposal would tend to be on the high end for assessed value per residence. It is not clear if the revenues would balance the costs of services, as that data is not available.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap-frog development.

Finding: The proposed annexation is contiguous with Boise City Boundaries. The area is served by City Police, Fire, sewer, 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. The subject site is adjacent to public rights-of-way on Collister Drive and Plano Lane. This is a logical extension of the city boundaries as all the urban services are available to, or near enough to the site to meet City standards for delivery.

***

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

Finding: The proposed annexation is contiguous with City Boundaries, and is proposed to be subdivided into a residential neighborhood.

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

Finding: Not applicable as items A and C are met.

C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or

Finding: The proposed annexation comes at the request of the landowners.

D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.

Finding: Not applicable as items A and C are met.

***

RECLASSIFICATION OF ZONING DISTRICTS

Section 11-06-01.01 Power to Amend

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

Finding: The proposed annexation and zone change area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject to the *Boise City Comprehensive Plan* and the *Foothills Policy Plan.*

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.

Finding: The proposed zone change and annexation area is in the City's service area for police, parks, sewer and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on June 25, 2008. The Independent Boise School District includes the site in its service area. United Water of Boise serves the area for municipal water services.

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

Finding: The proposed zone change and annexation area is contiguous to City residentially zoned neighborhoods on the south. Ada County Rural Preservation (RP) surrounds it on the north and east, and a residential neighborhood with R6 zoning on the west. The proposed use and zone change are compatible with the surrounding uses and zones.

The proposed zone is A-2/DA (Open Space/Low Intensity Use), with Development Agreement. This zone is derived from the regulations of the Boise City Zoning Code Chapter 11 Section 11-06-05.07, the Foothills Planned Development Ordinance. The ordinance requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones, as are so requested in this application.

The proposed development is low density residential in character, similar in use and density with the surrounding neighborhoods.

***

CONDITIONAL USE PERMIT

The development application filed under CUP07-00084 is denied.

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;

Finding: The proposed planned development is for a residential neighborhood with a maximum of 155 dwelling units and an open space plant conservation area. It is contiguous to residentially zoned neighborhoods on the south and west. Ada County Rural Preservation (RP) surrounds it on the north and east, and a residential neighborhood with R6 zoning on the west. To the east is the Boise City Polecat Gulch Reserve, a recent addition to the City Parks and Recreation system. The residential use is compatible in scale and density with the contiguous neighborhoods, Briarhill Subdivision and Quail Ridge Subdivisions, and the small Plano Lane Subdivision on the west. The open space component of some 160 acres would make this compatible with the Polecat Reserve. The location of the use is supported by the policies of the *Foothills Policy Plan.*

The proposal meets the SOME of the comprehensive plan policies, but it fails to comply with the policies concerning density, grading and cluster design.

Finding: The proposed planned development is sited along prominent ridge tops in a regionally prominent part of the Boise Foothills. This development would be highly visible from many parts of the region. The proposal includes siting and structural design restrictions that would lessen the visual impact to some degree. These design restrictions would somewhat blend the structures in with the backdrop of the Boise Foothills. Nevertheless, the proposed development would impact that prominent viewshed forever. The geography of the land is such that the majority of buildable portions of the site are on the ridge tops, with some available areas in a gully on the north and at the end of Collister Drive. The concerns about the policies and regulations addressing the visibility on the ridge tops of the proposal must be balanced with the policies that would allow this type of development in the West Foothills Planning Area. Part of that balance must include the proposal to set aside a conservation area for the Aase's Onion, a Federal species of concern and protected by policies in the Boise *Foothills Policy Plan.*

Finding: There is too much sky-lining development on prominent ridges. Some units could be put on the sand pit area to avoid sky lining on the most prominent ridgeline. The *Foothills Open Space Management Plan* has designated the western ridges on the site to be visual resources of value and recommends that development should not be allowed in these areas on the Boise Front Foothills.

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

Finding: The proposal is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. United Water of Boise serves the area for municipal water services. These agencies have all indicated by letters in the file that they could provide services to the project site. The provision of services to this site would not diminish services to other parts of the region with the exception of the traffic impacts on the adjoining neighborhoods and the neighborhoods accessed from Hill Road to the east of the project site. Traffic from the project would increase the level of service on Harrison Boulevard beyond LOS C.

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;

Finding: The site may be large enough for the use to accommodate the proposed site and lot layout. It would include 160 acres of permanent open space for the conservation of a species of concern, and several areas of open space available to the homeowners' for private use. Some internal pathways would be provided as well as sidewalks and bike paths. However, the site is designed such that the dwellings are not properly clustered, and an insufficient amount of flat open space is provided.

Finding: The proposed deer corridors are too narrow to meet the standard dimensions from Idaho Department of Fish and Game.

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

Finding: The proposed use is largely compatible with the plans and the Municipal Code of the City and the Ada County Highway District as discussed in detail in this staff report. The primary concern is for the safety of the current residents and the future residents. The focus of that concern rests on the traffic impacts on the Plano Lane neighborhood, the Briarhill Neighborhood and the Quail Ridge Neighborhood taking access from upper Collister Drive. The Ada County Highway District designates Collister Drive as a local collector, and by their calculations the proposed traffic increases could be accommodated by this road. Plano Lane is a local road, and ACHD has also substantiated that it could handle the proposed traffic increases.

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Finding: The site is subject to *Boise City Comprehensive Plan,* the *Foothills Policy Plan* and the Foothills Planned Development Ordinance. The proposal falls short of general compliance with those plans and the ordinance in the areas of clustering and site design; density calculation, protection of the sensitive areas and wildlife; and traffic impacts on the adjoining neighborhoods.

Finding: There is too much density bonus granted for the Slope Protection areas. The sensitive species Aase's Onion doesn't need public ownership or conservation efforts to protect, according to the applicant's botanist who said that the onions aren't that sensitive to impacts, related to weeds and fire hazards, so they only need to be left alone to survive. Therefore the density bonus credit given for the sensitive species habitat on slopes greater than 25% is not entirely warranted. There is some value for the set-aside and proposed conservation, but the conservation is not worth the 76% of the density bonus allocated to it, or the equivalent of 107 dwelling units of the 141 derived from the density bonus. The ordinance states that, "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." In this case the priority open space onion conservancy does not meet that standard of balance with other qualified sensitive areas.

Finding The proposal does not represent a significant protection of Priority Open Space features. More detailed plans should be made to establish protection for the sensitive plant conservation area, and to protect the riparian and wetland areas.

Finding: Not all areas in Priority Development Area are equally developable. This area is too steep with too many prominent ridges for large-scale development.

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.

Finding: This is not applicable to the application.

***

The Hillside and Foothills Areas Development application CFH07-00022 is denied.

Hillside and Foothills Areas Development Ordinance - Section 11-14-03.05 Findings of Fact and Conclusions of Law

A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of

law:

1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features;

Finding: There is too much grading proposed in subdivision design. The proposal includes one million cubic yards of overage from the ridge top grading which seems excessive by the standards of the Hillside and Foothills Areas Development Ordinance and the policies of the *Foothills Policy Plan.*

Finding: Under Section 11-14-04 of the Hillside Development Ordinance there is not enough consideration given to allocation for open spaces and protection of soil, geology, vegetation and minimizing disruption of existing plant and animal life. In addition, Section 11-14-08 of Section C, existing vegetation should not be disturbed or removed beyond the limits of the cuts and fills of the approved grading plan.

Finding: Because of the degree of cut and fill proposed by this development, it is questionable whether it meets the spirit and intent of the Hillside Ordinance to preserve, or enhance, the existing or future appearance and resources of Hillside areas. It does not meet the spirit of that purpose and intent language of the Hillside and Foothills Areas and Development Ordinance.

Finding: In moving over one million cubic feet of material as proposed violates the intent of the Hillside Ordinance with respect to excessive grading.

Finding The proposed development is generally in compliance with the technical requirements of Section 11-14-03.05 as conditioned in a letter from Boise City Public Works Exhibit D Plano Road Sub Grading, dated May 28, 2008.

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

Finding: The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. A Stormwater Well Report was submitted July 1, 2008 that substantiates that the stormwater retention proposal would not adversely affect other property owners in the vicinity.

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

Finding: The site will comprise about 91 acres of developed land and approximately 241 acres of undeveloped land. There is enough land to accommodate the proposal. The

preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. Yet, one of the conditions of approval from Public Works is that the proposed grading plan shows some off-site disturbance that would require either re-design or permission from the land owner.

4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Finding: The proposed project would not create a potential for hazards of flooding, soil instability, fire or erosion.

5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of this chapter and the Floodway and Floodplain Ordinance.

Finding: The proposal meets the application sufficiency standards, and does not require a Floodplain permit.

Finding: The proposal does not comply with the requirements for Foothills gulches through the application for the Hillside and Foothills Areas Development permit inasmuch as the proposal includes one million cubic yards of excess grading material.

B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance requirements including compliance with the Boise Metropolitan Plan.

Finding: The Hillside and Foothills Areas Development permit application was made in conjunction with applications for annexation, zone change, conditional use permit and a preliminary plat subdivision application so this standard has been met.

***

SUBDIVISION PRELIMINARY PLAT

The proposed preliminary plat application SUB07-00065 is denied based upon the denial of the proposed conditional use permit CUP07-00084, and the proposed Hillside and Foothills Areas Development permit application CFH07-00022.

Finding: The preliminary plat application, SUB07-00065, is denied for the same reasons stated above for the conditional use permit and Hillside applications.

Finding: The subdivision as proposed for 155 lots is excessive in number for the reasons previously stated in the connection with the CUP and the density bonus provisions of the Foothills Planning and Development Ordinance. The subdivision as proposed

places too many dwelling units on prominent ridges. This is something that is discouraged in the *Foothills Policy Plan*; it is not a matter for our discretion. The *Foothills Policy Plan* says that prominent ridges shall be protected from development. This is identified as a prominent ridge.

Finding: The development is too linear; it does not meet the clustering requirements of the Foothills Planned Development Ordinance. Other parts of the property could be developed instead of the ridgelines.

Bruce D. Chatterton
Director

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Jim Tibbs

Planning & Development Services

August 30, 2007

Mr. Kerry Winn
Stewart Land Group
6995 S. Union Park Ctr.
Midvale, Utah 84047

Subject: Status and hearing process for CUP07-00084, CAR07-00042, SUB07-00065, and CFH07-00022.

Dear Mr. Winn,

This letter is to inform you of the sufficiency status of the above applications.

The requests are still not scheduled for a hearing date before the Planning and Zoning Commission as we are still awaiting resolution of lot design, grading and access issues.

The City would prefer to continue to work with you to resolve the outstanding issues prior to taking the applications to public hearing. It is the City's policy to work out the technical issues for any application prior to hearing to ensure that requests receive consideration by the Planning and Zoning Commission and City Council based on the merits of the proposal, not on the compliance with the technical aspects of the application process. We sent you a letter on July 15, 2007 that addressed most of the issues that remain today. You have been working diligently to revise your plans to comply with City standards and ordinances for these kinds of applications, and we appreciate your efforts.

We hope that we can continue on this path to resolve these issues prior to scheduling the requests for hearing. You do have the option to request a hearing date based on the current status of the applications, but that would not give the staff an opportunity to make the findings necessary to comply with the ordinance.

The following items are required to complete and/or clarify their applications CUP07-00084, CAR07-00042, SUB07-00065, and CFH07-00022.

1. Address the grading items in the attached letter from Terry Records from Public Works, Exhibit A.

2. Provide evidence from the Ada county Highway District, and other sources, that prove that the Plano Road ingress/egress is secured for this project. Portray the proposed plan right-of-way on the preliminary plat and other maps. Supporting evidence must include an affidavit of legal interest from all the landowners providing the right-of-way.

3. A map showing the post-grading contours and the undisturbed Aase's Onion fields that would be permanently set aside, with calculations of the remaining area sizes.

4. Address the building footprint issues portrayed on the site plans e-mailed to you, and added to the CUP07-00084 case file, where the proposed building envelopes are shown on lands with slopes greater than 25%. This will require the alteration of the site plan to bring the lotting pattern into conformance with ordinance, Section 11-06-05.07.06Building and Grading Disturbance Envelopes, and the definitions in Section 11-06-05.07.08. Refer to the attached table, Exhibit C, for the building envelope analysis.

5. We will continue to work with you on the development agreement, as it will change with the results from the requested modifications to the application.

Please direct questions about these issues to Bruce Eggleston at 208-384-3830.

Sincerely,

Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file

Exhibit A

August 29, 2007
From Public Works, Terry Records
Plano Grading Plan Adequacy:

The grading plan for the Plano Road Sub is not acceptable in it's current form. The proposed grading indicated on the plan does not accurately represent how the applicant intends to grade the site.

The plan that was submitted indicates large areas of disturbance that are unnecessary to achieve the intended grading. I met with James Woodruff, the project engineer, last week and we reviewed the plan and discussed the changes that are necessary to make the plan acceptable. I have not received the revisions yet and so the hillside application cannot be considered complete at this time.

Exhibit B

27-Aug-07						
Aase's Point Canyon Building Envelope Evaluation Summary						
Lots	Complies 100%	10% or less-Short on 2,400 Square Feet - In Compliance	15% +/- Short on 2,400 Square Feet - In Compliance	Greater than 20%, Non-compliant envelope	Front Setback Non-compliance	Other - Comments
148	58	54	16	20	4	24 lots short on front set-backs
Precentages	39.2%	36.5%	10.8%	13.5%	2.7%	

Exhibit C

Aase's Pointe Building Envelope Evaluation

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
1	1						Yes
2	1						Yes
3		1					Yes
4	1						Yes
5	1						Yes
6	1					17 ft. setback	Yes
7		1					Yes
8				1			No
9		1					Yes
10	1						Yes
11				1		Greater than 40%, 15 Ft. setback	No
12	1						Yes
13	1						Yes
14	1						Yes
15	1						Yes

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
16	1						Yes
17	1						Yes
18	1						Yes
19		1					Yes
20	1						Yes
21	1						Yes
22		1			1	5 ft. setback	No
23				1		Greater than 40%, 15 Ft. setback	No
24	1						Yes
25		1					Yes
26		1					Yes
27	1						Yes
28		1				12 Ft. setback	Yes
29		1					Yes
30		1					Yes
31			1				Yes
32				1		Greater than 40%, 15 Ft. setback	No
33	1						Yes
34		1				18 Ft. setback	Yes
35		1					Yes
36	1						Yes
37	1						Yes
38		1					Yes
39			1				Yes
40		1					Yes
41	1						Yes
42	1						Yes
43			1				Yes
44	1						Yes
45				1		Greater than 85%	No
46		1					Yes
47			1				Yes
48	1						Yes
49	1						Yes
50		1					Yes
51	1						Yes
52		1					Yes
53			1				Yes

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
54		1					Yes
55	1					15 Ft. setback	Yes
56		1			1	5 Ft. setback	No
57		1					Yes
58	1						Yes
59	1					10 Ft. setback	Yes
60	1						Yes
61		1					Yes
62		1					Yes
63				1		14 ft. setback	No
64		1				15 Ft. setback	Yes
65		1				18 Ft. setback	Yes
66	1						Yes
67			1				Yes
68		1					Yes
69	1						Yes
70	1						Yes
71	1						Yes
72			1				Yes
73			1			15 Ft. setback	Yes
74		1					Yes
75				1		16 Ft. setback	No
76		1					Yes
77			1			15 Ft. setback	Yes
78		1					Yes
79	1						Yes
80	1						Yes
81				1			No
82	1						Yes
83				1			No
84		1					Yes
85				1		15 ft. setback	No
86		1					Yes
87		1					Yes
88			1				Yes
89				1		17 ft. setback	No
90				1			No
91		1					Yes

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
92	1						Yes
93				1		Footprint is only 1,260 Sq. Ft., and 1/ 3 is > 25%. Only 13 ft. setback.	No
94			1				Yes
95	1					Only 12 ft. setback	Yes
96			1				Yes
97	1						Yes
98	1						Yes
99		1					Yes
100	1						Yes
101				1			No
102				1			No
103			1				Yes
104		1					Yes
105	1						Yes
106		1					Yes
107		1					Yes
108	1						Yes
109	1						Yes
110		1			1	14 ft. setback	No
111			1				Yes
112	1						Yes
113				1			No
114	1						Yes
115	1						Yes
116		1					Yes
117		1					Yes
118		1					Yes
119	1						Yes
120		1					Yes
121		1					Yes
122		1			1	14 ft. setback	No
123				1			No
124	1						Yes
125				1		13 ft. setback	No
126		1					Yes
127		1					Yes
128	1						Yes
129			1				Yes

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
130		1					Yes
131		1					Yes
132		1					Yes
133	1						Yes
134		1					Yes
135	1						Yes
136	1						Yes
137		1					Yes
138				1			No
139		1					Yes
140			1				Yes
141				1			No
142	1						Yes
143		1					Yes
144		1					Yes
145		1					Yes
146	1						Yes
147	1					contours not shown-seems to comply	Yes
148	1						Yes
Totals	58	54	16	20	4	24 lots short on front set-backs	
	39.2%	36.5%	10.8%	13.5%	2.7%		

BOISE
CITY OF TREES

Planning & Development Services

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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

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Council Pro Tem
Maryanne Jordan

Vernon L. Bisterfeldt
Elaine Clegg
Alan W. Shealy
Jim Tibbs

August 13, 2008

AASE's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042/DA, CUP07-00084 & CFH07-00022 / 6890 N. Plano Road**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your 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 at 6890 N. Plano Road 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). In addition, a Conditional Use Permit to build a 154 dwelling unit Planned Residential Development with a Hillside and Foothill Area Development Permit; and a Subdivision Preliminary Plat.

The Boise City Planning and Zoning Commission at their meeting on August 11, 2008, recommended to the Mayor and the Boise City Council approval of the annexation of the +/- 296.12 acres, and a rezone for the total +/- 332.75 acres to an A-2/DA holding zone with Development Agreement that contains the following condition:

1) Any development application shall be required to comply with the *Boise Foothills Policy Plan*, the Foothills Planned Development Ordinance 11-06-05.07, and the Hillside and Foothill Areas Development Ordinance 11-14.

Staff was instructed to prepare findings to be presented at the next Planning and Zoning Commission hearing on September 8, 2008. A final action letter will be distributed after that meeting and the application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

The Commission also denied the request for a Conditional Use Permit, CUP07-00084; the Hillside and Foothills Area Development permit application, CFH07-00022; and the preliminary plat application, SUB07-00065. These findings will also be presented at the next Planning and Zoning Commission hearing. Once the findings are approved by the Commission a final action letter will be sent and the appeal period will begin. This decision may be appealed to the Boise City Council.

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This appeal must be filed with the Boise City Planning and Development Services Department within ten (10) days of the date of this denial. The appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department.

If you have any questions, please contact this department at 384-3830.

Sincerely,

Bruce Eggleston, AICP
Planner II
Boise City Planning and Development Services Department

BE/bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

Planning & Development Services

Bruce D. Chatterton
Director

Boise City Hall
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Jim Tibbs

July 15, 2008

AASE's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042, CUP07-00084 & CFH07-00022 / 6890 N. Plano Road**

Dear Applicant:

At the July 14, 2008 Boise City Planning and Zoning hearing, your applications were deferred and a work session was scheduled to be held July 31, 2008 from 6 to 8 pm in the Boise City Hall Council Chambers, third floor of City Hall. Your applications were rescheduled to be heard before the Boise City Planning and Zoning Commission on **Monday, August 11, 2008,** at **6:00 P.M.**, in the Boise City Hall Council Chambers, third floor of City Hall. It will be necessary for you or your designated representative to attend. A staff report will be ready for your review five (5) working days prior to the hearing date.

If you have any questions, please contact Bruce Eggleston in this department at (208) 384-3830.

Sincerely,

Cody Riddle

Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services Department

CR:bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

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Planning & Development Services

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Jim Tibbs

June 10, 2008

AASE's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042, CUP07-00084 & CFH07-00022 / 6890 N. Plano Road**

Dear Applicant:

Your applications have been rescheduled to be heard before the Boise City Planning and Zoning Commission on **Monday, July 14, 2008,** at **6:00 P.M.**, in the Boise City Hall Council Chambers, third floor of City Hall. It will be necessary for you or your designated representative to attend. A staff report will be ready for your review five (5) working days prior to the hearing date.

If you have any questions, please contact Bruce Eggleston in this department at (208) 384-3830.

Sincerely,

Cody Riddle

Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services Department

CR:bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

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Bruce D. Chatterton
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Vernon L. Bisterfeldt
Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

8, 8a, 9 + 10

June 2, 2008

Memorandum

To: Boise Planning and Zoning Commission

From: Bruce Eggleston, Planner II B.P.E.

Subject: Request for deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda

Staff requests the deferral of the above hearings to July 14, 2008, due to an error in the notification requirements for the June 9, 2008 hearing date for the same applications.

Planning & Development Services

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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Alan W. Shealy
Jim Tibbs

May 2, 2008

AASE's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042, CUP07-00084 & CFH07-00022 / 6890 N. Plano Road**

Dear Applicant:

Your applications have been scheduled to be heard before the Boise City Planning and Zoning Commission on **Monday, June 9, 2008**, at **6:00 P.M.**, in the Boise City Hall Council Chambers, third floor of City Hall. It will be necessary for you or your designated representative to attend. A staff report will be ready for your review five (5) working days prior to the hearing date.

The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 387-6170. In order to expedite your request, please have ready the file number indicated on this notice.

If you have any questions, please contact Bruce Eggleston in this department at (208) 384-3830.

Sincerely,

Cody Riddle

Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services Department

CR:bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

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Planning & Development Services

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Elaine Clegg
Alan W. Shealy
Jim Tibbs

April 16, 2008

AASE's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042, CUP07-00084 & CFH07-00022 / 6890 N. Plano Road**

Dear Applicant:

Your application has been scheduled to be heard before the Boise City Planning and Zoning Commission on **Monday, May 12, 2008**, at **6:00 P.M.**, in the Boise City Hall Council Chambers, third floor of City Hall. It will be necessary for you or your designated representative to attend. A staff report will be ready for your review five (5) working days prior to the hearing date.

The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 387-6170. In order to expedite your request, please have ready the file number indicated on this notice.

If you have any questions, please contact Bruce Eggleston in this department at (208) 384-3830.

Sincerely,

Cody Riddle

Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services Department

CR:bjc

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Stewart Land Group / 6995 S. Union Park Ctr. / Midvale, UT 84047

9

STAFF REPORT TO P&Z

July 14th, 2008

Planning & Development Services

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

Phone: 208/384-3830
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Website: www.cityofboise.org/pds

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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9. Appendices	

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 June 4, 2008, and revisions dated July 2, 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 (See Subdivision staff report)
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 ridge lines 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 reasonable 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.

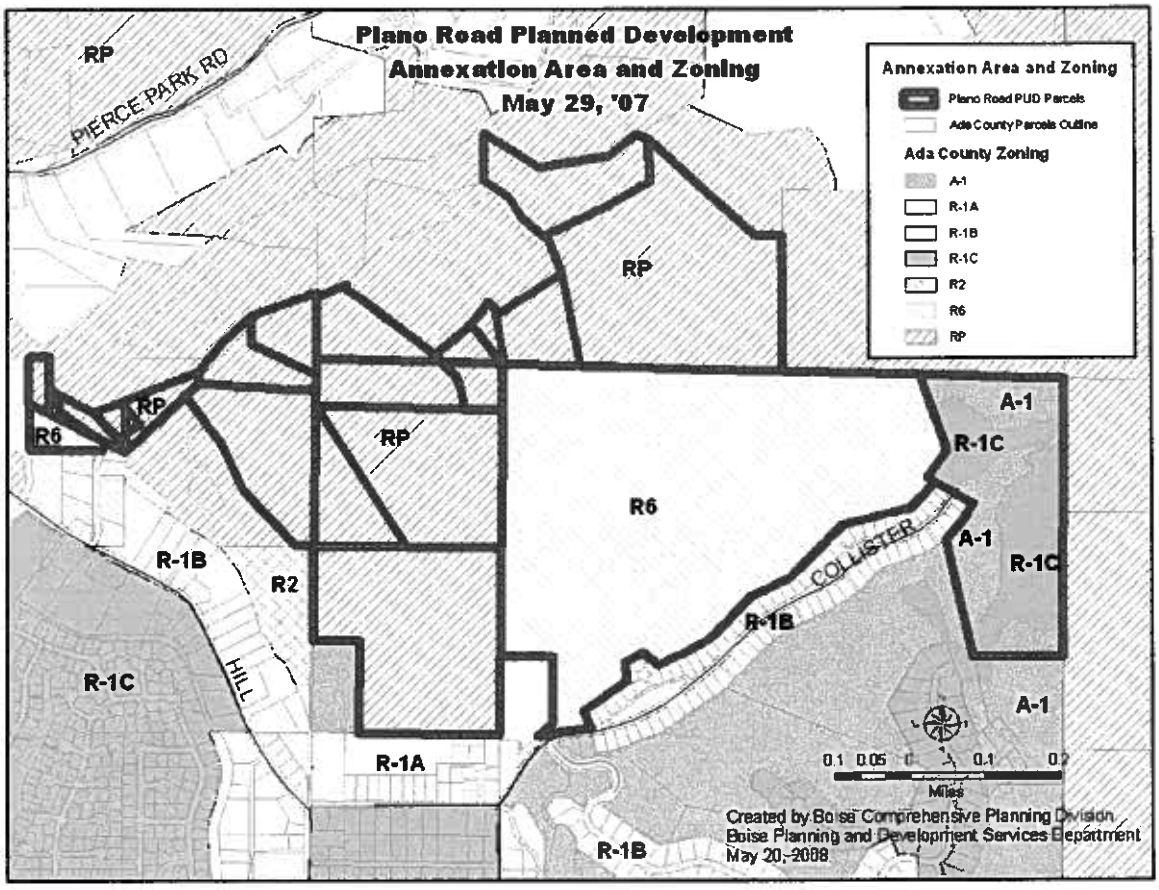
Applicant/Status
Stewart Land Group, Kerry Winn, representing Aase's Canyon Pointe, LLC, and Capitol Development, Inc.

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

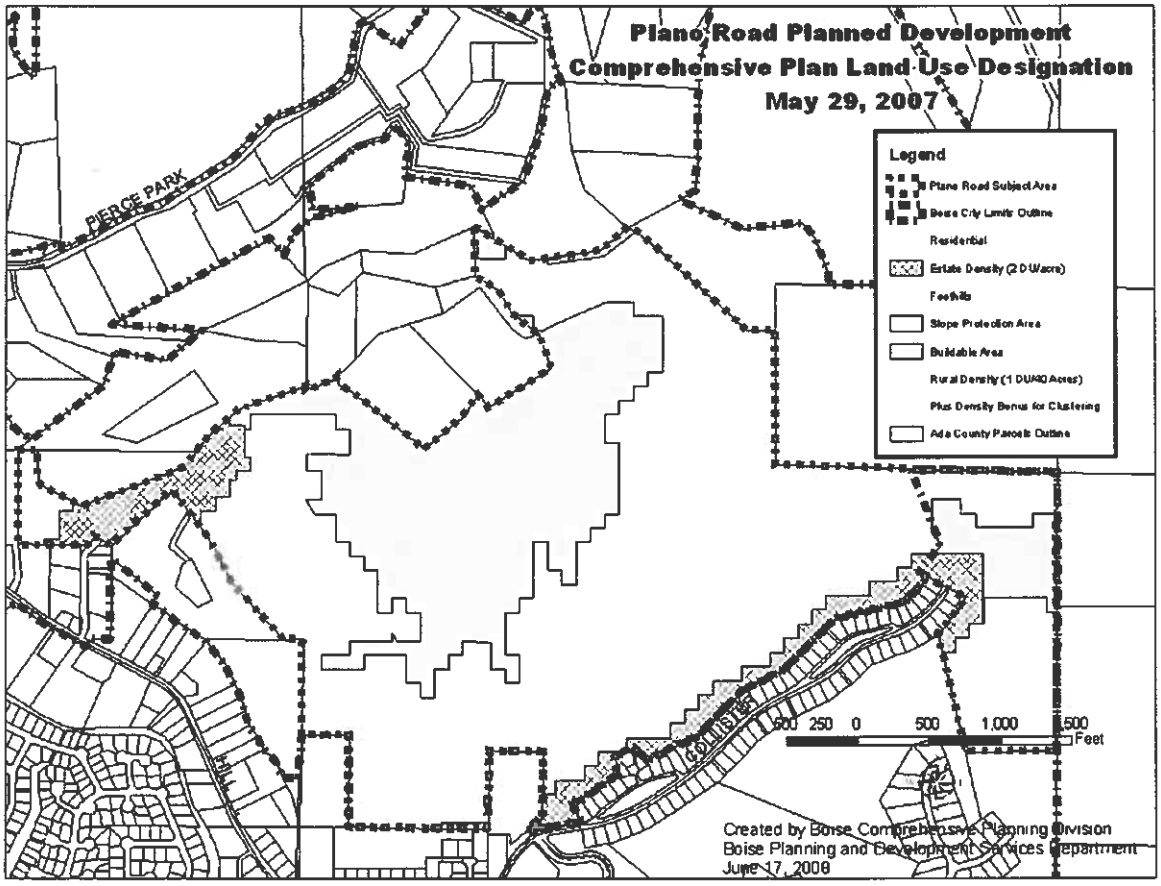
The land is in the Foothills Planning Area within the Boise Area of Impact. As such, it is subject to the Foothills Policy Plan and the "Foothills Planned Development Ordinance," Chapter 11-06-05.07 in the Zoning Ordinance.

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.

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



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.

Plano Lane Subdivision Application			**28-May-08**
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
***
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.

***

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.

***

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.

***

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 compliance 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 ex-

presses 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
West Subtotal	**2,620 Households**

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* (IFTPP) 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 Foothills	100		Yes	Boise City
Quail Ridge No. 7, 8, 9, 10, mostly done	Central Foothills	75		Yes	Boise City
Eyrie Canyon, 2-5 year build-out (?), half done	Central Foothills	200		Yes	Boise City
Proposed Plano Road Subdivision, goes to Boise P & Z on July 14, 2008, proposed 10 year build-out (?)	Western Foothills		150	No	Boise City
Deer Valley, Pierce Park Road, not started	Western Foothills	30		Yes	Boise City
Cartwright Ranch, almost approved, will be on July 16, 2008 at Ada County Commission hearing, six year build-out	Western Foothills		682	No	Ada County
Hidden Springs, approved by Ada County, 10 year build-out, about half done?	Western Foothills	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 Foothills		4,300	No	Ada County
Approximate Total of pending or approved dwelling units		**4,206**	**5,132**		

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

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 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.

11-06-05.07.01. 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

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.

11-06-05.07.02. 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

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

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 United Water. It would be provided Boise City ser-

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

vices 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 are 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 of the proposed preliminary plat necessitated by

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*

			Example	
Built Area Percent	**Open Space Dedicated Percent**	**Density Bonus Units /Acre**	*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*
56%	44%	1.25	*56.3*	*70*
50%	50%	1.5	*50.0*	*75*
44%	56%	1.75	*43.8*	*77*
38%	63%	2.25	*37.5*	*84*
31%	69%	3.0	*31.3*	*94*
25%	75%	4.0	*25.0*	*100*

*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 char-

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.

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

acteristics that cause them to be considered worthy of special incentives for preservation, 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

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."

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

as approved by the Boise City Parks and Recreation Board

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

one acre in size; and 90.81 acres total in onion fields. This establishes the basis for the potential 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.

of this code.

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.

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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.

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.

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 "skylining" 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.

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.

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 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

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 varied roof levels, and other suitable architectural 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 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

treatments.

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 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

site unbuildable, which would have to be balanced against all the other issues of entitlement.

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.

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

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.

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 must be in scale with existing neighborhoods.

2) Upgrading of residential streets to collector and arterial status shall be discouraged and shall

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 over arching issue in the creation of the FPP. The policies form Chapter 5 are listed her to further inform the discussion about the traffic impacts faced by the Collister and Plano neighborhoods.

When it comes to the traffic impacts, the neighbors

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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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 improvements 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 sig-

nal 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.

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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.

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[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.

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

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.

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, State and Federal agencies.

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

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 Treasure 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 conserve 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

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.

11-06-05.07.06. 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

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 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

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.

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.

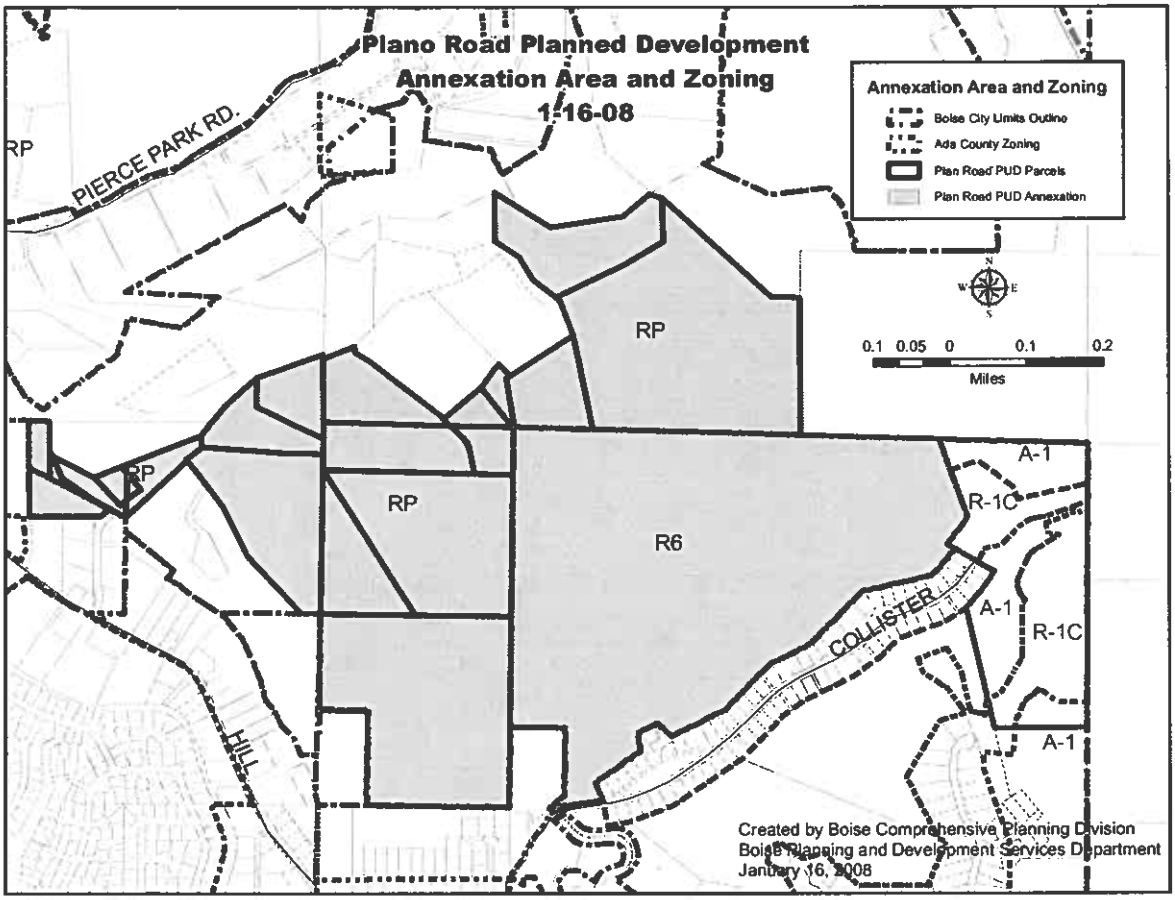
8. The city will accept no responsibility for the costs for maintenance of open space or recreational facilities unless the Boise City Board of Parks and Recreation Commission and the Boise City Council specifically approves such charges.

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, 2992.

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
Total Boise City		**36.5**
Sub-Total, Ada County	R6	122.9
Sub-Total, Ada County	RP	173.1
Total Ada County/Annexation Total		**296.0**



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.

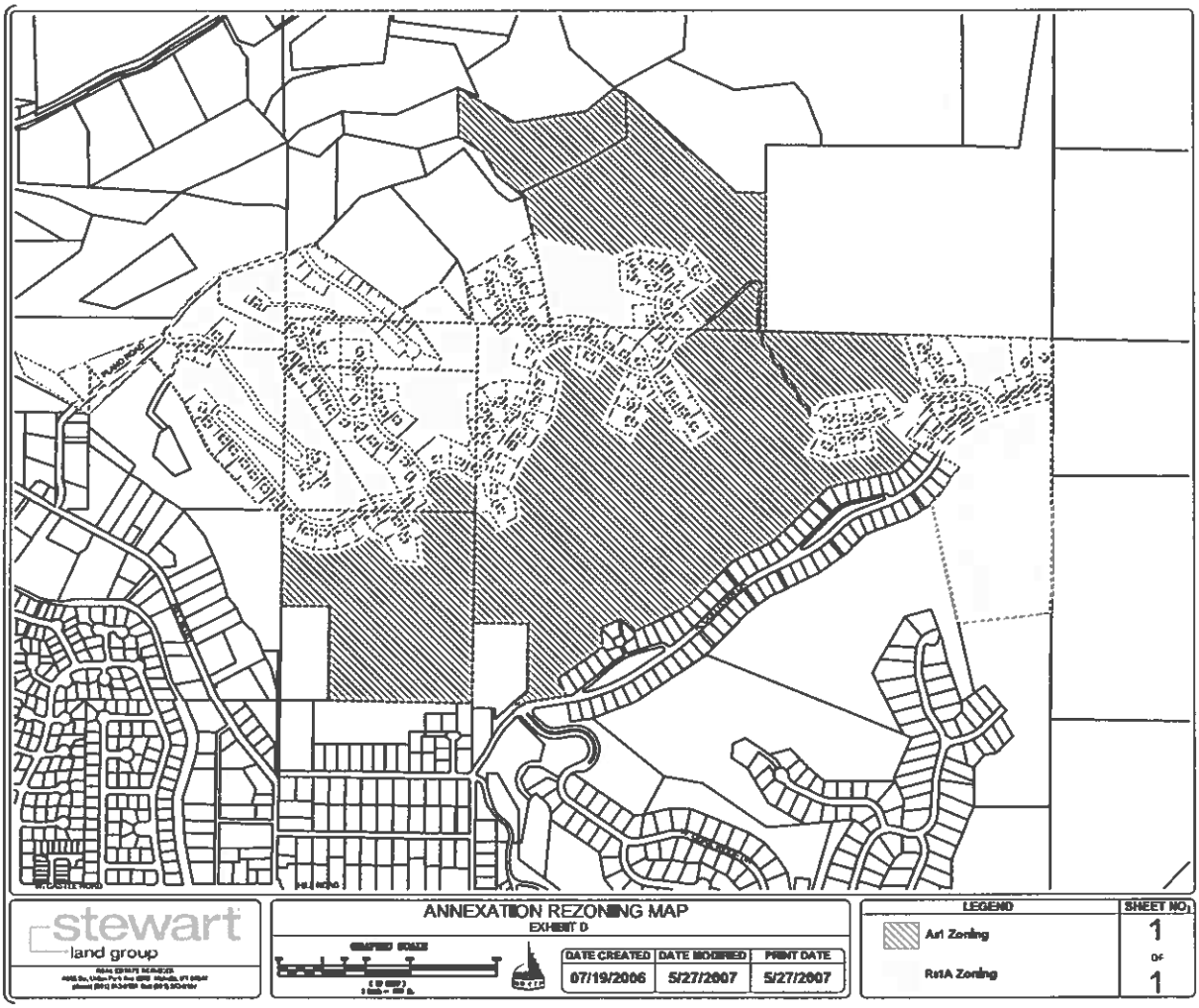
Zone Amendment

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.

In 1997 Boise City finally adopted its Foothills Policy Plan that was the product of a community-wide effort or journey that took the better part of twenty years to accomplish. That perseverance of many dedicated individuals and the local governments is telling as to how much the Foothills are loved by this community, and for many well-deserved reasons. 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 the best chance for a level playing field when it comes to the debate on development activities in the Boise Foothills Planning Area. The policies give voice to the many concerns shared by all members of the community including land owners, developers, neighbors and recreational users of the Foothills. 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. It is the job of the decision makers to find a balance between those primary issues represented by this application.

The proposal is for 155 dwelling units stretched across the ridge tops between Plano Lane on the west and upper Collister Drive on the east. The neighbor 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 of nature by the residents of Treasure Valley. It is also one of the few parks facilities in the West Foothills Planning Area, and is a wonder to behold.

The neighbors to the south are residents of the older Briarhill Subdivision on upper Collister Drive and Quail Ridge, also developed by Ramon Yorgason, along the ridgelines to the south. Upper Collister Drive is an unusual road with a drain running down the center of the road, as it is built in the bottom of Polecat Gulch where the water naturally flows. 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 is potentially jeopardized by the traffic proposed by this application. Traffic on this road would increase from 570 Average Daily Trips (ADTs) to 1,335 ADTs, nearly two and a half times the traffic to which they are accustomed. They 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 the visual impact from the proposed dwellings looming over the Briarhill neighborhood from the prominent ridge tops.

The most difficult aspect 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 their proposal don't warrant their share of the improvements on 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, and then the applicant would pave 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 their 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 for buffering that resource. The 169 acres would be donated to the Treasure Valley Land Trust who 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 Plan, but concerns remain with the impact on the onions from the grading and human traffic. The Plan and Ordinance would allow density bonus only if the conservation of the species can be reasonable 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 this application represents a good faith effort to try to achieve that balance.

Staff's Recommendation:
Staff recommends approval of the annexation of +/- 296.12 acres, and the rezone of +/- 332.75 acres with zoning designa-tions 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 condi-tional use permit for 155 dwelling units within a Foothills Planned Development, CUP07-00084, with conditions of ap-proval, 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.

Finding: The proposed annexation is contiguous with City Boundaries, and it is within the Boise sewer planning area.

B. Honor negotiated area of impact agreements.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal is gener-ally in compliance with those plans.

C. Attempt to balance costs of services with anticipated revenues.

Finding: The proposed land use within this annexation is single family residential dwellings with ap-proximately 27% of the land in development and 73% in open space. The gross density would be .45 units per acre, the same as found in Boise's R-1A Zone. Higher densities represent a smaller cost per unit for the urban services package. It is a matter of efficiency and economies of scale, the greater the density per acre, the lower overall costs to service the area on a per unit basis. The site is accessed up steep hills and is perched on ridge tops, which tends to increase the costs of road maintenance, sewer maintenance and water maintenance due to the hilly terrain. The cost of school bus transportation would be higher for the same reasons, and because the proposed neighborhood would be at the end of a gulch, requiring a looping back to access other neighbor-hoods. The proposed neighborhood may increase the potential for property damage and fire cov-erage due to wildfires, as the site is within the area where this phenomenon occurs. Wildfires are more difficult and costly to fight and contain than those in the more urbanized parts of the city, and they require specialized equipment to fight them, at an additional cost to the city.

The revenues from the proposal would tend to be on the high end for assessed value per resi-dence. It is not clear if the revenues would balance the costs of services, as that data is not avail-able.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Finding: 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. This is a logical extension of the city boundaries as all the urban services are available to the site.

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 condi-tions:

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

Finding: The proposed annexation is contiguous with City Boundaries, and it is proposed to be subdivided into a residential neighborhood.

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

Finding: Not applicable as items A and C are met.

C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or

Finding: The proposed annexation comes at the request of the landowners.

D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.

Finding: Not applicable as items A and C are met.

***

RECLASSIFICATION OF ZONING DISTRICTS

Section 11-06-01.01 Power to Amend

Any recommendation of the Commission relating to change, modification and reclassification of zoning dis-tricts and land use classifications and the regulations and standards thereof shall be in writing. The recommen-dation 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, modi-fications and reclassifications of zoning districts and land use classifications and the regulations and the stan-dards thereof:

A. Comply with and conform to the Comprehensive Plan; and

Finding: The proposed annexation and zone change area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the pro-posal is generally in compliance with those plans. The body of this staff report substantiates this

finding in greater detail.

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.

Finding: The proposed zone change and annexation area is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. The area is served by United Water of Boise for municipal water services.

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

Finding: The proposed zone change and annexation area is contiguous to City residentially zoned neighborhoods on the south. It is surrounded by Ada County Rural Preservation (RP) on the north and east, and a residential neighborhood with R6 zoning on the west. The proposed use and zone change are compatible with the surrounding zones.

The proposed zones are R-1A/DA, single family residential with development agreement, and A-1/DA, open space with development Agreement. These zones are derived from the regulations of the Boise City Zoning Code Chapter 11 Section 11-06-05.07, the Foothills Planned Development Ordinance. The ordinance requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones, as are so requested in this application.

The proposed development is in character with and similar in use and density with the surround-ing neighborhoods.

***

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;

Finding: The proposed planned development is for a residential neighborhood with a maximum of 151 dwelling units and an open space plant conservation area. It is contiguous to residentially zoned neighborhoods on the south and west. It is surrounded by Ada County Rural Preservation (RP) on the north and east, and a residential neighborhood with R6 zoning on the west. To the east is the Boise City Polecat Gulch Reserve, a recent addition to the City Parks and Recreation system. The residential use is compatible in scale and density with the contiguous

neighborhoods, Briarhill Subdivision and Quail Ridge Subdivisions, and the small Plano Lane Subdivision on the west. The open space component of some 160 acres would make this compatible with the Polecat Reserve. The location of the use is supported by the policies of the Foothills Policy Plan, and the proposal meets, in general, the policies of that plan.

Finding: The proposed planned development is sited along prominent ridge tops in a regionally prominent part of the Boise Foothills. That is to say that this development would be highly visible from many parts of the region. The proposal includes siting and structural design restrictions that would lessen the visual impact to some degree. These design restrictions would have the desired effect of blending the structures in with the backdrop of the Boise Foothills. Nevertheless, the proposed development would break up that prominent viewshed forever, however designed. The geography of the land is such that the majority of buildable portions of the site are on the ridge tops, with some available areas in a gully on the north and at the end of Collister Drive. The con-cerns about the policies and regulations addressing the visibility on the ridge tops of the proposal must be balanced with the policies that would allow this type of development in the West Foot-hills Planning Area. Part of that balance must include the proposal to set aside a conservation are for the Aase's Onion, a Federal species of concern and protected by policies in the Boise Foot-hills Policy Plan.

B. That the proposed use will not place an undue burden on transportation and other public facilities in the vi-cinity;

Finding: The proposal is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. The area is served by United Water of Boise for municipal water services. These agencies have all indicated by letters in the file that they could provide services to the project site. The provision of services to this site would not diminish services to other parts of the region.

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;

Finding: The site is large enough for the use to accommodate the proposed site and lot layout. It would in-clude 160 acres of permanent open space for the conservation of a species of concern, and sev-eral areas of open space available to the homeowners' for private use. Some internal pathways would be provided as well as sidewalks and bike paths. The site is designed such that the dwell-ings would be clustered in the area on the west connected to Plano Lane and in the east where Collister Drive would be extended. This built area is approximately 90 acres of the 332 total, with the remainder in open spaces of several types: conservation area, drainage basins, private open space with trails and riparian area next to the

Polecat Reserve.

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

Finding: The proposed use is largely compatible with the plans and the Municipal Code of the City and the Ada County Highway District as discussed in detail in this staff report. The primary concern is for the safety of the current residents and the future residents. The focus of that concern rests on the traffic impacts on the Plano Lane neighborhood, the Briarhill Neighborhood and the Quail Ridge Neighborhood taking access from upper Collister Drive. Collister Drive is designated as a local collector by the Ada County Highway District, and by their calculations the proposed traf-fic increases could be accommodated by this road. Plano Lane is a local road, and ACHD has also substantiated that it could handle the proposed traffic increases. The proposed development would have a visual impact on the surrounding area.

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal is gener-ally in compliance with those plans.

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 fea-tures have been added to enhance the physical appearance of such multiple-family residential structures.

Finding: This is not applicable to the application.

***

Hillside and Foothills Areas Development Ordinance - Section 11-14-03.05 Findings of Fact and Conclusions of Law

A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of law:

1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique fea-tures;

Finding: The proposed grading plan complies with the technical requirements of the Boise

Hillside and Foothills Areas Development Ordinance and Uniform Building Code, except as noted above, and can be approved with the attached conditions of approval. Final approval of the grading plan and the issuance of a grading permit are contingent upon a more extensive onsite investigation con-firming the preliminary opinions of the geotechnical engineer.

The proposed development is generally in compliance with the technical requirements of Section 11-14-03.05 as conditioned in a letter from Boise City Public Works Exhibit D Plano Road Sub Grading, dated May 28, 2008.

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

Finding: The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. A Stormwater Well Report was submitted July 1, 2008 that substantiates that the stormwater retention proposal would not adversely affect other property owners in the vicinity.

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

Finding: The site will comprise about 91 acres of developed land and approximately 241 acres of unde-veloped land. There is enough land to accommodate the proposal. The preliminary Soil and Geo-logic Evaluation, although very preliminary in nature and not based on onsite investigation, indi-cated that the proposed development could be conceptually approved. Yet, one of the conditions of approval from Public Works is that the proposed grading plan shows some off-site disturbance that would require either re-design or permission from the land owner.

4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Finding: The proposed project would not create a potential for hazards of flooding, soil instability, fire or erosion.

5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of this chapter and the Floodway and Floodplain Ordinance.

Finding: The proposal meets the application sufficiency standards, and does not require a Floodplain per-mit. It complies with the requirements for Foothills gulches through the application for the Hill-side and Foothills Areas Development permit.

B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance re-quirements including compliance with the Boise Metropolitan Plan.

Finding: The Hillside and Foothills Areas Development permit application was made in conjunction with applications for annexation, zone change, conditional use permit and a preliminary plat subdivi-sion application so this standard has been met.

***

5. General Information

Notifications:
Neighborhood Meeting held on: April 9, 2008
Newspaper notification published on: June 28, 2008
Radius notices mailed to properties within 300 feet on: June 28, 2008
Staff posted notice on site on: July 24, 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 Residen-tial Use or District	Standard	Rear or Side Yard Abut-ting a Residential Use or Dis-trict
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

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.

***

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 depic-

tion 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 existence 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.

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 Within Buildable Areas	Density Bonus Within 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.

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.
\
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 af-

fected 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

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.

***

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.

***

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.

***

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.

***

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.

***

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 home buyer's disclosure statement and the CC& Rs.

a. The following language shall be incorporated into a home buyer'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. Free roaming 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.

7. 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.

8. 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.

9. 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.

10. 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-feet 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.

11. 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.

12. 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.

13. 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).

14. 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).

15. Conserve the small onion fields through the dedication of the parcel upon which they rest to the Treasure Valley Land Trust.

General

16. 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.

17. 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.

18. All amenities shall be constructed or bonded for prior to the issuance of the first building permit.

19. 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.

20. A common party wall agreement shall be provided for all zero line units.

21. A condominium plat must be approved by Boise City and recorded with the Ada County Recorder prior to sale of any condominium units.

22. The applicant shall comply with the standards and conditions of the City of Boise Solid Waste Commercial and Multi-Family Centralized Trash Requirements.

23. 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.

24. 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.

25. 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.

26. All private streets must be approved and constructed prior to the issuance of any Building Permit for this property.

27. 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.

28. Existing mature vegetation shall be retained wherever possible.

29. 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.

30. 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.

31. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.

32. 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.

33. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.

34. 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.

35. 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).

36. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.

37. Utility services shall be provided underground.

38. 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.

39. 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)

40. 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.

41. 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.

42. 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.

43. 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 reclassification ordinance associated with CAR07-00042/DA.

44. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.

45. 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.

46. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.

47. 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

48. 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.

B.P.E. July 11, 2008

Appendix A
Density Bonus Formula

May 29, 2008

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
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
TOTAL POTENTIAL UNITS =		**151**	**DENSITY BONUS + BASE DENSITY**

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)					
Density Bonus Formula - Foothills 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

10 A

Annexation & Zone Change

Planning & Development Services

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

Phone: 208/384-3830
Fax: 208/384-3753
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Annexation/Rezone Application

This box for office use only

File #: CAR07-00042/DA Fee: CA1

Cross Referenced File(s): CUP07-00084, CFH07-00027 Zone(s): RP

Are Pre-Application materials attached? ☒ Yes ☐ No

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

annex 322 acres at R-1A and Townhouses 26 acres (less 36.63 acres, Sub2011108, already in Boise City.) = 296.12 acres requested for annexation

Pre-Application Conference/Submittal Information

A pre-application conference with staff and pre-application neighborhood meeting are required prior to the submittal of this application. Contact a Procedures Analyst at 384-3830 for details.

Applications for annexations *will not be accepted* without a property description and map that meets the guidelines listed on page 3.

Current Zone: AG (RP) Requested Zone: R-1A

Applicant Information

Applicant: AASES CANYON POINT DEVELOPMENT, LLC. CAPITAL DEVELOPMENT, INC. Phone: (801)924 1777 (208) 377-3939

Applicant's Address: 3750 W. 500 S., SALT LAKE CITY, UT 84104 / 6200 N. MEEKER PL, BOISE, ID 83713 Zip:

Agent/Representative: STEWART LAND GROUP Phone: (801) 263-9126

Agent/Representative's Address: 6995 S. UNION PARK CTR MIDVALE, UT Zip: 84047

Contact Person (If different from above): KERRY WINN Phone: (801) 573-7205 CELL

Address of Subject Property: 6890 ~~6296~~ N. PLANO RD, BOISE, ID 83703

Mapping Division must initial here CP to signify address verification.

Property Description (Lot, Block & Subdivision name or recorded deed with a metes and bounds description):

Parcel Number: SEE ATTACHED Quarter: NW NW SW 1/4 Section: 17, 18, 19, 20

Township: 4N Range: 2E

6/04

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Development Information

1. Size of Property: _____ Square Feet or 322.88 Acres

2. How is the property now used? OPEN FOOTHILLS WITH ONE HOME ON PLANO ROAD - ONE OPERATIONAL SAND PIT

3. How are the adjoining properties used?
   North: THREE HOMES South: SINGLE FAMILY HOMES
   East: SINGLE FAMILY HOMES West: SINGLE FAMILY HOMES

4. Are there any existing land uses in the general area similar to the proposed use? If yes, what are they, and where are they located?
   QUAIL RIDGE SUBDIVISION IMMEDIATELY TO THE EAST.

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5. On what street(s) does the property have frontage?
   PLANO LANE

6. Why are you requesting annexation into the City of Boise?
   WE ARE CONTIGUOUS AND WANT TO HOOK INTO PUBLIC SEWER

7. What use, building or structure is intended for the property?
   SINGLE FAMILY RESIDENCES

8. What changes have occurred in the area that justify the requested rezone?
   THIS PROPERTY BORDERS OTHER SINGLE FAMILY RESIDENTIAL SUBDIVISIONS. GENERAL GROWTH IN THE AREA.

9. Any additional comments?

WE HAVE BEEN WORKING WITH BOISE CITY PLANNING & ZONING AND OTHER PUBLIC AND PRIVATE AGENCIES FOR TWO YEARS TO MAKE SURE WE MEET THE CONDITIONS OF THE FOOTHILL ORDINANCE.

Note: When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. It will not be accepted if it is not complete. A hearing date will be scheduled only after an application has been accepted as complete.

Submittal Requirements

Note: The Boise City Council requires the following information to be submitted to the Planning & Development Services Department for every application for annexation. Applications for annexations *will not be accepted* without a property description and map that meets the guidelines listed below.

☑ 1. (1) **Completed application**, including signature of applicant.

☑ 2. (1) **Submittal requirements list.**

☑ 3. (1) **Detailed letter of explanation** or justification for the proposed project.

☑ 4. (1) **Affidavit of Legal Interest** (attached). Form must be completed by the legal owner of record.

☑ 5. (1) **Current Vicinity Map.** (8½" x 11") at 1" = 300' scale, showing location and current zoning of the property. Map must be dated. Map is available from the Mapping Division. Please indicate the location of your property on the map). Map must contain the following information.

A. A precise copy that matches the description (ordinance numbers, all bearings, distances, commencing and beginning points, etc.)

B. Cross-hatched area showing the annexation property

C. Street names

D. Address grid

E. Names of surrounding subdivisions

F. The annexation area shall be located as close to the center of the map as possible.

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☑ 6. (1) **Land Description.** Attach a description of the actual property which you wish to have rezoned or annexed on a separate page. All land descriptions must be certified by a land surveyor registered to the State of Idaho.

A. All property description shall be labeled as "Exhibit A."

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B. The property description shall have a narrative paragraph, which names the section, township, range and meridian in which the property is located. The narrative shall also contain a rough description of the property. For example, "An area of land located in the southwest quarter of the northwest quarter of section _____, more particularly described as follows: ..."

C. The commencing point must be a government-surveyed corner, such as a section corner or a quarter corner.

D. The commencing point can be the point of beginning if the point is a section or quarter corner.

E. All descriptions must have a Point of Beginning.

F. Bearings and distances shall continuously define an area boundary with a closure accuracy of at least one part in five thousand.

G. The property description shall duplicate the metes and bounds of all existing annexations, or shall reference the former annexation.

H. The property description shall not overlap or leave gaps from previous annexations.

I. The property description shall clearly define where the property is located by calling out known points or courses such as subdivision, lot corners, streets, canals and water courses.

J. The all-property description shall state a return to the Point of Beginning.

K. The all-property description shall state the number of acres annexed to one-hundredth of an acre.

☑ 7. (1) **Photographs.** Photographs of existing site conditions.

☑ 8. (1) **Annexation Map.** Map must contain the following information.

A. Section

B. Township

C. Range

D. North arrow

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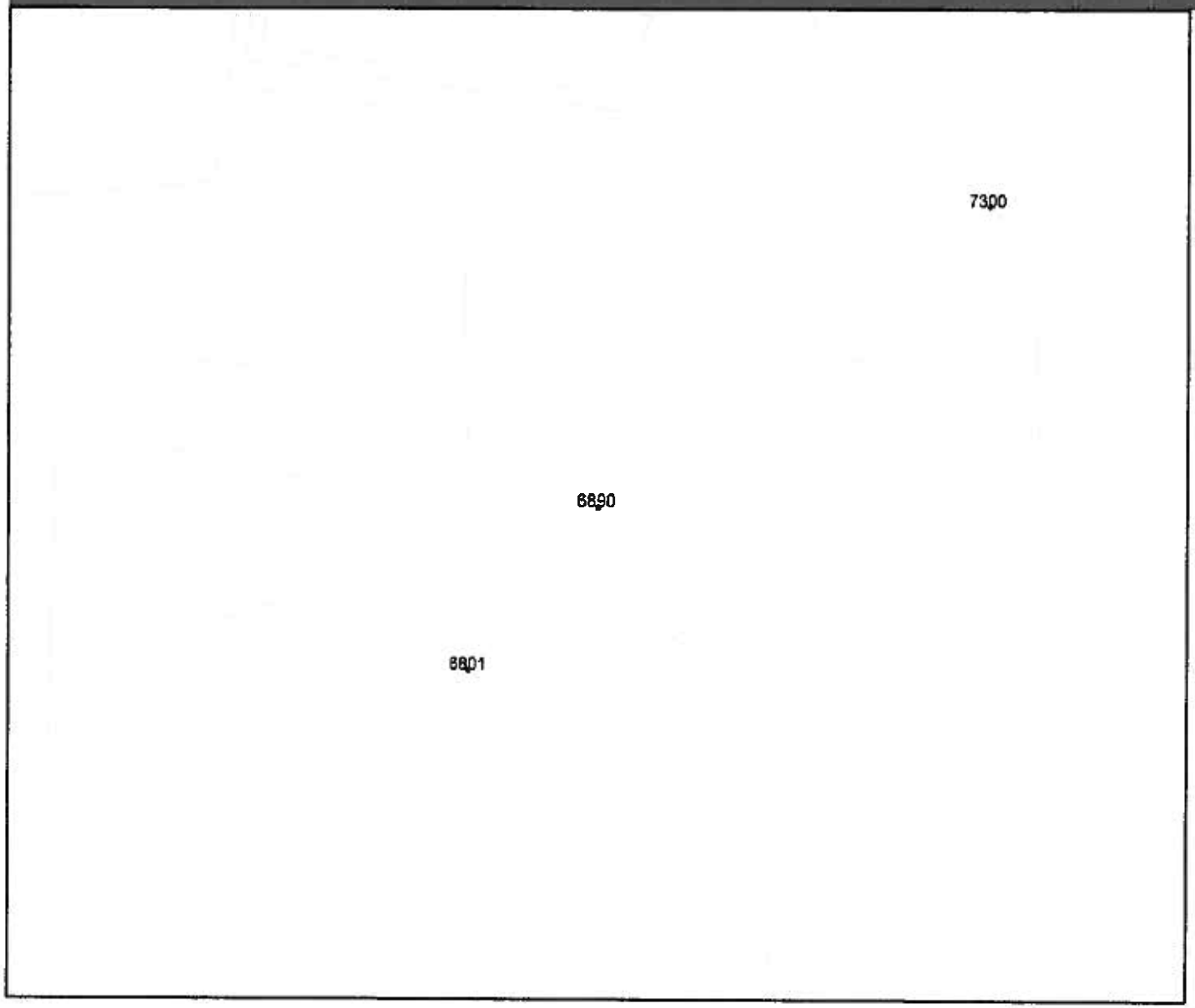
Kenny Winn
Signature Applicant/Representative

5/29/07
Date

CAR 07 00042

6890 N PLANO LN

BOISE 83703



300 0 300 600 900 1200 Feet

CAR 07 0007

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Parcel Information

Parcel:
S0617315000

Parcel Owner(s):
LITTLE GARY R
LITTLE DEBORAH A

Parcel Acres:
10.400

Municipal Information

City Limits:
ADA COUNTY

Area of Impact:
BOISE

Planning Information

Zoning:
RP

Subdivision:

Block:
1

Lot:
0

Township/Range/Section:
4N2E17

Hillside:
True

Floodplain:
None

Sewer Availability:

N

BOISE
CITY OF TREES

http://www.cityofboise.org/

This drawing is to be used for reference purposes: Boise City is not responsible for any inaccuracies herein contained.

Map generated on 5/29/2007

Planning & Development Services

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

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

Affidavit of Legal Interest

State of ~~Idaho~~ Utah)
) ss
County of ~~Ada~~ Salt Lake)

I, Aase's Canyon Pointe Development (Name) 3750 W. 500 South (Address)

Salt Lake City (City), Utah (State)

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (Name) 6995 S. UNION PARK CENTER #360, MIDVALE, UT (Address) 84047 to submit the accompanying application pertaining to that property.

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

Dated this 21st day of May, 2007

Signature

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

Notary Public
BROOKE A. GORDON
142 East Spyglass Drive
Tooele, Utah 84074
My Commission Expires
November 17, 2008
State of Utah

Brooke A. Gordon
Notary Public for ~~Idaho~~ Utah

Residing at: Tooele, Utah

My commission expires: 11/17/08

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

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Ramon Yorgason (Name), 6200 N. Meeker Pl. (Address),
Boise (City), Idaho 83713 (State)

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (Name) 6995 S. UNION PARK CENTER #360, MIDVALE UT 84047 (Address) to submit the accompanying application pertaining to that property.

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

Dated this 29th day of May, 2007

Ramon Yorgason
Signature

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

Cara Graybill
Notary Public for Idaho

Residing at: Boise, Idaho

My commission expires: June 8, 2012

CARA GRAYBILL NOTARY PUBLIC STATE OF IDAHO

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Planning & Development Services

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

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

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, ANDY & KATHY COVER (Name), 6296 PLANO LN (Address)

BOISE (City), ID (State)

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (Name) 6995 S. UNION PARK CENTER #360, MIDVALE, UT 84047 (Address) to submit the accompanying application pertaining to that property.

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

Dated this 22 day of MAY, 2007

Andy Cover Kathy Cover
Signature

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

EVA FARNLUND NOTARY PUBLIC STATE OF IDAHO

Eva Farnlund
Notary Public for Idaho

Residing at: Boise

My commission expires: 3-9-2010

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Planning & Development Services

Boise City Hall, 2nd Floor
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Boise, Idaho 83701-0500

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

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Perry Harding (Name), P.O Box 1839 (Address),
Boise (City), Idaho 83701 (State),

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (Name) 6995 S. UNION PARK CENTER #360, MIDVALE, UT (Address) 84047 to submit the accompanying application pertaining to that property.

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

Dated this 25 day of MAY, 2007

Perry Harding
Signature

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

Ronni Christianson
Notary Public for Idaho

RONNI CHRISTIANSON NOTARY PUBLIC STATE OF IDAHO

Residing at: Boise

My commission expires: 6-30-2010

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

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Kelly E. TROUTNER, 2275 Continental
Name **Address**

Meridian, Idaho
City **State**

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (6995 S. UNION PARK CENTER #360, MIDVALE, UT 84047)
Name Address
to submit the accompanying application pertaining to that property.

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

Dated this 29th day of May, 2007

Signature

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

ROGER CLUBB NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho

Residing at: Boise Idaho

My commission expires: 12/28/2012

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W. CASTLE ROAD
HILL ROAD
PLANO LANE
HILL ROAD
SITE
W. OLIVE MOSE DR.
N. COLLISTER DR.
RECEIVED
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PLANNING & DEVELOPMENT SERVICES
PLANO LANE SUBDIVISION
stewart
land group
Aase's Canyon Point Application Zoning
NORTH
6/8/2007

CAR 07 00042

PLANO ROAD SUBDIVISION

Boise
6200 N. Meeker Place
Boise, Idaho 83713

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APR 04 2008
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March 31, 2008

Dear Resident,

Boise City Code requires a meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located. This neighborhood meeting was held last May. However, with the passing of time we thought it might be helpful to host another neighborhood meeting. This letter is notice of another opportunity to review and discuss Plano Road Subdivision. This is not a public hearing; public officials will not be present.

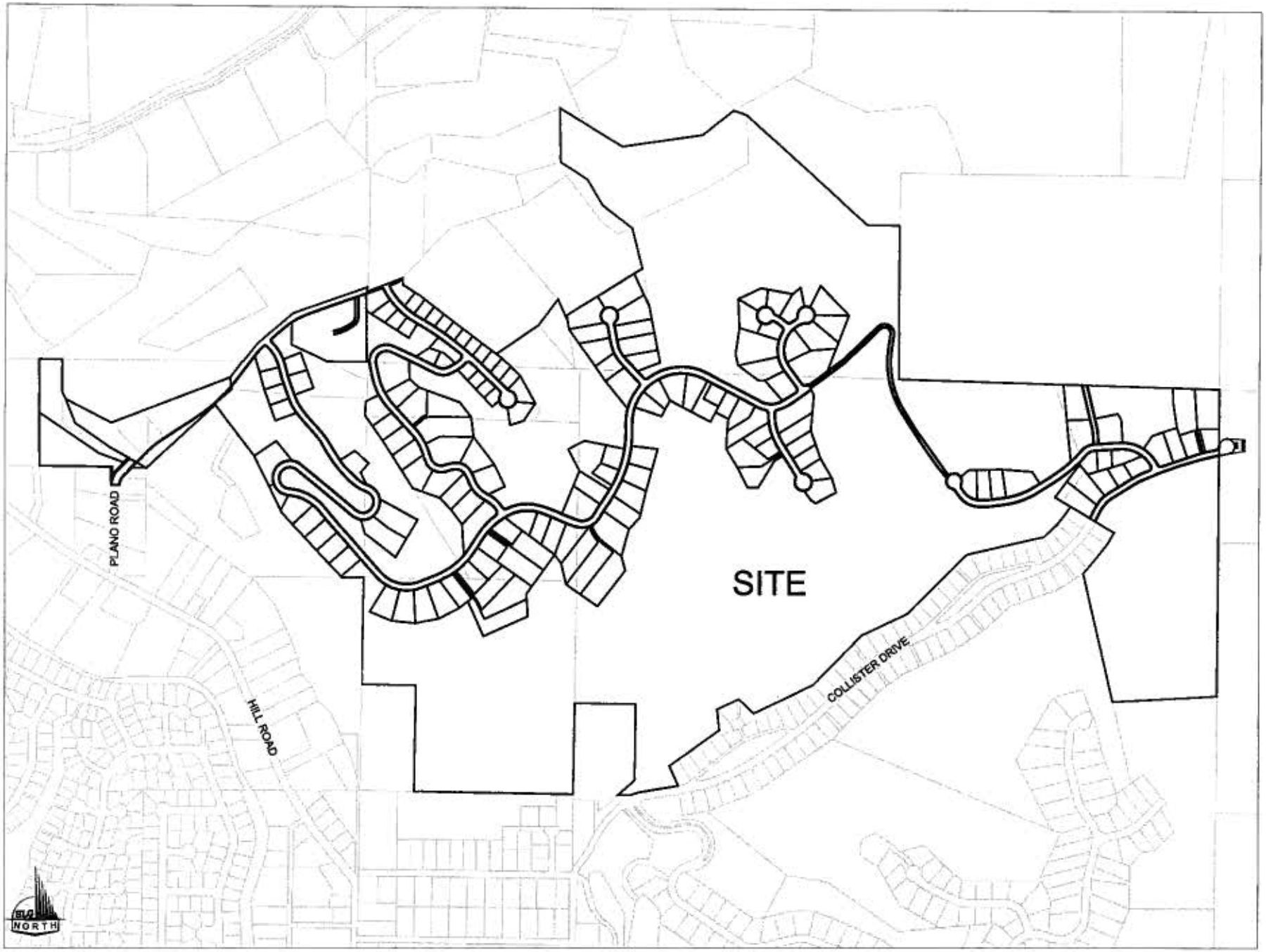
Purpose: To review and answer questions regarding Plano Road Subdivision.

When: Wednesday, April 9th, 2008 at 7:00 p.m.

Where: River Glen Jr. High Cafeteria, (6801 Gary Lane).

Project: Plano Road Subdivision will be located above Hill Road between Collister Road and Plano Lane. This proposed subdivision is located on 333 acres and provides lots for 154 single-family homes. Over 75% of the acreage will be open space preserving the natural landscape and vegetation. Applications submitted to the city are Annexation, Rezone, Hillside and Foothills Development and Preliminary Plat.

Enclosed is a site plan of the proposed subdivision. If you have questions about the meeting or proposed development project, please contact: Kerry Winn at: kwinn@stewartlandgroup.com.


PLANO ROAD
SITE
HILL ROAD
COLLISTER DRIVE
NORTH

CAPITAL DEVELOPMENT, Inc.

RECEIVED
MAY 29 2007
PLANNING & DEVELOPMENT SERVICES

April 30, 2007

Dear Resident,

Boise City Code requires an opportunity for a meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located. This meeting is to be provided prior to formal submittal of the development application to the City. This letter is such notice of an opportunity to review and discuss Plano Lane Subdivision. This is not a public hearing; public officials will not be present. (If you have any questions regarding this Boise City Code neighborhood pre-application meeting requirement, please contact the Planning Division of the Planning & Development Services Department at 384-3830.)

Purpose: To review and provide comments regarding Plano Lane Subdivision.

When: Tuesday, May 8th, 2007 at 7:00 p.m.

Where: River Glen Jr. High cafeteria, (6801 Gary Lane).

Project: Plano Lane Subdivision will be located above Hill Road between Collister Road and Plano Lane. This proposed subdivision is located on 335 acres and provides lots for 155 single-family homes. Over 75% of the acreage will be open space preserving the natural landscape and vegetation. Applications to be submitted to the city will be Annexation, Rezone, Hillside and Foothills Development and Preliminary Plat.

Enclosed is a site plan of the proposed subdivision. If you have questions about the meeting or proposed development project, please contact: Kerry Winn at: kwinn@stewartlandgroup.com.

6200 North Meeker Place Boise, Idaho 83713
Office: (208) 377-3939 Fax: (208) 375-3271

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Boise City Planning & Development Services
150 N Capitol Blvd ▪ P O Box 500 ▪ Boise, Idaho 83701-0500
Phone 208/384-3830 ▪ Fax 208/384-3753 ▪ www.cityofboise.org/pds

Pre-Application Conference

In accordance with Ordinance #5525 (Section 11-03-02 of the Zoning Ordinance), a pre-application conference with Staff and an opportunity to a meeting with neighbors within 300 feet is required.

Note: This form must be included when an application is submitted.

Applicant: Stewart Land Group — Assay's Canyon Point Development **Date:** Feb. 13, '07

Site Address: Plano Lane + Collister Road

Planning Staff

___ SR	___ TC	___ DA	___ SJ	___ RJ	___ CH	___ ACHD
X BE	___ AB	___ SS	___ WG	X TR	___ KL	___ COMPASS
___ HS	___ MP	___ KG	___ MH	___ MS	___ SS	

Proposal Description: Foothills annexation, zone change, conditional use, development agreement, Hillside applications for residential subdivision. 128 building lots on 32+/- acre. Dedication of some land to parks + Rec. Dept. Sand pit should be made safe.

Neighborhood Meeting Required: ☒ Yes ☐ No **Site Plan Presented:** ☐ Yes ☐ No

Comprehensive Planning Area: Foothills **Neighborhood:** Collister + Ridge Quail

Type of Application

X Annexation	X Rezone
___ Special Exception	X Conditional Use
___ Variance	___ Modification
___ Parking Reduction	___ Height Exception
X Density Bonus	___ Infill

Zoning District

X R-1A	___ R-1B	___ R-1C	___ R-2
___ R-3	___ R-O	___ C-1	___ C-2
___ C-3	___ C-4	___ C-5	___ L-O
___ T-1	___ T-2	___ HS	___ M-1
___ M-2	___ M-4	___ N-O	X A

Planned Development ___ Use Exception

Overlay District ___ D ___ HD ___ DD ___ P1 ___ P2 ___ P3

Airport Overlay ___ A ___ B ___ B-1 ___ C

Concurrent Reviews

Floodways (FPR) ___ FW ___ FF ___ ASF ___ Boise River System Permit Hydrology reports required

Hillside (Categories) ___ I X II ___ III Hillside required for geotech/soils + hydrology report

Subdivision Plat ☒ Yes ☐ No

Density/Far _____

Compatibility _____

Others _____

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on-line

Building Permit Required ☐ Yes ___ ☐ No X

Staff Representative

Applicant Representative

CAR 07 00042

12/01

May 8, 2007
Neighborhood Meeting Sign-in Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name	Street Address
~~Inge Spencer~~	5631 N. Cotrle 83703
Julie Klocke	4946 N. Contour Way 83703
Jim Smith	5840 N. Collister Dr. 03
Karan + Jeff Tucker	4922 W. Outlook Ave 83703
Milt Coffman	5471 Collister
Chris + Hunter Thomson	5884 N Collister
George + Wendi Kemp	5512 N. Collister Dr
Barry & Marie Waring	4955 N Collister
Kevin Ehlering	5124 W. Outlook Ave
Ethel Ficks	5600 Hill Rd.
Sarah + Todd Harris	5485 Collister
Larry + Connie McLean	5499 Collister
Ron Richter	5736 Collister
Nancy Brennan	6025 Plano Ln.
Ron Kirkham	5357 Collister
~~Jon Scantling~~	6262 PLANO
Becky Blunderson	4015 Whitehead
Donna Dattilo	5528 CASTLE HILL WAY
ERIN BRENNAN	6025 PLANO LANE
~~Bob~~ + Shasta Hook	~~5584 N. COLLISTER DR~~

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May 8, 2007
Neighborhood Meeting Sign-in Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name	Street Address
Bob & Valerie Henning	3900 W. Quail Hill Rd
Ed & Rhonda Genther	6060 Plano Lane
Mark Fogarty	4997 Collister DR
Tiffany Kelly	5570 Collister
JANET FRENCH	4517 SHIRLEY
NANCY BROSSMAN	4507 SHIRLEY
Chad Hall	5561 N Collister.
JEFF Martin	5713 N. Collister.
Sandra & GARY Hawbaker	5898 Collister DR
Susan Courtial	5613 N. Collister Dr.
BRENT Smith & Stephanie Jacon	6024 Plano Lane
Bernie Clark President Northend neighborhood Assoc.	208-859-5337
JEFF JENSEN for Lacey Cook	Boise
Bonnie Gentil	5853 N. Collister
Dave Gaven	6101 Plano LN.
Esther Cox	390 N. Cambria Way — NOT notified by developer
Gene Wortham	5620 Hill Rd
Justin + Kari Wortham	6801 Plano Ln.
Kelly TROUTNER	PLANO LN Access
REX & JOLENE BEAVER	4270 W. DEER CREEK LN

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May 8, 2007
Neighborhood Meeting Sign-in Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name	Street Address
Amy Garber	5999 Collister Drive
Lea King	5352 N. Goldie Pl.
Christine Dwello	5388 N. Goldie Place
J D Howard	8815 Pierce Park Ln
Mary Horne	5364 N. Goldie Pl.
ANDREW & SUNNY MACFARLAND	5927 COLLISTER DR
KERRY WINN	STEWART LAND GROUP 6995 S. UNION PARK CTR.
TONY BERNARDO	Stewart Land Group Midvale, UT.
Raelene McGavin	3013 N. High Desert Way Meridian, ID 83646

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Owner	OwnerStreet	OwnerCSZ
AASE'S CANYON POINTE DEV.	3750 W 500 S	SALT LAKE CITY, UT 84104
ALEXANDER BARBARA	2715 S SNOWFLAKE DR	BOISE, ID 83706
APPLETON STEVE R	2603 S SWALLOWTAIL LN	BOISE, ID 83706
AXELTON JAMES M	5955 N COLLISTER DR	BOISE, ID 83703
BAGAN JOHN LANCE	5553 N QUAIL SUMMIT PL	BOISE, ID 83703
BAGGS JAMES L	5375 N QUAIL SUMMIT WAY	BOISE, ID 83703
BAKER MICHAEL J	5595 N QUAIL SUMMIT PL	BOISE, ID 83703
BALDWIN LEE E	6060 N PLANO LN	BOISE, ID 83703
BEAVER REX E	4270 DEER TRAIL LN	BOISE, ID 83703
BENEDICT KEVIN R	10930 N BLACKTAIL PL	BOISE, ID 83714
BENJAMIN FAMILY	10062 STONE MOUNTAIN	SANDY, UT 84092
BERG DONALD H	PO BOX 204	CASCADE, ID 83611
BODDEKER MARSHALL	5826 N COLLISTER DR	BOISE, ID 83703
BOISE CITY	PO BOX 500	BOISE, ID 83702-0500
BOISE CITY	150 N CAPITOL BLVD	BOISE, ID 83706-9276
BOLANDER CORY K	5926 N COLLISTER DR	BOISE, ID 83703
BRENNAN ERIN J	6025 N PLANO LN	BOISE, ID 83703-4119
BRIARHILL HOMEOWNERS ASSOC	PO BOX 140273	BOISE, ID 83714
BROWN FLOYD L JR	5671 N COLLISTER DR	BOISE, ID 83703-3825
BUCKLES TOM R	5769 N COLLISTER DR	BOISE, ID 83703
BUTLER MICHAEL	5998 N COLLISTER DR	BOISE, ID 83703
CASEY DAN C	5870 N COLLISTER DR	BOISE, ID 83703
CASEY GEORGE E	6101 N PLANO LN	BOISE, ID 83703
CATALANO RICKY	953 S ISLAND GLENN WAY	EAGLE, ID 83616
CHASE JEFFREY	5477 N QUAIL SUMMIT PL	BOISE, ID 83703
CHRISTOFFERSON ELROY C	5741 N COLLISTER DR	BOISE, ID 83703-3827
CLARK JAMES L	8006 143RD ST CT NW	GIG HARBOR, WA 98329
COFFMAN MILTON D	5471 N COLLISTER DR	BOISE, ID 83703
COOK LAWRENCE	402 S BITTEROOT DR	BOISE, ID 83709
COSCIA ROBERT	3801 W QUAIL HOLLOW DR	BOISE, ID 83703
COURTIAL SUSAN K	5613 N COLLISTER DR	BOISE, ID 83703
COURTRIGHT PATRICK J	5612 N COLLISTER DR	BOISE, ID 83703
COVER ANDREW and KATHERINE	6296 N PLANO LN	BOISE, ID 83703
D'ANNA ROBERT S	5798 N COLLISTER DR	BOISE, ID 83703
DAVIDSON DENNIS	PO BOX 5801	BOISE, ID 83705
DEEBLE ROBERT R	5484 N COLLISTER DR	BOISE, ID 83703-3810
DEKEYREL DANIEL	5999 N COLLISTER DR	BOISE, ID 83703
DITLOW BENJAMIN H	5470 N COLLISTER DR	BOISE, ID 83703
DVORAK CARMEN	1243 HARDIN DR	EL CAJON, CA 92020
DWELLO KELVIN G	5388 N GOLDIE PL	BOISE, ID 83703
EDCOOP INC	6200 N MEEKER PL	BOISE, ID 83713
EHLERINGER KEVIN	5124 W OUTLOOK AVE	BOISE, ID 83703
ELLIOTT ANNABETH D	5698 N COLLISTER DR	BOISE, ID 83703-3826
EVANS DALE K	5758 W HILL RD	BOISE, ID 83703
FICKS ETHEL D	5600 HILL RD	BOISE, ID 83703-2950
GARBER GABRIEL M	5999 N COLLISTER DR	BOISE, ID 83703
GENTHER EDWIN	6060 N PLANO LN	BOISE, ID 83703
GENTIL MARCEL	5853 N COLLISTER DR	BOISE, ID 83703
GOTT DAVID M	5389 N GOLDIE PL	BOISE, ID 83703-3500
GREGG MICHAEL T	5631 N QUAIL SUMMIT PL	BOISE, ID 83703
HANDYSIDE NEIL A	5971 N COLLISTER DR	BOISE, ID 83703
HANSEN KATHERINE	5036 W OUTLOOK AVE	BOISE, ID 83709
HARDING MARY	3748 W QUAIL HOLLOW DR	BOISE, ID 83703
HARDING PERRY C	PO BOX 1839	BOISE, ID 83701

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HARP CHAD D	5561 COLLISTER DR	BOISE, ID 83703-3811
HARRIS TODD	5485 N COLLISTER DR	BOISE, ID 83703
HAWBAKER GARY	5898 N COLLISTER DR	BOISE, ID 83703-3830
HAY BENJAMIN M	5357 N GOLDIE PL	BOISE, ID 83703
HAYES MARK A	5498 COLLISTER DR	BOISE, ID 83703-3810
HEIMER DAVID A	5854 N COLLISTER DR	BOISE, ID 83703
HEIMER JOHN T	4201 N BLUE WING PL	BOISE, ID 83714
HELMS HERMAN G	5584 N COLLISTER DR	BOISE, ID 83703
HLADIK VLADI	5799 N COLLISTER DR	BOISE, ID 83703
HOLMSTEAD MARY JO	5941 COLLISTER DR	BOISE, ID 83703-3832
HOOK SUSAN D	5684 N COLLISTER DR	BOISE, ID 83703
HORNE CRAIG S	5364 N GOLDIE PL	BOISE, ID 83703
IVERSON RUSSELL T	5020 W OUTLOOK AVE	BOISE, ID 83703
JLC INVESTMENTS INC	PO BOX 44354	BOISE, ID 83711
JONES GLENN D	5527 COLLISTER DR	BOISE, ID 83703-3811
JONES VICTOR L	5727 COLLISTER DR	BOISE, ID 83703-3827
KALIHER GARY E	3719 W QUAIL HOLLOW DR	BOISE, ID 83703
KEELEY CHRISTIAN	5570 COLLISTER DR	BOISE, ID 83703-3812
KELLEY TIMOTHY K	5699 N COLLISTER DR	BOISE, ID 83703-3825
KING JOHN F	5352 N GOLDIE PL	BOISE, ID 83703-3500
KIRKEMO RONALD B	58 W SUTTER DR	EAGLE, ID 83616
KOLB KEVIN SCOTT	5627 N COLLISTER DR	BOISE, ID 83703-3825
LARKIN JULIE G	5395 N GOLDIE PL	BOISE, ID 83703-3500
LAZECHKO ROBERT J	5770 N COLLISTER DR	BOISE, ID 83703
LEASURE LARRY	416 S 08TH ST STE 200	BOISE, ID 83702
LIEN GEORGINE A	10531 SILVER CITY CT	BOISE, ID 83704
LITTLE GARY AND DEBBIE	PO BOX 140076	BOISE, ID 83714-0076
LOKKEN ROBERT C	5802 W HILL RD	BOISE, ID 83703
MACFARLAND SONYA M	5927 N COLLISTER DR	BOISE, ID 83703
MARTIN JEFFREY	5713 N COLLISTER DR	BOISE, ID 83703
MATTHEWS KRISTIN A	5912 N COLLISTER DR	BOISE, ID 83703
MCDONALD JAMES A	5784 COLLISTER DR	BOISE, ID 83703-3828
MCGILL EARL	8832 GODDARD PL	BOISE, ID 83704-3119
MCLEAN LAWRENCE J	5499 COLLISTER DR	BOISE, ID 83703-3809
MINERVA LP	PO BOX 812	RAYMOND, WA 98577
MOHN DANIELLE	2896 CARMELO DR	HENDERSON, NV 89052-4072
MORIARTY BLAINE M	5640 N COLLISTER DR	BOISE, ID 83703
NUNES RICHARD G	504 WILSON AVE	SACRAMENTO, CA 95833-2238
O'CONNER ANTHONY P	17 MESA VISTA DR	BOISE, ID 83705-5972
OGDEN MARSHALL D	7000 N PLANO LN	BOISE, ID 83703
OUTLOOK HEIGHTS HOMEOWNERS	5389 N GOLDIE PL	BOISE, ID 83703
PACIFIC NORTHWEST PROPERTIES	4914 DENTON ST	BOISE, ID 83706-1943
PAFLIAS ALEX H	5813 N COLLISTER DR	BOISE, ID 83703
PAFLIAS PETROS H	3900 W OVERLAND RD	BOISE, ID 83705
PAGANO SALVATORE	3484 WILLIS DR	NAPA, CA 94558
PETERSON GENE V	5899 COLLISTER DR	BOISE, ID 83703-3829
PHILLIPS ROGER L	5585 N COLLISTER DR	BOISE, ID 83703
PICKER JASON	5446 N COLLISTER DR	BOISE, ID 83703
PLAIN AARON D	PO BOX 713	IDAHO CITY, ID 83631
POLLARD FRANK J	5940 N COLLISTER DR	BOISE, ID 83703
POURHAMZEH ARDAVAN	37798 PEACHTREE CT	FREMONT, CA 94536
QUAIL RIDGE NEIGHBORHOOD ASSOC	PO BOX 140273	BOISE, ID 83714-0273
RAYMONDI RICHARD R	5670 COLLISTER DR	BOISE, ID 83703-3826
REGIONAL HOLDINGS LLC	6610 Overland Rd.	BOISE, ID 83709
RICE HEATHER B	1770 W STATE ST # 194	BOISE, ID 83702

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RICHTER JAMES M	5827 N COLLISTER DR	BOISE, ID 83703
RICHTER RONALD	5736 N COLLISTER DR	BOISE, ID 83703
ROSE CORY	5985 N COLLISTER DR	BOISE, ID 83703
ROTH PATRICIA J	5755 N COLLISTER DR	BOISE, ID 83714
RUSSELL ROBERT M	6091 E GATEWAY CT	BOISE, ID 83716
SALINAS SANTOS L	5543 S COLLISTER DR	BOISE, ID 83703
SCANTLING DONALD J & SANDRA D	6262 N PLANO LN	BOISE, ID 83703-2918
SCHNEIDER STEVEN L	3775 W QUAIL HOLLOW DR	BOISE, ID 83703
SCHUKNECHT LOWELL A JR	5352 W HILL RD	BOISE, ID 83703-2944
SCOTT RICHARD W	5674 N QUAIL SUMMIT PL	BOISE, ID 83703
SHARP THOMAS WAYNE	5913 COLLISTER DR	BOISE, ID 83703-3832
SILVERSTONE DEVELOPMENT LLC	2000 S EAGLE RD	MERIDIAN, ID 83642
SIMEONE KENNETH R	5685 N COLLISTER DR	BOISE, ID 83703
SMITH FRANKLIN B IV	6024 N PLANO LN	BOISE, ID 83703
SMITH JAMES F III	5840 COLLISTER DR	BOISE, ID 83703-3830
STEVENS MICHAEL C	5542 N COLLISTER DR	BOISE, ID 83703
STOUT JOANN FIFER	PO BOX 7053	BOISE, ID 83707
SULJANOVIC CAMIL	2922 S ANDROS WAY	MERIDIAN, ID 83642-4642
SUNDVIK GARY	5012 W OUTLOOK AVE	BOISE, ID 83703
TABOR MIKE	6063 N PLANO LN	BOISE, ID 83703
TATILIAN ROBERT STANLEY	4916 W OUTLOOK AVE	BOISE, ID 83703
TEPFER GITA M	5984 N COLLISTER DR	BOISE, ID 83703
THOMSON CHRISTOPHER D	5884 N COLLISTER DR	BOISE, ID 83703
TROUTNER KELLY	2275 E CONTINENTAL DR	MERIDIAN, ID 83642
TROUTNER PAUL	5277 KOOTENAI ST APT 225	BOISE, ID 83705-2679
TUCKER JEFFREY T	4922 W OUTLOOK AVE	BOISE, ID 83703
TURNER RICHARD K	5526 N COLLISTER DR	BOISE, ID 83703
UECKER MARK E	5108 W OUTLOOK AVE	BOISE, ID 83703
VASILENKO MICHAEL JR	3757 W QUAIL HOLLOW DR	BOISE, ID 83703
VULGAMORE ROCKY N	5571 N COLLISTER DR	BOISE, ID 83703
WALKER DEBRA A	19170 NE 43RD CT	SAMMAMISH, WA 98074
WATTS JOHN D	5954 COLLISTER DR	BOISE, ID 83703-3831
WEISMAN NELSON C	5006 W OUTLOOK AVE	BOISE, ID 83703
WELCH JAMES	1842 E FIRESIDE CT	MERIDIAN, ID 83642
WHEELER WENDY M	5512 N COLLISTER DR	BOISE, ID 83703
WILSON PETER L	5380 HILL RD	BOISE, ID 83703-2944
WILT ROBERT	5411 N QUAIL SUMMIT WAY	BOISE, ID 83703-3867
WORK WILLIAM C	5553 COLLISTER DR	BOISE, ID 83703-3811
WORTHAM GENE R	5620 W HILL RD	BOISE, ID 83703-2950
WORTHAM JUSTIN G	6801 N PLANO LN	BOISE, ID 83703
WRIGHT MICHAEL V	885 W BEACON LIGHT	EAGLE, ID 83616
YORGASON J RAMON	6200 N MEEKER PL	BOISE, ID 83713
YOUNG NORMAN C	5712 COLLISTER DR	BOISE, ID 83703-3828
ZELINSKY RYAN	8001 MANOR RD	LEAWOOD, KS 66206
ZUBER CRAIG A	6009 N DUXBURY PIER AVE	GARDEN CITY, ID 83714

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: WENDY KEMP
Street Address: 5512 N. COLLISTER DR., BOISE, ID 83703
Phone Number: 863-1312 GEORGEANDWENDYKEMP@GMAIL.COM

Comments:
CAN YOU EMAIL ME THE COLOR MAP & DIAGRAM (GRID)?
THE "BOISE FOOTHILLS CONCEPT PLAN"

THANK YOU

SENT 5/14/07

May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Kelly Troutner
Street Address: 2275 Continental
Phone Number: 941-0137

Comments:
Kerry, Please call me at 941-0137
TO DISCUSS MOVING THE RD. TO THE
EAST SIDE OF MY PROPERTY

Thank You!

KT CONSTRUCTION@CLEARWIRE NET

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Proposed Plano Lane Subdivision off of Hill Rd.

Name: JANET A. FRENCH
Street Address: 4517 SHIRLEY AVE
Phone Number: 639-9627

Comments:

1. Please do not consider keeping the Collister Neighborhood Association well-informed as an option. The best results come from a productive partnership of interests and respect of concerns.
2. Never assume any development in the Collister neighborhood is a given.
3. I have serious traffic and fire protection reservations about the project. Will ACDH require stoplights at Collister + Hill?
4. Hate the idea of houses on ridgelines.

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Faye Spencer
Street Address: 5683 N. Citadel Way Boise 83703
Phone Number: 208-331-5683

Comments:

I am concerned about traffic impact. There is more @ issue than % of possible usage projected — Increased traffic in what was a quiet residential street is now being used as a thoroughfare is a problem.

Also traffic back up @ Collister & Hill, Collister & State, Pierce Park & Hill/Castle/State. These are already congested & peak traffic times regardless of what the % usage has not peaked

Also I object to obliteration of foothill vista scape by topping ridges.

I want to be notified of all future public meetings in this process.

CAR 07 00042

Proposed Plano Lane Subdivision off of Hill Rd.

Name: Ron Kirkemo
Street Address: 5357 Collister (58 W. Sutter Dr, Eagle Mailing addr. 83616
Phone Number: 939-7116

Comments: You have my support!
Please E-Mail me a pdf file if you can will do that & can print off a copy of your plan. Thanks Ron

LM 5/14/07

Possibly wants to buy some property

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Jeff Martin
Street Address: 5713 N. Collister Dr.
Phone Number: (208) 342-2168 (HA CONST.)

Comments: Please give me a call in regards to the conservancy.

LEFT MESSAGE 5/14/07
5/21/07

CAR 07 00042

May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: J S JEAP
Street Address: N 97TH
Phone Number: 952-3387

Comments: BUILD it! — STOP TALKING FARM GROUND OUT OF PRODUCTION

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Proposed Plano Lane Subdivision
Neighborhood Meeting Notes
May 8, 2007
Kerry Winn, Stewart Land Group – Presenter

Meeting brought to order at 7:10 p.m.

Kerry Winn; Welcome to the Proposed Plano Lane Subdivision Neighborhood Meeting. I am from Utah with the Stewart Land Group representing the proposed Plano Lane Subdivision Plan for the developers.
The ground rules for the meeting are as follows: I'll present information regarding the proposed Plano Lane Subdivision (approximately 15 minutes) and then take your questions. If you have not signed up on the sign-up sheets yet please do so before you leave as it is a requirement of the City of Boise to show that we had the Neighborhood Meeting tonight.
In addition, we have also provided you with a Comment Sheets that you can write down any additional questions and concerns that you may have but you did not get the chance to ask during this meeting. I will personally get back to each of you within two weeks of tonight's meeting if you provide me with your contact information. Thank you!

Note: One person in the crowd was very distraught and disruptive during the opening introduction. His main concern was "traffic" and not being able to "walk his dog safely." "What are you doing here? Go back to Utah because we don't want you here." He kept interrupting Kerry and was finally asked to stop and let Kerry speak by someone in the audience. He finally left the meeting shortly afterward as he could not contain his angry comments.

Overview (Kerry):
The proposed Plano Lane Subdivision is in the Foot Hills off of Plano Lane which is off Hill Road and is bordered by Collister Road on the East side of the development. The proposed development is approximately comprised of 335 acres. The proposed subdivision plan plat has a total of 155 homes planned to be built which approximately comes to one home per two acres.
The engineers and developers have been working with the City of Boise Planning and Zoning for two years to come to agreements as to the proposed subdivision. The team has had to comply with both the Boise Foot Hills Comprehensive Plan as well as the Boise City Comprehensive Plan.
In order to have a subdivision there are very restrictive guidelines that must be met. The most strenuous is the "25% slope or less" requirement in order to get a building site in the Foot Hills.
In addition to meeting the "25% slope or less" requirement, the engineers and developers have met five of eleven other requirements to qualify for "Bonus Density" noted to "benefit the public" that will permit us to submit the Preliminary Plat and proposed subdivision applications to the City of Boise for this project. One of the benefits is to provide access for a trailhead in the "Pole Cat Reserve" off of Collister road.

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The Main entrance for the subdivision will be off Plano Lane that comes directly off of Hill road with the secondary access, a requirement of the Fire Department, off of Collister Road.
The city owns the first 700 feet of Plano Lane immediately off of Hill Road. Once the development is completed and all the roads completed to ACHD standards there will be a final dedication to the city of all the projects roads by the Developers.

Note: At this point in time Kerry was interrupted constantly and unable to continue with the presentation. He decided to open the meeting up to questions from the audience.

Q: How wide is the Plano Road currently?
A: Plano Lane is approximately 15 feet, however, in the proposed plan it will likely be widened to 30 feet.

Q: Traffic issues on Collister road are a main concern and if it is used as a secondary access road will it have a locked gate on it to prevent everyone traveling on it?
A: No, the fire department requires accessibility at all times. Once again, the Main entrance will be off of Plano Road.

Q: Is it going to cost us any money to build the roads?
A: No, the Developers will pay $3,500.00 per lot as Impact Fees to ACHD. These fees help provide for road improvements. Compass, a local company, has worked with ACHD and the Department of Transportation to provide the Capital Improvement Plan for the road system updates in Boise including widening Hill Road to three lanes. The Capital Improvement Plan timeframe for widening this road is between the years 2011 and 2015. We also performed a traffic study that will be included, as a public record, in our application to the city at the end of this month.

Q: How much traffic will there be?
A: According to the traffic study there will be an additional 8 to 9 trips per day from each lot. From the main entrance the study showed 60% of the traffic flow will travel East on Hill road towards Collister Road and 40% of the traffic flow will travel West on Hill Road towards Pierce Park.

Q: On Collister we currently have on-street parking will this change?
A: The laws pertaining to public roads should continue, however, the State of Idaho Transportation department should have information regarding this available for anyone who wants to inquire.

Q: Will ACHD put speed-bumps in on Collister?
A: That is entirely up to ACHD.

Q: Are sidewalks included and do the homeowners have to pay for them?
A: No, the developers will be responsible for building and paying for all of the sidewalks and improvements within the subdivision.

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Q: Is this development in Ada County or Boise City? What is the current zoning for the area?
A: We are submitting the application to have the subdivision Annexed into the City of Boise. The zoning will be for single family residences but does not apply to Ada County as we are making application to the City of Boise. There are five applications including Re-zoning application and Annexation that will be made concurrent of each other during this process.

Q: Will there be a stop light installed at the intersections?
A: Once again, that is up to ACHD the Capital Improvement Plan calls for future stop lights at Hill and Collister roads and Hill and Pierce Park.

Q: What about sewer and water?
A: With re-zoning into the City of Boise it is a requirement to be hooked up to City of Boise for the sewer. We are planning on having a water tank (points to "sand pit" area on the plat map) that will supply water to the subdivision.

Q: What are the lot sizes?
A: 1/3 to ½ acre lots. Patio homes are planned in this area (points to Plat map) with 75 foot frontage.

Q: What is the price of the lots and homes to be built?
A: You'll have to ask a Realtor as I am not qualified to say at this time.

Q: Is this going to be a High-end subdivision?
A: Yes, this will be a High-end subdivision as it will be very expensive to engineer each lot and provide the infrastructure for the subdivision. The subdivision will take approximately 7 – 10 years to build.

Q: Will there be a lot of traffic from the Construction vehicles on Collister?
A: I don't know the answer to that as it will probably be up to the contractors who are building the road. They will look to access the construction site from the most convenient roads.

Q: What is the timeframe for this development?
A: First they will construct the main road and infrastructure. The Development will be completed in three phases that should take approximately 7 – 10 years to construct, market and sell all of the lots.

Q: What kind of subdivision will this be?
A: Single family residence.

Q: Do you own the land or is it option and since you have so much land will there be any future developments in this area?
A: First answer; Yes we own 95% of the land the other 5% is currently under contract. The second answer; As far as our property in the application to the City of Boise we are

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required to sign a Development Agreement. This contract states exactly what is to be built and will not allow any additional building sites and or development on the 335 acres above the Development Agreement. However any future changes or what other individuals do with their own property in the foothills or whoever purchases their land (developers) they will have to go through the same process that we did to meet the Boise Foot Hills Comprehensive Plan and the City of Boise Comprehensive Plan and then go before the Commissioner hearings to get approval for their development.
In our plan we also are dedicating a lot of open space (acres) on the South side (points to map) of the Foot Hills for a dedicated Conservancy area. We hired a local botanist to locate and map out the areas of the "Aase" onion plant. This plant is on the rare plant species list and is mostly on the South and West facing slopes of these Foot Hills in what appears to be the highest concentration to be found anywhere in the State of Idaho. To protect this species, this open area will be likely be dedicated to the Treasure Valley Land Trust or the Parks and Recreational Department and they will be in charge of the dedicated Conservancy area. This is also one of the 11 requirements that were outlined as for "public benefit" that we have met to make this application. We meet 5 of the 11 requirements. This dedication of the Conservancy area will also be included in the Development Agreement.

Q: There is an ongoing concern for Fire safety in the Foot Hills. Are you going to build fire suppression into the subdivision?
A: We are working with the Boise Fire Chief to ensure that we are following their recommendations and guidelines for fire suppression in the foothills.

Q: When will the decision be made to start to build the subdivision?

Note: At this point in the meeting there were a lot of remarks from various individuals and they started to disengage from the meeting. One person spoke out and said that Kerry was trying to imply that the subdivision was all ready approved (this was not the case as my previous notes state that Kerry was informing everyone of the process and WHERE the developers were in the process.)
This same individual stated that they would "shut down this subdivision" just like they "shut down the Fire Station." He also stated that this was a Public Forum and they could say and do what they liked. The individual then asked for everyone's name and phone number so they could have time to organize to "shut them down."
Kerry asked that they wait until after the meeting was concluded so he could finish answering the questions from the audience and that they were more than welcome to stay after the meeting adjourned.

Kerry also stated that if he hadn't made it clear by now that this Neighborhood Meeting was only the beginning of the application process. He went on to say that once the application to the City of Boise had been made for full Entitlement then the Neighbors would be notified of the Commissioners Meetings and then they would be given the opportunity to oppose the project.

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Another person stood up, very upset, and spoke of not getting notified in time (she was a member of the Collister Neighborhood Association Board. Kerry's response was to let her know that within the Boise City Neighborhood Meetings requirements that the neighbors within a 300 feet of the subject property were notified and that there were only three Neighborhood Associations notified, however, the Collister Neighborhood Association's address did not come up within the 300 foot perimeter. He apologized and offered to meet with them again for a separate meeting which he had all ready set up prior to starting the Neighborhood Meeting with Julie Kloke, President, of the Collister Neighborhood Association (tentative made for May 30th.)
He assured everyone that the City of Boise would notify them of the proposed hearing dates.

After this Kerry got the meeting back on tract even though there were still many side conversations taking place making it very difficult to hear what was being discussed.

Q: Can we get a copy of the traffic study from you?
A: Once again, when the applications are in the traffic study will be part of the application and at that time it is a public record and anyone can have access to it. Compass has the proposed plan for the road improvement for Hill Road and Collister.

Q: Is ACHD directly involved in the subdivision and how much is it going to cost us?
A: No, not as of yet, ACHD will be officially notified for comments when application for the subdivision is made. However we have been working with ACHD to get ready for submitting our application to the City of Boise. As stated before the cost of the road construction is part of the impact fees paid by the developer.

Q: Are homes going to be built on top of the ridge?
A: Yes, on most of the ridges on top we have planned to build homes (pointing to plat map on the screen.)

Q. Why not build homes down below on the section of land at the end of Collister road?
A. We are limited to building on the 25% or less slopes. The developer is limited to building in the areas shown in their application only.
In addition, even though through the Bonus Density (resulting from meeting five of the other eleven requirements as stated before) would allow the developers to build an additional 30 lots, however, they are opting NOT to build any more lots because they want to maintain a "QUALITY" subdivision.

Q: Can we get the Traffic study and other reports now?
A: After the application to the City of Boise is made all records included in the application are then considered a public record and available upon request.

The noise from all of the other side conversation made it very difficult to continue the meeting. Kerry asked if there were any other questions... NO RESPONSE

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Kerry thanked everyone for coming to the meeting and once again informed everyone that he would be available after the meeting to discuss in further questions or concerns from those individuals who still had questions to ask that he did not cover during the meeting.

He asked once again that everyone fill out a Comment Sheet and sign the Sign-in Sheet before they left.

Meeting adjourned at 8:45 p.m.

Prepared by Raelene McGavis

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10 B

Development Agreement

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made by and between (i) **CITY OF BOISE CITY**, Idaho (the "City"); and (ii) **AASE'S CANYON POINTE DEVELOPMENT, LLC**, a Utah limited liability company ("ACPD"), and **CAPITAL DEVELOPMENT, INC.**, an Idaho corporation ("CDI," and jointly with ACPD the "Developer").

RECITALS

A. Developer owns all of that certain real property located in Ada County, Idaho, more particularly described in **Exhibit A** (the "Property") attached hereto and incorporated herein.

B. Applications for this development include: annexation, rezone, and development agreement application number CAR07-00042/DA (the "Rezone"), conditional use permit application number CUP07-00084 (the "CUP"), hillside and foothill area development permit application number CFH07-00022 (the "Hillside Permit"), and preliminary subdivision plat application number SUB07-00065 (the "Preliminary Plat," and together with the Rezone, the CUP, and the Hillside Permit, the "Development Applications").

C. Developer has entered into private agreements with those certain additional parcels of real property owned by others generally lying between the southwesterly boundary of the Property and the existing terminus of N. Plano Way (the "Additional Parcels") over which a portion of the right-of-way required by ACHD extends. Legal descriptions of the Additional Parcels, which are not subjected to the terms of this Agreement, are attached hereto and incorporated herein as **Exhibit B**. A map depicting the current zoning of the parcels comprising the Property and the Additional Parcels is attached hereto and incorporated herein as **Exhibit C**.

D. Pursuant to Idaho Code Section 67-6511A and Boise City Code Sections 11-08-08 and 11-06-05.07, the City has the authority to conditionally rezone the Property and to enter into a development agreement for the purpose of allowing a specific development to proceed after a determination has been made that a proposed rezone by itself is not appropriate but that the use of a development agreement could allow development to proceed under stricter restrictions than those imposed generally in the proposed zoning district. Pursuant to the Foothills Planned Development Ordinance, a development agreement is required for all foothills development.

E. The City has determined that the development of the Property pursuant to Residential District R-1A/DA and Open Land District A-1/DA is not appropriate without the use of a development agreement to allow the development to proceed under the stricter restrictions set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants, conditions, and terms set forth below, the parties agree as follows:

1. **Zoning Designations**. Pursuant to the City's approval of the Rezone, the Property is being zoned in part R-1A/DA, for the developed lots on the Property, and in part A-1/DA, for the permanent open space lots, for development in accordance with the concept plan depicted in **Exhibit D** attached hereto and incorporated herein. Full sized copies of the concept plan depicted in Exhibit D shall also be initialed by each of the signatories to this Agreement and be retained in the respective records of the City, ACPD, and CDI for future reference and use in the event of any controversy or disagreement arising under this Agreement.

2. **Development of Property**. The development and use of the Property shall conform in all material respects with this Agreement and all conditions of approval (the "Conditions of Approval") adopted by the City in connection with its approval of the Development Applications, as such Conditions of Approval in the CUP may hereafter be amended in accordance with the procedures provided by the Boise City Code, and Developer shall have the right to develop and use the Property in accordance with the terms of such approved Development Applications. The maximum number of buildable lots and their use allowed for the Property are 155 residential lots. The development of the Property shall be as depicted on the preliminary and final plats.

3. **Acquisition of Road Right-of-Way**. Prior to any preliminary plat approval being issued for any portion of the Property, Developer shall secure all approvals and rights necessary for a right-of-way to construct the extension of N. Plano Way across the Additional Parcels to the Property as depicted in **Exhibit E** attached hereto and incorporated herein (the "Road Extension") and provide City with evidence establishing the existence of such approvals and rights. Additionally, in conjunction with recording a final plat for any portion of the Property, Developer shall dedicate (or cause to be dedicated) to ACHD the Road Extension, the location of which has previously been approved by ACHD.

4. **Preservation of Aase's Onion**. Pursuant to Boise City Code 11-06-05-07-04.C, the Aase's onion shall be preserved as follows: Prior to recording a final plat for any portion of the Property, ACPD and CDI shall both (a) convey those portions of the Property depicted in Exhibit D as "Onion Conservancy" and described in **Exhibit F** attached hereto and incorporated herein to the Land Trust of the Treasure Valley (the "Land Trust") in fee simple, or to such other similar entity as may be approved by the director of the City's Planning and Development Services Department (the "Planning Director"), and (b) enter into a written agreement with the Land Trust or other approved entity for the protection and preservation of such onion fields on terms approved by the Planning Director.

5. **Improvement of Trail Head Access and Parking and Conveyance of Right-of-Way**. Pursuant to Boise City Code 11-06-05-07-04.C, a trail head shall be developed and approved as follows: ACPD and CDI shall construct (or bond for construction) on property owned by the City (for dedication to ACHD) a standard ACHD-approved cul-de-sac and gravel parking lot (with up to twelve parking spaces) for a park trail head in the location shown in the Development Applications and **Exhibit G** attached hereto and incorporated herein, which shall be constructed in accordance with the specifications and requirements of the City's Department of Parks and Recreation and with the Conditions of Approval in the CUP. Developer shall also (a) convey to ACHD in conjunction with and prior to recording a final plat for any portion of the

Property such road right-of-way as required to extend the existing terminus of N. Collister Dr. to Polecat Gulch Reserve in accordance with ACHD standards and the Conditions of Approval in the CUP, and (b) construct (or bond for construction) the extension of N. Collister Dr. from its existing terminus to Polecat Gulch Reserve in accordance with ACHD standards and the Conditions of Approval in the CUP.

6. **Development of Sand Pit.** Parcel #S0617348400 is currently a sand pit. The sand pit could become an attractive nuisance if left in a non-graded disposition after each phase of development. This parcel shall be filled in with all the grading overage materials and be revegetated in native landscaping with viable native plants capable of eventually sustaining themselves. This parcel shall be developed with access to it and a foot trail extending through it, and be graded to conform to the surrounding contours to represent the natural geography under the angle of repose (without structures, hardscaping, irrigation systems or other constructed improvements or amenities). The parcel shall be maintained by the homeowners association established with respect to the Property (the "Homeowners Association"). The City recognizes that the fill in the sand pit can be completed only at the final build-out phase of the development, after all the grading is completed. However, it is the responsibility of the Developer to leave those portions of the sand pit in which it has deposited or extracted materials in a smooth contoured state at the completion of grading with respect to each plat, such that it resembles the natural contours in a 2 to 1 or less slope. Those portions of the parcel that are improved to finished grade shall be revegetated in accordance with the revegetation plan (or bonded for 150% of the construction and planting costs). The conditions, covenants, and restrictions for all phases of development of the Property shall require the Homeowners Association to maintain the foot trail and keep it open for use following its construction, to assist in the protection and preservation of the Aase's onion.

7. **Permanent Open Space.** Pursuant to Boise City Code 11-06-05-07-04.C, the following features shall be platted as permanent open space and be maintained by the Homeowners Association: (a) that portion of parcel #S0620110108 that lies south of Collister Road and any other riparian areas on the same parcel, and (b) any wetlands area as sited in the ecological design report on file at the City.

8. **Mitigation of Visual, Fire, and Wildlife Impacts of the Development.** The *Foothills Policy Plan* policies recommend building and site design methods and criteria that would serve to mitigate the visual impact of ridgeline developments. These policies must be balanced with project design conventions that provide a safe and functional suburban setting. Therefore, the design and layout of all structures in the development shall comply with a binding set of design criteria with the combined purpose of lessening the visual impacts of the structures when viewed from the valley, reducing the threat from wildfires, and mitigating wildlife concerns. These design criteria shall include (a) restrictions on building heights, exterior finishes and colors, building setbacks from the crown of prominent or visible ridges, window pane reflectivity, lighting, building orientation, and siting to minimize impacts on unique geologic features or sensitive plant species, (b) provisions for fire safety as set forth in the *Plano Road Fire Prevention Plan*, dated May 31, 2007, submitted with the Development Applications and subsequently amended as directed by the Boise Fire Department to include specific landscape strategies and plant species, an action plan for emergency evacuation, recommendations for

building materials, and site layout to minimize the threat of wildfires, and (c) provisions to meet fish and game concerns and objectives. The design criteria will be listed as conditions of approval in the CUP, which shall specify those provisions applicable to each residential lot and be subject to amendment requirements of that permit. The CUP will also include an exhibit that defines the building envelopes for each buildable lot that will be reviewed and approved with the design criteria as above described.

The process for the design review will be as follows:

(a) When a building permit application is submitted to the City's Planning and Development Services Department, the structure and site layout will undergo an administrative review by the Planning Director or Design Review staff ("Staff") for compliance with the design criteria adopted in the CUP.

(b) Grading and fence permits shall also be subject to the design criteria.

(c) Staff will conduct a site inspection for compliance with the design review and be required to sign-off the applicable letter of occupancy when compliance is met.

(d) The design criteria shall also be adopted by the Homeowner's Association, which shall review and approve all remodels and site changes after a certificate of occupancy has been issued, with the City only having design review responsibilities when a certificate of occupancy is required.

9. **Default.** Subject to any future minor modifications of the Conditions of Approval made pursuant to administrative approval by the City, or other amendment of this Agreement made pursuant to Boise City Code Section 11-08-08(H), Developer's failure to comply with all of the commitments imposed on it under this Agreement shall be deemed a consent for the City to rezone the Property to a zone deemed appropriate by the Boise City Council following notice and hearing in accordance with the requirements of Boise City Code Sections 11-08-08(I) and (J).

10. **Waivers.** A waiver by the City of any default by Developer of any of the requirements imposed on it under this Agreement shall not bar any rights or remedies of the City with respect to any subsequent or further default by Developer.

11. **Notices.** Any and all notices required to be given by the parties hereto shall be in writing and be deemed given when deposited in the United States mail, certified, return receipt requested, addressed as follows:

The City:	Director, Planning and Development Services Department Boise City Post Office Box 500 Boise, Idaho 83701-0500
The Developer:	Joe Johnson AASE's Canyon Pointe Development, LLC 8989 South Schofield Circle Sandy, Utah 84093
and	J. Ramon Yorgason Capital Development, Inc. 6200 North Mecker Place Boise, Idaho 83713

A party shall give notice of any change of its address for the purpose of this section by giving written notice of such change to the other parties in the manner herein provided.

11. Attorney Fees. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination, or forfeiture of this Agreement.

12. Time Is of the Essence. The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every covenant, condition, and term hereof and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.

13. Binding Upon Successors. This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns, and personal representatives, be binding on each and every owner of the Property, each subsequent owner, and each other person acquiring an interest in the Property, and shall run with the land.

14. Requirement for Recordation. Developer shall cause this Agreement, including all the exhibits, to be recorded by the Ada County Recorder prior to the formal adoption of the Rezone by the City, and Developer's failure to comply with this section shall be deemed a default of this Agreement. Any amendments or modifications to this Agreement shall also be recorded prior to the formal approval of the amendment taking effect.

15. Effective Date. This Agreement shall be and become effective with and upon publication of the approved Rezone.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates opposite each signature below.

CITY:

CITY OF BOISE CITY

DATED:_____, 2008

By:_____
Mayor Dave Bieter

ATTEST:

DATED:_____, 2008

_____
City Clerk

DEVELOPER:

AASE'S CANYON POINTE DEVELOPMENT, LLC, a Utah limited liability company

DATED:_____, 2008

By:_____
Joe Johnson, Manager

CAPITAL DEVELOPMENT, INC.,
an Idaho corporation

DATED:_____, 2008

By:_____
J. Ramon Yorgason, President

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 200__, before me _____, personally appeared _____, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument as _____ and acknowledged to me that [he/she/they] executed the same as such _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

STATE OF UTAH)
) ss.
County of Salt Lake)

On this _____ day of _____, 200__, before me _____, personally appeared **JOE JOHNSON**, known or identified to me (or proved to me on the oath of _____) to be the Manager of **AASE'S CANYON POINTE DEVELOPMENT, LLC**, a Utah limited liability company, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
NOTARY PUBLIC FOR UTAH
Residing at _____
My Commission Expires _____

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 200__, before me _____, personally appeared **J. RAMON YORGASON**, known or identified to me (or proved to me on the oath of _____) to be the President of **CAPITAL DEVELOPMENT, INC.**, an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

EXHIBIT A

(Legal Description of Developer's Property)

LEGAL DESCRIPTION

A parcel of land located in Sections 17, 18, 19, and 20, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The North line of Section 20, Township 4 North, Range 2 East, Boise Meridian, derived from found monuments and taken as South 88°43'54" East with the distance between monuments found to be 5,284.21 feet.

BEGINNING at the Northeast corner of Section 20, Township 4 North, Range 2 East, Boise Meridian, thence along the East line of said Section 20 South 00°00'29" West a distance of 1,893.36 feet to a point from which the East 1/4 corner of said Section 20 bears South 00°00'29" West a distance of 732.12 feet;
thence leaving said East line South 82°44'52" West a distance of 639.45 feet;
thence North 13°09'17" West a distance of 851.05 feet to the Southeasterly Boundary of Briarhill Subdivision No. 3, Book 42, Page 3413;
thence along the boundary of said Briarhill Subdivision No.3 the following nine(9) courses:
North 38°38'55" East a distance of 236.07 feet;
North 29°38'55" East a distance of 84.14 feet;
North 60°21'05" West a distance of 310.00 feet;
South 37°38'55" West a distance of 130.01 feet;
South 45°38'55" West a distance of 120.00 feet;
South 76°38'55" West a distance of 487.94 feet;
South 44°38'55" West a distance of 523.90 feet;
South 63°38'55" West a distance of 315.00 feet;
South 43°38'55" West a distance of 268.16 feet to the Northeasterly Corner of Briarhill Subdivision No.2, Book 42, Page 3411;
thence along the boundary of said Briarhill Subdivision No.2 the following ten(10) courses:
South 43°38'55" West a distance of 161.84 feet
South 63°38'55" West a distance of 410.00 feet;
North 46°21'05" West a distance of 130.00 feet;
South 63°38'55" West a distance of 148.97 feet;
South 06°21'05" East a distance of 130.00 feet;
South 54°38'55" West a distance of 379.29 feet;
South 25°21'05" East a distance of 132.27 feet to the northerly right-of-way of Collister Drive;
along said right-of-way South 80°38'55" West a distance of 233.18 feet;
along a curve to the left with a radius of 265.50 feet and a central angle of 35°25'27" an arc length of 164.15 feet (with a chord bearing of South 62°56'12" West, and a chord distance of 161.55 feet);
South 44°46'32" East a distance of 5.00 feet;

thence leaving said boundary of Briarhill Subdivision No.2 South 45°13'28" West a distance of 47.08 feet;
thence along a curve to the left with a radius of 566.92 feet and a central angle of 19°40'00" an arc length of 194.59 feet (with a chord bearing of South 35°23'28" West, and a chord distance of 193.64 feet);
thence leaving said right-of-way North 01°30'58" West a distance of 205.50 feet;
thence South 89°31'28" East a distance of 20.00 feet;
thence South 02°56'51" East a distance of 70.87 feet;
thence North 49°26'32" East a distance of 294.50 feet;
thence North 00°26'32" East a distance of 467.52 feet;
thence North 89°31'28" West a distance of 379.35 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 20;
thence along said East line South 00°27'54" West a distance of 555.61 feet to the Center West 1/16 corner of said Section 20;
thence along the South line of said Southwest 1/4 of the Northwest 1/4 also being the North boundary line of Outlook Heights Subdivision, Book 60, Pages 6040-6041, North 89°01'58" West a distance of 990.48 feet;
thence leavings said South line and North boundary North 00°33'13" East a distance of 650.00 feet;
thence North 89°01'58" West a distance of 335.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4;
thence along said West line North 00°33'13" East a distance of 671.88 feet to the North 1/16 corner common to Sections 19 and 20, from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 00°33'53" East a distance of 1,322.03 feet;
thence South 88°57'43" West a distance of 133.68 feet;
thence North 43°35'09" West a distance of 547.46 feet;
thence North 26°51'56" West a distance of 381.96 feet;
thence North 37°36'19" West a distance of 406.83 feet;
thence South 86°01'33" East a distance of 591.90 feet;
thence South 89°11'34" East a distance of 248.19 feet to the West line of said Section 20;
thence along said West line North 00°33'53" East a distance of 1,322.03 feet to the Section Corner common to Sections 17, 18, 19 and 20;
thence along the West line of said Section 17 North 01°01'17" West a distance of 440.55 feet;
thence North 68°30'00" East a distance of 234.01 feet;
thence South 06°56'41" East a distance of 40.89 feet;
thence South 58°51'08" East a distance of 122.41 feet;
thence South 53°01'30" East a distance of 599.99 feet;
thence South 45°43'28" East a distance of 49.26 feet;
thence North 50°03'16" East a distance of 348.41 feet;
thence South 38°06'15" East a distance of 355.86 feet to the West 1/16 corner common to Sections 17 and 20 from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 88°43'54" West a distance of 1321.22 feet;
thence along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 20 South 88°43'54" East a distance of 12.01 feet;

thence leaving said North line North 09°45'20" West a distance of 352.45 feet;
thence North 57°17'56" East a distance of 551.95 feet;
thence North 21°33'31" West a distance of 257.33 feet;
thence North 52°45'13" West a distance of 240.86 feet;
thence North 31°10'54" West a distance of 179.81 feet;
thence North 57°25'54" West a distance of 200.31 feet;
thence North 02°47'46" West a distance of 338.23 feet;
thence South 58°28'54" East a distance of 458.34 feet;
thence North 80°53'46" East a distance of 504.32 feet;
thence North 50°34'54" East a distance of 275.98 feet;
thence South 70°08'04" East a distance of 85.51 feet;
thence South 48°01'55" East a distance of 1,018.83 feet;
thence South 89°38'20" East a distance of 200.38 feet;
thence South 00°08'46" East a distance of 977.84 feet to the North line of the Northeast 1/4 of said Section 20;
thence along said North line South 88°43'54" East a distance of 1,967.75 feet to the POINT OF BEGINNING.

Said Parcel containing 13,710,749 square feet or 314.76 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, P.L.S. 12458
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

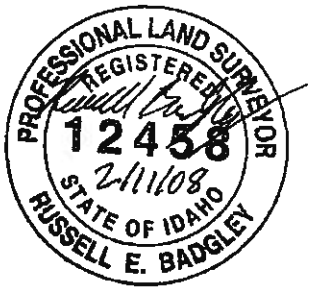


EXHIBIT B

(Legal Descriptions of Additional Parcels)

Per attached deeds recorded by the Ada County Recorder as Instrument Nos. 1193000231, 1942001262, 101094267, 102042440, and 102159044.

Order No. 89020850 TN/RN 9290 READ & APPROVED LRK KC

9010706

WARRANTY DEED

11S3000231

FOR VALUE RECEIVED LARRY R. KERR, a married man, as his sole and separate property

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto ANDREW W. COVER and KATHERINE A. COVER, husband and wife

GRANTEE(S), whose current address is: 6296 N. PLANO LANE, BOISE, IDAHO 83703
the following described real property in ADA County, State of Idaho,
more particularly described as follows, to wit:

As per EXHIBIT "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: February 28, 1990

LARRY R. KERR

STATE OF IDAHO County of ADA ss.

On this 28th day of February in the year of 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Larry R. Kerr known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Signature: Trina Nishitani

Name: Trina Nishitani (type or print)

Residing at: Boise, Idaho

My commission expires: 6/28/91

STATE OF IDAHO, COUNTY OF Ada

I hereby Certify that this instrument was filed for record at the request of STEWART TITLE

at 2:16 minutes past 2 o'clock P.M. this 1st day of March 1990, in my office, and duly recorded in Book of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

By Deputy.

Fee $ 6.00

Mail to:

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.

Security of Courage

203-A 7/85

Order No.: ST-89020850 TN/RN

EXHIBIT "A"

PARCEL I

A parcel of land lying Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 17, 18, 19 and 20 in Township 4 North, Range 2 East, Boise Meridian, thence
North 16 degrees 02' West, a distance of 415.10 feet to P.I. No. 5 of the Barnes Access Road; thence
North 56 degrees 54' East a distance of 136.72 feet to a steel pin; thence
South 70 degrees 14' West, a distance of 495.72 feet to a steel pin, THE REAL POINT OF BEGINNING; thence
South 0 degrees 02' East, a distance of 202.06 feet to a steel pin; thence
South 64 degrees 47' East, a distance of 514.36 feet to a steel pin; thence
South 0 degrees 24' West, a distance of 105.01 feet to a steel pin; thence
North 89 degrees 19' West, a distance of 247.95 feet to a steel pin; thence
North 86 degrees 06' West, a distance of 591.87 feet to a steel pin; thence
North 05 degrees 04' West, a distance of 75.16 feet to a steel pin; thence
North 37 degrees 19' East, a distance of 270.50 feet to a steel pin; thence
North 48 degrees 17' East, a distance of 290.02 feet to a steel pin, THE REAL POINT OF BEGINNING.

PARCEL II

Together with an easement for ingress and egress over and across Private Lane known as Plano Lane as described in Book 472 of Deeds on Page 32 and Book 473 of Deeds on Page 700.

PARCEL III

Together with an easement for ingress and egress over and across a private road, a portion of which is described in Warranty Deed recorded March 23, 1967 as Instrument No. 660475.

Rerecord

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE ID
SUSAN M. GRAHAM

'95 NOV 14 PM 1 00

FEE 12.00

SUSAN M. GRAHAM
J. DAVID NAVARRO
BOISE ID

'95 OCT 25 PM 11 02

FEE 9.00

QUIT CLAIM DEED

1942001262

For no consideration, GEORGE E. CASEY and MARIE E. CASEY, a married couple, as Grantors do hereby convey, release, remise and forever quit claim unto

"GEORGE E. CASEY and MARIE E. CASEY, Co-Trustees, or their successors in Trust, of the GEORGE E. AND MARIE E. CASEY TRUST, U/T/A dated the 24th day of October, 1995, and any amendments thereto." as the Grantee

whose current address is 6101 Plano Lane, Boise, Idaho 83703, the described premises, in ADA County, Idaho, attached as Exhibit "A" and incorporated by reference herein.

together with their appurtenances.

DATED the 24th day of October, 1995.

GEORGE E. CASEY

MARIE E. CASEY

STATE OF IDAHO)
: ss.
County of Ada)

On this 24th day of October, 1995 before me personally appeared GEORGE E. CASEY and MARIE E. CASEY, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.

Notary Public for and for Idaho
Residing at Boise, Idaho
My commission expires 9-11-2002

Client No: 95-10-17

1947001263 POOR COPY

That part of Northwest Quarter Northeast Quarter Section 19 ; North 3 East ly...ng between the following described parcels: Beg...n ... ...t ... ...ner the Four Quarter Corner of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, which is the real point of beginning, thence East 98 degrees 30 minutes East 6...0 feet to an iron pin, thence South 7 degrees 37 minutes East 660 feet more or less; and water point on the ...ast ... line of the property described in Book 304 of Deeds at page ...1, records of Ada County, Idaho; thence North 89 degrees 30 minutes West 224.16 feet to a point in the ...terly ... of Hill Road; thence ... Northerly ... Hill Road to an iron ... of the ... Quarter ... degrees ... West ... Feet, along the Northerly side of Hill Road to an iron pin; thence North 0 degrees 00 minutes East 511.79 feet to the real point of beginning, a part of the Northwest Quarter Northeast Quarter of Section 19,Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast Corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to a point; thence North 61 degrees 22 minutes West a distance of 129.90 feet to the real point of beginning; thence South 44 degrees 03 minutes West a distance of 80.37 feet; thence South 89 degrees 36 minutes West a distance of 443.15 feet to a steel rod which is located 665 feet East and 660 feet South of the Northwest corner of the said Northwest Quarter Northeast Quarter of Section 19; said point also on the property lane of the property described in Book 304 of Deeds at page 140, records of Ada County, Idaho; thence North 330 feet, more or less, to the South westerly boundary of that certain property described in Book 332 of Deeds at page 140, records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 332 of Deeds at Page 140, to the real point of beginning. A part of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to the real point of beginning, thence North 61 degrees 15 minutes West 229.73 feet, thence North, 31 degrees 30 minutes West 259.01 feet; thence North 32 degrees 31 minutes West 161.40 feet; thence North 15 degrees 30 minutes West 87.47 feet, thence North 11 degrees 30 minutes East 147.01 feet; thence North 78 degrees 00 minutes East 10... feet to a point on the North line of said Section 19, thence South 1 degree 38 minutes East 2... feet to a point on the Northeasterly boundary of the property described in Warranty Deed #600938, records of Ada County, Idaho, thence along said Northeasterly boundary in a Southeasterly direction on a straight line to a point located North 63 degrees 22 minutes West 129.40 feet from the point of beginning; thence South 61 degrees 22 minutes East 127.60 feet to the point of beginning. Except any part of the above prop...ty now being conveyed that may overlap into the following described tracts: A parcel of land lying in Sections 17, 18, and 19, Township 4 North, Range 2 East Boise Meridian, Ada County, Idaho, more partic...., described as follows: Commencing at the Section corner common to Sections 17, 18, 19, and 20 in Township 4 N...rth, Range 2 East Boise Meridian; thence North 17 degrees 02 minutes West a distance of 413.10 feet to a ... No. 5 of the Barnes Acres Plat; thence North 86 degrees 57 minutes East a distance of 136.77 feet to a steel pin, the real point of beginning; thence from said point of beginning North 86 degrees 57 minutes East a distance of 776.92 feet to a steel pin; thence North 41 degrees 14 minutes West a distance of 79.20 feet to a steel pin; thence North 89 degrees 38 minutes West a distance of 78.61 feet to a steel pin; thence North 79 degrees 10 minutes West a distance of 347.60 feet to a ... pin; thence South 44 degrees 40 minutes West a distance of 324.1... feet to a steel pin; thence North 16 degrees 52 minutes West a distance of 22 ...73 feet to a steel ... thence South 17 degrees 47 minutes West a distance of 373.37 feet to a steel pin; thence South 31 degrees 31 minutes East a distance of 126.33 feet to a steel pin; thence South 31 degrees 30 minutes East a distance of 161.41 feet to a steel pin; thence South 31 degrees 04 minutes West a distance of 164.61 feet to a steel ... pin; thence South 23 Degrees ... minutes East a distance of 87.4... feet to a steel pin; thence South 43 degrees 40 minutes West a distance of 3...39 feet to a steel pin; thence North 89 degrees 33 minutes East a distance of 795.33 feet to a steel pin; thence North 37 degrees 19 minutes East a distance of 270.50 feet to a steel pin; thence North 31 degrees 17 minutes East a distance of 299.92 feet to a steel pin; thence North 37 degrees 14 minutes East a distance of ...0.1 feet to a steel pin; the real point of beginning.

POOR COPY

EXHIBIT 'A'

Parcel One

Tract 1:

A part of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to a point; thence North 61°22' West a distance of 129.60 feet to the real point of beginning; thence South 44°05' West a distance of 89.37 feet; thence South 89°56' West a distance of 483.19 feet to a metal rod which is located 685 feet East and 660 feet South of the Northwest corner of said NW1/4 NE1/4 of Section 19; and which point is on the property line of the property described in Book 101 of Deeds at page 164, records of Ada County, Idaho; thence North 110 feet, more or less, to the Southwesterly boundary of that certain property described in Book 132 of Deeds at page 144, records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 132 of Deeds at page 144, to the real point of beginning.

Tract 2:

A part of the NW 1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to a point; thence South 89°56' West a distance of 111.85 feet to the real point of beginning; thence continuing South 89°56' West a distance of 48.15 feet to a point; thence South 0°15' West a distance of 180.28 feet to a point of curvature; thence 95.81 feet along a curve to the right which has a radius of 125 feet, a central angle of 43°30' and a long chord of 93.51 feet bearing North 22°12' East to a point of tangency; thence North 44°05'

East a distance of 19.34 feet to the real point of beginning.

ALSO

A part of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to the real point of beginning; thence North 61°15' West 950.63 feet; thence North 55°50' West 749.01 feet; thence North 72°51' West 161.45 feet; thence North 35°59' West 81.67 feet; thence North 11°04' East 145.01 feet; thence North 78°00' West 100 feet + to a point on the North line of said Section 19; thence South 1°18' East 130 feet + to a point on the Northeasterly boundary of the property described in Warranty Deed No. 6018DB, records of Ada County, Idaho; thence along said Northeasterly boundary in a Southeasterly direction on a straight line to a point located North 61°22' West 129.60 feet from the point of beginning; thence South 61°22' East 129.60 feet to the point of beginning.

SO619120708 PAR #SO619120708 OF NW4NE4
SEC 19 4N 2E, N OF HILL RD-E OF PLANO
(more particularly described as follows)

POOR COPY

EXHIBIT "A"

ALSO **Parcel Two**

Lot 4, Sunny Subdivision, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO **Parcel Three**

The North 100 feet of the Easterly 68.33 feet of Lot 4 in Block 5, Eagleson Park Subdivision No. 4, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO **Parcel Four**

Lot 9, Block 6, Randolph-Robertson Subdivision, according to the plat thereof, filed in Book 13 of Plats at Page 78, records of Ada County, Idaho.

ALSO **Parcel Five**

All of Lot No. 10 of Dunne Subdivision, except the East 5 feet thereof, according to the official plat thereof on file and of record in the office of the County Recorder of Ada County, Idaho; together with all water and water rights thereunto belonging or in anywise appertaining.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

subject to all easements and rights of way of record or appearing on the land.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF Perry Harding
FEE 9.00 DEPUTY MLapish

PERSONAL REPRESENTATIVE'S DEED

2001 SP 12 AM 10:53 101094267

THIS DEED, made by Gretchen Ogden, as personal representative of the estate of William F. Galloway, deceased, Grantor, to Perry C. Harding and Alla Harding, husband and wife, Grantee, whose current address is 2036 Creekside Lane, Boise, Idaho 83706.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. 3P-6023, in Ada County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Ada County, Idaho:

Parcel #S0618449275 of the SE4, Section 18, T4N; R2E

More particularly described as follows:

See Exhibit A attached hereto.

with all appurtenances.

EXECUTED this 11th day of September 2001.

Gretchen Ogden
Gretchen Ogden
Personal Representative of the
Estate of William G. Galloway,
deceased.

STATE OF IDAHO)
: ss
COUNTY OF Ada)

On this 11th day of September, 2001, before me, the undersigned, a notary public in and for said state, personally appeared, Gretchen Ogden, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of William F. Galloway, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

JENNY MASLEN NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC
Residing at: Meridian
My Commission Expires: 5/28/01

Property Description: **ESTATE OF WILLIAM F. GALLOWAY**

A parcel of land situated in Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the Section corner common to Sections 17,18,19 and 20, the Point of Beginning:
thence N02°17'12"W along the East line of Section 18 a distance of 473.63 feet to a 5/8 inch iron pin;
thence S67°56'48"W a distance of 495.84 feet to a 5/8 inch iron pin;
thence S02°19'13"E a distance of 202.06 feet to a 5/8 inch iron pin;
thence S66°59'50"E a distance of 512.51 feet to a 5/8 inch iron pin on the East line of Section 19;
thence N00°42'27"W a distance of 115.07 feet to the Point of Beginning.

The above described parcel containing 4.24 acres.

Subject to any and all easements and rights-of-way of record or in use this 18th day of December, 1991.



LETTER OF UNDERSTANDING RELATED TO THE SALE OF ANY INTEREST OF THE ESTATE OF WILLIAM F GALLOWAY IN THE REAL PROPERTY IDENTIFIED AS PARCEL NUMBER S0618449275 ADA COUNTY IDAHO

It is agreed by Gretchen Ogden , Personal Representative of the Estate of William F Galloway that any interest in the real property referred to above and as shown on the attached quit claim deed is sold to Perry Harding for five hundred dollars ($500.00) and the assumption of all outstanding unpaid real property taxes and interest and penalties charged on delinquent taxes. In addition the estate sells ANY RIGHT IT MIGHT HAVE IN REIMBURESMENT FOR PROPERTY TAXES PAID ON THIS PROPERTY AND ANY OTHER RIGHTS OR REMEDIES IT MAY HAVE ASSOCIATED WITH IT. The estate also agrees to make available all information it has on the property and to cooperate and provide assistance as needed in any future issues that may develop regarding this property.

Gretchen Ogden

GRETCHEN ODGEN, PERSONAL REPRESENTATIVE FOR THE ESTATE OF WILLIAM F. GALLOWAY

9/11/01
DATE

PERRY HARDING 9/11/01
DATE

Perry C. Harding

RECORDED REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 6- DEPUTY Deerbilling

2002 AP 11 AM 9:43

102042440

QUITCLAIM DEED

For Value Received

ALLA HARDING, wife of the Grantee herein
Does hereby convey, release, remise and forever quit claim unto PERRY C. HARDING, a married man as his sole and separate property

Whose current address is P O Box 1839 Boise, Idaho 83701 the following described premises, to-wit:

Parcel S0618449275 of the SE4, Section 18 T4N: R2E more particularly described as follows: SEE ATTACHED EXHIBIT A.

Dated March 27, 2002

Alla Harding

Alla Harding

Sate of Idaho County of Ada

On this 27th day of March in the year of 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Alla Harding known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Signature: Cherie H. Anderson

Name: Cherie H. Anderson
Residing at : Boise, Idaho
My commission expires: 8/5/03

CHERIE H. ANDERSON NOTARY PUBLIC STATE OF IDAHO

Property Description: [redacted]

A parcel of land situated in Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the Section corner common to Sections 17,18,19 and 20, the Point of Beginning:
thence N02°17'12"W along the East line of Section 18 a distance of 473.63 feet to a 5/8 inch iron pin;
thence S67°56'48"W a distance of 495.84 feet to a 5/8 inch iron pin;
thence S02°19'13"E a distance of 202.06 feet to a 5/8 inch iron pin;
thence S66°59'50"E a distance of 512.51 feet to a 5/8 inch iron pin on the East line of Section 19;
thence N00°42'27"W a distance of 115.07 feet to the Point of Beginning.

The above described parcel containing 4.24 acres.

Subject to any and all easements and rights-of-way of record or in use this 18th day of December, 1991.

[redacted]

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/31/02 11:16 AM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
KELLY TROUTNER
AMOUNT 6.00

2

102159044

GIFT DEED

THIS DEED is made this 31st day of December 2002, by and between _Ione M. Troutner, Trustee of the Trust of Paul and Ione Troutner__, Grantor; and Kelly Troutner, an unmarried person whose address is 2275 E. Continental Dr., Meridian, Idaho 83642, _____.

WITNESSETH, that the Grantor, for no valuable consideration these presents does grant, sell and convey unto the Grantee in fee simple, an undivided 1/2 interest in that parcel of land situated in _____Ada County, Idaho_____ and more particularly described as follows: See exhibit A attached hereto and made a legal part thereof

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

exceptions: utility easements, rights of way and restrictions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Ione M. Troutner (Grantor) _____

(SEAL)

STATE OF Idaho, COUNTY OF Ada

I, a Notary Public for said County and State, do hereby certify that Ione M. Troutner personally appeared before me this day and acknowledged the due execution of the foregoing and attached Gift deed.

WITNESS my hand and notarial seal, this the 31st day of December, 2002

My Commission Expires: 12/28/04

Roger Clubb Notary Public
residing @ Boise, Idaho

ROGER CLUBB
Notary Public
State of Idaho

A parcel of land lying in Section 19, T4N, R2E, B.M., Ada County, Idaho more particularly described as follows:

Commencing at the section corner common to Sections 17, 18, 19 and 20, T 4 N, R 2 E, B. M., thence North 16 02' West 415.10 feet to P.I. No. 5 of the Barnes Access Road thence, North 56 54' East 136.72 feet; thence South 70 14' West 495.72 feet; thence South 48 17' West 290.02 feet; thence South 37 19' feet West 270.50 feet to a steel pin and being the real point of beginning; thence South 69 22' West 785.22 feet to a steel pin; thence North 65 10' West 304.29 feet to a steel pin; thence South 55 50' East 259.01 feet to a steel pin; thence South 22 51' East 161.45 feet to a East 259.16 feet; thence North 46 08' East 711.70 feet; thence South 61 15' feet to the real point of begining;

EXCEPTING from the above described parcel of land all that portion commencing at the section corner common to Sections 17, 18, 19 and 20 T 4 N, R 2 E, B.M.,; thence North 16° 02' West 415.11 feet to P.I. No. 5 of the Barnes Access Road; thence North 56° 54' East 136.72 feet; thence South 70° 14' West 495.72 feet; thence South 48° 17' West 290.02 feet; thence South 37° 19' West 270.50 feet; thence South 69° 22' West 785.32 feet to a steel pin and being the real point of beginning; thence South 43° 0' East 270.0 feet more or less to a point on the center line of the Barnes Access Road; thence North 45° 43' East along said Barnes Access Road center line 82.6 feet to P.I. No. 1; thence North 55° 31' East continuing along said center line 98.5 feet; thence North 43° 52' West 208.53 feet; thence South 69° 22' West 200.22 feet to the real point of beginning.
EXCEPT road right of ways.

EXHIBIT C

(Map Depicting Current Zoning of Property and Additional Parcels)

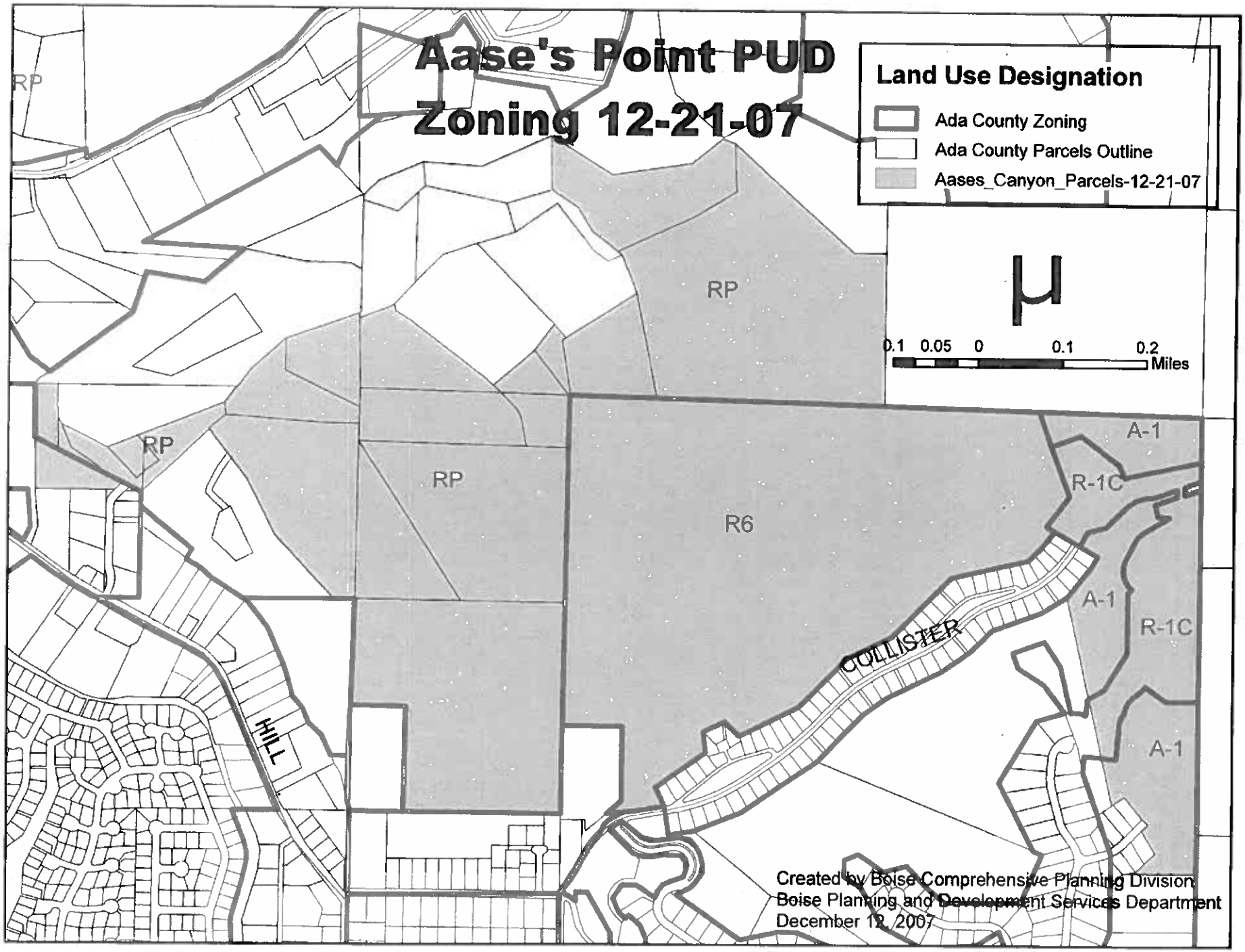
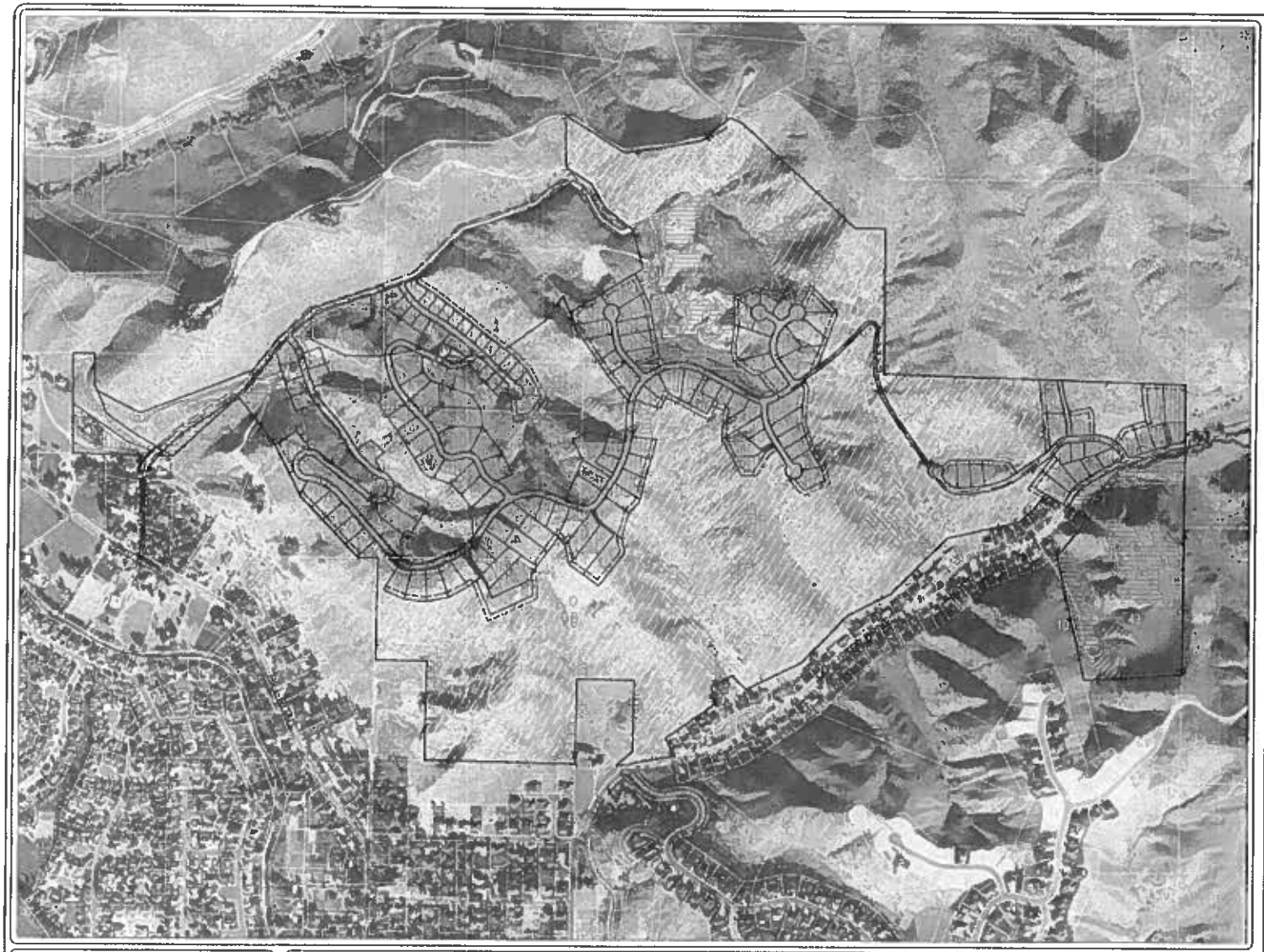

Aase's Point PUD
Zoning 12-21-07
Land Use Designation
Ada County Zoning
Ada County Parcels Outline
Aases_Canyon_Parcels-12-21-07
0.1 0.05 0 0.1 0.2
Miles
RP
RP
RP
RP
R6
A-1
R-1C
A-1
R-1C
A-1
COLLISTER
HILL
Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
December 12, 2007

EXHIBIT D

(Boise Foothills Concept Plan)





Stewart Land Group
AN AVIS DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
[illegible]

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

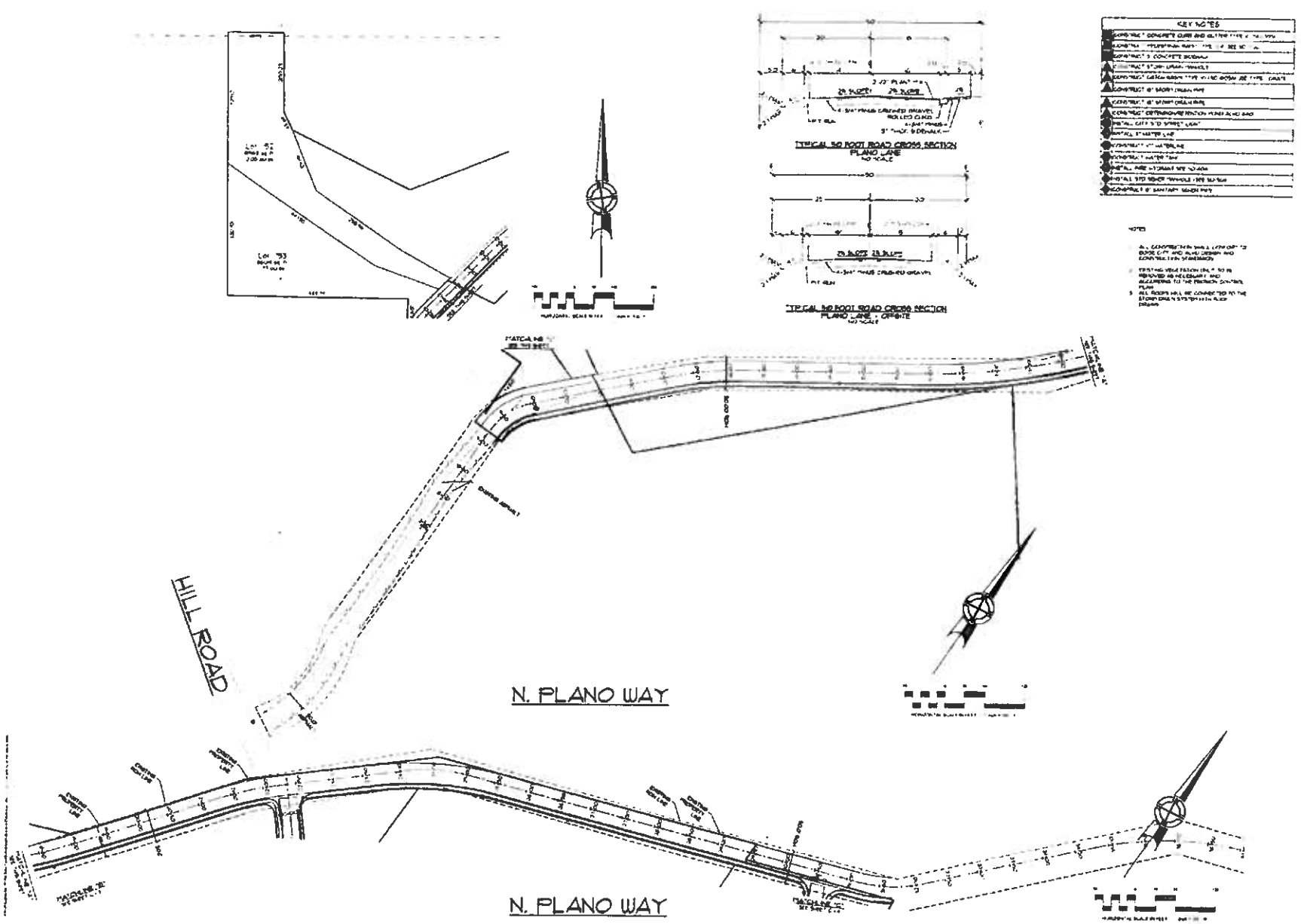
(IN FEET)
1 inch = 800 ft.

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	3/25/2008	3/25/2008

LEGEND		SHEET NO.
Used Area > 25%	Conceptual	1
Not Used > 25%	Cnl, Fill and Setback	
Ecological Design Onlor Fields	Property Boundary	OF
Onlor Fields	Ada Parcels	
Onlor Conservancy	Trail	1
	Wild land Urban Fire Interface	

EXHIBIT E

(Plan Depicting Extension of N. Plano Way)



Azimuth Engineering, Inc.

12369

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

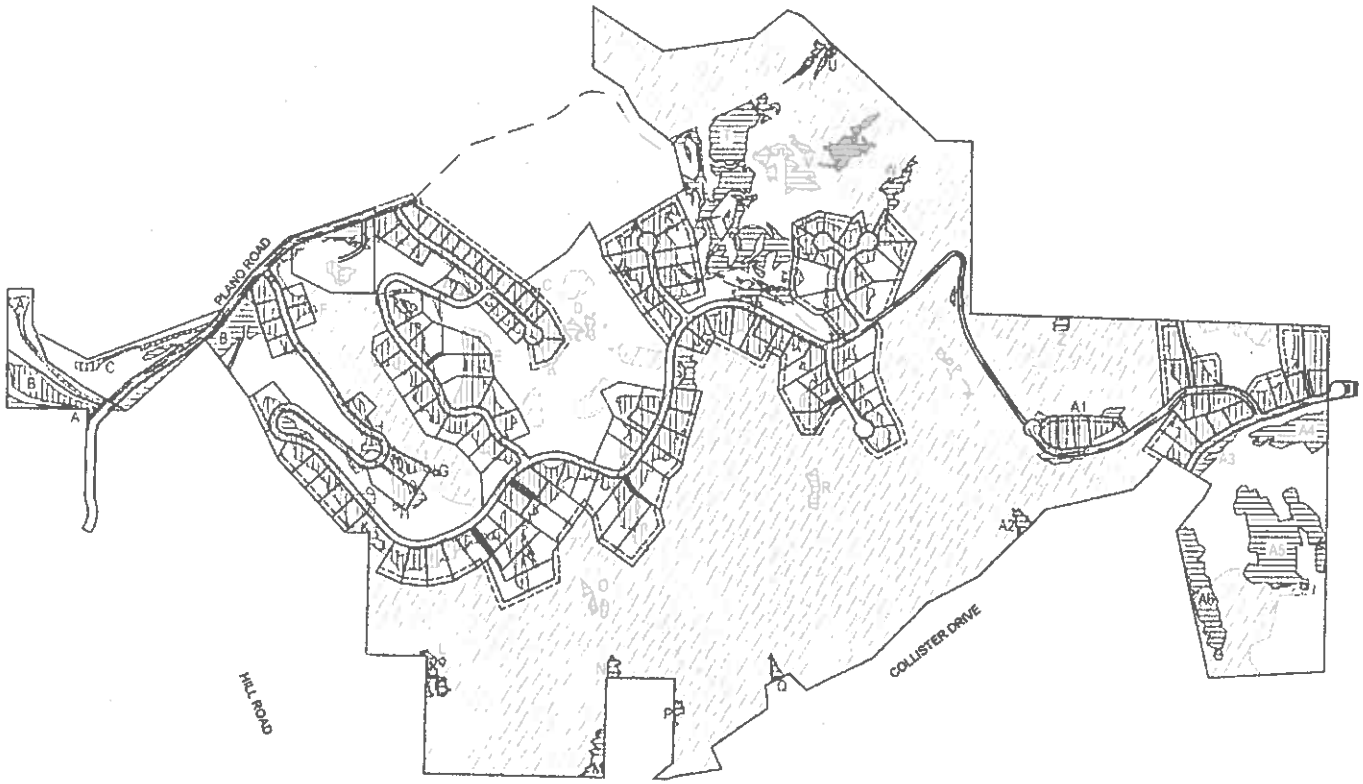
PRELIMINARY PLAT

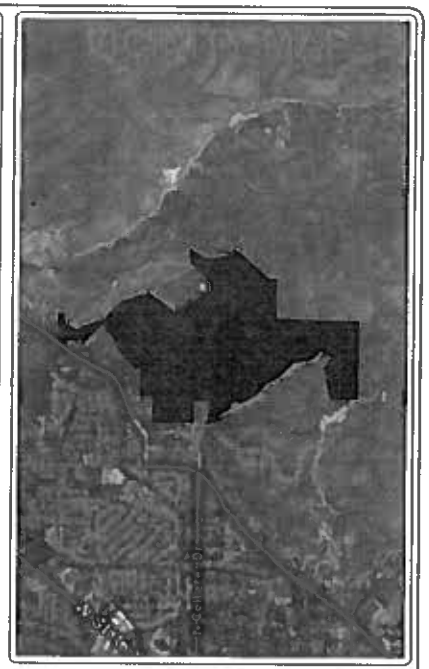
FOR REVIEW

C-1.2

EXHIBIT F

(Plan Depicting Onion Conservancy/Land Trust Property)





Stewart Land Group
An AMTEC DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
6996 So. Union Park Ave #360 Midvale, UT 84047
phone: (801) 263-8126 fax: (801) 263-8127

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE
(IN FEET)
1 inch = 800 ft.

NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/30/2008	6/30/2008

LEGEND

- Used Area > 25%
- Not Used > 25%
- Ecological Design Orton Fields
- Orton Fields
- Orton Conservancy
- Conceptual
- Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild Land Urban Fire Interface

SHEET NO. 1 OF 1

Used Area < 25%	47.76 Ac
Not Used Area < 25%	29.30 Ac
Areas Other Parts	81.91 Ac
Total Acres	154.98 Ac
Total Acreage of Property	332.76 Ac
Total Orton Conservancy	169.73 Ac
Total Building Lots	154 Lots

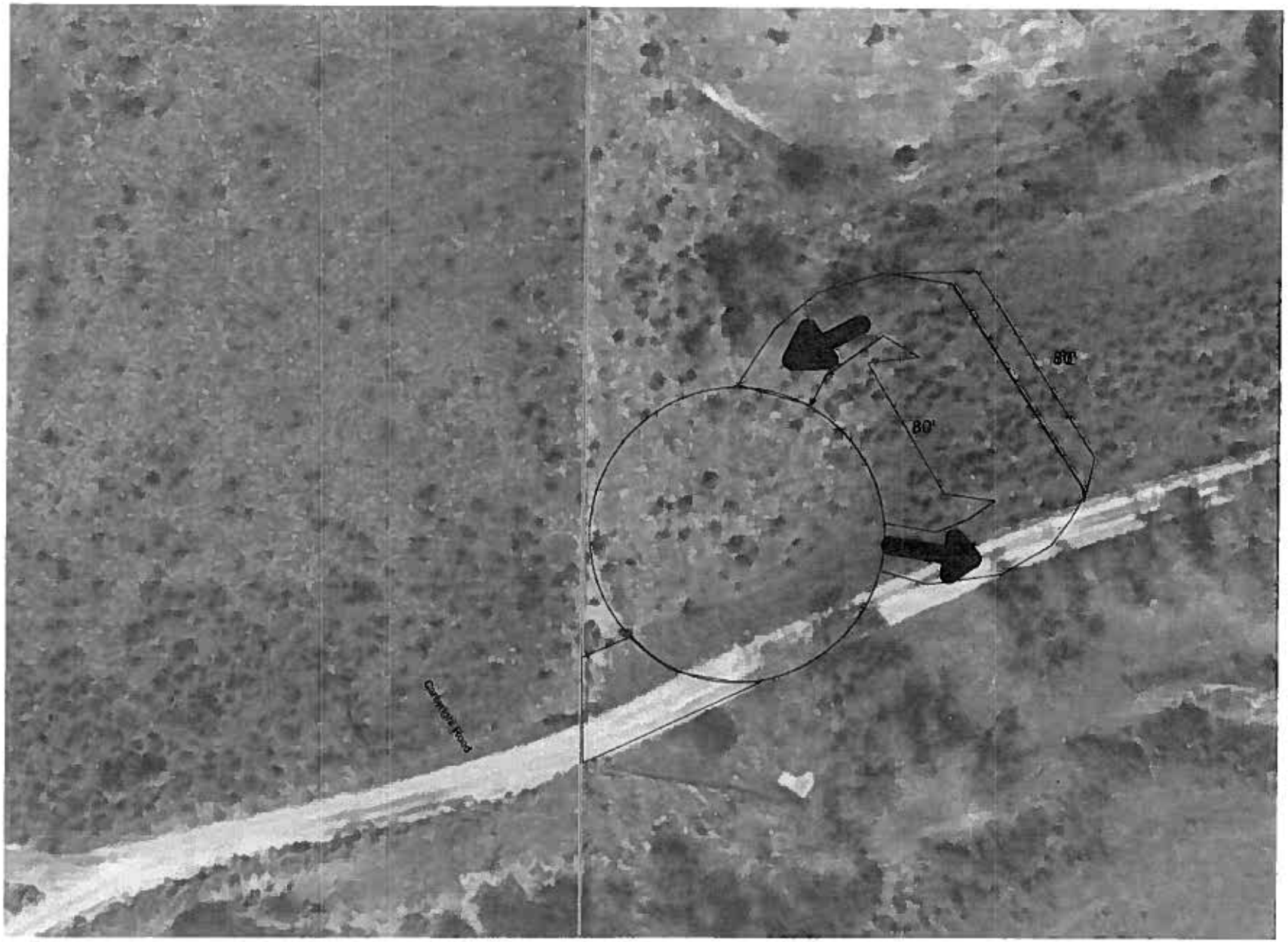
NOTES

1) All Areas Orton Fields are Governed by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc.

EXHIBIT G

(Depiction of Trail Head Cul-de-Sac and Parking Lot Location)



Pole Cat Gulch Reserve

0 10 20 40 Feet

10C

Conditional Use Application

CUP07-00084

Planning & Development Services

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

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

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Conditional Use Application

This box for office use only

File #: CUP07-00084 Fee: 2237

Cross Referenced File(s): CAR07-00042/DA CPH07-00022 Zone(s): RP

Are Pre-Application materials attached? ☐ Yes ☐ No

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

CUP for 48 dwelling unit as part of PUD in foothills. Also submit annex, Hillside and Subdivision.

☐ Commission Level ☒ Planned Development ☐ Special Exception ☐ Other:

Note: When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. It will not be accepted if it is not complete. A hearing date will be scheduled only after an application has been accepted as complete.

Applicant: AASE'S CANYON POINT DEVELOPMENT, LLC (801)924-1777
CAPITAL DEVELOPMENT Phone: 377-3439
☒ Owner ☐ Purchaser ☐ Lessee ☐ Renter

Applicant's Address: 3350 W. 500 S., SALT LAKE CITY, UT 84104
6200 N. MEEKER PL, BOISE, ID Zip: 83713

Agent/Representative: STEWART LAND GROUP Fax: (801) 263-9187 Phone: (801) 263-9126

Agent/Representative's Address: 6995 S. UNION PARK CTR. MIDVALE, UT Zip: 84047

Contact Person (if different from above): KERRY WINN - STEWART LAND GROUP

Zip: Phone: CELL (801) 573-7265

Address of Subject Property: ~~6296~~ 6890 N. PLANO RD, BOISE, ID 83703
Mapping Division must initial here CP to signify address verification.

Property description (Lot, Block & Subdivision name or recorded deed with a metes and bounds description):
SEE ENCLOSED

Parcel Number: SEE ENCLOSED

Section: 17, 18, 19, 20 Township: 4N Range: 2E Quarter: NW¼, SW

6/04

CUP 07 00084

1. **Size of property** (square feet and/or acres): ~~323.86~~ 333 acres

2. **Water Issues:**

   a. What are your fire flow requirements? 1,000 GPM @ 3600 SF.
   (Please see Appendix 111-A of Uniform Fire Code)

   b. What volume of water is available? New Water System and Tank Be Constructed.
   (Contact United Water of Idaho, Inc. at 362-7330)

3. **Existing uses and structures on the property are as follows:**
   Existing Home - To Remain
   Land is currently not being used for any uses.

4. **Are there any known hazards on or near the property?** (such as canals, hazardous material spills, soil or water contamination). If so, describe them and give their locations:
   Not found

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5. **Adjacent properties have the following building types and/or uses:**
   North: Residential - 3 Homes
   South: Residential - SINGLE FAMILY
   East: ~~None - 3 Homes~~ RESIDENTIAL - SINGLE FAMILY
   West: Residential - SINGLE FAMILY

6. **Maximum proposed structure height(s):** NA
   Number of Stories: NA

7. **Structures**

NA a. Number of proposed non-residential structures: _____
   Square footage of proposed non-residential structures or additions (if applicable):

	Gross Square Feet	Net Leasable Sq. Ft.
1st Floor		
2nd Floor		
3rd Floor		

NA b. Number of existing non-residential structures to remain: ~~3~~
   Square footage of existing non-residential structures to remain:

	Gross Square Feet	Net Leasable Sq. Ft.
1st Floor		
2nd Floor		
3rd Floor		

CUP 07 00084

c. Number of proposed residential structures (if applicable): _____

d. Size of proposed residential units (if applicable):

	Number of Units		Sq. Ft. per Unit		Total Sq. Ft
Studio	_____	x	_____	=	_____
One-bedroom	_____	x	_____	=	_____
Two-bedroom	_____	x	_____	=	_____
Three-bedroom	_____	x	_____	=	_____
Total Number	~~148~~ 157	x	?	=	?

Number of existing units to remain: _____

8. **Landscaping:** Is any proposed? NA - Individual Owners

9. **Site Design:**

Percentage of site devoted to building coverage:	3 %
Percentage of site devoted to landscaping:	6 %
Percentage of site devoted to paving:	4.5 %
Percentage of site devoted to other uses:	87 %
Describe: Open Space	Total: 100%

10. **Parking**

NA a. Handicapped spaces proposed: _____ Handicapped spaced required: _____

b. Parking spaces proposed: _____ Parking spaces required: _____

c. Bicycle parking spaces proposed: _____ Bicycle parking spaces required: _____

d. Number of compact spaces proposed: _____ Compact spaces allowed: _____

e. Width(s) of garage door(s): _____

f. Restricted parking spaces proposed: _____

g. Are you proposing off-site parking? No

h. Are you requesting a shared parking or parking reduction? ND

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

11. **Setbacks:** Follow Residential Ord.

	Building Proposed	Required	Parking Proposed	Required
Front	20'	_____	_____	_____
Rear	30'	_____	_____	_____
Side	10'	_____	_____	_____
(St) Side	_____	_____	_____	_____

CUP 07 00084

12. Exterior NA

	Building Materials:	Colors:
Roof		
Walls		
Windows/Doors		
Fascia, Trim, Etc.		

13. Loading facilities (if proposed): NA

Number & Size: _____

Location: _____

Screening: _____

14. Drainage (proposed method of on-site retention): CATCH BASINS, LARGE Retention Basin

15. Floodways and Hillsides

a. Is any portion of this property located in a Floodway or a 100-year Floodplain? NO

b. Does any portion of this parcel have slopes in excess of 15%? YES

Note: If either of the above answers to Number 15 is yes, than you will be required to submit an additional Floodplain and/or ~~Hillside application~~ and additional fee. You must submit the additional required application(s) for review at the same time as this request.

16. Airport Influence Area

Is subject site located within the Airport Influence Area? ☐ Yes ☒ No

If so, you must obtain an avigation easement from the Boise Airport Director. The easement must be obtained before the issuance of building permits.

17. Is the applicant requesting an infill P. U. D? ☐ Yes ☒ No

Applications for infill P.U.D's must include documentation that shows how the site qualifies as an infill site, including:

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a. A written statement explaining why this site may qualify as an infill site.

b. A vicinity map (8½" x 11" at 1"=300' scale, available from BDC) showing:

1. The property lines of the subject lot.

2. The property lines and uses of all lots within 300' of the exterior boundaries of the subject lot.

c. Evidence (map) showing the location of sewer and water utilities.

Note: It is intended that "infill" PUDs are restricted to the City core area and generally are not applicable to parcels of land located on the periphery of the City or recently annexed lands.

18. Street Layout

a. Review of public street layout:

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated with it special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required? ☒ Yes ☐ No

Submitted

b. Review of private street layout:

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

Is a Traffic Impact Study required? ☐ Yes ☐ No

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Any revisions to the application must be received 14 days prior to hearing date or your application will be deferred to the next meeting.

Kerry Winn

Signature Applicant/Representative

5/29/07

Date

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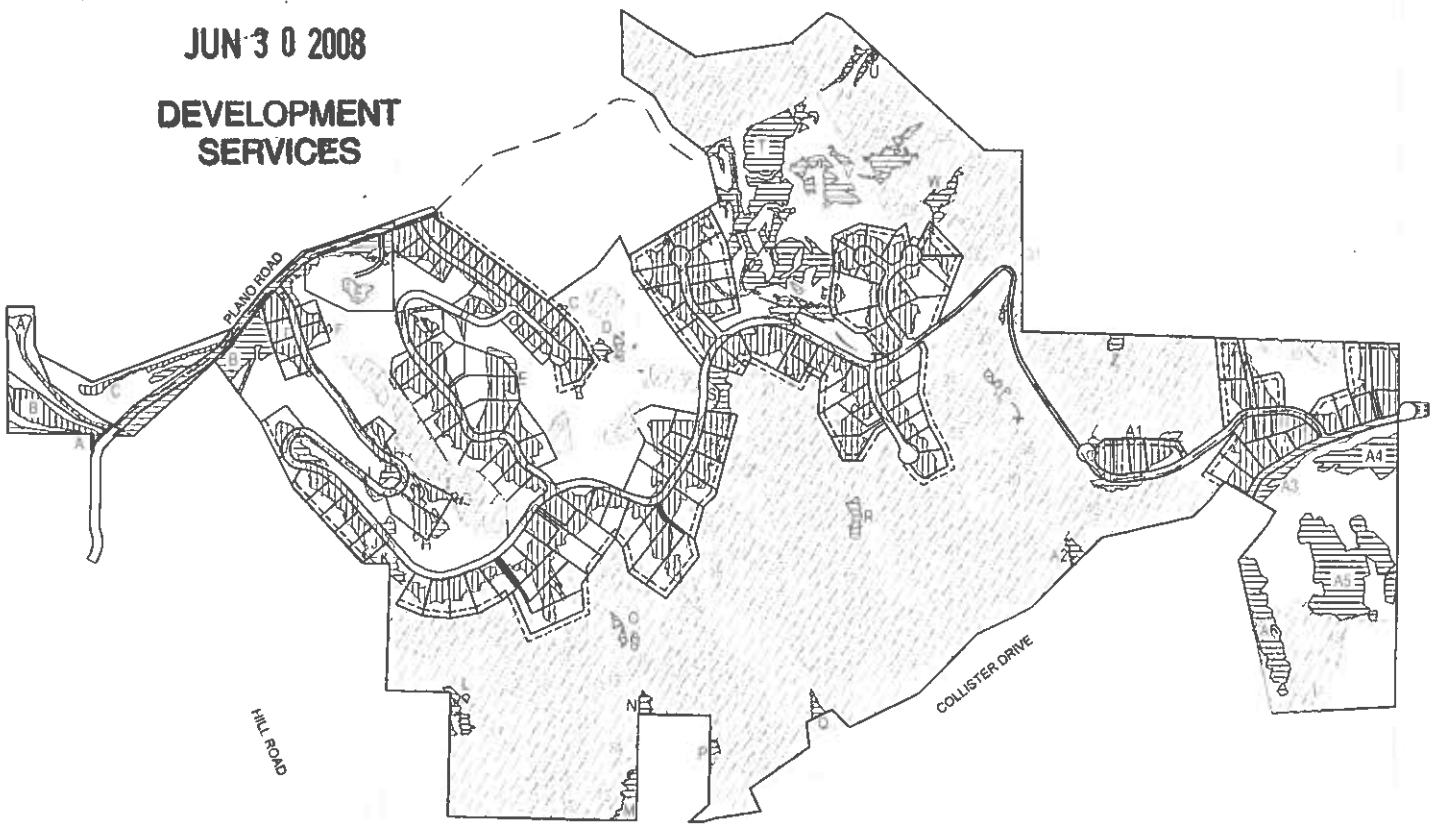
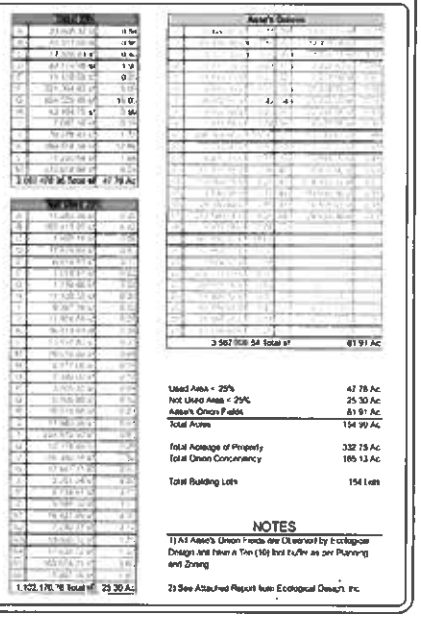




Exhibit A



Used Area < 25%	47 78 Ac
Not Used Area < 25%	25 30 Ac
Adele's Onion Fields	81 91 Ac
Total Acres	154 99 Ac
Total Acreage of Property	332 75 Ac
Total Onion Conservancy	185 13 Ac
Total Building Lots	154 Lots

NOTES

1) All Adele's Union Fields are Owned by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc.

Stewart Land Group
An AMTEC DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
4965 So Union Park Ave #350 Midvale, UT 84047
phone (801) 983-9928 fax (801) 283-9167

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 300 ft.

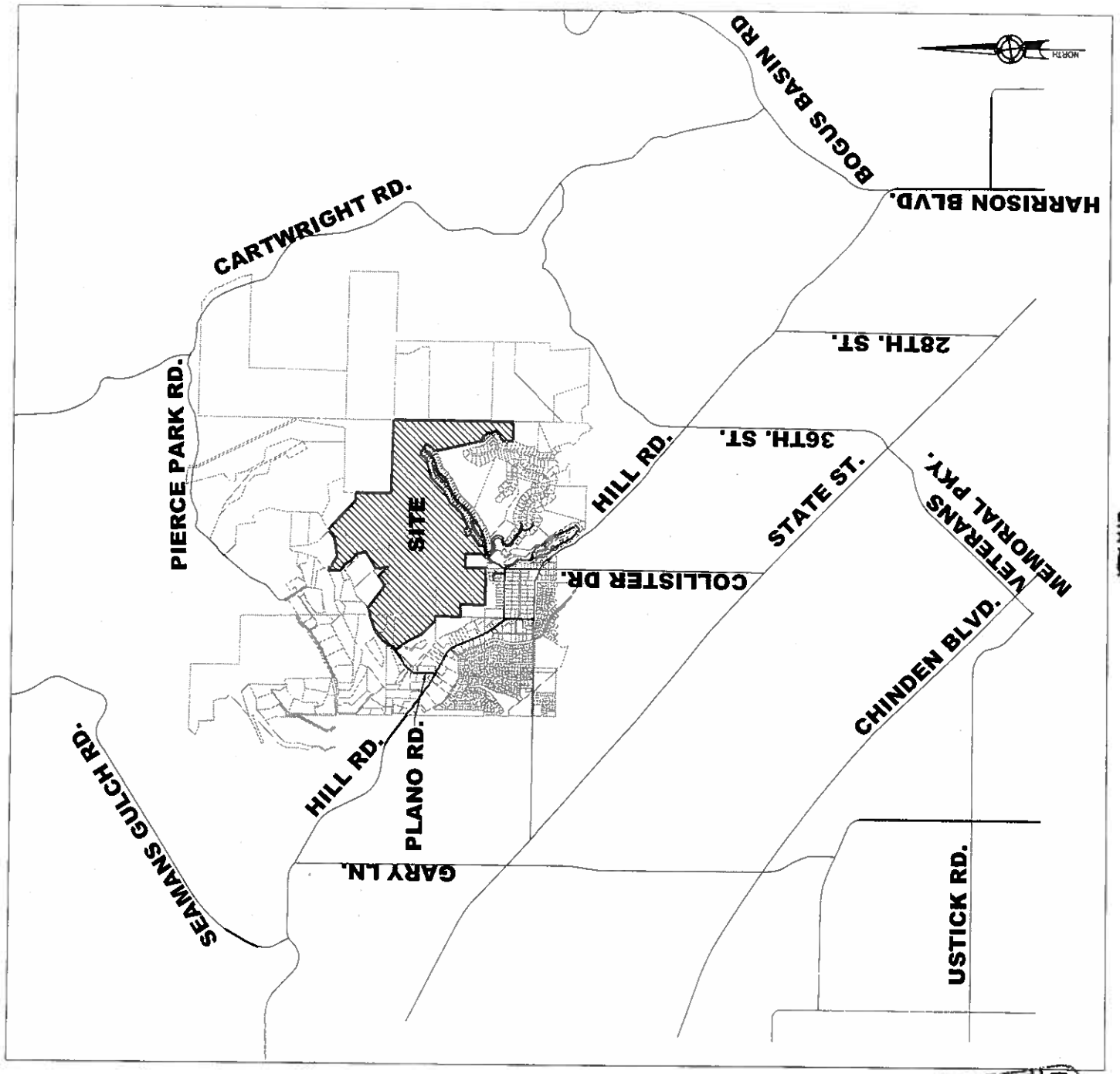
DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/26/2008	6/26/2008

LEGEND

- Used Area > 25%
- Not Used > 25%
- Ecological Design Onion Fields
- Onion Fields
- Onion Conservancy
- Conceptual Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild land Urban Fire Interface

SHEET NO. 1 OF 1

5/28/07

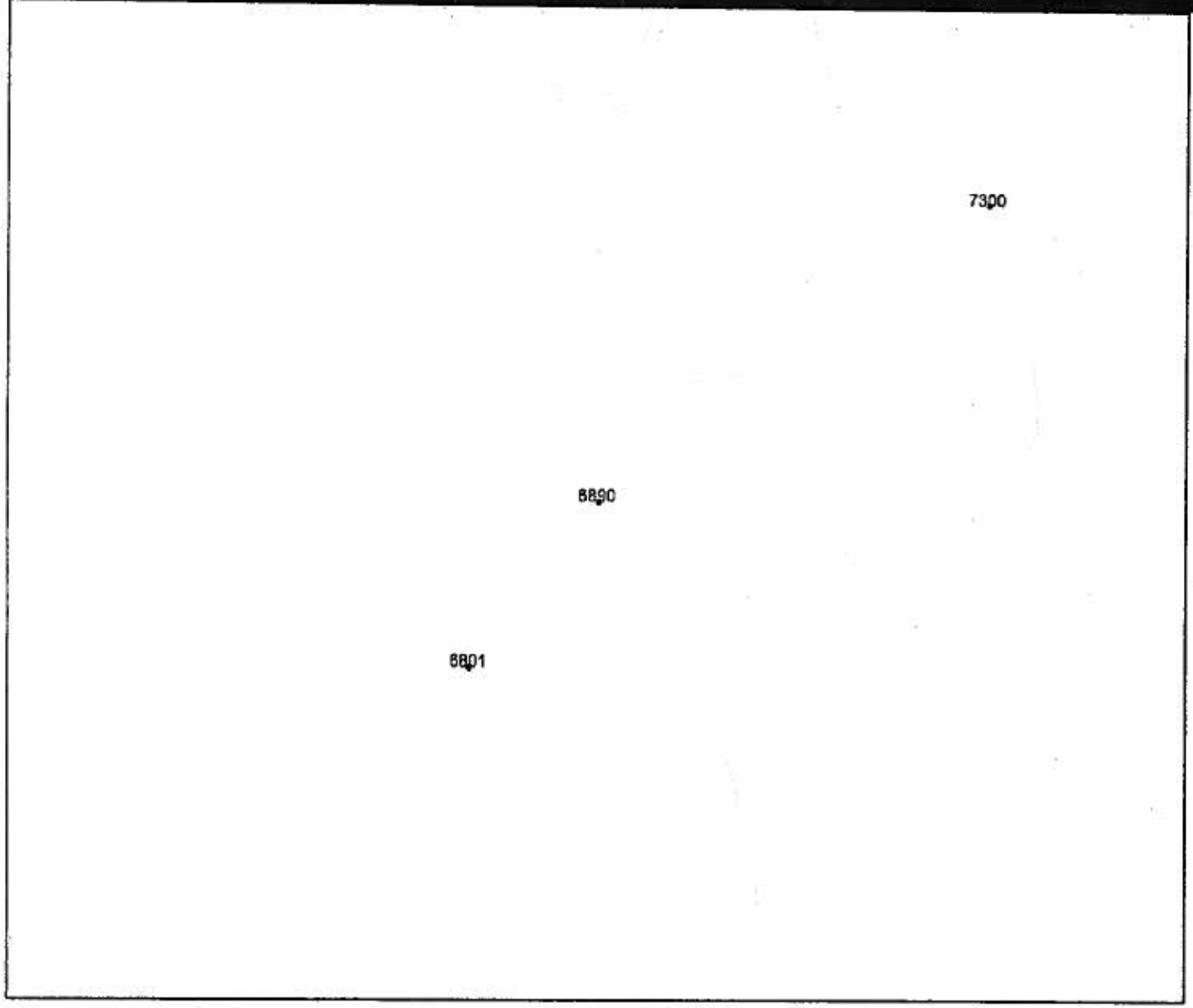


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CUP 07 00084

6890 N PLANO LN

BOISE 83703



CUP 07 00084

300 0 300 600 900 1200 Feet

Parcel Information

Parcel:
S0617315000

Parcel Owner(s):
LITTLE GARY R
LITTLE DEBORAH

Parcel Acres:
10.400

Municipal Information

City Limits:
ADA COUNTY

Area of Impact:
BOISE

Planning Information

Zoning:
RP

Subdivision:

Block:
1

Lot:
0

Township/Range/Section:
4N2E17

Hillside:
True

Floodplain:
None

Sewer Availability:

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N

http://www.cityofboise.org/

This drawing is to be used for reference purposes: Boise City is not responsible for any inaccuracies herein contained.

Map generated on 5/29/2007

Application Submittal Requirements

☑ 1. (1) Completed application, including signature of applicant.

☑ 2. (1) Submittal requirements list.

☐ 3. (1) Detailed letter of explanation or justification for the proposed project. Please explain all changes.

☑ 4. (1) Affidavit of Legal Interest (attached). Form must be completed by the legal owner of record.

☐ 5. (1) Current vicinity map from PDS Mapping Division (8½" x 11" at 1" = 300') showing the location and current zoning of the property. The map must be dated.

☐ 6. (3+1) Detailed Site Plan (Three copies and one 8½" x 11" reduction) showing:

- ✓ a. Scale (not smaller than 1" = 30' unless otherwise approved).
- ✓ b. All existing structures labeled as to existing and/or proposed uses.
- ✓ c. All proposed structures, labeled as to use.
- ✓ d. North arrow.
- ✓ e. Size of parcel (acres or square feet).
- ✓ f. Property boundary/property lines.
- ✓ g. Name of applicant, plan preparer, project name and project address on title block.
- ✓ h. Special features such as pedestrian paths, berms, retaining walls, or fencing.
- NA i. Parking areas with stalls shown and garage door widths.
- ✓ j. Locations and widths of right-of-way, easements, canals, ditches and subdivision lines.
- NA k. Location and sizes of any loading areas, docks and ramps.
- ✓ l. Proposed locations and types of lighting.
- NA m. Trash storage areas and exterior mechanical equipment, together with proposed screening method.
- ✓ n. Drainage features.
- ✓ o. Hillside developments: existing and proposed grades.

See Grading Plan

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☐ 7. (2+1) NA Landscape Plan (two copies and one 8½" x 11" reduction) showing:

a. Scale (The landscape plan should be the same scale as the site plan).
b. Type, size and location of all existing & proposed plant materials and other ground covers. The size of plants at planting and maturity should be included.
c. Existing vegetation labeled to remain or to be removed with landscaping on adjacent properties by area(s) to be considered.
d. Method of irrigation.
e. Cross-sections through areas of special features, berms, retaining walls, etc.
f. Footprints of all structures to be constructed.

Note: If Site and Landscape plans are combined on *one* sheet, five copies with two reduced copies must be submitted.

CUP 07 00084

☐ 8. (2) NA Building elevations (Two complete sets, one of which is colored), drawn to scale. Colored photographs may be substituted for colored elevation drawings when an existing structure is to undergo minor exterior alteration, and the photos depict the design material/colors of the new construction.

☐ 9. (2) NA Two sets of floor plans, to scale, with sizes and types of interior spaces indicated.

☐ 10. (1) NA Set of colored and labeled photos of site.

☐ 11. NA Pre-application Materials

a. Pre-application form

b. Neighborhood radius notice letter

c. List of notified owners, residents and association president, if applicable

d. Sign in sheet from neighborhood meeting

Note:

A. All blueprints must be folded with the title block/panel face up so as to fit within a legal size file folder.

B. The application submittal cut-off time is 4:00 pm.

C. Applications must be complete at time of submittal.

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Narrative
PLANO ROAD SUBDIVISION
A Foothills Development

Plano Road Subdivision is a proposed single-family residential subdivision located in the Foothills Northwest of downtown Boise located between North Collister Road and Plano Road just Northwest of Quail Ridge Subdivision. Plano Road Subdivision is located on 333 acres and has a proposed 154 single-family lots, a density of one lot per 2.18 acres. Plano Road Subdivision is being developed under the Boise Foothill Ordinance.

Developing under "The Ordinance" and "The Plan"

"The purpose of the **Foothills Planned Development Ordinance (The 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" (Boise Municipal Code, Section 11-06-05.07.01).

We have worked diligently with the Planning & Zoning Staff, the Parks & Recreation Department, Fire Department, Public & Private Utilities and ACHD for two and a half years to comply with provisions of these documents. **With 154 lots on 333 acres (an average of one lot every 2.18 acres) Plano Road Subdivision implements a low residential subdivision density.**

The Purpose of The Plan

Although generally broader in its language and qualifications than The Ordinance, 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 controlled development" (The Plan, Preface, pg. iii, para.3) The necessary primary elements in the design of Plano Road Subdivision are safety and protecting the immediate neighbors from unacceptable adverse impacts of development (The Plan, pg. 21 Goal). Grading the roads to 10% or less grade, providing a secondary access for emergency services and maintaining all surface water on-site are the required baseline components for safety for future Plano Road Subdivision residents and protecting immediate lower elevation neighbors.

Plano Road Subdivision preserves and enhances identified environmental resources located on the project by:

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2. Restoring the large sandpit scar.
3. Protecting wetlands.
4. Improving riparian areas located on the project.

Also, Plano Road Subdivision would provide a western access and improved trailhead to the 640-acre Polecat Gulch Reserve recreational area (The Plan, Intro pg. iv.6). This Reserve currently can only be accessed from Cartwright Road. The aesthetic values are preserved as much as possible in this development by minimizing the disturbance of natural vegetation and by replanting and restoring disturbed areas. Seventy Five percent (75%) or about 246 acres of the project's 333 acres will be preserved or restored to a natural state and set aside as open space. Also, home color and materials restrictions, height restrictions and mandatory setbacks from ridgeline cuts will help the Plano Road Subdivision blend into the natural terrain. **With the recommended setbacks and restrictions it will eliminate or substantially reduce the visual impacts to the neighboring subdivisions and protect homes from natural wildfires.**

Located in Boise Priority Development Area

The location of this project is compatible with the Comprehensive Plan and is **designated as a priority area for development in the Foothills**. It also has adequate access to public sewer and water facilities.

The Ordinance and Density

(Section 11-06-05.07)

The basic tenets determining density are: 1) Buildable area of 25% or less of pre-grading slope; 2) Density Bonus for buildable area left as open space; 3) Priority Open Space.

1. **Buildable area of 25% or less** of pre-grading slope (.07.04.B1; .07.09). The 25% restriction for buildable area is 5% less than traditional restrictions of 30% found in most foothill areas around the country including Salt Lake City, Denver, Phoenix and Los Angeles. Traditional engineering standards consider slopes of 30% as safe buildable terrain. This limiting factor creates a natural clustering component as well as restricting the density allowed for this project. Plano Road Subdivision has 73 total qualifying acres of 25% or less slope.
2. **Density Bonus** for buildable area left as open space (.07.04.B3). Identified buildable area left as open space creates a higher density per acre on used buildable area. Plano Road Subdivision has 25 qualifying acres of buildable area left as open space that creates Density Bonus.
3. **Priority Open Space** (.07.C). To preserve areas that exhibit at least four of 11 qualifying characteristics Bonus Density is granted for these areas. Plano Road Subdivision has 82 qualifying acres of Priority Open Space.

Qualifying for Seven of the 11 listed Priority Open Space Characteristics
(.07.04.C)

1. **Wetlands**. A Wetlands area located at the end of N. Collister Drive will be preserved following Idaho Department of Fish and Game's, "Prescription for Revegetation of Wetlands Within a Typical Southwest Idaho Stream Corridor." (For details see Ecological Designs Presence of Wetland Area and Conceptual Plan for Repair and Restoration reports.)
2. **Riparian areas**. A Riparian area located at the end of N. Collister Drive will be preserved and improved following Idaho Department of Fish and Game's, "Prescription for Revegetation of Riparian Areas Within a Typical Southwest Idaho Stream Corridor." (For details see Ecological Designs Presence of Riparian Area and Conceptual Plan for Repair and Restoration reports.)
3. **Rare plant communities**. The boundaries of Plano Road Subdivision contain a unique concentration of a rare plant species, the Aase's Onion. Rob Tiedeman, a licensed Biologist from Ecological Design and Greg Carson from Millennium Science & Engineering spent weeks qualifying, documenting and mapping the occurrence of this rare plant community. Rob has evaluated several other areas close to this property and other locals around Boise and determined that this property contains the, "Mother lode of Aase's Onions." (See Ecological Design Occurrence of Aase's Onion Report.)

   This unique location of this rare plant community will be preserved, enhanced and managed, with the consent of the Parks & Recreation Department, by the Land Trust of the Treasure Valley (Land Trust). About 150 of the 333 acres will be deeded to the Land Trust for a permanent conservancy. A preliminary management plan provided by the Land Trust is included in this application. This plan includes preservation objectives, monitoring and protection procedures that will protect and enhance this rare plant community. A roadside turnout with a permanent educational plaque will be constructed at the base of the property on N. Collister Drive to promote environmental awareness and information about the Aase's Onion. A continual endowment will be set up that will provide funding for this permanent conservancy by requiring a percentage (.25%) of each sale or resale of a lot or home in the Plano Road Subdivision be donated to the Land Trust. (Estimated at $1,500.00 - $2,500.00 for each home sale or resale)
8. **Trails and trailheads** designed in the Ada County Ridge to Rivers Pathway Plan. The Parks & Recreation Board is very desirous to provide trail and trailhead access for the public at the end of N. Collister Dr. to the 640-acre Polecat Gulch Reserve that currently can

only be accessed from Cartwright Road. This new access will be enhanced with the construction of a public road and a proposed railhead parking lot.

9. **Other public trails and trailheads** as recommended by Boise City Planning & Zoning. A public trail with access to the Polecat Gulch Reserve from Plano Road is part of the project design.
10. **Land adjacent to publicly held open spaces.** This project borders and allows access to the Polecat Gulch Reserve.
11. **Lands adjacent to areas that are, or have the potential to be, designated and set aside as public open space land in accordance with the provisions of this ordinance.** The entire north side of this project has the potential to be or have large corridors of open space or trails designated that connect to other public open spaces as a result of this ordinance in order to obtain bonus density for future development.

Qualifying for Three of the Four Characteristics for Determining Demonstrable Increase in Public Value of Priority Open Space + One (.07.04.C)

Also, a qualifying criteria for allowing density bonus is a, "Demonstrable increase in public value." Four main criteria are listed though not limited to these four criteria. "The Planning and Zoning Commission determine the Priority Open Space based on the degree to which it meets or exceeds these criteria...with input from the Parks and Recreation Board" (See also .07.09 Priority Open Space).

1. **Allowance for public access.** Trail and trailhead access through this project to the Polecat Gulch Reserve off N. Collister Drive and Plano Road.
2. **Protection from alteration of important vegetation,** ...that could otherwise occur from a permitted use such as mining, grazing or construction of utilities or infrastructure. Through management of the Land Trust and Plano Road CC&R's the unique concentration of Aase's Onions that is considered by the Natural Heritage Program and Conservation Data Center to be both a global and state rare species and the U.S. Bureau of Land Management as an imperiled species, will be protected from future sand removal, possible grazing or human degradation. Also, the presence of this rare plant community and its effects towards Bonus Density negates the need to transfer density from the Polecat Gulch Reserve to obtain public access to the Reserve.
3. **Dedication or discounted sale to a willing public agency.** In cooperation with the Parks & Recreation Board about 150 acres will be dedicated for a permanent conservancy (.07.07.3).

+ One. **An added public benefit** will be the restoration of a sand pit that has been mined over the past several years creating a large scar that is readily noticed across many parts of the Treasure Valley. Not only has sand mining been stopped but this project will restore that area to a pre-mining appearance. This restoration will also provide the means

where cut and fill materials will be balanced and will not be transported or removed from the property.

Based on the provisions of The Ordinance and The Plan and working with the Planning & Zoning Staff, Plano Road Subdivision qualifies for 163 new building lots. The submitted layout contains 154 building lots.

Summary

We believe that Plano Road Subdivision accomplishes, "...preserving and enhancing the community's quality of life values while allowing for controlled development" (The Plan, Intro, pg. iii). Development under The Ordinance can work if Planning & Zoning Staff, Public Agencies and Developer work together. Because of The Ordinance, Plano Road Subdivision protects and enhances environmental and recreational opportunities for the entire community it otherwise would not have considered.

We acknowledge that there will be added traffic and the subdivision will be visible. However, the added traffic is well within current capacities (See Traffic Study by Dobie Engineering) and $3,400.00 per lot will be paid to ACHD for impact fees for future improvements (154 lots X $3,400.00 = $523,600.00). By working with the Planning & Zoning Staff we have mitigated the subdivisions visibility and appearance to blend into the natural terrain by:

1. Clustering homes
2. Requiring ridgeline setbacks
3. Home height restrictions
4. Home color and material limitations
5. Carefully selected road alignments
6. Preserving natural open space corridors to connect existing open space on each side of the ridgeline.

The neighboring Quail Ridge Subdivision was developed prior to the current ordinance restrictions and has 176 lots on 250 acres. If compared to Quail Ridge Subdivision, The Ordinance's effect on Plano Road Subdivision is a reduction of 80 building lots, a 37% reduction in grading as well as providing the afore mentioned public, environmental and aesthetic benefits. Most of the homes will only be located along one side of the streets rather than the double-sided street alignment found in the Quail Ridge Subdivision.

We are appreciative of the Planning & Zoning Staff's time, effort and support they have afforded us in this project's development. It has taken the previous two and a half years of adjusting, readjusting and readjusting again to arrive at "... a plan that balances the economic and environmental components of quality of life and satisfies a broad cross-section of community interests" (The Plan, Intro, pg. iii). Plano Road Subdivision will truly be an added gem to Boise City.

EUGENE ST
W CASTLE DR
N NORTHWALL AVE
STINGER ST
W RAMWOOD DR
WAHILI RD
WAHILI AVE
WAIMEA OAK AVE
W PARKHILL DR
N PIERCE PARK RD

Plano Road Fire Prevention Plan

- The Plano Road Subdivision shall comply with the fire protection measures required by Section 11-06-05.07.05(A)(6) of the Boise City Code in order to reduce the threat of wildfires and 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.

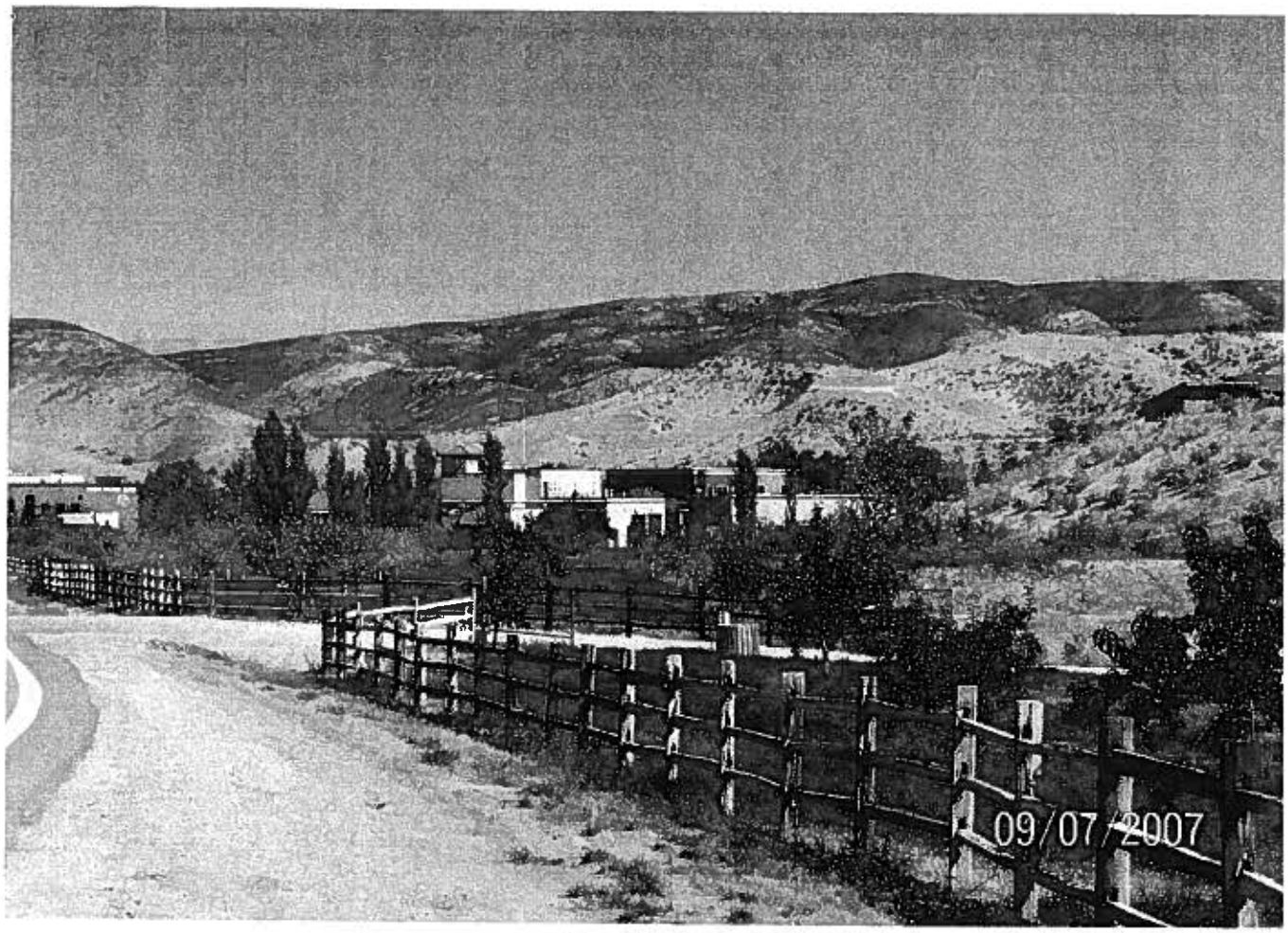
- Emergency access for evacuation of residents and for access by emergency service personnel shall be provided as illustrated on the preliminary plat.

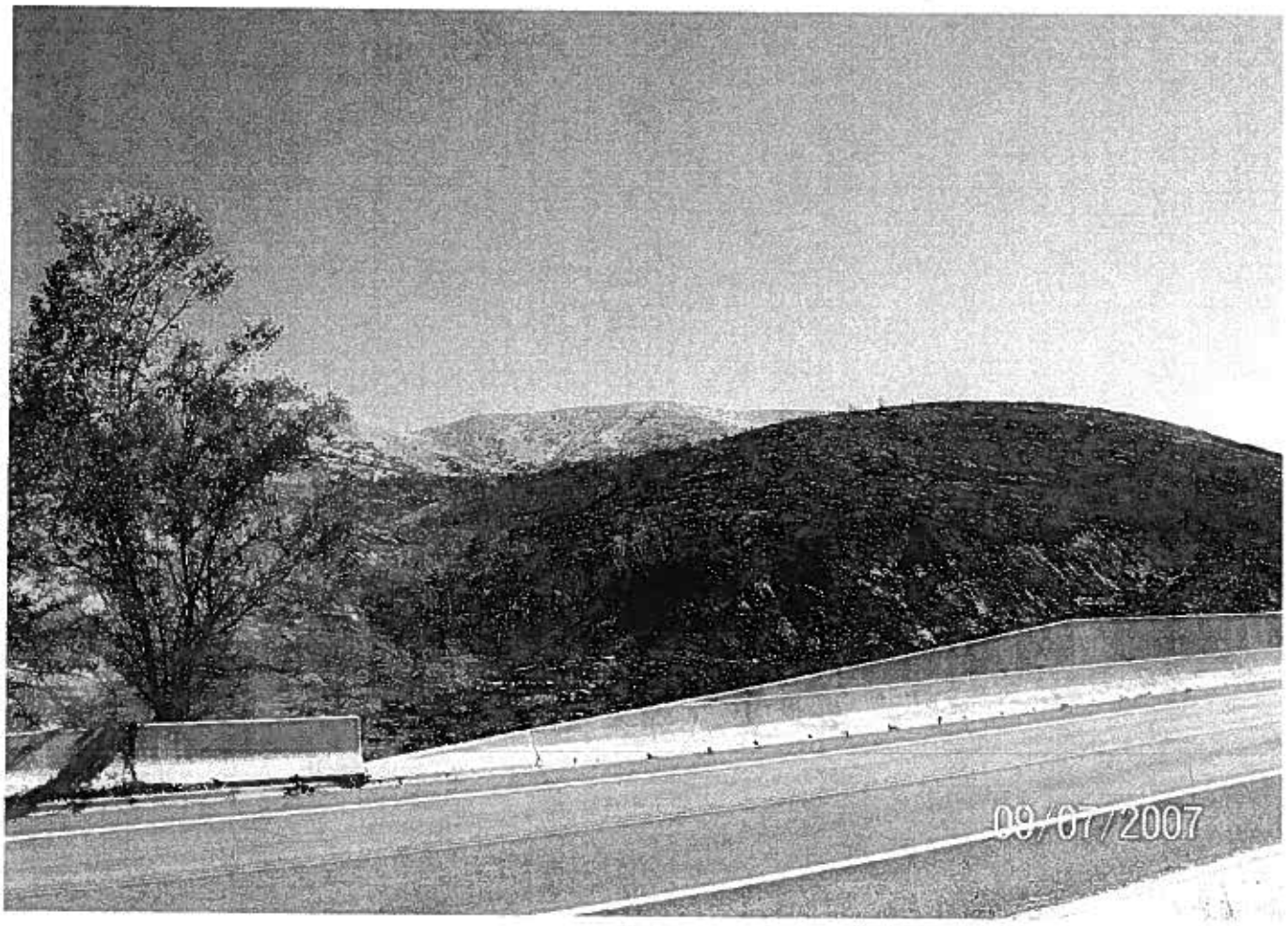
- The applicant will incorporate into it's CC&R's (see Annexation & Development Agreement Section 5.2.2) the fire protection measures required by Section 11-06-05.07.05.A.6 of the Boise City Code in order to reduce the threat of wildfires and will be included in the design in accordance with the Uniform Fire Code and Boise City Code Title 7.

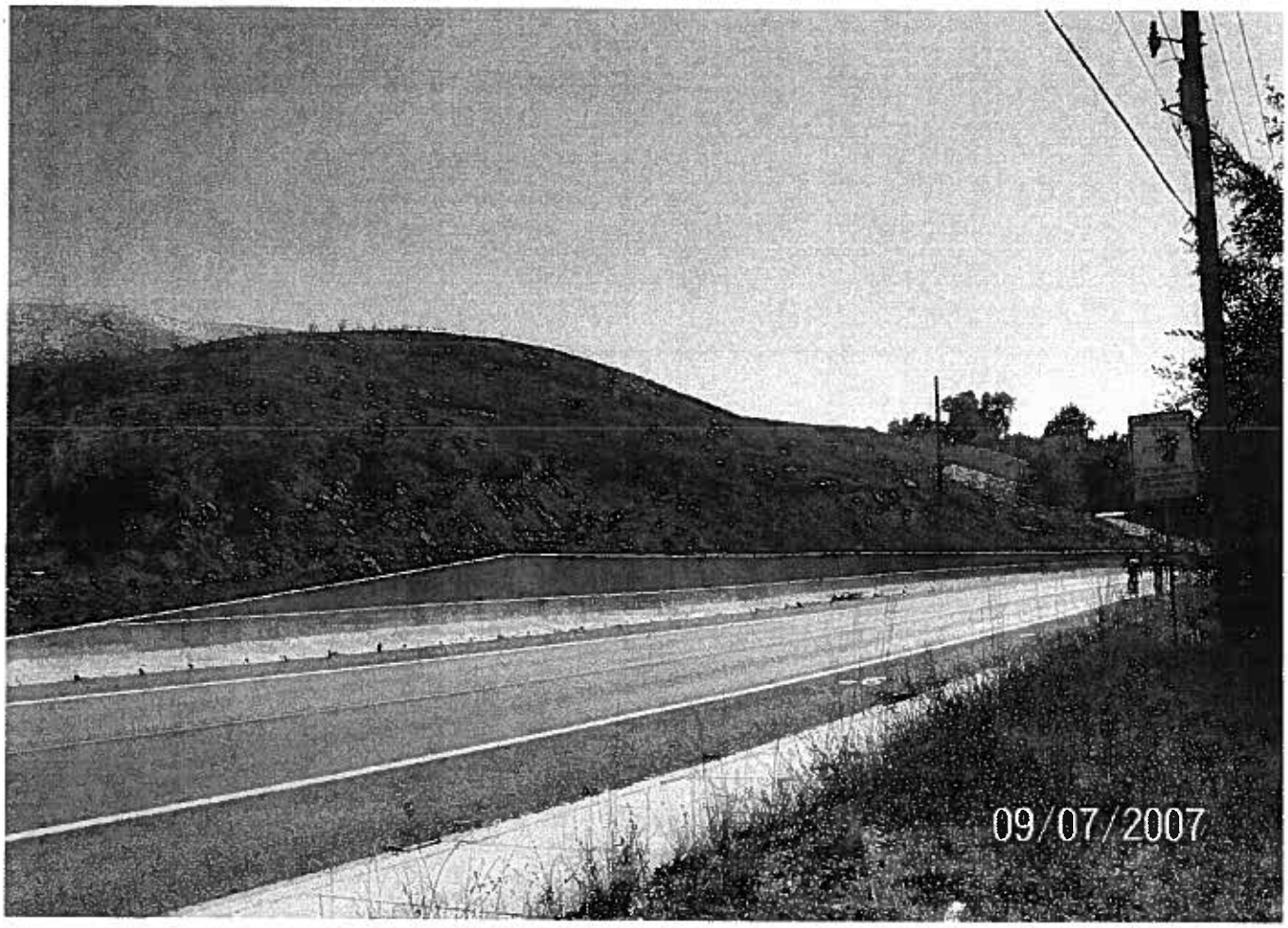
- Fire hydrants will be installed in a manner and locations approved by the Boise Fire Department consistent with the Boise city Code.

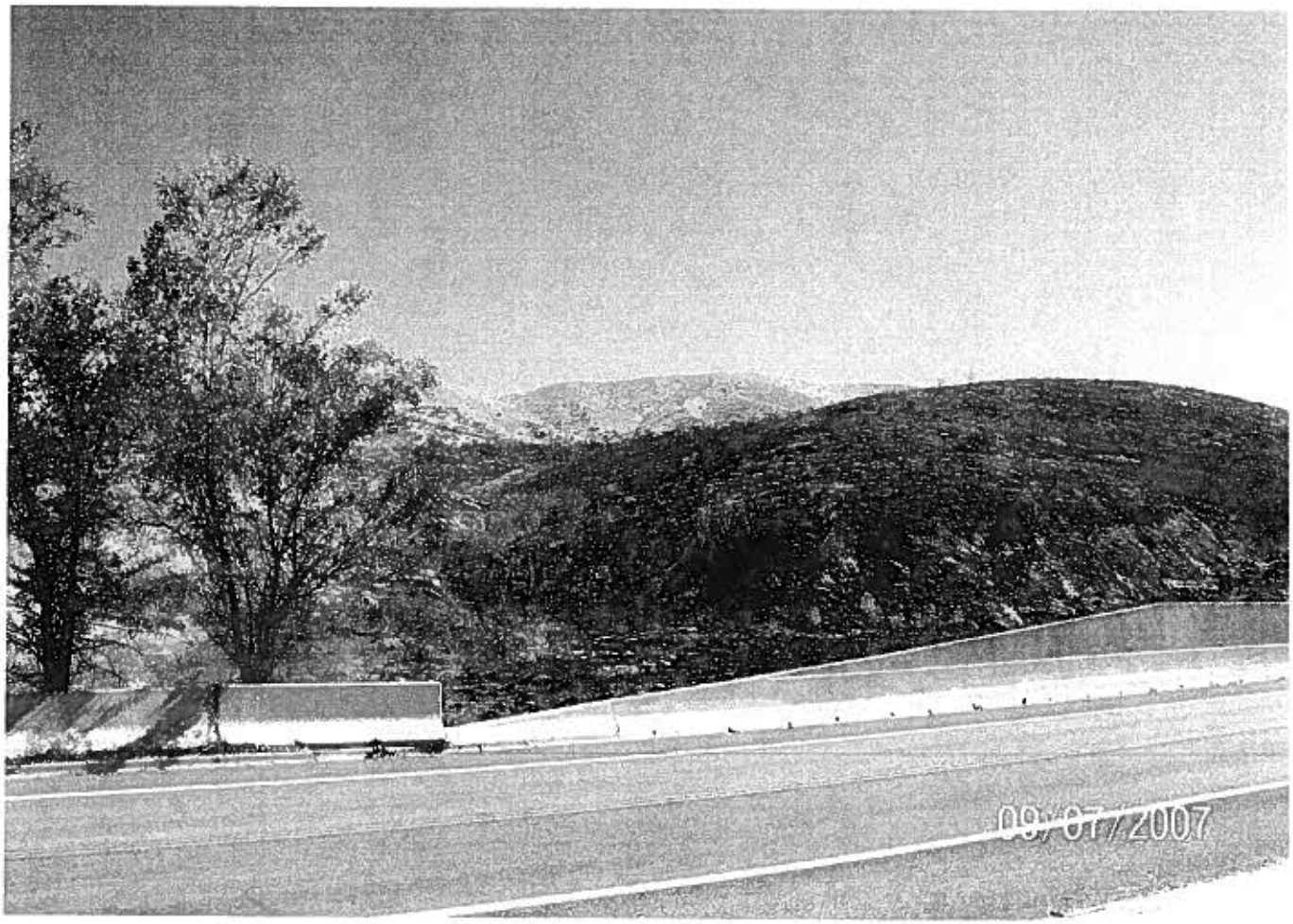
- Require all residential structures within the subdivision to be constructed utilizing construction materials, including roofing compliant with Boise City's requirements for fire resistant roofing materials.

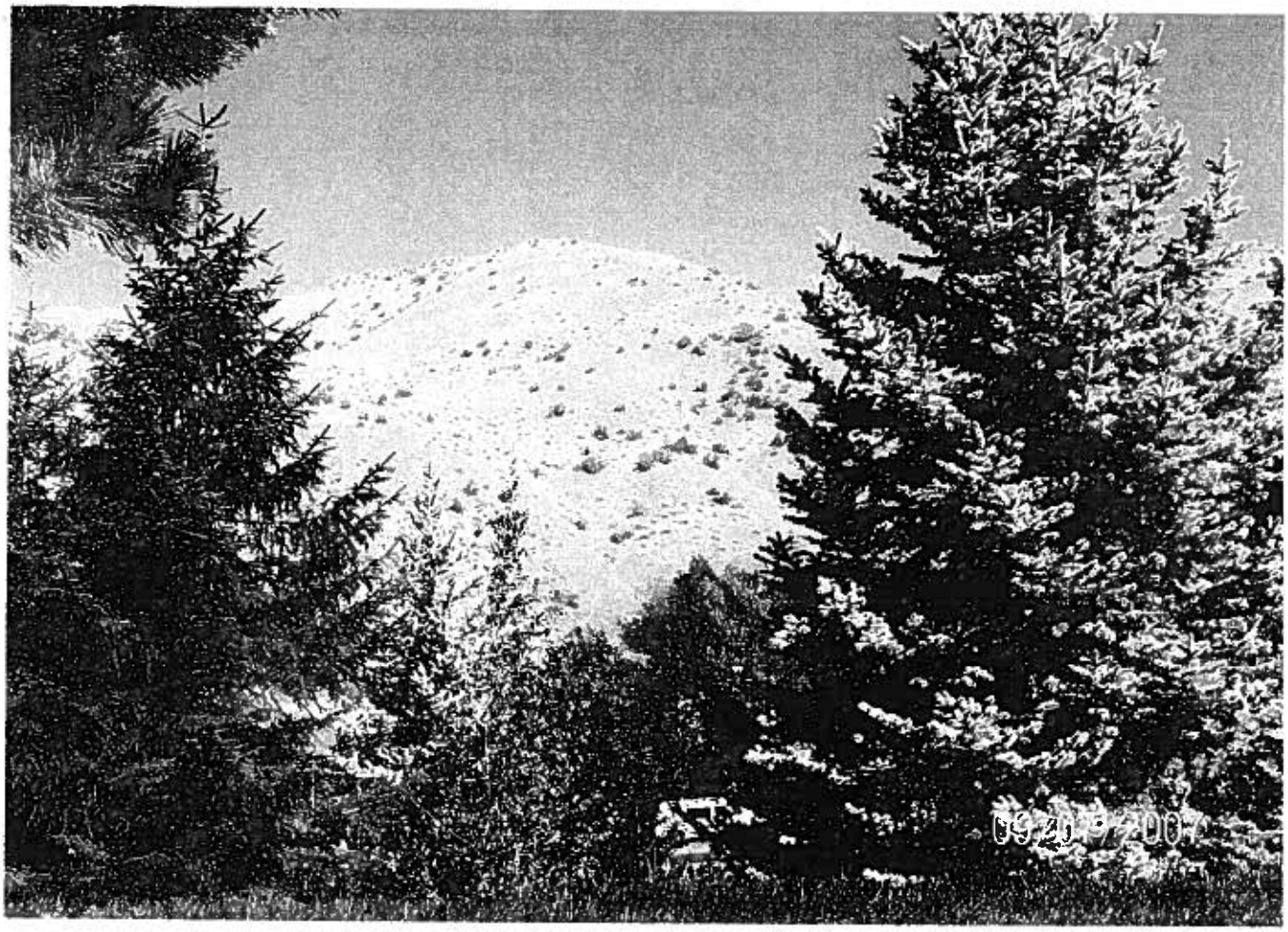
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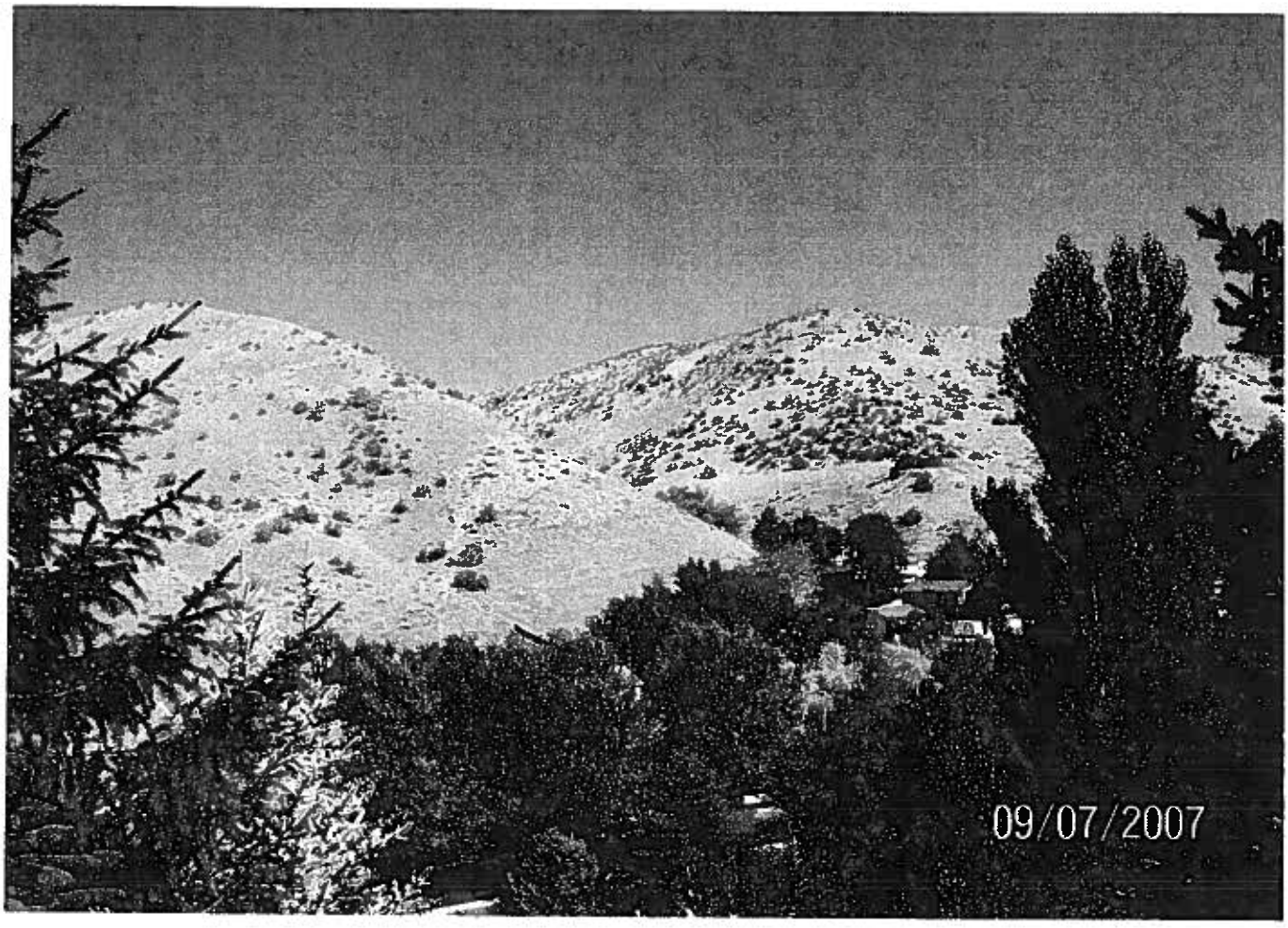

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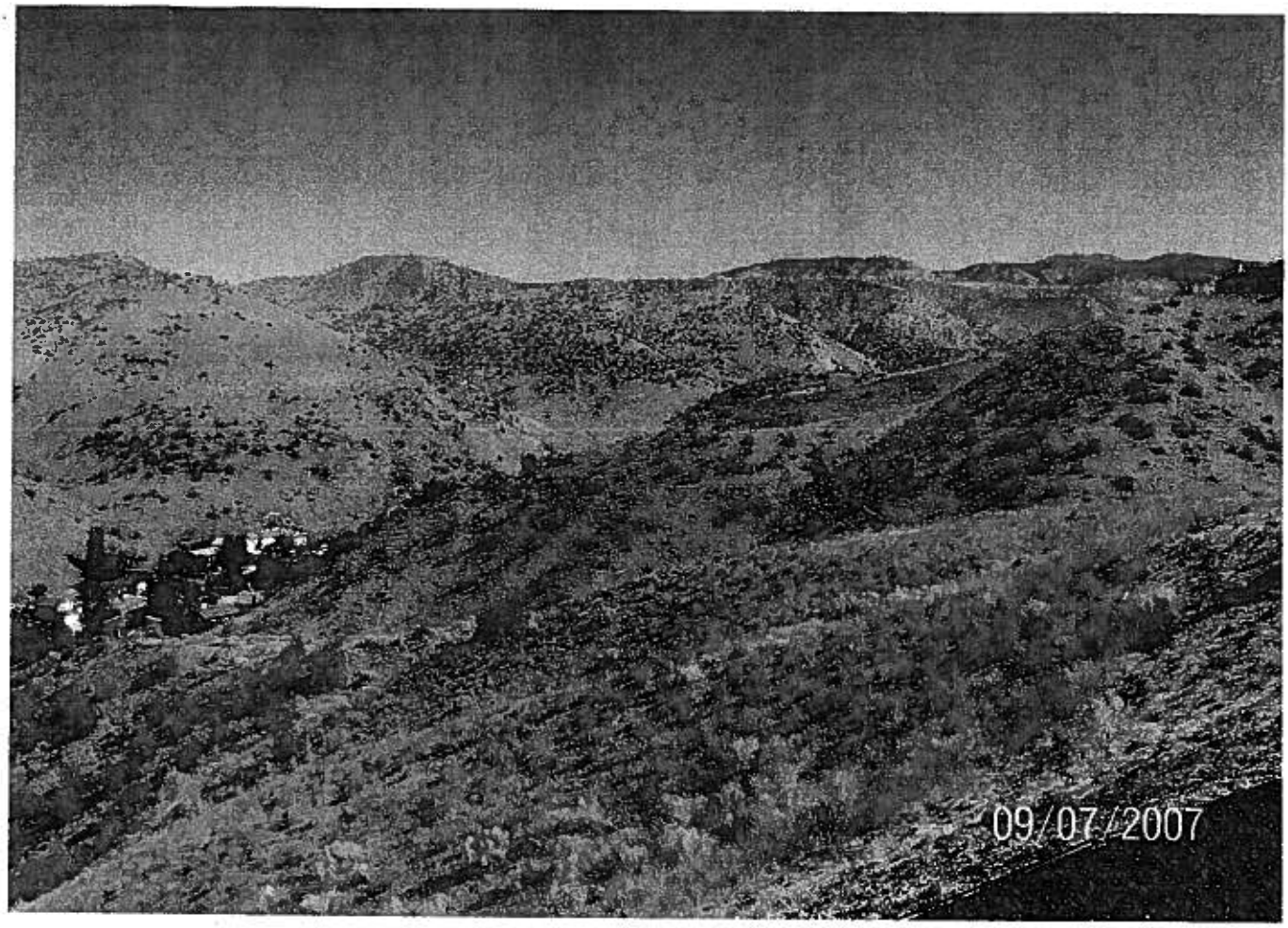

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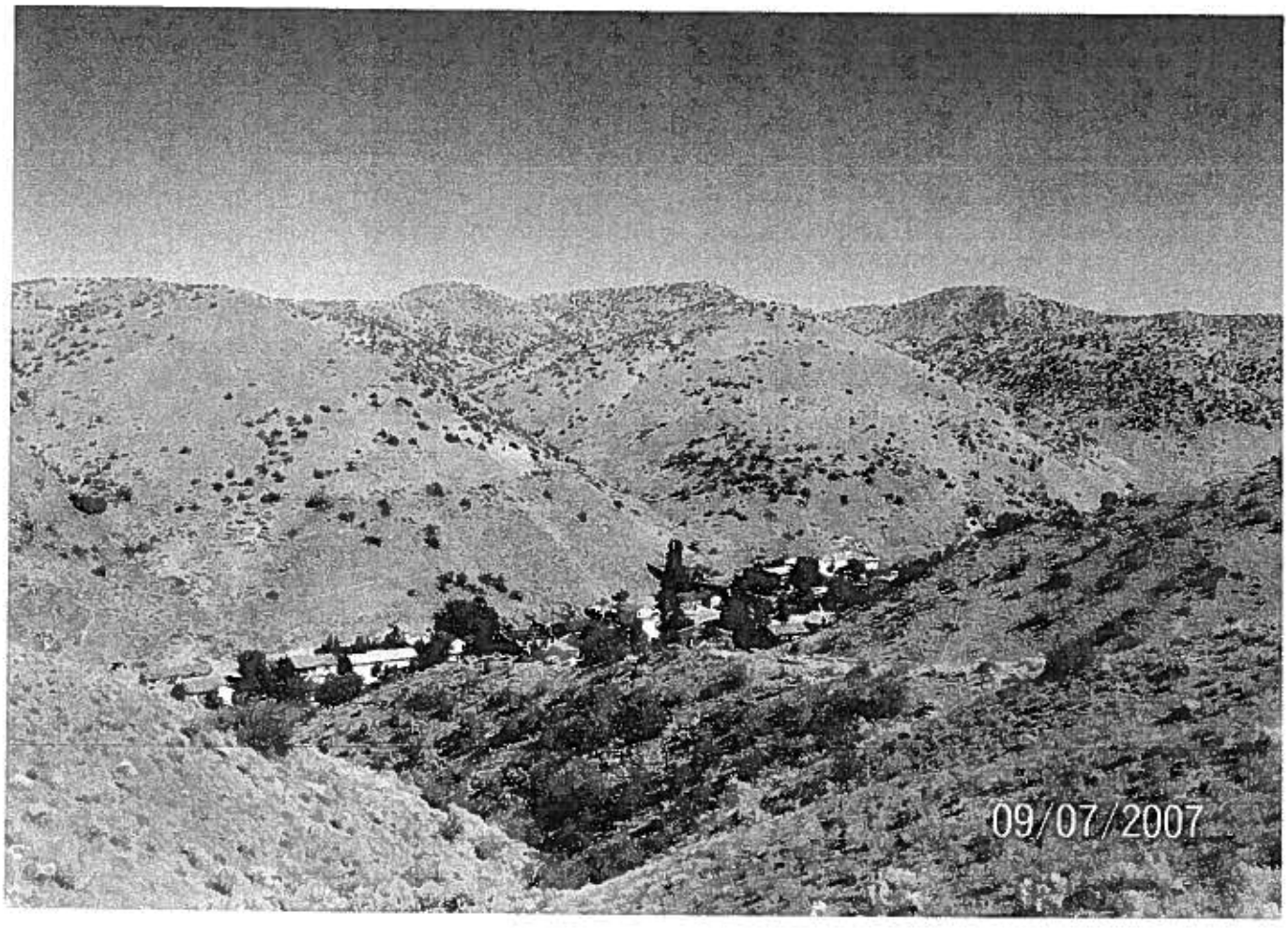


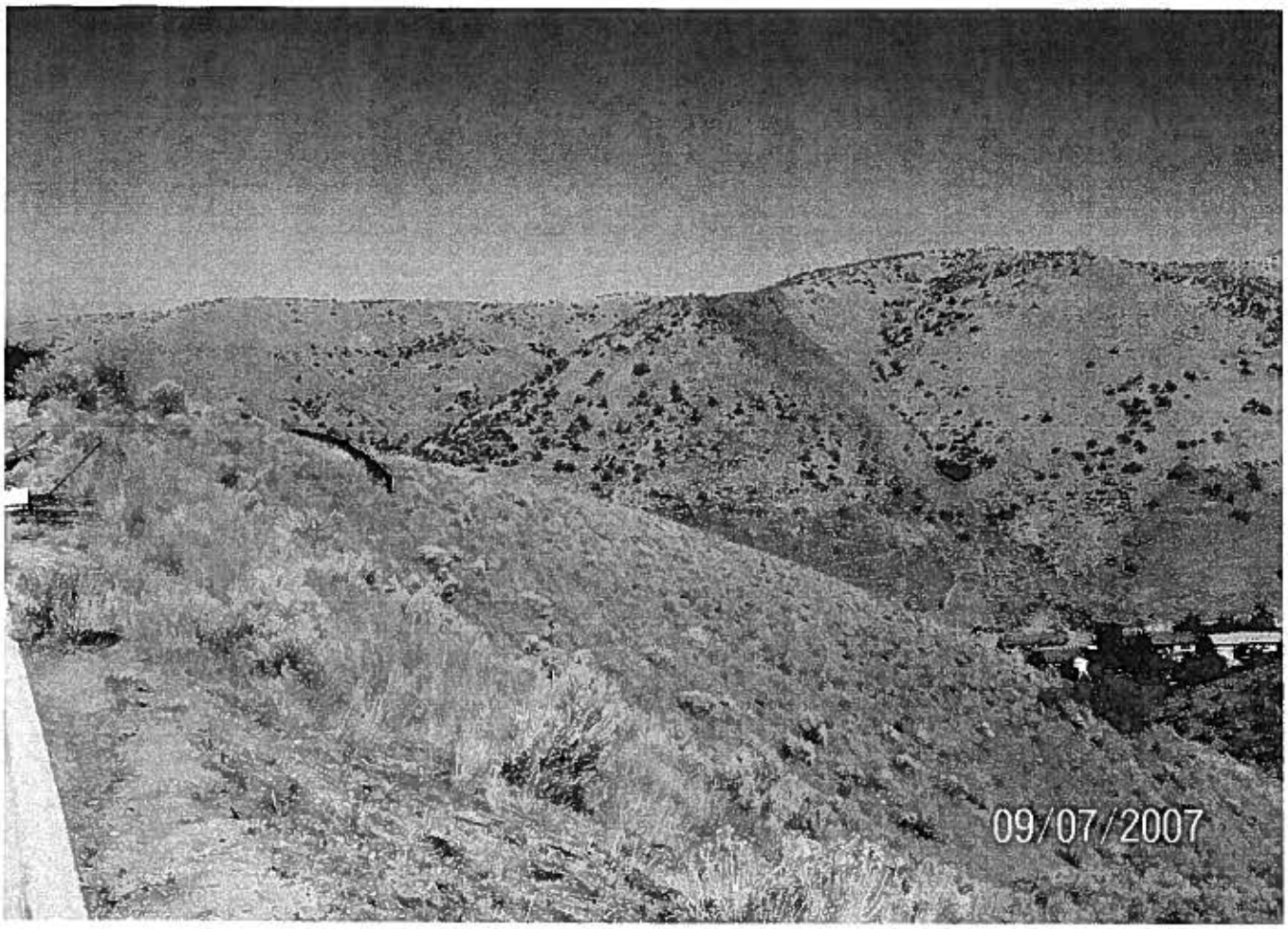

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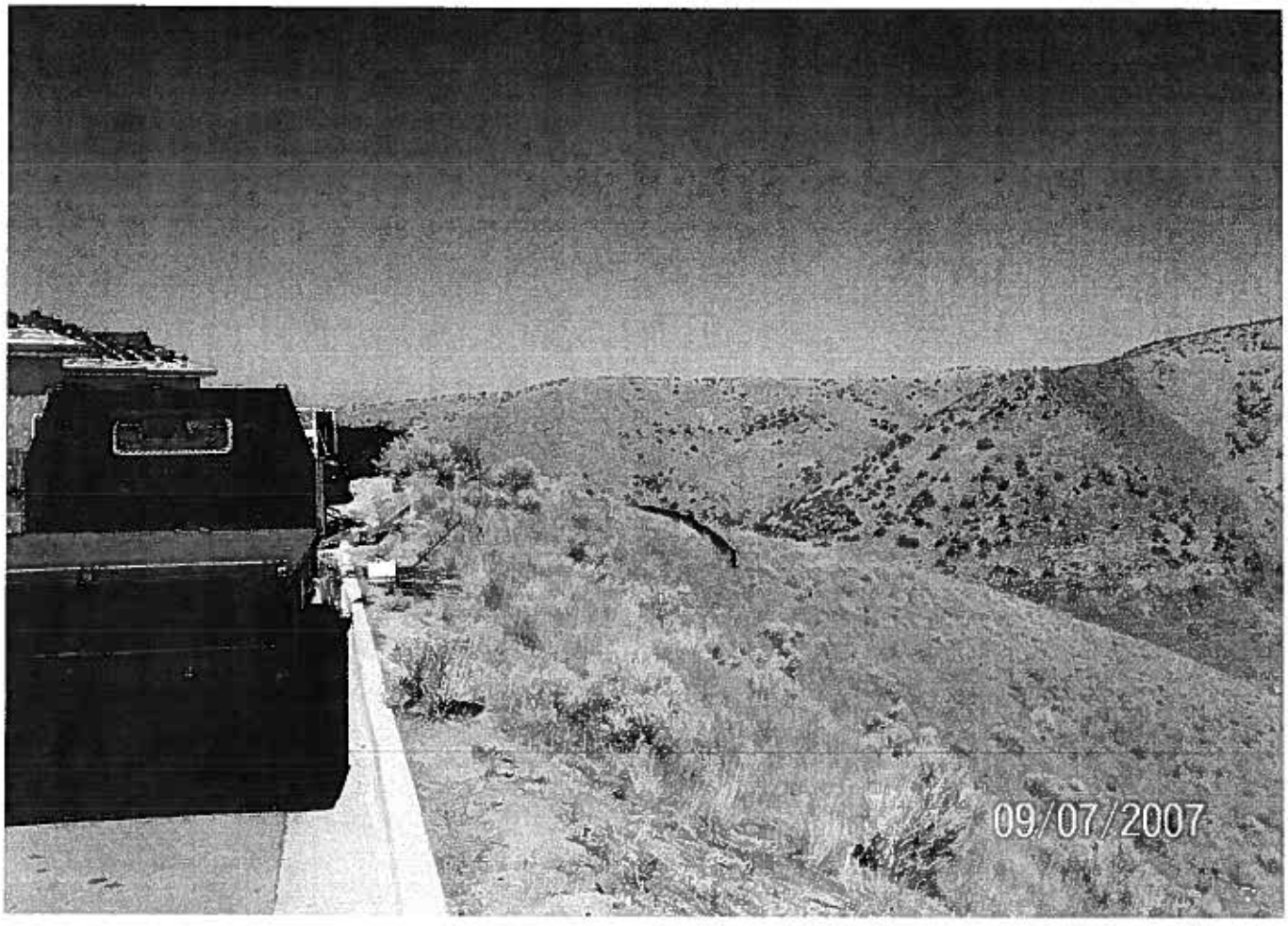

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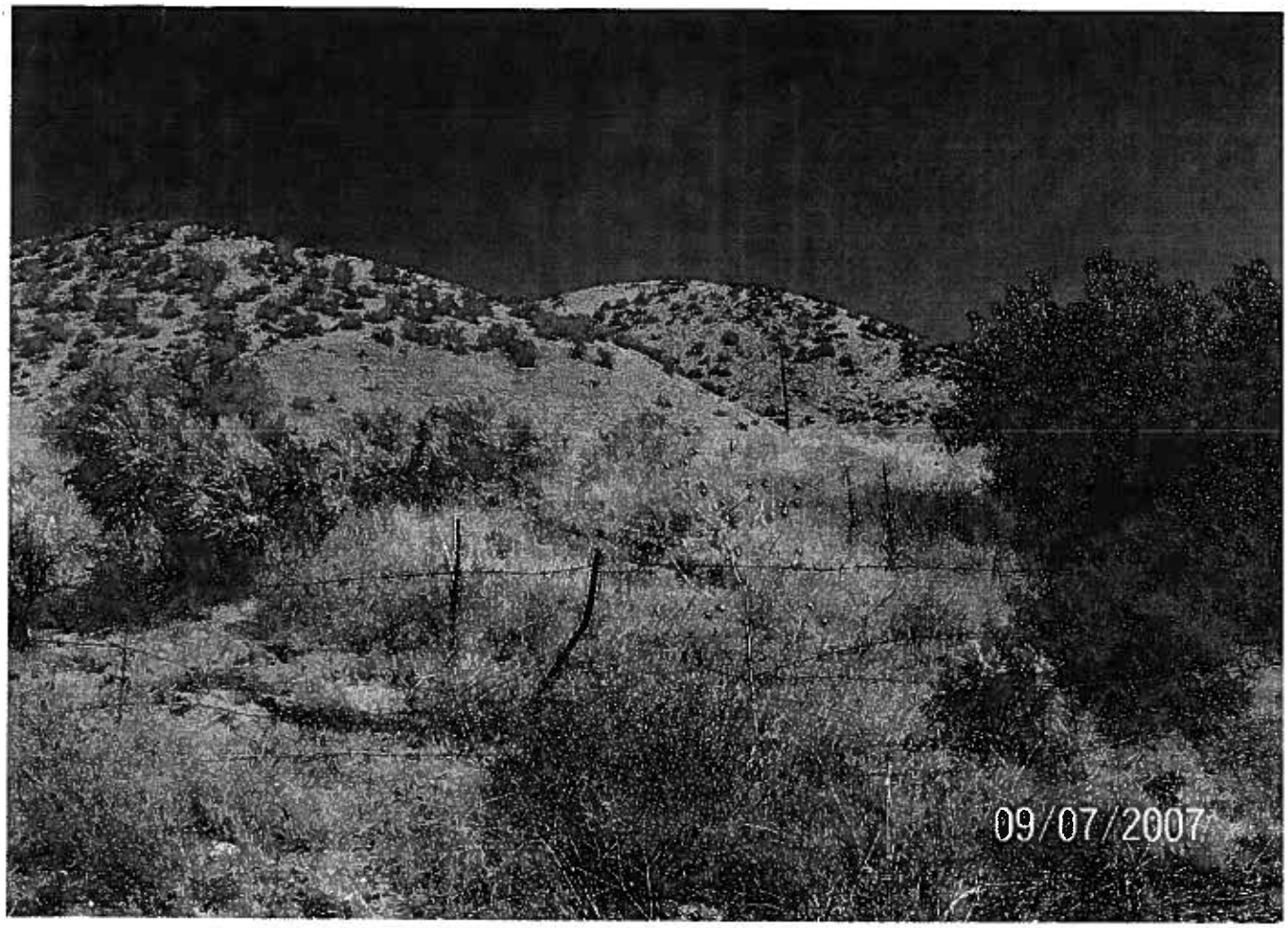

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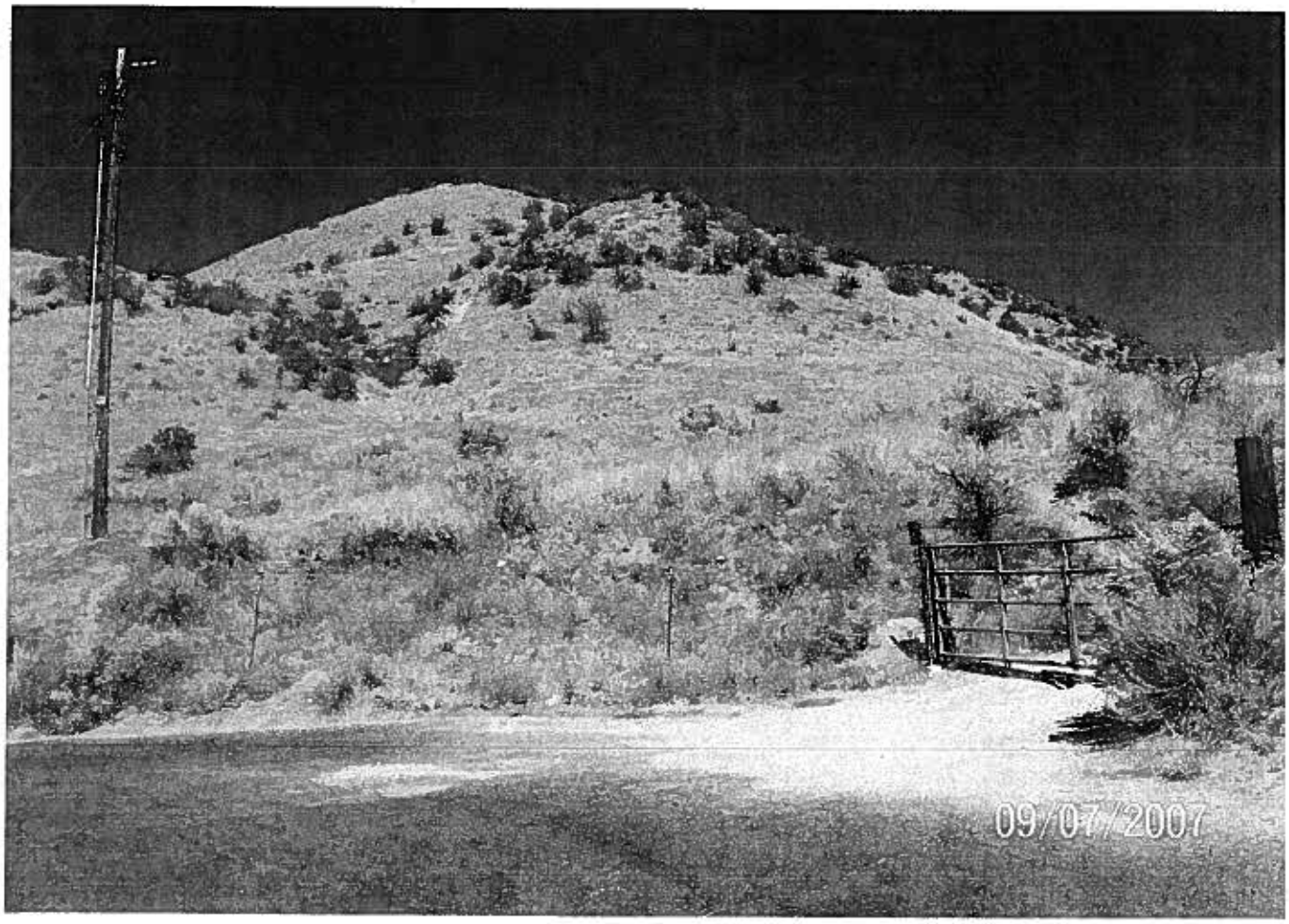

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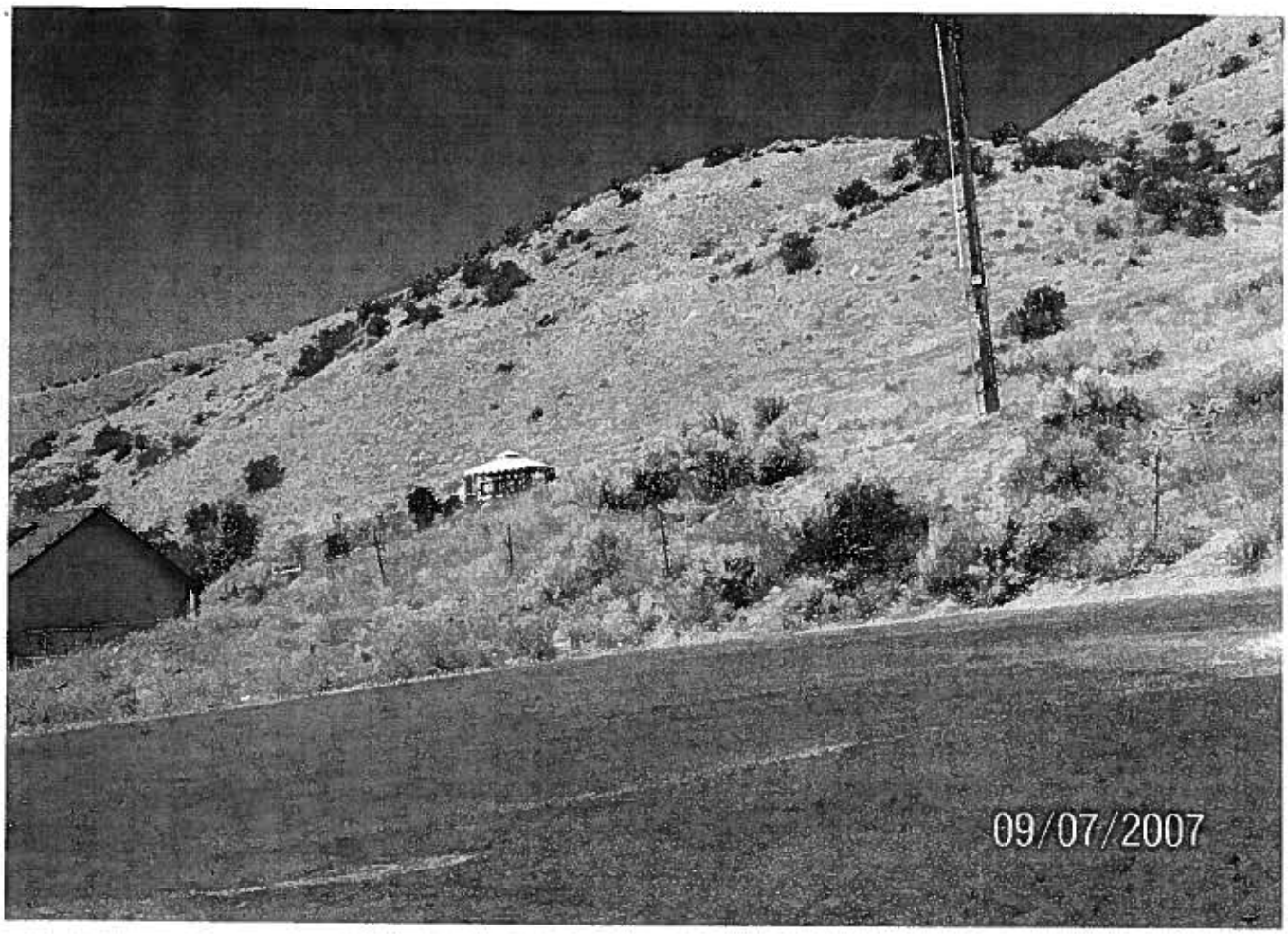

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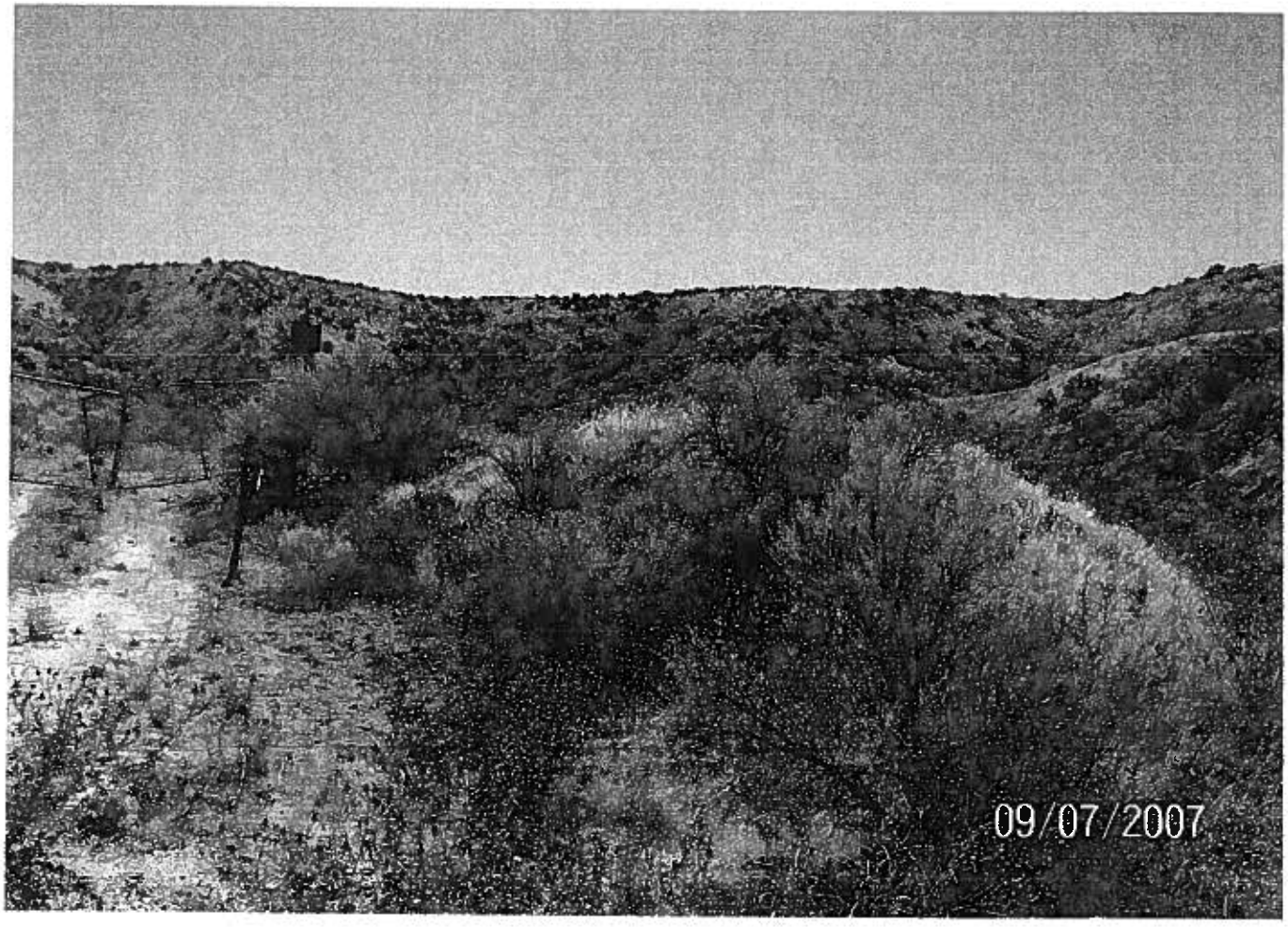

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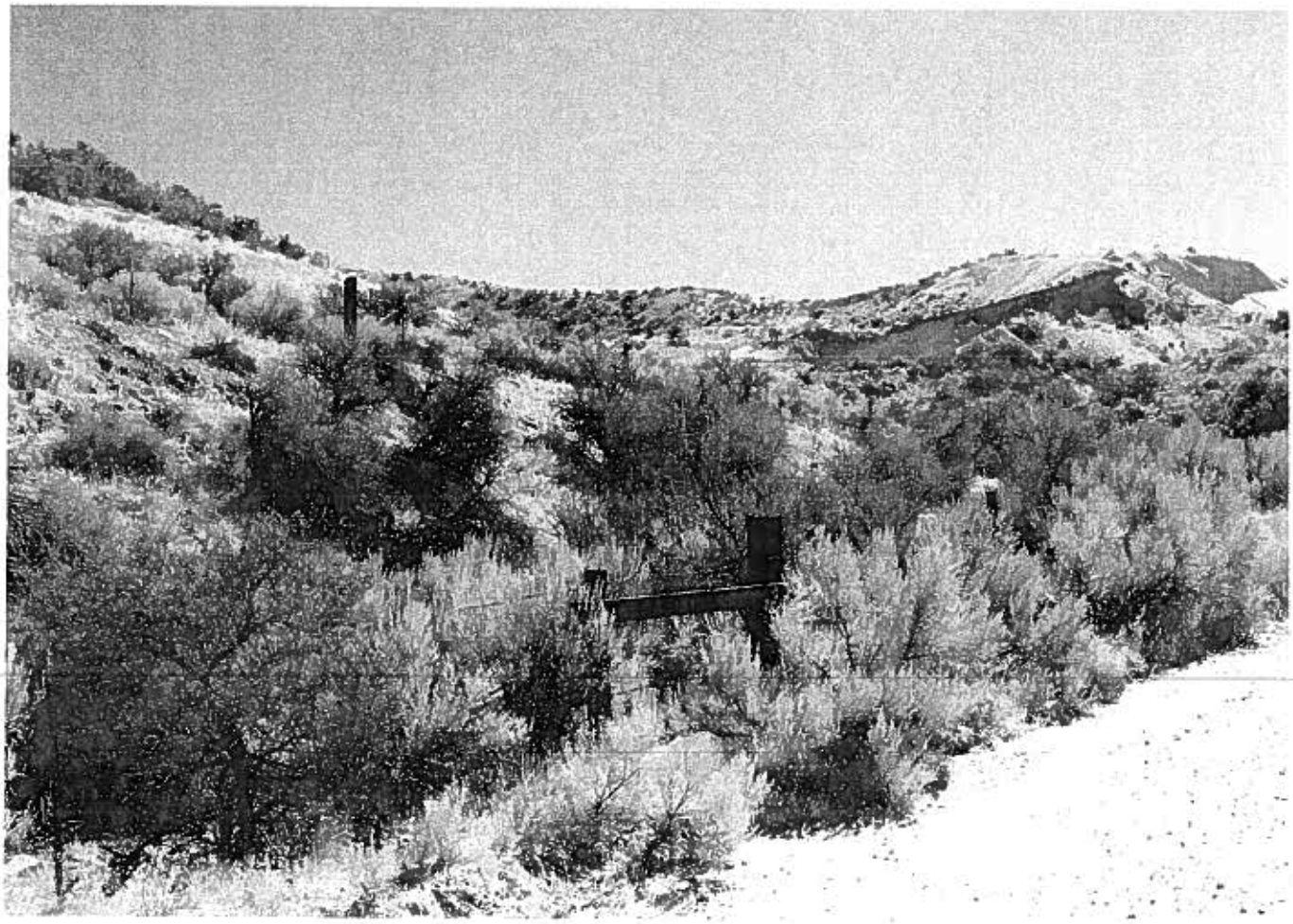

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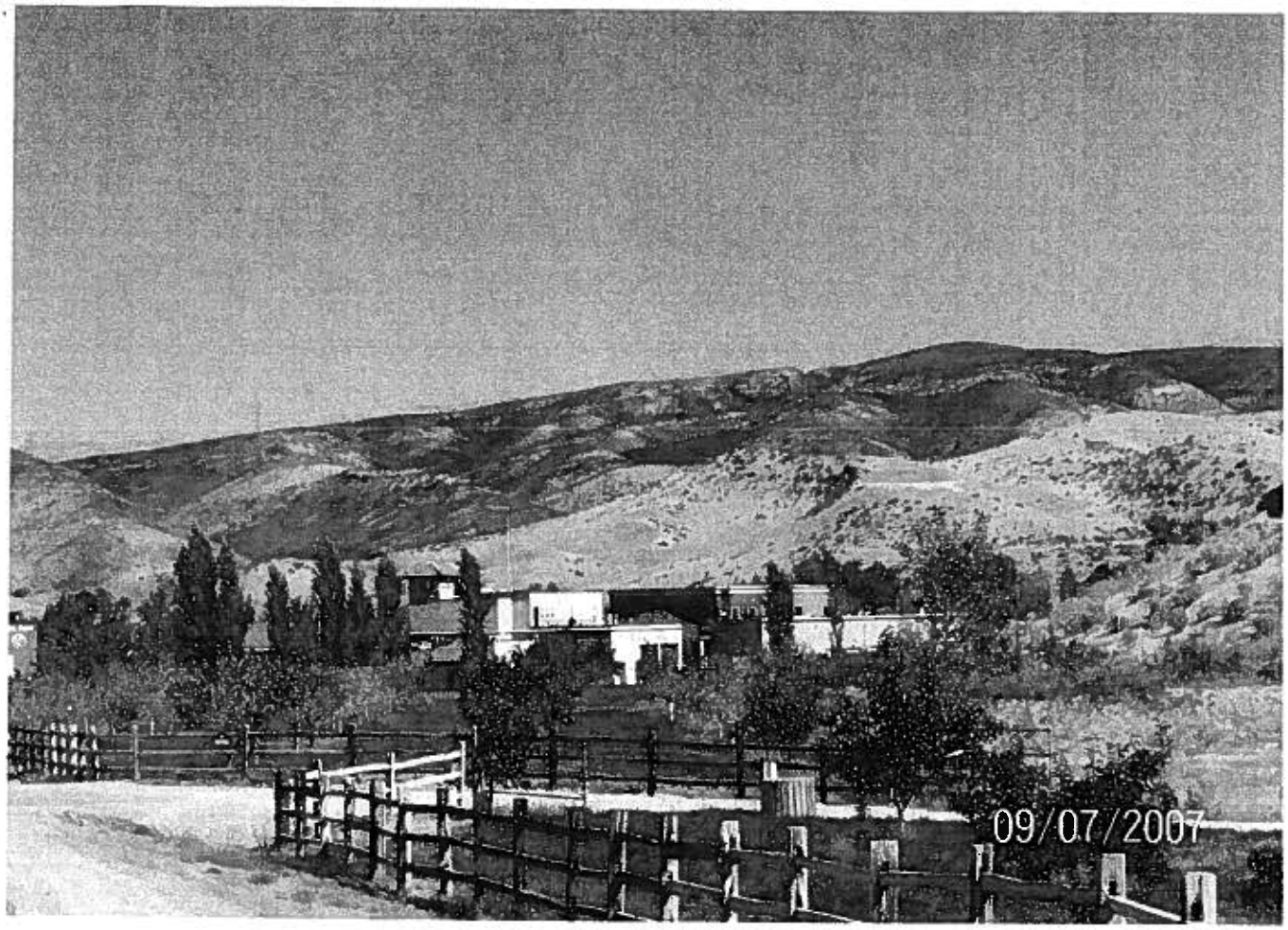

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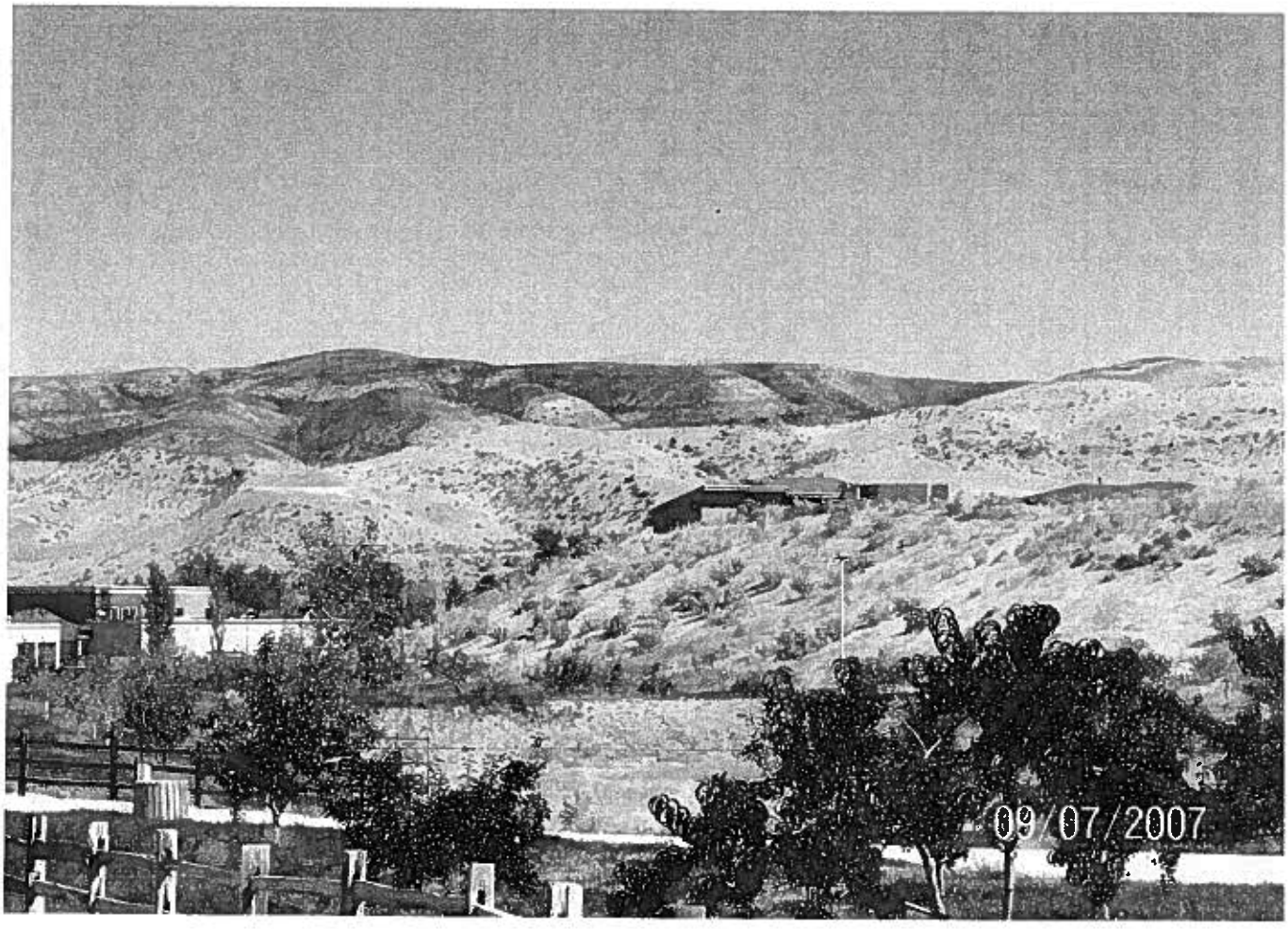

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stewart land group

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ANNEXATION REZONING MAP

EXHIBIT D

GRAPHIC SCALE

NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	5/27/2007	5/27/2007

LEGEND	SHEET NO.
A-1 Zoning	1
R-1A Zoning	OF 1

10 A

Hillside Application

CH07-00022

Planning & Development Services

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

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

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Hillside & Foothills Development Application

This box for office use only

File #: CFH07-00022 Fee: 2117

Cross Referenced File(s): CUP07-00084 CAR07-00042 Zone(s): RP

Are Pre-Application materials attached? ☐ Yes ☐ No

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

Category II - 148 dwelling unit

Applicant Information

Applicant: BASES CANYON POINT DEVELOPMENT, LLC CAPITAL DEVELOPMENT Phone: (801) 924-1777 377-3939

☒ Owner ☐ Purchaser ☐ Lessee

Applicant's Address: 3760 W 500 S., SALT LAKE CITY, UT 6200 N MEEKER PL, BOISE, ID Zip: 84104 83713

Agent/Representative: STEWART LAND GROUP Phone: (801) 263-9126

Agent/Representative's Address: 6995 S. UNION PARK CTR Zip: 84047

Contact Person (if different from above): KERRY WINN Phone: (801) 573-7205 (CELL)

Property Information

Address and Location of Property: 6890 ~~6296~~ NORTH PLANO ROAD, BOISE

Mapping Division must initial here CD to signify address verification.

Property Description (either Lot, Block and Subdivision name or recorded deed with metes and bounds description):

See attached legal descriptions and preliminary plat.

CFH 07 00022

10624015 78, 11930900237

Parcel Number: 10610346 9(1); 10610346 9(2); ~~2855~~ 10600504 25

Quarter: NW1/4 NW1/4 Section: 20, 19, 18 Township: 4N Range: 2E

SW 17 4N 2E

S0618449275 SE 4 18 4N 2E

10612326 33 NW1/4 20 4N 2E

4/05

General Submittal Requirements

Category 1: Single lot, Single Family Residential Development

Shall apply to all requests for exterior additions to existing structures; or for new construction; or for grading on any lot(s) or parcel(s) involving significant modification of the approved topography; or for retaining walls which exceed the parameters described in the Hillside Ordinance (11-14-3.1A).

☐ 1. (1) A detailed letter of explanation or justification for the application *is recommended.*

☐ 2. (1) Affidavit of Legal Interest (use attached form).

☑ 3. (1) Current Vicinity Map (8½" x 11") at 1" = 300' scale, showing location and current zoning of the property. Map is available from the PDS Mapping Division. Indicate the location of your property on map.

☐ 4. (3 +1) Detailed Site Plans including existing site conditions and plan for grading and drainage developed by a licensed professional engineer registered in the State of Idaho (Three copies and one 8½" x 11" reduction) showing:

a. All existing structures which will remain, labeled as to existing and proposed uses.
b. All proposed structures, labeled as to use.
c. North Arrow
d. Scale
e. Property boundary
f. Names of applicant, plan preparer, and project name
g. Size of parcel (acres or square feet)
h. Existing vegetation, labeled as to remain or be removed
i. Drainage features

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Existing site conditions:

1. Existing contours of property using two foot intervals
2. Location of any existing buildings, structures, rock outcrops and other visual features on the property where the work is to be performed, and on land of adjacent owners within 100' of the property *or* which may be affected by the proposed grading operations.

Grading and Drainage Features:

1. Elevations and finished contours to be achieved by the grading using two foot intervals.
2. Retaining walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of the proposed work.
3. Approximate location of all surface and subsurface drainage devices.
4. Proposed contours which depict the drainage area(s), the complete drainage network, including outfall lines and natural drainage ways which may be affected by the project.

☐ 5. (1) Soils report.

☐ 6. (1) House plans. NA

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General Submittal Requirements
Category II

☐ 1. (1) Affidavit of Legal Interest (use attached form).

☑ 2. (1) Written legal description of the property.

☑ 3. (1) Current Vicinity Map (8½" x 11") at 1" = 300' scale, showing location and current zoning of the property. Map is available from the PDS Mapping Division. Indicate the location of your property on map.

☑ 4. (3 +1) Detailed Site Plans (Three copies and one 8½" x 11" reduction) showing: Preliminary Plat

- ✓ a. All existing structures which will remain, labeled as to existing and proposed uses. One House to remain - Only sewer main.
- ✓ b. All proposed structures, labeled as to use. None
- ✓ c. North Arrow
- ✓ d. Scale
- ✓ e. Property boundary
- ✓ f. Names of applicant, plan preparer, and project name
- ✓ g. Size of parcel (acres or square feet)
- ✓ h. Existing vegetation, labeled as to remain or be removed Minimize disturbance
- ✓ i. Locations, widths and surface types of existing and proposed streets See Revegetation Plan and Erosion Control Plan Limit of Disturbance
- ✓ j. Locations of widths of rights-of-way, easements, canals, ditches and subdivision lines
- ✓ k. Location and sizes of all lots and common areas
- ✓ l. Drainage features
- NA ~~m. Pedestrian paths~~
- ✓ n. Proposed lighting location and types
- NA o. Building plans and elevations

☑ 5. (1) Projects that require conditional use review must submit a conditional use application with this request (Section 11-14-3.1).

Note: If a Conditional Use is to be reviewed concurrently with this application, then 1-5 do not need to be submitted. They will be submitted with the Conditional Use application.

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☐ 6. (1) This is a request for a (check appropriate box):

- ☑ Detailed Category II Review
- ☐ Conceptual Category II Review
- ☐ Modification

* letter from Strata

CFH 07 00022

Route Plan for Hillside Properties

Your lot is located within a hillside area, and as such, it is subject to the Hillside Ordinance. A public hearing may be required. If so, you will be notified and required to submit a hillside application with Planning & Development Services. At this time, however, all information identified on the Building Division supplemental application for hillside projects must be provided.

Lot: _____ **Block:** _____ **Subdivision:** _____

Street Address: _____

Builder/Applicant: _____

The following is to be completed by the City.

Step		Date	Initials
1.	**Category I, II, or III? Public Works Department Comments:**		
	_____		
	_____		
	_____		
	* Do plans require resubmittal? ☐ Yes ☐ No		
	Resubmittal of plans must include:		
	_____		
	_____		
	_____		
	* Category III permits may go directly to step 6 below.		
2.	**Submittal of Hillside Application** File # _____ **X-Ref File:** _____		
3.	**The application was ☐ Approved ☐ Denied**		
4.	**Has the application been appealed? ☐ Yes ☐ No**		
5.	**Outcome of appeal:**		
	_____		
	_____		
	_____		
6.	**Final Approval of Building Plans:**		
	a. Public Works Department		
	b. Planning Division		
	c. Building Division		

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Specific General Submittal Requirements
Category II

Detailed Category II: Shall apply to all requests for conditional use permits, preliminary subdivision plats, or for grading on any lot(s) involving modification of the approved topography that is beyond that allowed under Categories I and III Permits (11-14-3.1B). **Must provide two (2) copies of each report** - one copy must be sent to Public Works Department.

1. The project engineer shall submit a detailed statement of how the soils, geology, hydrology and re-vegetation studies are incorporated into the grading and drainage plans. See Hydrological + Engineer Report
2. A preliminary plan for erosion control.

The following, per Section 11-14-15 of the Hillside Ordinance, is required and shall be developed by a licensed professional engineer registered in the State of Idaho. **The plans may not be combined**. Separate drawings for the "existing site plan" and "proposed grading and drainage plan" shall be submitted.

3. Existing site conditions (three copies, not smaller than 1" = 100') showing: → See Preliminary Plat
   a. Property lines
   b. Existing contours of property (two foot intervals)
   c. Location of any existing building, structures, rock outcrops and other visual features on the property where the work is to be performed, and on land of adjacent owners within 100' of the property, or which may be affected by the proposed grading operations.

4. Grading and drainage plans (three copies, not smaller than 1" = 100') showing:
   a. Property Lines
   b. Proposed elevations at lot corners
   c. Proposed elevations at 100' maximum intervals along centerline of street
   d. Elevations and finished contours to be achieved by the grading
   e. All proposed buildings (PADS)
   f. Approximate limiting dimensions
   g. Delineation of cut and fill areas
   h. Cross sections of both cut and fill slopes
   i. Retaining walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of the proposed work.
   j. Approximate location of all surface and subsurface drainage devices
   k. Proposed contours which depict the drainage area(s), the complete drainage network, including outfall lines and natural drainage ways which may be affected by the project.

See Grading + Erosion Control Plan
Limits of Disturbance

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5. Estimated runoff in cubic feet per second (c.f.s.) of the area served by the drains: Hydrologic See Drainage Engineers Report

Drain # 1: _____ Drain # 4: _____

Drain # 2: _____ Drain # 5: _____

Drain # 3: _____ Drain # 6: _____

Other: (Please specify): _____

_____

_____

_____

6. Soils engineering report (per 11-14-5A). SUBSTA

7. Geological engineering report (per 11-14-5B). SUBSTA

8. Hydrological engineering report (per 11-14-5C). WOOD

9. Revegetation plan (per 11-14-5E). DAVE KOSA

Note: It shall be the responsibility of the developer to ensure that the project engineer incorporates into the grading and drainage plans all appropriate recommendations contained in the soils, geology, hydrology and revegetation reports (per 11-14-6B3).

Conceptual Category II

1. Is the subject property zoned for the intended use? ☐ Yes ☑ No
   If not, then this application must be accompanied by a request for rezoning to the appropriate district (per 11-14-3.6B).

✓2. Conceptual plans shall include generalized plans and reports for site, drainage, grading, soils, hydrology, geology, revegetation and utility service.

Modification

1. General submittal requirements

2. Two sets of reports and plans which explain the proposed modifications.

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Kerry Wm 5/28/07

Applicant/Representative's Signature Date

CFH 07 00022

STRATA
GEOTECHNICAL ENGINEERING & MATERIALS TESTING
Integrity from the Ground Up

May 29, 2007
File: AASCAN B07039A

Mr. Kerry Winn
Aase's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

RE: **LETTER**
Preliminary Soil and Geologic Evaluation
Plano Road Subdivision
Hill Road and Collister Road
Boise, Idaho

Dear Mr. Winn:

STRATA, Inc. is presently finalizing our preliminary soil and geologic evaluation for the planning phase and preliminary platting of the proposed Plano Road Subdivision to be located north and west of the intersection of Hill Road and Collister Road in north Boise, Idaho. Our services are presently being accomplished referencing conversations with Mr. James Woodruff of Azumuth Engineering and referencing our proposal dated February 21, 2007.

Our preliminary report will summarize the results of our research, geologic reconnaissance, geologic hazards evaluation, and preliminary geotechnical planning recommendations for proposed project infrastructure. The purpose of our services is to provide understanding of the site/subsurface conditions relative to the project concept. Our report, once finalized, will present the important factors we currently believe that should be considered from a geotechnical standpoint at this stage in the project development.

Once project concept planning is nearly complete, further geotechnical evaluation will be required based on a more defined project scope. These services will be required by the City of Boise to address geotechnical issues to assist in completion of final planning, design, and construction of the project infrastructure. Lot-specific evaluation will also be required by the City of Boise to be performed as each lot development plan is proposed.

We plan to publish our completed report on or about June 5, 2007. We appreciate the opportunity to work with you on this project. We remain available to assist the design and development team as the project evolves. Please do not hesitate to contact us if you have any questions or comments.

Sincerely,
STRATA, Inc.

Michael G. Woodworth, P.E.
Design Geotechnical Engineer

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CFH 07 00022

General Location and Description

Location

1. This proposed project is located between Plano Lane and Collister Road and East of West Hills Road.
2. The existing drainage for this project is divided into 5 major drainage basins labeled on the attached map A-C and E. Basin D is a new Basin created by grading the roads and the development of the Basin A is 46.20 acres, Basin B is 44.43 acres, basin C developed area is 13.98 acres, and basin E developed area is 10.04 acres. Using the TR-55 Graphical Peak Discharge Method we will estimate the existing and proposed runoff for the 100-year storm for the proposed development in the Foothills

Incorporatation of Geologic, Soils, Hyrdrologic, and Revegetation

3. The existing soil conditions include prairie grass, sage brush, sand, and topsoil with limited trees. The existing soil conditions according to the Soils evaluation from Associated Earth Science list these as 'sandy and quite uniform in nature. There is no particle size discontinuity present with several fee of soil surface. The sandy soil extends to 40 to 100 feet on the project area.' (Soils Evaluation by Mark Johnson 2-5-07). These soils will have characteristics of high percolation rates. The Runoff Curve number (CN) for Hydrologic Soil Group A (sandy and well drained). The existing soil is suitable for development and provides adequate drainage for retention and infiltration basins. Conversations with the Geologic and Soils Engineer provide a positive recommendation for grading the site (cut/fill). The Hillside ordinance requires maximum slopes of 2/1 unless authorized by a Geotechnical engineer. They recommend a maximum slope of 1.5/1. We have done our best to follow the guidelines of 2/1 slopes in most cases. Where there are grades less than this, additional erosion protection will be added to stabilize the cut/fill slopes. In one area a series of 6 foot decorative retaining walls will be utilized with 2/1 vegetated slopes. Details of this will be presented in the final design and with the assistance of the geotechnical engineer. See profile of this in grading and drainage plan. An existing sand pit will be filled with existing material on site. No material will need to be transported from the existing project site. After the pit is filled with lifts, it will be restored with topsoil and revegetated.

4. There is one existing house on the property. The drainage from the site either flows north or south from the ridge line (east-west). The basin on north side of the ridge flows north to natural vegetated channels along Plano Road. This channels runs along Plano Lane and drains to North . There is no evidence of an outlet pipe or drainage pipe for the natural channels. There are some natural detention areas for the storm along the natural channels and appear to mostly dissipate the water through detention/retention of the storm water. We are proposing to construct 100-

year Retention Basins for the new project and allow the stormwater to percolate into the soil.

5. South of the ridge line, the drainage is collected in a natural channel along Collister Road. This channel is piped through the Briahills Development. The size of the existing pipe stubbed to this channel is a 12-inch storm pipe. The existing road along Collister was designed to handle higher flows with the low point at the middle of the road. The road is constructed of concrete pavement. The existing basin drainage area and flows for this existing channel along Collister road was not calculated. If the City has information about this drainage, we would be happy to include these in our design. We are assuming that the existing flows through this channel will be maintained and routed through our proposed detention basin upstream of the existing storm drain piping in Briarhills development.

Drainage Calculations & Proposed Drainage System

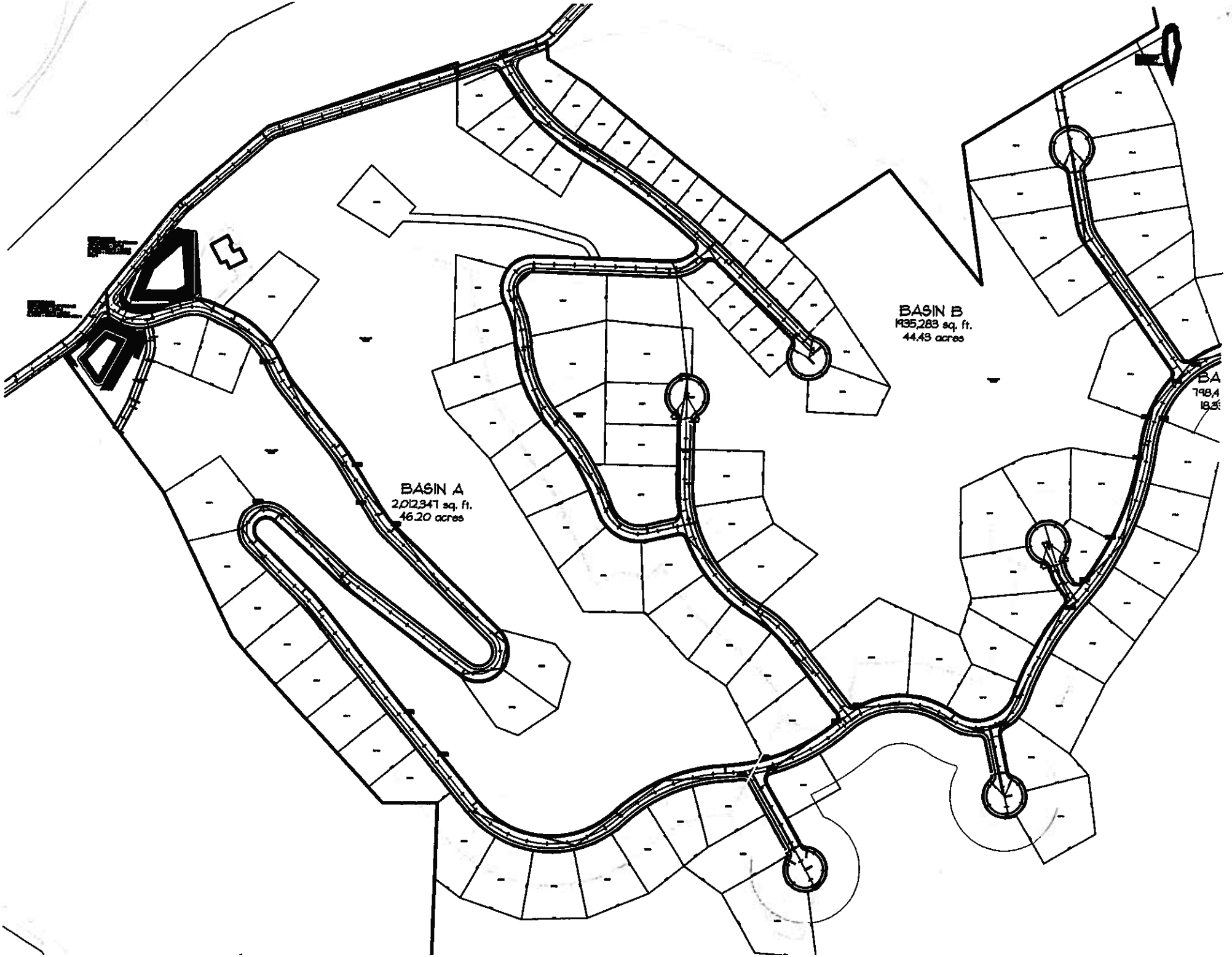
The Peak Runoff for each of these basins is listed below for pre-development and post-development and the required storage requirements. Please see the attached calculations for each basin with the details of the time of concentration, weighted CN, Initial abstraction, Unit peak discharge, runoff and Peak Discharge. The storage for Basins A, B and D are stored in two separate Retention Ponds with a total storage required of 104,361 cubic feet. There is a total of (78,354 + 28,150) 106,504 provided discounting the percolation rate.

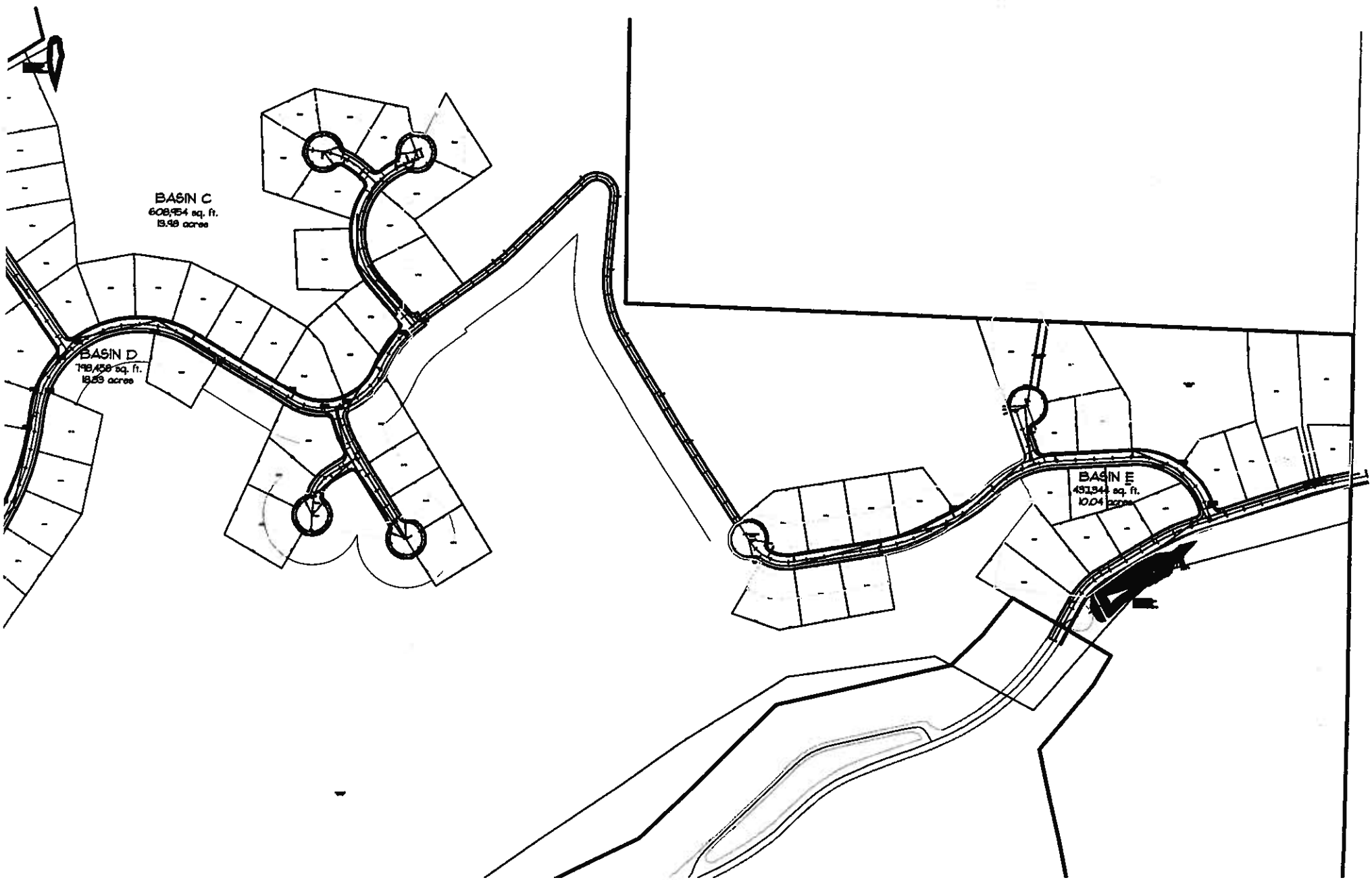
	Size (acres)	Peak Runoff (cfs) Pre-Development	Peak Runoff (cfs) Post-Development	Total Storage Required (15% Upsize for Sediment)	Total Storage Provided	Notes
Basin A	32.36	2.9	8.48	20230	78354	Pond North
Basin B	44.43	3.93	13.48	31716		
Basin C	13.98	1.31	4.29	8983	12419	
Basin D	18.33	2.81	18.96	52415	28150	Pond South
Basin E	10.04	1.02	18.96	31581	40262	
Total	**119.14**	**11.97**	**64.17**	**144925**	**159185**	

The basins will be routed with a combination of inlets and a storm drain pipe to collect the runoff and carry it to detention/retention basins sized to store a 100- year storm. Drainage from each of the lots will be sloped toward the road and all roof drains from the proposed homes will be tied to the storm drain pipe system with 4-inch laterals. The development has been designed to convey the 100-year storm away from homes and hillside slope to the detention/retention basins.

Basin E is currently designed as a detention basin to pass the existing runoff through the channel downstream to the Briarhills development. We will need to coordinate with the City as to the correct allowable discharge for this basin.

Before the stormwater will be discharged into the basins, oil water separators will be installed to treat the water before discharging and percolating into the existing soil.


BASIN A
2,012,347 sq. ft.
46.20 acres
BASIN B
1935,283 sq. ft.
44.43 acres


BASIN C
608,954 sq. ft.
13.98 acres
BASIN D
798,458 sq. ft.
18.33 acres
BASIN E
437,344 sq. ft.
10.04 acres

Basin A Pre-Development

Sheet Flow

Description .....
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1429.0544 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 4.9206 min

****

Total Time of Concentration .....> 17.7082 min

****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin A Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 32.3600 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 17.7082 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 296.9932 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 2.9028 cfs

Basin A Post - Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	26.6100	49	
Paved Roof & Drive	4.0500	98	
Landscaping	1.7000	68	
Total Area ----->	32.3600	56	<----- Weighted CN

Sheet Flow

Description ..... Overland Flow-Lots
Manning's n 0.2400
Flow Length ..... 80.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 16.8818 min

Shallow Concentrated Flow

Description ..... Shallow Flow-Streets
Surface ..... Paved
Flow Length ..... 1429.0544 ft
Watercourse Slope ..... 0.9000 ft/ft
Velocity ..... 19.2850 fps
Computed Shallow flow time .....> 1.2350 min

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin A Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 32.3600 ac
Runoff curve number, CN 56
Time of concentration, Tc ..... 18.1168 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 1.5714 in
Ia/P 0.4365
Unit peak discharge, qu ..... 402.7083 csm/in
Runoff, Q ..... 0.4163 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 8.4760 cfs

Onsite Storage for Control of Peak Discharge

Area	32.36 acres	
Peak Inflow Qi	8.48 cfs	
Peak Outflow Qo	2.9 cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.34	
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =		0.36
Site Runoff	0.42 inches	
Runoff Volume Vr = Q x A	48866.19 cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**17591.83 cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8 in/hour
Max Ponding Time	24 hours
Basin Depth	16 feet
Basin Area	1099.49 sf

Sediment Deposition (Increase 15%)

Total Storage Volume Required (Basin A)	20230.60 cubic feet	←
Total Storage Volume Required (Basin D)	52415.00 cubic feet	←
Total Storage Volume Required (Basin B)	31715.89 cubic feet	←
	104361.49 cubic feet	←

Pond North Volume Calculations

Contour	Area	Total Volume	
2791		0	
2792		0	
2793		0	
2794		0	
2795		0	
2796	6667	3333.5	
2797	7747	7207	
2798	8899	8323	
2799	10120	9509.5	
2800	11414	10767	
2801	12494	11954	
2802	13617	13055.5	
2803	14792	14204.5	High Water Mark
Total Storage Volume		**78354**	

Pond South Volume Calculations

Contour	Area	Total Volume	
2780	3158	1579	
2781	3939	3548.5	
2782	4791	4365	
2783	5708	5249.5	
2784	6689	6198.5	
2785	7730	7209.5	High Water Mark
Total Storage Volume		**28150**	

Total Storage Provided **106504 cubic feet** ←

Basin B Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1565.1389 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 5.3892 min

****

Total Time of Concentration .....> 18.1768 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin B Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 44.4300 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 18.1768 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 293.1186 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 3.9335 cfs

Basin B-Post Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	34.1700	49	
Landscaped	4.2700	68	
Paving, Roof	5.9900	98	
Total Area ----->	44.4300	57	<----- Weighted CN

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1565.1389 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 5.3892 min

****
Total Time of Concentration .....> 18.1768 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin B Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 44.4300 ac
Runoff curve number, CN 57
Time of concentration, Tc ..... 18.1768 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 1.5088 in
Ia/P 0.4191
Unit peak discharge, qu ..... 427.9579 csm/in
Runoff, Q ..... 0.4539 in

Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 13.4848 cfs

Onsite Storage for Control of Peak Discharge			
Area	44.43	acres	
Peak Inflow Qi	13.48	cfs	
Peak Outflow Qo	3.93	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.29		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.38
Site Runoff	0.45	inches	
Runoff Volume Vr = Q x A	72576.41	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**27579.03**	**cubic feet**	
Infiltration Basins			
Percolation Rate (To Be Verified)	8	in/hour	
Max Ponding Time	24	hours	
Basin Depth	16	feet	
Basin Area	1723.69	sf	
Sediment Deposition (Increase 15%)			
Total Storage Volume Required	**31715.89**	**cubic feet**	←

Basin C Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1000.8191 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 3.4461 min

****

Total Time of Concentration .....> 16.2337 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin C Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 13.9800 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 16.2337 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 310.2465 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 1.3100 cfs

Basin C Post-Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Exist Open Space	10.9600	49	
Pavement, Roof	1.5800	98	
Landscaping	1.4400	68	
Total Area ----->	13.9800	56	<----- Weighted CN

Sheet Flow

Description	Post-Developed
Manning's n	0.1500
Flow Length	80.8180 ft
Two Yr, 24 hr Rainfall	1.6000 in
Land Slope	0.0200 ft/ft
Computed Sheet flow time .....>	11.6858 min

Shallow Concentrated Flow

Description	
Surface	Paved
Flow Length	593.3157 ft
Watercourse Slope	0.0730 ft/ft
Velocity	5.4924 fps
Computed Shallow flow time .....>	1.8004 min

****

Total Time of Concentration .....> 13.4862 min

****

Graphical Peak Discharge method

Given Input Data:

Description	Basin C Post-Development
Rainfall distribution	Type II
Frequency	100 years
Rainfall, P (24-hours)	3.6000 in
Drainage area	13.9800 ac
Runoff curve number, CN	56
Time of concentration, Tc	13.4862 min
Pond and Swamp Areas	0.0000 % of Area

Computed Results:

Initial abstraction, Ia	1.5714 in
Ia/P	0.4365
Unit peak discharge, qu	472.3219 csm/in

Runoff, Q ..... 0.4163 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 4.2947 cfs

Onsite Storage for Control of Peak Discharge

Area	13.98	acres
Peak Inflow Qi	4.29	cfs
Peak Outflow Qo	1.31	cfs
Outflow/Inflow Ratio = Qo/Qi =	0.31	
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =		0.37
Site Runoff	0.42	inches
Runoff Volume Vr = Q x A	21110.92	cubic feet
Storage Volume Vs = Vr x (Vs/Vr)	**7811.04**	**cubic feet**

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	488.19	sf

Sediment Deposition (Increase 15%)

Total Storage Volume Required **8982.70 cubic feet** ←

Pond Volume Calculations

Contour	Area	Total Volume	
3081		0	
3082		0	
3083		0	
3084	1225	612.5	
3085	1630	1427.5	
3086	2078	1854	
3087	2568	2323	
3088	3091	2829.5	
3089	3661	3376	High Water Mark
Total Storage Volume		**12422.5**	

Basin D Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 115.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 5.9382 min

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin D Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 18.3300 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 6.0000 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 508.4169 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 2.8148 cfs

Basin D Post Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	6.1600	49	
Paved Roof & Drive	8.1500	98	
Landscaping	4.0200	68	
Total Area ----->	18.3300	75	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.2400
Flow Length ..... 80.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 16.8818 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 4866.0000 ft
Watercourse Slope ..... 0.0800 ft/ft
Velocity ..... 5.7497 fps
Computed Shallow flow time .....> 14.1051 min

****
Total Time of Concentration .....> 30.9869 min
****

Graphical Peak Discharge method

Given Input Data:
Description ..... Basin D Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 18.3300 ac
Runoff curve number, CN 75
Time of concentration, Tc ..... 30.9869 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:
Initial abstraction, Ia ..... 0.6667 in
Ia/P 0.1852
Unit peak discharge, qu ..... 482.2176 csm/in

Runoff, Q ..... 1.3730 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 18.9632 cfs

Onsite Storage for Control of Peak Discharge			
Area	18.33	acres	
Peak Inflow Qi	18.96	cfs	
Peak Outflow Qo	2.81	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.15		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.5
Site Runoff	1.37	inches	
Runoff Volume Vr = Q x A	91156.92	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**45578.46**	**cubic feet**	
Infiltration Basins			
Percolation Rate (To Be Verified)	8	in/hour	
Max Ponding Time	24	hours	
Basin Depth	16	feet	
Basin Area	2848.65	sf	
Sediment Deposition (Increase 15%)			
Total Storage Volume Required	**52415.23**	**cubic feet**	←

Basin E Post-Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Exist Open Space	2.6300	49	
Pavement, Roof	3.8800	98	
Landscaping	3.5300	68	
Total Area ----->	10.0400	75	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.2400
Flow Length ..... 81.7019 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 17.1685 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 1919.3996 ft
Watercourse Slope ..... 0.0730 ft/ft
Velocity ..... 5.4924 fps
Computed Shallow flow time .....> 5.8244 min

****
Total Time of Concentration .....> 22.9929 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin E Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 10.0400 ac
Runoff curve number, CN 75
Time of concentration, Tc ..... 22.9929 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 0.6667 in
Ia/P 0.1852
Unit peak discharge, qu ..... 562.3683 csm/in
Runoff, Q ..... 1.3730 in

Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 12.1133 cfs

Onsite Storage for Control of Peak Discharge			
Area	10.04	acres	
Peak Inflow Qi	12.11	cfs	
Peak Outflow Qo	1.02	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.08		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.55
Site Runoff	1.37	inches	
Runoff Volume Vr = Q x A	49929.92	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**27461.46**	**cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1716.34	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **31580.68 cubic feet** ←

Pond Volume Calculations

Contour	Area	Total Volume	
2965	1044	522	
2966	1453	1248.5	
2967	1921	1687	
2968	2447	2184	
2969	3034	2740.5	
2970	3699	3366.5	
2971	4443	4071	
2972	5242	4842.5	
2973	6082	5662	
2974	6960	6521	
2975	7874	7417	High Water Mark
Total Storage Volume		**40262**	

SPF Water Engineering, LLC
water resource consultants

MEMORANDUM

DATE: July 1, 2008

TO: Mr. Kerry Wynn, Stewart Land Group, LLC

FROM: Jennifer Sukow, P.E., P.G.,
Christian Petrich, Ph.D., P.E., P.G.

CC: Job File No. 706.0010

RE: Stormwater infiltration analysis for Plano Lane

At your request, SPF Water Engineering, LLC (SPF) has prepared the following evaluation of potential impacts of stormwater infiltration on shallow wells down-gradient of proposed retention/infiltration basins. This memorandum discusses (1) proposed stormwater facilities, (2) location and construction information for nearby domestic wells, (3) local stratigraphy and aquifer conditions, (4) anticipated ground water flow, and (5) general conclusions.

Based on our review, there are a number of domestic wells located down-gradient of the proposed stormwater basins, but the presence of clay layers and a relatively thick unsaturated zone are expected to protect groundwater from potential surficial contaminants. To meet local regulations, the proposed location of the lower retention basin needs to be moved such that the basin is more than 100 feet from existing domestic wells on the Genther and Scantling properties. Assuming the stormwater facilities are designed and sited in accordance with all applicable local and state regulations, adverse impacts to nearby domestic wells are not expected.

Proposed Stormwater Basins

The proposed development includes three stormwater basins located near the west entrance to the subdivision along the proposed extension of Plano Lane. Preliminary plans for the basins are included in Attachment A. The general location of the basins is shown in Figure 1. The stormwater system consists of three basins in series. Basin characteristics, based on the preliminary design by Azimuth Engineering, Inc., are summarized in Table 1.

SPF Water Engineering, LLC has not reviewed detailed designs for the stormwater facilities. This assessment assumes that the stormwater facilities will be designed and constructed in accordance with the Boise Stormwater Design Manual (August 2007) and all applicable state and local rules and regulations. Based on discussion with Roy Johnson of Johnson Engineering, we understand that the stormwater system will include pretreatment, as required by state and local regulations. The stormwater system design will be reviewed by the Ada County Highway District for compliance with regulations. Settling and skimmer tank(s) will likely be used for pretreatment.

600 East River Park Lane, Suite 105, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156

Basin	Storage Volume (ft^3)	Sediment Volume (ft^3)	High Water Level (ft)	Pond Bottom Elevation (ft)	Design Inflow (cfs)	Design Outflow (cfs)
Primary retention/infiltration basin	69,434	15,629	2,800	2,790	35.63	0.5
Secondary retention/infiltration basin	62,298	--	2,786	2,778	0.5	0.5
Lower retention basin	9,231	--	2,742	2,736	0.5	0.5

Table 1. Basin characteristics based on preliminary plan by Azimuth Engineering, Inc.

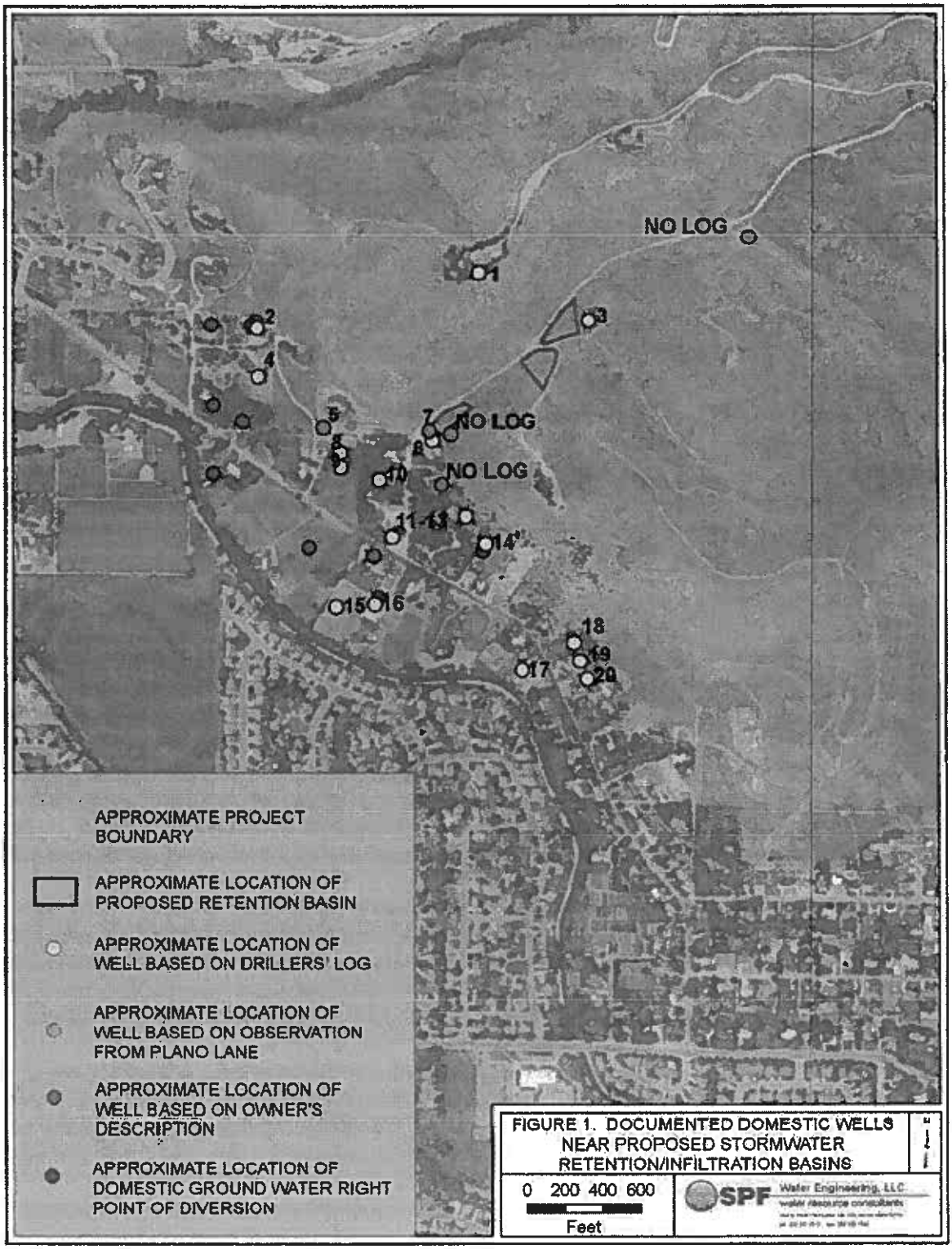
Neighboring Wells

There appear to be numerous homes on Plano Lane and Hill Road that are not served by United Water Idaho, and likely rely on domestic wells for potable water supply. Well and water right records from the Idaho Department of Water Resources (IDWR) include records of several domestic wells located within approximately ¼ mile of the proposed stormwater basins. Drillers' logs were available for 21 domestic wells in this area. Sixteen domestic water rights have points of diversion in this area. Because domestic water users are not required to file for a water right and not all domestic wells have drillers' logs on file with IDWR, the actual number of domestic wells in this area cannot be determined.

Approximate locations of documented domestic wells and water rights are shown in Figure 1. Locations are based on location and address data obtained from IDWR and Ada County Assessor records, and most well locations have not been field verified. Precise locations within tax lot parcels are not known for most of the wells. Well drillers' logs are included in Attachment B. A list of domestic water rights is included in Attachment C.

Wells with drillers' logs range in depth from 57 to 625 feet, with an average depth of 219 feet. Static water levels ranged from 25 feet (south of Hill Road) to 425 feet (north of the project site), with an average static water level of 106 feet below ground surface. Reported well yields ranged from 5 to 70 gpm, with an average yield of 33 gpm.

SPF Water Engineering attempted to more accurately locate the closest wells by contacting eight homeowners with property located within 500 feet of the proposed stormwater basins. SPF Water Engineering spoke with five of the homeowners between June 26 and 30, 2008. A log of the telephone survey is included in Attachment D.


NO LOG
NO LOG
NO LOG
1
2
3
4
5
6
7
8
10
11-13
14
15
16
17
18
19
20
APPROXIMATE PROJECT BOUNDARY
APPROXIMATE LOCATION OF PROPOSED RETENTION BASIN
APPROXIMATE LOCATION OF WELL BASED ON DRILLERS' LOG
APPROXIMATE LOCATION OF WELL BASED ON OBSERVATION FROM PLANO LANE
APPROXIMATE LOCATION OF WELL BASED ON OWNER'S DESCRIPTION
APPROXIMATE LOCATION OF DOMESTIC GROUND WATER RIGHT POINT OF DIVERSION
FIGURE 1. DOCUMENTED DOMESTIC WELLS NEAR PROPOSED STORMWATER RETENTION/INFILTRATION BASINS
0 200 400 600
Feet
SPF Water Engineering, LLC

Mr. Ed Genther owns the parcels at 6000, 6060, and 6062 Plano Lane, immediately south of the proposed lower retention basin. Mr. Genther stated that he has one domestic well located near the north end of his property. Mr. Genther did not want SPF Water Engineering to enter his property to measure the location of the well, but the well is visible from Plano Lane and the location shown on Figure 1 is estimated based on visual observation from the public roadway. Well logs are available from IDWR for two wells associated with the property. The first log is for a well drilled for the former owner of 6000 and 6062 Plano Lane (Baldwin) in 1965. This well was abandoned by Coonse Well Drilling in 2005 as shown by IDWR records (log 6, Attachment B). The second log is for the Genther well, drilled in 2005 (log 7, Attachment B). The drillers' log indicates that this well's production zone is located at a depth of 203 to 215 feet, and is below a 108-foot thick clay layer. This well is located within 100 feet of the proposed lower retention basin. The Boise Stormwater Design Manual (August 2007) requires a 100-foot minimum separation distance between stormwater ponds and private wells. The location of the proposed lower retention basin will need to be modified to meet this requirement.

Mr. Don Scantling owns the parcel at 6262 Plano Lane, immediately southeast of the proposed lower retention basin. Mr. Scantling stated that he has one domestic well located in a small wooden structure approximately 40 feet east of the Genther's northeast fence corner. He stated that the well is 220 feet deep. SPF Water Engineering did not find a drillers' log for this well in IDWR records, but it is likely that the lithology is similar to that encountered in the Genther well (log 7, Attachment B), which is located less than 150 feet to the west and at a similar elevation. The Scantling well is also located within 100 feet of the proposed lower retention basin.

Ms. Ethel Ficks owns the parcels at 5600 Hill Road and 6058 Plano Lane. She was contacted because a portion of her property is located within 500 feet of the proposed lower retention basin. Ms. Ficks stated that she has one domestic well and one geothermal well. She politely declined to answer further questions regarding the depth and location of her wells. One drillers' log (log 21, Attachment B) associated with this property was found in IDWR records. The log indicates that the well's production zone is located at a depth of 224 to 229 feet, and is below approximately 200 feet of clay and shale.

Mr. Brent Smith owns the parcel at 6024 Plano Lane. Mr. Smith stated that his well is located approximately 30 feet east of the center of his house. Based on information recorded by his pump installer when in new pump was installed in 1999, the well is 238 feet deep and has a static water level of 99 feet. SPF Water Engineering did not find a drillers' log for this well in IDWR records, but it is likely that the lithology is similar to that encountered in the Genther well (log 7, Attachment B) or the Brennan well (log 10, Attachment B). Based on the owner's description, this well is located approximately 280 feet south (down-gradient) of the proposed lower retention basin.

Ms. Marie Casey owns the parcel at 6101 Plano Lane. Ms. Casey stated that she has a domestic well located near the southwest corner of her property. Based on her description, this well is located more than 500 feet west (cross-gradient) of the proposed lower retention basin. Drillers' logs (log 5, Attachment B) associated with this property were found in IDWR records. The logs indicate that the well was originally drilled in 1965

with a production zone located at a depth of 82 to 105 feet and a static water level of 80 feet. The well was deepened in 1975 and the original production zone was cased off. The log indicates the new production zone is at a depth of 254 to 260 feet, and is below approximately 145 feet of clay.

As of the date of this report, SPF Water Engineering was not successful in contacting homeowners at 6063 Plano Lane, 6025 Plano Lane, or 5712 Hill Road. These parcels are located within 500 feet, but not within 100 feet, of the proposed lower retention basin.

Well log no. 3 (Andy Cover, 6926 N. Plano Lane) suggests there is a domestic well located on the subdivision property that may be located within 100 feet of the primary retention/infiltration basin. This well appears to be associated with a residence that will be demolished for construction of the proposed subdivision (Concept Plan, Appendix A). If the well will no longer be used, it must be properly abandoned by a licensed well driller in accordance with Idaho Department of Water Resources regulations.

General Stratigraphy and Aquifer Conditions

Surficial geology in the immediate vicinity of the proposed stormwater basins is mapped as "Sand and Mudstone of Stream and Lake Sediments" by Othberg and Stanford (1992)[1]. This geologic unit consists of Tertiary-age sediments deposited in a variety of stream and lake depositional environments along the northeastern margin of the ancestral western Snake River Plain. Sediments include sand, sandstone, sandy siltstone, and claystone with varying degrees of cementation.

Based on drillers' reports, stratigraphy in this area generally consists of interbedded sand, silt, and clay layers. Most well logs describe a thick layer of "blue clay" or "shale" which serves as a confining unit overlying the producing aquifer zone. The clay or shale is typically greater than 100 feet thick and will restrict downward migration of groundwater and potential contaminants. A cross-section of well logs 1, 3, 6, 7, 10, 11, 12, 13, and 16 (Figure 2) suggests that the surface of the blue clay layer described in drillers' logs dips downward toward the southwest, in the same general direction as the topographic slope. Static water levels reported on well logs 6, 7, 10, 11, 13, and 16 range from 107 to 195 feet above the apparent water bearing zone, indicating that the aquifer underlying the blue clay layer is under artesian pressure.

Two wells (logs no. 15 and 17) south of Hill Road were developed in a shallow sand aquifer. Drillers' logs suggest there is minimal water available in sand zones above the blue clay layer in areas north of Hill Road. Two wells north of Hill Road (log no. 12, 5626 Hill Road and log no. 9, 5758 Hill Road) were also developed in a shallow sand aquifer above the blue clay in 1963 and 1973. However, well yields were minimal, and records indicate that deeper wells were subsequently drilled on each property to access the aquifer

[1] Othberg, K.L. and L.R. Stanford, 1992. *Geologic Map of the Boise Valley and Adjoining Area, Western Snake River Plain, Idaho*, Idaho Geological Survey Press, Geologic Map Series, Scale 1:100,000.

zone beneath the blue clay. Records do not indicate whether or not the shallow wells were abandoned. The 5758 Hill Road parcel is located greater than 350 feet from the proposed lower retention basin. The 5626 Hill Road parcel is located greater than 500 feet from the proposed lower retention basin.

Infiltration and Shallow Ground Water Flow

Based on available information, it appears that infiltration from the stormwater basins would likely flow downward through unsaturated sands until fine-grained silt and clay are encountered, then flow laterally toward the southwest, following the dip of the clay surface. Drillers' logs suggest there are approximately 70 to 90 feet of unsaturated sediments above the blue clay layer in the vicinity of the stormwater basins.

Unsaturated flow through sand is generally a slow process which allows for significant filtration and/or adsorption of suspended and dissolved materials. The depth of unsaturated sediments beneath the proposed pond greatly exceeds Boise City vertical separation requirements for infiltration facilities, which require a minimum of only 3 feet between the bottom of the facility and the season high ground water level for surface facilities. Subsurface seepage beds are only required to have a minimum 10-foot vertical separation between the bottom of the bed and the high ground water table.

Provided that the retention/infiltration basins are designed and constructed in accordance with Boise City guidelines, ground water quality is expected to be adequately protected from potential stormwater contaminants by pre-treatment and retention in the stormwater system, and infiltration through unsaturated sediments. Therefore, the proposed stormwater basins are not expected to adversely impact water quality in underlying aquifers.

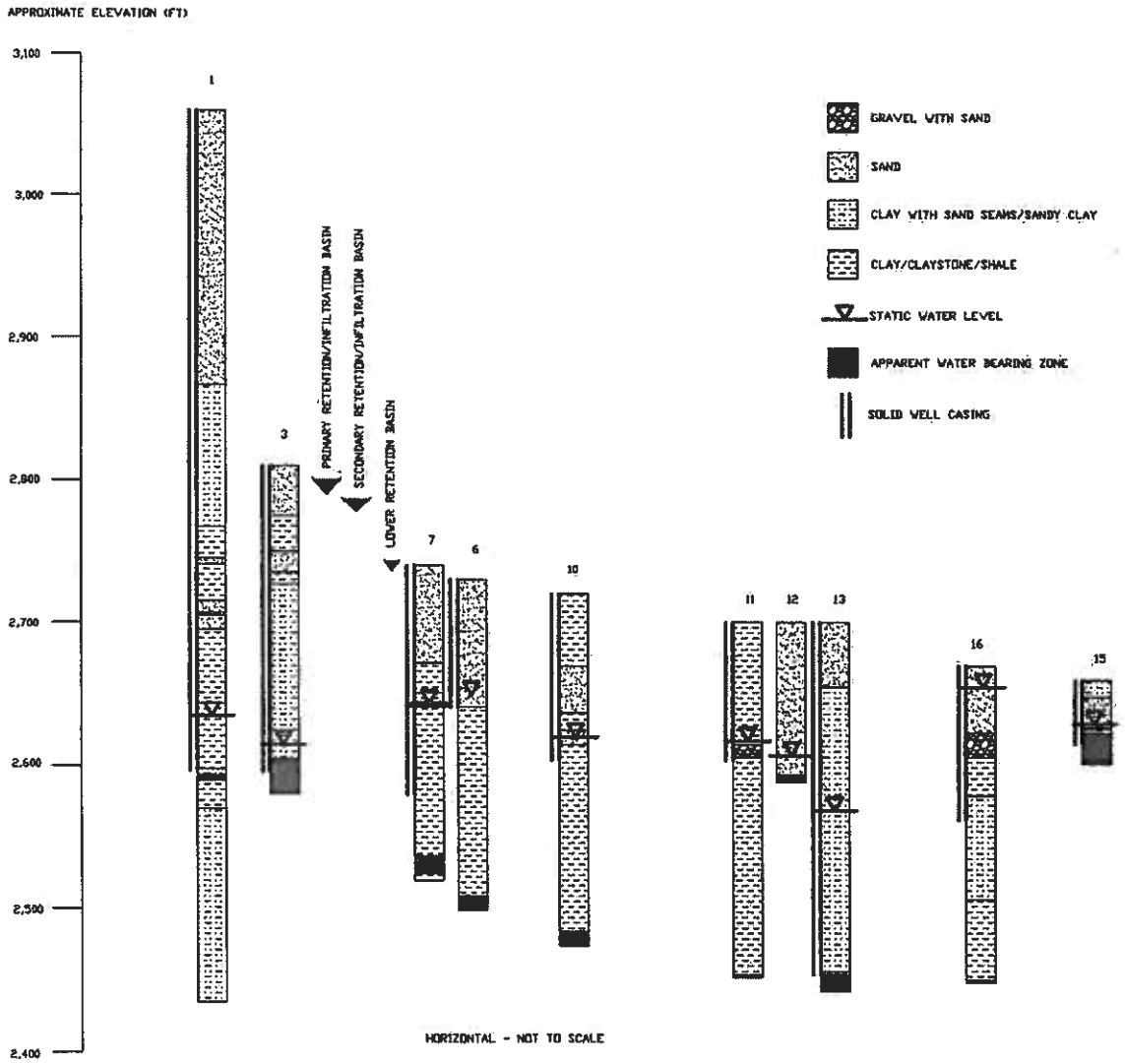


FIGURE 2. CROSS SECTION OF WELL LOGS 1, 3, 6, 7, 10, 11, 12, 13, AND 16.

Conclusions

1. There are a number of domestic wells located within ¼ mile of the proposed stormwater basins. There are likely 5 to 8 wells located within 500 feet of the proposed lower retention basin. The location of wells within some of the neighboring parcels could not be determined because some homeowners were not reached or did not want to provide information regarding their wells.

2. Two wells were identified within 100 feet of the proposed lower retention basin. Boise City guidelines require a minimum 100-foot setback distance between stormwater ponds and private wells. The proposed lower retention basin will need to be moved to achieve the minimum setback distance from these wells.

3. Well logs indicate that the stratigraphy generally consists of interbedded sand, silt, and clay, with a significant blue clay or shale layer. This blue clay layer is typically greater than 100 feet thick. There appears to be minimal water available above the blue clay layer north of Hill Road. Most wells north of Hill Road obtain water from a sand unit below the blue clay, which serves as a confining unit, restricting downward flow of ground water and providing additional protection from potential surface contaminants. IDWR records indicate that three wells developed above the blue clay layer between 1963 and 1973 were subsequently deepened or replaced with deeper wells that obtain water from beneath the blue clay layer.

4. The two wells closest to the lower retention basin (6060 N. Plano Lane and 6062 N. Plano Lane) appear to be completed below the blue clay confining layer, which drillers' logs indicate is over 100 feet thick at this location.

5. Well logs indicate there is approximately 70 to 90 feet of unsaturated sand overlying the blue clay in the vicinity of the proposed stormwater ponds. Infiltration from the ponds would likely flow downward through unsaturated sands until fine-grained sediments are encountered, then flow laterally toward the southwest, following the dip of the clay surface.

6. There are a few shallow wells completed above the blue clay layer in this area. Ground water infiltration from the stormwater basins is not expected to impact water quality in these wells because stormwater pretreatment will be provided, and there will be adequate vertical and horizontal separation to allow filtration and/or adsorption of suspended and dissolved materials in the unsaturated zone. These shallow wells may be vulnerable to contamination from other surficial sources in the immediate vicinity of these wells.

7. Assuming the stormwater facilities are designed and sited in accordance with all applicable local and state regulations, ground water quality is expected to be adequately protected from potential stormwater contaminants by pre-treatment and retention in the stormwater system, and infiltration through unsaturated sediments.

8. Any wells on the subject property that will no longer be used must be properly abandoned by a licensed well driller in accordance with Idaho Department of Water Resources regulations.

Attachments:

Attachment A: Preliminary plan for stormwater basins
Attachment B: Drillers' logs
Attachment C: Domestic water rights
Attachment D: Telephone survey log

ATTACHMENT A.

PRELIMINARY PLAN FOR STORMWATER BASINS

Azimuth
engineering, inc.
Plano Lane Subdivision
PLANO LANE STA: 11+00 - 32+00
6296 N. PLANO LANE
Boise, Idaho
Preliminary Grading Plan
FOR REVIEW
C3.0
NORTH





Stewart Land Group

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	3/25/2008	3/25/2008

LEGEND

Conceptual

Property Boundary

Ada Parcels

SHEET NO.

1

OF

1

ATTACHMENT B.

WELL DRILLERS' LOGS

WELL DRILLERS' LOGS FOR WELL LOCATED WITHIN APPROXIMATELY 1/4 MILE OF PROPOSED STORMWATER RETENTION/INFILTRATION BASINS

WELL NO.	OWNER	TOWNSHIP	RANGE	SEC	QQ	Q	WELL ADDRESS	WELL USE	PRODUCTION (GPM)	STATIC WATER LEVEL (FT)	SURFACE CASING DIA (IN)	PERFORATED CASING OR SCREEN DIA (IN)	CASING DEPTH (FT)	DEPTH DRILLED (FT)	CONSTRUCTION DATE	PERFORATED OR SCREENED INTERVAL (FT)	APPARENT PRODUCTION ZONE (FT)	AQUIFER LITHOLOGY DESCRIPTION	NUMBER OF OVERLYING CLAY OR SHALE LAYERS	AGGREGATE THICKNESS OF OVERLYING CLAY OR SHALE LAYERS (FT)
1	GENE WORTHAM	04N	02E	19	NE	NE	5820 HILL RD	Domestic-Single Residence	8	425	6		463	625	May 30 1995	open bottom	468-470	Fine blue sand	4	147
2	GEORGE M CALVERT	04N	02E	19	NW	NE		Domestic	20	134	6		189	193	Feb 20 1973	open bottom	180-193	Sand	1	123
3	ANDY COVER	04N	02E	19	SE	NE	6296 N PLANO	Domestic	15	196	6		214	230	May 15 1990	open bottom	214-230	Blue clay	2	155
4	BOB BARNES	04N	02E	19	NW	NE	5887 LAMPLIGHTER	Domestic-Single Residence	50	130	6		171	283	Mar 11 1991	open bottom	223-224; 278-283	Sand	4	149
5	GEORGE E CASEY	04N	02E	19	NW	NE		Domestic			6		180	280	Jan 8 1975	open bottom	254-260	Brown sand	1	145
6	LEE BALDWIN	04N	02E	19	NE	NE		Domestic		80	6		89	231	Jun 7 1985	open bottom	221-231	Coarse sand sandwiched between thin layers of shale	1	132
7	ED GENTHER	04N	02E	19	NW	NE	6060 PLANO LN	Domestic-Single Residence	50	98	6	4.5	160	220	Aug 3 2005	160-220	203-215	Cemented sand	2	135
8	DALE EVANS	04N	02E	19	SE	NE	5758 HILL RD	Domestic	40	80	6		110	284	Jul 10 1992	open bottom	258-284	Coarse sand	1	150
9	HARTSELL ESSEX	04N	02E	19	NW	NE	5758 HILL RD	Domestic	5	82	6	6	109	122	Dec 18 1973	109-114	110-114	Sand, medium	3	30
10	TIM BRENNAN	04N	02E	19	SE	NE	6025 N PLANO	Domestic	70	100	6	4.5	226	246	Sep 7 2001	226-246	238-246	Coarse sand	3	176
11	WILLIAM WORRELL	04N	02E	19	NW	NE	5826 HILL RD	Domestic	20	62	6		98	248	Jun.1969	open bottom	246-248	Coarse sand	1	152
12	ED GENTHER	04N	02E	19	NW	NE	5826 HILL RD	Domestic		93				111	Aug 25 1983			Sand and gravel	0	0
13	ED GENTHER	04N	02E	19	NW	NE		Domestic	30	130	4	4	258	258	Jun 10 1967	246-254	246-258	White quartz	2	64
14	ANDREW ANDERSON	04N	02E	19	NW	NE		Domestic		60	6		195	210	Jun 11 1979	open bottom	205-210	Sandy shale	2	185
15	ROBERT BROWNFIELD	04N	02E	19	SW	NE	5713 HILL RD	Domestic	25	41	6	4.5	45	57	Oct 31 2005	45-57	37-57	Gravel and sand	2	15
16	JAMES RIEBE	04N	02E	19	NW	NE	5825 HILL RD	Domestic-Single Residence	50	25	6		108	220	May 23 1988	open bottom	220	Coarse red sand	1	158
17	PETER WARE	04N	02E	19	SW	NE	5423 HILL RD	Domestic	25	32	6	4.5	20	100	Dec 16 2004	20-80	20-45	Coarse sand and gravel	0	0
18	SHIRLY ROSS	04N	02E	19	NE	NE	5426 HILL RD	Domestic	25	98	6		112	191	Mar 1 1973	open bottom	181	Fine and coarse quartz sand, some fine gravel	1	185
19	MIKE SHEPAERDSON	04N	02E	19	SW	NE	5418 HILL RD	Domestic	45	60	6		70	148	Jan 20 1977	open bottom	146-148	Sand, coarse	1	88
20	DOUG STEWART	04N	02E	19	SE	NE	5416 HILL RD	Domestic	60	86	6	4	142	182	Apr 2 2005	142-182	158-182	Granite sand	2	102
21	DAVE FICKS	04N	02E	19	NE	NE	5800 HILL RD	Irrigation	30	120			140	228	Mar 31 1989	open bottom	224-229	Sand	2	200
								MINIMUM	5	25	4	4	20	57					0	0
								MAXIMUM	70	425	6	6	463	625					4	200
								AVERAGE	33	108	6	5	155	218					2	119
								MEDIAN	28	82	6	5	142	220					2	140

Form 238-7
7/94

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

48886

(1)

1. DRILLING PERMIT NO. 63 - 95-42-0252 ~~000~~ 200
Other IDWR No.

2. OWNER:
Name Gene Wantham
Address 5620 Hill Rd.
City Boise State Id. Zip 83703

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 4 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 19 NE 1/4 NE 1/4 ____ 1/4
Govt Lot ____ County Ada

Address of Well Site Same
City
(Give as best name of road + Distance to Road or Landmark)

Lt ____ Blk ____ Sub. Name ____

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☐ New Well ☐ Modify or Repair ☒ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☒ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	30	400	Pour.

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s)
Was drive shoe seal tested? Y ☐ N ☒ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+1	463	.280	Steel	☐	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe ____ Length of Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method
☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
425 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices: Well Seal

11. WELL TESTS:
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
8		445	72

Water Temp. ____ Bottom hole temp. ____
Water Quality test or comments: ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
	0	1	Top Soil		X
	1	30	Course Sand		X
	30	90	Course Sand		X
	90	193	Course Sand.		X
	193	208	Sandy clay		X
	208	280	Sandy clay		X
	280	293	Sandy clay		X
	293	315	Blue Clay		X
	315	319	Course Sand		X
	319	345	Blue Clay		X
	345	353	Brown Course Sand		X
	353	355	Blue clay		X
	355	365	Blue Course Sand	X	
	365	462	Blue Clay - Shale Mix		X
	462	466	Sand & Clay	X	
	466	470	Blue Sand Fine	X	
	470	490	Blue Shale (Hard)		X
	490	625	Blue Clay - Sand-Shale	X	
			625 - ½ gal Bentonite		

RECEIVED MAY 31 1995
WATER RESOURCES WESTERN REGION

RECEIVED MAY 30 1995
Department of Water Resources

RECEIVED JUL 13 1995
Department of Water Resources

RECEIVED MAY 30 1995
Boise

RECEIVED OCT 02 1995

Completed Depth 466 (Measurable)
Date: Started 4-20-95 Completed 5-30-95

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Dennis Phipps Firm No. 332
Firm Official Dan Phipps Date 5-30-95
and
Supervisor or Operator ____ Date ____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

~500 ft north of basins

4

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

RECEIVED
JAN 29 1973
Department of Water Administration

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

(2)

Anna Calvert?
~1000 ft NW of lower basin

1. WELL OWNER

Name Dingo Calvert

Address Phone 345-0532

Owner's Permit No.

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☑ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☑ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6" inches Total depth 193 feet

Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	6 inches	+ 1 feet	182 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☑ No

Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation ____ inches by ____ inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☑ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☐ No Size of gravel

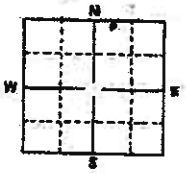
Placed from feet to feet

Surface seal? ☑ Yes ☐ No To what depth 70 feet

Material used in seal ☐ Cement grout ☑ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



63

County Ada

NW ¼ NE ¼ Sec. 19 T. 4 N/S R. 2 E/W

7. WATER LEVEL

Static water level 134 feet below land surface

Flowing? ☐ Yes ☐ No G.P.M. flow

Temperature ° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☑ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Drew Down	Hours Pumped
20		1.5

9. LITHOLOGIC LOG 042922

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	55	Mt Soil		
	55	70	shale		
	70	88	clay		
	88	90	Yellow clay		
	90	116	clay		
	116	139	Sandy shale		
	139	166	Blue shale		
	166	176	Blue shale & gravel		4
	176	180	Blue shale		4
	180	193	Sand	2	

10.

Work started 1 28 73 finished 2 20 73

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Ed Hudson, wat. wells 188-1
Driller's or Firm's Name Number

2013 Hatton Boise, Idaho 83705
Address

Signed By Edgar Hudson 2 26 73
Date

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

Form 238-7
6/89

C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

(3)

6296 N Plaza – on subject property

1. WELL OWNER

Name Andy Cover

Address 4715 Marvin Boise, ID 83705

Owner's Permit No. 63-90-W-017-000

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	6 inches +	1 feet	214 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

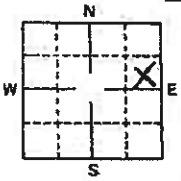
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18 Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Ada
SE ¼ SNE ¼ Sec. 19 , T. 4 N ☒ S ☐ R. 2 E ☒ W ☐

7. WATER LEVEL

Static water level 195 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
15	210'	1

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
6"	0	35	SAND		X
	35	60	CLAY		X
	60	75	SAND		X
	75	83	BLUE CLAY		X
	83	205	SANDY CLAY		X
	205	230	BLUE CLAY	X	

RECEIVED
JUN 29 1990
Department of Water Resources
Western Regional Office

JUN 20 1991

10. Work started 5/10/90 finished 5/15/90

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Phipps Drilling Firm No. 311
Address 7015 McGlochlin Date 6/17/90
Signed by (Firm Official) _____
and
(Operator) _____

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

Form 238-1
6/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Bob Barnes
Address 5887 Lamplighter Lane Ln
Drilling Permit No. 63-91-W-048
Water Right Permit No.

2. NATURE OF WORK
☑ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE
☑ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED
☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☑ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION
Casing schedule: ☑ Steel ☐ Concrete ☐ Other _____

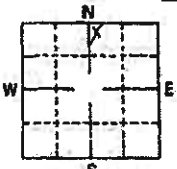
Thickness	Diameter	From	To
.250 inches	_____ inches +	1 feet	171 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☑ Yes ☐ No
Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☑ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 20 Material used in seal: ☐ Cement grout ☐ Bentonite ☑ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☑ Overbore to seal depth
Method of joining casing: ☐ Threaded ☑ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL
Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Ada
NW ¼ NE ¼ Sec. 19, T. 4 N ☑ S ☐, R. 2 E ☑ W ☐

7. WATER LEVEL
Static water level 130 feet below land surface.
Flowing? ☐ Yes ☑ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA
☐ Pump ☐ Bailer ☑ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
50 GPM	200 ft (Air)	3 hrs

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	36	Dry Brown Sand		✓
	36	39	Sandy Brown Clay		✓
	39	52	Dry Brown Sand		✓
	52	98	Sandy Brown Clay		✓
	98	101	Fine Brown Muddy Sand		✓
	101	115	Sandy Brown Clay		✓
	115	140	Blue Shale		✓
	140	154	Stringers of Sand & Blue Shale	✓	
	154	157	Coarse Gravel White Sand	✓	
	157	223	Blue Shale		✓
	223	224	Sand (Coarse Gravel)	✓	
	224	227	Blue Shale		✓
6	227	263	Sand	✓	

RECEIVED
JUN 18 1991
Department of Water Resources

10.
Work started 3/4/91 finished 3/11/91

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Boise Valley Pump & Drilling Firm No. 207
Address 2950 E. Gordon Date 5/9/91
Signed by (Firm Official) Ron McMurtrey
and
(Operator) Gary R. Fuller

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

~900' west of lower basin

Well Log Form 1

RECEIVED
JUL 15 1960
Department of Reclamation

(5) Deepened in 1975, see attached log

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL: SEE IDAHO STATUTES 42-238

034319

Permit No. 2 Well No. County Ada

Owner George E Casey

Address 410 No 40th Boise, Idaho

Driller Ray Engleman - Ernest Lewis

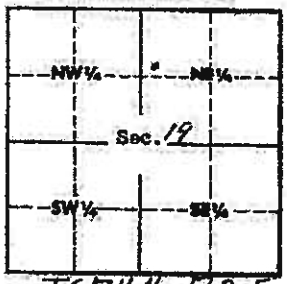
Address 1309 Rand Boise, Idaho

Well location NW¼ NE¼ Sec. 19 T. 4 N/S R. 2 E/W

Size of drilled hole 6 inch

Total depth of well 105'

Locate well in section



T5P4N. R2E.

Give depth to standing water from the ground 80' Water temp. °Fahr.

Test delivery was 33 g.p.m. or c.f.s. Drawdown was feet. Pump? X Bail?

Size of pump and motor used to make test 1½ H.P. Submergible

Length of time of test 5 hours minutes.

If flowing well, give flow c.f.s. or g.p.m. and of shut off pressure

If flowing well, described control works (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Domestic Weight of casing per lineal foot 28.57 lbs.

Thickness of casing ¼ inch Casing material steel (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 6" ground level to 90'
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER; CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)
5" liner pipe from 87' to 105'

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
6"	0	90	90'	
5"	87'	105	18'	

Number and size of perforations 250 located 87' feet to 105 feet from ground

Date of commencement of well May 12 Date of completion of well May 31, 1960

wells

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated, Ans. Yes or No
0'	10'	sandy soil	no	no
10'	30'	" "	no	"
30'	60'	" "	no	"
60'	82'	" "	no	no
82'	105'	sand & clay streaks	yes	yes
		If more space is required use Sheet No. 2		

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed [illegible]

By _____

Dated May 21, 1965

License No. 256

Well Driller's Helper _____

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

(5)

1. WELL OWNER Original owner by Completion

Name George Casey

Address Not City Boise Idaho

Owner's Permit No. _____

2. NATURE OF WORK

☐ New well ☒ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 254 feet

Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
250 inches	6 inches	+ 1 feet	180 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

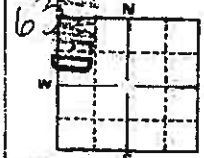
Placed from _____ feet to _____ feet

Surface seal depth 18 Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Seeding procedure used ☐ Slurry pit ☐ Temporary surface casing ☐ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Ada

NW ¼ NE ¼ Sec. 19 T. 4 N/S, R. 3 E/W

7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☐ Yes ☐ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

042919

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	104	105	Coarse Sand	✓	
6	105	109	Brown sand	✓	
6	109	254	Blue Clay		✓
	254	260	Brown Sand	✓	

10.

Work started 11/2/25 finished 11/8/25

11. DRILLERS CERTIFICATION dk

Firm Name Kerry O'Leary Firm No. 280

Address RT1 Rush Rd Eagle Date 11/8/25

Signed by (Firm Official) Kerry O'Leary

and

(Operator) _____

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

Well Log Form 1
SW

RECEIVED
Department of Reclamation

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

36308

(6)

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL: SEE IDAHO STATUTES 42-238

Permit No. _____ Well No. _____ County Ada

Owner Lee Baldwin

Address 320 N. 24th Boise

Driller Ref Emmerson-Ernest Kelsey

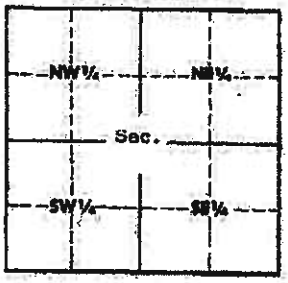
Address 1309 Grand Boise

Well location NE¼ NE¼ Sec. 19, T. 4 N/S R. 2 E/W

Size of drilled hole 6 in.

Total depth of well 231'

Locate well in section



<70 ft south abandoned 8/2005

Give depth to standing water from the ground 80' Water temp. _____ °Fahr.

Test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet. Pump? _____ Bail? _____

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____ (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Domestic Weight of casing per lineal foot 19 lbs.

Thickness of casing 14 in. Casing material Steel (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 6" 89' from ground level (CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER; CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
6"	0'	89'	89'	

Number and size of perforations _____ located _____ feet to _____ feet from ground

Date of commencement of well May 21 Date of completion of well June 1, 1905

WDS

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formations Ans. Yes or No	Casing Perforated Ans. Yes or No
0	2	sandy soil	no	no
2	20	Coarse sand some clay	"	"
20	40	" " " "	"	"
40	60	" " " "	"	"
60	80	" " " "	"	"
80	89	Coarse sand & clay	"	"
89	221	blue shale	"	"
221	231	coarse sand, sandy tailed in between thin layers of shale	yes	no
		If more space is required use Sheet No. 2		

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed L. E. Englemon

By

Dated June 8, 1965

License No. 256

Well Driller's Helper

Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	WellAddress	Sub	Bl	L	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number	Tag Number
GENTHER, ED	Domestic	04N	02E	19	NWNE		6060 PLANO LN					109	231		6	8/24/2005	835889	

- **Well Seal**

From Depth	To Depth	Material	Amount	Method
0	231	Bentonite chips	1350 LBS	Pour

- **Well Screen**

Type	From Depth	To Depth	Slot Size	# of Slots	Diameter	Perforation Method	Screen Type	Material	Installed Flag

- **Well Casing**

From Depth	To Depth	Diameter	Type	Gauge	Join Type	Material

- **Well Lithologic Layer**

Bore Diameter	From Depth	To Depth	Water	Color	Material	Texture	Descriptor

- **Construction Details**

Drilling Company	License Number	Metal Tag Number
COONSE WELL DRILLING	409	

Abandonment report (6)

63

835084

(7)

Form 238-7
3/95-C96

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 0 -0 -3 -9523 - ____
Other IDWR No. _____

2. OWNER:
Name Ed Genther
Address 6060 Plano Ln.
City Boise State ID Zip 83714

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N

W E

Twp. 4 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 19 1/4 (10 acres) NW 1/4 (40 acres) NE 1/4 (160 acres)

S Gov't lot County

Lat: : : Long: : :

Address of Well Site 6060 Plano Ln.
City Boise
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	20	650Lbs	Dry Pour

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 77ft
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	77	.250	Steel	☒	☐	☒	☐
4.5"	60	160	S40	PVC	☐	☒	☐	☒
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☒ Screens Screen Type pvc

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
160	220	.020	---	4.5"	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
96ft. below ground Artesian Pressure ____ lb
Depth flow encountered ____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
50GPM	---	220ft	1hour

Water Temp. 61DEgF Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered 95ft

4100 ft south

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temp.	Water Y	Water N
10"	0	2	Sandy Top Soil		☒
"	2	20	Coarse Sand		☒
6"	20	68	Coarse Sand		☒
"	68	72	Tan Clay		☒
"	72	95	Blue Clay		☒
"	95	95	A Seam of Course Quarts Sand	☒	
"	95	203	Blue Clay		☒
"	203	215	Cemented Sand	☒	
"	215	220	Blue Clay		☒

RECEIVED
AUG 0 8 2005
WATER RESOURCES
WESTERN REGION

Completed Depth: 220 (Measurable)
Date: Started 8-2-05 Completed 8-3-05

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name COONS WELL DRILLING Firm No. 409

Firm Official _____ Date 8-4-05

Supervisor or Operator _____ Date 8-4-05
(Sign once if Firm Official is Operator)

Date: 8/4/2005 Time: 3:41:20 PM

Form 238-7
8/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

(8)

~350 ft SW

1. WELL OWNER

Name DALE EVANS
Address 5758 Hill Rd. Boise, Ida. 83703
Drilling Permit No. 63-92-W-532
Water Right Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
2.50 inches	6 inches +	2 feet	116 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 20' Material used in seal: ☐ Cement grout
☒ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____
Lot No. _____ Block No. _____
County ADA
SE ¼ NE ¼ Sec. 19, T. 4 N ☒ S ☐ R. 2 E ☒ W ☐

7. WATER LEVEL

Static water level 30' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 65 °F. Quality GOOD
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
40	250	1

9. LITHOLOGIC LOG

84707

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
8	0	6	SANDY CLAY		✓
	6	12	BROWN CLAY		✓
	12	20	SANDY CLAY		✓
6	20	33	SAND		✓
	33	46	SANDY CLAY		✓
	46	59	SAND		✓
	59	65	SANDY CLAY		✓
	65	86	SAND		✓
	86	105	SAND & GRAVEL	✓	
	105	108	SAND COARSE	✓	
	108	258	BLUE CLAY		✓
	258	265	COARSE SAND	✓	

RECEIVED
JUL 17 1992
Department of Water Resources
Western Regional Office

RECEIVED
JUL 22 1992
Department of Water Resources

RECEIVED
DEC 03 1992

10.

Work started 7-9-92 finished 7-10-92

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Coons & Uhl Drilling Firm No. 409
Address EAGLE, IDA. Date 7-10-92
Signed by (Firm Official) Gary E. Coons
and
(Operator) _____

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

RECEIVED
Dec 31 1973
Department of Water Administration

State law requires that this report be filed with the Director, Department of Water Administration within 10 days after the completion or abandonment of the well.

(9)

~350 ft SW (Dale Evans)

1. WELL OWNER

Name Hartzell Estate
Address Boise Idaho
5758 Hill Rd.
Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 122 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	6 inches	0+3 feet	108 feet
.280 inches	5 inches	106 feet	108 feet
____ inches	5 inches	113 feet	122 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation ____ inches by ____ inches

Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

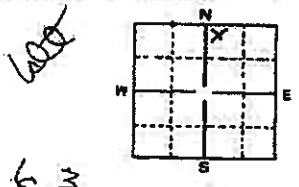
Well screen installed? ☒ Yes ☐ No
Manufacturer's name JOHNSON
Type STAINLESS Model No. 405
Diameter 6 Slot size 35 Set from 108' 3" feet to 113' 10" feet
Diameter ___ Slot size ___ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel ____
Placed from ____ feet to ____ feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



63

County Ada

NW ¼ NE ¼ Sec. 19 T. 4 N R. 2 E/W

7. WATER LEVEL

Static water level 82 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow ____
Temperature ____ °F. Quality ____
Artesian closed-in pressure ____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
50 GPM	17	2

042021

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
	0'	6	Top Soil		
	6	30	Sandy Clay		
	30	35	Yellow Clay		
	35	72	Fine Sand		
	72	80	Clay Layers		
	80	85	Fine Sand		
	85	93	Sand (Coarse)		
	93	110	Yellow Sandy Clay		
	110	114	Sand Medium		
	114	115	Yellow Clay		
	115	122	Blue Clay		

10.

Work started 12/10/73 finished 12/18/73

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Kenneth Witt 55
Driller's or Firm's Name Number
Caldwell, Idaho
Address
Kenneth Witt 12/18/73
Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

770841

Form 238-7
11/97

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

(10)

1. WELL TAG NO. D 19025
DRILLING PERMIT NO. ____-____-____
Other IDWR No. _____

2. OWNER:
Name Tim Brennan
Address 6025 Planto
City Boise State ID Zip _____

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 4 North X or South ☐
Rge. 2 East X or West ☐
Sec. 19 SE 1/4 NE 1/4 ____ 1/4 (10 acres / 160 Acres)
Gov't Lot ____ County Ada
Lat: : Long: : :
Address of Well Site 5 Ame.
(Give at least name of road + Distance to Road or Landmark) City _____

Lt. _____ Blk. _____ Sub. Name _____

4. USE:
X Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply
X New Well ☐ Modify ☐ Abandonment X Other (Replacement etc)

6. DRILL METHOD
X Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks/Pounds	METHOD
Bentonite	0	18	500	Overbore

Was drive shoe used? X Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y X N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+1	220	250	Steel	X	☐	X	☐
4½	46	226	250	PVC	☐	X	☐	☐
					☐	☐	☐	☐

Length of Headpipe 180' Length of Tailpipe 0

9. PERFORATIONS/SCREENS
Perforations
(Screens)
Method Blow Down
Screen Type PVC

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
226	246	020		4½	PVC	☐	X
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
100 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: Well Seal

11. WELL TESTS:
☐ Pump ☐ Bailer X Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
70			1

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encounter _____

~350 ft SW

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
10	0	1	Top Soil		X
	1	18	Brown clay		X
6	18	50	Brown clay		X
	50	83	Course SAND		X
	83	95	Brown clay		X
	95	105	Course SAND		X
	105	220	Blue clay		X
	220	236	Blue clay		X
	236	246	Course SAND	X	

RECEIVED
OCT 16 2001
Dept of Water Resources

RECEIVED
OCT 09 2001
WATER RESOURCES
WESTERN REGION

Completed Depth 246 (Measurable)
Date: Started 9-2-01 Completed 9-7-01

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

[illegible] WELL DRILLING, INC.
Company Name _____ Firm No. 732
Firm Official _____ Date 10-1-01
and
Driller or Operator _____ Date 10-1-01
(Signature of Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

Received 10-28-69 Dept of Reclamation

(11) ~600 ft South

1. WELL OWNER

Name William Worrell

Address 5626 Hill Road Boise, Idaho

Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 248 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.45 inches	6 inches	+1 feet	96 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel

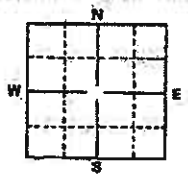
Placed from feet to feet

Surface seal? ☐ Yes ☐ No To what depth 18 feet

Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



• 63

County Ada

NW ¼ NE ¼ Sec. 19 T. 4 N/S, R. 2 E/W BM

7. WATER LEVEL

Static water level 82 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow

Temperature ° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Other ?

Discharge G.P.M.	Draw Down	Hours Pumped
20		

9. LITHOLOGIC LOG

31343

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	85	sandy dirt		
	85	94	gravel	*	
	94	96	blue clay		
	96	246	blue clay		
	246	248	coarse sand	*	

10.

Work started 6-69 finished 6-69

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Russel Cowe Drilling Co 65
Driller's or Firm's Name Number

BOISE, IDAHO
Address

Signed By Russel Cowe Date

USE ADDITIONAL SHEETS IF NECESSARY

Well Log Form 1
3M-3/63

(12)

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL. SEE IDAHO STATUTES 42-238

034320

~1600 ft south

Permit No. _____ Well No. _____ County Ada

Owner Ed Gunther

Address 5626 Hill road

Driller F.J. Olayonbi

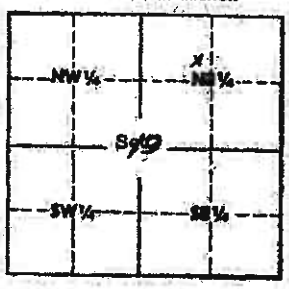
Address 3817 Greenbrier dr

Well location 5626 Hill road NW¼ SE¼ Sec. 19 T. 4 N/S R. 2 E/W

Size of drilled hole 4/11

Total depth of well 111ft

Locate well in section



Give depth to standing water from the ground 93ft Water temp. _____ °Fahr.

Test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet. Pump? _____ Bail? _____

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____ (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Domestic Weight of casing per lineal foot 11 #

Thickness of casing 1/4" Casing material steel (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing _____ (CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER; CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.

Number and size of perforations _____ located _____ feet to _____ feet from ground

_____ _____ _____

_____ _____ _____

Date of commencement of well _____ Date of completion of well Aug 25-63.

usgs

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
0	20	dirty sand		
20	50	med sand	No	
50	106	Coarse	yes	
106	111	" - light gravel	yes	
		If more space is required use Sheet No. 2		

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed F. J. Kayuha

By

Dated Dec 31, 1964

License No. 43

Well Driller's Helper Ed Hudson

Received
7 - 5 - 67
Dept of Reclamation

(13)

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name Edwin Gauthier
Address Hill road 5600 Blk ~600 ft south

Owner's Permit No.
NATURE OF WORK (check): Replacement well ☐
New well ☑ Deepened ☐ Abandoned ☐
Water is to be used for: Domestic
METHOD OF CONSTRUCTION: Rotary ☐ Cable ☑
Dug ☐ Other (explain) ☑

CASING SCHEDULE: Threaded — Welded ☑
4 "Diam. from 0 ft. to 258 ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
Thickness of casing: ¼" Material:
Steel ☑ concrete ☐ wood ☐ other ☐

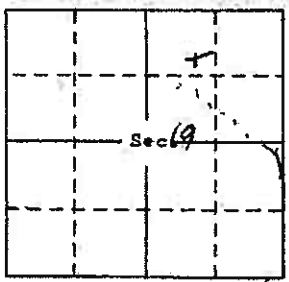
PERFORATED? Yes ☑ No ☐ Type of perforator used: Casting torch
Perforated before putting pipe in
Size of perforations: 1/16 " by 1 3 "
perforations from 246 ft. to 254 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
WAS SCREEN INSTALLED? Yes ☐ No ☑
Manufacturer's name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No. ☑ size of gravel Gravel placed from ft. to ft. Surface seal provided? Yes ☐ No ☐ To what depth? ft. Material used in seal:

Did any strata contain unusable water? Yes ☑
No. ☐ Type of water: Sulphur
Depth of strata 107 to 244 ft. Method of sealing strata off: with Casing

Surface casing used? Yes ☑ No. ☐
Cemented in place? Yes ☑ No ☐ Mud Clay

Locate well in section



LOCATION OF WELL: County Ada
NW¼ NE¼ Sec. 19 T. 4 N/S R. 1 E/W

Size of drilled hole: 4" Total depth of well: 258 Standing water level below ground: 130 ft Temp. Fahr. ° Test delivery: 30 gpm or cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test: 1 H.P. Sub pump
Length of time of test: 4 Hrs. Min.
Drawdown: 28 ft. Artesian pressure: ft. above land surface Give flow cfs or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing? Yes ☐ No ☑

DEPTH FROM FEET	DEPTH TO FEET	MATERIAL 31344	WATER YES OR NO
0	45	Mix wash dirt + sand	
45	107	dirty clay + sand	
107	244	Sayers shale + strings of lime blue sand + Sulphur smell	yes
144	246	White sticky clay	No
246	258	White Gravel	yes

Work started: May 27 - 67
Work finished: June 10 - 67
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: J. J. Clayville
Address: 3817 Greenbrier dr
Signed by:
License No. 43 Date: July 1 - 67

Use other side for additional remarks

USGS

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

RECEIVED JUL 13 1970 Department of Water Administration

(14)

1. WELL OWNER
Name Andy Anderson
Address Hill Road Boise
Owner's Permit No.

2. NATURE OF WORK
☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE
☑ Domestic ☐ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED
☑ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 6 inches Total depth 210 feet
Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
250 inches	6 inches	18" feet	195 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

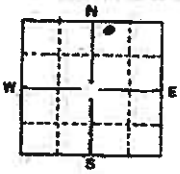
Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☑ No Size of gravel
Placed from feet to feet

Surface seal? ☑ Yes ☐ No To what depth 18 feet
Material used in seal ☐ Cement grout ☑ Puddling clay

6. LOCATION OF WELL
Sketch map location must agree with written location.



W3 N

County Ada
NW ¼ SE ¼ Sec. 19 T. 4 N. R. 2 E.

7. WATER LEVEL
Static water level 60 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow
Temperature ° F. Quality
Artesian closed-in pressure p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA
☐ Pump ☑ Bailer ☑ Other Blowed

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG 31342

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6"	0	20	Sandy Clay		
	20	60	Clay &		
	60	85	Brown Schale		
	85	185	Blue Schale		
	185	205	Brown Schale		
	205	210	Sandy Schale trace		

10. Work started 6-3-70 finished 6-11-70

11. DRILLER'S CERTIFICATION
This well was drilled under my supervision and this report is true to the best of my knowledge.

Phipps Well Drilling 98
Driller's or Firm's Name Number
2209 Dorothy Ave. Boise
Address
W. Phipps 6-30-70
Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

No address 5528 Hill? Water rights 8/14 in historical name of Anderson and dated 1970

~600 ft south

65

843283

(15)

Form 238-7
3/95-C96

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by: _____
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

TAG # D0047368

1. DRILLING PERMIT NO. 0 -0 -4 -7368 - ____
Other IDWR No. _____

2. OWNER:
Name Robert Brownfield
Address 5713 Hill Rd.
City Boise State ID Zip 83703

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N

W ☒ E

S

Twp. 4 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 19 1/4 (10 acres) SW 1/4 (40 acres) NE 1/4 (160 acres)

Gov't lot _____ County Ada
Lat: : : Long: : :
Address of Well Site 5713 Hill Rd.
City Boise
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	20	650 Lbs	Dry Pour

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 45ft
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	45	.250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☒ Screens Screen Type pvc

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
37	57	.020	---	4.5"	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
41ftft. below ground Artesian Pressure ____ lb
Depth flow encountered ____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
25GPM	---	50ft	90Mins

Water Temp. 57DegF Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered 41ft

~900 A SW

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.	Water Y	Water N
10"	0	2	Top Soil		☒
"	2	12	Sandy Brown Clay		☒
"	12	20	Coarse Sand		☒
6"	20	34	Coarse Sand		☒
"	34	37	Sandy Clay		☒
"	37	57	Gravel and Sand	☒	
"	57		Blue Clay		☒

RECEIVED
NOV 09 2006
WATER RESOURCES
WESTERN REGION

Completed Depth: 57 (Measurable)
Date: Started 10-30-06 Completed 10-31-06

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name COONSE WELL DRILLING Firm No. 409
Firm Official _____ Date 11-8-06
Supervisor or Operator _____ Date 11-8-06
(Sign once if Firm Official & Operator)

Date: 11/8/2006 Time: 8:14:31 AM

Form 238-7.0
9/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

JUN 16 1989

Department of Water Resources

(16)

1. WELL OWNER

Name James Riebe

Address 5625 Hill Rd

Owner's Permit No. 63-89 W-081-000

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	6" inches	1 feet	108 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

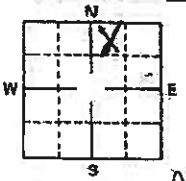
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number		From	To
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 16 Material used in seal: ☐ Cement grout ☐ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Seaman Sub.
Lot No. _____ Block No. _____
County Ada
NW ¼ NE ¼ Sec. 19 T. 4 N/S R. 2 E/W

7. WATER LEVEL

Static water level 25 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
50	60	1

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
6"	0	3	Top Soil		X
	3	47	SAND		X
	47	64	SAND & GRAVEL	X	
	64	91	Clay		X
	91	164	SAND STREAKS		X
	164	220	CLAY		X
	220		COARSE Red SAND	X	

800-1200 feet South

JUN 16 1989
Department of Water Resources
WATER RIGHT
JUN 20 1991

10. Work started 5/18/89 finished 5/23/89

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Phipps Drilling Firm No. 311
Address 7015 M°Gloclin Date 5/24/89
Signed by (Firm Official) _____
and
(Operator) Wesley Phipps

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

603

826954

Form 238-7
3/95-C96

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

(17)

1. DRILLING PERMIT NO. 0 -0 -3 -8480 - ____
Other IDWR No. _____

2. OWNER:
Name Peter and Lisa Ware
Address 5423 Hill Rd.
City Boise State ID Zip 83703

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N
W E
S

Twp. 4 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 19 1/4 (10 acres) SW 1/4 (40 acres) NE 1/4 (160 acres)

Gov't lot ____ County Ada
Lat: : : Long: : :
Address of Well Site 5423 Hill Rd.
City Boise
(Give at least name of road + Distance to Road or Landmark)
Lt. 11 Blk. 1 Sub. Name Seaman's Sub.

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	20	600Lbs	Dry Pour

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 35ft
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	35	.250	Steel	☒	☐	☒	☐
4.5"	60	100	S40	PVC	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☒ Screens Screen Type pvc

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
20	60	.020	—	4.5"	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
32ft below ground Artesian Pressure ____ lb
Depth flow encountered ____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
25GPM	3ft	60ft	2hours

Water Temp. 57DegF Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered 32ft

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.	Water Y	Water N
10"	0	2	Top Soil		☒
"	2	20	Coarse Sand		☒
6"	20	23	Coarse Sand		☒
"	23	48	Gravel and Sand	☒	
"	48	100	Blue Clay		☒

RECEIVED
DEC 20 2004
WATER RESOURCES
WESTERN REGION

Completed Depth: 100 (Measurable)
Date: Started 12-13-04 Completed 12-14-04

~1300 FX
S

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Coonse Well Drilling Firm No. 409
Firm Official _____ Date 12-16-04
Supervisor or Operator _____ Date 12-16-04
(Sign once if Firm Official & Operator)

Date: 12/16/2004 Time: 7:57:24 AM

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

RECEIVED MAR 28 1975 Department of Water Resources

(18)

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Mr. Shirly Ross

Address 2112 Warm Springs

Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 191 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	6 inches	0 feet	191 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel

Placed from feet to feet

Surface seal depth 75' Material used in seal ☐ Cement grout ☒ Puddling clay ☒ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Seaman Subdivision

Lot No. 8 Block No. 2

County Ada

NE ¼ NE ¼ Sec. 19 T. 4 N/S, R. 2 E/W

7. WATER LEVEL

Static water level 96 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow

Temperature 70+ °F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
20-25	5	1

9. LITHOLOGIC LOG 46663

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	6	dark brown sandy clay		X
	6	74	sandy light brown clay		X
	74	81	sticky light brown clay		X
	81	176	dark blue clay		X
	176	191	light brown sticky clay		X
	191		fine & coarse quarts	X	
			sand-some fine gravel		

10. Work started 2/27/75 finished 3/3/75

11. DRILLERS CERTIFICATION

Firm Name W.R. Stevens & Sons Firm No. 153

Address 3709 Hawthorne Drive Date 3/7/75

Signed by (Firm Official) Wayne E. Stevens

and (Operator) Wayne E. Stevens

Lot 8 Blk 2
Arthur Hamblin
5426 Hill Rd

wrong QQ;
in SE¼ NE¼ Sec 19

~¼ mile south

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

RECEIVED

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

(19)

1. WELL OWNER

Name Mike Shepperdson

Address 5418 Hill Rd Boise

Owner's Permit No. N/A

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 148 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	6 inches	+1.5 feet	70.5 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

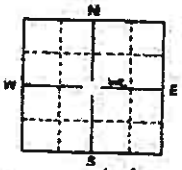
Surface seal depth 60 Material used in seal ☐ Cement grout ☐ Puddling clay ☒ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

63

Sketch map location must agree with written location.



Subdivision Name —

Lot No. 9 Block No. 2

County Ada

SW¼ NE¼ Sec. 19 T. 4 ☐N ☒S, R. 2 ☐E ☒W

7. WATER LEVEL

Static water level 60 feet below land surface

Flowing? ☐ Yes ☐ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

f

~1400 ft SE

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Other

Discharge G.P.M.	Draw Down	Hours Pumped
45	15	.25

042910

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
8	0	60	Sandy Clay		K
6	60	70	Clay		
	70	142	Blue Shale		
	142	146	Yellow Clay		
	146	148	Sand Coarse	K	

10.

Work started 1-16-77 finished 1-20-77

11. DRILLER'S CERTIFICATION

HUDSON WATER WELLS

Firm Name 2011 SO. HILTON ST. BOISE, IDAHO 83705 Firm No. 188

Address 343-4444 342-4878 Date 1-20-77

Signed by (Firm Official) Earl Hudson

and

(Operator) SAME

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

63

832131 (20)

Office Use Only
Inspected by IDWR
Twp 4N Rge 2E Sec 19
1/4 SE 1/4 NE 1/4
Lat: : : Long: : :

Form 238-7
3/95-C'96

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. DRILLING PERMIT NO — — — — — —
Other IDWR No. D0038906

2. OWNER:
Name Doug Stewart
Address 9460 W Chadwick
City Boise State ID Zip 83704

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N / W / E / S

Twp. 4 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. ~~34~~ 19 1/4 SE 1/4 NE 1/4 1/4
(10 acres / 40 acres / 160 acres)

Gov't lot ____ County Ada
Lat: : : Long: : :
Address of Well Site 5416 Hill Rd
City Boise
(Give at least name of road + Distance to Road or Landmark)
Lt. ____ Blk. ____ Sub. Name ____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK check all that apply (Replacement etc.)
☐ New Well ☐ Modify ☐ Abandonment ☒ Other replacement

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	18	600 lbs	Overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 138
Was drive shoe seal tested? ☐ Y ☒ N How? ____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	138	.250	Steel	☒	☐	☒	☐
4"	-14	142	SCH4	PVC	☐	☒	☐	☒
					☐	☐	☐	☐

Length of Headpipe ____ Length of Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☒ Screens Screen Type johnson pvc

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
142	162	.20		4"	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
66 ft. below ground Artesian Pressure ____ lb
Depth flow encountered ____ ft. Describe access port or control devices: ____

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
60+			1/2 hr

Water Temp. 67 Bottom hole temp. ____
Water Quality test or comments: ____
Depth first Water Encountered 69'

~1500 fx SE

12. LITHOLOGIC LOG: (Describe repair or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temp.	Water Y	Water N
10"	0	18'	Decomposed granite tan		☒
6"	18'	55'	Decomposed granite & clay		☒
6"	55'	90'	Sand & gravel	☒	
6"	90'	150'	Blue Clay		☒
6"	150'	155'	Tan sand, clay		☒
6"	155'	162'	Granite sand	☒	

RECEIVED
APR 21 2005
WATER RESOURCES
WESTERN REGION

Completed Depth: 162 (Measurable)
Date: Started 04-02-05 Completed 04-02-05

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Hiddleston & Son, Inc. Firm No. 35
Firm Official [signature] Date 4-19-05
Supervisor or Operator [signature] Date 04-19-05
(Sign once if Firm Official & Operator)

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

(21)

200-800 ft SE

1. WELL OWNER

Name DR DAVE Ficks
Address 5600 HILL RD. BOISE IDAHO
Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION CASING 1' ABOVE GR. LEVEL

Diameter of hole 8 inches Total depth 226 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	inches	+1 feet	140 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

8" GOPHER SHOE

Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

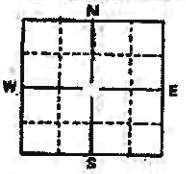
Well screen installed? ☐ Yes ☐ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☐ No Size of gravel
Placed from feet to feet

Surface seal? ☐ Yes ☐ No To what depth 18 feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



GW

County ADA

NE¼ NE¼ Sec. 19 T. 4 N/S, R. 2 E/W

7. WATER LEVEL

Static water level 120 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow
Temperature ° F. Quality
Artesian closed-in pressure p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
30	NO	1 hr

9. LITHOLOGIC LOG 31341

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
8"	0	2	SURFACE DIRT		X
	2	10½	BR. SAND		
	10½	21½	CEMENTED GRAVEL		X
	21½	28	BR CLAY		X
	28	60	YELLOW CLAY		X
	60	68	LIGHT BLUE CLAY W/SOME GRAVEL		X
	68	80	GREY CLAY W/SOME GRAVEL		X
	80	112	BLUE BLACK SILTY CLAY		
	112	114	BR. SAND (DRY)		X
	117	128	BLUE BLACK SILTY CLAY		X
	128	144	BR SANDY CLAY		X
	144	188	BLUE SHALE W/SOME SAND STREAKS		
	188	224	BLUE BLACK CLAY		
	224	229	SAND W/ WATER	X	

10. Work started MARCH 17-69 finished MARCH 21/69

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

SNELLING'S & SONS
Driller's or Firm's Name Number
COLLEEN DR BOISE IDAHO.
Address
Signed By Date July 20/70

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

incorrect legal, should be ~~NW NE~~ NE NE

ATTACHMENT C.

DOMESTIC WATER RIGHTS

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below. ☐ Search for both active and inactive water right records.

Search Results

Type of Query
USAGE INSTRUCTION

☑ All SRBA & Water Rights

SRBA ☐ Claims ☐ Recommendations ☐ Both

Water Rights ☑ Applications ☑ Permits ☑ Decrees, Licenses and Statutory Claims ☑ Transfers ☑ All of the above

Basics | Who | What | When | Where | Clear | Search | Help

Query parameters:
Township = 4n
Range = 2e
Section = 19
QQ = NW
Quarter = NE
Search for: active Records
POD = 1

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details / Related Documents / General Provision	1	63	7777			Decreed	Active	1973-04-17	0.04	GROUND WATER	DOMESTIC	CALVERT, ANNA M (Current)
		5880 Lamplighter										
Details / Related Documents / General Provision	2	63	9349			Decreed	Active	1980-02-22	0.08	GROUND WATER	DOMESTIC	CALVERT, ANNA M (Current)
		5880 Lamplighter										
Details / General Provision	3	63	15097			Decreed	Active	1964-02-14	0.04	GROUND WATER	DOMESTIC	ZUBIZARETA, FERMIN (Current); ZUBIZARETA, MARIAN E (Current)
		5903 Hill										
Details / General Provision	4	63	15283			Decreed	Active	1957 06 01	0.04	GROUND WATER	DOMESTIC	VIRGIL TRUSTEE, CLARA M (Current)
		6519 Saxton										
Details / General Provision	5	63	16138			Decreed	Active	1941-01-01	0.04	GROUND WATER	DOMESTIC	BRIGGS, CLYDE C (Current); BRIGGS, MARGARET M (Current)
		5701 Hill										
Details / General Provision	6	63	17383			Decreed	Active	1964-06-30	0.04	GROUND WATER	DOMESTIC	LINK, CHARLES S (Current); LINK, FRANCIE A (Current)
		5920 Hill										
Details / General Provision	7	63	20109			Decreed	Active	1989-05-23	0.04	GROUND WATER	DOMESTIC	RIEBE, JAMES (Current); RIEBE, NOREEN (Current)
		5625 Hill										

Details General Provision	8	63	22038 5727 Hill		Decreed	Active	1956-06-01	0.06	GROUND WATER	DOMESTIC, STOCKWATER	THOMAS, RICK E (Current)
Details General Provision	9	63	22475 5712 Hill/6060 Plano S0619 20760		Decreed	Active	1974-09-30	0.04	GROUND WATER	DOMESTIC	GENTHER, BETTY (Current); GENTHER, ED (Current)
Details General Provision	10	63	22726 6024 Plano		Decreed	Active	1984-08-01	0.04	GROUND WATER	DOMESTIC	DONESLEY, NICHOLAS J (Current); DONESLEY, VERA (Current)
Details General Provision	11	63	22751 6282 Eugene S0619120860		Decreed	Active	1972-05-18	0.04	GROUND WATER	DOMESTIC	OSTENSEN, GEORGE (Current)
Details General Provision	12	63	22766 5832 Hill		Decreed	Active	1942-01-01	0.06	GROUND WATER	DOMESTIC, STOCKWATER	PIERCE, FRANK L (Current); PIERCE, RITA R (Current)

Number of records = 12

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below. ☐ Search for both active and inactive water right records

Search Results

Type of Query
USAGE INSTRUCTION

☑ All SRBA & Water Rights

SRBA ☐ Claims ☐ Recommendations ☐ Both

Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin | Who | What | When | Where | Clear | Search | Help

Query parameters:
Township = 4n
Range = 2e
Section = 19
QQ = NE
Quarter = NE
Search for: active Records
POD = 1

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details / Related Documents / General Provision	1	63	7365			License	Active	1970-08-24	0.04	GROUND WATER	DOMESTIC	LARSON, BRAD (Current)
		Anderson, 5528 Hill Road										
Details / Related Documents / General Provision	2	63	10234			License	Active	1984-07-22	0.04	GROUND WATER	DOMESTIC	SCANTLING, DONALD J (Current); SCANTLING, IMA J (Current)
		Kerstein, 6262 Plano										
Details / General Provision	3	63	15283			Decreed	Active	1957-06-01	0.04	GROUND WATER	DOMESTIC	VIRGIL TRUSTEE, CLARA M (Current)
		RP R7719000110, Lot 3, Saxton, 6519 Saxton										
Details / General Provision	4	63	22274			Decreed	Active	1970-07-15	0.04	GROUND WATER	DOMESTIC	ANDERSON, EDGAR H (Current)
		R7789000980, Lot 2 Blk 2, Seaman Sub; 5528 Hill										

Number of records = 4

ATTACHMENT D.

TELEPHONE SURVEY LOG

DOMESTIC WELL SURVEY
PROPERTIES WITHIN 500 FEET OF PROPOSED LOWER RETENTION POND ON PLANO LANE

Name	Address	Phone	Date Called	Comments
East of Plano Lane				
Sandra & Donald Scantling	6262 N Plano Ln	336-5153	6/27	Left message; spoke with Don on 6/30
Ed Genther	6000, 6060 & 6062 N Plano Ln	424-9041	6/26 & 6/27	Spoke with Rhonda on 6/26 and Ed on 6/27
Ethel Ficks	5600 Hill Rd and back parcel off Plano Ln	345-0451	6/26	Spoke with Ethel on 6/26
Stephanie Bacon/Brent Smith	6024 N Plano Ln	384-9149	6/27	Spoke with Brent on 6/27
West of Plano Lane				
Marie Casey	6101 N Plano Ln	345-2294	6/27	Spoke with Marie on 6/27
Mike Tabor	6063 N Plano Ln	344-1479	6/27	Phone number is disconnected
Erin Brennan	6025 N Plano Ln	830-1110	6/27	Phone rang several times, then hung up
Edwin & Betty Genther	5712 W Hill Rd	344-2776	6/27	Left message

10 E

SUBDIVISION APPLICATION

SUB07-00065

Planning & Development Services

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

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

RECEIVED
MAY 29 2007
PLANNING & DEVELOPMENT SERVICES
RECEIVED
11 MAY 29 2007
Planning Dept. Subdivisions

Subdivision Application

Proposed Name of Subdivision PLANO ROAD

Type of Plat: ☒ Preliminary Plat ☐ Final Plat

This application shall not be considered complete (nor will a hearing be scheduled) until **all** required information has been submitted *and* verified.

(For office use only)

File Number: SUB07-00065
AR07-00042

Fee: _____

Cross Referenced Files: CUP07-00084
CFH07-00077

Date Accepted: _____

Primary Contact for Subdivision Inquiries

☐ **Owners of Record:** AKE'S CANYON POINT DEVELOPMENT, LLC (801) 924-1777
CAPITAL DEVELOPMENT INC
Address: 3750 W. 500 S. SALT LAKE CITY, UT
6200 N. MEEKER PL, BOISE, ID
Phone Number: 377-3939
E-Mail: _____
City, State, Zip: _____
Fax #: _____

☐ **Applicant (Developer):** KERRY WINN
STEWART LAND GROUP
Address: 6995 S. UNION PARK CTR
City, State, Zip: MIDVALE, UT 84047
Phone Number: (801) 263-9126
573-7205 CELL
E-Mail: KWINN@STEWARTLANDGROUP.COM
Fax #: (801) 263-9126

☐ **Engineer, Surveyor or Planner:** AZIMUTH ENG
Address: 5243 S. GREEN PINE DRIVE
City, State, Zip: MURRAY, UT 84123
Phone Number: (801) 261-2900
E-Mail: WOOTH@AZIMUTHENG.COM
Fax #: (801) 266-5032

Boise City Subdivision: Date of Annexation of Parcel: ____/____/____
(see Addressing Counter for assistance)

Ada County Subdivision within Boise City's Area of Impact (Final Plat only)

Site Address: _____

Parcel Number: S0617315000 **Section** 17, 18, 19, 20 **Township** 4N **Range** 5W

Land Division

Is this parcel an original lot or parcel that existed prior to October 1965? ☐ Yes ☑ No
If no, provide copy of recorded deeds documenting split of original parcel and deed of original parcel.
If yes, provide copy of recorded deeds of original lot or parcel.

Cross Referenced Files

Conditional Use (CUP) / **Annexation-Rezone** (CAR) / **Hillside** (CFH)

Does this subdivision have a previous or current companion CUP, CAR or CFH? ☒ Yes ☐ No

If yes, please give a general description of the reason for the CUP, CAR or CFH. LOCATED IN THE FOOTHILLS

CUP/CAR?CFH File Number: _____

Subdivision Features

Number of Buildable Lots: 148
Buildable Lots or Units per Gross Acre: 2.18
Number of Common Lots: _____
Existing Zoning Classification: RP
Acres: 323
Acres of Land in Contiguous Ownership: 323

Building Program

Are there existing buildings? ☒ Yes ☐ No How many? ONE
Please describe the existing buildings: HOME ON PLANO ROAD
Type of building proposed: ☒ Residential ☐ Commercial ☐ Industrial ☐ Combination
Type of dwelling proposed: ☒ Single-Family ☐ Townhouses ☐ Duplexes ☐ Multi-Family

Waivers/Modifications

Are any waivers or modifications being requested from the Boise City Subdivision Ordinance?
☐ Yes ☒ No

If yes, please specify section(s) of the Ordinance _____ **and provide a basis for waiver request(s) in a separate cover letter.**

Fire Protection

Approved fire protection facilities shall be provided to comply with the requirements of the Boise City Fire Dept.
For more information, contact Dave Miller at 384-3827.

Private Streets

Are private streets proposed? **(If yes, provide justification as required by code.)** ☐ Yes ☒ No
If yes, has the Private Street Review fee been submitted? ☐ Yes ☐ No

All private streets, sidewalks, base and pavement shall be constructed to the same specifications as required for public streets. Certification of construction shall be required (B.C.C. 9-20-7.E)

Public Streets and Improvements

All streets, curbs, gutters and sidewalks shall be constructed to Ada County Highway District standards. Boise City Code 9-20-7.D.8 states "Sidewalks shall be required on both sides of the street."

Hillside and Floodplain

Does the development fall within jurisdiction of the **Hillside Ordinance**? ☒ Yes ☐ No

If yes, has the Hillside Review Fee Deposit been submitted? ☒ Yes ☐ No

Does the development fall within jurisdiction of the **Floodplain Ordinance**? ☐ Yes ☒ No

Domestic Water Supply

From what source do you propose domestic water supply? ☐ A well ☒ United Water ☐ Capitol Water

Sewage Disposal

Sanitary sewers shall be provided in all subdivisions (B.C.C. 9-20-8.D). From which public source will wet line sewer service be provided? ☒ Boise City ☐ Septic ☐ Northwest Boise ☐ Bench ☐ West Boise ☐ Owyhee

Irrigation

Is pressure irrigation proposed? ☐ Yes ☒ No - REPORT FORTHCOMING

If no, provide an Irrigation Report prepared by a licensed professional engineer as required by code. The Irrigation Report must be submitted concurrently with this application. (Note: Should a pressurized irrigation system not be installed, compliance to Idaho Code 31-3805 is still required).

Note: Written approval of the appropriate irrigation entity will be required for (1) relocation of ditches; (2) drainage into ditches; and (3) enclosing or covering ditches. Boise City Code Section 9-20-8.F.3 states "Any covering or fencing program involving the distribution system of any irrigation district shall have the prior approval of the affected district."

Irrigation Entity (Please check the appropriate entity for the site)

☐ Boise City Canal ☐ Boise Valley Irrigation ☐ Farmers Union
☐ Settler's Irrigation ☐ New York Irrigation ☐ Nampa-Meridian Irrigation
☐ South Boise Mutual ☐ South Boise Waters ☐ Other: _____

Drainage

Drainage Entity (Please check the appropriate entity for the site.)

☐ Drainage Dist. #2 ☐ Drainage District #3 ☐ Drainage District #4 ☐ ACHD
☐ Nampa-Meridian ☒ Homeowners Association ☐ Other: _____

Is drainage to remain on-site? ☒ Yes ☐ No

Describe method/facility used: ~~ALL~~ RETENTION PONDS

Drainage Plans

All preliminary plat applications shall include the land contours with appropriate vertical intervals referenced to datum and at intervals acceptable to the City Engineer (B.C.C. 9-20-6.A5).

B.C.C. 9-20-6.A.12 states that preliminary plats shall include the following: "The approximate location, size, and type of all drainage ditches, channels, pipes, structures, and sub-surface drainage structures within and immediately adjacent to the proposed subdivision, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside the proposed plat a minimum distance of 100 feet."

Does the submitted preliminary plat address these criteria? ☒ Yes ☐ No

Schools

What school district serves this site? ☒ Boise ☐ Meridian

Do you propose any land dedications for future schools or parks? ☐ Yes ☒ No

Erosion & Sediment Control Permit

Do you plan to do any sitework (moving of earthwork) prior to preliminary plat approval?

☐ Yes ☒ No

If yes, you must obtain an Erosion and Sediment Control Permit prior to any sitework. An Erosion & Sediment Control Permit will be required prior to any sitework or prior to the City Engineer's signature on the Final Plat.

The following must be included with this Application

☒ Completed Preliminary AND/OR Final Plat Checklist and all required documents, maps, fee(s), etc.

I certify that all information given on this application is true, correct and complete to the best of my knowledge.

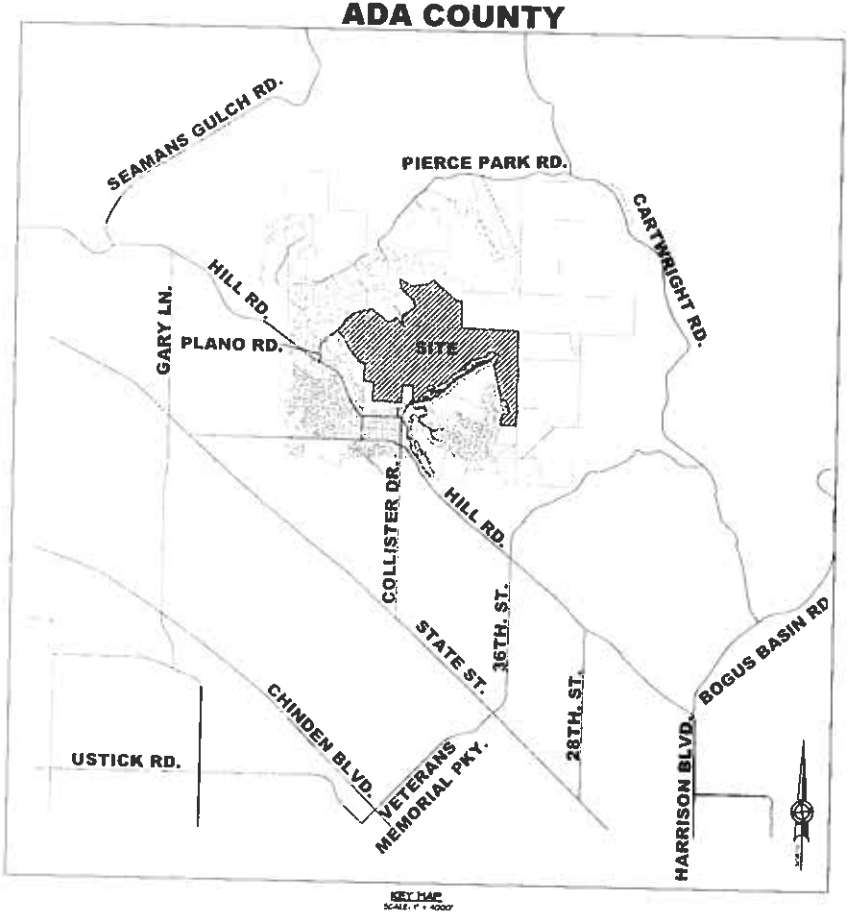
Signature Kerry Winn Date 5/24/07

RECEIVED
MAY 29 2007
PLANNING & DEVELOPMENT SERVICES

Staff Date

PLANO ROAD

SUBDIVISION
6296 NORTH PLANO LANE
BOISE, IDAHO
ADA COUNTY



KEY MAP
SCALE: 1" = 4000'

RECEIVED
MAY 29 2007
PLANNING & DEVELOPMENT SERVICES

NOTES

1. OWNER INFORMATION:

OWNER-DEVELOPERS:
RANCH TOWNSEND
4405 S. CANTON POINT
DEVELOPMENT, L.L.C.
3750 WEST 500 SOUTH
SALT LAKE CITY, UTAH 84104
(801) 313-3424

RICH HOLTER
CAPITAL DEVELOPMENTS, INC
6300 NORTH FEEDER PLACE
BOISE, IDAHO 83713
(208) 377-3424

2. EXISTING ZONING IS AGRICULTURAL. PROPOSED ZONING IS R-4 SINGLE FAMILY RESIDENTIAL AND HILLSIDE PRESERVED AREAS

COMMON SYMBOLS & ABBREVIATIONS

NOTE: SYMBOLS OR ABBREVIATIONS LISTED BELOW ARE NOT NECESSARILY ON DRAWINGS IN THIS SET

- E = PAVEMENT ELEVATION
- TOH = TOP OF HILL
- BOH = BOTTOM OF HILL
- TBC = TOP BACK OF CURB
- TOA = TOP OF ASPHALT
- TC = TOP OF CONCRETE
- EOA = EDGE OF ASPHALT
- SSMH = SANITARY SEWER MANHOLE
- SDMH = STORM DRAIN MANHOLE
- CB = CATCH BASIN
- EXIST = EXISTING
- PROP = PROPOSED
- FF ELEV = FINISHED FLOOR ELEVATION
- RCP = REINFORCED CONCRETE PIPE
- CMP = CORRUGATED METAL PIPE
- PVC = POLY VINYL CHLORIDE PIPE
- DI = DUCTILE IRON
- FG = FINISH GRADE
- SD = STORM DRAIN
- L.F. = LINEAL FEET
- FL = FLOW LINE ELEVATION
- SS = SANITARY SEWER
- IRR = IRRIGATION
- W = WATER
- PI = PRESSURIZED IRRIGATION
- R = BACK OF CURB RADIUS

- EXISTING ELEVATION
- PROPOSED ELEVATION
- EXISTING CONTOURS
- PROPOSED CONTOURS
- STORM DRAIN MANHOLE
- CATCH BASIN
- STORM DRAIN LINE
- POWER POLE
- OVERHEAD POWER LINE
- POWER LINE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- WATER VALVE
- WATER METER
- THRUST BLOCK
- CULINARY WATER LINE
- CULINARY WATER LATERAL
- SECONDARY WATER LINE
- SECONDARY WATER LATERAL
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER LINE
- SANITARY SEWER LATERAL
- GAS METER
- GAS LINE
- COMMUNICATIONS MANHOLE
- GREASE TRAP
- NON PRESSURIZED IRRIGATION PIPE
- PROPERTY LINE
- EXISTING EASEMENT
- PROPOSED PARCEL
- LIGHT

- EXISTING CURB TO REMAIN
- EXISTING CURB TO BE REMOVED
- PROPOSED CURB
- PROPOSED CURB AND GUTTER
- CONCRETE
- TRAFFIC DIRECTIONAL ARROW

PLANO ROAD
SUBDIVISION

SHEET INDEX

C-0.0	COVER SHEET
C-0.1	BOUNDARY SURVEY/ANNEXATION PLAN
C-1.1	PRELIMINARY PLAT
C-1.2	PRELIMINARY PLAT
C-1.3	PRELIMINARY PLAT
C-1.4	PRELIMINARY PLAT
C-1.5	PRELIMINARY PLAT
C-1.6	PRELIMINARY PLAT
C-1.7	PRELIMINARY PLAT
C-1.8	PRELIMINARY PLAT
C-3.1.1	PRELIMINARY GRADING PLAN
C-3.1.2	PRELIMINARY GRADING PLAN
C-3.1.3	PRELIMINARY GRADING PLAN
C-3.1.4	PRELIMINARY GRADING PLAN
C-3.1.5	PRELIMINARY GRADING PLAN
C-3.1.6	PRELIMINARY GRADING PLAN
C-3.1.7	PRELIMINARY GRADING PLAN
C-3.1.8	PRELIMINARY GRADING PLAN
C-3.2.1	PRELIMINARY EROSION CONTROL PLAN
C-3.2.2	PRELIMINARY EROSION CONTROL PLAN

LEGAL DESCRIPTION

A parcel of land located in Sections 17, 18, 19, and 20, Township 4 North, Range 3 East, Boise Meridian, Ada County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The North line of Section 20, Township 4 North, Range 3 East, Boise Meridian, as held from found monuments and taken as South 88°43'54" East with the distance between monuments found to be 5,284.21 feet.

BEGINNING at the Northwest Section corner of Section 20, Township 4 North, Range 3 East, Boise Meridian; thence along the East line of said Section 20 South 00°00'29" West a distance of 680.36 feet to a point from which the East 1/4 corner of said Section 20 bears South 00°00'29" West a distance of 152.10 feet;
thence leaving said East line South 83°44'52" West a distance of 639.45 feet;
thence North 81°09'11" West a distance of 894.05 feet to the Southeasterly Boundary of Emerald Subdivision No.5 Book 43, Page 3405;
thence along the boundary of said Emerald Subdivision No.5 the following seventy courses:
North 36°58'55" East a distance of 256.21 feet;
North 24°38'55" East a distance of 84.14 feet;
North 60°21'05" West a distance of 345.00 feet;
South 31°38'55" West a distance of 150.01 feet;
South 45°38'55" West a distance of 120.00 feet;
South 36°38'55" West a distance of 481.16 feet;
South 44°38'55" West a distance of 523.90 feet;
South 60°38'55" West a distance of 345.00 feet;
South 43°38'55" West a distance of 268.8 feet to the Northeasterly Corner of Emerald Subdivision No.2, Book 42, Page 346;
thence along the boundary of said Emerald Subdivision No.2 the following twenty courses:
South 45°38'55" West a distance of 66.66 feet;
South 60°38'55" West a distance of 410.00 feet;
North 46°21'05" West a distance of 150.00 feet;
South 61°38'55" West a distance of 148.91 feet;
South 08°21'05" East a distance of 150.00 feet;
South 54°38'55" West a distance of 319.26 feet;
South 73°21'05" East a distance of 152.21 feet to the northerly right-of-way of Collister Drive, along said right-of-way South 60°38'55" West a distance of 259.18 feet;
along a curve to the left with a radius of 365.50 feet and a central angle of 55°25'21" and an arc length of 353.61 feet, a chord bearing of South 63°56'12" West, and a chord distance of 339.98 feet;
South 64°46'32" East a distance of 5.00 feet;
thence leaving said boundary of Emerald Subdivision No.2 South 45°13'28" West a distance of 41.08 feet;
thence along a curve to the left with a radius of 568.92 feet and a central angle of 19°40'00" an arc length of 195.34 feet, with a chord bearing of South 35°23'28" West, and a chord distance of 193.84 feet;
thence leaving said right-of-way North 04°50'58" West a distance of 208.50 feet;
thence South 84°39'28" East a distance of 20.00 feet;
thence South 00°06'32" East a distance of 70.81 feet;
thence North 49°26'32" East a distance of 244.50 feet;
thence North 00°06'32" East a distance of 461.52 feet;
thence North 89°39'28" West a distance of 319.35 feet to the East line of the Southeast 1/4 of the Northeast 1/4 of said Section 20;
thence along said East line South 00°21'54" West a distance of 355.61 feet to the Center 1/16 corner of said Section 20;
thence along the South line of said Southeast 1/4 of the Northeast 1/4 also being the North boundary line of Outback Heights Subdivision, Book 60, Pages 6040-6041 North 89°10'58" West a distance of 990.48 feet;
thence leaving said South line and North boundary North 00°33'15" East a distance of 650.00 feet;
thence North 89°10'58" West a distance of 338.00 feet to the West line of said Southeast 1/4 of the Northeast 1/4;
thence along said West line of said Section 20 North 00°33'15" East a distance of 619.88 feet to the North 1/16 corner common to Sections 17 and 20, from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 00°33'15" East a distance of 1,332.03 feet;
thence South 89°31'45" West a distance of 63.86 feet;
thence North 63°35'07" West a distance of 347.46 feet;
thence North 26°27'44" West a distance of 324.96 feet;
thence North 31°36'19" West a distance of 406.85 feet;
thence North 49°39'11" East a distance of 61.00 feet;
thence North 01°13'27" West a distance of 75.27 feet;
thence North 31°23'31" East a distance of 210.62 feet;
thence North 48°22'55" East a distance of 289.84 feet;
thence North 10°19'21" East a distance of 495.60 feet;
thence South 00°01'24" West a distance of 29.42 feet;
thence North 66°30'00" East a distance of 234.53 feet;
thence South 08°56'41" East a distance of 40.84 feet;
thence South 58°19'08" East a distance of 122.41 feet;
thence South 33°09'30" East a distance of 169.46 feet;
thence South 43°43'28" East a distance of 44.26 feet;
thence North 50°03'16" East a distance of 348.41 feet;
thence South 38°06'15" East a distance of 355.86 feet to the West 1/16 corner common to Sections 17 and 20 from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 88°43'54" West a distance of 621.23 feet;
thence along the North line of the Northwest 1/4 of the Northwest 1/4 of said Section 20 South 88°43'54" East a distance of 1,291.61 feet;
thence leaving said North line North 01°49'20" West a distance of 352.45 feet;
thence North 51°11'56" East a distance of 104.98 feet;
thence North 7°43'29" West a distance of 251.55 feet;
thence North 57°15'13" West a distance of 240.86 feet;
thence North 31°07'54" West a distance of 178.81 feet;
thence North 51°29'54" West a distance of 200.31 feet;
thence North 01°41'46" West a distance of 338.23 feet;
thence South 88°38'54" East a distance of 38.24 feet;
thence North 80°53'46" East a distance of 309.52 feet;
thence North 30°34'54" East a distance of 219.98 feet;
thence South 10°08'04" East a distance of 88.51 feet;
thence South 48°09'55" East a distance of 1,068.83 feet;
thence South 09°38'20" East a distance of 200.38 feet;
thence South 00°10'48" East a distance of 411.84 feet to the North line of the Northeast 1/4 of said Section 20;
thence along said North line South 88°43'54" East a distance of 1,961.75 feet to the POINT OF BEGINNING

Said Parcel containing 11,108,404 square feet or 325.88 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied

REVISIONS

NUMBER	CONTENTS	DATE	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Azimuth Engineering, Inc.
OFFICE: 3243 South Cloverdale Drive, Meridian, Idaho 83642
MAILING ADDRESS: P.O. Box 1623, Meridian, Idaho 83680
Phone: 887-353-7900
Fax: 887-396-3023

PROFESSIONAL ENGINEER — 9-28-07 — 12369 — STATE OF IDAHO — JAMES F. RUDOLPH

PLANO ROAD
SUBDIVISION
6296 NORTH PLANO ROAD
BOISE, IDAHO

COVER SHEET

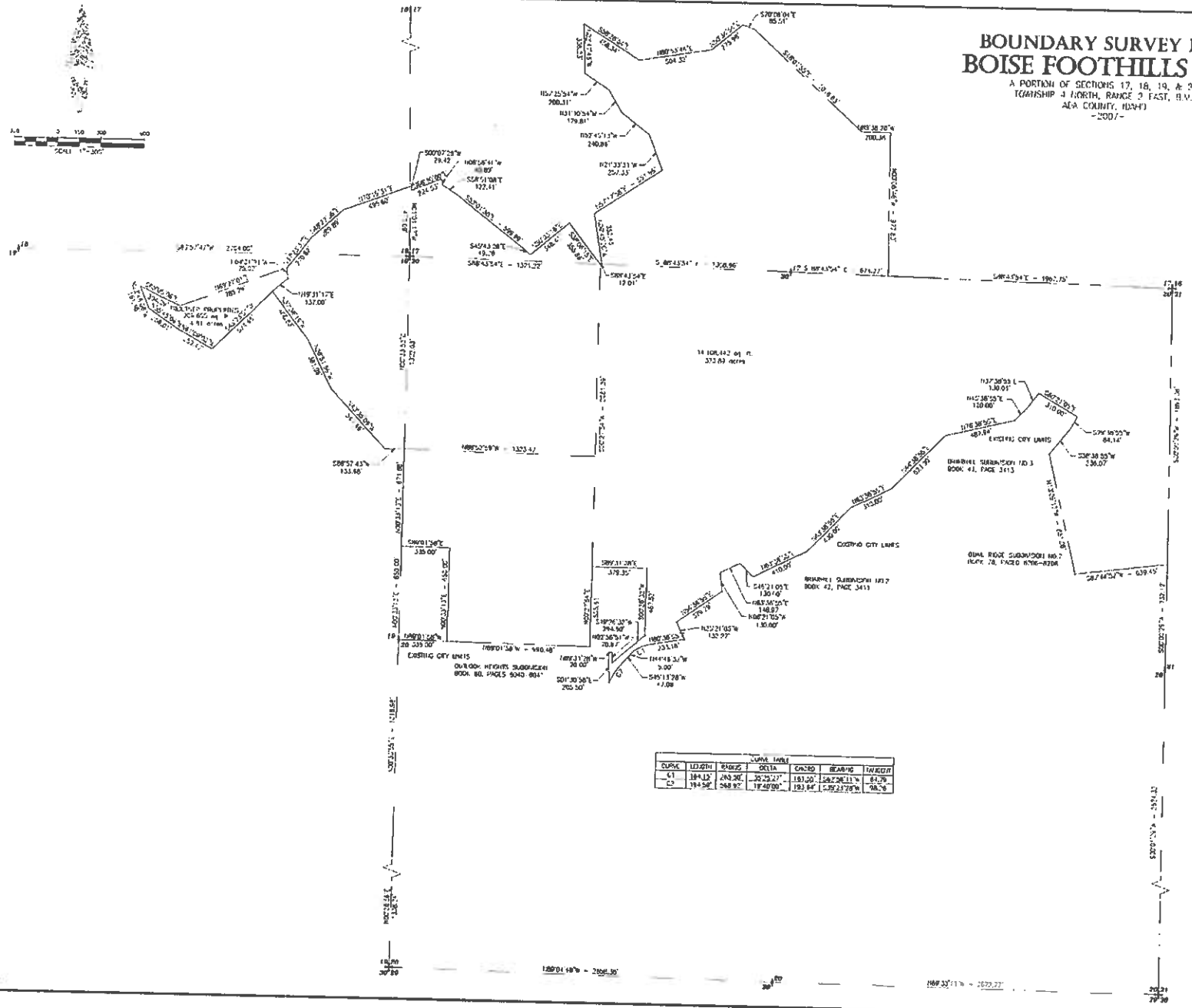
FOR REVIEW

PROJECT NUMBER: 06-0
DATE: 2-1-07
DRAWN BY: JR
CHECKED BY: JFR

C-0.0

BOUNDARY SURVEY FOR
BOISE FOOTHILLS SUB

A PORTION OF SECTIONS 17, 18, 19, & 20,
TOWNSHIP 4 NORTH, RANGE 3 EAST, B.M.,
ADA COUNTY, IDAHO
-2007-



TIMBERLINE SURVEYING
2677 EAGLE CENTRE WAY, SUITE 1 NAMPA, IDAHO 83687
208-467-4687

BOISE FOOTHILLS SUB
BOISE, IDAHO

OWNER/DEVELOPER:
AASES CANYON POINT DEVELOPMENT
2750 WEST 1400 SOUTH
SALT LAKE CITY, UT 84104
CONTACT: BEDI WOLPER (801) 534-1111

BOUNDARY SURVEY FOR
AASES CANYON POINT
DEVELOPMENT

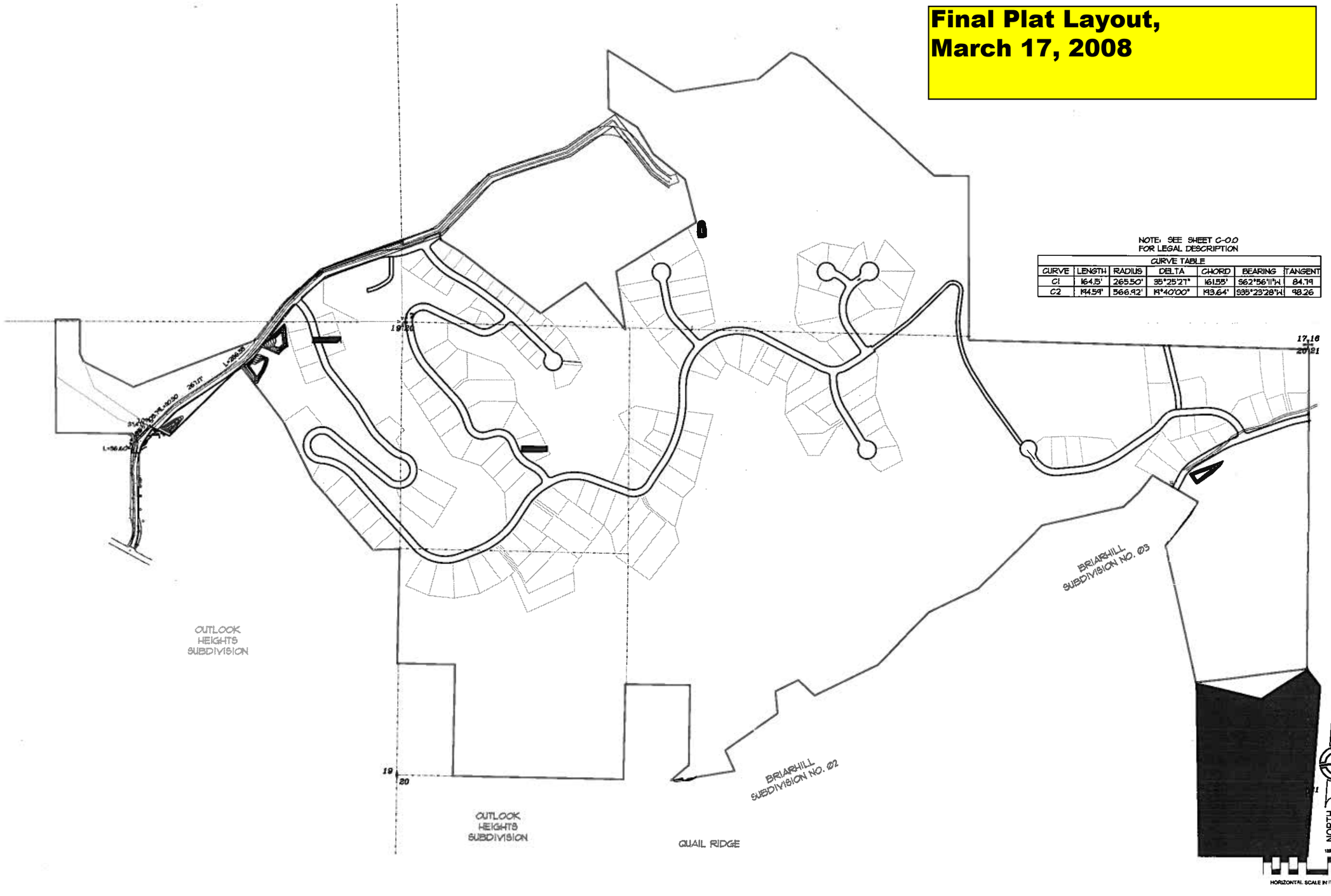
AASES CANYON POINT DEVELOPMENT
0680 NSB/AJH 4/24/07
BOISE FOOTHILLS BOUNDARY 5-20-07.DWG
PLOT DATE: 5/23/2007

REVISIONS
NO. | DATE | BY
1 | 7-13-07 | NSB | APPROPRIATION AND CORRECTIONS TO BOUNDARY DESCRIPTION

1" = 300' | 1 OF 1

PLANO ROAD SUBDIVISION

Final Plat Layout,
March 17, 2008



NOTE: SEE SHEET C-00 FOR LEGAL DESCRIPTION

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT
C1	164.15'	265.50'	35°25'27"	161.55'	S62°56'11"W	84.79
C2	194.59'	566.92'	19°40'00"	193.64'	S35°23'28"W	98.26

Azimuth Engineering, Inc.
OFFICE: 5243 South Green Pine Drive, Murray, Utah 84123
MAILING ADDRESS: P.O. Box 1823, West Jordan, Utah 84084
Phone: 801-261-2900
801-633-1168
Fax: 801-266-0032
www.azmeng.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES F. WOODRUFF

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR
STEWART LAND GROUP
6995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-363-8126
FAX: (801)-363-8187

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	TMM
2	1-23-08	UPDATE LOTS	JFW
3	3-17-08	UPDATE LOTS	
4			

PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER: 1050
DATE: 4-10-07
DRAWN BY: jm
ENGINEER: JFW
PROJECT MANAGER: JFW

C-1.1

Azimuth Engineering, 11/2003 Date Plot/Plotted by/Pathway/[C2DPlotDrwg Plot Date: 4/9/2008 8:13 AM Cmd

PLANO LANE SUBDIVISION

A PORTION OF SECTIONS 11, 10, 15, & 28,
TOWNSHIP 4 NORTH, RANGE 2 EAST, B.M.,
ADA COUNTY, IDAHO
-2007-

NOTE: SEE SHEET C-0.0
FOR LEGAL DESCRIPTION

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT
C1	164.15'	265.50'	35°25'27"	161.55'	S62°56'11"W	84.74
C2	194.59'	566.92'	19°40'00"	193.64'	S85°23'28"W	98.26

KEY MAP

POINT OF BEGINNING

NORTH

HORIZONTAL SCALE IN FEET 1 inch = 250 ft

Azimuth Engineering, Inc.

PROFESSIONAL ENGINEER REGISTERED 5-28-07 12369 STATE OF IDAHO JAMES P. WOODING

PLANO LANE
SUBDIVISION
6296 N PLANO LANE
BOISE, IDAHO

OWNER
STEWART LAND GROUP
8985 FORT UNION BLVD #200
SOVALE UTAH 84047

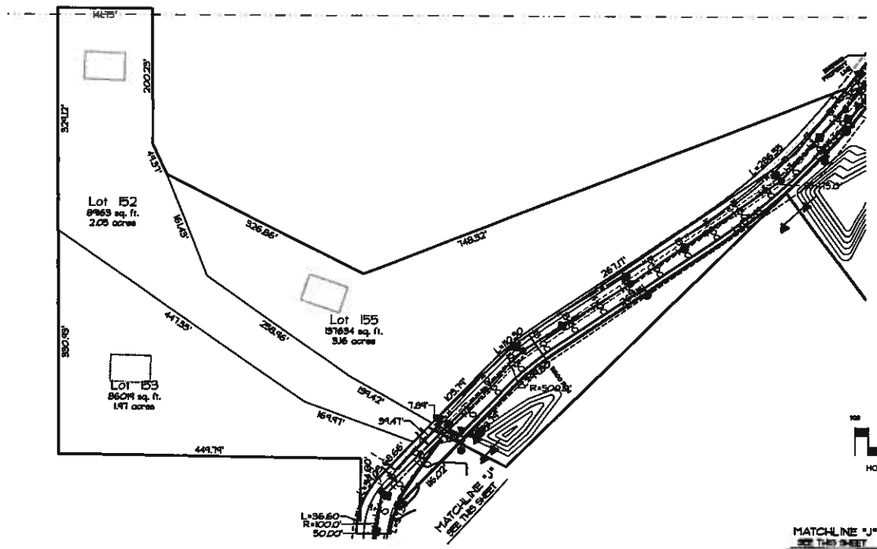
CONTACT
KERRY WINN
PHONE (801)-263-9135
FAX (801)-263-9137

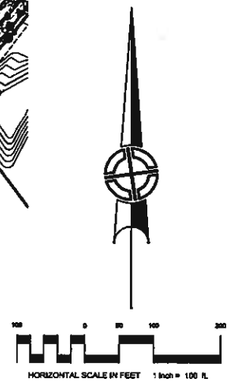
PRELIMINARY PLAT

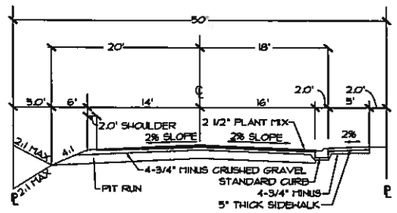
FOR REVIEW

PROJECT NUMBER 1008
DATE 4.10.07
DRAWN BY JPW
ENGINEER JPW
PROJECT MANAGER JPW

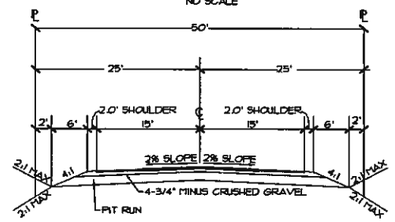
C-1.1







TYPICAL 50 FOOT ROAD CROSS SECTION
PLANO LANE
NO SCALE

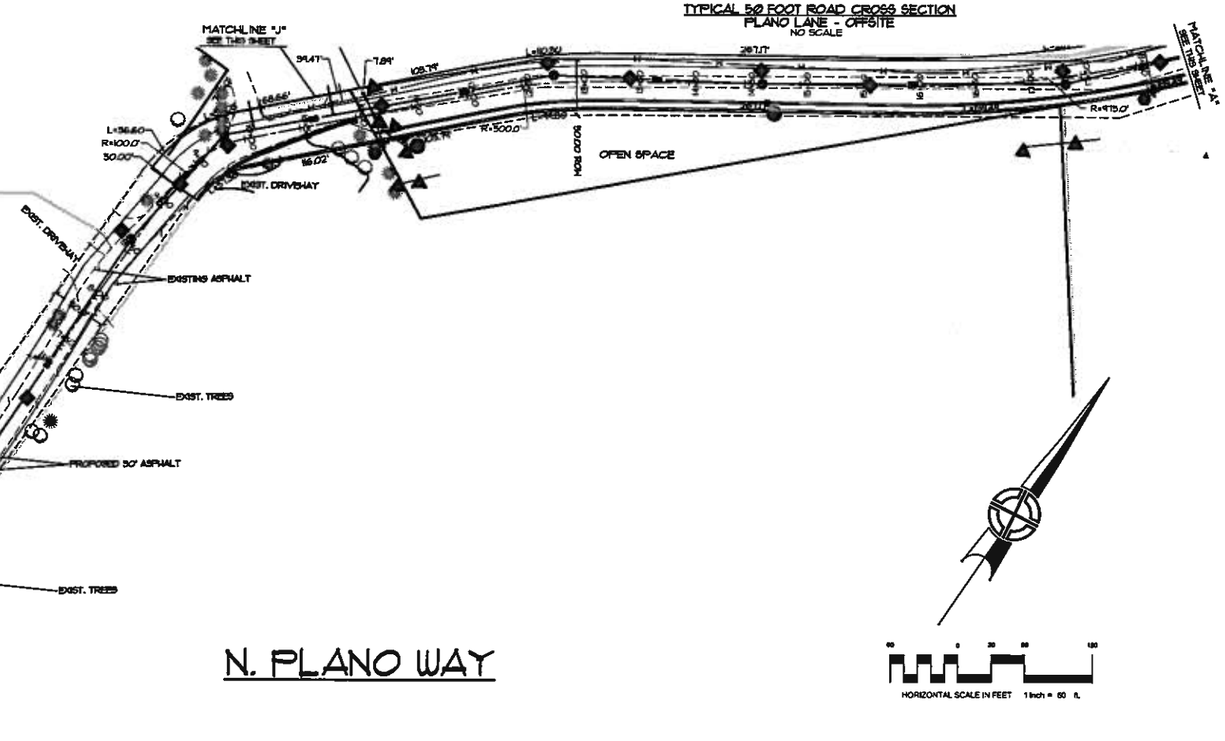


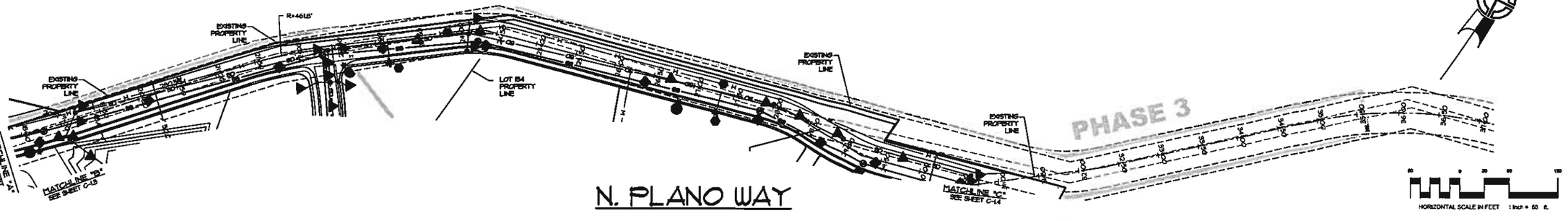
TYPICAL 50 FOOT ROAD CROSS SECTION
PLANO LANE - OFFSITE
NO SCALE

KEY NOTES
CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-108)
CONSTRUCT PEDESTRIAN RAMP TYPE "C4" SEE SD-712C
CONSTRUCT 5' CONCRETE SIDEWALK
CONSTRUCT STORM DRAIN MANHOLE
CONSTRUCT CATCH BASIN TYPE VI (SD-605A) USE TYPE I GRATE
CONSTRUCT 8" STORM DRAIN PIPE
CONSTRUCT 18" STORM DRAIN PIPE
CONSTRUCT DETENTION/RETENTION POND AGHD-640
INSTALL CITY STD. STREET LIGHT
INSTALL 8" WATER LINE
CONSTRUCT 10" WATERLINE
CONSTRUCT WATER TANK
INSTALL FIRE HYDRANT SEE SD-404
INSTALL STD SEWER MANHOLE (SEE SD-509
CONSTRUCT 8" SANITARY SEWER PIPE

NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO BOISE CITY AND AGHD DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING VEGETATION ONLY TO BE REMOVED AS NECESSARY AND ACCORDING TO THE EROSION CONTROL PLAN
3. ALL ROOFS WILL BE CONNECTED TO THE STORM DRAIN SYSTEM WITH ROOF DRAINS.







Azimuth Engineering, Inc.
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Fax: 801-266-5032
www.azimuthing.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES F. WOODRUFF

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR:
STEWART LAND GROUP
6995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-263-9125
FAX: (801)-263-9187

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	WLH
2	1-23-08	UPDATE LOTS	JFW
3	3-13-08	UPDATE LOTS	
4			

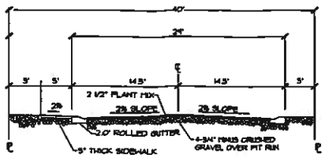
PRELIMINARY PLAT

FOR REVIEW

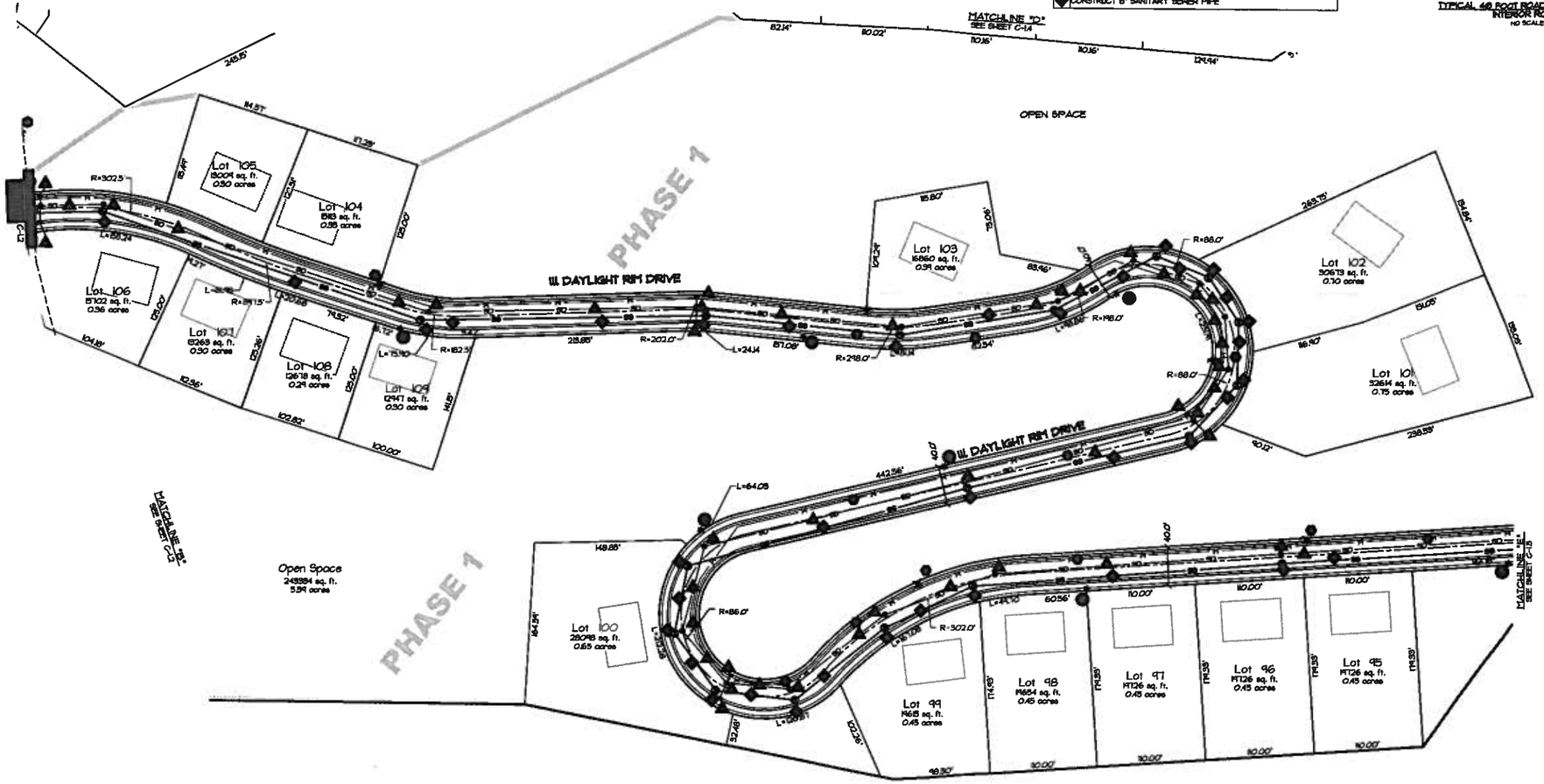
PROJECT NUMBER: 1050
DATE: 4-10-07
DRAWN BY: jm
ENGINEER: JFW
PROJECT MANAGER: JFW

C-1.2

KEY NOTES
CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-705)
CONSTRUCT PEDESTRIAN RAMP TYPE "D4" SEE SD-720
CONSTRUCT 5' CONCRETE SIDEWALK
CONSTRUCT STORM DRAIN MANHOLE
CONSTRUCT CATCH BASIN TYPE VI (SD-605A) USE TYPE I GRATE
CONSTRUCT 15" STORM DRAIN PIPE
CONSTRUCT 18" STORM DRAIN PIPE
CONSTRUCT DETENTION/RETENTION POND AGHD-640
INSTALL CITY STD. STREET LIGHT
INSTALL 8" WATER LINE
CONSTRUCT 10" WATERLINE
CONSTRUCT WATER TANK
INSTALL FIRE HYDRANT SEE SD-404
INSTALL STD SEWER MANHOLE (SEE SD-509
CONSTRUCT 8" SANITARY SEWER PIPE



TYPICAL 40 FOOT ROAD CROSS SECTION
INTERIOR ROADS
NO SCALE



LEGEND

- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- WATER VAVLE
- WATER METER
- THRUST BLOCK
- W — CULINARY WATER LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SS — SANITARY SEWER LINE
- SANITARY SEWER LATERAL
- GAS METER
- G — GAS LINE
- LD — EXISTING LAND DRAIN
- SD — PROPOSED STORM DRAIN
- SD — EXISTING STORM DRAIN
- EDGE OF SLOPE AND 30' OFFSET
- TRAIL





HORIZONTAL SCALE IN FEET 1 inch = 60 ft.

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801-437-1168
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www.azimutheng.com

PROFESSIONAL ENGINEER REGISTERED 3-17-08 12369 STATE OF IDAHO JAMES F. WOODING

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR:
STEWART LAND GROUP
6995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-263-8126
FAX: (801)-263-8197

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	MH
2	1-22-08	UPDATE LOTS	JFW
3	13-20-07	UPDATE LOTS	JM
4	3-17-08	UPDATE LOTS	CT

PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER	DATE
1256	4-10-07
DRAWN BY	ENGINEER
jm	JFW
PROJECT MANAGER	
JFW	

C-1.3

Azimuth Engineering 7/1/2008 Rollie Fuell\Boise\Projects\Plano Rd\2-3-08 4/2/2008 8:44 AM Chad

KEY NOTES
CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-305)
CONSTRUCT PEDESTRIAN RAMP TYPE 'D4' SEE SD-T120
CONSTRUCT 5' CONCRETE SIDEWALK
CONSTRUCT STORM DRAIN MANHOLE
CONSTRUCT CATCH BASIN TYPE VI (SD-605A) LEE TYPE I GRATE
CONSTRUCT 15" STORM DRAIN PIPE
CONSTRUCT 18" STORM DRAIN PIPE
CONSTRUCT DETENTION/RETENTION POND AGHD-640
INSTALL CITY STD. STREET LIGHT
INSTALL 8" WATER LINE
CONSTRUCT 10" WATERLINE
CONSTRUCT WATER TANK
INSTALL FIRE HYDRANT SEE SD-404
INSTALL STD SEWER MANHOLE (SEE SD-501)
CONSTRUCT 8" SANITARY SEWER PIPE

TYPICAL 48 FOOT ROAD CROSS SECTION
INTERIOR ROADS
NO SCALE

NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO BOISE CITY AND ACHD DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING VEGETATION ONLY TO BE REMOVED AS NECESSARY AND ACCORDING TO THE EROSION CONTROL PLAN
3. ALL ROOFS WILL BE CONNECTED TO THE STORM DRAIN SYSTEM WITH ROOF DRAINS.

HORIZONTAL SCALE IN FEET 1 inch = 60 ft.

Azimuth Engineering, Inc.
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MAILING ADDRESS: P.O. Box 1822, West Jordan, Utah 84084
Phone: 801-261-1990
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Fax: 801-266-5932
www.azimuthcng.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES F. WOODING

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR:
STEWART LAND GROUP
9995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-263-8126
FAX: (801)-263-8157

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	MLM
2	1-23-08	UPDATE LOTS	JFW
3	3-17-08	UPDATE LOTS	CT
4			

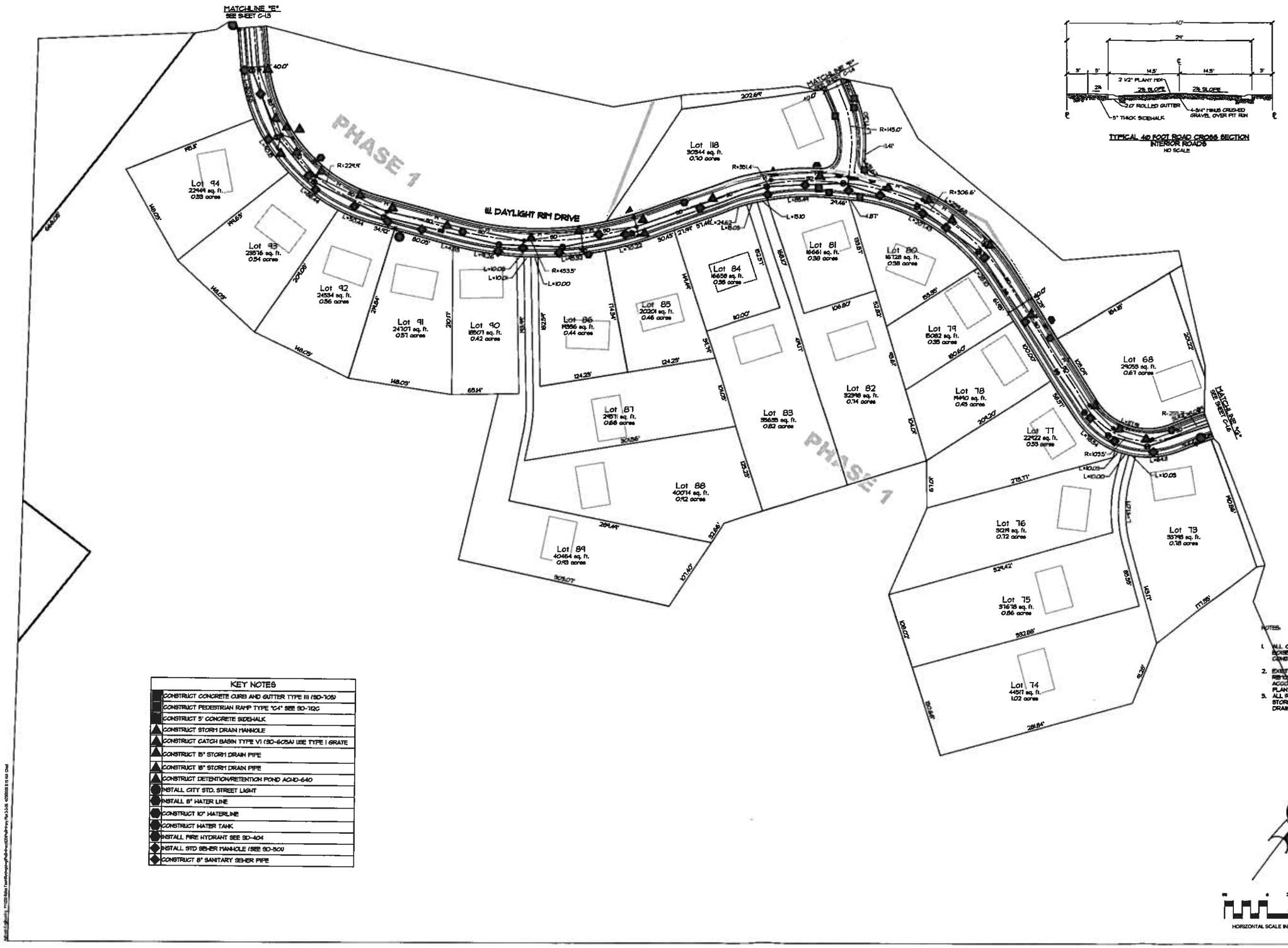
PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER: 1050
DATE: 4-10-07
DRAWN BY: jm
ENGINEER: JFW
PROJECT MANAGER: JFW

C-1.4

AzAuto Drawing: T:\1050\dwg\Preliminary Plat\Prelim Plat C2D\Preliminary Plat 3.4.08 - 4/29/2008 8:17 AM Chad



TYPICAL 40 FOOT ROAD CROSS SECTION
INTERIOR ROADS
NO SCALE

KEY NOTES	
	CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-108)
	CONSTRUCT PEDESTRIAN RAMP TYPE "C-1" SEE SD-712C
	CONSTRUCT 5' CONCRETE SIDEWALK
	CONSTRUCT STORM DRAIN MANHOLE
	CONSTRUCT CATCH BASIN TYPE VI (SD-605A) USE TYPE I GRATE
	CONSTRUCT 15" STORM DRAIN PIPE
	CONSTRUCT 18" STORM DRAIN PIPE
	CONSTRUCT DETENTION/RETENTION POND ACHD-640
	INSTALL CITY STD. STREET LIGHT
	INSTALL 8" WATER LINE
	CONSTRUCT 10" WATERLINE
	CONSTRUCT WATER TANK
	INSTALL FIRE HYDRANT SEE SD-404
	INSTALL STD SEWER MANHOLE (SEE SD-500
	CONSTRUCT 8" SANITARY SEWER PIPE

NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO BOISE CITY AND ACHD DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING VEGETATION ONLY TO BE REMOVED AS NECESSARY AND ACCORDING TO THE EROSION CONTROL PLAN.
3. ALL ROOFS WILL BE CONNECTED TO THE STORM DRAIN SYSTEM WITH ROOF DRAINS.

HORIZONTAL SCALE IN FEET 1 Inch = 60 ft.

Azimuth Engineering, Inc.
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Fax: 801-566-5032
www.azimutheng.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES F. WOODRING

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR:
STEWART LAND GROUP
6995 FORT UNION BLVD, #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-263-8126
FAX: (801)-263-8187

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	WLM
2	1-23-08	UPDATE LOTS	JFW
3	3-17-08	UPDATE LOTS	CT
4			

PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER: 1050
DATE: 4-10-07
DRAWN BY: jm
CHECKED BY: JFW
PROJECT MANAGER: JFW

C-1.5

TYPICAL 40 FOOT ROAD CROSS SECTION
INTERIOR ROADS
NO SCALE

KEY NOTES
CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-105)
CONSTRUCT PEDESTRIAN RAMP TYPE 'C4' SEE SD-712C
CONSTRUCT 5' CONCRETE SIDEWALK
CONSTRUCT STORM DRAIN MANHOLE
CONSTRUCT CATCH BASIN TYPE VI (SD-605A) USE TYPE I GRATE
CONSTRUCT 15" STORM DRAIN PIPE
CONSTRUCT 18" STORM DRAIN PIPE
CONSTRUCT DETENTION/RETENTION POND ACHD-640
INSTALL CITY STD. STREET LIGHT
INSTALL 8" WATER LINE
CONSTRUCT 10" WATERLINE
CONSTRUCT WATER TANK
INSTALL FIRE HYDRANT SEE SD-404
INSTALL STD SEWER MANHOLE (SEE SD-309)
CONSTRUCT 8" SANITARY SEWER PIPE

NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO BOISE CITY AND ACHD DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING VEGETATION ONLY TO BE REMOVED AS NECESSARY AND ACCORDING TO THE EROSION CONTROL PLAN.
3. ALL ROOFS WILL BE CONNECTED TO THE STORM DRAIN SYSTEM WITH ROOF DRAINS.

HORIZONTAL SCALE IN FEET 1 inch = 60 ft.

Azimuth Engineering, Inc.
OFFICE: 5543 South Green Pine Drive Murray, Utah 84123
MAILING ADDRESS: P.O. Box 14233 West Jordan, Utah 84084
Phone: 801-263-3990
801-413-1168
Fax: 801-266-1032
www.azimuthengr.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES P. WOODING

PLANO ROAD SUBDIVISION
6890 N PLANO ROAD BOISE, IDAHO

FOR:
STEWART LAND GROUP
6995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-263-9125
FAX: (801)-263-9187

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	WLM
2	1-23-08	UPDATE LOTS	JFW
3	3-17-08	UPDATE LOTS	CT
4			

PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER	DATE
1050	4-10-07
DRAWN BY	CHECKED BY
jm	JFW
PROJECT MANAGER	
JFW	

C-1.6

KEY NOTES
CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-702)
CONSTRUCT PEDESTRIAN RAMP TYPE "C4" SEE SD-702C
CONSTRUCT 5' CONCRETE SIDEWALK
CONSTRUCT STORM DRAIN MANHOLE
CONSTRUCT CATCH BASIN TYPE VI (SD-605A) USE TYPE I GRATE
CONSTRUCT 15" STORM DRAIN PIPE
CONSTRUCT 18" STORM DRAIN PIPE
CONSTRUCT DETENTION/RETENTION POND ACHD-640
INSTALL CITY STD. STREET LIGHT
INSTALL 8" WATER LINE
CONSTRUCT 10" WATERLINE
CONSTRUCT WATER TANK
INSTALL FIRE HYDRANT SEE SD-404
INSTALL STD SEWER MANHOLE (SEE SD-509)
CONSTRUCT 8" SANITARY SEWER PIPE

NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO BOISE CITY AND ACHD DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING VEGETATION ONLY TO BE REMOVED AS NECESSARY AND ACCORDING TO THE EROSION CONTROL PLAN.
3. ALL ROOFS WILL BE CONNECTED TO THE STORM DRAIN SYSTEM WITH ROOF DRAINS.

HORIZONTAL SCALE IN FEET 1 inch = 60 ft.

Azimuth Engineering, Inc.
OFFICE: 5243 South Green Pine Drive, Murray, Utah 84123
MAILING ADDRESS: P.O. Box 1823, West Jordan, Utah 84084
Phone: 801-201-1980
801-433-1168
Fax: 801-266-0832
www.azimutheng.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES F. WOODRUFF

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR:
STEWART LAND GROUP
6995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-253-8126
FAX: (801)-253-8157

NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	WLM
2	1-23-08	UPDATE LOTS	JFW
3	3-17-08	UPDATE LOTS	CT
4			

PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER: 1050
DATE: 4-10-07
DRAWN BY: jm
ENGINEER: JFW
PROJECT MANAGER: JFW

C-1.7

Azimuth Engineering P:\1050 Plano Road\Engineering\Preliminary Plat 3-3-08 4/29/2008 8:01 AM Chad

KEY NOTES
CONSTRUCT CONCRETE CURB AND GUTTER TYPE III (SD-703)
CONSTRUCT PEDESTRIAN RAMP TYPE "C4" SEE SD-720
CONSTRUCT 5' CONCRETE SIDEWALK
CONSTRUCT STORM DRAIN MANHOLE
CONSTRUCT CATCH BASIN TYPE VI (SD-605A) USE TYPE I GRATE
CONSTRUCT 8" STORM DRAIN PIPE
CONSTRUCT 18" STORM DRAIN PIPE
CONSTRUCT DETENTION/RETENTION POND ACHD-640
INSTALL CITY STD. STREET LIGHT
INSTALL 8" WATER LINE
CONSTRUCT 10" WATERLINE
CONSTRUCT WATER TANK
INSTALL FIRE HYDRANT SEE SD-404
INSTALL STD SEWER MANHOLE (SEE SD-501)
CONSTRUCT 8" SANITARY SEWER PIPE

PHASE 1 (ROAD)

PHASE 2 (LOTS)

PHASE 2 (ROAD)

PHASE 1 (ROAD)

PHASE 2 (LOTS)

Lot 1 9583 sq. ft. 0.22 acres

Lot 2 9975 sq. ft. 0.90 acres

Lot 3 39216 sq. ft. 0.90 acres

Lot 4 9975 sq. ft. 0.32 acres

Lot 5 7980 sq. ft. 0.41 acres

Lot 6 22184 sq. ft. 0.51 acres

Lot 7 26091 sq. ft. 0.60 acres

Lot 8 25111 sq. ft. 0.66 acres

Lot 9 24768 sq. ft. 0.68 acres

Lot 10 8973 sq. ft. 0.21 acres

Lot 11 10712 sq. ft. 0.25 acres

Lot 12 15494 sq. ft. 0.31 acres

Lot 13 13725 sq. ft. 0.32 acres

Lot 14 8971 sq. ft. 0.21 acres

Lot 15 16916 sq. ft. 0.38 acres

Lot 16 24216 sq. ft. 0.56 acres

Lot 17 25357 sq. ft. 0.58 acres

Lot 18 27345 sq. ft. 0.63 acres

Lot 19 15391 sq. ft. 0.35 acres

Lot 20 15308 sq. ft. 0.35 acres

Lot 21 14367 sq. ft. 0.33 acres

ASPHALT TURN-AROUND

12 PARKING STALLS

GRAVEL PARKING LOT

W. DAYLIGHT RIDGE DRIVE

COLLISTER DRIVE

MATCH LINE "1" SEE SHEET C-1.7

TYPICAL 48 FOOT ROAD CROSS SECTION
INTERIOR ROADS
NO SCALE

TYPICAL 28 FOOT ROAD CROSS SECTION
PRIVATE LANE
NO SCALE

NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO BOISE CITY AND ACHD DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING VEGETATION ONLY TO BE REMOVED AS NECESSARY AND ACCORDING TO THE EROSION CONTROL PLAN.
3. ALL ROOFS WILL BE CONNECTED TO THE STORM DRAIN SYSTEM WITH ROOF DRAINS.

HORIZONTAL SCALE IN FEET 1 inch = 60 ft.

Azimuth Engineering, Inc.
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www.azimutheng.com

PROFESSIONAL ENGINEER REGISTERED 12369 STATE OF IDAHO JAMES F. WOODING

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

FOR:
STEWART LAND GROUP
6995 FORT UNION BLVD. #360
MIDVALE, UTAH 84047

CONTACT:
KERRY WINN
PHONE: (801)-253-9126
FAX: (801)-253-9167

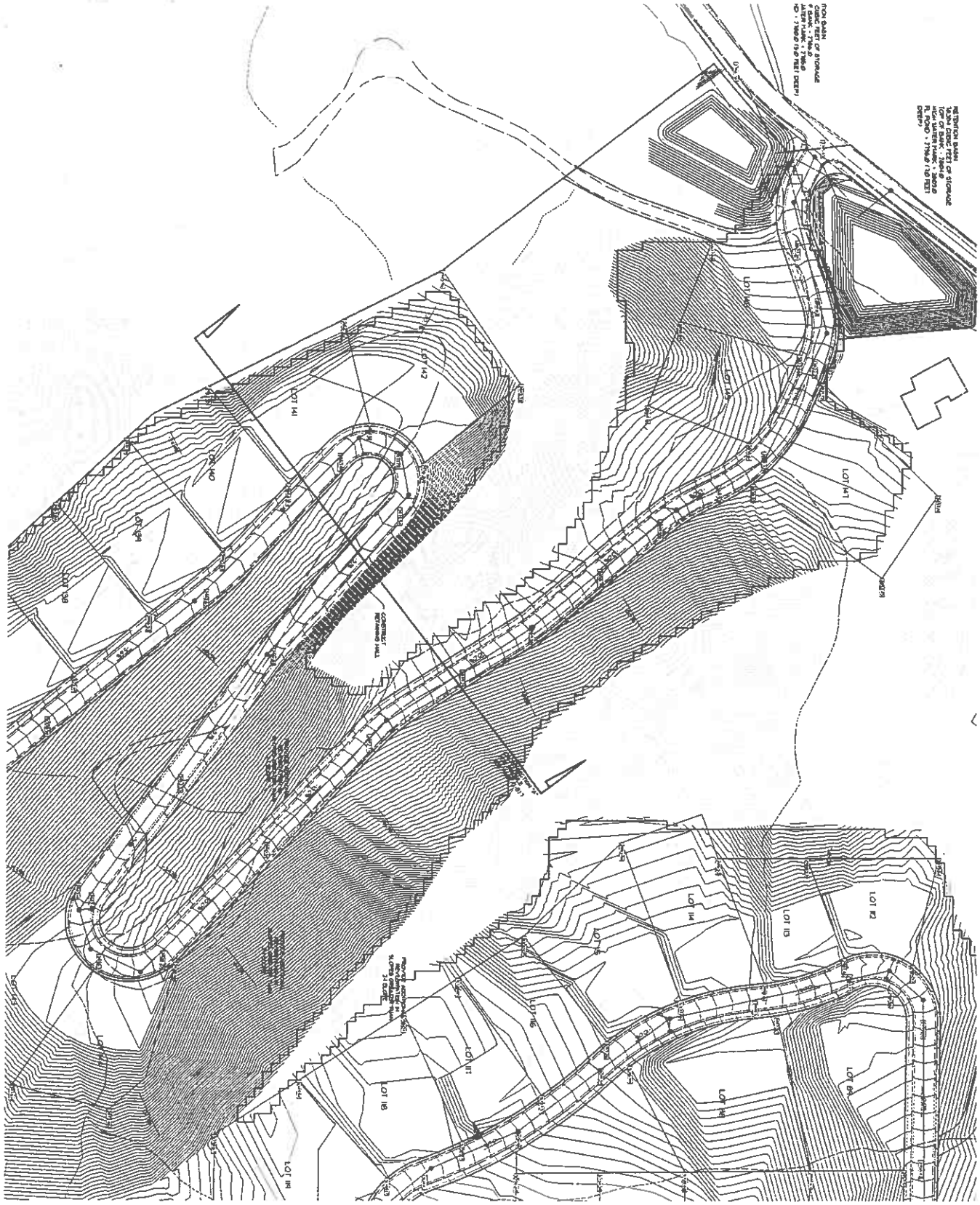
NO.	DATE	REVISION	BY
1	11-14-07	UPDATE LOTS	WJM
2	1-23-08	UPDATE LOTS	JFW
3	3-17-08	UPDATE LOTS	CT
4			

PRELIMINARY PLAT

FOR REVIEW

PROJECT NUMBER	DATE
1050	4-10-07
DRAWN BY	ENGINEER
jm	JFW
PROJECT MANAGER	
JFW	

C-1.8



Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.1

Azimuth Engineering, Inc.
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Murray, Utah 84123
MAILING ADDRESS
P.O. Box 1423
West Jordan, Utah 84084
Phone 801-261-7900
801-633-1165
Fax 801-268-2002
www.azimutheng.com

Azimuth Engineering, Inc.

Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.2


LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT

Azimuth Engineering, Inc.

Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.4



Plano Lane Subdivision

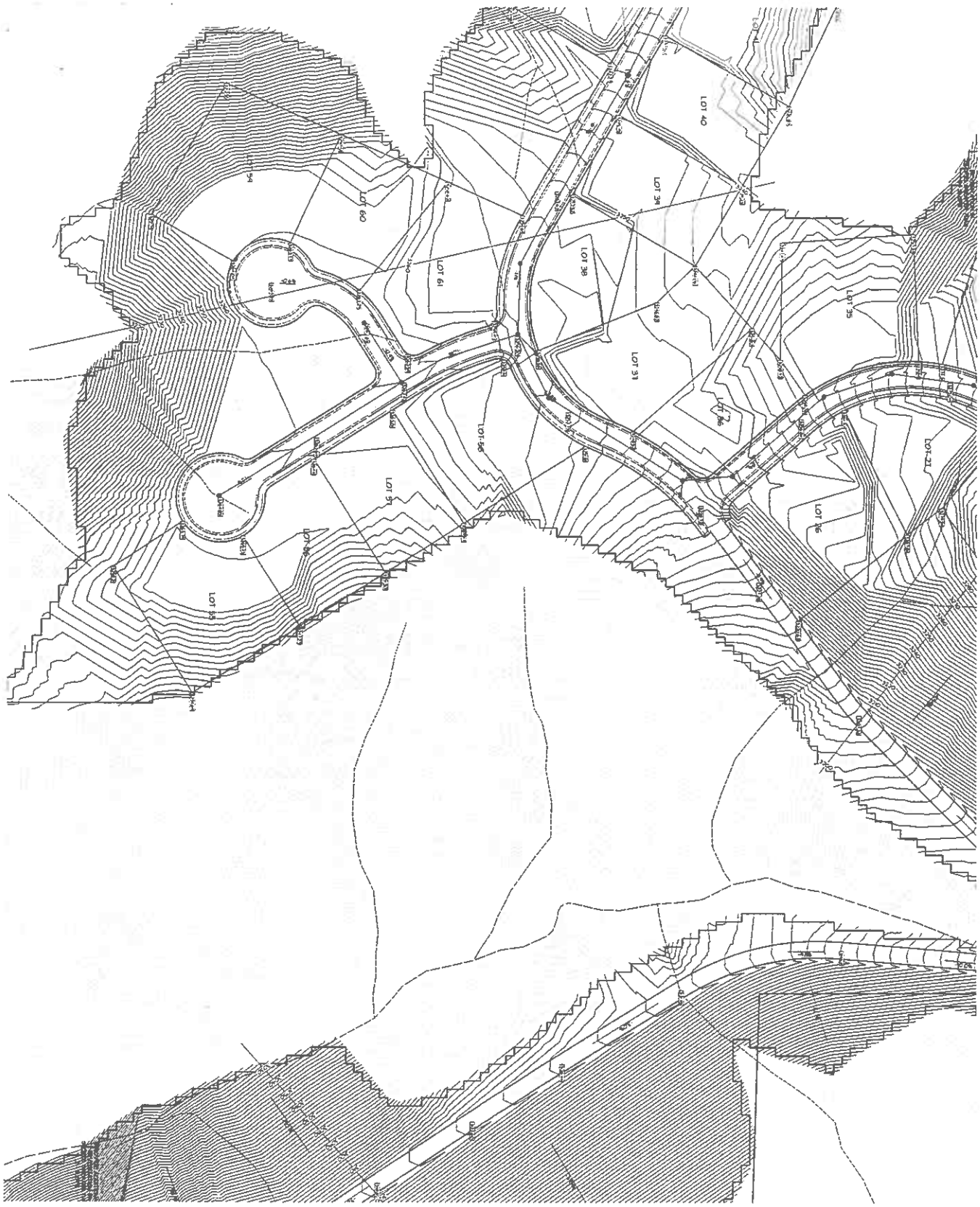
6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.5

Azimuth Engineering, Inc.
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5243 South Green Pine Drive
Murray, Utah 84123
MAILING ADDRESS
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West Jordan, Utah 84084
Phone 801-361-3909
801-633-1146
Fax 801-366-3032



Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.6

Azimuth Engineering, Inc.
OFFICE
5243 South Green Pass Drive
Murray, Utah 84123
MAILING ADDRESS
P.O. Box 1823
West Jordan, Utah 84084
Phone 801-261-3600
801-433-1165
Fax 801-266-3032
www.azimuthengineering.com

Azimuth Engineering, Inc.
OFFICE:
2043 South Orchard Park Drive
Nampa, Idaho 83651

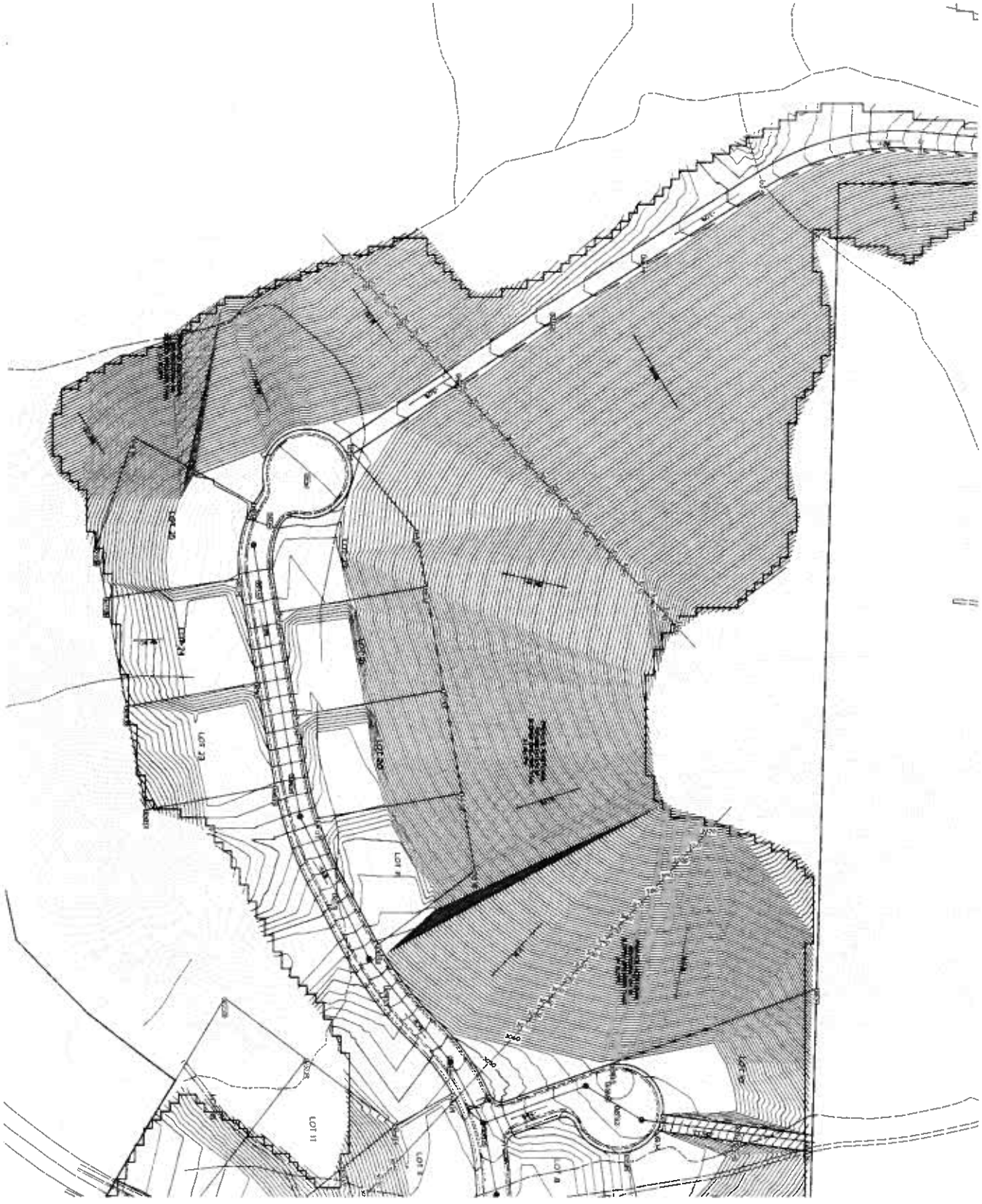
Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.7



Legend

EXISTING GRADE

PROPOSED GRADE

SLOPE ARROW

EXISTING CONTOURS

PROPOSED CONTOURS

BOUNDARY OF DEVELOPMENT AREA

KEY MAP

SCALE: 1"=2000'

Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.8

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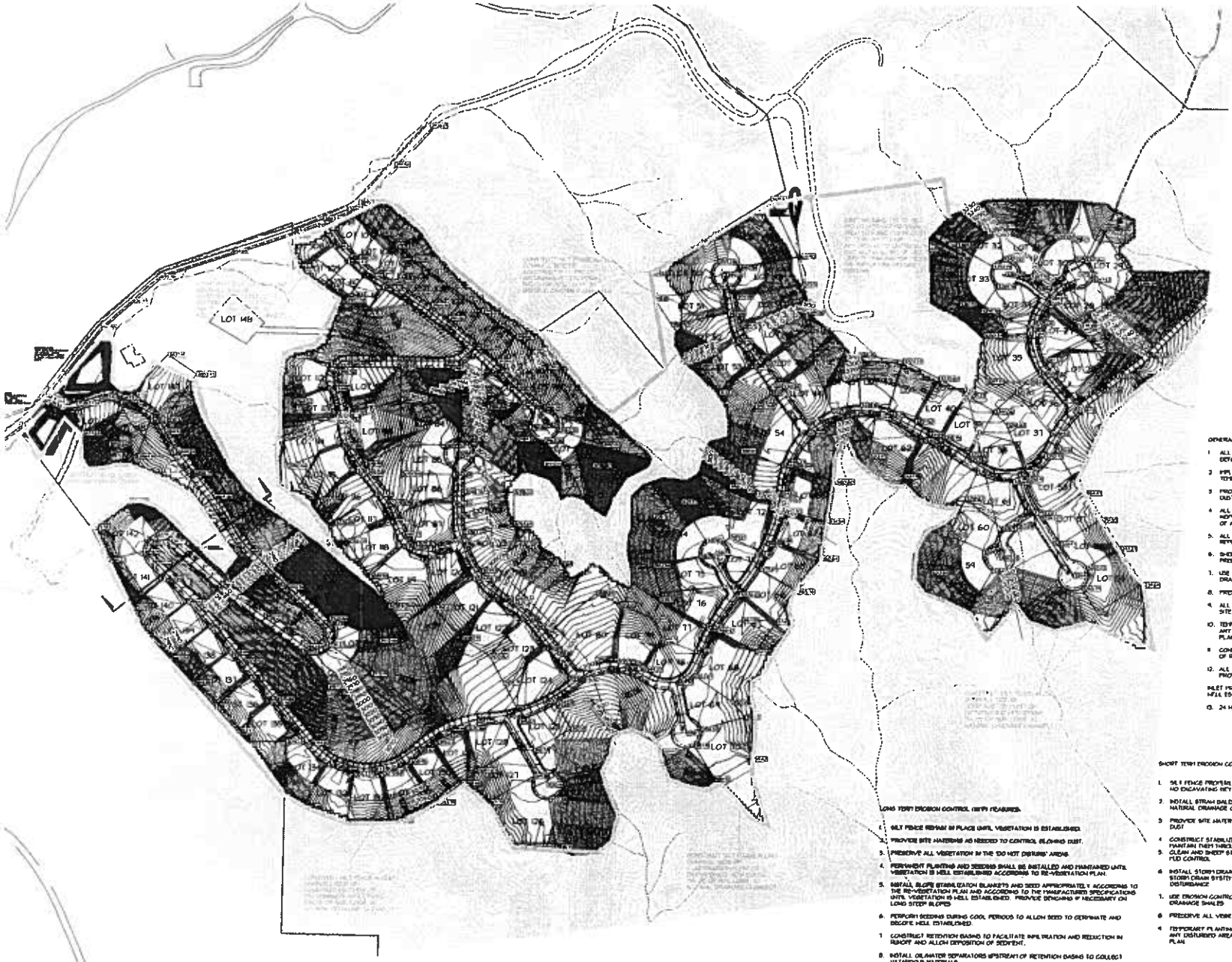
Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Grading Plan

FOR REVIEW

C3.1.9



KEY MAP
SCALE: 1" = 2000'

LEGEND

- EXISTING GRADE
- PROPOSED GRADE
- SLOPE ARROW
- EXISTING CONTOURS
- PROPOSED CONTOURS
- BOUNDARY OF CUT AREA
- FILL AREA

GENERAL EROSION CONTROL NOTES:

1. ALL EROSION CONTROL MEASURES MUST BE IMPLEMENTED BEFORE COMMENCEMENT OF GRADING.
2. IMPLEMENT CONSTRUCTION ROAD STABILIZATION ON ANY TEMPORARY ROADS USED DURING CONSTRUCTION.
3. PROVIDE SITE WATERING AS NEEDED TO CONTROL BLOWING DUST.
4. ALL EROSION CONTROL PROTECTION DEVICES NEED TO BE INSPECTED AT LEAST ONCE A WEEK AND WITH WITHIN 24 HOURS OF A MAJOR RAIN (1/2" OR MORE) OR SNOW MELT EVENT.
5. ALL DAMAGED EROSION CONTROL MEASURES NEED TO BE REPLACED IMMEDIATELY UPON DISCOVERY.
6. SWEEP PUBLIC STREETS AS REQUIRED TO KEEP THEM CLEAN AND FREE FROM DEBRIS.
7. USE EROSION CONTROL BLANKETS ON ANY TEMPORARY DRAINAGE SWALES.
8. PRESERVE ALL VEGETATION IN THE "DO NOT DISTURB" AREAS.
9. ALL CONSTRUCTION TRAFFIC SHALL ENTER AND EXIT THE JOB SITE FROM PLANO LANE OR COLLISTER DRIVE.
10. TEMPORARY PLANTING AND SEEDING SHALL BE INSTALLED IN ANY DISTURBED AREAS NOT OTHERWISE DESIGNATED ON THIS PLAN.
11. CONSTRUCT ROCK CHECK DAMS IN AREAS THAT SHOW EVIDENCE OF RECENT EROSION TO PREVENT FURTHER DAMAGE.
12. ALL TEMPORARY PIPE OUTLETS SHALL HAVE EROSION PROTECTION BY USING A RIP-RAP APRON.

INLET PROTECTION SHALL REMAIN IN PLACE UNTIL VEGETATION IS WELL ESTABLISHED ACCORDING TO REVEGETATION PLAN

13. 24 HOUR CONTACT:
NAME: PHONE NUMBER:

LONG TERM EROSION CONTROL (BMP) MEASURES:

1. SILT FENCE REMAIN IN PLACE UNTIL VEGETATION IS ESTABLISHED.
2. PROVIDE SITE WATERING AS NEEDED TO CONTROL BLOWING DUST.
3. PRESERVE ALL VEGETATION IN THE "DO NOT DISTURB" AREAS.
4. PERMANENT PLANTING AND SEEDING SHALL BE INSTALLED AND MAINTAINED UNTIL VEGETATION IS WELL ESTABLISHED ACCORDING TO RE-VEGETATION PLAN.
5. INSTALL SLOPE STABILIZATION BLANKETS AND SEED APPROPRIATELY ACCORDING TO THE RE-VEGETATION PLAN AND ACCORDING TO THE MANUFACTURER SPECIFICATIONS UNTIL VEGETATION IS WELL ESTABLISHED. PROVIDE BENCHING IF NECESSARY ON LONG STEEP SLOPES.
6. REPEATED SEEDINGS DURING COOL PERIODS TO ALLOW SEED TO GERMINATE AND BECOME WELL ESTABLISHED.
7. CONSTRUCT RETENTION BASINS TO FACILITATE INFILTRATION AND REDUCTION IN RUNOFF AND ALLOW DEPOSITION OF SEDIMENT.
8. INSTALL OIL/WATER SEPARATORS UPSTREAM OF RETENTION BASINS TO COLLECT HAZARDOUS MATERIALS.

SHORT TERM EROSION CONTROL (BMP) MEASURES:

1. SILT FENCE PROPERLY INSTALLED AND INSPECTED FREQUENTLY NO EXCAVATING BEYOND THE SILT FENCE.
2. INSTALL STRAW BALES OR WATER SOCKS AT LOCATIONS OF NATURAL DRAINAGE CHANNELS AS NECESSARY.
3. PROVIDE SITE WATERING AS NEEDED TO CONTROL BLOWING DUST.
4. CONSTRUCT STABILIZED CONSTRUCTION ENTRANCES AND MAINTAIN THEM THROUGHOUT THE PROJECT.
5. CLEAN AND SWEEP STREETS AS NEEDED TO PREVENT DUST AND MUD CONTROL.
6. INSTALL STORM DRAIN INLET PROTECTIONS ON ALL ADJACENT STORM DRAIN SYSTEMS WITHIN 300 FEET OF LIMIT OF DISTURBANCE.
7. USE EROSION CONTROL BLANKETS ON ANY TEMPORARY DRAINAGE SWALES.
8. PRESERVE ALL VEGETATION IN THE "DO NOT DISTURB" AREAS.
9. TEMPORARY PLANTING AND SEEDING SHALL BE INSTALLED IN ANY DISTURBED AREAS NOT OTHERWISE DESIGNATED ON THIS PLAN.

NORTH

HORIZONTAL SCALE: 1" = 100'

Azimuth Engineering, Inc.
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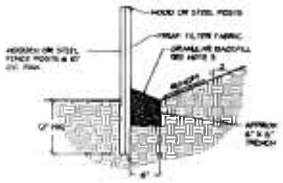
Plano Lane Subdivision

6296 N. PLANO LANE
Boise, Idaho

Preliminary Erosion Control Plan

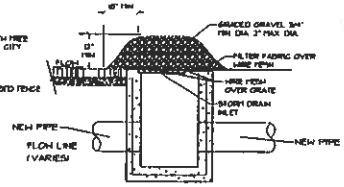
FOR REVIEW

C3.2.1



1. EXCAVATE 6" X 6" TRENCH ALONG LIMITS OF DISTURBANCE AS SHOWN ON CONSTRUCTION DRAWINGS.
2. POSTS SHALL BE POSITIONED ON DOWNSTREAM SIDE OF FENCE.
3. LAY TOE-IN FABRIC FLAP IN BOTTOM OF TRENCH, BACKFILL TRENCH WITH WIRE DRAWING GRANULAR MATERIAL, COMPACT TRENCH TO SATISFACTION OF CITY ENGINEER
4. SILT FENCE GEOTEXTILE SHALL MEET AASHTO M288-92 REQUIREMENTS.
5. REMOVE & DISPOSE OF SEDIMENT WHEN ACCUMULATION IS 50% OF EXPOSED FENCE HEIGHT
6. 10' MAX SPACING BETWEEN STAKES.

SILT FENCE
SCALE: NONE



1. PLACE WIRE MESH WITH 1/2" OPENINGS OVER THE INLET GRATE EXTENDING 12" PAST THE GRATE IN ALL DIRECTIONS.
2. PLACE FILTER FABRIC OVER THE MESH. FILTER FABRIC SHOULD BE SELECTED BASED ON SOIL TYPE.
3. PLACE GRADED GRAVEL TO A FINISH DEPTH OF 12" OVER THE FILTER FABRIC AND EXTENDING 18" PAST THE GRATE IN ALL DIRECTIONS.
4. INSPECT INLET PROTECTION AFTER EVERY LARGE STORM EVENT AND AT A MINIMUM OF ONCE MONTHLY.
5. REMOVE SEDIMENT ACCUMULATED WHEN IT REACHES 50% OF ROCK FILTER HEIGHT.
6. REPLACE FILTER FABRIC AND CLEAN OR REPLACE GRAVEL IF CLOGGING IS APPARENT.
7. CONTRACTOR MAY SUBMIT ALTERNATIVE METHOD OF INLET PROTECTION. THE ALTERNATIVE METHOD SHALL BE APPROVED BY THE GOVERNING AGENCY INSPECTOR AND THE ENGINEER OF RECORD.

STORM DRAIN INLET PROTECTION
SCALE: NONE



SHORT TERM EROSION CONTROL MEASURES:

1. SILT FENCE PROPERLY INSTALLED AND INSPECTED FREQUENTLY. NO EXCAVATING BEYOND THE SILT FENCE.
2. INSTALL STRAW BALES OR WATER SODS AT LOCATIONS OF NATURAL DRAINAGE CHANNELS AS NECESSARY.
3. PROVIDE SITE WATERING AS NEEDED TO CONTROL BLOWING DUST
4. CONSTRUCT STABILIZED CONSTRUCTION ENTRANCES AND MAINTAIN THEM THROUGHOUT THE PROJECT.
5. CLEAN AND SWEEP STREETS AS NEEDED TO PREVENT DUST AND MUD CONTROL.
6. INSTALL STORM DRAIN INLET PROTECTIONS ON ALL ADJACENT STORM DRAIN SYSTEMS WITHIN 200 FEET OF LIMIT OF DISTURBANCE.
7. USE EROSION CONTROL BLANKETS ON ANY TEMPORARY DRAINAGE SWALES.
8. PRESERVE ALL VEGETATION IN THE 100 NOT DISTURBED AREAS.
9. TEMPORARY PLANTING AND SEEDING SHALL BE INSTALLED IN ANY DISTURBED AREAS NOT OTHERWISE DESIGNATED ON THIS PLAN.

LONG TERM EROSION CONTROL MEASURES:

1. SILT FENCE REMAIN IN PLACE UNTIL VEGETATION IS ESTABLISHED
2. PROVIDE SITE WATERING AS NEEDED TO CONTROL BLOWING DUST.
3. PRESERVE ALL VEGETATION IN THE 100 NOT DISTURBED AREAS
4. PERMANENT PLANTING AND SEEDING SHALL BE INSTALLED AND MAINTAINED UNTIL VEGETATION IS WELL ESTABLISHED ACCORDING TO RE-VEGETATION PLAN
5. INSTALL SLOPE STABILIZATION BLANKETS AND SEED APPROPRIATELY ACCORDING TO THE RE-VEGETATION PLAN AND ACCORDING TO THE MANUFACTURES SPECIFICATIONS UNTIL VEGETATION IS WELL ESTABLISHED. PROVIDE REWORK IF NECESSARY ON LONG STEEP SLOPES.
6. PERFORM SEEDING DURING COOL PERIODS TO ALLOW SEED TO GERMINATE AND BECOME WELL ESTABLISHED.
7. CONSTRUCT RETENTION BASINS TO FACILITATE INFILTRATION AND REDUCTION IN RUNOFF AND ALLOW DEPOSITION OF SEDIMENT.
8. INSTALL OIL/WATER SEPARATORS UPSTREAM OF RETENTION BASINS TO COLLECT HAZARDOUS MATERIALS.

LEGEND

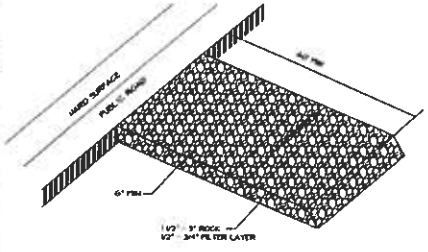
- EXISTING GRADE
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INLET PROTECTION SHALL REMAIN IN PLACE UNTIL VEGETATION IS WELL ESTABLISHED ACCORDING TO REVEGETATION PLAN

13. 24 HOUR CONTACT:
NAME: PHONE NUMBER



STABILIZED CONSTRUCTION ENTRANCE CROSS SECTION
SCALE: NONE





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Plano Lane Subdivision
6296 N. PLANO LANE
Boise, Idaho

Preliminary Erosion Control Plan

FOR REVIEW

C3.2.2

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TRAFFIC IMPACT STUDY

DOBIE ENGINEERING, INC.

FOOTHILLS SUBDIVISION
TRAFFIC IMPACT STUDY

RECEIVED
MAY 29 2007
PLANNING & DEVELOPMENT
SERVICES

MARCH 9, 2007

SUBMITTED TO:

ADA COUNTY HIGHWAY DISTRICT
3775 N. ADAMS ST.
BOISE, ID 83713

CUP 07 00084

DOBIE ENGINEERING, INC. 777 HEARTHSTONE DR., BOISE, ID 83702 (208)345-3290

DOBIE ENGINEERING, INC.

FOOTHILLS SUBDIVISION
TRAFFIC IMPACT STUDY



MARCH 9, 2007

SUBMITTED TO:

ADA COUNTY HIGHWAY DISTRICT
3775 N. ADAMS ST.
BOISE, ID 83713

DOBIE ENGINEERING, INC. 777 HEARTHSTONE DR., BOISE, ID 83702 (208)345-3290

SUMMARY OF FINDINGS RECOMMENDATIONS

FOOTHILLS SUBDIVISION
TRAFFIC IMPACT STUDY

BRIEF PROJECT DESCRIPTION

The proposed Foothills Subdivision is a 268-acre residential development with 160 single family lots. The site is located north of Hill Road between Collister and Plano Road in Boise, Idaho.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. At full buildout the site development will produce a total driveway volume of 1,530 vehicles per day with a PM peak hour loading of 160 vehicles per hour.

2. The proposed site plan includes two all-movement accesses to Plano Road and an extension of Collister Drive to access the site.

3. The arterial intersections of Hill Road with both Collister Drive and Pierce Park Lane now operate with little traffic congestion (LOS B/C), and ADT volumes are within acceptable lane capacities.

4. Lane modifications and intersection improvements on Hill Road are included in the ACHD CIP. Hill Road will require a 3-lane section at the Castle Drive intersection to accommodate regional traffic growth and site traffic from the Foothills Subdivision by 2015.

5. The Hill Road intersection with Collister Drive will exceed the capacity of all-way stop control operation by 2015. Intersection improvements including left-turn lanes and changing the operation of the intersection from all-way to two-way stop control will be needed to accommodate regional traffic growth as identified in the *COMPASS Long Range Transportation Plan.*

6. Site-generated traffic can be accommodated with the additional system improvements currently included in the ACHD CIP.

7. Total projected traffic on Plano Road will not generate sufficient turning movements to warrant auxiliary turn lanes on Hill Road.

8. Because all internal subdivision roads will carry less than 1,000 vpd, a standard 29-ft. wide 2-lane ACHD street section will be sufficient.

9. Plano Road between Hill Road and the site access will be improved to a standard ACHD street section.

Study prepared by: Dobie Engineering, Inc. 777 Hearthstone Dr. Boise, ID 83702 208-345-3290 Ph. 208-388-0309 Fax dobie_del@msn.com

Study Objectives

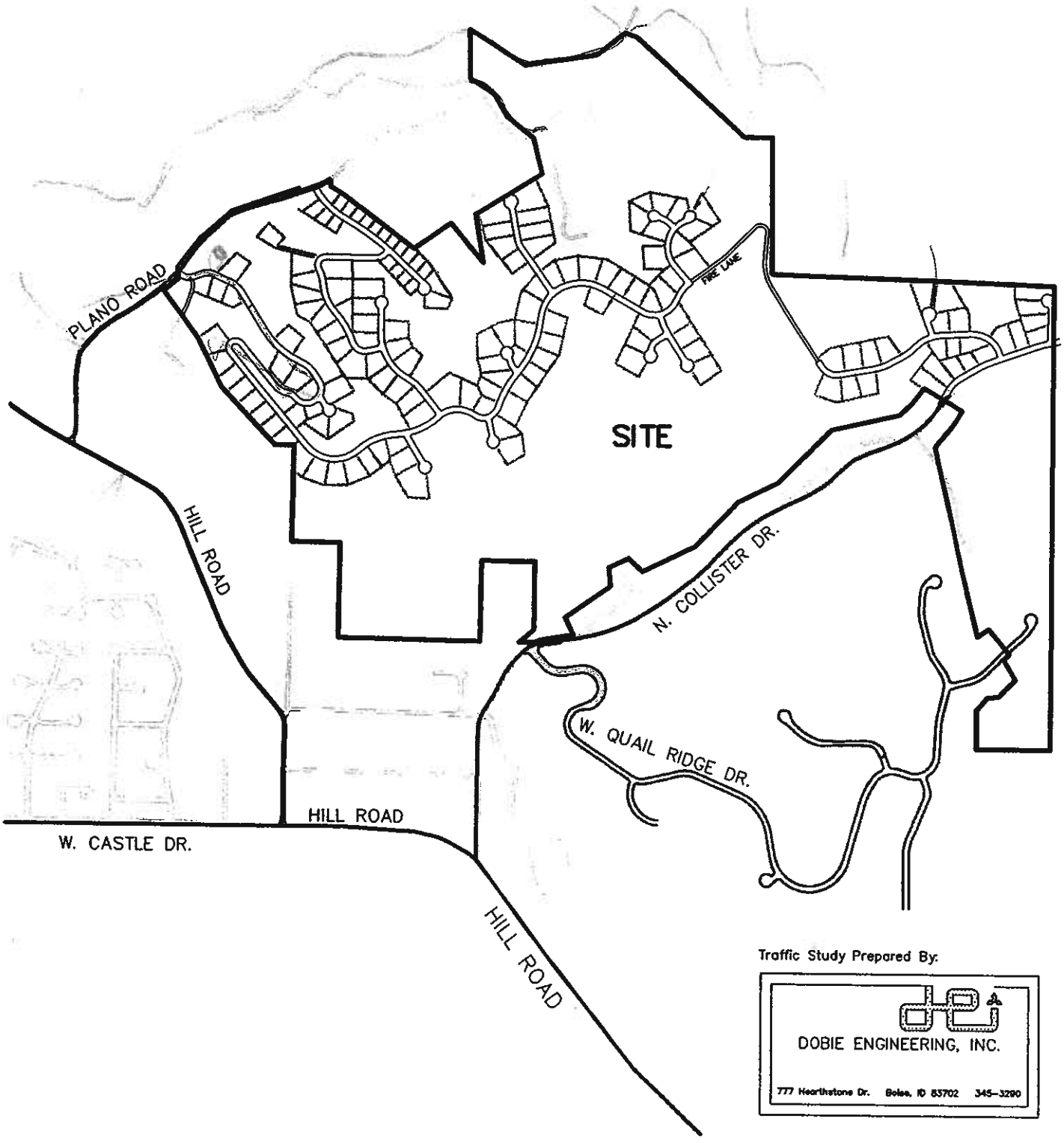
This study was initiated to assess the traffic impacts resulting from the development of the Foothills Subdivision and to evaluate the capacity of the road system to accommodate the site-generated traffic. Dobie Engineering, Inc. was retained by the developer to perform this traffic study in accordance with ACHD policy for transportation impact studies.

On-Site Development

The proposed Foothills Subdivision is a single family residential development consisting of 160 lots on a 268-acre parcel. The property is located between North Collister Drive and Plano Road north of Hill Road in Boise, Idaho. It was assumed in this study that the subdivision will be fully developed by 2015.

Illustrated in Figure 1 is a general vicinity map showing the location of the site and adjacent roads.

FIGURE 1
FOOTHILLS SUBDIVISION
VICINITY MAP



Traffic Study Prepared By:

DOBIE ENGINEERING, INC.

777 Hearthstone Dr. Boise, ID 83702 345-3290

Existing Road System Traffic Volume

Recent average daily traffic counts on the major roadways near the site are listed in Table 1.

Table 1

Existing Traffic Volumes

Average Daily Traffic	Vehicles per Day	Date of Count
State Street West of Collister Drive	36,525	2/06
Hill Road East of Collister Drive	6,314	1/05
Collister Drive North of Hill Road	2,559	3/05
Collister Drive South of Hill Road	2,485	1/05
Quail Ridge East of Collister Drive	1,318	4/06
Pierce Park North of Castle Drive	3,024	9/06

State Street is functionally designated as a principal arterial. It is improved with a 5-lane section and has a posted speed limit of 45 mph. The State Street intersections with Pierce Park and Collister Drive are signalized.

Pierce Park Lane is an ACHD system road designated as an urban collector with a 2-lane urban section. The posted speed limit is 35 mph.

Collister Drive is an urban collector north of Hill Road and a minor arterial between Hill Road and State Street. It has a 2-lane 36-ft. wide urban section with a 25 mph speed limit.

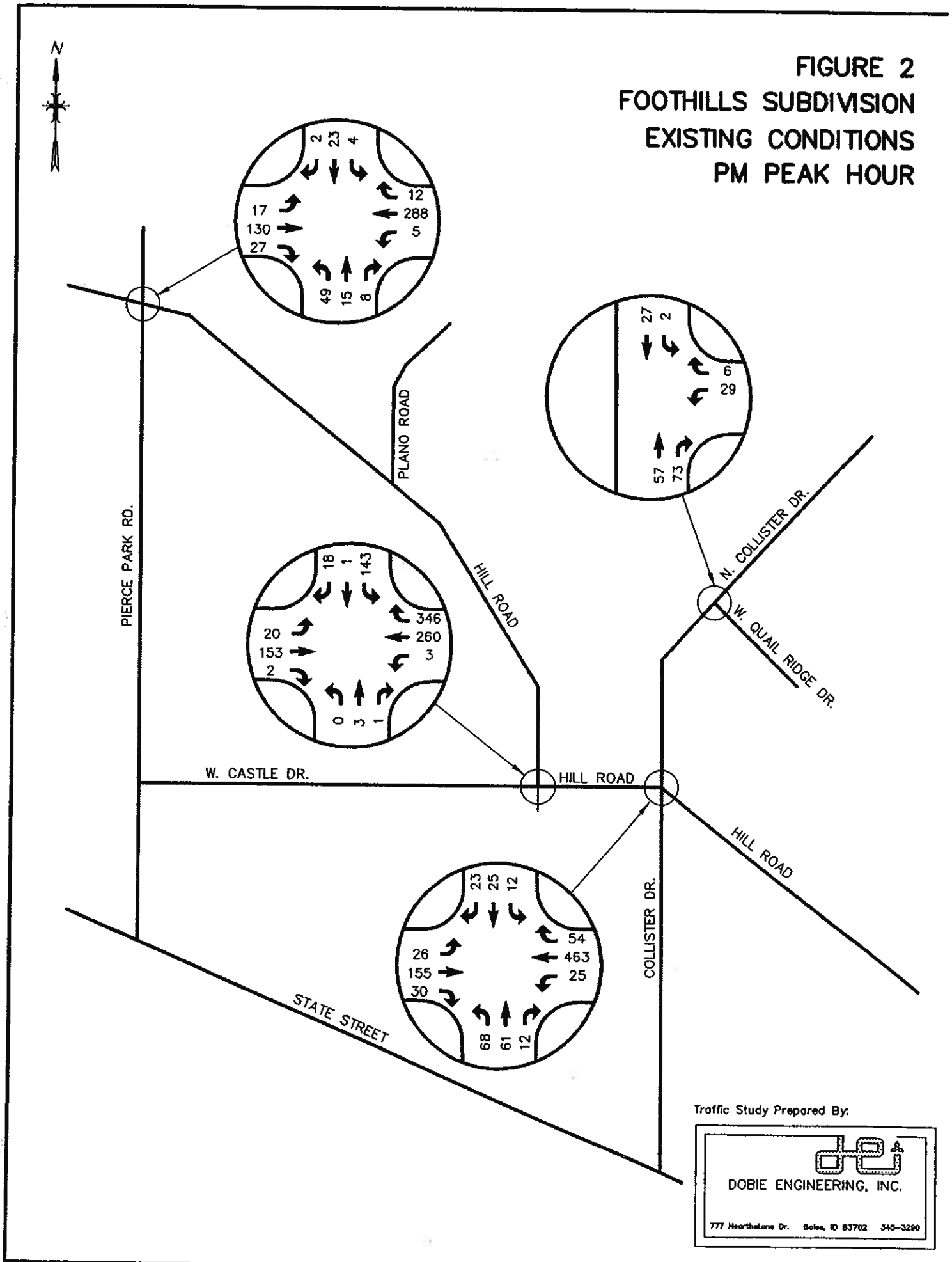
Hill Road is a minor arterial with a 2-lane rural road section plus bike lanes. The posted speed limit is 35 mph.

Quail Ridge Drive is a residential collector roadway.

Plano Road is a low-volume local street providing access to approximately 10 lots.

The Pierce Park and Collister intersections with Hill Road have all-way stop control. The Hill Road/Castle Drive intersection has two-way stop control on the southbound approach. The overall level of service for these intersections is currently LOS "B/C" for the PM peak hour. (Ref. Appendix A.)

Recent average daily traffic and peak hour turning movement counts were collected for the system roadways and intersections. Additional traffic data were obtained from recent ACHD traffic counts and DEI peak hour counts. Existing PM peak hour turning volumes are shown in Figure 2.


N
FIGURE 2
FOOTHILLS SUBDIVISION
EXISTING CONDITIONS
PM PEAK HOUR
2 23 4
17 130 27
12 288 5
49 15 8
27 2
6 29
57 73
18 1 143
20 153 2
346 260 3
0 3 1
23 25 12
26 155 30
54 463 25
68 61 12
PIERCE PARK RD.
PLANO ROAD
HILL ROAD
N. COLLISTER DR.
W. QUAIL RIDGE DR.
W. CASTLE DR.
HILL ROAD
HILL ROAD
COLLISTER DR.
STATE STREET
Traffic Study Prepared By:
DOBIE ENGINEERING, INC.
777 Hearthstone Dr. Boise, ID 83702 345-3290

ACHD Capital Improvements Plan

The following capital improvement projects are listed in the current ACHD Capital Improvements Plan (Ordinance #202):

Project 69 Widen Hill Road to a 3-lane section from 36th Street to west of Collister. Reconstruction of the Hill Road/Castle Drive and Hill Road/Collister Drive intersections is included. The estimated cost is $610,000, and construction is programmed between years 2011 and 2020.

Project 59 Reconstruct the Hill Road/Pierce Park intersection and add a traffic signal. (Estimated cost = $92,000, FY 2011-2020).

Project 26 Reconstruct the Collister/State intersection and replace the traffic signal. (Estimated cost = $1,125,000, FY 2011-2020).

Baseline Conditions

The capacity of the adjacent roadway system was calculated for projected year 2015 traffic conditions. This calculation was made to establish baseline conditions from which to assess site-generated traffic impacts.

The baseline capacities of the adjacent system roadways were estimated using the growth assumptions in the COMPASS Model (4% growth rate). A summary of the roadway capacity analysis is shown below in Table 2, and details of the COMPASS projections are included in Appendix B.

Table 2

Roadway Capacities – Baseline Conditions

Location:	VPH	#Lanes	Vol./Cap.	LOS
Hill Road East of Pierce Park	5200	2	0.32	A
Hill Road East of Hill Road	9300	2	0.56	A
Collister Drive South of Hill Road	3000	2	0.28	A
Pierce Park South of Hill Road	4200	2	0.38	A

Assumed in this analysis is a planning capacity of 14,000 vpd (LOS D) on a 2-lane minor arterial and 9,500 vpd on a 2-lane collector. Arterial capacities follow the guidelines in Appendix 1-C of the Ada County Long Range Transportation Plan - COMPASS.

Year 2015 baseline service levels at the arterial intersections are shown in Table 3. In this analysis service levels were calculated for the existing lane geometry and with the addition of left-turn auxiliary lanes. Details of the projected baseline traffic volumes as well as service level worksheets are contained in Appendix B for review.

Table 3

Intersection Capacities – Baseline Conditions

Approach	Collister/Hill Road		Collister/Castle Hill Rd.		Pierce Park/Hill
	AWSC	TWSC	Existing	LT Lanes	Existing
Eastbound	B	A	A	A	B
Westbound	F	A	A	A	B
Northbound	B	C	C	B	A
Southbound	B	C	D	B	A

This analysis found that acceptable capacity can be achieved on the study area ACHD system roads and intersections to accommodate projected regional traffic with the planned improvements in the ACHD CIP. Left-turn lanes will be needed on all approaches at the Collister and Castle Drive intersections with Hill Road. A change in traffic control from AWSC to TWSC will be needed on Hill Road at the Collister Drive intersection to accommodate baseline traffic. In addition, sight distance improvements will be needed as part of the ACHD improvements. These changes will improve traffic carrying capacity in the study area.

Trip Generation

The following trip rates are recommended in the ITE *Trip Generation Manual*, (7th Edition), for the proposed subdivision. These rates were used in this report to project future traffic volumes from the site.

Table 4

Trip Generation Rates

Occurrence	Residential (Per Unit)
Weekday End Trips	9.57
AM Peak Hour	0.75
Enter	(25%)
Exit	(75%)
PM Peak Hour	1.01
Enter	(63%)
Exit	(37%)

Using the trip generation rates in Table 4, future site-generated traffic was estimated for full buildout of the residential units. The findings are presented in Table 5.

Table 5

Site-Generated Traffic
(Rounded)

	No. Units	New Trips/Day	AM PH Trips	PM PH Trips
Residential	160 lots	1530	120	160

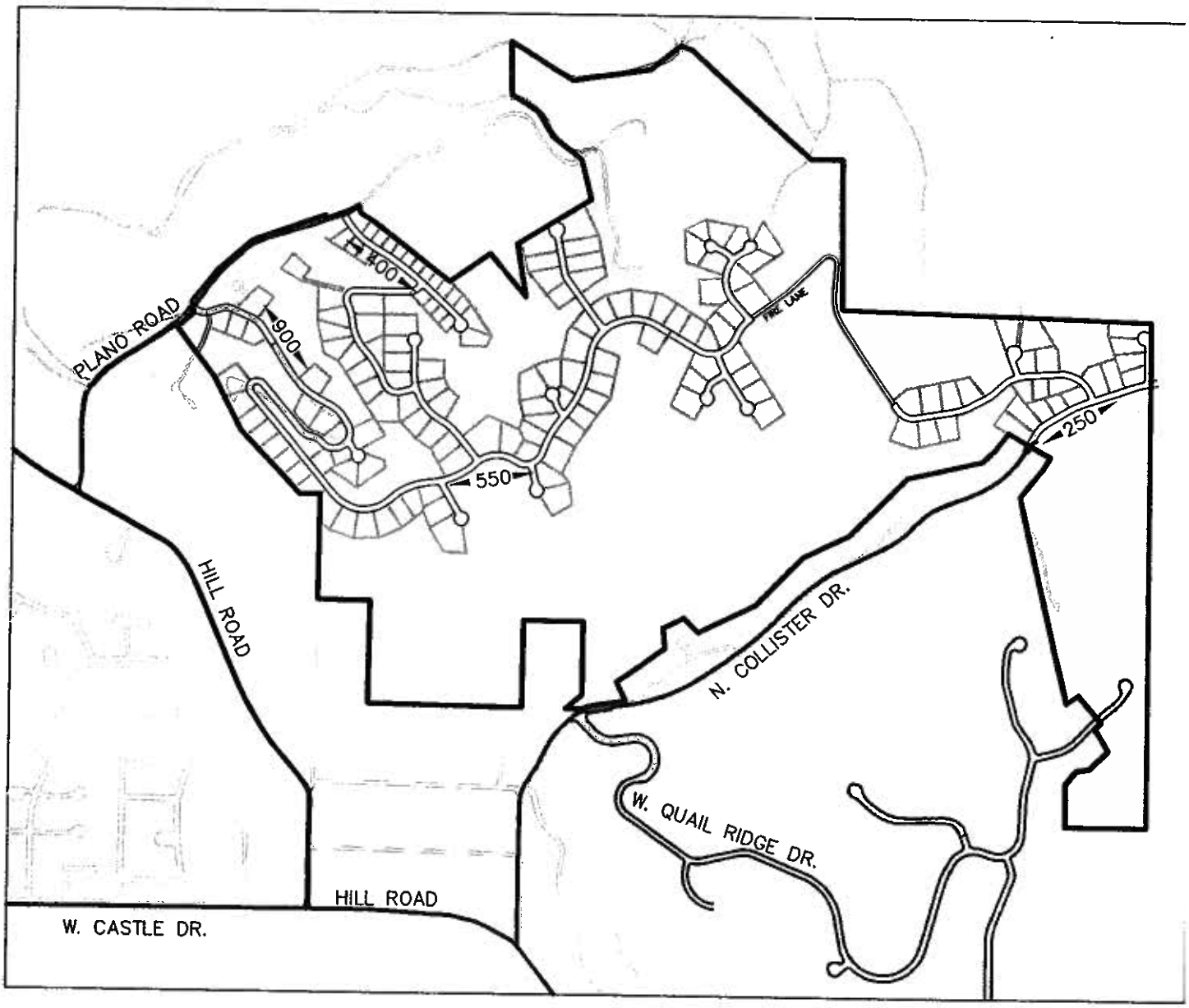
Traffic Assignments

Based on the trip generation rates and regional growth projections previously presented, future trips resulting from development of the site were estimated and assigned to the project entrances. Average daily traffic volumes on the subdivision streets are illustrated in Figure 3.

Shown in Figure 4 are site intersection turning movements for the year 2015 at full development of the subdivision. These peak hour turning movements include the site-generated traffic from the Foothills lots plus the 2015 baseline traffic.

A 60/40 split with the higher traffic volumes oriented to the east was assumed in the trip distribution.

FIGURE 3
FOOTHILLS SUBDIVISION
AVERAGE DAILY TRAFFIC
PM PEAK HOUR

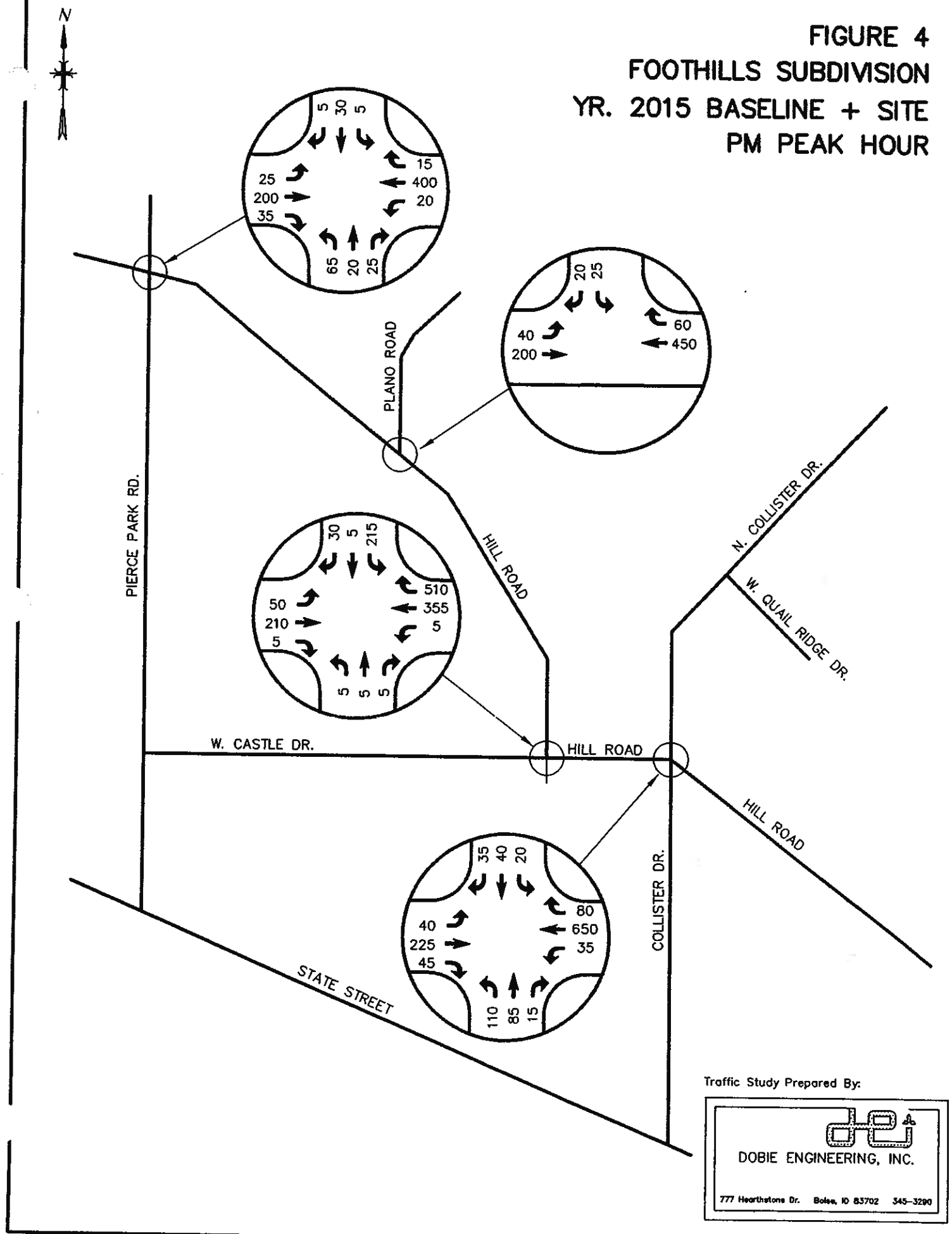


ADT — AVERAGE DAILY TRAFFIC

Traffic Study Prepared By:

DOBIE ENGINEERING, INC.

777 Hearthstone Dr. Boise, ID 83702 345-3290


N
FIGURE 4
FOOTHILLS SUBDIVISION
YR. 2015 BASELINE + SITE
PM PEAK HOUR
5 30 5
15
25 400
200 20
35
65 20 25
20 25
60
40 450
200
PLANO ROAD
PIERCE PARK RD.
HILL ROAD
N. COLLISTER DR.
W. QUAIL RIDGE DR.
30 5 215
510
50 355
210 5
5
5 5 5
W. CASTLE DR.
HILL ROAD
HILL ROAD
35 40 20
80
40 650
225 35
45
110 85 15
COLLISTER DR.
STATE STREET
Traffic Study Prepared By:
DOBIE ENGINEERING, INC.
777 Hearthstone Dr. Boise, ID 83702 345-3290

Capacity Analysis

A capacity analysis and a level of service calculation were prepared to evaluate the future site traffic conditions at the project entrances at Plano Road and at the arterial intersections with Hill Road. Assumed in the analysis were year 2015 baseline traffic volumes plus new site-generated traffic from the Foothills Subdivision. This analysis was based on the procedures and methodologies developed in the *Highway Capacity Manual* (TRB Report 209.)

It was assumed that the capital improvements projects included in the ACHD CIP, as previously identified in this report, would be completed by 2015.

Capacity Analysis: ACHD System Road Intersections

Projected future traffic volumes at the project intersections are shown in Figure 4. The findings of this analysis for the Hill Road arterial intersections are summarized in Table 6.

Table 6

Level of Service Analysis
Hill Road Intersections
Peak Hour - 2015

Approaches:	Hill/Pierce Park	Hill/Collister		Hill/Castle	
	Exist	Exist	Improved	Exist	Improved
Eastbound	B	C	A	B	B
Westbound	B	F	A	A	A
Northbound	B	C	D	C	B
Southbound	A	B	C	E	C

These findings indicate that the Hill Road intersections will function within acceptable standards with minimal congestion or traffic safety concerns. Refer to Appendix C for details of the calculations. The Hill/Collister intersection will reach its capacity with all-way stop control. Converting the operation to two-way stop control will be needed to maintain operating efficiency.

Presented in Table 7 are the results of level of service calculations for the Hill Road/Plano Road intersection. Service level standards were calculated for the buildout year 2015 PM peak hour site traffic conditions. Details of the calculations are attached in Appendix C.

Table 7

LOS Analysis at Hill/Plano Road Intersection
Buildout Year Traffic Volumes

Approach	Hill/Plano
Southbound	B
Eastbound	A
Westbound	A

This analysis indicates that the overall level of service at the main site entrance is within the acceptable capacity range with the existing traffic lanes.

Capacity Analysis: ACHD Roads

The capacities of the adjacent ACHD system roads, shown in Table 8, were calculated for long-range projected traffic (2030) which would include site-generated traffic from the Foothills Subdivision plus regional growth in the COMPASS Transportation Planning Model. (Reference Appendix D).

Table 8

System Capacity – Site Traffic Conditions

Location:	VPH	#Lanes	Vol./Cap.	LOS
Hill Road East of Pierce Park	9,100	2	0.55	A
Hill Road East of Hill Road	12,400	3	0626	B
Castle Drive West of Hill Road	3,900	2	0.35	A
Pierce Park South of Hill Road	8,000	2	0.71	C

ACHD system roads adjacent to the site will not require additional capacity to accommodate projected regional traffic growth. In order to safely accommodate projected traffic through the year 2030, Hill Road will require the 3-lane section now included in the ACHD CIP. Pierce Park and Collister will maintain adequate capacity with existing 2-lane geometry.

Capacity Analysis: Lane Geometry at Plano/Hill Intersection

The need for left-turn auxiliary lane improvements on Hill Road at the Plano Road intersection was evaluated to determine what improvements would be needed to serve the development. Year 2015 PM hour traffic conditions were evaluated. (Reference Appendix D).

Table 9

Auxiliary Lane Warrants @ 35mph

Movement	Through Volume	Turning Volume	Allowable Volume	Warrant Met
RT Lane	200vph	60	70vph	No
LT Lane	200 vph	40	65 vph	No

Based on the evaluation criteria contained in the AASHTO design guidelines, Hill Road does not require either a right-turn or a left-turn lane because of the relatively low turning movement volume. However, a left-turn bay is desirable from a safety and convenience standpoint and should be considered when the roadway is reconstructed as a 3-lane section.

Internal Circulation

The subdivision streets will be constructed to with a 29-ft. urban section, a 40-ft. right-of-way and a single 5-ft. sidewalk. The maximum grade will be 10%. In addition, a gated 20-ft. wide fire lane is proposed to link the Collister lots with the Plano Road lots.

Because traffic volumes on the internal streets will be less than 1,000 vpd, residential collector-type improvements are not warranted.

Plano Road Improvements

The existing segment of Plano Road between Hill Road and the second site access will be improved to ACHD residential street standards. Total projected traffic volumes on Plano Road will be less than 1,500 vpd at full buildout of the Foothills Subdivision.

APPENDIX

APPENDIX A

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./CASTLE DR.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2007 (EXISTING)
Analysis Time Period	PM		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: CASTLE DRIVE | North/South Street: HILL ROAD

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	20	153	2	3	260	346
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	21	161	2	3	273	364
Proportion of heavy vehicles, P_{HV}	2	–	–	2	–	–
Median type	Undivided					
RT Channelized?			0			0
Lanes	0	1	0	0	1	1
Configuration	LTR			LT		R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0	3	1	143	1	18
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	0	3	1	150	1	18
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)	0			0		
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LT		LTR			LTR	
Volume, v (vph)	21	3		4			169	
Capacity, c_m (vph)	947	1416		350			498	
v/c ratio	0.02	0.00		0.01			0.34	
Queue length (95%)	0.07	0.01		0.03			1.49	
Control Delay (s/veh)	8.9	7.5		15.4			15.9	
LOS	A	A		C			C	
Approach delay (s/veh)	–	–	15.4			15.9		
Approach LOS	–	–	C			C		

ALL-WAY STOP CONTROL ANALYSIS

General Information

Analyst	P. DOBIE
Agency/Co.	DEI
Date Performed	3/9/2007
Analysis Time Period	PM

Site Information

Intersection	HILL/PIERCE PARK
Jurisdiction	ACHD
Analysis Year	2007 (EXISTING)

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD

North/South Street: PIERCE PARK DR.

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	17	130	27	5	288	12
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	49	15	8	4	23	2
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LTR		LTR		LTR		LTR	
PHF	0.95		0.95		0.95		0.95	
Flow Rate	181		320		74		30	
% Heavy Vehicles	2		2		2		2	
No. Lanes	1		1		1		1	
Geometry Group	1		1		1		1	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

	Eastbound		Westbound		Northbound		Southbound	
Prop. Left-Turns	0.1		0.0		0.7		0.1	
Prop. Right-Turns	0.2		0.0		0.1		0.1	
Prop. Heavy Vehicle								
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	4.50		4.50		4.50		4.50	

Departure Headway and Service Time

	Eastbound		Westbound		Northbound		Southbound	
hd, initial value	3.20		3.20		3.20		3.20	
x, initial	0.16		0.28		0.07		0.03	
hd, final value	4.50		4.50		4.50		4.50	
x, final value	0.23		0.39		0.11		0.04	
Move-up time, m	2.0		2.0		2.0		2.0	
Service Time	2.5		2.5		2.5		2.5	

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	431		570		324		280	
Delay	8.81		10.21		8.82		8.42	
LOS	A		B		A		A	
Approach: Delay	8.81		10.21		8.82		8.42	
LOS	A		B		A		A	
Intersection Delay	9.53							
Intersection LOS	A							

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ALL-WAY STOP CONTROL ANALYSIS

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL/COLLISTER
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2007 (EXISTING)
Analysis Time Period	PM		

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD | North/South Street: COLLISTER DRIVE

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	26	155	30	25	463	54
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	68	61	12	12	25	23
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LTR		LTR		LTR		LTR	
PHF	0.95		0.95		0.95		0.95	
Flow Rate	221		569		147		62	
% Heavy Vehicles	2		2		2		2	
No. Lanes	1		1		1		1	
Geometry Group	1		1		1		1	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

	Eastbound		Westbound		Northbound		Southbound	
Prop. Left-Turns	0.1		0.0		0.5		0.2	
Prop. Right-Turns	0.1		0.1		0.1		0.4	
Prop. Heavy Vehicle								
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	5.32		5.32		5.32		5.32	

Departure Headway and Service Time

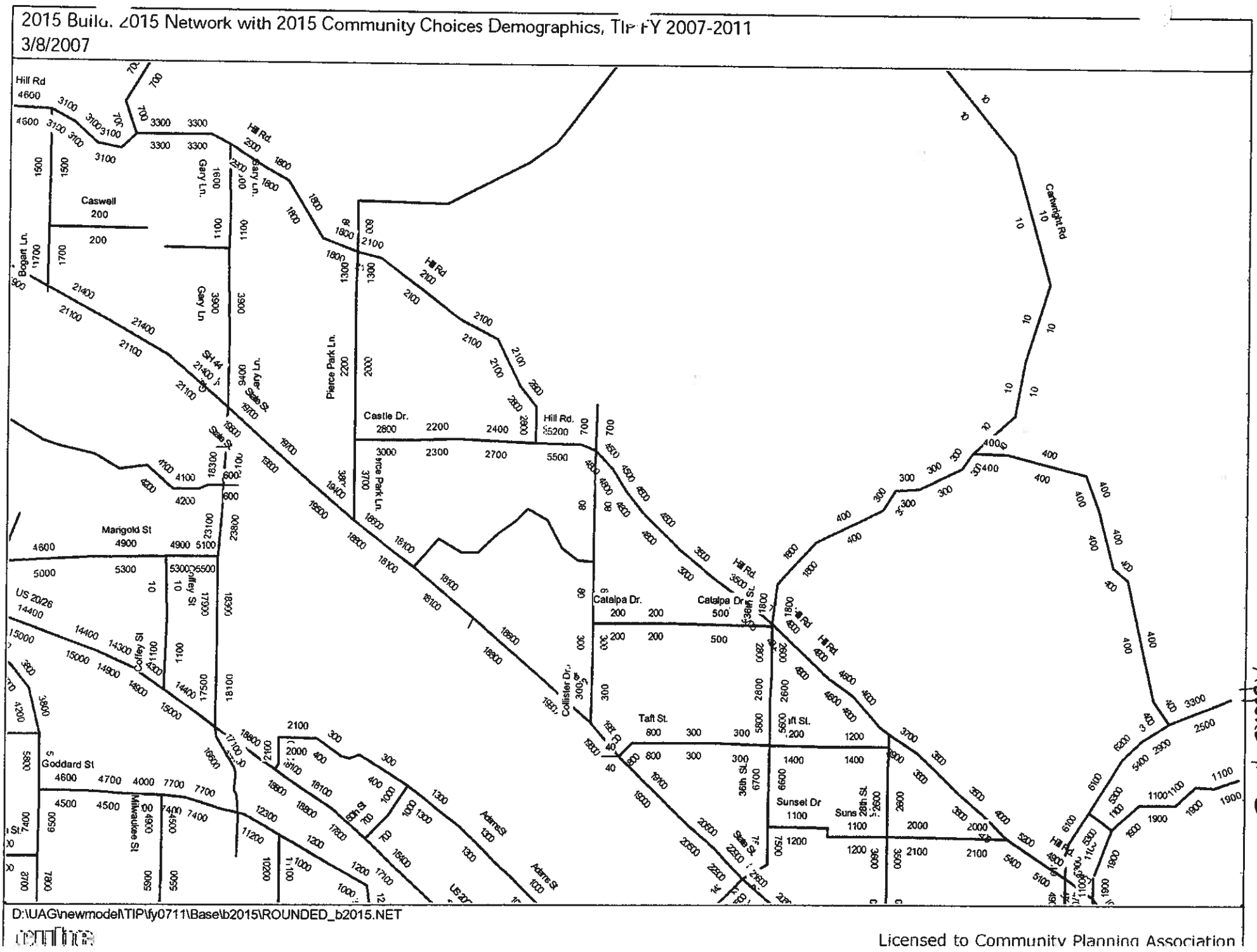
	Eastbound		Westbound		Northbound		Southbound	
hd, initial value	3.20		3.20		3.20		3.20	
x, initial	0.20		0.51		0.13		0.06	
hd, final value	5.32		5.32		5.32		5.32	
x, final value	0.33		0.77		0.25		0.10	
Move-up time, m	2.0		2.0		2.0		2.0	
Service Time	3.3		3.3		3.3		3.3	

Capacity and Level of Service

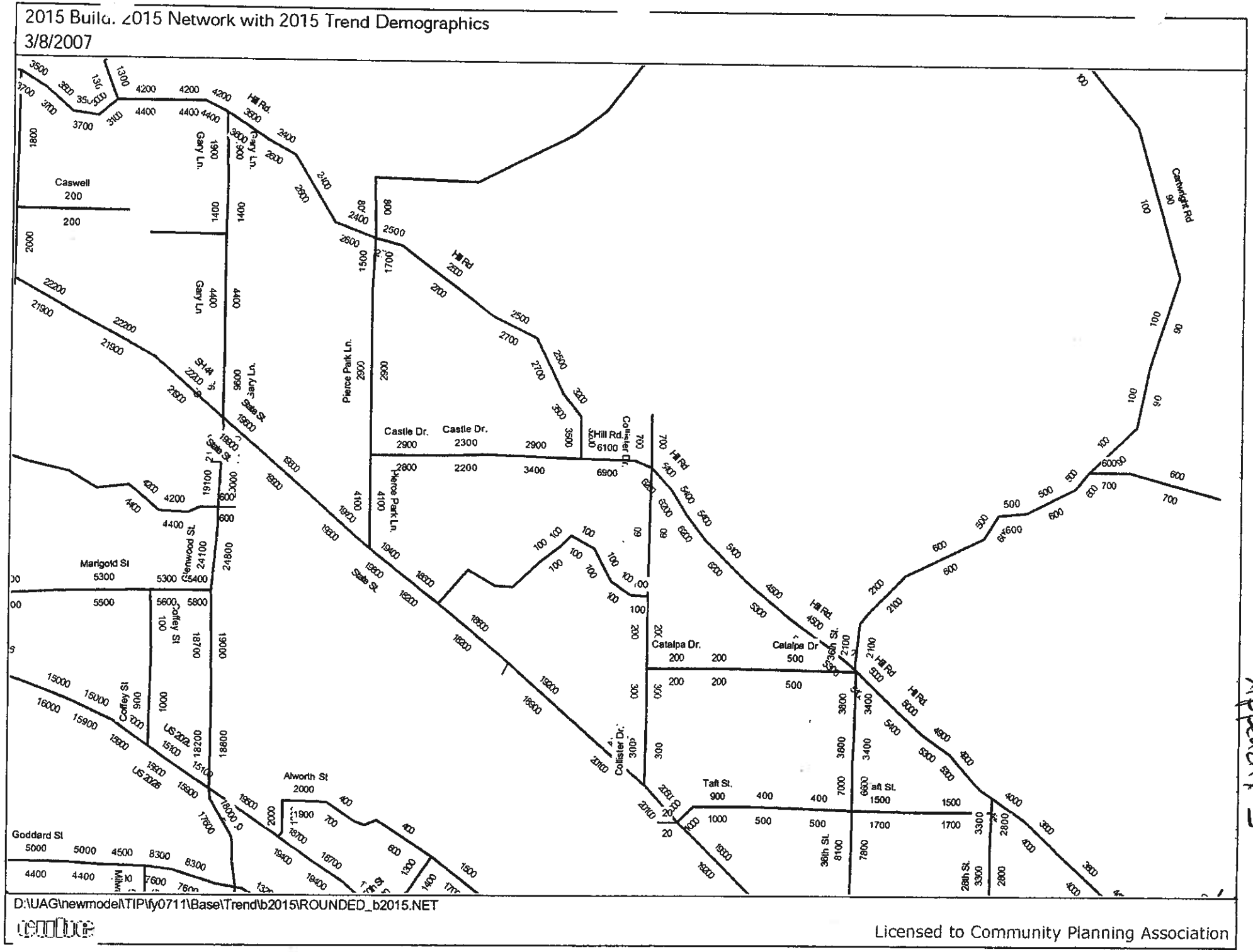
	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	471		727		397		312	
Delay	10.88		22.35		11.13		9.80	
LOS	B		C		B		A	
Approach: Delay	10.88		22.35		11.13		9.80	
LOS	B		C		B		A	
Intersection Delay	17.39							
Intersection LOS	C							

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APPENDIX B

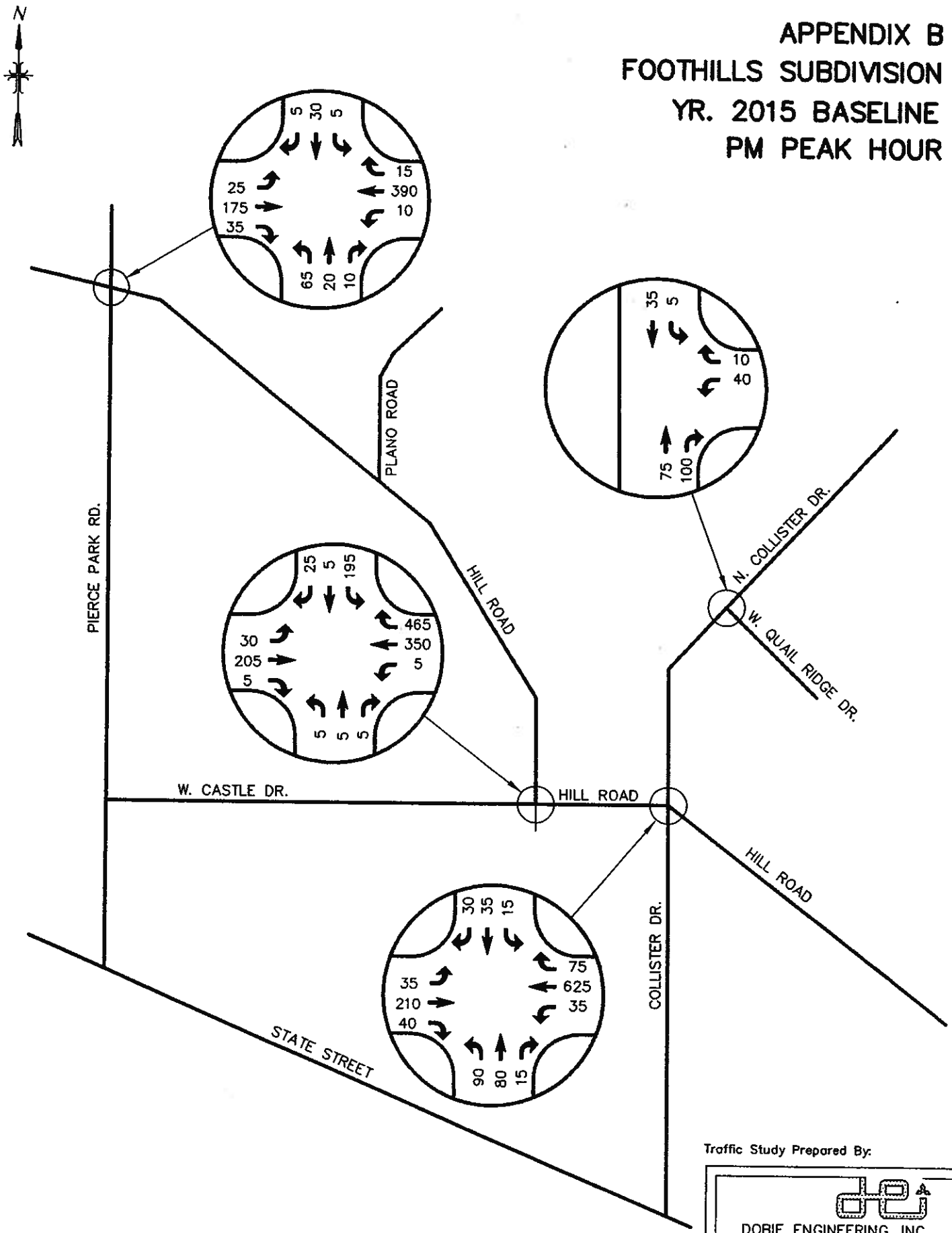

2015 Build, 2015 Network with 2015 Community Choices Demographics, TIP FY 2007-2011
3/8/2007
Hill Rd
Caswell
Gary Ln.
Bogart Ln.
Pierce Park Ln.
Castle Dr.
Hill Rd.
Carwright Rd
Marigold St
Coffey St
US 20/26
Goddard St
Milwaukee St
Adams St
Collister Dr.
Taft St.
Catalpa Dr.
Sunset Dr
36th St.
28th St.
State St.
SH44
D:\UAG\newmodel\TIP\fy0711\Base\b2015\ROUNDED_b2015.NET
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Appendix B


2015 Build 2015 Network with 2015 Trend Demographics
3/8/2007
Caswell
Gary Ln.
Hill Rd.
Pierce Park Ln.
Castle Dr.
Hill Rd.
Collister Dr.
Catalpa Dr.
Catalpa Dr
Hill Rd.
Catwright Rd
State St.
SH 4
Glenwood St
Marigold St
Coffey St
US 2026
Alworth St
Taft St.
36th St.
28th St.
Goddard St
D:\UAG\newmodel\TIP\fy0711\Base\Trend\b2015\ROUNDED_b2015.NET
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Appendix B

APPENDIX B
FOOTHILLS SUBDIVISION
YR. 2015 BASELINE
PM PEAK HOUR



Traffic Study Prepared By:

DOBIE ENGINEERING, INC.
777 Hearthstone Dr. Boise, ID 83702 345-3290

ALL-WAY STOP CONTROL ANALYSIS

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL/COLLISTER
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASELINE)
Analysis Time Period	PM		

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD | North/South Street: COLLISTER DRIVE

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	35	210	40	35	625	75
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	90	80	15	15	35	30
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LTR		LTR		LTR		LTR	
PHF	0.95		0.95		0.95		0.95	
Flow Rate	299		771		193		82	
% Heavy Vehicles	2		2		2		2	
No. Lanes	1		1		1		1	
Geometry Group	1		1		1		1	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

Prop. Left-Turns	0.1		0.0		0.5		0.2	
Prop. Right-Turns	0.1		0.1		0.1		0.4	
Prop. Heavy Vehicle								
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	5.98		5.98		5.98		5.98	

Departure Headway and Service Time

hd, initial value	3.20		3.20		3.20		3.20	
x, initial	0.27		0.69		0.17		0.07	
hd, final value	5.98		5.98		5.98		5.98	
x, final value	0.50		1.16		0.37		0.16	
Move-up time, m	2.0		2.0		2.0		2.0	
Service Time	4.0		4.0		4.0		4.0	

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	549		771		443		332	
Delay	14.74		109.34		13.84		11.38	
LOS	B		F		B		B	
Approach: Delay	14.74		109.34		13.84		11.38	
LOS	B		F		B		B	
Intersection Delay	68.63							
Intersection LOS	F							

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./COLLISTER DR.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASELINE)
Analysis Time Period	PM		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD | North/South Street: COLLISTER DR.

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	35	210	40	35	625	75
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	36	221	42	36	657	78
Proportion of heavy vehicles, P_{HV}	2	--	--	2	--	--
Median type	Raised curb					
RT Channelized?			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	90	80	15	15	35	30
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	94	84	15	15	36	31
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	L		TR	L		TR
Volume, v (vph)	36	36	94		99	15		67
Capacity, c_m (vph)	870	1301	268		369	354		408
v/c ratio	0.04	0.03	0.35		0.27	0.04		0.1
Queue length (95%)	0.13	0.09	1.52		1.07	0.13		0.5
Control Delay (s/veh)	9.3	7.8	25.5		18.3	15.6		15.3
LOS	A	A	D		C	C		C
Approach delay (s/veh)	--	--	21.8			15.6		
Approach LOS	--	--	C			C		

ALL-WAY STOP CONTROL ANALYSIS

General Information

Analyst	P. DOBIE
Agency/Co.	DEI
Date Performed	3/9/2007
Analysis Time Period	PM (IMPROVED)

Site Information

Intersection	HILL/COLLISTER
Jurisdiction	ACHD
Analysis Year	2015 (BASELINE)

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD North/South Street: COLLISTER DRIVE

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	35	210	40	35	625	75
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	90	80	15	15	35	30
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	L	TR	L	TR	L	TR	LTR	
PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	
Flow Rate	36	263	36	735	94	99	82	
% Heavy Vehicles	2	2	2	2	2	2	2	
No. Lanes	2		2		2		1	
Geometry Group	5		5		5		4b	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

	Eastbound		Westbound		Northbound		Southbound	
Prop. Left-Turns	1.0	0.0	1.0	0.0	1.0	0.0	0.2	
Prop. Right-Turns	0.0	0.2	0.0	0.1	0.0	0.2	0.4	
Prop. Heavy Vehicle								
hLT-adj	0.5	0.5	0.5	0.5	0.5	0.5	0.2	0.2
hRT-adj	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	6.96	6.96	6.96	6.96	6.96	6.96	6.96	

Departure Headway and Service Time

	Eastbound		Westbound		Northbound		Southbound	
hd, initial value	3.20	3.20	3.20	3.20	3.20	3.20	3.20	
x, initial	0.03	0.23	0.03	0.65	0.08	0.09	0.07	
hd, final value	6.96	6.96	6.96	6.96	6.96	6.96	6.96	
x, final value	0.07	0.46	0.06	1.21	0.20	0.20	0.17	
Move-up time, m	2.3		2.3		2.3		2.3	
Service Time	4.7	4.0	4.7	4.0	4.7	4.0	4.7	4.0

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	286	513	286	735	344	349	332	
Delay	10.18	14.38	9.65	128.81	12.49	11.66	11.53	
LOS	B	B	A	F	B	B	B	
Approach: Delay	13.87		123.24		12.07		11.53	
LOS	B		F		B		B	
Intersection Delay	76.17							
Intersection LOS	F							

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./CASTLE DR.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASELINE)
Analysis Time Period	PM		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: CASTLE DRIVE | North/South Street: HILL ROAD

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	30	205	5	5	350	465
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	31	215	5	5	368	489
Proportion of heavy vehicles, P_{HV}	2	–	–	2	–	–
Median type	Undivided					
RT Channelized?			0			0
Lanes	0	1	0	0	1	1
Configuration	LTR			LT		R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	5	5	5	195	5	25
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	5	5	5	205	5	26
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LT		LTR			LTR	
Volume, v (vph)	31	5		15			236	
Capacity, c_m (vph)	783	1349		277			371	
v/c ratio	0.04	0.00		0.05			0.64	
Queue length (95%)	0.12	0.01		0.17			4.20	
Control Delay (s/veh)	9.8	7.7		18.7			30.2	
LOS	A	A		C			D	
Approach delay (s/veh)	–	–	18.7			30.2		
Approach LOS	–	–	C			D		

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*P. DOBIE*	Intersection	*HILL RD./CASTLE DR.*
Agency/Co.	*DEI*	Jurisdiction	*ACHD*
Date Performed	*3/9/2007*	Analysis Year	*2015 (BASELINE)*
Analysis Time Period	*PM (IMPROVED LANES)*		

Project Description *FOOTHILLS SUBDIVISION*

East/West Street: *CASTLE DRIVE* | North/South Street: *HILL ROAD*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*30*	*205*	*5*	*5*	*350*	*465*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*31*	*215*	*5*	*5*	*368*	*489*
Proportion of heavy vehicles, P_{HV}	*2*	–	–	*2*	–	–
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*1*
Configuration	*LTR*			*LT*		*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*5*	*5*	*5*	*195*	*5*	*25*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*5*	*5*	*5*	*205*	*5*	*26*
Proportion of heavy vehicles, P_{HV}	*2*	*2*	*2*	*2*	*2*	*2*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*1*	*0*	*1*	*1*	*0*
Configuration		*LTR*		*L*		*TR*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LTR*	*LT*		*LTR*		*L*		*TR*
Volume, v (vph)	*31*	*5*		*15*		*205*		*31*
Capacity, c_m (vph)	*783*	*1349*		*443*		*582*		*65*
v/c ratio	*0.04*	*0.00*		*0.03*		*0.35*		*0.0*
Queue length (95%)	*0.12*	*0.01*		*0.10*		*1.58*		*0.1*
Control Delay (s/veh)	*9.8*	*7.7*		*13.4*		*14.5*		*10.*
LOS	*A*	*A*		*B*		*B*		*B*
Approach delay (s/veh)	–	–	*13.4*			*14.0*		
Approach LOS	–	–	*B*			*B*		

ALL-WAY STOP CONTROL ANALYSIS

General Information

Analyst	P. DOBIE
Agency/Co.	DEI
Date Performed	3/9/2007
Analysis Time Period	PM

Site Information

Intersection	HILL/PIERCE PARK
Jurisdiction	ACHD
Analysis Year	2015 (BASELINE)

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD North/South Street: PIERCE PARK DR.

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	25	175	35	10	390	15
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	65	20	10	5	30	5
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LTR		LTR		LTR		LTR	
PHF	0.95		0.95		0.95		0.95	
Flow Rate	246		435		99		41	
% Heavy Vehicles	2		2		2		2	
No. Lanes	1		1		1		1	
Geometry Group	1		1		1		1	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

	Eastbound		Westbound		Northbound		Southbound	
Prop. Left-Turns	0.1		0.0		0.7		0.1	
Prop. Right-Turns	0.1		0.0		0.1		0.1	
Prop. Heavy Vehicle								
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	4.81		4.81		4.81		4.81	

Departure Headway and Service Time

	Eastbound		Westbound		Northbound		Southbound	
hd, initial value	3.20		3.20		3.20		3.20	
x, initial	0.22		0.39		0.09		0.04	
hd, final value	4.81		4.81		4.81		4.81	
x, final value	0.33		0.56		0.16		0.07	
Move-up time, m	2.0		2.0		2.0		2.0	
Service Time	2.8		2.8		2.8		2.8	

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	496		685		349		291	
Delay	10.16		13.43		9.77		9.11	
LOS	B		B		A		A	
Approach: Delay	10.16		13.43		9.77		9.11	
LOS	B		B		A		A	
Intersection Delay	11.79							
Intersection LOS	B							

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APPENDIX C

Appendix C

ALL-WAY STOP CONTROL ANALYSIS

General Information

Analyst	P. DOBIE
Agency/Co.	DEI
Date Performed	3/9/2007
Analysis Time Period	PM

Site Information

Intersection	HILL/COLLISTER
Jurisdiction	ACHD
Analysis Year	2015 (BASE + SITE)

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD

North/South Street: COLLISTER DRIVE

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	40	225	45	35	650	80
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	110	85	15	20	40	35
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LTR		LTR		LTR		LTR	
PHF	0.95		0.95		0.95		0.95	
Flow Rate	325		804		219		99	
% Heavy Vehicles	2		2		2		2	
No. Lanes	1		1		1		1	
Geometry Group	1		1		1		1	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

	Eastbound		Westbound		Northbound		Southbound	
Prop. Left-Turns	0.1		0.0		0.5		0.2	
Prop. Right-Turns	0.1		0.1		0.1		0.4	
Prop. Heavy Vehicle								
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	6.23		6.23		6.23		6.23	

Departure Headway and Service Time

	Eastbound		Westbound		Northbound		Southbound	
hd, initial value	3.20		3.20		3.20		3.20	
x, initial	0.29		0.71		0.19		0.09	
hd, final value	6.23		6.23		6.23		6.23	
x, final value	0.56		1.28		0.43		0.20	
Move-up time, m	2.0		2.0		2.0		2.0	
Service Time	4.2		4.2		4.2		4.2	

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	562		804		469		349	
Delay	16.96		155.81		15.32		12.13	
LOS	C		F		C		B	
Approach: Delay	16.96		155.81		15.32		12.13	
LOS	C		F		C		B	
Intersection Delay	93.53							
Intersection LOS	F							

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./COLLISTER DR.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASE + SITE)
Analysis Time Period	PM		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD	North/South Street: COLLISTER DR.
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	40	225	45	35	650	80
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	42	236	47	36	684	84
Proportion of heavy vehicles, P_{HV}	2	–	–	2	–	–
Median type	Raised curb					
RT Channelized?			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	110	85	15	20	40	35
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	115	89	15	21	42	36
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	L		TR	L		TR
Volume, v (vph)	42	36	115		104	21		78
Capacity, c_m (vph)	846	1279	238		349	337		393
v/c ratio	0.05	0.03	0.48		0.30	0.06		0.20
Queue length (95%)	0.16	0.09	2.42		1.22	0.20		0.73
Control Delay (s/veh)	9.5	7.9	33.5		19.6	16.4		16.4
LOS	A	A	D		C	C		C
Approach delay (s/veh)	–	–	26.9			16.4		
Approach LOS	–	–	D			C		

ALL-WAY STOP CONTROL ANALYSIS

General Information

Analyst	P. DOBIE
Agency/Co.	DEI
Date Performed	3/9/2007
Analysis Time Period	PM

Site Information

Intersection	HILL/PIERCE PARK
Jurisdiction	ACHD
Analysis Year	2015 (BASE + SITE)

Project ID FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD

North/South Street: PIERCE PARK DR.

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume	25	200	35	20	400	15
%Thrus Left Lane	50			50		

Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume	65	20	25	5	30	5
%Thrus Left Lane	50			50		

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LTR		LTR		LTR		LTR	
PHF	0.95		0.95		0.95		0.95	
Flow Rate	272		457		115		41	
% Heavy Vehicles	2		2		2		2	
No. Lanes	1		1		1		1	
Geometry Group	1		1		1		1	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

Prop. Left-Turns	0.1		0.0		0.6		0.1	
Prop. Right-Turns	0.1		0.0		0.2		0.1	
Prop. Heavy Vehicle								
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	4.92		4.92		4.92		4.92	

Departure Headway and Service Time

hd, initial value	3.20		3.20		3.20		3.20	
x, initial	0.24		0.41		0.10		0.04	
hd, final value	4.92		4.92		4.92		4.92	
x, final value	0.37		0.60		0.18		0.07	
Move-up time, m	2.0		2.0		2.0		2.0	
Service Time	2.9		2.9		2.9		2.9	

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity	522		707		365		291	
Delay	10.81		14.72		10.05		9.32	
LOS	B		B		B		A	
Approach: Delay	10.81		14.72		10.05		9.32	
LOS	B		B		B		A	
Intersection Delay	12.66							
Intersection LOS	B							

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./CASTLE DR.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASE + SITE)
Analysis Time Period	PM		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: CASTLE DRIVE | North/South Street: HILL ROAD

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	50	210	5	5	355	510
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	52	221	5	5	373	536
Proportion of heavy vehicles, P_{HV}	2	–	–	2	–	–
Median type	Undivided					
RT Channelized?			0			0
Lanes	0	1	0	0	1	1
Configuration	LTR			LT		R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	5	5	5	215	5	30
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	5	5	5	226	5	31
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LT		LTR			LTR	
Volume, v (vph)	52	5		15			262	
Capacity, c_m (vph)	749	1342		237			335	
v/c ratio	0.07	0.00		0.06			0.78	
Queue length (95%)	0.22	0.01		0.20			6.35	
Control Delay (s/veh)	10.2	7.7		21.2			45.4	
LOS	B	A		C			E	
Approach delay (s/veh)	–	–	21.2			45.4		
Approach LOS	–	–	C			E		

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./CASTLE DR.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASE + SITE)
Analysis Time Period	PM — IMP		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: CASTLE DRIVE | North/South Street: HILL ROAD

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	50	210	5	5	355	510
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	52	221	5	5	373	536
Proportion of heavy vehicles, P_{HV}	2	–	–	2	–	–
Median type	Raised curb					
RT Channelized?			0			0
Lanes	0	1	0	0	1	1
Configuration	LTR			LT		R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	5	5	5	215	5	30
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	5	5	5	226	5	31
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	1	0	1	1	0
Configuration		LTR		L		TR

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LT		LTR		L		TR
Volume, v (vph)	52	5		15		226		36
Capacity, c_m (vph)	749	1342		400		549		649
v/c ratio	0.07	0.00		0.04		0.41		0.06
Queue length (95%)	0.22	0.01		0.12		2.00		0.18
Control Delay (s/veh)	10.2	7.7		14.4		16.1		10.9
LOS	B	A		B		C		B
Approach delay (s/veh)	–	–	14.4			15.4		
Approach LOS	–	–	B			C		

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	P. DOBIE	Intersection	HILL RD./PLANO RD.
Agency/Co.	DEI	Jurisdiction	ACHD
Date Performed	3/9/2007	Analysis Year	2015 (BASE + SITE)
Analysis Time Period	PM		

Project Description: FOOTHILLS SUBDIVISION

East/West Street: HILL ROAD | North/South Street: PLANO ROAD

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

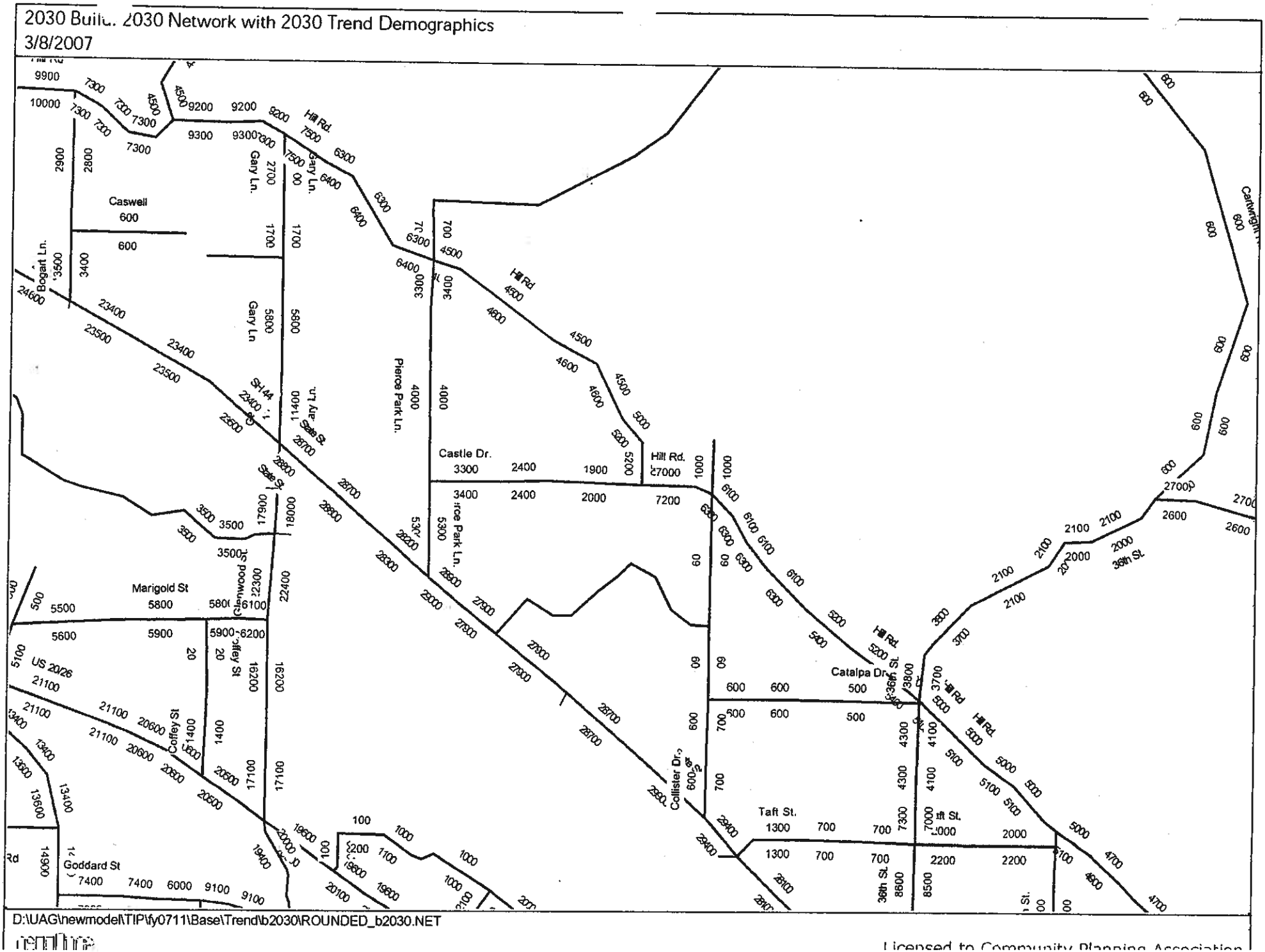
Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	40	200	0	0	450	60
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	42	210	0	0	473	63
Proportion of heavy vehicles, P_{HV}	2	–	–	2	–	–
Median type	Undivided					
RT Channelized?			0			0
Lanes	0	1	0	0	1	1
Configuration	LT				T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				25	0	20
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	0	0	0	26	0	21
Proportion of heavy vehicles, P_{HV}	2	2	2	2	2	2
Percent grade (%)	0			0		
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

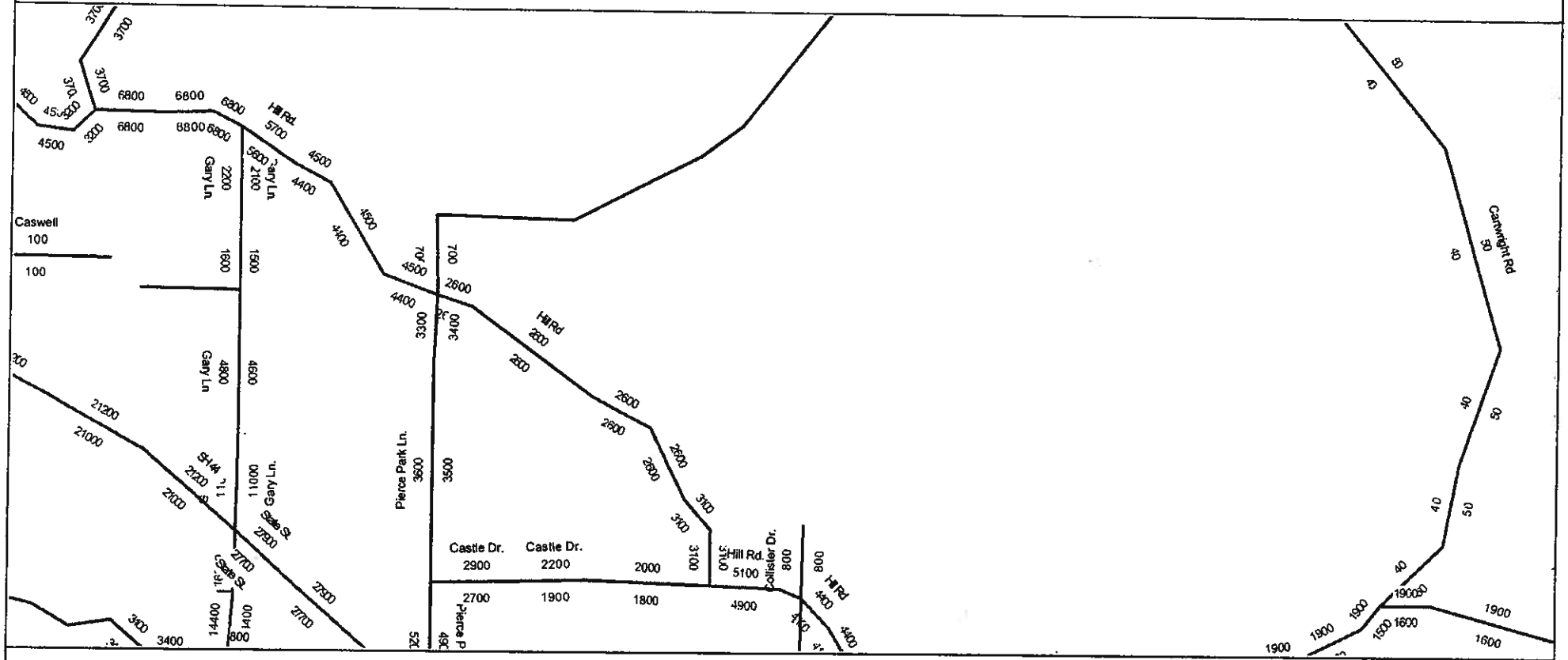
Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
Volume, v (vph)	42						47	
Capacity, c_m (vph)	1032						432	
v/c ratio	0.04						0.11	
Queue length (95%)	0.13						0.36	
Control Delay (s/veh)	8.6						14.3	
LOS	A						B	
Approach delay (s/veh)	–	–					14.3	
Approach LOS	–	–					B	

APPENDIX D


2030 Build. 2030 Network with 2030 Trend Demographics
3/8/2007
Hill Rd.
Gary Ln.
Caswell
600
Bogart Ln.
Pierce Park Ln.
Castle Dr.
3300
2400
1900
27000
Hill Rd.
SH 144
State St.
Marigold St
5800
5500
5600
5900
US 20/26
21100
Coffey St
Goddard St
7400
6000
9100
Collister Dr.
Taft St.
1300
700
2200
36th St.
Catalpa Dr.
Catherwood
600
2700
2600
2100
2000
36th St.
D:\UAG\newmodel\TIP\fy0711\Base\Trend\b2030\ROUNDED_b2030.NET
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2030 Build: 2030 Network with 2030 Community Choices Demographics, Total Volume Forecast
3/8/2007



Legend

- Interstate
- Expressway / Limited Access
- Principal Arterial
- Minor Arterial

The model forecasts shown are based on 2030 Community Choices demographic assumptions and transportation projects listed in Communities i

All proposed roadway project alignments are subject to change.

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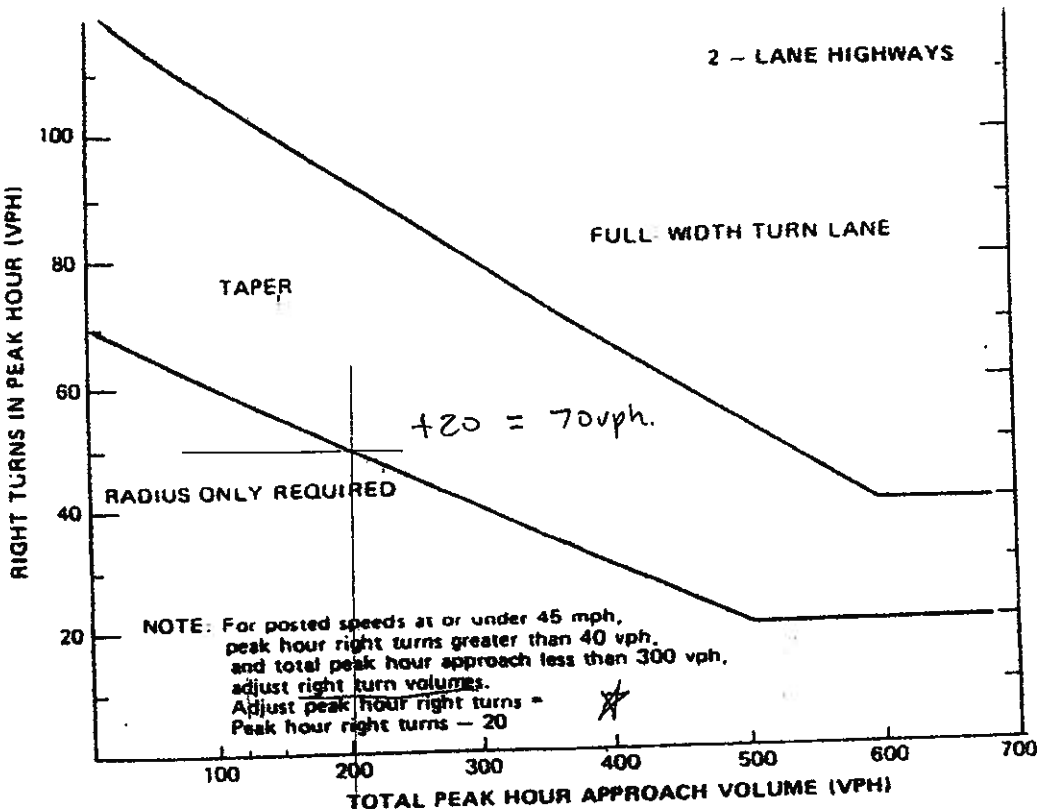


Table 9-10. Guide for left turn lanes for 2-lane highways. (Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design for Highways and Streets*, 1990)

Opposing Volume (Veh./Hr.)	Advancing Volume (vehicles per hour)			
	5% Left Turns	10% Left Turns	20% Left Turns	30% Left Turns
	40-mph Operating Speed			
800	330	240	180	160
600	410	305	225	200
400	510	380	275	245
200	640	470	350	305
100	720	515	390	340
	50-mph Operating Speed			
800	280	210	165	135
600	350	260	195	170
400	430	320	240	210
200	550	400	300	270
100	615	445	335	295
	60-mph Operating Speed			
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240

Survey for Occurrences of the Algol's Orion

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
Robert B. Tiedemann, CPWS, CWD, CFS, CWB

With Contributions by:
Millennium Science and Engineering, Inc.
Boise, Idaho
Greg Carson

Prepared for:
Boise City Planning and Zoning
Boise City Parks and Recreation
Commissioners and Staff

Stewart Land Group
Kerry Winn, Vice President of Operations

This Report is Accompanied by a Map Prepared by Stewart Land Group Reviewed and Approved by the Authors

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A Report Documenting a Survey for Occurrences of Aase's Onion (*Allium aaseae*)

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Executive Summary

Boise Municipal Code places special importance on rare plant communities and other natural features. It reads, in part, as shown below.

> 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, 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.

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Priority Open Space Characteristics:

Of the following eleven characteristics of high priority open space, at least four must co-exist 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
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.

The following narrative, map, and other graphics that contribute to this report describe materials, methods, and results of field studies documenting occurrences of the rare plant species, Aase'onion (*Allium aaseae*) within the project area. The map shows point occurrences of presence / absence of Aase's onion and our interpretation of the data to show a boundary from which areas of occurrences can be calculated. Polygons surrounding point occurrences are based on the presence / absence data we generated; field experience; and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography.

The Report Accompanied by a Map Prepared by Stewart Land Group, Reviewed and Approved by the Authors

BACKGROUND

The project area is located in northwest Boise at the boundary of the foothills with what is commonly called the Collister Neighborhood. It is bounded on the east by North Collister Drive, on the west by North Plano Lane, on the north by an irregular property line extending from the north end of North Collister Drive to North Plan Lane, and to the south by Hill Road. It is located in Sections 17, 18, 19, 20, and 21 of Township 4N, Range 2E and can be seen on the Boise, North US Geological Survey 7.5 Minute Quadrangle Map (see Figure 1).

The project area is within the ridge and valley section of the foothills of the Boise Mountains where lacustrine deposits, alluvium, and colluvium have been eroded, transported, and redeposited leaving soils that are largely course in texture and ranging from sandy loam to sand. Thick layers of homogeneous soils are slightly tipped, but largely horizontally stratified leaving the appearance, when viewed from a distance, of distinct bands of soils and corresponding vegetation. Polecat Gulch, at and near the east boundary of the project area, flows intermittently in spring and during summer thunderstorms. A single predominant ridge runs north / south with numerous ridges and valleys running east / west from it. Scour marks, drift lines, and sediment deposits

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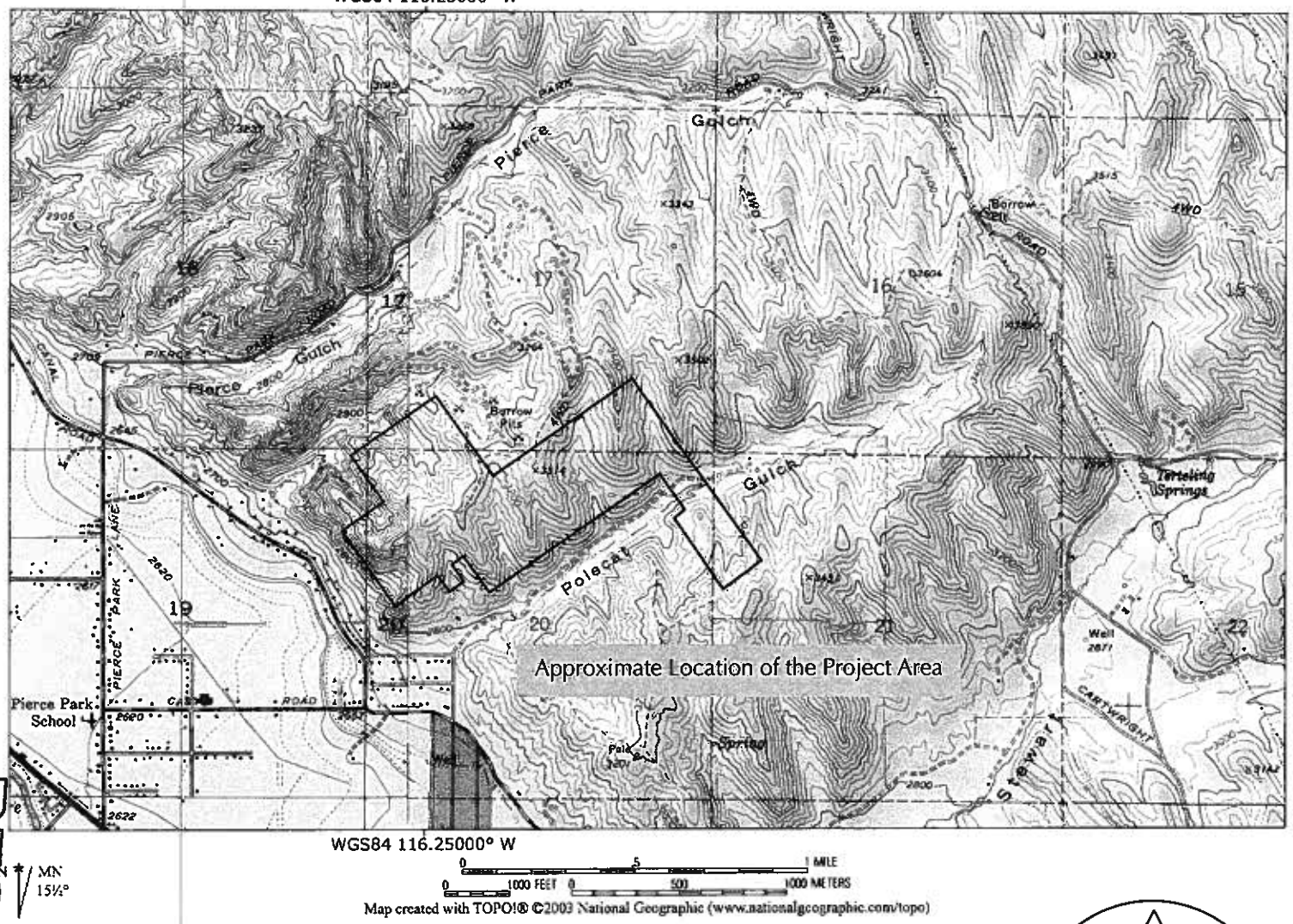


Figure 1 - US Geological Survey 7.5 Minute Quadrangle Map
Boise Foothills Property
Boise, Idaho

Ecological Design, Inc.
February 28, 2007

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suggest some of these valleys also intermittently convey surface water. Much of the landscape is south facing and exposed to greater solar radiation than other hillside faces.

The area has been disturbed in the past by the construction and use of primitive dirt roads and trails, and the rough grading of what appears to be a building pad. However, the degree of disturbance is less than expected given its proximity to urban development and recreational users of the foothills. Predominant vegetation includes, but is not limited to, basin big sagebrush (*Artemesia tridentata* ssp. *tridentata*), bitterbrush (*Purshia tridentata*), cheatgrass (*Bromus tectorum*), three awn (*Aristida purpurea*), phlox (*Phlox sp.*), and storks bill (*Erodium cicutarium*). Great Basin wildrye (*Elymus cinereus*) sporadically grows in stands mostly located high in each drainage way.

Plant Species of Special Concern

At the request of Ecological Design, Inc. the Idaho Department of Fish and Game - Conservation Data Center queried their database and provided an inventory of occurrences of plant species of special concern, and threatened or endangered plant species within and near the project area.

Their response, dated March 6, 2006, shows no listed, candidate or proposed threatened or endangered plant species. However, occurrences of Aase's onion (*Allium aaseae*) - a species of special concern - was identified. The data are summarized below.

1. Documented Occurrences of Aase's Onion - Status: GRank G3, SRank S3, State GP3, BLM Type 3

Aase's onion is considered by the Natural Heritage Program and Conservation Data Center to be both a global and state rare or uncommon, but not imperiled species (i.e. rare or uncommon throughout its global range and within the State of Idaho). It is considered by the US Bureau of Land Management to be an imperiled species with a moderate chance of endangerment.

Fifteen occurrences documented by Idaho Department of Fish and Game - Conservation Data Center located within and near the project area. They are: (1) Township 4N, Range 2E, Sections 16, 17, 20, and 21 on "120 acres on the north side of Polecat Gulch and the ridge above"; (2) Township 4N, Range 2E, Sections 15 and 16 on "150 acres on south facing slopes above Middle Stewart Gulch between Cartwright Road and Bogus Basin Road"; (3) Township 4N, Range 2E, Sections 6 and 7 on "120 acres on the north side of Seaman Gulch and just west of Seaman Gulch Road"; (4) Township 4N, Range 1E, Sections 11, 12, 13, and 14 on "slopes north of Hill Road near its junction with Seaman Gulch Road; west of the landfill, east of Dry Creek"; (5) Township 4N, Range 2E, Sections 6 and 7 on "approximately 15 acres just north of Seaman Gulch and approximately 0.4 miles east of Seaman Gulch Road along ridge above old landfill"; (6) Township 4N, Range 1E, Section 1; Township 4N, Range 2E, Section 6; Township 5N, Range 1E, Section 36 on "30 acres, area between Dry Creek and Goose Creek, west of Seaman Gulch Road and east of Horseshoe Bend"; (7) Township 5N, Range 1E, Section 28 "3.2 miles north of Eagle on Eagle Road which turns into Pearl Road"; (8) Township 4N, Range 2E, Sections 15, 16, 20, 21, and 22 on "100 acres on south facing slopes northwest of lower Stewart Gulch between the Boise flatlands and Cartwright Road"; (9) Township 4N, Range 1E, Sections 12 and 13; Township 4N, Range 2E, Sections 7 and 18 on "approximately 100 acres at the divide between Pierce Gulch and Seaman gulch, just north of Hill Road"; (10) Township 4N, Range 2E, Sections 9 and 10 "along a small tributary drainage of Dry Creek, confluent from the south; east of Cartwright Road"; (11) Township 5N, Range 2E, Sections 29, 30, and 32 on "slopes between lower Mc Farland Creek and lower Current Creek; north side of Dry Creek Valley, northeast of Eagle"; (12) Township 4N, Range 1E,

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Sections 1, 2, and 12 on "70 acres south of Goose Creek and north of Seaman Gulch"; (13) Township 4N, Range 1E, Section 12; Township 4N, Range 2E, Section 7 on "70 acres just north of Seaman Gulch, south and east of landfill; approximately 0.5 to 1.25 miles northeast of the intersection of Hill Road and Seaman Gulch Road on Seaman Gulch Road"; (14) Township 4N, Range 2E, Section 8; and (15) Township 4N, Range 2E, Sections 8, 9, 16, and 17 on "100 acres on the north side of Pierce Park Road in the upper Pierce Gulch; also near the heads of two tributaries to Dry Creek".

2. Appearance, Distribution, Status, and Habitat of Aase's onion

The appearance, distribution, status, and habitat of Aase's onion has been studied and described by Michael Mancuso, Robert Mosley, Patricia Packard, Carol Prentice, and others. A summary by Mancuso (1996) states, in part:

> *"Allium aaseae* onion is an early spring-flowering member of the lily family. It is perennial with an underground bulb that is usually buried at least a couple inches below ground level in mature individuals. Bulb coat reticulations may or may not be evident. The scape is round to slightly flattened, not winged. The two linear, channeled leaves are 1 - 4 mm wide, at least twice as long as the scape and typically lying on the ground when observed in the field early in the season. Its six similar-looking tepals are pink, often richly so, but fading to white, 6 - 9.5 mm long, and with entire to obscurely or strongly denticulate margins. Stamens are shorter than the tepals, the undehisced anthers and pollen are yellow.
>
> Aase's onion is endemic to southwestern Idaho, occurring in the foothills around Boise and arcing northwest to near Emmett, an aerial distance of approximately 18 miles. In the Boise Foothills, the easternmost populations are known from the Hulls Gulch and lower Cottonwood Creek areas, while the Freezeout Hill vicinity near Emmett contains the westernmost foothill populations. Disjunct populations have recently been confirmed from near the towns of Payette and Weiser, northwest of the species' main range. Populations previously reported from the Danskin Mountains, east of Boise are really *Allium simillimum*. Populations are located in Ada, Boise, Gem, Payette, and Washington counties.
>
> *Allium aaseae* is endemic to southwestern Idaho. Population sizes vary from less than 100 to more than 35,000 plants. A rangewide population estimate for *Allium aaseae* is 400,000 plants. Substantial reduction in habitat and populations has occurred due to past land uses, although the exact amount is unknown. The main factors contributing to the serious conservation concern for *Allium aaseae* are its limited distribution, its restricted habitat requirements, and its location adjacent to a major population center making it subject to numerous threats (Moseley and Caicco 1989). Across its range, the sandy foothill habitats supporting *Allium aaseae* have been subject to four main land uses since European settlement: urban/suburbanization; livestock grazing; sand mining; and recreational uses, such as ORV's (off-road vehicle), equestrians, hikers, and mountain bikers. As a consequence of urban development in the Boise Foothills, portions of at least seven (11%) occurrences (007, 008, 020, 021, 033, 063, 064) have been destroyed by housing development projects in recent years. Twenty-two (34%) additional occurrences (004, 010, 011, 012, 013, 014, 019, 022, 023, 029, 030, 033, 036,

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042, 047, 050, 054, 060, 061, 062, 065, 066) are known to occur at least partly on private land and in locations potentially subject to development, although future plans for these parcels are unknown. Additional private properties may also be subject to various future development. Segments of populations at the Hidden Hollow landfill (026, 027, 056, 057) may be potentially threatened over the long-term due to landfill expansion. Portions of other populations have also been lost over the years to sand mining, landfill activities and other disturbances. This permanent habitat loss and fragmentation resulting from urban developments, especially in the Boise Foothills, has accelerated in recent years, and is expected to continue. It also represents the most serious and probably difficult to resolve threat facing *Allium aaseae*.

The majority of *Allium aaseae* populations occur on private land, however, and subject to few conservation options. Conservation agreements involving private entities have not been pursued to any great degree. A proposed Conservation Agreement between the U. S. Fish and Wildlife Service and the City of Boise has been at a standstill for a prolonged period. When and if this Conservation Agreement is completed, and plans implemented, populations within Military Park Reserve (006, 025, 058, 059) and Camelsback Reserve (009) should be better protected than at present. One success involves Unimin Mining Corporation, which has been sponsoring propagation research for several years. Mixed ownership patterns and the preponderance of private lands throughout the range of *Allium aaseae* indicates cooperation, coordination, and innovation will be important for the species long-term viability. A lack of on-the-ground commitment from the private sector would be a serious drawback to the conservation of rare plants in the Boise Foothills. If this proves to be the case, populations on public land will be invaluable for the long-term persistence of Aase's onion and other rare plants found in the Boise Foothills.

Aase's onion is restricted to a narrow range of habitat conditions. It occurs on open, relatively barren, xeric, gentle to very steep, sandy slopes, generally with a southerly aspect, but ranging from east to west. It is usually associated with relatively sparsely vegetated bitterbrush (*Purshia tridentata*) or bitterbrush/sagebrush (*Artemisia tridentata*) communities. One or several bunchgrasses such as red threeawn (*Aristida longiseta*), bluebunch wheatgrass (*Agropyron spicatum*), squirreltail (*Sitanion hystrix*), needle-and-thread (*Stipa comata*), Sandberg's bluegrass (*Poa sandbergii*), Indian ricegrass (*Oryzopsis hymenoides*) and sand dropseed (*Sporobolus cryptandrus*) are often closely associated. Aase's onion sites are often bordered by *Artemisia tridentata* ssp. *wyomingensis* or ssp. *tridentata*/bunchgrass–dominated communities. Commonly associated species include *Eriophyllum lanatum, Balsamorhiza sagittata, Achillea millefolium, Phacelia heterophylla*, and *Eriogonum ovalifolium*. A number of exotic species may be abundant, especially *Bromus tectorum, Erodium cicutarium* and *Taeniatherum caput-medusae*.

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Allium aaseae populations in the Boise Foothills often occur in close proximity to *Astragalus mulfordiae*, and/or *Lepidium papilliferum*, two other rare, regional endemic plants. These three rare species largely share the same conservation concerns and problems. On a local scale, *Allium aaseae* can be very common. At some sites it is one of the dominant forbs in early spring. When considering its sagebrush-bitterbrush/steppe and foothill grassland habitats rangewide, however, it is a minor constituent. Most populations are restricted to the alluvial soils of the Glenns Ferry Formation. This sandy substrate is of granitic origin and typically coarse textured, well-drained and relatively deep (Packard 1979; Prentice 1988). In the Boise Foothills, all populations occur on one of three sand-dominated geologic units-Pierce Gulch Formation Sand, Terteling Springs Formation Sand and Sandstone, and Terteling Springs Formation Sandy Sediments (Beck 1988). A large majority of Boise Foothill populations occur on three soil mapping units of Beck (1988): Quincy-Lankbush complex, Payette-Quincy complex, and Harw-Lankbush complex. Rarely, populations or portions of populations occur on other soil types, namely, Lankbush-Brent sand loam, Ada gravelly sand, and Searless-Rock outcrop complex. All known populations except for the two in Cartwright Canyon occur between 2700 - 4300 feet elevation, with the great majority below 3700 feet. Cartwright Canyon populations occur at 4950 and 5100 feet, and possibly indicate that soil characteristics such as texture are more important than elevation in determining the distribution of *Allium aaseae* (McNeal 1993)."

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Materials and Methods of this Study

I informally consulted with botanical experts from the Idaho Conservation Data Center, including Michael Mancuso, to identify and discuss locations of previous occurrences of Aase's onion in the Boise Foothills and the details of those observations. This information - in combination with color aerial photography available from GoogleEarth©2005, Community Planning of Southwest Idaho (COMPASS), and other sources - allowed me to locate areas on the photograph based on descriptions of habitat in the literature where color, texture, and patterns suggested Aase's onion was most likely to occur.

From April 7 to April 24, 2006 Greg Carson (Millennium Science and Engineering, Inc.) and I conducted systematic field studies of the project area to identify and locate occurrences of Aase's onion and delineate their boundaries by the use of a resource grade Global Positioning System (GPS) with accuracy of 1 foot or less. We traversed in tandem all hillsides, ridges, and valleys within the project area and recorded point occurrences of both presence and absence of Aase's onion. The early data allowed us to refine the coarse, near white image of potential Aase's onion habitat seen on aerial photography and improve the reliability of this image being a predicator of its actual presence.

Data were downloaded after each day in the field to produce a map of distribution of occurrences of Aase's onion that was displayed over an aerial photograph serving as a geographic reference. A composite was generated over time to produce a highly accurate map showing occurrences in combination with soil types that were previously mapped by the US Department of Agriculture - Natural Resources Conservation Service. Polygons surrounding point occurrences were drawn based on the presence / absence data we generated; our observations in the field; and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography.

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Results

The result of field studies is a map showing *point occurrences* of presence / absence of Aase's onion within the project area. The map also shows our interpretation of this data, which delineates the boundaries of clusters of individual plants growing in close proximity to one another. From this *areas of occurrences* can be calculated (see Figure 2). Although the density of occurrences varies within and between polygons, each polygon delineates the boundaries of appropriate habitat where the actual presence of clusters of Aase's onion were observed. Conversely, point occurrences of the presence of Aase's onion also appear on portions of the map without a corresponding polygon surrounding them. We observed these to be isolated individuals and therefore conclude it not appropriate for them to contribute to a calculation of area.

These data and the map will be provided to the Idaho Department of Fish and Game - Conservation Data Center to contribute to the body of knowledge they maintain as the elements of occurrence database.

This narrative, map, and other graphics document the presence of Aase's onion within the project area and delineates their boundaries. It will be provided to Stewart Land Group in both hardcopy and electronic format. Neither Ecological Design, Inc. nor Millennium Science and Engineering, Inc. can authenticate modifications to these documents made by others.

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BOISE FOOTHILLS CONCEPT PLAN

Open Space Not Used
Onion Fields
Used Area
Open Space North Parcel

LOTS 126 - 15,000 S.F. +/-
TOWN HOMES 46

Figure 2 - Map of Surveyed Aase's Onion
Boise Foothills Property
Boise, Idaho

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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
Robert B. Tiedemann, CPWS, CWD, CFS, CWB

Prepared for:
Boise City Planning and Zoning
Boise City Parks and Recreation
Commissioners and Staff

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Kerry Winn, Vice President of Operations

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Executive Summary
Boise Municipal Code places special importance on wetlands, riparian areas, and other natural features. It reads, in part, as shown below.

> 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, 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.

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Priority Open Space Characteristics:

Of the following eleven characteristics of high priority open space, at least four must co-exist 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
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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
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.

The following narrative, map, and other graphics that contribute to this report describe materials, methods, and results of studies documenting occurrences of wetlands and riparian areas within the project area. The map shows polygons around wetlands and riparian areas based on data we generated in the field and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography.

This report also classifies wetlands, where observed, in accordance with methods prescribed by the US Fish and Wildlife Service (FWS) in the document *Classification of Wetland and Deepwater Habitats of the United States* (Cowardin et al. 1979).

This study was accomplished by limited inspection, reconnaissance, data gathering and other work in the field and a limited review of readily available information including the published literature. The information contained in this report alone should not be used to document activities in *waters of the State of Idaho* as required by the Idaho Stream Channel Protection Act, or in *waters of the United States* as required by the §404 of the Clean Water Act.

BACKGROUND

The project area is located in northwest Boise at the boundary of the foothills with what is commonly called the Collister Neighborhood. It is bounded on the east by North Collister Drive, on the west by North Plano Lane, on the north by an irregular property line extending from the north end of North Collister Drive to North Plan Lane, and to the south by Hill Road. It is located in Sections 17, 18, 19, 20, and 21 of Township 4N, Range 2E and can be seen on the Boise, North US Geological Survey 7.5 Minute Quadrangle Map (see Figure

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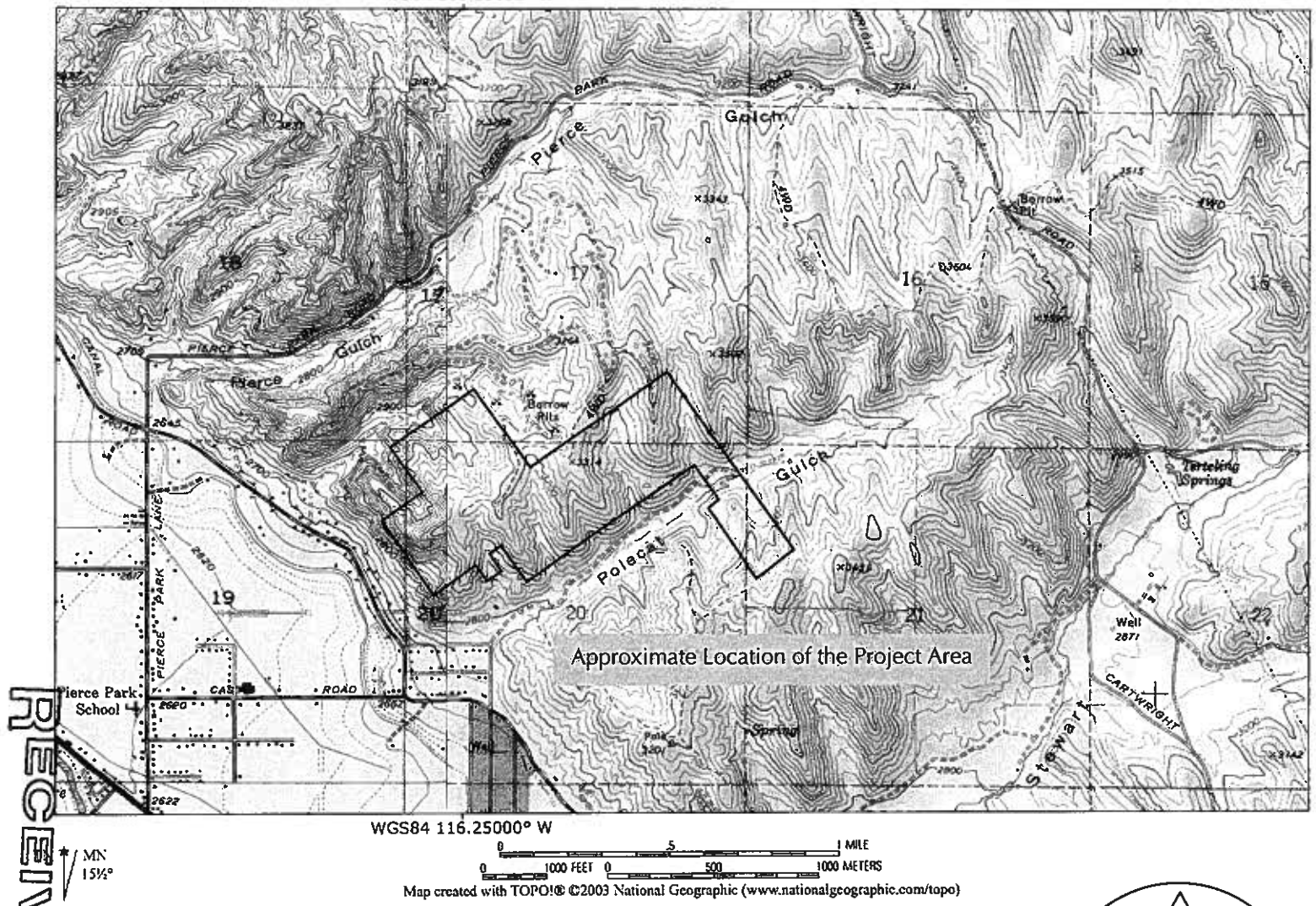


Figure 1 - US Geological Survey 7.5 Minute Quadrangle Map
Boise Foothills Property
Boise, Idaho

Ecological Design, Inc.
February 28, 2007

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The project area is within the ridge and valley section of the foothills of the Boise Mountains where lacustrine deposits, alluvium, and colluvium have been eroded, transported, and redeposited leaving soils that are largely course in texture and ranging from sandy loam to sand. Thick layers of homogeneous soils are slightly tipped, but largely horizontally stratified leaving the appearance, when viewed from a distance, of distinct bands of soils and corresponding vegetation.

Polecat Gulch, at and near the east boundary of the project area, flows intermittently (see Figure 1) in spring and during summer thunderstorms. A single predominant ridge runs north / south with numerous ridges and valleys running east / west from it. Scour marks, drift lines, and sediment deposits suggest some of these valleys also intermittently convey surface water. Much of the landscape is south facing and exposed to greater solar radiation than other hillside faces.

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On February, 27, 2007 I revisited the project area to confirm there were no changes in hydrology, soils, or vegetation that would contribute to a change in the status of previously identified wetlands and riparian areas.

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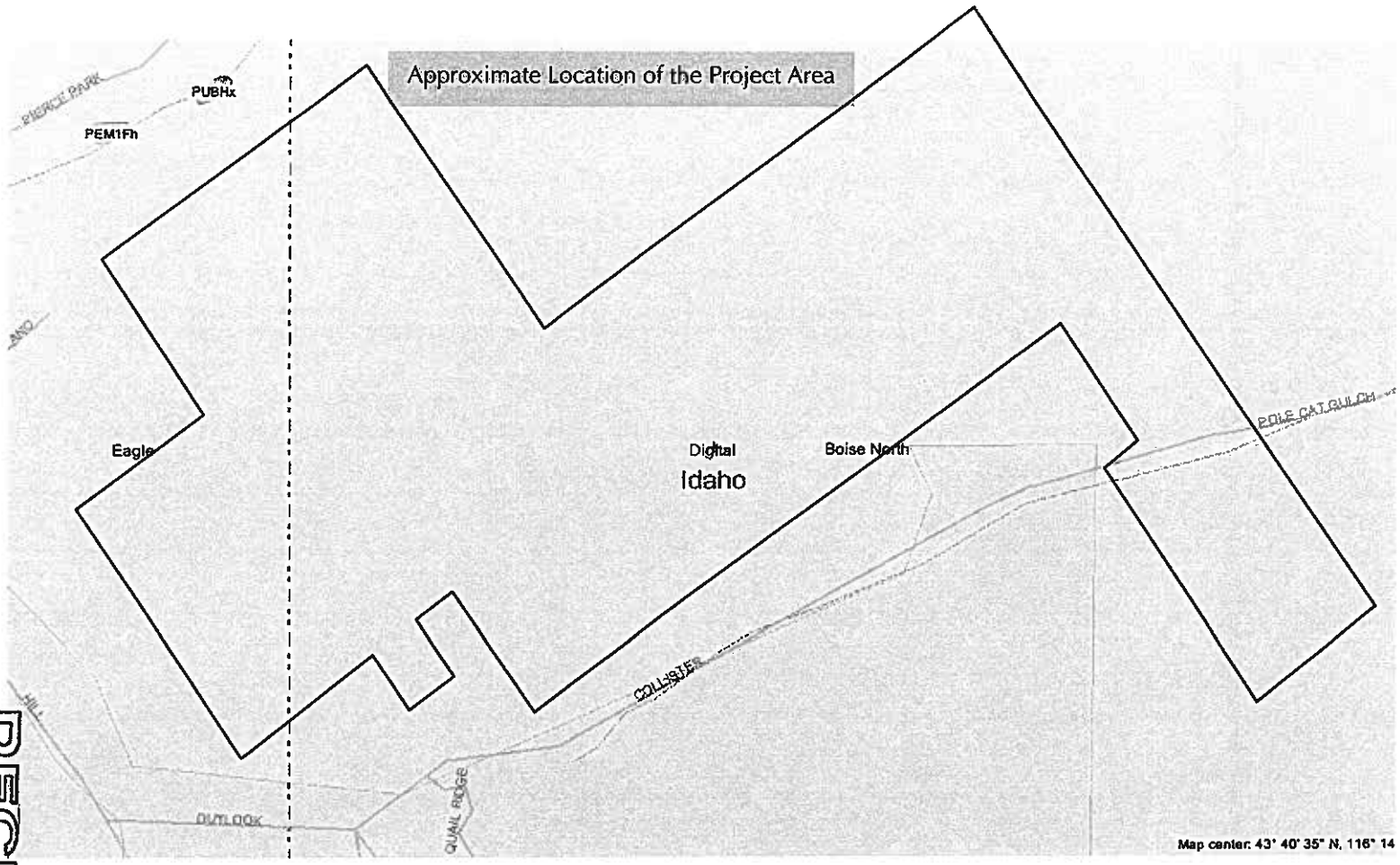


Figure 2 - US Fish and Wildlife Service National Wetlands Inventory Map
Boise Foothills Property
Boise, Idaho

Ecological Design, Inc.
February 28, 2007

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This narrative, map, and other graphics documents the presence wetlands and riparian areas within the project area and delineates their boundaries. It will be provided to Stewart Land Group in both hardcopy and electronic format. Neither Ecological Design, Inc. nor Millennium Science and Engineering, Inc. can authenticate modifications to these documents made by others.

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Cronquist, A., A.H. Holmgren, N.H. Holmgren, J.L. Reveal, and P.K. Holmgren. 1977. Intermountain Flora - Volume Six. Columbia University Press, New York, NY. 584 pp.

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Wetlands Survey

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
Robert B. Tiedemann, CPWS, CWD, CFS, CWB

Prepared for:
Boise City Planning and Zoning
Boise City Parks and Recreation
Commissioners and Staff

Stewart Land Group
Kerry Winn, Vice President of Operations

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Executive Summary
Boise Municipal Code places special importance on wetlands, riparian areas, and other natural features. It reads, in part, as shown below.

> 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, 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.

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Priority Open Space Characteristics:

Of the following eleven characteristics of high priority open space, at least four must co-exist 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
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.

The following narrative, map, and other graphics that contribute to this report describe materials, methods, and results of studies documenting occurrences of wetlands and riparian areas within the project area. The map shows polygons around wetlands and riparian areas based on data we generated in the field and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography.

This report also classifies wetlands, where observed, in accordance with methods prescribed by the US Fish and Wildlife Service (FWS) in the document *Classification of Wetland and Deepwater Habitats of the United States* (Cowardin et al. 1979).

This study was accomplished by limited inspection, reconnaissance, data gathering and other work in the field and a limited review of readily available information including the published literature. The information contained in this report alone should not be used to document activities in *waters of the State of Idaho* as required by the Idaho Stream Channel Protection Act, or in *waters of the United States* as required by the §404 of the Clean Water Act.

BACKGROUND

The project area is located in northwest Boise at the boundary of the foothills with what is commonly called the Collister Neighborhood. It is bounded on the east by North Collister Drive, on the west by North Plano Lane, on the north by an irregular property line extending from the north end of North Collister Drive to North Plan Lane, and to the south by Hill Road. It is located in Sections 17, 18, 19, 20, and 21 of Township 4N, Range 2E and can be seen on the Boise, North US Geological Survey 7.5 Minute Quadrangle Map (see Figure

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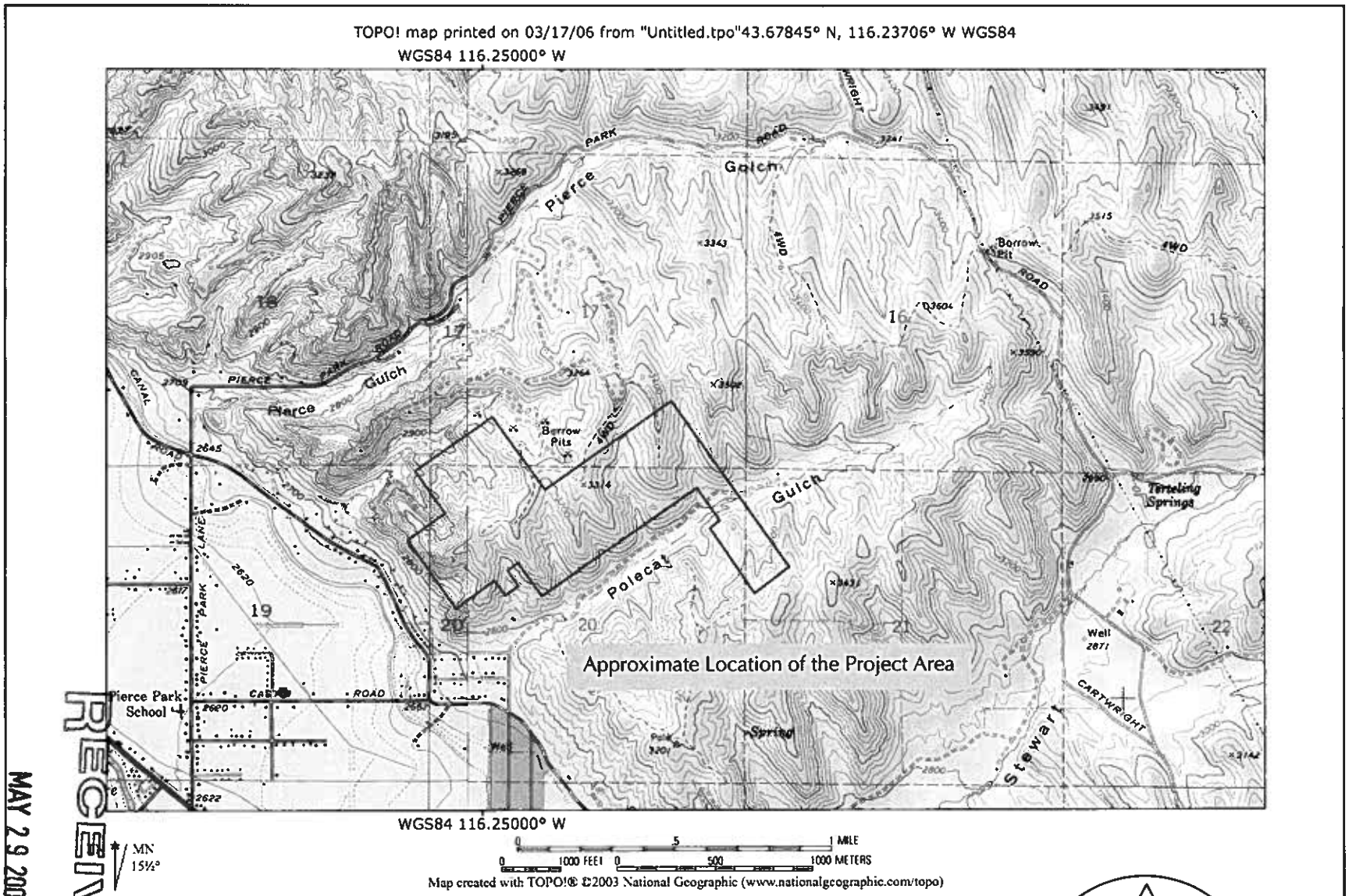


Figure 1 - US Geological Survey 7.5 Minute Quadrangle Map
Boise Foothills Property
Boise, Idaho

Ecological Design, Inc.
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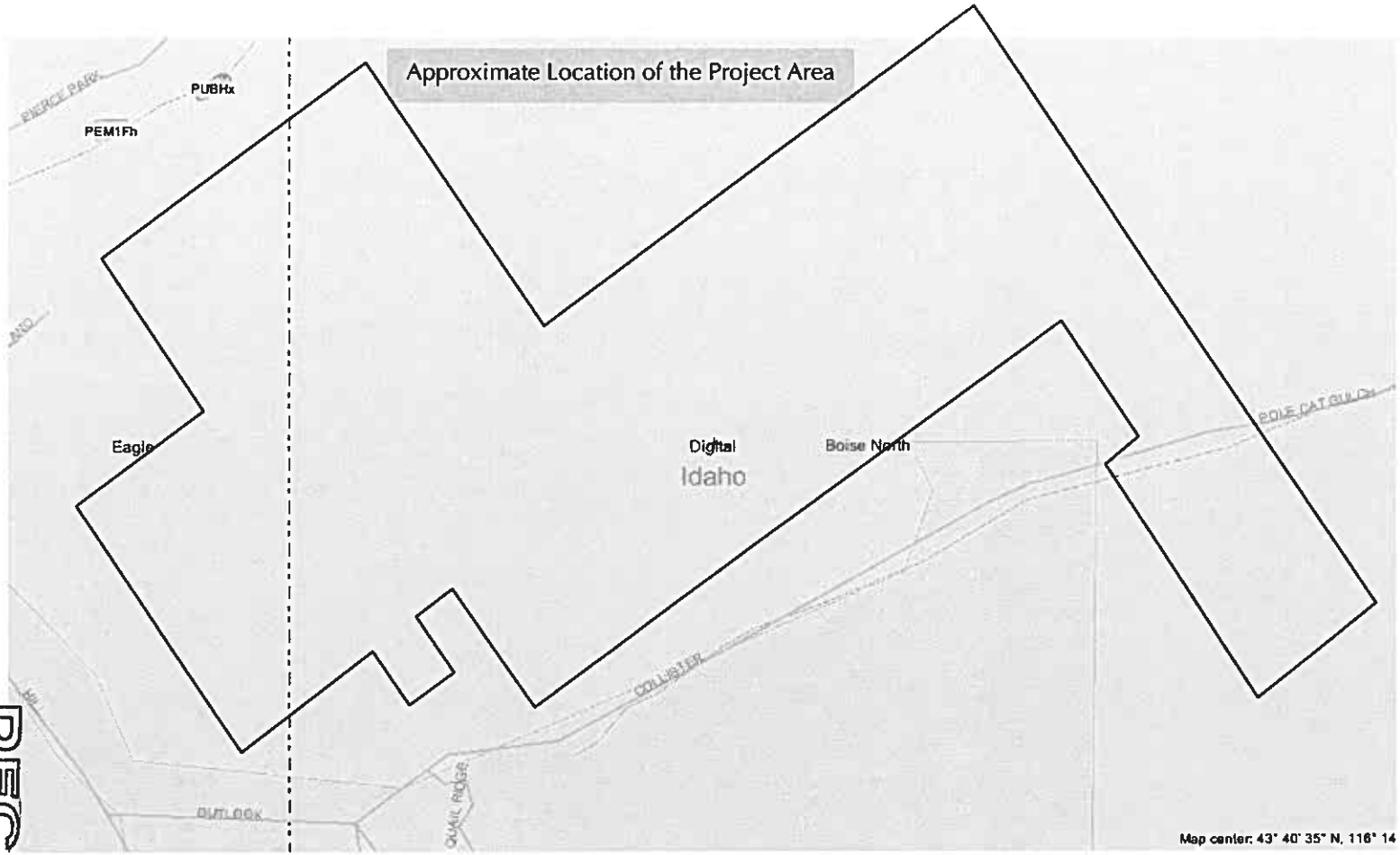


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10 I

General Design Criteria

June 30, 2008

Exhibit L

Design Review Criteria
For The Plano Road Subdivision

I. The General Site Design and Landscaping Criteria are to be applied to all the residential structures in the Plano Road Subdivision. They are listed below and come from the Boise Fire Department and the Idaho Department of Fish and Game. The goal is to involve homeowners and designers in the special challenges encountered when building and living in the Foothills.

The Design Review Criteria and their application are subject to the Development Agreement for CAR07-00042/DA and the Conditional Use Permit (CUP), CUP07-00084, that regulate the Plano Road Subdivision. Changes to these criteria are subject to modification of the conditional use permit. They represent the combination of requirements from Boise Planning and Development Services Department, Boise Parks and Recreation Department, Boise Fire Department and The Idaho Department of Fish and Game.

The Design Review Criteria shall also be adopted by the Homeowners' Association, and their representatives shall review and approve all remodels and site changes after a letter of compliance has been issued.

II. General Site Design and Landscaping Criteria

Boise Fire Department Plano Lane Subdivision Site Design Criteria

1. 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.

2. The use of Class A (noncombustible) roofs within all Foothills developments shall be required. This shall include retrofit for houses that 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 5,000 square feet.

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

5. All newly constructed Foothills structures shall be protected by a landscaped firebreak. Examples will be supplied by the Boise Fire Department.

6. 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 firebreak.

Fire Safety Plan

7. A fire safety plan shall be filed with the Planned Unit Development (PUD) 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 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.

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 Idaho Department of Fish and Game Design Criteria

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 Homeowners' Association CC& Rs.

8. 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.

9. The following items shall be included in 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. Free roaming 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 undue 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Utilize effective means to protect ornamental trees and shrubs from being eaten by wildlife such as wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife.

15. Bird feeders should be routinely cleaned to prevent the spread of disease.

16. 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.

17. 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, and e) place livestock in enclosed sheds or barns at night.

III. Specific Design Criteria

Mitigation of Visual Impacts of the Development

Purpose: The *Foothills Policy Plan* recommends building and site design methods and criteria that would serve to mitigate the visual impact of ridgeline developments. These policies must be balanced with project design conventions that provide a safe and functional suburban setting. Therefore, the design and layout of all structures in the development shall comply with a binding set of design criteria with the purpose of lessening the visual impacts of the structures when viewed from the valley. The goal is to design the building layouts and appearances to blend in with, and sit harmoniously upon, the land. These design criteria shall include restrictions on building heights, exterior finishes and colors, building setbacks from the crown of the ridges, window pane reflectivity, lighting, building orientation, and siting to minimize impacts on unique geologic features or sensitive plant species and include provisions for fire safety in lot access and landscaping design. The design criteria will be listed as conditions of approval in the CUP and be subject to amendment requirements of that permit. The CUP will also include an exhibit that defines the building envelopes for each buildable lot that will be reviewed and approved with the design criteria as described above.

Applicability: The Specific Design Criteria pertain only to those building lots that occupy the most prominent southwest and south-facing ridgelines of the subdivision, and are specified on a Design Review Overlay map attached, Exhibit M date stamped received June 30, 2008.

The process for the design review will be as follows:

a. When a building permit application is submitted to the City's Planning and Development Services Department, the structure and site layout will undergo an administrative review by the Planning Director for compliance with the design criteria adopted in the CUP.

b. Grading and fence permits will also be subject to the design criteria.

c. Staff will conduct a site inspection for compliance with the design review and be required to sign-off the applicable letter of compliance when compliance is met.

d. The design criteria shall also be adopted by the Homeowners' Association, which shall review and approve all remodels and site changes after a letter of compliance has been issued, with the City only having design review responsibilities when a letter of compliance is required.

Specific Design Criteria

18. Colors for the siding and roofing materials are limited to the accompanying color pallet for structures within the Design Review Overlay Zone. The colors are earth tones in darker hues as shown in Attachment A.

19. Roofing material shall be in the darker hues of the color pallet, and made of Class A (noncombustible) roofing material.

20. No reflective siding materials shall be utilized on any surface (?).

21. South and west-facing windows shall be finished in a low-reflective glazing. Glazing on these elevations shall provide a canopy or screening to reduce the amount of sun hitting the glass.

22. Reflective materials are prohibited on the south and west facing sides of the structures including soffits, window sashes and trim, doors and chimneys. These kinds of items shall use colors from Attachment A.

23. Structures will be subject to a 28-foot height limitation as further defined in Boise City Design Review Criteria.

24. Structures shall be set back 30 feet from the crown of the ridge to reduce visibility from south and southwest. The crown of the ridge is defined as the cut, fill and setback line from the edge of the grading as depicted on the Boise Foothills Concept Plan Map date stamped March 27, 2008 in the CUP application materials.

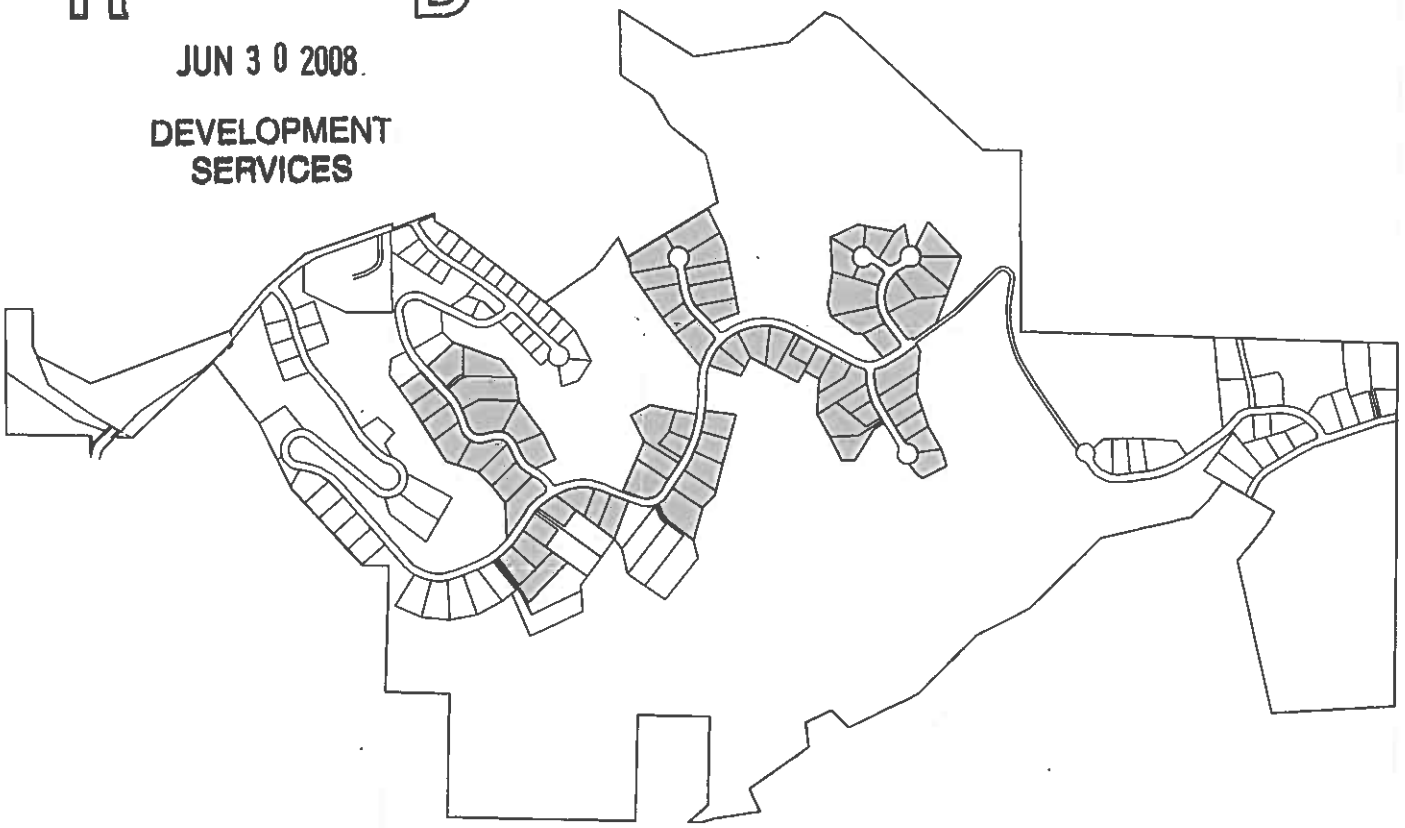
25. Property owners shall provide minimal lighting on the south and west facing side of the property. All lighting used shall include shields that direct the light down, reducing glare on surrounding properties and meets all dark sky practices. The footcandles of the light at the properties lines shall not exceed one footcandle as measured two feet above the ground.

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DEVELOPMENT SERVICES

Design Review Overlay





CONCEPT LEGEND

- SETBACK AND HEIGHT RESTRICTIONS
- COLOR AND MATERIAL RESTRICTIONS
- STANDARD CC&R RESTRICTIONS

- COLOR AND MATERIAL RESTRICTIONS
- STANDARD CC&R RESTRICTIONS

- STANDARD CC&R RESTRICTIONS

Exhibit M

ADS Stewart Land Group
An AIMTEC DEVELOPMENT SERVICES COMPANY
REAL ESTATE SERVICES
6995 So. Union Park Ave #360 Midvale, UT 84047
phone: (801) 283-9128 fax: (801) 283-9167

BOISE FOOTHILLS

GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.

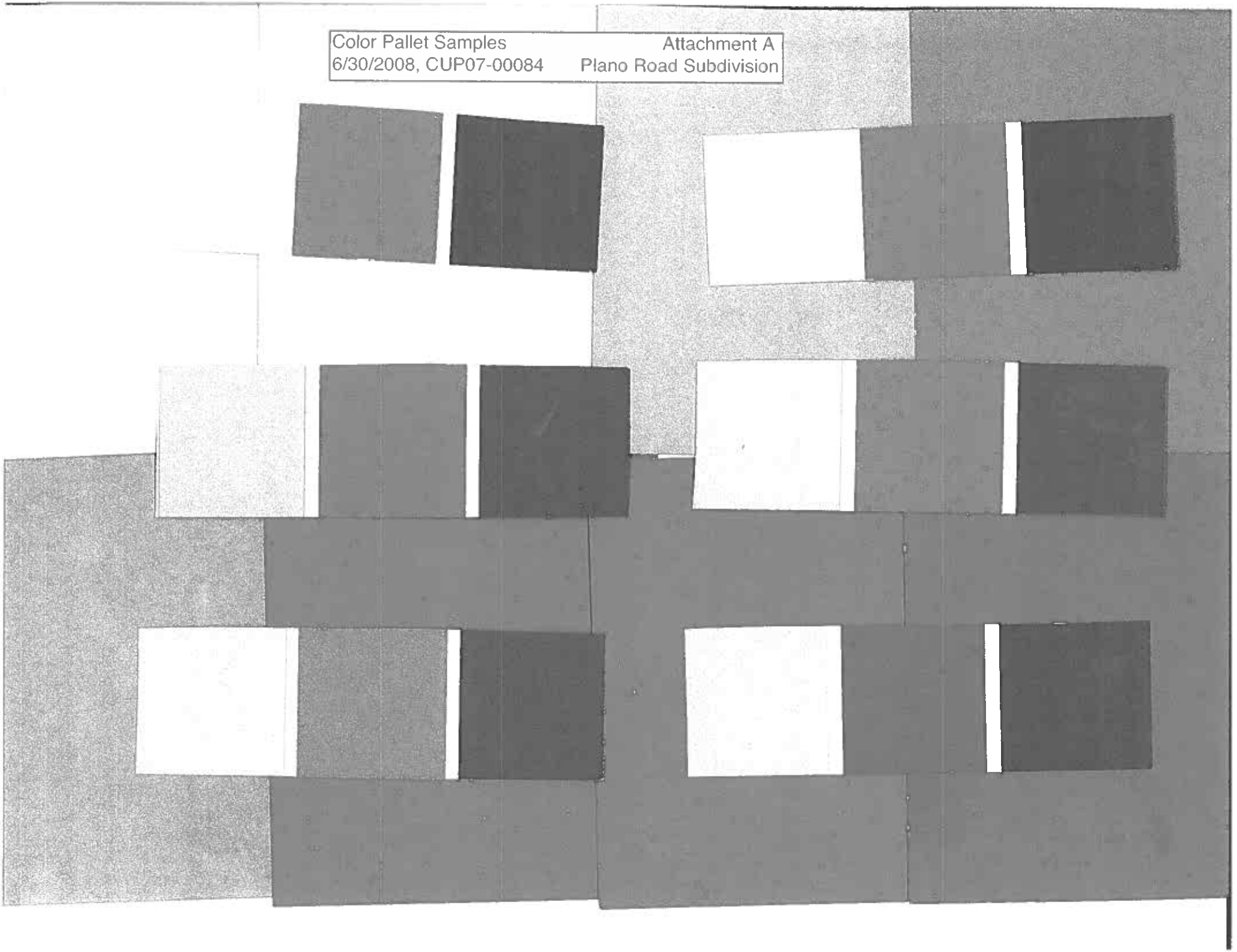
NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/30/2008	6/30/2008

LEGEND

- Conceptual
- Property Boundary
- Ada Parcels

SHEET NO. 1 OF 1


Color Pallet Samples
6/30/2008, CUP07-00084
Attachment A
Plano Road Subdivision

BOISE MUNICIPAL CODE
CHAPTER 11-06
A REPORT DISCUSSING GENERAL DESIGN CRITERIA, SPECIAL AREAS ANALYSIS, AND PRELIMINARY / CONCEPTUAL DESIGN REQUIREMENTS

PLANO ROAD SUBDIVISION
BOISE, IDAHO

JUNE 6, 2008

Prepared by:
Ecological Design, Inc.
Boise, Idaho
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Prepared for:
Boise City Planning and Zoning
Commissioners and Staff

Stewart Land Group
Kerry Winn, Vice President of Operations

Preliminary Draft

EXECUTIVE SUMMARY

Boise Municipal Code places special importance on waterways and wetlands; deer and elk habitat and migration corridors; rare, threatened, and endangered plants; and historic and aesthetic features of the natural landscape. It reads, in part, as shown below.

Boise Municipal Code
Chapter 11-06
Planning and Zoning Commission Application Requirements and Procedures

11-06-05.07.05. General Design Criteria
C. The general design and use of preserved open space shall comply with the following requirements:

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.

Appendix A
Application Submitting Requirements
The following items are required for a Foothills Planned Development application, in addition to those items required for submitting of a standard Planned Development application under Section 11- 06-05, and a "Hillside and Foothill Area Development" permit application under Section 11-14.

2. A special area analysis in map and table form depicting the general locations of:
   a. Floodways, floodway fringes, wetlands and riparian areas;
   b. Deer and elk migration corridors as determined by the Idaho State Fish and Game Department and found on maps referenced in The Plan;
   c. Location of rare, threatened and endangered plant species and communities regulated under the Endangered Species Act of 1973, and administered by U. S. Fish and Wildlife Service Division of Endangered Species;
   d. Geologic and/or historic features of note and sites designated as Heritage sites.
   e. Potential buildable ridge tops visible as skyline features from below the Foothills.

Foothills Planned Development Design Process and Application Form Checklist Phase II - Preliminary/Conceptual Design Requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain permit applications:
7. Identify proposed preserved open space area(s) based upon site characteristics including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, unique features, etc.

This report responds to the requirements of **Boise Municipal Code 11-06-05.07.05. General Design Criteria** and presents anecdotal evidence of use of the property by resident mule deer (*Odocoileus hemionus*) gathered during field studies in the Spring of 2006 and 2007 by Rob Tiedemann and Greg Carson (Millenium Science and Engineering, Inc.). It also reviews unpublished reports, peer reviewed papers, and other documents in the literature describing game and non-game habitat and migration corridors on the property and surrounding areas. And, it documents interviews with those persons from Idaho Department of Fish and Game with local knowledge of game and non-game wildlife.

This report also analyzes features identified in **Boise Municipal Code Chapter 11-06, Appendix A, Application Submitting Requirements** as Special Areas and presents maps of these features.

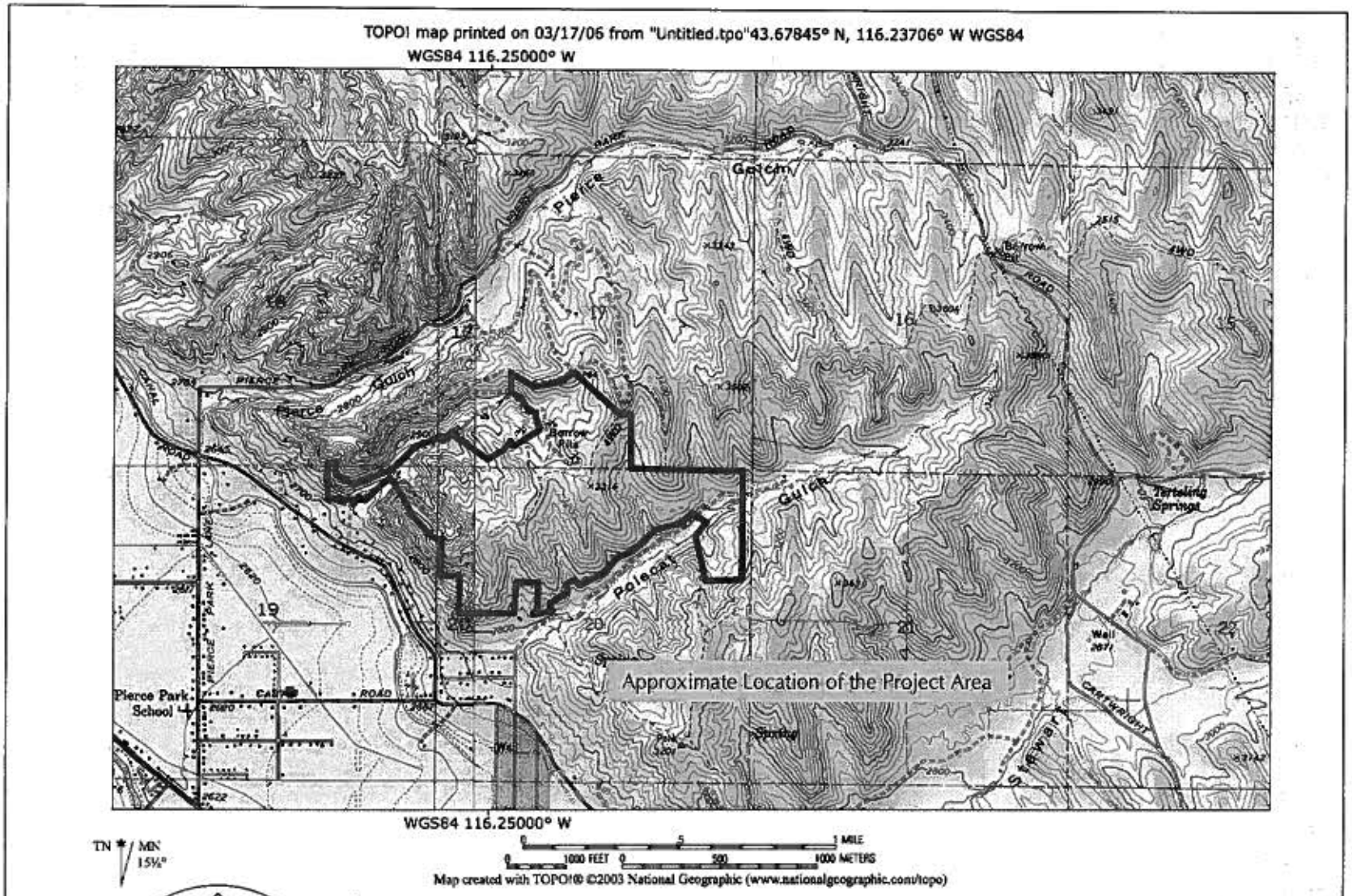
Finally, this report identifies and locates site characteristics that validate the locations of proposed open space - including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, and unique features - as required in the **Foothills Planned Development Design Process and Application Form Checklist Phase II**.

BACKGROUND

The project area is located in northwest Boise at the boundary of the foothills with what is commonly called the Collister Neighborhood. It is bounded on the east by North Collister Drive, on the west by North Plano Lane, on the north by an irregular property line extending from the north end of North Collister Drive to North Plano Lane, and to the south by Hill Road. It is located in Sections 17, 18, 19, 20, and 21 of Township 4N, Range 2E and can be seen on the Boise, North US Geological Survey 7.5 Minute Quadrangle Map (see Figure 1).

The project area is within the ridge and valley section of the foothills of the Boise Mountains where lacustrine deposits, alluvium, and colluvium have been eroded, transported, and redeposited leaving soils that are largely course in texture and ranging from sandy loam to sand.

Preliminary Draft



Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 1 - US Geological Survey 7.5 Minute Quadrangle Map
June 6, 2008

Thick layers of homogeneous soils are slightly tipped, but largely horizontally stratified leaving the appearance, when viewed from a distance, of distinct bands of soils and corresponding vegetation. Polecat Gulch, at and near the east boundary of the project area, flows intermittently in spring and during summer thunderstorms. A single predominant ridge runs north-south with numerous ridges and valleys running east-west from it. Scour marks, drift lines, and sediment deposits suggest some of these valleys also intermittently convey surface water. Much of the landscape is south facing and exposed to greater solar radiation than other hillside faces.

The area has been disturbed in the past by the construction and use of primitive dirt roads and trails, and the rough grading of what appears to be a building pad. However, the degree of disturbance is less than expected given its proximity to urban development and recreational users of the foothills. Predominant vegetation includes, but is not limited to, basin big sagebrush (*Artemesia tridentata* ssp. *tridentata*), bitterbrush (*Purshia tridentata*), cheatgrass (*Bromus tectorum*), three awn (*Aristida purpurea*), phlox (*Phlox sp.*), and storks bill (*Erodium dicutarium*). Great Basin wildrye (*Elymus cinereus*) sporadically grows in stands mostly located high in each drainage way.

BOISE MUNICIPAL CODE CHAPTER 11-06, APPENDIX A, APPLICATION SUBMITTING REQUIREMENTS

Wildlife Habitat Value and Migration Corridors

The two distinct communities of vegetation growing within the boundaries of the project area provide habitat for game and non-game species of wildlife. Some species make exclusive use of upland as compared to wetland habitat, while others make use of both depending on their life stage (e.g. juvenile v. adult) or daily and seasonal need for a particular component of habitat (e.g. reproductive space v. cover from predators v. winter browse).

Terrestrial Wildlife

Game and non-game wildlife species known to occur in the southwest region of Idaho in habitat provided by uplands including urban areas, farmlands, sagebrush steppe, shrub steppe, desert, rocky canyons, and grasslands are summarized in Table 1. These species may be found within the boundaries of the project area.

Table 1 - Species of Reptiles, Amphibians, and Mammals Known to Occur in Upland Habitat in the Southwest Region of Idaho

Reptiles:

1. Mojave black collared lizard (*Crotaphytus bicintores*)
2. longnose leopard lizard (*Gambelia wislizenii*)
3. short horned lizard (*Phrynosoma douglasii*)
4. sagebrush lizard (*Sceloporus graciosus*)
5. western fence lizard (*Sceloporus occidentalis*)
6. rubber boa (*Charina bottae*)
7. racer (*Coluber constrictor*)
8. ringneck snake (*Diadophis punctatus*)
9. night snake (*Hypsiglena torquata*)
10. gopher snake (*Pituophis melanoleucus*)
11. western terrestrial garter snake (*Thamnophis elegans*)
12. western rattlesnake (*Crotalus viridus*)

Preliminary Draft

Table 1 - Continued

Amphibians:

1. long toed salamander (*Ambystoma macrodactylum*)
2. western toad (*Bufo boreas*)
3. Woodhouses's toad (Bufo woodhousei)
4. Pacific tree frog (*Hyla regilla*)
5. Great Basin spadefoot (*Scaphiopus intermontanus*)

Mammals:

1. Virginia opossum (*Didelphis virginiana*)
2. Merriam's shrew (*Sorex merriama*)
3. coast mole (*Scapanus orarius*)
4. little brown myotis (*Myotis lucifugus*)
5. Yuma myotis (*Myotis yumanensis*)
6. long eared myotis (*Myotis evotis*)
7. long legged myotis (*Myotis volans*)
8. California myotis (*Myotis californicus*)
9. western pipistrelle (*Pipistrellus hesperus*)
10. big brown bat (*Eptesicus fuscus*)
11. spotted bat (*Euderma maculatum*)
12. Townsend's big eared bat (*Piecotus townsendii*)
13. pallid bat (*Antrozous pallidus*)
14. pygmy rabbit (*Brachylagus idahoensis*)
15. Nutall's cottontail (*Sylvilagus nutallii*)
16. white tailed jackrabbit (*Lepus townsendii*)
17. black tailed jackrabbit (*Lepus californicus*)
18. least chipmunk (*Tamias minimus*)
19. yellow bellied marmot (*Marmota flaviventris*)
20. white tailed antelope squirrel (*Ammospermophilus leucurus*)
21. Townsend's ground squirrel (*Spermophilus townsendii*)
22. Idaho ground squirrel (*Spermophilus brunneus*)
23. fox squirrel (*Sciurus niger*)
24. Townsend's pocket gopher (*Thomomys townsendii*)
25. northern pocket gopher (*Thomomys talpoides*)
26. little pocket mouse (*Perognathus longimembris*)
27. dark kangaroo mouse (*Microdipodops megacephalus*)
28. Ord's kangaroo rat (*Dipodomys ordii*)
29. western harvest mouse (*Reithodontomys megalotis*)
30. canyon mouse (*Peromyscus crinitus*)
31. deer mouse (*Peromyscus maniculatus*)
32. northern grasshopper mouse (*Onychomys leucogaster*)
33. desert woodrat (*Neotoma lepida*)
34. bushy tailed woodrat (*Neotoma cinerea*)
35. montane vole (*Microtus montanus*)
36. sagebrush vole (*Lemmiscus curtatus*)
37. Norway rat (*Rattus norvegicus*)
38. house mouse (*Mus musculus*)

Preliminary Draft

Table 1 - Continued

39. coyote (*Canis latrans*)
40. red fox (*Vulpus vulpes*)
41. kit fox (*Vulpus microtis*)
42. raccoon (*Procyon lotor*)
43. ermine (*Mustela erminea*)
44. long tailed weasel (*Mustela frenata*)
45. badger (*Taxidea taxus*)
46. western spotted skunk (*Spilogale gracilis*)
47. striped skunk (*Mephitis mephitis*)
48. mountain lion (*Felis concolor*)
49. bobcat (*Felis rufus*)
50. elk (*Cervus elaphus*)
51. mule deer (*Odocoileus hemionus*)
52. pronghorn antelope (*Antilocapra americana*)

(Source: Groves and Marks 1985)

Game and non-game wildlife species known to occur in the southwest region of Idaho in habitat provided by wetlands including wet meadows, marshes, streams, and riparian areas are summarized in Table 2. These species may be found within the boundaries of the project area.

Table 2 - Species of Reptiles, Amphibians, and Mammals Known to Occur in Wetlands in the Southwest Region of Idaho

Reptiles:
1. western skink (*Eumeces skiltonianus*)
2. western terrestrial garter snake (*Thamnophis elegans*)
3. common garter snake (*Thamnophis sirtalis*)

Amphibians:
1. western toad (*Bufo boreas*)
2. Pacific tree frog (*Hyla regilla*)
3. striped chorus frog (*Hyla triseriata*)
4. Great Basin spadefoot (*Scaphiopus intermontanus*)
5. northern leopard frog (*Rana pipiens*)
6. spotted frog (*Rana pretiosa*)

Mammals:
1. vagrant shrew (*Sorex vagrans*)
2. western pipistrelle (*Pipistrellus hesperus*)
3. nutall's cottontail (*Sylvilagus nutallii*)
4. beaver (*Castor canadensis*)
5. deer mouse (*Peromyscus maniculatus*)
6. meadow vole (*Microtus pennsylvanicus*)
7. muskrat (*Ondatra zibethica*)
8. western jumping mouse (*Zapus princeps*)

Preliminary Draft

Table 2 - Continued

9. porcupine (*Erethizon dorsatum*)
10. raccoon (*Procyon lotor*)
11. ermine (*Mustela erminea*)
12. striped skunk (*Mephitis mephitis*)
13. red fox (*Vulpes vulpes*)
14. mule deer (*Odocoileus hemionus*)

(Source: Groves and Marks 1985)

Big Game, Daily and Seasonal Migration Corridors

Idaho Department of Fish and Game, Southwest Region has observed, and local residents have reported a resident population of mule deer within the project area. Mule deer numbers observed by Rob Tiedemann and Greg Carson (Millennium Science and Engineering, Inc.) from April 7 to April 24, 2006 and from April 16 to April 24, 2007 ranged from 8 to 14. They moved mostly in the valley bottoms as a single herd from the east to the west side, and back, of the north-south trending ridgeline. They particular favored a valley bottom west of the ridgeline where clusters of woody shrubs provide cover and where they loiter. Although close to existing residences, we also observed them at an isolated wetland east of the ridgeline, presumably using it as a source of water. We observed game trails throughout the project area, but none on ridgelines where individuals would be exposed and without cover.

Migratory populations of mule deer and pronghorn antelope have been repeatedly observed by the Idaho Department of Fish and Game, Southwest Region within the project area during systematic winter counts of big game. Their locations are shown on a map prepared by Idaho Department of Fish and Game, Southwest Region (see Figures 2a and 2b). In general, their numbers are greatest north and east of the project area at higher elevations and closer to Lucky Peak. Within the project area, the numbers of observed mule deer is described as low (i.e. 1 to 15 per square mile).

Raptors and Owls, Passerine Birds, and Upland Birds

In addition to the species of wildlife listed in Tables 1 and 2, numerous species of raptors and owls, passerine birds, and upland birds may feed, perch, roost, and nest within the boundaries of the project area. A complete list of all birds that may occupy habitat present within the project area are listed below (see Table 3):

Table 3 - Species of Birds Known to Occur in the Southwest Region of Idaho

Birds:

Herons

1. great blue heron (*Ardea herodias*)

Cranes, Rails, and Swans

2. sandhill crane (*Grus canadensis*)
3. Virginia rail (*Rallus limicola*)
4. sora (*Porzana carolina*)
5. tundra swan (*Cygnus columbianus*)

Preliminary Draft

Table 3 - Continued

Waterfowl

6. Canada goose (*Branta canadensis*)
7. northern pintail (*Anas acuta*)
8. wood duck (*Aix sponsa*)
9. common merganser (*Mergus merganser*)
10. hooded merganser (*Lophodytes cucullatus*)
11. green-winged teal (*Anas crecca*)
12. blue-winged teal (*Anas discors*)
13. American widgeon (*Anas americana*)
14. cinnamon teal (*Anas cyanoptera*)
15. mallard (*Anas platyrhynchos*)
16. gadwall (*Anas strepera*)
17. lesser scaup (*Aythya affinis*)
18. ringed-neck duck (*Aythya collaris*)
19. common goldeneye (*Bucephala clangula*)
20. Barrow's goldeneye (*Bucephala islandica*)

Shorebirds

21. killdeer (*Charadrius vociferus*)
22. spotted sandpiper (*Actitis macularia*)
23. upland sandpiper (*Bartramia longicauda*)
24. solitary sandpiper (*Tringa solitaria*)
25. lesser yellowlegs (*Tringa flavipes*)
26. greater yellowlegs (*Tringa melanoleuca*)
27. Wilson's snipe (*Gallinago gallinago*)
28. long-billed curlew (*Numenius americanus*)

Gulls

29. ringed-billed gull (*Larus delawarensis*)
30. California gull (Larus californicus)

Vultures, Hawks, and Eagles

31. turkey vulture (*Cathartes aura*)
32. osprey (*Pandion haliaetus*)
33. northern harrier (*Circus cyaneus*)
34. sharp-shinned hawk (*Accipiter striatus*)
35. Cooper's hawk (*Accipiter cooperii*)
36. northern goshawk (*Accipiter gentilis*)
37. broad-winged hawk (*Buteo platypterus*)
38. Swainson's hawk (*Buteo swainsoni*)
39. red-tailed hawk (*Buteo jamaicensis*)
40. ferruginous hawk (*Buteo regalis*)
41. golden eagle (*Aquila chrysaetos*)
42. bald eagle (*Haliaeetus leucocephalus*)
43. American kestrel (*Falco sparverius*)
44. merlin (*Falco columbarius*)

Preliminary Draft

Table 3 - Continued

45. prairie falcon (*Falco mexicanus*)
46. peregrine falcon (*Falco peregrinus*)

Grouse and Ptarmigans
47. chukar (*Alectoris chukar*)
48. spruce grouse (*Falcipennis canadensis*)
49. ruffed grouse (*Bonasa umbellus*)
50. blue grouse (*Dendragapus obscurus*)
51. sage grouse (*Centrocercus urophasianus*)
52. Gambel's quail (*Callipepla gambelii*)

Pigeons and Doves
53. rock pigeon (*Columba livia*)
54. mourning dove (*Zenaida macroura*)
55. yellow-billed cuckoo (*Coccyzus americanus*)
56. black-billed cuckoo (*Coccyzus erythropthalmus*)

Nighthawks and Owls
57. common nighthawk (*Chordeiles minor*)
58. great-horned owl (*Bubo virginianus*)
59. flammulated owl (*Otus flammeolus*)
60. burrowing owl (*Athene cunicularia*)
61. long-eared owl (*Asio otus*)
62. short-eared owl (*Asio flammeus*)
63. western screech-owl (*Otus kennicottii*)
64. northern pygmy owl (*Glaucidium gnoma*)
65. northern saw-whet owl (*Aegolius acadicus*)
66. common poorwill (*Phalaenoptilus nuttallii*)

Swifts
67. chimney swift (*Chaetura pelagica*)
68. black swift (*Cypseloides niger*)
69. white-throated swift (*Aeronautes saxatalis*)

Kingfishers and Woodpeckers
70. belted kingfisher (*Ceryle alcyon*)
71. Lewis' woodpecker (*Melanerpes lewis*)
72. red-naped sapsucker (*Sphyrapicus nuchalis*)
73. Williamson's sapsucker (*Sphyrapicus thyroideus*)
74. pileated woodpecker (*Dryocopus pileatus*)
75. hairy woodpecker (*Picoides villosus*)
76. downy woodpecker (*Picoides pubescens*)
77. northern flicker (*Colaptes auratus*)

Preliminary Draft

Table 3 - Continued

Hummingbirds
78. black-chinned hummingbird (*Archilochus alexandri*)
79. calliope hummingbird (*Stellula calliope*)
80. broad-tailed hummingbird (*Selasphorus platycercus*)
81. rufus hummingbird (*Selasphorus rufus*)

Flycatchers
82. western wood-pewee (*Contopus sordidulus*)
83. olive-sided flycatcher (*Contopus cooperi*)
84. Hammond's flycatcher (*Empidonax hammondii*)
85. dusky flycatcher (*Empidonax oberholseri*)
86. willow flycatcher (*Empidonax traillii extimus*)
87. Cordilleran flycatcher (*Empidonax occidentalis*)
88. Say's phoebe (*Sayornis saya*)
89. western kingbird (*Tyrannus verticalis*)
90. eastern kingbird (*Tyrannus tyrannus*)

Larks and Swallows
91. horned lark (*Eremophila alpestris*)
92. tree swallow (*Tachycineta bicolor*)
93. violet-green swallow (*Tachycineta thalassina*)
94. northern rough-wing swallow (*Stelgidopteryx serripennis*)
95. bank swallow (*Riparia riparia*)
96. cliff swallow (*Petrochelidon pyrrhonota*)
97. barn swallow (*Hirundo rustica*)
98. purple martin (*Progne subis*)

Jays, Crows, and Magpies
99. Steller's jay (*Cyanocitta stelleri*)
100. Clark's nutcracker (*Nucifraga columbiana*)
101. black-billed magpie (*Pica hudsonia*)
102. American crow (*Corvus brachyrhynchos*)
103. common raven (*Corvus corax*)

Chickadees, Nuthatches, and Creepers
104. black-capped chickadee (*Poecile atricapilla*)
105. mountain chickadee (*Poecile gambeli*)
106. pygmy nuthatch (*Sitta pygmaea*)
107. red-breasted nuthatch (*Sitta canadensis*)
108. white-breasted nuthatch (*Sitta carolinensis*)
109. brown creeper (*Certhia americana*)

Preliminary Draft

Table 3 - Continued

Wrens and Dippers
110. marsh wren (*Cistothorus palustris*)
111. house wren (*Troglodytes aedon*)
112. rock wren (*Salpinctes obsoletus*)
113. American dipper (*Cinclus mexicanus*)

Kinglets
114. golden-crowned kinglet (*Regulus satrapa*)
115. ruby-crowned kinglet (*Regulus calendula*)

Thrushes
116. Swainson's thrush (*Catharus ustulatus*)
117. hermit thrush (*Catharus guttatus*)
118. veery (*Catharus fuscescens*)
119. varied thrush (*Ixoreus naevius*)
120. American robin (*Turdus migratorius*)
121. mountain bluebird (*Sialia currucoides*)
122. Townsend's solitaire (*Myadestes townsendi*)
123. northern mockingbird (*Mimus polyglottos*)

Catbirds, Waxwings, Shrikes, Starling, and Pipit
124. American pipit (*Anthus rubescens*)
125. loggerhead shrike (*Lanius ludovicianus*)
126. northern shrike (*Lanius excubitor*)
127. gray catbird (*Dumetella carolinensis*)
128. cedar waxwing (*Bombycilla cedrorum*))
129. bohemian waxwing (*Bombycilla garrulus*)
130. European starling (*Sturnus vulgaris*)

Vireos and Warblers
131. solitary vireo (*Vireo solitarius*)
132. red-eyed vireo (*Vireo olivaceus*)
133. warbling vireo (*Vireo gilvus*)
134. Cassin's vireo (*Vireo cassinii*)
135. MacGillivray's warbler (*Oporornis tolmiei*)
136. orange-crowned warbler (*Vermivora celata*)
137. Nashville warbler (*Vermivora ruficapilla*)
138. yellow warbler (*Dendroica petechia*)
139. Wilson's warbler (*Wilsonia pusilla*)
140. yellow-rumped warbler (*Dendroica coronata*)
141. Townsend's warbler (*Dendroica townsendi*)
142. northern waterthrush (*Seiurus noveboracensis*)
143. American redstart (*Setophaga ruticilla*)
144. common yellowthroat (*Geothlypis trichas*)
145. yellow-breasted chat (*Icteria virens*)

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Table 3 - Continued

Tanagers, Grossbeaks, and Buntings
146. western tanager (*Piranga ludoviciana*)
147. indigo bunting (*Passerina cyanea*)
148. lark bunting (*Calamospiza melanocorys*)
149. lazuli bunting (*Calamospiza melanocorys*)
150. rose-breasted grosbeak (*Pheucticus ludovicianus*)
151. black-headed grosbeak (*Pheucticus melanocephalus*)

Towhees and Sparrows
152. green-tailed towhee (*Pipilo chlorurus*)
153. rufus-sided towhee (Pipilo erythrophthalmus)
154. spotted towhee (*Pipilo maculatus*)
155. chipping sparrow (*Spizella passerina*)
156. Brewer's sparrow (*Spizella breweri*)
157. vesper sparrow (*Pooecetes gramineus*)
158. lark sparrow (*Chondestes grammacus*)
159. sage sparrow (*Amphispiza belli*)
160. savannah sparrow (*Passerculus sandwichensis*)
161. fox sparrow (*Passerella iliaca*)
162. song sparrow (*Melospiza melodia*)
163. Lincoln's sparrow (*Melospiza lincolnii*)
164. swamp sparrow (*Melospiza georgiana*)
165. white-crowned sparrow (*Zonotrichia leucophrys*)
166. dark-eyed junco (*Junco hyemalis*)

Blackbirds, Meadowlarks, and Orioles
167. red-winged blackbird (*Agelaius phoeniceus*)
168. western meadowlark (*Sturnella neglecta*)
169. yellow-headed blackbird (*Xanthocephalus xanthocephalus*)
170. Brewer's blackbird (*Euphagus cyanocephalus*)
171. brown-headed cowbird (*Molothrus ater*)
172. Bullock's oriole (*Icterus bullockii*)
173. common grackle (*Quiscalus quiscula*)

Finches and Crossbills
174. pine siskin (*Carduelis pinus*)
175. Cassin's finch (*Carpodacus cassinii*)
176. house finch (*Carpodacus mexicanus*)
177. red crossbill (*Loxia curvirostra*)
178. white-winged crossbill (*Loxia leucoptera*)
179. pine grosbeak (Pluoialts apricaria)
180. common redpoll (*Carduelis flammea*)
181. American goldfinch (*Carduelis tristis*)

Preliminary Draft

Table 3 - Continued

Old World Sparrow
182. house sparrow (*Passer domesticus*)

(Source: Groves and Marks 1985)

The Migratory Bird Treaty Act 1972 prohibits the killing, possessing, hunting, selling, and other similar actions towards the birds listed in Table 3 and other migratory birds without a permit.

SPECIAL AREAS ANALYSIS

Floodways, Floodway Fringes, Wetlands, and Riparian Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (2003) identifies the 100-year floodway and floodway fringe for Polecat Gulch (see Figure 3). Their boundaries are shown only for the southwest most portion of the waterway, abutting but not within the project area.

The floodway is that area of the river channel and floodplain that must be maintained free of encroachments to convey the 100 year flood event without increasing the water surface elevation more than one foot. The floodway fringe is that area of the floodplain that may be obstructed and still allow the river to convey the 100 year flood event without increasing the water surface elevation more than one foot (Federal Emergency Management Agency 1991). Swift moving water in the floodway and standing or slow moving water in the floodway fringe is likely during the 100-year flood event. The event has a 100% probability of occurring once every 100 years or a 1% probability of occurring in any given year.

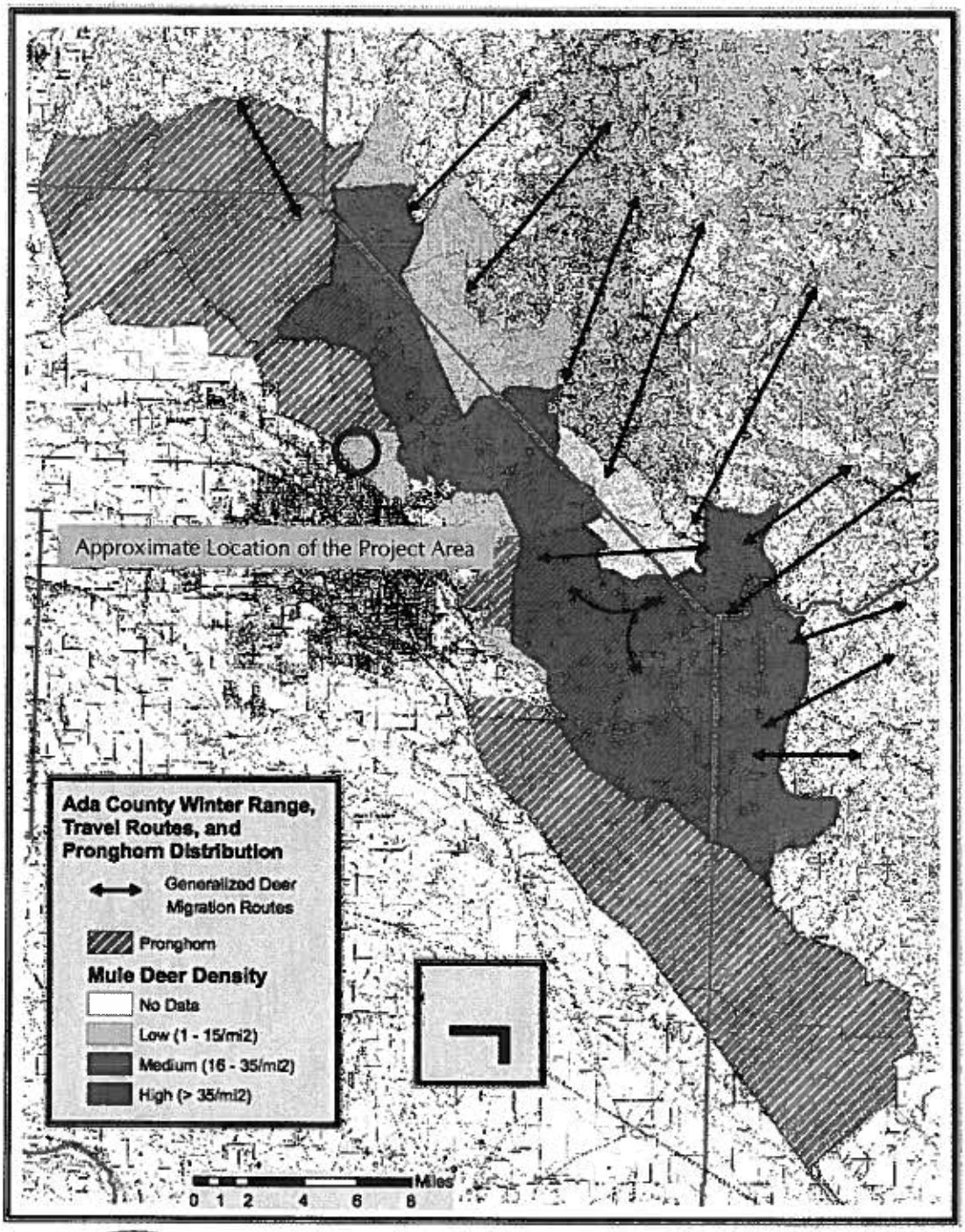
No part of the property is located within a FEMA FIRM 100-year floodway or floodway fringe.

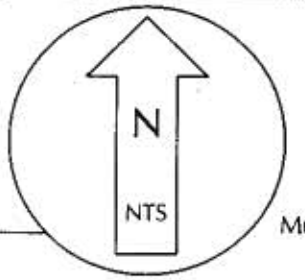
The US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) does not identify the presence of wetlands within the project area (see Figure 4). This is likely attributable to the scale of the NWI maps and the aerial photography that was used to produce them, and not a definitive sign of the absence of wetlands.

Based on previous experience in the Boise Foothills, I suspected the likely presence of wetlands within the project area. This was confirmed by field studies and examination of aerial photography. I observed positive indicators of wetland hydrology and wetland vegetation (i.e. predominance of hydrophytes) and ground truthed aerial photography to identify the general location of wetlands and riparian areas within the project area (see Figure 5). Their boundaries are drawn based on my observations in the field, and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography (2000 COMPASS).

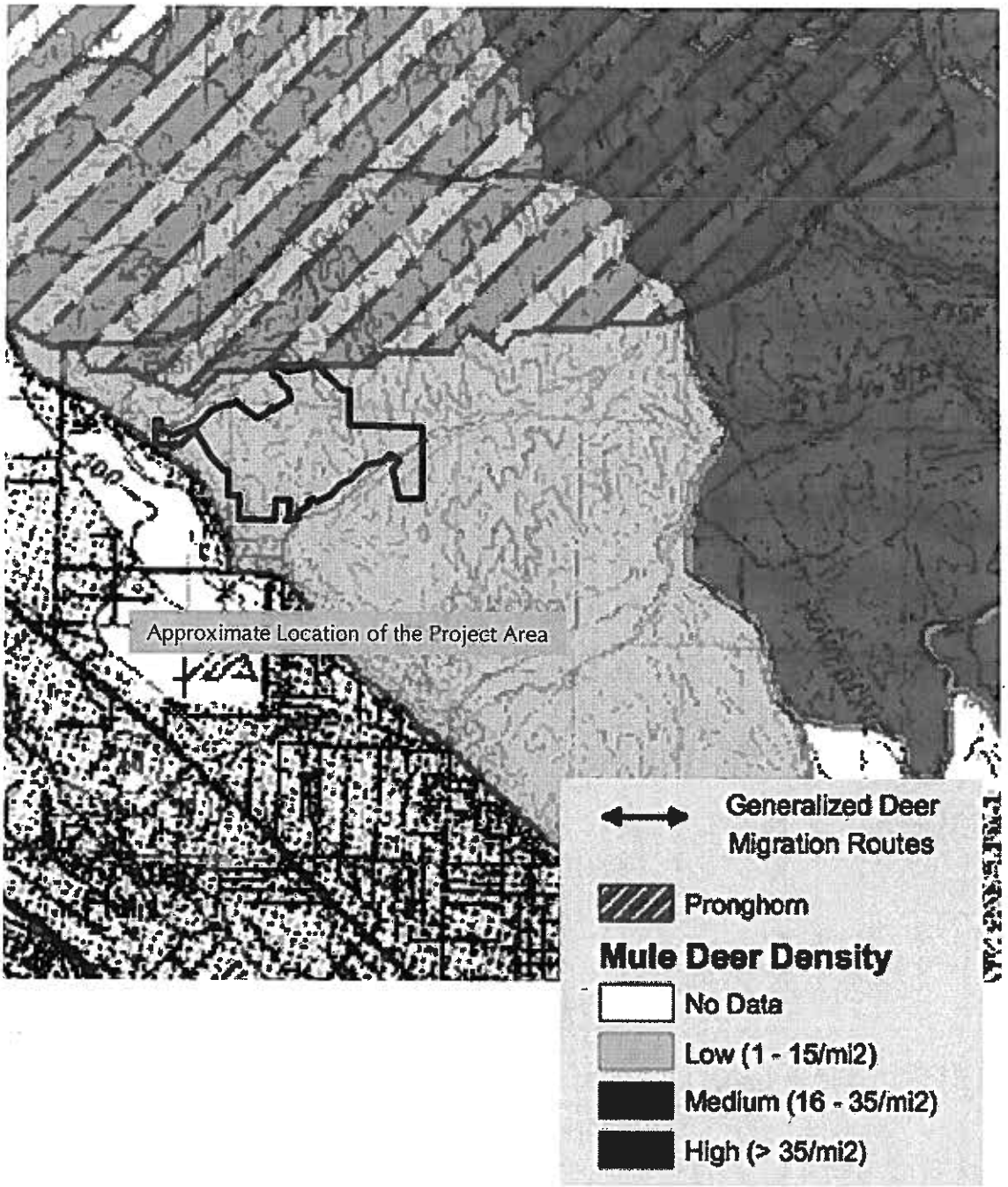
One wetland is an isolated seep originating in one of the unnamed draws west of North Collister Drive. If it were mapped by the US FWS, it would be classified as palustrine scrub-shrub wetland (PSS), and in this setting commonly called a woody thicket.

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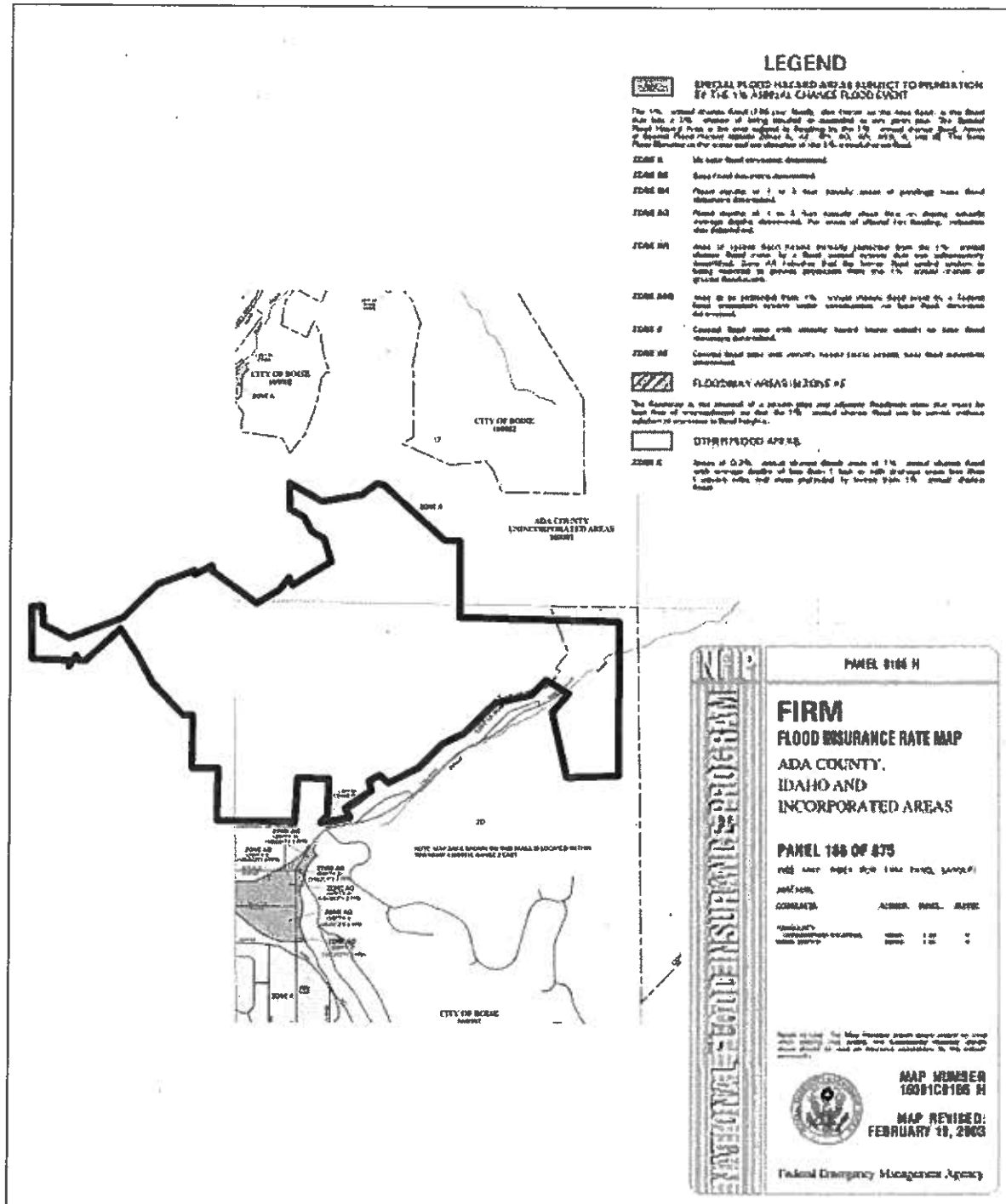




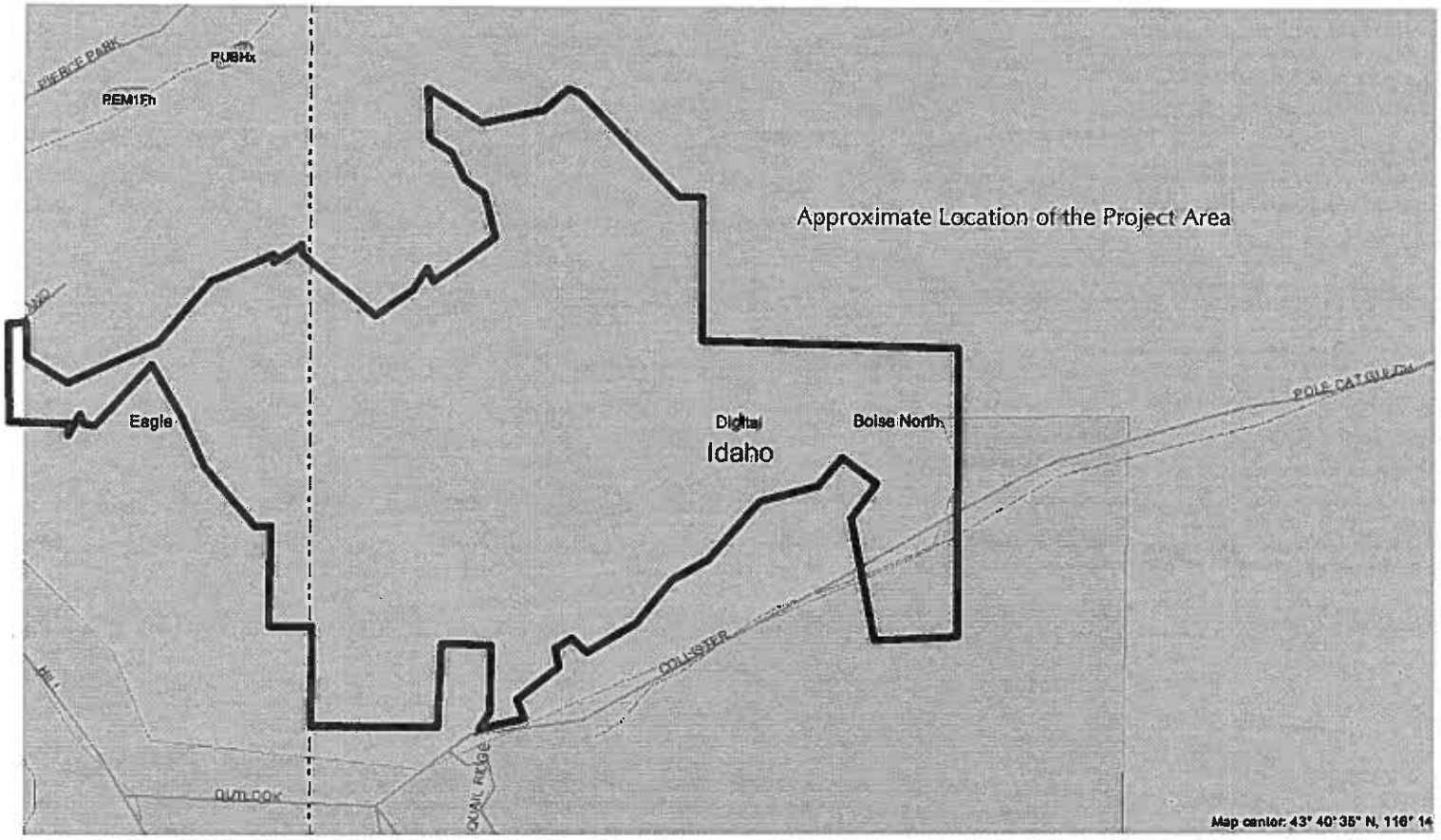
Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 2a - Idaho Department of Fish and Game
Mule Deer Winter Range and Pronghorn Antelope Distribution Map (2008)
June 6, 2008



Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 2b - Idaho Department of Fish and Game
Mule Deer Winter Range and Pronghorn Antelope Distribution Map (2008)
June 6, 2008



Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 3 - Federal Emergency Management Agency (FEMA)
Flood Insurance Rate (FIRM) Map
June 6, 2008



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Plano Road Subdivision
Boise, Idaho
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Figure 4 - US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Map
June 6, 2008



Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 5 - US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Map
June 6, 2008

The second wetland and riparian area parallels Polecat Gulch in and immediately adjacent to its deeply incised channel. If it were mapped by the US FWS, it would be classified as palustrine scrub-shrub wetland (PSS) and palustrine forested (PFo) wetland. This community of plants in this setting is commonly called a stand of riparian shrubs and trees. At North Collister Drive Polecat Gulch enters a culvert and is piped to the Boise River.

Wetland vegetation growing in Polecat Gulch as sporadic occurrences of trees, a continuous canopy of shrubs, and an understory of forbs includes black cottonwood (*Populus trichocarpa*), crack willow (*Salix rigida*), red-osier dogwood (*Cornus stolonifera*), and Indian tobacco (*Rumex crispus*). Vegetation growing in the intermittent waterway not normally occurring in wetlands includes ornamental rose (*Rosa spp.*), wood's rose (*Rosa woodsii*), and moth mullein (*Verbascum blattaria*).

Deer and Elk Migration Corridors

Migratory populations of mule deer and pronghorn antelope have been repeatedly observed by the Idaho Department of Fish and Game, Southwest Region within the project area during systematic winter counts of big game. Their locations are shown on a map prepared by Idaho Department of Fish and Game, Southwest Region (see Figure 2a). However, no known deer or elk migration corridors are identified within the project area.

Location of Rare, Threatened, and Endangered Plant Species and Communities

Aase's Onion - Review of the Literature

At the request of Ecological Design, Inc. the Idaho Department of Fish and Game - Conservation Data Center queried their database and provided an inventory of occurrences of plant species of special concern, and threatened or endangered plant species within and near the project area.

Their response, dated March 6, 2006, shows no listed, candidate, or proposed threatened or endangered plant species. However, occurrences of Aase's onion (*Allium aaseae*) - a species of special concern - were identified.

The appearance, distribution, status, and habitat of Aase's onion has been studied and described by Michael Mancuso, Robert Mosley, Patricia Packard, Carol Prentice, and others. A summary by Mancuso (1995) states, in part:

> *"Allium aaseae* onion is an early spring-flowering member of the lily family. It is perennial with an underground bulb that is usually buried at least a couple inches below ground level in mature individuals. Bulb coat reticulations may or may not be evident. The scape is round to slightly flattened, not winged. The two linear, channeled leaves are 1 - 4 mm wide, at least twice as long as the scape and typically lying on the ground when observed in the field early in the season. Its six similar-looking tepals are pink, often richly so, but fading to white, 6 - 9.5 mm long, and with entire to obscurely or strongly denticulate margins. Stamens are shorter than the tepals, the undehisced anthers and pollen are yellow.
>
> Aase's onion is endemic to southwestern Idaho, occurring in the foothills around Boise and arcing northwest to near Emmett, an aerial distance of approximately 18 miles. In the Boise Foothills, the easternmost populations are known from the Hulls Gulch and lower Cottonwood Creek areas, while the Freezeout Hill vicinity near

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Emmett contains the westernmost foothill populations. Disjunct populations have recently been confirmed from near the towns of Payette and Weiser, northwest of the species' main range. Populations previously reported from the Danskin Mountains, east of Boise are really *Allium simillimum*. Populations are located in Ada, Boise, Gem, Payette, and Washington counties.

Aase's onion is restricted to a narrow range of habitat conditions. It occurs on open, relatively barren, xeric, gentle to very steep, sandy slopes, generally with a southerly aspect, but ranging from east to west. It is usually associated with relatively sparsely vegetated bitterbrush (*Purshia tridentata*) or bitterbrush/sagebrush (*Artemisia tridentata*) communities. One or several bunchgrasses such as red threeawn (*Aristida longiseta*), bluebunch wheatgrass (*Agropyron spicatum*), squirreltail (*Sitanion hystrix*), needle-and-thread (*Stipa comata*), Sandberg's bluegrass (*Poa sandbergii*), Indian ricegrass (*Oryzopsis hymenoides*) and sand dropseed (*Sporobolus cryptandrus*) are often closely associated. Aase's onion sites are often bordered by *Artemisia tridentata* ssp. *wyomingensis* or ssp. *tridentata*/bunchgrass–dominated communities. Commonly associated species include *Eriophyllum lanatum, Balsamorhiza sagittata, Achillea millefolium, Phacelia heterophylla,* and *Eriogonum ovalifolium*. A number of exotic species may be abundant, especially *Bromus tectorum, Erodium cicutarium* and *Taeniatherum caput-medusae*.

Allium aaseae populations in the Boise Foothills often occur in close proximity to *Astragalus mulfordiae,* and/or *Lepidium papilliferum,* two other rare, regional endemic plants. These three rare species largely share the same conservation concerns and problems. On a local scale, *Allium aaseae* can be very common. At some sites it is one of the dominant forbs in early spring. When considering its sagebrush-bitterbrush/steppe and foothill grassland habitats rangewide, however, it is a minor constituent. Most populations are restricted to the alluvial soils of the Glenns Ferry Formation. This sandy substrate is of granitic origin and typically coarse textured, well-drained and relatively deep (Packard 1979; Prentice 1988). In the Boise Foothills, all populations occur on one of three sand-dominated geologic units-Pierce Gulch Formation Sand, Terteling Springs Formation Sand and Sandstone, and Terteling Springs Formation Sandy Sediments (Beck 1988). A large majority of Boise Foothill populations occur on three soil mapping units of Beck (1988): Quincy-Lankbush complex, Payette-Quincy complex, and Haw-Lankbush complex. Rarely, populations or portions of populations occur on other soil types, namely, Lankbush-Brent sand loam, Ada gravelly sand, and Searless-Rock outcrop complex. All known populations except for the two in Cartwright Canyon occur between 2700 - 4300 feet elevation, with the great majority below 3700 feet. Cartwright Canyon populations occur at 4950 and 5100 feet, and possibly indicate that soil characteristics such as texture are more important than elevation in determining the distribution of *Allium aaseae* (McNeal 1993)."

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Aase's Onion - Field Studies

I informally consulted with botanical experts from the Idaho Conservation Data Center, including Michael Mancuso, to identify and discuss locations of previous occurrences of Aase's onion in the Boise Foothills and the details of those observations. This information - in combination with color aerial photography available from GoogleEarth©2005, Community Planning of Southwest Idaho (COMPASS), and other sources - allowed me to locate areas on the photograph based on descriptions of habitat in the literature where color, texture, and patterns suggested Aase's onion was most likely to occur.

From April 7 to April 24, 2006 and from April 16 to April 24, 2007 Greg Carson (Millennium Science and Engineering, Inc.) and I conducted systematic field studies of the project area to identify and locate occurrences of Aase's onion and delineate their boundaries by the use of a resource grade Global Positioning System (GPS) with accuracy of 1 foot or less. We traversed in tandem all hillsides, ridges, and valleys within the project area and recorded point occurrences of both presence and absence of Aase's onion. The early data allowed us to refine the coarse, near white image of potential Aase's onion habitat seen on aerial photography and improve the reliability of this image being a predicator of its actual presence.

Data were downloaded after each day in the field to produce a map of distribution of occurrences of Aase's onion that was displayed over an aerial photograph serving as a geographic reference. A composite was generated over time to produce a highly accurate map showing occurrences in combination with soil types that were previously mapped by the US Department of Agriculture - Natural Resources Conservation Service. Polygons surrounding point occurrences were drawn based on the presence / absence data we generated; our observations in the field; and the interpretation of the colors, patterns, and textures of landforms appearing on color aerial photography.

The result of field studies is a map showing *point occurrences* of presence / absence of Aase's onion within the project area. The map also shows our interpretation of this data, which delineates the boundaries of clusters of individual plants growing in close proximity to one another. From this *areas of occurrences* can be calculated (see Figures 6a and 6b). Although the density of occurrences varies within and between polygons, each polygon delineates the boundaries of appropriate habitat where the actual presence of clusters of Aase's onion were observed. Conversely, point occurrences of the presence of Aase's onion also appear on portions of the map without a corresponding polygon surrounding them. We observed these to be isolated individuals and therefore conclude it not appropriate for them to contribute to a calculation of area.

Geologic and/or Historic Features

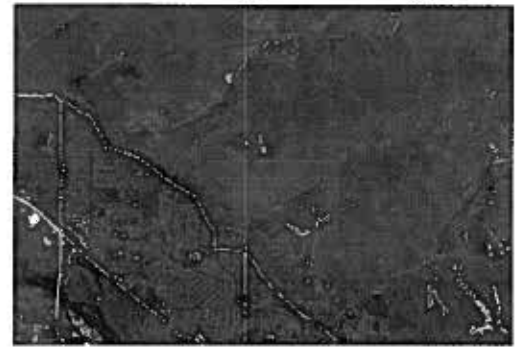
Results of field studies show there are no unique natural geologic features within the project area. A notable man-made feature is the area where sand and other building materials have been produced by excavation, exposing the soil and sub-soil horizons for study.

Potential Buildable Ridge Tops Visible as Skyline Features

The north-south trending ridge top and several east-west trending ridge tops will be occupied by homes and be visible from the Collister and adjacent neighborhoods.

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stewart land group

BOISE FOOTHILLS CONCEPT PLAN

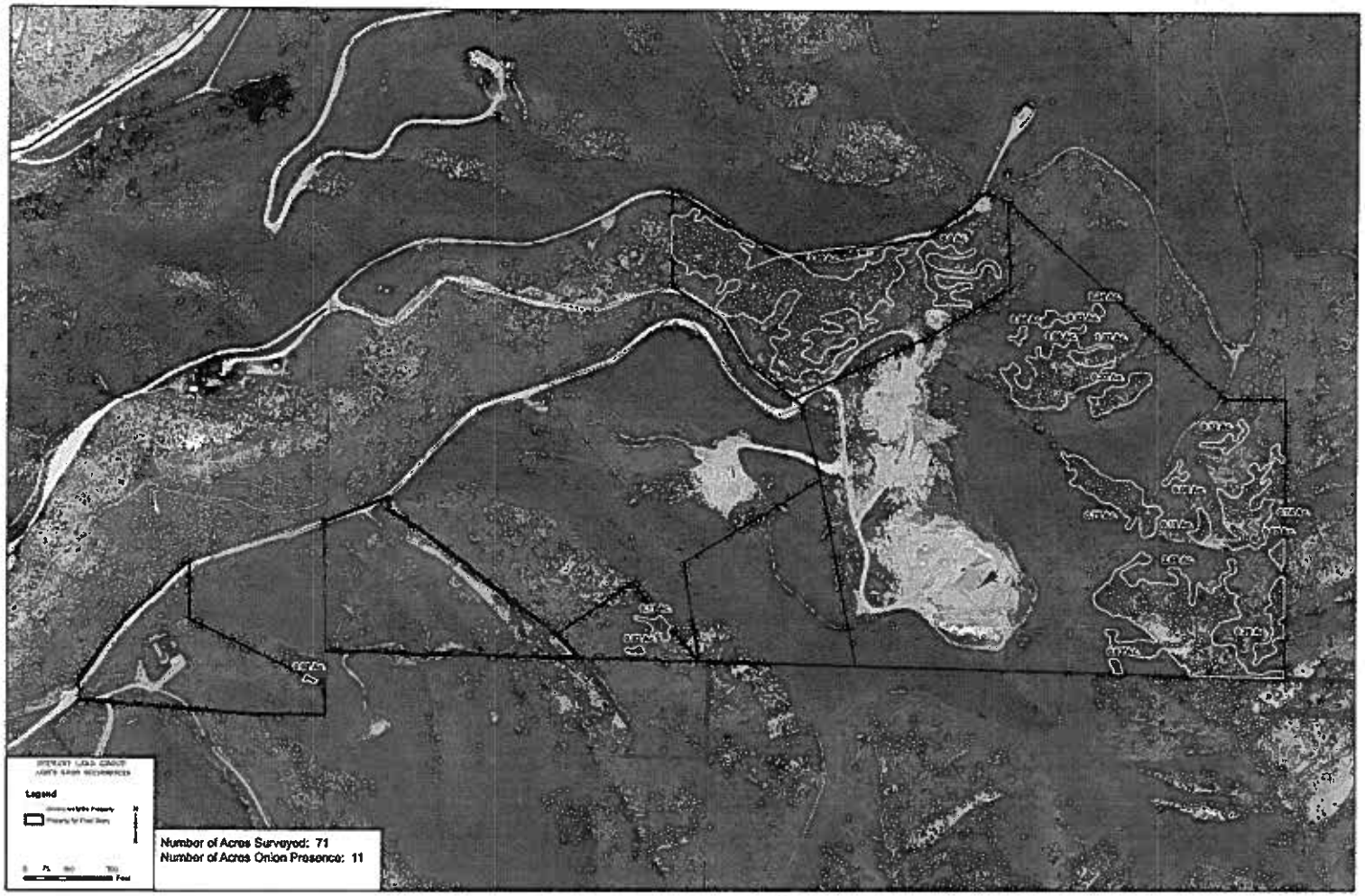
- Open Space Not Used
- Onion Fields
- Used Area
- Open Space North Parcel

LOTS	126 - 15,000 S.F. +/-
TOWN HOMES	46

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Figure 6a - Map of Surveyed Aase's Onion
June 6, 2008



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Figure 6b - Map of Surveyed Aase's Onion
June 6, 2008

Site Characteristics that Validate the Locations of Proposed Open Space

There are compelling reasons for the preservation of areas of Aase's onion within the project area. Michael Mancuso, states in a description of conservation needs for the species (1996) the following:

> *Allium aaseae* is endemic to southwestern Idaho. Population sizes vary from less than 100 to more than 35,000 plants. A rangewide population estimate for *Allium aaseae* is 400,000 plants. Substantial reduction in habitat and populations has occurred due to past land uses, although the exact amount is unknown. The main factors contributing to the serious conservation concern for *Allium aaseae* are its limited distribution, its restricted habitat requirements, and its location adjacent to a major population center making it subject to numerous threats (Moseley and Caicco 1989). Across its range, the sandy foothill habitats supporting *Allium aaseae* have been subject to four main land uses since European settlement: urban/suburbanization; livestock grazing; sand mining; and recreational uses, such as ORV's (off-road vehicle), equestrians, hikers, and mountain bikers. As a consequence of urban development in the Boise Foothills, portions of at least seven (11%) occurrences (007, 008, 020, 021, 033, 063, 064) have been destroyed by housing development projects in recent years. Twenty-two (34%) additional occurrences (004, 010, 011, 012, 013, 014, 019, 022, 023, 029, 030, 032, 036, 042, 047, 050, 054, 060, 061, 062, 065, 066) are known to occur at least partly on private land and in locations potentially subject to development, although future plans for these parcels are unknown. Additional private properties may also be subject to various future development. Segments of populations at the Hidden Hollow landfill (026, 027, 056, 057) may be potentially threatened over the long-term due to landfill expansion. Portions of other populations have also been lost over the years to sand mining, landfill activities and other disturbances. This permanent habitat loss and fragmentation resulting from urban developments, especially in the Boise Foothills, has accelerated in recent years, and is expected to continue. It also represents the most serious and probably difficult to resolve threat facing *Allium aaseae*.
>
> The majority of *Allium aaseae* populations occur on private land, however, and subject to few conservation options. Conservation agreements involving private entities have not been pursued to any great degree. A proposed Conservation Agreement between the U. S. Fish and Wildlife Service and the City of Boise has been at a standstill for a prolonged period. When and if this Conservation Agreement is completed, and plans implemented, populations within Military Park Reserve (006, 025, 058, 059) and Camelsback Reserve (009) should be better protected than at present. One success involves Unimin Mining Corporation, which has been sponsoring propagation research for several years. Mixed ownership patterns and the preponderance of private lands throughout the range of *Allium aaseae* indicates cooperation, coordination, and innovation will be important for the species long-term viability. A lack of on-the-ground commitment from the private sector would be a serious drawback to the conservation of rare plants in the Boise Foothills.

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If this proves to be the case, populations on public land will be invaluable for the long-term persistence of Aase's onion and other rare plants found in the Boise Foothills.

Nearly all (i.e. 152.7 acres) of the areas of occurrence of Aase's onion within the project area - some of the largest in Ada County - will be protected by conservation easement (see Figure 7).

Site Characteristics (i.e Wildlife Habitat Value, Soil Conditions, Geologic Hazards, Access Constraints, Drainage Patterns, Unique Features)

No wildlife habitat areas identified by the Boise City Foothills Policy Plan in Figure 2-1 as "sensitive areas" appear within the project area. Instead, much of the project area is identified as "potentially buildable area" or is undesignated (see Figures 8a and 8b).

Idaho Department of Fish and Game - Southwest Regional Office (IDFG-SWRO) has provided preliminary comments that are general in nature and not specific to the proposed project, at the request of the developer (see Appendix A). These concerns have been addressed in a companion document to this report titled, *A Summary of Measures to Mitigate Potential Adverse Impacts to Wildlife and Wetlands* (Ecological Design, Inc. 2008).

The City of Boise has also requested review of the proposed project and comment from IDFG-SWRO. Their response is expected in the near future.

The Soil Survey of Boise Front Project, Idaho (USDA-SCS 1997) identifies and describes soils within the project area (see Table 4 and Figure 9). They are generally described as being shallow to very deep (i.e. >60 inches) and formed in alluvium, colluvium, and residuum from lacustrine deposits of sand and mudstone. Some areas are capped with remnants of volcaniclastic sediments. The terrain of the lower foothills is a mosaic of rolling and steep hills, stream terraces, draw bottoms, and alluvial fans.

The two predominant soils within the project area (i.e. soil map unit 361 and 362) have a surface layer of fine sandy loam to coarse sandy loam to loam; a subsoil of very fine to coarse sandy loam; and a basement layer of gravely loamy course sand to soft bedrock. The restrictions for development of building sites for all soil map units is summarized by the USDA-NRCS in Table 5.

Geologic hazards include slope of the ground, caving cutbanks, flooding, and instability of soils due to low strength, shrink-swell, and frost action.

Access to and from the project area has been reviewed and approved by the Ada County Highway District, Boise City Police Department, Boise City Fire Department, and Ada County paramedics.

Drainage follows the east-west trending valley bottoms to Polecat Gulch and to an unnamed drainage that parallels North Plano Road.

Unique features of the landscape include the views from ridgetops of the Treasure Valley and Owyhee Mountains to the south, and the Boise Front to the north.

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SET ASIDE
OPEN SPACE
CALCULATIONS

- AASE'S ONION CONSERVANCY (SHOWN AS YELLOW)

1. 152.66 ACRE'S

- HOME OWNER'S ASSOCIATION (SHOWN AS GREEN)

1. 81.98 ACRE'S

- THE REMAINDER OF THE SUBJECT PROPERTY WILL BE ZONED R-1/DA

1. 97.84 ACRE'S

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Boise Foothills Ordinance Permit No.: To Be Determined
Figure 7 - Open Space Map
June 6, 2008

Wildlife Habitat Areas

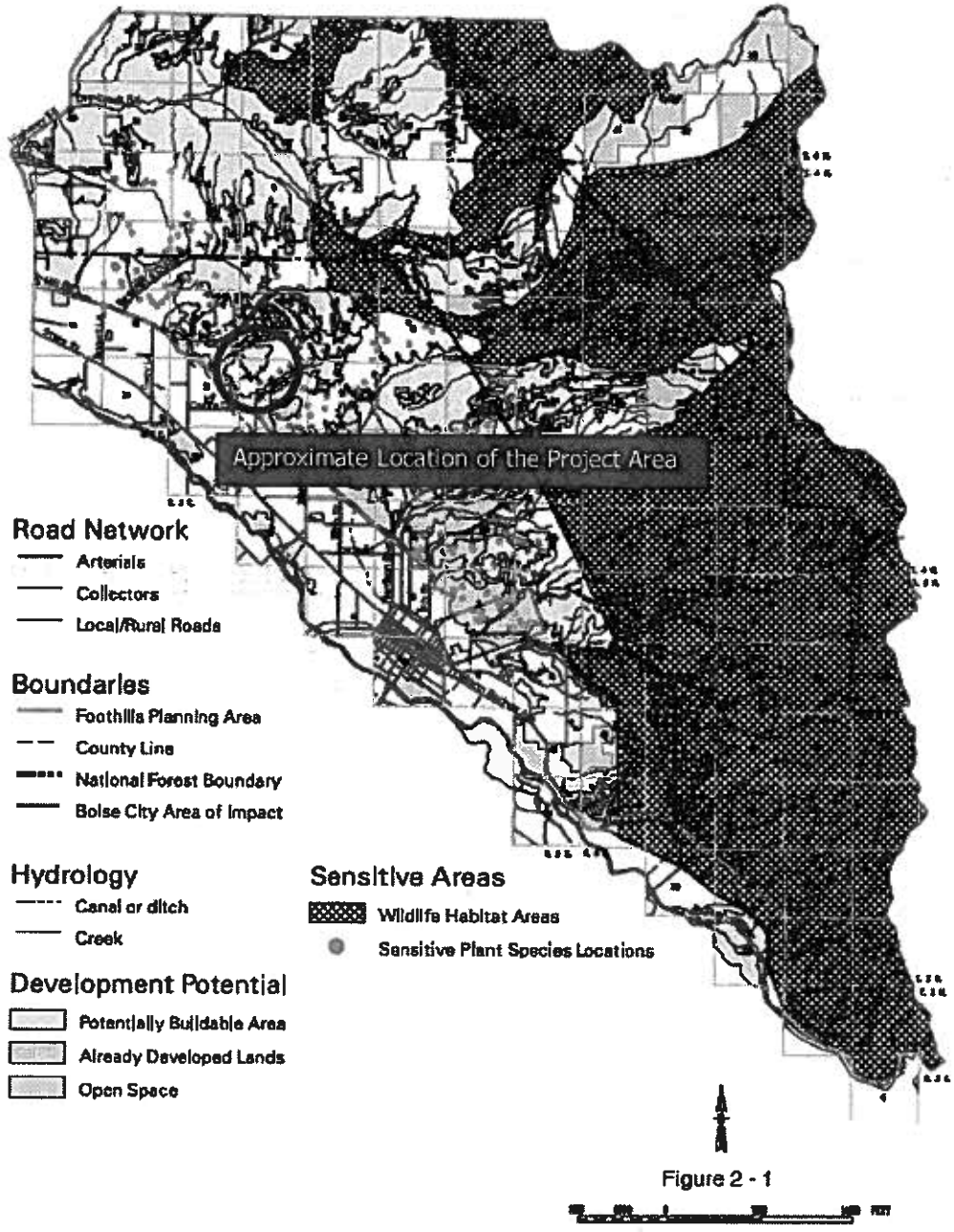
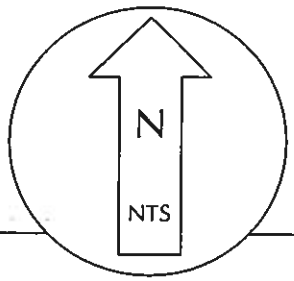


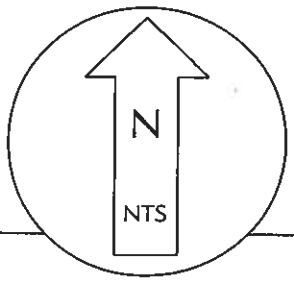
Figure 2 - 1

Map produced by Spatial Dynamics, Inc.



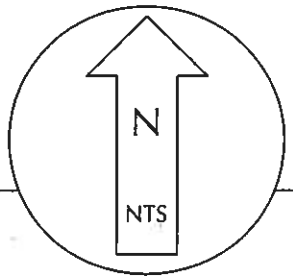
Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 8a - Map of Wildlife Habitat Areas
(Boise Municipal Code Chapter 11-06)
June 6, 2008





Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 8b - Map of Wildlife Habitat Areas
(Boise Municipal Code Chapter 11-06)
June 6, 2008





Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 9 - US Department of Agriculture (USDA)
Natural Resource and Conservation Service (NRCS) Soil Survey Map (Digital) Map
June 6, 2008

Table 4 - Soil Map Units and their Characteristics

Soil Map Unit Name and Number	Drainage Class	Surface Runoff	Permeability	Available Water Capacity	Shrink-Swell Potential	Depth Class	Flooding frequency
242 Flofeather sandy loam, 3 to 8 percent slopes	Somewhat excessively drained	Slow	Moderately rapid	Low	Low	Very deep	Rare
243 Flofeather sandy loam, 8 to 25 percent slopes	Somewhat excessively drained	Medium	Moderately rapid	Very low	Low	Very deep	-
252 Flofeather-Urban land complex, 3 to 8 percent slopes	Somewhat excessively drained	Slow	Moderately rapid	Low	Low	Very deep	Rare
315 Shadoval-Polecat complex, 25 to 50 percent slopes	Well drained	Rapid	Moderately slow	Medium	Moderate	Deep	-
350 XericTorriorthents-Urban land complex, rolling	Somewhat excessively drained	Slow to medium	Moderately rapid	Low	Low	Very deep	-
356 Cranegulch-Hullsgulch complex, 5 to 15 percent slopes	Well drained	Slow to medium	Slow to moderately slow	Medium to high	Moderate to high	Very deep	-
361 Quailridge-Hullsgulch-Cranegulch comples, 15 to 50 percent slopes	Well drained	Medium to very rapid	Slow to moderate	Low to high	Moderate to high	Very deep	-
362 Stu-Quailridge complex, 35 to 90 percent slopes	Well drained	Rapid to very rapid	Moderate	Very low to low	Low to moderate	Shallow to very deep	-

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Table 5 - Building Site Restrictions

Soil Map Unit Name and Number	Shallow Excavations	Dwellings Without Basements	Dwellings with Basements	Small Commercial Buildings	Local Roads and Street	Lawns and landscaping
242 Flofeather sandy loam, 3 to 8 percent slopes	Severe: cutbacks cave	Severe: flooding	Severe: flooding	Severe: flooding	Moderate: flooding, frost action	Moderate: droughty
243 Flofeather sandy loam, 8 to 25 percent slopes	Severe: cutbanks cave, slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope
252 Flofeather-Urban land complex, 3 to 8 percent slopes	Severe: cutbacks cave	Severe: flooding	Severe: flooding	Severe: flooding	Moderate: flooding, frost action	Moderate: droughty
315 Shadoval-Polecat complex, 25 to 50 percent slopes	Severe: slope	Severe: slope	Severe: slope	Severe: slope	Severe: low strength, slope, frost action	Severe: slope
350 XericTorriorthents-Urban land complex, rolling	Severe: cutbacks cave	Moderate: slope	Moderate: slope	Severe: slope	Moderate: slope, frost action	Moderate: droughty, slope
356 Cranegulch-Hullsgulch complex, 5 to 15 percent slopes	Moderate to Severe; too clayey, slope, cutbanks cave	Moderate to severe: shrink-swell, slope	Moderate to severe: shrink-swell, slope	Moderate to severe: shrink-swell, slope	Moderate to severe: shrink-swell, low strength, slope	Moderate: slope
361 Quailridge-Hullsgulch-Cranegulch comples, 15 to 50 percent slopes	Severe: cutbanks cave, slope	Severe: shrink-swell, slope	Severe: shrink-swell, slope	Severe: shrink-swell, slope	Severe: shrink-swell, low strength, slope	Severe: slope
362 Stu-Quailridge complex, 35 to 90 percent slopes	Severe: cutbanks cave, slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope	Severe: slope

Preliminary Draft

I certify that I have prepared this report and that I am a qualified expert, as demonstrated by the following professional certifications.

RB Tiedemann

Ecological Design, Inc. by
Robert B. Tiedemann
Principal

Certified Professional Wetland Scientist
(Society of Wetland Scientists No. 000702)
Certified Wetland Delineator
(US Army Corps of Engineers April 15, 1994)
Certified Fisheries Scientist
(American Fisheries Society No. 1,717)
Certified Wildlife Biologist
(The Wildlife Society December 10, 1986)

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US Department of the Interior - Fish and Wildlife Service. 1981. National Wetland Inventory - Boise North orthophoto quadrangle map.

US Department of the Interior - Geologic Survey. 1972, Photoinspected 1976. Boise North, Idaho 7.5 minute quadrangle map.

Preliminary Draft

APPENDIX A
CORRESPONDENCE AND COMMUNICATIONS

From: "Ward,Rick" <rward@idfg.idaho.gov>
Subject: **RE: Boise Foothills-Plano Road**
Date: May 30, 2008 3:36:31 PM MDT
To: Robert Tiedemann <ecodesigninc@mac.com>

Hi Rob,

The email I sent to Kerry was a list I sent at his request that talks in general terms, so I haven't walked the project around the office to gather comments. I suspect that the City of Boise will send us a request for comments, at which point I will solicit internal comments and put them together in a response letter to the city. So, I guess the short answer is that my email to Kerry shouldn't be considered as final comments. Please let me know if you have any questions. Thanks.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
3101 S. Powerline Road
Nampa, ID 83686
(208)465-8465 Ext. 344
Cell - (208)860-6567
FAX-(208)465-8467

From: Robert Tiedemann [mailto:ecodesigninc@mac.com]
Sent: Wednesday, May 28, 2008 10:21 AM
To: Ward,Rick
Cc: Winn Kerry
Subject: Re: Boise Foothills-Plano Road

Good Morning Rick!

May I consider your list (shown below) complete, or is there any additional issues you would like addressed?

Rob Tiedemann, CPWS, CWD, CFS, CWB
Ecological Design, Inc.
217 North Walnut Street
Boise, ID 83712
208.338.5852
ecodesigninc@mac.com
On May 6, 2008, at 12:47 PM, Ward,Rick wrote:

Rob – Below is the email I sent to Kerry Winn a while back. Let me know if you have any questions.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
3101 S. Powerline Road
Nampa, ID 83686
(208)465-8465 Ext. 344
Cell - (208)860-6567
FAX-(208)465-8467

From: Ward,Rick
Sent: Friday, March 14, 2008 3:33 PM
To: 'Kerry Winn'
Subject: RE: Boise Foothills-Plano Road

Kerry - Below are some general comments that IDFG has made on subdivisions in similar habitats in the past. Please note that this email does not constitute IDFG endorsement of the Stewart Land Group Boise Foothills Concept Plan. Please feel free to contact me if I can offer any additional assistance.

The area is located in documented big game winter range. The Department is concerned about the continued reduction in winter range for big game inAda County. The cumulative effect of subdivisions is a reduction of the already limited winter range for big game. Ada County is fortunate to have abundant and diverse wildlife populations, and continued development in winter range will result in a permanent reduction and possible loss of these resources.

Wildlife will continue to attempt to use the area. This will result in increased big game depredation problems. People living in the proposed subdivision need to be aware that big game depredation problems are going to occur and these problems are the responsibility of the homeowners and not the Department.

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.

1. 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.

2. 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 wildlife-friendly fence designs, clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space. Riparian habitat along Dry Creek is a movement corridor and provides habitat for deer and other wildlife.

3. 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.

4. Pet foods and feeding dishes left outside and unsecured garbage will attract raccoons and other animals, which could pose a threat to property and pets.

5. Free-roaming dogs and cats pose a threat to many wildlife species. Pets should be confined or under owners control.

6. 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.

7. Big game animals should not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.

8. 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.

9. Bird feeders should be routinely cleaned to prevent the spread of disease.

10. 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.

11. 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.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
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(208)465-8465 Ext. 344
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FAX-(208)465-8467

-----Original Message-----
From: Kerry Winn [mailto:kwinn@stewartlandgroup.com]
Sent: Wednesday, March 05, 2008 2:56 PM
To: Ward,Rick
Subject: Boise Foothills-Plano Road

Rick,
It was a pleasure to talk to you. Attached is a pdf file of our proposed 153 lot subdivision that is designed on 333 acres and has over 75% open space with environmental and recreational benefits for all of Boise included. Any comments, suggestions or questions please let me know.

Kerry Winn
V.P. of Operations
Stewart Land Group
6995 So. Union Park Center suite 360
Midvale, UT. 84047
Direct Line: 801-838-9165
Cell: 801-573-7205
Fax: 801-263-9187

Hydrological survey

Plano Subdivision

Hydrological and Project Engineering Report

May 28, 2007

RECEIVED
MAY 29 2007
PLANNING & DEVELOPMENT SERVICES

Prepared By:

James "Woody" Woodruff, P.E.

Azimuth Engineering, Inc.

Basin C Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1000.8191 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 3.4461 min

****

Total Time of Concentration .....> 16.2337 min

****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin C Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 13.9800 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 16.2337 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 310.2465 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 1.3100 cfs

Basin C Post-Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Exist Open Space	10.9600	49	
Pavement, Roof	1.5800	98	
Landscaping	1.4400	68	
Total Area ----->	13.9800	56	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.1500
Flow Length ..... 80.8180 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 11.6858 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 593.3157 ft
Watercourse Slope ..... 0.0730 ft/ft
Velocity ..... 5.4924 fps
Computed Shallow flow time .....> 1.8004 min

****
Total Time of Concentration .....> 13.4862 min
****

Graphical Peak Discharge method

Given Input Data:
Description ..... Basin C Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 13.9800 ac
Runoff curve number, CN 56
Time of concentration, Tc ..... 13.4862 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:
Initial abstraction, Ia ..... 1.5714 in
Ia/P 0.4365
Unit peak discharge, qu ..... 472.3219 csm/in

Runoff, Q ..... 0.4163 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 4.2947 cfs

Onsite Storage for Control of Peak Discharge			
Area	13.98	acres	
Peak Inflow Qi	4.29	cfs	
Peak Outflow Qo	1.31	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.31		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.37
Site Runoff	0.42	inches	
Runoff Volume Vr = Q x A	21110.92	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**7811.04**	**cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	488.19	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **8982.70 cubic feet** ←

Pond Volume Calculations

Contour	Area	Total Volume	
3081		0	
3082		0	
3083		0	
3084	1225	612.5	
3085	1630	1427.5	
3086	2078	1854	
3087	2568	2323	
3088	3091	2829.5	
3089	3661	3376	High Water Mark
Total Storage Volume		**12422.5**	

Basin D Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 115.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 5.9382 min

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin D Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 18.3300 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 6.0000 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 508.4169 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 2.8148 cfs

Basin D Post Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	6.1600	49	
Paved Roof & Drive	8.1500	98	
Landscaping	4.0200	68	
Total Area ----->	18.3300	75	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.2400
Flow Length ..... 80.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 16.8818 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 4866.0000 ft
Watercourse Slope ..... 0.0800 ft/ft
Velocity ..... 5.7497 fps
Computed Shallow flow time .....> 14.1051 min

****
Total Time of Concentration .....> 30.9869 min
****

Graphical Peak Discharge method

Given Input Data:
Description ..... Basin D Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 18.3300 ac
Runoff curve number, CN 75
Time of concentration, Tc ..... 30.9869 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:
Initial abstraction, Ia ..... 0.6667 in
Ia/P 0.1852
Unit peak discharge, qu ..... 482.2176 csm/in

Runoff, Q ..... 1.3730 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 18.9632 cfs

Onsite Storage for Control of Peak Discharge			
Area	18.33	acres	
Peak Inflow Qi	18.96	cfs	
Peak Outflow Qo	2.81	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.15		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.5
Site Runoff	1.37	inches	
Runoff Volume Vr = Q x A	91156.92	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**45578.46**	**cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	2848.65	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **52415.23 cubic feet** ←

Basin E Post-Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Exist Open Space	2.6300	49	
Pavement, Roof	3.8800	98	
Landscaping	3.5300	68	
Total Area ----->	10.0400	75	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.2400
Flow Length ..... 81.7019 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 17.1685 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 1919.3996 ft
Watercourse Slope ..... 0.0730 ft/ft
Velocity ..... 5.4924 fps
Computed Shallow flow time .....> 5.8244 min

****
Total Time of Concentration .....> 22.9929 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin E Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 10.0400 ac
Runoff curve number, CN 75
Time of concentration, Tc ..... 22.9929 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 0.6667 in
Ia/P 0.1852
Unit peak discharge, qu ..... 562.3683 csm/in
Runoff, Q ..... 1.3730 in

Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 12.1133 cfs

Onsite Storage for Control of Peak Discharge		
Area	10.04	acres
Peak Inflow Qi	12.11	cfs
Peak Outflow Qo	1.02	cfs
Outflow/Inflow Ratio = Qo/Qi =	0.08	
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =		0.55
Site Runoff	1.37	inches
Runoff Volume Vr = Q x A	49929.92	cubic feet
Storage Volume Vs = Vr x (Vs/Vr)	**27461.46**	**cubic feet**

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1716.34	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **31580.68 cubic feet** ←

Pond Volume Calculations

Contour	Area	Total Volume	
2965	1044	522	
2966	1453	1248.5	
2967	1921	1687	
2968	2447	2184	
2969	3034	2740.5	
2970	3699	3366.5	
2971	4443	4071	
2972	5242	4842.5	
2973	6082	5662	
2974	6960	6521	
2975	7874	7417	High Water Mark
Total Storage Volume		**40262**	

Onsite Storage for Control of Peak Discharge			
Area	32.36	acres	
Peak Inflow Qi	8.48	cfs	
Peak Outflow Qo	2.9	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.34		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.36
Site Runoff	0.42	inches	
Runoff Volume Vr = Q x A	48866.19	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**17591.83**	**cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1099.49	sf

Sediment Deposition (Increase 15%)		
Total Storage Volume Required	**20230.60**	**cubic feet** ←

10 K

Density Bonus Calculations

Application

25% BUILD. 45.70
25% NOT USED 18.47 > 114.63 > 160.33
ONIONS 96.16

25% 40.08
75% 120.25

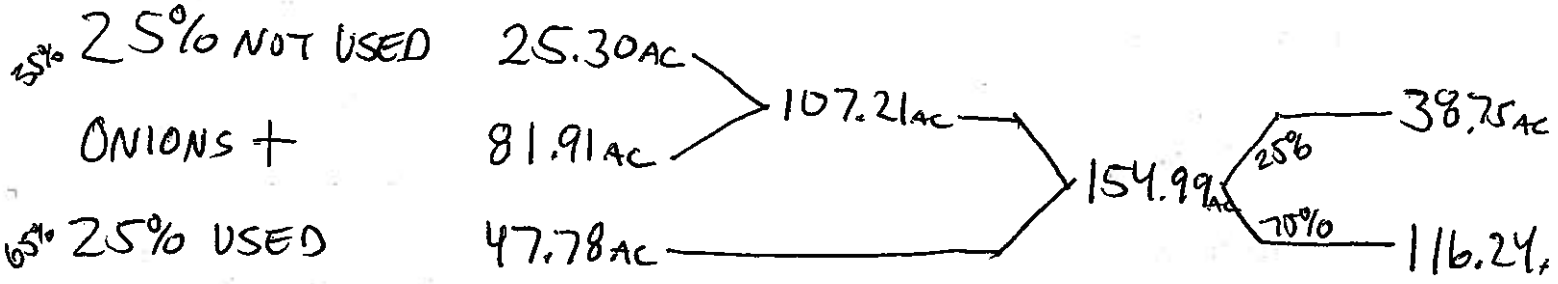
160.33 ACRES (40.08 x 4) = 160.32 LOTS > 168 LOTS
BASE 323 ÷ 40 = 8.075 = 8 LOTS

		VIEW	NON VIEW
60% AASE's (89.5)	90 =	58 (55%)	32
40% CAP (57.5)	57 =	32 (55%)	25

COMMON ROAD AASE's 57% CAP 43%
ONIONS AASES 43% CAP 57%

CUT 2.650 M CUBIC/YARDS
.501 M CUBIC/YARDS
2.151 M CUBIC YARDS for FILL

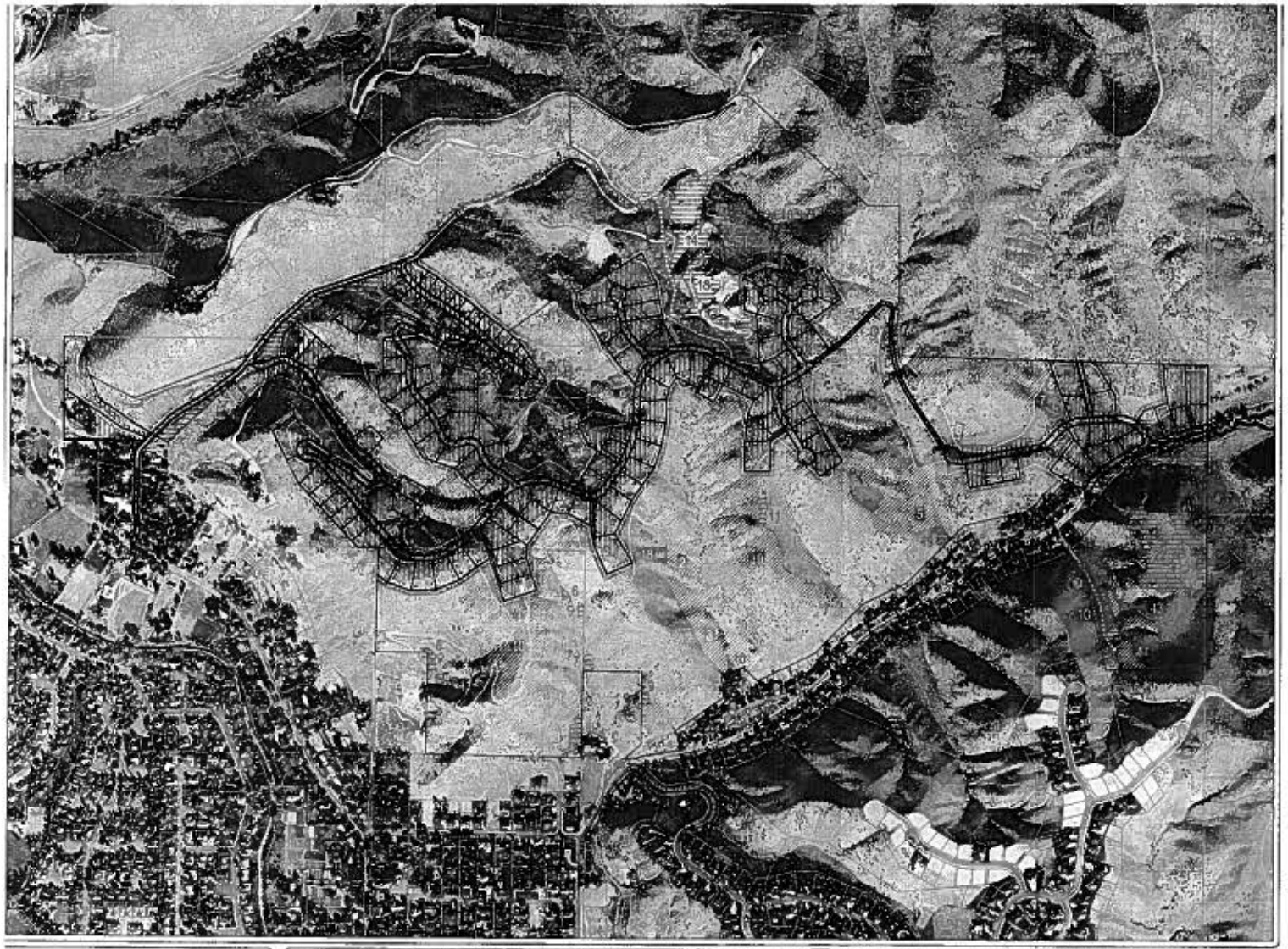
Application



38.75AC × 4 = 155 LOTS

332.75AC ÷ 40 = 8.32 BASE LOTS

163.32
ELIGIBLE BUILDING LOTS





USED 25%	46.71
NOT USED 25%	20.94
ONION FIELDS	85.57
TOTAL	153.22

25% of 153.22 = 38.3 Ac

38.3 Ac X4 = 153.2 LOTS

BASE 332.44 Ac ÷ 40 = 8.3 LOTS

TOTAL ELIGIBLE LOTS 161.5 LOTS

SHOWN 154 NEW LOTS
(+2 EXISTING HOMES)

stewart
land group
REAL ESTATE SERVICES
8605 W. Union Park Ave #200 Midvale, UT 84047
phone: (801) 263-8126 fax: (801) 263-8167

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	9/17/2007	9/17/2007

LEGEND		SHEET NO.
Used Area > 25%	Conceptual	1
Not Used > 25%	Right of Way	OF
Ecological Design Onion Fields	Cut and Fill	1
Onion Fields	Property Boundary	
Wild land Urban Fire Interface	Adis Parcels	

Application

Exhibit B

27-Aug-07						
Aase's Point Canyon Building Envelope Evaluation Summary						
Lots	**Complies 100%**	**10% or less-Short on 2,400 Square Feet - In Compliance**	**15% +/- Short on 2,400 Square Feet - In Compliance**	**Greater than 20%, Non-compliant envelope**	**Front Setback Non-compliance**	**Other - Comments**
148	58	54	16	20	4	24 lots short on front set-backs
Precentages	39.2%	36.5%	10.8%	13.5%	2.7%	

Exhibit C

Aase's Pointe Building Envelope Evaluation

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
1	1						Yes
2	1						Yes
3		1					Yes
4	1						Yes
5	1						Yes
6	1					17 ft. setback	Yes
7		1					Yes
8				1			No
9		1					Yes
10	1						Yes
11				1		Greater than 40%, 15 Ft. setback	No
12	1						Yes
13	1						Yes
14	1						Yes
15	1						Yes

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
16	1						Yes
17	1						Yes
18	1						Yes
19		1					Yes
20	1						Yes
21	1						Yes
22		1			1	5 ft. setback	No
23				1		Greater than 40%, 15 Ft. setback	No
24	1						Yes
25		1					Yes
26		1					Yes
27	1						Yes
28		1				12 Ft. setback	Yes
29		1					Yes
30		1					Yes
31			1				Yes
32				1		Greater than 40%, 15 Ft. setback	No
33	1						Yes
34		1				18 Ft. setback	Yes
35		1					Yes
36	1						Yes
37	1						Yes
38		1					Yes
39			1				Yes
40		1					Yes
41	1						Yes
42	1						Yes
43			1				Yes
44	1						Yes
45				1		Greater than 85%	No
46		1					Yes
47			1				Yes
48	1						Yes
49	1						Yes
50		1					Yes
51	1						Yes
52		1					Yes
53			1				Yes

Staff Analysis

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
54		1					Yes
55	1					15 Ft. setback	Yes
56		1			1	5 Ft. setback	No
57		1					Yes
58	1						Yes
59	1					10 Ft. setback	Yes
60	1						Yes
61		1					Yes
62		1					Yes
63				1		14 ft. setback	No
64		1				15 Ft. setback	Yes
65		1				18 Ft. setback	Yes
66	1						Yes
67			1				Yes
68		1					Yes
69	1						Yes
70	1						Yes
71	1						Yes
72			1				Yes
73			1			15 Ft. setback	Yes
74		1					Yes
75				1		16 Ft. setback	No
76		1					Yes
77			1			15 Ft. setback	Yes
78		1					Yes
79	1						Yes
80	1						Yes
81				1			No
82	1						Yes
83				1			No
84		1					Yes
85				1		15 ft. setback	No
86		1					Yes
87		1					Yes
88			1				Yes
89				1		17 ft. setback	No
90				1			No
91		1					Yes

Staff Analysis

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
92	1						Yes
93				1		Footprint is only 1,260 Sq. Ft., and 1/ 3 is > 25%. Only 13 ft. setback.	No
94			1				Yes
95	1					Only 12 ft. setback	Yes
96			1				Yes
97	1						Yes
98	1						Yes
99		1					Yes
100	1						Yes
101				1			No
102				1			No
103			1				Yes
104		1					Yes
105	1						Yes
106		1					Yes
107		1					Yes
108	1						Yes
109	1						Yes
110		1			1	14 ft. setback	No
111			1				Yes
112	1						Yes
113				1			No
114	1						Yes
115	1						Yes
116		1					Yes
117		1					Yes
118		1					Yes
119	1						Yes
120		1					Yes
121		1					Yes
122		1			1	14 ft. setback	No
123				1			No
124	1						Yes
125				1		13 ft. setback	No
126		1					Yes
127		1					Yes
128	1						Yes
129			1				Yes

Staff Analysis

Lot Number	Complies 100%	10% or less-Short on 2,400 Square Feet	15% +/- Short on 2,400 Square Feet	Greater than 20%, non-compliant envelope	Setback Non-compliant	Other - Comments	Complies with Ordinance
130		1					Yes
131		1					Yes
132		1					Yes
133	1						Yes
134		1					Yes
135	1						Yes
136	1						Yes
137		1					Yes
138				1			No
139		1					Yes
140			1				Yes
141				1			No
142	1						Yes
143		1					Yes
144		1					Yes
145		1					Yes
146	1						Yes
147	1					contours not shown-seems to comply	Yes
148	1						Yes
Totals	58	54	16	20	4	24 lots short on front set-backs	
	39.2%	36.5%	10.8%	13.5%	2.7%		

11 A

Letters From Agencies

Boise Fire Department

BOISE FIRE DEPARTMENT

M E M O R A N D U M

TO: Vicki DeScalfani, PDS-Subdivisions

FROM: Mark Senteno

SUBJECT: SUB07-00065; Plano Road Subdivision Preliminary Plat

DATE: May 30, 2008

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

Code Requirement:
Fire Department vehicular access shall be provided to within 150' of all portions of the non-sprinklered buildings. Any dead-end road in excess of 150' needs a Fire Department approved turnaround. Single access roads are prohibited from exceeding 750 feet without special approval. These distances can be increased somewhat for sprinklered buildings but exact distances are on a case-by-case basis. All Fire Department access roads, fire lanes, bridges, and gates are to be a minimum of 20' wide with 13' 6" overhead clearance, shall be capable of supporting 70,000 lbs GVW (24,000 lbs per axle), and shall be paved. Fire Department access roads and fire lanes shall have a minimum outside turning radius of 48' with an inside radius of 28'. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height, and at least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. No grade may exceed 10% (please note that fire apparatus are designed for a maximum 6% grade). Width and turning radius measurements specified by this paragraph can include those surfaces vehicles generally drive upon. Specifically, gutter and rolled curb are generally considered useable, while vertical curb or sidewalks are not.

Comments:

Condition of Approval:
All code requirements will apply.

Code Requirement:
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.

Comments:

Condition of Approval:
All code requirements will apply.

Code Requirement:
Fire hydrant number and distribution is dependant on the International Fire Code Appendix C, Table C105.1.

Comments:
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.

Condition of Approval:
Meet IFC Appendix C, Table C105.1 for hydrant number and spacing requirements.

General Requirement:
Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

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

Please feel free to have the applicant contact Mark Senteno, 384-3967

cc: File

From: Mark Senteno
To: Dave Hanneman; Teresa Sobotka
CC: BRUCE EGGLESTON; HAL SIMMONS
Date: 6/27/2008 9:49 AM
Subject: Re: Aases Canyon/Plano Road subdivision
Attachments: Aases Canyon-Plano Road Conditions.pdf; Mark Senteno.vcf

Teresa,

I spoke with Dave Hanneman and Terry Records and have made the decision not to require a path through the sand pit. There are current access roads in the area and we will get an additional road when the United Water storage tank is constructed.

On the second issue of residential sprinklers...yes, they will be required. I have referenced the Boise City Comprehensive Plan, the Boise City Foothills Policy Plan and Boise Municipal Code. It is my opinion they support each other.

Enclosed is my preliminary review of the conceptual plan for Aases Canyon/Plano road Subdivision.

Please let me know if you need additional information from me.

Thank you,

Mark

Mark Senteno
Assistant Fire Marshal
Boise City Fire Department
150 North Capitol Blvd.
Boise, Idaho 83702

(O) 208-384-3967
(C) 208-869 7908
MSenteno@cityofboise.org

>>> Dave Hanneman 6/26/2008 3:42 PM >>>
Teresa, the road should hold a fire engine and support 70000 pounds per code the corner of hill and collister is 1.5 miles from our station 9 on sycamore. The entire sub is beyond this point. Even though we are trying to build a new station in that area we have no guarantee that it will be approved at P&Z like what happened on Shirley and Hill. I am flying back right now from Portland but can meet tomorrow or you can call me at 9419324

Dave
-----Original Message-----
From: Teresa Sobotka
To: Dave Hanneman <DHanneman@cityofboise.org>
To: Mark Senteno <MSenteno@cityofboise.org>
Cc: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Cc: HAL SIMMONS <HSIMMONS@cityofboise.org>

Sent: 6/26/2008 3:07:12 PM
Subject: Aases Canyon/Plano Road subdivision

Hi -

Dave, are you requiring a path through the sand pit for emergency fire purposes, and if so is it for a jeep or a fire truck? That is a steep area. We need to know immediately so we can finalize the development agreement.

Mark, we read the Foothills Policy Plan recommendations to state that if the development is outside the 1.5 miles from a fire station, then all houses must have sprinklers. Either way, those over 5,000 sq. ft. must have sprinklers. Is that your interpretation?

Exhibit A

BOISE FIRE DEPARTMENT

M E M O R A N D U M

TO: Bruce Eggleston, PDS Comprehensive Planning

FROM: Mark Senteno

SUBJECT: Aases Canyon/Plano Road Subdivision

DATE: June 27, 2008

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

Code Requirement:

Fire Department vehicular access shall be provided to within 150' of all portions of the non-sprinklered buildings. Dead end roads are prohibited from exceeding 750 feet. These distances can be increased somewhat for sprinklered buildings but exact distances are on a case-by-case basis. All Fire Department access roads, fire lanes, bridges, and gates are to be a minimum of 20' wide with 13' 6" overhead clearance, shall be capable of supporting 70,000 lbs GVW (24,000 lbs per axle), and shall be paved. Fire Department access roads and fire lanes shall have a minimum outside turning radius of 48' with an inside radius of 28'. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height, and at least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. Any dead-end road in excess of 150' needs a Fire Department approved turnaround. No grade may exceed 10% (please note that fire apparatus are designed for a maximum 6% grade). Width and turning radius measurements specified by this paragraph can include those surfaces vehicles generally drive upon. Specifically, gutter and rolled curb are generally considered useable, while vertical curb or sidewalks are not.

Comments:

Condition of Approval:

Boise City Comprehensive Plan Chapter 8 Objective 19, #1 – The Foothills Policy Plan adopted by the City Council on March 4, 1997, is adopted into and is part of the Boise City Comprehensive Plan, subject to all of the stated purposes and procedures of the Comprehensive Plan.

Boise City Foothills Policy Plan Environmental Protection and Open Space Conservation Objective 3:

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.

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.

Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet.

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

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

All newly constructed Foothills structures shall be protected by a landscaped fire break.

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.

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.

Boise Municipal Code Title 11 Zoning Section 11.06.05.07.05 Design Criteria:

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.

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.

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.

Code Requirement:
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.

Comments:

Condition of Approval:
Refer to Code Requirements.

Code Requirement:
Fire hydrant location and distribution shall meet requirements of International Fire Code Appendix C.

Comments:
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.

Condition of Approval:
Refer to Code Requirements.

General Requirement:
Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

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

Please feel free to have the applicant contact Mark Senteno, 384-3967
cc: File

11B

Letters From Agencies

Boise Public Works

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: June 6, 2007

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Aases Canyon Point
CFH07-00022

I have reviewed the CFH07-00022 file that you provided me. The file did not contain any of the engineering reports that are required. Specifically, there was no grading plan, geotechnical report, hydrology report, or revegetation plan contained within the file.

I did receive via e-mail some hydrology information but, according to Jim Wyllie, it would not qualify as even a preliminary hydrology report.

There were some extra copies of the grading plan submitted with the preliminary plat and I took 2 copies of those. However, this cannot be reviewed without the other reports.

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July12, 2007

To: **Bruce Eggleston**
Planning & Development Services

From: Jim Wyllie
Public Works

Subject: **Plano Subdivision**
Hydrology Report & Drainage Plans
PWE 610

The Hydrology Report and drainage plans submitted for Plano Subdivision were very preliminary in nature, were lacking in detail and contained certain errors and omissions. **Reports and plans should conform to the requirements specified in Boise City's technical guidance manual "Hillside Development / Requirements for Technical Reports" (manual is available on the City's web page).**

Some specific comments relating to project hydrology are listed as follows:

Hydrology Report

1. A more complete description of how drainage from the subdivision and upstream tributary areas will be accommodated needs to be provided. If possible, stormwater ponds should be located out of existing stream or runoff channels.
2. Comment on effects of this subdivision on downstream areas needs to be provided. What will be the impact of this development on the lower reaches of Plano Lane and Collister Drive?
3. A better description of drainage facilities needs to be provided. Are the ponds shown on the plans infiltration ponds, detention ponds or something else? All ponds, regardless of type, need to be provided with emergency spillways. If Infiltration ponds are proposed, they need to be provided with sediment trap forebays. Other structural requirements will apply based upon the pond type utilized. A description of how ponds are to be maintained should also be included.
4. Only one storm, the 100 year event, was evaluated. This will only be acceptable if 100% of the drainage from developed areas, including uphill tributary areas, is stored and disposed of on site. Our stormwater design manual requires the evaluation of the 2, 5, 10, 50 and 100 year storm event for all projects with off-site discharge.
5. Additional information on culverts needs to be provided.
6. Drainage basins shown in the Preliminary Hydrology Report were not correct. Drainage basins need to include all upstream tributary areas, even if no development is proposed in upstream areas.
7. Conveyance of stormwater runoff from upstream areas through the development may be

proposed. If so, documentation for conveyance facilities needs to be provided.

Drainage Plans

1. If possible, stormwater ponds should be located out of existing stream or runoff channels.
2. Drainage control features for the emergency access road need to be shown.
3. Culverts at all stream or runoff channels need to provided and shown on the plan.
4. Ponds should include emergency spillways, outlet structures (if proposed), provisions for sediment storage, access for maintenance, etc.

We can complete our review of the project hydrology once the above information is adequately provided.

cc: Hal Simmons
Terry Records

PWE610PlanoHydmem.doc

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 13, 2007

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Aases Canyon Point Grading Review
CFH07-00022

Although the quality of the grading plan has improved considerably it still has enough problems that it cannot be considered as acceptable to submit.

In several instances the plan contains apparent computer anomalies. For example, contour lines make abrupt changes in direction or lie on top of one another.

Much of the grading is proposed in such a way that it requires more disturbance than is necessary. On some lots the pad size could be increased and the area of disturbance reduced if the grading were done more efficiently.

There still appears to be a huge imbalance in the cut and fill volumes. Normally any imbalance is unacceptable, however, this site contains a sand quarry that could receive some of the excess cut. At this time, though, the information documenting that this can be done has not been submitted.

The current version of the grading plan must be revised as follows to be considered as acceptable for submittal:

1. Clean up the apparent computer anomalies.

2. Modify the proposed grading to minimize the area of disturbance and the depth of the cuts and fills.

3. Provide a current estimate of the cut and fill imbalance with a grading plan that indicates the disposal site is large enough to accept the volume.

BOISE
CITY OF TREES

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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

Phone
208/384-3830

Fax
208/384-3814

TDD/TTY
800/377-3529

Web
www.cityofboise.org/pds

Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council ProTem
David Eberle

Vernon L. Bisterfeldt
Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

July 15, 2007

Mr. Kerry Winn
Stewart Land Group
6995 A. Union Park Court
Midvale, Utah 84047

Subject: Aase's Point Canyon project applications

Dear Mr. Winn

Staff has evaluated the most recent changes to the proposed project, and has found items that need to be revised to complete the application prior to scheduling the requests for hearing at the Planning and Zoning Commission.

Staff appreciates the efforts you and your consultants have made to provide changes to date, but important issues remain that should be worked out through meetings with staff to clarify what is required to complete the application. The primary concerns are with the overall grading and the associated issues as demonstrated in the two attached letters from the Public Works staff.

The grading issues seem to be the variable that must be solved before staff can determine the density bonus and the number of eligible units. At issue is the total area of the threatened species fields post-grading. The current grading plan covers up significant areas of the threatened species that would in turn eliminate them from the bonus. Staff recommends that the grading issues and the density issues should be addressed in consultation with staff.

The following issues should be provided to enable staff to further evaluate this application.

1) Provide evidence from the Ada County Highway District, and other sources, that prove that the Plano Road ingress/egress is secured for this project. Portray the proposed Plano right-of-way on the preliminary plat and other maps. Supporting evidence must include an affidavit of legal interest from all the landowners providing the right-of-way.
2) Address the grading items in the attached letter from Terry Records.
3) Address the hydrology items in the attached letter from Jim Wylie.
4) The density of the project should be reviewed after the grading issues are addressed. The post-grading areas of the threatened species must be depicted on a map and calculated on a table to establish the area eligible for the density bonus.
5) Some revision must be made to the proposed zoning map. The Plano Lane properties should be in the A-1/DA Zone because they have not been

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incorporated in the development layout and are shown as vacant land.

6) We will continue to work with you on the development agreement, as it will change with the results from the requested modifications to the application.
7) Details must be provided to show the Collister Road stub at the eastern property boundary.

Please direct questions about these issues to me at 208-384-3830.

Sincerely,

Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file

BOISE
CITY OF TREES

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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

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Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

August 30, 2007

Mr. Kerry Winn
Stewart Land Group
6995 S. Union Park Ctr.
Midvale, Utah 84047

Subject: Status and hearing process for CUP07-00084, CAR07-00042, SUB07-00065, and CFH07-00022.

Dear Mr. Winn,

This letter is to inform you of the sufficiency status of the above applications.

The requests are still not scheduled for a hearing date before the Planning and Zoning Commission as we are still awaiting resolution of lot design, grading and access issues.

The City would prefer to continue to work with you to resolve the outstanding issues prior to taking the applications to public hearing. It is the City's policy to work out the technical issues for any application prior to hearing to ensure that requests receive consideration by the Planning and Zoning Commission and City Council based on the merits of the proposal, not on the compliance with the technical aspects of the application process. We sent you a letter on July 15, 2007 that addressed most of the issues that remain today. You have been working diligently to revise your plans to comply with City standards and ordinances for these kinds of applications, and we appreciate your efforts.

We hope that we can continue on this path to resolve these issues prior to scheduling the requests for hearing. You do have the option to request a hearing date based on the current status of the applications, but that would not give the staff an opportunity to make the findings necessary to comply with the ordinance.

The following items are required to complete and/or clarify their applications CUP07-00084, CAR07-00042, SUB07-00065, and CFH07-00022.

1. Address the grading items in the attached letter from Terry Records from Public Works, Exhibit A.

2. Provide evidence from the Ada county Highway District, and other sources, that prove that the Plano Road ingress/egress is secured for this project. Portray the proposed plan right-of-way on the preliminary plat and other maps. Supporting evidence must include an affidavit of legal interest from all the landowners providing the right-of-way.

3. A map showing the post-grading contours and the undisturbed Aase's Onion fields that would be permanently set aside, with calculations of the remaining area sizes.

4. Address the building footprint issues portrayed on the site plans e-mailed to you, and added to the CUP07-00084 case file, where the proposed building envelopes are shown on lands with slopes greater than 25%. This will require the alteration of the site plan to bring the lotting pattern into conformance with ordinance, Section 11-06-05.07.06Building and Grading Disturbance Envelopes, and the definitions in Section 11-06-05.07.08. Refer to the attached table, Exhibit C, for the building envelope analysis.

5. We will continue to work with you on the development agreement, as it will change with the results from the requested modifications to the application.

Please direct questions about these issues to Bruce Eggleston at 208-384-3830.

Sincerely,

Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file

Exhibit A

August 29, 2007
From Public Works, Terry Records
Plano Grading Plan Adequacy:

The grading plan for the Plano Road Sub is not acceptable in it's current form. The proposed grading indicated on the plan does not accurately represent how the applicant intends to grade the site.

The plan that was submitted indicates large areas of disturbance that are unnecessary to achieve the intended grading. I met with James Woodruff, the project engineer, last week and we reviewed the plan and discussed the changes that are necessary to make the plan acceptable. I have not received the revisions yet and so the hillside application cannot be considered complete at this time.

Exhibit B

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 19, 2008

To: Bruce Eggleston, Planner II
Planning & Development Services

From: Jim Wyllie
Public Works

Subject: Plano Subdivision
Preliminary Hydrology Report
Review Comments
PWE 610

Project Description

Plano Subdivision lies in Northwest Boise, situated north of Hill Road between Pierce Gulch and Polecat Gulch. The subdivision is approximately 324 acres in size with an overall drainage area of approximately 607 acres. Overall drainage area includes 338 acres of undeveloped ground in Polecat Gulch existing above the Plano Subdivision. Stormwater runoff for the subdivision now flows into two separate drainage basins. Drainage basins are Plano Lane and Polecat Gulch.

The development site includes steep hillsides with narrow ridge tops. Slope steepness in certain areas approaches 1.5:1 (a slope of 1.5 horizontal feet for every 1 vertical foot). Other slopes between 1.5:1 and 2:1 are common throughout the subdivision. Vegetation is composed primarily of sagebrush with a grass under story and grasslands. Subdivision soils are classified primarily as a Type B material. This soil type has a moderate to high rate of infiltration capacity resulting in historically low stormwater runoff rates from this area.

The Plano Drainage Basin has no drainage infrastructure for stormwater. All drainage emanating from the Plano Basin flows overland onto the end of the paved road on Plano Lane. Drainage then flows down Plano Lane to Hill Road. The Polecat Basin has drainage conveyance facilities located in Collister Drive. There is an existing 12-inch diameter pipeline that runs from the upper end of Collister Drive to an existing stormwater detention facility located at the intersection of Collister and Quail Ridge Drive. Collister Drive also functions as an overflow channel to convey stormwater flows when the capacity of the 12"pipeline is exceeded.

Pre Development Conditions

The subdivision site is generally undeveloped in nature and is in a near-natural setting except for Plano Lane (a gravel surface roadway) and five houses that are either on the valley floor or on the ridge tops. There is also a sand borrow pit on the northerly end of the property.

Vegetation in the area consists of sagebrush with grass under story and grasslands with minor amounts of brush. Sandy soils, having good infiltrative capabilities, are prevalent over this area and help to minimize stormwater runoff. For a 100-year storm event, the Preliminary Hydrology Report predicts pre-development runoff rates from the Plano Basin and the Polecat Basin of 14.2 cubic feet per second and 30.11 cubic feet per second respectively. The Polecat Basin includes runoff from the 338 acre non-developed tributary area above the end of Collister Drive.

Post Development Conditions

A series of ponds are proposed for stormwater mitigation. Three ponds are to be placed in the Plano drainage and one pond in the Polecat drainage.

The Plano Ponds are primarily stormwater infiltration ponds that include a controlled outlet to allow time for ponds to drain between storm events. Performance of this type of system will need to be documented in the Final Hydrology Report. Each pond system is to be provided with sediment storage and an emergency overflow structure. According to the Preliminary Hydrology Report, the ponds are designed to completely retain a 100-year storm event for all developed areas excepting for a maximum 0.5 cubic foot per second discharge.

The Polecat facility is a detention pond that stores water that is released over an extended time period to replicate pre-development peak flow conditions. Drainage facilities for Polecat Gulch do not provide runoff storage for the undeveloped drainage basin that lies above the Plano Subdivision development.

Conveyance of stormwater runoff to the subdivision ponds will be accomplished by collecting stormwater in pipelines that extend from the street system to the drainage ponds. The pipelines will also collect roof drainage from each individual lot.

Commentary

1. Although the information provided in the Preliminary Hydrology Report is adequate, certain additions and revisions to the final hydrology report and plan will need to be made. Such changes include modification of drainage basin characteristics, such as size, runoff coefficients, etc. Pond infiltration rates and information on all stormwater piping systems and culverts also needs to be provided.

2. Where possible, stormwater ponds should be located out of the natural drainage channels. Placing ponds in the bottom of drainage channels diminishes their storage capacity if natural flows are allowed to enter the ponds. Developer's Engineer should consider placement of bypass piping to route natural drainage flows around proposed pond facilities.

3. Erosive soils are present in this development and in upstream tributary areas. Over time, transport and deposition of sediments in the ponds may significantly diminish the ponds capacity and infiltration performance. Consequently, removal of sediments from the ponds is very important. Sediment removal requirements should be clearly specified in operation and maintenance manuals which must be provided with the final engineering documentation.

4. Developer shall provide additional documentation for stormwater ponds with the final

reports. Include infiltration rates below proposed pond areas and potential impacts of subsurface drainage on existing downstream structures and domestic water wells. Documentation must show that infiltrated stormwater will not contaminate down slope domestic water wells or emerge in basements or crawl spaces.

5. One of the proposed ponds has an embankment height of 10 feet. This pond may be subject to regulations of the Idaho Department of Water Resources.

6. Ponds are to be provided with outflow structures. Outflow rates cannot exceed pre-development runoff rates. Place outflows at historical drainage inverts.

7. Ponds are shown with side slopes of 1:1 or 2:1. Fencing around ponds will be required.

8. Basin "C" pond slopes are shown to be 1:1. This slope steepness exceeds recommendations listed in the Preliminary Geotechnical Report. Pond slopes should be revised to 2:1 or be specifically approved in the final geotechnical report.

9. The private road (20 foot wide roadway connecting upper and lower W. Daylight Rim Drive) needs to include a drainage system or be constructed with an armored channel on the low side of the roadway.

Conclusion

The Final Hydrology and Geotechnical Reports for the Plano Subdivision need to confirm the proposed drainage mitigation facilities are appropriate and in compliance with City standards. Reports also need to show that infiltrated stormwater will not negatively impact downstream properties. If these items can be accomplished, this development should comply with requirements of the Hillside Ordinance.

cc: Terry Records
Rob Bousfield
Scott Spjute
Sf PWE 610 2.4

Exhibit C

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 20, 2008

To: Bruce Eggleston, Planner II
Planning & Development Services

From: Jim Wyllie
Public Works

RECEIVED
MAY 2 2 2008
DEVELOPMENT SERVICES

Subject: Plano Subdivision (SUB07-00065)
Preliminary Hydrology Report
Approval Conditions
PWE 610

Recommended conditions of approval for the Preliminary Plat of Plano Subdivision are listed below. This memo is a supplement to my earlier memo to you dated May 19, 2008.

Recommended Conditions of Approval

General Requirements For All Stormwater Ponds

1. Details on all pond outflow structures must be provided. Outflow rates cannot exceed pre-development runoff rates. Discharge point for outflow structures shall be placed at historical drainage inverts.

2. Ponds are shown with side slopes of 1:1 or 2:1. Fencing around ponds will be required.

3. Where possible, stormwater ponds should be located out of natural drainage channels.

4. Drainage ponds with embankment heights of ten feet or greater are subject to regulations of the Idaho Department of Water Resources.

Requirements For Stormwater Infiltration Ponds

1. Pond infiltration rates and time required for each pond to drain shall be provided. Infiltration rates shall be supplied by the project geotechnical engineer.

2. Pond sediment removal requirements shall be clearly specified. These requirements shall be included in Operation and Maintenance manuals for use by the Subdivision Homeowners Association.

3. Geotechnical documentation stating that infiltration of stormwater will not negatively affect existing downstream structures and domestic water wells shall be provided, i.e., infiltration of stormwater shall not contaminate down-slope domestic water wells or emerge in down-slope basements or crawl spaces.

Other Requirements

1. Basin "C" pond slopes, as shown on preliminary grading plans, are shown to be 1:1. This slope steepness exceeds recommendations listed in the Preliminary Geotechnical Report. Pond slopes should be revised to 2:1 or be specifically approved in the final geotechnical report.

2. The private road (20 foot wide roadway connecting upper and lower W. Daylight Rim Drive) needs to include a drainage system or be constructed with an armored channel on the low side of the roadway.

3. Final Hydrology Report shall include documentation for all stormwater piping systems and culverts.

4. Final Drainage Plans shall be approved by Ada County Highway District prior to signature of the Final Plat by the City Engineer.

Please contact me if you have questions regarding the proposed requirements.

cc: Rob Bousfield
Terry Records
Scott Spjute
Sf PWE 610 2.4

Exhibit D

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 28, 2008

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Plano Road Sub Grading
CFH07-00022, CUP07-00084, SUB07-00065

Plano Road Subdivision is a proposed 154 lot development located on approximately 324 acres in the lower Boise foothills. The subdivision is planned to extend between Plano Lane on the west and Collister Road on the east. The existing site consists of mostly undeveloped steep hillsides with slopes as steep as 1½:1 (horizontal to vertical). Vegetation is primarily sagebrush, bunchgrass and other native vegetation typical of the semi-arid Boise foothills with interspersed areas of Aases onions . The developed areas are proposed to be located along the relatively narrow ridge tops and valley floors. To provide for streets and areas to build the houses the ridge tops will be lowered and leveled and the material placed in the valley floors. The proposed development plan is similar to previous subdivisions in the Boise foothills such as Quail Ridge, Arrowhead Ridge, and Highlands Hackberry.

Grading

The proposed grading plan indicates cuts and fills of approximately 50 feet through the majority of the site. Material will be removed from the ridge tops to provide level areas for the streets and future houses. This cut material will then be placed in the valley floors to again provide level areas for the streets and houses. The preliminary grading plan indicates approximately 2,000,000 cubic yards of cut and 900,000 cubic yards of fill for the infrastructure and lot pad development. The excess cut material will be placed in an old sand quarry that exists on the site. The fill in this area will be adjusted as necessary so that no excess material will be hauled off site. Currently the deepest proposed fill in the sand pit area is approximately 70 feet but may be revised depending on how the final cut and fill balances. This fill will also remediate an existing unattractive scar that is visible from most of the western bench area of Boise.

On sloped sites the Uniform Building Code (UBC) restricts how close to a property line grading can occur, depending on the height of the adjacent slope. The preliminary plan indicates that

grading is proposed right up to the property line in several areas and actually across the line in some instances. The plan must be revised to comply with the setback requirements of the UBC. Alternatively permission can be granted by the affected property owner for the encroachment. All other parts of the proposed grading plan comply with the technical requirements of the Boise Hillside and Foothills Areas Development Ordinance and can be approved with the attached conditions of approval.

Geotechnical

The Preliminary Soil and Geologic Evaluation was done by Strata, Inc. in June of 2007. The report was based on site reconnaissance, geologic and geotechnical literature review, review of existing data and previous work done by Strata in this area of the foothills. The purpose of the study was to identify any "fatal flaws" which may have a significant adverse impact on the proposed development concept. No such flaws were identified. However, several areas of concern were identified that must be addressed in the Final Geotechnical report.

The site is characterized by 3 main formations and soil types. At the highest elevations is the Pierce Gulch sediments comprised of medium to coarse grained sand with localized silty sand layers. Below this is the Terteling Springs sediment comprised of medium to coarse grained sand, silt, sandstone, siltstone and claystone. The valley floors have had more recent sediments deposited as a result of erosion from the Pierce Gulch and Terteling Springs Formations above. These soils are expected to be loose and soft with relatively low densities and may exhibit volume changes with changes in moisture content.

Additional geotechnical exploration, including test pits and or test borings, will be performed prior to final approval and the issuance of a grading permit. Specific areas of investigation that will need further investigation, as identified in the Preliminary Soil and Geologic Evaluation, include:

1. Slope Stability Analysis
   Slope instability could potentially impact adjacent development and must be evaluated .

2. Stormwater Disposal
   Soils will be evaluated for infiltration, allowable infiltration rates, and recommended setback distances from structures and slopes and potential impacts of subsurface drainage on existing downstream structures and domestic water wells.

3. Earthwork and Grading
   Recommendations to include suitable soil types and evaluation of on-site soils for use as structural fill and ;the effect of perched groundwater on proposed grading.

4. Evaluation of Subgrade Soils for Project Infrastructure
   This evaluation to include identification of active clay soils, evaluation of settlement potential associated with grading, recommendations for pavement subgrade, and

recommendations to reduce potential effects of detrimental soil conditions.

5. Detention Pond Embankments
   Recommendations to include stability analysis seepage analysis and earthwork specifications.

Conclusion

The proposed grading plan complies with the technical requirements of the Boise Hillside and Foothills Areas Development Ordinance and Uniform Building Code, except as noted above, and can be approved with the attached conditions of approval. The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. Final approval of the grading plan and the issuance of a grading permit are contingent upon a more extensive onsite investigation confirming the preliminary opinions of the geotechnical engineer.

Recommended Conditions of Approval

Prior to final approval of the proposed grading plan the following must be completed:

1. Provide a Final Geologic and Geotechnical report that addresses the areas of concern identified in the Preliminary Soil and Geologic Evaluation. The final report must indicate that the development can be done without adverse impact to adjacent properties through slope instabilities or the introduction of subsurface water by infiltration facilities.

2. Modify the proposed grading plan to comply with the grading setback requirements of the UBC or provide approval from the affected property owner.

A grading permit can be issued with the following conditions of approval:

1. All site work shall be done in compliance to the above referenced plans and project specifications, the Boise City Hillside and Foothills Areas Development Ordinance, CUP07-00084, CFH07-00022, SUB07-00065, and in accordance with Appendix Chapter 33 of the Uniform Building Code.

1. All earthwork must be done under the direct supervision of the geotechnical engineer. Inspection and testing of earthwork is to be provided by a soils engineer/testing laboratory. Embankment compaction test data and daily logs of construction activities shall be submitted by the Project Engineer to Public Works (my attention) on a weekly basis.

2. Unforeseen or difficult soil conditions may be encountered during earthwork activities. If soil conditions, weather conditions, or other situations alter work activities or potentially impact satisfactory completion of work; the City shall be immediately notified. The

geotechnical engineer shall respond to these conditions in a manner acceptable to the City. If these conditions are not appropriately dealt with, a work stoppage will be imposed on the project until satisfactory resolution of these problems can be achieved.

3. The permittee shall apply water or other dust palliative to control dust when necessary.

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

5. No cut or fill slopes shall be steeper than 2 to 1.

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

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

8. Final reports as required by Chapter 33 of the uniform Building Code shall be provided prior to full release of grading performance security.

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

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

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

12. The Contractor and/or Developer to whom this permit is issued, shall be responsible for maintaining the project site in a safe, environmentally stable condition. If the Project

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

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

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

15. When work is completed on the storm drains to the individual lots, record drawings shall be provided that identify the location and invert of the end of the stubout.

stewart land group

Development Services
6995 So. Union Park Center
Suite 360
Midvale, UT 84047

June 3, 2008

Bruce Eggleston
Planning and Development Services
150 N. Capitol Blvd.
2nd Floor
Boise, ID 83701-0500

Dear Bruce,

The purpose of this letter is to clarify our commitment to a few items that need additional work in our application. Plano Road Subdivision will require color and material restrictions for any sides or areas of homes and lots readily visible from the Treasure Valley. These restriction specifics will be mandated in the subdivision's recorded CC&R's and be accepted, prior to building, and enforced by an HOA Architectural Review Committee. Also, height and set back restrictions will be applied and enforced in a similar manner, for lots along the initial ridgeline from Hill Road, prior to a building permit being issued.

The color pallet and material restrictions are in process of being developed and should be ready prior to the Hearing on July 14th. They will include a very limited range of darker, earth tone colors, non-reflective materials and low glaze windows.

We are confident that these voluntary restrictions will minimize and substantially reduce the visual impact across the Treasure Valley and immediate neighborhoods.

Also, regarding the timing for turning over the 150-acres for the Onion Conservancy to the Land Trust of the Treasure Valley, after talking with Tim Breuer, that would probably take place prior to the first Final Plat being recorded. Without final agreements in place, we can only express that is the intent.

If anything else is needed please let me know.

Sincerely,

Kerry Winn

Kerry Winn
V.P. of Operations
Stewart Land Group

Exhibit E

RECEIVED
JAN 17 2008
DEVELOPMENT SERVICES

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: January 16, 2008

To: Boise City Planning & Zoning

Re: CAR 07-0042/ CUP 07-0084/ CFH 07-0022; 6890 N. Plano Lane

CONDITIONS OF APPROVAL

SEWER CONDITIONS – JIM PARDY (433-5648)

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in Hill Road at Plano Road and in Collister Drive (384-3900).

DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)

No comment.

STREET LIGHT CONDITIONS – BILL COLSON (384-3929)

Street lights are required. The specific location and type of facilities to be installed will be identified in the conditions of subdivision plat approval.

PERSON MAKING OTHER COMMENTS: TERRY RECORDS (384-3946)

OTHER COMMENTS:

This project site contains areas to be developed in excess of 15% grade. Comply with Boise City Hillside and Foothill Areas Development Ordinance, International Residential Code Chapter 4 and Uniform Building Code Appendix Chapter 33.

A formal review of the preliminary soils and engineering reports for this project will be forthcoming under a separate memo.

PUBLIC WORKS REPRESENTATIVE

PUBLIC WORKS REPRESENTATIVE

cc: Applicant

Letters From Agencies

Ada County Highway District

ACHD
Committed to Service

April 15, 2008

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner II

SUBJECT: Plano Road Subdivision (SUB07-00065, CAR07-00042, SUP07-00084, CFH07-00022)
Regular Agenda Item—April 23, 2008 at 6 p.m.

Plano Road Subdivision is an application for preliminary plat, annexation, rezone, and hillside permit for 154 single-family homes on approximately 333 acres. It is on the regular agenda due to its size and neighborhood concerns over the development.

ACHD
Committed to Service

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

TO: ACHD Commissioners, J. Schweitzer, Bruce Mills

FROM: Matt Edmond, Planner II

DATE: May 27, 2008

SUBJECT: Plano Road Subdivision—Regular Agenda item on April 23, 2008
Identification of neighborhood concerns from communications received by staff AND staff response and comments to the identified concerns

Widening of Plano

Issue/Concern: The proposed development will require widening of the existing portion of Plano Lane. This widening will impact the existing neighbors by reducing front yards and potentially requiring the removal of items such as a large retaining wall.

Staff Response and Comment: The existing portion of Plano Lane was deeded to the public in 1960 as a 50-foot wide right-of-way. The public portion of Plano currently consists of 19-feet of pavement, with multiple encroachments into the right-of-way. District staff is recommending widening of Plano Lane to 30-feet of pavement and 3-foot gravel shoulders, in order to accommodate increased pedestrian and vehicle traffic generated by the development, while at the same time accommodating the existing neighbors as much as practicable.

Connectivity

Issue/Concern: Generally speaking, residents along Plano Road are supportive of a full public connection, while residents along Collister and in Quail Ridge are not. As a compromise, the applicant has proposed a gated connection with a drive-around bypass, to allow but discourage traffic taking access via Collister Drive.

Staff response and comment: District staff is recommending site connectivity to share the traffic load between Plano and Collister. District staff estimates that traffic distribution from the site will be evenly split between Plano Road and Collister Drive. This connection should be built prior to the construction of more than 80 units.

Traffic on Plano Lane

Issue/Concern: Plano Lane is currently a small rural road that serves only about a dozen rural homes. The increased traffic from this development will significantly impact current residents in terms of safety, noise, and travel delay. Current residents are especially concerned over traffic backing up on Plano while trying to get out onto Hill Road in the mornings, and that there was no specific AM peak hour analysis.

Staff Response and Comment: Plano Road currently sees about 105 vehicle trips per day. Assuming a full public connection between Plano and Collister and an even distribution of site traffic, Plano Road will see approximately 870 vehicle trips per day at project buildout. This is well

below the 2,000 ADT threshold for local residential streets. We look at AM Peak if there is a need. The volumes are too low here to warrant a turn lane.

Traffic on Collister Drive

Issue/Concern: Collister Drive north of Quail Ridge Drive is currently a narrow, dead-end road that serves only about 70 homes. It is wrongly classified as a collector roadway, and its design and construction (front-on housing, on-street parking, worn concrete, valley gutter) cannot accommodate additional traffic.

Staff Response and Comment: Collister Drive currently sees about 285 vehicle trips per day. Assuming a full public connection between Plano and Collister and an even distribution of site traffic, Collister Drive will see approximately 1,050 vehicle trips per day and project buildout. Even reclassifying Collister as a local street, the additional traffic would be well below the 2,000 ADT threshold for local residential streets.

Plano – Hill Intersection

Issue/Concern: This intersection is currently stop-controlled on the Plano Lane approach. It is potentially hazardous due to excessive speeds on Hill Road and a limited sight distance looking west from Plano Lane. Increased traffic will increase the number of incidents/accidents at this intersection.

Staff response and comment: The sight distance looking west down Hill Road from Plano Lane is 390-feet, which is the minimum recommended sight distance for approach traffic traveling 35 MPH. Speed data recently collected indicate that a significant portion of traffic traveling eastbound on Hill Road is do so at 40 MPH or faster, suggesting that a greater sight distance is desirable. That said, there has been one reported accident at the Hill Road – Plano Lane intersection in the last 5 years, and it did not involve traffic turning onto Hill Road from Plano Lane. District staff recommends posting advisory signs on Hill Road eastbound to the west of Plano Lane.

Collister – Hill Intersection

Issue/Concern: This intersection is a 4-way stop due to limited sight distance, and it will reach Level of Service "E" prior to project buildout.

Staff Comment: Adding a traffic signal and left turn lanes on the Hill Road approaches will meet the capacity and safety needs of this intersection through project buildout.

Collister – Quail Ridge Intersection

Issue/Concern: This intersection is currently stop-controlled on the Quail Ridge approach. The increased volume on Collister will make it difficult and hazardous to turn onto Collister from Quail Ridge.

Staff Comment: The sight distance looking south down Collister from Quail Ridge is 210-feet, which is less than the recommended 280-foot sight distance with an approach speed of 25 MPH. There have been three non-injury accidents and one injury accident at this intersection in the last ten years, and no accidents in the last five years. If problems materialize at this intersection in the future, a 3-way stop could be installed to resolve safety concerns while still providing adequate capacity through project buildout.

Increased Area Traffic

Issue/Concern: This development will add to traffic that is already destined to increase from other ongoing developments. Eyrie Canyon No. 4, Dry Creek Ranch, Cartwright Ranch, and Kastera Shadow Valley could potentially add over 5,000 homes to the area in the near future. Planned

communities such as Avimor could add several thousand in coming decades. These developments will inevitably add more traffic to roads that area already heavily traveled, and will, at some level impact Boise's historic North End neighborhoods. Increased traffic through existing neighborhoods will result in environmental, social, and cultural decline.

Staff Comment: Several area roadways that could potentially serve traffic from this site are at or near capacity. State Street, both west of Pierce Park and east of Collister, and Hill Road between 28th and Harrison all currently operate at LOS E or F.

Drainage

Issue/Concern: Existing runoff on Plano Lane and Hill Road is already excessive. This development will add more runoff and exacerbate erosion, placing downhill properties at increased risk for flooding and water-related damage.

Staff Comment: Currently, sand washes onto Hill Road in several locations during heavy rain events. The worst runoff location is near Eugene Street. It is largely due to road back slopes and yards of existing homes. This development will reduce current runoff volumes along Plano Road, but will likely have no impact to current runoff conditions along Hill Road.

ACHD
Committed to Service

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

June 3, 2008

To: Kerry Winn
Stewart Land Group
6995 S. Union Park Center
Midvale, Utah 84047

Subject: Plano Road Subdivision

On 28 May 2008, the Ada County Highway District Commission acted on SUB07-00065, CAR07-00042, CUP07-00084, and CFH07-00022 for the proposed Plano Road Subdivision. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Matt Edmond
Planner II
Right-of-Way & Development Services
Ada County Highway District

CC: Project file
Aase's Canyon Point Development, LLC
Capital Development
Bruce Eggleston, Boise City *(sent via email)*

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: "Matt Edmond" <Medmond@achd.ada.id.us>
Date: 6/12/2008 9:51 AM
Subject: Plano Road Subidivision Reconsideration

June 12, 2008

To: Interested Parties

Subject: Plano Road Subdivision

On 11 June 2008, the Ada County Highway District staff requested reconsideration of the Commission action taken at the 28 May Commission meeting concerning the timing of the requirement for a full public connection between Plano Lane and Collister Road due to new facts and information that were not presented at the 28 May Commission Meeting. The Commission acted to reconsider the decision. The reconsideration is scheduled for the 25 June Commission meeting at 6:00 p.m. This meeting is open to the public.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

Ada County Highway District

AGENDA MEMORANDUM *Right-of-Way & Development Services Department*

TO: ACHD Commission June 18, 2008

FROM: Gary Inselman, ROWDS Manager

SUBJECT: Reconsideration of Commission Action of May 28, 2008
Plano Road Subdivision
Preliminary Plat / Annexation / Rezone / Hillside permit

MEETING DATE: June 25, 2008

FINDINGS

1. This item was originally heard by the ACHD Commission April 23, 2008 and continued to May 28, 2008.
2. The Commission approved the preliminary plat at the May 28th meeting with site specific conditions of approval. See attached staff report.
3. The Commission action followed the staff recommendation as presented with one exception: Site Specific Condition of Approval 11. The Commission motion required the dedication and construction of Daylight Rim Drive as a public roadway connecting Plano Lane and Collister Drive with the first phase of the development.
4. ACHD staff requested reconsideration of the Commission action at the June 11, 2008 regular Commission Meeting. The Commission approved a motion to reconsider the action on the Plano Road Subdivision and set the date of the reconsideration for the June 25, 2008 regular Commission Meeting.
5. Staff concerns and new information prompting the request for reconsideration of the May 28th action include:
    a. The discussion of the timing of the public street connection between Plano Lane and Collister Drive occurred after the public testimony with no opportunity for public comment or rebuttal by the applicant.
    b. Because of the timing of the discussion, staff did not have an opportunity to review and present the Commission with information regarding the requirement to construct the connection with phase 1 or other alternatives that may have addressed the concerns raised by the Commission.
    c. The length of roadway required to connect Plano Lane to Collister Drive is 1.86 miles and is not necessary to serve the traffic generated by the first phase of the development.
    d. The original staff recommendation requiring the connection after platting 80 buildable lots was based on ACHD policy for maximum traffic on one access.
    e. The Commission discussion made it clear that the Commission believed the 80 lot threshold to require the connection was too high based on concerns of winter safety, fire

safety, emergency services, mitigation of construction traffic and general connectivity. However, ACHD policy and generally accepted engineering standards do not support a finding to require the connection with the first buildable lot. Therefore, staff has reviewed the issues and concerns raised and gathered additional information to formulate a proposal for consideration by the Commission.

6. Additional information gathered since the May 28th action includes:
    a. The length of roadway, 1.86 miles, raises maintenance concerns for District staff if the roadway is not necessary to serve traffic generated by the development.
        i. The cost benefit for maintaining additional miles of roadway for the limited number of vehicle trips projected in the first 5 to 10 years of the development is a concern.
        ii. Winter maintenance of sanding the roadway will be necessary if the roadway is open despite the limited number of vehicle trips.
        iii. Pavement that is not subject to traffic generally tends to dry out and develop cracking much sooner than pavement that is subject to normal traffic loads. A roadway constructed and not subject to traffic would require chip sealing much sooner to protect the pavement from premature deterioration. This area is being chip sealed this year. This roadway would not be in the District's program for chip sealing again until 2017 under the current rotation.
    b. The applicant has two options to satisfy Boise City Fire requirements. They may add sprinklers to the houses or provide a secondary emergency access.
        i. The applicant has informed the District that they will construct an emergency access connection from Collister Drive to Plano Lane with the first phase of the development to meet Boise City requirements.

RECOMMENDATION

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-feet 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.

Attachments: Plano Road Subdivision staff report dated May 28, 2008

EXHIBIT F

ACHD
Committed to Service

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

July 2, 2008

To: Kerry Winn
Stewart Land Group
6995 S. Union Park Center, Suite 360
Midvale, Utah 84047

Subject: Plano Road Subdivision
(SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00065)

On 25 June 2008, the Ada County Highway District Commission acted on the above application. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Matt Edmond
Planner II
Right-of-Way & Development Services
Ada County Highway District

CC: Project file
Capital Development, Inc.
Bruce Eggleston, Boise City Planning & Development Services *(sent via email)*

ACHD

Committed to Service

Project/File: **Plano Road Subdivision (SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00022)**
This application is for preliminary plat, annexation, rezone, and hillside permit for 154 single-family homes on approximately 333 acres.

Lead Agency: City of Boise

Site address: Plano Lane

Commission Approval: June 25, 2008

Applicant: Stewart Land Group
6995 S. Union Park Center
Midvale, Utah 84047

Representative: Same as above

Staff Contact: Matt Edmond
Phone: 387-6187
E-mail: medmond@achd.ada.id.us

Tech Review: April 11, 2008

Application Information:
Acreage: 333
Current Zoning: RP
Proposed Zoning: R-1A
Residential Lots: 154
Open Space: 245 acres



A. Findings of Fact

Existing Conditions

1. **Site Information:** The site currently consists of one home and vacant property.
2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Vacant / Open Space	RP
South	Single-Family Residential / Open Space	R-1A / R-1B / R6 / R2 / A-1
East	Vacant / Open Space	RP
West	Vacant / Open Space	RP

3. **Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site**
   - Plano Lane is currently improved with approximately 19-feet of pavement with no curb, gutter, or sidewalk inside 50-feet of right-of-way for approximately 750-feet north of Hill Road.

- A dirt road runs from the current end of the public right-of-way for Plano Lane approximately 800-feet to the site, and continues along the site's northwest boundary and provides access to four houses adjacent to or beyond the site.
- Collister Drive is currently improved as a 36-foot street section (back-of-curb to back-of-curb) with sidewalk on one side, all within 50-feet of right-of-way in the vicinity of the site.
- Hill Road is currently improved to approximately 32-feet of pavement with 2 travel lanes and bike lanes, and no curb, gutter, or sidewalk, all within 43 to 50-feet of right-of-way in the vicinity of the site.
- Pierce Park Lane is currently improved with 2 travel lanes, and no curb, gutter or sidewalk, within 58-feet of right-of-way in the vicinity of the site.

4. **Existing Access:** There is one defined access point to this property located off of Plano Road.
5. **Site History**: ACHD has not previously reviewed this site for a development application.

Development Impacts

6. **Trip Generation:** This development is estimated to generate 1,530 additional vehicle trips per day (VTD) based on the submitted traffic impact study.
7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
8. **Existing Condition of Area Roadways:**

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
Plano Road	495'	Local	105 ADT north of Hill 4/3-4/8/2008	N/A	20 MPH
Hill Road	None	Minor Arterial	7,584 west of Collister 10/23/2007	Better than "C"	35 MPH
Hill Road	None	Minor Arterial	4,437 west of Pierce Park 10/23/2007	Better than "C"	35 MPH
Pierce Park Lane	None	Collector	4,013 north of Castle 10/23/2007	Better than "C"	35 MPH
Pierce Park Lane	None	Collector	6,182 south of Castle 10/23/2007	Better than "C"	35 MPH
Collister Drive	None	Collector	1,764 north of Outlook 11/15/2007	Better than "C"	25 MPH
Collister Drive	None	Collector	570 north of Quail Ridge 11/15/2007	Better than "C"	25 MPH
Collister Drive	None	Collector	2,806 south of Hill 10/23/2007	Better than "C"	30 MPH
State Street	None	Principal Arterial	40,285 east of Collister 4/2/2008	"F"	35 MPH
State Street	none	Principal Arterial	40,386 west of Pierce Park 4/2/2008	"F"	45 MPH

*Acceptable level of service for a two-lane minor arterial roadway is "D" (14,000 VTD).
*Acceptable level of service for a two-lane collector roadway is "D" (9,500 VTD).
*Acceptable level of service for a five-lane principal arterial is "E" (37,000 VTD).

9. **Capital Improvements Plan (CIP) / Five Year Work Program (FYWP):**
   - The intersection of Hill Road and 36th Street is in preliminary development in the FYWP to have a roundabout installed.
   - Hill Road between Castle Drive and 36th Street is listed in the CIP for corridor preservation to accommodate future widening to three lanes.
   - The intersection of Hill Road and Pierce Park Road is listed in the CIP to be widened to three lanes on all approaches and signalized in the timeframe between 2019 and 2028.
   - The intersection of Collister Drive and State Street is listed in the CIP to be widened to three lanes on the north approach in the timeframe between 2019 and 2028.
   - State Street between Glenwood and 27th Street is listed in the CIP for corridor preservation to accommodate future widening to seven lanes.

B. Findings for Consideration

1. Traffic Impact Study

Dobie Engineering prepared a traffic impact study for the proposed Plano Road Subdivision. Below is an executive summary of the submitted traffic impact study **as presented by Dobie Engineering**. ACHD staff comments on the submitted traffic impact study can be found below under Staff Comments/Recommendations.

The proposed Foothills Subdivision is a 268-acre residential development with 160 single family lots. The site is located north of Hill Road between Collister and Plano Road in Boise, Idaho.

- At full buildout the site development will produce total driveway volumes of 1,530 vehicles per day with a PM peak hour loading of 160 vehicles per hour.
- The proposed site plan includes two all-movement accesses to Plano Road and an extension of Collister Drive to access the site.
- The arterial intersections of Hill Road with both Collister Drive and Pierce Park Lane now operate with little traffic congestion (LOS B/C) and ADT volumes are within acceptable lane capacities.
- Lane modifications and intersection improvements on Hill Road are included in the ACHD CIP. Hill Road will require a 3-lane section at the Castle Drive intersection to accommodate regional traffic growth and site traffic from the Foothills Subdivision by 2015.
- The Hill Road intersection with Collister Drive will exceed the capacity of all-way stop control operation by 2015. Intersection improvements including left-turn lanes and changing the operation of the intersection from all-way to two-way stop control will be needed to accommodate regional traffic growth as identified in the COMPASS Long Range Transportation Plan.
- Site generated traffic can be accommodated with the additional system improvements currently included in the ACHD CIP.
- Total projected traffic on Plano Road will not generate sufficient turning movements to warrant auxiliary turn lanes on Hill Road.
- Because all internal subdivision roads will carry less than 1,000 vpd, a standard 29-foot wide 2-lane ACHD street section will be sufficient.
- Plano Road between Hill Road and the site access will be improved to a standard ACHD street section.

Staff Comment/Recommendations: Staff Comments are provided by District Traffic Services staff.

- Based on the TIS assumptions, the Collister Drive – Hill Road intersection will be at LOS E (35-50 seconds of delay per vehicle) in 2012.
- There is inadequate site distance to change the Collister Drive – Hill Road intersection from all-way stop control to 2-way stop control on the Collister legs.
- There is currently inadequate right-of-way at the Collister Drive – Hill Road intersection to add turn lanes.
- Installation of a traffic signal and widening the Hill Road approaches for left turn lanes at the Collister Drive – Hill Road intersection would accommodate foreseeable capacity needs and safety concerns.
- The developer should be required improve the intersection of Collister Drive – Hill Road to widen the Hill Road approaches to 3 lanes and signalize the intersection.

2. Plano Lane (Existing)

Offsite Roadway Improvement Policy: District policy 7203.3 states that if the development is served by a public road less than 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet or add 3-feet of additional pavement to the existing road, which ever is greater.

Applicant's Proposal: The applicant has proposed to extend Plano Lane from its current terminus to the site as a 30-foot pavement section with 2-foot shoulders.

Staff Comment/Recommendation: District staff recommends a modification of policy to require the applicant to widen the existing portion of Plano Lane to 40-feet of pavement for 50-feet north of Hill Road, and thereafter 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 right-of-way. Requiring this section with a bike and pedestrian strip and gravel shoulders in lieu of sidewalk will have less of an impact on the existing homes fronting on Plano Road while allowing adequate pavement width for vehicles and pedestrians.

Assuming an equal share of traffic between Plano Lane and Collister Drive with a full public street connection between the two, Plano Lane north of Hill Road will experience an estimated traffic volume increase from 105 average daily trips (ADT) to 870 ADT.

3. Plano Way Extension (Off-site)

Offsite Roadway Improvement Policy: District policy 7203.3 states that if the development is served by a public road less than 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet or add 3-feet of additional pavement to the existing road, which ever is greater.

Applicant's Proposal: The applicant has proposed to extend Plano Lane from its current terminus to the site as a 30-foot pavement section with 2-foot shoulders.

Staff Comment/Recommendation: Plano Lane extends as an unaccepted and unimproved roadway for approximately 7,500-feet beyond the right-of-way currently maintained by ACHD. The applicant's proposal includes improving and dedicating a portion of this road to ACHD. However, there currently exists a gap between the current right-of-way and the site. This gap must be resolved prior to any extension of Plano Lane as ACHD right-of-way. Additionally, the City of Boise staff has expressed concern that the applicant's proposal would create a spite strip along the south/east portion of the Plano extension and deny public street frontage to parcel S0619110060.

Prior to any plans acceptance or scheduling of final plat for signature, the applicant should provide warranty deeds for all right-of-way to be dedicated between the existing right-of-way and the site, and financial surety in an amount that is acceptable to ACHD to cover the costs of improving the

portion of Plano Lane between the existing right-of-way and the site. To address the concern of the city of Boise staff, the warranty deeds should provide parcel S0619110060 with at least 30-feet of frontage along the new public right-of-way.

District staff recommends a modification of policy to require the applicant to construct and dedicate Plano Way between the existing Plano Lane and the site as a 30-foot pavement section with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides between the development's south property line and the portion of Plano Lane that currently exists as an ACHD roadway. Requiring this section will provide adequate width for vehicles, pedestrians and bicyclists, and match with the proposed requirement for the widening of Plano Lane to the south.

4. Plano Way (New Extension)

Right-of-Way & Street Section Policy: District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot attached concrete sidewalks.

Curb Type: District policy 7204.4.6 requires vertical curb in areas covered by hillside ordinance, where grade is 3% or greater for more than 100-feet, or where drainage control is needed.

Sidewalk Policy: District policy 7204.4.7 requires concrete sidewalk on both sides of local streets, except in rural developments with net densities of one dwelling unit per acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk can be constructed on one side of the street.

Applicant's Proposal: The applicant has proposed to construct Plano Way from the south property line north into the site with 30-feet of pavement, rolled curb, gutter, and 5-foot attached concrete sidewalk on the south/east side, and 2-foot gravel shoulder on the north/west side, all within 50-feet of right-of-way.

Staff Comment/Recommendation: Currently, six houses and a number of vacant lots either take access to or have frontage along the unimproved and unaccepted portion of Plano Lane that extends to and beyond the site. The applicant's proposal includes improving and realigning portions of this roadway. Any improvement or realignment must accommodate both existing access requirements and the potential extension of Plano beyond the site.

District staff recommends that the applicant construct and dedicate Plano Way from the south property line into the site as a 36-foot street section (back-of-curb to back-of-curb) with vertical curb and gutter on both sides and 5-foot attached concrete sidewalk on the east side. Additionally, the applicant should align and construct the Plano extension in a manner that will not preempt access to any remaining homes or vacant lots that currently take access to or have frontage along any portion of the existing unimproved roadway.

5. Collister Drive

Right-of-Way & Street Section Policy: District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

Turnaround Policy: District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. Landscape and parking islands may be constructed in turnarounds if a minimum inside curb radius of 28-feet, and a minimum outside radius of 45-feet are provided. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant's Proposal: The applicant has proposed to extend and dedicate Collister Drive from its current terminus east into the site as a 29-foot street section with rolled curb and gutter on both sides, and 5-foot attached sidewalk on one side, all within 40-feet of right-of-way. The applicant has proposed to construct a cul-de-sac turnaround at the end of Collister Drive on property

currently owned by the City of Boise. The applicant has proposed to construct a parking lot which will take access off of the cul-de-sac turnaround. The proposed parking lot will act as a trail head and provide parking for those utilizing the Polecat Gulch trail system.

Staff Comment/Recommendation: Collister Drive is currently classified as a collector roadway, and the presence of the Polecat Gulch Reserve access at its proposed terminus will cause additional trip generation beyond the forecast residential traffic.

District staff recommends that the applicant extend and dedicate Collister Drive through the site and into the Polecat Gulch Reserve as a standard 36-foot street section with vertical curb, gutter and 5-foot concrete sidewalks on both sides, all within 50-feet of right-of-way. The 36-foot street section is consistent the street improvements on the existing section of Collister Drive and should be extended into the site. The applicant will be required to provide a minimum outside radius of 45-feet for the cul-de-sac turnaround. The applicant should coordinate with Boise City to provide a public turnaround easement covering the entire cul-de-sac. Access to any unpaved trail parking should be located at least 30-feet from the dedicated right-of-way.

If the City of Boise does not grant an easement for the turnaround, the applicant should be required to dedicate additional right-of-way for the turnaround and construct it on site.

Assuming an equal share of traffic between Collister Drive and Plano Lane with a full public street connection between the two, Collister Drive north of Quail Ridge Drive will experience an estimated traffic volume increase from 570 average daily trips (ADT) to 1,335 ADT.

6. Street Connectivity

Traffic on One Access: District policy 7205.3.1 states that if a proposed development only has one local access to a public street, or if it proposes to extend public streets from existing development with only one local street access to the public street system, the maximum forecast ADT to be allowed at any point along the local street access is 1,000.

Applicant Proposal: The applicant has proposed to take access to the public street system via Plano Lane (local) and Collister Drive (collector). The applicant has proposed to construct Daylight Rim Drive as a gravel roadway between Collister Drive and Plano Lane with the first phase of development, and to restrict it for emergency and construction access only for the first four phases of development. After the first four phases, which would include 36 lots taking access on Plano and 17 lots taking access onto Collister, the applicant would construct and dedicate Daylight Rim Drive as a full public connection.

Staff Comment/Recommendation: Staff previously recommended that the applicant be limited to 80 buildable lots until Daylight Rim Drive was constructed and dedicated as a full public connection between Collister Drive and Plano Lane. However, staff is supportive of the applicant's proposal to construct and dedicate Daylight Rim Drive as a full public connection after final plat of no more than 36 buildable lots accessing Plano Lane, or no more than 17 buildable lots accessing Collister Drive, for no more than 53 lots total. This proposal gives reasonable assurance that the connection will be built, and that it will be reasonably utilized at the time it is dedicated.

Commission Discussion: The Commissioners expressed an interest in getting the full public connection between Plano Lane and Collister Drive completed as soon as possible, in order to provide additional ingress and egress for purposes of winter safety, fire safety, emergency services, mitigation of construction traffic, and general connectivity. The Commissioners moved to approve the applicant's proposal to construct and dedicate Daylight Rim Drive as a full public connection after final plat of no more than 36 buildable lots accessing Plano Lane, or no more than 17 buildable lots accessing Collister Drive, for no more than 53 lots total.

7. Hill Road – Collister Drive Intersection

Applicant Proposal: The applicant has proposed that any improvements to the Collister Drive – Hill Road intersection be made under an Extraordinary Impact Fee Agreement between ACHD and the applicant.

Staff Comment/Recommendation: The Collister Drive – Hill Road intersection will reach an unacceptable level of service prior to site buildout. This intersection will reach LOS E when the site is approximately half complete, with 80 homes built.

District staff recommends that the applicant not build more than 80 homes on the site until such time as the Collister Drive – Hill Road intersection has been improved with widening to three lanes on the Hill Road approaches and installation of a traffic signal. The applicant should have the option to either enter into a Traffic Signal Agreement with ACHD, wait until this intersection is added to the ACHD Capital Improvement Plan and enter in to a developer cooperative agreement with the District to improve the intersection, OR to wait until this intersection is improved by ACHD. If the applicant chooses to enter into a Traffic Signal Agreement, the applicant will be solely responsible for all costs except for right-of-way acquisition along Hill Road. District staff is not supportive of an Extraordinary Impact Fee Agreement to improve this intersection.

To ensure that the applicant complies with one of these three options, the District will not approve a final plat of more than 80 buildable lots until such time as the prescribed improvements to the Collister Drive – Hill Road intersection have been made, either by ACHD or through a Traffic Signal Agreement with the applicant.

The Collister Drive – Hill Road intersection is currently not listed on the CIP or the FYWP for improvement, and it is impossible to forecast if and when this intersection will be programmed for improvement by ACHD in the future.

8. Collister Drive – Quail Ridge Drive Intersection

The intersection of Collister and Quail Ridge Drives is a three-legged intersection that is stop-controlled on the Quail Ridge approach. The sight distance from this approach is 550-feet to the north and 210-feet to the south. While sight-distance to the south does not meet the minimum recommended distance of 280-feet for a 25 MPH approach, current accident history does not warrant any changes to this intersection at this time. Should problems arise at this intersection in the future, they can be resolved by ACHD with the installation of a three-way stop.

9. Hill Road – Plano Lane Intersection

The intersection of Hill Road and Plano Lane is a three-legged intersection that is stop-controlled on the Plano Lane approach. The sight distance from this approach is 390-feet to the west and 860-feet to the south. While these distances meet the minimum recommended sight distance of 390-feet for a 35 MPH approach, speed data indicate that a significant portion of eastbound traffic on Hill Road is traveling at 40 MPH. Due to the increased volume of traffic onto Hill Road from Plano Lane that this development will cause, District staff recommends that the applicant be required to install intersection advisory signs on the eastbound approach of Hill Road to the west of the intersection.

Commission Discussion: The Commission expressed a concern over the potential hazard at the Plano – Hill intersection due to increased traffic from the proposed development and the limited sight distance to the west. The Commission directed Traffic Services staff to examine the intersection and develop a proposal for traffic hazard mitigation.

10. Internal Streets

Reduced Street Section: District policy 7204.4.3 and Figure 72-F1A allow a developer to construct a local urban residential street with a reduced width of 29-feet from back-of-curb to back-of-curb with curb, gutter and sidewalk, all within 42-feet of right-of-way. Policy requires Fire

Department approval from use of reduced street sections and restricts parking on reduced street sections.

Sidewalk Policy: District policy 7204.4.7 requires concrete sidewalk on both sides of local streets, except in rural developments with net densities of one dwelling unit per acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk can be constructed on one side of the street.

Grading Policy: District policy 7204.4.10 limits the maximum allowable grade for any public street to 10%.

Curve Policy: District policies 7204.4.12 and 7204.4.13 require a minimum centerline radius of 100-feet for all mid-block curves and a minimum tangent length between reverse curves of 50-feet on local streets.

Turnaround Policy: District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. Landscape and parking islands may be constructed in turnarounds if a minimum inside curb radius of 28-feet, and a minimum outside radius of 45-feet are provided. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant's Proposal: The applicant has proposed to construct and dedicate the internal streets as a 29-foot street sections with rolled curb and gutter on both sides, and 5-foot attached sidewalk on one side, all within 40-feet of right-of-way. The applicant has proposed to construct 6 cul-de-sac turnarounds without center landscape islands.

Staff Comment/Recommendation: The topography of the site presents a challenge in ensuring compliance with District policy 7204.4 for local street design. The applicant's current plans propose five curves with centerline radii less than 100-feet (two on Daylight Rim Drive, three on Dawnbreak Place), and one set of reverse curves with a tangent length of less than 50-feet between them (on Daylight Rim Drive). The applicant will likely also need a variance for a centerline curve radius of less than 100-feet if it is to be a continuous public street as recommended.

The applicant should construct all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, all within 40-feet of right-of-way. Additionally, the applicant should construct continuous 5-foot concrete sidewalk on one side of all internal streets, as well as sidewalk along all lot frontages with direct access to the street.

District staff recommends a modification of policy to allow the five curves with centerline radii less than 100-feet, the one centerline tangent length between reverse curves of less than 50-feet, provided all internal roadways meet AASHTO standards for a 20 MPH design speed. District staff recommends against any modification of policy to allow any centerline grade in excess of 10%.

11. Stub Streets

Stub Street Policy: District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

Turnaround Policy: District policy 7205.2 requires construction of a temporary cul-de-sac with the same dimensional requirements as a standard cul-de-sac, with a minimum turning radius of

45-feet. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant Proposal: The applicant has proposed to construct one stub street to the north and one stub street to the east. The stub streets are proposed to be located as follows:

- Plano Way will approximate the alignment of the unimproved roadway that currently exists, and stub along the site's northwest boundary.
- Collister Drive will stub to the east, into Boise City's Polecat Gulch Reserve, and terminate in a minimum 45-foot radius paved cul-de-sac on Boise City property.

Staff Comment/Recommendation: The applicant should provide a temporary turn-around at the terminus of Plano Way. The applicant should construct the cul-de-sac at the terminus of Collister Drive in the Polecat Gulch Reserve as proposed, with vertical curb, gutter, and sidewalk along its perimeter, and coordinate with the City of Boise to provide a public turnaround easement and to determine the location of driveways providing access the Polecat Gulch Reserve trailhead. If the City of Boise does not grant an easement for the turnaround, the applicant should be required to dedicate additional right-of-way for the turnaround and construct it on site.

12. Roadway Offsets

Roadway Offset Policy: District policy 7204.11.6, requires local roadways to align or offset a minimum of 125-feet from another local roadway (measured centerline to centerline).

Applicant Proposal: The applicant has proposed a street layout wherein all local street intersections offset each other by a minimum of 200-feet.

Staff Comment/Recommendation: The applicant's proposal for roadway offsets meets District policy and should be approved with this application.

13. Driveways

Driveway Location Policy: District policy 72-F4 (1) and 72-F4 (2), requires driveways located on local residential roadways to offset a controlled and/or uncontrolled intersection a minimum of 50-feet (measured near edge to near edge).

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

Driveway Width Policy: District Policy 7207.9.3 restricts residential driveways to a maximum width of 20-feet.

Applicant's Proposal: The applicant has proposed to construct several common/shared driveways throughout the development to provide access to residential lots. All of the common/share driveways are proposed to intersect local public streets.

Staff Comment/Recommendation: The applicant should ensure that all driveways onto public streets offset the nearest intersection by a minimum of 50-feet, are no wider than 20-feet, and are paved their full width and at least 30-feet into the site beyond the edge of pavement of the roadway. The applicant should coordinate with Boise City Planning and Fire Department to ensure that driveways meet city requirements for shared use and turnarounds, if required.

C. Site Specific Conditions of Approval

1. Dedicate 50-feet of right-of-way for the extension of Plano Lane from the existing accepted public right-of-way to the site by execution of warranty deed prior to plans acceptance and prior to scheduling of final plat signature. The warranty deeds shall provide parcel S0619110060 with at

least 30-feet of frontage along the new public right-of-way. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material.

2. At the time of execution of warranty deed for Plano Lane right-of-way, provide a financial surety in an amount to be determined by ACHD and in a form acceptable to ACHD for the cost of improving Plano Way from the existing roadway to the site.
3. Improve and widen the first 50-feet of Plano Lane north of Hill Road to 40-feet of pavement. Relocate items within the right-of-way as necessary to accommodate the pavement widening and reduce sight-distance obstructions at the Plano – Hill intersection
4. Improve and widen the remainder of Plano Lane to include 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 where Plano Lane enters the site.
5. Construct and dedicate Plano Way as it extends into the site as a 36-foot street section with vertical curb and gutter on both sides, and 5-foot concrete sidewalk on the east side.
6. Ensure continued access of existing homes onto the improved portion of Plano Way. Provide curb cuts and easements as necessary.
7. Extend and dedicate Collister Drive from its current terminus to the Polecat Gulch Reserve as a 36-foot street section with vertical curb, gutter, and 5-foot concrete sidewalk on both sides, all within 50-feet of right-of-way.
8. Construct a paved cul-de-sac turnaround at Collister Drive's new terminus in the Polecat Gulch Reserve, with a minimum 45-foot outside turn radius and vertical curb, gutter, and sidewalk along its perimeter
9. Coordinate with Boise City to provide a public turnaround easement over the cul-de-sac at Collister Drive's terminus. If the City of Boise does not grant an easement for the turnaround, the applicant shall dedicate additional right-of-way for the turnaround and construct it on site.
10. Coordinate with Boise City to determine the location of driveways providing access the Polecat Gulch Reserve trailhead.
11. Coordinate with Boise City to locate any access from the Collister Drive cul-de-sac to any unimproved parking areas a minimum of 30-feet from the dedicated right-of-way.
12. Construct Daylight Rim Drive as a gravel roadway connecting Plano Lane and Collister Drive, to be used for emergency and construction access only, with the first phase of the development prior to scheduling signature of the first final plat.
13. Construct and dedicate Daylight Rim Drive as a public roadway connecting Plano Lane and Collister Drive prior to scheduling final plat of more than 36 buildable lots accessing Plano Lane, or more than 17 buildable lots accessing Collister Drive, or more than 53 buildable lots total.
14. Do not schedule a final plat of more than 80 buildable lots for signature by the ACHD Commission until such time as the Collister Drive – Hill Road intersection is improved with three lanes on the Hill Road approaches and a traffic signal. The applicant/developer may accomplish this by any of the following:
    a. Enter into a Traffic Signal Agreement with ACHD to improve the Collister Drive – Hill Road intersection, to include widening of the Hill Road approaches to three lanes and installation of a traffic signal, prior to scheduling a final plat of more than 80 buildable lots.
    b. Wait until the Collister Drive – Hill Road intersection is added to the ACHD Capital Improvement Plan for widening and signalization, and enter into a developer cooperative agreement with the District to improve the intersection. The intersection shall be fully

improved prior to scheduling final plat of more than 80 buildable lots. There is no guarantee that this intersection improvement will ever be added to the Capital Improvement Plan.

c. Wait until the Collister Drive – Hill Road intersection is improved by ACHD prior to scheduling a final plat of more than 80 buildable lots. There is no guarantee that this intersection will ever be improved by ACHD.

15. Install intersection advisory signs on the eastbound approach of Hill Road west of the Hill Road – Plano Lane intersection.

16. Construct and dedicate all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, and continuous 5-foot concrete sidewalk on one side, all within 40-feet of right-of-way.

17. Ensure that all street geometries comply with District policies 7204.4.8 through 7204.4.13, except where a modification of policy has been granted. Modification of policy has been granted for only the following:

    a. Centerline radius of 86-feet at Sta. 11+50 to 14+50 of Daylight Rim Drive.
    b. Centerline radius of 86-feet at Sta. 19+00 to 22+00 of Daylight Rim Drive.
    c. Centerline radius of 86-feet at Sta. 305+50 to 307+00 of Buck Hollow Way.
    d. Centerline radius of 86-feet at Sta. 314+25 to 315+50 of Buck Hollow Way.
    e. Centerline radius of 86-feet at Sta. 316+00 to 317+25 of Buck Hollow Way.
    f. Centerline tangent length between curves of less than 50-feet at Sta. 22+21.16 of Daylight Rim Drive.

18. Construct a temporary paved turnaround at the improved terminus of Plano Way with a minimum 45-foot outside turn radius.

19. Site all residential driveways a minimum of 50-feet from the nearest street intersection.

20. Construct all residential driveways no wider than 20-feet, and paved their full widths for a minimum of 30-feet in from the roadway edge.

21. Comply with all Standard Conditions of Approval.

D. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.

2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.

3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. Comply with the District's Tree Planter Width Interim Policy.

6. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
9. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
10. Payment of applicable road impact fees are required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
11. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
12. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
13. 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 Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

E. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

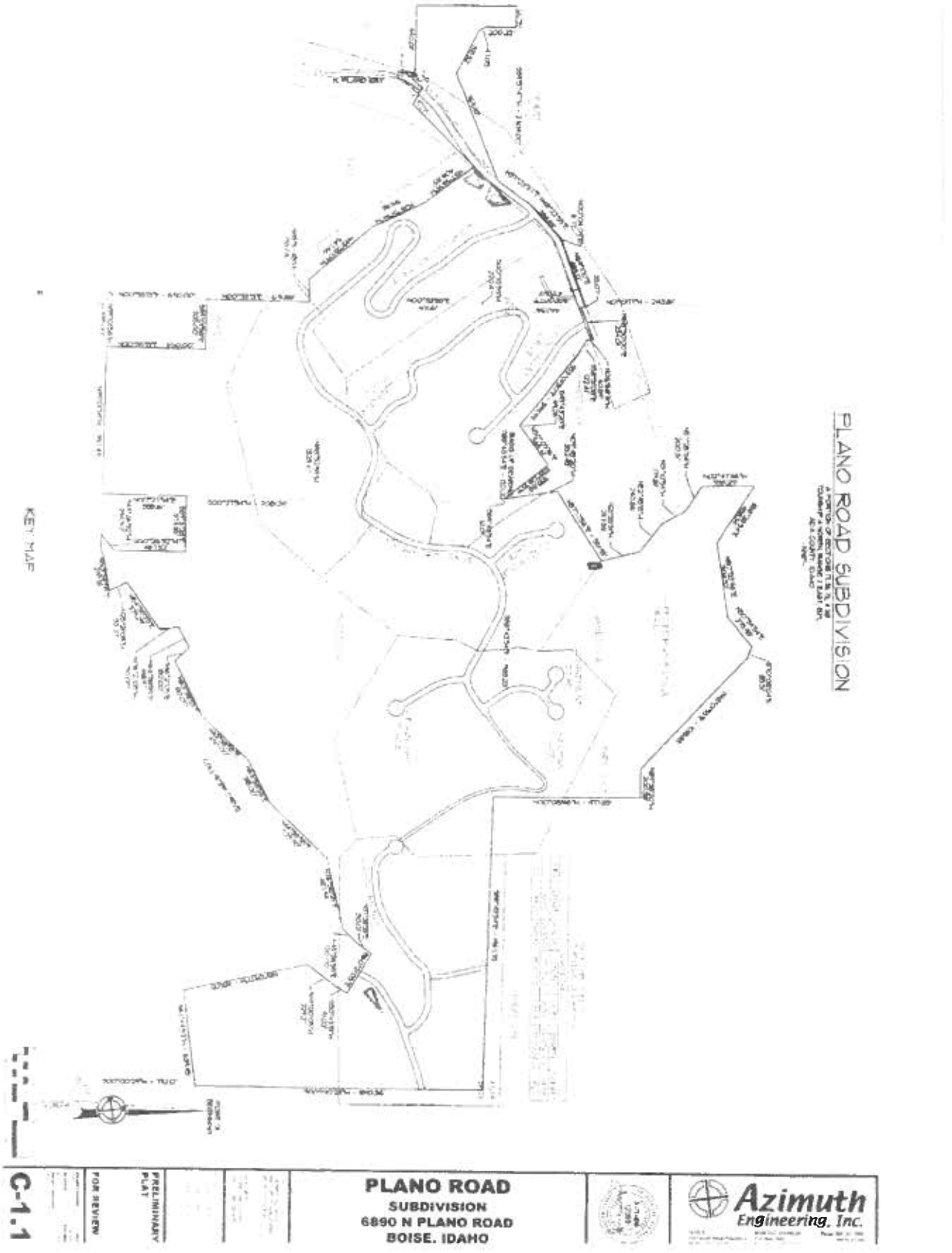
Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordination
4. Request for Reconsideration Guidelines OR Appeal Guidelines
5. Development Process Checklist

Plano Road Vicinity Map



Plano Road Site Plan



Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

    a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

       If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

    b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.

    c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.

    d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.

    e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.

    f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

Development Process Checklist

☒Submit a development application to a City or to the County

☒The City or the County will transmit the development application to ACHD

☒The ACHD **Planning Review Division** will receive the development application to review

☒The **Planning Review Division** will do one of the following:

☐Send a **"No Review"** letter to the applicant stating that there are no site specific requirements at this time.

☐Send a **"Comply With"** letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.

☐Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

☒Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

☒The Planning Review Division will hold a **Technical Review** meeting for all **Staff and Commission Level reports**.

☐For **ALL** development applications, including those receiving a **"No Review"** or **"Comply With"** letter:

- The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the **Development Review Division** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee calculation.)
- The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:
Construction (Zone)
☐ **Driveway or Property Approach(s)**

- Submit a "Driveway Approach Request" form to Ada County Highway District (ACHD) Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
  a) Traffic Control Plan
  b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)
☐ **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.

☐ **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

☐ **Final Approval from Development Services**
ACHD Construction – Subdivision must have received approval from Development Services prior to scheduling a Pre-Con.

DOBIE ENGINEERING, INC.
777 Hearthstone Drive
Boise, ID 83702
Phone 208-345-3290
Fax 208-388-0309
Email dobie_de@msn.com

May 15, 2008

ACHD Commission
Ada County Highway District
3775 N. Adams St.
Garden City, ID 83714

RE: Plano Road Subdivision – Street Connectivity

Dear Commissioners:

The ACHD staff has recommended that a public roadway be constructed between the upper residential lots of the Plano Road Subdivision and North Collister Road. This road link will provide emergency access plus neighborhood interconnectivity to accommodate social interaction between the North Collister Area and the new subdivision lots without the need to travel on Hill Road, a system roadway.

Both emergency access and connectivity are sound objectives and should be incorporated into the site design. However, the connectivity can have and will have unintended consequences unless appropriately mitigated.

North Collister Road has a unique travel way section and many direct access lots. Although functionally classified as a collector, the traffic carrying capacity and margins of safety are somewhat constrained requiring that additional traffic loading be measured.

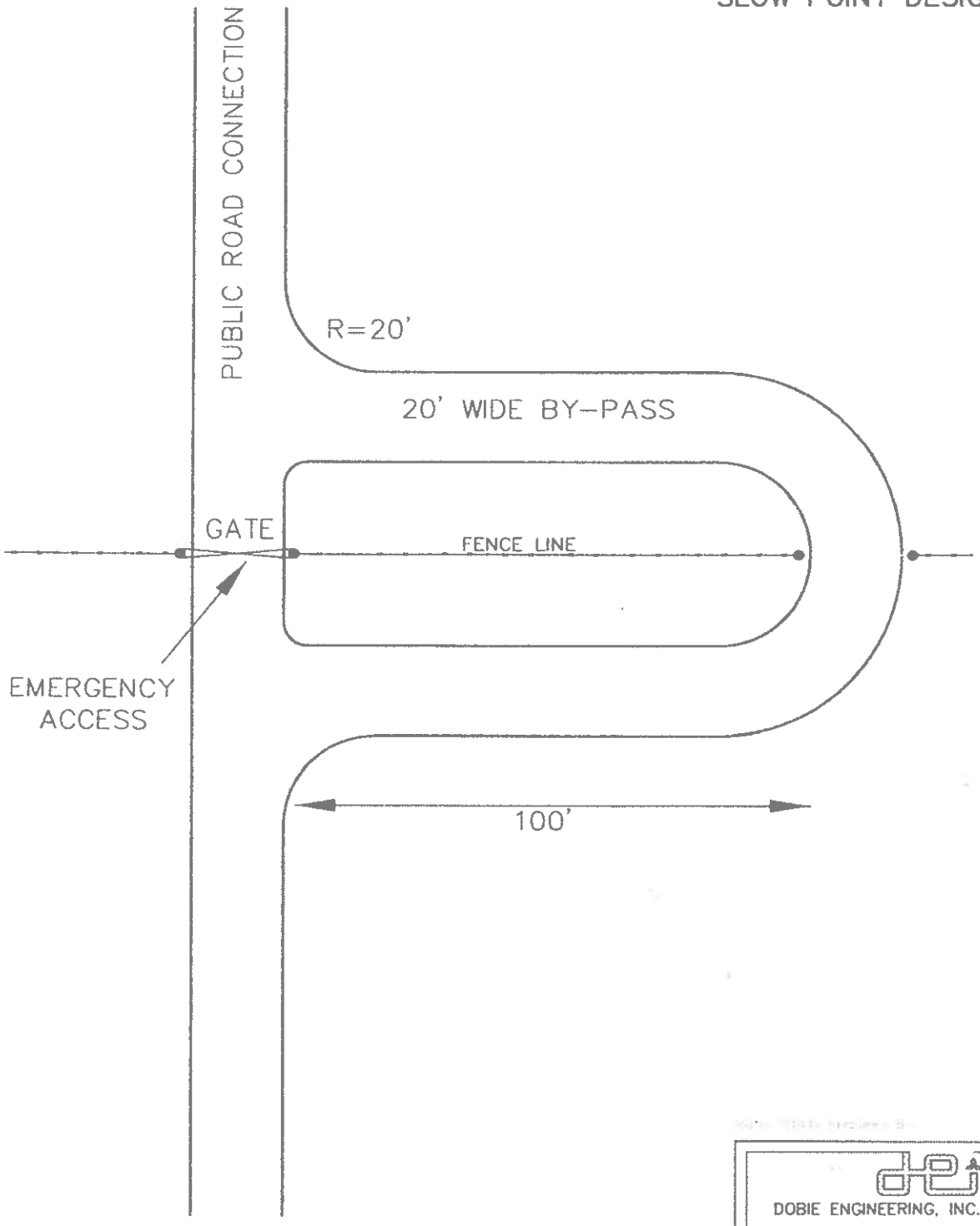
The proposed Foothills Trailhead will likely increase vehicular traffic as will the 21 new lots planned for the North Collister Area as part of the subdivision project.

If an open public roadway connects Collister with the upper subdivision lots, the time of travel to Hill Road would be reduced and approximately 36 lots could access the arterial system in less time using Collister than it would take using the internal subdivision streets.

Plano Road could be classified as a residential collector with an allowable traffic volume of 3,000 vpd on a single access (ref. Section 7205.3.2). After reconstruction Plano Road could accommodate more than the projected site-generated traffic volume and provide a reasonable alternative to more traffic on Collister. A design objective should be to accommodate emergency response and neighborhood connectivity while discouraging the use of the road for commuting purposes.

Consider the following design:

FIGURE 1
PLANO ROAD SUBDIVISION
SLOW POINT DESIGN



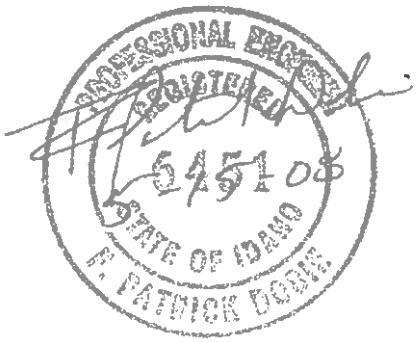
DOBIE ENGINEERING, INC.

DOBIE ENGINEERING, INC.
777 Hearthstone Drive
Boise, ID 83702
Phone 208-345-3290
Fax 208-388-0309
Email dobie_dei@msn.com

The site topography will accommodate the slow point illustrated in Figure 1. A roadway connection could be built with an emergency control gate using a narrow bypass with tight radius turns. This slow point/bypass would remedy the collector connection less efficient than Plano Road, yet provide emergency access and managed neighborhood connectivity.

Your consideration of this design alternative would be appreciated. Please call me if you have any questions or need additional information.

Sincerely,



Patrick Dobie, P.E.
Dobie Engineering, Inc.

ACHD
Committed to Service

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

May 20, 2008

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner II

SUBJECT: Public Correspondence on Plano Road Subdivision

The following is a compilation of written correspondence on Plano Road received by District staff during the timeframe between the end of the Commission meeting on 23 April 2008 and the issuance of this report. If you would like copies of any previous correspondence, or exhibits presented at the previous hearing on Plano Road, please contact me directly at 387-6187 or medmond@achd.ada.id.us.

From: STACY MIDDLETON [mailto:middleton11@msn.com]
Sent: Thursday, April 24, 2008 11:13 AM
To: Mindy Wallace
Subject: NO Plano

I am writing in opposition to the Plano development for a number of reasons:
-First, I think it should be illegal for a company from another state to come in and wreck a neighborhood and area. It's bad enough people continue to want to develop the foothills, but when they come from out of state - that's when it's just plain wrong.
-By developing the foothills, we continue to make the mistake all other cities have made and most people have been saying this for 15 years.
-This may very well be the test case for foothills ordinances regarding density and shaving off ridgetops - we don't want to start off on the wrong foot
-Traffic congestion is obvious. Hill Road is a danger zone. Adding another 1500 cars would increase pile ups at intersections and clog up Hill even more and the arteries it feeds into.
-There are drainage and flooding problems on Plano and Collister Dr (being they are in a 100 year flood plain)
-Destruction of foothills ridgelines should also be illegal. That's not what foothills are for! -Habitat loss of course also - here is another area where we push deer, fox and others further north

Thank you for listening and I hope you take all the voices that have spoken against this into consideration. As you know, the foothills are the exact reason most of us live in Boise. It is more home to us than any other aspect of our town. It is the 21st century now and we know better.

STACY BEESON
515 Maple Ave
Boise, ID 83712

From: Mark Walton [mailto:mwalton@girlscouts-ssc.org]
Sent: Thursday, April 24, 2008 3:23 PM
To: Mindy Wallace
Subject: foothills

Dear Mr. Wallace,
I am writing to put my 2 cents in on stopping the development in the foothills from Harrison to Pierce park above Hill St. It is already very dangerous to drive on Hill street and to try to turn onto Hill from a side street. I not only want to save the open space, but the traffic situations is probably the most logical for a government to address. If this is not addressed, I can see lawsuits coming out of the city's lack in taking care of this potential fatal traffic hazard. I believe it is up to the city to see that safety comes before development. Please see that this is addressed and no further development is approved until a solid traffic plan is completed.

Thank you

Mark Walton
Concerned citizen.

From: cees@cableone.net [mailto:cees@cableone.net]
Sent: Wednesday, April 23, 2008 12:25 PM
To: Tellus
Subject: Aase's Canyon Foothills Development
Importance: High

New Message from Contact Us Web Form

From: Cees Hoefnagels
Email: cees@cableone.net
Comments: My main conserns, next to the trafic increase on Hill Road and Collister, are 1. Groundwater pollution: most people I now, living on Hill Road get their drinking water from shalow wells along Hill Road. Building nice houses in the planned development, with lawns and gardens, will polute our drinking water with the run-off of water containing herbicites, pesticides and othe cancer enhancing contaminants. Will the developer take responsibility when our water will almost certainly become cantaminated? Who will pay for the cost of connecting to city water? Will the developer pay for drinkwater testing for heavy metal and organic contaminants? Will the developer start by testing the water before he starts building, so that we will have a baseline? And will he be testing on a regular basis? 2. Wildlife disturbance: We see regularly herds of deer as well as accasional foxes and other small animals. Where will the animals migrate to or will they just die out? 3. Boise citizens voted for protection of the foothills. This development plan seems to indicate that the developer does not know about the foothills protection plan or otherwise simply ignore the lofty plans we, the citizens of Boise, have voted for. Thank you for your consideration of these points. Cees Hoefnagels

~~ End Message ~~

From: dmcconnaughey@earthlink.net [mailto:dmcconnaughey@earthlink.net]
Sent: Monday, May 05, 2008 11:29 PM
To: Tellus
Subject: Plano Development
Importance: High

New Message from Contact Us Web Form

From: Diane McConnaughey
Email: dmcconnaughey@earthlink.net
Comments: I am concerned about the planned Plano Development in the foothills and oppose it in the current design proposal. Good testimony was presented in April on problems that were not adequately considered by the developer. Most important, of these was the concept of the "neighborhood" that would be impacted- which includes much of NW Boise (not just the 300 foot area surrounding the development) and that the developer needs to work with the neighborhoods to mitigate our concerns: increased traffic on already congested roads; intersections at Collister & Hill, Plano & Hill, 36th & Hill; flooding and drainage issues; emergency access and egress; construction hazards (especially to children who use the streets as part of their playground); impact on wildlife; and further loss and degradation of open space in the foothills. The foothills are often cited as a major jewel of Boise. What a shame if we lose it through a series of ill-conceived projects and lack of regional planning.

~~ End Message ~~

From: Janel Brown [mailto:janelbrown12@hotmail.com]
Sent: Monday, May 19, 2008 9:59 AM
To: Tellus; citycouncil@cityofboise.com; mayor@cityofboise.com
Subject: Attn: Board of Commissioners, City Council, Mayor Bieter

June 19, 2008

Aase's Canyon, a ridge-top development proposed for Boise's foothills adjacent to the Polecat Reserve, and several additional development proposals do not fit Boise's vision for neighborhood growth and foothills preservation.

ACHD and Boise Planning and Zoning are in place to see that detailed standards are met but meeting those standards won't meet Boise's growth management goals.

Developers can meet requirements and gain approval for housing developments that do not fit the local neighborhood associations' plans, do not fit the intent of the Foothills Initiative and that will overburden arterials and neighborhood streets.

Is there no formal process to determine whether proposed projects comprehensively fit Boise's vision for future growth?

It seems that proposals are considered serially rather than in parallel. For instance, all the traffic statistics related to proposal A, are not in the mix when considering proposal B. Both A and B can be approved separately even though together their traffic impact will overburden involved streets.

The expected traffic from developments that are approved but not yet populated is not considered - only current traffic counts are in the mix. The breaking point for arterials and neighborhood streets will be reached much sooner than currently predicted.

Hill Rd and State St are not scheduled for improvement anytime soon. The comparatively small impact fees will not fund the improvements necessary to safely absorb additional traffic caused by new development in Boise's north and northwest neighborhoods.

What is the point of the Foothills Initiative and approved neighborhood association plans if the laws (statutes, ordinances, etc) don't support them?

There is a definite disconnect here. What are your plans for addressing that disconnect? How can concerned citizens help?

Sincerely,
Janel Brown
5736 N. Collister
Boise, Idaho 83703
208-424-3354

From: Brent Smith [mailto:fbsmithiv@cableone.net]
Sent: Tuesday, May 20, 2008 7:57 AM
To: Matt Edmond
Subject: Plano Sub

Hello Matt

It is my understanding that should Harrison Blvd., a load C street already at capacity, be impacted with increased traffic from a proposed development, that this should be legal grounds for denying the development. I can assure you that Harrison will be impacted, regardless of what the developer's traffic study suggests with respect to people using State. Most people I know, myself and my wife included, use Harrison Blvd., not State, to get to work and town.

I will appreciate any guidance you can offer.

Is the meeting still scheduled for the 28th? Will there be further testimony or just a ruling?
thanks again

Brent Smith
6024 Plano
384-9149

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: <dyorgason@cableone.net>
CC: <beggleston@cityofboise.org>
Date: 8/11/2008 11:49 AM
Subject: FW: Plano Road

Dave,

We will not give a formal response to Bruce Eggleston's 7 August Memo on Plano Road since none was requested. However, I did talk to Bruce on Friday, and I reiterated that the ACHD Commission's action not only limits you and Stewart to 53 lots total prior to the Daytlight connection, but specifically to 36 lots on the Plano side and 17 lots on the Collister side. As I understand it. the recommended requirements of the 7 August memo, in concert with our requirements, would effectively limit Plano to 36 lots, all on the Plano side, prior to the Daylight Rim connection.

Matt

From: Gary Inselman
Sent: Monday, August 11, 2008 7:42 AM
To: Matt Edmond; Mindy Wallace
Subject: FW: Plano Road

FYI.

From: Dave Yorgason [mailto:dyorgason@cableone.net]
Sent: Friday, August 08, 2008 6:06 PM
To: Gary Inselman
Cc: Chris Yorgason; Ramon Yorgason; Bob Burns; Kerry Winn; Joe Johnson
Subject: Plano Road

Gary,

I received a phone call late today from Matt Edmund RE: Plano Road sub. I don't know if you will be responding to the City prior to the hearing Monday night (Aug 11th), but if you are, if you could share with us your comments so we can be prepared for the hearing. Some of the neighbors are continuing to try to alter the phasing of this development but I don't know where the P&Z will go on this.

Thanks.

Dave

Letters From Agencies

Boise Parks and Recreation

Idaho Department of Fish and Game

Independent School District of Boise

Exhibit G

Boise Parks & Recreation Dept.

Memo

To: Dave Abo & Bruce Eggleston

From: Cheyne Weston

CC: James Hall, Tom Governale, David Gordon, Julia Grant, David Selvage, Chuck McDevitt

Date: July 31, 2007

Re: Plano Lane Subdivision Application

Boise City has invested over $2 million dollars of public foothill serial levy funds to conserve open space in Polecat Gulch Reserve. This Reserve encompasses over 600 acres and is a neighbor to the proposed Plano Lane Subdivision to the south. Polecat Gulch Reserve will provide for several miles of trails and two trailheads. The construction of these trails have been funded through a $46,000 State Parks grant. One of the trailheads will be situated on Cartwright Road while the other is planned for the end of Collister Drive extension.

The Plano Lane Subdivision at Collister Drive coincides with development of a planned trailhead at the Collister Drive within the Reserve. Park staff has had preliminary discussion with the developer regarding plans along the west side of the proposed development. These plans show Collister Drive being extended, allowing for pedestrian access to the Reserve property on a sidewalk.

The developers will be required to provide for emergency services at the new terminus of 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 Collister Drive extension. The turn-around would provide public and emergency access.

Should development be approved at this location, BPR and the developer could consider entering into a development agreement. This agreement would necessitate recognition for the value of the property received and require infrastructure related improvements, such as utility stubs be constructed to meet BPR and other required agency approvals.

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

- 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 / trailhead at the new terminus of Collister Drive to BPR specifications while adhering to ACHD access standards.

- Developer shall stub utilties (water and power) to an acceptable location near the turn-around as approved by BPR and public works department.
- The turn-around / trailhead shall be graded and graveled to include 12 auto spaces and 3 horse trailer spaces, an area for emergency vehicles to turn around, a vault toilet, a boundary two post and rail fence and a trailhead kiosk.

I would also suggest Boise City Planning and Development Services solicit comments from Beth Colket with the Idaho Conservation Data Center. Ms. Colket (bcolket@idfg.idaho.gov or 287-2799) has been monitoring populations of Aase's onion and other rare plants in the foothills and can provide information regarding possible impacts to the Aase's onion population in Polecat Gulch.

Exhibit G

Boise Parks & Recreation Dept.

Memo

To: Bruce Eggleston

From: Julia Grant

CC: James Hall, Hal Simmons, Teresa Sobotka, Tom Governale, David Gordon, Julia Grant, David Selvage, Chuck McDevitt

Date: June 27, 2008

Re: Aase's Canyon Subdivision Application

Boise City has invested over $2 million dollars of public foothill serial levy funds to conserve open space in Polecat Gulch Reserve. This Reserve encompasses over 600 acres and is a neighbor to the proposed Aase's Canyon Subdivision to the south. Polecat Gulch Reserve has approximately 7 miles of trails and one trailhead. The construction of these trails was funded through a $46,000 State Parks grant. Another trailhead is planned for the southern end of Polecat Gulch Reserve adjacent to the proposed Aase's Canyon Subdivision. The Foothills Conservation Advisory Committee (FCAC) has discussed this proposed development at several of their monthly meetings and their expectations are included in the recommendations and conditions outlined below.

The timeline for the Aase's Canyon Subdivision between North Collister Drive and Plano Lane coincides with development of the southern Polecat Gulch Reserve trailhead. The plans the developer has provided show a sidewalk allowing for pedestrian access to the Reserve property.

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.

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.

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 utilties (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.

BPR would like to see park impact fees used for the installation of a permanent bathroom at the trailhead during the initial construction of the trailhead.

Exhibit N

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

C.L. "Butch" Otter / Governor
Cal Groen / Director

June 30, 2008

Boise City Planning and Development
150 North Capitol Blvd.
Boise, ID 83702

RE: Plano Road Subdivision, CAR07-00042/SUB07-00065/CUP07-00084/CFH07-00022

The Idaho Department of Fish and Game, Southwest Region is providing Boise City with the following comments on the Plano Road Subdivision Application. The Idaho Department of Fish and Game (Department) is the state agency entrusted with statutory authority to preserve, protect, perpetuate, and manage fisheries and wildlife resources in the State of Idaho (Idaho Code § 36-103(a)).

The area is located in wildlife habitat, including documented big game winter range. The Department is concerned about the continued reduction of wildlife habitat in Ada County. The cumulative effect of subdivisions is the reduction of an already limited winter range for big game. Ada County is fortunate to have abundant and diverse wildlife populations, and continued development in wildlife habitat will result in a permanent reduction and possible loss of these resources.

Wildlife will continue to attempt to use the area. This will result in increased big game depredation problems, as well as nuisance species such as skunks and raccoons. People living in the proposed subdivision need to be aware that big game depredation problems and nuisance wildlife are going to occur and these problems are the responsibility of the homeowners and not the Department.

The Department requests that the following items be incorporated into the Plano Road Subdivision conditions:

1. 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 Boise City. Neither Boise City nor the State of Idaho will be liable for wildlife depredation and/or damage.

2. The following items shall be included in the homeowner codes, covenants, and restrictions:

    - 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.

    - Domestic pets must be confined or under the owner's control at all times. Free-roaming dogs and cats pose a threat to many wildlife species.

    - 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- Bird feeders should be routinely cleaned to prevent the spread of disease.

- 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.

- 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.

Thank you for the opportunity to comment. Please contact Rick Ward in the Southwest Regional Office at (208) 465-8465 ext. 344, or via e-mail at rward@idfg.idaho.gov if you have any questions.

Sincerely,

Scott Reinecker

Scott Reinecker
Southwest Regional Supervisor

Cc: NRPB

Exhibit H

Independent School District of Boise City #1
Boundaries, Transportation, and Safety
8169 W. Victory Rd - Boise, ID 83709
(208) 854-4167 Fax (208) 854-4011

RECEIVED
JAN 11 2008
DEVELOPMENT SERVICES

July 6, 2007

Boise City Planning & Development
Subdivisions
150 N Capitol Blvd
Boise, ID 83702

CAR 07-00042, CUP07-00084
CFH 07-22

RE: Plano Road Subdivision; SUB07-00065

The plans for the Plano Road Subdivision show all streets ending in cul-de-sacs, with no connectivity to other surrounding streets. In order to furnish safe school bus turn-around locations to accommodate students living in the Subdivision, the Boise School District would like to see the cul-de-sac at the end of Sunrise Point Drive and the cul-de-sac at the end of Sandman Place both be marked with signage that says "No Parking – School Bus Turn Around".

The schools currently assigned to the proposed project area are:

Elementary School:	**Cynthia Mann**
Junior High School:	**Hillside**
High School:	**Capital – currently**
	Boise – effective August 2008

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

Sarah Stobaugh

Sarah Stobaugh, Supervisor
Traffic Safety and Transportation

SS/pkw

12

Letters from the Public

July 14, 2008

To the ACHD Commissioners, Staff, & Boise City;

Please deny these community and environment damaging foothills developments.

The well known air pollution problems in this valley and the threatened removal of highway funding alone should give you pause when considering these sprawling and automobile dependent subdivisions in wildfire prone areas. You must consider the growing impacts of the already approved but as yet uncompleted Avimor, and others, that will further impact the health and safety and costs in much of the same area.

None of the long range transportation and land use plans have fully studied nor included the full scope of impacts, nor has adequate information been provided to the public during those processes for full transparency and germane input.

There has been no more recent open public process to address the multitude of resulting damages downstream on the transportation system and existing built community. What real transportation plan is included in this development proposal to deal with the many thousands of additional trips per day on streets that are already dangerously overloaded?

The thousands of impacted stakeholders downstream should not have to foot the bill for lost safety, damaged quality of life, gutted sense of place and community, and in higher taxes to pay for the unwise expansion of infrastructure and ongoing maintenance, including additional costs for policing, asphalt, fire protection, EMTs, sewer, water supply, foul air quality, etc.

ACHD has previously identified more than $2,000,000 million in roadway safety deficiencies in the historic North End alone, including safety projects that were approved yet not completed, the funding disappearing time and again while the dangers continue to increase with each foothills development traffic impact.

The Boise City Comprehensive Plan, the North End Neighborhood Plan, the Interim Foothills Transportation Plan, several long range transportation plans, and likely many others limited the amount of foothills growth for good reason. Neighborhoods are being politically pitted against each other because of threatening traffic impacts, a horrendously negative social development for everybody, road rage being only one of the many very evident dangers.

The ACHD North End Traffic Analysis Phase II was promised to determine the best routes through the North End. The North End Neighborhood Association formally requested ACHD honor their promise to complete the NETA Phase II a few years ago, and was denied, with ACHD saying that the traffic problem was so bad that it was "insurmountable". How then can ACHD even consider compounding those known public health and safety problems for so many thousands of existing citizens, including thousands of impacted school children per day due to previous poor routing choices?

Approving more foothills developments, especially without a new and publicly approved transportation plan for all areas in the zone of impact based on integrity and common sense, is a betrayal of community, past and present, as well as a betrayal of this valley's future, akin to saddling all future generations with high-interest-rate credit card debt. Look at the bigger picture of what this valley and community could and should be. Honor all those previously adopted plans, the wishes and work of so many people, and the millions of taxpayer dollars it cost to create and adopt those plans to protect community quality and the future. Developments in this sprawl area are a negative, will cause continual far flung damages and costs far into the future, they are NOT a positive addition to the greater whole because they hurt so many, without any proven need.

There is not a citizen out here that believes that all that traffic will use only Hwy 55 when their destination is likely to be in the other direction. For more than 2 decades ACHD and Boise City violated their own policies and adopted plans, saying that they could do this because they had already approved a plan to

route the traffic elsewhere that would eventually remove the damages they were creating, supposedly short term damages. That promise was broken not long ago, and no acceptable nor honorable solution was proposed nor completed since then, before these additional traffic and system impacts/damages were requested by foothills developers. The problems are snowballing, even as local transportation costs are advertised as being hundreds of millions of dollars in the red each year. This kind of development will require massive roadway funding to accommodate expansions throughout the system, not just the immediate area as the reports seem to falsely indicate, in addition to the known transportation funding deficits.

There are decades of testimonies and hundreds of citizen signatures on many petitions in ACHD's files documenting North Enders' requests for the cessation of traffic hazard increases on already overloaded residential and school streets. Boise Comp Plans, the 2015 and 2020 Long Range Transportation Plans, and many accepted traffic and community planning studies show that the existing traffic loads are far beyond what is healthy and safe for existing tax payers. Please include all that information as an attachment by reference to this public input.

There is no real proven need for this and other foothills sprawl developments that cause harm to far more people, properties, and existing infrastructure than will ever be served by it. Approving this development is essentially approving yet another heavy tax rate increase, and a severely degraded community quality for many thousands of people downstream.

Thank you for your consideration.

Cherie Cole
1221 N. 15th
Boise, Idaho 83702
345-3246

Gas prices getting you down? Search AOL Autos for fuel-efficient used cars.

July 3, 2008

MEMORANDUM

TO: **The Honorable David Bieter, Mayor**
Boise City Councilors
P&Z Commissioners

FROM: Janel Brown
5736 N. Collister Drive
Boise, Idaho 83703

SUBJECT: **CUP07-00084 & CFH07-00022**

My time is short due to medical emergencies with my aged parents so I choose to be brief and blunt – no disrespect intended.

I am shocked and amazed at the fact that you will even consider annexation when the infrastructure does not exist to support the annexed area and attendant population. In fact, the existing infrastructure is on the edge of absolute failure. I don't need a traffic engineer to prove that. Direct experience is enough since I commute and recreate on Hill Rd. and State St. on a regular basis (not to mention Harrison Blvd and 15th St.)

The expected impacts in terms of car trips are considered completely apart from the expected impacts of other proposed developments and other previously approved developments that are as yet unpopulated.

Where is the infrastructure? What are the plans to provide proper infrastructure? From what I understand of the long-range plans of ACHD those improvements are so far in the future it is ludicrous.

I didn't understand that the City of Boise would be welcoming another ridge-top, view-scarring development when I voted for the Foothill's Initiative.

Why did the city buy and begin to develop Pole Cat Gulch when the money to complete the project is unavailable? What was the plan? Why should already overburdened infrastructure be expected to absorb more traffic so the city can get a parking lot and amenities funded by the developer?

Why does the developer's right to develop their private property trump existing neighborhood's rights to peace and safety?

That's my "citizen of Boise" take on the issue or part of it anyway. As you can see from my address, I am a resident of the dead-end portion of North Collister, above Hill Rd. As

you know, ACHD wishes to turn this portion of Collister into a thoroughfare so this is also a "backyard" issue for me.

I listened to ACHD commissioners voice two "reasons" for this including:

1. "social connectivity" so Collister neighbors could more easily visit Plano neighbors
2. "fuel savings" for waste pickup and postal service.

Both reasons are silly and incredible. Make that, incredibly silly.

I ask you each to take the time to drive, walk or bike up Collister from Hill Rd. Imagine it with up to 1500 additional car trips daily. Even if the expected increase is evenly split between Plano and Collister, 750 additional car trips daily is unacceptable. Again, a traffic engineer is not necessary to conclude that upper Collister is wholly inappropriate to the task. Take the time to directly experience Collister north of Hill Rd – I think you will agree.

What will ACHD's recommendation mean to my property value? Why does the developer's right to make money trump my right to preserve my property value?

Last, but certainly not least, I am sad for our local population of wildlife. There is a band of deer that use the draw behind my home quite regularly especially in winter. I know that further development will negatively impact them from direct experience. In winter's past the group regularly lingered in the draw. I saw 8-12 deer every day....until the build began on the huge mansion above the draw. That's the mansion you can see from just about anywhere in Boise on the SW edge of Quail Ridge. The place isn't even occupied yet and I notice a big difference in the behavior of the deer. I haven't seen a fox since the build started either.

As I understand it, no study regarding wildlife impact was required of the Plano Sub development except a study regarding the AASE onion that earned the developer higher density bonuses because they promise not to build in areas that are not buildable anyway! Polite words fail to express how I feel about that particular loophole.

Since the various statutes/laws/guidelines required of a developer obviously do not support Boise's desire to preserve the foothills and to manage growth appropriately, I ask you to honor the spirit and intent of the Foothills Initiative first.

The current direction on this issue is wrong. There has to be a better way, there has to be a better plan.

Finding the better way might mean sticking your neck out. It might be risky. But it is the right thing.

RECEIVED
JUN 26 2008
By

June 23, 2008

Mayor and City Council
P.O. Box 500
Boise, Idaho 83701-0500

Dear Mayor Bieter and City Councilpersons,

As a resident, I'm opposed to a full-access road connecting the new Aase's Canyon subdivision to Collister Road, especially connecting the road before the subdivision has even broken ground, which would make it a road to nowhere. While I'm glad the ACHD staff asked the ACHD commissioners to reconsider their decision to connect Collister to Plano before construction begins on the Aase's Canyon subdivision, I'm disturbed that their decision is based on the money rather than resident's safety. I would think that their decision should consider the safety of current residents foremost, and then, yes, the money to maintain and police a road.

As anyone who has been on Collister road, north of Hill can attest, it's one strange road with blind spots, cyclists, and children playing in the street (yards and drive-ways are too steep for a game of ball). The added traffic of connecting a dead-end, maze of a street may cause some serious heartache for a family one day. I can only hope that ACHD and other city planners will take that into their heart when considering this plan to connect our road.

Sincerely,

Sarah Harris, Boise
5485 Collister Drive
Boise, ID 83703
(208) 344-2760

To: Stakeholders for the proposed Plano Lane Subdivision

From: Bruce Eggleston, Planner II, Boise Planning and Development Services Department

Subject: Deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda.

Please contact other parties with an interest in these applications and inform them in the change of the hearing date.

The above hearings will be deferred to the Boise Planning and Zoning Commission hearing on July 14, 2008, due to an error in the notification requirements for the June 9, 2008 hearing date for the same applications.

Letters and comments on these applications will have to be in our office prior to July 7, 2008 to be included in the staff report packet for the Commission.

I can be contacted about these issues at this return e-mail address or at 384-3830.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: "John E. Clifford" <johnclifford@cableone.net>
To: <beggleston@cityofboise.org>
Date: 6/3/2008 3:50 PM
Subject: CUP07-00084/CFH07-0022/CAR07-0042/SUB07-ooo65

To whom it may concern:

It has been brought to my attention that greedy developers are at again....Now it seems they have their eyes fixed on the land along Hill Road between Collister Drive and Plano Lane. It also appears that the developers have completely forgotten about the Foothills Ordinance and want to pack as many homes in as possible.

I am a native Boisean who grew up on Warm Springs Ave and now live in the North End.....I have seen the impact of this kind of abuse has on the neighborhoods and its time to re-think the plan...

Please stop the destruction of our foothills.

John E. Clifford

From: "Chuck Link" <chucklink@worldnet.att.net>
To: <beggleston@cityofboise.org>
Date: 6/6/2008 9:31 AM
Subject: Aase's Canyon Point Development

Dear Mr. Eggleston:
RE: (1) CAR0700042/DA and SUB07-00065, Annexation Request; (2) CUP07-00084, Conditional Use Permit; (3) CFH07-00022, Hillside and Foothills Area Development Permit

I, along with a significant representation of concerned neighbors, attended an ACHD hearing on May 28 related to the pending Aase's Canyon development. Our interest is due to the estimated 1550 daily vehicle-count increase that this development would feed onto Hill Road from N. Collister and Plano Lane.

Both of these connecting routes present there own unique problems: (1) N. Collister due to its substandard and inverted-crown roadway design; and, (2) the intersection at Plano/Hill Road due to the poor sight-distance to the west, a fact made more severe since it will handle the majority of the vehicle trips which will be exiting into the east-bound lane. Traffic control plans are currently limited to stop signs which will only contribute to frustration and delay, especially at peak commute hours, as ACHD admitted that neither Hill Road nor N. Collister are scheduled for any design improvements in their future plans.

One point that became quite evident during the hearing was that most of the five ACHD Commissioners had not even visited the project site and were, therefore, unable to appreciate the neighborhood concerns and the bottleneck that this increased traffic could create. Accordingly, I strongly encourage the members of the P & Z Commission to visit this site and judge first-hand how this development would impact our neighborhood.

This valley has been subjected to unprecedented growth during the past two decades and it has spawned a growing traffic congestion problem that is likewise decades behind a supporting infrastructure. This imbalance can no longer be tolerated. It is time to say NO to this . . . and similar projects . . . until the roadways have been improved to efficiently handle the generated traffic.

Sincerely,

Charles S. Link

From: "Gene Wortham" <GeneWortham@msn.com>
To: <beggleston@cityofboise.org>
Date: 6/1/2008 1:27 PM
Subject: PLANO SUBDIVISION

Dear Bruce.
It looks like ACHD is approving the proposal for traffic. The commissioners did seem very concerned over the increase in traffic on Hill Road. They did vote that the road between Plano and Collister be constructed at the onset for connectivity in terms of safety.
The amount of traffic that will be using Plano for ingress and egress is questionable, even though ACHD said it is ok. The density of homes is much too high for a desirable subdivision in a foothills environment. The 23 homes stacked in Parcel E is not acceptable. This parcel should be redesigned for more area for each home. This was done for the subdivision West of me (Deer Valley) and made it more appealing and this was approved. This would certainly help in reducing the traffic congestion.
It is questionable as to whether this proposal by the developer is meeting the intent of the Foothills Ordinance. Please review very carefully as Approval may result in a legal test to have a court review.
As we discussed the developer presented a trail from Collister to upper Plano for public use. This trail shows on his plat. The developer has not obtained access for this private access from adjacent landowners.
Thank you for the opportunity to respond.
Gene Wortham

From: "JUSTIN WORTHAM" <justingwortham@msn.com>
To: <beggleston@cityofboise.org>
Date: 6/2/2008 12:03 AM
Subject: AASE'S CANYON POINT DEVELOPMENT

Mr. Bruce Eggleston and Members of the Commission

Re: subject CUP07-00084 AASE'S CANYON POINT DEVELOPMENT

Thank you for the opportunity to write and I appreciate your consideration to my following thoughts in regards to the above referenced development.

After having attended numerous neighborhood meetings and ACHD hearings about the project and hearing the concerns of parties involved, I feel some very strong positions have been brought forward. While I believe there may be an issue of compliance with the Foothill's Ordinance, I will leave that discussion to those more familiar with the details.

I do however feel strongly, as did ACHD, that there is a density issue with this development. The ACHD Commission recognized, as did the neighbors, that the project will have a huge impact on safety and traffic congestion. When asked if the developer would consider a lower density of homes, their reply was that it was "not profitable" to consider to do so. I was not aware that it was the responsibility of the local residents to suffer the consequences of the development, just for the developer to make additional profits.

I appreciate the developer's right to move forward, but I would expect the Commission to recognize the burden the proposed high density of homes is putting on the area residents and already strained traffic system. The amount of homes being "packed in" in various places of the project should be considered excessive, simply for the developer's way of increasing profits.

I would also like to add that the developer mentioned that a "trail" will exist between upper Plano Ln. and connecting over the ridge to Collister Drive. This "trail" he refers to on his plan runs along a private access which the developer does not have the permission to deem public from adjoining landowners. Yet in his presentations he regards this "trail" as being a public benefit for the community.

Thanks again for your consideration. This development takes place in a very unique part of the foothills for the community and the wildlife it possesses. To overbuild will only further strain traffic/safety issues, destroy the wildlife and in turn make something that was once unique, simply ordinary.

Regards,
Justin Wortham
6801 Plano Ln.
Boise, Idaho 83703

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
CC: "Janel Brown" <janelbrown12@hotmail.com>
Date: 6/2/2008 11:15 AM
Subject: RE: Plano Lane development and a meeting

Mr. Egleston

I am looking forward to our meeting later this week, but in the meantime, does the extension on the hearing to July 14 also extend the deadline for public comment to be submitted in a timely enough fashion to become part of the P&Z packet? If so, what is our new public comment deadline?
Thanks Bruce,
jw

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Friday, May 30, 2008 2:08 PM
To: John Watts
Subject: RE: Plano Lane development and a meeting

Dear Mr. Watts,

The Planning and Zoning Commission will have to defer this to a date certain at the June 9th hearing, so this is not a solid date yet. It is the next available date.

Please let me know when you'd like to meet.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "John Watts" <john@veritasadvisor.com> 5/30/2008 2:03 PM >>>
Thank you very much for your swift reply and your generosity in meeting time options. I really appreciate it.

I just heard the P&Z meeting has been postponed until July 14 due to public notice issues. Is this correct?
Thx
jw

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Friday, May 30, 2008 1:09 PM
To: John Watts
Subject: Re: Plano Lane development and a meeting

Dear Mr. Watts,

I'd be glad to meet with you on these applications. I can meet with you

at 10:00 or 11:00 a.m. or 4:00 p.m. on Wednesday, Thursday or Friday of next week. It is up to you. I can be reached at 384-3839.

I have added you to our list of stakeholders for these applications, and I'll send you a copy of the staff report when it is completed next Monday.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "John Watts" <john@veritasadvisor.com> 5/30/2008 10:54 AM >>>
Mr. Eggleston,

I am resident and a lead person for Briar Hill Subdivision in the Plano Lane matter.

Would it be possible for me to schedule an appointment with you to discuss the Plano Lane development applications? Relevant reference application numbers are

> CAR07-00042/DA: annexation, zone change and development agreement
> CUP07-00084: Foothills Planned Development
> CFH07-00022: Hillside and Foothills Development Area
> SUB07-00065: Preliminary plat.

Anytime next week will work for me. I would appreciate your time and expertise.

Lastly, following up an earlier email from Janel Brown, thank you for adding me to the distribution list to receive the applications and staff report and any future information regarding this development.

Thank you

jw

From: BRUCE EGGLESTON
To: John Watts
Date: 6/2/2008 11:23 AM
Subject: RE: Plano Lane development and a meeting

Dear Mr. Watts,

The deadlines for comments moves with the hearing date, it will always be the week before the hearing date. The new deadline is July 7, 2008 to get comments in the P. & Z. packet and staff report.

Good luck,

Bruce Eggleston

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
CC: "Janel Brown" <janelbrown12@hotmail.com>
Date: 6/2/2008 11:25 AM
Subject: RE: Plano Lane development and a meeting

Thanks Bruce.
jw

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Monday, June 02, 2008 11:24 AM
To: John Watts
Subject: RE: Plano Lane development and a meeting

Dear Mr. Watts,

The deadlines for comments moves with the hearing date, it will always be the week before the hearing date. The new deadline is July 7, 2008 to get comments in the P. & Z. packet and staff report.

Good luck,

Bruce Eggleston

From: Todd Tucker
To: BRUCE EGGLESTON
Date: 6/2/2008 1:35 PM
Subject: plano fire comments
Attachments: SUB07-00114 p Fire.doc

From: "Ward,Rick" <rward@idfg.idaho.gov>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/2/2008 5:00 PM
Subject: RE: Plano Lane Subdivision applications

Thanks for the info Bruce.

Rick

Rick Ward
Environmental Staff Biologist
Southwest Region
Idaho Department of Fish and Game
3101 S. Powerline Road
Nampa, ID 83686
(208)465-8465 Ext. 344
Cell - (208)860-6567
FAX-(208)465-8467

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Monday, June 02, 2008 4:46 PM
To: Ward,Rick
Subject: Plano Lane Subdivision applications

Dear Mr. Ward,

Thanks for your call on these applications in Polecat Gulch.

I'll send you more material pertaining to the threatened plant species.

We'd appreciate comments from you on this by the end of June, say June 30th.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: <president@collistercna.org>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/3/2008 11:44 AM
Subject: Re: Deferral of the Plano Lane Subdivision applications

Bruce:

Thank you for the notice.
Do you have any idea when the staff report will be posted?

Julie Klocke, President
Collister Neighborhood Association
president@collistercna.org
387-4933

-------Original Message-------
From: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Subject: Deferral of the Plano Lane Subdivision applications
Sent: Jun 03 '08 17:09

June 3, 2008

Memorandum

To: Stakeholders for the proposed Plano Lane Subdivision

From: Bruce Eggleston, Planner II, Boise Planning and Development Services Department

Subject: Deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda.

Please contact other parties with an interest in these applications and inform them in the change of the hearing date.

The above hearings will be deferred to the Boise Planning and Zoning Commission hearing on July 14, 2008, due to an error in the notification requirements for the June 9, 2008 hearing date for the same applications.

Letters and comments on these applications will have to be in our office prior to July 7, 2008 to be included in the staff report packet for the Commission.

I can be contacted about these issues at this return e-mail address or at 384-3830.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: "Kerry Winn" <kwinn@stewartlandgroup.com>
To: "Bruce Eggleston" <beggleston@cityofboise.org>
Date: 6/3/2008 12:16 PM
Subject: Plano Road
Attachments: P&Z postponement letter6.3.08.doc

Bruce,
Will this work. Do you need it on letter head? I'll have the clarification letter about color, materials, height and setback restrictions to you this afternoon.
Kerry

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/3/2008 3:20 PM
Subject: RE: Here's the issued report for last week's action on Plano.

FYI, we received no request for reconsideration by the 3pm deadline today.

Matt Edmond
Planner II
Ada County Highway District
Right-of-Way & Development Services
T 208-387-6187
F 208-387-6393

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Tuesday, June 03, 2008 3:17 PM
To: Matt Edmond
Subject: Here's the issued report for last week's action on Plano.

Thanks,

B.

>>> "Matt Edmond" <Medmond@achd.ada.id.us> 6/3/2008 11:39 AM >>>
Bruce,
Here's the issued report for last week's action on Plano.

Matt Edmond
Planner II
Ada County Highway District
Right-of-Way & Development Services
T 208-387-6187
F 208-387-6393

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Tuesday, June 03, 2008 11:10 AM
To: Milt Coffman; keslers@cabelone.net; lowellandbarbara@cabelone.net; Dave Yorgason; fbsmithiv@cableone.net; Nancy Brennan; Julie Klocke; Erin Brennan; Jeff Tucker; Julia Wright; janelbrown12@hotmail.com; Mark Fogarty; run_1@hotmail.com; Kevin MCintyre; Rick Ward; Ethel Ficks; Robert Burns; Dale Higher; Gene Wortham; JUSTIN WORTHAM; Stacy Beeson; Sharon Clawson; Bruce Parker; Jimmy Smith; Katie Watts; John Watts; Julie Klocke; Joanie Fauci; Karen Knudtsen; Patti Raino
Cc: woody@azimutheng.com; Kerry Winn; Josh Wright
Subject: Deferral of the Plano Lane Subdivision applications

June 3, 2008

Memorandum

To: Stakeholders for the proposed Plano Lane Subdivision

From: Bruce Eggleston, Planner II, Boise Planning and Development Services Department

Subject: Deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda.

Please contact other parties with an interest in these applications and inform them in the change of the hearing date.

The above hearings will be deferred to the Boise Planning and Zoning Commission hearing on July 14, 2008, due to an error in the notification requirements for the June 9, 2008 hearing date for the same applications.

Letters and comments on these applications will have to be in our office prior to July 7, 2008 to be included in the staff report packet for the Commission.

I can be contacted about these issues at this return e-mail address or at 384-3830.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: "John E. Clifford" <johnclifford@cableone.net>
To: <beggleston@cityofboise.org>
Date: 6/3/2008 3:50 PM
Subject: CUP07-00084/CFH07-0022/CAR07-0042/SUB07-ooo65

To whom it may concern:

It has been brought to my attention that greedy developers are at again....Now it seems they have their eyes fixed on the land along Hill Road between Collister Drive and Plano Lane. It also appears that the developers have completely forgotten about the Foothills Ordinance and want to pack as many homes in as possible.

I am a native Boisean who grew up on Warm Springs Ave and now live in the North End.....I have seen the impact of this kind of abuse has on the neighborhoods and its time to re-think the plan...

Please stop the destruction of our foothills.

John E. Clifford

From: "Kerry Winn" <kwinn@stewartlandgroup.com>
To: "Bruce Eggleston" <beggleston@cityofboise.org>
Date: 6/3/2008 4:08 PM
Subject: Plano Road clarification letter
Attachments: P&Z clarification letter 6.3.08.pdf

Bruce,
As per our conversations, attached is a letter of clarification about a couple of items not addressed in our applications. Let me know if you need something different.
Kerry

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/3/2008 4:23 PM
Subject: Re: Deferral of the Plano Lane Subdivision applications

Bruce - thanks for the headsup, now that ACHD has made their recommendation, can this be reviewed and revised &/or modified at this meeting? - MILT

In a message dated 06/03/08 11:10:33 Mountain Daylight Time, Beggleston@cityofboise.org writes:
June 3, 2008

Memorandum

To: Stakeholders for the proposed Plano Lane Subdivision

From: Bruce Eggleston, Planner II, Boise Planning and Development Services Department

Subject: Deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda.

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Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/3/2008 4:36 PM
Subject: Re: Deferral of the Plano Lane Subdivision applications

thanks - think we are going to need it to accomplish what we would like the final project to look like - see you all the 14th - by the way, your note did not indicate what time the meeting would be starting. I will be sending you an email with my concerns relative to ACHD's recommendation. MILT

In a message dated 06/03/08 16:27:47 Mountain Daylight Time, Beggleston@cityofboise.org writes:
Dear Milt,

It can be revised or modified in almost every way as the Planning and Zoning Commission and City Council sees fit within the realm of the ordinances. But, by local and State codes, the roads are the domain of ACHD. There is some give and take between the ACHD and the City on planning roadways, but the Highway District usually has the last word.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Miltc62 <miltc62@aol.com> 6/3/2008 4:22 PM >>>
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Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/3/2008 4:55 PM
Subject: Re: Deferral of the Plano Lane Subdivision applications

TO be included in the file with the Plano subdivision hearing: At the ACHD open house recently, about 50 people from the neighborhood were in attendance. All those present from Collister and Quail Ridge voiced their disapproval of the planned permanent road connecting Plano and Collister for safety, neighborhood, and road condition viewpoints. There was not one person who spoke in favor of this permanent road. However, ACHD engineers and the commissioners wanted to see the two neighborhoods "connected" for the "good" of the neighborhood. The attendees want the road between Plano and Collister to be an emergency road only, similar to the one between Quail Ridge and Collister. P&Z needs to review ACHD's recommendation from the following standpoints: 1. No one except ACHD wants this road to be a permanent road; 2. Collister Road itself will not handle the increased traffic due to the Plano subdivision; 3. The safety of the children playing in and around the street would be placed at risk; 4. The increased traffic will create an unsafe situation for the people exiting Quail Ridge onto Collister; 5. Upper Collister Road was constructed in the early 80's to a different standard than currently exists now. The road has a concrete drainage ditch down the middle with a sidewalk on one side only and when vehicles park on both sides of the street, there is just room for one vehicle at a time; and 6. With the 20 homes being proposed for Collister as part of this subdivision, the Pole Cat Reserve park and enjoy at the head of Collister with its increased traffic of people on bikes who tend to stay in the middle of road, increasing traffic puts all at risk. Finally, ACHD needs to require the developer to widen Plano to three lanes with a right hand turning lane onto Hill Road going West and to install stop signs on Hill and Plano Roads to facilitate the movement of traffic from Plano onto Hill Road going in both directions.

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Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

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From: Bruce Eggleston, Planner II, Boise Planning and Development Services Department

Subject: Deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda.

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I can be contacted about these issues at this return e-mail address or at 384-3830.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: Mark Fogarty <mark_fgty@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 6/3/2008 7:38 PM
Subject: RE: Deferral of the Plano Lane Subdivision applications

This is such a bad Idea, Im on Collister and Hill rd it is so overtaxed with cars allready...But money always comes first over the citizens right Bruce.....Im going to hold you responsible if you guys pass this boondogle.....

Sincerely,

Mark Fogarty> Date: Tue, 3 Jun 2008 11:09:51 -0600> From: Beggleston@cityofboise.org> To: miltc62@aol.com; keslers@cabelone.net; lowellandbarbara@cabelone.net; dyorgason@cableone.net; fbsmithiv@cableone.net; butterfly@clearwire.net; president@collistercna.org; ebrennan@DDRS.net; jefftucker@gmail.com; trick.walker@gmail.com; janelbrown12@hotmail.com; mark_fgty@hotmail.com; run_1@hotmail.com; kevin.mcintyre@hp.com; rward@idfg.idaho.gov; boisebook@mac.com; rbb@moffatt.com; dghiger@msn.com; GeneWortham@msn.com; justingwortham@msn.com; middleton11@msn.com; mkclawson@msn.com; parkerb@pwncpa.com; jimmy@steelhead.com; katie@tvlitho.com; john@veritasadvisor.com; jnclocke@yahoo.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; pattiraino@yahoo.com> CC: woody@azimutheng.com; kwinn@stewartlandgroup.com; JWright@stewartlandgroup.com> Subject: Deferral of the Plano Lane Subdivision applications> > June 3, 2008> > Memorandum> > To: Stakeholders for the proposed Plano Lane Subdivision> > From: Bruce Eggleston, Planner II, Boise Planning and Development Services Department> > Subject: Deferral of the Plano Lane Subdivision applications, CAR07-00042, CUP07-00084, CFH07-00022 and SUB07-00065 from June 9, 2008 Hearing Agenda. > > Please contact other parties with an interest in these applications and inform them in the change of the hearing date. > > The above hearings will be deferred to the Boise Planning and Zoning Commission hearing on July 14, 2008, due to an error in the notification requirements for the June 9, 2008 hearing date for the same applications. > > Letters and comments on these applications will have to be in our office prior to July 7, 2008 to be included in the staff report packet for the Commission. > > I can be contacted about these issues at this return e-mail address or at 384-3830. > > Thanks,> > Bruce Eggleston, AICP> > Bruce Eggleston, AICP> Boise Planning and Development Services Department> >

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https://www.invite2messenger.net/im/?source=TXT_EML_WLH_InviteFriends

From: "Kerry Winn" <kwinn@stewartlandgroup.com>
To: "Bruce Eggleston" <beggleston@cityofboise.org>
Date: 6/4/2008 12:04 PM
Subject: Plano Road ACHD communications
Attachments: ACHD Burns letter 6.3.08.pdf; ACHD letter 6.3.08.pdf

Bruce,
Attached are the two letters forwarded to Gary Inselman at ACHD yesterday.
Kerry

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 6/4/2008 3:48 PM
Subject: Re: Deferral of the Plano Lane Subdivision applications

My name in Milton D. Coffman and I reside at 5471 Collister, Boise, Idaho = 83703

In a message dated 06/04/08 09:17:27 Mountain Daylight Time, Beggleston@cityofboise.org writes:
Dear Milt,

Would you please resend this letter to the Commission and include your name and address. Without that, it can't be considered testimony.

Thanks,

Bruce

>>> Miltc62 <miltc62@aol.com> 6/3/2008 4:54 PM >>>
TO be included in the file with the Plano subdivision hearing: At the ACHD open house recently, about 50 people from the neighborhood were in attendance. All those present from Collister and Quail Ridge voiced their disapproval of the planned permanent road connecting Plano and Collister for safety, neighborhood, and road condition viewpoints. There was not one person who spoke in favor of this permanent road. However, ACHD engineers and the commissioners wanted to see the two neighborhoods "connected" for the "good" of the neighborhood. The attendees want the road between Plano and Collister to be an emergency road only, similar to the one between Quail Ridge and Collister. P&Z needs to review ACHD's recommendation from the following standpoints: 1. No one except ACHD wants this road to be a permanent road; 2. Collister Road itself will not handle the increased traffic due to the Plano subdivision; 3. The safety of the children playing in and around the street would be placed at risk; 4. The increased traffic will create an unsafe situation for the people exiting Quail Ridge onto Collister; 5. Upper Collister Road was constructed in the early 80's to a different standard than currently exists now. The road has a concrete drainage ditch down the middle with a sidewalk on one side only and when vehicles park on both sides of the street, there is just room for one vehicle at a time; and 6. With the 20 homes being proposed for Collister as part of this subdivision, the Pole Cat Reserve park and enjoy at the head of Collister with its increased traffic of people on bikes who tend to stay in the middle of road, increasing traffic puts all at risk. Finally, ACHD needs to require the developer to widen Plano to three lanes with a right hand turning lane onto Hill Road going West and to install stop signs on Hill and Plano Roads to facilitate the movement of traffic from Plano onto Hill Road going in both directions.

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Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

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I can be contacted about these issues at this return e-mail address or at 384-3830.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: Brent Smith <fbsmithiv@cableone.net>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 6/4/2008 5:44 PM
Subject: Re: CUP07-00084/CFH07-0022/CAR07-0042/DA/SUB07-00065 AASE'S Dev.

Dear Mr. Eggleston

Once again, I have a question for you. Since your staff report was ready for distribution for the scheduled meeting on the 9th, is it not possible for the public to have access to it so we have time to review it before the meeting in July. I am sure that the law stipulates a certain, minimum, number of days that it be available prior to the meeting, but does it also list a maximum? Why not give us a chance to review it between now and the July meeting. It seems that it is very likely the developer has a copy, or at least an understanding of what your report says, so it seems that it would only be equitable for us to have the same level of understanding. Otherwise, the playing field is not level. I would like to know what form the report will take. Will you be addressing the public concerns that have been expressed in writing or are the written comments considered separately and outside of your report?

Also, I was somewhat dismayed to learn, please correct me if what I heard is incorrect, that your report states that the developer's proposal meets a "very high standard" in terms of the Foothills Ordinance. I find this to be perplexing. You told me that you are not in an evaluative role. This sounds like an evaluation to me and seems to skew the facts as I see them.

Once again, I thank you very much for what I anticipate will be your prompt reply. You have been very generous with your time and at some point I may wish to meet with you personally.

Sincerely

Brent Smith

From: Brent Smith <fbsmithiv@cableone.net>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
CC: Julie Klocke <president@collistercna.org>, <janelbrown12@hotmail.com>, M...
Date: 6/5/2008 7:37 AM
Subject: CUP07-00084/CFH07-0022/CAR07-0042/DA/SUB07-00065 Traffic Study

Mr. Eggleston
I would like to locate the ordinance in Boise City Code that pertains to limiting the traffic load on Harrison Boulevard. I would appreciate it if you would provide me with that information. (Ordinance #, where I can find it)

It has been brought to my attention that a recent traffic study on Harrison indicated that Harrison was within seven car trips of being overloaded, beyond "C". It seems quite clear that a traffic study must be conducted on Harrison to determine what the impact the AASE's subdivision will have. Many of my neighbors, my wife and I included, use Harrison almost exclusively when traveling to work and to town and so will many of the residents of AASE's.

Thanks

Brent Smith
6024 Plano

From: Bob Burns <RBB@moffatt.com>
To: Teresa Sobotka <TSOBOTKA@cityofboise.org>
CC: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 6/5/2008 10:56 AM
Subject: RE: Any thoughts on the Aases canyon dev. agreement drafts that Isent you last week

Teresa, I'm still waiting for my clients to comment on the revisions I sent them. I'll give them a shake. Thanks. Bob

---

From: Teresa Sobotka [mailto:TSOBOTKA@cityofboise.org]
Sent: Thursday, June 05, 2008 10:49 AM
To: Bob Burns
Cc: BRUCE EGGLESTON
Subject: Any thoughts on the Aases canyon dev. agreement drafts that I sent you last week

---

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From: "Chuck Link" <chucklink@worldnet.att.net>
To: <beggleston@cityofboise.org>
Date: 6/6/2008 9:31 AM
Subject: Aase's Canyon Point Development

Dear Mr. Eggleston:
RE: (1) CAR0700042/DA and SUB07-00065, Annexation Request; (2) CUP07-00084, Conditional Use Permit; (3) CFH07-00022, Hillside and Foothills Area Development Permit

I, along with a significant representation of concerned neighbors, attended an ACHD hearing on May 28 related to the pending Aase's Canyon development. Our interest is due to the estimated 1550 daily vehicle-count increase that this development would feed onto Hill Road from N. Collister and Plano Lane.

Both of these connecting routes present there own unique problems: (1) N. Collister due to its substandard and inverted-crown roadway design; and, (2) the intersection at Plano/Hill Road due to the poor sight-distance to the west, a fact made more severe since it will handle the majority of the vehicle trips which will be exiting into the east-bound lane. Traffic control plans are currently limited to stop signs which will only contribute to frustration and delay, especially at peak commute hours, as ACHD admitted that neither Hill Road nor N. Collister are scheduled for any design improvements in their future plans.

One point that became quite evident during the hearing was that most of the five ACHD Commissioners had not even visited the project site and were, therefore, unable to appreciate the neighborhood concerns and the bottleneck that this increased traffic could create. Accordingly, I strongly encourage the members of the P & Z Commission to visit this site and judge first-hand how this development would impact our neighborhood.

This valley has been subjected to unprecedented growth during the past two decades and it has spawned a growing traffic congestion problem that is likewise decades behind a supporting infrastructure. This imbalance can no longer be tolerated. It is time to say NO to this . . . and similar projects . . . until the roadways have been improved to efficiently handle the generated traffic.

Sincerely,

Charles S. Link

From: Bob Burns <RBB@moffatt.com>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 6/10/2008 10:43 AM
Subject: Accepted: Plano Rd. development agreement meeting with applicant
Place: PDS Conference 3
Attachments: rfc2445.ics

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: "Matt Edmond" <Medmond@achd.ada.id.us>
Date: 6/12/2008 9:51 AM
Subject: Plano Road Subidivision Reconsideration

June 12, 2008

To: Interested Parties

Subject: Plano Road Subdivision

On 11 June 2008, the Ada County Highway District staff requested reconsideration of the Commission action taken at the 28 May Commission meeting concerning the timing of the requirement for a full public connection between Plano Lane and Collister Road due to new facts and information that were not presented at the 28 May Commission Meeting. The Commission acted to reconsider the decision. The reconsideration is scheduled for the 25 June Commission meeting at 6:00 p.m. This meeting is open to the public.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

From: Bob Burns <RBB@moffatt.com>
To: Teresa Sobotka <TSOBOTKA@cityofboise.org>
CC: BRUCE EGGLESTON <Beggleston@cityofboise.org>, HAL SIMMONS <HSIMMONS@city...
Date: 6/16/2008 2:51 PM
Subject: RE: FW: AASEs_Canyon_Point_Dev_Agree_060208.doc

Will do, Teresa, but it may take a bit of time to get back to you based on the number of people on our team involved. I'll get back to you as soon as possible. Bob

---

From: Teresa Sobotka [mailto:TSOBOTKA@cityofboise.org]
Sent: Monday, June 16, 2008 2:44 PM
To: Bob Burns
Cc: BRUCE EGGLESTON; HAL SIMMONS
Subject: Re: FW: AASEs_Canyon_Point_Dev_Agree_060208.doc

We are having problems coordinating. We need to re-schedule for later in the week. Sorry. Let me know a couple of dates and times.

>>> Bob Burns <RBB@moffatt.com> 6/16/2008 1:57 PM >>>

No, Teresa, your attached e-mail and additional revisions weren't earlier received. Perhaps the best approach would be for Bruce to bring up at tomorrow's meeting any revisions included in the attached that he believes should be included in the draft I sent you last week, as there is no way that I will be able to get my clients' comments to another batch of revisions before then (although I'm copying my clients on this so they can be brought up to speed). Bob

---

From: Teresa Sobotka [mailto:TSOBOTKA@cityofboise.org]
Sent: Monday, June 16, 2008 1:08 PM
To: Bob Burns
Subject: Fwd: AASEs_Canyon_Point_Dev_Agree_060208.doc

Have you seen this? Right after I forwarded the 5/30 version, I got this and tried to forward.

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

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written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: "Matt Edmond" <Medmond@achd.ada.id.us>
Date: 6/19/2008 3:30 PM
Subject: Plano Road Subidivision Reconsideration Memo
Attachments: Plano Subdivision_6-25-08.pdf; Plano Road Attachment_6-25-08.pdf

Please find the attached memo and staff report on the Plano Road reconsideration.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

From: "Kerry Winn" <kwinn@stewartlandgroup.com>
To: "Bruce Eggleston" <beggleston@cityofboise.org>
Date: 6/19/2008 5:18 PM
Subject: Plano Road color pallet
Attachments: Color pallet example.pdf

Bruce,
Attached are examples of colors (they show up in this scan, a little more blue, grey and colder than the actual color tiles) that would be allowed in the color pallet for the CC&R's of the subdivision. We could work with your design staff and our architect (who is currently unavailable) to pin down the color limits...basically it is earth tones in darker hues. The materials basically restrict reflective materials such as aluminum, metals, plastic or reflective tiles and only allow low glaze windows. This would all be worked out with staff as a condition of approval. I'm sorry I can't give you more or better before tomorrow. The concept is simple but takes a good architectural committee to make sure it works.
Kerry

PART I: Outline of Concerns Regarding the Proposed "Plano Road Subdivision"

1. The proposed development subverts the intentions of the foothills ordinance. As a ridgeline development the project significantly damages the aesthetics and the natural qualities of the area. The use of questionable conservation density bonuses (see PART II) to justify a density fifteen times higher than that which would otherwise be permitted, appears to be a cynical and transparent strategy to exploit the land and the law for maximum financial gain.

2. Plano Lane is currently a sleepy tree-lined street, paved for only about 250 yards, home to families with small children, and small pets, no fences and no sidewalks. The proposed development would send an estimated 1500 car trips a day down that road, which would be almost doubled in width, ruining the quality of life and property values of the houses in the neighborhood. The Collister neighborhood, slated as the secondary access to the proposed development, already complains of congestion and lack of parking, and will undoubtedly be negatively impacted as well.

The Foothills Ordinance states that development "should be compatible with the design and size of the surrounding neighborhoods." In contrast to this standard, the proposed development would crush the existing Plano Lane neighborhood beneath its wheels like a juggernaut, and present substantial incompatibilities to the Hill Road and Collister neighborhoods as well.

3. Hill Road is one of the most popular thoroughfares in the city for bicyclists, joggers and pedestrians; it is the site of bicycle races and informal bicycle team training. Children use Hill Road to board and alight from school buses, while other children use sections of Hill Road to walk to Cynthia Mann Elementary School. Many neighbors have chosen their homes in this part of Boise specifically to have access to bicycle lanes and walkable streets. The additional 1500 car trips a day, which will necessarily proceed from Plano Lane onto Hill Road, will make an already potentially dangerous situation untenable.

The Foothills Ordinance states that "...traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required." There is no discernible traffic mitigation in the proposed development's plans, only the promise of vastly multiplied traffic and related hazards and problems.

4. At a recent City meeting, the City Engineer spoke briefly about drainage issues associated with the project. He spoke of controlling runoff from the proposed development, and the greatly lengthened and widened Plano Lane access road, by retaining water in ponds at the bottom of the hill. When he was asked whether the water retained in those ponds might reasonably be expected

to contaminate ground water in the area, and it was noted that many area residents (ourselves included) are supplied by private wells, City personnel agreed that this was a "good question," that they simply "had not thought of it," and that they "would probably have to look into it." This, and other aspects of the meeting, did not create the impression that the interests of area residents have been sufficiently protected thus far in the process.

5. The land which is proposed for development is year-round home to two or more dozen deer, badgers, foxes, and coyotes; it is frequented by hawks, peregrine falcons, great horned owls and other birds. The Aase's Onion is only one of many fragile and valuable plant species in the area. All of these treasured species are vulnerable to displacement, disruption, increased pollution, and outcompetition by nonnative species if the proposed development is approved. One need not have a very sophisticated grasp of biology to understand that the development will do far more harm than good to the plants and animals currently occupying the land.

Even more alarming, the land proposed for development is sandwiched in-between Quail Ridge (developed by Ramon Jorgason, who is also involved in the current proposed development) to the east, and the Eagle Foothills to the west--which are currently slated for rampant, massive-scale development. This modest corridor of undeveloped land may represent a last opportunity for Boise to protect relatively undisturbed wildlife close to the city; the conflict over this land presents a crucial test case for the Foothills Ordinance.

PART II: Questions Regarding the Developer's Uses of the Foothills Ordinance and Claims to Density Bonuses

How can the addition of 155 houses and all of the associated negative impacts on the environment add up to an environmental positive? The project's Utah-based developers are asking for density bonuses that seem to far exceed those that are reasonable.

The foothills ordinance specifies that one house on 40 acres may be allowable and that bonus density increases above 1 house per 40 acres may be possible if the land qualifies under any of three criteria: Generally..... 1) Lands left un-built and having slopes of 25% or less, and with certain dimensions, can qualify for bonus density. 2) Lands that allow public access to open space can qualify. 3) Land that is of environmental importance with substantial significance can be defined as "Priority Open Space" and thereby may qualify for density bonuses.

Since the development land is primarily composed of very steeply sloped hills, there is little land available to request density bonuses under #1. There is a portion of land which appears to have been tacked on to the ridgeline development to allow qualification under #2. Much of the claim for increasing bonus density from 1 house on 40 acres to approximately 20 houses on 40

acres, is based on the contention that much of the land is "Priority Open Space." (However there is some confusion about specifically what case the developer is making, in as far as items relating to points 8 – 11, below, might seem be qualifications for either #2, public access, or #3, Priority Open Space.)

According to the Foothills Ordinance, the land must meet at least four of eleven criteria to be considered and possibly qualify as "Priority Open Space."

There must be:
1 – Wetlands
2 – Riparian Areas
3 – Rare Plant Communities
4 – Critical Deer and Elk winter migration corridors
5 – Boise City Historic Preservation Committee: Potential Preservation Sites
6 – Unique Geologic or Visual Features
7 – Archeological or other Historic Sites
8 – Trails and Trail-heads designated in the Ada County Ridge to Rivers Pathway Plan as approved by the Boise City Parks and Recreation Board
9 – Other Public Trails and Trail-heads as approved by the Boise City Parks and Recreation Board
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.

The developers are specifically making claim to protecting Wetlands, Riparian Areas, and Rare Plant Communities on their properties, and also claim that they broadly meet #'s 8, 9, 10, 11. In addition, they are going to repair a scar on the hillside which is the site of a former sand business.

Most of these claims seem highly open to question.

1– Arguing that they are protecting Aase's Onion begs the question, how do you protect the onion by placing homes on the steep slopes above and around the "protected" area? Erosion caused by construction and runoff from lawn sprinklers, the introduction of lawn fertilizers, insecticides and pesticides, into the runoff, as well as the introduction of new plant species into the immediate area, all beg the question, wouldn't the onion be much better off if you didn't build anywhere near it, period? It is already protected by the terrain it inhabits; there is little if any human traffic on those hillsides. 155 houses, positioned literally on top of the onions' habitat, will do nothing but threaten it. Establishing a land trust, as proposed by the developers, seems a transparent means to gain public sympathy and support, not to mention the cover of a respected organization. This begs one final question regarding the onion field–why would the TVLT allow itself to be used towards such a counterproductive end?

2 – To the general public, the term, "wetlands" brings to mind streams, ponds, cat-tails, pollywogs, etc. not a "water seep" as the developer's wetland scientist calls them in his report. One of these seeps is located in an otherwise dry gully situated on a very steep hillside. It is already "protected" for the public good by the unbuildable steepness of the surrounding terrain on one side, and by the homes that sit approximately fifty yards below on the other. The second "wetland" described by the developer's expert is also a "water seep" that exists somewhere alongside and adjacent to the usually dry Pole Cat Gulch. Are two small "water seeps" separated by hundreds of yards of steep terrain worthy of "wetlands" status and the concurrent density bonuses being requested?

3 – The improvements they are proposing for Pole Cat Gulch include erecting a fence to protect the area, which has been defined by the developer's expert as "riparian." This "protection" may or may not be of significance, but is Pole Cat Gulch any more a "riparian" area than water seeps are "wetlands"? Perhaps by some arcane technical definition Pole Cat Gulch qualifies as riparian, but it is as far from the ordinary use of the term for a stream-side environment as "wetland" is a term to describe a small water seep. Pole Cat Gulch has scrubby bushes and a few intermittent, mostly small trees, but it is essentially a dry gulch the vast majority of the year and the "protection" being proposed seems insignificant when put into context of the overall impact that the proposed development of 155 houses will have on this landscape.

4 – The access provided, and the potential amenities that may be a part of the city's requirements at the trail-head to the future Pole Cat Gulch recreation area could surely add something to the public good. It appears that the developers have incorporated this piece of property that sits at the bottom of the ravine, into their proposal for what is essentially a ridgetop development, which is well removed in space as well as character. This seems to be transparent, a gerrymander in effect, in light of the fact that many of their environmental claims are derived from this small and geographically distinct parcel of land providing the riparian area, wetland, and what appears to be a multi-faceted contribution to public land accessibility.

5 – The developer proposes to "repair" an excavated hillside (a sandpit) only to replace the scar with a row of houses along the ridges. This sand pit is currently visible from very few places in the valley and only from points south west of the site at a relatively large distance. The primary beneficiaries of this "repair" will be the developers and residents of the proposed subdivision. Claiming that this is something for the public good and for which they should be granted density bonus is specious.

The former sandpit is in the least visible portion of the development land. Many of the houses in the proposed development will be highly visible from just about any place South of Hill Road, much like its sister development, Quail Ridge.

The developers are proposing a "ridgeline" development, which is directly in opposition to the Foothills Ordinance that excludes ....."flat or squared off appearance on ridges....." and states that "The 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....."

The section of the Foothills Ordinance that speaks to "Priority Open Space" states: "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." The developers have no other form of eligible open space with which to provide balance because very little of the land in question is buildable. They are building on virtually everything that has an acceptable slope, and much of that land appears to be on the ridgelines where the big lot fees and unfortunately, the big eyesore to the rest of the valley can be assessed. If the bonus density increase requested is allowed, the good intentions of the people of the City of Boise who voted in support of and funded the Foothills Ordinance will be go down the proverbial drain – or should it be "water seep" ?

Brent Smith fbsmithiv@cableone.net
StephanieBacon sbacon@boisestate.edu

From: Brent Smith <fbsmithiv@cableone.net>
To: <tbreuer@lttv.org>, <sabdo@cableone.net>, <foxcroftbill@yahoo.com>
CC: Mike Jones <michaelrjones44@yahoo.com>, Joanie Fauci <joanie4c@yahoo.com...
Date: 3/15/2008 2:10 PM
Subject: revised plano road development statement
Attachments: PointsMarch2008.doc

Hello Tim, Susan, and Bill

Michael Jones asked me to send you the following attachment. I understand that an earlier version of this was received by some at LTTV (I just realized I listed your organizations initals incorrectly in the attached....think I had it as TVLT...sorry about that).....anyway, this version has been updated to reflect an evolving working relationship with the city and a more detailed examination of the foothills ordinance. Please disregard the earlier version.

We understand that it is not your position to take a stand for or against the development. Your organization is being cited in the developer's documents as being in line to receive the land in question which seems to add credibility and value to their proposal. I certainly lay no claim to being an expert in any of this, but I would think that your organization would want to intervene and evaluate the quality of the overall proposal and how it might impact the environment before you would allow your name to be used by the developer.

thanks very much for your consideration

Brent Smith

From: Kris Haustveit
To: BRUCE EGGLESTON
Date: 6/2/2008 2:14 PM
Subject: Fwd: Plano Subdivision Secondary Road / ACHD Decision

Bruce,
Please add this to the growing list of people responding to this development.
Thanks
Kris

>>> Mayor Bieter 5/30/2008 8:16 AM >>>

>>> Katie Watts <katie@tvlitho.com> 5/29/2008 3:33 PM >>>
Dear Mayor Beiter,

I'm copying you on a letter that I sent to ACHD after a commission meeting last night regarding the Plano Subdivision and secondary road that is proposed to change our dead end street into a collector road for residents of the new subdivision. I am very concerned and hope you can consider getting involved in what is going on here. The secondary road would violate the quality of life for our neighborhood, and does not comply with clearly stated intentions of the city foothills ordinance. Many folks testified with very compelling facts, and ACHD seemed to have their mind made up before any testimony.
Thank you for taking the time to read this. Please feel free to call me to discuss this.

(Letter to the ACHD Commissioners)
My name is Katie Thacker and I live at 5954 N Collister in the Briarhill Subdivision #2, almost at the very end of Collister where it dead ends. I attended the ACHD meeting last night and listened to all of the testimony, and could not help but be disappointed in the final decision the Commission came to with regards to this whole Plano Subdivision connectivity issue. It sure seemed like you all had your mind made up without ever hearing any testimony.
I do not envy the tough situation ACHD is in, trying to solve problems with so many entities involved, but with all due respect, I feel strongly that a few things are being overlooked here:
1. I'm not sure ACHD clearly understands that a year ago a land swap/purchase occurred just beyond the end of Collister that involved many private and public entities. The city has acquired the land, developed more bike trails up there, now there are tons of mountain bikers coming out of the foothills right there where the dead end of Collister is. My understanding is that the developer will put in the trailhead/parking lot in the future. It does not seem very practical, functional or visionary to increase the recreational bike traffic on the street that already has children and pedestrians on it, then turn around and build a connecting street to pour a bunch of cars on the same substandard street. That has car/bike/injury accidents written all over it.
2. The decision last night was made to build the secondary road now instead of waiting for 80 homes to be built. That means a paved road will exist up to a ridge that has no houses on it for another 4 to 6 years, creating a perfect Party Central area up that road for traffic that doesn't even live up there. When we moved into our house in October 1989, the partiers, trash, and off road vehicles was enough of a problem that's why the gate was put in. To build the connector road now does not seem to take into consideration increased risk of fire and vandalism, all before there is even a home up on the ridge!
3. I feel that ACHD is failing to regulate the traffic that compliments the Foothills Ordinance that clearly states the city will not allow negative impacts on existing neighborhoods. Frankly, I cannot see a single positive impact for our neighborhood, all impact

is negative. How can you say the road is compliant with foothills ordinance requirements at all?
I hope it is not too late to reconsider the decision and proceed with a plan that is in better interest for the safety on that street, and truly does comply with the Foothills Ordinance.
Sincerely,
Katie Thacker
208-921-7141

cc: Madam President McKee, Commissioner Arnold, Commissioner Franden, Commissioner Huber, and Commissioner Bivens

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From: "Nancy M. Brennan" <butterfly@clearwire.net>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
CC: "Brent and stephanie" <fbsmith@cableone.net>
Date: 5/31/2008 10:17 AM
Subject: aase's canyon development concerns

Erin and Nancy Brennan
6025 Plano Lane
Boise, Id 83703

Members of Boise City Planning and Zoning Commission,

My husband, Erin and I, Boise natives, support all that is stated by Brent Smith and Stephanie Bacon. They have put together this extensive letter explaining the concerns we hold about the proposed Aase's Canyon Development. Please understand how very seriously we take a stand with our neighbors.

With respect,

Nancy and Erin Brennan

May 31, 2008

RE: AASE'S CANYON POINT DEVELOPMENT, LLC

TO: MEMBERS OF BOISE CITY PLANNING AND ZONING COMMISSION

Dear Members of the Commission:

We respectfully submit this letter regarding the proposed development along Hill Road between Collister Drive and Plano Lane. We are long time residents (one of us is a native Boisean) and although we do acknowledge the rights of the developers to use this land within reason, we plead that the development be limited by the basic premise written into the Foothills Ordinance that 1 house on 40 acres is reasonable use for land of this nature. We vehemently disagree with the developer's contention that this land should qualify as "Priority Open Space" for which a twenty-fold density bonus should be granted, taking the property from an 8 home tract to over 150 homes. We believe that if the Foothills Policy is scrutinized critically for intent, not technicalities, and the developer's claims are given the same review, that the development will be kept to a reasonable level. Otherwise, your legacy as a Commission will surely leave the valley residents with another foothills eyesore, environmental degradation, and a much reduced level of livability for the residents in the Northwest and North Boise neighborhoods.

PART I: Outline of Concerns Regarding the Proposed
"Plano Road Subdivision"

1. The proposed development subverts the intentions of the foothills ordinance. As a ridgeline development the project significantly damages the aesthetics and the natural qualities of the area. The use of questionable conservation density bonuses (see PART II) to justify a density twenty times higher than that which would otherwise be permitted, appears to be a cynical and transparent strategy to exploit the land and the law for maximum financial gain.

2. Plano Lane is currently a sleepy tree-lined street, paved for only about 250 yards, home to families with small children, and small pets, no fences and no sidewalks. The proposed development would send an

estimated 1000 car trips a day down that road, which would be almost doubled in width, ruining the quality of life and property values of the houses in the neighborhood. North Collister Drive, currently slated as the alternate access to the proposed development, already complains of congestion, lack of parking, problematic and dangerous road design and dangerous slope. The proposed development would unquestionably degrade safety, quality of life and property values for all households along upper Collister.

The Foothills Ordinance states that development "should be compatible with the design and size of the surrounding neighborhoods." In contrast to this standard, the proposed development would crush the existing Plano Lane and upper Collister neighborhoods beneath its wheels like a juggernaut, and present substantial incompatibilities to the Hill Road and lower Collister neighborhoods as well.

3. Hill Road is one of the most popular thoroughfares in the city for bicyclists, joggers and pedestrians; it is the site of bicycle races and informal bicycle team training. Children use Hill Road to board and alight from school buses, while other children use sections of Hill Road to walk to Cynthia Mann Elementary School. Many neighbors have chosen their homes in this part of Boise specifically to have access to bicycle lanes and walkable streets. The additional 1500 car trips a day, which will necessarily proceed from Plano Lane and Collister Drive onto Hill Road, will make an already potentially dangerous situation untenable.

The Foothills Ordinance states that "...traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required." There is no discernible traffic mitigation in the proposed development's plans, only the promise of vastly multiplied traffic and related hazards and problems. Not only Pierce Park and Collister but also 36th Street and Harrison Boulevard can anticipate increased congestion from commuters heading South and East into town.

4. The developers propose to control runoff from the development, and the greatly lengthened and widened, newly-paved access roads, by retaining water in ponds at the bottom of the hillsides. Many households on Plano and Hill Road and in the area generally are supplied by wells. The question of whether the water retained in those ponds might reasonably be expected to contaminate ground water in the area has still not been answered in a satisfactory or definitive manner (though the question was asked in a January meeting at City Hall.) Stewart Land Group representative Kerry Winn told a large public meeting at Riverglen Junior High School, earlier this Spring, that his engineers had dismissed the likelihood of any problems resulting from groundwater contamination. Several weeks later, at a meeting of Plano homeowners held in a private home, Mr. Winn averred that SPF Engineering was currently conducting a study on the subject. Mr. Winn's variable responses to this question do not create the impression that the interests of area residents are being sufficiently protected. It is also unclear how the developer proposes to address drainage and groundwater issues on Collister Drive which may result from the recent ACHD decision to require public access and connectivity from both Plano and Collister at the onset of construction.

5. The land which is proposed for development is year-round home to three dozen deer, badgers, foxes, and coyotes; elk have recently been seen on this land; it is frequented by hawks, peregrine falcons, great horned owls and other birds. The Aase's Onion is only one of many fragile and valuable plant species in the area; the onion is as likely to be found on the ridgelines which the developer proposes to flatten as on the steep slopes they plan to set aside (see Part II.) All of these treasured species are vulnerable to displacement, disruption, increased pollution, and outcompetition by nonnative species if the proposed

development is approved. One need not have a very sophisticated grasp of biology to understand that the development will do far more harm than good to the plants and animals currently occupying the land.

Even more alarming, the land proposed for development is sandwiched in-between Quail Ridge (developed by Ramon Jorgason, who is also involved in the current proposed development) to the east, and the Eagle Foothills to the west--which are currently slated for rampant and massive development. This modest corridor of undeveloped land may represent a last opportunity for Boise to protect relatively undisturbed wildlife close to the city; the conflict over this land presents a crucial test case for the Foothills Ordinance.

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Since the development land is primarily composed of very steeply sloped hills, there is little land available to request density bonuses under #1. There is a portion of land which appears to have been tacked on to the ridgeline development to allow qualification under #2. Much of the claim for increasing bonus density from 1 house on 40 acres to approximately 20 houses on 40 acres, is based on the contention that much of the land is "Priority Open Space." (However there is some confusion about specifically what case the developer is making, in as far as items relating to points 8 – 11, below, might seem be qualifications for either #2, public access, or #3, Priority Open Space.)

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The developers are specifically making claim to protecting Wetlands, Riparian Areas, and Rare Plant

Communities on their properties, and also claim that they broadly meet #'s 8, 9, 10, 11. In addition, they are going to repair a scar on a relatively remote hillside which is the site of a former sand business.

Although there may appear to be technical compliance with the Foothills Policy, most of these claims seem highly open to question when viewed through a lens other than the developers'.

1– Arguing that they are protecting Aase's Onion begs the question, how do you protect the onion by placing homes on the steep slopes above and around the "protected" area? Erosion caused by construction and runoff from lawn sprinklers, the introduction of lawn fertilizers, insecticides and pesticides, into the runoff, as well as the introduction of new plant species into the immediate area, all beg the question, wouldn't the onion be much better off if you didn't build anywhere near it, period? The vast majority of it is already protected by the terrain it inhabits; there is little, if any, human traffic on those hillsides. (At a recent ACHD hearing, Mr. Jorgason testified that he has been trying for twenty years to get a road designed to access the ridgeline from Collister Drive—up through the onion fields—but that according to his engineers, it was too steep for even a road to be built.) 155 houses, positioned literally on top of the onions' habitat, will clearly endanger it. Establishing a land trust, as proposed by the developers, seems a transparent means to gain public sympathy and support, not to mention the cover of a respected organization. This begs another question regarding the onion field–why would the TVLT allow itself to be used towards such a counterproductive end? Have they even agreed to this proposal?

Finally, what sort of logic proposes that establishing a trust for the onion on naturally protected parts of the property should be rewarded with the right to build more lots in some other part of the property? Although this exchange of land may seem reasonable to the developers, once the public realizes that the ridgeline, and other areas they want to build on, are also habitat for the onion plant, the environmental value of the proposal falls into question. More scraping and bulldozing will be necessary to build those lots and roads, and more onion plants will be killed, the higher the number of lots allowed. So, the onion they are claiming is so important to protect in the unbuildable and inaccessable parts of the property becomes expendable in the buildable areas. A truly environmentally conscientious developer would keep the number of lots to a minimum; then the onion would be more likely to survive on the steep slopes, with or without a land trust.

2 – To the general public, the term, "wetlands" brings to mind streams, ponds, cat-tails, pollywogs, etc. not a "water seep" as the developer's wetland scientist calls them in his report. One of these seeps is located in an otherwise dry gully situated on a very steep and inaccessible hillside. It is already "protected" for the public good by the steepness of the surrounding terrain on one side, and by the homes that sit approximately fifty yards below on the other. The second "wetland" described by the developer's expert is also a "water seep" that exists somewhere alongside and adjacent to the usually dry Pole Cat Gulch. In desert lands any water is valuable, but are two small "water seeps" already protected by hundreds of yards of steep terrain worthy of full "wetlands" consideration and the concurrent density bonuses being tied to that status?

3 – The improvements they are proposing for Pole Cat Gulch include erecting a fence to protect the area, which has been defined by the developer's expert as "riparian." This "protection" may or may not be of significance, but is Pole Cat Gulch any more a "riparian" area than water seeps are "wetlands"? Perhaps by some arcane technical definition Pole Cat Gulch qualifies as riparian, but it is as far from the ordinary use of the term for a stream-side environment as "wetland" is a term to describe a small water seep. Pole Cat Gulch has scrubby bushes and a few intermittent, mostly small trees, but it is essentially a dry gulch the vast majority of the year and the "protection" being proposed seems insignificant when compared to the overall impact that the proposed development of 155 houses will have on this landscape and the people that currently live near it.

4 – The access provided, and the potential amenities that may be a part of the city's requirements at the trail-head to the Pole Cat Gulch recreation area could surely add something to the public good. It appears that the developers have incorporated this piece of property that sits at the bottom of the ravine, into their proposal for what is essentially a ridgetop development, which is well removed in space as well as character. This seems to be transparent, a gerrymander in effect, in light of the fact that many of their environmental claims are derived from this small and geographically distinct parcel of land providing the

riparian area, wetland, and what appears to be a multi-faceted contribution to public land accessibility.

5 – The developer proposes to "repair" an excavated hillside (a sandpit) only to replace the scar with a row of houses along the ridges. This sand pit is currently visible from very few places in the valley and only from points south west of the site at a relatively large distance. The former sandpit is in the least visible portion of the development land. In contrast, many of the houses in the proposed development will be highly visible from just about any place South of Hill Road, much like in its sister development, Quail Ridge. The primary beneficiaries of the sandpit "repair" will be the developers, and of course the residents of the proposed subdivision. Claiming that this is something for the public good and for which they should be granted a density bonus is specious.

A "ridgeline" development is directly in opposition to the Foothills Ordinance that excludes ....."flat or squared off appearance on ridges....." and states that "The 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....."

The section of the Foothills Ordinance that speaks to "Priority Open Space" states: "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." (emphasis added) The developers have no other form of eligible open space with which to provide balance because very little of the land in question is buildable. They are setting aside virtually nothing of value to their bank accounts. They are building on virtually everything that has an acceptable slope, and much of that land appears to be on the ridgelines where the big lot fees and unfortunately, the big eyesore to the rest of the valley can be assessed.

If the bonus density increase requested is allowed, the hopes of the people of the City of Boise who voted in support of the good intentions (not the potential loopholes) enveloped in the Foothills Ordinance will go down the proverbial drain. We urge that you look at the developer's proposal in the light of the Foothills Ordinance, not just to see that all of the developer's i's are dotted and t's are crossed; but rather, that you look critically at whether or not the proposal has integrity and lives up to the intent of the Ordinance. Are the developers giving up anything that they can build on? Is there a balance of unused buildable open space, priority open space and used buildable space? Is the project another ridgeline development?

Is what the developers are giving up (marginally classified riparian and wetland areas, unbuildable onion trusts) worth a financial windfall to them and the concurrent eyesore, traffic congestion, increased danger, environmental degradation and generally reduced quality of life to everyone else? We ask that you consider this proposal with great care, and that ultimately your determination be to reduce the proposed density significantly.

Sincerely,

Brent Smith & Stephanie Bacon

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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Boise, Idaho 83701-0500

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850 W. Front Street
Boise, ID 83702

Re: DRH07-00450 / 1205 W. Front Street

Dear Mr. Rice:

Boise City Planning and Development Services have received the above referenced application requesting Design Review approval to construct a 196 car parking lot at 1205 W. Front Street in a C-5DD zone. In reviewing the Boise City Zoning Ordinance we have determined a Conditional Use Permit will be needed for your request.

Section 11-07-06.09 Use Standards (Table 3)

Use	C-1	C-2	C-3	C-4	C-5
Parking Lot					
Commercial	CC	A	A	CC	CC
Off-Site Accessory	CC	A	A	A	CC
Parking Garage/Structure	CC	A	A	CC	A

Section 11-01-03.01 Definitions states:

***

Lot, Parking:
An open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

***

Structure:
Anything constructed or erected, except fences, which requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, platforms, frame work, antennas, portable carport/cover, prefab metal or plastic sheds and tents.

***

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Based on the use table and these definitions, the determination has been made that the proposed project would be classified as a Commercial Parking Lot.

If the parking is to be the first phase of a large development, it needs to be presented to the City in conjunction with the overall project.

If you have any questions or need additional information, please contact me at 384-3830.

Sincerely,

Sarah M. Schafer

Sarah M. Schafer
Manager, Design Review and Historic Preservation
Boise City Planning and Development Services Department

SS:ps

cc: Thomas Zabala / ZGA Architects and Planners, Chartered / 565 W. Myrtle Street / Boise, ID 83702
Jade Riley – Mayor's Office
Hal Simmons, Planning and Development Services

City of Boise

MAY 15 2008

Pl...

May 14, 2008

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

SUBJECT: Collaborative Meeting Model for Large and/or Special Concern Development Areas

Dear Commissioners:

After recently attending the Plano and Eyrie Canyon 4 subdivision neighborhood meetings, I feel compelled to express concerns about the current public process for development proposals. The current procedure of requiring one INFORMATIONAL ONLY neighborhood meeting with a developer is outdated and needs to be improved especially for large and/or controversial developments.

Informational only meetings with neighbors who live within 300 feet of the development typically involve a developer or representative explaining the development proposal and concluding with a question/answer session. Many developers already have their plat details nearly finalized when they meet with the neighbors. Using this model, the public is frustrated because any input they might offer will be mostly ignored and/or have minimal opportunity for inclusion in city, county, or ACHD staff reports. In the end, this causes many people either to give up on the process, or if they do attend the hearings, to come contentious, confrontational, and with a combative attitude.

Having informational only neighborhood meetings is also flawed since it involves no face-to-face WORK SESSION opportunities for soliciting constructive input/solutions between the developer and the neighbors BEFORE agency or city hearings are scheduled. The current process builds frustration because it provides very little meaningful collaborative input beyond individual email or letters of concern. If the process gave neighbors legitimate opportunities to provide constructive solutions/suggestions BEFORE the hearings, perhaps the hearing meetings would become more productive, time efficient, better for public relations--and more likely to result in acceptable community development.

By the time the development reaches the hearing level, city or agency officials are expected to vote/decide on the proposal. At this point, it is often difficult to implement public input, especially when a hearing is contentious. Clearly much of this input should have been received BEFORE the hearings. Relying solely on the possibility of adding conditions of approval should not be--and does not have to be--the only recourse IF the public has the opportunity for more pre-hearing collaborative input work sessions.

Feelings of frustration with many proposed developments could be greatly mitigated if requirements stipulated that development proposals, especially those involving more than 20 units and/or involving controversial development areas, be subject to the following meeting procedures:

- After the initial required neighborhood meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located, REQUIRE AT LEAST ONE, WITH THE OPTION OF MORE, city and/or county and developer collaborative work session meetings with neighbors and interested parties.
- Collaborative work sessions should include not only planning and zoning issues but also ACHD road and traffic concerns. Joint-input work sessions would be used to review the plans, provide updates, and gather public opinion with the intent of implementing viable constructive suggestions/solutions from neighbors and general public BEFORE the final staff reports are written and/or public hearings are conducted.
- Developer representation along with assigned city, county, and ACHD staff should be present at the work sessions.
- It is recommended that neighborhood meetings be held in the evening--not during the day, when most people that are impacted by the development are working.
- In addition to notifying neighbors within at least 300 feet of the development, all neighborhood associations and homeowners associations affected by the development should be notified.
- Any changes/ideas implemented from the work session meetings should be documented in the staff report to verify that collaboration was incorporated in the process.

A collaborative meeting process may involve more time for developers and government agencies, however, the positive outcome of better communication between all entities, more efficient hearings, less frustration, more cohesive neighborhoods, and citizens gaining more trust and support for their local government officials and processes is well worth the investment.

Sincerely,

Paul Werner, President
Central Foothills Neighborhood Association

Julia Wright, Vice President
Central Foothills Neighborhood Association

cc: Carol A. McKee, ACHD Commission President
✓ Bruce Chatterton, Director of Boise Planning & Development Services
John Traylor, Director of Ada County Development Services

Sent by:

Ethel D. Ficks
5600 Hill Rd.
Boise, ID 83703

This e-mail is to express my concern about the following issues related to this development:

The total impact on the current residents of this area will be dramatic! It seems especially unfair that a group of Salt Lake City investors, who are concerned only about money wish to intrude in an established residential area of local people who have established homes on acreages with a rustic and country-like atmosphere. They are listening to the lead of the developer who has already established Quail Ridge and now wishes to "get another toehold in" the foothills. (I understand Quail Ridge was built BEFORE the Foothills Ordinance; yet this one is going to follow its general plan, which doesn't seem right).

Since this is the first affordable development applied for under the new Foothills Ordinance, I feel Planning and Zoning should be particularly careful to scrutinize every detail carefully because of the tremendous responsibility they have to set the precedents that will thereby be established and referred back to by this or other developers. The standard(s) they follow will be immensely important to the future of Boise.

It doesn't seem fair to the donors who have given land in the foothills to protect this area to then have Planning and Zoning turn around and approve such an environmentally unfriendly housing area and thereby began the rush for others to move in with a profit motive. Those of us who live here have worked to keep the area green. My place is listed nationally as an official Habitat because of all the wild life that seeks refuge here.

Traffic and making Plano Lane a 2-lane highway is also a concern. This much traffic feeding into Hill Road will make the unbearable increase in traffic that we have already experienced from new housing to the west even worse. It is almost impossible now to get out on the road from my house at 5600 Hill Road. I can't imagine how bad it will be should this development be approved. I also have property facing Plano Lane, and I am concerned that I and others whose homes are on Plano Lane will have traffic practically at their front door, and their children and their life style will be at risk. The peacefulness of their lives now will be totally destroyed by this unwanted intrusion.

Another concern is that there are several wells that will be impacted by the water drainage from this housing. It is questionable that the sandy soil of the Foothills can safely handle the increase in water seepage. The Department of Water Resources sent at my request a map of all the wells in this area, and there are several that could be impacted drastically. We would need to have absolute assurance that our water rights are not disturbed or destroyed.

Although we understand the developer's engineer has planned for retention ponds up Plano Lane, this is not reassuring, because the amount of water coming down Plano Lane is at flood/creek level in places already, and the City Sweepers are out here often picking up the sand, putting it in dump trucks and/or dumping it on the property adjacent to Hill Road (my corner). I feel sure the developers in Seattle, California, and Oregon assured City Planners and property owners that their hills were stable; yet we see houses sliding, crashing and caving in regularly in the daily news. Wouldn't it be better to avoid this possibility altogether? I wonder if cities have been sued by any of these homeowners or insurance companies because of allowing such developments.

From: "McIntyre, C Kevin (Solutions Business Dev. Mgr.)" <kevin.mcintyre@hp.com>
To: "Beggleston@cityofboise.org" <Beggleston@cityofboise.org>, "mwallace@ach...
Date: 2/19/2008 7:06 AM
Subject: Proposed Foothills Development (File # CFH0-00022)

To Whom It May Concern,

As a long time Boise resident I am sending this letter to express my opposition to any more development in the foothills. With the Kastera, Hillside Nursery and now this development, it seems that the City of Boise needs to re-evaluate what residents of this city have been asking for. It's not for more development in the foothills, more traffic on Hill Rd. more traffic congestion, etc. in the foothills. As residents, we have had our taxes and assessments increased to prevent this type of development. The City is constantly re-zoning and increasing density levels beyond what was originally approved to appease developers. Please reconsider any foothills development and the effect on our way-of-life (life style) that many of us long time residents moved to this city for.

Regards,

Kevin McIntyre

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 4/16/2008 9:01 AM
Subject: Fwd: Aase's Canyon foothill development

Hi Bruce!

Can you add this to the Plano file official record for me. Also, can you give me a quick status report on where the project is.

Thanks!
Amanda

Amanda Brown
Council Administrator
(208)384-4410
abrown@cityofboise.org

>>> KRISTIANN MANNION <mannion2141@msn.com> 4/9/2008 3:33 PM >>>

To the Mayor and Members of the City Council:

I am a resident of the area impacted by the projected growth of the Plano road subdivision currently being proposed. I want to express my strong opposition to this project as it is proposed. The plan is designed to subvert the current Foothills ordinances with regard to ridge development and population density for the financial benefit of a few, while severely impacting the quality of lifestyle of the current residents of the area. The neighborhoods surrounding the lower foothills, including State Street, Collister, and Hill Road, will be innundated by vehicular traffic as traffic moves from the development into arterials that move people into the city.

It is very important the the mayor and city council take an active position to insure a legal and ethical application of the Foothills ordinances in this and other future developments. I recognize that property rights and the rights of property owners to develope the land are values upheld by our government and way of life; however, when the rights of a few interfere with the rights of others to sustain a quality of life, it is important for all of us to take a position to insure the quality of life that makes this city such a desirable place to live. Current trends in development are seeing the ruin of those very qualities that make Boise what it is.

Kris Mannion
3096 N. 24th
83702

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 4/16/2008 9:01 AM
Subject: Fwd: Aase's Canyon foothill development

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Amanda Brown
Council Administrator
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Kris Mannion
3096 N. 24th
83702

PART I: Outline of Concerns Regarding the Proposed "Plano Road Subdivision"

1. The proposed development subverts the intentions of the foothills ordinance. As a ridgeline development the project significantly damages the aesthetics and the natural qualities of the area. The use of questionable conservation density bonuses (see PART II) to justify a density fifteen times higher than that which would otherwise be permitted, appears to be a cynical and transparent strategy to exploit the land and the law for maximum financial gain.

2. Plano Lane is currently a sleepy tree-lined street, paved for only about 250 yards, home to families with small children, and small pets, no fences and no sidewalks. The proposed development would send an estimated 1500 car trips a day down that road, which would be almost doubled in width, ruining the quality of life and property values of the houses in the neighborhood. The Collister neighborhood, slated as the secondary access to the proposed development, already complains of congestion and lack of parking, and will undoubtedly be negatively impacted as well.

The Foothills Ordinance states that development "should be compatible with the design and size of the surrounding neighborhoods." In contrast to this standard, the proposed development would crush the existing Plano Lane neighborhood beneath its wheels like a juggernaut, and present substantial incompatibilities to the Hill Road and Collister neighborhoods as well.

3. Hill Road is one of the most popular thoroughfares in the city for bicyclists, joggers and pedestrians; it is the site of bicycle races and informal bicycle team training. Children use Hill Road to board and alight from school buses, while other children use sections of Hill Road to walk to Cynthia Mann Elementary School. Many neighbors have chosen their homes in this part of Boise specifically to have access to bicycle lanes and walkable streets. The additional 1500 car trips a day, which will necessarily proceed from Plano Lane onto Hill Road, will make an already potentially dangerous situation untenable.

The Foothills Ordinance states that "...traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required." There is no discernible traffic mitigation in the proposed development's plans, only the promise of vastly multiplied traffic and related hazards and problems.

4. At a recent City meeting, the City Engineer spoke briefly about drainage issues associated with the project. He spoke of controlling runoff from the proposed development, and the greatly lengthened and widened Plano Lane access road, by retaining water in ponds at the bottom of the hill. When he was asked whether the water retained in those ponds might reasonably be expected

to contaminate ground water in the area, and it was noted that many area residents (ourselves included) are supplied by private wells, City personnel agreed that this was a "good question," that they simply "had not thought of it," and that they "would probably have to look into it." This, and other aspects of the meeting, did not create the impression that the interests of area residents have been sufficiently protected thus far in the process.

5. The land which is proposed for development is year-round home to two or more dozen deer, badgers, foxes, and coyotes; it is frequented by hawks, peregrine falcons, great horned owls and other birds. The Aase's Onion is only one of many fragile and valuable plant species in the area. All of these treasured species are vulnerable to displacement, disruption, increased pollution, and outcompetition by nonnative species if the proposed development is approved. One need not have a very sophisticated grasp of biology to understand that the development will do far more harm than good to the plants and animals currently occupying the land.

Even more alarming, the land proposed for development is sandwiched in-between Quail Ridge (developed by Ramon Jorgason, who is also involved in the current proposed development) to the east, and the Eagle Foothills to the west--which are currently slated for rampant, massive-scale development. This modest corridor of undeveloped land may represent a last opportunity for Boise to protect relatively undisturbed wildlife close to the city; the conflict over this land presents a crucial test case for the Foothills Ordinance.

PART II: Questions Regarding the Developer's Uses of the Foothills Ordinance and Claims to Density Bonuses

How can the addition of 155 houses and all of the associated negative impacts on the environment add up to an environmental positive? The project's Utah-based developers are asking for density bonuses that seem to far exceed those that are reasonable.

The foothills ordinance specifies that one house on 40 acres may be allowable and that bonus density increases above 1 house per 40 acres may be possible if the land qualifies under any of three criteria: Generally..... 1) Lands left un-built and having slopes of 25% or less, and with certain dimensions, can qualify for bonus density. 2) Lands that allow public access to open space can qualify. 3) Land that is of environmental importance with substantial significance can be defined as "Priority Open Space" and thereby may qualify for density bonuses.

Since the development land is primarily composed of very steeply sloped hills, there is little land available to request density bonuses under #1. There is a portion of land which appears to have been tacked on to the ridgeline development to allow qualification under #2. Much of the claim for increasing bonus density from 1 house on 40 acres to approximately 20 houses on 40

acres, is based on the contention that much of the land is "Priority Open Space." (However there is some confusion about specifically what case the developer is making, in as far as items relating to points 8 – 11, below, might seem be qualifications for either #2, public access, or #3, Priority Open Space.)

According to the Foothills Ordinance, the land must meet at least four of eleven criteria to be considered and possibly qualify as "Priority Open Space."

There must be:
1 – Wetlands
2 – Riparian Areas
3 – Rare Plant Communities
4 – Critical Deer and Elk winter migration corridors
5 – Boise City Historic Preservation Committee: Potential Preservation Sites
6 – Unique Geologic or Visual Features
7 – Archeological or other Historic Sites
8 – Trails and Trail-heads designated in the Ada County Ridge to Rivers Pathway Plan as approved by the Boise City Parks and Recreation Board
9 – Other Public Trails and Trail-heads as approved by the Boise City Parks and Recreation Board
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.

The developers are specifically making claim to protecting Wetlands, Riparian Areas, and Rare Plant Communities on their properties, and also claim that they broadly meet #'s 8, 9, 10, 11. In addition, they are going to repair a scar on the hillside which is the site of a former sand business.

Most of these claims seem highly open to question.

1– Arguing that they are protecting Aase's Onion begs the question, how do you protect the onion by placing homes on the steep slopes above and around the "protected" area? Erosion caused by construction and runoff from lawn sprinklers, the introduction of lawn fertilizers, insecticides and pesticides, into the runoff, as well as the introduction of new plant species into the immediate area, all beg the question, wouldn't the onion be much better off if you didn't build anywhere near it, period? It is already protected by the terrain it inhabits; there is little if any human traffic on those hillsides. 155 houses, positioned literally on top of the onions' habitat, will do nothing but threaten it. Establishing a land trust, as proposed by the developers, seems a transparent means to gain public sympathy and support, not to mention the cover of a respected organization. This begs one final question regarding the onion field–why would the TVLT allow itself to be used towards such a counterproductive end?

2 – To the general public, the term, "wetlands" brings to mind streams, ponds, cat-tails, pollywogs, etc. not a "water seep" as the developer's wetland scientist calls them in his report. One of these seeps is located in an otherwise dry gully situated on a very steep hillside. It is already "protected" for the public good by the unbuildable steepness of the surrounding terrain on one side, and by the homes that sit approximately fifty yards below on the other. The second "wetland" described by the developer's expert is also a "water seep" that exists somewhere alongside and adjacent to the usually dry Pole Cat Gulch. Are two small "water seeps" separated by hundreds of yards of steep terrain worthy of "wetlands" status and the concurrent density bonuses being requested?

3 – The improvements they are proposing for Pole Cat Gulch include erecting a fence to protect the area, which has been defined by the developer's expert as "riparian." This "protection" may or may not be of significance, but is Pole Cat Gulch any more a "riparian" area than water seeps are "wetlands"? Perhaps by some arcane technical definition Pole Cat Gulch qualifies as riparian, but it is as far from the ordinary use of the term for a stream-side environment as "wetland" is a term to describe a small water seep. Pole Cat Gulch has scrubby bushes and a few intermittent, mostly small trees, but it is essentially a dry gulch the vast majority of the year and the "protection" being proposed seems insignificant when put into context of the overall impact that the proposed development of 155 houses will have on this landscape.

4 – The access provided, and the potential amenities that may be a part of the city's requirements at the trail-head to the future Pole Cat Gulch recreation area could surely add something to the public good. It appears that the developers have incorporated this piece of property that sits at the bottom of the ravine, into their proposal for what is essentially a ridgetop development, which is well removed in space as well as character. This seems to be transparent, a gerrymander in effect, in light of the fact that many of their environmental claims are derived from this small and geographically distinct parcel of land providing the riparian area, wetland, and what appears to be a multi-faceted contribution to public land accessibility.

5 – The developer proposes to "repair" an excavated hillside (a sandpit) only to replace the scar with a row of houses along the ridges. This sand pit is currently visible from very few places in the valley and only from points south west of the site at a relatively large distance. The primary beneficiaries of this "repair" will be the developers and residents of the proposed subdivision. Claiming that this is something for the public good and for which they should be granted density bonus is specious.

The former sandpit is in the least visible portion of the development land. Many of the houses in the proposed development will be highly visible from just about any place South of Hill Road, much like its sister development, Quail Ridge.

The developers are proposing a "ridgeline" development, which is directly in opposition to the Foothills Ordinance that excludes ....."flat or squared off appearance on ridges....." and states that "The 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....."

The section of the Foothills Ordinance that speaks to "Priority Open Space" states: "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." The developers have no other form of eligible open space with which to provide balance because very little of the land in question is buildable. They are building on virtually everything that has an acceptable slope, and much of that land appears to be on the ridgelines where the big lot fees and unfortunately, the big eyesore to the rest of the valley can be assessed. If the bonus density increase requested is allowed, the good intentions of the people of the City of Boise who voted in support of and funded the Foothills Ordinance will be go down the proverbial drain – or should it be "water seep" ?

Brent Smith fbsmithiv@cableone.net
StephanieBacon sbacon@boisestate.edu

From: Brent Smith <fbsmithiv@cableone.net>
To: <tbreuer@lttv.org>, <sabdo@cableone.net>, <foxcroftbill@yahoo.com>
CC: Mike Jones <michaelrjones44@yahoo.com>, Joanie Fauci <joanie4c@yahoo.com...
Date: 3/15/2008 2:10 PM
Subject: revised plano road development statement
Attachments: PointsMarch2008.doc

Hello Tim, Susan, and Bill

Michael Jones asked me to send you the following attachment. I understand that an earlier version of this was received by some at LTTV (I just realized I listed your organizations initals incorrectly in the attached....think I had it as TVLT...sorry about that).....anyway, this version has been updated to reflect an evolving working relationship with the city and a more detailed examination of the foothills ordinance. Please disregard the earlier version.

We understand that it is not your position to take a stand for or against the development. Your organization is being cited in the developer's documents as being in line to receive the land in question which seems to add credibility and value to their proposal. I certainly lay no claim to being an expert in any of this, but I would think that your organization would want to intervene and evaluate the quality of the overall proposal and how it might impact the environment before you would allow your name to be used by the developer.

thanks very much for your consideration

Brent Smith

From: karen knudtsen <karenlynnefox@yahoo.com>
To: <beggleston@cityofboise.org>
Date: 2/17/2008 11:12 PM
Subject: Plano Development CFHo7-00022

Hello,

Is it too late to comment for the record on the Plano development proposal? If not, I would like to register my vote against this project.

Our neighborhoods along Hill Road can stand more traffic. Avimor is already going in, and Eagle M3 will be starting soon. I live near the intrsection of Hill and Collister and realize that traffic, noise, air pollution from traffic, car/bike/pedestrian accidents, etc. in this area are going to increase dramatically once these developments are in. I feel strongly that no more developments should be approved until the lanes on State Street are doubled, much better transit is established, the lanes on the arterials are doubled and the counties in this valley agree on planning for growth. Until then, growth should be tabled.

Further, I am very opposed to widening Hill Road in order to accommodate additional traffic in this end of town because the air along this road is very stagnant up against the hills and holds higher levels of dangerous smoke and exhaust pollution due to the close proximity of the hills. (Also, from what I have read in the paper, we stand to lose federal funding for transportation because we are near exceeding federal funding standards.) Our government leaders, such as planning and zoning, need to do just that before more developments are allowed.

Thank you for your efforts to control the negative aspects of tremendous growth.

Sincerely,

Karen Knudtsen
Boise, 83703

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 2/19/2008 9:30 AM
Subject: Fwd: Plano Lane Development - CFH 07-00022
Attachments: Boise Foothills Development Map.pdf

Hi Bruce!

This came into the Council email. Can you make sure that it makes it into the record for me?

Thanks!
Amanda

Amanda Brown
Council Administrator
(208)384-4410
abrown@cityofboise.org

>>> CityCouncil 2/19/2008 9:28 AM >>>

>>> Boise Book Farm <boisebook@mac.com> 2/11/2008 7:10 PM >>>
At the request of my concerned neighbors, I am forwarding this email to you
regarding the development identified in this Plano Lane Development Map. We
would appreciate your assistance in this matter. Ethel Ficks

Begin forwarded message:

> From: Boise Book Farm <boisebook@mac.com>
> Date: February 11, 2008 6:45:49 PM MST
> To: <Beggleston@cityofboise.org>
> Cc: <mwallace@hchd.ada.id.us
> Subject: Plano Lane Development - CFH 07-00022
>

From: joanie fauci <joanie4c@yahoo.com>
To: <Beggleston@cityofboise.org>
Date: 2/25/2008 3:28 PM
Subject: Aase's Canyon Foothills Development

Dear Mr. Eggleston,

I am writing to express my concern about a proposed development I recently learned about. It is located at the north end of Plano Rd, off W. Hill Rd. I'm not certain if the developer is named "Aase Canyon". When I attended the meeting on Feb 4, 2008, I was told that the developer was called this, not the development.

I have several concerns about this development that I will list. Not all of these concerns may be applicable in your role but should be considered nonetheless.

1. Only neighbors within 300 feet were notified. I realize this is the rule/law. Since the development is at the end of the road, this seems inappropriate. Only the last 2 houses on that street needed to be notified. It seems like the other, less than 10, homes should also have been notified since they will be heavily impacted by construction traffic and eventual resident traffic. It seems like the "notification" rules need to be modified.

2. After looking at the development maps displayed at the meeting, it looks like another Quail Ridge or Arrowhead Canyon type of design. These two existing developments are an eyesore to the Boise Front. They make no use of passive housing design. They make no use of the natural contours of the land. They basically just made a level building lot and built a flat-land style home on them. Besides not using the natural features, these houses are very visibile from afar. I also live in the foothills and I try not to be a "not in my backyeard" type of person. But many of the homes in my neighborhood have daylight basements, sit below street level so as not to block views, and make use of the natural terrain. I would ask that this developer, and any future foothills developer, be asked to incorporate these type of design features in the development proposals.

3. As a foothills resident, I see the type of runoff we have after rain or snowmelt. Many of the existing sewers on this side of town are clogged or overflow creating even worse drainage problems. At the Feb 4th meeting, the residents of Plano Rd expressed grave concerns about the runoff issues they already have. I recently went to Plano Rd after some snowmelt and witnessed the existing runoff and erosion problems there. This new development will add even more runoff due to the pavement, curbs, and sidewalks proposed. With many more homes on the hillsides/ridges and less open ground to absorb the water, it will all flow into the existing neighborhood. What recourse will the exsting homeowners have if they get flooded or a basement wall caves in? The developer will likely be long gone by then.

4. There are several shallow wells nearby. Similar to the above item, what recourse will the homeowners have if their wells become contaminated or have other issues due to the new development?

5. The increased traffic of 150 homes to the existing (approximately) 10 homes will be hugh. Is there anything that can be done to mitigate this impact?

Thank you for listening. I plan to attend future public hearings on these issues to express these concerns in person.

Sincerely,
Joanie Fauci
2944 Hillway Dr
Boise, ID 83702

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 4/24/2008 1:02 PM
Subject: Re: Plano subdivision

Appreciate = went to the ACHD meeting last night and they were very clear on the point - learning more about public input and I get into this situation . - MILT

In a message dated 04/24/08 08:01:33 Mountain Daylight Time, Beggleston@cityofboise.org writes:
Dear Mr. Miltc62,

Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.

It is customary to identify yourself when submitting testimony to a public hearing.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Miltc62 <miltc62@aol.com> 4/23/2008 11:22 PM >>>
As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

Outline of Concerns Regarding the Proposed "Plano Road Subdivision"

1. The proposed development subverts the intentions of the foothills ordinance. As a ridgeline development the project significantly damages the aesthetics and the natural qualities of the area. The use of five questionable conservation density bonuses (see "Points," attached) to justify a density fifteen times higher than that which would otherwise be permitted, appears to be a cynical and transparent strategy to exploit the land and the law for maximum financial gain.

2. Plano Lane is currently a sleepy tree-lined street, paved for only about 250 yards, home to families with small children, and small pets, no fences and no sidewalks. The proposed development would send an estimated 1500 car trips a day down that road, which would be almost doubled in width, ruining the quality of life and property values of the houses in the neighborhood. The Collister neighborhood, slated as the secondary access to the proposed development, already complains of congestion and lack of parking, and will undoubtedly be negatively impacted as well.

Hill Road is one of the most popular thoroughfares in the city for bicyclists, joggers and pedestrians; it is the site of bicycle races and informal bicycle team training. Children use Hill Road to board and alight from school buses, while other children use sections of Hill Road to walk to Cynthia Mann Elementary School. Many neighbors have chosen their homes in this part of Boise specifically to have access to bicycle lanes and walkable streets. The additional 1500 car trips a day, which will necessarily proceed from Plano Lane onto Hill Road, will make an already potentially dangerous situation untenable.

3. A meeting with City Planner Bruce Eggleston left an uncomfortable impression that the City itself was advocating for the development. Eggleston repeatedly used the pronoun "we" when characterizing the developer's interests, and repeatedly spoke of contingent events in the progress of the development as if they were inevitabilities. When questioned about this, Mr. Eggleston seemed surprised to learn that anyone would oppose the project. He was unable to give a coherent explanation of how residents might register their opposition to the project; for example, he stated that we should not contact the City Council at this point; that we should write letters to ACHD, Planning and Zoning and the City Council 3-4 weeks prior to their hearing dates; but allowed that those

dates would only be announced 15 days in advance; and that nothing received any closer to the hearing dates than 10 days prior would be entered into the written record, thereby leaving a window of 2 or 3 days for letters to be written.

Mr. Eggleston also averred that the developer had already met their obligation to the public by calling a public meeting at Glenwood High School last May. That meeting was attended by more than a hundred distressed people, ourselves included, who expressed numerous pressing concerns which the developer has not addressed in any way. To suggest that the developer has met their obligation to the public by simply holding the meeting, is evocative of Alice in Wonderland.

4. At the recent City meeting, City Engineer Terry Records spoke briefly about the drainage issues associated with the project. He spoke of controlling runoff from the proposed development and the greatly lengthened and widened roadway access to it by retaining water in ponds at the bottom of the hill. When I asked whether the water retained in those ponds might reasonably be expected to contaminate ground water in the area, and noted that many area residents (ourselves included) are supplied by private wells, Mr. Records agreed that this was a "good question," that they simply "had not thought of it," and that they "would probably have to look into it."

5. The land which is proposed for development is year-round home to two or more dozen deer, badgers, foxes, and coyotes; it is frequented by hawks, peregrine falcons, great horned owls and other birds. The Aase's Onion is only one of many fragile and valuable plant species in the area. All of these treasured species are vulnerable to displacement, disruption, increased pollution, and outcompetition by nonnative species if the proposed development is approved. One need not have a very sophisticated grasp of biology to understand that the development will do far more harm than good to the plants and animals currently occupying the land.

Even more alarming, the land proposed for development is sandwiched in-between Quail Ridge (developed by Ramon Jorgason, who is also involved in the current proposed development) to the east, and the Eagle Foothills to the west--which are currently slated for rampant, massive-scale development. This modest corridor of undeveloped land may represent a last opportunity for Boise to protect relatively undisturbed wildlife close to

the city; the conflict over this land presents a crucial test case for the Foothills Ordinance.

Stephanie Bacon sbacon@boisestate.edu
Brent Smith fbsmithiv@cableone.net

PART I: Outline of Concerns Regarding the Proposed "Plano Road Subdivision"

1. The proposed development subverts the intentions of the foothills ordinance. As a ridgeline development the project significantly damages the aesthetics and the natural qualities of the area. The use of questionable conservation density bonuses (see PART II) to justify a density fifteen times higher than that which would otherwise be permitted, appears to be a cynical and transparent strategy to exploit the land and the law for maximum financial gain.

2. Plano Lane is currently a sleepy tree-lined street, paved for only about 250 yards, home to families with small children, and small pets, no fences and no sidewalks. The proposed development would send an estimated 1500 car trips a day down that road, which would be almost doubled in width, ruining the quality of life and property values of the houses in the neighborhood. The Collister neighborhood, slated as the secondary access to the proposed development, already complains of congestion and lack of parking, and will undoubtedly be negatively impacted as well.

The Foothills Ordinance states that development "should be compatible with the design and size of the surrounding neighborhoods." In contrast to this standard, the proposed development would crush the existing Plano Lane neighborhood beneath its wheels like a juggernaut, and present substantial incompatibilities to the Hill Road and Collister neighborhoods as well.

3. Hill Road is one of the most popular thoroughfares in the city for bicyclists, joggers and pedestrians; it is the site of bicycle races and informal bicycle team training. Children use Hill Road to board and alight from school buses, while other children use sections of Hill Road to walk to Cynthia Mann Elementary School. Many neighbors have chosen their homes in this part of Boise specifically to have access to bicycle lanes and walkable streets. The additional 1500 car trips a day, which will necessarily proceed from Plano Lane onto Hill Road, will make an already potentially dangerous situation untenable.

The Foothills Ordinance states that "...traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required." There is no discernible traffic mitigation in the proposed development's plans, only the promise of vastly multiplied traffic and related hazards and problems.

4. At a recent City meeting, the City Engineer spoke briefly about drainage issues associated with the project. He spoke of controlling runoff from the proposed development, and the greatly lengthened and widened Plano Lane access road, by retaining water in ponds at the bottom of the hill. When he was asked whether the water retained in those ponds might reasonably be expected

to contaminate ground water in the area, and it was noted that many area residents (ourselves included) are supplied by private wells, City personnel agreed that this was a "good question," that they simply "had not thought of it," and that they "would probably have to look into it." This, and other aspects of the meeting, did not create the impression that the interests of area residents have been sufficiently protected thus far in the process.

5. The land which is proposed for development is year-round home to two or more dozen deer, badgers, foxes, and coyotes; it is frequented by hawks, peregrine falcons, great horned owls and other birds. The Aase's Onion is only one of many fragile and valuable plant species in the area. All of these treasured species are vulnerable to displacement, disruption, increased pollution, and outcompetition by nonnative species if the proposed development is approved. One need not have a very sophisticated grasp of biology to understand that the development will do far more harm than good to the plants and animals currently occupying the land.

Even more alarming, the land proposed for development is sandwiched in-between Quail Ridge (developed by Ramon Jorgason, who is also involved in the current proposed development) to the east, and the Eagle Foothills to the west--which are currently slated for rampant, massive-scale development. This modest corridor of undeveloped land may represent a last opportunity for Boise to protect relatively undisturbed wildlife close to the city; the conflict over this land presents a crucial test case for the Foothills Ordinance.

PART II: Questions Regarding the Developer's Uses of the Foothills Ordinance and Claims to Density Bonuses

How can the addition of 155 houses and all of the associated negative impacts on the environment add up to an environmental positive? The project's Utah-based developers are asking for density bonuses that seem to far exceed those that are reasonable.

The foothills ordinance specifies that one house on 40 acres may be allowable and that bonus density increases above 1 house per 40 acres may be possible if the land qualifies under any of three criteria: Generally..... 1) Lands left un-built and having slopes of 25% or less, and with certain dimensions, can qualify for bonus density. 2) Lands that allow public access to open space can qualify. 3) Land that is of environmental importance with substantial significance can be defined as "Priority Open Space" and thereby may qualify for density bonuses.

Since the development land is primarily composed of very steeply sloped hills, there is little land available to request density bonuses under #1. There is a portion of land which appears to have been tacked on to the ridgeline development to allow qualification under #2. Much of the claim for increasing bonus density from 1 house on 40 acres to approximately 20 houses on 40

acres, is based on the contention that much of the land is "Priority Open Space." (However there is some confusion about specifically what case the developer is making, in as far as items relating to points 8 – 11, below, might seem be qualifications for either #2, public access, or #3, Priority Open Space.)

According to the Foothills Ordinance, the land must meet at least four of eleven criteria to be considered and possibly qualify as "Priority Open Space."

There must be:
1 – Wetlands
2 – Riparian Areas
3 – Rare Plant Communities
4 – Critical Deer and Elk winter migration corridors
5 – Boise City Historic Preservation Committee: Potential Preservation Sites
6 – Unique Geologic or Visual Features
7 – Archeological or other Historic Sites
8 – Trails and Trail-heads designated in the Ada County Ridge to Rivers Pathway Plan as approved by the Boise City Parks and Recreation Board
9 – Other Public Trails and Trail-heads as approved by the Boise City Parks and Recreation Board
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.

The developers are specifically making claim to protecting Wetlands, Riparian Areas, and Rare Plant Communities on their properties, and also claim that they broadly meet #'s 8, 9, 10, 11. In addition, they are going to repair a scar on the hillside which is the site of a former sand business.

Most of these claims seem highly open to question.

1– Arguing that they are protecting Aase's Onion begs the question, how do you protect the onion by placing homes on the steep slopes above and around the "protected" area? Erosion caused by construction and runoff from lawn sprinklers, the introduction of lawn fertilizers, insecticides and pesticides, into the runoff, as well as the introduction of new plant species into the immediate area, all beg the question, wouldn't the onion be much better off if you didn't build anywhere near it, period? It is already protected by the terrain it inhabits; there is little if any human traffic on those hillsides. 155 houses, positioned literally on top of the onions' habitat, will do nothing but threaten it. Establishing a land trust, as proposed by the developers, seems a transparent means to gain public sympathy and support, not to mention the cover of a respected organization. This begs one final question regarding the onion field–why would the TVLT allow itself to be used towards such a counterproductive end?

2 – To the general public, the term, "wetlands" brings to mind streams, ponds, cat-tails, pollywogs, etc. not a "water seep" as the developer's wetland scientist calls them in his report. One of these seeps is located in an otherwise dry gully situated on a very steep hillside. It is already "protected" for the public good by the unbuildable steepness of the surrounding terrain on one side, and by the homes that sit approximately fifty yards below on the other. The second "wetland" described by the developer's expert is also a "water seep" that exists somewhere alongside and adjacent to the usually dry Pole Cat Gulch. Are two small "water seeps" separated by hundreds of yards of steep terrain worthy of "wetlands" status and the concurrent density bonuses being requested?

3 – The improvements they are proposing for Pole Cat Gulch include erecting a fence to protect the area, which has been defined by the developer's expert as "riparian." This "protection" may or may not be of significance, but is Pole Cat Gulch any more a "riparian" area than water seeps are "wetlands"? Perhaps by some arcane technical definition Pole Cat Gulch qualifies as riparian, but it is as far from the ordinary use of the term for a stream-side environment as "wetland" is a term to describe a small water seep. Pole Cat Gulch has scrubby bushes and a few intermittent, mostly small trees, but it is essentially a dry gulch the vast majority of the year and the "protection" being proposed seems insignificant when put into context of the overall impact that the proposed development of 155 houses will have on this landscape.

4 – The access provided, and the potential amenities that may be a part of the city's requirements at the trail-head to the future Pole Cat Gulch recreation area could surely add something to the public good. It appears that the developers have incorporated this piece of property that sits at the bottom of the ravine, into their proposal for what is essentially a ridgetop development, which is well removed in space as well as character. This seems to be transparent, a gerrymander in effect, in light of the fact that many of their environmental claims are derived from this small and geographically distinct parcel of land providing the riparian area, wetland, and what appears to be a multi-faceted contribution to public land accessibility.

5 – The developer proposes to "repair" an excavated hillside (a sandpit) only to replace the scar with a row of houses along the ridges. This sand pit is currently visible from very few places in the valley and only from points south west of the site at a relatively large distance. The primary beneficiaries of this "repair" will be the developers and residents of the proposed subdivision. Claiming that this is something for the public good and for which they should be granted density bonus is specious.

The former sandpit is in the least visible portion of the development land. Many of the houses in the proposed development will be highly visible from just about any place South of Hill Road, much like its sister development, Quail Ridge.

The developers are proposing a "ridgeline" development, which is directly in opposition to the Foothills Ordinance that excludes ....."flat or squared off appearance on ridges....." and states that "The 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....."

The section of the Foothills Ordinance that speaks to "Priority Open Space" states: "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." The developers have no other form of eligible open space with which to provide balance because very little of the land in question is buildable. They are building on virtually everything that has an acceptable slope, and much of that land appears to be on the ridgelines where the big lot fees and unfortunately, the big eyesore to the rest of the valley can be assessed. If the bonus density increase requested is allowed, the good intentions of the people of the City of Boise who voted in support of and funded the Foothills Ordinance will be go down the proverbial drain – or should it be "water seep" ?

Brent Smith fbsmithiv@cableone.net
StephanieBacon sbacon@boisestate.edu

From: Brent Smith <fbsmithiv@cableone.net>
To: "Nancy M. Brennan" <butterfly@clearwire.net>
CC: Lorene Spencer <lsspencer@gmail.com>, Stephen Loop <steve.loop@itd.idaho...
Date: 2/27/2008 1:28 PM
Subject: Re: Proposed Foothills Development along Hill Road (File # CFH0-00022)
Attachments: sboutline.doc; Points.doc

>
Dear oothills and other potentially interested neighbors:

We are enclosing written concerns related to the proposed AASE'S Canyon Point Development along Hill Road between Plano Lane and Collister St.
We were interviewed by Fox 12 News this morning and have given copies of the attachments to Allison Warren, who conducted the interview. We hope that this will create interest in the situation and possibly lead to more media coverage. If any of you have comments or wish to add information pertinent to the Foothills Ordinance or any of the other points we have expressed, please contact us. We hope that at some point the story will be fully aired in the press and before the respective city and county agencies and also believe that reason will ultimately prevail, and the development will be limited to the maximum of one home on 40 acres as stipulated in the Ordinance. We maintain that anything above that 1:40 ration will reflect a blatant disregard for the spirit of the Foothills Ordinance; and to the citizens who helped pay to have the Ordinance developed as a means of restraining rampant and unsightly growth in the foothills. Please feel free to forward this to anyone you think may be interested and please forward any email addresses that might be of help to us. Anyone willing to help please contact us and/or Nancy @ butterfly@clearwire.net. We will try to keep you posted when we hear of the March ACHD meeting. You can write an email now to Mindy Wallace @ mwallace@achd.ada.id.us to enter your opinion into the record.

>

thanks

Brent Smith
& Stephanie Bacon
6024 Plano Lane[redacted]

(If you do not wish to be included in future emails, please let me know and I will remove you from the list. My apologies for bothering you with this.)

From: "Stephanie Bacon" <sbacon@boisestate.edu>
To: "Brent Smith" <fbsmithiv@cableone.net>, "Nancy M. Brennan" <butterfly@cl...
CC: <bocc1@adaweb.net>, <pwoods@adaweb.net>, <crunyan340@aol.com>, "Jim Stor...
Date: 2/27/2008 1:24 PM
Subject: Re: Proposed Foothills Development along Hill Road (File # CFH0-00022)
Attachments: sboutline.doc; Points.doc

PLEASE NOTE: Brent and I were interviewed by Fox News this morning for a brief story that they are planning on the situation, which will be aired on the news Saturday at 9:00. Thanks for your interest, Stephanie

>>> Brent Smith <fbsmithiv@cableone.net> 02/27/08 12:22 PM >>>
>
Dear Foothills and other potentially interested neighbors:

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>

thanks

Brent Smith
& Stephanie Bacon
6024 Plano Lane[illegible]

(If you do not wish to be included in future emails, please let me

know and I will remove you from the list. My apologies for bothering you with this.)

From: Miltc62 <miltc62@aol.com>
To: <beggleston@cityofboise.org>
Date: 4/23/2008 11:24 PM
Subject: Plano subdivision

As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

From: Mark Fogarty <mark_fgty@hotmail.com>
To: <beggleston@cityofboise.org>
Date: 4/23/2008 8:56 PM
Subject: Assinine housing project..

Need I say more Sir??? Im at collister and hill rd, cant even ride my scooter past quail ridge due to poor conditions in the road up the north end of collister..Im sure all of the commisioners have been greased just the way boise works..This is a damn disaster if approved.....Pull your heads out of your ass and just think what a nightmare this proposal is..Mark Fogarty...Feel free to call me or drop on by, I have lots more to say.....869 5518 4997 collister..... I have contacted Nate Shauman on KBOI about this.....He will be bringing this up on his program soon.....

Not Sincerely Just pissed off.....

Spell a grand slam in this game where word skill meets World Series. Get in the game.
http://club.live.com/word_slugger.aspx?icid=word_slugger_wlhm_admod_april08

From: Kris Haustveit
Subject: J. Watts Plano 4-9-08

4/9/08
John Watts
5954 N. Collister
385-9213 Cell – 890-4878
Plano Lane Development: I'm calling to voice my displeasure with the Stewart Land Development Company and the Capital Development Company that is proposing to build the new Plano Lane Subdivision on top of the foothill mountains above Plano and above Collister. They had their public hearing tonight and it was less than congenial; it was less than professional and there was very little information, or give and take discussion they wanted to engage in with the community they're required to meet with. Developer/neighborhood associations are required to meet, but it was not a very productive meeting. They kept citing city hall approval already of ACHD. Some of us have questions about that. So, I guess I would encourage the Mayor and City Council to look very closely and talk with Planning and Zoning, and embrace and engage the neighbors on Collister, as well as around Plano and on Hill Road, more than have been to date before this thing is approved and before it goes forward. There's going to be serious traffic impacts on Collister Lane. They said ACHD had done a traffic study and found Collister can hold the traffic but did they also factor in the new Pole Cat Gulch parking traffic? I think there's going to be serious wildlife mitigation concerns as well. I know the Mayor is very concerned about natural resources in this area. Hopefully the Mayor and City Council, and ACHD will look into all these things, or at least you can have dialog with ACHD. I recognize that is not your domain. Questions arose and not answered. The developer had no information and the engineers have no plan. The 17 proposed homes and an area that is now empassed in the overall footprint of the development area used to be in the Quail Ridge Development PUD. Now it has moved to the Plano PUD. How did this get transferred? Finally, the derogatory terms I heard were "the fix is in, the fix is in." Ramon Jorgensen is the landowner and has given the city ROW to build a parking lot in Pole Cat Gulch. Is that because he can now build in the foothills? Now somehow this has become part of the Plano Lane Development. How did this happen?? Thank you very much.
PDS
Action Taken: contacted

From: Kris Haustveit
Subject: D. Stuart 4-10-08

4/10/08
Doug Stuart
5416 Hill Rd.
Boise, ID
378-5843
Plano Lane Development: I was one of the residents at the River Glen Jr. High School concerning the Capital Development in the foothills (the 333 acres, 154 single-family homes between Collister and Plato Ln. above Hill Rd.) I feel that this is a very environmentally sensitive area and I'm one who does not wish to see this development proceed. Also, at the meeting they seemed to only want to do what was necessary to put this development through; they did not want to put in any more than their $3,500 allotted per lot. There's tremendous infrastructure needed on Hill Rd. for such a development, which would cost millions of dollars, especially the intersection of Plano Rd. and Hill Rd., and in the Collister area. As the Mayor has said, there should be a moratorium on building in the area until the infrastructure is in place in the total area of Boise, especially the required road problems. This would have a tremendous impact on our taxes, and they are going up and up, so I feel that this development should not proceed. Thank you.
PDS
Action Taken: contacted

AASE's Canyon Point Development above Hill Road between Plano Lane and Collister and Density Increases claimed by developers.

"Points:"

Developers , primarily from Utah, are asking for density bonuses that far exceed those allowable under the foothills ordinance.

They are claiming that due to their environmental sensitivity, and orientation towards contributing to the public good, that they should receive an increase in the allowable foothills density from one house per 40 acres (a total of 8.5 houses) to approximately 18 houses per 40 acres (a total of 155 houses). Since they have no, or at best, very little land that is "buildable" (i.e., having slopes of less than 25%) that will qualify for an increase in density, they are basing their request for the astronomical increase in density on:

1– Protection of Aase's Onion.

2 – Protection of "Wetlands" on the hillside.

3 – Protection/improvement of "Riparian Areas" in Pole Cat Gulch.

4 – Providing improved access to open lands by establishing a trailhead parking area for better access to Pole Cat Gulch Trails.

5 – Repairing a scarred hillside that is the result of a sand hauling business.

Each of these points is somewhat, if not entirely, specious: How can the addition of 155 houses and all of the associated negatives, add up to a positive environmentally?

1– Arguing that they are protecting Aase's Onion (and at the same time asking to increase the density of houses by several hundred percent) by donating the land the onion inhabits begs the question of how do you protect something by placing 155 homes on the slopes above the "protected" area. Erosion caused by construction and runoff from lawn sprinklers, the introduction of lawn fertilizers, insecticides, pesticides, into the runoff, as well as the introduction of new plant species into the immediate area begs the question: wouldn't the onion be much better off if you didn't build, period.

2 – Although protection of anything that has to do with water is important, claiming that there are "wetlands" that are worthy of a density increase in the area seems pretty ludicrous to someone who has lived and walked in these hills year around for over five years. There is no water in evidence except during runoff.

3 – The improvements they are proposing for Pole Cat Gulch (which is basically nothing more than a runoff gulch) may or may not be significant; but the "gerrymandering" of that piece of property which exists at the bottom of the ravine and on the other side of Collister Street, into what is essentially a ridgeline development far removed, seems clearly to be a transparent and cynical move on the part of the developers to gain density bonus through the environmentally well intentioned Hillside Ordinance.

4 – There is already a parking spot at the trailhead and certainly improvements to this would be beneficial, but it is certainly not that expensive an undertaking and the land they would be giving up to do this is marginal.

5 – Repairing a "scarred" hillside (a sand pit, composed of natural materials) by replacing it with houses lined up along the ridges, seems a specious use of the word "repairing." The only beneficiaries of this "repair" will be the residents of the proposed subdivision.

In addition, the developers are proposing a "ridgeline" development, which is directly in opposition to the Foothills Ordinance that excludes ....."flat or squared off appearance on ridges....." and states that "The 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....."

Brent Smith fbsmithiv@cableone.net
StephanieBacon sbacon@boisestate.edu

IdahoStatesman.com

close

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May 12, 2008

Can the Foothills handle three more housing developments?

Massive subdivisions not yet approved; potential toll on area roads unknown.

More than 5,000 new homes.
With 13,192 people.
Driving 10,655 cars.
Making 56,321 trips per day.

That's what three proposed Foothills developments would add to the roads north of Hill Road between Idaho 55 and Collister Drive.

Add this to the already approved Avimor and Hidden Springs developments and the population from new developments would jump to 17,661 people - that's bigger than the city of Kuna.

Of the seven roads that run back into these hills, two are dirt. The rest are narrow, none wider than two lanes. And no one has evaluated the toll on the roads this many new people and cars will take.

The Ada County Highway District, which is in charge of the roads, has analyzed each development. No single development, on its own, would put roads such as Hill, Cartwright, Dry Creek and Collister over capacity. But the cumulative effect of the planned developments has not been addressed.

That's because ACHD is allowed to consider only current traffic counts and traffic from the specific development being reviewed, not the potential impact from other, as yet approved, developments. Plus, ACHD can't deny an application - it can only recommend what the developer must do to meet ACHD standards.

The sole power to approve a development application lies with the land-use agency. And the Foothills aren't all in the same jurisdiction. The Ada County Commission will consider two of the proposals - Cartwright Ranch and Dry Creek. The Boise City Council will evaluate another - Aase's Canyon.

All three properties, which collectively cover about 2,400 acres, are currently zoned for one home per 40 acres, meaning the landowners already are entitled to build at that density. But the developers want approval to build much more densely than that - about one or two homes per acre.

All three proposals will come up for consideration within the next month.

A TEST OF THE CITY'S FOOTHILLS STANCE

The Cartwright Ranch and Dry Creek proposals have been in the works for a couple of years, but the Aase's Canyon proposal is new. A consortium of Utah and Idaho developers want to build 155 upscale, ridgetop homes along Plano Lane - something like what happened on the adjacent Quail Ridge. The land is not within Boise city limits, but the developers are asking the city to annex the land under Boise's rarely used Foothills development ordinance.

The development is named for the rare plant, Aase's onion, which is found throughout the site.

Plano Lane barely qualifies as a road. It is paved for only 750 feet north of Hill Road with no curb, gutter or sidewalk, then it gives way to narrow ruts of dirt. About a half dozen homes are clustered along the paved stretch of the road.

Plano is the only access road to the site, so the developer is proposing punching through a new road to join Collister where it dead-ends north of Hill Road.

More than half of the 333-acre site is too steep to be developed, but with the city's Foothills "density bonuses," the developer could build extra homes on the more level portion of the property, clustering a large number of homes together on the ridgetops in return for leaving the steep slopes undeveloped.

Neighboring landowner Brent Smith finds the density bonus concept mind-boggling.

"The developer is not giving up anything," Smith said. "They can't build on the steep slopes anyway. Why do they get to build more homes just because most of their land is undevelopable?"

But city officials have said the bonuses are a useful way to preserve open space in the Foothills.

Smith, who lives on Plano along with his partner Stephanie Bacon, helped organize Preserve Plano, a neighborhood group opposed to the development. Both are concerned because the city's ordinance, adopted in 2000, is untested.

"This is scary and squirrelly because the city's Foothills ordinance hasn't been used," said Bacon, who fears it is full of loopholes. "There is no precedent. Does it have any teeth?"

The Plano proposal, which goes to the Boise Planning and Zoning Commission next month, will be the first big test of the city's Foothills policy and of the views of Mayor Dave Bieter and several City Council members who have been outspoken against large Foothills developments such as The Cliffs, Hidden Springs and Avimor.

But in general, if developers follow the rules, then land-use agencies have a hard time denying their plans.

CROSSED SIGNALS ON CARTWRIGHT RANCH?

Developers of Cartwright Ranch propose a 620-home community next door to the 1,035-home Hidden Springs.

The Ada County Commissioners are slated to hear the Cartwright Ranch application for the first time Wednesday .

In March, the county planning commission recommended it be approved, and the developer already has started a $1.6 million project to reconstruct Cartwright Road to make way for the development. The Arizona developer is widening Cartwright from a 22-foot-wide road to a 32-foot-wide, two-lane road with bike lanes.

"The road work is being done in advance of the construction of the Cartwright Ranch planned community approved by ACHD and Ada County in early 2008," according to ACHD's project description.

But that's disputed.

"No, the Board of Ada County Commissioners ... will not hear the Cartwright Ranch application until May 14. Any work that's being done on the road out there comes as a result of private agreements the developer has made with ACHD - this project has not been negotiated in any part by the county," said Ada County Commission spokesman Rich Wright. "The developer is making a bold move to move forward with this project, not knowing if the application will ever get approved."

On the off chance the application is denied - and Ada County has yet to deny a planned community application - the developer will not be out any money for the road improvements.

The highway district already has agreed to reimburse the developer for the road improvements through impact fees already collected from homes in Hidden Springs and the surrounding area.

DRY CREEK READY FOR PUBLIC HEARINGS

Another demand on these Foothills roads was announced in 2006, when Texas-based JMM Dry Creek LLC said it plans to convert the 70-year-old, 1,414-acre Jeker ranch near Brookside Lane into at least 4,300 homes. In addition to the houses, the envisioned development would include nearly a half-million square feet of commercial space, four schools and parks.

Soon after the announcement, concerned neighbors banded together as the Dry Creek Rural Neighborhood Association and launched the Save Dry Creek coalition. Dry Creek, the largest of the proposed developments, is expected to have a major impact on Brookside Lane, Dry Creek Road and Idaho 55.

The developer's plans for accommodating traffic will be reviewed for the first time next week during a hearing of the Ada County Planning and Zoning Commission. The county's planning department has been processing the Dry Creek application for almost two years.

Cynthia Sewell: 377-6428

From: CityCouncil
To: BRUCE EGGLESTON
Date: 4/18/2008 10:34 AM
Subject: Fwd: Re: Aase's Canyon Foothills Development (CF0-00022)

Another for the record.

Thanks!
Amanda

>>> "Nancy M. Brennan" <butterfly@clearwire.net> 4/15/2008 4:49 PM >>>
To the City Council & Mayor

I just receive the traffic study and was shocked to find out the traffic study was not an independent study done by the city or at least an independent party. To accept a traffic analysis for a development based off on an engineering company that has been paid by the developer is simply ridicules. It is not hard to see that when a company is a hired gun that they will find what the developer wants.

I was also amazed that the traffic study did not address the main traffic issue. Can Plano Lane handle 1,200 to 1,500 daily trips and can these cars get on to hill road with out a danger to the public or without disrupting the traffic flow to an unacceptable level.

I beg you to look at this issue in greater depth. I have lived on Plano Lane for basically my entire life and I know that the number of cars that this development will generate will not make it on to hill with out substantial risk to residents.

Thanks Erin

----- Original Message -----
From: Matt Edmond
To: Nancy M. Brennan
Sent: Monday, April 14, 2008 12:33 PM
Subject: RE: Aase's Canyon Foothills Development (CF0-00022)

Ms. Brennan,

Thank you for your comments on the Plano development application. This application is now on the agenda to be heard at the ACHD Commission meeting taking place on 23 April at 6pm, in the ACHD auditorium at 3775 Adams Street in Garden City. This meeting is open to the public, and anyone interested will be given an opportunity to address the Commission regarding the application. I will include your comments with my staff report to the Commission. My report as it will go to the Commissioners will be available online sometime this Wednesday, as a pdf link from the following page:

http://www.achd.ada.id.us/MeetingsAgendas/CommissionMeeting.aspx

Regards,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

From: Nancy M. Brennan [mailto:butterfly@clearwire.net]
Sent: Sunday, April 13, 2008 12:46 PM
To: Matt Edmond
Cc: Nancy M. Brennan
Subject: Aase's Canyon Foothills Development (CF0-00022)

I am writing this letter to express concern regarding the proposed Aase's Canyon Foothills development. I am opposed to this for a number of reasons but I will address only those as they relate to traffic in this letter.

It seems to me incredible that any developer with any concern for the safety of the community would propose such a dangerous and irresponsible development. My hope is that the City Council, ACHD and our elected officials will see the risk to the public, the effect this will have on traffic and liability that the city is exposed to if this is approved.

Plano Lane is not capable of handling the amount of traffic that this development will generate for the following reasons:

1) Traffic Slowdown

To assume that Plano can handle close to 1,200 cars daily is just ridiculous. Let's suppose that this development generates morning traffic for the 125 houses on the Plano side of 2 cars per house; this is 250 cars. Currently it takes several minutes when you are the only car to get onto Hill. This means that if the cars are lined up in the morning the wait time will be over 12 hours just in the morning. [(250 * 3 minutes) = 750 total minutes (750/60) = 12.5 hr's]. I realize that I am not an expert on traffic and that my numbers are estimates at best. I hope my point is clear. Add to this the slow down in traffic flow that will result on Hill Road. This just does not seem like a sound decision.

2) Danger and Safety

A) The intersection between Plano and Hill is already very dangerous. Because of the way Hill Road is laid out and the large house at the bottom of Plano Lane, it is difficult to get a clear view of the oncoming traffic. If you keep in mind the traffic numbers mentioned in my first point, I believe this intersection will became a death trap.

B) To develop a 155 home community with only one reasonable access point is simply irresponsible. What if there is a fire or some other type of emergency? To complete access points are necessary provide access to emergency vehicles and the ability of residents to evacuate.

C) Plano Lane was not created to handle this traffic. Already dangerous due to large sand and delivery trucks passing by several times daily, a widening of the street will magnify this problem. Several homes to families with small children are built close to the existing road. The danger and risk that these families could be exposed to does not seem justified when the houses were purchased with the assumption that this would be a quiet neighborhood.

D) While reading through the documents the developer submitted to the city, I recall reading a discussion about increasing the speed limit. This cannot be allowed to happen. The lower half of Plano is a residential street in which the speed limit needs to be maintained at the 20 miles per/hr typical rate.

I hope that the City Council will recognize the danger to which the public is exposed, the affect this will have on traffic, and the liability that this development will represent.

I am additionally concerned that the developers' proposal is so excessive and bold (as it relates to traffic and the density) that they are asking for the world, expecting to get much less. I hope that ACHD, Planning and Zoning and the City Council realize just because the developer requested 155 houses, this should not be seen as a starting point for negotiations. The city has the responsibility to only approve that which is legal and good for the city.

Thank you for your attention to this very important matter.

Nancy Brennan

6025 Plano Lane

I have lived on Plano Lane basically my entire life purchasing the home that I was razed for my parents. I live at the base of Plano about 100 yards for Hill road have 4 small children.

From: Brent Smith <fbsmithiv@cableone.net>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 3/3/2008 12:10 PM
Subject: Re: Plano_Lane-density-bonus-template.pdf - Adobe Acrobat Professional

Mr. Eggleston

Thank you very much for your reply. I have some questions that I hope you can help me with or direct me to someone who can.

I am curious about who analyzes their claims about what is buildable or not? I know it is based on the slope, but as I see it, much of their "buildable" land exists in and around the sand pit and in and around their "riparian" area with the remaining buildable unused land existing in isolated pockets spread here and there through the site. Who looks at their proposal with a critical eye rather than just looking at the technical aspects of slope percentages? Is it the position of the Planning Department or perhaps more to the point, The Foothills Ordinance, that all of the land they are proposing be considered as Open Space Priority Land does not need to qualify as buildable to receive the density bonus? Who critically evaluates what they are actually giving up vs. what they are asking to receive in exchange. Can they use the "buildable" land for density bonus twice.....in other words, can they use land in the proposed riparian area as tradeable buildable land and also receive credit for it as "riparian" acreage? one & the same

Will anyone actually go out and visit the site with the developer's color coded map in hand and determine whether or not their analysis has credibility? I strongly question some of their claims about slopes. Take a look at the map and visit Collister Street. Where are the buildable spots of one acre or more along the west side of Collister as well as those cited as existing elsewhere in the development site? These hills are pretty consistently steep until you get on the ridges. Does anyone verify their claims regarding slopes and acreage? Isn't it correct that for areas to qualify as "buildable" for density exchange they must be 25% or less and 1 contiguous acre or more?

What about the environmental claims: Does anyone at the city analyze their claims and review the site or is the analysis all done on paper? Can I get a color copy of the scientific survey that determined there are significant "wetlands" and "riparian areas" in those foothills so I can visit the supposed wetlands? file : CUP07-00084.pdf

Color = 44, 46 & 4
pg. 41 – Riparian
pg. 50 – 60 Options

Also, is it not the position of the Foothills Ordinance that Open Space Priority Land must be balanced with Open Space Buildable Land?

Will anyone look at the site and make a separate environmental analysis or is it your job to help the developer's get their proposal ready for the review by others without any regard for whether or not it seems justified? I pose that question respectfully; I am not aware of what your mandate is.

(I assume my correspondence with you is confidential and that it will not be forwarded to anyone without my permission.)

Thanks very much for your time and patience. I appreciate your help.

Brent Smith

On Mar 3, 2008, at 8:21 AM, BRUCE EGGLESTON wrote:

> Dear Mr. Smith,
>
> I would be glad to help you with questions you might have about the
> density bonus calculations for the proposed Plano Lane Subdivision.
> The spreadsheet I sent you was the City's evaluation of the
> proposal, but the applicant used the same process to arrive at
> their density calculations.
>
> One must carefully review the ordinance while going over the
> spreadsheet to better understand how it was derived. The ordinance
> allows calculation of density of a multiplier that falls between
> the numbers on Table 1. Therefore the slope formula, y = mx+b was
> used to find the density multiplier that fell between 69% and the
> 75% Open Space Dedicated in column two. The result of that was the
> 3.02 dwelling units per acre multiplier allowed, based on the
> 69.62% of set-aside of buildable and protection areas.
>
> That spreadsheet is not the last word, as we are expecting another
> grading plan this week that might alter the ratios of built to
> dedicated open space lands and the amount of onion field area to be
> protected.
>
> The applicant told me that these figures won't change
> significantly, as the changes to the proposed grading plan won't
> affect those over-all area calculations.
>
> Because the proposed plans are not finalized, the city staff cannot
> perform the full and final review of the project and its proposed
> number of units. The figures I sent you examined just the raw
> numbers of the proposed built and open space areas. There remain
> many unresolved issues with this proposal. When the application is
> complete we will do a thorough review that will take into account
> all the code and comprehensive plan regulations and policies. The
> numbers will change again after that final review. The Planning and
> Zoning Commission will make their recommendation, and then the City
> Council will have the final word on the density allowed for any
> project.
>
> I can be reached at 384-3839 with any questions on this matter.
>
> Good luck,
>
> Bruce Eggleston, AICP
>
>
> Bruce Eggleston, AICP
> Boise Planning and Development Services Department
>
>

>>>> Brent Smith <fbsmithiv@cableone.net> 3/1/2008 10:27 AM >>>
> Mr. Eggleston:
>
> thanks very much.....I wish I could make sense of these spread
> sheets.....who should I contact, other than the developers, to get a
> detailed explanation of their figures?
>
>
> On Feb 29, 2008, at 2:59 PM, BRUCE EGGLESTON wrote:
>
>> Dear Mr. Smith,
>>
>> Here is the additional information you requested for case #
>> CAR07-00042.
>>
>> Good luck,
>>
>> Bruce Eggleston
>>
>>
>> Bruce Eggleston, AICP
>> Boise Planning and Development Services Department
>> <Plano_Lane-density-bonus-template.pdf>
>
>

Planning and Development Services

RECEIVED
FEB 25 2008
DEVELOPMENT
SERVICES

2/20/2008

Dear Mr. Eggleston,

In response to our telephone conversation concerning the purposed subdivision, file # CFHO7-00022 off Plano Ln. requested by AASE's Canyon Point Development, LLC, I am requesting the following:

We have been using Plano Ln. as an access to our home and property for over 30 years. We request if this subdivision is approved, that the final Platt reflect a permanent easement for our property on Plano Ln. Property is located at see enclosed exhibit.

Sincerely,

Marshall Ogden

MARSHALL and JOLENE OGDEN

MARSHALL and JOLENE OGDEN real property located in Ada County, Idaho, more particularly described as follows:

Parcel 1:

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19 AND 20 IN TOWNSHIP 4 NORTH, RANGE 2 EAST, BOISE MERIDIAN; THENCE
NORTH 16°02' WEST, A DISTANCE OF 415.10 FEET TO P.I. NO. 5 OF THE BARNES ACCESS ROAD; THENCE
NORTH 56°54' EAST, A DISTANCE OF 136.72 FEET TO A STEEL PIN; THENCE
NORTH A DISTANCE OF 270.92 FEET TO A STEEL PIN, THE REAL POINT OF BEGINNING; THENCE
NORTH 61°14' WEST, A DISTANCE OF 79.06 FEET TO A STEEL PIN; THENCE
NORTH 88°54' WEST, A DISTANCE OF 281.51 FEET TO A STEEL PIN; THENCE
NORTH 79°10' WEST, A DISTANCE OF 397.68 FEET TO A STEEL PIN; THENCE
NORTH 65°26' EAST, A DISTANCE OF 412.59 FEET TO A STEEL PIN; THENCE
NORTH 63°14' EAST, A DISTANCE OF 410.30 FEET TO A STEEL PIN; THENCE
SOUTH A DISTANCE OF 474.47 FEET TO A STEEL PIN; THE REAL POINT OF BEGINNING.

Parcel 2:

A PARCEL OF LAND LOCATED IN THE SW 1/4 OF SECTION 17, T. 4N., R. 2E., B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19 AND 20, T. 4N., R. 2E., B.M. AND RUNNING THENCE
NORTH 16 DEGREES 02' WEST A DISTANCE OF 415.10 FEET TO P.I. NO. 5 OF THE BARNES ACCESS ROAD; THENCE
NORTH 56 DEGREES 54' EAST A DISTANCE OF 136.72 FEET TO A STEEL PIN; THENCE
NORTH A DISTANCE OF 745.39 FEET TO A STEEL PIN, (TAYLOR'S NE CORNER) AND THE REAL POINT OF BEGINNING; THENCE
NORTH 45 DEGREES 50' EAST A DISTANCE OF 122.61 FEET TO A STEEL PIN; THENCE
NORTH 66 DEGREES 54' EAST A DISTANCE OF 300.10 FEET TO A STEEL PIN; THENCE ON A BEARING OF APPROXIMATELY
SOUTH 5 DEGREES EAST A DISTANCE OF APPROXIMATELY 150.0 FEET TO P.I. NO. 17 ON THE BARNES ACCESS ROAD; THENCE
SOUTH 46 DEGREES 55' WEST A DISTANCE OF 235.13 FEET TO P.I. NO. 18 ON THE BARNES ACCESS ROAD; THENCE
NORTH 72 DEGREES 31' WEST A DISTANCE OF APPROXIMATELY 232.04 FEET TO AN INTERSECTION WITH THE LINE PROJECTED NORTH FROM THE CORNER COMMON TO SECTIONS 17, 18, 19 AND 20; THENCE
NORTH APPROXIMATELY 25.0 FEET TO A STEEL PIN, THE REAL POINT OF BEGINNING.

NOTE: THE BEARINGS ON THESE LINES WERE OBTAINED FROM A SIGHTING BETWEEN THE SECTION CORNERS COMMON TO SECTIONS 17, 18, 19 AND 20 AND THE 1/4 CORNER BETWEEN SECTIONS 18 AND 19, USING THE ORIGINAL BEARING OF SOUTH 89 DEGREES 53' WEST AS THE BASE.

EXHIBIT L

Planning and Development Services

2/21/2008

Dear Mr. Eggleston,

After our conversation yesterday relating to AASE's Canyon Point Development, LLC request to develop 332 acres just off Plano Ln. , file # CFHO7-00022, I have the following comments:

I'm generally against this project because of its magnitude and its disruptive nature to the whole area. Specifically the two major frightening aspects of the proposed plan is the inevitable **increase in fire danger** and the **huge negative impact on traffic.**

The more people the more fires, especially in the foot hills with the inevitable percentage of irresponsible adults and usual children activities.

My understanding is Plano Ln. would be flooded with vehicles as the Collister access would only be for a few homes and to meet fire codes. This also translates into increase traffic loads on already busy Hill Road and Collister. This is a terrible scenario for our area.

Other impacts to the current residences include displacement of our year round deer herd which include large bucks in the late fall and winter. There would be complete destruction of our historical, peaceful surrounding with construction noise for years and then vehicle, dog, and human activity which a lot of people are used to but we are NOT.

Apparently there is a lot of water concerns especially with run off which would be exaggerated significantly with asphalt covering current hills.

This is Not a project that is desirable and the **people who bought the land knew it wasn't zoned to be a subdivision!!!**

I ask you to please consider well our view on this project...

Sincerely,

Marshall Ogden

Central Foothills
Neighborhood Association
www.boisecentralfoothills.org

March 10, 2008

RECEIVED
MAR 18 2008
DEVELOPMENT
SERVICES

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

RE: Plano Lane Foothills Subdivision File #CAR-07-0042, CFH-07-00022

Dear Commissioners:

The Central Foothills Neighborhood Association is concerned about several issues on the proposed Canyon Point Development above Hill Road between Plano Lane and Collister Drive. Since this development will set precedence in many ways for future developers and foothills development in Boise, we believe the proposed Plano Canyon Point Development offers an important test case for the Foothills Policy Plan. With so much at stake, we urge that strict Foothills Policy Plan compliance standards be used when evaluating all aspects of the Plano Development project.

We understand that ACHD and Boise City Planning & Development are often put in a position to advocate for proposed developments; however, we urge you to remain neutral and objective during your evaluation of this apparent foothills test case development proposal. We also urge the *Blueprint Boise* Planning & Development staff to use the opportunity of this proposed development to note where possible refinements and updates may need to be made to clarify and most importantly strengthen any future revisions of the Foothills Policy Plan.

We believe the proposed Plano Development density bonus supporting arguments are for the most part a clear misuse of the intent of the Foothills Ordinance. Using the protection of the Aase onion as a supporting point for the project fails to recognize the harm that placing 155 homes above and/or near the protected area will cause. Lawn chemical runoff and increased foot traffic due to nearby development will not benefit the onion. Also, they are claiming to protect wetlands, but the area contains none of significance. In addition, the trailhead improvements they use to justify a density exemption are minimal and not worthy of trading for density.

Beyond these environmental concerns, approving another ridgeline development will significantly damage the beauty of the foothills for all of Boise. Allowing developers to hand pick ridge view properties to maximize their profits in lieu of less valuable foothills areas is a disservice to the community. We do not need another Quail Ridge, which for many has become a noun synonymous with aesthetically unpleasant ridgeline development. We ask that you consider if developing our ridgelines is the best use of our remaining open space. **Foothills Policy 3.0 Objective 1-2 clearly stipulates development shall be designed to protect the general shapes and textures of the Foothills, shall maximize the retention of the existing natural topography, 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 development concentrated on more obscured areas of the sites.**

In addition to the aesthetics, drainage issues have yet to be resolved. Forcing homeowners onto city water because of contaminated wells is unacceptable. Risking our water resources while approving new developments that will further tax our water supply has no logical justification.

On another issue, we have yet to see the full impact of increased traffic of the currently approved and planned developments in various stages along Hill Road and Northwest Ada County. Eyrie Canyon No. 4 near Quail Hollow Golf Course on upper N. 36th has an application for 106 homes; Dry Creek Ranch near Hidden Springs expects to put 4,300 homes in the Dry Creek Valley area; Cartwright Ranch, with about 600 homes, has a hearing scheduled with Ada County P&Z this month; and Kastera Shadow Valley is planning a golf course community of 122 homes. To the north, Avimor Planned Community, which will begin with about 700 homes, and grow to several thousand, is getting ready to market their first home sites. All of these City and County developments will feed more traffic into Boise and some will end up on the already heavily traveled Hill Road and through Boise's historic North End neighborhoods.

Most ACHD Hill Road planned improvements such as the roundabout on N. 36th have either been tabled and/or are not even on the current planning list because of the tremendous backlog of unfunded road projects in other parts of Ada County. With this in mind, we believe now is a time to be prudent and to proceed slowly until we fully understand the impact of all the new developments in this area of the city and county. A large-scale Plano development will funnel more traffic on Hill Road, which in many sections is at or near capacity. Allowing a large-scale development is not in the best interest and safety for citizens and the surrounding neighborhoods as it just causes more environmental, social, and cultural decline. Nonetheless, we believe developers should bear the burden of any and all improvements that need to be made to maintain current levels of safety on roads impacted by their development proposals. Road improvements should be part of early discussions so neighbors know how their community safety will be affected.

In summary, we recommend in addition to the above, that the City and ACHD mitigate the impact of the proposed large-scale Plano foothills development, analyze all aspects to make sure it follows the intent of the Boise City Foothills Ordinance and Comprehensive Plan, and be in full compliance with ACHD traffic and safety regulations. We also specifically urge you to remain neutral and objective during your evaluation of the proposal. Many, if not most citizens in our Neighborhood Association area expect Boise City and public agencies to keep all foothills development standards high....for protection and enhancement of our quality of life....not only for the Plano proposal, but for all development proposals.

Sincerely,

Paul Werner

Paul Werner, President
Central Foothills Neighborhood Association

cc: Bruce Eggleston, Boise City Planner II
Patricia A. Nilsson, Manager, Boise Comprehensive Planning
Matt Edmond, ACHD Planner II, Right-of-Way & Development Services
Julie Klocke, President Collister Neighborhood Association

From: joanie fauci <joanie4c@yahoo.com>
To: <citycouncil@cityofboise.org>, <deberle@cityofboise.org>, <jtibbs@cityof...
Date: 2/25/2008 3:28 PM
Subject: Aase's Canyon Foothills Development

Dear City Council Members,

First let me apologize that I do not have everyone's email address. Please forward this as necessary.

I am writing to express my concern about a proposed development I recently learned about. It is located at the north end of Plano Rd, off W. Hill Rd. I'm not certain if the developer is named "Aase Canyon". When I attended a city meeting on Feb 4, 2008, I was told that the developer was called this, not the development.

I have several concerns about this development that I will list. Not all of these concerns may be applicable in your role but should be considered nonetheless.

1. Only neighbors within 300 feet were notified. I realize this is the rule/law. Since the development is at the end of the road, this seems inappropriate. Only the last 2 houses on that street needed to be notified. It seems like the other, less than 10, homes should also have been notified since they will be heavily impacted by construction traffic and eventual resident traffic. It seems like the "notification" rules need to be modified.

2. After looking at the development maps displayed at the meeting, it looks like another Quail Ridge or Arrowhead Canyon type of design. These two existing developments are an eyesore to the Boise Front. They make no use of passive housing design. They make no use of the natural contours of the land. They basically just made a level building lot and built a flat-land style home on them. Besides not using the natural features, these houses are very visibile from afar. I also live in the foothills and I try not to be a "not in my backyeard" type of person. But many of the homes in my neighborhood have daylight basements, sit below street level so as not to block views, and make use of the natural terrain. I would ask that this developer, and any future foothills developer, be asked to incorporate these type of design features in the development proposals.

3. As a foothills resident, I see the type of runoff we have after rain or snowmelt. Many of the existing sewers on this side of town are clogged or overflow creating even worse drainage problems. At the Feb 4th meeting, the residents of Plano Rd expressed grave concerns about the runoff issues they already have. I recently went to Plano Rd after some snowmelt and witnessed the existing runoff and erosion problems there. This new development will add even more runoff due to the pavement, curbs, and sidewalks proposed. With many more homes on the hillsides/ridges and less open ground to absorb the water, it will all flow into the existing neighborhood. What recourse will the exsting homeowners have if they get flooded or a basement wall caves in? The developer will likely be long gone by then.

4. There are several shallow wells nearby. Similar to the above item, what recourse will the homeowners have if their wells become contaminated or have other issues due to the new development?

5. The increased traffic of 150 homes to the existing (approximately) 10 homes will be hugh. Is there anything that can be done to mitigate this impact?

Thank you for listening. I plan to attend future public hearings on these issues to express these concerns in person.

Sincerely,
Joanie Fauci
2944 Hillway Dr
Boise, ID 83702

Be a better friend, newshound, and
know-it-all with Yahoo! Mobile. Try it now.
http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 4/24/2008 1:02 PM
Subject: Re: Plano subdivision

Appreciate = went to the ACHD meeting last night and they were very clear on the point - learning more about public input and I get into this situation . - MILT

In a message dated 04/24/08 08:01:33 Mountain Daylight Time, Beggleston@cityofboise.org writes:
Dear Mr. Miltc62,

Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.

It is customary to identify yourself when submitting testimony to a public hearing.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Miltc62 <miltc62@aol.com> 4/23/2008 11:22 PM >>>
As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

From: Kris Haustveit
Subject: L. Kuntz 4-22-08

4/22/08
Laurie Kuntz
83713
880-7279
Hillside Hollow: I was calling to leave a comment to urge the Mayor and Council members to please preserve the hillside to the Hollow open area. It would be great if we could use some of the funds remaining in the foothills levy account, but whatever means we need to be able to buy some of those properties that are "For Sale", I think we should use those means because if the area gets developed, then we can't go back. It's just a beautiful very nice area that a lot of people use for recreation. Please give me a call if you have any questions.
Action Taken: left msj

Where to share city funds for Foothills Levy. Purchase

Central Foothills
Neighborhood Association

www.boisecentralfoothills.org

RECEIVED
MAR 18 2008
DEVELOPMENT SERVICES

March 10, 2008

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

RE: Plano Lane Foothills Subdivision File #CAR-07-0042, CFH-07-00022

Dear Commissioners:

The Central Foothills Neighborhood Association is concerned about several issues on the proposed Canyon Point Development above Hill Road between Plano Lane and Collister Drive. Since this development will set precedence in many ways for future developers and foothills development in Boise, we believe the proposed Plano Canyon Point Development offers an important test case for the Foothills Policy Plan. With so much at stake, we urge that strict Foothills Policy Plan compliance standards be used when evaluating all aspects of the Plano Development project.

We understand that ACHD and Boise City Planning & Development are often put in a position to advocate for proposed developments; however, we urge you to remain neutral and objective during your evaluation of this apparent foothills test case development proposal. We also urge the *Blueprint Boise* Planning & Development staff to use the opportunity of this proposed development to note where possible refinements and updates may need to be made to clarify and most importantly strengthen any future revisions of the Foothills Policy Plan.

We believe the proposed Plano Development density bonus supporting arguments are for the most part a clear misuse of the intent of the Foothills Ordinance. Using the protection of the Aase onion as a supporting point for the project fails to recognize the harm that placing 155 homes above and/or near the protected area will cause. Lawn chemical runoff and increased foot traffic due to nearby development will not benefit the onion. Also, they are claiming to protect wetlands, but the area contains none of significance. In addition, the trailhead improvements they use to justify a density exemption are minimal and not worthy of trading for density.

Beyond these environmental concerns, approving another ridgeline development will significantly damage the beauty of the foothills for all of Boise. Allowing developers to hand pick ridge view properties to maximize their profits in lieu of less valuable foothills areas is a disservice to the community. We do not need another Quail Ridge, which for many has become a noun synonymous with aesthetically unpleasant ridgeline development. We ask that you consider if developing our ridgelines is the best use of our remaining open space. **Foothills Policy 3.0 Objective 1-2 clearly stipulates development shall be designed to protect the general shapes and textures of the Foothills, shall maximize the retention of the existing natural topography, 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 development concentrated on more obscured areas of the sites.**

In addition to the aesthetics, drainage issues have yet to be resolved. Forcing homeowners onto city water because of contaminated wells is unacceptable. Risking our water resources while approving new developments that will further tax our water supply has no logical justification.

On another issue, we have yet to see the full impact of increased traffic of the currently approved and planned developments in various stages along Hill Road and Northwest Ada County. Eyrie Canyon No. 4 near Quail Hollow Golf Course on upper N. 36th has an application for 106 homes; Dry Creek Ranch near Hidden Springs expects to put 4,300 homes in the Dry Creek Valley area; Cartwright Ranch, with about 600 homes, has a hearing scheduled with Ada County P&Z this month; and Kastera Shadow Valley is planning a golf course community of 122 homes. To the north, Avimor Planned Community, which will begin with about 700 homes, and grow to several thousand, is getting ready to market their first home sites. All of these City and County developments will feed more traffic into Boise and some will end up on the already heavily traveled Hill Road and through Boise's historic North End neighborhoods.

Most ACHD Hill Road planned improvements such as the roundabout on N. 36th have either been tabled and/or are not even on the current planning list because of the tremendous backlog of unfunded road projects in other parts of Ada County. With this in mind, we believe now is a time to be prudent and to proceed slowly until we fully understand the impact of all the new developments in this area of the city and county. A large-scale Plano development will funnel more traffic on Hill Road, which in many sections is at or near capacity. Allowing a large-scale development is not in the best interest and safety for citizens and the surrounding neighborhoods as it just causes more environmental, social, and cultural decline. Nonetheless, we believe developers should bear the burden of any and all improvements that need to be made to maintain current levels of safety on roads impacted by their development proposals. Road improvements should be part of early discussions so neighbors know how their community safety will be affected.

In summary, we recommend in addition to the above, that the City and ACHD mitigate the impact of the proposed large-scale Plano foothills development, analyze all aspects to make sure it follows the intent of the Boise City Foothills Ordinance and Comprehensive Plan, and be in full compliance with ACHD traffic and safety regulations. We also specifically urge you to remain neutral and objective during your evaluation of the proposal. Many, if not most citizens in our Neighborhood Association area expect Boise City and public agencies to keep all foothills development standards high....for protection and enhancement of our quality of life....not only for the Plano proposal, but for all development proposals.

Sincerely,

Paul Werner

Paul Werner, President
Central Foothills Neighborhood Association

cc: Bruce Eggleston, Boise City Planner II
Patricia A. Nilsson, Manager, Boise Comprehensive Planning
Matt Edmond, ACHD Planner II, Right-of-Way & Development Services
Julie Klocke, President Collister Neighborhood Association

From: Brent Smith <fbsmithiv@cableone.net>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 4/25/2008 10:26 AM
Subject: Re: Plano development

Mr. Eggleston

thanks very much for offering to help with the photos.....and I was able to print the aerial you sent me.....very helpful

three more questions when you have time:

1 - can I be given 3 minutes from other people that show up at the hearing? and how is that arranged?

2 - will you let us know what the deadline is going to be to get letters in to P/Z now that the meeting has been changed to June? or are we still on the same deadline as if it was the May meeting?

3 - when are the written comments from people made available to the public; ACHD had them on line a few days before the meeting. Will that be the case with P/Z?

and again thank you, sir; you continue to be very helpful

Brent Smith
On Apr 25, 2008, at 10:00 AM, BRUCE EGGLESTON wrote:

> Dear Mr. Smith,
>
> I will assist you with this. Keep in mind that citizens get only
> three minutes each of testimony, the neighborhood associations get
> 20+ minutes, depending on the rule of the commission.
>
> Good luck,
>
> Bruce
>
>>>> Brent Smith <fbsmithiv@cableone.net> 4/25/2008 9:24 AM >>>
> If I want to go ahead with this on my own, who do I contact to load
> the photos.....at the ACHD hearing I worked with one of the staff; I
> emailed four photos and Mr.
> Edmunds, who was in charge of the staff report, put them on his drive
> for me.....is that approach doable at P/Z or do I need to go some
> other route?
>
> thanks!
> On Apr 25, 2008, at 9:07 AM, BRUCE EGGLESTON wrote:
>
>> Dear Mr. Smith,
>>
>> Photos are fine. You might also hook up with the Collister
>> Neighborhood Association and join your comments with theirs, where
>> they can include a Powerpoint presentation and show photos.
>>
>> Good luck,

>>
>> Bruce
>>
>> Bruce Eggleston, AICP
>> Boise Planning and Development Services Department
>>
>>
>>>>> Brent Smith <fbsmithiv@cableone.net> 4/25/2008 8:43 AM >>>
>> thanks!
>>
>> I think I would like to include photographs in my testimony before
>> the P & Z Board; is that doable?
>> On Apr 25, 2008, at 8:14 AM, BRUCE EGGLESTON wrote:
>>
>>> Dear Mr. Smith,
>>>
>>> Attached are the black and white and color versions of the
>>> proposal. There have been some small changes to these since
>>> February, but they only affect the northern Plano Lane alignment.
>>>
>>> Good luck,
>>>
>>> Bruce Eggleston, AICP
>>>
>>> Bruce Eggleston, AICP
>>> Boise Planning and Development Services Department
>>>
>>>
>>>>>>> Brent Smith <fbsmithiv@cableone.net> 4/25/2008 7:37 AM >>>
>>> Good morning Mr. Eggleston
>>>
>>> I have a color print of what appears to be an aerial photo that lays
>>> out the development design with the onion fields indicated in
>>> yellow. I would like to be able see the onion fields more clearly
>>> than it is possible with this small print. Is the print available on
>>> line?
>>>
>>> It has the Stewart Land Group listed in the lower left corner and
>>> "Boise Foothills Concept Plan" next to that.
>>>
>>> thanks again for all your help.
>>>
>>>
>>> Brent Smith
>>>
>>> <Site plan b-w 4-1-2008.pdf><Concept aerial 2-8-2008.pdf>
>>
>>
>
>

From: Kris Haustveit
Subject: M. Coffman 5-15-08

5/15/08
Milt Coffman
5471 Collister
Boise, ID
Plano Lane: The developers are planning a subdivision called Plano; ACHD has decided that Collister above Hill Road needs to have more traffic. This is unacceptable because the thru-road will turn our cul-de-sac into a busy thoroughfare. The traffic patterns at Collister and Hill Rd., Plano and Hill Rd., and Collister and State St. have not been addressed by ACHD and they appear not to care about it. They are simply going to put a stop light at Collister and Hill Rd. and let it go. This is not acceptable. Thank you.
PDS

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MAY 15 2008
DEVELOPMENT
SERVICES

May 14, 2008

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

SUBJECT: Collaborative Meeting Model for Large and/or Special Concern Development Areas

Dear Commissioners:

After recently attending the Plano and Eyrie Canyon 4 subdivision neighborhood meetings, I feel compelled to express concerns about the current public process for development proposals. The current procedure of requiring one INFORMATIONAL ONLY neighborhood meeting with a developer is outdated and needs to be improved especially for large and/or controversial developments.

Informational only meetings with neighbors who live within 300 feet of the development typically involve a developer or representative explaining the development proposal and concluding with a question/answer session. Many developers already have their plat details nearly finalized when they meet with the neighbors. Using this model, the public is frustrated because any input they might offer will be mostly ignored and/or have minimal opportunity for inclusion in city, county, or ACHD staff reports. In the end, this causes many people either to give up on the process, or if they do attend the hearings, to come contentious, confrontational, and with a combative attitude.

Having informational only neighborhood meetings is also flawed since it involves no face-to-face WORK SESSION opportunities for soliciting constructive input/solutions between the developer and the neighbors BEFORE agency or city hearings are scheduled. The current process builds frustration because it provides very little meaningful collaborative input beyond individual email or letters of concern. If the process gave neighbors legitimate opportunities to provide constructive solutions/suggestions BEFORE the hearings, perhaps the hearing meetings would become more productive, time efficient, better for public relations--and more likely to result in acceptable community development.

By the time the development reaches the hearing level, city or agency officials are expected to vote/decide on the proposal. At this point, it is often difficult to implement public input, especially when a hearing is contentious. Clearly much of this input should have been received BEFORE the hearings. Relying solely on the possibility of adding conditions of approval should not be--and does not have to be--the only recourse IF the public has the opportunity for more pre-hearing collaborative input work sessions.

Feelings of frustration with many proposed developments could be greatly mitigated if requirements stipulated that development proposals, especially those involving more than 20 units and/or involving controversial development areas, be subject to the following meeting procedures:

- After the initial required neighborhood meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located, REQUIRE AT LEAST ONE, WITH THE OPTION OF MORE, city and/or county and developer collaborative work session meetings with neighbors and interested parties.
- Collaborative work sessions should include not only planning and zoning issues but also ACHD road and traffic concerns. Joint-input work sessions would be used to review the plans, provide updates, and gather public opinion with the intent of implementing viable constructive suggestions/solutions from neighbors and general public BEFORE the final staff reports are written and/or public hearings are conducted.
- Developer representation along with assigned city, county, and ACHD staff should be present at the work sessions.
- It is recommended that neighborhood meetings be held in the evening--not during the day, when most people that are impacted by the development are working.
- In addition to notifying neighbors within at least 300 feet of the development, all neighborhood associations and homeowners associations affected by the development should be notified.
- Any changes/ideas implemented from the work session meetings should be documented in the staff report to verify that collaboration was incorporated in the process.

A collaborative meeting process may involve more time for developers and government agencies, however, the positive outcome of better communication between all entities, more efficient hearings, less frustration, more cohesive neighborhoods, and citizens gaining more trust and support for their local government officials and processes is well worth the investment.

Sincerely,

Paul Werner, President
Central Foothills Neighborhood Association

Julia Wright, Vice President
Central Foothills Neighborhood Association

cc: Carol A. McKee, ACHD Commission President
Bruce Chatterton, Director of Boise Planning & Development Services
John Traylor, Director of Ada County Development Services

From: Janel Brown <janelbrown12@hotmail.com>
To: "ACHD_Edmond, Planner_Matt" <medmond@achd.ada.id.us>, "Eggleston, Bruce"...
Date: 5/20/2008 10:27 AM
Subject: AASE's Canyon/Plano Subdivision - density and variances

Good Morning,

Which name on subject line is the appropriate name for the proposed development between Plano Ln and Collister?

I believe I heard that, originally, the acceptable lot size for that area was 1-3 acres. My questions are:

1. What was the original density allowed in that area?

2. Has that changed?

2.5 If so, what caused that change?

I appreciate your time and your position (being in the middle of competing interests can't be easy or fun.)

Janel Brown

From: "Francie Link" <falink@worldnet.att.net>
To: <beggleston@cityofboise.org>
Date: 5/30/2008 12:44 PM
Subject: Plano Lane/Aase's Canyon Point Development

Dear Mr. Eggleston,

The following are my written comments which I would like to be entered into the upcoming hearing on the Aase's Canyon Point Development hearing scheduled for June 9, 2008. The reference file numbers for these items are:

CAR0700042/DA and SUB07-00065, Annexation Request

CUP07-00084, Conditional Use Permit

CFH07-00022, Hillside and Foothills Area Development Permit

I am writing to express my opposition to all of the above listed requests. My concerns include the increase in traffic that would result from this development and the degradation of the foothill areas in question. As a resident living on Hill Road, I must strongly protest the increase in car trips on Hill Road and Collister this development would bring to my neighborhood. Traffic on Hill Road, already at high levels, would increase to unacceptable limits if this development is approved. The current intersection of Plano Lane and Hill Road has inadequate sight distance to the west and the addition of approximately 1,500 car trips a day, would make this intersection deadly. The residents of Collister Drive are also concerned about the increase in traffic to their neighborhood, especially in light of ACHD's insistence on a connectivity road from Plano to Collister. ACHD expressed concern about the increase in traffic in both areas but indicated there are no plans to improve either Collister or Hill Road in the foreseeable future. After attending the recent hearing at ACHD, it became obvious that most, if not all, of the commissioners had not even driven out and physically surveyed these intersections and neighborhoods. I would sincerely request that the members of your commission do so before making your decision.

A development of this size will also impact the natural aesthetics of the foothills. It is my understanding the City of Boise has agreed that preservation of the foothills is necessary and needed, yet this development would be a new blight on an already overdeveloped skyline. Not every new development plan is a good one . . . for the city, the neighborhoods, or the citizenry. This development has not taken the concerns of the neighborhood into consideration, but instead is continuing to push forward with what is to us an unacceptable plan.

I urge you and the other members of the Planning and Zoning Commission to seriously study the concerns and those of my neighbors and to deny these permit requests.

Sincerely,

Francie Link
5920 Hill Road
Boise, ID 83703

From: "Bruce Parker" <parkerb@pwncpa.com>
To: <beggleston@cityofboise.org>
Date: 5/30/2008 10:33 AM
Subject: CUP 07-00084 AASE'S Canyon Point Development

I am writing to express my strong opposition to this development. It his hard to imagine the grave impact it would have on already stressed traffic on Hill Road and other related arteries. We are slowly loosing the esthetic beauty of Boise's setting by placing more and more homes in the foothills.

Kind Regards,

Bruce Parker

From: Brent Smith <BSMITH@boisestate.edu>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
CC: Stephanie Bacon Bacon <sbacon@boisestate.edu>
Date: 5/30/2008 3:17 PM
Subject: CUP07-00084/CFH07-0022/CAR07-0042/DA/SUB07-00065

Brent Smith & Stephanie Bacon
6024 Plano Lane
Boise, Id 83703

May 30, 2008

RE: AASE'S CANYON POINT DEVELOPMENT, LLC

TO: MEMBERS OF BOISE CITY PLANNING AND ZONING COMMISSION

Dear Members of the Commission:

We respectfully submit this letter regarding the proposed development along Hill Road between Collister Drive and Plano Lane. We are long time residents (one of us is a native Boisean) and although we do acknowledge the rights of the developers to use this land within reason, we plead that the development be limited by the basic premise written into the Foothills Ordinance that 1 house on 40 acres is reasonable use for land of this nature. We vehemently disagree with the developer's contention that this land should qualify as "Priority Open Space" for which a twenty-fold density bonus should be granted, taking the property from an 8 home tract to over 150 homes. We believe that if the Foothills Policy is scrutinized critically for intent, not technicalities, and the developer's claims are given the same review, that the development will be kept to a reasonable level. Otherwise, your legacy as a Commission will surely leave the valley residents with another foothills eyesore, environmental degradation, and a much reduced level of livability for the residents in the Northwest and North Boise neighborhoods.

PART I: Outline of Concerns Regarding the Proposed "Plano Road Subdivision"

1. The proposed development subverts the intentions of the foothills ordinance. As a ridgeline development the project significantly damages the aesthetics and the natural qualities of the area. The use of questionable conservation density bonuses (see PART II) to justify a density twenty times higher than that which would otherwise be permitted, appears to be a cynical and transparent strategy to exploit the land and the law for maximum financial gain.

2. Plano Lane is currently a sleepy tree-lined street, paved for only about 250 yards, home to families with small children, and small pets, no fences and no sidewalks. The proposed development would send an estimated 1000 car trips a day down that road, which would be almost doubled in width, ruining the quality of life and property values of the houses in the neighborhood. North Collister Drive,

currently slated as the alternate access to the proposed development, already complains of congestion, lack of parking, problematic and dangerous road design and dangerous slope. The proposed development would unquestionably degrade safety, quality of life and property values for all households along upper Collister.

The Foothills Ordinance states that development "should be compatible with the design and size of the surrounding neighborhoods." In contrast to this standard, the proposed development would crush the existing Plano Lane and upper Collister neighborhoods beneath its wheels like a juggernaut, and present substantial incompatibilities to the Hill Road and lower Collister neighborhoods as well.

3. Hill Road is one of the most popular thoroughfares in the city for bicyclists, joggers and pedestrians; it is the site of bicycle races and informal bicycle team training. Children use Hill Road to board and alight from school buses, while other children use sections of Hill Road to walk to Cynthia Mann Elementary School. Many neighbors have chosen their homes in this part of Boise specifically to have access to bicycle lanes and walkable streets. The additional 1500 car trips a day, which will necessarily proceed from Plano Lane and Collister Drive onto Hill Road, will make an already potentially dangerous situation untenable.

The Foothills Ordinance states that "...traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required." There is no discernible traffic mitigation in the proposed development's plans, only the promise of vastly multiplied traffic and related hazards and problems. Not only Pierce Park and Collister but also 36th Street and Harrison Boulevard can anticipate increased congestion from commuters heading South and East into town.

4. The developers propose to control runoff from the development, and the greatly lengthened and widened, newly-paved access roads, by retaining water in ponds at the bottom of the hillsides. Many households on Plano and Hill Road and in the area generally are supplied by wells. The question of whether the water retained in those ponds might reasonably be expected to contaminate ground water in the area has still not been answered in a satisfactory or definitive manner (though the question was asked in a January meeting at City Hall.) Stewart Land Group representative Kerry Winn told a large public meeting at Riverglen Junior High School, earlier this Spring, that his engineers had dismissed the likelihood of any problems resulting from groundwater contamination. Several weeks later, at a meeting of Plano homeowners held in a private home, Mr. Winn averred that SPF Engineering was currently conducting a study on the subject. Mr. Winn's variable responses to this question do not

create the impression that the interests of area residents are being sufficiently protected. It is also unclear how the developer proposes to address drainage and groundwater issues on Collister Drive which may result from the recent ACHD decision to require public access and connectivity from both Plano and Collister at the onset of construction.

5. The land which is proposed for development is year-round home to three dozen deer, badgers, foxes, and coyotes; elk have recently been seen on this land; it is frequented by hawks, peregrine falcons, great horned owls and other birds. The Aase's Onion is only one of many fragile and valuable plant species in the area; the onion is as likely to be found on the ridgelines which the developer proposes to flatten as on the steep slopes they plan to set aside (see Part II.) All of these treasured species are vulnerable to displacement, disruption, increased pollution, and outcompetition by nonnative species if the proposed development is approved. One need not have a very sophisticated grasp of biology to understand that the development will do far more harm than good to the plants and animals currently occupying the land.

Even more alarming, the land proposed for development is sandwiched in-between Quail Ridge (developed by Ramon Jorgason, who is also involved in the current proposed development) to the east, and the Eagle Foothills to the west--which are currently slated for rampant and massive development. This modest corridor of undeveloped land may represent a last opportunity for Boise to protect relatively undisturbed wildlife close to the city; the conflict over this land presents a crucial test case for the Foothills Ordinance.

PART II: Questions Regarding the Developer's Uses of the Foothills Ordinance and Claims to Density Bonuses

How can the addition of 155 houses and all of the associated negative impacts on the environment add up to an environmental positive? The project's Utah-based developers are asking for density bonuses that seem to far exceed those that are reasonable.

The Foothills Ordinance specifies that one house on 40 acres may be allowable, and that bonus density increases above 1 house per 40 acres may be possible, if the land qualifies under any of three criteria: Generally..... 1) Lands left un-built and having slopes of 25% or less, and with certain dimensions, can qualify for bonus density. 2) Lands that allow public access to open space can qualify. 3) Land that is of environmental importance with substantial significance can be defined as "Priority Open Space" and thereby may qualify for density bonuses.

Since the development land is primarily composed of very steeply sloped hills, there is little land available to request density bonuses under #1. There is a portion of land which appears to have

been tacked on to the ridgeline development to allow qualification under #2. Much of the claim for increasing bonus density from 1 house on 40 acres to approximately 20 houses on 40 acres, is based on the contention that much of the land is "Priority Open Space." (However there is some confusion about specifically what case the developer is making, in as far as items relating to points 8 – 11, below, might seem be qualifications for either #2, public access, or #3, Priority Open Space.)

According to the Foothills Ordinance, the land must meet at least four of eleven criteria to be considered and possibly qualify as "Priority Open Space."

There must be:
1 – Wetlands
2 – Riparian Areas
3 – Rare Plant Communities
4 – Critical Deer and Elk winter migration corridors
5 – Boise City Historic Preservation Committee: Potential Preservation Sites
6 – Unique Geologic or Visual Features
7 – Archeological or other Historic Sites
8 – Trails and Trail-heads designated in the Ada County Ridge to Rivers Pathway Plan as approved by the Boise City Parks and Recreation Board
9 – Other Public Trails and Trail-heads as approved by the Boise City Parks and Recreation Board
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.

The developers are specifically making claim to protecting Wetlands, Riparian Areas, and Rare Plant Communities on their properties, and also claim that they broadly meet #'s 8, 9, 10, 11. In addition, they are going to repair a scar on a relatively remote hillside which is the site of a former sand business.

Although there may appear to be technical compliance with the Foothills Policy, most of these claims seem highly open to question when viewed through a lens other than the developers'.

1– Arguing that they are protecting Aase's Onion begs the question, how do you protect the onion by placing homes on the steep slopes above and around the "protected" area? Erosion caused by construction and runoff from lawn sprinklers, the introduction of lawn fertilizers, insecticides and pesticides, into the runoff, as well as the introduction of new plant species into the immediate area, all beg the question, wouldn't the onion be much better off if you didn't build anywhere near it, period? The vast majority of it is already protected by the terrain it inhabits; there is little, if any, human traffic on those hillsides. (At a recent ACHD hearing, Mr. Jorgason testified that he has been trying for twenty years to get a road designed to access the ridgeline from Collister Drive—up through the onion fields—but that according to his engineers, it was too

steep for even a road to be built.) 155 houses, positioned literally on top of the onions' habitat, will clearly endanger it. Establishing a land trust, as proposed by the developers, seems a transparent means to gain public sympathy and support, not to mention the cover of a respected organization. This begs another question regarding the onion field–why would the TVLT allow itself to be used towards such a counterproductive end? Have they even agreed to this proposal?

Finally, what sort of logic proposes that establishing a trust for the onion on naturally protected parts of the property should be rewarded with the right to build more lots in some other part of the property? Although this exchange of land may seem reasonable to the developers, once the public realizes that the ridgeline, and other areas they want to build on, are also habitat for the onion plant, the environmental value of the proposal falls into question. More scraping and bulldozing will be necessary to build those lots and roads, and more onion plants will be killed, the higher the number of lots allowed. So, the onion they are claiming is so important to protect in the unbuildable and inaccessable parts of the property becomes expendable in the buildable areas. A truly environmentally conscientious developer would keep the number of lots to a minimum; then the onion would be more likely to survive on the steep slopes, with or without a land trust.

2 – To the general public, the term, "wetlands" brings to mind streams, ponds, cat-tails, pollywogs, etc. not a "water seep" as the developer's wetland scientist calls them in his report. One of these seeps is located in an otherwise dry gully situated on a very steep and inaccessible hillside. It is already "protected" for the public good by the steepness of the surrounding terrain on one side, and by the homes that sit approximately fifty yards below on the other. The second "wetland" described by the developer's expert is also a "water seep" that exists somewhere alongside and adjacent to the usually dry Pole Cat Gulch. In desert lands any water is valuable, but are two small "water seeps" already protected by hundreds of yards of steep terrain worthy of full "wetlands" consideration and the concurrent density bonuses being tied to that status?

3 – The improvements they are proposing for Pole Cat Gulch include erecting a fence to protect the area, which has been defined by the developer's expert as "riparian." This "protection" may or may not be of significance, but is Pole Cat Gulch any more a "riparian" area than water seeps are "wetlands"? Perhaps by some arcane technical definition Pole Cat Gulch qualifies as riparian, but it is as far from the ordinary use of the term for a stream-side environment as "wetland" is a term to describe a small water seep. Pole Cat Gulch has scrubby bushes and a few intermittent, mostly small trees, but it is essentially a dry gulch the vast majority of the year and the "protection" being proposed seems insignificant when compared to the overall impact that the proposed development of 155 houses will have on this landscape and the people that currently live near it.

4 – The access provided, and the potential amenities

that may be a part of the city's requirements at the trail-head to the Pole Cat Gulch recreation area could surely add something to the public good. It appears that the developers have incorporated this piece of property that sits at the bottom of the ravine, into their proposal for what is essentially a ridgetop development, which is well removed in space as well as character. This seems to be transparent, a gerrymander in effect, in light of the fact that many of their environmental claims are derived from this small and geographically distinct parcel of land providing the riparian area, wetland, and what appears to be a multi-faceted contribution to public land accessibility.

5 – The developer proposes to "repair" an excavated hillside (a sandpit) only to replace the scar with a row of houses along the ridges. This sand pit is currently visible from very few places in the valley and only from points south west of the site at a relatively large distance. The former sandpit is in the least visible portion of the development land. In contrast, many of the houses in the proposed development will be highly visible from just about any place South of Hill Road, much like in its sister development, Quail Ridge. The primary beneficiaries of the sandpit "repair" will be the developers, and of course the residents of the proposed subdivision. Claiming that this is something for the public good and for which they should be granted a density bonus is specious.

A "ridgeline" development is directly in opposition to the Foothills Ordinance that excludes ....."flat or squared off appearance on ridges....." and states that "The 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....."

The section of the Foothills Ordinance that speaks to "Priority Open Space" states: "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." (emphasis added) The developers have no other form of eligible open space with which to provide balance because very little of the land in question is buildable. They are setting aside virtually nothing of value to their bank accounts. They are building on virtually everything that has an acceptable slope, and much of that land appears to be on the ridgelines where the big lot fees and unfortunately, the big eyesore to the rest of the valley can be assessed.

If the bonus density increase requested is allowed, the hopes of the people of the City of Boise who voted in support of the good intentions (not the potential loopholes) enveloped in the Foothills Ordinance will go down the proverbial drain. We urge that you look at the developer's proposal in the light of the Foothills Ordinance, not just to see that all of the developer's i's are dotted and t's are crossed; but rather, that you look critically at whether or not

the proposal has integrity and lives up to the intent of the Ordinance. Are the developers giving up anything that they can build on? Is there a balance of unused buildable open space, priority open space and used buildable space? Is the project another ridgeline development?

Is what the developers are giving up (marginally classified riparian and wetland areas, unbuildable onion trusts) worth a financial windfall to them and the concurrent eyesore, traffic congestion, increased danger, environmental degradation and generally reduced quality of life to everyone else? We ask that you consider this proposal with great care, and that ultimately your determination be to reduce the proposed density significantly.

Sincerely,

Brent Smith & Stephanie Bacon

From: BRUCE EGGLESTON
Subject: Fwd: Re: Deferral of the Plano Lane Subdivision applications

My name in Milton D. Coffman and I reside at 5471 Collister, Boise, Idaho = 83703
>>> Miltc62 <miltc62@aol.com> 6/3/2008 4:54 PM >>>
TO be included in the file with the Plano subdivision hearing: At the ACHD open house recently, about 50 people from the neighborhood were in attendance. All those present from Collister and Quail Ridge voiced their disapproval of the planned permanent road connecting Plano and Collister for safety, neighborhood, and road condition viewpoints. There was not one person who spoke in favor of this permanent road. However, ACHD engineers and the commissioners wanted to see the two neighborhoods "connected" for the "good" of the neighborhood. The attendees want the road between Plano and Collister to be an emergency road only, similar to the one between Quail Ridge and Collister. P&Z needs to review ACHD's recommendation from the following standpoints: 1. No one except ACHD wants this road to be a permanent road; 2. Collister Road itself will not handle the increased traffic due to the Plano subdivision; 3. The safety of the children playing in and around the street would be placed at risk; 4. The increased traffic will create an unsafe situation for the people exiting Quail Ridge onto Collister; 5. Upper Collister Road was constructed in the early 80's to a different standard than currently exists now. The road has a concrete drainage ditch down the middle with a sidewalk on one side only and when vehicles park on both sides of the street, there is just room for one vehicle at a time; and 6. With the 20 homes being proposed for Collister as part of this subdivision, the Pole Cat Reserve park and enjoy at the head of Collister with its increased traffic of people on bikes who tend to stay in the middle of road, increasing traffic puts all at risk. Finally, ACHD needs to require the developer to widen Plano to three lanes with a right hand turning lane onto Hill Road going West and to install stop signs on Hill and Plano Roads to facilitate the movement of traffic from Plano onto Hill Road going in both directions.

From: BRUCE EGGLESTON
To: Erin Brennan
Date: 2/27/2008 12:59 PM
Subject: Re: FW: Plano Lane development

Dear Ms. Brennan,

I believe the wall in question is at 6060 Plano Lane, on the east side.

Good luck,

Bruce

>>> "Erin Brennan" <ebrennan@DDRS.net> 2/27/2008 11:49 AM >>>
Bruce, in the documents related to the Plano Lane development there was reference to a structure being in the right away for the road, I am trying to determine if the referenced encroachment is the wall at 6063 Plano Lane. Do you know the answer to this question? What is the structure that is referenced?

Erin Brennan

Director of Acquisitions

12426 W. Explorer Dr. Suite 200

Boise, Idaho 83713

ph: (208) 489-2542

fx: (208) 489-2501

cell: (208) 830-1110

From: Matt Edmond [mailto:Medmond@achd.ada.id.us]
Sent: Wednesday, February 27, 2008 9:35 AM
To: Erin Brennan
Subject: RE: Plano Lane development

Erin,

I have as yet been unable to determine if the referenced encroachment is the wall at 6063 Plano Lane. Can you specifically identify the document that refers to a structure in the right-of-way?

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

From: Erin Brennan [mailto:ebrennan@DDRS.net]
Sent: Tuesday, February 26, 2008 9:53 AM
To: Matt Edmond
Subject: Plano Lane development

As discussed over the phone, I am looking to find out what the structure is that is in the right-a-way. This is noted in the documents submitted to planning and zoning.

I am wondering if this is the wall built in the front of the Genther's house at 6063 Plano lane?

Erin Brennan

Director of Acquisitions

12426 W. Explorer Dr. Suite 200

Boise, Idaho 83713

ph: (208) 489-2542

fx: (208) 489-2501

cell: (208) 830-1110

From: "Erin Brennan" <ebrennan@DDRS.net>
To: <hjames@cityofboise.org>, <PDSPublicInfo@cityofboise.org>, <beggleston@c...
Date: 2/14/2008 9:01 AM
Subject: Request of a CD of Documents associated with the AAse's Canyon Development
Attachments: DOC001.PDF

Bruce and Hattie thanks for you work on this request so far. In addition to the request for paper copy of all of the documents relating to the AASE's development I now request A CD also be provided. Given the Date of this request 2/14/08 and the face that Monday is a holiday I the latest I would expect that this CD would be available on 2/21/08 based on the Idaho Code 9-337-8-340. If my calculation or not correct in this matter please let me know.

Again Hattie I appreciate you work in copying this material.

Erin Brennan
ph: (208) 489-2542
cell: (208) 830-1110

From: "Erin Brennan" <ebrennan@DDRS.net>
To: <beggleston@cityofboise.org>
CC: <Medmond@achd.ada.id.us>
Date: 2/27/2008 11:49 AM
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From: BRUCE EGGLESTON
To: Ester Ceja
CC: president@collistercna.org
Date: 4/2/2008 8:43 AM
Subject: Re: Request for Plano Development Application
Attachments: Concept aerial 2-8-2008.pdf

Dear Ms. Ceja,

The application files are in my office and they are available to the public. They can be viewed in the Planning Department from 8:00 a.m. to 5:00 P.M.

The files were first received May 2007, and have been added to considerably since then. About a month ago the records department scanned the files for a public records request, and more material has been received since then. The scanned files are in a huge Adobe Acrobat file that is too large to send by e-mail, but we could copy it to a CD and mail it to you or hold it for pick up.

Please let me know the best way for you to review this information.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Ester Ceja <run_1@hotmail.com> 4/1/2008 10:43 PM >>>
Bruce,

Hello there. I would like an electronic copy of the Plano Development application. I stopped by City Hall last week and the Public Records employee could only provide me with the six page Hillside & Foothills Development Application which does not provide me with any specific information on the proposal.

After reading through the Foothills Policy Plan, page 2, under Objective 2: the developer needs to submit detailed documents depicting wildlife habitat areas, existing slopes, geology and soils.

Has the City received the above mentioned information for the Plano Development Application? If so I would greatly appreciate a copy.

Any information you could provide me with would be greatly appreciated. If you have any questions about my request please let me know.
Thank you,
Ester Ceja (Collister Neighborhood resident)

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http://www.windowslive.com/messenger/overview.html?ocid=TXT_TAGLM_WL_Refresh_instantaccess_042008

From: BRUCE EGGLESTON
To: Ester Ceja
Date: 4/4/2008 11:46 AM
Subject: RE: Request for Plano Development Application

Dear Ms. Ceja,

There will be a CD ready for you with the Plano Road Application data at 12:00 p.m. today at the front desk at the Planning and Development Services Department on the Second Floor of City Hall. The receptionist will have that for you.

Good luck,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Ester Ceja <run_1@hotmail.com> 4/3/2008 10:14 PM >>>
Bruce,
Thank you very much for getting back to me. I can arrange to pick up a CD with the information tomorrow after 2 p.m., 4/4/08.

Thank you.
Ester Ceja

> Date: Wed, 2 Apr 2008 08:43:47 -0600> From: Beggleston@cityofboise.org> To: run_1@hotmail.com> CC: president@collistercna.org> Subject: Re: Request for Plano Development Application> > Dear Ms. Ceja,> > The application files are in my office and they are available to the public. They can be viewed in the Planning Department from 8:00 a.m. to 5:00 P.M.> > The files were first received May 2007, and have been added to considerably since then. About a month ago the records department scanned the files for a public records request, and more material has been received since then. The scanned files are in a huge Adobe Acrobat file that is too large to send by e-mail, but we could copy it to a CD and mail it to you or hold it for pick up. > > Please let me know the best way for you to review this information. > > Sincerely,> > Bruce Eggleston, AICP> > > Bruce Eggleston, AICP> Boise Planning and Development Services Department> > > >>> Ester Ceja <run_1@hotmail.com> 4/1/2008 10:43 PM >>>> Bruce,> > Hello there. I would like an electronic copy of the Plano Development application. I stopped by City Hall last week and the Public Records employee could only provide me with the six page Hillside & Foothills Development Application which does not provide me with any specific information on the proposal. > > After reading through the Foothills Policy Plan, page 2, under Objective 2: the developer needs to submit detailed documents depicting wildlife habitat areas, existing slopes, geology and soils. > > Has the City received the above mentioned information for the Plano Development Application? If so I would greatly appreciate a copy. > > Any information you could provide me with would be greatly appreciated. If you have any questions about my request please let me know.> Thank you,> Ester Ceja (Collister Neighborhood resident)>

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hthttp://www.windowslive.com/skydrive/overview.html?ocid=TXT_TAGLM_WL_Refresh_skydrive_packup_042008

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CC: <president@collistercna.org>
Date: 4/1/2008 10:43 PM
Subject: Request for Plano Development Application

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To: BRUCE EGGLESTON <beggleston@cityofboise.org>
CC: <president@collistercna.org>
Date: 4/3/2008 10:14 PM
Subject: RE: Request for Plano Development Application

Bruce,
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Thank you.
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hthttp://www.windowslive.com/skydrive/overview.html?ocid=TXT_TAGLM_WL_Refresh_skydrive_packup_042008

From: BRUCE EGGLESTON
To: fbsmithiv@cableone.net
CC: TERRY RECORDS
Date: 2/7/2008 11:17 AM
Subject: Re: Fwd: CFH07-00022

Dear Mr. Smith,

From the site plan map with the aerial photo thee is this table:

Used area < 25% = 47.53 ac.
Not used area < 25% = 26 ac.
Aase's Onion fields = 83 ac.

Total Acres (<25% slope) = 156.54 ac.

Total acreage of property = 332.75 ac.
Total Onion Conservancy = 152.97

Total building lots = 155 lots

According to my calculations:
The total < 25% slope = 73.53 acres
Total > 25% slope = 259.22 acres.

I hope this helps.

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> TERRY RECORDS 2/7/2008 10:22 AM >>>
Do you know the answer to this?

>>> Brent Smith <fbsmithiv@cableone.net> 02/07/2008 10:20 AM >>>
Hello Terry

I was at the Plano development meeting on Monday and am writing to ask you if you would provide me with the total number of acres in the project that are greater than 25% slope?

We appreciated the information you provided in the meeting.

and.....Thanks very much for your help.....

Brent Smith
6024 Plano Lane

From: "Francie Link" <falink@worldnet.att.net>
To: <beggleston@cityofboise.org>
Date: 5/30/2008 12:44 PM
Subject: Plano Lane/Aase's Canyon Point Development

Dear Mr. Eggleston,

The following are my written comments which I would like to be entered into the upcoming hearing on the Aase's Canyon Point Development hearing scheduled for June 9, 2008. The reference file numbers for these items are:

CAR0700042/DA and SUB07-00065, Annexation Request

CUP07-00084, Conditional Use Permit

CFH07-00022, Hillside and Foothills Area Development Permit

I am writing to express my opposition to all of the above listed requests. My concerns include the increase in traffic that would result from this development and the degradation of the foothill areas in question. As a resident living on Hill Road, I must strongly protest the increase in car trips on Hill Road and Collister this development would bring to my neighborhood. Traffic on Hill Road, already at high levels, would increase to unacceptable limits if this development is approved. The current intersection of Plano Lane and Hill Road has inadequate sight distance to the west and the addition of approximately 1,500 car trips a day, would make this intersection deadly. The residents of Collister Drive are also concerned about the increase in traffic to their neighborhood, especially in light of ACHD's insistence on a connectivity road from Plano to Collister. ACHD expressed concern about the increase in traffic in both areas but indicated there are no plans to improve either Collister or Hill Road in the foreseeable future. After attending the recent hearing at ACHD, it became obvious that most, if not all, of the commissioners had not even driven out and physically surveyed these intersections and neighborhoods. I would sincerely request that the members of your commission do so before making your decision.

A development of this size will also impact the natural aesthetics of the foothills. It is my understanding the City of Boise has agreed that preservation of the foothills is necessary and needed, yet this development would be a new blight on an already overdeveloped skyline. Not every new development plan is a good one . . . for the city, the neighborhoods, or the citizenry. This development has not taken the concerns of the neighborhood into consideration, but instead is continuing to push forward with what is to us an unacceptable plan.

I urge you and the other members of the Planning and Zoning Commission to seriously study the concerns and those of my neighbors and to deny these permit requests.

Sincerely,

Francie Link
5920 Hill Road
Boise, ID 83703

From: BRUCE EGGLESTON
To: Gary Inselman
CC: Patricia Nilsson
Date: 5/1/2008 11:59 AM
Subject: Statutory_requirements_ACHD2.pdf
Attachments: Statutory_requirements_ACHD2.pdf

Dear Gary,

I hope this helps you understand the City's hearing requirements.

Good luck,

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: Gary Inselman
CC: Patricia Nilsson
Date: 5/16/2008 4:53 PM
Subject: ACHD-Commis_let-5-13-08.doc
Attachments: ACHD-Commis_let-5-13-08.doc

From: HAL SIMMONS
To: BRUCE EGGLESTON; Teresa Sobotka
Date: 2/26/2008 8:36 AM
Subject: Fwd: RE: AASEs Canyon Pointe Development agreement

I'm not comfortable with it. First of all, why does he want this language? If the lots remain subject to all conditions of approval, there should be no difference from having them continue to be subject to the DA. The only reason I can so to do this would be to open the door to CU modifications on a lot-by-lot basis. That sounds like a mess in the making to me. It would be most messy if for some reason the development stalled out half-completed and then those who bought lots started opting out of the DA and requesting CU mods to get out of things that the overall development had been resonsible for but failed to complete or continue. I don't know, just sounds risky to me.

On the other hand, we did allow somthing similar in the DA for the DBSA project at State and Gary Lane. Each lot can be removed from the DA upon final occupancy of the lot. Though that one has bothered me for same reasons as above.

Hal

>>> Teresa Sobotka 2/25/2008 8:24 PM >>>
That's why I'm asking you if it is okay to have this wording. He is adamant that he can't get a building permit until the frontage issues are resolved. We can say that we just aren't comfortable with it.

>>> BRUCE EGGLESTON 2/25/2008 2:23 PM >>>
Dear Teresa,

In regards to section 6. Release of Lots, I'm O.K. with the principle behind the request, but I am confused as to the zoning status for the released lots. Should a lot be released from the DA, what would the zone be? Would release form the DA mean that land could be subdivided under the R-1A or A-1 zones through a CU MOD, regardless of what the Foothills Planned Development Ordinance says?

Thanks,

Bruce

6.Release of Lots. Following the satisfaction of the commitments set forth in Sections 3, 4, and 5, above, the owner of any platted lot(s) located within the Property may apply to City for the release of such lot(s) from this Agreement, which application shall not be unreasonably denied; provided, however, each such released platted lot shall continue to be subject to the Conditions of Approval.

>>> Teresa Sobotka 2/15/2008 5:57 PM >>>
are you guys ok with the red lined language. It is a little different then standard dev. agreements, but I think it might work.

From: BRUCE EGGLESTON
To: Janel Brown
Date: 2/4/2008 1:31 PM
Subject: Re: CFH07-00022
Attachments: Zoning-Aase's_Canyon-12-21-07.pdf; Plano_Rd-PUD-Annex-parcels-1-16-08.pdf; Concept aerial 12.20.07.pdf

Dear Ms. Brown,

The meeting today will extend after 5:00 p.m. as needed.

The format is an informal discussion with the applicant and staff about the grading and drainage plans being proposed.

The purpose of the meeting is to provide the public with the information about the grading and drainage plans so that informed comments can be submitted to the Planning and Zoning Commission when the hearing date comes round. Grading and drainage issues are very complex so the ordinance creates this opportunity to address the issues with the applicant and staff to clarify the intent of the layout.

Attached is a site plan/aerial, the zoning and the parcels proposed for annexation (the eastern parcels are in the City). Scans of the grading and drainage maps are too large to be practical to send via e-mail. They are available at Planning and Development Services Department and the Ada County Highway District offices for review.

This is not a hearing, there will be no "official" testimony, there will be no members of the Planning and Zoning Commission or City Council attending, no decision of any kind will be made at this meeting. Staff will take some notes that will be incorporated into the staff report for the Commission.

Good luck,

Bruce Eggleston
384-3839

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Janel Brown <janelbrown12@hotmail.com> 2/4/2008 1:01 PM >>>

Hello,

I am writing in regard to the public worksession to discuss the issues associated with the Hillside and Foothills Devlopment Permit requested by AASE's Canyon Point Development.

First, I wish to register my dismay (displeasure and distrust) about the time of the meeting: 4:00? Most affected homeowners work and could not make this meeting which seems an instant advantage for the developer.

Second, I am interested in the agenda and format of this meeting. What is the stated purpose and how ought a citizen prepare in order to maximize their time and effort?

Third, the announcement I received invited written comments. But without a good understanding of the proposal, how could a citizen develop cogent comments?

Is there a website with all pertinent details?

Thank you,

Janel Brown

From: BRUCE EGGLESTON
To: Janel Brown
Date: 2/4/2008 3:05 PM
Subject: RE: CFH07-00022
Attachments: Foothills_PUD_Ord-11_06_05-1-17-08.pdf

Dear Ms. Brown,

Here are the definitions for the Boise City Zones A-1, R-1B and R-1A. You would have to check with Ada County on the RP and R6 Zones.

Briefly the City Zones are as follows:
A-1 = 1 unit per acre residential;
R-1A = 2.1 units per acre residential;
R-1B = 4.8 units per acre residential.

The application is being processed under the Foothills Planned Development Ordinance attached. The resulting zoning would be R-1A/DA and A-1/DA, residential and open space with a development agreement.

I would attend the meeting today to get a detailed look at the proposal. The hearing is not scheduled yet, but the soonest it would be would be in April. One should attend that hearing at the Planning and Zoning Commission and send letters several weeks before-hand to become part of the hearing record.

The large attachment that I sent you, the aerial, best shows the layout and lot sizes, which average somewhere around one-quarter acre. It is all single-family detached type residences, about 155 units.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Janel Brown <janelbrown12@hotmail.com> 2/4/2008 1:44 PM >>>

Thank you for taking time to respond. It sounds like this meeting will not answer most of my questions which pertain to the impact of the proposal on Collister Canyon (Collister residential area N. of Hill Rd) and on the trailhead that is set to open at the top of Collister this spring.

When I look at the flyer I received, It shows my street (Collister) as R-1B and the land between my house and Quail Ridge as A-1 whereas the land behind my sister's house (opposite side of the street and apparently most affected by the AASE plan) is primarily shown as R6 and RP with the Northmost stretches designated A-1.

Where can I find definitions for A-1, RP, R6, R-1B and R-1A?

I am also interested in the type of development proposed such as lot size and price, home sizes and prices (anything approaching affordable housing for instance), open areas, recreation easements, etc.

Which meeting(s) would you recommend attending or how else might I educate myself as the process rolls forward?

Thank you very much for taking the time to answer.

Janel Brown> Date: Mon, 4 Feb 2008 13:31:21 -0700> From: Beggleston@cityofboise.org> To: janelbrown12@hotmail.com> Subject: Re: CFH07-00022> > Dear Ms. Brown,> > The meeting today will extend after 5:00 p.m. as needed. > > The format is an informal discussion with the applicant and staff about the grading and drainage plans being proposed. > > The purpose of the meeting is to provide the public with the information about the grading and drainage plans so that informed comments can be submitted to the Planning and Zoning Commission when the hearing date comes round. Grading and drainage issues are very complex so the ordinance creates this opportunity to address the issues with the applicant and staff to clarify the intent of the layout. > > Attached is a site plan/aerial, the zoning and the parcels proposed for annexation (the eastern parcels are in the City). Scans of the grading and drainage maps are too large to be practical to send via e-mail. They are available at Planning and Development Services Department and the Ada County Highway District offices for review. > > This is not a hearing, there will be no "official" testimony, there will be no members of the Planning and Zoning Commission or City Council attending, no decision of any kind will be made at this meeting. Staff

will take some notes that will be incorporated into the staff report for the Commission.> > Good luck,> > Bruce Eggleston> 384-3839 > > Bruce Eggleston, AICP> Boise Planning and Development Services Department> > > >>> Janel Brown <janelbrown12@hotmail.com> 2/4/2008 1:01 PM >>>> > Hello,> > I am writing in regard to the public worksession to discuss the issues associated with the Hillside and Foothills Devlopment Permit requested by AASE's Canyon Point Development.> > First, I wish to register my dismay (displeasure and distrust) about the time of the meeting: 4:00? Most affected homeowners work and could not make this meeting which seems an instant advantage for the developer.> > Second, I am interested in the agenda and format of this meeting. What is the stated purpose and how ought a citizen prepare in order to maximize their time and effort?> > Third, the announcement I received invited written comments. But without a good understanding of the proposal, how could a citizen develop cogent comments?> > Is there a website with all pertinent details? > > Thank you,> > Janel Brown>

From: BRUCE EGGLESTON
To: Janel Brown
Date: 5/23/2008 4:59 PM
Subject: Re: AASE's Canyon/Plano Subdivision - density and variances

Dear Ms. Brown,

The proposed annexation and planned development is currently called Plano Lane Subdivision.

The current allowed densities are regulated by the zoning, which includes Ada County RP (Rural Preservation at 1 unit per 40 acres) and R6 (Residential 6 units per acre). There is some Boise A-1 (Rural 1 unit per acre) and R-1C (Residential 8 units per acre.

None of the zoning has changed since the Quail Ridge annexation in the mid 1990s.

The proposed Plano Lane Subdivision includes requests for annexation and re-zone in addition to a planned development permit, preliminary plat and Hillside grading permit. If Council approves all the above then the zoning and density would change to the proposed R-1A/DA (residential with development agreement) and A-1/DA (rural with development agreement). The requested density would be .46 units per acre.

I hope this helps.

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Janel Brown <janelbrown12@hotmail.com> 5/20/2008 10:27 AM >>>

Good Morning,

Which name on subject line is the appropriate name for the proposed development between Plano Ln and Collister?

I believe I heard that, originally, the acceptable lot size for that area was 1-3 acres. My questions are:

1. What was the original density allowed in that area?

2. Has that changed?

2.5 If so, what caused that change?

I appreciate your time and your position (being in the middle of competing interests can't be easy or fun.)

Janel Brown

From: Janel Brown <janelbrown12@hotmail.com>
To: <beggleston@cityofboise.org>
Date: 2/4/2008 1:01 PM
Subject: CFH07-00022

Hello,

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Third, the announcement I received invited written comments. But without a good understanding of the proposal, how could a citizen develop cogent comments?

Is there a website with all pertinent details?

Thank you,

Janel Brown

From: Janel Brown <janelbrown12@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 2/4/2008 1:45 PM
Subject: RE: CFH07-00022

Thank you for taking time to respond. It sounds like this meeting will not answer most of my questions which pertain to the impact of the proposal on Collister Canyon (Collister residential area N. of Hill Rd) and on the trailhead that is set to open at the top of Collister this spring.

When I look at the flyer I received, It shows my street (Collister) as R-1B and the land between my house and Quail Ridge as A-1 whereas the land behind my sister's house (opposite side of the street and apparently most affected by the AASE plan) is primarily shown as R6 and RP with the Northmost stretches designated A-1.

Where can I find definitions for A-1, RP, R6, R-1B and R-1A?

I am also interested in the type of development proposed such as lot size and price, home sizes and prices (anything approaching affordable housing for instance), open areas, recreation easements, etc.

Which meeting(s) would you recommend attending or how else might I educate myself as the process rolls forward?

Thank you very much for taking the time to answer.

Janel Brown> Date: Mon, 4 Feb 2008 13:31:21 -0700> From: Beggleston@cityofboise.org> To: janelbrown12@hotmail.com> Subject: Re: CFH07-00022> > Dear Ms. Brown,> > The meeting today will extend after 5:00 p.m. as needed. > > The format is an informal discussion with the applicant and staff about the grading and drainage plans being proposed. > > The purpose of the meeting is to provide the public with the information about the grading and drainage plans so that informed comments can be submitted to the Planning and Zoning Commission when the hearing date comes round. Grading and drainage issues are very complex so the ordinance creates this opportunity to address the issues with the applicant and staff to clarify the intent of the layout. > > Attached is a site plan/aerial, the zoning and the parcels proposed for annexation (the eastern parcels are in the City). Scans of the grading and drainage maps are too large to be practical to send via e-mail. They are available at Planning and Development Services Department and the Ada County Highway District offices for review. > > This is not a hearing, there will be no "official" testimony, there will be no members of the Planning and Zoning Commission or City Council attending, no decision of any kind will be made at this meeting. Staff will take some notes that will be incorporated into the staff report for the Commission.> > Good luck,> > Bruce Eggleston> 384-3839 > > Bruce Eggleston, AICP> Boise Planning and Development Services Department> > > >>> Janel Brown <janelbrown12@hotmail.com> 2/4/2008 1:01 PM >>>> > Hello,> > I am writing in regard to the public worksession to discuss the issues associated with the Hillside and Foothills Devlopment Permit requested by AASE's Canyon Point Development.> > First, I wish to register my dismay (displeasure and distrust) about the time of the meeting: 4:00? Most affected homeowners work and could not make this meeting which seems an instant advantage for the developer.> > Second, I am interested in the agenda and format of this meeting. What is the stated purpose and how ought a citizen prepare in order to maximize their time and effort?> > Third, the announcement I received invited written comments. But without a good understanding of the proposal, how could a citizen develop cogent comments?> > Is there a website with all pertinent details? > > Thank you,> > Janel Brown>

From: Janel Brown <janelbrown12@hotmail.com>
To: "ACHD_Edmond, Planner_Matt" <medmond@achd.ada.id.us>, "Eggleston, Bruce"...
Date: 5/20/2008 10:27 AM
Subject: AASE's Canyon/Plano Subdivision - density and variances

Good Morning,

Which name on subject line is the appropriate name for the proposed development between Plano Ln and Collister?

I believe I heard that, originally, the acceptable lot size for that area was 1-3 acres. My questions are:

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Janel Brown

From: Janel Brown <janelbrown12@hotmail.com>
To: "Eggleston, Bruce" <beggleston@cityofboise.org>
CC: "Watts, John" <john@veritasadvisor.com>
Date: 5/30/2008 10:14 AM
Subject: AASE/Plano distribution list

Good Morning Bruce,

Please add John Watts (cc'd here) and myself to your distribution list for email regarding AASE Canyon Point Development. I recently received a fwd from Julie Klocke and realized that we are not on the distribution list.

Thanks very much,

Janel Brown

From: BRUCE EGGLESTON
To: janelbrown12@hotmail.com
CC: Dave Abo; Todd Tucker
Date: 5/2/2008 4:25 PM
Subject: Re: Fwd: environmental impact studies for proposed Plano Sub.
Attachments: CUP07-00084.pdf

Dear Ms. Brown,

I can help you with the information on the proposed Plano Road Subdivision. I have attached one of the application files for the conditional use permit. It contains two studies, one for the threatened species, Aase's Onion and one for the riparian areas. This is all the applicant submitted for environmental studies. The two sections below stipulate the ordinance requirements for this type of proposal.

This is something different than what we would define as an environmental impact statement, which is often a requirement for state and federal development applications. City code doesn't require a federal-type environmental impact study for residential developments, even though they can be requested for the benefit of the public for areas of potential environmental hazards.

The proposal includes an area of 153.41 acres set aside for the Onion Conservancy. There are around 100 acres of additional slopes and dedicated open space proposed to be set aside as well.

There is much more to the applications, but this is about the limit in file size that will go through our e-mail.

I can be reached at 384-3839 with questions about this proposal.

Sincerely,

Bruce Eggleston, AICP
Planner II
Boise Planning and Development Services Department

Appendix A
Application Submitting Requirements:
The following items are required for a Foothills Planned Development application, in addition to those items required for submitting of a standard Planned Development application under Section 11-06-05, and a"Hillside and Foothill Area Development" permit application under Section 11-14.
1. A slope analysis in map and table form depicting areas and polygon labels for:
a. All buildable areas, based on two foot contour intervals;
b. All non-buildable areas based on five foot contour intervals;
c. Buildable areas equal to, or greater, than one acre in size labeled as such on map and table.
2. A special area analysis in map and table form depicting the general locations of:
a. Floodways, floodway fringes, wetlands and riparian areas;
b. Deer and elk migration corridors as determined by the Idaho State Fish and Game Department and found on maps referenced in The Plan;
c. Location of rare, threatened and endangered plant species and communities regulated under the Endangered Species Act of 1973, and administered by U. S. Fish and Wildlife Service Division of Endangered Species;
d. Geologic and/or historic features of note and sites designated as Heritage sites.
e. Potential buildable ridge tops visible as skyline features from below the Foothills.

Phase II - Preliminary/Conceptual Design requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain permit applications:
5. Map potential buildable areas.
6. Determine which preserved open space/cluster density formula will be applied based upon site characteristics, access and market constraints.
7. Identify proposed preserved open space area(s) based upon site characteristics including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, unique features, etc.

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Dave Abo 5/2/2008 1:33 PM >>>

>>> Janel Brown <janelbrown12@hotmail.com> 5/2/2008 1:31 PM >>>

Gary Inselman, ACHD, referred me to you when I inquired about the availability of envirnonmental impact studies relative to the proposed Plano Subdivision. Can you direct me to a site or attach copies of same to return email, please?

I am particularly concerned about the impact to the area's abundant wildlife (deer, fox, birds.)

Thank you very much for your time and attention,

Janel Brown

From: BRUCE EGGLESTON
To: Jeff Tucker
Date: 2/4/2008 12:31 PM
Subject: Re: Worksession for Aase's Canyon Point Development LLC

Dear Mr. Tucker,

The work session is still on. Because it is not a hearing, we don't prepare a staff report, and don't publish items on the web site. This is a very informal review of the proposed grading and drainage plan so that neighbors have an opportunity to review the proposal prior to hearing.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "Jeff Tucker" <jefftucker@gmail.com> 2/3/2008 2:14 PM >>>
Bruce;

I was wanting to attend the public worksession for the proposed Asse's Canyon Point Development (CFH07-00022). The flyer that I received via mail says February 4th at 4pm at the Boise City Hall. I couldn't find anything on the web site and was just wondering if it was still happening.

Thanks,
Jeff Tucker

From: BRUCE EGGLESTON
To: Jeff Tucker
Date: 2/11/2008 8:29 AM
Subject: Re: Plano Road Subdivision proposal, electronic version of map request

Dear Mr. Tucker,

The traffic count info is in their traffic study. This is available at the PDS office during business hours.

The ACHD hearing date has not been set, but we anticipate it around mid-March.

The base traffic generation standard is that each dwelling generates around ten trips per day. The proposed subdivision would include 155 building lots that would generate some 1,550 trips per day. Nineteen of the proposed lots would use Collister Road for access, with an impact of approximately 190 average daily trips (AADT), the remaining lots would generate approximately 1,360 AADTs on Plano Lane.

I hope that this helps.

Sincerely,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "Jeff Tucker" <jeffttucker@gmail.com> 2/9/2008 3:38 PM >>>
Bruce;

Thanks for the map. You guys sure take a lot of grief, but you do it well. Hang in there. I understand that building will happen and that you all are doing what you can to keep it in scope, within regulations and etc.

I talked with Terry R. after the work session. I mentioned that my only concern was traffic down the very skinny section of Hill Rd east of Plano Rd. He suggested getting a hold of you for traffic count information and any study information as to how much it would add to the flow. Is there anyway of seeing that information?

I'm assuming any and all traffic concerns would be addressed at a future ACHD meeting. I'm happy to come down and look instead of wasting your time and printing costs.

Thanks again for all your help and patience.

Jeff Tucker

On Feb 7, 2008 2:05 PM, BRUCE EGGLESTON <Beggleston@cityofboise.org> wrote:

> To All,
>
> Attached is the latest site plan for the Plano Road Subdivision proposal
> received 2/1/08.
>
> Good luck,
>
> Bruce
>
> Bruce Eggleston, AICP
> Boise Planning and Development Services Department
>
>
> >>> joanie fauci <joanie4c@yahoo.com> 2/7/2008 1:34 PM >>>

> Hello Bruce,
>
> I was at the meeting last Monday on the Plano Rd development proposal. I
> was wondering if I could get an electronic copy of the map of that proposal.
> If you do not have access to it, if you could point me to the correct party
> I would appreciate it.
>
> Thanks in advance,
> Joanie Fauci
>
>

From: "Jeff Tucker" <jefftucker@gmail.com>
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Date: 2/3/2008 2:14 PM
Subject: Worksession for Aase's Canyon Point Develpmnt LLC

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From: "Jeff Tucker" <jeffttucker@gmail.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 2/4/2008 1:20 PM
Subject: Re: Worksession for Aase's Canyon Point Development LLC

Thanks, Bruce. Much appreciated. jt

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From: "Jeff Tucker" <jeffttucker@gmail.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 2/9/2008 3:39 PM
Subject: Re: Plano Road Subdivision proposal, electronic version of map request

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> Thanks in advance,
> Joanie Fauci
>
>

From: JIM WYLLIE
To: EGGLESTON, BRUCE
Date: 5/20/2008 11:24 AM
Subject: Plano Subdivision
Attachments: PWE610PlanoPreHydRptcom.doc; PWE610PlanoPreHydRptAprCond.doc

Bruce,

Memo's for Plano Subdivision are attached.

Jim W.

From: BRUCE EGGLESTON
To: Jimmy Smith
Date: 5/5/2008 9:34 AM
Subject: RE: environmental impact studies for proposed Plano Sub. - 4
Attachments: SUB07-00065.pdf; Applicants_owners.doc; ACHD_Stf_Rpt_PlanoRoadSub4_16_08.pdf; Site plan b-w 4-1-2008.pdf; Neighborhood meeting letter4-1-08.doc; Concept aerial 2-8-2008.pdf; Development Agreement - City ofBoise City, AASE_s Canyon Pointe Development and Capital Development3-3-08.DOC; Plano_Lane-density-bonus-template.pdf; Plano Sub Hillside Meeting.xls; AASEs Canyon Pointe Dev Agree 42108.DOC

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: Jimmy Smith
Date: 5/5/2008 9:34 AM
Subject: RE: environmental impact studies for proposed Plano Sub. - 3
Attachments: CUP07-00084.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: Jimmy Smith
Date: 5/5/2008 9:34 AM
Subject: RE: environmental impact studies for proposed Plano Sub. - 2
Attachments: CFH07-00022 Plans.pdf; CFH07-00022.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: Jimmy Smith
Date: 5/5/2008 9:35 AM
Subject: RE: environmental impact studies for proposed Plano Sub.
Attachments: CAR07-00042.pdf; img-riparian_maps.pdf

Dear Mr. Smith,

I would be glad to burn a CD with all the application information that is in the digital realm. This is comprised of the four applications and some material that has been updated since those were scanned on February 14th. There are large grading plan files that have not been scanned that you are welcome to review in the Planning and Development Services Department. I could mail this to you or you could pick it up here.

For your convenience, I'll send you multiple e-mail attachments with the material. Our fire wall will pass files less than five to six megabytes per e-mail.

Any material concerned with these applications is part of the public record and it can be viewed during business hours on the second floor at the Planning and Development Services Department, City Hall 150 North Capitol Blvd.

We don't yet scan all the files and put them on the web site that go in the packet for the Planning and Zoning Commission. We do that for the City Council packets.

I can be reached at 384-3830 with questions about these cases.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "Jimmy Smith" <jimmy@steelhead.com> 5/5/2008 8:51 AM >>>
Mr. Eggleston,

If you cannot e-mail this file, when can I come down and record it to CD - or - place it on a thumb drive - or - get a copy of it on my laptop - or you put this on your website for all to see? I believe it is public record. Please reply at your earliest possible convenience.

Jimmy Smith

President

Brairhill II & III HOA

-----Original Message-----
From: Janel Brown [mailto:janelbrown12@hotmail.com]
Sent: Monday, May 05, 2008 8:24 AM
To: Jimmy Smith
Subject: RE: environmental impact studies for proposed Plano Sub.

Will you email him and ask for the full file?

> Date: Fri, 2 May 2008 16:25:03 -0600
> From: Beggleston@cityofboise.org
> To: janelbrown12@hotmail.com
> CC: DAbo@cityofboise.org; TTucker@cityofboise.org
> Subject: Re: Fwd: environmental impact studies for proposed Plano Sub.
>
> Dear Ms. Brown,
>
> I can help you with the information on the proposed Plano Road
> Subdivision. I have attached one of the application files for the
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> There is much more to the applications, but this is about the limit in
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> Bruce Eggleston, AICP
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> Appendix A
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> e. Potential buildable ridge tops visible as skyline features from
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> I am particularly concerned about the impact to the area's abundant
> wildlife (deer, fox, birds.)
>
> Thank you very much for your time and attention,
>
> Janel Brown

From: BRUCE EGGLESTON
To: Jimmy Smith
Date: 5/5/2008 10:13 AM
Subject: RE: environmental impact studies for proposed Plano Sub.

Dear Mr. Smith,

There will be a CD for you at noon today available at the receptionist's desk on the second floor of City Hall, 150 North Capitol Blvd. It will be free of charge.

Good luck,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "Jimmy Smith" <jimmy@steelhead.com> 5/5/2008 10:05 AM >>>
Mr. Eggleston,

Thank you for your prompt reply. Unfortunately, the size of the message indicated in my OutLook e-mail client is not the same as the size of the received files once downloaded to my e-mail client. I don't know if it might have been your firewall or my mail server that might have dropped any files, if in fact either of them did.

Either way, I would like to take advantage of the offer to burn it to CD. At your earliest possible convenience would you please burn all the digital information available regarding this development request and tell me where and when I can pick it up. I would be glad to replace your CD with a blank CD as I know how tight things are with local government these days.

Thank you in advance,

Jimmy Smith

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Monday, May 05, 2008 9:35 AM
To: Jimmy Smith
Subject: RE: environmental impact studies for proposed Plano Sub.

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I can be reached at 384-3830 with questions about these cases.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "Jimmy Smith" <jimmy@steelhead.com> 5/5/2008 8:51 AM >>>
Mr. Eggleston,

If you cannot e-mail this file, when can I come down and record it to CD - or - place it on a thumb drive - or - get a copy of it on my laptop - or you put this on your website for all to see? I believe it is public record. Please reply at your earliest possible convenience.

Jimmy Smith

President

Brairhill II & III HOA

-----Original Message-----
From: Janel Brown [mailto:janelbrown12@hotmail.com]
Sent: Monday, May 05, 2008 8:24 AM
To: Jimmy Smith
Subject: RE: environmental impact studies for proposed Plano Sub.

Will you email him and ask for the full file?

> Date: Fri, 2 May 2008 16:25:03 -0600
> From: Beggleston@cityofboise.org
> To: janelbrown12@hotmail.com
> CC: DAbo@cityofboise.org; TTucker@cityofboise.org
> Subject: Re: Fwd: environmental impact studies for proposed Plano Sub.
>
> Dear Ms. Brown,
>
> I can help you with the information on the proposed Plano Road
> Subdivision. I have attached one of the application files for the
> conditional use permit. It contains two studies, one for the threatened
> species, Aase's Onion and one for the riparian areas. This is all the
> applicant submitted for environmental studies. The two sections below
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> The proposal includes an area of 153.41 acres set aside for the Onion
> Conservancy. There are around 100 acres of additional slopes and
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> Bruce Eggleston, AICP
> Planner II
> Boise Planning and Development Services Department
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> d. Geologic and/or historic features of note and sites designated as
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> Bruce Eggleston, AICP
> Boise Planning and Development Services Department
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>
> >>> Dave Abo 5/2/2008 1:33 PM >>>
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> >>> Janel Brown <janelbrown12@hotmail.com> 5/2/2008 1:31 PM >>>
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> Thank you very much for your time and attention,
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From: "Jimmy Smith" <jimmy@steelhead.com>
To: "'BRUCE EGGLESTON'" <Beggleston@cityofboise.org>
CC: "'Janel Brown'" <janelbrown12@hotmail.com>
Date: 5/5/2008 10:06 AM
Subject: RE: environmental impact studies for proposed Plano Sub.

Mr. Eggleston,

Thank you for your prompt reply. Unfortunately, the size of the message indicated in my OutLook e-mail client is not the same as the size of the received files once downloaded to my e-mail client. I don't know if it might have been your firewall or my mail server that might have dropped any files, if in fact either of them did.

Either way, I would like to take advantage of the offer to burn it to CD. At your earliest possible convenience would you please burn all the digital information available regarding this development request and tell me where and when I can pick it up. I would be glad to replace your CD with a blank CD as I know how tight things are with local government these days.

Thank you in advance,

Jimmy Smith

-----Original Message-----
From: BRUCE EGGLESTON [mailto:Beggleston@cityofboise.org]
Sent: Monday, May 05, 2008 9:35 AM
To: Jimmy Smith
Subject: RE: environmental impact studies for proposed Plano Sub.

Dear Mr. Smith,

I would be glad to burn a CD with all the application information that is in the digital realm. This is comprised of the four applications and some material that has been updated since those were scanned on February 14th. There are large grading plan files that have not been scanned that you are welcome to review in the Planning and Development Services Department. I could mail this to you or you could pick it up here.

For your convenience, I'll send you multiple e-mail attachments with the material. Our fire wall will pass files less than five to six megabytes per e-mail.

Any material concerned with these applications is part of the public record and it can be viewed during business hours on the second floor at the Planning and Development Services Department, City Hall 150 North Capitol Blvd.

We don't yet scan all the files and put them on the web site that go in the packet for the Planning and Zoning Commission. We do that for the City Council packets.

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> Janel Brown

From: BRUCE EGGLESTON
To: jnclocke@yahoo.com
Date: 1/23/2008 4:20 PM
Subject: Plano Road Subdivision
Attachments: Concept aerial 12.20.07.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: jnclocke@yahoo.com
Date: 1/23/2008 4:22 PM
Subject: Plano Road Subdivision 2
Attachments: Zoning-Aase's_Canyon-12-21-07.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: jnclocke@yahoo.com
Date: 1/23/2008 4:23 PM
Subject: Plano Road Subdivision 3
Attachments: Plano_Rd-PUD-Annex-parcels-1-16-08.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: joanie fauci
Date: 2/25/2008 4:09 PM
Subject: Re: Aase's Canyon Foothills Development

Dear Ms. Fauci,

Thank you for your comments on the proposed Plano Lane Subdivision, they will be forwarded to the Planning and Zoning Commission for their consideration.

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> joanie fauci <joanie4c@yahoo.com> 2/25/2008 3:27 PM >>>
Dear Mr. Eggleston,

I am writing to express my concern about a proposed development I recently learned about. It is located at the north end of Plano Rd, off W. Hill Rd. I'm not certain if the developer is named "Aase Canyon". When I attended the meeting on Feb 4, 2008, I was told that the developer was called this, not the development.

I have several concerns about this development that I will list. Not all of these concerns may be applicable in your role but should be considered nonetheless.

1. Only neighbors within 300 feet were notified. I realize this is the rule/law. Since the development is at the end of the road, this seems inappropriate. Only the last 2 houses on that street needed to be notified. It seems like the other, less than 10, homes should also have been notified since they will be heavily impacted by construction traffic and eventual resident traffic. It seems like the "notification" rules need to be modified.

2. After looking at the development maps displayed at the meeting, it looks like another Quail Ridge or Arrowhead Canyon type of design. These two existing developments are an eyesore to the Boise Front. They make no use of passive housing design. They make no use of the natural contours of the land. They basically just made a level building lot and built a flat-land style home on them. Besides not using the natural features, these houses are very visibile from afar. I also live in the foothills and I try not to be a "not in my backyeard" type of person. But many of the homes in my neighborhood have daylight basements, sit below street level so as not to block views, and make use of the natural terrain. I would ask that this developer, and any future foothills developer, be asked to incorporate these type of design features in the development proposals.

3. As a foothills resident, I see the type of runoff we have after rain or snowmelt. Many of the existing sewers on this side of town are clogged or overflow creating even worse drainage problems. At the Feb 4th meeting, the residents of Plano Rd expressed grave concerns about the runoff issues they already have. I recently went to Plano Rd after some snowmelt and witnessed the existing runoff and erosion problems there. This new development will add even more runoff due to the pavement, curbs, and sidewalks proposed. With many more homes on the hillsides/ridges and less open ground to absorb the water, it will all flow into the existing neighborhood. What recourse will the exsting homeowners have if they get flooded or a basement wall caves in? The developer will likely be long gone by then.

4. There are several shallow wells nearby. Similar to the above item, what recourse will the homeowners have if their wells become contaminated or have other issues due to the new development?

5. The increased traffic of 150 homes to the existing (approximately) 10 homes will be hugh. Is there anything that can be done to mitigate this impact?

Thank you for listening. I plan to attend future public hearings on these issues to express these concerns in person.

Sincerely,
Joanie Fauci
2944 Hillway Dr
Boise, ID 83702

Looking for last minute shopping deals?
Find them fast with Yahoo! Search. http://tools.search.yahoo.com/newsearch/category.php?category=shopping

From: joanie fauci <joanie4c@yahoo.com>
To: <beggleston@cityofboise.org>
Date: 2/7/2008 1:34 PM
Subject: electronic version of map request

Hello Bruce,

I was at the meeting last Monday on the Plano Rd development proposal. I was wondering if I could get an electronic copy of the map of that proposal. If you do not have access to it, if you could point me to the correct party I would appreciate it.

Thanks in advance,
Joanie Fauci
2944 Hillway Dr
Boise ID 83702
631-4748

Never miss a thing. Make Yahoo your home page.
http://www.yahoo.com/r/hs

From: joanie fauci <joanie4c@yahoo.com>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 2/7/2008 2:44 PM
Subject: Re: Plano Road Subdivision proposal, electronic version of map request

Thank you!

----- Original Message ----
From: BRUCE EGGLESTON <Beggleston@cityofboise.org>
To: Mwallace@achd.ada.id.us; dyorgason@cableone.net; fbsmithiv@cableone.net; butterfly@clearwire.net; president@collistercna.org; jefftucker@gmail.com; janelbrown12@hotmail.com; tbreuer@lttv.org; joanie4c@yahoo.com
Sent: Thursday, February 7, 2008 2:05:13 PM
Subject: Re: Plano Road Subdivision proposal, electronic version of map request

To All,

Attached is the latest site plan for the Plano Road Subdivision proposal received 2/1/08.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> joanie fauci <joanie4c@yahoo.com> 2/7/2008 1:34 PM >>>
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Joanie Fauci

Be a better friend, newshound, and
know-it-all with Yahoo! Mobile. Try it now.
http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ

From: joanie fauci <joanie4c@yahoo.com>
To: <Beggleston@cityofboise.org>
Date: 2/25/2008 3:28 PM
Subject: Aase's Canyon Foothills Development

Dear Mr. Eggleston,

I am writing to express my concern about a proposed development I recently learned about. It is located at the north end of Plano Rd, off W. Hill Rd. I'm not certain if the developer is named "Aase Canyon". When I attended the meeting on Feb 4, 2008, I was told that the developer was called this, not the development.

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Thank you for listening. I plan to attend future public hearings on these issues to express these concerns in person.

Sincerely,
Joanie Fauci
2944 Hillway Dr
Boise, ID 83702

Looking for last minute shopping deals?
Find them fast with Yahoo! Search.
http://tools.search.yahoo.com/newsearch/category.php?category=shopping

From: "John Watts" <john@veritasadvisor.com>
To: <beggleston@cityofboise.org>
Date: 5/30/2008 10:52 AM
Subject: Plano Lane development and a meeting

Mr. Eggleston,

I am resident and a lead person for Briar Hill Subdivision in the Plano Lane matter.

Would it be possible for me to schedule an appointment with you to discuss the Plano Lane development applications? Relevant reference application numbers are

> CAR07-00042/DA: annexation, zone change and development agreement
> CUP07-00084: Foothills Planned Development
> CFH07-00022: Hillside and Foothills Development Area
> SUB07-00065: Preliminary plat.

Anytime next week will work for me. I would appreciate your time and expertise.

Lastly, following up an earlier email from Janel Brown, thank you for adding me to the distribution list to receive the applications and staff report and any future information regarding this development.

Thank you

jw

From: "julia wright" <trick.walker@gmail.com>
To: <beggleston@cityofboise.org>, <pnilsson@cityofboise.com>, <medmond@achd....
CC: <president@collistercna.org>
Date: 3/13/2008 9:17 PM
Subject: Plano Lane Foothills Subdivision
Attachments: Plano letter draft v3 - 3-10-08.doc

RE: Plano Lane Foothills Subdivision#CAR-07-0042, CFH-07-00022

Attached is the Central Foothill Neighborhood Association's comments on the proposed development. Hard copy will follow.

Thank you for taking a moment to consider our position.

Sincerely,
Julia Wright
Secretary, CFNA

From: June Bolus
To: BRUCE EGGLESTON
Date: 4/14/2008 8:38 AM
Subject: PLANO LANE DEVELOPMENT DOC IN PDF FORMAT
Attachments: JOHN WATTS CIRTS BACK UP-04-09-08.pdf

see attached document

From: BRUCE EGGLESTON
To: June Bolus
Date: 4/24/2008 12:42 PM
Subject: Mayor's Hotline assignment for Laurie Kuntz re: Proposed development

Dear June,

I called Ms. Kuntz today at 12:15 p.m. and answered her questions about the property known as the "Kastera property" in the Foothills from Harrison Hollow to Hillside Middle School. Her concern was that the property might be developed and a better idea would be to purchase the land with the Foothills Levy funds and make it a City Park.

I encouraged her to work with the neighborhood associations to formulate Blueprint Bose and include such policies.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> June Bolus 4/23/2008 7:41 AM >>>
Bruce,

Attached is a Mayor's hotline assignment for constituent, Laurie Kuntz re: preserving the hillside to the Hollow open area. Please respond to Ms. Kuntz regarding her comment and then let me know the following:

1) date you contacted Ms Kuntz
2) a basic summary of what you responded

thanks!

June Bolus

June Bolus
City of Boise
Planning & Development Services
150 N Capitol Blvd
(208) 384-3714
jbolus@cityofboise.org

From: BRUCE EGGLESTON
To: June Bolus
Date: 4/28/2008 7:50 AM
Subject: Case Number INF08-00139

Dear June,

This case has been closed and notice sent to you, but it is still on the web site. How do we get that removed form the site?

Thanks,

Bruce

Case Number INF08-00139
Status Issued
Name LAURIE KUNTZ
Site Address
Project Name MAYOR'S HOTLINE

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: June Bolus
Date: 5/15/2008 9:41 AM
Subject: Mayor's CIRTS assignment for Sara Harris re: Plano Lane

Dear June,

I called Ms. Harris today and answered her questions concerning the ways that testimony could be given to oppose the applications for annexation and subdivision known as Plano Lane Subdivisions, CAR07-00042. I told her to send in a letter by May 30th and testify at the hearing on June 9th.

Bruce Eggleston

1) what date you contacted
2) how contacted: phone, letter or in person **if by letter, please cc: me on the correspondence
3) Brief description of the discussion

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> June Bolus 5/15/2008 9:20 AM >>>
Bruce,

Attached is a Mayor's CIRTS database assignment for Sara Harris re: opposition to the Plano Lane project. Please let me know if this does not require a response and if her comments will simply become part of the hearing file. If you do respond to Ms Harris, please let me know the following:

1) what date you contacted
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3) Brief description of the discussion

thanks

June Bolus

June Bolus
City of Boise
Planning & Development Services
150 N Capitol Blvd
(208) 384-3714
jbolus@cityofboise.org

From: BRUCE EGGLESTON
To: June Bolus
Date: 5/16/2008 2:35 PM
Subject: Mayor's CIRTS assignment for Milt Coffman re: Plano Lane

Dear June,

This correspondence does not ask questions nor request a reply, it is a statement of opposition to CAR07-00042, the Plano Lane annexation and subdivision proposal.

It does not require a response, but it will be entered into the record for the hearing.

Thanks,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> June Bolus 5/16/2008 1:58 PM >>>
Bruce,

Attached is a Mayor's CIRTS database assignment for Milt Coffman re: opposition to the Plano Lane project. Please let me know if this does not require a response and if his comments will simply become part of the hearing file. If you do respond to Mr Coffman, please let me know the following:

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thanks

June Bolus

June Bolus
City of Boise
Planning & Development Services
150 N Capitol Blvd
(208) 384-3714
jbolus@cityofboise.org

From: BRUCE EGGLESTON
To: karen knudtsen
Date: 2/19/2008 9:48 AM
Subject: Re: Plano Development CFHo7-00022

Dear Ms. Knudtsen,

Thank you for you comments on the proposed Plano Road Subdivision. They will be included in the packet sent ot the Planning and Zoning Commission and City Council.

There has been no hearing date set as yet, but the first opportunity to schedule a date before the Planning and Zoning Commission is mid April. Comments will be passed on to the Commission up to and including the hearing date.

Thank you,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: karen knudtsen <karenlynnefox@yahoo.com>
To: <beggleston@cityofboise.org>
Date: 2/17/2008 11:12 PM
Subject: Plano Development CFHo7-00022

Hello,

Is it too late to comment for the record on the Plano development proposal? If not, I would like to register my vote against this project.

Our neighborhoods along Hill Road can stand more traffic. Avimor is already going in, and Eagle M3 will be starting soon. I live near the intrsection of Hill and Collister and realize that traffic, noise, air pollution from traffic, car/bike/pedestrian accidents, etc. in this area are going to increase dramatically once these developments are in. I feel strongly that no more developments should be approved until the lanes on State Street are doubled, much better transit is established, the lanes on the arterials are doubled and the counties in this valley agree on planning for growth. Until then, growth should be tabled.

Further, I am very opposed to widening Hill Road in order to accommodate additional traffic in this end of town because the air along this road is very stagnant up against the hills and holds higher levels of dangerous smoke and exhaust pollution due to the close proximity of the hills. (Also, from what I have read in the paper, we stand to lose federal funding for transportation because we are near exceeding federal funding standards.) Our government leaders, such as planning and zoning, need to do just that before more developments are allowed.

Thank you for your efforts to control the negative aspects of tremendous growth.

Sincerely,

Karen Knudtsen
Boise, 83703

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

From: karen knudtsen <karenlynnefox@yahoo.com>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 2/19/2008 9:56 AM
Subject: Re: Plano Development CFHo7-00022

Thanks, Bruce, for including my comments in the packet to P & Z and the City Council.

I appreciate the opportunity for in-put very much.

Karen Knudtsen

BRUCE EGGLESTON <Beggleston@cityofboise.org> wrote:
Dear Ms. Knudtsen,

Thank you for you comments on the proposed Plano Road Subdivision. They will be included in the packet sent ot the Planning and Zoning Commission and City Council.

There has been no hearing date set as yet, but the first opportunity to schedule a date before the Planning and Zoning Commission is mid April. Comments will be passed on to the Commission up to and including the hearing date.

Thank you,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

Never miss a thing. Make Yahoo your homepage.

From: BRUCE EGGLESTON
To: keslers@cabelone.net
Date: 1/23/2008 12:52 PM
Subject: Plan Road Subdivision
Attachments: Concept aerial 12.20.07.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: lowellandbarbara@cabelone.net
Date: 1/31/2008 2:58 PM
Subject: Plano Road subdivision
Attachments: Concept aerial 12.20.07.pdf; 0605_001.pdf; Plano_Rd-PUD-Annex-parcels-1-16-08.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: Mark Fogarty
Date: 4/24/2008 7:55 AM
Subject: Re: Assinine housing project..

Dear Mr. Fogarty,

Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Mark Fogarty <mark_fgty@hotmail.com> 4/23/2008 8:56 PM >>>

Need I say more Sir??? Im at collister and hill rd, cant even ride my scooter past quail ridge due to poor conditions in the road up the north end of collister..Im sure all of the commisioners have been greased just the way boise works..This is a damn disaster if approved.....Pull your heads out of your ass and just think what a nightmare this proposal is..Mark Fogarty...Feel free to call me or drop on by, I have lots more to say.....869 5518 4997 collister..... I have contacted Nate Shauman on KBOI about this.....He will be bringing this up on his program soon.....

Not Sincerely Just pissed off.....

Spell a grand slam in this game where word skill meets World Series. Get in the game.
http://club.live.com/word_slugger.aspx?icid=word_slugger_wlhm_admod_april08

From: Mark Fogarty <mark_fgty@hotmail.com>
To: <beggleston@cityofboise.org>
Date: 4/23/2008 8:56 PM
Subject: Assinine housing project..

Need I say more Sir??? Im at collister and hill rd, cant even ride my scooter past quail ridge due to poor conditions in the road up the north end of collister..Im sure all of the commisioners have been greased just the way boise works..This is a damn disaster if approved.....Pull your heads out of your ass and just think what a nightmare this proposal is..Mark Fogarty...Feel free to call me or drop on by, I have lots more to say.....869 5518 4997 collister..... I have contacted Nate Shauman on KBOI about this.....He will be bringing this up on his program soon.....

Not Sincerely Just pissed off.....

Spell a grand slam in this game where word skill meets World Series. Get in the game.
http://club.live.com/word_slugger.aspx?icid=word_slugger_wlhm_admod_april08

From: Mark Fogarty <mark_fgty@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 4/24/2008 9:19 PM
Subject: RE: Assinine housing project..

Thats fruitless....> Date: Thu, 24 Apr 2008 07:55:39 -0600> From: Beggleston@cityofboise.org> To: mark_fgty@hotmail.com> Subject: Re: Assinine housing project..> > Dear Mr. Fogarty,> > Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.> > Sincerely,> > Bruce Eggleston, AICP > > > Bruce Eggleston, AICP> Boise Planning and Development Services Department> > > >>> Mark Fogarty <mark_fgty@hotmail.com> 4/23/2008 8:56 PM >>>> > Need I say more Sir??? Im at collister and hill rd, cant even ride my scooter past quail ridge due to poor conditions in the road up the north end of collister..Im sure all of the commisioners have been greased just the way boise works..This is a damn disaster if approved.....Pull your heads out of your ass and just think what a nightmare this proposal is..Mark Fogarty...Feel free to call me or drop on by, I have lots more to say.....869 5518 4997 collister..... I have contacted Nate Shauman on KBOI about this.....He will be bringing this up on his program soon.....> > Not Sincerely Just pissed off.....>

_____> Spell a grand slam in this game where word skill meets World Series. Get in the game.> http://club.live.com/word_slugger.aspx?icid=word_slugger_wlhm_admod_april08>

_____

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From: "McIntyre, C Kevin (Solutions Business Dev. Mgr.)" <kevin.mcintyre@hp.com>
To: "Beggleston@cityofboise.org" <Beggleston@cityofboise.org>, "mwallace@ach...
Date: 2/19/2008 7:06 AM
Subject: Proposed Foothills Development (File # CFH0-00022)

To Whom It May Concern,

As a long time Boise resident I am sending this letter to express my opposition to any more development in the foothills. With the Kastera, Hillside Nursery and now this development, it seems that the City of Boise needs to re-evaluate what residents of this city have been asking for. It's not for more development in the foothills, more traffic on Hill Rd. more traffic congestion, etc. in the foothills. As residents, we have had our taxes and assessments increased to prevent this type of development. The City is constantly re-zoning and increasing density levels beyond what was originally approved to appease developers. Please reconsider any foothills development and the effect on our way-of-life (life style) that many of us long time residents moved to this city for.

Regards,

Kevin McIntyre

From: BRUCE EGGLESTON
To: Miltc62
Date: 4/24/2008 8:01 AM
Subject: Re: Plano subdivision

Dear Mr. Miltc62,

Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.

It is customary to identify yourself when submitting testimony to a public hearing.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Miltc62 <miltc62@aol.com> 4/23/2008 11:22 PM >>>
As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

From: Miltc62 <miltc62@aol.com>
To: <beggleston@cityofboise.org>
Date: 4/23/2008 11:24 PM
Subject: Plano subdivision

As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 4/24/2008 1:02 PM
Subject: Re: Plano subdivision

Appreciate = went to the ACHD meeting last night and they were very clear on the point - learning more about public input and I get into this situation . - MILT

In a message dated 04/24/08 08:01:33 Mountain Daylight Time, Beggleston@cityofboise.org writes:
Dear Mr. Miltc62,

Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.

It is customary to identify yourself when submitting testimony to a public hearing.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Miltc62 <miltc62@aol.com> 4/23/2008 11:22 PM >>>
As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

From: BRUCE EGGLESTON
To: Nancy M. Brennan
CC: SCOTT SPJUTE
Date: 2/13/2008 12:03 PM
Subject: Re: aase's canyon

Dear Mrs. Brennan,

The Planning and Zoning Commission hearing will be scheduled after the Ada County Highway District hearing. I just spoke with Mindy Wallace at ACHD, and she said that they were tentatively looking at the end of March for their hearing.

If so, the first opportunity the City would have is mid April. Nothing is set yet.

I hope this helps.

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: "Nancy M. Brennan" <butterfly@clearwire.net>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 2/13/2008 9:28 AM
Subject: aase's canyon

Dear Mr. Eggleston,

I am curious to know if there is a public hearing either scheduled for the Aase's Canyon development. I could not find it on your website. If one is not scheduled, do you have any idea of when it may be? We need to know because we certainly plan to attend and need to make our spring and summer plans accordingly.

Thank you,

Nancy Brennan

From: BRUCE EGGLESTON
To: president@collistercna.org
Date: 1/23/2008 4:27 PM
Subject: Re: Aase's Canyon Point Development CFH-00022 No. 1
Attachments: Concept aerial 12.20.07.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: president@collistercna.org
Date: 1/23/2008 4:28 PM
Subject: Re: Aase's Canyon Point Development CFH-00022 No. 2
Attachments: Zoning-Aase's_Canyon-12-21-07.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: president@collistercna.org
Date: 1/23/2008 4:28 PM
Subject: Re: Aase's Canyon Point Development CFH-00022 No. 3
Attachments: 0605_001.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: <president@collistercna.org>
To: "Eggleston, Bruce" <beggleston@cityofboise.org>
Date: 1/23/2008 3:28 PM
Subject: Aase's Canyon Point Development CFH-00022

Bruce:

A neighbor contacted me about a notice they had received regarding the Aase's Canyon development, and I have a few questions for you:

--Why didn't the Collister Neighborhood receive notice from the city?
--Is this the prior Plano Lane Development?
--What further information do you have--number of units, locations, etc? Have they submitted any plans, etc. that we may take a look at?

Thanks.

Julie Klocke, President
Collister Neighborhood Association
president@collistercna.org
387-4933

From: <president@collistercna.org>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 2/8/2008 11:13 AM
Subject: Re: Plano Road Subdivision proposal, electronic version of map request

Thank you, Bruce!

Julie Klocke, President
Collister Neighborhood Association
president@collistercna.org
387-4933

-------Original Message-------
From: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Subject: Re: Plano Road Subdivision proposal, electronic version of map request
Sent: Feb 07 '08 21:05

To All,

Attached is the latest site plan for the Plano Road Subdivision proposal received 2/1/08.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> joanie fauci <joanie4c@yahoo.com> 2/7/2008 1:34 PM >>>
Hello Bruce,

I was at the meeting last Monday on the Plano Rd development proposal. I was wondering if I could get an electronic copy of the map of that proposal. If you do not have access to it, if you could point me to the correct party I would appreciate it.

Thanks in advance,
Joanie Fauci

From: <president@collistercna.org>
To: "BRUCE EGGLESTON" <beggleston@cityofboise.org>
Date: 5/29/2008 5:24 PM
Subject: Re: Plano Subdivision Proposal

Thank you, Bruce.

Julie Klocke, President
Collister Neighborhood Association
president@collistercna.org
387-4933

-------Original Message-------
From: BRUCE EGGLESTON <beggleston@cityofboise.org>
Subject: Re: Plano Subdivision Proposal
Sent: May 29 '08 23:22

Dear Ms. Klocke,

The staff report will be printed next Tuesday and copies will be available then of the entire application and report. I will e-mail you a copy of the stafff analysis when it is done on Monday.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> <president@collistercna.org> 05/29/08 2:10 PM >>>
Hello Bruce:

Do you know when a copy of the city's staff report on the Plano Lane development will be available? I see that the P & Z hearing is scheduled for June 9th.

The case numbers are as follows:
CAR07-00042/DA: annexation, zone change and development agreement
CUP07-00084: Foothills Planned Development
CFH07-00022: Hillside and Foothills Development Area
SUB07-00065: Preliminary plat.

Thank you.

Julie Klocke, President
Collister Neighborhood Association
president@collistercna.org
387-4933

From: BRUCE EGGLESTON
To: Robert B. Tiedemann
Date: 5/5/2008 1:45 PM
Subject: Re: Fwd: environmental impact studies for proposed Plano Sub.
Attachments: CUP07-00084.pdf

>>> BRUCE EGGLESTON 5/2/2008 4:25 PM >>>
Dear Ms. Brown,

I can help you with the information on the proposed Plano Road Subdivision. I have attached one of the application files for the conditional use permit. It contains two studies, one for the threatened species, Aase's Onion and one for the riparian areas. This is all the applicant submitted for environmental studies. The two sections below stipulate the ordinance requirements for this type of proposal.

This is something different than what we would define as an environmental impact statement, which is often a requirement for state and federal development applications. City code doesn't require a federal-type environmental impact study for residential developments, even though they can be requested for the benefit of the public for areas of potential environmental hazards.

The proposal includes an area of 153.41 acres set aside for the Onion Conservancy. There are around 100 acres of additional slopes and dedicated open space proposed to be set aside as well.

There is much more to the applications, but this is about the limit in file size that will go through our e-mail.

I can be reached at 384-3839 with questions about this proposal.

Sincerely,

Bruce Eggleston, AICP
Planner II
Boise Planning and Development Services Department

Appendix A
Application Submitting Requirements:
The following items are required for a Foothills Planned Development application, in addition to those items required for submitting of a standard Planned Development application under Section 11-06-05, and a"Hillside and Foothill Area Development" permit application under Section 11-14.
1. A slope analysis in map and table form depicting areas and polygon labels for:
a. All buildable areas, based on two foot contour intervals;
b. All non-buildable areas based on five foot contour intervals;
c. Buildable areas equal to, or greater, than one acre in size labeled as such on map and table.
2. A special area analysis in map and table form depicting the general locations of:
a. Floodways, floodway fringes, wetlands and riparian areas;
b. Deer and elk migration corridors as determined by the Idaho State Fish and Game Department and found on maps referenced in The Plan;
c. Location of rare, threatened and endangered plant species and communities regulated under the Endangered Species Act of 1973, and administered by U. S. Fish and Wildlife Service Division of Endangered Species;
d. Geologic and/or historic features of note and sites designated as Heritage sites.
e. Potential buildable ridge tops visible as skyline features from below the Foothills.

Phase II - Preliminary/Conceptual Design requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain permit applications:
5. Map potential buildable areas.
6. Determine which preserved open space/cluster density formula will be applied based upon site characteristics, access and market constraints.
7. Identify proposed preserved open space area(s) based upon site characteristics including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, unique features, etc.

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Dave Abo 5/2/2008 1:33 PM >>>

>>> Janel Brown <janelbrown12@hotmail.com> 5/2/2008 1:31 PM >>>

Gary Inselman, ACHD, referred me to you when I inquired about the availability of envirnonmental impact studies relative to the proposed Plano Subdivision. Can you direct me to a site or attach copies of same to return email, please?

I am particularly concerned about the impact to the area's abundant wildlife (deer, fox, birds.)

Thank you very much for your time and attention,

Janel Brown

From: BRUCE EGGLESTON
To: SCOTT SPJUTE
CC: Cody Riddle; HAL SIMMONS; JIM WYLLIE; Patricia Nilsson; TERRY RECORDS
Date: 1/24/2008 4:31 PM
Subject: Fwd: Plano Road Subdivision comments from ACHD and Public Works
Attachments: Plano Road meeting

Dear Scott,

The applicant has yet to satisfy the application requirements vis a vis the letters below from ACHD, and from comments from Public Works on the Hillside grading plan.

We have scheduled and noticed a neighborhood meeting on the grading plan application, CFH07-00022, for February 4th.

We have told the applicant that they are tentatively scheduled for March 3rd at P & Z. ACHD would need six or seven weeks for review and hearing if they were to receive the required material today. This would put their hearing near March 19th, too late for our hearing.

I suggest that send a letter to the applicant concerning the above and let them know that they have to submit more and better information as requested by Public Works and ACHD before we can schedule them for P & Z hearing.

Please advise.

Thanks,

Bruce

Woody,

I understand the City of Boise received a revised site plan for Plano Subdivision last week. The highway District needs a copy of those plans for review. It is essential that ACHD and the City of Boise are reviewing the same set of plans.

Thanks,

Mindy Wallace

Planner III

Right-of-Way and Development Services
Ada County Highway District
3775 Adams Street Garden City, ID 83714
Ph: 208-387-6178
Fax: 208-387-6393

From: STACY MIDDLETON <middleton11@msn.com>
To: <beggleston@cityofboise.org>
Date: 4/24/2008 11:10 AM
Subject: NO Plano Development

Hi Bruce-I met you last night at Boise Blueprint and talked about the Boulder Open Space tax. I was the short blonde~ I am writing in opposition to the Plano development for a number of reasons: -First, I think it should be illegal for a company from another state to come in and wreck a neighborhood and area. It's bad enough people continue to want to develop the foothills, but when they come from out of state - that's when it's just plain wrong.-By developing the foothills, we continue to make the mistake all other cities have made and most people have been saying this for 15 years.-This may very well be the test case for foothills ordinances regarding density and shaving off ridgetops - we don't want to start off on the wrong foot-Traffic congestion is obvious. Hill Road is a danger zone. Adding another 1500 cars would increase pile ups at intersections and clog up Hill even more and the arteries it feeds into.-There are drainage and flooding problems on Plano and Collister Dr (being they are in a 100 year flood plain)-Destruction of foothills ridgelines should also be illegal. That's not what foothills are for!
-Habitat lose of course also - here is another area where we push deer, fox and others further north
Thank you for listening and I hope you take all the voices that have spoken against this into consideration. As you know, the foothills are the exact reason most of us live in Boise. It is more home to us than any other aspect of our town. It is the 21st century now and we know better. STACY BEESON515 Maple AveBoise, ID 83712

From: BRUCE EGGLESTON
To: tbreuer@lttv.org
Date: 12/19/2007 10:18 AM
Subject: Re: Rare plant stewardship

Thanks, Tim

I'll take a look at it and let you know if it works for us.
Bruce

>>> "Tim Breuer" <tbreuer@lttv.org> 12/19/2007 10:05 AM >>>

Bruce
Attached is a summary document outlining the concepts associated with monitoring and stewardship of the onion preserve proposed as part of the Plano Road Subdivision.
Best,
Tim

Tim M. Breuer
Executive Director
Land Trust of the Treasure Valley
PO Box 106
Boise, ID 83701
208) 385-7927
tbreuer@lttv.org
www.lttv.org (about:www.lttv.org)

Conserving natural, scenic, recreation and farm lands in the Treasure Valley
(http://www.lttv.org/)

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Version: 7.5.503 / Virus Database: 269.17.4/1189 - Release Date: 12/18/2007 9:40 PM

From: BRUCE EGGLESTON
To: tbreuer@lttv.org
Date: 4/4/2008 8:51 AM
Subject: Re: foothills ordinance

Dear Mr. Breuer,

I'd be glad to meet with you, just set a time and date.

I am going to meet with Scott Beecham and Michelle Cooper today at 1:00 p.m. for a similar topic. Is this the same folks you are wanting to meet with?

Please let me know prior to 1:00 p.m.

Thanks,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "Tim Breuer" <tbreuer@lttv.org> 4/3/2008 10:21 AM >>>
Hi Bruce

I was wondering if you might be available to sit with a few folks to discuss the foothills ordinance and how it works. There are folks in the north end area that have a high level of interest due to a couple of projects they are tracking, including plano road.

Let me know if you could participate in this little jam session.

Tim M. Breuer

Executive Director

Land Trust of the Treasure Valley

PO Box 106

Boise, ID 83701

208) 385-7927

HYPERLINK "mailto:tbreuer@lttv.org"tbreuer@lttv.org

www.lttv.org

Conserving natural, scenic, recreation and farm lands in the Treasure Valley.

HYPERLINK "http://www.lttv.org/"

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Version: 7.5.519 / Virus Database: 269.22.5/1357 - Release Date: 4/3/2008
10:48 AM

From: "Tim Breuer" <tbreuer@lttv.org>
To: "'BRUCE EGGLESTON'" <Beggleston@cityofboise.org>
CC: "'Kerry Winn'" <kwinn@stewartlandgroup.com>
Date: 12/19/2007 10:06 AM
Subject: Rare plant stewardship
Attachments: Collister Aasae Onion Preserve.doc

Bruce

Attached is a summary document outlining the concepts associated with monitoring and stewardship of the onion preserve proposed as part of the Plano Road Subdivision.

Best,

Tim

Tim M. Breuer

Executive Director

Land Trust of the Treasure Valley

PO Box 106

Boise, ID 83701

208) 385-7927

HYPERLINK "mailto:tbreuer@lttv.org"tbreuer@lttv.org

www.lttv.org

Conserving natural, scenic, recreation and farm lands in the Treasure Valley.

HYPERLINK "http://www.lttv.org/"

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.503 / Virus Database: 269.17.4/1189 - Release Date: 12/18/2007 9:40 PM

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 2/19/2008 9:30 AM
Subject: Fwd: Plano Lane Development - CFH 07-00022
Attachments: Boise Foothills Development Map.pdf

Hi Bruce!

This came into the Council email. Can you make sure that it makes it into the record for me?

Thanks!
Amanda

Amanda Brown
Council Administrator
(208)384-4410
abrown@cityofboise.org

>>> CityCouncil 2/19/2008 9:28 AM >>>

>>> Boise Book Farm <boisebook@mac.com> 2/11/2008 7:10 PM >>>
At the request of my concerned neighbors, I am forwarding this email to you
regarding the development identified in this Plano Lane Development Map. We
would appreciate your assistance in this matter. Ethel Ficks

Begin forwarded message:

> From: Boise Book Farm <boisebook@mac.com>
> Date: February 11, 2008 6:45:49 PM MST
> To: <Beggleston@cityofboise.org>
> Cc: <mwallace@hchd.ada.id.us
> Subject: Plano Lane Development - CFH 07-00022
>

From: BRUCE EGGLESTON
To: Amanda Brown
Date: 2/19/2008 10:42 AM
Subject: Re: Fwd: Plano Lane Development - CFH 07-00022

Dear Amanda,

This will be included in the testimony for this case.

Thanks,

Bruce

>>> Amanda Brown 2/19/2008 9:30 AM >>>
Hi Bruce!

This came into the Council email. Can you make sure that it makes it into the record for me?

Thanks!
Amanda

Amanda Brown
Council Administrator
(208)384-4410
abrown@cityofboise.org

>>> CityCouncil 2/19/2008 9:28 AM >>>

>>> Boise Book Farm <boisebook@mac.com> 2/11/2008 7:10 PM >>>
At the request of my concerned neighbors, I am forwarding this email to you
regarding the development identified in this Plano Lane Development Map. We
would appreciate your assistance in this matter. Ethel Ficks

Begin forwarded message:

> From: Boise Book Farm <boisebook@mac.com>
> Date: February 11, 2008 6:45:49 PM MST
> To: <Beggleston@cityofboise.org>
> Cc: <mwallace@hchd.ada.id.us
> Subject: Plano Lane Development - CFH 07-00022
>

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 2/19/2008 11:56 AM
Subject: Plano Question

Hi Bruce!

Stupid question, Plano has already been filed, correct?

Amanda

From: BRUCE EGGLESTON
To: Amanda Brown
Date: 2/19/2008 12:02 PM
Subject: Re: Plano Question

Dear Amanda,

The application came in late December, but we have yet to set a hearing date due to some design issues with the grading plan. It is expected to go to P & Z in mid April. The case numbers are: CAR07-00042 Annexation and Re-Zone, CUP07-00084 Conditional Use Permit, SUB07-00065 Subdivision and CFH07-00022 Hillside and Foothills Area Development application.

Thanks,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Amanda Brown 2/19/2008 11:56 AM >>>
Hi Bruce!

Stupid question, Plano has already been filed, correct?

Amanda

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 2/29/2008 10:34 AM
Subject: Fwd: Re: Proposed Foothills Development along Hill Road (File # CFH0-00022)
Attachments: sboutline.doc; Points.doc

>>> "Stephanie Bacon" <sbacon@boisestate.edu> 2/27/2008 12:57 PM >>>
PLEASE NOTE: Brent and I were interviewed by Fox News this morning for a brief story that they are planning on the situation, which will be aired on the news Saturday at 9:00. Thanks for your interest, Stephanie

>>> Brent Smith <fbsmithiv@cableone.net> 02/27/08 12:22 PM >>>
>
Dear Foothills and other potentially interested neighbors:

We are enclosing written concerns related to the proposed AASE'S Canyon Point Development along Hill Road between Plano Lane and Collister St.
We were interviewed by Fox 12 News this morning and have given copies

of the attachments to Allison Warren, who conducted the interview. We hope that this will create interest in the situation and possibly lead to more media coverage. If any of you have comments or wish to add information pertinent to the Foothills Ordinance or any of the other points we have expressed, please contact us. We hope that at some point the story will be fully aired in the press and before the respective city and county agencies and also believe that reason will

ultimately prevail, and the development will be limited to the maximum of one home on 40 acres as stipulated in the Ordinance. We maintain that anything above that 1:40 ration will reflect a blatant disregard for the spirit of the Foothills Ordinance; and to the citizens who helped pay to have the Ordinance developed as a means of

restraining rampant and unsightly growth in the foothills. Please feel free to forward this to anyone you think may be interested and please forward any email addresses that might be of help to us. Anyone willing to help please contact us and/or Nancy @ butterfly@clearwire.net. We will try to keep you posted when we hear

of the March ACHD meeting. You can write an email now to Mindy Wallace @ mwallace@achd.ada.id.us to enter your opinion into the record.

>

thanks

Brent Smith
& Stephanie Bacon
6024 Plano Lane

From: Amanda Brown
To: BRUCE EGGLESTON
Date: 2/29/2008 11:10 AM
Subject: Fwd: Aase's Canyon Foothills Development
Attachments: Aase's Canyon Foothills Development

>>> David Eberle 2/29/2008 11:07 AM >>>
Hi Amanda: Here is another one to add to the list of plano development record. thanks David

From: BRUCE EGGLESTON
To: Boise Book Farm
Date: 2/12/2008 8:06 AM
Subject: Re: Plano Lane Development - CFH 07-00022

To whom it may concern,

We will gladly enter your concerns into the public record on case CFH07-00022 and the associated cases if you would include your name and address.

Thanks,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Boise Book Farm <boisebook@mac.com> 2/11/2008 6:45 PM >>>

From: BRUCE EGGLESTON
To: Boise Book Farm
Date: 2/12/2008 2:57 PM
Subject: Re: Plano Lane Development - CFH 07-00022

Dear Ms. Ficks,

You are correct in that just your name and address is required.

There are four cases associated with this application, annexation, conditional use permit, Hillside and Subdivision; The number above only refers to the Hillside application.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: Boise Book Farm <boisebook@mac.com>
To: <Beggleston@cityofboise.org>
CC: <mwallace@hchd.ada.id.us>
Date: 2/11/2008 6:46 PM
Subject: Plano Lane Development - CFH 07-00022
Attachments: Boise Foothills Development Map.pdf; Part.001

From: Boise Book Farm <boisebook@mac.com>
To: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Date: 2/12/2008 1:33 PM
Subject: Re: Plano Lane Development - CFH 07-00022

Mine is:
Ethel D. Ficks
5600 Hill Road
Boise, ID 8703

I will speak to the person who asked me to mail it and get a list of
those whose feelings and concerns it represents.

Thank you,
Ethel Ficks
On Feb 12, 2008, at 8:06 AM, BRUCE EGGLESTON wrote:

> To whom it may concern,
>
> We will gladly enter your concerns into the public record on case
> CFH07-00022 and the associated cases if you would include your name
> and address.
>
> Thanks,
>
> Bruce Eggleston
>
> Bruce Eggleston, AICP
> Boise Planning and Development Services Department
>
>
>>>> Boise Book Farm <boisebook@mac.com> 2/11/2008 6:45 PM >>>
>

From: BRUCE EGGLESTON
To: butterfly@clearwire.net
Date: 2/12/2008 4:23 PM
Subject: Fwd: PUBLIC RECORDS REQUEST FORM
Attachments: Public_Info_Request.pdf

Dear Mr. Brennan,

Attached please find the public records request form necessary for you request of the copies of the Plan Subdivision files.

We can provide you with a CD copy of the files at the cost of a CD, or you can bring in a blank and have it burned. Printing is always an option at $.05/ sheet.

The case numbers are: CAR07-00042, CUP07-00084, SUB07-00065 and CFH07-00022.

Please return the attached either via mail or FAX.

Your contact with public records will be :
Hattie E. James
Department Specialist
City of Boise
PDS Records
Ph: 208.384.3826
Fax: 208.395.7881
Email: hjames@cityofboise.org
http://www.cityofboise.org (http://www.cityofboise.org/)

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: butterfly@clearwire.net; cweston@cityofboise.org; dyorgason@cableone.n...
Date: 4/25/2008 9:53 AM
Subject: Fwd: Plano Lane Subdivision applications hearing date - re-scheduled

To whom it may concern,

I sent out the following letter out this morning to the applicants concerning the re-scheduling of the hearing for the Plano Road Subdivision applications. Please let others know of this change.

Thanks,

Bruce Eggleston, AICP

Dear Mr. Winn and Mr. Yorgason,

We have pulled your applications from the May 12, 2008 hearing agenda because we must have a recommendation from Ada County Highway District, by statute, in order to make our findings on annexation and zoning. The hearing date is re-scheduled for June 9, 2008 before the Boise City Planning and Zoning Commission.

The case numbers are as follows:
CAR07-00042/DA: annexation, zone change and development agreement
CUP07-00084: Foothills Planned Development
CFH07-00022: Hillside and Foothills Development Area
SUB07-00065: Preliminary plat.

In the mean time we will send a letter to the ACHD Commissioners outlining the City's policies and ordinances that support your applications.

I will be glad to answer questions about this at 384-3830.

Sincerely,

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: butterfly@clearwire.net; dyorgason@cableone.net; fbsmithiv@cableone.ne...
Date: 2/7/2008 2:05 PM
Subject: Re: Plano Road Subdivision proposal, electronic version of map request
Attachments: Boise Foothills 2-1-2008.pdf

To All,

Attached is the latest site plan for the Plano Road Subdivision proposal received 2/1/08.

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> joanie fauci <joanie4c@yahoo.com> 2/7/2008 1:34 PM >>>
Hello Bruce,

I was at the meeting last Monday on the Plano Rd development proposal. I was wondering if I could get an electronic copy of the map of that proposal. If you do not have access to it, if you could point me to the correct party I would appreciate it.

Thanks in advance,
Joanie Fauci

From: BRUCE EGGLESTON
To: C Kevin (Solutions Business Dev. Mgr.) McIntyre
Date: 2/19/2008 11:56 AM
Subject: Re: Proposed Foothills Development (File # CFH0-00022)

Dear Mr. McIntyre,

Thanks for your letter concerning the proposed Plano Lane Subdivision application. It will become part of the record for the Planning and Zoning Commission.

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> "McIntyre, C Kevin (Solutions Business Dev. Mgr.)" <kevin.mcintyre@hp.com> 2/19/2008 7:05 AM >>>
To Whom It May Concern,

As a long time Boise resident I am sending this letter to express my opposition to any more development in the foothills. With the Kastera, Hillside Nursery and now this development, it seems that the City of Boise needs to re-evaluate what residents of this city have been asking for. It's not for more development in the foothills, more traffic on Hill Rd. more traffic congestion, etc. in the foothills. As residents, we have had our taxes and assessments increased to prevent this type of development. The City is constantly re-zoning and increasing density levels beyond what was originally approved to appease developers. Please reconsider any foothills development and the effect on our way-of-life (life style) that many of us long time residents moved to this city for.

Regards,

Kevin McIntyre

From: CityCouncil
To: BRUCE EGGLESTON
Date: 3/3/2008 12:48 PM
Subject: Fwd: Re: Proposed Foothills Development along Hill Road (File # CFH0-00022)
Attachments: Re: Proposed Foothills Development along Hill Road (File # CFH0-00022); Re: Proposed Foothills Development along Hill Road (File # CFH0-00022)

From: CityCouncil
To: BRUCE EGGLESTON
Date: 4/18/2008 10:34 AM
Subject: Fwd: Re: Aase's Canyon Foothills Development (CF0-00022)

Another for the record.

Thanks!
Amanda

>>> "Nancy M. Brennan" <butterfly@clearwire.net> 4/15/2008 4:49 PM >>>
To the City Council & Mayor

I just receive the traffic study and was shocked to find out the traffic study was not an independent study done by the city or at least an independent party. To accept a traffic analysis for a development based off on an engineering company that has been paid by the developer is simply ridicules. It is not hard to see that when a company is a hired gun that they will find what the developer wants.

I was also amazed that the traffic study did not address the main traffic issue. Can Plano Lane handle 1,200 to 1,500 daily trips and can these cars get on to hill road with out a danger to the public or without disrupting the traffic flow to an unacceptable level.

I beg you to look at this issue in greater depth. I have lived on Plano Lane for basically my entire life and I know that the number of cars that this development will generate will not make it on to hill with out substantial risk to residents.

Thanks Erin

----- Original Message -----
From: Matt Edmond
To: Nancy M. Brennan
Sent: Monday, April 14, 2008 12:33 PM
Subject: RE: Aase's Canyon Foothills Development (CF0-00022)

Ms. Brennan,

Thank you for your comments on the Plano development application. This application is now on the agenda to be heard at the ACHD Commission meeting taking place on 23 April at 6pm, in the ACHD auditorium at 3775 Adams Street in Garden City. This meeting is open to the public, and anyone interested will be given an opportunity to address the Commission regarding the application. I will include your comments with my staff report to the Commission. My report as it will go to the Commissioners will be available online sometime this Wednesday, as a pdf link from the following page:

http://www.achd.ada.id.us/MeetingsAgendas/CommissionMeeting.aspx

Regards,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

From: Nancy M. Brennan [mailto:butterfly@clearwire.net]
Sent: Sunday, April 13, 2008 12:46 PM
To: Matt Edmond
Cc: Nancy M. Brennan
Subject: Aase's Canyon Foothills Development (CF0-00022)

I am writing this letter to express concern regarding the proposed Aase's Canyon Foothills development. I am opposed to this for a number of reasons but I will address only those as they relate to traffic in this letter.

It seems to me incredible that any developer with any concern for the safety of the community would propose such a dangerous and irresponsible development. My hope is that the City Council, ACHD and our elected officials will see the risk to the public, the effect this will have on traffic and liability that the city is exposed to if this is approved.

Plano Lane is not capable of handling the amount of traffic that this development will generate for the following reasons:

1) Traffic Slowdown

To assume that Plano can handle close to 1,200 cars daily is just ridiculous. Let's suppose that this development generates morning traffic for the 125 houses on the Plano side of 2 cars per house; this is 250 cars. Currently it takes several minutes when you are the only car to get onto Hill. This means that if the cars are lined up in the morning the wait time will be over 12 hours just in the morning. [(250 * 3 minutes) = 750 total minutes (750/60) = 12.5 hr's]. I realize that I am not an expert on traffic and that my numbers are estimates at best. I hope my point is clear. Add to this the slow down in traffic flow that will result on Hill Road. This just does not seem like a sound decision.

2) Danger and Safety

A) The intersection between Plano and Hill is already very dangerous. Because of the way Hill Road is laid out and the large house at the bottom of Plano Lane, it is difficult to get a clear view of the oncoming traffic. If you keep in mind the traffic numbers mentioned in my first point, I believe this intersection will became a death trap.

B) To develop a 155 home community with only one reasonable access point is simply irresponsible. What if there is a fire or some other type of emergency? To complete access points are necessary provide access to emergency vehicles and the ability of residents to evacuate.

C) Plano Lane was not created to handle this traffic. Already dangerous due to large sand and delivery trucks passing by several times daily, a widening of the street will magnify this problem. Several homes to families with small children are built close to the existing road. The danger and risk that these families could be exposed to does not seem justified when the houses were purchased with the assumption that this would be a quiet neighborhood.

D) While reading through the documents the developer submitted to the city, I recall reading a discussion about increasing the speed limit. This cannot be allowed to happen. The lower half of Plano is a residential street in which the speed limit needs to be maintained at the 20 miles per/hr typical rate.

I hope that the City Council will recognize the danger to which the public is exposed, the affect this will have on traffic, and the liability that this development will represent.

I am additionally concerned that the developers' proposal is so excessive and bold (as it relates to traffic and the density) that they are asking for the world, expecting to get much less. I hope that ACHD, Planning and Zoning and the City Council realize just because the developer requested 155 houses, this should not be seen as a starting point for negotiations. The city has the responsibility to only approve that which is legal and good for the city.

Thank you for your attention to this very important matter.

Nancy Brennan

6025 Plano Lane

I have lived on Plano Lane basically my entire life purchasing the home that I was razed for my parents. I live at the base of Plano about 100 yards for Hill road have 4 small children.

From: CityCouncil
To: BRUCE EGGLESTON
Date: 4/25/2008 4:10 PM
Subject: Fwd: NO PLANO

>>> STACY MIDDLETON <middleton11@msn.com> 4/24/2008 11:16 AM >>>
Vern and Alan~I am writing in opposition to the Plano development for a number of reasons: -First, I think it should be illegal for a company from another state to come in and wreck a neighborhood and area. It's bad enough people continue to want to develop the foothills, but when they come from out of state - that's when it's just plain wrong.-By developing the foothills, we continue to make the mistake all other cities have made and most people have been saying this for 15 years.-This may very well be the test case for foothills ordinances regarding density and shaving off ridgetops - we don't want to start off on the wrong foot-Traffic congestion is obvious. Hill Road is a danger zone. Adding another 1500 cars would increase pile ups at intersections and clog up Hill even more and the arteries it feeds into.-There are drainage and flooding problems on Plano and Collister Dr (being they are in a 100 year flood plain)-Destruction of foothills ridgelines should also be illegal. That's not what foothills are for!-Habitat loss of course also - here is another area where we push deer, fox and others further north Thank you for listening and I hope you take all the voices that have spoken against this into consideration. As you know, the foothills are the exact reason most of us live in Boise. It is more home to us than any other aspect of our town. It is the 21st century now and we know better. STACY BEESON515 Maple AveBoise, ID 83712

From: "DALE HIGER" <dghiger@msn.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 3/24/2008 1:51 PM
Subject: Re: Concept aerial 2-8-2008.PDF

Thanks.
----- Original Message -----
From: BRUCE EGGLESTON<mailto:Beggleston@cityofboise.org>
To: dghiger@msn.com<mailto:dghiger@msn.com>
Sent: Monday, March 24, 2008 1:03 PM
Subject: Concept aerial 2-8-2008.PDF

Dear Dale,

Kelly Troutner asked me to send this site plan of the proposed Plano Lane Subdivision.

Good luck,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: "DALE HIGER" <dghiger@msn.com>; "Josh Wright" <JWright@stewartlandgroup...
Date: 4/18/2008 10:21 AM
Subject: Hearing date set for the proposed Plano Lane Subdivision

To whom it may concern,

The applications known collectively as the proposed Plano Lane Subdivision will be heard before the Boise Planning and Zoning Commission on May 12, 2008 at 6:00 p.m. at Boise City Hall in the Le Bois Room on the Third Floor. If you wish to testify there will be a sign-up sheet available in the lobby of the Third Floor.

Your letters are welcome and those received prior to May 2nd will be included in the staff report sent to the Commission. Letters received after then will be given to the Commissioners on the night of the hearing.

Letters and e-mail can be sent to:

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

or,

beggleston@cityofboise.org.

The application case numbers for the proposed Plano Lane Subdivision are as follows:
CAR07-00042: Annexation, zone change and development agreement
CUP07-00084: Foothills Planned Development conditional use permit
CFH07-00022: Hillside and Foothills Development Area permit
SUB07-00065: Preliminary plat proposal.

The Planning and Zoning Commission will make recommendations to the City Council on the above cases and a hearing will be scheduled at City Council for final consideration. It usually takes about six weeks from the Planning and Zoning Commission recommendations to convene a hearing before City Council.

Information on this case will posted on our web site, cityogboise.org, and a notice will be sent to recipients of this e-mail when it is on the web site.

I would be glad to answer questions about this proposal at 384-3830.

Sincerely,

Bruce Eggleston, AICP
Boise Planning and Development Services Department

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: dghiger@msn.com
Date: 3/24/2008 1:03 PM
Subject: Concept aerial 2-8-2008.PDF
Attachments: Concept aerial 2-8-2008.pdf

Dear Dale,

Kelly Troutner asked me to send this site plan of the proposed Plano Lane Subdivision.

Good luck,

Bruce Eggleston

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: ebrennan@ddrs.net
Date: 1/24/2008 11:16 AM
Subject: Plano Sub.
Attachments: Concept aerial 12.20.07.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: ebrennan@ddrs.net
Date: 1/24/2008 11:21 AM
Subject: Plano Sub. 2
Attachments: Plano_Rd-PUD-Annex-parcels-1-16-08.pdf

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: BRUCE EGGLESTON
To: ebrennan@ddrs.net
Date: 4/17/2008 10:18 AM
Subject: Fwd: Re: plano development

>>> BRUCE EGGLESTON 4/17/2008 9:32 AM >>>
Dear Mr. Smith,

Here are the people associated with the application.

I believe that Mr. Bernatrodo is an owner of either Stewart Land Group or Aases Canyon Point Development LLC.

This is all the information the City has on the ownership of the principle land owners.

Aases Canyon Point Development, LLC
3750 W. 500 S.
Salt Lake City, UT 84104

Capital Development
Ramon Yorgason
6200 N. Meeker P.
Boise, ID 83713

Kerry Winn
Tony Bernatrdo
Stewart Land Group
6995 S. Union Park Ctr.
Midvale, UT 84047
(801) 263-9126

James "Woody" Woodruff, P.E.
Azimuth Engineering, Inc.
Midvale, UT

Good luck,

Bruce

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Brent Smith <fbsmithiv@cableone.net> 4/16/2008 8:52 PM >>>
Hello again

Can you advise me as to how I might find out more about the developers from Utah? Do you have the name(s) of the individuals that are backing this project, or is Stewart Land Group the only entity you can identify in this development (other than the people that are local)?

thank you

Brent

From: BRUCE EGGLESTON
To: ed@williamsresearchinc.com
Date: 5/1/2008 9:13 AM
Subject: density-bonus-template.xls
Attachments: density-bonus-template.xls

Bruce Eggleston, AICP
Boise Planning and Development Services Department

Patricia Nilsson - Plano Subdivision # CAR07-0042/DA, SUB07-00065, CUP07-00084, & CFH07-00022

From: "ROBERT LAZECHKO" <rlazechko134@msn.com>
To: <Beggleston@cityofboise.org>
Date: 7/4/2008 6:56 PM
Subject: Plano Subdivision # CAR07-0042/DA, SUB07-00065, CUP07-00084, & CFH07-00022
CC: <citycouncil@cityofboise.org>
Attachments: Plano Subdivision Boise Planning & Zoning.doc; Plano Subdivision Boise Planning & Zoning.doc

Dear Bruce:

I have attached a letter of my/many of my neighborhood's concerns about the proposed Plano Subdivision. Please verify receipt of the letter. Also if there is any procedures/protocol that I need to be aware of for the July 14th meeting in order to testify/address the Planning and Zoning Commission concerning this proposed annexation and conditional use permit, please let me know.

Sincerely,
Robert J. Lazechko

5770 N. Collister Drive
Boise, ID 83703
(208) 388-4678
July 3, 2008

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

To Whom It May Concern regarding proposed Plano Subdivision:

As a resident of Collister Drive, I must inform you of the many concerns that I have regarding the proposed subdivision. First and foremost, my concern is for the safety of the residents of upper Collister Drive, north of Hill Road, especially the many children that reside in the current 76 residences along upper Collister Road in the Briarhill Subdivision 1 & 2. During public testimony the ACHD commission was presented several times with the unique construction of upper Collister Drive, a concrete road with a gutter running down the middle, a sidewalk only on one side that does not completely run the length of the street as well as numerous driveways that empty on to the relatively steep grade. ACHD commission has recommend an emergency gravel road be constructed linking Collister Drive to Plano until completion of 36 homes on Plano and 17 on Collister Drive and then making the road a permanent, paved connection. At the same time, ACHD acknowledges that there are no plans to improve the existing upper Collister Drive. Additionally, in the future ACHD proposes putting a stop light at the intersection of Collister Road and Hill Road, while making no such improvements at Plano and Hill Road; This will result in channeling more traffic up Collister Drive. How can that be safe? During testimony you will be presented with several pictures on the uniqueness of upper Collister Drive; it will clearly show that when two cars are parked in the street, there is barely room for two small cars to pass, making it virtually impossible for construction trucks to safely navigate not only parked cars but, children as well. As a father of four children, I have great concerns for their safety if increased traffic/construction is placed on upper Collister Drive. With ACHD's current recommendation, effectively funneling traffic up Collister Drive, rather than thru Plano where improvements can be and are planned, is a recipe for disaster.

access road after completion of several houses on Plano; That you honor the quality of lifestyle in northwest Boise by limiting the growth and size of the Plano development, as well as other proposed developments at levels that will not increase traffic volume to unrealistic levels based upon the infrastructure; and of most importance to me as a father, not approve designs/plans that will effectively increase traffic on upper Collister Drive, a road because of its unique design cannot and will not be fixed to accept increased traffic loads, which would in essence greatly increase the risk to my family and the other 75 families that live on Upper Collister Drive.

Thanks for your time in reading this letter. I will be in attendance at the July 14th Boise City Planning and Development Services. I expect that the concerns of the citizens will be heard and carefully listened to before any decisions are made. Let's get this right and not only benefit the city and the developer but insure the safety and quality of lifestyle of those who are directly impacted, the citizens of Boise.

Sincerely,

Robert J. Lazechko

July 3, 2008

MEMORANDUM

TO: **The Honorable David Bieter, Mayor**
Boise City Councilors
P&Z Commissioners

FROM: John D Watts
5954 N. Collister Drive
Boise, Idaho 83703

SUBJECT: CUP07-00084 & CFH07-00022

Thank you for taking time to read this letter and consider my thoughts. I appreciate the hard work and public service you each provide to our city.

The above referenced applications submitted to Boise City for annexation, conditional use and foothills residential development are before P&Z July 14. In my personal view, they are fraught with problems and I ask you to address and rule favorably for the residents of Briarhill.

Through a series of four (4) meetings the Ada County Highway District (ACHD) finally ruled on this application (or similar applications) for roads. There are many issues to be considered including Plano road, the intersection of Plano and Hill, north Collister and Hill, North Collister itself, and a proposed connection road.

In the course of these four hearings ACHD was inconsistent in application of their own governing ordinances. At one point as a matter of public record they even declared and unanimously agreed that the ordinances in place apply only to new developments and roads not existing roads that are subject to new developments and roads. This, my opinion, is a critical error in application of *public safety*!

ACHD's recommendation is to completely rebuild Plano road to accommodate construction, emergency and residential traffic associated with the proposed subdivision referenced above. This is appropriate. However, as part of this application is a request to ACHD and Boise City to build an extension of north Collister Drive for housing construction at the top of Collister road and access to the new Boise City Pole Cat reserve bike park. The new extension of north Collister road will be built better and safer than the exiting north Collister Drive. ACHD has stated as a matter of public record they do not intend to ever rebuild, update or modify north Collister as it exists today and serves 76 family homes each with a drive entering directly onto north Collister Drive. This decision making is both reckless, neither in the best interests or *public safety* of residents of Briarhill, and it is an inconsistent application of their road policy. ACHD will rebuild Plano, but not Collister endangering 75 households, but the extension at the top of Collister serving 21 new homes and bicycle riders will be built to ACHD code!

Secondly, an unresolved question exists about the applicant's ability to include the farthest eastern points of the proposed development in their applications. Originally, this site-specific location was included in the annexation and PUD application for Quail Ridge twenty years! Now, it is being used in this Aase's Canyon application in order to receive special consideration being next to a wetland, a nature path and walkway, a city managed park , wildlife and the area increases the open space acreage to development ratios. Please look into this double use of the same land determine if it is proper.

Thirdly, regarding this same area of the development, I am appalled that the city would require as a condition of development the applicant to build a parking lot for the city Parks Department because the city does not have the funds to build them self. Use existing Park funds or Open Space funds to build this restroom and other amenities for bicycle riders in the newly established Pole Cat reserve. The original plan for this bike park was to build access from Cartwright Road until such time the city could amass the resources to build a western entrance. Forcing the developer to do the city's recreation work after taxpayers increased their own property tax by $10,000,000 is not an acceptable application of the policy governing development conditions. This parking lot should not be required to be built by the city immediately. This condition is in effect forcing the developer to build houses sooner rather than later at the top of north Collister increasing traffic sooner rather than later associated with both the new houses and the bicycle park. Without this parking lot requirement to be built immediately, financing from the sale of residential lots wouldn't be as accelerated. Please rule against building the parking lot immediately and build it whenever the city parks department can acquire the funds. If that takes years, fine, that will be in the absolute best *public safety* interests of residents of Briarhill that live along north Collister Drive.

The fourth issue is the connection road between north Collister Drive and the Plano subdivision. Any connectivity policy not withstanding, the residents, the homeowners, do not want to be connected to an upscale, noncontiguous, distant subdivision whose residents are non-existent, nameless and faceless at this time. We don't know who they will be, so it makes no sense to argue now that we want connectivity. Please do not require an open public road preserving our *public safety* through less traffic. This connection road, if it must exist, should be only a gated, locked emergency road forever! This locked, gated emergency road-only status will assure no dangerous, excessive or intrusive traffic using north Collister Drive that will be forced to drive past 76 open driveways and front yards that line north Collister Drive. To require an open connected road will only serve to increase traffic onto north Collister traveling downhill on this narrow road with parking on both sides, one sidewalk on only a portion of the road and a storm drainage gutter in the middle of the road. Please rule that the connection road be associated with a development phasing plan that encourages the use of a new constructed, widened and modernized Plano Lane. The timing of a connection road insuring the greatest public safety of Briarhill residents totally escaped any ACHD commissioners' logic and their staff. The applicant requested to make the road gated and emergency only. ACHD staff initially required that it be built after the 80th lot was constructed. The commissioners ruled it should be built immediately (0 lot development); then the number

of lot to be developed triggering construction of an open road moved to 53 lots, then 37 lots or 17 lots. There is not logic whatsoever for this moving number. The 80 lot threshold had some policy connection in that it was estimated 900 trips per day would be generated at the 80th house and ACHD policy requires another access of some type at that threshold. The connection road should be built only for emergency reasons, not construction or residential traffic and we ask that you require it always be locked and gated, period.

My fifth issue was publicly embraced by the applicant/developer at the ACHD hearings, even though ACHD publicly stated they refused to consider any phased development and associate that with a road connection. For a foothills development in the existing market conditions, a development that will scar for ever the ridge tops and side hills, it makes eminent sense to carefully and methodically phase in this construction. I will present the phasing plan at the P&Z hearing. This plan makes sense for Briarhill and Plano neighborhoods, and for the City on different levels. By phasing the development, the city can control and regulate the impact onto adjacent neighborhoods like Briarhill and Plano, Hill, and others. It will slowly increase associated traffic instead of introducing a large volume sooner than later. It will allow for the hillsides to avoid being scarred forever, irreversibly, in the event market conditions do not turn around quickly and the development is reduced in size to better reflect Boise's housing conditions and the impact onto roads that inevitably will be aggregated with the Avimor and M3 developments north of Boise.

I conclude with a restatement of my major issues and request.

- First, take all measures possible to reduce any more traffic on north Collister Drive. It is a substandard, poor road with 76 families living along side of it. More traffic is an invitation to a child-car accident.
- Second, is this development using Quail Ridge's PUD area to gain development concessions?
- Third, do not require a bicycle parking lot at the top of Collister, it is totally unrelated to the development and only serves to increase traffic sooner rather than later onto Collister decreasing substantially our *public safety* from increased bicycle riders driving to the park.
- Fourth, if any connectivity must exist require it to be a gated, locked and emergency road only forever. Do not require connectivity between these totally unrelated and non-contiguous subdivisions (Briarhill and Plano). In many areas connectivity makes sense and has a role; in this canyon and ridge top development, it is incongruous.
- Fifth, this development should be placed on a development phasing schedule that has been worked out between the impacted neighbors and the developer.

Thank you for considering my comments.

From: Mark Fogarty <mark_fgty@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 4/24/2008 9:19 PM
Subject: RE: Assinine housing project..

Thats fruitless....> Date: Thu, 24 Apr 2008 07:55:39 -0600> From: Beggleston@cityofboise.org> To: mark_fgty@hotmail.com> Subject: Re: Assinine housing project..> > Dear Mr. Fogarty,> > Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.> > Sincerely,> > Bruce Eggleston, AICP > > > Bruce Eggleston, AICP> Boise Planning and Development Services Department> > > >>> Mark Fogarty <mark_fgty@hotmail.com> 4/23/2008 8:56 PM >>>> > Need I say more Sir??? Im at collister and hill rd, cant even ride my scooter past quail ridge due to poor conditions in the road up the north end of collister..Im sure all of the commisioners have been greased just the way boise works..This is a damn disaster if approved.....Pull your heads out of your ass and just think what a nightmare this proposal is..Mark Fogarty...Feel free to call me or drop on by, I have lots more to say.....869 5518 4997 collister..... I have contacted Nate Shauman on KBOI about this.....He will be bringing this up on his program soon.....> > Not Sincerely Just pissed off.....> _____> Spell a grand slam in this game where word skill meets World Series. Get in the game.> http://club.live.com/word_slugger.aspx?icid=word_slugger_wlhm_admod_april08> _____ Make i'm yours. Create a custom banner to support your cause. http://im.live.com/Messenger/IM/Contribute/Default.aspx?source=TXT_TAGHM_MSN_Make_IM_Yours

From: CityCouncil
To: BRUCE EGGLESTON
Date: 4/25/2008 4:10 PM
Subject: Fwd: NO PLANO

>>> STACY MIDDLETON <middleton11@msn.com> 4/24/2008 11:16 AM >>>
Vern and Alan~I am writing in opposition to the Plano development for a number of reasons: -First, I think it should be illegal for a company from another state to come in and wreck a neighborhood and area. It's bad enough people continue to want to develop the foothills, but when they come from out of state - that's when it's just plain wrong.-By developing the foothills, we continue to make the mistake all other cities have made and most people have been saying this for 15 years.-This may very well be the test case for foothills ordinances regarding density and shaving off ridgetops - we don't want to start off on the wrong foot-Traffic congestion is obvious. Hill Road is a danger zone. Adding another 1500 cars would increase pile ups at intersections and clog up Hill even more and the arteries it feeds into.-There are drainage and flooding problems on Plano and Collister Dr (being they are in a 100 year flood plain)-Destruction of foothills ridgelines should also be illegal. That's not what foothills are for!-Habitat loss of course also - here is another area where we push deer, fox and others further north Thank you for listening and I hope you take all the voices that have spoken against this into consideration. As you know, the foothills are the exact reason most of us live in Boise. It is more home to us than any other aspect of our town. It is the 21st century now and we know better. STACY BEESON515 Maple AveBoise, ID 83712

From: STACY MIDDLETON <middleton11@msn.com>
To: <beggleston@cityofboise.org>
Date: 4/24/2008 11:10 AM
Subject: NO Plano Development

Hi Bruce-I met you last night at Boise Blueprint and talked about the Boulder Open Space tax. I was the short blonde~ I am writing in opposition to the Plano development for a number of reasons: -First, I think it should be illegal for a company from another state to come in and wreck a neighborhood and area. It's bad enough people continue to want to develop the foothills, but when they come from out of state - that's when it's just plain wrong.-By developing the foothills, we continue to make the mistake all other cities have made and most people have been saying this for 15 years.-This may very well be the test case for foothills ordinances regarding density and shaving off ridgetops - we don't want to start off on the wrong foot-Traffic congestion is obvious. Hill Road is a danger zone. Adding another 1500 cars would increase pile ups at intersections and clog up Hill even more and the arteries it feeds into.-There are drainage and flooding problems on Plano and Collister Dr (being they are in a 100 year flood plain)-Destruction of foothills ridgelines should also be illegal. That's not what foothills are for!
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From: Miltc62 <miltc62@aol.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
Date: 4/24/2008 1:02 PM
Subject: Re: Plano subdivision

Appreciate = went to the ACHD meeting last night and they were very clear on the point - learning more about public input and I get into this situation . - MILT

In a message dated 04/24/08 08:01:33 Mountain Daylight Time, Beggleston@cityofboise.org writes:
Dear Mr. Miltc62,

Thank you for your e-mail concerning the proposed Plano Road project applications. You comments will be sent to the Planning and Zoning Commission for their consideration at the public hearing on May 12, 2008.

It is customary to identify yourself when submitting testimony to a public hearing.

Sincerely,

Bruce Eggleston, AICP

Bruce Eggleston, AICP
Boise Planning and Development Services Department

>>> Miltc62 <miltc62@aol.com> 4/23/2008 11:22 PM >>>
As a resident of 5471 Collister I wish to protest ACHD's decision to force all the traffic from the Plano subdivision onto Collister from the park to Hill Road. ACHD is recommending a stop light at Collister and Hill Road to ease the traffic from the new subdivision onto Hill Road because they are unwilling to put a three way stop sign at Hill and Plano Road junction. When this new subdivision is fully developed, the traffic on Collister will increase three fold and this does not include the anticipated traffic to the new park. The willingness of ACHD to destroy our quiet neighborhood to facilitate the new subdivision and its rich owners says something about the city of Boise and it is not good. Your group needs to relook at ACHD's proposal of the light on Collister and Hill and have them put a three way stop sign on Hill and Plano Roads. Further, their proposal of making the fire access road into the two lane paved street further shows their willingness to ruin or quiet neighborhood. This access road should be gated and locked at both ends with only emergency vehicles having access. I am not opposed to the subdivision, only the way ACHD is dealing with increased traffic flow.

From: Brent Smith <fbsmithiv@cableone.net>
To: <tbreuer@lttv.org>, <sabdo@cableone.net>, <foxcroftbill@yahoo.com>
CC: Mike Jones <michaelrjones44@yahoo.com>, Joanie Fauci <joanie4c@yahoo.com...
Date: 3/15/2008 2:10 PM
Subject: revised plano road development statement
Attachments: PointsMarch2008.doc

Hello Tim, Susan, and Bill

Michael Jones asked me to send you the following attachment. I understand that an earlier version of this was received by some at LTTV (I just realized I listed your organizations initals incorrectly in the attached....think I had it as TVLT...sorry about that).....anyway, this version has been updated to reflect an evolving working relationship with the city and a more detailed examination of the foothills ordinance. Please disregard the earlier version.

We understand that it is not your position to take a stand for or against the development. Your organization is being cited in the developer's documents as being in line to receive the land in question which seems to add credibility and value to their proposal. I certainly lay no claim to being an expert in any of this, but I would think that your organization would want to intervene and evaluate the quality of the overall proposal and how it might impact the environment before you would allow your name to be used by the developer.

thanks very much for your consideration

Brent Smith

From: STACY MIDDLETON <middleton11@msn.com>
To: <beggleston@cityofboise.org>
Date: 4/24/2008 11:10 AM
Subject: NO Plano Development

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