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CAR07-00042/DA, CUP07-00084 and CFH07-00022 – Aase’s Canyon Pointe Annexation, Zone Change/Development Agreement, Conditional Use Permit, and Hillside and Foothills Areas Development Applications

Summary

Aase’s Canyon Pointe Development, LLC. requests annexation, a zone change with development agreement, a conditional use permit for a Foothills planned development with a “Hillside” grading and hydrology permit to plat and construct a 163 dwelling unit single-family subdivision at 6890 N. Plano Lane. The annexation request is for 296.12 acres in Ada County, and the zone change is for the annexed property plus 36.63 acres within Boise City Limits, for a total of +/- 332.75 acres. It is for R-1A/DA Zone (single-family residential with development agreement) for 103.75 acres, and the A-1/DA Zone (Open Space with development agreement) for 229 acres. The development agreement defines more restrictive zoning requirements found in the Foothills Planned Development Ordinance pertaining to land use, environmental impacts, traffic impacts and site design.

The conditional use request, CUP07-00084, is for a Foothills Planned Development to allow 163 dwelling units on 332.75 acres where 103.75 acres are in building lots and infrastructure, with 152.6 acres of steep sloped area dedicated for the preservation of the Aase’s Onions, a threatened species; and the remaining 76.4 acres of open space for the homeowners’ association. The Aase’s Onion Conservancy area would be donated to the Treasure Valley Land Trust for its continuing care and management. The proposal also includes a road and trail head connection to the Boise City owned Polecat Gulch Reserve, as well as set-aside riparian areas.

Prepared By

Bruce Eggleston, AICP, Planner II

Recommendation

Staff recommends **approval for the annexation** of +/- 296.12 acres; **approval** of a rezone with a development agreement 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), and **conditional approval** of a Foothills Planned Development for 163 dwelling units, and **conditional approval** of the Hillside and Foothills Areas Development Permit.

Reason for the Decision

Development of the subject property is governed by the policies of the *Foothills Policy Plan*. It is located within the Western Planning Area of the Foothills, which is identified in the plan as being the highest priority area for development. The applicant has properly identified the buildable areas of less than 25% slope and has designed a project that fits within those areas. The project achieves its allowable density through a combination of use of the base zoning rights associated with the existing zoning, as well as through set –aside of buildable area in order to obtain an additional density bonus. The project also preserves a unique plant community, Aase’s Onion, through mapping and dedication of the slopes on which the plant exists to the Land Trust of Treasure Valley. Additionally, the project will provide public access to the City-owned Polecat Gulch Reserve to the north, and will construct a trail head for the park. These factors in combination provide justification for the overall proposed unit count of 163 single family dwellings and meet the requirements of the *Foothills Policy Plan* and Foothills Planned Development Ordinance.

The project is properly designed to meet the intent of the *Foothills Policy Plan* and Foothills Planned Development Ordinance. The project has minimized sky-lining by leaving the prominent front (westernmost) ridge line largely undeveloped and has transferred 15-units to an existing sandpit on the northwestern portion of the property that is less visible from the valley floor. In addition, the most prominent lots in the project have been restricted in the Development Agreement to require larger setbacks from the front slope, to be limited to one-story in height, and to require Design Review approval prior to construction, in order to further minimize the visual impacts of the development on the community.

The proposed project minimizes grading by single-loading some portions of the roadways that serve the development, by removing development from the most prominent ridge, by shifting some units to an existing sand pit and by clustering units on the flatter areas of the property. Road widths are kept to a minimum throughout the project.

The project is adjacent to, or near, service infrastructure and can be provided with municipal services from Boise at adopted standards. All of the homes will be fire-sprinklered in order to meet Fire Department standards for protection.

Ada County Highway District has determined that the project will not have a negative impact on the roadway system and they have approved a reasonable set of conditions for the project to meet in order mitigate impact.

Planning Division Staff Report

File Number	CAR07-00042/DA, CUP07-00084 & CFH07-00022
Applicant	Aase's Canyon Pointe Development, LLC
Property Address	6890 North Plano Road
Public Hearing Date	September 21, 2009
Heard by	Planning and Zoning Commission
Analyst	Bruce Eggleston, AICP, Planner II
Checked By	Patricia Nilsson and Hal Simmons

It is important to submit all evidence to the Planning and Zoning Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Public Notification

Neighborhood meeting conducted: April 9, 2008
Newspaper notification published on: September 5, 2009
Radius notices mailed to properties within 300 feet on: September 4, 2009
Staff posted notice on site on: September 4, 2009

Table of Contents

1. Project Data and Facts	5
2. Land Use	5
3. Project Proposal	1
4. Zoning Ordinance	8
5. Comprehensive Plan	8
6. Transportation Data	9
7. Analysis/Findings	9
8. Site Specific Conditions of Approval	19

Exhibits

Appendix 1	Aase's Canyon Pointe Site Plan July 30, 2009	42
Appendix 2	Plano Road Subdivision Change Summary	43
Appendix 3	Plano Road Grading Summary	44
Appendix 4	Plano Road Zoning Map	45
Appendix 5	Aase's Canyon Pointe Site Plan Aerial, 7/28/2009	46
Appendix 6	Density Bonus Calculations	47

Appendix 7	Zone Code Analysis CAR07-42 9/14/09	50
Appendix 8	Sand pit grading plan, 9/14/09	67
Appendix 9	Aase's Onion Conservation Plan 11/12/2008	68
Exhibit A	Boise Fire Department report dated June 27, 2008	81
Exhibit B	Boise City Public Works Department comments dated May 19, 2008, May 20, 2008 and August 17, 2009	98
Exhibit C	Preliminary Hydrology Report May 28, 2008	101
Exhibit D	Plano Road Sub Grading memo	103
Exhibit E	Solid Waste/Ground Water and Street Lights Managers dated January 16, 2007	109
Exhibit F	Ada County Highway District Staff Report, May 30, 2008 amended June 25, 2008	112
Exhibit G	Boise City Parks and Recreation Department comments dated June 27, 2008	174
Exhibit H	Independent School District of Boise City #1 comments dated July 6, 2007 and August 13, 2009	179
Exhibit J	Development Agreement	181
Exhibit L	Design Review Criteria	217
Exhibit M	Development Lots Situated on Prominent Ridgelines	222
Exhibit N	Public Works Memo 9/14/09	111
CC_ACTION	LTR 12-9-08	224
Letters from the Public	for Sept. 21, '09 Hearing	226
Staff Memo to Council,	CUP Appeal Oct. 12, '08	247
Staff Rpts_P&Z_CAR07_42_2008:	P & Z July 14, 2008	259
Staff Rpts_P&Z_CAR07_42_2008:	P & Z July_Aug, 2008	335
Staff Rpts_P&Z_CAR07_42_2008:	P & Z Jan. 26, 2009	412
CAR07-42_MAPS_No1_9_21_09A:	Vicinity Maps	
CAR07-42_MAPS_No1_9_21_09A:	aerial	
CAR07-42_MAPS_No1_9_21_09A:	Phasing	
CAR07-42_MAPS_No1_9_21_09A:	Contours	

1. Project Data and Facts

Project Data	
Applicant/Status	Aase's Canyon Pointe Development, LLC / Owners
Architect/Representative	Kerry Winn, The Aimtec Group
Location of Property	6890 North Plan Road and northwest of Collister Drive
Size of Property	± 332.75 Acres
Zoning	RP (Rural Preservation-Ada County) 173.1 acres, R6 (Medium density Residential-Ada County) 122.9 acres, A-1 (Open Land-Boise City) 16.4 acres, R-1C (Single-Family Residential) 20.1 acres
Comprehensive Plan Designation	Foothills Buildable and Slope Protection
Planning Area	Foothills
Neighborhood Association/Contact	Collister/Julie Klocke, 387-1887
Procedures	1. Annexation: Planning and Zoning Commission recommendation to the City Council. 2. Zone Change with Development Agreement: Planning and Zoning Commission recommendation to the City Council. 3. Conditional Use Permit: Planning and Zoning Commission decision that can be appealed to the City Council. 4. Hillside and Foothills Areas Development Permit: Planning and Zoning Commission decision that can be appealed to the City Council.

Current Land Use
Vacant land

Description of Applicant's Request
To create a single family residential subdivision with 163 units as a planned development.

2. Existing Land Use and Zoning

Current Zoning for the Plano Lane Annexation Application	Current Zoning	Acres, Approx.	% of Total
Sub-Total, Boise City	A-1	16.4	4.9%
Sub-Total, Boise City	R-1C	20.1	6.0%
Total Boise City		36.5	11.0%
Sub-Total, Ada County	R6	122.9	37.0%
Sub-Total, Ada County	RP	173.1	52.1%

Total Ada County/Annexation Total		296.0	89.0%
Total Application		332.5	100.0%

Adjacent Land Uses and Zoning

North:	Mostly vacant/open / RP Ada County
South:	Residential / R-1B, A-1, R-1A
East:	Open Space, City Reserve / RP Ada County
West:	Residential / R6, R2, RP Ada County

Site Characteristics

Vacant Foothills land with very steep hillsides, an industrial sand pit, with four existing home sites in Ada County.

Special Considerations

Foothills Planned Development Ordinance pertains, existence of a plant species of concern throughout site, adjacent to city-owned Polecat Gulch Reserve, annexation with a portion already in the City Limits, wildlife habitat, prominent ridge tops with high visibility.

History of Previous Actions

CAR07-00042/DA, CUP07-00084 & CFH07-00022 – Planning and Zoning Commission hearing, recommended annexation with A-2/DA holding zone to City Council, and denied CUP, Hillside and Sub applications.	August 11, 2008
Applicant appealed the decisions and recommendations from the Planning and Zoning Commission to the City Council. Council found fault with the Commission’s recommendation on the base zoning, and asked for clarification on buildable lots and density transfer, then remanded it back to the Commission.	December 9, 2008

3. Project Proposal

Site Design

Site design will be directed by conditions of the entitlement as is allowed for planned developments. The basis for setbacks is those for the R-1A Zone, but variations might be allowed as necessitated by the terrain and other constraints.

Setbacks

Yard	Required	Proposed for Building	Proposed for Parking Area
Front	20' (bldg.) 20' (prkg.)	20'	20'
Side	10' (bldg.) 3' (prkg.)	10'	3'
Side	10' (bldg.) 3' (prkg.)	10'	3'
Rear	30' (bldg.) 30' (prkg.)	30'	30'

Fencing
N/A
Outdoor Lighting
Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.

Structure(s) Design
Number and Proposed Use of Buildings
163 single-family detached dwelling units
Maximum Building Height
35' or 25' where the Specific Design Criteria pertains 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. See Exhibit L
Number of Stories
2 or as allowed by design review criteria adopted with the CUP.

4. Zoning Ordinance

Section	Description
11-08-04	Council Action, Amendment and Reclassification
11-08-05	Annexation
11-08-08	Development Agreements
11-04-03.02	Purpose of the R-1A Districts
11-04-09.02	Purpose of the A-1 and A-2 Districts
11-06-05.07	Foothills Planned Development Ordinance/Conditional Use Permit
11-14-03.04 B.	Hillside and Foothills Areas Development Ordinance Category II permit

5. Comprehensive Plan

Appendix 6, attached at the end of the staff report, contains the detailed analysis of the *Boise Comprehensive Plan* policies and the Foothills Planned Development Ordinance. The following table shows the relevant comprehensive plan policies to the applications.

CHAPTER	GOALS, OBJECTIVES & POLICIES
<i>Foothills Policy Plan</i>	Goal 1 Objectives 1, 2, & 3 Goal 2 Objectives 1, 2, 3, 4, 5 & 6 Goal 3 Objectives 1 & 2 Goal 4 Objectives 1, 2, & 3 Goal 5 Objectives 1 & 2 Goal 6 Objectives 1, 2, 4
CHAPTER 7-COMMUNITY QUALITY	Goal 7.2 Objective 7.2.1
CHAPTER 8-LAND USE	Goal 8.1 Policy 8.3.4.4
CHAPTER 10 GROWTH MANAGEMENT	Goal 10.1 Objective 10.1.1

6. Transportation Data

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
North Collister Drive	None	Collector	570 trips/day north of Quail Ridge; 1,764 north of Outlook Rd. 5/27/08	Better than "C"	25 MPH
Plano Lane	495'	Local	105 trips/day north of Hill 5/27/08	N/A	20 MPH
Hill Road	None	Minor Arterial	7,584 west of Collister 5/27/08	Better than "C"	35 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).

(See attached ACHD Aase's Canyon Pointe planned development Staff Report May 28, 2008, page 2 [Letters_ACHD].)

7. Analysis/Findings

I. Proposal

Aase's Canyon Pointe Development, LLC. requests annexation, a zone change with development agreement, a conditional use permit for a Foothills planned development with a "Hillside" grading and hydrology permit to plat and construct a 163 dwelling unit single-family planned development at 6890 N. Plano Lane.

The application was heard by the Commission last year when they made a recommendation for annexation with an A-2/DA Zone, a one unit per forty acre holding zone, with a development agreement that required the preliminary plat to be redesigned to more closely comply with the *Boise Comprehensive Plan* policies and the Foothills Planned Development Ordinance. The instructions were to create a clustered site layout that preserved more of the sensitive open space, and avoided the skylining effect of building on the ridge tops. They denied the conditional use permit because the proposal relied too much on the steep unbuildable onion growth areas for the density bonus, rather than the set-aside of buildable land and the failure to substantiate a "demonstrable increase in the public value of the resource." The commission's interpretation of base density didn't give allowances for the existing development zoning, but interpreted it as simply one unit per forty acres. This is the primary reason that Council remanded the case back to P & Z. They also denied the Hillside permit and the preliminary subdivision plat.

The applicant appealed the decisions and recommendations to City Council. City Council took exception to the Commissions interpretation of the base zones and saw that the existing development zone provided the base zones. Council remanded the entire request back to the

Planning and Zoning Commission to reconsider the base density. They also instructed the Commission to define how density could be transferred through the planned development process, and to come up with a definition for “buildable area.”

Two work sessions were held to seek direction from the Commission for changes to the site plan that would bring it into compliance with the policies and regulations.

Original Applications Remain the Same

The original applications from 2007 remain the same, with the exceptions that the subdivision application was withdrawn and the site plan was redesigned. The ordinance does not require a subdivision application with a conditional use permit. The applicant wanted to postpone the subdivision application until the entitlement was granted.

Modified Site Plan

The applicant modified their site plan and submitted these changes on July 29, 2009. This was done to lessen the visual impact of the proposed dwellings on the prominent ridge. The modifications include removing lots from the front ridge, creating a new 15-lot cul-de-sac on the existing sand pit area on the back of the property, and two other lots were created through tighter clustering in other areas for a request of 163 dwelling units. This represents a net gain of eight units over the previous request for 155 units. The requested modifications move units to the north and east that would shift some of the traffic trips to Collister Drive and away from Plano Lane, as well as increase by 30 the average daily trips over the previous figure of 1,530 ADTs. The Ada County Highway District does not consider the modifications to have an impact great enough to necessitate changing their findings of June 25, 2008. The traffic counts have been modified from the staff report of that date, as noted in a memo from ACHD dated September 14, 2009 attached as Appendix 3.

The cul-de-sac on the western ridge would still have 14 units on it, and they would be highly visible from the valley floor. The layout changes also alter the proposed zone change areas displayed in Appendix 4. The zone boundaries are coincident with the outlines of the development boundaries.

From the standpoint of the Comprehensive Plan and the FPDO the modifications increase the density by 5.2%, and remove some of the lots from the most highly visible ridgeline. The new design also provides a tighter clustering in the center of the proposal that furthers compliance with the plan and ordinance. The applicant justifies the increase in requested units as a move to compensate them for the loss of some of the most valuable lots on the western ridgeline.

The base density was determined to be 157 units (see discussion below), and the density bonus would allow the additional six units over that to make the 163 requested. The applicant would set aside 24.65 acres of buildable area to permanent open space and the Aase’s Onion conservation area of 152.7 acres. They have committed to the provision of access right-of-way, a parking lot, and trail head facilities for the adjoining Polecat Reserve that belongs to the City of Boise. The set-aside of open space would also preserve riparian areas and lands adjacent to the public lands

of Polecat Reserve. These proposed dedications are more than enough to satisfy the criteria for the density bonus for six dwelling units. (See Appendix 6 for the Density Bonus Calculations.)

The site design shows two new cul-de-sacs that exceed the 700-foot maximum recommendation for Fire Department standards and the Subdivision ordinance standard. The Fire Department conditions of approval require all structures in the proposed development must have internal sprinkler systems. This is for two reasons, 1) the proposed development is beyond the 1.5 mile radius from the nearest fire station; and 2) the code allows cul-de-sacs greater than 700 feet in length if the dwelling units are internally sprinklered.

II. Grading

With the modifications of the site plan there was a significant reduction in grading, some 11%, on the western ridgeline where the nine lots and road were removed to the sand pit area. The following comment from Public Works details the impacts of removing the road and houses from the western ridgelines.

“The modification to the layout includes two relatively substantive changes. The road that was to be developed up to and along the ridgeline in the southeast corner of the site was eliminated. This reduced the volume of material to be excavated by 202,000 cubic yards and the fill volume by 63,000 cubic yards. The adjusted grading volumes are 1,924,000 of cut and 1,682,000 of fill. A new cul-de-sac and row of residential lots was added in the area of the sand quarry where originally the excess cut material was to be wasted. The grading here was adjusted so that it will be level to accommodate the street and building pads. Originally it was proposed to be graded so that it would look like the natural hillside. All of the other proposed grading remains the same and all original comments and conditions of approval still apply.”

III. Base Density

The applicant believed that existing zoning on the property provided enough base density to allow a number of units much greater than their proposal. This was the primary topic of discussion at both the Commission and the Council hearings. Council directed staff to re-evaluate the base density analysis in light of the current zoning on the property and the regulations in 11-06-05.07.04 Base Density.

The Council’s decision states that, “They found that the Foothills Planned Development Ordinance does allow the current zoning to be used to establish the base unit count for a subdivision in the foothills.”

Staff analysis provided the following research and conclusion pertaining to the applicant’s property. This analysis was presented to the Commission in a public work session on January 29, 2009.

The ordinance only says that, “The base density on parcels proposed for development is that given for the existing Boise City or Ada County zone(s)”. (Boise Municipal Code 11-06-05.07.04.A.1. Density Bonus)

The existing zones provide the potential densities, but the yield is dependant on the conditional use permitting process to determine the allowable density and the areas upon which the units could be distributed. The test of reasonable development standards must be applied to the subject property under the regulations pertaining to the application. These same standards pertain to all planned developments under Chapter 11.

The base density estimation must take into account the terrain, buildable areas, ingress and egress points, road standards and priority sensitive areas that define a development proposal in compliance with the FPDO and the *Foothills Policy Plan*. The goals were to derive a methodology to calculate the base density that would apply to the application at hand and to all applications in the Foothills Planning Area.

Staff applied the following formula to the subject property through a computer mapping analysis.

$$\begin{aligned} & \text{Base Density for Existing Zoning} = \\ & \text{(Buildable Area* minus 20\% for roads, infrastructure and terrain)} \\ & \text{divided by} \\ & \text{(Minimum lot size for given zone)} \end{aligned}$$

Based on the above assumptions the analysis yielded the following results:

Base Density Units in Existing Zoning for the Aase’s Canyon Pointe application		
R6 Zone = (446,070 square feet) divided by (1 unit per 6,000 square feet)	=	74 units
R-1C Zone = (360,090 square feet) divided by (1 unit per 5,000 square feet)	=	72 units
A-1 Zone = (136,643 square feet) divided by (1 unit per 5,000 square feet)	=	3 units
RP Zone = (173.1 acres) divided by (1 unit per 40 acres)	=	4 units
<u>RP Zone includes three permitted lots in County under other ownership</u>	=	<u>3 units</u>
Total Base Units		157 units

The map portrays how those base density units might be distributed on the buildable areas in compliance with the FPDO.

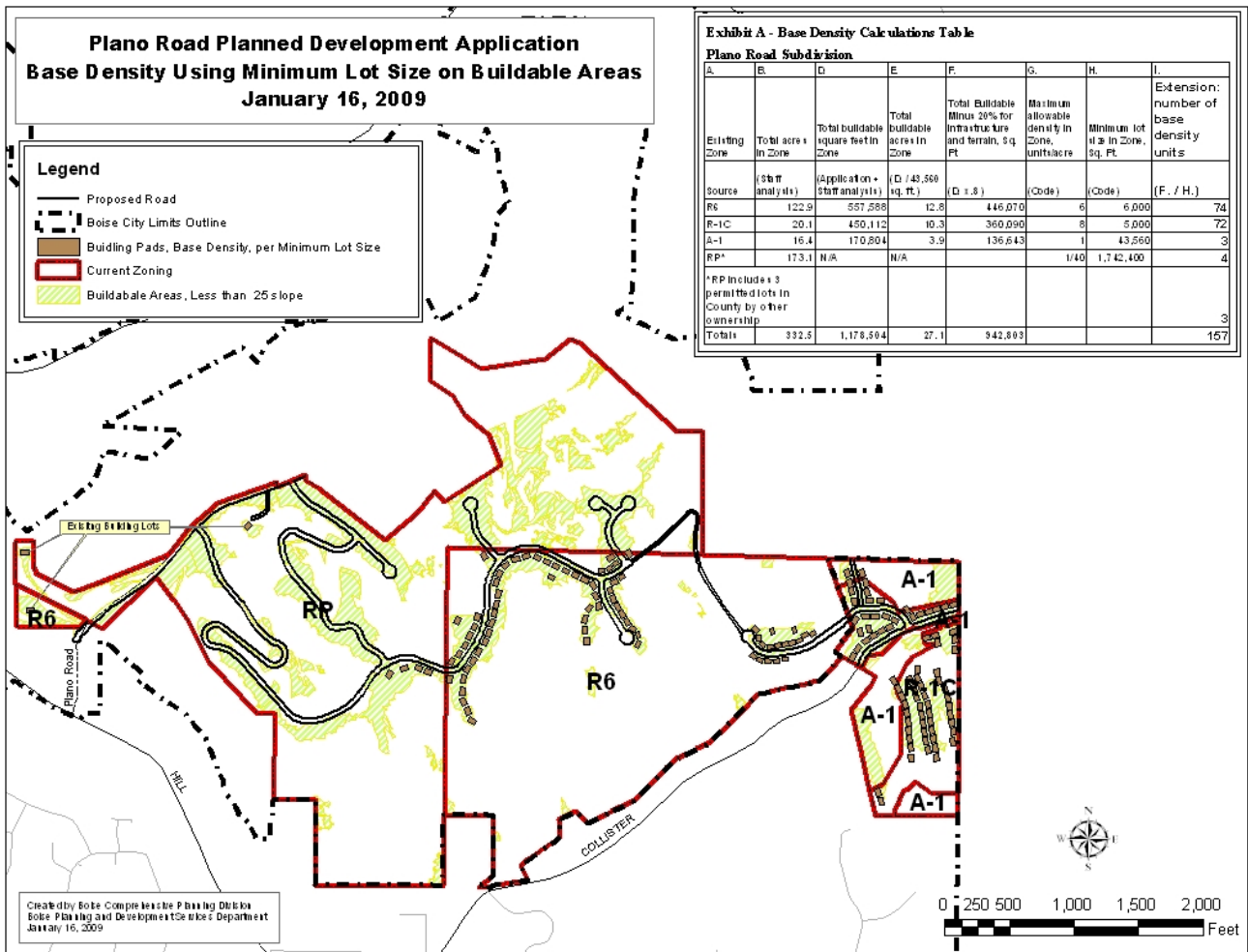


Exhibit A - Base Density Calculations Table									
Plano Road Subdivision									
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.
Existing Zone	Total acres in Zone	Percent of Total Acreage	Total buildable square feet in Zone	Total buildable acres in Zone	Total Buildable M inus 20% for infrastructure and terrain, Sq. Ft.	Maxim um allow able density in Zone, units/acre	Minim um lot size in Zone, Sq. Ft.	Extension: number of base density units	Proposed lots in the Zone
Source	(Staff analysis)	(B./Total Acres)	(Application + Staff	(D./ 43,560 sq.	(D. x .8)	(Code)	(Code)	(F. / H.)	(Application)
R6	122.9	37%	557,588	12.8	446,070	6	6,000	74	38
R-1C	20.1	6%	450,112	10.3	360,090	8	5,000	72	13
A-1	16.4	5%	170,804	3.9	136,643	1	43,560	3	3
RP*	173.1	52%	N/A	N/A		1/40	1,742,400	4	101
*RP includes 3 permitted lots in County by other ownership								3	
Totals	332.5	100%	1,178,504	27.1	942,803			157	155

***As defined by the Foothills Planned Development Ordinance in 11-06-05.07.09. Definitions**

AREA WITH A SLOPE OF 25% OR LESS:

An area with a natural (pre-grading) slope of 25% or less, mapped to a minimum resolution of 6,000 square feet in area, also called a Buildable Area.

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.

**IV. Density Bonus Analysis
 Background**

The Foothills density bonus 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, or “that given for the existing Boise City or Ada County zone(s).” (11-06-05.07.04.A.1) Additional density may be given as a bonus based upon the amount of buildable area set-aside for permanent open space. The ratio of total buildable to buildable set aside for open space determines the allowed density bonus on the developed areas.

The dedication of sensitive areas that do not qualify as buildable may also gain density bonus if they meet the eligibility conditions of the ordinance.

It is a combination of all that to achieve the purpose of this ordinance. 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 *Foothills Policy Plan* 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)

Aase's Canyon Pointe Density Bonus Calculations

The base density for this proposal is calculated on the existing zones of R6, RP, R-1C and A-1 to be 157 units on 332.8 acres. This is detailed in the section above. The application asks for 163 units so the applicant must set aside permanent open space for an additional six units requested above the calculated base density of 157 units. The density bonus is based upon the set-aside of 33.7% of the total buildable land for a bonus multiplier of 0.75 units per acre. That would require the set-aside of eight acres of buildable land to make the bonus for six additional units. The applicant is offering to set-aside considerably more land. There are 73.1 acres of "Buildable" (less than 25% slope) based upon and slope analysis of the subject site. The applicant proposes to set aside 24 acres of that to qualify for the six density bonus units.

Priority Open Space Analysis

The FPDO allows steep lands to be considered for the density bonus when it meets at least four of the criteria for priority open space. Priority open spaces include riparian areas, rare plant communities and other sensitive areas.

The applicant has proposed set-aside permanent open space for priority open spaces for the density bonus; even though staff has determined that they are not necessary for additional bonus units. There is set-aside south of Collister drive, adjacent to Quail Ridge Subdivision that would provide a buffer to Polecat Reserve and protect the riparian area at the bottom of the gulch. The applicant has committed to dedicate 152.7 acres to the Aase's Onion Conservancy to be owned and maintained by the Land Trust of Treasure Valley. In addition to that it would provide access to the land-locked City-owned Polecat Gulch Reserve adjacent to the subject site through an extension of Collister Drive. Sewer, water and power would be extended to the Reserve and they have committed to build a parking area for the trailhead 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.)

Design Review

The site design requirements for all development include clustering of units on the buildable areas and more practical considerations of health and safety, site design and ingress and egress. Building on ridge tops should be avoided if possible and dwellings should be sited to adapt to the Foothills environment. A mixture of dwelling types should be part of the site design. There must also be provisions for fire safety features in the site and dwelling designs. Setbacks and other dimensional standards may be varied to suit site conditions.

The subject proposal is required to build on the flatter areas of slopes less than 25%. Those criteria apply mostly to the ridge tops, and to the sand pit at the top of the property. There is

some buildable land at the end of Collister Road both north and south of the road. The land on the north is proposed for development and on the south it is proposed for permanent open space. That leaves the ridge tops as the most desirable place to build. The ordinance must allow some building on the ridge tops because it can not state that development is allowed then make it impossible or impractical to do so.

The applicant has proposed general design review criteria for the most visible building lots as seen from the valley floor to help mitigate this circumstance. They are referenced in the proposed development agreement and the conditions of approval. This proposal also includes a map that shows the specific lots that would be affected by the design review criteria. Staff supports the design review criteria as an effort to lessen the visual impacts of the proposed development. The General Design Review Criteria for the Plano Road Subdivision is quoted below from, Exhibit L June 30, 2008. This represents some of the most extensive design review criteria for residential development proposed for a residential development.

The Design Review Criteria for the Plano Road Subdivision covers the requirements of Section 11-06—05.07.05 General Design Criteria and adds components for the review of the residential structures. First they establish a general set of criteria for all lots and structures, and then there are more stringent requirements for the designated lots with the highest visibility. The general requirements address fire safety and compatibility with Idaho Fish and Game policies for co-existing with wild animals and sensitive habitat. They would require the entire proposed project to be designed in a manner to lessen the visual impacts and blend in with the land.

For the proposed dwellings on the prominent ridge lines there are more criteria and restrictions. These include additional set-backs from the crown of the ridge, reduced height of buildings, a limited color pallet for exterior walls and roofing material, use of low-reflective glass and non-reflective siding materials, minimal lighting that doesn't shine off site. The combination of the proposed design criteria should provide some reduced visual impact of the dwellings on the sky line of the prominent ridges.

It must be noted that the accompanying map defining the lots affected by these criteria must be updated to reflect the changes to the site plan.

Development Agreement

The development agreement that is part of the zone change brings several important conditions to the proposal. First is establishes the relationships between the proposed annexation, the zone change, the conditional use permit and the Hillside permits. It establishes the appropriate zones for the proposal, the R-1A/DA for the developed areas and A-1/DA for the permanent open space areas. Item two sets the maximum number of building lots, which is at 155 units now and may need to be amended before adoption. Item three requires the acquisition of right-of-ways prior final plat approval. Item four would secure the preservation of the sensitive species, Aase's Onion, and provides for the conveyance of those lands to the Land Trust of the Treasure Valley. Item five secures the development of a trail head for the Polecat Gulch Reserve in exchange for the area to place a required cul-de-sac on Parks land. Item six addresses the development of the

existing sand pit. This item is outdated by the modifications to the site plan where the sand pit would be a platted cul-de-sac instead of a large landscaped hill. This section would require re-writing if adopted. Item seven sets aside land into permanent open space south of Collister Road. Item eight provides for design restrictions on the most prominent building lots and establishes a review process for fire safety.

The zoning map exhibit is also in the development agreement and defines the zoning boundaries.

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 proposed annexation and rezone with development agreement, conditional use permit and Hillside applications. When the time comes their lands would be part of the proposed preliminary plat necessitated by the requirement to plat and dedicate the proposed right-of-way. The City has set the acquisition of the right-of-way for Plano Lane as a primary condition for approval of the preliminary plat. This is because of the several ownerships involved and each of them necessary for the provision of a right-of-way up to current standards.

The Boise Comprehensive Plan and the Foothills Policy Plan

Boise City Council adopted the *Foothills Policy Plan* 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 to implement the plan.

The basic policy for development 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 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 maintain 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 and September 11, 2009.

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.

The previous section discussed the base density for the application, which resulted in a calculation of 157 dwelling units given that the regulations in the FPDO are followed in the application. The revised application is for 163 units.

There is a detailed examination of the slope analysis and density bonus in Appendix 5. The findings are that the application does qualify for the density bonus with a resulting allowance for nine additional dwelling units. 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.

Additional Boise Plans of Record

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

The Public Land Open Space Management Plan for the Boise Foothills

The *Public Land Open Space Management Plan for the Boise Foothills* designates subject area 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.

FINDINGS

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 generally 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 approximately 31% of the land in development and 69% in open space. The gross density would be .5 units per acre, half of the density 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, and 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 system 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 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 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 leapfrog development.

Finding: The proposed annexation is contiguous with City Boundaries. City sewer, Police, Fire and Parks and Recreation resources serve the area. 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 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 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 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 Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal 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. 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 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 surrounding 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 163 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, 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 view shed 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 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 Foot-hills 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 Foot-hills Policy Plan.

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. 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 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. The site is designed such that the dwellings 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. 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. 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 generally in compliance with those plans.

F. Multiple family buildings (any building containing more than 2 residential units) must be designed to include features that 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.

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, and preservation of outstanding and unique features;

Finding: The proposed grading plan complies with the technical requirements of the Boise Hillside and Foothills Areas Development Ordinance and International 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 storm water 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 Geo-logic 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. It complies with the requirements for Foothills gulches through the application for the Hillside 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 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.

8. 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 and a revised site plan, grading plan, and zoning boundary dated July 29, 2009, except as may be modified by 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 163 dwelling units as specified in the Development Agreement for CAR07-00042/DA, Exhibit J.
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.

The development is outside the 1.5 mile radius so all dwellings will be required to install a NFPA 13D automatic sprinkler system. Statement must be on final plat.

- 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 International 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 International Building and International 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), May 20, 2008 and August 17, 2009, 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, and amended again in a letter dated September 14, 2009 in response to the design modifications of July 29, 2009.

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:

ACHD 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 Lane 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 Lane 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 Lane. 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 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 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. 305+50 to 307+00 of Buck Hollow Way.
 - b. Centerline radius of 86-feet at Sta. 314+25 to 315+50 of Buck Hollow Way.
 - c. Centerline radius of 86-feet at Sta. 316+00 to 317+25 of Buck Hollow Way.
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.

ACHD Standard Conditions of Approval

22. Any existing irrigation facilities shall be relocated outside of the right-of-way.
23. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.
24. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

25. 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.
26. Comply with the District's Tree Planter Width Interim Policy.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

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 should apply 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, and 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. Approval of any cul-de-sacs greater than 700 feet in length will require a Waiver of Subdivision Ordinance Section 9-20-07.D.9.a by the City Council, per Boise Planning and Development Services Department Subdivision comments dated September 11, 2009.

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. . The time within which the entire project must be completed shall not exceed fifteen years from the date of the original approval of CUP07-00084. It being recognized that the approved development will be developed in multiple phases over the term of this conditional use permit, within such time, the holder of this permit must:

- a. Commence the uses permitted by this conditional use permit; and
- b. All plats contingent upon the conditional use permit shall be recorded within this fifteen year period.

Nothing contained in this condition No. 42 shall be construed to prevent the holder of the permit from seeking such time extensions as may be warranted pursuant to the provisions of the Boise City Code.

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.

Construction Practices

47. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and

demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.

- a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.

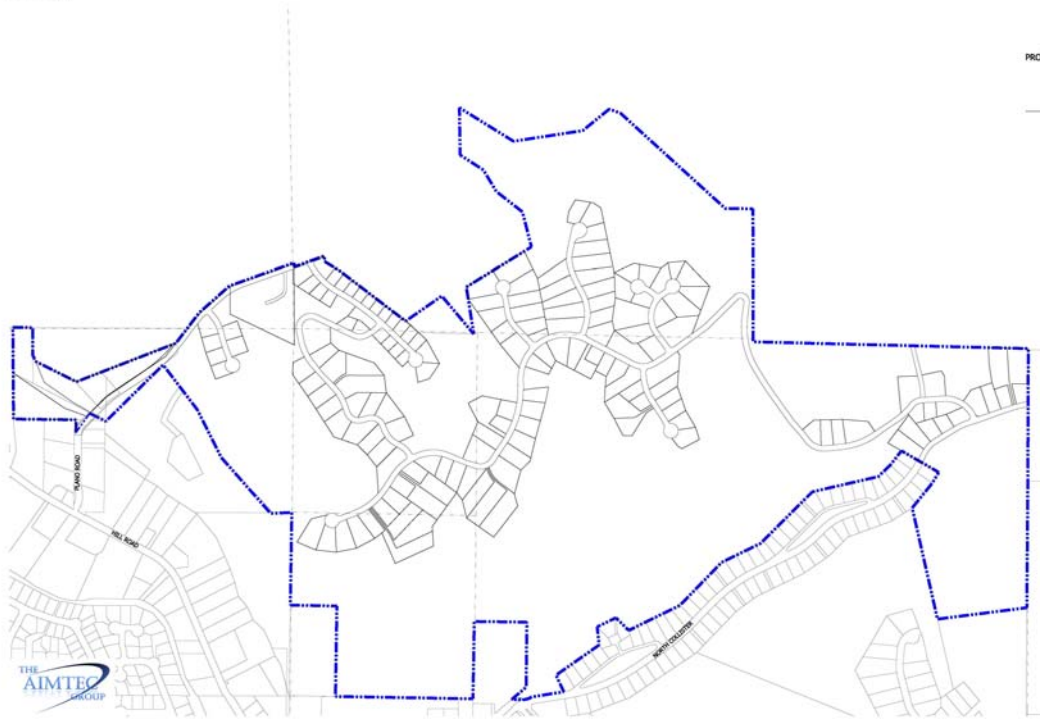
- b) Applicant shall submit and receive approval from Planning and Development Services and Ada County Highway District for a construction, transportation and parking plan. The plan shall also comply with all construction standards of Ada County Highway District to those streets contiguous to the construction site and surrounding neighborhood. The approved plan shall be posted at each street abutting the construction site and shall address the following:
 - Ingress/egress of construction equipment and trucks;
 - Hours of operation for the loading and unloading of construction equipment and materials;
 - Truck access routes, to and from site, for excavation and construction phases;
 - Street closures (if any); and
 - Location of off street parking for construction workers.

- c) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures may include, but are not limited to:
 - Provide suitable containers for solid waste generated by construction activity;
 - Wet demolition of existing buildings;
 - Watering of driving surfaces and earth moving activities;
 - Installation of wind screening around property and each open floor above grade; and
 - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.

- d) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
- e) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
- f) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
- g) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- h) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.

Appendix 1
Modification July 29, 2009

plano road development
site plan



Appendix 2
Modification July 29, 2009

PLANO ROAD SUBDIVISION CHANGE SUMMARY

Removing the lots off of the front ridge parallel to Hill Road eliminates any sky lining issues as well as the need for the connecting road along this front ridge. This results in a total project reduction of over 200,000 cubic yards of cut material and an 11.3% reduction of land disturbance area.

A cul-de-sac will be developed where the current sand pit restoration area is. The effect of this change will cause a greater clustering of units deeper in the project location. This along with a few minor lot line adjustments will result in the total lot count increasing from 155 total lots to 163 total lots.

Appendix 3
Modification July 29, 2009

PLANO ROAD Grading Summary

Grading Volumes for Original Site Plan

Cut: 2,126,000 cubic yards
Fill: 1,745,000 cubic yards

Grading Volumes for Adjusted Site Plan

The removal of the front ridge lots and connecting road will result in the reduction of:

Land Disturbance Area: 11.3%

Cut: 202,000 cubic yards
Fill: 63,000 cubic yards

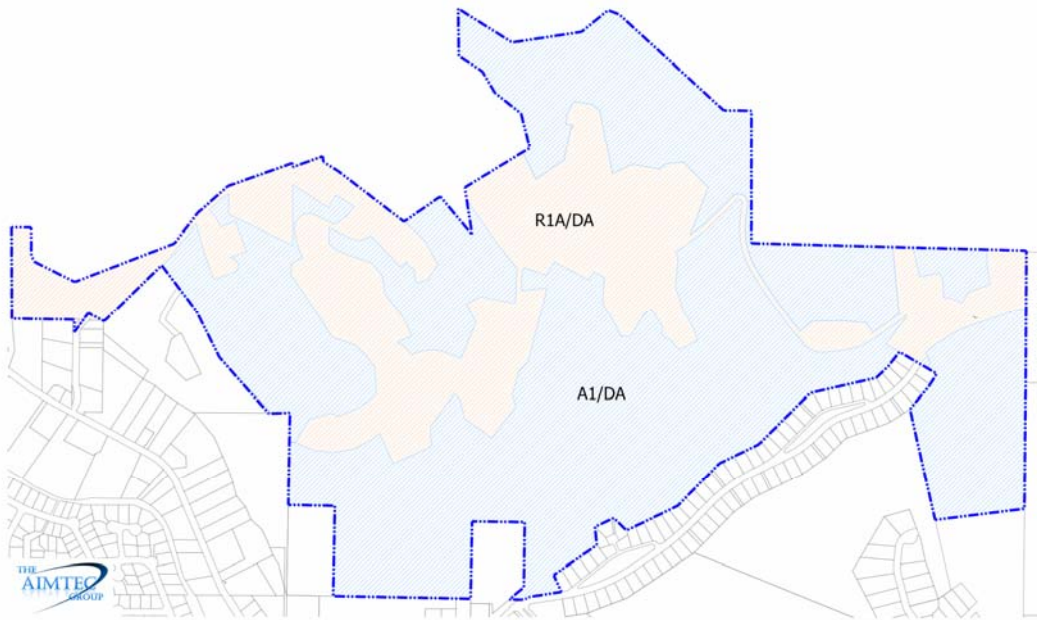
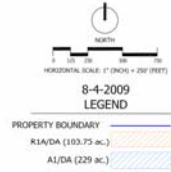
The adjusted total Grading Volumes will be:

Cut: 1,924,000 cubic yards
Fill: 1,682,000 cubic yards

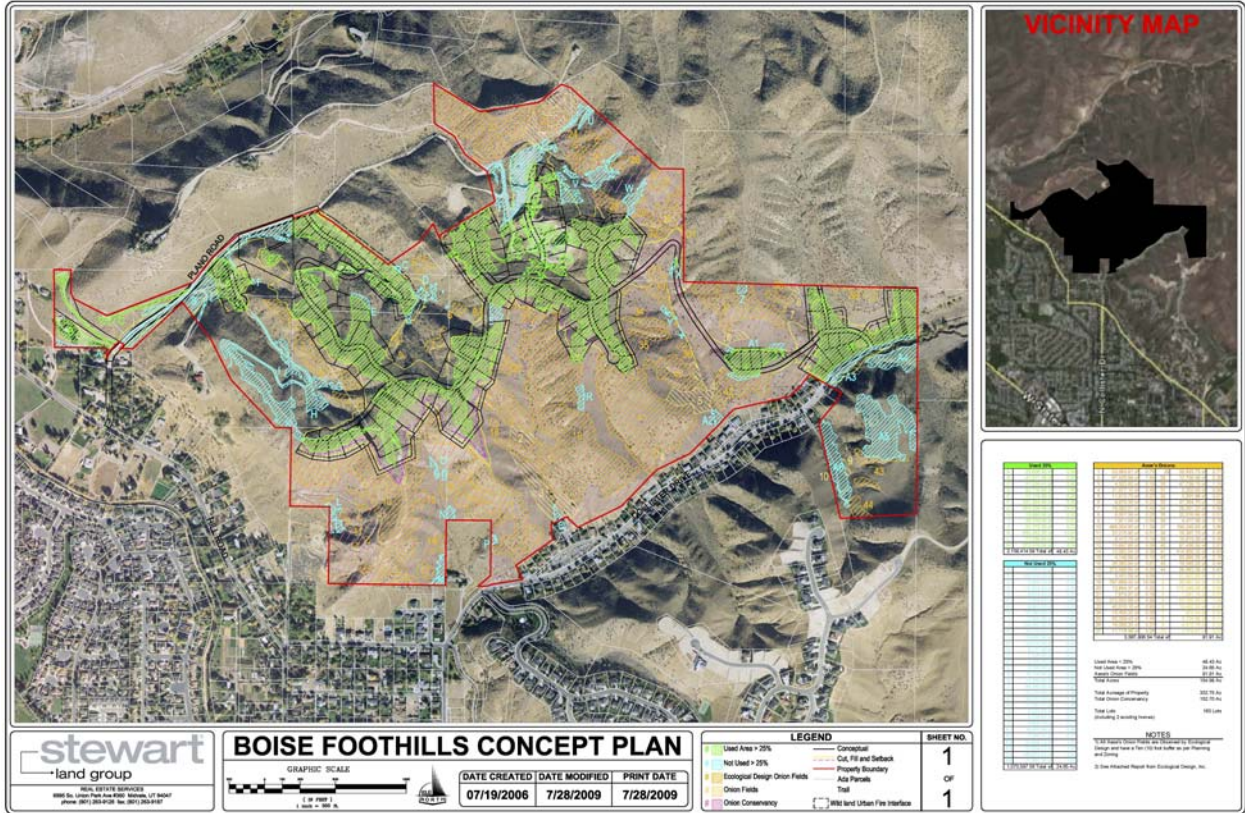
Simple grading adjustments in the new three cul-de-sac area or the emergency road connection will make for a balanced cut/fill equation. This will prevent the necessity of off-site materials being transported on or off the project site.

Appendix 4
Modification July 29, 2009

plano road development
ZONING MAP



Appendix 5
 Modification July 29, 2009



Appendix 6 Density Bonus Calculations

Appendix 6

Sept. 15, 2009

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)		48.4	2. Application
Not used (Open Space Dedicated)		24.7	3. Application
TOTAL ACRES		73.1	5. Sum
*See Zoning Code 11-06-05.07.04 Density Bonus			
Proposed developed land		48.4	2. Application
Percent of Buildable land to be developed		<u>66.3%</u>	2. Application / 5. Sum
Percent of Buildable land to be set aside in open space =		33.7%	100% - 66.3%
Density Bonus on remaining buildable land - in units/acre		0.75	+see calculations below
		UNITS	FORMULA

DENSITY BONUS - Based on implementation of Plan SUBMITTED July 29, 2009, using a maximum of 48.43 acres of the 332.8 acres of slopes less than 25%, not including the credit for the Aase's Onion fields, the density bonus value is =		36	48.43 ac. X 0.75 Units/ac. Density Bonus =
Base Density =	Base density calculations of existing zones = 157 units	157	Base Density = Total Land-acres/40 u/acre
TOTAL POTENTIAL UNITS =		193	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 =	33.73%	
	0.75	y=mx+b
Density Bonus on remaining buildable land - units/acre	0.75	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					
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PROPOSED PLANO LANE SUBDIVISION					Total acres =	332.75
Base Density = Estimated on base zones					Base Units @ 1/40 =	157
PROPOSED PLANO LANE PROJECT TOTAL BUILT ACREAGE < 25% SLOPES =						48.4
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	54.8	27	35	
69%	31%	0.75	50.2	38	46	
63%	38%	1	45.7	46	54	
56%	44%	1.25	41.1	51	59	
50%	50%	1.5	36.5	55	63	
44%	56%	1.75	32.0	56	64	
38%	63%	2.25	27.4	62	70	
31%	69%	3	22.8	69	77	
25%	75%	4	18.3	73	81	

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 or-

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.

11-06-05.07.01. Purpose and Intent - Analysis

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

11-06-05.07.02. Applicability - Analysis

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

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

The proposal is being reviewed under the Boise City Code sections regulating annexation, rezone and development agreement, CAR07-00042/DA, the conditional use and planned development, CUP07-00084, the Hillside and Foothill Areas Development, CFH07-00022. 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 services for fire, police, emergency medical, library,

dinance. 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.

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

parcs 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, or "that given for the existing Boise City or Ada County zone(s)." Additional density may be given as a bonus based upon the amount of buildable area set-aside for permanent open space. The ratio of total buildable to buildable set aside for open space determines the allowed density bonus on the developed areas. The site design requirements for all development include clustering of units on the buildable areas and more practical considerations of health and safety, site design and ingress and egress. The dedication of sensitive areas that do not qualify as buildable may also gain density bonus if they meet the eligibility conditions of the ordinance.

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 *Foothills Policy Plan* 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)

or greater in size, with a minimum average width of 30 feet.

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

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

Table 1 - Density Bonus Formula*

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

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 proposed annexation and rezone with development agreement, conditional use permit and Hillside applications. When the time comes their lands would be part of the proposed preliminary plat necessitated by the requirement to plat and dedicate the proposed right-of-way. The City has set the acquisition of the right-of-way for Plano Lane as a primary condition for approval of the preliminary plat. This is because of the several ownerships involved and each of them necessary for the provision of a right-of-way up to current standards.

The base density for this proposal is calculated on the existing zones of R6, RP, R-1C and A-1 to be 157 units on 332.8 acres. The application asks for 163 units so the applicant must set aside permanent open space for an additional six units.

There are 73.1 acres of “Buildable” (less than 25% slope) based upon and slope analysis of the subject site. The applicant proposes to set aside 24 acres of that to qualify for the six density bonus units.

C. Other Open Space Allowances: - Analysis

The applicant does not need other open space allowances, as the density bonus can be earned with the set aside of buildable area noted above.

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

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 Aase’s*), 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.

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

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

The applicant proposes to deed 152.7 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 transfer of land for conservation is included in the proposed development agreement as part of the zone regulating the use of this land.

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.

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 in-

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.

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.

clude 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.

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.

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.

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

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.

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. The modifications submitted July 29, 2009 have gone some distance to cluster the 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.

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 place-

3.0 SCENIC AND AESTHETIC CONCERNS
GOAL - Analysis

Staff is concerned with the lots sited on the most prominent portions of the ridges that create a "sky-lining" issue. The most prominent ridges on the western half of this property have been identified as Visual Sensitivity Level 1 in the *Public Land Open Space Management Plan*. As previously discussed, that plan recommends that any modification should be in character with the existing form and, if possible, uses should be moved to lower priority areas. The FPP policies in the adjoining column also encourage the avoidance of prominent

ment 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.
- 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.

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. The applicant has moved some nine units and the center segment of the road off the most prominent ridge and put them in the sand pit area which does help. There are still a dozen or more building sites on the ends of the ridges that remain on the promontories of the site.

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 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

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 treatments.

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 site unbuildable, which would have to be balanced against all the other issues of entitlement.

Boise Foothills Planned Development Ordinance (Continued)

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

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

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 provided in all Foothills subdivisions.
- 5) Structures bordering any open area with natural vegetation shall use fire rated roofing materi-

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.

Boise City Fire Department submitted a letter dated June 27, 2008 that included as conditions of approval the policies in the adjacent column and

als, 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 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 only occur where a significant community wide need can be identified as part of the adopted Regional Transportation Plan.

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.

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 from 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 characterize the permitting of this proposal as pitting their safety against that of the presumed newcomers. They have always had their secluded neighborhoods with only local traffic to contend with.

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.

[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.

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 signal at the intersection of Collister and Hill Roads are also designed to provide some relief to the neighborhoods and the greater area.

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

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

Street Connectivity & Sidewalk Design

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

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

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

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

Sub-sections 8 through 11 opposite are not issues with this proposal but are included for consistency

in review of the FPDO.

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:

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

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.

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

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 Inter-

of non-approved poorly designed cuts and fills.

face 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 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

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.

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.

Appendix 8 Sand pit grading plan, 9/14/09



Appendix 9 Aase's Onion Conservation Plan 11/12/2008

Aase's Onion Conservation Plan
Prepared for

Plano Road Subdivision



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Prepared by The Land Trust of the Treasure Valley
Draft November 12, 2008

I. BACKGROUND OF AASE’S ONION	3
A. AASE’S ONION IN IDAHO.....	3
B. AASE’S ONION WITHIN PLANO ROAD SUBDIVISION	3
B. PLANS AND STUDIES RELATED TO AASE’S ONION IN THE BOISE FOOTHILLS	4
II. PURPOSE OF THIS PLAN.....	4
A. REQUIREMENTS OF THE FOOTHILLS POLICY PLAN AND FOOTHILLS ORDINANCE.....	4
B. NEED FOR CERTAINTY	4
C. GUIDING FUTURE MANAGEMENT ACTIONS	5
D. ESTABLISH MONITORING PROTOCOL	5
E. CREATE STRUCTURE AND PROCESS FOR SUSTAINABILITY	5
III. MONITORING.....	5
A. MONITORING THE EXTENT AND HABITAT TREND OF THE POPULATION.....	5
B. MONITORING OF ACTIVITIES OR ENCROACHMENTS INTO THE CONSERVATION AREA THAT MAY THREATEN THE RARE PLANT POPULATION.....	6
IV. EDUCATION / INFORMATION.....	6
A. EDUCATION AND INFORMATION DURING SITE CONSTRUCTION	6
B. EDUCATION OF HOMEOWNERS AND NEIGHBORS.....	6
V. COMPLIANCE.....	6
VI. PHASING OF THE CONSERVATION AGREEMENT, BASELINE REPORT AND MONITORING	7
VII. RESEARCH.....	7
VIII. LEGAL STRUCTURE	7
A. OWNERSHIP	7
B. CONSERVATION EASEMENT	7
C. CONDITIONS, COVENANTS AND RESTRICTION:.....	8
IX. RARE PLANT CONSERVATION FUND	8
A. INTENT.....	8
B. REAL ESTATE TRANSFER FEE	9
C. FUND TRUSTEE	9
D. REPORTING	9
E. TRANSFER OF FUNDS.....	9

I. Background of Aase's Onion

A. Aase's Onion in Idaho

Aase's onion (*Allium aseae*) is a low-growing plant in the lily family with small, but striking pink flowers that bloom in early spring. It occurs only in southwestern Idaho, primarily in the Boise to Emmett foothills, but also in the Weiser area. Aase's onion grows on open, dry, sandy slopes, usually within bitterbrush or bitterbrush-sagebrush plant communities. The majority of Aase's onion sites are located fully or partially on private land. Others occur on Ada County, Boise City, State, and BLM property. At least portions of several sites have been lost to foothills urban development in the past. Habitat degradation associated with increased weed invasion also threatens many sites. Aase's onion is a conservation concern because of its restricted geographic range, the documented loss and degradation of habitat, especially in the Boise foothills, vulnerability of its habitat to threats such as wildfire, sand mining, foothills development, and the occurrence of most populations on private land, where conservation options are often limited. Aase's onion is considered globally rare and vulnerable by the Idaho Native Plant Society, and a globally rare/moderate endangerment special status plant species by the Idaho BLM.

The majority of known Aase's onion populations are located in the Boise foothills, that portion of the species' range most vulnerable to habitat loss from urban development.

B. Aase's Onion within Plano Road Subdivision

The Plano subdivision area is known to support a large Aase's onion population.

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, 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."¹ The location of this rare plant community will be preserved, enhanced and managed by the Land Trust of the Treasure Valley (Land Trust). About 150 of the 333 acres will be placed under a conservation agreement with the Land Trust serving as steward of the conservation land. A preliminary management plan provided by the Land Trust is included in the development application for the Plano Road Subdivision. This plan includes preservation objectives, monitoring and protection procedures that will protect and enhance this rare plant community. A permanent educational kiosk will be constructed by the developers at the extended terminus of 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

¹ 'Occurrence of Aase's Onion' by Ecological Design

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.

The developer's pro-active plan to protect the Aase's onion within the Plano Road Subdivision represents one of the first conservation opportunities of its kind on private land in the Boise foothills. It has the potential to become part of larger-scale, multi-partner conservation efforts to help ensure the long-term persistence of Aase's onion and other rare plant species in the Boise foothills.²

B. Plans and Studies Related to Aase's Onion in the Boise Foothills

A compendium of previous studies and plans related to Aase's Onion in the Boise Foothills is included for reference as Appendix A:

II. Purpose of this Plan

A. Requirements of the Foothills Policy Plan and Foothills Ordinance

The Boise Foothills Planned Development ordinance contains provisions for a density bonus when four of eleven open space criteria exist. Protection of rare plants is one of those criteria. The ordinance further allows for the open space to be owned and managed in various ways, ranging from homeowner association management to dedication or sale to an agency.

The developers of Plano Road Subdivision propose to dedicate a perpetual conservation easement that overlays the rare plant site and to create a funding mechanism for long term stewardship of the Aase's onion conservation area. The Land Trust of the Treasure Valley has agreed to be the stewards of the conservation easement, with the future homeowners association holding fee title to the underlying property. This Aase's Onion Conservation Plan will guide the long term monitoring, management and compliance review of the conservation land.

B. Need for Certainty

The entitling jurisdiction, Boise City, and interested stakeholders desire certainty that the rare plant site is protected, that monitoring is conducted and that everything within the control of the conservation easement holder is done to assure the plant population has a high probability of survival. While there are many things beyond the control of the Land Trust, such as climate change, there are specific things that can be done to increase the likelihood of plant population survival. This plan outlines specific steps to achieve long term conservation success.

² Michael Mancuso, Mancuso Botanical Services.

C. Guiding Future Management Actions

This plan will identify potential threats to the plant and associated conservation measures to reduce the chance of adverse impact.

D. Establish Monitoring Protocol

A process for measuring and monitoring the extent of the rare plant population will be established. It is important to note that in the near future, a multi-agency rare plant conservation agreement will be completed for the Boise Foothills that will establish a monitoring protocol for plant sites on certain public lands. The intent of the Aase's Onion Conservation Plan is to embrace the agency planning effort in creating consistency in monitoring efforts across jurisdictions.

Since there is no range-wide monitoring strategy that has been adopted by the managing agencies as of the writing of this report, the Land Trust will create a snapshot of the plant population as part of the Baseline Report and use the 'Threats and Conservation Measures' in Appendix B as a 'Compliance Checklist'.

E. Create Structure and Process for Sustainability

A proposed funding and administrative structure will be established within this plan that will increase the long-term sustainability of this program.

III. Monitoring

Monitoring of the conservation agreement will focus on two primary topics.

A. Monitoring the Extent and Habitat Trend of the Population

There is no current monitoring protocol for Aase's Onion that has been adopted by the US Fish and Wildlife Service. It is anticipated that a monitoring protocol will be developed and adopted within the next two years. Monitoring of current population and habitat trends will begin when such a protocol is created. In the interim, a snapshot of the current population extent and site condition will be created as part of the Baseline Report.

B. Monitoring of Activities or Encroachments into the Conservation Area that May Threaten the Rare Plant Population

A series of photo trend plots will be created throughout the project as part of the Baseline Report. These sites will be used, along with annual site visits, to identify encroachments or activity that may become a threat to the plant population. In addition, the developers will mark, with survey pins, the lot lines of property adjacent to the open space.

IV. Education / Information

Increasing awareness of the importance of protecting rare plants and the goals of setting aside the conservation land is important to conservation success. Education will be focused on two topics.

A. Education and Information During Site Construction

The Land Trust will work with Boise City Public Works to inform contractors of the conservation land and to outline Best Management Practices (BMP's) to avoid inadvertent impacts during site grading. This is the time the conservation land is most at risk of impacts. Boise City Public Works is responsible for enforcing grading permits and will be relied upon by the Land Trust to assure that BMPs are followed.

B. Education of Homeowners and Neighbors

The Land Trust will work with the developers to include information about the conservation land in marketing materials and communication with realtors.

Additional information will be provided to new homeowners of the development explaining the goals of the conservation land and the allowed and restricted uses.

A presentation to the homeowners association (HOA) will be offered that helps build community support for conservation in general and the rare plant site specifically.

Interpretive signs will be placed in at least two locations easily accessible by citizens.

V. Compliance

In the event of a violation of the terms of the conservation easement, the Land Trust will review the violation and take actions to correct the violations. The steps the Land Trust may use include, in no particular order:

1. Written or direct communication with a person known to be the source of the violation (example: irrigating conservation land).
2. Working with the HOA to spread the word about unapproved activity.
3. Coordinate with the HOA to gain support for compliance

4. Request removal of any physical objects.
5. Pay to have items removed and bill the HOA or responsible homeowner.

In the event initial efforts to correct a violation are unsuccessful, the Land Trust will provide a Notice of Violation to Boise City, the HOA and the violator, if known.

Boise City will have responsibility for enforcement action.

The Land Trust assumes no legal authority to enforce the terms of the development agreement between the developers and Boise City.

VI. Phasing of the Conservation Agreement, Baseline Report and Monitoring

Upon approval of the project by Boise City, the developers will work with the Land Trust to draft the Conservation Agreement and Conditions, Covenants and Restrictions (CC&R's). Prior to any ground disturbing activity, the developers shall conduct the Baseline Monitoring Report for the conservation land. As the project is constructed, a certain percentage of the total rare plant conservation land will be made subject to the Conservation Agreement. The amount and specific conservation land to be made subject to the Conservation Agreement for each phase will be determined by Boise City. Annual monitoring will be done on those lands subject to the conservation easement. Monitoring reports will be provided to the HOA, Boise City and other relevant agencies.

VII. Research

The Land Trust may conduct research related to the rare plant population, or may authorize others to conduct scientific research, consistent with the CC&R's and Conservation Agreement.

VIII. Legal Structure

A. Ownership

The HOA will become the ultimate fee title owner of open space land within the Plano Road Subdivision.

B. Conservation Easement

The Land Trust will hold the conservation easement and related funding rights placed upon the rare plant conservation land identified in each approved plat. The land under easement will be phased in according to a phasing plan approved by Boise City.

C. Conditions, Covenants and Restriction:

The CC&R's shall adopt and include by reference this approved Conservation Plan.

IX. Rare Plant Conservation Fund

A. Intent

The intent of the real estate transfer fee is to provide financial support for the annual monitoring, education and compliance required to meet the intent of the development agreement between the developers and Boise City. This may include but is not limited to:

1. Site visits
2. Contract assistance
3. Photo trend plots
4. Signage
5. Educational materials
6. Weed control
7. Fencing barrier work
8. Removal of non-compliance activity
9. Correction of non-compliance activity
10. Fire restoration
11. Research associated with rare plants
12. Record keeping and reporting
13. Accounting and administration of fund

B. Real Estate Transfer Fee

Funds for stewardship will be created via a real estate transfer fee of ¼ % of the purchase price for each lot and home sold which will be assessed each time a property changes hands. The fee will be assessed and collected at closing with the funds transferred to a restricted funds account (Aase's Onion Conservation Fund) held by the Land Trust of the Treasure Valley to be used according to the activities authorized by this plan. This transfer fee will remain in place in perpetuity.

C. Fund Trustee

The Land Trust will serve as the trustee of the Aase's Onion Conservation Fund.

D. Reporting

An annual accounting of revenue and expenses will be created for the HOA and Boise City by the Land Trust.

E. Transfer of Funds

The Land Trust may choose to transfer the trustee responsibilities of the conservation fund to another trustee who shall have the same responsibilities to receive, account for and disburse the funds. If another trustee is utilized, the Land Trust or successor grantee, shall continue to be responsible for the monitoring, education and compliance of the conservation easement.

Aase's Onion Conservation Plan
Appendix A
Plans and Studies Related to Aase's Onion
in the Boise Foothills

- 1) US Fish and Wildlife Service and City of Boise. 1996. Conservation agreement for *Allium aseae* (Aase's onion), *Astragalus mulfordiae* (Mulford's milk-vetch), and *Lepidium papilliferum* (Slick-spot peppergrass), Hulls Gulch Reserve, Boise, Idaho. 15 pp.
- 2) Ada County. 2008 (*April 2008 draft*). Responsibilities for wildlife habitat & open space management at Ada County Landfill – Interdepartmental Understanding - Solid Waste Management and Recreation and Event Services Department. Ada County, Boise, Idaho. 12 pp.
- 3) Ada County and BLM. 2001. Memorandum of Understanding (MOU) for the protection, enhancement, and conservation of Aase's onion and Mulford's milkvetch, State and Federal special status species. Agreement number 5056, August 28, 2001. 9 pp.
- 4) City of Boise. 2006. Fifth annual report of the Foothills Conservation Advisory Committee, A summary of Boise City's Foothills Conservation and Management Programs. City of Boise, Department of Parks and Recreation, September 30, 2006. 14 pp.
- 5) City of Boise. 2000. Final Draft, Public lands open space management plan for the Boise foothills. Prepared by Spatial Dynamics for the City of Boise, Department of Parks and Recreation. ?? pp. 3-23 to 3-36 6-10
- 6) City of Boise. 1996 (with 1998 Eight Street Fire Addendum). Reserves Master Plan: Hulls Gulch/Camel's Back Reserve and Military Reserve. Boise, Idaho. 69 pp plus figures.
- 7) Idaho Department of Fish and Game. 2008. Survey for Aase's onion, Mulford's milkvetch and slickspot peppergrass in Polecat Gulch Reserve, Boise, Idaho. Idaho Department of Fish and Game, Idaho Conservation Data Center, Boise, ID. 21pp., plus appendices.

Aase's Onion Conservation Plan
Appendix B
Potential Threats and Conservation Strategies

Threat	Conservation Measure
Habitat loss and fragmentation	The plant sites identified outside of proposed grading areas will not be intentionally graded or disturbed.
Habitat degradation and invasive, non-native plants.	Establish transects that measure invasive, non native weed species. Utilize an Integrative Weed Management strategy when combating invasive plants. This could include mechanical, biological or chemical control methods.
Intensive Grazing	There will not be livestock grazing within the conservation area unless used as a management tool and conducted in a manner as to not adversely impact the rare plant population.
Over watering from lots, leading to increased non native weed growth.	Establish restrictions in CCR's on irrigating any land outside of their lot.
Wildfire	This is outside of the control of the Land Trust.
Wildfire suppression efforts	This is one of the more likely sources of future disturbance. Health and safety will out weigh rare plants during fire suppression. Work with other agencies that are developing maps of rare plant sites for fire fighting crews.
Defensible space	Defensible space will occur within the lot and be the responsibility of the homeowner. Disturbing land or vegetation within the conservation area will not be permitted. If disturbance occurs, efforts will be made to charge restoration to the responsible party.
Fire restoration	Burned Area Restoration Efforts should take into consideration the existence of the rare plant. Seeding should be as close to native as possible. Repair of suppression efforts should be done to minimize excessive erosion.
Trails and impacts from people	There are limited opportunities for trails. Access to the steep slopes will be limited, with interpretive information to be placed at several key locations.
Soil/ habitat disturbance from run off	All runoff is required to be contained within the development. This should include lot grading which minimizes irrigation runoff.
Impacts from site grading	The grading plan and permit will limit disturbance to areas outside of the plant preserve. Boise City will be monitoring the grading permit and will be responsible for assuring that disturbance is limited. Boise City will be responsible for communicating with the contractors during the grading.

Utilities	Planning for utilities should avoid digging or trenching within the plant populations.
Drought / Climate Change	These are beyond the control of the Land Trust.

Brent Smith/6024 Plano Lane/Boise, ID 83703

RE: Plano Subdivision

To: Boise City Planning and Zoning Commissioners

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The new proposal relinquishes five home sites from the front ridgeline but leaves over fifty home sites on the north/south main ridges. By my estimation (from reviewing the plan at the site) twenty to sixty homes will be visible depending on which area of Boise you are in. This development will particularly stand out from areas south of the site along Chinden Boulevard (see photograph 1), as well as from many areas in Northwest Boise. (The developer will show a digital version of how things "might" look; this is highly manipulated and designed to present the best-case scenario. Do not accept it as an accurate representation.) The developer's claim that sky-lining is eliminated is true only with respect to the five home sites that have been removed along one section parallel to Hill Road. They have not addressed the sky-lining as seen from other areas of the Collister neighborhood (see photograph 2).

Multiple issues with the overall integrity of this proposal remain unchanged and unaddressed in the new proposal. Although the developers claim that a density bonus is no longer a necessity, the fact remains, there is no justifiable reason to allow the developers special consideration for the environmental positives they claim to be associated with their development. Whether it be "riparian areas," "wetlands," or rare plant species supposedly being "protected," the developers' claims continue to be full of holes when put to a critical analysis. The still insubstantial onion preservation plan as well as claims that "filling in the sandpit" is an environmentally conscientious deed, are weak attempts at servicing the "public good." Removing five homes from the southern ridge is a step in the right direction but does not a new proposal make, particularly since the developers insist upon being compensated for this by adding an additional eight houses to the total. Please review the other supposed benefits to the public critically. You will see them as equally self-serving.

The new proposal relies heavily on transferring density to land that has been acquired in the past two years. This land was zoned RP when the developer purchased it and it remains RP. The developer seems to believe that a "gem" of a development such as this, entitles them to convert the RP land they purchased just two years ago to a much higher density. The development relies, for over half of its home sites, on transferring density rights from A-1 zoned land to this

recently acquired, RP land. What is the rationale that justifies this density transfer? There is no discussion of this in the proposal. The developer will tell you that this RP land is the only land that can be developed because the rest of the property is too steep. Please be aware that there is land already zoned A-1 that is attached to this development, which is being totally disregarded. Bruce Eggleston cited this land in his report to you and used it in his calculations to determine the number of home sites to which the developer is theoretically entitled (see "Work Session, Jan. 26, 2009," p. 4). Mr. Eggleston's analysis suggests that based on slopes and current zoning, over half of the development home sites could be situated off of the upper end of Collister. Why doesn't this developer utilize the land that is appropriately situated, already appropriately zoned and sloped for development, rather than insisting on tearing up a highly visible area of the Boise foothills?

I know very well that the Foothills Ordinance proclaimed all foothills land to be RP, allowing only one house on 40 acres. My family owned a large tract of foothills land, land my great grandfather homesteaded. With the passing of the Foothills Ordinance and its safeguards against irresponsible development, we sold our remaining land. The preservation of the foothills was then, and still is important to me. It was my understanding that my vote and the votes of the citizens of Boise meant something for the future. What is the argument in support of changing the RP zoning to accommodate this development? If you believe it is based on the development's environmental positives, or, because the developer worked so hard to meet the communities concerns, or, because the development complies with the Foothills Ordinance, please look more closely at these issues.

The new proposal states that a 10% reduction in cut and fill is accomplished with the new design. This will still leave earth disruption at approximately two million cubic yards. This amount of soil removal has been characterized by an excavation contractor as larger than any he has seen in his forty years of doing business in the valley. He describes it as roughly equivalent in volume to just one project he knows of in the area, that being Seaman's Gulch Landfill.

This case before you will set a precedent. Your legacy to the City of Boise will be on display as either an expansion of the Quail Ridge eyesore, along with degradation to adjacent neighborhoods, congested and even more dangerous roads, or, as undisturbed foothills land. You made the correct decision the first time you considered this matter. The "new" development proposal contains nothing substantively new that can compel you to change your position.

Thank you. I appreciate the sizable commitment of time and energy you expend in serving on the Commission.

Sincerely,

Brent Smith

Picture 1 – View from above Chinden Blvd. White dots represent proposed home sites.



Picture 2 – Sky-lining - Collister Street and Hill Road



PLANO SUBDIVISION

QUAIL RIDGE SUBDIVISION





Stephanie Bacon
6024 Plano Lane
Boise Idaho 83703

9/12/2009

To the Planning and Zoning Commission

Re: Proposed Aase's Canyon/Plano Road Subdivision

Though very slight modifications have been made to this proposal since it was last reviewed by Planning and Zoning, it is largely similar to the earlier proposal which was denied; and the problems by and large remain.

The land currently zoned RP (accessed off of Plano Road) is much too steep for development of this density. Residential development on such steep slopes is precisely the type of development that the Foothills Ordinance is intended to prevent. The unprecedented and (in my view) obscene amount of cut and fill which is proposed demonstrates how unsuitable the site is for the project.

While their logic is somewhat changeable, the developers seem to believe they can request this reckless density level on the RP land accessed off Plano via one of two rationales. At a work session earlier this year, Bruce Eggleston made the demonstration that 157 lots could theoretically (though not plausibly) be placed on land currently zoned A1, accessed off Collister. This suggested that the developers would be requesting a density transfer. But (according to my reading) a density transfer is not an entitlement, but *may be granted* if so doing advances the aims of the Foothills Ordinance. This proposal, due to the excessive amount of cut and fill associated with it, cannot reasonably be said to do so.

In other documents, it seems that the developers consider themselves as providers of "Priority Open Space," and therefore eligible for more density than RP zoning would allow. But to qualify as "Priority Open Space," proposals must represent "a demonstrable increase in the value of the resource by such allowance that would not be realized by strict adherence to the other provisions of this code." No matter how they arrange their 155-163 home sites, the developers could never protect the open space character of the land currently zoned RP as well as the current RP zoning protects it (1 dwelling per 40 acres.)

The credit they claim for the protection of Aase's Onion is particularly disturbing. Since the entire site currently zoned RP is very steep, the entire site is habitat for Aase's Onion; and I myself have observed them blooming for two consecutive years on the very trails and narrow ridgelines which would have to be graded to create roads and home sites. So this proposal makes significant loss of Onion habitat inevitable; and no one can say with certainty how dangerous the grading and

resultant habitat degradation to the “protected” 150 acres will be to the remaining Onion population.

While it may be well-intended, the “Aase’s Onion Conservation Plan” prepared by Treasure Valley Land Trust is conspicuously vague. It notes that “There is no current monitoring protocol for Aase’s Onion that has been adopted by the US Fish and Wildlife Service. It is anticipated that a monitoring protocol will be developed and adopted within the next two years. Monitoring of current population and habitat trends will begin when such a protocol is created.” TVLT offers to “create” a “snapshot of the current population extent” in the “interim.” These terms (notably “snapshot” and “photo trend plots”) are not defined in the “Plan.” Further, TVLT predicts that “The Land Trust will work with Boise City Public Works to inform contractors of the conservation land and to outline Best Management Practices to avoid inadvertent impacts during site grading. This is the time the conservation land is most at risk of impacts.” However as the developers have repeatedly acknowledged, construction and hence grading could extend over a period of several years, perhaps 5-10 years or more. This is easily long enough for “inadvertent impacts” to wipe out the whole sensitive plant community. Clearly, Aase’s Onion is better protected if the zoning remains RP.

Finally, the negative impacts of the proposed density would profoundly harm downstream neighborhoods, which consideration alone should disqualify this proposal. Twelve households on Plano Lane live on a sleepy, dead-end street, and it is unfair to ask us to accept thousands of car trips a day when we are accustomed to dozens. Far more numerous households on Upper Collister live on an admittedly dangerous and misdesigned roadway; it is unfair and reckless to ask them to absorb hundreds or thousands more car trips per day. Hill Road residents, and anyone who uses Hill Road, all know how dangerous it is with the current level of traffic and mixed use by bicyclists and pedestrians. (No sidewalks exist, or are planned, on this section of Hill Road; this year’s bicyclist fatalities may be tragically repeated if Boise City is not very cautious about allowing new development to inflate existing traffic levels.) Residents of the surrounding neighborhoods and members of the Collister Neighborhood Association are largely unified in their strong opposition to this proposal, for good reasons.

Finally, this project offers no economic diversification whatsoever. It’s a string of million-dollar homes perched above the valley to offer enticing prospects to imaginary millionaires who, frankly, have lots of other choices in Boise. This does not add anything to our city to justify the harms and degradations proposed.

I urge the Planning and Zoning Commission to annex the land in question, but to deny the Rezoning and CUP applications until an appropriate proposal is developed.

Sincerely,

Stephanie Bacon

“The system is fixed.”

“The system is not fixed”

These two sentiments swirl around the citizen activists who have been fighting to maintain the character of their neighborhoods currently threatened by a number of west end foothills development proposals.

Me? I subscribe to the second: “The system is not fixed.”

But the system is certainly broken...in pieces. The best of the pieces fall squarely on the side of big money and other special interests and the least and most troubling of the pieces fall squarely on the side of existing neighborhoods.

I have constructed a bit of a timeline of just a few (just a few) of the events that I am aware of since joining the effort to save the character of my neighborhood on Collister north of Hill Rd. If you carefully read it, I think you will find it obvious why many people believe “the fix is in.”

(Edit Note: The dates may not be exact – waiting on input from other citizens but the order of events is accurate.)

1. April 2008: ACHD hearing revealed that Plano Lane would not be improved to the full standard. Something about sidewalks on only one side, narrower than standard.
2. April 2008: ACHD meeting where it was decided that Daylight Rim Drive had to be connected to Collister from the outset thus diverting heavy construction traffic through an established neighborhood with substandard roadway.
3. October 2008 : Request to reclassify North Collister, ACHD agreed that a reclassification was appropriate but sent a letter to Boise City requesting city input before making the formal classification change. The letter specified that the city should bear in mind that reclassification may impact the AASE development proposal. The reclassification will not go through, per Mindy Wallace, ACHD, until the city approves the reclassification
4. October 2008: ACHD told Julie and Janel that the developer's engineer had determined that there are no other access points to the proposed development other than Plano Lane and Collister drive.
5. May 2009: Mediation. Developer was allowed more representatives at the table (in the process) and in the audience than the identified neighborhoods in the impact area.
6. June 2009: Letter sent to city from 3 neighborhood representatives protesting the mediation.
7. July 2009: Work Session dominated by developer's attorney making claims about the results of mediation that neighborhood representatives felt were false and misleading.

Essentially, once again, we are learning that there are different rules for developers than for citizen activists. The fix isn't in? Really?

1. Help me out here Julie – do you remember the particulars? I remember you making this point several times. **Essentially then, the new subdivision will end up with two substandard points of ingress/egress leading to already overwhelmed arterials such as State St. and Hill Rd.**
2. This will create a nuisance in terms of possible misdeeds. A partial list:

A non-policed, well-built road to the top of a hill that goes nowhere with no public presence via houses will create an invitation for:

 1. Loitering
 2. Drug use
 3. Drug sales
 4. Vandalism
 5. Possible fires in the foothills
 6. Illegal use of Foothills by vehicles and ORV
 7. Littering (and a lot of it!)
 8. Noise nuisance via parties
 9. Senseless and needless cruising

10. poaching

11. The need for ACHD to maintain that road including snow removal.

3. Upper Collister remains classified as a collector though ACHD has agreed in writing that it ought to be classified as a residential street. ACHD warned the city in writing that changing to a more appropriate classification might adversely impact the AASE Development proposal. So here we are insisting on calling a common housedog a racehorse in hopes that it will magically perform like a racehorse.
4. We are asked to believe that the developers engineer can be trusted to fairly and accurately determine whether other access points are possible – is that reasonable?
5. Neighborhoods in the area of impact were limited to a single representative each at the mediation. The developer had several representatives at the table as well as several in the audience. The mediator was a judge for whom the main developer's son clerked. Neighborhood representatives were told that the mediation could not be discussed in the work session or any other public meeting.
6. Neighborhood representatives sent the city a letter protesting the mediation and received only one reply; from achd claiming that they were not a party to the mediation. Did PZ receive a copy of the letter? Did the mayor receive a copy? City Council? **Why did not a single Boise City entity not acknowledge that communication?**
7. The developer's attorney was allowed to bring up mediation in the work session and largely mischaracterized the proceedings/outcome. Those of you who were at the worksession, please refresh my memory on exactly what things the attorney said that were mischaracterizations.

September 14, 2009

For Boise City Planning and Zoning Commission
regarding Plano Lane-- Aase's Canyon Pointe Subdivision
development proposal

Dear Commissioners:

Last year you denied the above mentioned proposal. I think you were looking for a modified proposal, more in compliance with the Foothills Plan Ordinance. But with only one slight improvement— 5 lots out of 155 switched to another location— essentially the same proposal is back before you. Please reject it again. (See point 8 for what is perhaps an acceptable alternative suggestion for the Developer.)

Please consider these points:

1. This proposal is in direct conflict with important provisions of the Foothills Plan Ordinance.

To approve it would send the message to citizens and developers alike that the Ordinance doesn't really mean what it says—and that old-style development can continue just like before the Ordinance was adopted, without regard to the integrity of the Foothills, a defining element of Boise's uniqueness.

This, the first major test of the Ordinance, is truly precedent-setting, and will play an important role in the future character of our city.

2. Ridge scraping.

The Ordinance says: "The natural scenic values of prominent ridges and knolls shall be maintained." The original Planning staff report describes the property in question as "buildable only on ridge tops and gully bottoms." Why is there any question, then, that the only development on the parcel could be anywhere but the gully bottoms? Scraping off the ridge tops is clearly ruled out by the Ordinance. Why are we still talking about it after 2 1/2 years?

3. Excessive cut and fill.

The Ordinance: “Disturbance of the land shall be minimized” and development avoided where it would require “excessive grading, cut and fill.” If nearly 2 million cubic yards of earth, including 50 vertical feet of elevation off the ridge tops is not excessive, there is no such thing as excessive, and this provision of the Ordinance is without meaning.

3. Density.

Throughout these proceedings much has been said about density. Here are two unanswered questions on this topic:

- a. How can the density of development allowed on a piece of land be determined without regard to the topography? That is, how can one arbitrarily say 155 or 162 units is an allowable number when, because of the terrain and the Ordinance, there is buildable space only for a much smaller number?
- b. The Developer says in this current application that there are some 25 buildable acres for which they wish to somehow transfer the allowed density elsewhere—presumably to the ridge tops, where current zoning allows only one house per 40 acres. But building on the acres they wish to create by scraping off ridge tops is not allowable under the Ordinance. Therefore to gain the density they wish, why don't they simply build on the 25 buildable acres they already have, where they exist?

4. 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, unwalkable hillsides where they don't need anyone's protection. They have, after all, survived there just fine to this point! Saying this development is good for Aase's onions is a cynical manipulation of rare plant protection concerns. This way of making an

environmental assault sound appealing is sometimes called “green-washing” and should be recognized as such.

5. 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)

6. Aesthetics.

Framers of the Foothills Plan/Ordinance have told me that Quail Ridge subdivision was a frequently mentioned 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.

The “sand pit” the Developers say they will improve (which is not actually a pit, but a cut-away of the hill) is of slight visual consequence compared to the line of houses proposed for the ridge top above it.

7. Nearby neighborhoods.

The Ordinance again: Neighborhoods are to be protected from “unacceptable adverse impacts resulting from Foothills development.” In fact, traffic impacts, including construction vehicles, would be devastating to the two small neighborhoods immediately below the development. And Hill Road is already too busy. Danger to motorists, bicyclists, and pedestrians would increase unacceptably.

A very important neighborhood impact, which has been mentioned by neighbors but not, to my knowledge, responded to by the Developer or City staff, is that of drainage and run-off. Catchment ponds, which slowly leak run-off into the ground, are proposed. What will be the effect of this potentially hazardous waste water— lawn chemicals, automotive fluids, etc—on the water

of Hill Road area residents, most of whose wells are only 40 to 50 feet deep?

8. Appropriate development on this parcel.

If number 7 above can be addressed, with consent of the affected neighbors, there actually might be the possibility of development here as provided for in the Foothills Ordinance. The gully bottoms and some side canyons could make nice lots, even for some luxury homes if that is what the Developer wants, or for more density, condominiums. As required by the Foothills Ordinance, the ridge tops would be left intact and cut and fill minimized.

8. Highest and best use.

Probably the best use of this very rugged, vertical and scenic section of the Boise Foothills is the same as the neighboring Pole Cat Gulch Preserve: protected public land for recreation, wildlife habitat, and keeping Boise how most citizens love it. Could the City and the Developer make a deal?

Re: File# CAR07-00042, CUP07-00084
To Whom it May Concern,

This letter is in response to the latest application by **AASES CANYON POINT DEVELOPMENT, LLC** for the development of Plano ridge subdivision.

Not only has the applicant spent two and a half years in this application process, but we, the concerned neighborhoods that will be greatly impacted, have also been involved for that length of time. In spite of all the efforts of all parties involved, in my opinion we are too close to where we started. This development still has much of the negative characteristics that Quail Ridge has, and yet the applicant has allegedly made adjustments to comply with the Foothills Ordinance. Who are they kidding? It will be as much of an eyesore from the valley, and the existing neighborhoods whose lifestyle should not be compromised according to the Plan, will indeed be compromised.

The increase in traffic, especially on Collister street, which is a substandard road above Hill Road (35 feet wide compared to 50 feet below Hill Road), will jeopardize the safety of those neighbors, as well as all the cyclists who have been using the new trail system that empties out on Collister. Honestly, has anyone on P&Z or ACHD come out and taken a look at the dead end where there will now be bikers and cars converging on this narrow street, going fast downhill? Haven't enough bikers been injured or killed in Boise already without creating a place where it's obviously going to be dangerous?

The access road should be gated and used for emergency access only. Until all the dwellings are built, if it does not have a locked gate, the road will also become the party central for folks who want a place to go, which will also be a risk for grass fires. Given this economy, it's going to take some time to get those houses built and sold.

I recognize that the proposed development is on private property, so within reason, they should be able to do what they can to make the most money. But whatever is allowed will set a precedent for other developments, so we should be careful going forward. We all know we don't want another Quail Ridge. Just because 10 years ago this was slated as high potential for development doesn't mean it is a good idea at this point. Why does it feel that the developers don't care about the lifestyle of existing neighborhoods, or building houses that are responsible when it comes to our resources?

The threat to the area's wildlife, the runoff of weed killers & pesticides from the development, the uncomfortable amount of traffic emptying on to Hill Road, which already has been proven not able to handle more Eastbound traffic during rush hour...are just a few of the huge concerns that have not been addressed properly. I am appalled that we have been engaged in this process for so long, and it feels like the existing neighborhoods are considered low class citizens compared to a developer and his money.

Sincere, but tired,
Katie Watts

From: "Jimmy Smith" <jimmy@steelhead.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>
CC: "Watts, John" <john@veritasadvisor.com>, "Andrew MacFarland" <macfarland...>
Date: 9/14/2009 3:34 PM
Subject: Opposing CAR07-00042, CUP07-00084, CFH07-00022

Mr. Eggleston,

I am writing you as the President of the Briarhill II & III Homeowners Association as well as a private citizen. I will be out of town when this is heard and want to at least retain my right to appeal what you decide in terms of this set of requests.

Our neighborhood has worked with the builders and with the local government on this issue for several years now. Throughout it all, we have been the ones to have even more things be incorporated into the plan that is now before you that will impact very negatively our way and quality of life.

There are several things that need to be in the record:

* Upper Collister Drive may be listed as a 'Collector' but it is not and never will be able to perform that function. ACHD has admitted this in testimony, members of your staff and Commission have also admitted this, and nothing seems to be done nor incorporated into the decisions with regards to this fact.

* The proposed 'fire road' has two precedents ahead of this proposal that required a locked gated fire road. At the last minute and after working with the builder, with very little warning the ACHD changed it to a full time road. We were willing to work with the builder to mitigate all of the other impacts on our neighborhood and were repaid with the open unlocked county road that will effectively channel all the traffic down Collister.

* The amount of grading is still way out of line with the objectives of the Foothills Initiative

* The amount of lots to be built on has increased instead of decreasing. Density and number of lots to be developed has increased over time.

* There will still be a significant amount of skylining and these houses will be seen all over the Valley.

* The mediator that was employed was felt by all the non-builder participants to be biased in favor of the builders and subsequently found to have very strong ties to one of the builder's family.

* The attorney for the developers was allowed to put in misrepresented information from the mediation session (Contrary to the agreed upon rules for this mediation) and we are not allowed to talk about

our point of view from the mediation nor are we even allowed to refute the misrepresentations of the attorney for the developers.

* Consideration is once again being given for not building on the areas that can't be built upon anyways because of the steepness of the grade.

* Little to no consideration has been given to staging the development to have the connector only occur towards the end of the development rather than the beginning to mitigate what will be major detrimental effects on our neighborhood.

* It is stated in the city rules that new developments cannot negatively impact the existing neighborhoods. This development with the full time road will ruin the wonderful way of life that we have enjoyed for so many years up here on Upper Collister.

There will probably not be many of us there when you have the meeting. You've won. We have attended the meetings at ACHD, P&Z, City Council and the builders/developers, we have attended the mediations, we have participated in all the ways that you have asked in the past and now we are starting out with effectively new proposals that are nothing but re-hashes of the previous with more being given to the developers. We are just too tired to fight P&Z. I was ruled out of order the last time I spoke. I felt that I was expressing truly what my neighbors felt, however, I do apologize for saying that all of my neighbors feel that the fix is and always has been in.

Sincerely,

James F. Smith III

President Pro-Tem Briarhill II & III Neighborhood Association

Thank You Jerry,

James Francis Smith III
James F. Smith III
Jimmy Smith
Jim Smith
Boomer
Smitty
Pops
Dad

jimmy@steelhead.com

Dear P&Z Commissioners & City Council Members,

Graciously Janel Brown forwarded to me a response about a prior work session with regards to the Plano Subdivision. Like Janel, I am concerned about the statement that "more traffic" would be funneled down Collister. As has been previously mentioned by ACHD, the Collister Neighborhood Association and residents of Briarhill Subdivision, upper Collister is a unique street, with very limited capabilities (if any) for modification. How much more traffic are we talking? Have the additional unit traffic that will be funneled up Collister been analyzed to project its actual impact on safety and road capability? The developer cites a study, but has the City/ACHD sent anyone to the site? You can label Collister whatever you want, but clearly Collister functions like it is: a poorly designed residential street. This has been demonstrated repeatedly by public testimony and pictures. In fact, ACHD is on record stating that there is little if any that can be done to fix/improve the existing section of North Collister Drive and it is problematic.

It has been previously stated in many formats that the pressing concern to the Collister Neighborhood/Briarhill residents is not only the ridgeline, but the density of houses, its impact and how the density bonus has been granted. While I fully support the right of a developer to develop his land, the developer has taken little, if any to task, on all of the previous discussions of the impact to surrounding neighborhoods and the statements received previously at public hearings. In fact, the new proposal has increased the number of units. Furthermore, I am confused by information included on the new proposal, for on the map found on page 21 of the PDF document submitted for public disclosure, only 58 units are considered in the Base Density Calculation and 97 proposed under the density bonus. Yet two pages later (page 23 of the PDF document) the developer states the Density Bonus is not needed for this 163 lot proposal. If not, why all the effort for the criteria under the Boise Foothills Ordinance???

Simply put, my question is: Has the City of Boise also taken these into consideration when the City Council sent the matter back to Planning and Zoning? As we know, this is a landmark application, due to it being the first that falls under the Boise Foothills Ordinance. Decisions rendered will *clearly* send a message on whether/how the city of Boise wishes to preserve the foothills and allow development. If one acknowledges the precedent the city will set on how it allows this develop to proceed, then at the very least, should not the city carefully take into consideration and weigh the valid testimony/concerns of its citizens (especially in the area of bonus density calculation and its impact)? Clearly, as the proposal exists currently, little has changed from previous proposals, or calculation of the density

bonus, despite the numerous public comments from citizens and P&Z commissioners, which leads to the natural question: Why?

Sincerely,

Robert J. Lazechko
5770 N. Collister Drive
Boise, ID 83703
208-388-4678 home
208-585-7798 cell

From: Mark Fogarty <mark_fgty@hotmail.com>
To: <beggleston@cityofboise.org>
Date: 9/9/2009 9:02 PM
Subject: RE: Aase's Canyon Pointe annexation and development proposal

What a disaster just like Obama Care.....Wait till a bunch more bike riding people are run over on Hill Rd....Think about that.....Is it really worth it for the money.....I will be watching this vote carefully...Dont sell yourself out for the Fn MONEY >>>>>>>

Date: Tue, 8 Sep 2009 09:42:05 -0600
From: Beggleston@cityofboise.org
To: ginselman@achd.ada.id.us; Medmond@achd.ada.id.us; Mwallace@achd.ada.id.us; doger14@aol.com; miltc62@aol.com; keslers@cabelone.net; lowellandbarbara@cabelone.net; dyorgason@cableone.net; fbsmithiv@cableone.net; cweston@cityofboise.org; JGrant@cityofboise.org; butterfly@clearwire.net; president@collistercna.org; ebrennan@ddrs.net; jeffttucker@gmail.com; trick.walker@gmail.com; janelbrown12@hotmail.com; mark_fgty@hotmail.com; youn9241@hotmail.com; kevin.mcintyre@hp.com; rward@idfg.idaho.gov; tbreuer@lttv.org; boisebook@mac.com; ecodesigninc@mac.com; rbb@moffatt.com; dghiger@msn.com; GeneWortham@msn.com; justingwortham@msn.com; middleton11@msn.com; mkclawson@msn.com; rlazechko134@msn.com; parkerb@pwnpcpa.com; jimmy@steelhead.com; kwinn@stewartlandgroup.com; katie@tvlitho.com; john@veritasadvisor.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; mbutler_landmark@yahoo.com; michaelrjones44@yahoo.com; pattiraino@yahoo.com; pjccourtright@yahoo.com
Subject: Aase's Canyon Pointe annexation and development proposal

To whom it may concern,

The applications for a development proposal at 6890 N. Plano Road have been modified as shown in the attached document and will be reviewed at a public hearing before the Boise Planning and Zoning Commission. The hearing date is September 21, 2009 as detailed in the attached legal notice.

Please review the transmittal documents and send comments before September 14th. The bulk of the application, the parts not specifically amended by the modifications attached here, remain the same as was presented at last year's hearings.

Please direct questions about this to me at this e-mail address or call 384-3839.

Sincerely,

Bruce Eggleston, AICP
Boise Planning and Development Services Department
(208) 384-3830
beggleston@cityofboise.org

With Windows Live, you can organize, edit, and share your photos.
<http://www.windowslive.com/Desktop/PhotoGallery>

Charles and Francie Link
5920 Hill Road
Boise, ID 83703

September 8, 2009

Boise City Planning & Zoning Commission
P.O. Box 500
Boise, ID 83701-0500

Re: Aases Canyon Point Development

CAR07-00042.DA
CUP07-00084
CFH07-00022

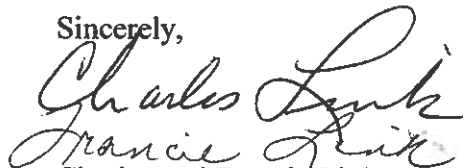
RECEIVED
SEP 10 2009
DEVELOPMENT
SERVICES

Dear Commission:

We are writing to protest the above mentioned requests by Aases Canyon Point Development, LLC. As neighbors in the area, we are opposed to the annexation of these properties and the development of same. Our concerns include the degradation of the foothills, and the increased traffic and safety issues this development would impact on Hill Road. The addition of 163 units would result in an enormous traffic increase on this two lane road. Plus, the sight distance restrictions at the access onto Hill Road from Plano Lane make this an unsafe egress. The planned density of this development, plus the grading required, would be a blight on this part of the foothill and its impact would be felt for years to come.

Because of these concerns, we strongly recommend you deny all of the above requests. We feel our neighborhood would be negatively impacted by this development and urge you to refuse the applications.

Sincerely,


Charles and Francie Link