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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.

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

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
RP Zone includes three permitted lots in County under other ownership	= 3 units
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.

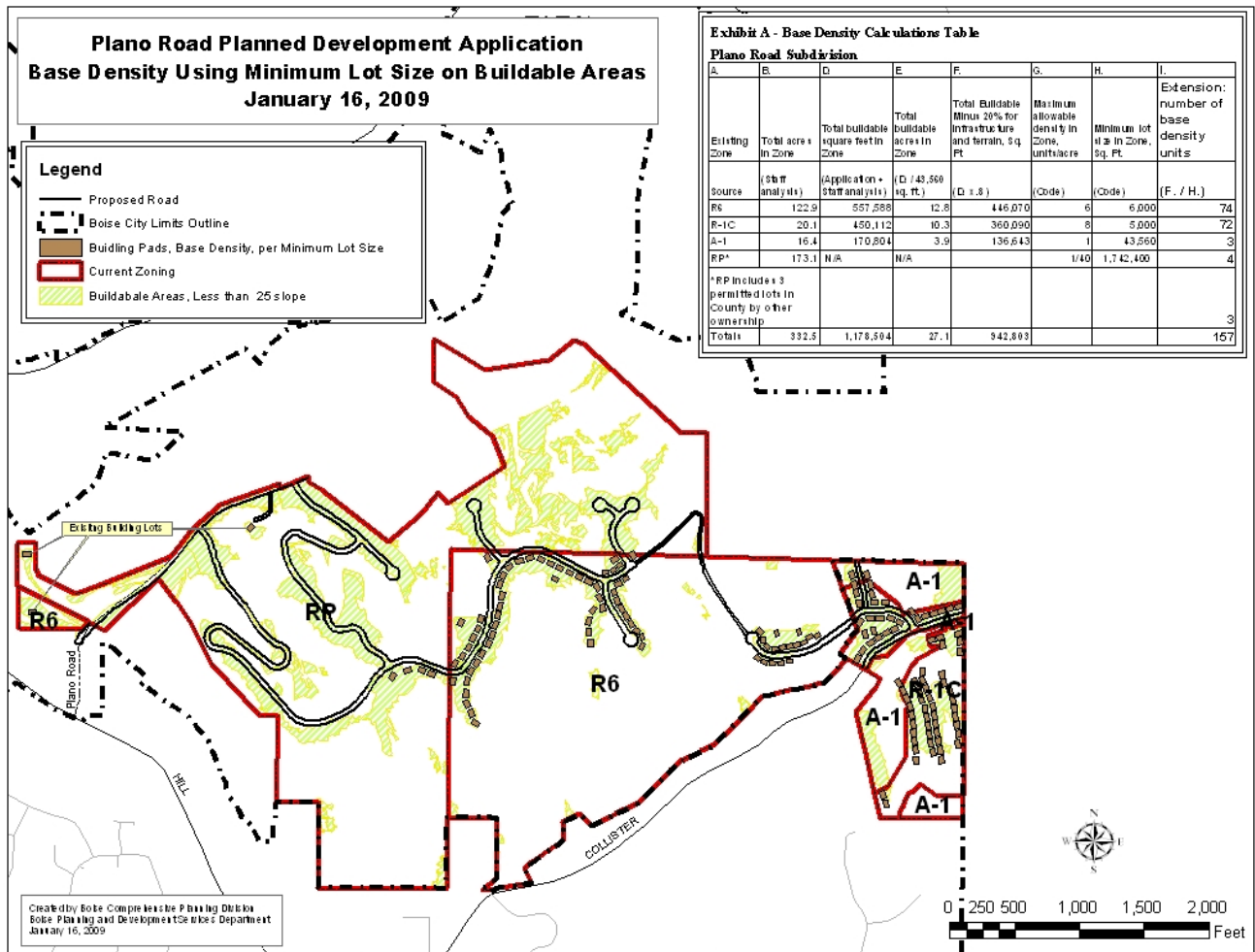


Exhibit A - Base Density Calculations Table									
Plano Road Subdivision									
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.
Existing Zone	Total acres in Zone	Percent of Total Acreage	Total buildable square feet in Zone	Total buildable acres in Zone	Total Buildable M inus 20% for infrastructure and terrain, Sq. Ft.	Maximum allowable density in Zone, units/acre	Minimum 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 undue risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208)465-8465 for additional guidance on wildlife friendly fence design.

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

- 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:

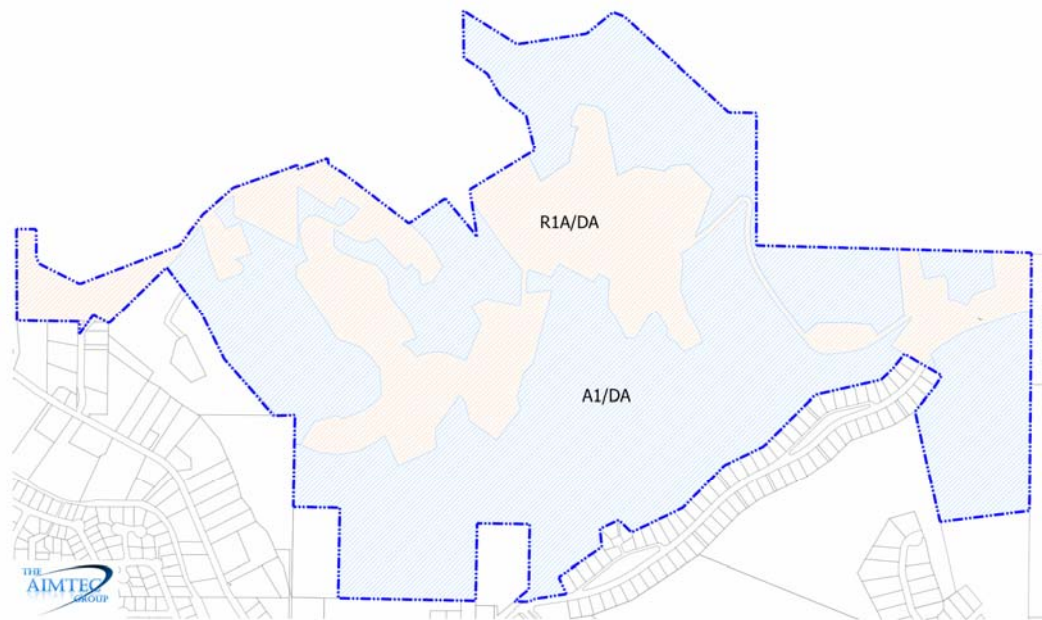
Cut: 1,924,000 cubic yards
Fill: 1,682,000 cubic yards

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

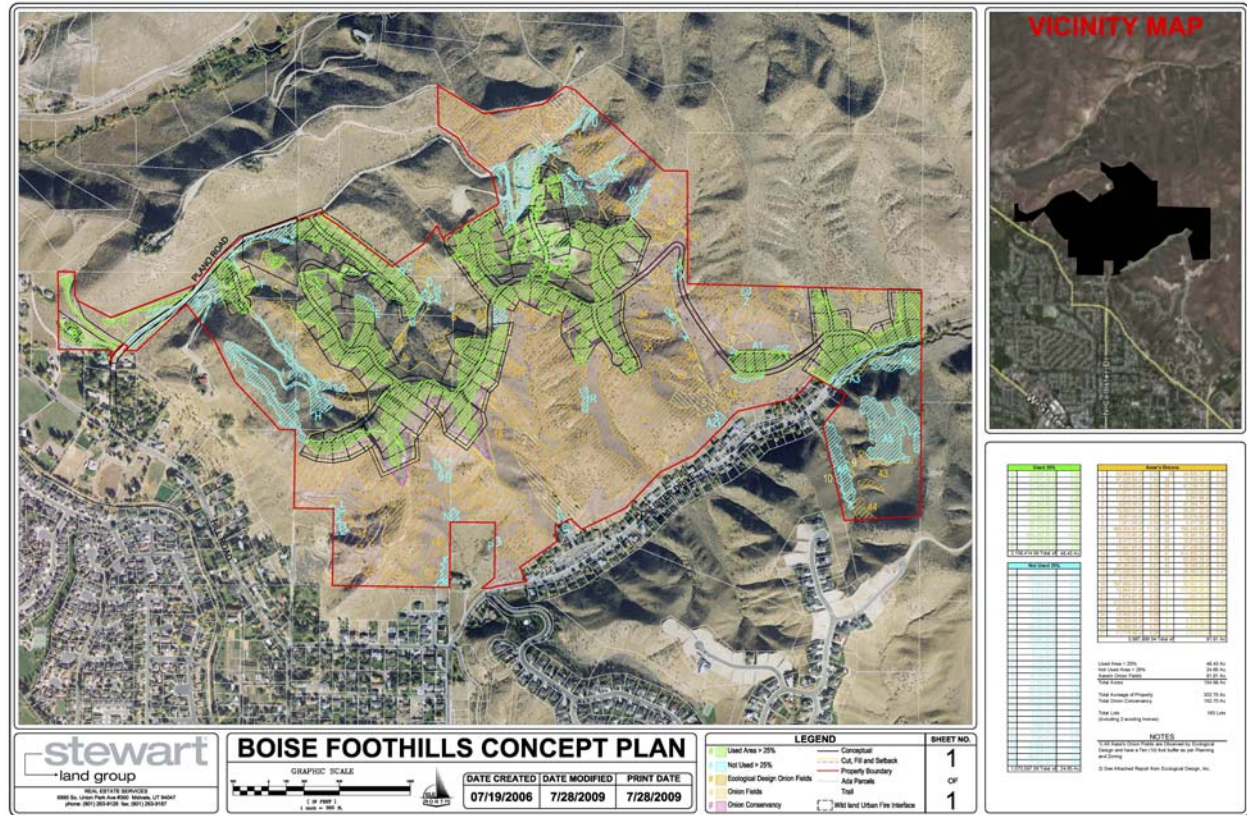
Modification July 29, 2009

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			
<u>PARAMETERS</u>	<u>OWNERSHIP</u>	<u>ACRES</u>	<u>FORMULA/SOURCE</u>
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		66.3%	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
		<u>UNITS</u>	<u>FORMULA</u>

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
<u>TOTAL POTENTIAL UNITS =</u>		<u>193</u>	DENSITY BONUS + BASE DENSITY

FOOTHILLS AREA DENSITY BONUS CALCULATIONS

+Find y, Units per acre multiplier, given the percentage of set-aside buildable land below		<u>FORMULA</u>
% 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					

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	

The Boise Zoning Code Analysis

11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE

11-06-05.07.01. Purpose and Intent

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

11-06-05.07.02. Applicability

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

11-06-05.07.03. General Application and Development Requirements

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

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

and parks and recreation. Street services would be provided by Ada County Highway District. The Independent School District of Boise would provide school services.

11-06-05.07.04. Density Bonus - Analysis

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

It is unique in the Boise Zoning Code in that density is based not upon a fixed standard, such as one unit per 20,000 square feet in the R-1A zone. It is derived from a base density of one unit per forty acres, 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.

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

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.

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.

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

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

Boise Foothills Policy Plan 5.0 NEIGHBORHOOD PROTECTION GOAL

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

Objective 2

Neighborhoods affected by through traffic will be protected.

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

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

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 new-comers. 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 9 Aase's Onion Conservation Plan 11/12/2008

Aase's Onion Conservation Plan
Prepared for

Plano Road Subdivision



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

RECEIVED

JUN 15 2009

DEVELOPMENT
SERVICES

I. BACKGROUND OF AASE'S UNION	3
A. AASE'S UNION IN IDAHO.....	3
B. AASE'S UNION WITHIN PLANO ROAD SUBDIVISION	3
B. PLANS AND STUDIES RELATED TO AASE'S UNION 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 aaseae*) 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 aaseae* (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.

BOISE FIRE DEPARTMENT

M E M O R A N D U M

TO: Vicki DeScalfani, PDS-Subdivisions
FROM: Mark Senteno
SUBJECT: SUB07-00065; Plano Road Subdivision Preliminary Plat
DATE: May 30, 2008

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

Code Requirement:

Fire Department vehicular access shall be provided to within 150' of all portions of the non-sprinklered buildings. Any dead-end road in excess of 150' needs a Fire Department approved turnaround. Single access roads are prohibited from exceeding 750 feet without special approval. These distances can be increased somewhat for sprinklered buildings but exact distances are on a case-by-case basis. All Fire Department access roads, fire lanes, bridges, and gates are to be a minimum of 20' wide with 13' 6" overhead clearance, shall be capable of supporting 70,000 lbs GVW (24,000 lbs per axle), and shall be paved. Fire Department access roads and fire lanes shall have a minimum outside turning radius of 48' with an inside radius of 28'. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height, and at least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. No grade may exceed 10% (please note that fire apparatus are designed for a maximum 6% grade). Width and turning radius measurements specified by this paragraph can include those surfaces vehicles generally drive upon. Specifically, gutter and rolled curb are generally considered useable, while vertical curb or sidewalks are not.

Comments:

Condition of Approval:

All code requirements will apply.

Code Requirement:

For streets having a width less than 36 feet back of curb to back of curb parking shall be restricted on (1) one side; for streets having a width less than 29 feet back of curb to back of curb parking shall be restricted on both sides; and for standard ACHD cul-de-sacs parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking

restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.

Comments:

Condition of Approval:

All code requirements will apply.

Code Requirement:

Fire hydrant number and distribution is dependant on the International Fire Code Appendix C, Table C105.1.

Comments:

No fire hydrants have been noted. In the absence of information on existing hydrants it appears that many new hydrants may/will be needed. However, we reserve the right to modify requirements as more information comes to light. Variables affecting hydrant numbers and location include, but are not limited to, area, construction type, existing hydrants, accuracy of information provided in the application, strategic location for fire fighting forces, and required fire flow. New hydrants must be "non-private" installations.

Condition of Approval:

Meet IFC Appendix C, Table C105.1 for hydrant number and spacing requirements.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

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

Please feel free to have the applicant contact Mark Senteno, 384-3967

cc: File

From: Mark Senteno
To: Dave Hanneman; Teresa Sobotka
CC: BRUCE EGGLESTON; HAL SIMMONS
Date: 6/27/2008 9:49 AM
Subject: Re: Aases Canyon/Plano Road subdivision
Attachments: Aases Canyon-Plano Road Conditions.pdf; Mark Senteno.vcf

Teresa,

I spoke with Dave Hanneman and Terry Records and have made the decision not to require a path through the sand pit. There are current access roads in the area and we will get an additional road when the United Water storage tank is constructed.

On the second issue of residential sprinklers...yes, they will be required. I have referenced the Boise City Comprehensive Plan, the Boise City Foothills Policy Plan and Boise Municipal Code. It is my opinion they support each other.

Enclosed is my preliminary review of the conceptual plan for Aases Canyon/Plano road Subdivision.

Please let me know if you need additional information from me.

Thank you,

Mark

Mark Senteno
Assistant Fire Marshal
Boise City Fire Department
150 North Capitol Blvd.
Boise, Idaho 83702

(O) 208-384-3967
(C) 208-869 7908
MSenteno@cityofboise.org

>>> Dave Hanneman 6/26/2008 3:42 PM >>>

Teresa, the road should hold a fire engine and support 70000 pounds per code the corner of hill and collister is 1.5 miles from our station 9 on sycamore. The entire sub is beyond this point. Even though we are trying to build a new station in that area we have no guarantee that it will be approved at P&Z like what happened on Shirley and Hill. I am flying back right now from Portland but can meet tomorrow or you can call me at 9419324

Dave

-----Original Message-----

From: Teresa Sobotka
To: Dave Hanneman <DHanneman@cityofboise.org>
To: Mark Senteno <MSenteno@cityofboise.org>
Cc: BRUCE EGGLESTON <Beggleston@cityofboise.org>
Cc: HAL SIMMONS <HSIMMONS@cityofboise.org>

Sent: 6/26/2008 3:07:12 PM
Subject: Aases Canyon/Plano Road subdivision

Hi -

Dave, are you requiring a path through the sand pit for emergency fire purposes, and if so is it for a jeep or a fire truck? That is a steep area. We need to know immediately so we can finalize the development agreement.

Mark, we read the Foothills Policy Plan recommendations to state that if the development is outside the 1.5 miles from a fire station, then all houses must have sprinklers. Either way, those over 5,000 sq. ft. must have sprinklers. Is that your interpretation?

BOISE FIRE DEPARTMENT
M E M O R A N D U M

TO: Bruce Eggleston, PDS Comprehensive Planning
FROM: Mark Senteno
SUBJECT: Aases Canyon/Plano Road Subdivision
DATE: June 27, 2008

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

Code Requirement:

Fire Department vehicular access shall be provided to within 150' of all portions of the non-sprinklered buildings. Dead end roads are prohibited from exceeding 750 feet. These distances can be increased somewhat for sprinklered buildings but exact distances are on a case-by-case basis. All Fire Department access roads, fire lanes, bridges, and gates are to be a minimum of 20' wide with 13' 6" overhead clearance, shall be capable of supporting 70,000 lbs GVW (24,000 lbs per axle), and shall be paved. Fire Department access roads and fire lanes shall have a minimum outside turning radius of 48' with an inside radius of 28'. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height, and at least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. Any dead-end road in excess of 150' needs a Fire Department approved turnaround. No grade may exceed 10% (please note that fire apparatus are designed for a maximum 6% grade). Width and turning radius measurements specified by this paragraph can include those surfaces vehicles generally drive upon. Specifically, gutter and rolled curb are generally considered useable, while vertical curb or sidewalks are not.

Comments:

Condition of Approval:

Boise City Comprehensive Plan Chapter 8 Objective 19, #1 – The Foothills Policy Plan adopted by the City Council on March 4, 1997, is adopted into and is part of the Boise City Comprehensive Plan, subject to all of the stated purposes and procedures of the Comprehensive Plan.

**Boise City Foothills Policy Plan Environmental Protection and Open Space Conservation
Objective 3:**

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

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

Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet.

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

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

All newly constructed Foothills structures shall be protected by a landscaped fire break.

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

A fire safety plan shall be filed with the Planned Unit Development application to include safety measures to be used during the construction phase, and plans for fire prevention and emergency evacuation in case of a wildfire. This plan will be an enforceable part of the PUD approval agreement. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management. The cost of fire plan preparation and review shall be the responsibility of the applicant. The fire protection plan shall be retained by the code official.

Boise Municipal Code Title 11 Zoning Section 11.06.05.07.05 Design Criteria:

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

2006 International Wildland-Urban Interface Code 403.3 and 404.3

Fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that

location within the jurisdiction. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.

Draft sites. Approved draft sites shall be provided. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

Code Requirement:

For streets having a width less than 36 feet back of curb to back of curb parking shall be restricted on (1) one side; for streets having a width less than 29 feet back of curb to back of curb parking shall be restricted on both sides; and for standard ACHD cul-de-sacs parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.

Comments:

Condition of Approval:

Refer to Code Requirements.

Code Requirement:

Fire hydrant location and distribution shall meet requirements of International Fire Code Appendix C.

Comments:

No fire hydrants have been noted. In the absence of information on existing hydrants it appears that many new hydrants may/will be needed. However, we reserve the right to modify requirements as more information comes to light. Variables affecting hydrant numbers and location include, but are not limited to, area, construction type, existing hydrants, accuracy of information provided in the application, strategic location for fire fighting forces, and required fire flow. New hydrants must be "non-private" installations.

Condition of Approval:

Refer to Code Requirements.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

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

Please feel free to have the applicant contact Mark Senteno, 384-3967

cc: File

Letters From Agencies
Boise Public Works

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: June 6, 2007

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Aases Canyon Point
CFH07-00022

I have reviewed the CFH07-00022 file that you provided me. The file did not contain any of the engineering reports that are required. Specifically, there was no grading plan, geotechnical report, hydrology report, or revegetation plan contained within the file.

I did receive via e-mail some hydrology information but, according to Jim Wyllie, it would not qualify as even a preliminary hydrology report.

There were some extra copies of the grading plan submitted with the preliminary plat and I took 2 copies of those. However, this cannot be reviewed without the other reports.

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 12, 2007

To: Bruce Eggleston
Planning & Development Services

From: Jim Wyllie
Public Works

Subject: Plano Subdivision
Hydrology Report & Drainage Plans
PWE 610

The Hydrology Report and drainage plans submitted for Plano Subdivision were very preliminary in nature, were lacking in detail and contained certain errors and omissions. **Reports and plans should conform to the requirements specified in Boise City's technical guidance manual "Hillside Development / Requirements for Technical Reports" (manual is available on the City's web page).**

Some specific comments relating to project hydrology are listed as follows:

Hydrology Report

1. A more complete description of how drainage from the subdivision and upstream tributary areas will be accommodated needs to be provided. If possible, stormwater ponds should be located out of existing stream or runoff channels.
2. Comment on effects of this subdivision on downstream areas needs to be provided. What will be the impact of this development on the lower reaches of Plano Lane and Collister Drive?
3. A better description of drainage facilities needs to be provided. Are the ponds shown on the plans infiltration ponds, detention ponds or something else? All ponds, regardless of type, need to be provided with emergency spillways. If Infiltration ponds are proposed, they need to be provided with sediment trap forebays. Other structural requirements will apply based upon the pond type utilized. A description of how ponds are to be maintained should also be included.
4. Only one storm, the 100 year event, was evaluated. This will only be acceptable if 100% of the drainage from developed areas, including uphill tributary areas, is stored and disposed of on site. Our stormwater design manual requires the evaluation of the 2, 5, 10, 50 and 100 year storm event for all projects with off-site discharge.
5. Additional information on culverts needs to be provided.
6. Drainage basins shown in the Preliminary Hydrology Report were not correct. Drainage basins need to include all upstream tributary areas, even if no development is proposed in upstream areas.
7. Conveyance of stormwater runoff from upstream areas through the development may be

proposed. If so, documentation for conveyance facilities needs to be provided.

Drainage Plans

1. If possible, stormwater ponds should be located out of existing stream or runoff channels.
2. Drainage control features for the emergency access road need to be shown.
3. Culverts at all stream or runoff channels need to be provided and shown on the plan.
4. Ponds should include emergency spillways, outlet structures (if proposed), provisions for sediment storage, access for maintenance, etc.

We can complete our review of the project hydrology once the above information is adequately provided.

cc: Hal Simmons
Terry Records

PWE610PlanoHydmem.doc

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 13, 2007

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Aases Canyon Point Grading Review
CFH07-00022

Although the quality of the grading plan has improved considerably it still has enough problems that it cannot be considered as acceptable to submit.

In several instances the plan contains apparent computer anomalies. For example, contour lines make abrupt changes in direction or lie on top of one another.

Much of the grading is proposed in such a way that it requires more disturbance than is necessary. On some lots the pad size could be increased and the area of disturbance reduced if the grading were done more efficiently.

There still appears to be a huge imbalance in the cut and fill volumes. Normally any imbalance is unacceptable, however, this site contains a sand quarry that could receive some of the excess cut. At this time, though, the information documenting that this can be done has not been submitted.

The current version of the grading plan must be revised as follows to be considered as acceptable for submittal:

1. Clean up the apparent computer anomalies.
2. Modify the proposed grading to minimize the area of disturbance and the depth of the cuts and fills.
3. Provide a current estimate of the cut and fill imbalance with a grading plan that indicates the disposal site is large enough to accept the volume.



Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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City Council
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Council ProTem
David Eberle

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

Planning & Development Services

July 15, 2007

Mr. Kerry Winn
Stewart Land Group
6995 A. Union Park Court
Midvale, Utah 84047

Subject: Aase's Point Canyon project applications

Dear Mr. Winn

Staff has evaluated the most recent changes to the proposed project, and has found items that need to be revised to complete the application prior to scheduling the requests for hearing at the Planning and Zoning Commission.

Staff appreciates the efforts you and your consultants have made to provide changes to date, but important issues remain that should be worked out through meetings with staff to clarify what is required to complete the application. The primary concerns are with the overall grading and the associated issues as demonstrated in the two attached letters from the Public Works staff.

The grading issues seem to be the variable that must be solved before staff can determine the density bonus and the number of eligible units. At issue is the total area of the threatened species fields post-grading. The current grading plan covers up significant areas of the threatened species that would in turn eliminate them from the bonus. Staff recommends that the grading issues and the density issues should be addressed in consultation with staff.

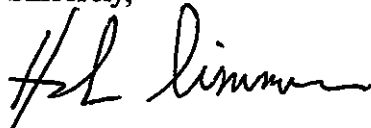
The following issues should be provided to enable staff to further evaluate this application.

- 1) Provide evidence from the Ada County Highway District, and other sources, that prove that the Plano Road ingress/egress is secured for this project. Portray the proposed Plano right-of-way on the preliminary plat and other maps. Supporting evidence must include an affidavit of legal interest from all the landowners providing the right-of-way.
- 2) Address the grading items in the attached letter from Terry Records.
- 3) Address the hydrology items in the attached letter from Jim Wylie.
- 4) The density of the project should be reviewed after the grading issues are addressed. The post-grading areas of the threatened species must be depicted on a map and calculated on a table to establish the area eligible for the density bonus.
- 5) Some revision must be made to the proposed zoning map. The Plano Lane properties should be in the A-1/DA Zone because they have not been

- incorporated in the development layout and are shown as vacant land.
- 6) We will continue to work with you on the development agreement, as it will change with the results from the requested modifications to the application.
 - 7) Details must be provided to show the Collister Road stub at the eastern property boundary.

Please direct questions about these issues to me at 208-384-3830.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Simmons". The signature is fluid and cursive, with the first name "Hal" being more prominent than the last name "Simmons".

Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file



Bruce D. Chatterton
Director

Boise City Hall
150 N. Capital Boulevard

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Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

August 30, 2007

Mr. Kerry Winn
Stewart Land Group
6995 S. Union Park Ctr.
Midvale, Utah 84047

Subject: Status and hearing process for CUP07-00084, CAR07-00042, SUB07-00065, and CFH07-00022.

Dear Mr. Winn,

This letter is to inform you of the sufficiency status of the above applications.

The requests are still not scheduled for a hearing date before the Planning and Zoning Commission as we are still awaiting resolution of lot design, grading and access issues.

The City would prefer to continue to work with you to resolve the outstanding issues prior to taking the applications to public hearing. It is the City's policy to work out the technical issues for any application prior to hearing to ensure that requests receive consideration by the Planning and Zoning Commission and City Council based on the merits of the proposal, not on the compliance with the technical aspects of the application process. We sent you a letter on July 15, 2007 that addressed most of the issues that remain today. You have been working diligently to revise your plans to comply with City standards and ordinances for these kinds of applications, and we appreciate your efforts.

We hope that we can continue on this path to resolve these issues prior to scheduling the requests for hearing. You do have the option to request a hearing date based on the current status of the applications, but that would not give the staff an opportunity to make the findings necessary to comply with the ordinance.

The following items are required to complete and/or clarify their applications CUP07-00084, CAR07-00042, SUB07-00065, and CFH07-00022.

1. Address the grading items in the attached letter from Terry Records from Public Works, Exhibit A.
2. Provide evidence from the Ada county Highway District, and other sources, that prove that the Plano Road ingress/egress is secured for this project. Portray the proposed plan right-of-way on the preliminary plat and other maps. Supporting evidence must include an affidavit of legal interest from all the landowners providing the right-of-way.
3. A map showing the post-grading contours and the undisturbed Aase's Onion fields that would be permanently set aside, with calculations of the remaining area sizes.

4. Address the building footprint issues portrayed on the site plans e-mailed to you, and added to the CUP07-00084 case file, where the proposed building envelopes are shown on lands with slopes greater than 25%. This will require the alteration of the site plan to bring the lotting pattern into conformance with ordinance, Section 11-06-05.07.06 Building and Grading Disturbance Envelopes, and the definitions in Section 11-06-05.07.08. Refer to the attached table, Exhibit C, for the building envelope analysis.

5. We will continue to work with you on the development agreement, as it will change with the results from the requested modifications to the application.

Please direct questions about these issues to Bruce Eggleston at 208-384-3830.

Sincerely,



Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file

Exhibit A

August 29, 2007

From Public Works, Terry Records

Plano Grading Plan Adequacy:

The grading plan for the Plano Road Sub is not acceptable in its current form. The proposed grading indicated on the plan does not accurately represent how the applicant intends to grade the site.

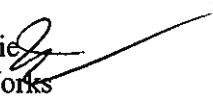
The plan that was submitted indicates large areas of disturbance that are unnecessary to achieve the intended grading. I met with James Woodruff, the project engineer, last week and we reviewed the plan and discussed the changes that are necessary to make the plan acceptable. I have not received the revisions yet and so the hillside application cannot be considered complete at this time.

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 19, 2008

To: Bruce Eggleston, Planner II
Planning & Development Services

From: Jim Wyllie 
Public Works

Subject: Plano Subdivision
Preliminary Hydrology Report
Review Comments
PWE 610

Project Description

Plano Subdivision lies in Northwest Boise, situated north of Hill Road between Pierce Gulch and Polecat Gulch. The subdivision is approximately 324 acres in size with an overall drainage area of approximately 607 acres. Overall drainage area includes 338 acres of undeveloped ground in Polecat Gulch existing above the Plano Subdivision. Stormwater runoff for the subdivision now flows into two separate drainage basins. Drainage basins are Plano Lane and Polecat Gulch.

The development site includes steep hillsides with narrow ridge tops. Slope steepness in certain areas approaches 1.5:1 (a slope of 1.5 horizontal feet for every 1 vertical foot). Other slopes between 1.5:1 and 2:1 are common throughout the subdivision. Vegetation is composed primarily of sagebrush with a grass under story and grasslands. Subdivision soils are classified primarily as a Type B material. This soil type has a moderate to high rate of infiltration capacity resulting in historically low stormwater runoff rates from this area.

The Plano Drainage Basin has no drainage infrastructure for stormwater. All drainage emanating from the Plano Basin flows overland onto the end of the paved road on Plano Lane. Drainage then flows down Plano Lane to Hill Road. The Polecat Basin has drainage conveyance facilities located in Collister Drive. There is an existing 12-inch diameter pipeline that runs from the upper end of Collister Drive to an existing stormwater detention facility located at the intersection of Collister and Quail Ridge Drive. Collister Drive also functions as an overflow channel to convey stormwater flows when the capacity of the 12" pipeline is exceeded.

Pre Development Conditions

The subdivision site is generally undeveloped in nature and is in a near-natural setting except for Plano Lane (a gravel surface roadway) and five houses that are either on the valley floor or on the ridge tops. There is also a sand borrow pit on the northerly end of the property.

Vegetation in the area consists of sagebrush with grass under story and grasslands with minor amounts of brush. Sandy soils, having good infiltrative capabilities, are prevalent over this area and help to minimize stormwater runoff. For a 100-year storm event, the Preliminary Hydrology Report predicts pre-development runoff rates from the Plano Basin and the Polecat Basin of 14.2 cubic feet per second and 30.11 cubic feet per second respectively. The Polecat Basin includes runoff from the 338 acre non-developed tributary area above the end of Collister Drive.

Post Development Conditions

A series of ponds are proposed for stormwater mitigation. Three ponds are to be placed in the Plano drainage and one pond in the Polecat drainage.

The Plano Ponds are primarily stormwater infiltration ponds that include a controlled outlet to allow time for ponds to drain between storm events. Performance of this type of system will need to be documented in the Final Hydrology Report. Each pond system is to be provided with sediment storage and an emergency overflow structure. According to the Preliminary Hydrology Report, the ponds are designed to completely retain a 100-year storm event for all developed areas excepting for a maximum 0.5 cubic foot per second discharge.

The Polecat facility is a detention pond that stores water that is released over an extended time period to replicate pre-development peak flow conditions. Drainage facilities for Polecat Gulch do not provide runoff storage for the undeveloped drainage basin that lies above the Plano Subdivision development.

Conveyance of stormwater runoff to the subdivision ponds will be accomplished by collecting stormwater in pipelines that extend from the street system to the drainage ponds. The pipelines will also collect roof drainage from each individual lot.

Commentary

1. Although the information provided in the Preliminary Hydrology Report is adequate, certain additions and revisions to the final hydrology report and plan will need to be made. Such changes include modification of drainage basin characteristics, such as size, runoff coefficients, etc. Pond infiltration rates and information on all stormwater piping systems and culverts also needs to be provided.
2. Where possible, stormwater ponds should be located out of the natural drainage channels. Placing ponds in the bottom of drainage channels diminishes their storage capacity if natural flows are allowed to enter the ponds. Developer's Engineer should consider placement of bypass piping to route natural drainage flows around proposed pond facilities.
3. Erosive soils are present in this development and in upstream tributary areas. Over time, transport and deposition of sediments in the ponds may significantly diminish the ponds capacity and infiltration performance. Consequently, removal of sediments from the ponds is very important. Sediment removal requirements should be clearly specified in operation and maintenance manuals which must be provided with the final engineering documentation.
4. Developer shall provide additional documentation for stormwater ponds with the final

reports. Include infiltration rates below proposed pond areas and potential impacts of subsurface drainage on existing downstream structures and domestic water wells. Documentation must show that infiltrated stormwater will not contaminate down slope domestic water wells or emerge in basements or crawl spaces.

5. One of the proposed ponds has an embankment height of 10 feet. This pond may be subject to regulations of the Idaho Department of Water Resources.
6. Ponds are to be provided with outflow structures. Outflow rates cannot exceed pre-development runoff rates. Place outflows at historical drainage inverts.
7. Ponds are shown with side slopes of 1:1 or 2:1. Fencing around ponds will be required.
8. Basin "C" pond slopes are shown to be 1:1. This slope steepness exceeds recommendations listed in the Preliminary Geotechnical Report. Pond slopes should be revised to 2:1 or be specifically approved in the final geotechnical report.
9. The private road (20 foot wide roadway connecting upper and lower W. Daylight Rim Drive) needs to include a drainage system or be constructed with an armored channel on the low side of the roadway.

Conclusion

The Final Hydrology and Geotechnical Reports for the Plano Subdivision need to confirm the proposed drainage mitigation facilities are appropriate and in compliance with City standards. Reports also need to show that infiltrated stormwater will not negatively impact downstream properties. If these items can be accomplished, this development should comply with requirements of the Hillside Ordinance.

cc: Terry Records
Rob Bousfield
Scott Spjute
Sf PWE 610 2.4

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 20, 2008

To: Bruce Eggleston, Planner II
Planning & Development Services

From: Jim Wyllie 
Public Works

Subject: Plano Subdivision (SUB07-00065)
Preliminary Hydrology Report
Approval Conditions
PWE 610

RECEIVED

MAY 22 2008

DEVELOPMENT
SERVICES

Recommended conditions of approval for the Preliminary Plat of Plano Subdivision are listed below. This memo is a supplement to my earlier memo to you dated May 19, 2008.

Recommended Conditions of Approval

General Requirements For All Stormwater Ponds

1. Details on all pond outflow structures must be provided. Outflow rates cannot exceed pre-development runoff rates. Discharge point for outflow structures shall be placed at historical drainage inverts.
2. Ponds are shown with side slopes of 1:1 or 2:1. Fencing around ponds will be required.
3. Where possible, stormwater ponds should be located out of natural drainage channels.
4. Drainage ponds with embankment heights of ten feet or greater are subject to regulations of the Idaho Department of Water Resources.

Requirements For Stormwater Infiltration Ponds

1. Pond infiltration rates and time required for each pond to drain shall be provided. Infiltration rates shall be supplied by the project geotechnical engineer.
2. Pond sediment removal requirements shall be clearly specified. These requirements shall be included in Operation and Maintenance manuals for use by the Subdivision Homeowners Association.

3. Geotechnical documentation stating that infiltration of stormwater will not negatively affect existing downstream structures and domestic water wells shall be provided, i.e., infiltration of stormwater shall not contaminate down-slope domestic water wells or emerge in down-slope basements or crawl spaces.

Other Requirements

1. Basin "C" pond slopes, as shown on preliminary grading plans, are shown to be 1:1. This slope steepness exceeds recommendations listed in the Preliminary Geotechnical Report. Pond slopes should be revised to 2:1 or be specifically approved in the final geotechnical report.
2. The private road (20 foot wide roadway connecting upper and lower W. Daylight Rim Drive) needs to include a drainage system or be constructed with an armored channel on the low side of the roadway.
3. Final Hydrology Report shall include documentation for all stormwater piping systems and culverts.
4. Final Drainage Plans shall be approved by Ada County Highway District prior to signature of the Final Plat by the City Engineer.

Please contact me if you have questions regarding the proposed requirements.

cc: Rob Bousfield
Terry Records
Scott Spjute
Sf PWE 610 2.4

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 28, 2008

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Plano Road Sub Grading
CFH07-00022, CUP07-00084, SUB07-00065

Plano Road Subdivision is a proposed 154 lot development located on approximately 324 acres in the lower Boise foothills. The subdivision is planned to extend between Plano Lane on the west and Collister Road on the east. The existing site consists of mostly undeveloped steep hillsides with slopes as steep as 1½:1 (horizontal to vertical). Vegetation is primarily sagebrush, bunchgrass and other native vegetation typical of the semi-arid Boise foothills with interspersed areas of Aases onions. The developed areas are proposed to be located along the relatively narrow ridge tops and valley floors. To provide for streets and areas to build the houses the ridge tops will be lowered and leveled and the material placed in the valley floors. The proposed development plan is similar to previous subdivisions in the Boise foothills such as Quail Ridge, Arrowhead Ridge, and Highlands Hackberry.

Grading

The proposed grading plan indicates cuts and fills of approximately 50 feet through the majority of the site. Material will be removed from the ridge tops to provide level areas for the streets and future houses. This cut material will then be placed in the valley floors to again provide level areas for the streets and houses. The preliminary grading plan indicates approximately 2,000,000 cubic yards of cut and 900,000 cubic yards of fill for the infrastructure and lot pad development. The excess cut material will be placed in an old sand quarry that exists on the site. The fill in this area will be adjusted as necessary so that no excess material will be hauled off site. Currently the deepest proposed fill in the sand pit area is approximately 70 feet but may be revised depending on how the final cut and fill balances. This fill will also remediate an existing unattractive scar that is visible from most of the western bench area of Boise.

On sloped sites the Uniform Building Code (UBC) restricts how close to a property line grading can occur, depending on the height of the adjacent slope. The preliminary plan indicates that

grading is proposed right up to the property line in several areas and actually across the line in some instances. The plan must be revised to comply with the setback requirements of the UBC. Alternatively permission can be granted by the affected property owner for the encroachment. All other parts of the proposed grading plan comply with the technical requirements of the Boise Hillside and Foothills Areas Development Ordinance and can be approved with the attached conditions of approval.

Geotechnical

The Preliminary Soil and Geologic Evaluation was done by Strata, Inc. in June of 2007. The report was based on site reconnaissance, geologic and geotechnical literature review, review of existing data and previous work done by Strata in this area of the foothills. The purpose of the study was to identify any "fatal flaws" which may have a significant adverse impact on the proposed development concept. No such flaws were identified. However, several areas of concern were identified that must be addressed in the Final Geotechnical report.

The site is characterized by 3 main formations and soil types. At the highest elevations is the Pierce Gulch sediments comprised of medium to coarse grained sand with localized silty sand layers. Below this is the Terteling Springs sediment comprised of medium to coarse grained sand, silt, sandstone, siltstone and claystone. The valley floors have had more recent sediments deposited as a result of erosion from the Pierce Gulch and Terteling Springs Formations above. These soils are expected to be loose and soft with relatively low densities and may exhibit volume changes with changes in moisture content.

Additional geotechnical exploration, including test pits and or test borings, will be performed prior to final approval and the issuance of a grading permit. Specific areas of investigation that will need further investigation, as identified in the Preliminary Soil and Geologic Evaluation, include:

1. Slope Stability Analysis
Slope instability could potentially impact adjacent development and must be evaluated .
2. Stormwater Disposal
Soils will be evaluated for infiltration, allowable infiltration rates, and recommended setback distances from structures and slopes and potential impacts of subsurface drainage on existing downstream structures and domestic water wells.
3. Earthwork and Grading
Recommendations to include suitable soil types and evaluation of on-site soils for use as structural fill and ;the effect of perched groundwater on proposed grading.
4. Evaluation of Subgrade Soils for Project Infrastructure
This evaluation to include identification of active clay soils, evaluation of settlement potential associated with grading, recommendations for pavement subgrade, and

recommendations to reduce potential effects of detrimental soil conditions.

5. Detention Pond Embankments

Recommendations to include stability analysis seepage analysis and earthwork specifications.

Conclusion

The proposed grading plan complies with the technical requirements of the Boise Hillside and Foothills Areas Development Ordinance and Uniform Building Code, except as noted above, and can be approved with the attached conditions of approval. The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. Final approval of the grading plan and the issuance of a grading permit are contingent upon a more extensive onsite investigation confirming the preliminary opinions of the geotechnical engineer.

Recommended Conditions of Approval

Prior to final approval of the proposed grading plan the following must be completed:

1. Provide a Final Geologic and Geotechnical report that addresses the areas of concern identified in the Preliminary Soil and Geologic Evaluation. The final report must indicate that the development can be done without adverse impact to adjacent properties through slope instabilities or the introduction of subsurface water by infiltration facilities.
2. Modify the proposed grading plan to comply with the grading setback requirements of the UBC or provide approval from the affected property owner.

A grading permit can be issued with the following conditions of approval:

1. All site work shall be done in compliance to the above referenced plans and project specifications, the Boise City Hillside and Foothills Areas Development Ordinance, CUP07-00084, CFH07-00022, SUB07-00065, and in accordance with Appendix Chapter 33 of the Uniform Building Code.
1. All earthwork must be done under the direct supervision of the geotechnical engineer. Inspection and testing of earthwork is to be provided by a soils engineer/testing laboratory. Embankment compaction test data and daily logs of construction activities shall be submitted by the Project Engineer to Public Works (my attention) on a weekly basis.
2. Unforeseen or difficult soil conditions may be encountered during earthwork activities. If soil conditions, weather conditions, or other situations alter work activities or potentially impact satisfactory completion of work; the City shall be immediately notified. The

geotechnical engineer shall respond to these conditions in a manner acceptable to the City. If these conditions are not appropriately dealt with, a work stoppage will be imposed on the project until satisfactory resolution of these problems can be achieved.

3. The permittee shall apply water or other dust palliative to control dust when necessary.
4. Identify, stake and maintain through construction, markers at the limits of grading. Stakes shall be placed at reasonable intervals around the grading perimeter. All perimeter construction staking shall be in place prior to commencement of work. Disturbance outside the marked limits of grading shall not be permitted.
5. No cut or fill slopes shall be steeper than 2 to 1.
6. No operation of heavy equipment shall occur prior to 7:00 a.m. or later than 7:00 p.m., Monday through Saturday. Upon request work may be permitted outside of these hours on limited basis provided that there is not excessive disturbance to adjacent property owners from noise and/or lights.
7. Boise City shall be reimbursed for review and inspection costs associated with Hillside Ordinance Requirements.
8. Final reports as required by Chapter 33 of the uniform Building Code shall be provided prior to full release of grading performance security.
9. Stripping and topsoil removal shall not be done on an area until just prior to cutting or filling in the area.
10. The Owner/Contractor must provide for temporary erosion protection of all disturbed slopes on an as required basis until the project is successfully revegetated. The intent of this condition is to minimize erosion to this project and to prevent the transport of eroded materials outside the boundary of this project. The Owner/Contractor shall have onsite or readily available sandbags, sediment fence or other materials deemed necessary by the Project Engineer for emergency response to drainage, erosion or sedimentation problems.
11. All bonding for grading, erosion protection, revegetation and related work, including an agreement to perform work under this permit, shall be submitted to and accepted by Boise City prior to the issuance of a grading permit. In the event of default and/or failure to complete the project and to perform the conditions stipulated herein, the developer/landowner hereby grants to Boise City and their agents the right of access to the property to do the work as necessary to complete the improvements and/or restore drainage and aesthetics of the site.
12. The Contractor and/or Developer to whom this permit is issued, shall be responsible for maintaining the project site in a safe, environmentally stable condition. If the Project

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

13. Any changes to the Grading, Erosion Control or Revegetation plan shall be forwarded to the Public Works Department in writing for review and approval prior to commencing with construction.
14. Any correspondence and communications relative to this permit shall be directed to the Department of Public Works with copies to the Building Department.
15. When work is completed on the storm drains to the individual lots, record drawings shall be provided that identify the location and invert of the end of the stubout.



Development Services
6995 So. Union Park Center
Suite 360
Midvale, UT 84047

June 3, 2008

Bruce Eggleston
Planning and Development Services
150 N. Capitol Blvd.
2nd Floor
Boise, ID 83701-0500

Dear Bruce,

The purpose of this letter is to clarify our commitment to a few items that need additional work in our application. Plano Road Subdivision will require color and material restrictions for any sides or areas of homes and lots readily visible from the Treasure Valley. These restriction specifics will be mandated in the subdivision's recorded CC&R's and be accepted, prior to building, and enforced by an HOA Architectural Review Committee. Also, height and set back restrictions will be applied and enforced in a similar manner, for lots along the initial ridgeline from Hill Road, prior to a building permit being issued.

The color pallet and material restrictions are in process of being developed and should be ready prior to the Hearing on July 14th. They will include a very limited range of darker, earth tone colors, non-reflective materials and low glaze windows.

We are confident that these voluntary restrictions will minimize and substantially reduce the visual impact across the Treasure Valley and immediate neighborhoods.

Also, regarding the timing for turning over the 150-acres for the Onion Conservancy to the Land Trust of the Treasure Valley, after talking with Tim Breuer, that would probably take place prior to the first Final Plat being recorded. Without final agreements in place, we can only express that is the intent.

If anything else is needed please let me know.

Sincerely,

A handwritten signature in black ink that reads "Kerry Winn". The signature is written in a cursive, flowing style.

Kerry Winn
V.P. of Operations
Stewart Land Group

Exhibit E

RECEIVED
JAN 17 2008
DEVELOPMENT
SERVICES

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: January 16, 2008

To: Boise City Planning & Zoning

Re: CAR 07-0042/ CUP 07-0084/ CFH 07-0022; 6890 N. Plano Lane

CONDITIONS OF APPROVAL

SEWER CONDITIONS – JIM PARDY (433-5648)

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in Hill Road at Plano Road and in Collister Drive (384-3900).

DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)

No comment.

STREET LIGHT CONDITIONS – BILL COLSON (384-3929)

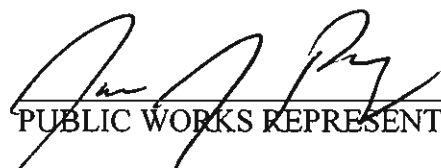
Street lights are required. The specific location and type of facilities to be installed will be identified in the conditions of subdivision plat approval.

PERSON MAKING OTHER COMMENTS: TERRY RECORDS (384-3946)

OTHER COMMENTS:

This project site contains areas to be developed in excess of 15% grade. Comply with Boise City Hillside and Foothill Areas Development Ordinance, International Residential Code Chapter 4 and Uniform Building Code Appendix Chapter 33.

A formal review of the preliminary soils and engineering reports for this project will be forthcoming under a separate memo.


PUBLIC WORKS REPRESENTATIVE
cc: Applicant


PUBLIC WORKS REPRESENTATIVE

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: August 17, 2009

To: Boise City Planning & Zoning

Re: CAR 07-00042/ CUP 07-00084; 6890 N. Plano Road

RECEIVED
AUG 21 2009
DEVELOPMENT
SERVICES

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in (384-3900).

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

DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)

No comment.

STREET LIGHT CONDITIONS – HANK ALARCON (388-4719)

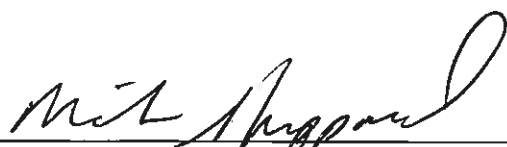
Street lights are required. The specific location and type of facilities to be installed will be identified in the conditions of subdivision plat approval.

PERSON MAKING OTHER COMMENTS –TERRY RECORDS (384-3946)

OTHER COMMENTS –

This project site contains areas to be developed in excess of 15% grade. Comply with Boise City Hillside and Foothill Areas Development Ordinance, International Residential Code Chapter 4 and Uniform Building Code Appendix Chapter 33.

A formal review of the preliminary soils and engineering reports for this project will be forthcoming under a separate memo.


PUBLIC WORKS REPRESENTATIVE


PUBLIC WORKS REPRESENTATIVE

cc: Applicant



Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Rebecca W. Arnold, 2nd Vice President
John S. Franden, Commissioner
Sara M. Baker, Commissioner

September 14, 2009

To: Bruce Eggleston
Boise City Planning & Development Services
150 N. Capitol Boulevard
Boise, Idaho 83702

Subject: Plano Road Subdivision revised application
SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00022
N. Plano Lane

On 25 June 2008, the Ada County Highway (ACHD) Commission approved SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00022 for Plano Road Subdivision. The conditions and requirements set forth in those actions also apply to this revised application, with the following exceptions:

- Replace site specific condition of approval 12 with: "Construct a gravel roadway connection between 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."
- Replace site specific condition of approval 13 with: "Construct and dedicate a public roadway connection between 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."
- Delete site specific conditions of approval 17a, 17b, and 17f.

Prior to final approval you will need to submit construction plans to the ACHD Development Review Department to insure compliance with the conditions identified above or for traffic impact fee assessment. This is a separate review process that requires direct plans submittal to the Development Review staff at the Highway District.

A traffic impact fee will be assessed by ACHD and will be due prior to the issuance of a building permit. Contact ACHD Planning & Development Services at 387-6170 for information regarding impact fees.

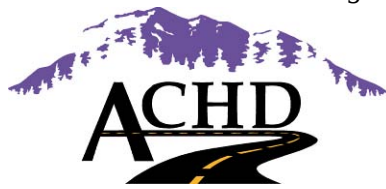
Prior to the construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc), a permit or license agreement must be obtained from ACHD.

If you have any questions or concerns please feel free to contact this office at (208) 387-6187.

Sincerely,

Matt Edmond
Planner III
Right-of-Way and Development Services

CC: Project File
Aase's Canyon Point Development, LLC
Capital Development, Inc.



Committed to Service

Project/File: **Plano Road Subdivision Revised (SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00022)**

This application is for preliminary plat, annexation, rezone, and hillside permit for 154 single-family homes on approximately 333 acres. This application was originally approved by the ACHD Commission on June 25, 2008; and was subsequently altered as a result of actions by the Boise City Council. Due to the fact that these changes do not significantly alter the nature of the proposed development or deviate from the findings and requirements made by the ACHD Commission on the original application, this revised application is approved at the staff level. Changes to the original report are in underlined italics.

Lead Agency: City of Boise

Site Address: N. Plano Lane

Staff Approval: September 14, 2009

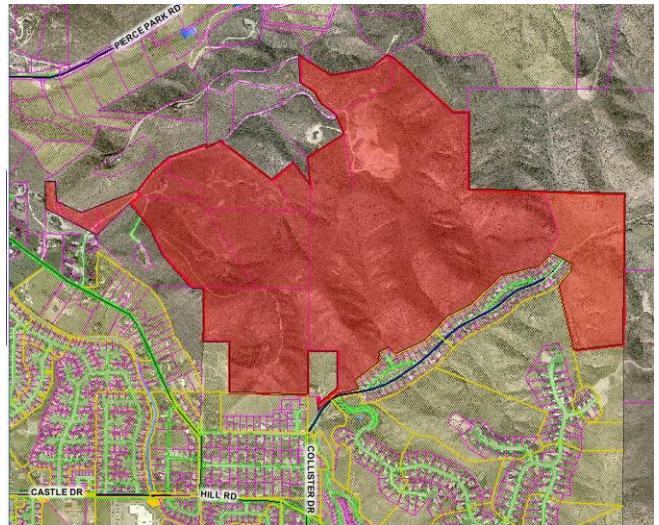
Applicant: Aase's Canyon Point Development, LLC
3750 W. 500 South
Salt Lake City, Utah 84104

Applicant: Capital Development, Inc.
6200 N. Meeker Place
Boise, Idaho 83713

Staff Contact: Matt Edmond
Phone: 387-6187
E-mail: medmond@achd.ada.id.us

Application Information:

Acreage: 333
Current Zoning: RP
Proposed Zoning: R-1A
Residential Lots: 154 163
Open Space: 245 acres



A. Findings of Fact

Existing Conditions

- 1. Site Information:** The site currently consists of one home and vacant property.
- 2. Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Vacant / Open Space	RP
South	Single-Family Residential / Open Space	R-1A / R-1B / R6 / R2 / A-1
East	Vacant / Open Space	RP
West	Vacant / Open Space	RP

the south/east portion of the Plano extension and deny public street frontage to parcel S0619110060.

Prior to any plans acceptance or scheduling of final plat for signature, the applicant should provide warranty deeds for all right-of-way to be dedicated between the existing right-of-way and the site, and financial surety in an amount that is acceptable to ACHD to cover the costs of improving the portion of Plano Lane between the existing right-of-way and the site. To address the concern of the city of Boise staff, the warranty deeds should provide parcel S0619110060 with at least 30-feet of frontage along the new public right-of-way.

District staff recommends a modification of policy to require the applicant to construct and dedicate Plano Way between the existing Plano Lane and the site as a 30-foot pavement section with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides between the development's south property line and the portion of Plano Lane that currently exists as an ACHD roadway. Requiring this section will provide adequate width for vehicles, pedestrians and bicyclists, and match with the proposed requirement for the widening of Plano Lane to the south.

4. Plano Lane (New Extension)

Right-of-Way & Street Section Policy: District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot attached concrete sidewalks.

Curb Type: District policy 7204.4.6 requires vertical curb in areas covered by hillside ordinance, where grade is 3% or greater for more than 100-feet, or where drainage control is needed.

Sidewalk Policy: District policy 7204.4.7 requires concrete sidewalk on both sides of local streets, except in rural developments with net densities of one dwelling unit per acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk can be constructed on one side of the street.

Applicant's Proposal: The applicant has proposed to construct Plano Way from the south property line north into the site with 30-feet of pavement, rolled curb, gutter, and 5-foot attached concrete sidewalk on the south/east side, and 2-foot gravel shoulder on the north/west side, all within 50-feet of right-of-way.

Staff Comment/Recommendation: Currently, six houses and a number of vacant lots either take access to or have frontage along the unimproved and unaccepted portion of Plano Lane that extends to and beyond the site. The applicant's proposal includes improving and realigning portions of this roadway. Any improvement or realignment must accommodate both existing access requirements and the potential extension of Plano beyond the site.

District staff recommends that the applicant construct and dedicate Plano Way from the south property line into the site as a 36-foot street section (back-of-curb to back-of-curb) with vertical curb and gutter on both sides and 5-foot attached concrete sidewalk on the east side. Additionally, the applicant should align and construct the Plano extension in a manner that will not preempt access to any remaining homes or vacant lots that currently take access to or have frontage along any portion of the existing unimproved roadway.

5. Collister Drive

Right-of-Way & Street Section Policy: District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

Turnaround Policy: District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. Landscape and parking islands may be constructed in turnarounds if a minimum inside curb radius of 28-feet, and a minimum outside radius of 45-feet

3. Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site

- Plano Lane is currently improved with approximately 19-feet of pavement with no curb, gutter, or sidewalk inside 50-feet of right-of-way for approximately 750-feet north of Hill Road.
- A dirt road runs from the current end of the public right-of-way for Plano Lane approximately 800-feet to the site, and continues along the site's northwest boundary and provides access to four houses adjacent to or beyond the site.
- Collister Drive is currently improved as a 36-foot street section (back-of-curb to back-of-curb) with sidewalk on one side, all within 50-feet of right-of-way in the vicinity of the site.
- Hill Road is currently improved to approximately 32-feet of pavement with 2 travel lanes and bike lanes, and no curb, gutter, or sidewalk, all within 43 to 50-feet of right-of-way in the vicinity of the site.
- Pierce Park Lane is currently improved with 2 travel lanes, and no curb, gutter or sidewalk, within 58-feet of right-of-way in the vicinity of the site.

4. **Existing Access:** There is one defined access point to this property located off of Plano Road.

5. **Site History:** ACHD has not previously reviewed this site for a development application.

Development Impacts

6. **Trip Generation:** This development is estimated to generate 1,530 additional vehicle trips per day (VTD) based on the submitted traffic impact study.

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

8. Existing Condition of Area Roadways:

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
Plano Road	495'	Local	105 ADT north of Hill 4/3-4/8/2008	N/A	20 MPH
Hill Road	None	Minor Arterial	7,584 west of Collister 10/23/2007	Better than "C"	35 MPH
Hill Road	None	Minor Arterial	4,437 west of Pierce Park 10/23/2007	Better than "C"	35 MPH
Pierce Park Lane	None	Collector	4,013 north of Castle 10/23/2007	Better than "C"	35 MPH
Pierce Park Lane	None	Collector	6,182 south of Castle 10/23/2007	Better than "C"	35 MPH
Collister Drive	None	Collector	1,764 north of Outlook 11/15/2007	Better than "C"	25 MPH
Collister Drive	None	Collector	570 north of Quail Ridge 11/15/2007	Better than "C"	25 MPH
Collister Drive	None	Collector	2,806 south of Hill 10/23/2007	Better than "C"	30 MPH
State Street	None	Principal Arterial	40,285 east of Collister 4/2/2008	"F"	35 MPH
State Street	none	Principal Arterial	40,386 west of Pierce Park 4/2/2008	"F"	45 MPH

* Acceptable level of service for a two-lane minor arterial roadway is "D" (14,000 VTD).

* Acceptable level of service for a two-lane collector roadway is "D" (9,500 VTD).

* Acceptable level of service for a five-lane principal arterial is "E" (37,000 VTD).

9. Capital Improvements Plan (CIP) / Five Year Work Program (FYWP):

- The intersection of Hill Road and 36th Street is in preliminary development in the FYWP listed in the CIP to have a roundabout installed between 2014 and 2018.
- Hill Road between Castle Drive and 36th Street is listed in the CIP for corridor preservation to accommodate future widening to three lanes.
- The intersection of Hill Road and Pierce Park Road is listed in the CIP to be widened to three lanes on all approaches and signalized in the timeframe between 2019 and 2028.
- The intersection of Collister Drive and State Street is listed in the CIP to be widened to three lanes on the north approach in the timeframe between 2019 and 2028.
- State Street between ~~Glenwood and 27th Street~~ Collister Drive and 36th Street is listed in the CIP ~~for corridor preservation to accommodate future widening~~ to be widened between 2019 and 2027.

B. Findings for Consideration

1. Traffic Impact Study

Dobie Engineering prepared a traffic impact study for the proposed Plano Road Subdivision. Below is an executive summary of the submitted traffic impact study **as presented by Dobie Engineering**. ACHD staff comments on the submitted traffic impact study can be found below under Staff Comments/Recommendations.

The proposed Foothills Subdivision is a 268-acre residential development with 160 single family lots. The site is located north of Hill Road between Collister and Plano Road in Boise, Idaho.

- At full buildout the site development will produce total driveway volumes of 1,530 vehicles per day with a PM peak hour loading of 160 vehicles per hour.
- The proposed site plan includes two all-movement accesses to Plano Road and an extension of Collister Drive to access the site.
- The arterial intersections of Hill Road with both Collister Drive and Pierce Park Lane now operate with little traffic congestion (LOS B/C) and ADT volumes are within acceptable lane capacities.
- Lane modifications and intersection improvements on Hill Road are included in the ACHD CIP. Hill Road will require a 3-lane section at the Castle Drive intersection to accommodate regional traffic growth and site traffic from the Foothills Subdivision by 2015.
- The Hill Road intersection with Collister Drive will exceed the capacity of all-way stop control operation by 2015. Intersection improvements including left-turn lanes and changing the operation of the intersection from all-way to two-way stop control will be needed to accommodate regional traffic growth as identified in the COMPASS Long Range Transportation Plan.
- Site generated traffic can be accommodated with the additional system improvements currently included in the ACHD CIP.
- Total projected traffic on Plano Road will not generate sufficient turning movements to warrant auxiliary turn lanes on Hill Road.
- Because all internal subdivision roads will carry less than 1,000 vpd, a standard 29-foot wide 2-lane ACHD street section will be sufficient.
- Plano Road between Hill Road and the site access will be improved to a standard ACHD street section.

Staff Comment/Recommendations: Staff Comments are provided by District Traffic Services staff.

- *This development is estimated to generate approximately 1,560 vehicle trips per day, based on the Institute of Transportation Engineers Trip Generation Manual for 163 single family dwellings.*
- Based on the TIS assumptions, the Collister Drive – Hill Road intersection will be at LOS E (35-50 seconds of delay per vehicle) in 2012.
- There is inadequate site distance to change the Collister Drive – Hill Road intersection from all-way stop control to 2-way stop control on the Collister legs.
- There is currently inadequate right-of-way at the Collister Drive – Hill Road intersection to add turn lanes.
- Installation of a traffic signal and widening the Hill Road approaches for left turn lanes at the Collister Drive – Hill Road intersection would accommodate foreseeable capacity needs and safety concerns.
- The developer should be required improve the intersection of Collister Drive – Hill Road to widen the Hill Road approaches to 3 lanes and signalize the intersection.

2. Plano Lane (Existing)

Offsite Roadway Improvement Policy: District policy 7203.3 states that if the development is served by a public road less than 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet or add 3-feet of additional pavement to the existing road, which ever is greater.

Applicant's Proposal: The applicant has proposed to extend Plano Lane from its current terminus to the site as a 30-foot pavement section with 2-foot shoulders.

Staff Comment/Recommendation: District staff recommends a modification of policy to require the applicant to widen the existing portion of Plano Lane to 40-feet of pavement for 50-feet north of Hill Road, and thereafter to 30-feet of pavement with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides from Hill Road to the current extent of right-of-way. Requiring this section with a bike and pedestrian strip and gravel shoulders in lieu of sidewalk will have less of an impact on the existing homes fronting on Plano Road while allowing adequate pavement width for vehicles and pedestrians.

Assuming an equal share of traffic between Plano Lane and Collister Drive with a full public street connection between the two, Plano Lane north of Hill Road will experience an estimated traffic volume increase from 105 average daily trips (ADT) to ~~870~~ 885 ADT.

3. Plano Lane Extension (Off-site)

Offsite Roadway Improvement Policy: District policy 7203.3 states that if the development is served by a public road less than 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet or add 3-feet of additional pavement to the existing road, which ever is greater.

Applicant's Proposal: The applicant has proposed to extend Plano Lane from its current terminus to the site as a 30-foot pavement section with 2-foot shoulders.

Staff Comment/Recommendation: Plano Lane extends as an unaccepted and unimproved roadway for approximately 7,500-feet beyond the right-of-way currently maintained by ACHD. The applicant's proposal includes improving and dedicating a portion of this road to ACHD. However, there currently exists a gap between the current right-of-way and the site. This gap must be resolved prior to any extension of Plano Lane as ACHD right-of-way. Additionally, the City of Boise staff has expressed concern that the applicant's proposal would create a spite strip along

are provided. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant's Proposal: The applicant has proposed to extend and dedicate Collister Drive from its current terminus east into the site as a 29-foot street section with rolled curb and gutter on both sides, and 5-foot attached sidewalk on one side, all within 40-feet of right-of-way. The applicant has proposed to construct a cul-de-sac turnaround at the end of Collister Drive on property currently owned by the City of Boise. The applicant has proposed to construct a parking lot which will take access off of the cul-de-sac turnaround. The proposed parking lot will act as a trail head and provide parking for those utilizing the Polecat Gulch trail system.

Staff Comment/Recommendation: Collister Drive is currently classified as a collector roadway, and the presence of the Polecat Gulch Reserve access at its proposed terminus will cause additional trip generation beyond the forecast residential traffic.

District staff recommends that the applicant extend and dedicate Collister Drive through the site and into the Polecat Gulch Reserve as a standard 36-foot street section with vertical curb, gutter and 5-foot concrete sidewalks on both sides, all within 50-feet of right-of-way. The 36-foot street section is consistent the street improvements on the existing section of Collister Drive and should be extended into the site. The applicant will be required to provide a minimum outside radius of 45-feet for the cul-de-sac turnaround. The applicant should coordinate with Boise City to provide a public turnaround easement covering the entire cul-de-sac. Access to any unpaved trail parking should be located at least 30-feet from the dedicated right-of-way.

If the City of Boise does not grant an easement for the turnaround, the applicant should be required to dedicate additional right-of-way for the turnaround and construct it on site.

Assuming an equal share of traffic between Collister Drive and Plano Lane with a full public street connection between the two, Collister Drive north of Quail Ridge Drive will experience an estimated traffic volume increase from 570 average daily trips (ADT) to ~~1,335~~ 1,350 ADT.

6. Street Connectivity

Traffic on One Access: District policy 7205.3.1 states that if a proposed development only has one local access to a public street, or if it proposes to extend public streets from existing development with only one local street access to the public street system, the maximum forecast ADT to be allowed at any point along the local street access is 1,000.

Applicant Proposal: The applicant has proposed to take access to the public street system via Plano Lane (local) and Collister Drive (collector). The applicant has proposed to construct ~~Daylight Rim Drive~~ as a gravel roadway between Collister Drive and Plano Lane with the first phase of development, and to restrict it for emergency and construction access only for the first four phases of development. After the first four phases, which would include 36 lots taking access on Plano and 17 lots taking access onto Collister, the applicant would construct and dedicate ~~Daylight Rim Drive~~ as a full public connection between Collister Drive and Plano Lane.

Staff Comment/Recommendation: Staff previously recommended that the applicant be limited to 80 buildable lots until ~~Daylight Rim Drive~~ a public street connection was constructed and dedicated as ~~a full public connection~~ between Collister Drive and Plano Lane. However, staff is supportive of the applicant's proposal to construct and dedicate ~~Daylight Rim Drive~~ as a full public street connection after final plat of no more than 36 buildable lots accessing Plano Lane, or no more than 17 buildable lots accessing Collister Drive, for no more than 53 lots total. This proposal gives reasonable assurance that the connection will be built, and that it will be reasonably utilized at the time it is dedicated.

Commission Discussion: The Commissioners expressed an interest in getting the full public connection between Plano Lane and Collister Drive completed as soon as possible, in order to provide additional ingress and egress for purposes of winter safety, fire safety, emergency services, mitigation of construction traffic, and general connectivity. The Commissioners moved

to approve the applicant's proposal to construct and dedicate Daylight Rim Drive as a full public connection after final plat of no more than 36 buildable lots accessing Plano Lane, or no more than 17 buildable lots accessing Collister Drive, for no more than 53 lots total.

7. Hill Road – Collister Drive Intersection

Applicant Proposal: The applicant has proposed that any improvements to the Collister Drive – Hill Road intersection be made under an Extraordinary Impact Fee Agreement between ACHD and the applicant.

Staff Comment/Recommendation: The Collister Drive – Hill Road intersection will reach an unacceptable level of service prior to site buildout. This intersection will reach LOS E when the site is approximately half complete, with 80 homes built.

District staff recommends that the applicant not build more than 80 homes on the site until such time as the Collister Drive – Hill Road intersection has been improved with widening to three lanes on the Hill Road approaches and installation of a traffic signal. The applicant should have the option to either enter into a Traffic Signal Agreement with ACHD, wait until this intersection is added to the ACHD Capital Improvement Plan and enter in to a developer cooperative agreement with the District to improve the intersection, OR to wait until this intersection is improved by ACHD. If the applicant chooses to enter into a Traffic Signal Agreement, the applicant will be solely responsible for all costs except for right-of-way acquisition along Hill Road. District staff is not supportive of an Extraordinary Impact Fee Agreement to improve this intersection.

To ensure that the applicant complies with one of these three options, the District will not approve a final plat of more than 80 buildable lots until such time as the prescribed improvements to the Collister Drive – Hill Road intersection have been made, either by ACHD or through a Traffic Signal Agreement with the applicant.

The Collister Drive – Hill Road intersection is currently not listed on the CIP or the FYWP for improvement, and it is impossible to forecast if and when this intersection will be programmed for improvement by ACHD in the future.

8. Collister Drive – Quail Ridge Drive Intersection

The intersection of Collister and Quail Ridge Drives is a three-legged intersection that is stop-controlled on the Quail Ridge approach. The sight distance from this approach is 550-feet to the north and 210-feet to the south. While sight-distance to the south does not meet the minimum recommended distance of 280-feet for a 25 MPH approach, current accident history does not warrant any changes to this intersection at this time. Should problems arise at this intersection in the future, they can be resolved by ACHD with the installation of a three-way stop.

9. Hill Road – Plano Lane Intersection

The intersection of Hill Road and Plano Lane is a three-legged intersection that is stop-controlled on the Plano Lane approach. The sight distance from this approach is 390-feet to the west and 860-feet to the south. While these distances meet the minimum recommended sight distance of 390-feet for a 35 MPH approach, speed data indicate that a significant portion of eastbound traffic on Hill Road is traveling at 40 MPH. Due to the increased volume of traffic onto Hill Road from Plano Lane that this development will cause, District staff recommends that the applicant be required to install intersection advisory signs on the eastbound approach of Hill Road to the west of the intersection.

Commission Discussion: The Commission expressed a concern over the potential hazard at the Plano – Hill intersection due to increased traffic from the proposed development and the limited sight distance to the west. The Commission directed Traffic Services staff to examine the intersection and develop a proposal for traffic hazard mitigation.

10. Internal Streets

Reduced Street Section: District policy 7204.4.3 and Figure 72-F1A allow a developer to construct a local urban residential street with a reduced width of 29-feet from back-of-curb to back-of-curb with curb, gutter and sidewalk, all within 42-feet of right-of-way. Policy requires Fire Department approval from use of reduced street sections and restricts parking on reduced street sections.

Sidewalk Policy: District policy 7204.4.7 requires concrete sidewalk on both sides of local streets, except in rural developments with net densities of one dwelling unit per acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk can be constructed on one side of the street.

Grading Policy: District policy 7204.4.10 limits the maximum allowable grade for any public street to 10%.

Curve Policy: District policies 7204.4.12 and 7204.4.13 require a minimum centerline radius of 100-feet for all mid-block curves and a minimum tangent length between reverse curves of 50-feet on local streets.

Turnaround Policy: District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. Landscape and parking islands may be constructed in turnarounds if a minimum inside curb radius of 28-feet, and a minimum outside radius of 45-feet are provided. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant's Proposal: The applicant has proposed to construct and dedicate the internal streets as a 29-foot street sections with rolled curb and gutter on both sides, and 5-foot attached sidewalk on one side, all within 40-feet of right-of-way. The applicant has proposed to construct 6 cul-de-sac turnarounds without center landscape islands.

Staff Comment/Recommendation: The topography of the site presents a challenge in ensuring compliance with District policy 7204.4 for local street design. The applicant's current plans propose ~~five~~ three curves with centerline radii less than 100-feet (~~two on Daylight Rim Drive, three on Dawnbreak Place/Buck Hollow Way~~), and ~~one set of reverse curves with a tangent length of less than 50-feet between them (on Daylight Rim Drive)~~. The applicant will likely also need a variance for a centerline curve radius of less than 100-feet if it is to be a continuous public street as recommended.

The applicant should construct all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, all within 40-feet of right-of-way. Additionally, the applicant should construct continuous 5-foot concrete sidewalk on one side of all internal streets, as well as sidewalk along all lot frontages with direct access to the street.

District staff recommends a modification of policy to allow the five curves with centerline radii less than 100-feet, the one centerline tangent length between reverse curves of less than 50-feet, provided all internal roadways meet AASHTO standards for a 20 MPH design speed. District staff recommends against any modification of policy to allow any centerline grade in excess of 10%.

11. Stub Streets

Stub Street Policy: District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be

installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

Turnaround Policy: District policy 7205.2 requires construction of a temporary cul-de-sac with the same dimensional requirements as a standard cul-de-sac, with a minimum turning radius of 45-feet. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant Proposal: The applicant has proposed to construct one stub street to the north and one stub street to the east. The stub streets are proposed to be located as follows:

- Plano Way will approximate the alignment of the unimproved roadway that currently exists, and stub along the site's northwest boundary.
- Collister Drive will stub to the east, into Boise City's Polecat Gulch Reserve, and terminate in a minimum 45-foot radius paved cul-de-sac on Boise City property.

Staff Comment/Recommendation: The applicant should provide a temporary turn-around at the terminus of Plano Way. The applicant should construct the cul-de-sac at the terminus of Collister Drive in the Polecat Gulch Reserve as proposed, with vertical curb, gutter, and sidewalk along its perimeter, and coordinate with the City of Boise to provide a public turnaround easement and to determine the location of driveways providing access the Polecat Gulch Reserve trailhead. If the City of Boise does not grant an easement for the turnaround, the applicant should be required to dedicate additional right-of-way for the turnaround and construct it on site.

12. Roadway Offsets

Roadway Offset Policy: District policy 7204.11.6, requires local roadways to align or offset a minimum of 125-feet from another local roadway (measured centerline to centerline).

Applicant Proposal: The applicant has proposed a street layout wherein all local street intersections offset each other by a minimum of 200-feet.

Staff Comment/Recommendation: The applicant's proposal for roadway offsets meets District policy and should be approved with this application.

13. Driveways

Driveway Location Policy: District policy 72-F4 (1) and 72-F4 (2), requires driveways located on local residential roadways to offset a controlled and/or uncontrolled intersection a minimum of 50-feet (measured near edge to near edge).

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

Driveway Width Policy: District Policy 7207.9.3 restricts residential driveways to a maximum width of 20-feet.

Applicant's Proposal: The applicant has proposed to construct several common/shared driveways throughout the development to provide access to residential lots. All of the common/share driveways are proposed to intersect local public streets.

Staff Comment/Recommendation: The applicant should ensure that all driveways onto public streets offset the nearest intersection by a minimum of 50-feet, are no wider than 20-feet, and are paved their full width and at least 30-feet into the site beyond the edge of pavement of the roadway. The applicant should coordinate with Boise City Planning and Fire Department to ensure that driveways meet city requirements for shared use and turnarounds, if required.

C. Site Specific Conditions of Approval

1. Dedicate 50-feet of right-of-way for the extension of Plano Lane from the existing accepted public right-of-way to the site by execution of warranty deed prior to plans acceptance and prior to scheduling of final plat signature. The warranty deeds shall provide parcel S0619110060 with at least 30-feet of frontage along the new public right-of-way. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material.
2. At the time of execution of warranty deed for Plano Lane right-of-way, provide a financial surety in an amount to be determined by ACHD and in a form acceptable to ACHD for the cost of improving Plano 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 ~~Daylight Rim Drive~~ as a gravel roadway connecting Plano Lane and Collister Drive, to be used for emergency and construction access only, with the first phase of the development prior to scheduling signature of the first final plat.
13. Construct and dedicate ~~Daylight Rim Drive~~ as a public roadway connecting Plano Lane and Collister Drive prior to scheduling final plat of more than 36 buildable lots accessing Plano Lane, or more than 17 buildable lots accessing Collister Drive, or more than 53 buildable lots total.
14. Do not schedule a final plat of more than 80 buildable lots for signature by the ACHD Commission until such time as the Collister Drive – Hill Road intersection is improved with three lanes on the Hill Road approaches and a traffic signal. The applicant/developer may accomplish this by any of the following:
 - a. Enter into a Traffic Signal Agreement with ACHD to improve the Collister Drive – Hill Road intersection, to include widening of the Hill Road approaches to three lanes and installation of a traffic signal, prior to scheduling a final plat of more than 80 buildable lots.

- b. Wait until the Collister Drive – Hill Road intersection is added to the ACHD Capital Improvement Plan for widening and signalization, and enter into a developer cooperative agreement with the District to improve the intersection. The intersection shall be fully improved prior to scheduling final plat of more than 80 buildable lots. There is no guarantee that this intersection improvement will ever be added to the Capital Improvement Plan.
 - c. Wait until the Collister Drive – Hill Road intersection is improved by ACHD prior to scheduling a final plat of more than 80 buildable lots. There is no guarantee that this intersection will ever be improved by ACHD.
15. Install intersection advisory signs on the eastbound approach of Hill Road west of the Hill Road – Plano Lane intersection.
 16. Construct and dedicate all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, and continuous 5-foot concrete sidewalk on one side, all within 40-feet of right-of-way.
 17. Ensure that all street geometries comply with District policies 7204.4.8 through 7204.4.13, except where a modification of policy has been granted. Modification of policy has been granted for only the following:
 - ~~a. Centerline radius of 86-feet at Sta. 11+50 to 14+50 of Daylight Rim Drive.~~
 - ~~b. Centerline radius of 86-feet at Sta. 19+00 to 22+00 of Daylight Rim Drive.~~
 - c. Centerline radius of 86-feet at Sta. 305+50 to 307+00 of Buck Hollow Way.
 - d. Centerline radius of 86-feet at Sta. 314+25 to 315+50 of Buck Hollow Way.
 - e. Centerline radius of 86-feet at Sta. 316+00 to 317+25 of Buck Hollow Way.
 - ~~f. Centerline tangent length between curves of less than 50-feet at Sta. 22+21.16 of Daylight Rim Drive.~~
 18. Construct a temporary paved turnaround at the improved terminus of Plano Way with a minimum 45-foot outside turn radius.
 19. Site all residential driveways a minimum of 50-feet from the nearest street intersection.
 20. Construct all residential driveways no wider than 20-feet, and paved their full widths for a minimum of 30-feet in from the roadway edge.
 21. Comply with all Standard Conditions of Approval.

D. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.
2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.
3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. Comply with the District's Tree Planter Width Interim Policy.
6. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
9. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
10. Payment of applicable road impact fees are required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
11. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
12. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
13. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

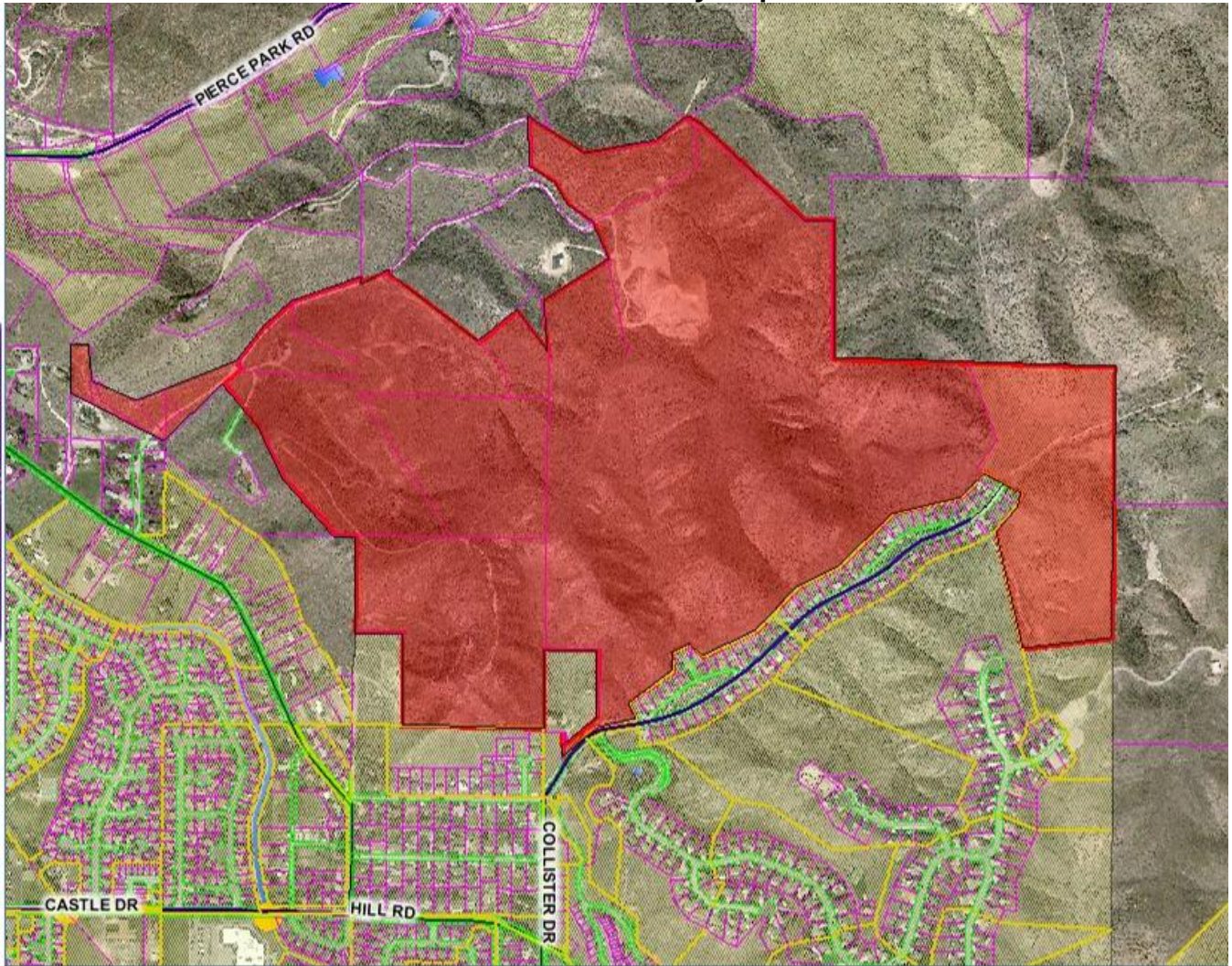
E. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

Attachments

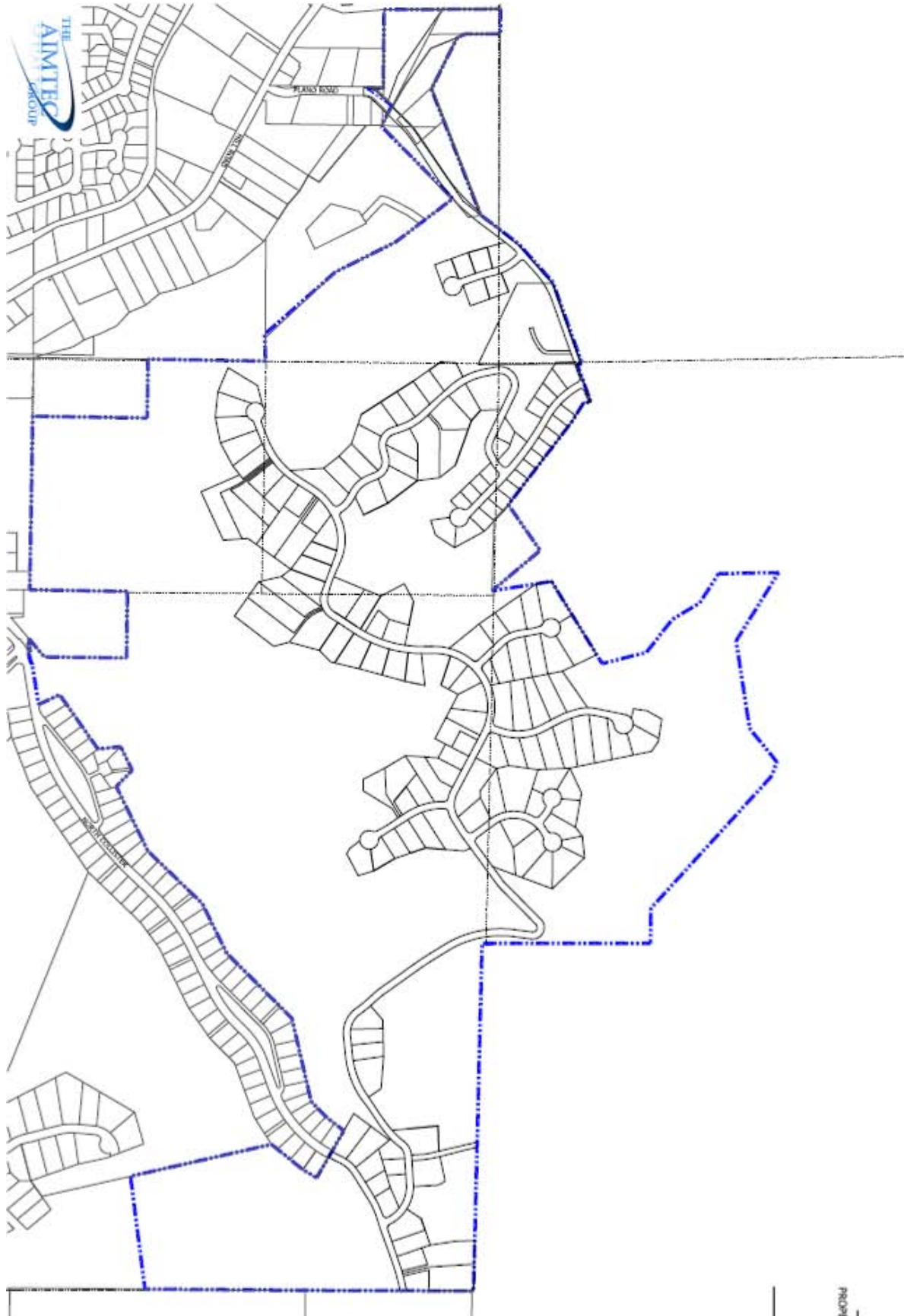
1. Vicinity Map
2. Site Plan
3. Zoning Map
4. Utility Coordination
5. Request for Reconsideration Guidelines OR Appeal Guidelines
6. Development Process Checklist

Plano Road Vicinity Map



Plano Road Revised Site Plan

plano road development
site plan

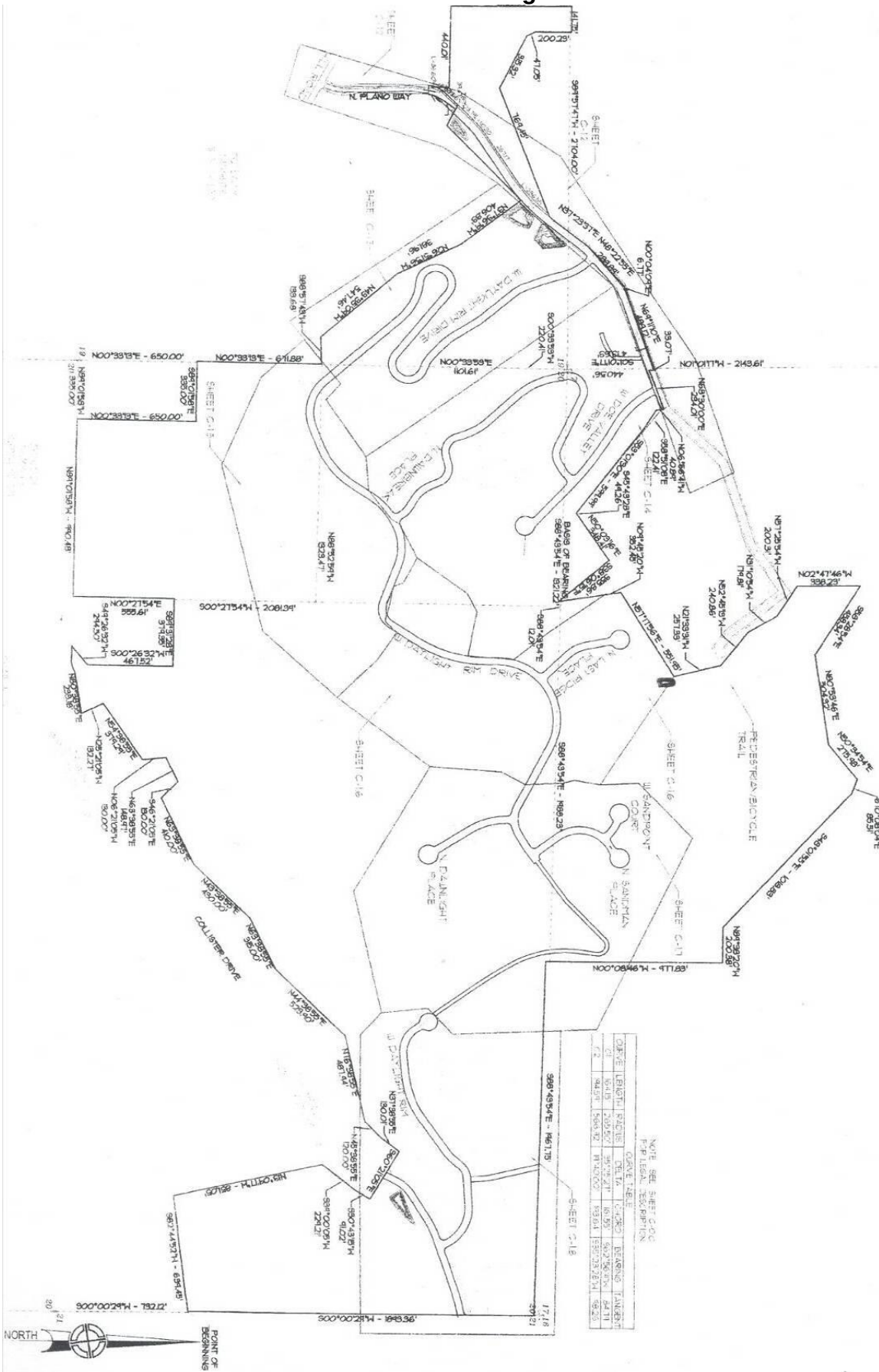


NEW INFO

Plano Road Original Site Plan

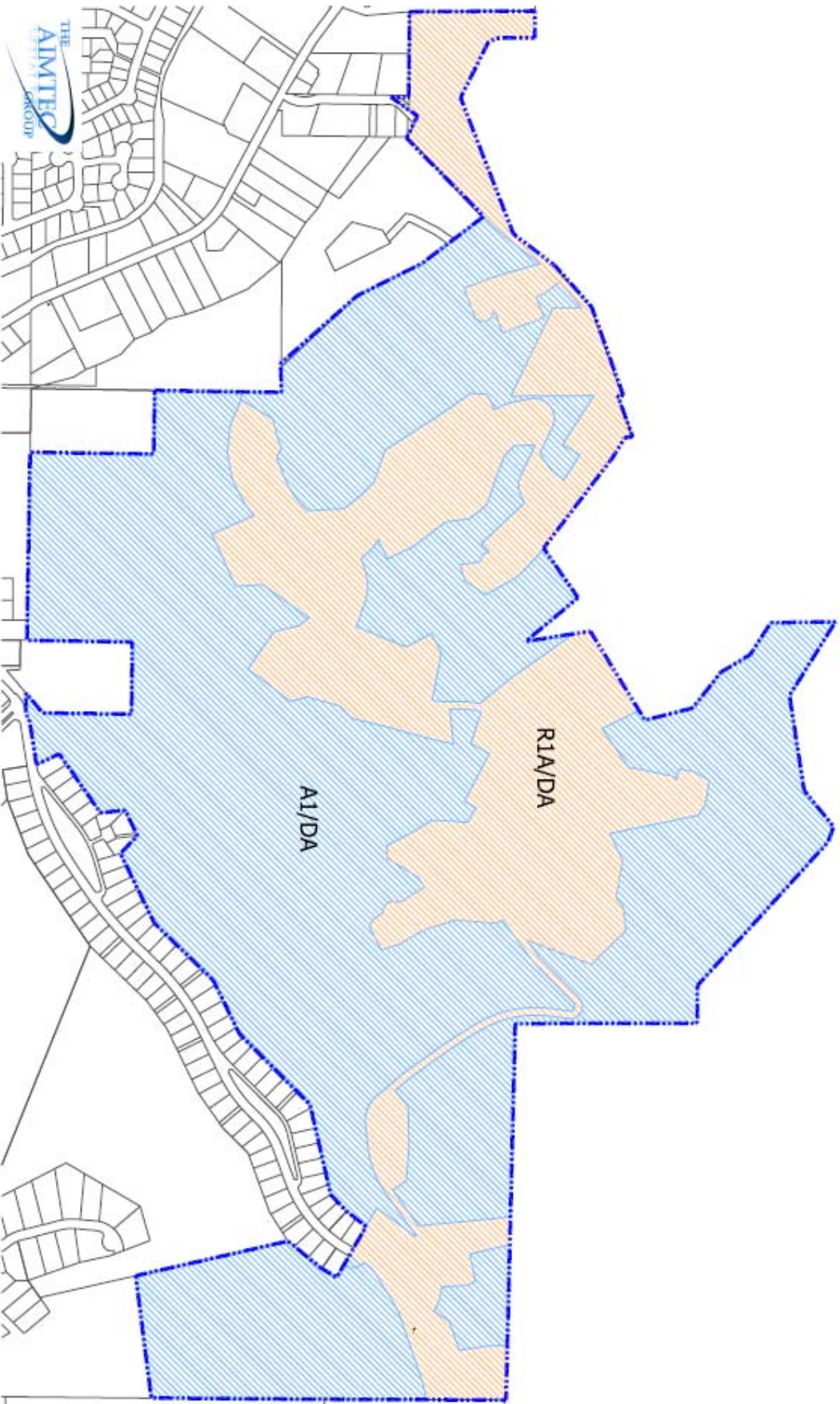
PLANO ROAD SUBDIVISION

A PORTION OF SECTION 11, T. 14, N. 130
TOWNSHIP 4 NORTH, RANGE 2 EAST, 31T,
ADA COUNTY, IDAHO
188071



plano road development ZONING MAP

NEW INFO



THE
AIMTEC
GROUP

PR

Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

Development Process Checklist

- ☒ Submit a development application to a City or to the County
- ☒ The City or the County will transmit the development application to ACHD
- ☒ The ACHD **Planning Review Division** will receive the development application to review
- ☒ The **Planning Review Division** will do one of the following:
 - ☐ Send a **“No Review”** letter to the applicant stating that there are no site specific requirements at this time.
 - ☐ Send a **“Comply With”** letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.
 - ☒ Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - ☐ Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
- ☒ The Planning Review Division will hold a **Technical Review** meeting for all **Staff and Commission Level** reports.
- ☐ For **ALL** development applications, including those receiving a **“No Review”** or **“Comply With”** letter:
 - The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the **Development Review Division** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee calculation.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- ☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Zone)

☐ **Driveway or Property Approach(s)**

- Submit a “Driveway Approach Request” form to Ada County Highway District (ACHD) Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

☐ **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.

☐ **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

☐ **Final Approval from Development Services**

ACHD Construction – Subdivision must have received approval from Development Services prior to scheduling a Pre-Con.

11c

Letters From Agencies
Ada County Highway District



April 15, 2008

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner II

SUBJECT: Plano Road Subdivision (SUB07-00065, CAR07-00042, SUP07-00084, CFH07-00022)
Regular Agenda Item—April 23, 2008 at 6 p.m.

Plano Road Subdivision is an application for preliminary plat, annexation, rezone, and hillside permit for 154 single-family homes on approximately 333 acres. It is on the regular agenda due to its size and neighborhood concerns over the development.



Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

TO: ACHD Commissioners, J. Schweitzer, Bruce Mills
FROM: Matt Edmond, Planner II
DATE: May 27, 2008
SUBJECT: Plano Road Subdivision—Regular Agenda item on April 23, 2008
Identification of neighborhood concerns from communications received by staff
AND staff response and comments to the identified concerns

Widening of Plano

Issue/Concern: The proposed development will require widening of the existing portion of Plano Lane. This widening will impact the existing neighbors by reducing front yards and potentially requiring the removal of items such as a large retaining wall.

Staff Response and Comment: The existing portion of Plano Lane was deeded to the public in 1960 as a 50-foot wide right-of-way. The public portion of Plano currently consists of 19-feet of pavement, with multiple encroachments into the right-of-way. District staff is recommending widening of Plano Lane to 30-feet of pavement and 3-foot gravel shoulders, in order to accommodate increased pedestrian and vehicle traffic generated by the development, while at the same time accommodating the existing neighbors as much as practicable.

Connectivity

Issue/Concern: Generally speaking, residents along Plano Road are supportive of a full public connection, while residents along Collister and in Quail Ridge are not. As a compromise, the applicant has proposed a gated connection with a drive-around bypass, to allow but discourage traffic taking access via Collister Drive.

Staff response and comment: District staff is recommending site connectivity to share the traffic load between Plano and Collister. District staff estimates that traffic distribution from the site will be evenly split between Plano Road and Collister Drive. This connection should be built prior to the construction of more than 80 units.

Traffic on Plano Lane

Issue/Concern: Plano Lane is currently a small rural road that serves only about a dozen rural homes. The increased traffic from this development will significantly impact current residents in terms of safety, noise, and travel delay. Current residents are especially concerned over traffic backing up on Plano while trying to get out onto Hill Road in the mornings, and that there was no specific AM peak hour analysis.

Staff Response and Comment: Plano Road currently sees about 105 vehicle trips per day. Assuming a full public connection between Plano and Collister and an even distribution of site traffic, Plano Road will see approximately 870 vehicle trips per day at project buildout. This is well

below the 2,000 ADT threshold for local residential streets. We look at AM Peak if there is a need. The volumes are too low here to warrant a turn lane.

Traffic on Collister Drive

Issue/Concern: Collister Drive north of Quail Ridge Drive is currently a narrow, dead-end road that serves only about 70 homes. It is wrongly classified as a collector roadway, and its design and construction (front-on housing, on-street parking, worn concrete, valley gutter) cannot accommodate additional traffic.

Staff Response and Comment: Collister Drive currently sees about 285 vehicle trips per day. Assuming a full public connection between Plano and Collister and an even distribution of site traffic, Collister Drive will see approximately 1,050 vehicle trips per day and project buildout. Even reclassifying Collister as a local street, the additional traffic would be well below the 2,000 ADT threshold for local residential streets.

Plano – Hill Intersection

Issue/Concern: This intersection is currently stop-controlled on the Plano Lane approach. It is potentially hazardous due to excessive speeds on Hill Road and a limited sight distance looking west from Plano Lane. Increased traffic will increase the number of incidents/accidents at this intersection.

Staff response and comment: The sight distance looking west down Hill Road from Plano Lane is 390-feet, which is the minimum recommended sight distance for approach traffic traveling 35 MPH. Speed data recently collected indicate that a significant portion of traffic traveling eastbound on Hill Road is do so at 40 MPH or faster, suggesting that a greater sight distance is desirable. That said, there has been one reported accident at the Hill Road – Plano Lane intersection in the last 5 years, and it did not involve traffic turning onto Hill Road from Plano Lane. District staff recommends posting advisory signs on Hill Road eastbound to the west of Plano Lane.

Collister – Hill Intersection

Issue/Concern: This intersection is a 4-way stop due to limited sight distance, and it will reach Level of Service “E” prior to project buildout.

Staff Comment: Adding a traffic signal and left turn lanes on the Hill Road approaches will meet the capacity and safety needs of this intersection through project buildout.

Collister – Quail Ridge Intersection

Issue/Concern: This intersection is currently stop-controlled on the Quail Ridge approach. The increased volume on Collister will make it difficult and hazardous to turn onto Collister from Quail Ridge.

Staff Comment: The sight distance looking south down Collister from Quail Ridge is 210-feet, which is less than the recommended 280-foot sight distance with an approach speed of 25 MPH. There have been three non-injury accidents and one injury accident at this intersection in the last ten years, and no accidents in the last five years. If problems materialize at this intersection in the future, a 3-way stop could be installed to resolve safety concerns while still providing adequate capacity through project buildout.

Increased Area Traffic

Issue/Concern: This development will add to traffic that is already destined to increase from other ongoing developments. Eyrie Canyon No. 4, Dry Creek Ranch, Cartwright Ranch, and Kastera Shadow Valley could potentially add over 5,000 homes to the area in the near future. Planned

communities such as Avimor could add several thousand in coming decades. These developments will inevitably add more traffic to roads that area already heavily traveled, and will, at some level impact Boise's historic North End neighborhoods. Increased traffic through existing neighborhoods will result in environmental, social, and cultural decline.

Staff Comment: Several area roadways that could potentially serve traffic from this site are at or near capacity. State Street, both west of Pierce Park and east of Collister, and Hill Road between 28th and Harrison all currently operate at LOS E or F.

Drainage

Issue/Concern: Existing runoff on Plano Lane and Hill Road is already excessive. This development will add more runoff and exacerbate erosion, placing downhill properties at increased risk for flooding and water-related damage.

Staff Comment: Currently, sand washes onto Hill Road in several locations during heavy rain events. The worst runoff location is near Eugene Street. It is largely due to road back slopes and yards of existing homes. This development will reduce current runoff volumes along Plano Road, but will likely have no impact to current runoff conditions along Hill Road.



Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

June 3, 2008

To: Kerry Winn
Stewart Land Group
6995 S. Union Park Center
Midvale, Utah 84047

Subject: Plano Road Subdivision

On 28 May 2008, the Ada County Highway District Commission acted on SUB07-00065, CAR07-00042, CUP07-00084, and CFH07-00022 for the proposed Plano Road Subdivision. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond
Planner II
Right-of-Way & Development Services
Ada County Highway District

CC: Project file
Aase's Canyon Point Development, LLC
Capital Development
Bruce Eggleston, Boise City (*sent via email*)

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: "Matt Edmond" <Medmond@achd.ada.id.us>
Date: 6/12/2008 9:51 AM
Subject: Plano Road Subdivision Reconsideration

June 12, 2008

To: Interested Parties

Subject: Plano Road Subdivision

On 11 June 2008, the Ada County Highway District staff requested reconsideration of the Commission action taken at the 28 May Commission meeting concerning the timing of the requirement for a full public connection between Plano Lane and Collister Road due to new facts and information that were not presented at the 28 May Commission Meeting. The Commission acted to reconsider the decision. The reconsideration is scheduled for the 25 June Commission meeting at 6:00 p.m. This meeting is open to the public.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393



Ada County Highway District

AGENDA MEMORANDUM

Right-of-Way & Development Services Department

TO: ACHD Commission June 18, 2008

FROM: Gary Inselman, ROWDS Manager

SUBJECT: Reconsideration of Commission Action of May 28, 2008
Plano Road Subdivision
Preliminary Plat / Annexation / Rezone / Hillside permit

MEETING DATE: June 25, 2008

FINDINGS

1. This item was originally heard by the ACHD Commission April 23, 2008 and continued to May 28, 2008.
2. The Commission approved the preliminary plat at the May 28th meeting with site specific conditions of approval. See attached staff report.
3. The Commission action followed the staff recommendation as presented with one exception: Site Specific Condition of Approval 11. The Commission motion required the dedication and construction of Daylight Rim Drive as a public roadway connecting Plano Lane and Collister Drive with the first phase of the development.
4. ACHD staff requested reconsideration of the Commission action at the June 11, 2008 regular Commission Meeting. The Commission approved a motion to reconsider the action on the Plano Road Subdivision and set the date of the reconsideration for the June 25, 2008 regular Commission Meeting.
5. Staff concerns and new information prompting the request for reconsideration of the May 28th action include:
 - a. The discussion of the timing of the public street connection between Plano Lane and Collister Drive occurred after the public testimony with no opportunity for public comment or rebuttal by the applicant.
 - b. Because of the timing of the discussion, staff did not have an opportunity to review and present the Commission with information regarding the requirement to construct the connection with phase 1 or other alternatives that may have addressed the concerns raised by the Commission.
 - c. The length of roadway required to connect Plano Lane to Collister Drive is 1.86 miles and is not necessary to serve the traffic generated by the first phase of the development.
 - d. The original staff recommendation requiring the connection after platting 80 buildable lots was based on ACHD policy for maximum traffic on one access.
 - e. The Commission discussion made it clear that the Commission believed the 80 lot threshold to require the connection was too high based on concerns of winter safety, fire

safety, emergency services, mitigation of construction traffic and general connectivity. However, ACHD policy and generally accepted engineering standards do not support a finding to require the connection with the first buildable lot. Therefore, staff has reviewed the issues and concerns raised and gathered additional information to formulate a proposal for consideration by the Commission.

6. Additional information gathered since the May 28th action includes:
 - a. The length of roadway, 1.86 miles, raises maintenance concerns for District staff if the roadway is not necessary to serve traffic generated by the development.
 - i. The cost benefit for maintaining additional miles of roadway for the limited number of vehicle trips projected in the first 5 to 10 years of the development is a concern.
 - ii. Winter maintenance of sanding the roadway will be necessary if the roadway is open despite the limited number of vehicle trips.
 - iii. Pavement that is not subject to traffic generally tends to dry out and develop cracking much sooner than pavement that is subject to normal traffic loads. A roadway constructed and not subject to traffic would require chip sealing much sooner to protect the pavement from premature deterioration. This area is being chip sealed this year. This roadway would not be in the District's program for chip sealing again until 2017 under the current rotation.
 - b. The applicant has two options to satisfy Boise City Fire requirements. They may add sprinklers to the houses or provide a secondary emergency access.
 - i. The applicant has informed the District that they will construct an emergency access connection from Collister Drive to Plano Lane with the first phase of the development to meet Boise City requirements.

RECOMMENDATION

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

1. To address the concerns of fire safety, emergency services and mitigation of construction traffic staff recommends:
 - a. Require the applicant to construct an emergency/construction access road between Collister Drive and Plano Road with the first phase of the development.
 - b. The access road shall be a minimum 20-foot wide gravel roadway meeting the loading requirements of the Boise City Fire Department.
 - c. The access road shall be gated and access restricted to emergency services and construction traffic only.
2. To improve safety at the Plano Lane / Hill Road intersection with the anticipated construction traffic staff recommends:
 - a. Require the applicant to widen Plano Road at the Hill Road intersection to 40-feet of pavement to allow a right turn lane and left turn lane southbound on Plano and one northbound lane as well as the 4-foot bike/pedestrian area on the east side. The additional pavement width should extend 50-feet back from Hill Road and then taper to the 30-foot street section.
 - b. The design of the Plano Lane / Hill Road intersection should be coordinated with District staff to explore and implement measures to improve the site distance and awareness at this intersection, and shoulders along Hill Road should be widened as much as possible within the confines of the existing right-of-way. As noted in the original staff report, the site distance meets the minimum required for the posted speed. However, a speed study did indicate that a significant number of drivers are exceeding the posted limit. Measures

- could include trimming vegetation in the existing right-of-way or within any easement areas the District may be able to voluntarily acquire.
- c. The District should provide a report and special recommendation to the City of Boise regarding the speed study conducted by the District to request increased enforcement in this area.
3. To address concerns of winter safety staff recommends:
- a. The roadway connection not be made until necessitated by traffic demands from the development. If the roadway is opened prematurely the District will be required to perform winter maintenance for a limited number of drivers to reduce the risk of accidents.
4. To address the concerns of general connectivity staff recommends:
- a. A public roadway shall be required to connect Plano Lane and Collister Drive.
 - b. The applicant has proposed an alternative to the original threshold of 80 lots recommended by staff. The applicant proposes that the connection be constructed as a public roadway after platting 53 lots, 36 lots off of Plano Lane and 17 lots off of Collister Drive. Staff supports this proposal as a reasonable compromise when considered in total with the other recommendations above. Therefore, staff recommends that the public roadway connection between Plano Lane and Collister Drive shall be completed after the platting of a maximum of 36 buildable lots accessing from Plano Lane and/or a maximum of 17 buildable lots accessing from Collister Drive for a total of 53 buildable lots. The public roadway would be required prior to signature of a final plat that included either the 54th buildable lot total in the development, or the 37th buildable lot accessing from Plano Lane, or the 18th buildable lot accessing from Collister Drive.

Attachments: Plano Road Subdivision staff report dated May 28, 2008



EXHIBIT f

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

July 2, 2008

To: Kerry Winn
Stewart Land Group
6995 S. Union Park Center, Suite 360
Midvale, Utah 84047

Subject: Plano Road Subdivision
(SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00065)

On 25 June 2008, the Ada County Highway District Commission acted on the above application. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond
Planner II
Right-of-Way & Development Services
Ada County Highway District

CC: Project file
Capital Development, Inc.
Bruce Eggleston, Boise City Planning & Development Services (*sent via email*)



Committed to Service

Project/File: Plano Road Subdivision (SUB07-00065, CAR07-00042, CUP07-00084, CFH07-00022)
This application is for preliminary plat, annexation, rezone, and hillside permit for 154 single-family homes on approximately 333 acres.

Lead Agency: City of Boise

Site address: Plano Lane

Commission Approval: June 25, 2008

Applicant: Stewart Land Group
6995 S. Union Park Center
Midvale, Utah 84047

Representative: Same as above

Staff Contact: Matt Edmond
Phone: 387-6187
E-mail: medmond@achd.ada.id.us

Tech Review: April 11, 2008

Application Information:
Acreage: 333
Current Zoning: RP
Proposed Zoning: R-1A
Residential Lots: 154
Open Space: 245 acres



A. Findings of Fact

Existing Conditions

1. **Site Information:** The site currently consists of one home and vacant property.
2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Vacant / Open Space	RP
South	Single-Family Residential / Open Space	R-1A / R-1B / R6 / R2 / A-1
East	Vacant / Open Space	RP
West	Vacant / Open Space	RP

3. **Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site**

- Plano Lane is currently improved with approximately 19-feet of pavement with no curb, gutter, or sidewalk inside 50-feet of right-of-way for approximately 750-feet north of Hill Road.

- A dirt road runs from the current end of the public right-of-way for Plano Lane approximately 800-feet to the site, and continues along the site's northwest boundary and provides access to four houses adjacent to or beyond the site.
- Collister Drive is currently improved as a 36-foot street section (back-of-curb to back-of-curb) with sidewalk on one side, all within 50-feet of right-of-way in the vicinity of the site.
- Hill Road is currently improved to approximately 32-feet of pavement with 2 travel lanes and bike lanes, and no curb, gutter, or sidewalk, all within 43 to 50-feet of right-of-way in the vicinity of the site.
- Pierce Park Lane is currently improved with 2 travel lanes, and no curb, gutter or sidewalk, within 58-feet of right-of-way in the vicinity of the site.

4. **Existing Access:** There is one defined access point to this property located off of Plano Road.

5. **Site History:** ACHD has not previously reviewed this site for a development application.

Development Impacts

6. **Trip Generation:** This development is estimated to generate 1,530 additional vehicle trips per day (VTD) based on the submitted traffic impact study.

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

8. **Existing Condition of Area Roadways:**

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
Plano Road	495'	Local	105 ADT north of Hill 4/3-4/8/2008	N/A	20 MPH
Hill Road	None	Minor Arterial	7,584 west of Collister 10/23/2007	Better than "C"	35 MPH
Hill Road	None	Minor Arterial	4,437 west of Pierce Park 10/23/2007	Better than "C"	35 MPH
Pierce Park Lane	None	Collector	4,013 north of Castle 10/23/2007	Better than "C"	35 MPH
Pierce Park Lane	None	Collector	6,182 south of Castle 10/23/2007	Better than "C"	35 MPH
Collister Drive	None	Collector	1,764 north of Outlook 11/15/2007	Better than "C"	25 MPH
Collister Drive	None	Collector	570 north of Quail Ridge 11/15/2007	Better than "C"	25 MPH
Collister Drive	None	Collector	2,806 south of Hill 10/23/2007	Better than "C"	30 MPH
State Street	None	Principal Arterial	40,285 east of Collister 4/2/2008	"F"	35 MPH
State Street	none	Principal Arterial	40,386 west of Pierce Park 4/2/2008	"F"	45 MPH

*Acceptable level of service for a two-lane minor arterial roadway is "D" (14,000 VTD).

*Acceptable level of service for a two-lane collector roadway is "D" (9,500 VTD).

*Acceptable level of service for a five-lane principal arterial is "E" (37,000 VTD).

9. **Capital Improvements Plan (CIP) / Five Year Work Program (FYWP):**

- The intersection of Hill Road and 36th Street is in preliminary development in the FYWP to have a roundabout installed.
- Hill Road between Castle Drive and 36th Street is listed in the CIP for corridor preservation to accommodate future widening to three lanes.
- The intersection of Hill Road and Pierce Park Road is listed in the CIP to be widened to three lanes on all approaches and signalized in the timeframe between 2019 and 2028.
- The intersection of Collister Drive and State Street is listed in the CIP to be widened to three lanes on the north approach in the timeframe between 2019 and 2028.
- State Street between Glenwood and 27th Street is listed in the CIP for corridor preservation to accommodate future widening to seven lanes.

B. Findings for Consideration

1. Traffic Impact Study

Dobie Engineering prepared a traffic impact study for the proposed Plano Road Subdivision. Below is an executive summary of the submitted traffic impact study **as presented by Dobie Engineering**. ACHD staff comments on the submitted traffic impact study can be found below under Staff Comments/Recommendations.

The proposed Foothills Subdivision is a 268-acre residential development with 160 single family lots. The site is located north of Hill Road between Collister and Plano Road in Boise, Idaho.

- At full buildout the site development will produce total driveway volumes of 1,530 vehicles per day with a PM peak hour loading of 160 vehicles per hour.
- The proposed site plan includes two all-movement accesses to Plano Road and an extension of Collister Drive to access the site.
- The arterial intersections of Hill Road with both Collister Drive and Pierce Park Lane now operate with little traffic congestion (LOS B/C) and ADT volumes are within acceptable lane capacities.
- Lane modifications and intersection improvements on Hill Road are included in the ACHD CIP. Hill Road will require a 3-lane section at the Castle Drive intersection to accommodate regional traffic growth and site traffic from the Foothills Subdivision by 2015.
- The Hill Road intersection with Collister Drive will exceed the capacity of all-way stop control operation by 2015. Intersection improvements including left-turn lanes and changing the operation of the intersection from all-way to two-way stop control will be needed to accommodate regional traffic growth as identified in the COMPASS Long Range Transportation Plan.
- Site generated traffic can be accommodated with the additional system improvements currently included in the ACHD CIP.
- Total projected traffic on Plano Road will not generate sufficient turning movements to warrant auxiliary turn lanes on Hill Road.
- Because all internal subdivision roads will carry less than 1,000 vpd, a standard 29-foot wide 2-lane ACHD street section will be sufficient.
- Plano Road between Hill Road and the site access will be improved to a standard ACHD street section.

Staff Comment/Recommendations: Staff Comments are provided by District Traffic Services staff.

- Based on the TIS assumptions, the Collister Drive – Hill Road intersection will be at LOS E (35-50 seconds of delay per vehicle) in 2012.
- There is inadequate site distance to change the Collister Drive – Hill Road intersection from all-way stop control to 2-way stop control on the Collister legs.
- There is currently inadequate right-of-way at the Collister Drive – Hill Road intersection to add turn lanes.
- Installation of a traffic signal and widening the Hill Road approaches for left turn lanes at the Collister Drive – Hill Road intersection would accommodate foreseeable capacity needs and safety concerns.
- The developer should be required improve the intersection of Collister Drive – Hill Road to widen the Hill Road approaches to 3 lanes and signalize the intersection.

2. Plano Lane (Existing)

Offsite Roadway Improvement Policy: District policy 7203.3 states that if the development is served by a public road less than 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet or add 3-feet of additional pavement to the existing road, which ever is greater.

Applicant's Proposal: The applicant has proposed to extend Plano Lane from its current terminus to the site as a 30-foot pavement section with 2-foot shoulders.

Staff Comment/Recommendation: District staff recommends a modification of policy to require the applicant to widen the existing portion of Plano Lane to 40-feet of pavement for 50-feet north of Hill Road, and thereafter to 30-feet of pavement with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides from Hill Road to the current extent of right-of-way. Requiring this section with a bike and pedestrian strip and gravel shoulders in lieu of sidewalk will have less of an impact on the existing homes fronting on Plano Road while allowing adequate pavement width for vehicles and pedestrians.

Assuming an equal share of traffic between Plano Lane and Collister Drive with a full public street connection between the two, Plano Lane north of Hill Road will experience an estimated traffic volume increase from 105 average daily trips (ADT) to 870 ADT.

3. Plano Way Extension (Off-site)

Offsite Roadway Improvement Policy: District policy 7203.3 states that if the development is served by a public road less than 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet wide, the developer shall widen the pavement to a minimum of 24-feet or add 3-feet of additional pavement to the existing road, which ever is greater.

Applicant's Proposal: The applicant has proposed to extend Plano Lane from its current terminus to the site as a 30-foot pavement section with 2-foot shoulders.

Staff Comment/Recommendation: Plano Lane extends as an unaccepted and unimproved roadway for approximately 7,500-feet beyond the right-of-way currently maintained by ACHD. The applicant's proposal includes improving and dedicating a portion of this road to ACHD. However, there currently exists a gap between the current right-of-way and the site. This gap must be resolved prior to any extension of Plano Lane as ACHD right-of-way. Additionally, the City of Boise staff has expressed concern that the applicant's proposal would create a spite strip along the south/east portion of the Plano extension and deny public street frontage to parcel S0619110060.

Prior to any plans acceptance or scheduling of final plat for signature, the applicant should provide warranty deeds for all right-of-way to be dedicated between the existing right-of-way and the site, and financial surety in an amount that is acceptable to ACHD to cover the costs of improving the

portion of Plano Lane between the existing right-of-way and the site. To address the concern of the city of Boise staff, the warranty deeds should provide parcel S0619110060 with at least 30-feet of frontage along the new public right-of-way.

District staff recommends a modification of policy to require the applicant to construct and dedicate Plano Way between the existing Plano Lane and the site as a 30-foot pavement section with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides between the development's south property line and the portion of Plano Lane that currently exists as an ACHD roadway. Requiring this section will provide adequate width for vehicles, pedestrians and bicyclists, and match with the proposed requirement for the widening of Plano Lane to the south.

4. Plano Way (New Extension)

Right-of-Way & Street Section Policy: District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot attached concrete sidewalks.

Curb Type: District policy 7204.4.6 requires vertical curb in areas covered by hillside ordinance, where grade is 3% or greater for more than 100-feet, or where drainage control is needed.

Sidewalk Policy: District policy 7204.4.7 requires concrete sidewalk on both sides of local streets, except in rural developments with net densities of one dwelling unit per acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk can be constructed on one side of the street.

Applicant's Proposal: The applicant has proposed to construct Plano Way from the south property line north into the site with 30-feet of pavement, rolled curb, gutter, and 5-foot attached concrete sidewalk on the south/east side, and 2-foot gravel shoulder on the north/west side, all within 50-feet of right-of-way.

Staff Comment/Recommendation: Currently, six houses and a number of vacant lots either take access to or have frontage along the unimproved and unaccepted portion of Plano Lane that extends to and beyond the site. The applicant's proposal includes improving and realigning portions of this roadway. Any improvement or realignment must accommodate both existing access requirements and the potential extension of Plano beyond the site.

District staff recommends that the applicant construct and dedicate Plano Way from the south property line into the site as a 36-foot street section (back-of-curb to back-of-curb) with vertical curb and gutter on both sides and 5-foot attached concrete sidewalk on the east side.

Additionally, the applicant should align and construct the Plano extension in a manner that will not preempt access to any remaining homes or vacant lots that currently take access to or have frontage along any portion of the existing unimproved roadway.

5. Collister Drive

Right-of-Way & Street Section Policy: District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

Turnaround Policy: District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. Landscape and parking islands may be constructed in turnarounds if a minimum inside curb radius of 28-feet, and a minimum outside radius of 45-feet are provided. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant's Proposal: The applicant has proposed to extend and dedicate Collister Drive from its current terminus east into the site as a 29-foot street section with rolled curb and gutter on both sides, and 5-foot attached sidewalk on one side, all within 40-feet of right-of-way. The applicant has proposed to construct a cul-de-sac turnaround at the end of Collister Drive on property

currently owned by the City of Boise. The applicant has proposed to construct a parking lot which will take access off of the cul-de-sac turnaround. The proposed parking lot will act as a trail head and provide parking for those utilizing the Polecat Gulch trail system.

Staff Comment/Recommendation: Collister Drive is currently classified as a collector roadway, and the presence of the Polecat Gulch Reserve access at its proposed terminus will cause additional trip generation beyond the forecast residential traffic.

District staff recommends that the applicant extend and dedicate Collister Drive through the site and into the Polecat Gulch Reserve as a standard 36-foot street section with vertical curb, gutter and 5-foot concrete sidewalks on both sides, all within 50-feet of right-of-way. The 36-foot street section is consistent the street improvements on the existing section of Collister Drive and should be extended into the site. The applicant will be required to provide a minimum outside radius of 45-feet for the cul-de-sac turnaround. The applicant should coordinate with Boise City to provide a public turnaround easement covering the entire cul-de-sac. Access to any unpaved trail parking should be located at least 30-feet from the dedicated right-of-way.

If the City of Boise does not grant an easement for the turnaround, the applicant should be required to dedicate additional right-of-way for the turnaround and construct it on site.

Assuming an equal share of traffic between Collister Drive and Plano Lane with a full public street connection between the two, Collister Drive north of Quail Ridge Drive will experience an estimated traffic volume increase from 570 average daily trips (ADT) to 1,335 ADT.

6. Street Connectivity

Traffic on One Access: District policy 7205.3.1 states that if a proposed development only has one local access to a public street, or if it proposes to extend public streets from existing development with only one local street access to the public street system, the maximum forecast ADT to be allowed at any point along the local street access is 1,000.

Applicant Proposal: The applicant has proposed to take access to the public street system via Plano Lane (local) and Collister Drive (collector). The applicant has proposed to construct Daylight Rim Drive as a gravel roadway between Collister Drive and Plano Lane with the first phase of development, and to restrict it for emergency and construction access only for the first four phases of development. After the first four phases, which would include 36 lots taking access on Plano and 17 lots taking access onto Collister, the applicant would construct and dedicate Daylight Rim Drive as a full public connection.

Staff Comment/Recommendation: Staff previously recommended that the applicant be limited to 80 buildable lots until Daylight Rim Drive was constructed and dedicated as a full public connection between Collister Drive and Plano Lane. However, staff is supportive of the applicant's proposal to construct and dedicate Daylight Rim Drive as a full public connection after final plat of no more than 36 buildable lots accessing Plano Lane, or no more than 17 buildable lots accessing Collister Drive, for no more than 53 lots total. This proposal gives reasonable assurance that the connection will be built, and that it will be reasonably utilized at the time it is dedicated.

Commission Discussion: The Commissioners expressed an interest in getting the full public connection between Plano Lane and Collister Drive completed as soon as possible, in order to provide additional ingress and egress for purposes of winter safety, fire safety, emergency services, mitigation of construction traffic, and general connectivity. The Commissioners moved to approve the applicant's proposal to construct and dedicate Daylight Rim Drive as a full public connection after final plat of no more than 36 buildable lots accessing Plano Lane, or no more than 17 buildable lots accessing Collister Drive, for no more than 53 lots total.

7. Hill Road – Collister Drive Intersection

Applicant Proposal: The applicant has proposed that any improvements to the Collister Drive – Hill Road intersection be made under an Extraordinary Impact Fee Agreement between ACHD and the applicant.

Staff Comment/Recommendation: The Collister Drive – Hill Road intersection will reach an unacceptable level of service prior to site buildout. This intersection will reach LOS E when the site is approximately half complete, with 80 homes built.

District staff recommends that the applicant not build more than 80 homes on the site until such time as the Collister Drive – Hill Road intersection has been improved with widening to three lanes on the Hill Road approaches and installation of a traffic signal. The applicant should have the option to either enter into a Traffic Signal Agreement with ACHD, wait until this intersection is added to the ACHD Capital Improvement Plan and enter in to a developer cooperative agreement with the District to improve the intersection, OR to wait until this intersection is improved by ACHD. If the applicant chooses to enter into a Traffic Signal Agreement, the applicant will be solely responsible for all costs except for right-of-way acquisition along Hill Road. District staff is not supportive of an Extraordinary Impact Fee Agreement to improve this intersection.

To ensure that the applicant complies with one of these three options, the District will not approve a final plat of more than 80 buildable lots until such time as the prescribed improvements to the Collister Drive – Hill Road intersection have been made, either by ACHD or through a Traffic Signal Agreement with the applicant.

The Collister Drive – Hill Road intersection is currently not listed on the CIP or the FYWP for improvement, and it is impossible to forecast if and when this intersection will be programmed for improvement by ACHD in the future.

8. Collister Drive – Quail Ridge Drive Intersection

The intersection of Collister and Quail Ridge Drives is a three-legged intersection that is stop-controlled on the Quail Ridge approach. The sight distance from this approach is 550-feet to the north and 210-feet to the south. While sight-distance to the south does not meet the minimum recommended distance of 280-feet for a 25 MPH approach, current accident history does not warrant any changes to this intersection at this time. Should problems arise at this intersection in the future, they can be resolved by ACHD with the installation of a three-way stop.

9. Hill Road – Plano Lane Intersection

The intersection of Hill Road and Plano Lane is a three-legged intersection that is stop-controlled on the Plano Lane approach. The sight distance from this approach is 390-feet to the west and 860-feet to the south. While these distances meet the minimum recommended sight distance of 390-feet for a 35 MPH approach, speed data indicate that a significant portion of eastbound traffic on Hill Road is traveling at 40 MPH. Due to the increased volume of traffic onto Hill Road from Plano Lane that this development will cause, District staff recommends that the applicant be required to install intersection advisory signs on the eastbound approach of Hill Road to the west of the intersection.

Commission Discussion: The Commission expressed a concern over the potential hazard at the Plano – Hill intersection due to increased traffic from the proposed development and the limited sight distance to the west. The Commission directed Traffic Services staff to examine the intersection and develop a proposal for traffic hazard mitigation.

10. Internal Streets

Reduced Street Section: District policy 7204.4.3 and Figure 72-F1A allow a developer to construct a local urban residential street with a reduced width of 29-feet from back-of-curb to back-of-curb with curb, gutter and sidewalk, all within 42-feet of right-of-way. Policy requires Fire

Department approval from use of reduced street sections and restricts parking on reduced street sections.

Sidewalk Policy: District policy 7204.4.7 requires concrete sidewalk on both sides of local streets, except in rural developments with net densities of one dwelling unit per acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk can be constructed on one side of the street.

Grading Policy: District policy 7204.4.10 limits the maximum allowable grade for any public street to 10%.

Curve Policy: District policies 7204.4.12 and 7204.4.13 require a minimum centerline radius of 100-feet for all mid-block curves and a minimum tangent length between reverse curves of 50-feet on local streets.

Turnaround Policy: District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. Landscape and parking islands may be constructed in turnarounds if a minimum inside curb radius of 28-feet, and a minimum outside radius of 45-feet are provided. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant's Proposal: The applicant has proposed to construct and dedicate the internal streets as a 29-foot street sections with rolled curb and gutter on both sides, and 5-foot attached sidewalk on one side, all within 40-feet of right-of-way. The applicant has proposed to construct 6 cul-de-sac turnarounds without center landscape islands.

Staff Comment/Recommendation: The topography of the site presents a challenge in ensuring compliance with District policy 7204.4 for local street design. The applicant's current plans propose five curves with centerline radii less than 100-feet (two on Daylight Rim Drive, three on Dawnbreak Place), and one set of reverse curves with a tangent length of less than 50-feet between them (on Daylight Rim Drive). The applicant will likely also need a variance for a centerline curve radius of less than 100-feet if it is to be a continuous public street as recommended.

The applicant should construct all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, all within 40-feet of right-of-way. Additionally, the applicant should construct continuous 5-foot concrete sidewalk on one side of all internal streets, as well as sidewalk along all lot frontages with direct access to the street.

District staff recommends a modification of policy to allow the five curves with centerline radii less than 100-feet, the one centerline tangent length between reverse curves of less than 50-feet, provided all internal roadways meet AASHTO standards for a 20 MPH design speed. District staff recommends against any modification of policy to allow any centerline grade in excess of 10%.

11. Stub Streets

Stub Street Policy: District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

Turnaround Policy: District policy 7205.2 requires construction of a temporary cul-de-sac with the same dimensional requirements as a standard cul-de-sac, with a minimum turning radius of

45-feet. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing.

Applicant Proposal: The applicant has proposed to construct one stub street to the north and one stub street to the east. The stub streets are proposed to be located as follows:

- Plano Way will approximate the alignment of the unimproved roadway that currently exists, and stub along the site's northwest boundary.
- Collister Drive will stub to the east, into Boise City's Polecat Gulch Reserve, and terminate in a minimum 45-foot radius paved cul-de-sac on Boise City property.

Staff Comment/Recommendation: The applicant should provide a temporary turn-around at the terminus of Plano Way. The applicant should construct the cul-de-sac at the terminus of Collister Drive in the Polecat Gulch Reserve as proposed, with vertical curb, gutter, and sidewalk along its perimeter, and coordinate with the City of Boise to provide a public turnaround easement and to determine the location of driveways providing access the Polecat Gulch Reserve trailhead. If the City of Boise does not grant an easement for the turnaround, the applicant should be required to dedicate additional right-of-way for the turnaround and construct it on site.

12. Roadway Offsets

Roadway Offset Policy: District policy 7204.11.6, requires local roadways to align or offset a minimum of 125-feet from another local roadway (measured centerline to centerline).

Applicant Proposal: The applicant has proposed a street layout wherein all local street intersections offset each other by a minimum of 200-feet.

Staff Comment/Recommendation: The applicant's proposal for roadway offsets meets District policy and should be approved with this application.

13. Driveways

Driveway Location Policy: District policy 72-F4 (1) and 72-F4 (2), requires driveways located on local residential roadways to offset a controlled and/or uncontrolled intersection a minimum of 50-feet (measured near edge to near edge).

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

Driveway Width Policy: District Policy 7207.9.3 restricts residential driveways to a maximum width of 20-feet.

Applicant's Proposal: The applicant has proposed to construct several common/shared driveways throughout the development to provide access to residential lots. All of the common/share driveways are proposed to intersect local public streets.

Staff Comment/Recommendation: The applicant should ensure that all driveways onto public streets offset the nearest intersection by a minimum of 50-feet, are no wider than 20-feet, and are paved their full width and at least 30-feet into the site beyond the edge of pavement of the roadway. The applicant should coordinate with Boise City Planning and Fire Department to ensure that driveways meet city requirements for shared use and turnarounds, if required.

C. Site Specific Conditions of Approval

1. Dedicate 50-feet of right-of-way for the extension of Plano Lane from the existing accepted public right-of-way to the site by execution of warranty deed prior to plans acceptance and prior to scheduling of final plat signature. The warranty deeds shall provide parcel S0619110060 with at

least 30-feet of frontage along the new public right-of-way. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material.

2. At the time of execution of warranty deed for Plano Lane right-of-way, provide a financial surety in an amount to be determined by ACHD and in a form acceptable to ACHD for the cost of improving Plano Way from the existing roadway to the site.
3. Improve and widen the first 50-feet of Plano Lane north of Hill Road to 40-feet of pavement. Relocate items within the right-of-way as necessary to accommodate the pavement widening and reduce sight-distance obstructions at the Plano – Hill intersection
4. Improve and widen the remainder of Plano Lane to include 30-feet of pavement with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides from Hill Road to where Plano Lane enters the site.
5. Construct and dedicate Plano Way as it extends into the site as a 36-foot street section with vertical curb and gutter on both sides, and 5-foot concrete sidewalk on the east side.
6. Ensure continued access of existing homes onto the improved portion of Plano Way. Provide curb cuts and easements as necessary.
7. Extend and dedicate Collister Drive from its current terminus to the Polecat Gulch Reserve as a 36-foot street section with vertical curb, gutter, and 5-foot concrete sidewalk on both sides, all within 50-feet of right-of-way.
8. Construct a paved cul-de-sac turnaround at Collister Drive's new terminus in the Polecat Gulch Reserve, with a minimum 45-foot outside turn radius and vertical curb, gutter, and sidewalk along its perimeter
9. Coordinate with Boise City to provide a public turnaround easement over the cul-de-sac at Collister Drive's terminus. If the City of Boise does not grant an easement for the turnaround, the applicant shall dedicate additional right-of-way for the turnaround and construct it on site.
10. Coordinate with Boise City to determine the location of driveways providing access the Polecat Gulch Reserve trailhead.
11. Coordinate with Boise City to locate any access from the Collister Drive cul-de-sac to any unimproved parking areas a minimum of 30-feet from the dedicated right-of-way.
12. Construct Daylight Rim Drive as a gravel roadway connecting Plano Lane and Collister Drive, to be used for emergency and construction access only, with the first phase of the development prior to scheduling signature of the first final plat.
13. Construct and dedicate Daylight Rim Drive as a public roadway connecting Plano Lane and Collister Drive prior to scheduling final plat of more than 36 buildable lots accessing Plano Lane, or more than 17 buildable lots accessing Collister Drive, or more than 53 buildable lots total.
14. Do not schedule a final plat of more than 80 buildable lots for signature by the ACHD Commission until such time as the Collister Drive – Hill Road intersection is improved with three lanes on the Hill Road approaches and a traffic signal. The applicant/developer may accomplish this by any of the following:
 - a. Enter into a Traffic Signal Agreement with ACHD to improve the Collister Drive – Hill Road intersection, to include widening of the Hill Road approaches to three lanes and installation of a traffic signal, prior to scheduling a final plat of more than 80 buildable lots.
 - b. Wait until the Collister Drive – Hill Road intersection is added to the ACHD Capital Improvement Plan for widening and signalization, and enter into a developer cooperative agreement with the District to improve the intersection. The intersection shall be fully

improved prior to scheduling final plat of more than 80 buildable lots. There is no guarantee that this intersection improvement will ever be added to the Capital Improvement Plan.

- c. Wait until the Collister Drive – Hill Road intersection is improved by ACHD prior to scheduling a final plat of more than 80 buildable lots. There is no guarantee that this intersection will ever be improved by ACHD.
15. Install intersection advisory signs on the eastbound approach of Hill Road west of the Hill Road – Plano Lane intersection.
16. Construct and dedicate all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, and continuous 5-foot concrete sidewalk on one side, all within 40-feet of right-of-way.
17. Ensure that all street geometries comply with District policies 7204.4.8 through 7204.4.13, except where a modification of policy has been granted. Modification of policy has been granted for only the following:
 - a. Centerline radius of 86-feet at Sta. 11+50 to 14+50 of Daylight Rim Drive.
 - b. Centerline radius of 86-feet at Sta. 19+00 to 22+00 of Daylight Rim Drive.
 - c. Centerline radius of 86-feet at Sta. 305+50 to 307+00 of Buck Hollow Way.
 - d. Centerline radius of 86-feet at Sta. 314+25 to 315+50 of Buck Hollow Way.
 - e. Centerline radius of 86-feet at Sta. 316+00 to 317+25 of Buck Hollow Way.
 - f. Centerline tangent length between curves of less than 50-feet at Sta. 22+21.16 of Daylight Rim Drive.
18. Construct a temporary paved turnaround at the improved terminus of Plano Way with a minimum 45-foot outside turn radius.
19. Site all residential driveways a minimum of 50-feet from the nearest street intersection.
20. Construct all residential driveways no wider than 20-feet, and paved their full widths for a minimum of 30-feet in from the roadway edge.
21. Comply with all Standard Conditions of Approval.

D. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.
2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.
3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. Comply with the District's Tree Planter Width Interim Policy.
6. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
9. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
10. Payment of applicable road impact fees are required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
11. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
12. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
13. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

E. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordination
4. Request for Reconsideration Guidelines OR Appeal Guidelines
5. Development Process Checklist

Plano Road Vicinity Map



PLANO ROAD SUBDIVISION
A PRELIMINARY SUBDIVISION OF LAND
TO BE KNOWN AS PLANO ROAD SUBDIVISION
IN ADAMS COUNTY, IDAHO
NORTH

KEY MAP

PLANO ROAD SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

PRELIMINARY PLAT

FOR REVIEW

C-1.1

Azimuth Engineering, Inc.
1000 S. 10th St., Suite 100
Boise, ID 83725
Phone: 468-1111
Fax: 468-1112
Email: info@azimutheng.com
Web: www.azimutheng.com

Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
 - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
 - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
 - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
 - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
 - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
 - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

Development Process Checklist

- ☒ Submit a development application to a City or to the County
 - ☒ The City or the County will transmit the development application to ACHD
 - ☒ The ACHD **Planning Review Division** will receive the development application to review
 - ☒ The **Planning Review Division** will do one of the following:
 - ☐ Send a "**No Review**" letter to the applicant stating that there are no site specific requirements at this time.
 - ☐ Send a "**Comply With**" letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.
 - ☐ Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - ☒ Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - ☒ The Planning Review Division will hold a **Technical Review** meeting for all **Staff and Commission Level reports**.
 - ☐ For **ALL** development applications, including those receiving a "**No Review**" or "**Comply With**" letter:
 - The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the **Development Review Division** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee calculation.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
 - ☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.
- DID YOU REMEMBER:**
Construction (Zone)
- ☐ **Driveway or Property Approach(s)**
 - Submit a "Driveway Approach Request" form to Ada County Highway District (ACHD) Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.
 - ☐ **Working in the ACHD Right-of-Way**
 - Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.
- Construction (Subdivisions)*
- ☐ **Sediment & Erosion Submittal**
 - At least one week prior to setting up a Pre-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.
 - ☐ **Idaho Power Company**
 - Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.
 - ☐ **Final Approval from Development Services**
 ACHD Construction – Subdivision must have received approval from Development Services prior to scheduling a Pre-Con.

May 15, 2008

ACHD Commission
Ada County Highway District
3775 N. Adams St.
Garden City, ID 83714

RE: Plano Road Subdivision – Street Connectivity

Dear Commissioners:

The ACHD staff has recommended that a public roadway be constructed between the upper residential lots of the Plano Road Subdivision and North Collister Road. This road link will provide emergency access plus neighborhood interconnectivity to accommodate social interaction between the North Collister Area and the new subdivision lots without the need to travel on Hill Road, a system roadway.

Both emergency access and connectivity are sound objectives and should be incorporated into the site design. However, the connectivity can have and will have unintended consequences unless appropriately mitigated.

North Collister Road has a unique travel way section and many direct access lots. Although functionally classified as a collector, the traffic carrying capacity and margins of safety are somewhat constrained requiring that additional traffic loading be measured.

The proposed Foothills Trailhead will likely increase vehicular traffic as will the 21 new lots planned for the North Collister Area as part of the subdivision project.

If an open public roadway connects Collister with the upper subdivision lots, the time of travel to Hill Road would be reduced and approximately 36 lots could access the arterial system in less time using Collister than it would take using the internal subdivision streets.

Plano Road could be classified as a residential collector with an allowable traffic volume of 3,000 vpd on a single access (ref. Section 7205.3.2). After reconstruction Plano Road could accommodate more than the projected site-generated traffic volume and provide a reasonable alternative to more traffic on Collister. A design objective should be to accommodate emergency response and neighborhood connectivity while discouraging the use of the road for commuting purposes.

Consider the following design:

Site plan showing a 20' wide by-pass with a 100' length, a gate, a fence line, and a public road connection. The plan includes a 20' radius curve and an emergency access point.

DOBIE ENGINEERING, INC.

777 Hearthstone Drive
Boise, ID 83702
Phone 208-345-3290
Fax 208-388-0309
Email dobie_dei@msn.com

The site topography will accommodate the slow point illustrated in Figure 1. A roadway connection could be built with an emergency control gate using a narrow bypass with tight radius turns. This slow point/bypass would remedy the collector connection less efficient than Plano Road, yet provide emergency access and managed neighborhood connectivity.

Your consideration of this design alternative would be appreciated. Please call me if you have any questions or need additional information.

Sincerely,

Patrick Dobie, P.E.
Dobie Engineering, Inc.





Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

May 20, 2008

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner II

SUBJECT: Public Correspondence on Plano Road Subdivision

The following is a compilation of written correspondence on Plano Road received by District staff during the timeframe between the end of the Commission meeting on 23 April 2008 and the issuance of this report. If you would like copies of any previous correspondence, or exhibits presented at the previous hearing on Plano Road, please contact me directly at 387-6187 or medmond@achd.ada.id.us.

From: STACY MIDDLETON [mailto:middleton11@msn.com]
Sent: Thursday, April 24, 2008 11:13 AM
To: Mindy Wallace
Subject: NO Plano

I am writing in opposition to the Plano development for a number of reasons:

- First, I think it should be illegal for a company from another state to come in and wreck a neighborhood and area. It's bad enough people continue to want to develop the foothills, but when they come from out of state - that's when it's just plain wrong.
- By developing the foothills, we continue to make the mistake all other cities have made and most people have been saying this for 15 years.
- This may very well be the test case for foothills ordinances regarding density and shaving off ridgetops - we don't want to start off on the wrong foot
- Traffic congestion is obvious. Hill Road is a danger zone. Adding another 1500 cars would increase pile ups at intersections and clog up Hill even more and the arteries it feeds into.
- There are drainage and flooding problems on Plano and Collister Dr (being they are in a 100 year flood plain)
- Destruction of foothills ridgelines should also be illegal. That's not what foothills are for! -Habitat loss of course also - here is another area where we push deer, fox and others further north

Thank you for listening and I hope you take all the voices that have spoken against this into consideration. As you know, the foothills are the exact reason most of us live in Boise. It is more home to us than any other aspect of our town. It is the 21st century now and we know better.

STACY BEESON
515 Maple Ave
Boise, ID 83712

From: Mark Walton [mailto:mwalton@girlscouts-ssc.org]
Sent: Thursday, April 24, 2008 3:23 PM
To: Mindy Wallace
Subject: foothills

Dear Mr. Wallace,

I am writing to put my 2 cents in on stopping the development in the foothills from Harrison to Pierce park above Hill St. It is already very dangerous to drive on Hill street and to try to turn onto Hill from a side street. I not only want to save the open space, but the traffic situations is probably the most logical for a government to address. If this is not addressed, I can see lawsuits coming out of the city's lack in taking care of this potential fatal traffic hazard. I believe it is up to the city to see that safety comes before development. Please see that this is addressed and no further development is approved until a solid traffic plan is completed.

Thank you

Mark Walton
Concerned citizen.

From: cees@cableone.net [mailto:cees@cableone.net]
Sent: Wednesday, April 23, 2008 12:25 PM
To: Tellus
Subject: Aase's Canyon Foothills Development
Importance: High

New Message from Contact Us Web Form

From: Cees Hoefnagels
Email: cees@cableone.net

Comments: My main concerns, next to the traffic increase on Hill Road and Collister, are 1. Groundwater pollution: most people I now, living on Hill Road get their drinking water from shallow wells along Hill Road. Building nice houses in the planned development, with lawns and gardens, will pollute our drinking water with the run-off of water containing herbicides, pesticides and other cancer enhancing contaminants. Will the developer take responsibility when our water will almost certainly become contaminated? Who will pay for the cost of connecting to city water? Will the developer pay for drinkwater testing for heavy metal and organic contaminants? Will the developer start by testing the water before he starts building, so that we will have a baseline? And will he be testing on a regular basis? 2. Wildlife disturbance: We see regularly herds of deer as well as occasional foxes and other small animals. Where will the animals migrate to or will they just die out? 3. Boise citizens voted for protection of the foothills. This development plan seems to indicate that the developer does not know about the foothills protection plan or otherwise simply ignore the lofty plans we, the citizens of Boise, have voted for. Thank you for your consideration of these points. Cees Hoefnagels

~~ End Message ~~

From: dmcconnaughey@earthlink.net [mailto:dmcconnaughey@earthlink.net]
Sent: Monday, May 05, 2008 11:29 PM
To: Tellus
Subject: Plano Development
Importance: High

New Message from Contact Us Web Form

From: Diane McConnaughey
Email: dmcconnaughey@earthlink.net

Comments: I am concerned about the planned Plano Development in the foothills and oppose it in the current design proposal. Good testimony was presented in April on problems that were not adequately considered by the developer. Most important, of these was the concept of the "neighborhood" that would be impacted- which includes much of NW Boise (not just the 300 foot area surrounding the development) and that the developer needs to work with the neighborhoods to mitigate our concerns: increased traffic on already congested roads; intersections at Collister & Hill, Plano & Hill, 36th & Hill; flooding and drainage issues; emergency access and egress; construction hazards (especially to children who use the streets as part of their playground); impact on wildlife; and further loss and degradation of open space in the foothills. The foothills are often cited as a major jewel of Boise. What a shame if we lose it through a series of ill-conceived projects and lack of regional planning.

~~ End Message ~~

From: Janel Brown [mailto:janelbrown12@hotmail.com]
Sent: Monday, May 19, 2008 9:59 AM
To: Tellus; citycouncil@cityofboise.com; mayor@cityofboise.com
Subject: Attn: Board of Commissioners, City Council, Mayor Bieter

June 19, 2008

Aase's Canyon, a ridge-top development proposed for Boise's foothills adjacent to the Polecat Reserve, and several additional development proposals do not fit Boise's vision for neighborhood growth and foothills preservation.

ACHD and Boise Planning and Zoning are in place to see that detailed standards are met but meeting those standards won't meet Boise's growth management goals.

Developers can meet requirements and gain approval for housing developments that do not fit the local neighborhood associations' plans, do not fit the intent of the Foothills Initiative and that will overburden arterials and neighborhood streets.

Is there no formal process to determine whether proposed projects comprehensively fit Boise's vision for future growth?

It seems that proposals are considered serially rather than in parallel. For instance, all the traffic statistics related to proposal A, are not in the mix when considering proposal B. Both A and B can be approved separately even though together their traffic impact will overburden involved streets.

The expected traffic from developments that are approved but not yet populated is not considered - only current traffic counts are in the mix. The breaking point for arterials and neighborhood streets will be reached much sooner than currently predicted.

Hill Rd and State St are not scheduled for improvement anytime soon. The comparatively small impact fees will not fund the improvements necessary to safely absorb additional traffic caused by new development in Boise's north and northwest neighborhoods.

What is the point of the Foothills Initiative and approved neighborhood association plans if the laws (statutes, ordinances, etc) don't support them?

There is a definite disconnect here. What are your plans for addressing that disconnect? How can concerned citizens help?

Sincerely,
Janel Brown
5736 N. Collister
Boise, Idaho 83703
208-424-3354

From: Brent Smith [mailto:fbsmithiv@cableone.net]
Sent: Tuesday, May 20, 2008 7:57 AM
To: Matt Edmond
Subject: Plano Sub

Hello Matt

It is my understanding that should Harrison Blvd., a load C street already at capacity, be impacted with increased traffic from a proposed development, that this should be legal grounds for denying the development. I can assure you that Harrison will be impacted, regardless of what the developer's traffic study suggests with respect to people using State. Most people I know, myself and my wife included, use Harrison Blvd., not State, to get to work and town.

I will appreciate any guidance you can offer.

Is the meeting still scheduled for the 28th? Will there be further testimony or just a ruling?

thanks again

Brent Smith
6024 Plano
384-9149

From: "Matt Edmond" <Medmond@achd.ada.id.us>
To: <dyorgason@cableone.net>
CC: <beggleson@cityofboise.org>
Date: 8/11/2008 11:49 AM
Subject: FW: Plano Road

Dave,

We will not give a formal response to Bruce Eggleston's 7 August Memo on Plano Road since none was requested. However, I did talk to Bruce on Friday, and I reiterated that the ACHD Commission's action not only limits you and Stewart to 53 lots total prior to the Daylight connection, but specifically to 36 lots on the Plano side and 17 lots on the Collister side. As I understand it, the recommended requirements of the 7 August memo, in concert with our requirements, would effectively limit Plano to 36 lots, all on the Plano side, prior to the Daylight Rim connection.

Matt

From: Gary Inselman
Sent: Monday, August 11, 2008 7:42 AM
To: Matt Edmond; Mindy Wallace
Subject: FW: Plano Road

FYI,

From: Dave Yorgason [mailto:dyorgason@cableone.net]
Sent: Friday, August 08, 2008 6:06 PM
To: Gary Inselman
Cc: Chris Yorgason; Ramon Yorgason; Bob Burns; Kerry Winn; Joe Johnson
Subject: Plano Road

Gary,

I received a phone call late today from Matt Edmund RE: Plano Road sub. I don't know if you will be responding to the City prior to the hearing Monday night (Aug 11th), but if you are, if you could share with us your comments so we can be prepared for the hearing. Some of the neighbors are continuing to try to alter the phasing of this development but I don't know where the P&Z will go on this.

Thanks.

Dave

Letters From Agencies

Boise Parks and Recreation

Idaho Department of Fish and Game

Independent School District of Boise

Memo

To: Dave Abo & Bruce Eggleston
From: Cheyne Weston
CC: James Hall, Tom Governale, David Gordon, Julia Grant, David Selvage, Chuck McDevitt
Date: July 31, 2007
Re: Plano Lane Subdivision Application

Boise City has invested over \$2 million dollars of public foothill serial levy funds to conserve open space in Polecat Gulch Reserve. This Reserve encompasses over 600 acres and is a neighbor to the proposed Plano Lane Subdivision to the south. Polecat Gulch Reserve will provide for several miles of trails and two trailheads. The construction of these trails have been funded through a \$46,000 State Parks grant. One of the trailheads will be situated on Cartwright Road while the other is planned for the end of Collister Drive extension.

The Plano Lane Subdivision at Collister Drive coincides with development of a planned trailhead at the Collister Drive within the Reserve. Park staff has had preliminary discussion with the developer regarding plans along the west side of the proposed development. These plans show Collister Drive being extended, allowing for pedestrian access to the Reserve property on a sidewalk.

The developers will be required to provide for emergency services at the new terminus of Collister Drive. The configuration of the terminus has yet to be determined. In order to accommodate these road requirements, the City would consider dedicating ROW for a public turn-around at the end of the proposed new Collister Drive extension. The turn-around would provide public and emergency access.

Should development be approved at this location, BPR and the developer could consider entering into a development agreement. This agreement would necessitate recognition for the value of the property received and require infrastructure related improvements, such as utility stubs be constructed to meet BPR and other required agency approvals.

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

- Developer shall construct a post and rail fence to BPR standards along the north property line of the subdivision to help protect the Reserve from encroachment by the future adjacent residences.
- Developer shall construct an approved turn-around / trailhead at the new terminus of Collister Drive to BPR specifications while adhering to ACHD access standards.



MISSION STATEMENT

Boise Parks & Recreation Department's mission is to enhance Boise's quality of life by working in partnership with the community to foster and support citizen well being and healthy community environments. TDD/TTY 800-377-3529

- Developer shall stub utilities (water and power) to an acceptable location near the turn-around as approved by BPR and public works department.
- The turn-around / trailhead shall be graded and graveled to include 12 auto spaces and 3 horse trailer spaces, an area for emergency vehicles to turn around, a vault toilet, a boundary two post and rail fence and a trailhead kiosk.

I would also suggest Boise City Planning and Development Services solicit comments from Beth Colket with the Idaho Conservation Data Center. Ms. Colket (bcolket@idfg.idaho.gov or 287-2799) has been monitoring populations of Aase's onion and other rare plants in the foothills and can provide information regarding possible impacts to the Aase's onion population in Polecat Gulch.

Memo

To: Bruce Eggleston
From: Julia Grant
CC: James Hall, Hal Simmons, Teresa Sobotka, Tom Governale, David Gordon, Julia Grant,
David Selvage, Chuck McDevitt
Date: June 27, 2008
Re: Aase's Canyon Subdivision Application

Boise City has invested over \$2 million dollars of public foothill serial levy funds to conserve open space in Polecat Gulch Reserve. This Reserve encompasses over 600 acres and is a neighbor to the proposed Aase's Canyon Subdivision to the south. Polecat Gulch Reserve has approximately 7 miles of trails and one trailhead. The construction of these trails was funded through a \$46,000 State Parks grant. Another trailhead is planned for the southern end of Polecat Gulch Reserve adjacent to the proposed Aase's Canyon Subdivision. The Foothills Conservation Advisory Committee (FCAC) has discussed this proposed development at several of their monthly meetings and their expectations are included in the recommendations and conditions outlined below.

The timeline for the Aase's Canyon Subdivision between North Collister Drive and Plano Lane coincides with development of the southern Polecat Gulch Reserve trailhead. The plans the developer has provided show a sidewalk allowing for pedestrian access to the Reserve property.

The developers will be required to provide for emergency services at the new terminus of North Collister Drive. The configuration of the terminus has yet to be determined. In order to accommodate these road requirements, the City would consider dedicating ROW for a public turn-around at the end of the proposed new North Collister Drive extension. The turn-around would provide public and emergency access.

Should development be approved at this location, Boise Parks and Recreation (BPR) and the developer could consider entering into a development agreement. This agreement would necessitate recognition of the value of the city property being used as an emergency turn-around and require infrastructure related improvements, such as utility stubs be constructed to meet BPR and other required agency approvals.

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

- Developer shall complete the road from the current North Collister Drive cul-de-sac to Polecat Gulch Reserve and provide the public access on this road.



MISSION STATEMENT

Boise Parks & Recreation Department's mission is to enhance Boise's quality of life by working in partnership with the community to foster and support citizen well being and healthy community environments. TDD/TTY 800-377-3529

- Developer shall construct a post and rail fence to BPR standards along the north property line of the subdivision to help protect the Reserve from encroachment by the future adjacent residences.
- Developer shall construct an approved turn-around and trailhead at the new terminus of North Collister Drive to BPR specifications while adhering to ACHD access standards.
- Developer shall stub utilities (water and power) to an acceptable location near the turn-around as approved by BPR and public works department.
- The turn-around and trailhead shall be graded and graveled to include 12 auto spaces with wheel blocks , an area for emergency vehicles to turn around, a boundary two post and rail fence and a trailhead kiosk.
- Neither the riparian area (Polecat Gulch) nor the raptor nesting trees on the east side of the current dirt roadway at the north end of Collister should be disturbed as both provide considerable habitat for wildlife in the area.
- All conditions should be met during Phase I of the development.

BPR would like to see park impact fees used for the installation of a permanent bathroom at the trailhead during the initial construction of the trailhead.



Exhibit N

IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

C.L. "Butch" Otter / Governor
Cal Groen / Director

June 30, 2008

Boise City Planning and Development
150 North Capitol Blvd.
Boise, ID 83702

RE: Plano Road Subdivision, CAR07-00042/SUB07-00065/CUP07-00084/CFH07-00022

The Idaho Department of Fish and Game, Southwest Region is providing Boise City with the following comments on the Plano Road Subdivision Application. The Idaho Department of Fish and Game (Department) is the state agency entrusted with statutory authority to preserve, protect, perpetuate, and manage fisheries and wildlife resources in the State of Idaho (Idaho Code § 36-103(a)).

The area is located in wildlife habitat, including documented big game winter range. The Department is concerned about the continued reduction of wildlife habitat in Ada County. The cumulative effect of subdivisions is the reduction of an already limited winter range for big game. Ada County is fortunate to have abundant and diverse wildlife populations, and continued development in wildlife habitat will result in a permanent reduction and possible loss of these resources.

Wildlife will continue to attempt to use the area. This will result in increased big game depredation problems, as well as nuisance species such as skunks and raccoons. People living in the proposed subdivision need to be aware that big game depredation problems and nuisance wildlife are going to occur and these problems are the responsibility of the homeowners and not the Department.

The Department requests that the following items be incorporated into the Plano Road Subdivision conditions:

1. The following language shall be incorporated into a homebuyer's disclosure statement and signed by all residents of the Plano Road Subdivision:

This area has been identified as wildlife habitat. Damage to landscaping and personal property from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Boise City. Neither Boise City nor the State of Idaho will be liable for wildlife depredation and/or damage.

Keeping Idaho's Wildlife Heritage

2. The following items shall be included in the homeowner codes, covenants, and restrictions:

- Big game animals shall not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.
- Domestic pets must be confined or under the owner's control at all times. Free-roaming dogs and cats pose a threat to many wildlife species.
- Fences in the Plano Road Subdivision must be of a design that does not pose an undo risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208)465-8465 for additional guidance on wildlife friendly fence design.

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

- Native vegetation communities should be protected to the greatest extent possible. This includes native grasses, forbs, and shrubs. It is much easier to protect this vegetation initially than to attempt to revegetate disturbed areas. Native plants are generally difficult to locate in nurseries, they can be extremely challenging to restore, and are quite expensive. Disturbed sites should be mitigated elsewhere on the property. Disturbance can be minimized through clustering of homes, which results in a minimum of infrastructure development.
- Known migration routes or movement corridors of big game animals should not be disturbed by development. Migrating big game animals generally follow traditional migration routes from summer ranges to lower elevation transition and winter ranges. Deer migrate along well-established routes and are fairly predictable, while elk are more nomadic. Recommendations include clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space.
- Domestic stock such as horses, llamas, and cows should be fed in distinct, fenced enclosures that are off-limits to big game. All feed should be stored in sheds or enclosures out-of-sight of big game animals. If deer and elk can see it, they will attempt to eat it! Elk are big, strong animals and can wreak havoc on exposed feed areas. Domestic fowl should be housed in wildlife-proof homes since they are very vulnerable to predators such as coyotes and fox.
- When observing wildlife, maintain a safe distance. Do not disturb their normal activities. Resist the temptation to "save" baby animals, as their parent(s) are generally nearby.
- Effective means to protect ornamental trees and shrubs from being eaten by wildlife include wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife.

- Bird feeders should be routinely cleaned to prevent the spread of disease.
- Any burning of trash or vegetation on properties adjacent to wildlands should be carefully monitored and under control at all times. Fireworks should be avoided. Dry, brittle vegetation lights easily and fires spread rapidly. Wildfires are dangerous and pose a tremendous threat to human life and property, public lands, and wildlife habitat.
- High numbers of big game animals on limited winter range attract predators such as mountain lions and bears. Precautions that should be followed include a) making noise as you come and go in the morning and at night, b) installing outside lighting, c) make it difficult for predators to approach your house unseen by avoiding planting dense vegetation near your home, d) keep your pets under control and bring them indoors at night since they are easy prey for predators, e) place livestock in enclosed sheds or barns at night.

Thank you for the opportunity to comment. Please contact Rick Ward in the Southwest Regional Office at (208) 465-8465 ext. 344, or via e-mail at rward@idfg.idaho.gov if you have any questions.

Sincerely,



Scott Reinecker
Southwest Regional Supervisor

Cc: NRPB



Exhibit H

Independent School District of Boise City #1

Boundaries, Transportation, and Safety

8169 W. Victory Rd - Boise, ID 83709

(208) 854-4167 Fax (208) 854-4011

RECEIVED

JAN 11 2008

DEVELOPMENT
SERVICES

July 6, 2007

Boise City Planning & Development
Subdivisions
150 N Capitol Blvd
Boise, ID 83702

CAR 07-00042, CUP07-00084
CFH 07-22

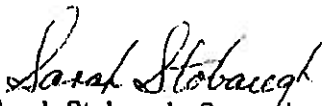
RE: Plano Road Subdivision; SUB07-00065

The plans for the Plano Road Subdivision show all streets ending in cul-de-sacs, with no connectivity to other surrounding streets. In order to furnish safe school bus turn-around locations to accommodate students living in the Subdivision, the Boise School District would like to see the cul-de-sac at the end of Sunrise Point Drive and the cul-de-sac at the end of Sandman Place both be marked with signage that says "No Parking - School Bus Turn Around".

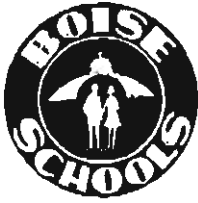
The schools currently assigned to the proposed project area are:

Elementary School: Cynthia Mann
Junior High School: Hillside
High School: Capital - currently
Boise - effective August 2008

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


Sarah Stobaugh, Supervisor
Traffic Safety and Transportation

SS/pkw



Independent School District of Boise City #1

Boundaries, Transportation, and Safety

8169 W. Victory Rd - Boise, ID 83709

(208) 854-4167 Fax (208) 854-4011

August 13, 2009

Boise City Planning &
Development Services
150 N Capitol Blvd
P. O. Box 500
Boise, ID 83701-0500

RE: CAR07-00042, CUP07-00084

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

The schools currently assigned to the proposed project area are:

Elementary School: **Cynthia Mann**
Junior High School: **Hillside**
High School: **Boise**

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

Sarah Stobaugh, Supervisor
Traffic Safety and Transportation

SS/pkw

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made by and between (i) CITY OF BOISE CITY, Idaho (the "City"); and (ii) AASE'S CANYON POINTE DEVELOPMENT, LLC, a Utah limited liability company ("ACPD"), and CAPITAL DEVELOPMENT, INC., an Idaho corporation ("CDI," and jointly with ACPD the "Developer").

RECITALS

A. Developer owns all of that certain real property located in Ada County, Idaho, more particularly described in **Exhibit A** (the "Property") attached hereto and incorporated herein.

B. Applications for this development include: annexation, rezone, and development agreement application number CAR07-00042/DA (the "Rezone"), conditional use permit application number CUP07-00084 (the "CUP"), hillside and foothill area development permit application number CFH07-00022 (the "Hillside Permit"), and preliminary subdivision plat application number SUB07-00065 (the "Preliminary Plat," and together with the Rezone, the CUP, and the Hillside Permit, the "Development Applications").

C. Developer has entered into private agreements with those certain additional parcels of real property owned by others generally lying between the southwesterly boundary of the Property and the existing terminus of N. Plano Way (the "Additional Parcels") over which a portion of the right-of-way required by ACHD extends. Legal descriptions of the Additional Parcels, which are not subjected to the terms of this Agreement, are attached hereto and incorporated herein as **Exhibit B**. A map depicting the current zoning of the parcels comprising the Property and the Additional Parcels is attached hereto and incorporated herein as **Exhibit C**.

D. Pursuant to Idaho Code Section 67-6511A and Boise City Code Sections 11-08-08 and 11-06-05.07, the City has the authority to conditionally rezone the Property and to enter into a development agreement for the purpose of allowing a specific development to proceed after a determination has been made that a proposed rezone by itself is not appropriate but that the use of a development agreement could allow development to proceed under stricter restrictions than those imposed generally in the proposed zoning district. Pursuant to the Foothills Planned Development Ordinance, a development agreement is required for all foothills development.

E. The City has determined that the development of the Property pursuant to Residential District R-1A/DA and Open Land District A-1/DA is not appropriate without the use of a development agreement to allow the development to proceed under the stricter restrictions set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants, conditions, and terms set forth below, the parties agree as follows:

1. **Zoning Designations.** Pursuant to the City's approval of the Rezone, the Property is being zoned in part R-1A/DA, for the developed lots on the Property, and in part A-1/DA, for the permanent open space lots, for development in accordance with the concept plan depicted in **Exhibit D** attached hereto and incorporated herein. Full sized copies of the concept plan depicted in Exhibit D shall also be initialed by each of the signatories to this Agreement and be retained in the respective records of the City, ACPD, and CDI for future reference and use in the event of any controversy or disagreement arising under this Agreement.

2. **Development of Property.** The development and use of the Property shall conform in all material respects with this Agreement and all conditions of approval (the "Conditions of Approval") adopted by the City in connection with its approval of the Development Applications, as such Conditions of Approval in the CUP may hereafter be amended in accordance with the procedures provided by the Boise City Code, and Developer shall have the right to develop and use the Property in accordance with the terms of such approved Development Applications. The maximum number of buildable lots and their use allowed for the Property are 155 residential lots. The development of the Property shall be as depicted on the preliminary and final plats.

3. **Acquisition of Road Right-of-Way.** Prior to any preliminary plat approval being issued for any portion of the Property, Developer shall secure all approvals and rights necessary for a right-of-way to construct the extension of N. Plano Way across the Additional Parcels to the Property as depicted in **Exhibit E** attached hereto and incorporated herein (the "Road Extension") and provide City with evidence establishing the existence of such approvals and rights. Additionally, in conjunction with recording a final plat for any portion of the Property, Developer shall dedicate (or cause to be dedicated) to ACHD the Road Extension, the location of which has previously been approved by ACHD.

4. **Preservation of Aase's Onion.** Pursuant to Boise City Code 11-06-05-07-04.C, the Aase's onion shall be preserved as follows: Prior to recording a final plat for any portion of the Property, ACPD and CDI shall both (a) convey those portions of the Property depicted in Exhibit D as "Onion Conservancy" and described in **Exhibit F** attached hereto and incorporated herein to the Land Trust of the Treasure Valley (the "Land Trust") in fee simple, or to such other similar entity as may be approved by the director of the City's Planning and Development Services Department (the "Planning Director"), and (b) enter into a written agreement with the Land Trust or other approved entity for the protection and preservation of such onion fields on terms approved by the Planning Director.

5. **Improvement of Trail Head Access and Parking and Conveyance of Right-of-Way.** Pursuant to Boise City Code 11-06-05-07-04.C, a trail head shall be developed and approved as follows: ACPD and CDI shall construct (or bond for construction) on property owned by the City (for dedication to ACHD) a standard ACHD-approved cul-de-sac and gravel parking lot (with up to twelve parking spaces) for a park trail head in the location shown in the Development Applications and **Exhibit G** attached hereto and incorporated herein, which shall be constructed in accordance with the specifications and requirements of the City's Department of Parks and Recreation and with the Conditions of Approval in the CUP. Developer shall also (a) convey to ACHD in conjunction with and prior to recording a final plat for any portion of the

Property such road right-of-way as required to extend the existing terminus of N. Collister Dr. to Polecat Gulch Reserve in accordance with ACHD standards and the Conditions of Approval in the CUP, and (b) construct (or bond for construction) the extension of N. Collister Dr. from its existing terminus to Polecat Gulch Reserve in accordance with ACHD standards and the Conditions of Approval in the CUP.

6. Development of Sand Pit. Parcel #S0617348400 is currently a sand pit. The sand pit could become an attractive nuisance if left in a non-graded disposition after each phase of development. This parcel shall be filled in with all the grading overage materials and be revegetated in native landscaping with viable native plants capable of eventually sustaining themselves. This parcel shall be developed with access to it and a foot trail extending through it, and be graded to conform to the surrounding contours to represent the natural geography under the angle of repose (without structures, hardscaping, irrigation systems or other constructed improvements or amenities). The parcel shall be maintained by the homeowners association established with respect to the Property (the "Homeowners Association"). The City recognizes that the fill in the sand pit can be completed only at the final build-out phase of the development, after all the grading is completed. However, it is the responsibility of the Developer to leave those portions of the sand pit in which it has deposited or extracted materials in a smooth contoured state at the completion of grading with respect to each plat, such that it resembles the natural contours in a 2 to 1 or less slope. Those portions of the parcel that are improved to finished grade shall be revegetated in accordance with the revegetation plan (or bonded for 150% of the construction and planting costs). The conditions, covenants, and restrictions for all phases of development of the Property shall require the Homeowners Association to maintain the foot trail and keep it open for use following its construction, to assist in the protection and preservation of the Aase's onion.

7. Permanent Open Space. Pursuant to Boise City Code 11-06-05-07-04.C, the following features shall be platted as permanent open space and be maintained by the Homeowners Association: (a) that portion of parcel #S0620110108 that lies south of Collister Road and any other riparian areas on the same parcel, and (b) any wetlands area as sited in the ecological design report on file at the City.

8. Mitigation of Visual, Fire, and Wildlife Impacts of the Development. The *Foothills Policy Plan* policies recommend building and site design methods and criteria that would serve to mitigate the visual impact of ridgeline developments. These policies must be balanced with project design conventions that provide a safe and functional suburban setting. Therefore, the design and layout of all structures in the development shall comply with a binding set of design criteria with the combined purpose of lessening the visual impacts of the structures when viewed from the valley, reducing the threat from wildfires, and mitigating wildlife concerns. These design criteria shall include (a) restrictions on building heights, exterior finishes and colors, building setbacks from the crown of prominent or visible ridges, window pane reflectivity, lighting, building orientation, and siting to minimize impacts on unique geologic features or sensitive plant species, (b) provisions for fire safety as set forth in the *Plano Road Fire Prevention Plan*, dated May 31, 2007, submitted with the Development Applications and subsequently amended as directed by the Boise Fire Department to include specific landscape strategies and plant species, an action plan for emergency evacuation, recommendations for

building materials, and site layout to minimize the threat of wildfires, and (c) provisions to meet fish and game concerns and objectives. The design criteria will be listed as conditions of approval in the CUP, which shall specify those provisions applicable to each residential lot and be subject to amendment requirements of that permit. The CUP will also include an exhibit that defines the building envelopes for each buildable lot that will be reviewed and approved with the design criteria as above described.

The process for the design review will be as follows:

- (a) When a building permit application is submitted to the City's Planning and Development Services Department, the structure and site layout will undergo an administrative review by the Planning Director or Design Review staff ("Staff") for compliance with the design criteria adopted in the CUP.
- (b) Grading and fence permits shall also be subject to the design criteria.
- (c) Staff will conduct a site inspection for compliance with the design review and be required to sign-off the applicable letter of occupancy when compliance is met.
- (d) The design criteria shall also be adopted by the Homeowner's Association, which shall review and approve all remodels and site changes after a certificate of occupancy has been issued, with the City only having design review responsibilities when a certificate of occupancy is required.

9. Default. Subject to any future minor modifications of the Conditions of Approval made pursuant to administrative approval by the City, or other amendment of this Agreement made pursuant to Boise City Code Section 11-08-08(H), Developer's failure to comply with all of the commitments imposed on it under this Agreement shall be deemed a consent for the City to rezone the Property to a zone deemed appropriate by the Boise City Council following notice and hearing in accordance with the requirements of Boise City Code Sections 11-08-08(I) and (J).

10. Waivers. A waiver by the City of any default by Developer of any of the requirements imposed on it under this Agreement shall not bar any rights or remedies of the City with respect to any subsequent or further default by Developer.

11. Notices. Any and all notices required to be given by the parties hereto shall be in writing and be deemed given when deposited in the United States mail, certified, return receipt requested, addressed as follows:

The City: Director, Planning and Development Services Department
Boise City
Post Office Box 500
Boise, Idaho 83701-0500

The Developer: Joe Johnson
AASE's Canyon Pointe Development, LLC
8989 South Schofield Circle
Sandy, Utah 84093

and J. Ramon Yorgason
Capital Development, Inc.
6200 North Mecker Place
Boise, Idaho 83713

A party shall give notice of any change of its address for the purpose of this section by giving written notice of such change to the other parties in the manner herein provided.

11. Attorney Fees. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination, or forfeiture of this Agreement.

12. Time Is of the Essence. The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every covenant, condition, and term hereof and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.

13. Binding Upon Successors. This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns, and personal representatives, be binding on each and every owner of the Property, each subsequent owner, and each other person acquiring an interest in the Property, and shall run with the land.

14. Requirement for Recordation. Developer shall cause this Agreement, including all the exhibits, to be recorded by the Ada County Recorder prior to the formal adoption of the Rezone by the City, and Developer's failure to comply with this section shall be deemed a default of this Agreement. Any amendments or modifications to this Agreement shall also be recorded prior to the formal approval of the amendment taking effect.

15. Effective Date. This Agreement shall be and become effective with and upon publication of the approved Rezone.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates opposite each signature below.

CITY:

CITY OF BOISE CITY

DATED: _____, 2008

By: _____
Mayor Dave Bieter

ATTEST:

DATED: _____, 2008

City Clerk

DEVELOPER:

**AASE'S CANYON POINTE DEVELOPMENT,
LLC, a Utah limited liability company**

DATED: _____, 2008

By: _____
Joe Johnson, Manager

**CAPITAL DEVELOPMENT, INC.,
an Idaho corporation**

DATED: _____, 2008

By: _____
J. Ramon Yorgason, President

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 200__, before me _____,
personally appeared _____, known or identified to me (or proved to me
on the oath of _____), to be the person whose name is subscribed
to the within instrument as _____ and acknowledged to me that
[he/she/they] executed the same as such _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

STATE OF UTAH)
) ss.
County of Salt Lake)

On this ____ day of _____, 200__, before me _____,
personally appeared JOE JOHNSON, known or identified to me (or proved to me on the oath of
_____) to be the Manager of AASE'S CANYON POINTE
DEVELOPMENT, LLC, a Utah limited liability company, the limited liability company that
executed the instrument or the person who executed the instrument on behalf of said limited
liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR UTAH
Residing at _____
My Commission Expires _____

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 200__, before me _____,
personally appeared **J. RAMON YORGASON**, known or identified to me (or proved to me on the
oath of _____) to be the President of **CAPITAL DEVELOPMENT,**
INC., an Idaho corporation, the corporation that executed the instrument or the person who
executed the instrument on behalf of said corporation, and acknowledged to me that such
corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO

Residing at _____

My Commission Expires _____

EXHIBIT A
(Legal Description of Developer's Property)

LEGAL DESCRIPTION

A parcel of land located in Sections 17, 18, 19, and 20, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The North line of Section 20, Township 4 North, Range 2 East, Boise Meridian, derived from found monuments and taken as South 88°43'54" East with the distance between monuments found to be 5,284.21 feet.

BEGINNING at the Northeast corner of Section 20, Township 4 North, Range 2 East, Boise Meridian, thence along the East line of said Section 20 South 00°00'29" West a distance of 1,893.36 feet to a point from which the East 1/4 corner of said Section 20 bears South 00°00'29" West a distance of 732.12 feet;
thence leaving said East line South 82°44'52" West a distance of 639.45 feet;
thence North 13°09'17" West a distance of 851.05 feet to the Southeasterly Boundary of Briarhill Subdivision No. 3, Book 42, Page 3413;
thence along the boundary of said Briarhill Subdivision No.3 the following nine(9) courses:

North 38°38'55" East a distance of 236.07 feet;
North 29°38'55" East a distance of 84.14 feet;
North 60°21'05" West a distance of 310.00 feet;
South 37°38'55" West a distance of 130.01 feet;
South 45°38'55" West a distance of 120.00 feet;
South 76°38'55" West a distance of 487.94 feet;
South 44°38'55" West a distance of 523.90 feet;
South 63°38'55" West a distance of 315.00 feet;
South 43°38'55" West a distance of 268.16 feet to the Northeasterly Corner of Briarhill Subdivision No.2, Book 42, Page 3411;
thence along the boundary of said Briarhill Subdivision No.2 the following ten(10) courses:

South 43°38'55" West a distance of 161.84 feet
South 63°38'55" West a distance of 410.00 feet;
North 46°21'05" West a distance of 130.00 feet;
South 63°38'55" West a distance of 148.97 feet;
South 06°21'05" East a distance of 130.00 feet;
South 54°38'55" West a distance of 379.29 feet;
South 25°21'05" East a distance of 132.27 feet to the northerly right-of-way of Collister Drive;
along said right-of-way South 80°38'55" West a distance of 233.18 feet;
along a curve to the left with a radius of 265.50 feet and a central angle of 35°25'27" an arc length of 164.15 feet (with a chord bearing of South 62°56'12" West, and a chord distance of 161.55 feet);
South 44°46'32" East a distance of 5.00 feet;

thence leaving said boundary of Briarhill Subdivision No.2 South 45°13'28" West a distance of 47.08 feet;
 thence along a curve to the left with a radius of 566.92 feet and a central angle of 19°40'00" an arc length of 194.59 feet (with a chord bearing of South 35°23'28" West, and a chord distance of 193.64 feet);
 thence leaving said right-of-way North 01°30'58" West a distance of 205.50 feet;
 thence South 89°31'28" East a distance of 20.00 feet;
 thence South 02°56'51" East a distance of 70.87 feet;
 thence North 49°26'32" East a distance of 294.50 feet;
 thence North 00°26'32" East a distance of 467.52 feet;
 thence North 89°31'28" West a distance of 379.35 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 20;
 thence along said East line South 00°27'54" West a distance of 555.61 feet to the Center West 1/16 corner of said Section 20;
 thence along the South line of said Southwest 1/4 of the Northwest 1/4 also being the North boundary line of Outlook Heights Subdivision, Book 60, Pages 6040-6041, North 89°01'58" West a distance of 990.48 feet;
 thence leaving said South line and North boundary North 00°33'13" East a distance of 650.00 feet;
 thence North 89°01'58" West a distance of 335.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4;
 thence along said West line North 00°33'13" East a distance of 671.88 feet to the North 1/16 corner common to Sections 19 and 20, from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 00°33'53" East a distance of 1,322.03 feet;
 thence South 88°57'43" West a distance of 133.68 feet;
 thence North 43°35'09" West a distance of 547.46 feet;
 thence North 26°51'56" West a distance of 381.96 feet;
 thence North 37°36'19" West a distance of 406.83 feet;
 thence South 86°01'33" East a distance of 591.90 feet;
 thence South 89°11'34" East a distance of 248.19 feet to the West line of said Section 20;
 thence along said West line North 00°33'53" East a distance of 1,322.03 feet to the Section Corner common to Sections 17, 18, 19 and 20;
 thence along the West line of said Section 17 North 01°01'17" West a distance of 440.55 feet;
 thence North 68°30'00" East a distance of 234.01 feet;
 thence South 06°56'41" East a distance of 40.89 feet;
 thence South 58°51'08" East a distance of 122.41 feet;
 thence South 53°01'30" East a distance of 599.99 feet;
 thence South 45°43'28" East a distance of 49.26 feet;
 thence North 50°03'16" East a distance of 348.41 feet;
 thence South 38°06'15" East a distance of 355.86 feet to the West 1/16 corner common to Sections 17 and 20 from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 88°43'54" West a distance of 1321.22 feet;
 thence along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 20 South 88°43'54" East a distance of 12.01 feet;

thence leaving said North line North 09°45'20" West a distance of 352.45 feet;
thence North 57°17'56" East a distance of 551.95 feet;
thence North 21°33'31" West a distance of 257.33 feet;
thence North 52°45'13" West a distance of 240.86 feet;
thence North 31°10'54" West a distance of 179.81 feet;
thence North 57°25'54" West a distance of 200.31 feet;
thence North 02°47'46" West a distance of 338.23 feet;
thence South 58°28'54" East a distance of 458.34 feet;
thence North 80°53'46" East a distance of 504.32 feet;
thence North 50°34'54" East a distance of 275.98 feet;
thence South 70°08'04" East a distance of 85.51 feet;
thence South 48°01'55" East a distance of 1,018.83 feet;
thence South 89°38'20" East a distance of 200.38 feet;
thence South 00°08'46" East a distance of 977.84 feet to the North line of the Northeast
1/4 of said Section 20;
thence along said North line South 88°43'54" East a distance of 1,967.75 feet to the
POINT OF BEGINNING.

Said Parcel containing 13,710,749 square feet or 314.76 acres, more or less and is
subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, P.L.S. 12458
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

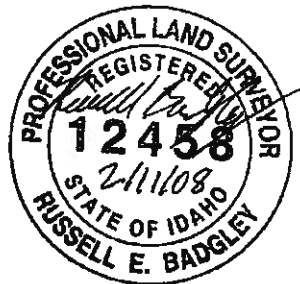


EXHIBIT B

(Legal Descriptions of Additional Parcels)

Per attached deeds recorded by the Ada County Recorder as Instrument Nos. 1193000231, 1942001262, 101094267, 102042440, and 102159044.

9010706
WARRANTY DEED

11S30C0231

FOR VALUE RECEIVED LARRY R. KERR, a married man, as his sole and separate property

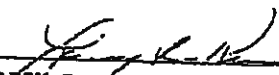
GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto ANDREW W. COVER and KATHERINE A. COVER, husband and wife

GRANTEE(S), whose current address is: 6296 N. PLANO LANE, BOISE, IDAHO 83703
the following described real property in ADA County, State of Idaho,
more particularly described as follows, to wit:

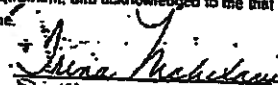
As per EXHIBIT "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

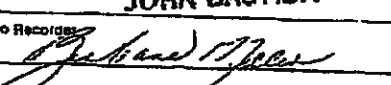
Dated: February 28, 1990


LARRY R. KERR

STATE OF IDAHO County of ADA, ss.

On this 28th day of February
in the year of 1990, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Larry R. Kerr
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
he executed the same.Signature: 
Name: Trina Nishitani
Type or print
Residing at: Boise, Idaho
My commission expires: 6/28/91STATE OF IDAHO, COUNTY OF Ada
I hereby Certify that this instrument was filed for record at the re-
quest of STEWART TITLEat 26 minutes past 3 o'clock PM
this 1st day of March
1990, in my office, and duly recorded in Book
of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder
By: 
Deputy:
Fee \$
Mail to

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



Order No.: ST-89020850 TN/RN

EXHIBIT "A"

PARCEL I

A parcel of land lying Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 17, 18, 19 and 20 in Township 4 North, Range 2 East, Boise Meridian, thence North 16 degrees 02' West, a distance of 415.10 feet to P.I. No. 5 of the Barnes Access Road; thence North 56 degrees 54' East a distance of 136.72 feet to a steel pin; thence South 70 degrees 14' West, a distance of 495.72 feet to a steel pin, THE REAL POINT OF BEGINNING; thence South 0 degrees 02' East, a distance of 202.06 feet to a steel pin; thence South 64 degrees 47' East, a distance of 514.36 feet to a steel pin; thence South 0 degrees 24' West, a distance of 105.01 feet to a steel pin; thence North 89 degrees 19' West, a distance of 247.95 feet to a steel pin; thence North 86 degrees 06' West, a distance of 591.87 feet to a steel pin; thence North 05 degrees 04' West, a distance of 75.16 feet to a steel pin; thence North 37 degrees 19' East, a distance of 270.50 feet to a steel pin; thence North 48 degrees 17' East, a distance of 290.02 feet to a steel pin, THE REAL POINT OF BEGINNING.

PARCEL II

Together with an easement for ingress and egress over and across Private Lane known as Plano Lane as described in Book 472 of Deeds on Page 32 and Book 473 of Deeds on Page 700.

PARCEL III

Together with an easement for ingress and egress over and across a private road, a portion of which is described in Warranty Deed recorded March 23, 1967 as Instrument No. 660475.

Record
ADAMS & SON
J. DAVID ADAMS
BOISE ID
SUSAN M. GRAHAM

95 OCT 25
SUSAN M. GRAHAM
J. DAVID ADAMS
BOISE ID

'95 NOV 14 PM 1 00
QUIT CLAIM DEED
FEE *12.00*
REC: *21*

'95 OCT 25 PM 11 02
FEE *9.00*
REC: *21*

For no consideration, GEORGE E. CASEY and MARIE E. CASEY, a married couple, as Grantors do hereby convey, release, remise and forever quit claim unto

1942001262

"GEORGE E. CASEY and MARIE E. CASEY, Co-Trustees, or their successors in Trust, of the GEORGE E. AND MARIE E. CASEY TRUST, U/T/A dated the 24th day of October, 1995, and any amendments thereto," as the Grantee

whose current address is 6101 Plano Lane, Boise, Idaho 83703, the described premises, in ADA County, Idaho, attached as Exhibit "A" and incorporated by reference herein.

together with their appurtenances.

DATED the 24th day of October, 1995.

George E. Casey
GEORGE E. CASEY

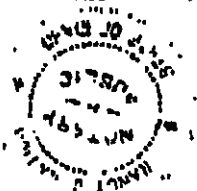
Marie E. Casey
MARIE E. CASEY

STATE OF IDAHO)
County of Ada) ss.

On this 24th day of October, 1995 before me personally appeared GEORGE E. CASEY and MARIE E. CASEY, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.

James J. Harris
Notary Public and Co. Idaho
Residing at Boise, Idaho
My commission expires *2-28-2000*



Client No: 95-10-17

1942001264

EXHIBIT A

POOR COPY

Parcel One

Tract 1:
A part of the NW 1/4 NE 1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:
Beginning at the Southeast corner of the NW 1/4 NE 1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW 1/4 NE 1/4 a distance of 440 feet to a point; thence North 61°22' West a distance of 129.60 feet to the real point of beginning; thence South 44°05' West a distance of 85.57 feet; thence South 89°56' West a distance of 163.15 feet to a point which is located 665 feet East and 660 feet South of the Northwest corner of the NW 1/4 NE 1/4 of Section 19; and which point is on the property line of the property described in Book 101 of Deeds at page 164, records of Ada County, Idaho; thence North 170 feet, more or less, to the Southwesterly boundary of that certain property described in Book 112 of Deeds at page 144, records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 112 of Deeds at page 144, to the real point of beginning.

Tract 2:
A part of the NW 1/4 NE 1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:
Beginning at the Southeast corner of the NW 1/4 NE 1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW 1/4 NE 1/4 a distance of 440 feet to a point; thence South 61°55' West a distance of 171.05 feet to the real point of beginning; thence continuing South 61°55' West a distance of 48.15 feet to a point; thence South 3°15' West a distance of 100.24 feet to a point of curvature; thence 95.81 feet along a curve to the right which has a radius of 135 feet, a central angle of 33°00' and a long chord of 83.31 feet bearing North 22°10' East to a point of tangency; thence North 44°05'

East a distance of 19.34 feet to the real point of beginning.

ALSO
A part of the NW 1/4 NE 1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:
Beginning at the Southwest corner of the NW 1/4 NE 1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW 1/4 NE 1/4 a distance of 660 feet to the real point of beginning; thence North 61°13' West 250.53 feet; thence North 53°30' West 740.01 feet; thence North 61°13' West 161.45 feet; thence North 35°59' West 81.47 feet; thence North 11°04' East 141.01 feet; thence North 78°00' West 100 feet to a point on the North line of said Section 19; thence South 1°12' East 170 feet to a point on the Northwesterly boundary of the property described in Harrantly and Mc. Guffin, records of Ada County, Idaho; thence along said Northwesterly boundary in a Southwesterly direction in a straight line to a point located North 61°22' West 149.60 feet from the point of beginning; thence South 53°27' East 129.60 feet to the point of beginning.

50619120708 PAR #50619120708 OF NW4NE4
SEC 19 4N 2E, N OF HILL RD-E OF PLANO
(more particularly described as follows)

1942001265
POOR COPY

EXHIBIT "A"

ALSO Parcel Two

Lot 4, Sunny Subdivision, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO Parcel Three

The North 100 feet of the Easterly 88.33 feet of Lot 4 in Block 5, Engleson Park Subdivision No. 4, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO Parcel Four

Lot 9, Block 6, Randolph-Robertson Subdivision, according to the plat thereof, filed in Book 13 of Plats at Page 78, records of Ada County, Idaho.

ALSO Parcel Five

All of Lot No. 10 of Dunne Subdivision, except the East 5 feet thereof, according to the official plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho; together with all water and water rights thereunto belonging or in anywise appertaining.

together with all and singular the covenants, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

subject to all easements and rights of way of record or appearing on the land.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO
PERSONAL REPRESENTATIVE'S DEED
2001 SP 12 AM 10: 53
RECORDED - REQUEST OF
Perry Harding 9.00
FEE 9.00 DEPUTY *M. P. P.*
101094267

THIS DEED, made by Gretchen Ogden, as personal representative of the estate of William F. Galloway, deceased, Grantor, to Perry C. Harding and Alla Harding, husband and wife, Grantee, whose current address is 2036 Creekside Lane, Boise, Idaho 83706.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. 3P-6023, in Ada County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Ada County, Idaho:

Parcel #50618449275 of the SE4, Section 18, T4N; R2E

More particularly described as follows:

See Exhibit A attached hereto.

with all appurtenances.

EXECUTED this 11th day of September 2001.

Gretchen Ogden
Gretchen Ogden
Personal Representative of the
Estate of William G. Galloway,
deceased.

STATE OF IDAHO)
COUNTY OF Ada) : ss

On this 11th day of September, 2001, before me, the undersigned, a notary public in and for said state, personally appeared, Gretchen Ogden, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of William F. Galloway, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
NOTARY PUBLIC
Residing at: *[Signature]*
My Commission Expires: 9/28/05

Property Description: ESTATE OF WILLIAM F. GALLOWAY

A parcel of land situated in Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the Section corner common to Sections 17, 18, 19 and 20, the Point of Beginning:
thence N02°17'12"W along the East line of Section 18 a distance of 473.63 feet to a 5/8 inch iron pin;
thence S67°56'48"W a distance of 495.84 feet to a 5/8 inch iron pin;
thence S02°19'13"E a distance of 202.06 feet to a 5/8 inch iron pin;
thence S66°59'50"E a distance of 512.51 feet to a 5/8 inch iron pin on the East line of Section 19;
thence N00°42'27"W a distance of 115.07 feet to the Point of Beginning.

The above described parcel containing 4.24 acres.

Subject to any and all easements and rights-of-way of record or in use this 18th day of December, 1991.



LETTER OF UNDERSTANDING RELATED TO THE SALE OF ANY INTEREST OF THE ESTATE
OF WILLIAM F GALLOWAY IN THE REAL PROPERTY IDENTIFIED AS PARCEL NUMBER
S0618449275 ADA COUNTY IDAHO

It is agreed by Gretchen Ogden, Personal Representative of the Estate of William F Galloway that any interest in the real property referred to above and as shown on the attached quit claim deed is sold to Perry Harding for five hundred dollars (\$500.00) and the assumption of all outstanding unpaid real property taxes and interest and penalties charged on delinquent taxes. In addition the estate sells ANY RIGHT IT MIGHT HAVE IN REIMBURSEMENT FOR PROPERTY TAXES PAID ON THIS PROPERTY AND ANY OTHER RIGHTS OR REMEDIES IT MAY HAVE ASSOCIATED WITH IT. The estate also agrees to make available all information it has on the property and to cooperate and provide assistance as needed in any future issues that may develop regarding this property.

Gretchen Ogden

GRETCHEN ODGEN, PERSONAL REPRESENTATIVE FOR THE ESTATE OF WILLIAM F.
GALLOWAY

9/11/01
DATE

Perry 9/11/01
PERRY HARDING DATE

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 AP 11 AM 9:43

Perry C. Harding
RECORDED REQUEST OF
FEE *6- (Dorbill)*

102042440

QUITCLAIM DEED

For Value Received

ALLA HARDING, wife of the Grantee herein

Does hereby convey, release, remise and forever quit claim unto PERRY C. HARDING, a married man as his sole and separate property

Whose current address is P O Box 1839 Boise, Idaho 83701 the following described premises, to-wit:

Parcel S0618449275 of the SE4, Section 18 T4N: R2E more particularly described as follows: SEE ATTACHED EXHIBIT A.

March 27,
Dated ~~February 12~~ 2002

Alla Harding
Alla Harding

State of Idaho County of Ada

On this *27th* day of ~~February~~ *MARCH* in the year of 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Alla Harding known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Signature: *Cherie H. Anderson*

Name: *CHERIE H. ANDERSON*

Residing at: *Boise, Idaho*

My commission expires: *8/5/03*



Property Description:

A parcel of land situated in Sections 18 and 19, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the Section corner common to Sections 17, 18, 19 and 20, the Point of Beginning;
thence N02°17'12"W along the East line of Section 18 a distance of 473.63 feet to a 5/8 inch iron pin;
thence S67°56'48"W a distance of 495.84 feet to a 5/8 inch iron pin;
thence S02°19'13"E a distance of 202.06 feet to a 5/8 inch iron pin;
thence S66°59'50"E a distance of 512.51 feet to a 5/8 inch iron pin on the East line of Section 19;
thence N00°42'27"W a distance of 115.07 feet to the Point of Beginning.

The above described parcel containing 4.24 acres.

Subject to any and all easements and rights-of-way of record or in use this 18th day of December, 1991.



ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/31/02 11:16 AM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
KELLY TROUTNER
AMOUNT 6.00

2



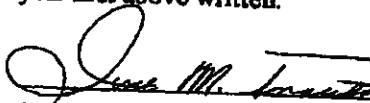
GIFT DEED

THIS DEED is made this 31st day of December 2002, by
and between Ione M. Troutner, Trustee of the Trust of Paul and Ione Troutner,
Grantor, and Kelly Troutner, an unmarried person whose address is 2275 E.
Continental Dr., Meridian, Idaho 83642, _____.

WITNESSETH, that the Grantor, for no valuable consideration these presents does
grant, sell and convey unto the Grantee in fee simple, an undivided 1/2 interest in that
parcel of land situated in _____ Ada County, Idaho _____
and more particularly described as follows: See exhibit A attached hereto and made a
legal part thereof

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and
appurtenances thereto belonging to the Grantee in fee simple.
exceptions: utility easements, rights of way and restrictions of record.

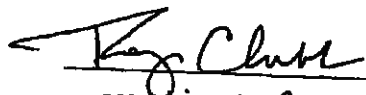
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and
year first above written.


(SEAL) _____
(Grantor)

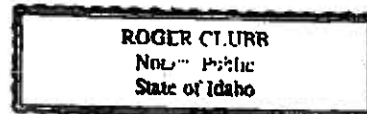
STATE OF Idaho COUNTY OF Ada

I, a Notary Public for said County and State, do hereby certify that Ione M. Troutner
personally appeared before me this day and acknowledged the due execution of the
foregoing and attached Gift deed.

WITNESS my hand and notarial seal, this the 31st day of December, 2002
My Commission Expires: 12/28/04



Notary Public
residing @ Boise, Idaho



A parcel of land lying in Section 19, T4N, R2E, B.M., Ada County, Idaho more particularly described as follows:

Commencing at the section corner common to Sections 17, 18, 19 and 20, T 4 N, R 2 E, B. M., thence North 16° 02' West 415.10 feet to P.I. No. 5 of the Barnes Access Road thence, North 56° 54' East 136.72 feet; thence South 70° 14' West 495.72 feet; thence South 48° 17' West 290.02 feet; thence South 37° 19' West 270.50 feet to a steel pin and being the real point of beginning; thence South 69° 22' West 785.22 feet to a steel pin; thence North 65° 10' West 304.29 feet to a steel pin; thence South 22° 51' East 161.45 feet to a steel pin; thence South 55° 50' East 259.01 feet to a steel pin; thence South 61° 15' East 259.16 feet; thence North 46° 08' East 711.70 feet; thence North 05° 04' West 75.16 feet to the real point of beginning;

EXCEPTING from the above described parcel of land all that portion commencing at the section corner common to Sections 17, 18, 19 and 20 T 4 N, R 2 E, B.M.,; thence North 16° 02' West 415.11 feet to P.I. No. 5 of the Barnes Access Road; thence North 56° 54' East 136.72 feet; thence South 70° 14' West 495.72 feet; thence South 48° 17' West 290.02 feet; thence South 37° 19' West 270.50 feet; thence South 69° 22' West 785.32 feet to a steel pin and being the real point of beginning; thence South 43° 0' East 270.0 feet more or less to a point on the center line of the Barnes Access Road; thence North 45° 43' East along said Barnes Access Road center line 82.6 feet to P.I. No. 1; thence North 55° 31' East continuing along said center line 98.5 feet; thence North 43° 52' West 208.53 feet; thence South 69° 22' West 200.22 feet to the real point of beginning.
EXCEPT road right of ways.

EXHIBIT C

(Map Depicting Current Zoning of Property and Additional Parcels)

Aase's Point PUD Zoning 12-21-07

Land Use Designation

- Ada County Zoning
- Ada County Parcels Outline
- Aases_Canyon_Parcels-12-21-07

μ

0.1 0.05 0 0.1 0.2 Miles

RP

R6

RP

RP

A-1

R-1C

COLLIER

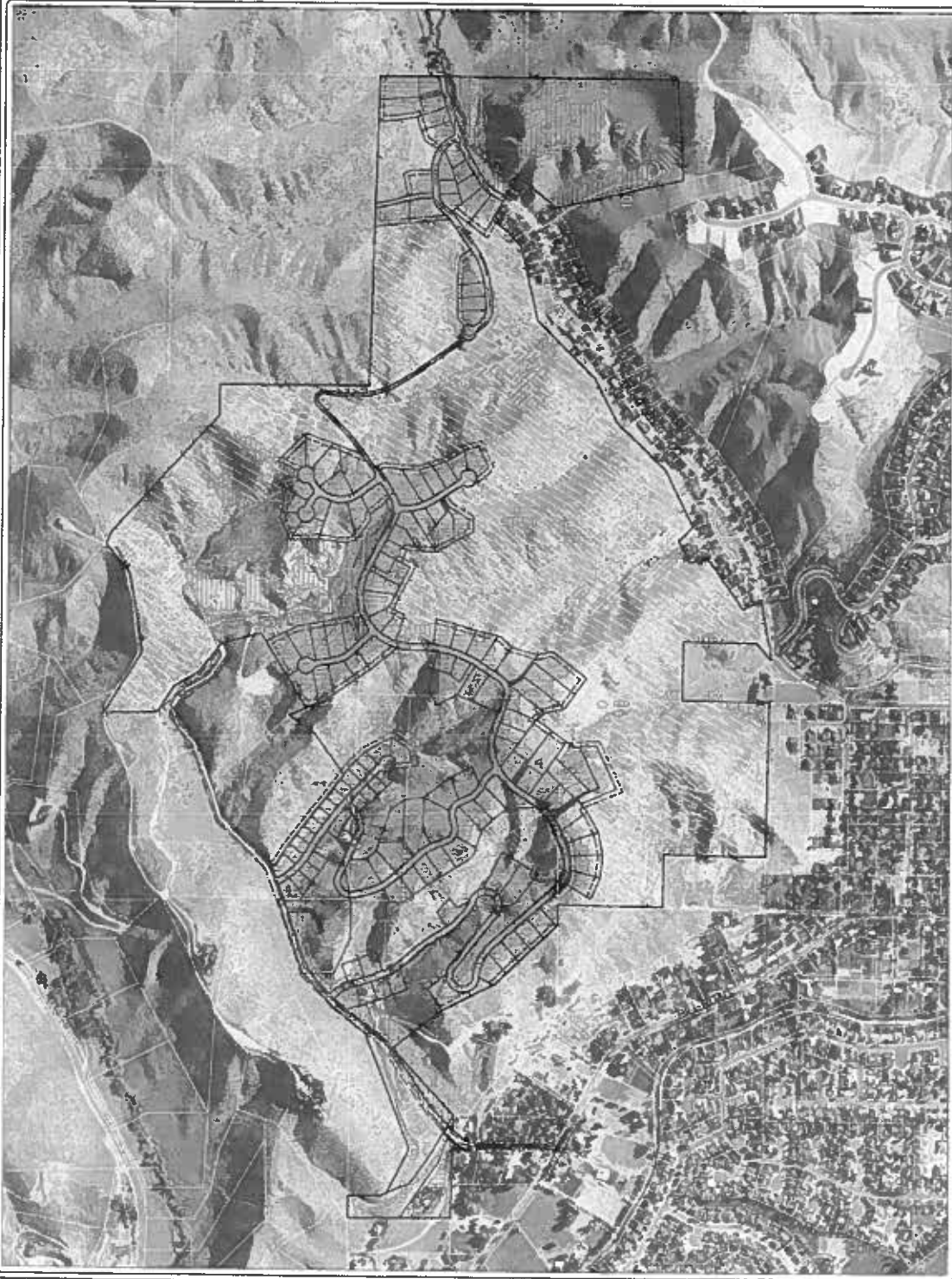
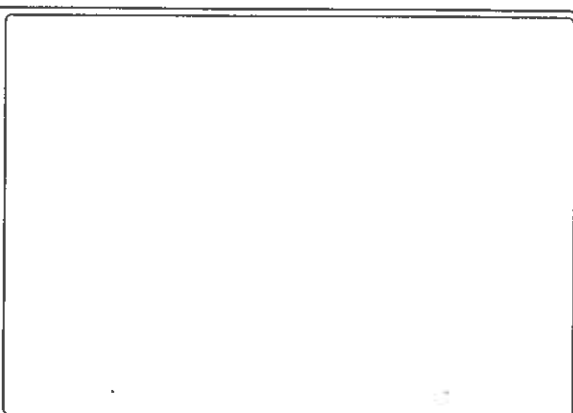
R-1C

A-1

HILL

Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
December 12, 2007

EXHIBIT D
(Boise Foothills Concept Plan)



LEGEND		SHEET NO.
Used Area > 25%	Conceptual	1
Net Used > 25%	Out, Fill and Select	OF
Ecological Design Other Fields	Property Boundary	
Other Fields	Add / Forest	
Other Contiguity	Trail	
	Wild Land Urban Tree Landscape	1

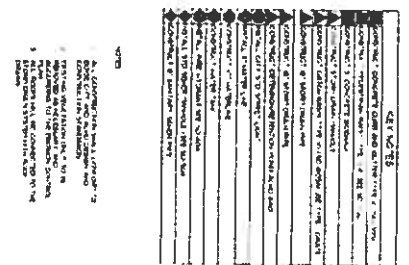
BOISE FOOTHILLS CONCEPT PLAN

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	3/25/2008	3/25/2008



Stewart
Land Group
REAL ESTATE SERVICES
1000 S. Main Street, Suite 200, Boise, ID 83721
Phone: (208) 333-7777 Fax: (208) 333-7777

EXHIBIT E
(Plan Depicting Extension of N. Plano Way)



THIS DRAWING IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.	PLANO ROAD SUBDIVISION 6890 N PLANO ROAD BOISE, IDAHO		 Azimuth Engineering, Inc. 15700 N. 2nd St., Suite 200 Boise, ID 83704 Phone: (208) 333-1111 Fax: (208) 333-1112
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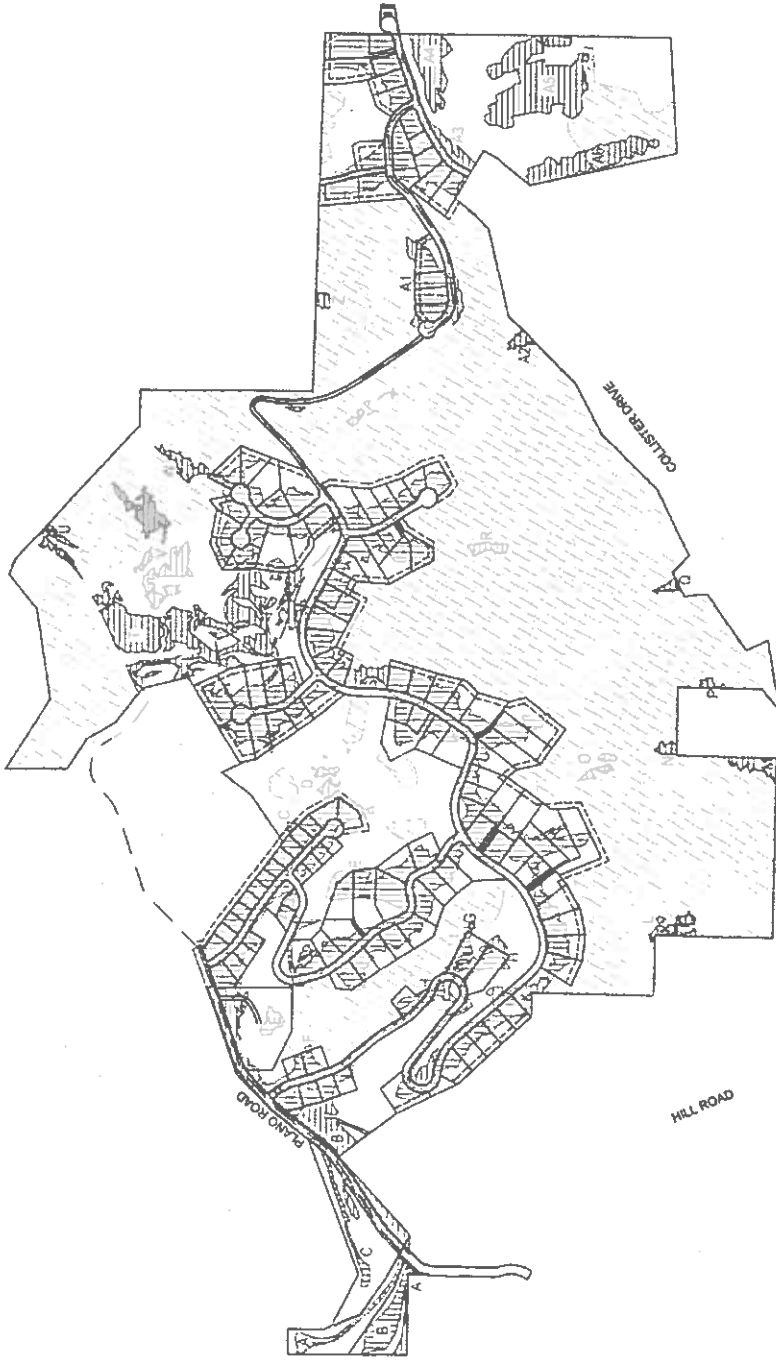
EXHIBIT F
(Plan Depicting Onion Conservancy/Land Trust Property)

Used Again = 25%	47.7% Ad	141 Logo
Not Used Again = 18%	25.2% Ad	
Not Used Again = 57%	26.1% Ad	
	100.0% Ad	
Total Average of Frequency	502.7% Ad	
Total Over Concentration	100.7% Ad	
Total Bidding Rate		

NOTES

1) All Report Data is Generated by Engineering Design and Sales, Inc. (ESD) and is not for Resale and is not for Resale.

2) All Report Data is Generated by Engineering Design, Inc.

[illegible]

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE
1 inch = 1 mile

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/30/2008	6/30/2008

Stewart Land Group
AN AFFILIATE OF STEWART DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
2000 N. 4000 Pkwy #100, Suite 100, UT 84007
Phone: (801) 241-1000 Fax: (801) 241-1001

SHEET NO. 1

OF 1

Legend

☒ Used Area > 25%	☐ Conceptual	
☒ Not Used > 25%	☐ Property Boundary	
☐ Other Fields	☐ Cultural Patterns	
☐ Other Consistency	☐ Trial	

Info Load Unload File Print/Info

EXHIBIT G

(Depiction of Trail Head Cul-de-Sac and Parking Lot Location)



Pole Cat Gulch Reserve

0 10 20 40 Feet

1

June 30, 2008

Exhibit L

Design Review Criteria For The Plano Road Subdivision

I. The General Site Design and Landscaping Criteria are to be applied to all the residential structures in the Plano Road Subdivision. They are listed below and come from the Boise Fire Department and the Idaho Department of Fish and Game. The goal is to involve homeowners and designers in the special challenges encountered when building and living in the Foothills.

The Design Review Criteria and their application are subject to the Development Agreement for CAR07-00042/DA and the Conditional Use Permit (CUP), CUP07-00084, that regulate the Plano Road Subdivision. Changes to these criteria are subject to modification of the conditional use permit. They represent the combination of requirements from Boise Planning and Development Services Department, Boise Parks and Recreation Department, Boise Fire Department and The Idaho Department of Fish and Game.

The Design Review Criteria shall also be adopted by the Homeowners' Association, and their representatives shall review and approve all remodels and site changes after a letter of compliance has been issued.

II. General Site Design and Landscaping Criteria

Boise Fire Department Plano Lane Subdivision Site Design Criteria

1. Foothills development located outside of the 1.5 mile driving distance or four minute response time from fire stations shall require an approved fire sprinkler/suppression system in dwelling structures.
2. The use of Class A (noncombustible) roofs within all Foothills developments shall be required. This shall include retrofit for houses that are to have at least 50% or more of the roof area remodeled or replaced.
3. Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet.
4. Structures bordering any open area with natural vegetation shall use fire rated roofing materials, siding, decking material and fencing.
5. All newly constructed Foothills structures shall be protected by a landscaped firebreak. Examples will be supplied by the Boise Fire Department.

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

Fire Safety Plan

7. A fire safety plan shall be filed with the Planned Unit Development (PUD) application to include safety measures to be used during the construction phase, and plans for fire prevention and emergency evacuation in case of a wildfire. This plan will be an enforceable part of the PUD approval agreement. The cost of fire plan preparation and review shall be the responsibility of the applicant. The fire protection plan shall be retained by the code official.

The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

The Idaho Department of Fish and Game Design Criteria

The following conditions and guidelines from The Idaho Department of Fish and Game letter, dated June 27, 2008, shall be included in the homebuyer's disclosure statement and the Homeowners' Association CC& Rs.

8. This area has been identified as wildlife habitat. Damage to landscaping and personal property from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Neither Ada County nor the State of Idaho will be liable for wildlife depredation and/or damage.

9. The following items shall be included in homeowner codes, covenants, and restrictions:

- i. Big game animals shall not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.
- ii. Domestic pets must be confined or under the owner's control at all times. Free roaming dogs and cats pose a threat to many wildlife species.
- iii. Fences in the Plano Road Subdivision must be of a design that does not pose an undue risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208) 465-8465 for additional guidance on wildlife friendly fence design.

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

10. Native vegetation communities should be protected to the greatest extent possible. This includes native grasses, forbs, and shrubs. It is much easier to protect this vegetation initially than to attempt to revegetate disturbed areas. Native plants are generally difficult to locate in nurseries, they can be extremely challenging to restore, and are quite expensive. Disturbed sites should be mitigated elsewhere on the property. Disturbance can be minimized through clustering of homes, which results in a minimum of infrastructure development.
11. Known migration routes or movement corridors of big game animals should not be disturbed by development. Migrating big game animals generally follow traditional migration routes from summer ranges to lower elevation transition and winter ranges. Deer migrate along well-established routes and are fairly predictable, while elk are more nomadic. Recommendations include clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space.
12. Domestic stock such as horses, llamas, and cows should be fed in distinct, fenced enclosures that are off-limits to big game. All feed should be stored in sheds or enclosures out-of-sight of big game animals. If deer and elk can see it, they will attempt to eat it! Elk are big, strong animals and can wreak havoc on exposed feed areas. Domestic fowl should be housed in wildlife-proof homes since they are very vulnerable to predators such as coyotes and fox.
13. When observing wildlife, maintain a safe distance. Do not disturb their normal activities. Resist the temptation to "save" baby animals, as their parent(s) are generally nearby.
14. Utilize effective means to protect ornamental trees and shrubs from being eaten by wildlife such as wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife.
15. Bird feeders should be routinely cleaned to prevent the spread of disease.
16. Any burning of trash or vegetation on properties adjacent to wildlands should be carefully monitored and under control at all times. Fireworks should be avoided. Dry, brittle vegetation lights easily and fires spread rapidly. Wildfires are dangerous and pose a tremendous threat to human life and property, public lands, and wildlife habitat.
17. High numbers of big game animals on limited winter range attract predators such as mountain lions and bears. Precautions that should be followed include a) making noise as you come and go in the morning and at night, b) installing outside lighting, c) make it difficult for predators to approach your house unseen by avoiding planting dense vegetation near your home, d) keep your pets under control and bring them indoors at

night since they are easy prey for predators, and e) place livestock in enclosed sheds or barns at night.

III. Specific Design Criteria

Mitigation of Visual Impacts of the Development

Purpose: The *Foothills Policy Plan* recommends building and site design methods and criteria that would serve to mitigate the visual impact of ridgeline developments. These policies must be balanced with project design conventions that provide a safe and functional suburban setting. Therefore, the design and layout of all structures in the development shall comply with a binding set of design criteria with the purpose of lessening the visual impacts of the structures when viewed from the valley. The goal is to design the building layouts and appearances to blend in with, and sit harmoniously upon, the land. These design criteria shall include restrictions on building heights, exterior finishes and colors, building setbacks from the crown of the ridges, window pane reflectivity, lighting, building orientation, and siting to minimize impacts on unique geologic features or sensitive plant species and include provisions for fire safety in lot access and landscaping design. The design criteria will be listed as conditions of approval in the CUP and be subject to amendment requirements of that permit. The CUP will also include an exhibit that defines the building envelopes for each buildable lot that will be reviewed and approved with the design criteria as described above.

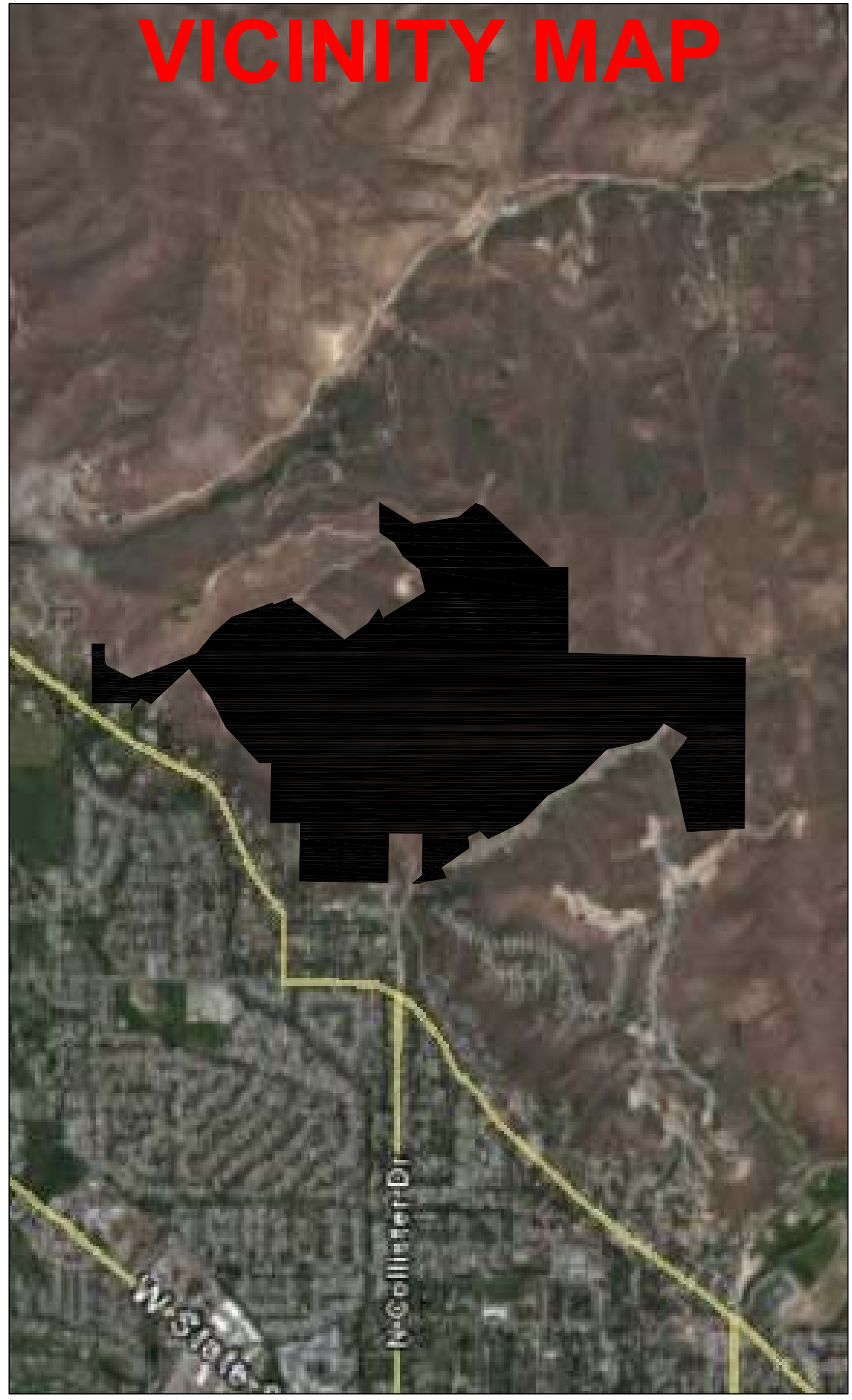
Applicability: The Specific Design Criteria pertain only to those building lots that occupy the most prominent southwest and south-facing ridgelines of the subdivision, and are specified on a Design Review Overlay map attached, Exhibit M date stamped received June 30, 2008.

The process for the design review will be as follows:

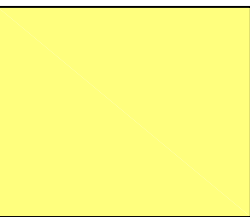
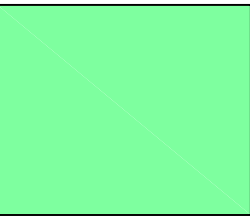
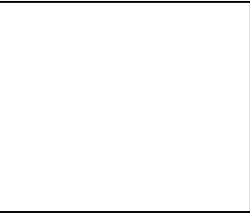
- a. When a building permit application is submitted to the City's Planning and Development Services Department, the structure and site layout will undergo an administrative review by the Planning Director for compliance with the design criteria adopted in the CUP.
- b. Grading and fence permits will also be subject to the design criteria.
- c. Staff will conduct a site inspection for compliance with the design review and be required to sign-off the applicable letter of compliance when compliance is met.
- d. The design criteria shall also be adopted by the Homeowners' Association, which shall review and approve all remodels and site changes after a letter of compliance has been issued, with the City only having design review responsibilities when a letter of compliance is required.

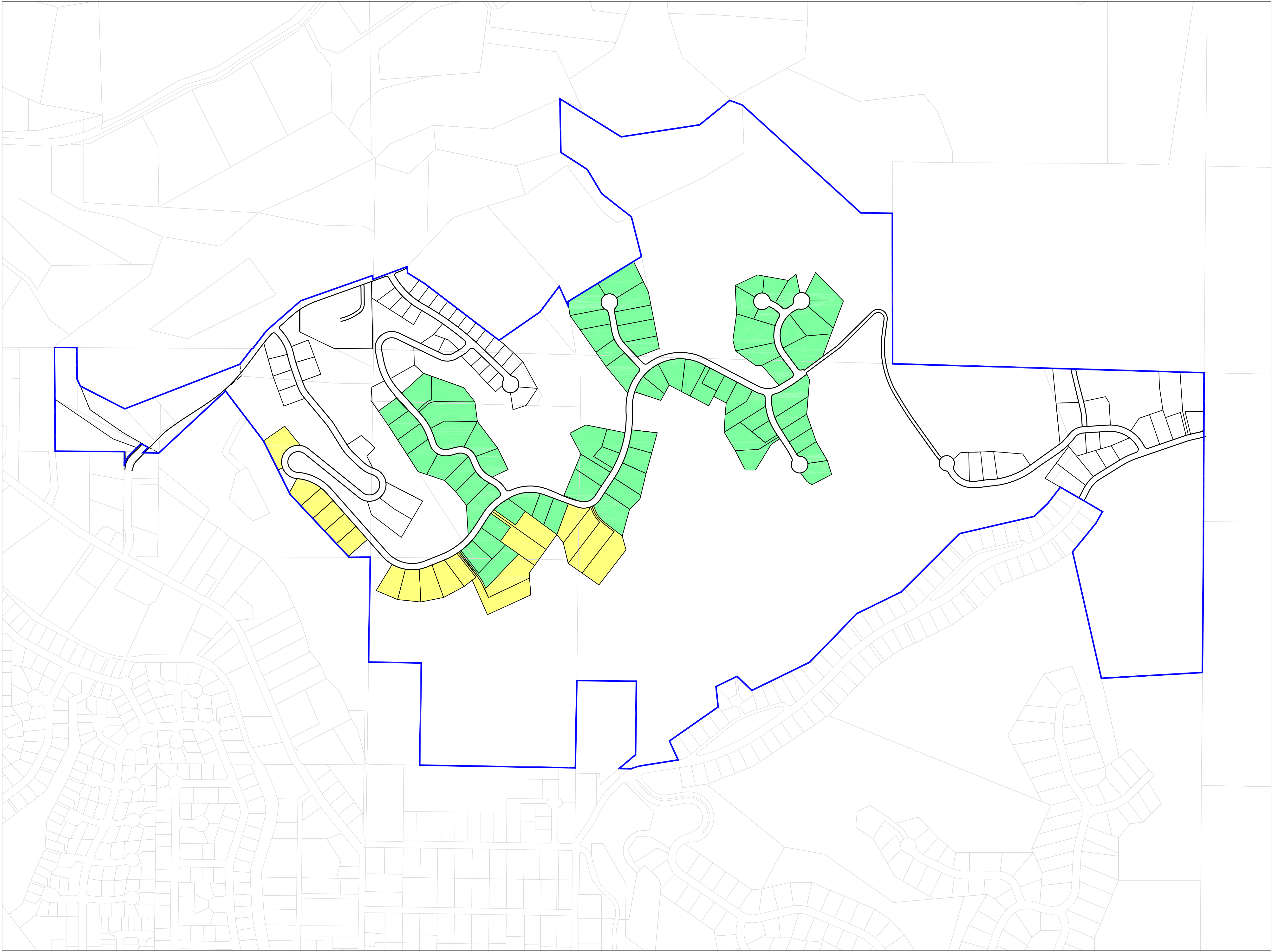
Specific Design Criteria

18. Colors for the siding and roofing materials are limited to the accompanying color pallet for structures within the Design Review Overlay Zone. The colors are earth tones in darker hues as shown in Attachment A.
19. Roofing material shall be in the darker hues of the color pallet, and made of Class A (noncombustible) roofing material.
20. No reflective siding materials shall be utilized on any surface (?).
21. South and west-facing windows shall be finished in a low-reflective glazing. Glazing on these elevations shall provide a canopy or screening to reduce the amount of sun hitting the glass.
22. Reflective materials are prohibited on the south and west facing sides of the structures including soffits, window sashes and trim, doors and chimneys. These kinds of items shall use colors from Attachment A.
23. Structures will be subject to a 28-foot height limitation as further defined in Boise City Design Review Criteria.
24. Structures shall be set back 30 feet from the crown of the ridge to reduce visibility from south and southwest. The crown of the ridge is defined as the cut, fill and setback line from the edge of the grading as depicted on the Boise Foothills Concept Plan Map date stamped March 27, 2008 in the CUP application materials.
25. Property owners shall provide minimal lighting on the south and west facing side of the property. All lighting used shall include shields that direct the light down, reducing glare on surrounding properties and meets all dark sky practices. The footcandles of the light at the properties lines shall not exceed one footcandle as measured two feet above the ground.



CONCEPT LEGEND

-  - SETBACK AND HEIGHT RESTRICTIONS
- COLOR AND MATERIAL RESTRICTIONS
- STANDARD CC&R RESTRICTIONS
-  - COLOR AND MATERIAL RESTRICTIONS
- STANDARD CC&R RESTRICTIONS
-  - STANDARD CC&R RESTRICTIONS





Stewart
Land Group
AN AIMTEC DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
6995 So. Union Park Ave #360 Midvale, UT 84047
phone: (801) 263-9126 fax: (801) 263-9187

BOISE FOOTHILLS

GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

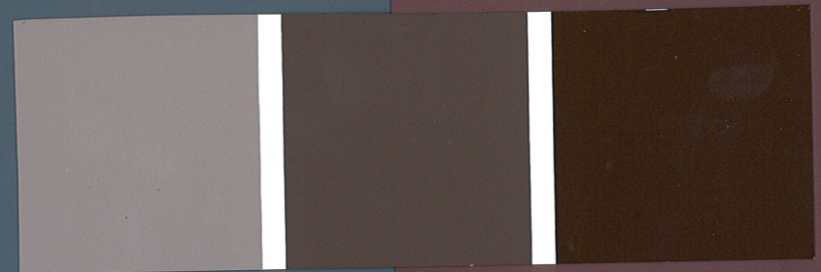
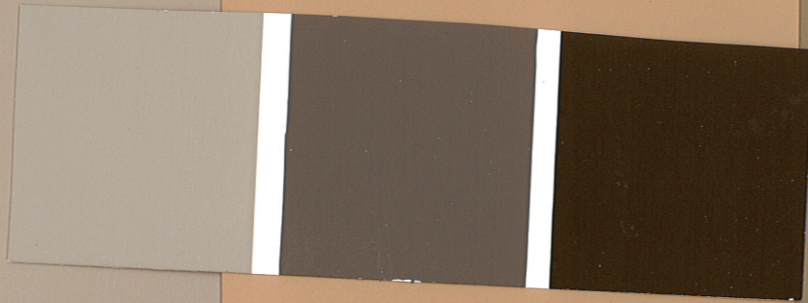


DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/30/2008	6/30/2008

LEGEND	SHEET NO.
 Conceptual	1 OF 1
 Property Boundary	
 Ada Parcels	

Color Pallet Samples
6/30/2008, CUP07-00084

Attachment A
Plano Road Subdivision



CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: September 11, 2009

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Plano Road Sub Grading Modifications
CFH07-00022, CUP07-00084, SUB07-00065

The applicant has decided to revise the original grading plan. The modification 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.

December 12, 2008

Aase's Canyon Point Development, LLC
8899 South 700 East, Ste. 180
Sandy, UT 84070

Capital Development, Inc.
6200 N. Meeker Place
Boise, ID 83713

Re: **CAR07-00042/DA / 6890 N. Plano Road**
CUP07-00084, CFH07-00022 & SUB07-00065 / Appeal

Dear Applicants:

This letter is to inform you of the action taken by the Boise City Council on your request to annex ± 296.12 acres, combined with ± 36.63 acres within Boise City Limits for a total of ± 332.75 acres located at 6890 N. Plano Road with zoning designations of R-1A/DA (Single Family Residential with a Development Agreement-2.1 DU/Acre) and A-1/DA (Open Land with a Development Agreement). Also your appeal of the Planning and Zoning Commission's denial of Conditional Use and Hillside Development Permits and Subdivision for the construction of a 155 unit Planned Residential Development on ± 332 acres located at 6890 N. Plano Road in a proposed A-2/DA (Open Space with a Development Agreement) zone.

The Boise City Council, at their meeting of December 9, 2008, approved the appeal and determined that the Planning & Zoning Commission erred by not recognizing the base rights associated with the current zoning on the applicant's parcels. 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. They remanded all of the associated applications back to the Planning & Zoning Commission to be reviewed and heard again in consideration of this determination on base zoning rights. They specifically directed that the Foothills Ordinance be followed and that the Commission address the applicant's three questions as stated in their appeal Memorandum:

1. Does the Foothills Planned Development Ordinance (FPDO) require that upon annexation, the buildable areas be zoned R-1A?
2. Does FPDO establish that the base density on parcels proposed for development is that given for the existing zones on the property?
3. Does FPDO implement by reference the intent to allow for density transfers among parcels within a project in accordance with the Foothills Policy Plan?

The Council also asked the applicant to work further with the neighborhood in an effort to arrive at a project design that is more acceptable to them. They further suggested that a City-initiated Mediation process may be used if agreement cannot be reached.

If you have any questions, please contact Bruce Eggleston in this department at 208/384-3830.

Sincerely,

Hal Simmons
Planning Director
Boise City Planning and Development Services

cc: Moffatt Thomas Barrett Rock & Fields, CHTD. / Robert Burns / US Bank Plaza Building /
101 S. Capitol Blvd., 10th Fl. / Boise, ID 83701

Brent Smith/6024 Plano Lane/Boise, ID 83703

RE: Plano Subdivision

To: Boise City Planning and Zoning Commissioners

RECEIVED
SEP 14 2009
DEVELOPMENT
SERVICES

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 community's 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

[Received from:
Janel Brown
5736 N. Collister Dr.
Boise, ID 83703
Via e-mail on September 14, 2009]

“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.

[Received from:
Michael Jones
5218 Castle Dr.
Boise, ID 83703
Via e-mail on September 14, 2009]

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@tvliitho.com; john@veritasadvisor.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; mbutler_landmark@yahoo.com; michaelrjones44@yahoo.com; pattiraino@yahoo.com; pjicourtright@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

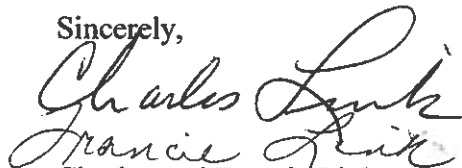
RECEIVED
SEP 10 2009
DEVELOPMENT
SERVICES

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,


Francie Link
Charles and Francie Link



Planning & Development Services

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

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

MEMORANDUM

TO: Mayor and Boise City Council

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

DATE: October 14, 2008

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

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

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

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

PUBLIC NOTIFICATION

Newspaper publication: November 22, 2008

Radius Notices: November 21, 2008

Site Posting: November 21, 2008

TABLE OF CONTENTS

Page 2	P & Z Action
Page 2	Zoning Ordinance on Appeals
Page 3	Appeal
Page 11	Staff Recommendation
Page 13	Vicinity Map
Page 14	Site Plan
Page 15	Appeal Application
Page 17	Appeal Memoranda
Page 28	Action Letter from August 11, 2008 P & Z Hearing
Page 30	Minutes from August 11, 2008 P & Z Hearing
Page ___	Planning & Zoning Commission Staff Report Packet from August 11, 2008

ACTION BY THE BOISE CITY PLANNING AND ZONING COMMISSION

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

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

ZONING ORDINANCE

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

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

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

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

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

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

- (b) The review body's decision exceeds its statutory authority. An example would be when there is no authority for the decision in federal or Idaho law, local ordinance or the Comprehensive Plan. Because the decision-makers below are experts in their substantive areas, the City Council shall give due consideration to a reasonable interpretation of a City Ordinance adopted by the review body.
- (c) The decision below is made upon unlawful procedure. An example would be if inadequate notice of the hearing was provided.
- (d) The decision below is arbitrary, capricious or an abuse of discretion. For the City Council's actions to be deemed arbitrary or capricious, it must be shown that that its actions were done without rational basis; or in disregard of the facts and circumstances presented; or without adequate determining principles. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.
- (e) The decision below is not supported by substantial evidence.

APPEAL

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

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

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

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

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

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

Section 11-06-04.04 Commission Action

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

Section 11-06-05.03 Development Standards

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

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

Section 11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE

11-06-05.07.01. Purpose and Intent

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

11-06-05.07.02. Applicability

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

11-06-05.07.03. General Application and Development Requirements

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the Boise City Zoning Ordinance.

2. In excess of the statutory authority of the agency.

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

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

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

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

4. The decisions are not supported by substantial evidence.

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

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

Project Proposal

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

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

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

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

- 1) contain a strong population of Aase’s Onion (a threatened plant species) that will be placed in a land trust for management;
- 2) are contiguous to public open space (Polecat Gulch Reserve);
- 3) include a small area of wetlands/riparian zone that will be protected; and
- 4) the project will provide public access and a trailhead for the Polecat Gulch Reserve.

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

Planning Commission Action

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

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

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

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

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

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

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

Grounds for Appeal

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

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

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

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

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

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

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

In summary, the applicants/appellants contend that:

1. Their project complies with the Foothills Policy Plan/Foothills Planned Development Ordinance and Hillside Ordinance in all respects including density bonus allowances, cluster design, environmental protection and aesthetics.
2. The density bonus/open space set aside portion of their application is essentially voluntary since they have a base zoning right for 917 units, or nearly six times the number of 155 units they are actually requesting.
3. The P&Z Commission erred in not giving them credit for a base allowance of 917 units and thus erred in denial of the CUP based on lack of proper open space set aside.

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

Planning Staff Response

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

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

Specifically, we would appreciate guidance regarding whether or not inclusion of this site in the Foothills Priority Development area and/or the overall character of the site warrants a particular approach to how the density bonus is calculated and to how strictly the grading and aesthetic standards of the ordinance are applied. It will, of course be up to the Planning & Zoning Commission, staff and the applicant to utilize that guidance in preparing a revised plan.

Alternatives to the Staff Recommendation

1. The Council may deny the appeal and uphold all elements of the Planning & Zoning Commission's decisions on these applications.
2. The Council may determine that the P&Z Commission erred in their denial of the CUP and may approve it as proposed by the applicant/appellant. The recommended conditions of approval from the August 11, 2008 Planning & Zoning Commission staff report should be adopted when approving the CUP, Hillside Permit and Subdivision applications. The requested combination of R-1A and A-2 zoning with Development Agreement should also be approved.