City Council Hearing December 1, 2009 for Aase's Canyon Pointe Applications: Recommendations From the Planning and Zoning Commission for Annexation & Zone Change CAR07-00042/DA Appeal to the Denial of CUP07-00084 and CHF07-00022

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MEMORANDUM

TO: **Mayor and Boise City Council**

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

DATE: **October 22, 2009**

RE: **Staff Memorandum of response to the APPEAL of DENIAL for Aase's Canyon Pointe Development, CUP07-00084, Conditional Use Permit application; CFH07-00022, the Hillside and Foothills Areas Development located at 6890 Plano Road; and,**
Staff report for the Annexation and Zone Change with Development Agreement recommendation for modified approval – CAR07-00042/DA

The following applications have been scheduled for **hearing on December 1, 2009:**

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 163 dwelling units in the Boise Foothills Planning Area, as well as the supporting Hillside and Foothills Areas Development application, CFH07-00022, 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 modified approval of CAR07-00042/DA, annexing 296.12 acres, and a zone change for the entire 332.75 acres +/- to the A-1/DA Zone with Development Agreement, (Open Space with a density of one unit per acre with a Development Agreement) to serve as a holding zone until an acceptable conditional use permit is approved.

PUBLIC NOTIFICATION

Newspaper publication: November 14, 2009
Radius Notices: November 13, 2009
Site Posting: November 13, 2009

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ACTION BY THE BOISE CITY PLANNING AND ZONING COMMISSION

After reviewing the evidence, and hearing all testimony at their September 21, 2009 hearing, the Planning and Zoning Commission **recommended modified approval** of CAR07-00042/DA, annexing 296.12 acres and the zone change of the entire project site, 332.75 acres +/- as an A-1/DA Zone with Development Agreement, (Open Space with a density of one unit per acre 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". The A-1/DA zone is intended to serve as a holding zone until an acceptable conditional use permit (CUP) is approved.

After reviewing the evidence, and hearing all testimony, the Planning and Zoning Commission **denied** the Conditional Use Permit CUP07-00084 to build 163 dwelling units in the Boise Foothills Planning Area, as well as the supporting Hillside and Foothills Area Development (Hillside) application, CFH07-00022 located at 6890 Plano Road in an Ada County R6 (Medium Density Residential) and RP (Rural Preservation), and Boise City R-1C (Single Family Residential) and A-1 (Open Space) Zones.

History

On August 11, 2008 the Planning and Zoning Commission recommended annexation with an A-2/DA holding zone to City Council, and denied the CUP, Hillside and Subdivision applications (CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065). They also recommended a development agreement that would state that the development design would comply with the *Boise Comprehensive Plan,* the *Foothills Policy Plan* and the Foothills Planned Development Ordinance (FPDO). Their denial was largely determined upon their finding that the applicant had a base zoning allowance of only one unit per 40 acres and that they had placed an inappropriate emphasis on protection of steeply sloped Aase's Onion fields as justification for their density bonus request, when the FPDO already required such protection.

The applicant appealed the decisions and recommendations from the Planning and Zoning Commission to the City Council, who heard the items on December 9, 2008. The applicant's appeal stated that the Foothills PUD ordinance allowed them to utilize existing zoning rights in determining their base or starting density for the project, not the one unit per 40-acres that the Commission had asserted, and that they had no need for a density bonus at all. Council found fault with the Commission's recommendation on the base zoning issue and remanded all of the applications back to the Planning and Zoning Commission with direction to follow the code regarding determining base or starting density allowances. Council also asked for clarification on

density transfers and suggested to the applicant that the project should be redesigned, possibly through either a design charrette or mediation process, to better address neighborhood concerns and ordinance requirements.

After the Council's decision to remand, the applicant participated in a work session with the Planning & Zoning Commission to explore an approach for a new round of hearings. At that time the Commission directed and the applicant agreed to pursue a mediation process to resolve a modified design for the project. The City selected and hired a mediator and one mediation session occurred, with a second session planned at the applicant's expense. Due to protest on the part of some of the parties to the mediation, further efforts were terminated with no resolution between the parties. The applicant subsequently submitted a revised site plan that moved some units off of one ridge line and eliminated a segment of roadway. The revised site plan was heard by the Commission and denied on September 21, 2009.

Summary of Revised Application

The first round of hearings in 2008 left unresolved the issue of base density determined by the variety of existing city and county zones that exist on the property. At the September 21, 2009 remanded hearing with revised application, Planning staff recommended that the zoning allowances from the combination of existing City R-1C and A-1 zoning and County RP and R-1 zoning resulted in a base unit allowance of 157 units before any density bonus was required. The Planning and Zoning Commission made findings supporting that analysis. In addition, the revised application changed the site plan to move nine units off the western ridge to a sandpit area on the back of the property. The original plan showed the sand pit as open space, while the new plan relocated nine units there and added seven more for a total of 15 units on a cul-de-sac. A minor density bonus was requested only for the additional seven units in order to raise their request to a total of 163 units on the 332 acres. The Ada County Highway District revised their analysis to accommodate the increase in the units proposed but did not hold another hearing, allowing their 2008 decisions and conditions of approval to stand.

The applicant temporarily dropped their subdivision application in the effort to save time and sunken costs. They felt that they needed a decision from the City Council before they finalized their preliminary plat application.

All else in the applications remained the same. This includes the off-site improvements to Plano Lane; the traffic signal at Hill and Collister Roads; the extension of Collister Drive to the Polecat Gulch Reserve and the installation of a parking lot, fencing, trailhead and appurtenances on the Reserve; the set-aside of 152.6 acres of Aase's Onion reserve to the care Land Trust of Treasure Valley; and the set-aside of 76.4 acres of open space for the homeowner's association. The open space would total 229 of the 332 acres.

At their September 21, 2009 hearing the Planning and Zoning Commission denied both the Conditional Use Permit and the Hillside permit based upon the lack of compliance with the *Foothills Policy Plan* and the FPDO concerning the issues of 1) the amount of construction on the prominent ridge tops; 2) the use of a conventional subdivision layout with little clustering of units; 3) the amount of grading necessitated by the conventional design; and 4) traffic impacts on the surrounding neighborhoods.

The Commission felt that an approvable design solution was still possible and asked the applicant if they were willing to accept a deferral in order to explore further modifications through a work session process. The applicant declined that approach and requested a decision on their applications that night by the Commission. The Commission then denied the Conditional Use and the Hillside requests, and recommended modified approval of the annexation and the zone change to A-1/DA with a development agreement to requiring a design in compliance with the comprehensive plan and ordinance.

The Commission's concerns about the traffic impacts were based upon the two-year-old data upon which the Highway Commission's decisions were based and the general impression that there is not enough capacity in either the local or regional system to support development at this level. This is based upon the number of dwelling units approved by Ada County elsewhere in the Foothills that would also have impacts on this part of the road system.

STAFF RECOMMENDATIONS

Annexation and Rezone

In consideration of the Planning and Zoning Commission's determination that the project does not comply with design related elements of the zoning code, staff concurs with their recommendation to annex and zone the property with A-1/DA as a holding zone. Since the zoning boundaries of R-1A and A-1 can only be determined based upon the site plan contained in a CUP that delineates the areas to be developed and the areas to be preserved, foothills property cannot be rezoned with urban zoning other than in conjunction with approval of a CUP.

The development agreement associated with the zone change ordinance should include the base density of 157 units as presented in the September 21, 2009 hearing and contained in the recommended reasons for the decision from the Planning and Zoning Commission.

Conditional Use Permit and Hillside Application

In regard to the Planning and Zoning Commission's denial of the Conditional Use Permit application, CUP07-00084, and Hillside and Foothills Development Area applicationCFH07-00022, staff does not find error in their determination that the proposals do not fully comply with the Foothills Planned Development Ordinance and the *Foothills Policy Plan* (FPP). The Commission is correct that the Foothills Plan and Ordinance require creative designs that protect prominent ridge lines from excessive development, that cluster development in desirable locations, that minimize the need for grading, and that protect neighborhoods from traffic impacts. The applicant's proposed design, including the relatively minor revision to move units off of one ridge line, is a fairly conventional approach that can be found to violate Foothills Plan policies and ordinance standards. The plan includes many development lots prominently located out on the edges of highly visible ridge line points.

Staff does believe that the Commission may have underappreciated the effectiveness of some of the design limitations the applicant agreed to apply to the homes to be constructed on some of those lots, including height limits, setbacks and colors. That issue is discussed further in the analysis section of this report.

The Commission did state for the record that they agree that set aside of more open space is not required for the applicant to obtain his requested unit count, but that a better design that is more

reflective of the intent of the Foothills Policy Plan and FPDO is needed before a CUP can be approved. That is, the Commission agrees that the ordinance allows the applicant to establish a right to 157 units based on the combination of existing zoning that they currently have on the property, but that unit count cannot be transferred across the lesser-zoned properties unless the project demonstrates compliance with the design standards of the FPP and FPDO. Staff finds no error with this determination.

In regard to the traffic findings, the Commission may have erred in that the Ada County Highway District has found that there is acceptable traffic capacity to justify approval of the project. However, they have not provided updated traffic counts, nor factored in the cumulative effect of approved but un-built housing units in the area.

In summary, planning staff believes that the Commission did not err in finding the CUP and Hillside Applications to be in violation of various elements of the Foothills Policy Plan and Foothills Planned Development Ordinance. We agree that further redesign was feasible to demonstrate better compliance with standards for protection of ridge tops and minimizing of grading.

ZONING ORDINANCE APPEAL REGULATIONS

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

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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.

BASIS FOR THE APPEAL

The appellant contends the Planning and Zoning Commission committed error in denying the conditional use permit and the Hillside permit, based on four grounds for appeal from the above quoted section of the Zoning Code. The appellant has not provided any memorandum further elaborating on the reasons for the appeal, so each ground is stated below along with staff's response.

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

Response: Staff disagrees with the contention that there was a violation of law, as the City code is clear that the Planning and Zoning Commission has the authority to make decisions concerning requests for conditional use permits and Hillside and Foothill Areas Development permits as outlined in the code sections listed below

The Commission has not strayed outside their realm of decision-making responsibilities in denying the conditional use permit and Hillside permits for this project. They properly heard the cases, deliberated the evidence and provided reasons why the conditional use application did not meet the standards of the Boise Zoning Code and the Boise Comprehensive Plan. The reasons for the decision were written in detail and conveyed to the applicant in a timely manner. Those reasons were based in the context described in Sections 11-06-04.13 Criteria and Findings for the conditional use permit and Section 11-14-03.5 Findings of Fact and Conclusions of Law in the Hillside permit application. (See Exhibit B – Letter to Applicant September 25, 2009 Re: CUP07-00084 & CFH07-00022 / 6890 N. Plano Road).

The Commission found that the CUP did not meet the ordinance requirements for protection of ridge tops, did not properly cluster units away from sensitive areas, did not minimize grading (as evidenced by the fact that no other foothills development has ever required this amount of grading per unit) and that traffic impacts had not been adequately addressed.

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 the City code is clear that the Planning and Zoning Commission has the authority to make decisions concerning requests for conditional use permits and Hillside and Foothill Areas Development permits as outlined in the code sections cited in the

previous section, in particular Section 11-06-04.04 - Commission Action. This basis for appeal has not been demonstrated in regards to the Planning and Zoning Commission's decision on CUP07-00084, and the supporting Hillside and Foothills Areas Development application, CFH07-00022.

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

Response: The appellant states that the decisions are arbitrary, capricious or an abuse of discretion without citing any particular circumstance or action.

Staff disagrees with the appellant's statement. The facts presented in the hearing and the case record as established and contained in this report do support the basis for the denials of the CUP and Hillside applications. The record will show that the findings cited as reasons for the decision are presented as evidence by the public and the commenting agencies. The discussion, findings and conclusions of the Commission were relevant to the body of evidence and a response to and evaluation of that evidence presented on September 21, 2009. (See Exhibit D – Minutes from the Planning and Zoning Commission Hearing September 21, 2009, and the entire body of written evidence attached to this report comprising the record established for that hearing.)

4. The decisions are not supported by substantial evidence.

Response: The appellant further states that the decisions by Planning and Zoning Commission are not supported by substantial evidence.

This issue is refuted by the content, intent and substance of evidence that comprises the entire record of this application process. There have been four hearings before the Planning and Zoning Commission, three work sessions before the Commission, neighborhood meetings, dozens of letters and e-mails and a hearing before City Council to this point. All these public meetings and hearings are documented in the record.

Staff made every effort to provide the Commission with the entire body of evidence pertaining to the CUP and Hillside applications. That evidence is voluminous due to the three separate applications, the hearings in 2008 that spanned the breadth of development entitlements and the high degree of public concern and comment on these requests. The public record to date comprises over two thousand pages of evidence, most of which is substantial to the applications.

The evidence in this case is detailed, the reasons for the decision are part of the evidence and the minutes of the hearings will show that the decisions were made with much deliberation and analysis from the Commission at their hearing of September 21, 2009.

CUP AND HILLSIDE PERMIT ANALYSIS

The key issues in the denial of the proposed Conditional Use Permit and Hillside applications are the conventionally linear site design and the lack of clustering of units on the buildable area, excessive grading and building on the prominent ridge lines, and the traffic impacts on the

neighborhood.

The findings of the Commission focused on the Foothills Policy Plan Chapter 3 Goal 1 Objective 2 Policy 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." Their concerns were twofold, first that the development was proposed for the prominent ridge tops to too great an extent, and second, that the grading associated with ridge top development would be excessive. The Commission stated that there seemed to be a workable alternative to both design issues by moving more of the proposed units from the ridge lines to a lower area on the eastern end of the subject properties south of Collister Drive.

Although the applicant had revised their layout in July to remove nine units from the front of the westernmost ridge and situated them and six additional units in the sandpit area in the northern section of the property, the Commission found that this was not sufficient ridge top protection. The revised site plan would still include groups of lots on cul-de-sacs projecting out on the points of prominent ridges that are arguably the most visible part of the property. They felt that the proposed design was reminiscent of Quail Ridge and not what the Foothills Plan intended.

City engineering staff explained that the change in layout would lessen the required grading by approximately 202,000 cubic yards. This would result in an 11% reduction in disturbed area. The proposed cut would be 1,924,000 cubic yards and the fill would be 1,682,000 cubic yards. The project cut and fill would balance in the end due to the filling and leveling of the sand pit area. Even given the fact that the project would balance, the amount of dirt to be moved still seemed excessive by any other standard. Public Works analysis showed that the proposal would meet their standards for safe and reasonable grading practices but that this project still requires more grading per unit than any other existing foothills development.

The revised plan was viewed as a step in the right direction by the Commission, but not a solution that fully complied with the *Foothills Policy Plan.* The Commission's deliberation of the motions showed that they might have been close to a positive recommendation if further design modifications could be worked out with the applicant. The Commission felt that an appropriate action might be to defer the hearings to provide time for another revision of the site plan, but the applicant requested a decision that night.

In previous hearings on the plan, the applicant had presented visual modeling of how the units on the ridges might be designed to minimize sky lining. The design methods included limiting building height to 25-feet, requiring 30-foot setbacks from the property line facing the ridge, and limiting colors to earth tones. These designs were only minimally addressed at the September 21, 2009 hearing. However, the Commission was skeptical that a 25-foot height limit would require only one story construction or that visibility of the units would be reduced.

The applicant has described that there are three fundamental issues directing their proposed design; first most of the buildable land is on the ridge tops; second, the applicant's business plan assumes the greatest value per lot would be gained from larger lots on the prominent ridges and third; if smaller lots are used many more lots would be required to justify the cost of construction.

The clustering issue has been a point of discussion between the applicant and staff from the beginning of the review process. The staff, the P & Z Commission and City Council has each in turn advised the applicant to implement a more clustered design, and one that did not so completely focus the development on the prominent ridge tops.

The Commission's discussion of the proposed site plan focused on the possibilities of locating more units on the lower ground on both sides of upper Collister Drive and limiting those on the ridgelines. There are potential building sites south of Collister Drive. The applicant has not seen this as a viable solution for several reasons. It would make the connecting road more costly to build for the return on investment. The units on Collister would be less valuable, so there would have to be more of them to compensate for the loss. That would shift more traffic on to Collister Drive thereby increasing the impact on that neighborhood. The applicant continues to see a need to spread the units across all of the parcels in order have a viable project. The Commission believed that spreading or transferring the units across the other parcels required a more creative and protective design than was proposed.

Base Density
The primary question to emerge from the 2008 hearings was about the base density regulation in the Foothills Planned Development Ordinance, 11-06-05.07.04.A.1:

> "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).
> and,
> 3. The base density units may be added to the density bonus units without the requirement for additional open space preservation."

At their hearing of December 9, 2008 Council instructed staff to derive the base density for the existing zone to re-evaluate the proposal for the remanded hearing. The base density was determined to be 157 units. The analysis was based on the following criteria and assumptions: 1) the criteria for a building site are those delineated in the FPDO and *Foothills Policy Plan*, e.g. site must be less than 25 % slope, respect sensitive areas; 2) the required minimum lot sizes and setbacks for the given zones would be observed; 3) the road system proposed by the applicant would be used as it has been proven feasible by their engineered drawings. (A detailed explanation for the methodology is contained in the attached September 21, 2009 staff report.)

July 2009 the applicant submitted a revised layout that moved nine units from the westernmost ridge to the sandpit area and added eight units to the 155 originally requested for the current request of 163 units. The base density of 157 subtracted from 163 is six units above the base density, thus requiring the preservation of some buildable open space. The applicant proposed to set aside 24 acres of buildable area to qualify for the six density bonus units. This is more open space dedication than the six unit density bonus would require.

This analysis of the project base and bonus density was acknowledged as reasonable and valid by the Planning and Zoning Commission during their discussions after the public hearing had closed

and is included in their findings. However, the Commission still found that that number of units could not be transferred onto the other properties unless other standards of the FPP and FPDO were met.

The Ada County Highway District Issues
The Ada County Highway District approved the preliminary plat, CUP/annexation/ rezone/ Hillside for the proposal on June 25, 2008 with conditions of approval. The conditions include off-site improvements of Plano Lane to Hill Road with 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; and the installation of a traffic signal at Collister and Hill Roads after the 80th unit is built.

They modified their analysis September 14, 2009 to accommodate the increased number of units in the revised request, but their conditions of approval remain the same. This includes the phasing of the connecting road between Plano Lane and Collister Drive with a gravel road installed in phase one and the road finished to ACHD standards at the proposed phase four when the platted lot total exceeds 53 units. It also includes the extension of Collister Drive to the Polecat Reserve and the installation of a 45 foot radius cul-de-sac, gravel parking lot and other trailhead facilities. The internal road sections would be 29-foot (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, all within a 40-foot right-of-way; with continuous 5-foot concrete sidewalk on one side of all internal streets and along all frontages with direct access to the street.

ANNEXATION AND ZONE CHANGE ANALYSIS
At their September 21, 2009 hearing, the Planning and Zoning Commission **recommended modified approval** of CAR07-00042/DA, annexing 296.12 acres, and the zone change for entire project site, 332.75 acres +/- to the A-1/DA Zone with Development Agreement, (Open space with a density of one unit per acre 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".

The request is for 103.75 acres in the R-1A/DA Zone (Single-Family Residential with Development Agreement) and 229 acres in the A-1/DA Zone (Open Space with Development Agreement).

The majority of the property is currently in the unincorporated County and is contiguous to Boise City Limits. The property has a combination of 122.9 acres in R6 (six units per acre) and 173.1 acres in RP (one unit per 40 acres) county zoning as well as 20.1 acres in R-1C and 16.4 acres in 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's request for annexation and a zone change for a planned residential development are allowed for by the *Foothills Policy Plan* and the FPDO. They have met the service standards for annexation and the requested zone change, but have not satisfied the design requirements of

the *Foothills Policy Plan*, Foothills Planned Development Ordinance or Hillside Ordinance. The Planning and Zoning Commission determined that while urban zoning and development was potentially allowable, the CUP was not acceptable and urban zoning could not be granted until a CUP was approved.

The Commission's recommendation for the A-1/DA Zone for the entire subject property is based on Section 11-06-05.07.03.3 of the FPDO that directs that, "the buildable areas of the Planned Development shall be zoned 'R-1A,' Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2."

Their concern was that the buildable areas are controlled by the conditional use permit, which was denied, thereby leaving no clearly defined areas for the R-1A/DA Zone. The delineation of the R-1A/DA zone rests upon granting a conditional use permit with an approved site plan and a development agreement that links the site plan to the zone. They were reluctant to recommend the R-1A/DA zone granting entitlement until a site plan was approved under a conditional use permit that fully complied with the FPP and FPDO. They have thus recommended annexation and zoning with A-1/DA as a holding zone until a CUP is approved.

The applicant rejects the recommendations from the Planning and Zoning Commission for the annexation and zone change. Their arguments get to the authority of the City to impose zoning against the will of the applicant where no logical or reasonable basis has been given for that recommendation. They also maintain their right to withdraw their applications in light of an injurious outcome. Their arguments are given force due to the entitlements granted by the existing zoning.

The applicant submitted a letter (attached Exhibit C) addressing the annexation and zoning issues on October 19, 2009. Their primary contention is that, "… [T]here is no discretion provided under the FPDO to zone the buildable area of my client's property to open space rather than R-1A." (Pg. 2) This is in reference to Section 11-06-05.07.03.3. that states that, "… the buildable areas of the PD shall be zoned 'R-1A,' Single-Family Residential, with the density and design further controlled by the provisions of this ordinance."

This describes the problem faced by the Commission, given their denial of the conditional use permit which in turn denied the buildable area proposal contained in that request. Section 11-06-05.07.03.3. ties the buildable area regulated by the conditional use process to the allowed zone boundaries. A change in the site plan buildable area would have to be reflected in the zone boundaries.

The applicant's letter of 10/19/09 states that they will exercise their right to withdraw the applications if outcome does not include R-1A/DA zoning in line with their request.

Their letter also states that "… a review of the Boise City Zoning Ordinance establishes that the recommended 'A-1/DA' zoning would be illegal." They assert that there is no DA district or overlay district in the Zoning Ordinance.

Section 11-06-05.07.03. General Application and Development Requirements requires a development agreement for a conditional use reviewed and approved under the FPDO. Section 11-08-08 DEVELOPMENT AGREEMENTS details the process and purpose of development agreements.

> The purpose of a Development Agreement is to provide a vehicle for development in areas and for uses where, in the opinion of the Council or the Commission, approval of a requested rezone by itself does not satisfy the requirements set forth in the Zoning Ordinance for rezone approval; but, that use of a development agreement will assure compliance with the required rezone findings and conclusions.

The applicant further asserts that "P&Z has failed to adhere to the express requirements set forth in … 11-08-08.B3 and 11-08-08.F.1 providing for P&Z's recommended action on the development agreement previously requested."

The Commission directed an alternate development agreement that essentially required compliance with the comprehensive plan and the ordinance as they pertain to the planned development process. As an interim approach to a holding zone recommended by the Commission, this seems like standard requirements. The applicant also said that there would be no agreement if their requests being heard on appeal weren't granted. That is their prerogative.

In any case the development agreement associated with the zone change ordinance should include the base density of 157 units as presented in the September 21, 2009 hearing and contained in the recommended reasons for the decision from the Planning and Zoning Commission. (See Appendix A)

An alternative to the recommended zone change would be to only change the zone for the 296.12 +/- acres in the annexation request to the A-1/DA Zone and leave the 36.5 acres in the City Limits as is, in the R-1C (20.1 acres) and A-1 Zones (16.4 acres). The development agreement should establish the base density unit levels for the project at 157 units, and include the Commission's recommendation for compliance with the *Foothills Policy Plan* and the FPDO. This would clear the issue of down-zoning the city R-1C Zone. The 173.1 acres of RP Zone in the County would be changed from 1 unit per 40 acres to 1 unit per acre. The 122.9 acres in the R6 Zone would change from 6 units per acre to 1 unit per acre in the A-1/DA Zone.

Reasons for the Decision Recommend by the Boise Planning and Zoning Commission September 21, 2009

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. Boise Public Works Department states that sewers are available to the subject property in a letter dated August 17, 2009.

B. Honor negotiated area of impact agreements.

Finding: The proposed annexation area is in the Boise City 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 0.5 units per acre, half of the density allowed 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. 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 is within the area where range fires occur. Range fires are difficult and costly to fight and contain, and they require specialized equipment to fight them, at an additional cost to the City.

Finding 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. The subject site is adjacent to public rights-of-way and has access to them. This is a logical extension of the City boundaries as all the urban services are available to the site.

***

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;

Finding: The proposed annexation and zone change area is in the Boise City Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject to the *Boise City Comprehensive Plan* and the *Foothills Policy Plan*. The proposal is generally in compliance with those plans, with the exception of the policies (Chapter 3 Goal 1 Objective 1 Policies 1, 2, 3 and 4) concerning site design and the grading of prominent ridge tops.

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 proposal is in the City's area for police, sewer, parks, and library services. It is served by Ada County Highway District (ACHD) for street services and has received a recommendation for approval from their Board of Commissioners on May 25, 2008, and restated in a memo and revised staff report dated September 18, 2009.

Finding: The Independent Boise School District includes the site in its service area. United Water of Boise would provide 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. 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.

Finding: The recommended zone is A-1/DA, open space with development

agreement. This zone is derived from the regulations of the Boise City Zoning Code Chapter 11 Section 11-06-05.07, the Foothills Planned Development Ordinance. The ordinance requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones.

Finding: The proposed development is in character with, and similar in use and density with the surrounding neighborhoods.

Finding: The City should annex this property with the A-1/DA (Open space), recognizing fully that there is a base density right associated with the current zones.

Finding: The development agreement should state that there is a base density right associated with the current zones. It should further state that it would be appropriate to rezone the subject property to R-1A/DA and A-1/DA when a different conditional use permit may be granted that was found to be in compliance with the *Foothills Policy Plan* and the Foothills Planned Development Ordinance.

***

Exhibit A - Base Density Calculations Table

Base Density Calculations Table

10/22/09

Aase's Canyon Pointe Planned Development

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 Minus 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 analysis)	(D. / 43,560 sq. ft.)	(D. x .8)	(Code)	(Code)	(F. / H.)	(Application)
R6	122.9	37%	557,588	12.8	446,070	6	6,000	**74**	42
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**	102
***RP includes 3 permitted lots in County by other ownership**								**3**	3
Totals	**332.5**	**100%**	**1,178,504**	**27.1**	**942,803**			**157**	**163**

Bruce Chatterton
Director

Boise City Hall
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City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Vernon L. Bisterfeldt
Eloine Clegg
David Eberle
Jim Tibbs

Exhibit B

Planning & Development Services

September 25, 2009

Aase's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CUP07-00084 & CFH07-00022 / 6890 N. Plano Road**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a Conditional Use Permit, CUP07-00084, to construct a 163 unit Planned Residential Development on ± 332.75 acres located at 6890 N. Plano Road in proposed R-1A/DA (Single Family Residential with a Development Agreement-2.1 DU/Acre) and A-1/DA (Open Land with a Development Agreement) zones; and for a Hillside and Foothills Area Development Permit, CFH07-00022, for the grading associated with a Planned Residential Development.

The Boise City Planning and Zoning Commission, at their meeting of September 21, 2009, **denied** your requests based on the attached Reasons for the Decision.

This decision may be appealed to the Boise City Council. This appeal must be filed with the Boise City Planning and Development Services Department within ten (10) days of the date of this denial. The Appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal Application forms are available in the Planning Department. The appeal must be submitted by 5:00 p.m., October 1, 2009.

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

Sincerely,

Bruce Eggleston, AICP
Planning Analyst II
Boise City Planning and Development Services

Attachment

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

Reasons for the Decision

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 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.

Finding: The subject site is contiguous to residentially zoned neighborhoods on the south, the upper Collister Drive neighborhood in the R-1B Zone, and to the west, the seven homes on Plano Lane, in an R6 Zone in Ada County. The Ada County Rural Preservation Zone is on the north and east. The Boise City Polecat Gulch Reserve, a recent addition to the City Parks and Recreation system, borders the subject property on the east.

Finding: The proposed use is consistent with the requirements of the density sections of the Foothills Planned Development Ordinance, Section 11-06-07.05.04, which would allow a base density of 157 dwelling units, derived from the current zones on the property, and allowances for additional bonus density that would grant the 163 dwelling units requested.

Finding 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 (adopted December 5, 2000). The plan recommends that any modification of the [prominent ridges] should be in character with the existing form and, if possible, uses should be moved to lower [visual sensitivity] priority areas. The policies of the Foothills Policy Plan (FPP) also encourage the avoidance of prominent ridge lines for both grading and the siting of structures on the skyline, in which dwellings are sited in manner that defines an area. (Chapter 3 Goal 1 Objectives 2 and 3)

The Commission cited the failure to comply with this policy in their action to deny the application:

Chapter 3 Goal 1 Objective 2 Policy 2:

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.

Finding: The geography of the land is such that the majority of buildable portions (less than 25% slopes) of the site are on the ridge tops, with some qualified areas in the lower elevations on the south side of Collister Drive.

Finding: The proposal includes siting and structural design restrictions that would lessen the visual impact to some degree. These design restrictions would have the 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. If the site plan were to cluster dwellings more tightly and away from the prominent ridges, the visual impacts would tend to recede as well.

Finding There is not a balance of the priorities of the Foothills Policy Plan policies that recommend protection of the ridge tops with those that recommend the allowance of this type of development in the Western Foothills sub-planning area. The project should be re-designed to achieve that balance through moving building lots down in the lower elevations of the property, more tightly clustering the lots together, and locating the roads away from the ridge tops.

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 area for police, sewer, parks, and library services. It is served by Ada County Highway District (ACHD) for street services and has received a recommendation for approval from their Board of Commissioners on May 25, 2008, and restated in a memo and revised staff report dated September 18, 2009.

Finding: The Independent Boise School District includes the site in its service area. United Water of Boise would provide 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.

Finding: The traffic impacts to the adjoining neighborhoods are a concern in regards to public safety. Upper Collister Drive has a gutter-like drain down the center of the road that makes travel difficult under some conditions. It is a narrow road, with front-on housing and driveways, and parking on both sides of the road. The difficulty is compounded by the fact that the residents use the right-of-way for parking their vehicles and trailers. The current residents expressed concerns for traffic safety on both upper Collister Drive and Plano Lane. There are no plans to upgrade Collister Drive north of the entry into Quail Ridge.

Finding: There are concerns with the impacts of cut-through traffic on Outlook and Hillside Avenues where motorists use these public rights-of-way to avoid traffic on the busier Hill and Collister Roads. No mitigation measures were planned for these streets.

Finding: The traffic analysis was done by ACHD in 2007. The Planning and Zoning Commission questioned whether the ACHD had taken into consideration the newly entitled developments in the Ada County Foothills in their revised 2009 traffic analysis. There have been a great number of development lot entitlements granted by Ada County in the Foothills since the subject application came in 2007. The Commission would like the current entitlements considered in a traffic analysis based on the most current data.

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 152.6 acres of permanent open space for the conservation of an onion species of concern, and several areas of open space available to the homeowners' for private use comprising 76.4 acres, including drainage basins, private open space with trails and a riparian area next to the Polecat Reserve. Some internal pathways would be provided as well as sidewalks and bike paths. The built area is approximately 103.75 acres of the 332.75 total. The average lot size for 163 dwelling units would be approximately one half acre. The gross density would be 0.49 units per acre.

Finding: The project layout could be re-designed to avoid the visually sensitive ridge tops by developing the lower elevation areas.

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

Finding: The City's primary concern is for the health, safety and welfare of the current and future residents as regards to traffic impacts on the neighborhoods in the vicinity of the subject properties.

Finding: Collister Drive's functional classification is a collector. The acceptable level of service for a two-lane collector is "D" defined as 9,500 vehicle trips per day. Plano Lane is classified as a local road with an acceptable level of service of 2,000 vehicle trips per day (ACHD Policy Manual Local Streets 7202.2.1).

Finding: The ACHD vehicle trip generation calculations for the total traffic increase would be 1,530 additional trips per day. The traffic on Plano Lane would go from the present 105 average daily trips (ADTs) to 885 ADTs, an eight-fold increase. The traffic on upper Collister Drive would increase from the present 570 to 1,350 ADTs, nearly a 2.4 times increase. There would also be increased auto and bike traffic from recreationists due to the opening of the road to Polecat Gulch Reserve. The potential traffic impacts seem great by comparison to the relatively small amount of traffic experienced today on Plano and Collister Roads that are essentially dead-end streets.

Finding: Site specific conditions were given by ACHD to mitigate the traffic impacts from the proposed development, both on-site and off-site. These conditions include the phasing of the construction of a through road that would connect Collister Drive and Plano Lane early in the proposed development; installation of a traffic signal at the intersection of Hill and Collister Roads; and variations on street widths on Plano Lane to accommodate the properties fronting on Plano. These improvements would be funded by the developer.

Finding: Traffic increases will always present the most significant potential for impacts to existing neighborhoods, due to the limited capacities in the supporting roadway system. This was the over-arching issue in the creation of the FPP. It is a property of urban development that new growth will have impacts on existing neighborhoods. The *Foothills Policy Plan* contains goals and policies that would lessen the impacts of new developments.

Finding: There is no mass transit in this proposal that would lessen the impact on the existing neighborhoods.

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 to the policies

of the *Boise City Comprehensive Plan* and the *Foothills Policy Plan*. The proposal is generally in compliance with those plans, with the exception of the policies (Chapter 3 Goal 1 Objective 1 Policies 1, 2, 3 and 4) concerning site design and the grading of prominent ridge tops.

Finding: Chapter 5 Objective 2 Policy 4 recommends "mitigation of the effects of increased traffic on existing neighborhoods." That finding could not be made.

Finding: The subdivision design does not comply with the relevant policies of the *Foothills Policy Plan* and the Foothills Planned Development Ordinance. Specifically the proposal has not complied with policies and ordinances addressing site design, grading and traffic impacts on surrounding neighborhoods, and preservation of wildlife habitat as cited below, and in other policies in Chapter 2.

> Chapter 1 Objective 1 Policy 3 Environmental and wildlife features, such as wetlands, threatened plant species, riparian areas, big game winter range, and sensitive wildlife habitats shall be maintained through clustering of development away from those features, and development limitations.

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 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.

Finding: The proposed development is generally in compliance with the technical requirements of Section 11-14-03.05 as conditioned in letters from Boise City Public Works dated May 28, 2008 and dated September 11, 2009.

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.

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

Finding: The site plan modified July 29, 2009 was not thorough enough to conclusively make this finding. Some preliminary calculations were made, but the grading plan was not re-engineered to reflect the changes in the site plan.

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 built area is approximately 103.75 acres of the 332.75 total. The site is large enough for the use to accommodate the proposed site and lot layout. It would include 152.6 acres of permanent open space for the conservation of an onion species of concern, and several areas of open space available to the homeowners' for private use comprising 76.4 acres, including drainage basins, private open space with trails and a riparian area next to the Polecat Reserve.

Finding: 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 if engineered correctly. The applicant did not produce final grading plans for the modified site plan, so this finding can not be made.

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.

Exhibit C

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

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

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

Jon A. Stenquist
Jason G. Murray
Rebecca A. Rainey
Paul D. McFarlane
Tyler J. Henderson
C. Edward Cather III
Andrew J. Waldera
Dylan B. Lawrence
Benjamin C. Ritchie
Matthew J. McGee
David J. Dance

Robert E. Bakes, *of counsel*

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

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October 19, 2009
via Hand Delivery

RECEIVED
OCT 19 2009
DEVELOPMENT SERVICES

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

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

Dear Mayor and Councilmembers:

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

As you may recall, this same annexation and rezone application was first heard by the Boise City Council last December after the Boise Planning and Zoning Commission ("P&Z") had recommended your annexing 296 acres of my clients' Ada County property and rezoning both it and the adjoining 36.5 acres of my clients' Boise property to "A-2 Open Land," with the requirement for a development agreement containing certain specified provisions. In response to last year's recommendation, I submitted to the Boise City Council my letter memorandum dated October 2, 2008 ("2008 Letter Memorandum"), stating the following reasons why P&Z's recommendation should be rejected:

> My clients' property is also subject to the application of Boise's Foothills Planned Development Ordinance ("FPDO"), which provides, in relevant part, as follows:
>
> - "The Foothills Planned Development Ordinance *shall apply to all proposed developments in the Boise City Foothills Planning Area where an annexation and/or rezone is required.*" FPDO § 11-06-05.07.02 (emphasis added).
>
> - "*Upon annexation the buildable areas of the [planned development] shall be zoned 'R-1A,' Single-Family Residential*, with the density and design further controlled

> by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2." FPDO § 11-06-05.07.03.3 (emphasis added).

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

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

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

2. The buildable area of my clients' property under the FPDO comprises a total of 73.10 acres. *See* Amended Planning Division Staff Report ("Amended Staff Report") at p. 74 (Appendix A).[1]

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

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

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

6. P&Z's Findings and Conclusions of Fact adopted September 8, 2008 ("Findings & Conclusions") expressly found that the FPDO "*requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones, as are so requested in this application.*" Findings & Conclusions at p. 5, finding C (emphasis added).[2]

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[1] With respect to the present appeal, *see* Planning Division Staff Report, dated September 21, 2009, at p. 47 of 51 (Appendix 6).

[2] With respect to the present appeal, *see* P&Z's Reasons for Decision at p. 4 of 4 (second stated finding).

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

2008 Letter Memorandum at pp. 2-3.

The foregoing reasons are equally applicable to the pending recommendations made by P&Z one year later, which were made following last year's appeal and two additional P&Z work sessions (the first on January 26, 2009, and the second on June 15, 2009), an unsuccessful mediation session with the project opponents on April 10, 2009, and the redesign of my clients' proposed project to accommodate P&Z's suggested revisions provided during the June work session. In fact, the principal differences between P&Z's recommendation last year and now are as follows:

- Last year P&Z repeatedly "found" that my clients' proposal for 155 dwelling units was excessive under the FPDO,[3] whereas now P&Z concedes that my clients' property enjoys "a base density right associated with the current zones."[4]

- Last year P&Z recommended zoning all of my clients' property to A-2/DA (open space/low intensity use with a development agreement),[5] whereas now P&Z recommends zoning all of my clients' property to A-1/DA (open space with a development agreement).[6]

The foregoing distinctions between P&Z's recommendations last year and now are thus both immaterial and manifestly insufficient to justify the annexation and rezoning of the developable area of my clients' property to open space, rather than to R-1A as required by the FPDO. *Cf. Lane Ranch P'ship v. City of Sun Valley*, 145 Idaho 87, 91 (2007) (city's unreasonable interpretation of its zoning code is an abuse of discretion and violative of a landowner's "substantial right to have its application evaluated properly").

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[3] *See, e.g.,* 2008 Findings & Conclusions at p. 11 ("The subdivision as proposed for 155 lots is excessive in number").

[4] *See* P&Z's Reasons for Decision at p. 4 of 4 (final stated finding).

[5] *See* 2008 Findings & Conclusions at p. 5.

[6] *See* P&Z's Reasons for Decision at p. 4 of 4 (second stated finding).

Moreover, should the Boise City Council decide to annex and rezone my clients' property without also approving their development applications being heard on appeal, no rezoning of my clients' existing Boise property should be adopted, nor should any other zoning designations (such as "DA") be adopted establishing additional requirements from those set forth in the FPDO. *Cf. Highlands Dev. Corp. v. City of Boise*, 145 Idaho 958, 962 (2008) (favorably citing prior precedent establishing that property owners may seek judicial review to void decisions downzoning their property). Indeed, a review of the Boise City Zoning Ordinance establishes that the recommended "A-1/DA" zoning would be illegal for the following additional reasons to those stated above:

1. There is no "A-1/DA" zoning district or "DA" overlay district included in the Boise City Zoning Ordinance, and thus the proposed designation is illegal on its face and devoid of any reasonably ascertainable meaning.

2. P&Z's "finding" that "[t]he City should annex this property with the A-1/DA (open space), recognizing fully that there is a base density right associated with the current zones,"[7] cannot be legally implemented, as the "A-1" zoning district is for open space and any purported recognition of density rights contrary to that set forth in the Boise City Zoning Ordinance for the A-1 zoning district would be in violation of the zoning ordinance.

3. P&Z has failed to adhere to the express requirements set forth in Boise City Zoning Ordinance §§ 11-08-08.B.3 and 11-08-08.F.1 providing for P&Z's recommended action on the development agreement previously requested by my clients.

4. In order for there to be a development agreement, there must by definition be an agreement between my clients and the Boise City Council establishing what the agreement is[8] – which there will not be unless the Boise City Council approves my clients' development applications being heard on appeal. Thus, P&Z is recommending that my clients' property be rezoned to open space and then held hostage to whatever terms and conditions may be included in a future so-called "agreement" yet to be even proposed, let alone negotiated and agreed upon by my clients and the Boise City Council.

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[7] *See* P&Z's Reasons for Decision at p. 4 of 4 (fourth stated finding).

[8] *See, e.g.*, Boise City Zoning Ordinance § 11-08-08.G ("Upon approval of a development agreement or any modification thereto *by the Council and the applicant . . .*" (emphasis added).

Accordingly, in light of the patently arbitrary, unsupported, and illegal action by P&Z in deciding my clients' development applications, as will be further presented at the hearing on the appeal of CUP07-00084 and CFH07-00022, my clients must hereby respectfully (a) reserve their rights to withdraw their annexation and rezone application through the time the Boise City Council should adopt an ordinance annexing and rezoning my clients' property, *see, e.g.,* Boise Municipal Code § 11-08-03 (acknowledging an applicant's right to withdraw an application for annexation or rezone); and (b) object to the annexation of their Ada County property absent the Boise City Council's approval of my clients' development applications in connection with deciding the pending appeal of P&Z's action.

In closing, and in light of the fact that my clients have invested many millions of dollars in acquiring and planning the development of their property with the expectation that Boise will follow its duly adopted ordinances, my clients simply cannot and will not consent to Boise annexing and rezoning to open space property that is already zoned by Boise for the development of up to 176 dwelling units and by Ada County for the development of up to 741 additional dwelling units. Your rejection of P&Z's recommendations and actions, coupled with the annexation and rezoning of my clients' property and the approval of my clients' development applications in accordance with the provisions of the FPDO, is therefore respectfully requested.

Very truly yours,

Robert Burns
rbb@moffatt.com

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

Exhibit D

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

Planning & Zoning Commission

Hearing Minutes of
September 21, 2009

COMMISSION MEMBERS PRESENT	Doug Russell, Chairman, Jennifer Stevens, Doug Cooper, Gene Fadness, Anne Barker, Lauren McLean, Brian Ellsworth, and Maureen Lavelle (Student)
STAFF MEMBERS PRESENT	Hal Simmons, Bruce Eggleston, Terry Records, Pam Baldwin (Staff Support), and Amanda Horton (Legal)

REGULAR AGENDA

CAR07-00042/DA, CUP07-00084 AND CFH07-00022 / AASE'S CANYON POINT DEVELOPMENT, LLC

Location: 6890 N. Plano Road
REQUESTS APPROVAL TO ANNEX ± 296.12 ACRES, COMBINED WITH ± 36.63 ACRES WITHIN BOISE CITY LIMITS FOR A TOTAL OF ± 332.75 ACRES WITH ZONING DESIGNATION OF R-A/DA AND A-1/DA AND A DEVELOPMENT AGREEMENT.
REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 163 UNIT PLANNED RESIDENTIAL DEVELOPMENT ON ± 332.75 ACRES LOCATED IN PROPOSED R-1/DA AND A-1/DA ZONES.
REQUESTS APPROVAL OF A HILLSIDE AND FOOTHILLS AREA DEVELOPMENT PERMIT FOR THE GRADING ASSOCIATED WITH A PLANNED RESIDENTIAL DEVELOPMENT ON ±332.75 ACRES LOCATED IN PROPOSED R-1/DA AND A-1/DA ZONES.

Bruce Eggleston (Staff) – I am the staff member that has been on this project since 2005 when it first came in. The project is known as CAR07-00042/DA, CUP07-00084 and CFH07-00022 for an annexation zone change request, development agreement, a conditional use permit to allow development of 332.75 acres with 163 dwelling units and dedicated open space that would in part be in a conservancy for the Aase's Onion, and part would be the homeowner's association consideration. The location is roughly between the ends of Plano Lane and Collister Drive. This is part of the Foothills that are in the western Foothills sub-planning area and the Foothills Policy Plan designates this area west of 36th Street, actually the ridge above 36th Street and everything west of that being developable if it can meet the constraints of the Foothills Policy Plan and the pertinent ordinances named in the Foothills Planned Development Ordinance and the PUD ordinance. Those parts of the code will be those by which we will analyze this application and those are the standards that have to be met.

The application received May 29, 2007 was for 155 dwelling units on the same 332 acres that also included a subdivision preliminary plat application.

We received an amended application July 29, 2009 that reduced the road length of what is called W. Daylight Drive and leave a cul-de-sac on the top and bottom. The modifications included increasing the number of lots from 155 to 163, and removed lots from the western most ridgeline and added to this area. This is detail of what is known as the sandpit. You can see in the center they have created a cul-de-sac that would fill in the sandpit with overage from other parts of the proposal to make this level enough for building and add 15 building lots into this area.

The major change in this application from 2007 is this point here where it will come in on Plano Road. You can see the outline of what is actually a dirt road which would be taken out. There would be a cul-de-sac down here on Plano Road and there would be another cul-de-sac on the prominent ridge point overlooking Collister Road. The units in between those two cul-de-sacs would be moved over here into the sandpit area.

The process just briefly this went to hearing July 11, 2008, August 11, 2008 and the findings from this condition were finalized on September 8, 2008.

There was then an appeal by the applicant to the decisions made by the P&Z Commission and their recommendation of annexation of 332 acres, plus, at A-2/DA a forty acres holding zone with recommendation that a development proposal brought back that hewed closely to the Foothills Policy Plan, the Foothills Planned Development Ordinance and the Hillside Development Ordinance. This recommendation on zoning and annexation was taken to Council along with the appeal to the denial of the conditional use permit, the hillside permit and the preliminary plat. The City Council then heard the whole package, three items on appeal and two items, the rezone and the annexation recommendation.

The applicant in their appeal the applicant essentially asked City Council to make findings on the zoning recommended by this body and to define whether the base zoning was correct as calculated by staff and this body, that there is the ability to transfer dwelling units from one parcel to another parcel, one zone to another zone, and if R-1A was the correct zone to apply to the developed areas. These questions went with the appeal and are the basis for the appeal. City Council found on December 9th that there were problems with the zoning. The A-2 zoning was not based on the correct interpretation of the base density. Council said they wanted to remand the whole package back to this body for reconsideration and with the direction to find the base zoning that was in accordance with chapter 11.06.D, the Foothills Planned Development Ordinance within that chapter.

As a result there was a work session January 29th with this Commission, the applicants and members of the public, where basically the applicant wanted a review of how we would figure the base zoning. They also were asking about the kinds of modifications to their site plan that would bring their application more in conformance with the Comp. Plan and the Ordinance. One of the outcomes from that is there was a mediation process that did not go anywhere and produced no results. There was another work session in June that the applicant brought back the plan you see

before us where they made the changes I described. There was a discussion of that eventually, if it was ripe for hearing, ready to move into this process we are in tonight. The applicant finalized that design and brought it in for the cut-off July 29th of this year and this hearing date was set.

The original application essentially remains the same. We have the modifications that we are looking at. This is the site plan. Here we have the zoning changes and there is another site plan in here that shows the lots. With these modifications that I have already described these parts of the application changed. The remaining parts of the application remain the same including things such as the onion conservation proposal, the wildlife studies they did, the sensitive plant studies and the proposed agreements with Boise Parks and Recreation concerning access to Polecat Gulch, extending from Collister Road to Polecat Gulch providing a cul-de-sac at the end of Collister and trailhead appurtenances. The agreements with Ada County Highway District (ACHD) are the same even though we did receive an update from the highway district that looked at the proposed 163 dwelling units and reconfigured their traffic counts to allow for the 8 additional units they are asking for.

The Highway District did not change their recommendation except to change the numbers and those traffic count numbers. The recommendations such as the connection with Plano Road, extension of Collister Road, the road dimension width and so forth all remain the same as what was decided by the ACHD Commission in May of 2008. We assume these adjustments would be required by the modifications in all parts of this report, although, some parts of the report don't necessarily reflect those changes. We would carry them forward and make that part of the recommendation from staff that all other parts of this application remain the same.

The most important thing in question asked by City Council and the applicant is what is the base density? The ordinance essentially says that when we figured the density for a property, subject to the Foothills Planned Development Ordinance, that the existing zones would provide the base density for that project. It goes on to say that you can take that base density and add to it to the density bonus process as described in the same chapter and following sections. That would allow, set aside of open space and sensitive areas, in exchange for density on a sliding scale and more open space to set aside the greater density for the areas that require the density bonus.

The application before us looks at an increase from the 155 to 163 units, and after the City Council's direction to establish a base density for this process, staff did an analysis of the property looking very specifically at what the Ordinance says about base density trying to determine in a real world situation, given the current zoning, what might be built there. Simply put, this is what we think the base density requirements in the Ordinance are referring to. This property at the end of Collister Road has sections of A-1 zoning in the City and R-1C. We have a large section of R-6 in Ada County and the remaining portions is a small piece of R6 over here and roughly half of that are in the RP, 1 per forty. Those are the givens in this situation and when we look at zoning, the zoning has certain entitlements to it, but that is not exactly what the ordinance says. It says the base density will be figured on existing zoning.

The assumptions we took in doing this analysis, the obvious one, just the same piece of property, it's the zoning you see before you, we assume the density is allowed in the R6, A-1, RP, etc. A density in a zone is a maximum in the sense that it could be allowed given it meets all of the other

standards, and the other part of the assumption is that we assume the standards of the Foothills Planned Development Ordinance and the Foothills Policy Plan apply to the calculation base density. In other words the restraints on 25 percent slope; protection of sensitive areas, ingress, egress, certain practical matters about, does this truly lay on the land, in a sense to use the word it is doable in the real world. Of course, that is somewhat of a value judgment, but it gets less of a value judgment the closer you engineer the project. The other assumption is that we use the street layout proposed by the applicant because it's probably the most reasonable street layout, given the topography. Having said that, I will zoom in a little bit. The brown rectangles represent the number of building sites. These are not buildings, but these are essentially setback requirements, building pads. Each rectangle is roughly 40 x 60 feet and the yellow area is the buildable, less than 25 percent slope.

Part of the assumption is that these building pads would have to be on land with 25 percent slope or less. Right here you have the four that would be required in the entire R-P area. In the R-6 zone, it's 6 units per acre. We tried to fit them in a manner that would maximize their development to comply with the ordinance and slope restraints. There is a certain amount of leeway in this in as much as two engineers or designers could design this and come up with slightly different numbers. Going through this exercise several times we always came up with somewhere around 154 and 155 base density units. That seemed to be where it was at, given the zone. Over here we have R6, A-1, R-C area and you can see how they lay in there. If you do this exercise we are fairly confident you will come out with somewhere between 150 and 160 units and meet the setbacks and everything else that are allowed in these particular zones.

There are also three existing lots here that are party to the application and three building lots were allowed for those as they are pre-existing, but some have houses on them. One does not, but they are planning to develop a house there. The number came out at 157 as the base density. We discussed this in our January 29th work session with this body, and again in the June 15th work session and we have had time to go back and review this with the numbers coming out in that same general area. We are going to state that as the base density 157 units. The application before you is for 163. They need to come up with density bonus for six additional units, given that base density. The density bonus for the six units was achieved by the amount set-aside by the applicant. It didn't necessarily include sensitive areas, even though they propose to set aside a certain amount in the onion conservancy district. The built area of the flat, the 48.43 acres and the set aside area of the buildable area, the 25 percent or less 24.06 acres which is sufficient to a count for the additional six requested in the density bonus. Staff is satisfied they have met the criteria for the number of units requested in the sense that the base density and the density bonus compute with what the ordinance says.

Left outstanding is the question of whether we think the design before us has fulfilled the rest of the ordinance as staff recommendation that they have. Staff recommends approval of the conditional use permit, the hillside permit and recommends annexation in R-1A and A-1/DA zoning to City Council for their consideration.

I would like to add there are a couple of errata situations here. First of all, we received a couple of letters today that have been given to the Commission. For the record, one is from Mark Fogerty, and one is from Daniel and Katie Young, they're entered in the record. They also received, and

the applicant will talk about this, a phased development based on the new site plan which was received today. It reflects pretty much the same phase plan included in the staff report and is part of that except for adjustments in the so called sandpit area, which is referred to as Phase 12. There are a couple of items in the staff report the applicant brought to my attention, mainly a statement about the height limitations for the dwellings being 25-feet. That was a typo. Actually, their development agreement includes a set of design guidelines where they request a height limitation of 28-feet. I would like to put that on the record. There are also questions about the configuration on Plano Road but the city has a recommendation that is somewhat different from the Ada County Highway District's recommendation and they are not mutually exclusive on the road issue to include sidewalks, bike lanes etc. from Hill Road to the site.

Robert Burns (Applicant Team) – I am with the law firm of Moffat, Thomas, Barrett, Rock and Fields, 101 S. Capitol Blvd, Boise, ID 83703.

I have a 3 page handout I would like to pass out to each of you. We are going to put it on the overhead screen as well. Because of the size of the property it's kind of hard to see on the overhead and I thought it may be easier for you to see what I was talking about by looking directly at the handouts.

The first page of the handouts is the concept plan for the project as currently proposed with the 163 units. The second page is the old concept plan proposed at the last hearing, by flipping back and forth between page one and page two you should be able to readily see the differences of the two concept plans. Page two is the 155 unit concept plan that was the subject of the prior hearings, and then phase three is simply the updated phasing plan that Bruce talked about, that shows the tweaks made to accommodate the shifting of the project back into the sandpit, and the elimination of those units from the southwest leading edge of the project.

I am going to refer to these exhibits as we go through here, but at the June 15th work session this body provided us with some direction on certain revisions that it would like to see considered in connection to the development. The first revision was to lose the lots along the southwest leading lots. These particular lots were sky-lined when you looked up from Hill Road. You could look up and there were no back drops, so they were sky-lined home when constructed. The suggestion was to lose these particular lots, which we have done and you can see that now we have cul-de-saced the project and gotten rid of the road. We got rid of a total of nine lots were lost in this area. We moved the density into the sandpit area and tightened up the width of the lots, adding one lot here. Seventeen lots were added for a net increase of eight lots which took us to 163. Again, by flipping back and forth on the exhibits handed out, hopefully, you will be able to identify those changes, but again, the changes had to do primarily with losing the lots on the leading southwest ridge, which was the prominent ridgeline and adding them to the sandpit area. As indicated in the staff report and as Bruce talked about, if you look on page 48 of the staff report the total potential density reflected is about 193 units as calculated by staff. This project before you is 163 units, so we are about 30 units less than the potential density reflected for the project as calculated by staff in the detailed analysis of staff's undertaking to try to calculate what the base density and the allowable density for the project was.

When we move the lots off of the southwest leading ridgeline it also had the beneficial effect of

opening up a second wildlife corridor that could go through. As you can see, because nothing is constructed there that would open up this entire area from development, so we have this area for a wildlife corridor and we also have this area coming through here. I would point out that Fish & Game has indicated there are no wildlife corridors located on the property, so how beneficial having these wildlife corridors gaps, I will leave it to your own conclusion, but there are two major wildlife corridors constructed there, whether or not there are animals to utilize them, I don't know. Moving the lots reduced the land disturbance area by about 11 percent, and it also reduced the total graded cut by about 202,000 yards. As before, this is a balanced site. There are no materials being hauled into the site to make it work, or being hauled off of the site to get rid of excess materials. All of the graded materials will be utilized in the project itself with no trucking on, or off site.

As I indicated before, the phasing plan attached as a third page of the handout is substantially the same as is attached to the staff report. Again, small tweaks have been made to the phasing plan to accommodate the relocation of those lots from the leading ridgeline on the southwest corner into the sandpit area.

One other comment that came out of the June 15th work session is that Commissioner Stevens inquired about the Onion Conservancy Plan. That was updated and not included in the staff report or the materials that were submitted to you in connection with the first hearing.

The updated Onion Conservancy Plan is included in this staff report on page 68, and I would just bring it to your attention so you know that the updated and completed plan is there for your review and consideration. Although, Bruce talked about the 28-foot verses 25-foot discrepancy in the staff report, I would also point out there was a reference in the summary to the staff report of limiting homes to one story in the highly visible areas. Actually, it was what the design criteria that is included as Exhibit L to the staff report provides, limiting the height to 28 feet, which is generally a one story house, although, two-story elements can be added in certain configurations. I just want to make a clarification that there is not a proposal for one story homes, but rather a limitation on the height, which is 28 feet.

The staff reports also points out certain matters in the development agreement that would need to be revised to accommodate this revised design, including the change of the density from 155 to 163 units and re-writing the portion of the development agreement dealing with the treatment of the sandpit area, now that units are being moved, or relocated into the sandpit area of that particular section six, as pointed out in the staff report, this would need to be modified in the development agreement. Also the exhibits to the development agreement would need to be modified by adding the current exhibits utilizing the concept plan before you for the 163 units, verses the 155 units. There would be small adjustments to the development agreement that would be required in order to make it all work with this proposal.

Finally, I only have one condition of approval that I wanted to raise an issue with and that condition of approval is found on Page 36 of the staff report and is condition of approval 11-J. It deals with the improvements being made to Polecat Gulch Reserve by the developer and some of the materials handed out to you in connection with the first time this matter was heard. There was an August 11, 2008 handout that would be in your overall materials, although, they are probably

not before you tonight, which included certain timing provisions that had been hammered out between the developer and Boise Parks and Recreation, with respect to the construction of the improvements for the Polecat Gulch Reserve area. With those tentatively agreed upon provisions in mind, I would simply ask that Condition 11 J be modified as follows, it currently reads, *"All conditions should be met during phase one of the development"*. The modification or amendment we are asking is to tag on to the end of that "*except to the extent otherwise approved by Boise Parks and Recreation and incorporated into the Development Agreement"*.

To the extent we can work our language and incorporate it with Boise Parks and Recreation for approval by the City Council, we would ask that condition of approval 11 J conform to that language. A minor tweak, but I wanted to bring it to your attention as well.

Commissioner McLean – On the subject of your request that we change 11 J, you referred to the original agreement, or the piece of paper we saw a while back, I believe it was from Chuck McDevitt, is that what you are referring to?

Robert Burns – That is what was worked out with Chuck McDevitt, yes. I have a copy of that if you would like I can hand them out.

Commissioner McLean – Yes, that would be helpful.

Robert Burns – This exhibit when it was prepared by staff was 17 pages. This handout is page one which has the table indicating the various matters included in this exhibit dated August 11th, and the last page is 17 of 17, is the tentative agreement hammered out with Chuck McDevitt.

Commissioner McLean – Do we have any comment from the Parks Department on this proposed change?

Bruce Eggleston – I received an e-mail from Cheyne Weston of the Parks Department today saying all the conditions remain the same from what I am assuming is the July 11th hearing before this body. There have been no changes from their standpoint since that time.

Commissioner Russell – I just received a note from a fellow Commissioner that has some disclosure we would like to put on the record at this time. It was a surprise. I will let Commissioner Stevens explain what is happening.

Commissioner Stevens – I apologize to my fellow Commissioners, as well as to the public. It has come to my attention now as I am looking back over the record. As you all probably remember, I had to make a disclosure about my involvement with The Land Trust of the Treasure Valley when this process first started. Having gone over it in my mind, I think I may have also gotten confused and thought I had disclosed a relationship I have with Moffatt, Thomas as well. Now that I look back through the dates I can't recall if I did or not, because I don't remember exactly when that contract was signed. I have been retained as an expert by the law firm of Moffatt Thomas in another matter unrelated to this and I wanted to make sure that is on the record and also to ask legal whether or not that was grounds for recuse, or if we wanted to have a vote on that point? There was no copy of our transcript of our prior hearing, and so I'm not exactly sure

what was on it before.

Commissioner McLean – I do recall that we had that disclosure. It could have been a year ago at this point, but both the Land Trust issue, as well as the Moffatt Thomas contract.

Commissioner Stevens – Amanda, would you mind giving us some guidance on this because I think at the time I may have disclosed that I was in negotiations with them, but I have since been retain as an expert in two different matters by the law firm.

Amanda Horton – The conflict of interest laws prohibit involvement of a commissioner in making a decision if there is some pecuniary gain that could become available to them for the decision they make, or a relationship, a familial relationship, or a business relationship based on whether the business you have a relationship with, if they are successful, if that would somehow have a pecuniary impact or benefit to you. The other issue is certainly a perception issue and it's really up to the Commissioners to decide if they believe you should be excused from voting. Basically, you have a duty to vote unless you are excused from doing so. When people recuse themselves, they are really doing so with the consent of the commission. It's up to the commission if you are unsure, to determine whether or not this is a de minimus, or if the appearance, or the reality is such that you should not continue making a decision in this regard, I don't know. Do you have a contract directly with Moffatt Thomas?

Commissioner Stevens – I don't have the contract with me. I believe it is with the client of Moffatt Thomas.

Amanda Horton – Moffatt Thomas represents a client of yours?

Commissioner Stevens – They represent the two clients I work for. If you give me a moment I might be able to actually pull them up. Does that make a difference?

Amanda Horton – Well, yes and no. It's hard to know from the scant details here.

Commissioner Stevens – What do you need to know?

Amanda Horton – Things like, is the contract dependent on success or failure of specific things? In other words, is it for a set amount? Is it completely separate from this issue? Is it dealing with any of the parties here?

Commissioner Stevens – That's a lot of questions. I will start with yes, I have pulled up the contract and they are both worded such that Moffatt Thomas has in fact retained me as an expert. Neither case I am working on with the law firm has anything to do with any of the parties here present, nor with the attorney representing the applicant here today.

Amanda Horton – You having a direct contractual relationship is a pretty concrete connection relationship between you and the applicant, in my opinion.

Commissioner Stevens – Do I need to ask if we need to vote, or does that….

Amanda Horton – If you want to ask to be recused, you may do so.

Commissioner Stevens – I think that is probably the proper thing to do.

Commissioner Russell – Are you recusing at this time, or would you like us to discuss this among ourselves and take a vote as a commission?

Commissioner Stevens – It sounds like our counsel has advised me to ask for that, and I suppose it sounds like it's my duty to vote unless all of you tell me not to.

Commissioner Russell – Commissioners, I think at this time its probably wise to take the advise of our legal counsel and have Commissioner Stevens recuse unless any of you think differently. Are there any comments on this item? Commissioner Stevens thank you for keeping your head in the game and realizing this sooner than later. We apologize for the interruption but it was wise to deal with it at this time. We were asking questions of staff or the applicant. Are there any further questions for staff or the applicant?

Commissioner Barker – I heard counsel for the applicant say this was a balanced project with respect to cut and fill and no material would be coming onto the site, and no material would be coming off of the site. This is a simple question.
Right now in our staff report it looks like the grading volumes will be about 1.9 million cubic yards of cut and 1.7 million cubic yards of fill.

Robert Burns – Where is the difference, is that the question? The difference relates to the compaction factor having to do with the cut. When you factor in the compaction factor, which I understand is probably 10 or 15 percent, that brings you down to a one or two percent range, which is as close as you can conceptually design at this stage of design. So, they will make small adjustments with road heights, lot dimensions or whatever, but all of the material will be consumed in constructing the project on site without export or import.

Commissioner McLean – This is a question for either staff or the applicant. I noticed in this report and I hadn't noticed it before, that there is about 75 acres of open space that would be given to the homeowners association, as opposed to dedicated it as open space. I'm wondering if this is new, and if there will be public access to this?

Robert Burns – Your question is whether there would be public access to the homeowner association property?

Commissioner McLean – Is this a new addition, a dedication of some of the open space to the homeowners association?

Robert Burns – There always was some property that was going to go to the homeowner association and it has expanded because of losing the lots on that southwest ridgeline. So the amount of property that would be deeded to the homeowners association has increased. My planner is telling me because of the trade-off in the sandpit. It's about an acre, so there is very

little change from what was going to the homeowners association before and after. Within an acre, I guess.

Commissioner Barker – This question is for staff. The applicant has indicated that a 28-foot height limit on homes, whether those be on the ridgeline or otherwise, would be comparable to limiting these homes to one story. I would like staff's take on that. It seems like 28 feet is not your typical one story house. I could be wrong about that.

Bruce Eggleston – Commissioner Barker, 28 feet is, at least in my humble opinion, is doable for two stories and the measurement is from the ground level, the grade level, depending on the type of roof used, the measurement varies with the architecture. That would also allow for a daylight basement and we are counting height of course underground is not figured into that, so it could very easily be a basement, a ground floor and loft situation. We are not to limit to one story, just to 28 feet and to do whatever architecturally is possible within that constraint.

Commissioner Fadness – My question is for Bruce. The applicant pointed us to page 48 of the staff report that calculates the density bonus plus the base density of 193. From what I heard you explain after you did the calculations with all of the densities per zone as the City Council requested, I thought you came up with somewhere in the vicinity of 155.
What is the discrepancy there? What am I not getting?

Bruce Eggleston – The calculation was for the 154 units. That's actually the number of little parcels I was able to reasonably apply to the landscape, then there are the three additional lots that are existing. Two have houses and one would be developed by the owner who is not part of this group, but is a co-applicant. It is 154 plus the three existing, is how we got to the 157.

Commissioner Fadness – Do you agree with the applicant's claim that the total potential unit's density bonus plus base density is 193 units?

Bruce Eggleston – That is what the numbers run out to. They didn't prove up 193, but if you simply run the formula for the density bonus with the amount of acreage set aside, the buildable acreage, the 24 some-odd acres, multiply it with the multiplier and you come up with that additional number. That's an arithmetic exercise because they have set aside that much open space and would qualify for it, but they have by no means shown us a development plan that could accommodate that. There are two different worlds here. One world sets the limit and the other world is what is actually doable when complying with the ordinance and the plan.

Commissioner Cooper – I have a question for the applicant. One of the comments made by staff in their report, one of their concerns was they seemed like they would have preferred to see some narrower lot widths, and obviously that would take up a space. These maps are very tiny and so I'm making gross guesses, but it looks like it varies certainly, but it looks like there are some that may be approaching 100 feet wide. Is there a range you can give me?

Robert Burns – Let me have the land planner speak of that. He will give you more accurate information that my guesses.

Kerry Winn (Applicant Team) – There is a variety of them. I think we figured the average width of a lot is about 110 feet. There are some that are longer, and some are shorter, but I think that is a good average of the front width of the lot. We think they are, given the constraints at Quail Ridge that is not a very wide front.

Commissioner Cooper – So, on the north side of the project there are some quite a bit smaller lots.

Kerry Winn – There are some patio lots. If we had the map to show in below there are some 75 foot frontages. We are basically not considering those. The rest of the lots, which are the single family lots, I think you would look at the average of about 110-foot frontages, not including those that Bruce is pointing to. Those are the patio lots. The rest of the lot fronts are at about an average of 110, 105, 107-feet.

Commissioner Russell – Before we go into the public testimony this evening I would like to make a couple of quick comments. We did receive a couple of letters in our packets that were less than friendly directed towards the P&Z Commission or the City of Boise.

I would just like to respectfully request this evening that as you are testifying, if you could keep your comments civil and that you would comment on the project and keep in mind that the P&Z Commission is a group of volunteers appointed by the Mayor and City Council.

We are not elected officials and we ask that you keep that in mind and that you would be brief in your comments. You are going to have three minutes total to speak and we ask that you would be constructive in those comments. If you are not, I will have the unfortunate task of interrupting you and try to get you back on track.

PUBLIC TESTIMONY

Jerry Bowers – I've been working with the applicant for many, many years on this project. The main concerns I have noted that have been brought up by the Commission was primarily the roof tops. That concern has been eliminated by removing those six lots in the front ridgeline. Also, dealing with the grading of so many million of yards being graded are now being filled through the sandpit that will allow 15 lots back through there, which was a major concern I heard in the past as well. I think the applicant has done a wonderful job in presenting this proposal to you. Things through my meetings with ACHD and other meetings I think need to be brought to your attention. There are going to be quite a few new improvements made, over $550,000 worth of impact fees being made as well as a four way light at Hill and Collister, and also a three-way stop at Plano and Hill which will have a positive impact on the community, and will also help with traffic direction, as well. I think this proposal should be approved. I'm in favor of it and I think the changes made by the applicant are extremely well thought out. I am for it.

Michael Jones – I have some pictures that Mr. Eggleston is willing to show. They are going to use up my three minutes and I have nine points that I wrote to you and Mr. Eggleston told me it was on page 226 of the staff report and I hope you look at them because they are extremely important issues that have not been addressed, at least so far in this application. It is a

fundamentally flawed application which you rejected last time and I urge you to reject it again. It's an application presented as if important provisions of the Foothills Ordinance did not exist and an approval, I believe, would render the meaningless of those provisions of the Foothills Ordinance. In particular, the one I am going to focus on with the pictures regards the text in the Foothills Ordinance. I'm sorry I don't have chapter and verse, but I quoted it from the staff report the first time around which it says, *"The natural scenic values of prominent ridges and knolls shall be maintained."* How clear is that? That is clear. Natural Scenic values of ridges and knolls do not include luxury homes on 100-foot lots. This is the ridge from my farm which is a lovely view and an enhancement. If I understand the proposal, the one improvement to this proposal is the removal of five lots up there that I think would take away the luxury homes from the left half of that picture. That's an improvement. I utterly agree that it is, but its five ridge-top units out of 85 or 90 ridge-top units being proposed in this proposal. The pictures you see up there now is one of my neighbor's pictures, but see those white dots? This is a photo shop kind of deal. They wouldn't actually be that high because these ridge-tops actually are not buildable because some of them are, there is a little bit of flat space up there, but they are scrapping 50 vertical feet off of these ridge-tops. This is not leaving them natural. Scrapping 50 vertical feet so they can get enough width to put their lots, so they wouldn't sit quite that high, but the ridge-top would be compressed down. This is the ridge in question. This is from the southeast and a ridge in question is on the right. Oh no, I'm sorry. We are a little bit out of order. This is showing what you can see. Are we on the ridge-top? This is on the ridge-top that would be developed and all of that is the Hill Road Parkway Neighborhood which by the laws of physics means if you can see them from up there, they can see you from down below.

This is looking down on Collister Drive from the area of this development. Collister Drive is visible and everything on both sides of it, the houses are going to be visible from Collister Drive. This is part of the thing, what I did here; I panned basically from downtown up to the northwest and from basically the whole valley. These ridge-tops are not just ridge-tops; they are prominent ridge-tops. The Foothills Ordinance says they should be left natural. I don't know why we are even talking about this proposal, except for the gully bottoms. Put density in the gully bottoms.

Julie Klocke (President of the Collister Neighborhood Association) – I am also a volunteer. The Collister neighborhood recognizes that the applicant has existing development rights under current zoning, but the opposition is based on what this application is asking for. In essence, a trade of existing development rights at the north end of Collister Drive in exchange for ridge-top development. Currently, the parcel zoned is rural preservation and would allow for four housing units up top, but the applicant is asking for 100 units on the ridge, where there is currently R-1C zoning allowing for 72 units. The applicant wants to reduce that to 13 units and put the remainder on the ridge. We acknowledge the revised application does provide more clustering of units, particularly in the gravel pit is and has removed some lots from the south facing ridge. However, the development will still be visible throughout the valley. Sky lining may have been lessened but we don't feel it has been minimized. The staff report on page 19 states that the public Open Space Management Plan for Boise would recommend against development of these properties based upon the visual impacts and the value of big game wildlife habitat, as supported by the letter from the Idaho Department of Fish & Game. The open space plan shows the western half of the subject property to be sensitive to one visual sensitivity level. This is defined as having the highest priority for visual protection. Any modifications to the landscape would be carefully planned to

match the existing landscape character and should not be evident. Human modifications should be moved to lower priority landscapes where possible. Grading and ridge-top development violate the standard. Page 23 of the staff report also acknowledges that despite siting and structural design restrictions, the proposed development would break up that prominent view-shed forever, however it is designed. This application has moved some of the lots from the southern ridge and moved access roads to those lots. However, this development will still require nearly 2 million cubic yards of grading. Excess grading is not defined specifically in the Ordinance, but if 2 million yards isn't excessive, I don't know what is. Excessive grading would not be an issue if the current zoning remained in effect and the application denied. The Aase's Onion species is most typically found on, or near ridge-tops, although, the applicant has provided some plan for the preservation for some of the onion fields. This proposed development would still scrape off ridge-tops. The onion would have much more protection if the current zoning remained in effect and the application denied.

Much seems to be made of the Foothills Policy Plan that identifies the western Foothills area west of 36th Street as the lowest priority area for open space protection. The first priority area for development in the Foothills, but this development is also subject to compliance with other policies and regulations as well as adequate street capacity and infrastructure.

The Collister Neighborhood objected to this (inaudible) favored statue at the time the Foothills Policy Plan was adopted, although, the Collister Neighborhood is not granted the same protections or the same level of scrutiny with regard to development.

The Collister Neighborhood Plan adopted by the City of Boise in 2007 attempted to address this issue and asked that the Foothills Policy Plan and related Ordinances be rewritten. The Collister Neighborhood Plan calls for the preservation, enhancement and protection of our existing neighborhoods, as well as minimizing the impact from development and growth in the Foothills. We don't believe this current application does this. The impact from the proposed increase in traffic from the 163 unit proposed development would be hugely negative to not only north Collister, but also to our neighbors on Plano and Hill Road. Generally, estimated trips from residential development are approximately 10 trips per unit. With 163 units we will have an additional 1600 car trips a day coming through our neighborhood. This proposed development is an isolated automobile dependant development and we predict the daily number of trips will be higher.

North Collister and north to their entrance to Quail Ridge is problematic now. Narrow with front-on housing and steep driveways, gutter in the center of the road and on-street parking on both sides of the road. There are no plans to improve this section of the road. Again, under the Foothills Policy Plan the Collister neighborhood does not qualify for a higher standard of protection as granted to the central and eastern Foothills which would require that it be demonstrated that traffic impacts on existing neighborhoods be minimized. We acknowledge that under limited ACHD scrutiny that the proposed traffic increases could be accommodated by the neighborhood, whether designated as a local street, or as a collector, but we believe it is not a question of whether increased traffic could be accommodated, but whether it should be, given the negative impact.

We are also not in agreement with ACHD's requirement to signalize the intersection at Hill Road and Collister. We are concerned about traffic backing up like it does at 36th and Hill. The corresponding air quality that exist, there are people who live there who cannot open their windows during rush hour because their smoke alarms go off. The safety of our school children and safe access to bus stops on the corner of Hill Road and Collister is also a concern. We will continue to work with ACHD to find appropriate traffic solutions for the neighborhood.

With regard to Polecat Gulch, access to the Polecat Gulch Reserve currently exists off Cartwright Road where trails were constructed in 2007. Prior to that time in 2005 the Collister Neighborhood supported the trailhead on north Collister including a parking lot and restroom. At that time the neighborhood was to be included on the development of plans for the trailhead that would minimize the impact on the neighborhood. What we did not foresee at that time was that supporting the trailhead would open the door for adjacent Foothills development. The Collister neighborhood does not see applicants offered to pay for the long planned trailhead is enough justification to approve the proposed development.

We are also concerned that the applicant has not demonstrated that the cost to provide services to the development would be balanced by anticipated revenues. As pointed out in the staff report this is an isolated development, low in density, access of steep hills perched on ridge-tops which tends to increase the cost to maintain sewer and water rose. Costs for school transportation would be higher. The proposed neighborhood may increase the potential for property damage and fire coverage due to wildfires. Throughout the City Comprehensive Plan there are policies that require protection and preservation of existing neighborhoods.

This proposed development does not protect or preserve the existing Collister Neighborhoods. At best we are told we can handle it. In recent years the city has frequently encouraged and approved high density development, including skinny houses on sub standard lots in an effort to minimize urban sprawl, often to the detriment of existing neighborhoods. This proposed development is not smart growth. It is an example of urban sprawl. It is isolated, low density and automobile dependant. Alternative means of transportation are not realistic. There is no connectivity, just exclusivity. It is the type of housing that the city says it wants to get away from if the city is to be sustainable in the future.

In 2001 the voters in this city passed the Foothills levy including over 60 percent of the voters in the Collister neighborhood. The people wanted to see their Foothills, Boise's backyard protected. Approving this application flies in the face of that preservation effort. For these reasons and others that will be presented by my neighbors we ask that the commission deny this application.

Janel Brown – I wrote a really long thing here and the more I thought about it the more I thought it is really not appropriate because you guys can't address my concerns. My concerns are traffic and wildlife and they are not being addressed by anyone and apparently they are not going to. Basically, the gist of what I wrote is that this has been going on for years. It's not going anywhere and it's not moving forward and I have been thinking about why is that? I sort of think it is because people are being asked to make major decisions based on opinion with very little in the way of fact or verifiable statistics, for instance the wildlife issue. It's like I have seen no study or actual wildlife counts for my area that are recent, and I have yet to find a definition what causes

one area to be significant, and another one to be insignificant. My experience forms my opinion. There are 8 – 10 deer daily in my yard. There are fox, skunks and hawks. I think my little friends and I share my area and think that their area is significant. I'm not sure where Fish & Game or whoever has made the determination it is not significant and as I have said, I've not seen any hard facts that prove it one way or the other. It's the same with the traffic and so much else that we find objectionable. It all boils down to opinion. The developer's engineer has offered the opinion that there is no other access point except upper Collister. I asked ACHD, "Don't you guys study that?" No, it's the developer's engineer's opinion that there is no other access point. I think that is sort of silly.

I guess basically the up-shot is I don't envy you or your jobs. You have to make decisions based on opinions and who knows what informs those opinions. On the one side it's money and special interests and on the other side it's a bunch of citizens who live there, our opinions are formed by what we know because we are there every single day. So, ACHD and engineers can say our road can handle more traffic all they want but that doesn't make it so, and until or unless you actually spend time in that area I don't think you can understand how drastic this is going to impact our quality of life. Basically, I have come to the conclusion of other speakers here tonight and that's just to deny the whole thing. They have private property rights and they can exercise those rights as currently zoned and if they don't get annexed to the city, fine by me.

Genie Sue Weppner – I'm on the executive committee of the Central Foothills Neighborhood Association and our neighborhood association has discussed this plan a number of times in our meetings.

Every time we have those discussions the two issues that come up are the issues related to traffic, and it sounds to me like this particular plan means there are going to be more homes, rather than fewer than the last proposal they had in place, which I know would be of great concern to our neighborhood association. The other thing is the Foothills Ordinance and faithfully implementing the intent of the Foothills Plan by preserving the look and the feel of the Boise Foothills. I would ask that you deny this application and we try to come up with an application that would be faithful to those things and still allow some development, but make the development one that isn't going to be negatively impacting our traffic and also preserve the look of the City of Boise's Foothills.

Karen Knudtsen – I am in the Collister Neighborhood Association and my little street is one block from the intersection of Hill and Collister. My basic concern is the increased traffic. Besides violating the Foothills Ordinance and the loss of our beautiful Foothills sky-line in this area, I'm opposed because of the really negative traffic impacts that this development will have on the local residential area. Collister, particularly upper Collister, Hill Road, Plano Lane and my little street Shirley are among the streets that will have the greatest increase in traffic due to this development. These residential streets were not built to handle the streams of arterial traffic we currently have. They are narrow and often curvy with many blind spots. In fact tonight just coming down here a truck pulled up from Greer which is a blind intersection like Shirley, right in front of me. He could not see me, and I had to slam on my brakes to avoid him. That was just coming down here tonight, and that happens all of the time. My little street Shirley, one block from the Hill Collister intersection is a little L shaped street. It connects Hill Road with Collister. Traffic often bypassing the traffic at the intersection of Hill and Collister will cut-off and zoom

down my street which is very narrow with lots of cars and trucks parked on the street. We have little kids that play. People walk, ride bikes etc. We can't handle any more traffic cutting off and with the street lights that are proposed at Hill and Collister, that won't help the problem. I urge you to deny this due to the traffic concerns of the residents in that area.

Paul Werner – I am the past president of the CFNA (Central Foothills Neighborhood Association) which is east of 36th. The reason our neighborhood association talks about this development is because this is setting a precedent. Your vote is setting a precedent for future Foothills development including Steve Appleton which is right next to this, the Terteling property and Kip Bedard's property. I could go on and on, so the vote on this is very important for the future of not just development, but many down the road. I think it is flawed in a few key areas. I would like to quote probably the most prominent developer that I know of in Boise. He built BoDo. He's the founder of the curb cup and he told me at a meeting that the Boise Foothills are the beachfront of this city. We are talking about the beachfront of Boise, Idaho. He's a developer and that's how important he looks at these Foothills. That's the way I look at them.

The view-shed is extremely important. The Foothills Policy Plan stipulates that the aesthetics of the Foothills be protected and that excessive disturbance of the land should be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill. This development still has too many violations of the Foothills Policy Plan. They need to go back to the drawing board, work it out, reduce more of the cut and fill. Reduce more of the prominent ridge line development. Preserve our beachfront to a greater extent.

That's my main message. Keep our standards high here in Boise. People are going to move here. This is Boise Idaho, the capitol city of the state. Let's keep our standards, high let's keep our view-shed in tact and they can come up with a better development. I know they can. Involve the people a little bit more.

Bob Lazechko – Many of my neighbors are much more eloquent speakers than I so I will be brief. The one thing I want to reiterate is it is a precedent and I have tried to say that in my letters. I haven't always had my facts accurate; I will be honest with you because I see updated information, so in my letter I realized I was in error on some of the statements. The one thing is that it is a huge thing with the precedence. To me, what seems to happen is it kind of picks and chooses what parts of the Foothills Ordinance are enforced and what aren't. What really concerns me as a father is the impact on existing neighborhoods, or goal 5 which is listed on page 30 and 31 of your report. One of the statements says "mitigation of effects of increased traffic on existing neighborhoods shall be paid for by the public 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 on page 31 of the report.

One of the proposals is a four-way light on Collister and Hill Road. I would argue, and once again it is opinion, but I don't think that's going to be traffic calming. That's going to be traffic problem causing because you are going to get the backup like you do at 36th and Hill Road. Annoyingly, it is going to divert traffic up onto upper Collister Road. If I have a choice of going to Plano or driving on Hill Road and I have a lighted thing, and have a connection, I am naturally going to turn at the light rather than trying to fight the traffic at Plano, which there are no

proposed improvements off of Hill Road, other than the widening at the entrance way. There are no stop lights, or roundabouts, no proposals there. In a statement, ACHD, which is in your staff report, Collister Drive is problematic and then it's dismissed, in my opinion. It's ignored and basically it's a problem and that is it. Nobody has any plans to improve it. I guess my biggest thing is not only is with the cubic yards of fill is the construction traffic. I really don't see how that is going to work on my street. Possibly, granted after the development is built, but when you have dump truck after dump truck going up and down that road that is problematic in your statements and there are cars parked in the road, it's just a disaster waiting to happen.

Katie Watts – I appreciate the chance to testify although, I did already send a letter. I want to be brief. I have a concern and a request. My concern is that our numbers were greater a year ago and so now a year later we have all been through this process and we haven't really made much of a difference from where we began. My concern is that the intention of the applicants is just to wear us down to the point that our numbers are dwindled and you'll perceive it as our acceptance of this development, and that is not the case, but that's my concern. My request is to make the process work and help the developers, or the applicants make it more of a compromise so that we all can at least look at it more with acceptance and feel that we can move forward and now it's setting a precedent we can all be proud of.

Gene Wortham – There's a letter in this packet from Mr. Charles Link. He used to be a civil engineer for the Idaho Transportation Department. I was also the former state construction engineer for the Idaho Transportation Department.

In Mr. Link's letter to you he stated that the egress from Plano Lane to Hill Road had site restrictions and was unsafe, and I guarantee you it is unsafe. Based on my past history with the Highway Department, I don't really like to report things like this, but there were times our traffic section said that the numbers said it was safe and no problem. After accidents and even fatalities, trust me the road was fixed. The one at Plano and Hill Road is not safe for egress from Plano to Hill Road. I want to make that a matter of record.

Regarding the sandpit, there has been a lot of talk lately about the sandpit. There wasn't too much talk about it at first until all these things started getting juggled around and adjusted, but now there are going to be all of these houses going up to the sandpit. I want to tell you that this sandpit was mined and work just recently until a developer purchased it. The cuts in that sandpit are on vertical slopes. It wouldn't pass any kind of OSHA (Occupational Safety and Health Administration) regulations, and is very unsafe. I hope Bruce is taking a real close look at what it is going to take to reclaim that sandpit and how much land area will be left for building houses based on a safe angle of repose. The excavation of 1.9 million yards for this project has been adjusted slightly? Now contractors in the Boise area and I have talked with quite a few of them lately, none of them have had a construction project in Boise, or a roadway project that had this much excavation on it. I heard the developer say nothing is going to be leaving the project, but if you look at his numbers in this report there is about a quarter of a million waste excavation left. Where is it going to go? That needs to be defined and spelled out. One point nine million cubic yards of excavation on the hillsides up there is going to leave a scar that you can't believe. Trust me.

Regarding the wildlife corridor, there have been a lot of things said for and against the wildlife corridor. All I want to tell you is I live up there, and have been living there for forty years, and I keep a close eye on things. Last winter there were 60 deer using the area in the wintertime. I don't think they know anything about a corridor, they just live there in the winter and that is where they reside. Just the other day we saw a white one. I don't know if it is an albino, I didn't get a look at its eyes. There might not be any excavation leaving this project, but trust me as it has been brought up and said there is going to be hundreds and hundreds of truck loads of material base, plant mix, pipes, and everything else you can think of going up there in terms of traffic on the local streets.

Patti Raino – I live basically right under much of where the proposed subdivision is. I have several concerns and I concur with the Collister Association comments. Part of my concerns is that West Outlook is a small street. We are already a pass through street for traffic that doesn't want to hit the stop light that wants to go onto Albertson and other places. We get all of that traffic down our street and we can only expect there will be more.

The other is that putting more houses up on Polecat Gulch concerns me as far as flood zone. I know I have been told, I asked this question before, that they have looked into that but I saw the amount of water that came down our street this year when we had storms that occurred. In fact, they have been doing work on storm drains down below and hopefully that may help it, but as you put more houses up there the amount of sand and debris that will come down Collister and then turn onto Outlook is going to only increase significantly. I would urge you to not pass this. I think you are looking at a very important precedent of the Foothill Ordinance.

Lowell Browning – I have lived in this area since 1956 and the neighbors who live on Hillside feel the same way I do. I don't know anybody that is excited about this project. I wish you could find another way to get the people out of Plano, some other way besides Collister. I live on Hillside and I have to go east on Hillside to get onto Collister. I have to look up and down the street to see if there's anybody coming. If there is anybody coming, I have to wait for the traffic to clear because by the time I turn my car to the right to go downtown I have to cross the other side of the street to get onto Collister. Sometimes, even now I have a problem getting on there and sometimes people coming from somewhere up there like to come down our Hillside avenue as a short cut because of traffic backing up at other places on Hill Road and Castle Drive. We get together and talk and we all have the same problem. I wish you would listen to our complaint and deny this application.

Justin Wortham – I wanted to go on the record that Kerry and I are good friends, with no problems or hard feelings. I just want the facts set for the way I see them. Everybody talks about the Polecat Gulch access. Everybody goes crazy over it, but mountain biking here lately to our people are like okay, fantastic, we are going to put a hundred and something homes in the Foothills to have this little bit of access, and will go right around to Cartwright and have the same trails. It doesn't make sense. The city is like we are going to get the Polecat Gulch access, but at the same time you are putting all of the homes there defeating the purpose of the mountain bike trails. In regards to the sandpit, another gentleman commented on the vertical height of the sandpit. Each one of you, before you make a decision, better go look at them. It's not fun and games. I put a home up there myself and I have lived there my entire life. It took a lot of cutting,

a lot of sloping to even get access for one home, so let's not brush over the fact that we are putting them in the sandpit. You better be real clear what you are looking at. I'm talking something so vertical that before you sit here tonight without looking and making a decision, you better understand. The gentleman here talked about the deer and what Fish & Game thinks. The other guy talked about it saying there are about 60 to 70. I'll dispute it, there are 80. If you want to come up and look at them, we'll look at them. A corridor, I don't know if they can read the sign that says corridor or not. They are there.

The mayor on TV the other night talking about Boise, great for biking, great for wildlife and everybody is going crazy. I guarantee you, you put the homes where you want to, but at the same time you put them there you are going to lose it. I just said Kerry Winn is a personal friend. I appreciate what he is doing and I appreciate private development. I'm not against that at all. At the same time I'm just trying to say that if you put them there it's going to be gone. We all appreciate that and we appreciate what Boise is. We all appreciate the Foothills, and yes I am very blessed to live there myself, so do we go less density? Do we go do something different? I don't know. All I know is that it seems overwhelming. It seems Polecat Gulch access, fantastic. Everybody is going crazy. Who is going crazy? You have a hundred and something homes up there where you are up there riding in the first place to where you don't want the homes. The deer don't want it, corridors, nobody is reading in the word corridor. We are going to move the homes to the sandpit. I would love to have one up there with the vertical all behind me. You better look at the excavation going on and the fill going on to the sandpit, because it's big time, it's very big time.

Diane McConnaughey – I appreciate your time for being here and giving us a chance to testify. I think we are really facing a lot of tough decisions in Boise with where do we develop and how do we develop.

Unfortunately, it seems like most of these developments are considered case by case and we look at each impact by its own impact and not comprehensively, which is very difficult to do. We know this is not the only development planned in the Foothills area, or in the areas north of Boise. All of this is going to have a tremendous impact on Boise as they progress. My main concern tonight with this development is the increase on Hill Road. Hill Road has no sidewalks. It has bike lanes, but sometimes these bike lanes are somewhat narrow and at times visibility is rather poor along it. The increase of 1,500 trips or more a day just from this development would be tremendous to the bike riders. Right now I live just off of Hill Road. If I leave the house after 7:20 in the morning, getting onto Hill Road is an interesting experience. In the winter I have had to put chains on the car because I have to stop before I get onto Hill Road. Increased traffic will probably make that access impossible for me. Again, I would like you to consider that together with other development proposed and the traffic and the reduced quality of life this will have on the neighborhoods already there.

Carsten Peterson – As someone has already mentioned, Outlook Avenue is often a cut-through street between Hill Road and Collister. We get a lot of traffic from Quail Ridge. As you go west down Outlook, its downhill at a pretty good slant. People basically treat that like a race track or freeway going down there. There is no posted speed limit but it is a 20 mile an hour zone rarely treated that way. The frontage of the homes on Outlook is very close to the street. We have kids

on the street that are endangered by the driving. I'm concerned about the traffic impact by this proposal that anticipated cars at the intersection on Hill Road and Collister will only increase the cut-through traffic through Outlook, Hillside and the other streets up there that should be taken into consideration. In addition, the wildlife concern, it is again going to have a negative impact on wildlife. As stated earlier, they don't know where a corridor is and I am concerned of the impact.

Devin Ogden – I would like to echo everything that has been said. I don't want to be too redundant. The one thing I wanted to bring up and I think someone did mention it earlier. One of my main concerns is that, it's a cliché and I hate to use it, but opening of the floodgates for development in the Foothills. Approval of a project like this can open up the standards for future development. We are having this issue now, but it can open up to a lot of other developments in the works now trying to go through the same process, as well as things in the future, and then we can lose control from there.

Stephanie Bacon – The impacts of this development on my home and those of the other households would be absolutely hideous, but I'm not going to focus on that tonight. I want to take a moment to state that the land in question is quite beautiful and is very steep. It is much too steep for a development of this density. It seems like exactly the kind of development the Foothills Ordinance was intended to prevent. Serious scrapping of narrow ridgelines would be necessary to place these home sites and create the road and that is why there is an obscene amount of cut and fill proposed. I'm particularly disturbed that the credit being claimed for the protection of Aase's Onion. Since the entire site current zoned RP is very steep, the entire site is habitat for the onion. I, myself have observed them blooming for the last two consecutive years on the very trails and ridgeline that would have to be scrapped to build the roads and the home sites. This proposal makes a significant loss of onion habitat inevitable and no one can say with certainty how dangerous the grading and result in habitat intergradations to the protected acres would be.

I want to point out that the onion is only visible in April. At other times of the year it's not realistic to think it could be even be recognized, let alone protected during construction. While it is well intended, I think the Aase's Onion Conservation Plan prepared by the Treasure Valley Land Trust is conspicuously vague. It notes that "*no current monitoring protocol for Aase's Onion which has been adoptive…It has been anticipating that a monitoring protocol will be developed and adopted within the next two years. Monitoring of current population and habitat trend will begin when such a protocol is created*." In the interim they "*offered to create a snapshot of the current population extent, but they don't define what that term means, or who is going to do it or with what regularity. They also note 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 repeatedly acknowledge construction and in hence grading could extend over a period of several years. Five years, ten years, we don't know. This is long enough to wipe out a sensitive plant community through inadvertent impacts.

Other neighbors have spoken well about the negative impacts of this proposed density on downstream neighborhoods and traffic. I would like to add again that the project offers no economic diversification. Its big fancy houses and we already have a lot of those sitting empty in Boise, so I don't think the development has anything to offer the city to justify the harms and

degradations associated with it.

John Odle – My largest concern with the development is the safety of bicyclists on the road with the opening of the Polecat Gulch area. There are a huge number of cyclists up and down north Collister. There is no improvement in north Collister and with the deaths of cyclists already it is a huge concern, concerning how many houses from that end. I have seen a huge increase.

Scott Kolb – I'm up hiking at the end of the canyon usually three or four times a week. I can verify from this gentleman's earlier testimony there are at least 80 or more deer that live up in the canyon. There is a huge wildlife area. What you can't see from this map is that Collister Canyon opens up to a big bowl at the end where there is currently a small ranch and that is the current reserve area. Besides the deer, anyone who has hunted elk, it is very evident that we have the elk wintering in the canyon every single winter. I noticed there is a pair of albino deer and that green area at the end of Collister is usually where they can be spotted on almost any winter or fall day. You can usually spot them from the beginning of the ridge. I don't know what Fish & Game's definition of a wildlife corridor is. I am curious to find that out, but I can tell you that this side of the road they want to punch up from the end of Collister towards the west is a very narrow slot canyon. From everything I've seen that is in fact a wildlife corridor. In fact, two nights ago I saw 32 deer before they went out of sight heading up that slot canyon where the road is very narrow. The reason they are going up there is because to the west of this development is the only really good source of water for this wildlife in this entire area, and that is Deer Creek and the ponds and the primeval water that exists up there. The impact on wildlife needs to be seriously thought out here and needs to be reexamined again, because this is severely going to affect the deer at least and probably numerous other animals that are now using that corridor where they are building a road.

As I said, I am up there three or four times a week, usually in the evening times and I can tell you that in the last couple of years I have not seen any Fish and Wildlife people there observing.

Something about deer and wildlife, they only come out at dusk, very early morning hours and at night time, so, unless you live up there and have spent some time getting to know the wildlife, it's very difficult, unless they have spent some serious time and effort into that area as an outsider to observe what the wildlife is like.

Carrie Jones – The Boise Foothills are the defining characteristic of our valley and our city by evidence by the beautiful mural behind you and I don't see housing developments on that mural, because whereas we need houses and housing developments, that isn't how we define ourselves as Boiseans and southern Idaho. I think because this is a precedent setting decision in regards to the Foothills Planning Ordinance that what we are faced with is what we want our legacy to be right now. Do we want responsible development considering the existing neighborhoods, wildlife and the recreation that we enjoy in the Foothills to be the precedent that we set right now, and I would respectfully plead the answer to be yes to that question. My other concern is also one of legacy and sustainability. Boise is showing itself to be very concerned with sustainability and one big chunk of evidence towards that is the increase of bikers, and Hill Road is a main biking corridor. I firmly believe we ought to have considerations of sustainability becoming embedded in the developments we are planning for our increase in population. As was pointed out by the

neighborhood association representative this isolated vehicle dependant development doesn't address the needs of sustainability that Boise needs to be looking at as we go forward.

Ester Ceja – I am part of the Collister Neighborhood Association. My biggest concern is traffic and I'm wondering if you guys have looked at the cumulative traffic impacts. I know tonight many people have voiced their concerns about traffic, and one of the things ACHD, the county and the traffic planners for developers do is they fail to look at cumulative impacts from proposed, or approved developments in the neighboring areas that would add more cars to Hill Road and Collister. Before you make your decision, I would urge you to look at those cumulative traffic impacts.

Mary Gendron – I am a fourth generation Boisean. My great grandfather came out here in the lumber industry and helped build Idaho City. So, I have grown up here and witnessed this town going for 35,000 people my senior year in high school to the size it is now. It is a beautiful city. I've gone around the world and I have lived in Australia. I have seen damage big cities have done to their beautiful landmarks. I do not want to see it in my home. I want your decisions to be a benchmark for the future of our city to stop these developers who come in and want to take our beautiful pristine Foothills and turn them into skyscrapers by virtue of 28 feet on top of a mountain. It isn't to be done. It can't be done. This is so very important.

It's like you give them an inch and tell them today, okay, you can scrape this little bit and put this little house here, but next week it's a bigger house next door. Then there is no stopping it because somebody let it happen to begin with. We have to stop. If they want to build back in the Foothills, build back in the Foothills not on the front of our ridgelines. Not where it is visible from the bench, from the airport or from the freeway. They need to build back further into the Foothills and build sustainable smaller communities with access by virtue of established roads, roads that do not cause impacts in residential only areas. Use roads that use commercial viable routes.

The other thing I want to know is if our developers had the courtesy of presenting you, or the neighborhood with elevations, renderings showing us what your visual impact anticipations are going to be. I am the daughter of a commercial construction contractor. I know what a rendering is and I know that they will identify how badly you want to impact us. My backyard looks straight up to the hill. Whoever builds up there will look right down into my backyard and all of my neighbors'. It's unfortunate that you can't understand that moving back one more ridgeline so that you aren't right over the top of everybody, and using arterial roadways in there that are more commercial, not residential with the volume of traffic you want to have there.

Ed Genther – I have lived in the valley all of my life. I have actually lived on Plano Lane all of my life. I elected to stay there after high school. I got married and bought a place right at the base of the canyon as you come out of the development on Plano Lane. Twenty seven years after I bought it I tore it down and built a new place there, just because there is no other place that has so much privacy and that is going to be lost if this development goes in. I can hardly believe that somebody can come in and develop an area. It totally devastates our pristine homes as many of the neighbors will testify also. Another thing that is going to happen on Hill Road is if you have ever had the pleasure of driving in on Hill Road in the morning and sitting through two or three

lights at 36th Street, and sometimes four lights. People do u-turns and it is absolutely amazing after growing up in the area and watching this traffic increase with each development and as a kid with no traffic you could ride your bikes. We won't even let our kids go out on Hill Road on bicycles anymore, although there are a lot of bikes. I have seen some crazy things happen there every day, morning and night. The devastation of that and the devastation of the Foothills and wildlife are all important factors. That is why we are all out there and that is why we all live in Boise to hopefully be able to control some of those things that are going to be detrimental with the development.

Brent Smith – Mr. Eggleston, could you put up that photograph of mine, the distant view with the shot from above Chinden? I have had major problems with this from the beginning and it was originally based on, and of course it still is, based on the developer's contention that there are environmentally positive elements that are going along with this development and based on those, he at first was asking for a density bonus, and now he is still asking for a density bonus. I'm not sure if it is based on his riparian area, wetland, onion preservation or not, but now he is asking that his density rights be transferred from land, some of which is very buildable and is zoned appropriately, to land that is not buildable and is not zoned appropriately. Much of this land has been bought in the last two or three years. The land on top, the sandpit land is zoned as RP, as everyone knows, and I simply do not understand what the basis is for even considering transferring these density rights from this land to the RP land? The developer has had this land that was developable for years.

It's been zoned appropriately and now all of a sudden he would like to take land that his partner purchased and convert it from RP land to developable land. This development is really about nothing more than money. It has no interest in trying to adhere to the Foothills Ordinance. It's really about getting the houses on the hillside and this is the photograph taken from above Chinden Blvd. where you see Quail Ridge on the right, and you see where Plano Subdivision is going to be which are represented by the white dots. You can blow that up or take a look at that from closer along State Street.

Those houses are going to be visible from a lot of places in the valley and there is nothing the developer can do about it. I do not see how you can possible say this proposal fits the Foothills Ordinance. I just had someone tell me that the wildlife study indicates the contention is a low impact area for wildlife. That study was done six years ago and I personally have been in the Foothills many, many times and have seen up to 30 – 40 deer that live there all year long.

Commissioner McLean – I would like to ask Mr. Smith a question, just so I understand these pictures. Are these dots corresponding with the new proposal? They are different than the pictures he submitted last year?

Brent Smith – Yes.

Commissioner Russell – Before we took the break, we had finished all of the public testimony, I believe. Are the any other members of the public that would wish to testify this evening? Seeing none, commissioners do you have any questions for staff, or the applicant at this time?

Commissioner McLean – I've got a list, but I would like to start first with a question for Hal. I was wondering if you could address, because I don't see it in this packet and I know it exists, some of the reasons City Council sent this back to us, specifically regarding annexation and zoning designation.

Hal Simmons – City Council did have this item on appeal. They provided statements of concern about the way the base density was calculated. They basically determined the Commission had made an error in not allowing for density calculations based on the existing zoning on some of the properties. They concluded that the Ordinance we are all following did require you to allow for transfer of density off of existing parcels onto the larger Foothills parcels. Beyond that they expressed concern, as you did the first time you saw this, about some aspects of the design of the project. They did ask the applicant to, when they had a chance to come back to the commission, to re-evaluate the base density issue. They did ask the applicant to seriously consider working with the neighborhood either through neighborhood workshops and design charettes, or through a mediation process to come up with a re-design of the project that did make more significant effort to cluster development. They did ask that they try to protect the most prominent ridges and move units off of those ridges to other portions of the property and to explore the use of narrower lot sizes and other techniques. Those are the two things they said. They instructed the commissioners to go back and look at what the ordinance says about base density and recognize that they have a right for more than one unit per forty areas. Secondly, they told the applicant to re-design.

Commissioner Barker – I have a question for someone from Public Works. This may seem like I'm not being serious about my question but I am very serious about this. I was wondering if you could explain to me how moving 1.9 million cubic yards of material applies to the Foothills Development Ordinance with respect to minimizing Foothills disturbance?

Terry Records – I can't answer that.

Commissioner Barker – The reason I ask somebody from Public Works is, if I understand this correctly it's you folks that will be looking at the grading plans and looking at how the land would be contoured in order to meet some engineering requirements but also on top of that is the Foothills Ordinance which talks about minimizing Foothills disturbance. I just need somebody to answer that question as best they can.

Terry Records – Minimizing grading has always been something that is difficult to answer and I don't know how to answer it. There is no criteria about what minimizing grading is. The City Engineers Office looks at the engineering of the project. The other project, if we get another project, we will make sure it is engineered properly. Minimizing grading, I think that is a planning quote.

Commissioner McLean – I have a question to tag onto Commissioner Barker's questions. Along those lines, and I know its hard because you can engineer most things it seems and that is what you do is make if safe, but we have before us an issue, and in the Foothills Policy Plan it mentions excessive grading, or excessive fill and it is a planning question for us to decide. I am wondering

if you could shed some light on some other examples in two developments I was thinking about. I don't know if you've got information, or not. Quail Ridge; I'm wondering about how much fill was moved at that development. Somerset and the other one I was thinking about was Warm Springs Mesa, the number of homes and amount of fill, because when it comes down to it, if it is a planning question we've got to compare it to other dirt moved.

Terry Records - Thank you for asking me something I can answer. I anticipated this question and I was ready the last time, hoping someone would ask. I apologize for my response, but seriously, as for criteria, as an engineer, I can answer that. Arrow Head Canyon, which is at the end of 36th Street, had 400,000 cubic yards and 40 units. It works out to 10,000 cubic yards per lot. Arrow Head Ridge, which is just up the hill from that, also had 400,000 cubic yards, 53 homes, which works out to about 7,500 cubic yards per lot. Summer Set Ridge, 420,000 cubic yards, 89 lots, which works out to 4,700 cubic yards per lot. Hackberry, 45,000 cubic yards in one phase of that development; 45,000 cubic yards, 7 lots for 6,500 cubic yards per lot. But I caution you, you can't compare developments as they are different topography.

Commissioner McLean - Mr. Chairman, where are we on this list then?

Terry Records - Plano Lane, 2 million cubic yards, a 155 lots, approximately 12,500 cubic yards per lot. The only other development that you can compare this to is Quail Ridge, and it was before my time and I really don't know the numbers. I suspect that they were similar numbers. There is one area where I can say they did minimize grading on this development in comparison to Quail Ridge, because of the action of the Foothills Planned Development Ordinance, and the prohibition on developing on slopes steeper than 25%. In Quail Ridge they took the cut, they filled in the tops of the gully, the eight building lots. In this development because of the prohibition on putting a house on ground that is steeper than 25%, they didn't do that. So in that respect this development did minimized grading because they couldn't put dirt where Quail Ridge did. Does that make sense?

They were forced to minimize grading, and in that respect they did, because they couldn't fill in places as they did in Quail Ridge.

Chairman Russell - Is that clear Commissioner McLean?

Commissioner McLean - Yes.

Commissioner Barker - I didn't mean to put you on the spot. I really was looking for a way for us to say that this amount of fill complies with the Foothills Development Ordinance. Having said that, I now have a question about the traffic volume. I guess it will go to Bruce since we don't have anybody from ACHD here. The ACHD letter of July 30th seems to indicate that upper Collister is sufficient to handle increased volume and that planned improvements on Hill Road will improve peaked capacity. Could you review for me the current level of service on Hill Road and how this will be impacted, not only by the proposal that we have, but by other potential build outs?

Bruce Eggleston - The ACHD report addresses it in a couple of places. The account table was based on 2007 numbers which were current when the application came in. They are saying the 2007 figures are LOS C or better, and they go on later in their report and say that in 2012 the level of service on Hill Road will go to E at the intersection of Collister and Hill Road and this is the justification for the off-site improvement of the traffic signal at that intersection. They don't go further than that; they level us at 2012 and level of service E at that intersection. As far as the other developments, I'm assuming that they are taking them into account, that's all I can say. We would have to ask them specifically what they did take into account for the 2012 estimate.

Commissioner Fadness - Bruce can you tell me, when we say this western edge of the Foothills is the most developable compared to other parts, what are the criteria? What is it that makes us say that this section of the Foothills, as compared to other sections, is the most developable?

Bruce Eggleston - There is a literal answer to that and a historical answer. The literal answer is that on page 4 of the Foothills Policy Plan it divides the hills into the 3 areas, the West, Central and the East. The East is more dedicated to wild life habitat, Central as small capacity that would have to be proved up and the West basically is the desirable area. The background around that, extensive studies before the Foothills Policy was developed in 1997 and later through the interim, the Foothills Transportation Plan, the premise was that the traffic was essentially consumed in the eastern areas. At that time Harris Ranch was pending, Harris Ranch had already applied, Warm Springs had already applied, Boulder Height Estates, various other applications had come in. Looking at these applications that we knew were already in or on deck, prior to the adoption of the Foothills Policy Plan, the eastern foothills capacity was gone. And as we see with the adoption of Harris Ranch and Brighton, that capacity is gone. The Central, their studies showed that and the Foothills Transportation showed that there was approximately 90 units that could be built in addition to what was already entitled but that has long ago been consumed. This area, when we did the traffic studies in 1996 and 1997, did have capacity on Hill Road, 28th Street, Etc. That was the real issue behind that statement in the Foothills Policy Plan.

Commissioner Cooper - There has been a lot of discussion about the idea of transferring density across this entire application. The diagram that you made is pretty dramatic, in that it shows a similar density using existing allowed densities. There is an element you show in your diagram that is concentrated in the A-1, R6 and R-1C areas, there is very little in the RP. I just wanted you to go over again for everybody, the idea of how one can transfer density across the project.

Bruce Eggleston - The Foothills Plan Development Ordinance specifically allows that transfer of density, once it meets the criteria. This is the same for any planned development; it's not exclusive to the Foothills. Where property is assembled under one application, or a planned development, that transfer of density is commonplace. The same applies here. There is a line drawn in the sand when calculating the base density which was calculated on exactly, specifically, those parcels without transferring density to come to some kind direct approach to calculate base density here, or as a precedence being set for the Foothills in general that we look at the density on each parcel individually, and that was to set that number for base density. The broader plan development ordinance allows once you have that entitlement conditional use permit the density can be transferred wherever and that is the way we look at it here. The first part of the exercise

was to set the base density on each individual parcel, the result of that is the ability to put those anywhere they're suitable to meet the other criteria and standards.

Commissioner McLean - Was the intent of that allowance in code, the ability to transfer density, related to the desire to see more clustered development within the Foothills or is it strictly, you can put it where it could be built?

Bruce Eggleston - That's exactly right. We constrain the development to this, the less steep areas. That was a primary design criteria, clustering. To achieve both of those things we have to allow units to be moved from where they might generate to where the clustering would work the best. The clustering is the one thing that is kind of universally supported in the development of the Foothills Policy Plan, clustering and building on slopes less than 25%. Everyone could see the rationale behind that in the results it would have in protecting the steeper areas where sensitive things occur. It was very much part of the design, the simple ability to move units from one part to another part. The clustering is the very essence of lessening the overall impact in the Foothills.

Commissioner Russell – Any more questions?

Commissioner McLean - A question for the applicant. The City Counsel addressed several concerns in remanding this back to us and I think what Councilmember Eberle said was the design, and that we reevaluate the base density, which has been done. That the applicant enter into either a charette or a mediation of some sort and then came back with something that would protect ridges, cluster development and narrow the lot sizes and I am wondering why you chose mediation as opposed to a charette, we could start there. Then if you could address how you believe that you did what the City Council asked you to do.

Robert Burns - Mediation verses charette; there had been a series of meetings with the neighborhood groups prior to the time of the hearings in which the development proposals had been discussed and revisions had been made. The developer viewed that the progress had gone as far as it could for a meeting with the community groups in a presentation type format.
In order to get over the hurdle, we felt that it was important to have somebody that could do some arm twisting on both sides, mediate the process so that it would try to elicit, or even better, force an engagement by both sides to find common ground to bring the issues to the table, to understand the other's point of view. We felt that the mediation process was the only way that we knew how to get to that because of what we viewed as a deadlock with moving with the community. And so we asked for this city supported mediation. The city supported mediation was initiated, we had one mediation session, the developer agreed to fund additional mediation sessions to try to keep that process from going but unfortunately all but one of the participants in the mediation process withdrew and wouldn't participate any further. So that is the reason we're here. With respect to the design criteria, when you come to the lots and you talk about reducing the size of the lots, first of all… (interrupted by Commissioner McLean).

Commissioner McLean - Mr. Chairman, instead of the reasons for, I'd prefer to hear whether or not lot sizes were reduced.

Robert Burns - If we further reduce lot sizes the density goes up.

Commissioner McLean - So Mr. Chairman this was not changed…

Robert Burns - There was minor reduction as I pointed out earlier, there were 2 lots added to the existing development which has the effect of reducing lot width. If we reduce lot width additionally, we are going to increase density. The density is along the backbone roads. The road is required in order to have dual connection between Plano Road and Collister. The road is there. To the extent that we reduce the width of those lots, we increase the density.

Commissioner Baker - So help me out**,** I understand that the road goes from one end to the other and you have to keep that. So what you're saying is that you can't afford or it is very expensive to build portions of the road that have no lot frontage on them and you make them narrower. Is that what you mean?

Robert Burns - Absolutely**.** Building the road is an extremely expensive proposition. The road has got to be constructed from one end to the other, unless there is going to be a grading in other locations as well as where the road is being cut in order to gain access to the site. The logical place for the density is along the road. If we reduce the width of the lots along the road, that increases the density. One of the criteria that this Commission provided to us when we met on June 15th was to do a redesign without increasing the density to any more than necessary. We can increase density by reducing the width, it's a tradeoff.

Chairman Russell - Any further questions at this time? Alright, at this time I would like to go back to the members of the public that have testified, there have been some questions asked, comments made and some additional facts presented. If there were any facts or comments that any of the folks that testified earlier disagree with, you have a short opportunity to dispute them at this time. I am going to limit that testimony to 2 minutes and I don't want to hear the same question or the same fact disputed over and over again by different folks, but I do want to give you the opportunity to comment on what has been said just during this Q and A period.

Brent Smith - I just want to address the reasoning that I just heard about lot sizes, widths. Why do we have to increase density if you reduce lot width? Why don't you just reduce the number of houses?

Stephanie Bacon - I don't know if it is correct to address what I believe to be misinformation regarding the mediation?

Chairman Russell - If there was something that was stated in this Q & A, which you dispute you are welcome to address it.

Stephanie Bacon - I was present at the mediation and I was one of the three of the four neighborhood representatives that asked that that mediation session be discounted and that mediation be reinitiated at city expense with a new mediator because we had good reasons to question the partiality of the mediator. Letters were addressed to Planning and Zoning, to City Council, to ACHD, and others involved in the process. City staff explaining our objections to the

mediator but at a work session subsequently, apparently the developers represented that everything had gone great at the mediation and that they didn't understand what the problem was. We did not withdraw from the mediation, we would have been happy to continue the mediation process but we could not continue with the mediator who initiated that process for reasons that my letter outlined.

Chairman Russell - Ma'am real quick, who determined who the mediator was?

Stephanie Bacon - I believe that was hired by city attorney Amanda Horton.

Ester Ceja - My question is actually regarding a comment that Bruce Eggleston made and that is regarding the ACHD traffic count. I would ask that you provide the Planning and Zoning Commission with clarification as to those traffic count numbers, whether they were projections or they were actual vehicles traveling on Hill Road.

Chairman Russell - Legal is it appropriate to have staff answer questions from the audience?

Amanda Horton (Legal) - The Commission may direct question to the staff, not the audience.

Chairman Russell - Bruce can you just give a quick explanation of those traffic counts and how those counts were obtained.

Bruce Eggleston - The traffic counts that I pointed out were actual surveys of 2007. Hill Road was a state count, a rubber road count for want of a better term. Those counts are maintained on a regular basis throughout the county and periodically as these types of applications come up they may do recounts but it is sort of an ongoing project, ITD.

Michael Jones - I have a question about this base density thing, based on what's been said. So we take these units from some place that could have been developed but wasn't, and now is moved to establish density to a more desirable place.

But the more desirable place for more than half of the units is the ridge-tops, which have to be scraped off to make them buildable and so when the Foothills Planning Ordinance says that the visual ridge-tops shall be maintained then how can that land which actually doesn't exist now and won't exist until the bulldozers treat it be used as a bases to transfer density from land that actually already does exist? It doesn't make sense to me but maybe there is a reason.

Paul Werner - I have a question for Bruce. When I was the President of Central Foothills Neighborhood Association we had ACHD at our meetings. One of the things we brought up was the Hill Road, because we are right on Hill Road, was the Foothills Policy Plan and the way it impacts. Somewhere in the Foothills Policy Plan it says *development is not to negatively impact downstream neighborhoods,* something to that effect. Now when ACHD came to our meetings, and I didn't bring the statistics, east of 36th and Hill, I believe it is LOS D and when you get Harrison Boulevard it is near F. It's at capacity and that is one of the reasons they can't develop anymore in the Central Foothills because Harrison Boulevard is at capacity and so is 15th, so this development will add roughly 1,500 more vehicles, most of those will be going on Hill Road,

many of them east of 36th. I believe Bruce you need to have the statistics but I believe we will be at LOS F, east of 36th. I think that this is something that needs to be brought up in more detail.

Chairman Russell - Any further comments from the audience specifically addressing the comments or questions taken place here? Seeing none we would like to more into rebuttal, you have 5 minutes.

Robert Burns - One of the speakers of opposition tonight raised the question of why does the density have to go up if you reduce the width of the lots on the backbone road. Why don't you just not build as many homes? I guess what the proposal is, is that there be gaps between the lots so that you don't have utilization of all the frontage along the road, and there is an easy answer to that question. If you look at page 48 of the staff report the allowable density on this project is an additional 30 units. So if you reduce the width of those lots obviously the developer is going to utilize the allowable density that is allowed under the city's ordinances. They're not going to just say look, lets just build fewer lots, make less money if any money at all or go bankrupt on a project that's not economically viable, the developer is going to use the density that the city's ordinance allows it to use. So if you reduce the widths of the lots, the additional density that the city's ordinance allows to be utilized will be picked up and that's the reason a reduction of the width of the lot results in increased density on the project.

One opponent has asked for a rehearing showing what the visual impacts would be but of course sophisticated renderings were already presented to this body as well as at other public hearings and I draw your attention to the booklet that was handed out at the first hearing here where there were detailed renderings that showed the visual impacts from the train station, Vista Avenue, from Hewlett Packard at Chinden Boulevard and Cloverdale Road, at the fairgrounds, Chinden Boulevard and Glenwood Street, at the Walmart, State Street and Glenwood Street, at Hill Road as well as an overview visual. The developer spent tens of thousands of dollars preparing these renderings of what the visual impacts would be and I'd ask this body to go back and take a look at what those are. They are in booklet that looks just like this, it was passed down on August 15th to this body and we also showed it on the overhead with the projector and with the computer back last August. Bruce could you go to the visual that was on the screen with the last speaker before we took the break, it showed a shot of the hills with homes on it.

What I want to bring to your attention is that the project has been designed not to look like the picture that was put on the screen, we have designed criteria that limits the height of homes, requires setbacks from ridge lines, requires color pallets to make the homes blend into the hillside, requires non-glare glass so that there is no reflection. All of these and other criteria are included in the design criteria to ensure that the visual impacts will be minimized for this project. Another of the opponents talked about the sandpit problem, about the vertical walls and how it is already a dangerous place. The whole concept of putting homes back in that ridgeline will require the impartation of cut from other portions of the project into the sandpit. It will fix an existing problem area. A problem area that is a visual scar viewed from many parts of the city will go away because of this development. We admit the sandpit is a problem. The project however fixes both the visual and the safety problems associated with the existing sandpit problem.

Some of the opposition suggested that the developer go back to the drawing board and work with

the neighborhood again on the design of the project but as I referenced in my answer to Commissioner McLean's inquiry just a little bit ago, the developer has worked with the neighborhood until there was no more fruitful give or take by either of the parties. We sought mediation for the purpose of resolving that, that lead to absolutely nowhere, and a withdrawal of the participants from that mediation process. The problem that we've got is that the Foothills Policy Plan designates the subject property as being within the first priority of development in the Foothills. Let me put that another way, the City's Foothills Policy Plan provides for the development of the project area as a first priority. Needless to say, a Foothills project is going to be in the Foothills. We can't develop our property, which is in the Foothills without developing the Foothills. The city's plan provides that this area is a first priority for development. I have more but I see my time is up.

Chairman Russell -That concludes our public hearing for the evening, the public hearing is closed and Commissioners will deliberate for the decision.

Commissioner Baker - We probably need to consider the annexation separate from the conditional use permit and separate from the Foothills Development permit. I would like to recommend approval of the annexation of the 296.12 acres with the approval of a rezone zoning designation of R-1A/DA, that's single family residential with a development agreement and zoning of A1/DA, open land with development agreement on the specified acreage that we see in the staff report. The intent of my motion is to approve the annexation request and the recommended rezones.

Commissioner Fadness - Seconded

Chairman Russell - Is there a discussion?

Commissioner Baker - I know we focused on things other than the proposed zone change. Referenced page 23 of the staff report…*that the zone to contiguous to city residentially zoned neighborhoods and the proposed use and zone change are compatible with the surrounding zones.*

Commissioner Cooper - I would just comment that I think we saw in here a map with a specific distribution of these two zones based on this design, and that's where I'm having a little trouble.

I agree with the annexation and I'm not sure about the design and therefore I'm not sure about the specific zone layout.

Commissioner McLean - That was my hesitancy to second the motion as well, the rezone issue. I'm not sure what happens if the design is tied to the rezone, with the design and the development agreement. I have some concerns with that as well.

Amanda Horton - These matters are kind of tied, especially in light of the Foothills Ordinance that says that development shall occur through annexation and zoning of the developable property or the properties that are approved for development as R-1A. So it's kind of chicken and the egg, which came first? However, in this case you are making a recommendation to the City Council on

the annexation and rezone. It is not done with you. If you, through the consideration of the conditional use, need to change that I think you could make some changes. The rezone is going to follow the CU.

Commissioner Barker - I think in making the motion, I felt like perhaps through the CU and through any other applications that we have before us, such as the subdivision, that conditions could be placed on this development regardless whether it was R-1A. Conditions could be placed through the development agreement, which we are applying to this zone also. So although there is the argument that by establishing the zone we're establishing where development can occur, I still think we have enough power among all the other permits before us to express concern about what that development looks like.

Commissioner Cooper - Maybe then, I think many of us don't know how they would vote on that motion without going through the rest of this; with the zone and the CU just so we could get a whole picture.

Chairman Russell - Maybe the appropriate thing to do is to have some discussion on the CU, not a motion, but maybe just some discussion about the design. Talk about the things that are of concern and then come back to the motion on the annexation and the rezone, at which time we can hopefully place some conditions on the annexation and the rezone which are tied to the changes we perceive making in the CU approval.

Commissioner Barker - With that request and with the approval of the second, I'll withdraw my motion regarding annexation.

Chairman Russell: Now is the appropriate time to discuss the issues and concerns that we have. Is there any discussion at this time regarding design and issues with the conditional use application?

Commissioner Cooper - I understand the reasons that Council remanded this back to us with the problems of how much development we were allowing based on our zoning selections last time and I accept the density that staff has come up with, and the bonuses. I continue to have a lot of trouble with the specific conditional use layout of the project. I think it is better. There has been some compromise.

I'm sure that the applicant has given up some very high dollar ridge-top sites in exchange for ones in the sandpit, which I'm sure would be worth less. But there still remains in my opinion places where this development could be changed to better represent the goals of the *Foothills Policy Plan*, such as use of the area south of Collister Lane to the east. I believe that was an area that Bruce had shown several lots with the course reduction on the ridge-top. Reflecting on Mr. Burn's discussion about reducing lot width by increasing density, I guess I would suggest that we focus on the cul-de-sacs. They are not part of the backbone road but some of them are very prominent. It's very hard to tell with this scale what the elevations of various parts are. I guess that's where I'm sitting right now.

Commissioner McLean - Question for Commissioner Cooper, if I may. When you talk about the

area south of Collister Lane, are you talking about the little area of the map that says A3, the area around the blue?

Commissioner Cooper - Map 1 of the booklet we received this evening. The map shows, as I understand the blue areas are buildable areas and there is a substantial blue area after Collister on the east side of the project.

Commissioner McLean - When you mentioned the cul-de-sacs appeared to be in somewhat prominent places are you implying, or would you prefer to see, some of those scaled back so we have fewer ridge-top homes, is that what you're looking for?

Commissioner Cooper - I would like to reduce the ridge-top prominence of the project. I know some of this backbone road kind of follows the ridge-top. There is a cul-de-sac that is at one end of the part that was deleted, which seems like it would be very prominent. If that were deleted we'd still have the backbone arrangement, we would still have the situation that Mr. Burns was discussing, I believe.

Commissioner Ellsworth - Just a clarification. Commissioner Cooper, if you transfer the last would that be 2/3rds of Phase 11 then? You'd be substituting quite a few of those lots in phase 11 and dropping them over in what's now Phase 4.

Commissioner Cooper - Yes.

Commissioner Ellsworth - That's striking more of a compromise than we've already got?

Commissioner Cooper - Yes.

Commissioner Ellsworth - I'm with you on that. I like that, because my concern is it's still too prominent on the ridge-tops. If I look at the Foothills Ordinance I think I could deny this application, at least the CU, just by talking about Section 11.14-01, about protecting the ridgelines and the uniqueness of the ridgelines. I think to be fair to the applicant we did give them some direction in August, that they were going in the right direction. What I am hearing now is that the applicant hasn't gone quite far enough. So I think that with that, it would go along ways towards improving this.

Commissioner Russell - I would agree as well that my concern about the current plan is the ridgeline development. I think that there have been some developments that have taken place with ridgelines over the years that have definitely created some visual impacts that I don't think the leaders of the city are 100% satisfied with. I don't want to speak for the Commission, but I'm thinking that maybe this Commission isn't 100% satisfied with this either, and I think that we should take a hard look at this design. I agree that the developers have come back, they have made some concessions, and I think that the effort was there but at the same time I do have concerns that there is going to be a visual impact from the valley. I know we did see some illustrations in our workshop. I know that there has been some effort to minimize the height of the roofs and to try to put the cuts on the backside of that ridgeline, but it still appears that the road is going up the spine, and because of that those homes are going to be more visible than we like for

them to be.

Commissioner Ellsworth - I think part of the problem is the Foothills Policy. There are some flaws in the Foothills Policy, and we've talked about some of these things. We're looking at maybe rewriting that at some point, but that is a big discussion and it includes a lot of people. I wasn't around when we did the Foothills Policy, but my understanding was the Foothills Policy was written with land owners that had rights to develop up there and a lot of people set down at the table and so far this is the best thing we've come up with. This is one of the first applications that's really tested the Foothills Policy and it is kind of interesting to me to see some of the flaws that have been brought up here. One of the flaws is we really force the developer to build on the ridge-top because that is the developable area and it's the 25% slope issue. I'm not saying that we should necessarily change that but maybe we should look at developing on slopes that are 25% because then you could build houses into the side of the hill instead of right on top of the hill, even though that is more expensive. If people really want to live in the foothills, then maybe that is part of the discussion we'll have when we take another look at the Foothills Policy. That's not in front of us tonight but I think it's worthy of some discussion. We really have this Catch 22, we have to build the road where it's easy or it takes less cut and fill and that makes a lot of sense from an engineering standpoint. Then once you build the road you pretty much have to build the houses along the road and that ends up on the ridge-top. I think if we're going to build on these ridge-tops and future developments come along, I think we do need to set the bar quite high. I think that the message is quite clear from Council and the public that we do not want to destroy the backdrop of the City of Boise. Sixty percent of the people came out and voted for the Foothills levy and that told me that people are very interested in preserving the backdrop of Boise City and you still have to respect development rights. So I think the public is on our side and with that, we have some power up here to demand from the developers that they take a very creative approach when they start looping off hillsides and putting houses up there. If that means one story, if that means doing what some of the great architects have done in the past, creative design, building into the slopes of the hills instead of doing what is easier which is cutting a lot, next lot, cut a lot, next lot. Quail Ridge is a really good example of a bad development. Some of them have gotten better since then and you can tell from some of the cut and fills that Terry gave us that some of these developments are so destructive to the hillside. So developers have got to be creative and I think we have some power to tell them to do so.

Commissioner McLean - I'm struggling here because it is clear that the city has gone back now and done a base right that I can't agree with, this 157. So it is a matter as Brian mentioned, trying to balance this right to develop this land with all the other issues that are contained within the plan. The ridge-tops are a big concern of mine and so I would want us to make some edits there. I'm frustrated that we haven't seen more and I think it was the nature of the process that was chosen to design this. We've seen some very successful developments come before us and having used different processes where neighbors went to impasse to agreement and I think we would have gotten something much better than this. It's hard for me to feel comfortable designing from the bench, so my gut would be to start restricting this to death, really. As Brian mentioned, look at all different conditions we could put on to make this to work within the confines of the Foothills Development Policy. Actually I don't like that solution either. I am really concerned about

Collister Road. We've got a report from '07, but I feel like we've just heard in the last couple of weeks that there are new numbers out there and this was filed at that point. I think that we're not necessarily reflecting on reality when it comes to what's happening on Hill and the condition of Collister Road, so I'm really puzzled by ACHD's report on Collister's ability to handle it. The Foothills Ordinance wants us to cluster and get off the ridges so we look at the part at the top of Collister, but then more people are likely to go up and down there than they would the other direction. I'm struggling with that solution as well.

Commissioner Fadness - To address Commissioner McLean's concern about the approach we take. We were given some guidance; Commissioner Cooper made some excellent suggestions where the development could be shifted without reducing the numbers necessarily. But rather than add conditions, I would just as soon that we deny the CUP and have them come back with something else than to try and condition it.

Commissioner McLean - By doing that I just want to make sure we aren't in a situation where we've found ourselves in the past, where we've presumed something and then denied what was proposed, and then didn't like what ended up coming back and had to rezone. If we rezone this and annex this, there will be a requirement that we see a Development Agreement, that's agreed to. Correct?

Commissioner Russell - I would think that if we're heading down the road of denying the CUP then we should probably deny the rezone and annexation as well.

Commissioner Cooper - I wonder if we can ask legal if it is appropriate for us to approve the annexation with these zones without specifying acreage for the zones.

Amanda Horton - Under the Foothills Planned Development Ordinance, development is to occur through annexation and zoning of the developable property as R-1A. And that's the CU that you are considering. The Foothills Planned Development is the CU application that you are considering. So if you aren't approving the CUP or the Foothills Planned Development Ordinance, then I presume you are relieved from following the direction of that ordinance and you can annex and zone as you believe is appropriate. Does that answer your question?

Commissioner McLean - My interpretation of that is we could send it back to City Council again like what we did a year ago or if we want to be able to apply the Foothills Ordinance to this property we have to annex and zone it as R-1A.

Chairman Russell - Then you're suggesting annexing the entire property as R-1A.

Commissioner McLean - Annexed as proposed. While there is some discussions, I think it's important too because we're in the middle of Comprehensive Planning right now. It doesn't apply to this, but something that comes up often is whether or not this was a call to developers to develop this section of Foothills. A committee of land owners, estate holders and other people worked for many years to put together the target areas for the levy and then the Foothills Policy Plan. This was looked at as an area that would be developed in the future but that was not by any means meant to be a call for people to start opposing neighborhoods. We've struggled with that,

as we think about how we're writing this Comprehensive Plan going forward, but I do want to be clear that we recognize that there is a development right here, but we don't recognize that statement within the plan that means by golly it has to be done.

Chairman Russell - Back to the conversation regarding rezoning this application as presented to us. I guess I am concerned that in doing that we are limiting the ability to possibly do some creative design that Commissioner Ellsworth had alluded to, because we're not allowing him to work outside the perimeters of the R-1A area. So I am wondering if there is any validity in, this is just an idea but because we currently have the slopes protected in the Foothills Ordinance, would it be possible to annex it all as R-1A and let the Foothills Ordinance govern slopes and things of that nature. Then if there are some creative design ideas that the developer comes up with where potentially he needs to encroach on slopes that are steeper, is it possible at that time, through sound engineering ideas and reviews by Mr. Records, to allow us to encroach on areas that are a little steeper than we typically allow, if it's good design?

Commissioner Cooper - The density is established by the base zoning. It's already done; we can't do anything about that, so the developer has that. I am interested in your idea of rezoning it as all R-1A, because that means it's all developable but he can't exceed the density that is already established.

Commissioner McLean - Mr. Chairman, does that mean by doing that, that the Foothills Ordinance wouldn't apply?

Chairman Russell - I'm saying that my understanding of this application is that we're establishing the R-1A zone on the areas that they have proposed to develop with homes and they are zoning the remaining property as A-1 to keep it as open space. What I'm suggesting is that we annex it all as R-1A and then allow the Foothills Policies that are in place right now to protect the steeper slopes and things of that nature. What we are trying to do with this rezone here is we're trying to say, here's where you can develop and anything that's not rezoned is R-1A you can't touch it. So if we rezone it all as R-1A it gives them the flexibility to go back to the drawing board, be creative with their design and they are not limited by zoning lines. They would still be limited by the Foothills Policy.

Commissioner Fadness - Mr. Chairman, if I understand you right, you would remove the A-1 zoning and then they would come back with a plan that would still have a necessary amount of open space but it gives them more flexibility as to where to put single family residential units. Whereas if we leave both zones where they are, they are extremely limited in design proposals that they could come up with.

Chairman Russell - That is correct. I think Commissioner Cooper hit the nail on the head when he mentioned that they are also limited by the base density.

Commissioner Barker - I am intrigued by the idea, but in the process we can't change the ordinance, the Foothills Ordinance. When you suggested that we might be looking at development on slopes greater than 25%, I believe that could not be the case unless we amended the Foothills Ordinance.

Chairman Russell - I think you may be correct. What I was curious about; is there any possibility to go through a variance process to be allowed to do so if they came to us with a sound idea.

Commissioner McLean - Mr. Chairman, I would hate to go down that road, to be honest with you. A lot more cut and fill, it would seem to me. I know in some ways that would be more creative but I'm just not ready to look at something like that. I wonder if we could deny the annexation, rezone as we've mentioned and we could defer the annexation, rezone if we want to make sure that we are still working within the same confines, just to see a plan that we all like more. Those are the two alternatives that I see as possible tonight.

Commissioner Barker - I think with something this serious before us, where we are talking about how to interpret and apply the Foothills Development Ordinance, I really don't want us to venture too far into new territory. I am very uncomfortable with the broad base annexation, when we don't understand what that would mean and we don't understand how that could be applied. I just think that this is such an important project that we need to stick to a few things that we think we know. My big stumbling block on this is the amount of cut and fill. I think when we're talking about applying a policy that talks about maintaining or avoiding excessive grading and protecting ridge lines and at the same time we're looking at a proposal that has the highest volume of material to be moved per residential unit than any we've seen so far I just can't come to grips with how that is minimizing. Personally I can't support it for that very reason. I would be interested in seeing what this project might look like if it had, and I know every parcel is unique, and I know every development is unique, but if it was only moving as much ground as the highest volume we've seen so far in other developments and I know they are saying no, that's not possible. But I just don't see how I can say this is minimal when it's maximum. I'm really stumbling on that.

Hal Simmons - I thought maybe I could offer some suggestions. I guess if you have deep-felt concerns about the very basic elements of this development that is completely out of line with the adopted policy plan in the ordinance then I think you should just deny it and recommend denial to the City Council.

If you truly believe that there is an opportunity, or if you agree that it is reasonable to develop this property, and it is possible to achieve close to the unit count the applicant has proposed then I think rather than deny the project you ought to look for opportunities to work further with the applicant to redesign it. I think some of you have stated some ways that you would look more favorably on a redesign of the project such as removing some of the cul-de-sacs, replacing units elsewhere on other portions of the property. I guess at this point you could ask the applicant if they would be willing to come back and meet with you at a future work session.

I think they understand the depth of your concerns at this point and maybe agreeable, maybe not, to a further deferral to come back and make a last-ditch effort at relocating and redesigning the project. I think they could have a discussion with you at that time as well regarding the economics of that redesign. I guess that would be one suggestion that you just see at this time if the applicant is willing to take one more step back and work further with you on a redesign of the project. They didn't get that far through the neighborhood process, but you can at least suggest

that.

Commissioner McLean - I understand what he suggested, I'm not sure where everybody would vote, but if there are deep-seated concerns with this project I recommend that somebody makes a motion to deny and we'd see if that worked. Otherwise we could see if the applicant wants to work further with us directly. So there would be deferral, work a little further, try to get something better or just recommend denial to City Council.

Chairman Russell - I think what I heard there was that if this Commission feels that development is warranted up here, maybe not in this form, but at all, then we should look to defer and hopefully work with the applicant. If we feel like we're just not comfortable with the development in this area at all then we should go ahead and deny it.

Commissioner Fadness - I would like to hear how the applicant responds.

Mr. Burns - What I would like to do is have a short recess so I could discuss this topic with my client so I could speak. (A five minute recess was given). I've got to say the applicants are about as frustrated as they can be. They've worked on this for five years; they've met over and over and gotten direction. Every time they've gotten direction from somebody they reduced the number, changed the plan, there has been study after study, plan after plan, review after review at this point in time all of the staff is in support of the project, all of the agencies that have reviewed it are not in opposition to the project. We don't know how to design a better project. There has got to be development along the ridge line of this project because that is where the 25% or less area is. First of all we believe it is possible to study forever a project and never come to a resolution. We simply don't believe it's going to be fruitful to come to an economically viable project by going forward and study and study, do more plans and do more studies. We're at the end of our rope. We would therefore ask the Commission to vote on this project as it is, up or down but if it votes down we would want reasons why it does not comply with the Foothills Ordinances based upon the extensive review and comments that have been obtained from all of the agencies and staff that have reviewed the project. So we are asking this Commission to vote on the project as it's been proposed, after five years of modification, after study, after study, after plan, after plan after revision, after revision. And if you vote it down, please give us concrete reasons why it does not comply with the City's ordinance. Thank you.

Chairman Russell - Thank you Mr. Burns, I will say that I do appreciate your comments and I do understand your frustration. It's a tough decision for this Commission, obviously and the Foothills are a sensitive area. I would just like to say that it has not been our intention to waste your time. It's not been our intention to harm you or your client as a developer. It is our intentions to make smart decisions for the Foothills and that's really where we are coming from here. I appreciate your strategy at this point and I do apologize for the difficulty we're having in making this decision. So thank you very much.

Robert Burns - Thank you for your comment.

Chairman Russell - Commissioners I think that Mr. Burns request is a fair request. I think if we are going to decide to deny these applications this evening lets just please give him very good

reasons and grounds for why we are doing so. That way they can figure out what they are going to do from here.

Commissioner Ellsworth - I think it's unfortunate that they take that tack because I think that we're pretty close and I really think that we could get it. It's too bad because there is going to be a lot of time lost. To me that's not the right approach. I can state reasons and I will if we deny it.

Commissioner McLean - We don't have to do an up or down deny or accept, we are the Planning Commission and we can condition this to look appropriate. To go with our interpretation as the Planning and Zoning Commission of what the Foothills Ordinance looks like and desires in this very special part of our city.

Commissioner Ellsworth - Someone made the comment that we shouldn't be designing from the bench and I was hoping that we could send the applicant back to work with staff one more time to see if we couldn't find a little more compromise in some of the things we've already stated. It's the cut and fill; it's still too prominent on the ridge-tops. They do have a right to develop up here, I don't think we have a problem with the base density and I don't think we have a problem with the density house bonus. Maybe there is even more density bonus, I don't know what that comes out of this. But it does have to be economically feasible to do this, I understand that. We're not trying to take away from the economic feasibility of this.

Commissioner McLean - To respond to Commissioner Ellsworth, I agree. I would prefer not to be designing from the bench. There's no options designed from the table, again and I know that we've done this and we've looked at it a lot and we've spent a lot of time on it. But this is the first one that has come through with the Foothills Ordinance and we have to do this right. I think that there are enough of us on the bench here to believe it is a development right, so it's a matter of developing it in compliance with our interpretation of the ordinance. I think we would be better off to send something to City Council that clearly shows what we would like to see up here. I want to make sure that City Council realizes that we would prefer not to be designing from the bench up here. With that I would be happy to take a little time and start to design from the bench, if necessary, when we get to the CUP.

Commissioner Fadness - I guess I don't understand why in either case of denial or deferral we have to design from the bench. I think through our stated comments the Council understands our problems, basically the ridge-top development. For instance, if we made a motion to defer this to give the applicant another opportunity, the applicant can choose whether or not they want to do that. They might feel like they have a strong enough case. We're just the recommending body, they can go to the City Council and say the Commission told us to defer and come back with another plan, we choose not to do that, we're going to appeal the P&Z and make our case before the City Council. In that case, deferral or denial, I don't see any reasons why we have to, your concerns about designing from the bench are valid; I don't think we have to do that.

Commissioner McLean - Mr. Chairman, that's a great point, I understand that. I guess my concern in response to that is I'd like City Council to know what we would like to see. I'd forgotten about the fact that we could just defer as wanted and be clear in what we want to see in this and if they choose to appeal to City Council then City Council would be able to see what we

would like to see. Perhaps in comments we could be clear about what we'd like in this. If there is an agreement that there is a development right, I'd be comfortable with that.

Chairman Russell - Amanda I have a question for you. If we deferred this can the applicant appeal a deferral?

Amanda Horton - The applicant can't really appeal your decision until you have a decision. The CUP would be appealable; the other would be a recommendation only so there would be no appeal, so no.

Chairman Russell - I definitely have some concerns. I think this property is complicated enough, as the applicant has mentioned they have been working on design on this project for years and for us to redesign it up here this evening, it's not possible. I think we can make some suggestions as to what we'd like to see, but I'm not sure we can get to where we may want to get by making a few suggestions of design changes. I would feel more comfortable denying the project this evening. I think that the applicant is being clear that they don't want to go back through a design process; they don't want to go through a bunch of neighborhood meeting and design charettes. Most likely, I would guess, they want us to deny it and work with City Council through an appeal process. I can surely respect that. I think in our motion for denial we can provide input to Council as to why we denied it. Also the applicant requested that we provide him the reasons why we are denying it, and I think if we construct those reasons appropriately Council will know why we made the decision that we made.

Commissioner Fadness - I make a motion that we deny CUP07-00084.

Chairman Russell - Commissioner Fadness I believe we need to start with the annexation and rezone first.

Commissioner Barker - Mr. Chairman, one thing I was going to add. I still have significant concerns about the project but part of my uneasiness is that we've had a change to this project and we haven't seen all the parts and pieces that go with that change. We haven't seen a grading plan.

Now it is one thing to talk about moving 2 million cubic yards of ground but I'd just like to see what that looks like. We talked about having to make changes in a development agreement based on what we have before us this evening but those changes occurred in a lot of different places. I guess we could accept that, that would come hand in hand with what we do, but I'd still like to see a more complete package with everything in place. We've talked about ACHD saying there is no problem on Collister, there is no problem on Hill Road from 2007 data but now we're seeing that there might be new numbers. I'm not suggesting that we take a long time but I'm just not sure that we have a clear set of documents. The other thing I wanted to say is I think that when we had our work session it's fair to say that we talked about direction, but I know several of us at that time said that this is merely direction and it doesn't mean that the Commission has given it's approval one way or the other. I just wanted to be clear that, hopefully that meeting did not say this was going forward with those changes. I just don't feel like we have what we need.

Chairman Russell - Amanda just came over and she had a discussion with Hal and they have

decided because of the cart before the horse kind of thing that it would be appropriate if we chose to do so to make a motion and have a vote on the CUP prior to the annexation and rezone if that's what we feel more comfortable in doing.

Commissioner Fadness - I feel more comfortable in doing that because I'm not sure in how I feel about the annexation. I guess I don't see harm in going ahead with the annexation. But on the CUP, I will then renew my motion that we deny CUP07-00084. If I get a second, I'll state my reasons.

Commissioner Cooper - I second.

Chairman Russell - Does that include the foothills, CFH07-00022, which is the hillside application?

Commissioner Fadness - Can we vote on those both in the same motion?

Chairman Russell - Yes.

Commissioner Fadness - Yes it does, if the seconder concurs.

Commissioner Cooper: Seconder concurs.

Commissioner Fadness - I would state that the basic reason for the denial of the CUP is Objective 2, number 2 under the Foothills Policy Plan, stating that 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." The plan does state that this term is not intended to include every ridge and knoll in the foothills, and I understand that. I think that some of these are very prominent and I do think with a better design we could have more of the development set further back. So that would be my major reason, I'm sure there are others that maybe other Commissioners would like to add.

I might also add that the traffic reports by the ACHD, we didn't get a real clear indication from staff as to whether those reports included projected development and how much projected development. The numbers we have, as I understand, were based on 2007 numbers. I think we need a lot more detail in that area. Mr. Chairman there also seems to be a difference of opinion on dedicated wildlife habitat. I don't know how recent the numbers are in this report, apparently Fish and Game claims no wildlife corridor but we heard lots of testimony tonight from people who live there and daily see deer and other wildlife. I think we need to hear more information about that before proceeding.

Commissioner McLean - I'm not yet sure if I'll vote for this motion because I would have preferred to defer. As much as the applicant wants clear reasons why we are denying, I think that we've agreed that this is developable and I'd like clear engagement on what this ends up looking like. Beyond that, just to be clear on why we could argue that this should be denied, the CUP, the proposal includes siting and structural designs that will change the backdrop of the Boise Foothills

forever. The proposal would break-up the prominent view-shed. The geography of the land is such that the buildable portions of the site are on ridge-tops and we're very concerned about that. There is not a balance between the priorities of the Foothills Ordinance protecting the ridge-tops with allowing this type of development in the area. I can't find, so I would say that there is undue burden placed on transportation and public facilities in the downstream areas and from the proposed subdivision. With quite a bit of concern resting on the traffic impacts of the Plano Lane neighborhood, the Brier Ridge neighborhood, and the Quail Ridge neighborhood taking access from upper Collister Drive.

Chairman Russell - Any further discussion?

Commissioner Fadness - In response to Commissioner McLean's preference to motion to defer, I agree, I would too, because I think that we are close. But I just gather from the applicant, they're really not interested and I'm not sure a deferral would do any good for them other than cost them more money, if they're not interested in another plan. To me I gather that their approach is to take this to the City Council and appeal the decision that we make tonight. Even though I would like to see a deferral I just don't see it as being very workable.

Commissioner McLean - Mr. Chairman I prefer to put that in the applicant's court. Why I would vote against this motion and vote to defer and give the applicant one more chance. If the applicant decides not to sit at the table with us, if we defer it to time certain and it comes back to us then we deny it at that point, then it will be clear to the City Council that we tried and were unable to reach an agreement with the applicant. We'll do right by the City of Boise at that point as far as my interpretation of what we're suppose to do in interpreting this ordinance.

Commissioner Fadness - That's a good point but I thought we did put it in his court when we asked him and they didn't express an interest. But I understand what you're saying.

Chairman Russell - Any further discussion? Can we please get a roll call vote?

Four in favor, two opposed.

Commissioner McLean - I want it to be clear on the record that I did not deny because I support the CUP as proposed. I had hoped to have one more opportunity to make this better.

Commissioner Ellsworth - Pretty much the same comment.

Chairman Russell - We need to deal with the annexation and rezone now. Is there a motion?

Commissioner McLean - I would motion that we annex and rezone as proposed, R-1A.

Commissioner Fadness - Second.

Chairman Russell - We have a motion and a second, is there any discussion?

Commissioner McLean - I think we can probably find findings and discussion in all that we said,

it was my understanding that we believe that this should be annexed and rezoned and developed in accordance with the Foothills Policy. It is a recommendation to the City that they pick this up and we know they will be seeing the CUP as well.

Commissioner Barker - I can support this motion too because I think some steps have been taken that are important for this development. One of the most important is that the base density has been established. The legal basis for distributing that density over the entire parcel has been explained to my satisfaction. I think by establishing the zoning we are also saying that we do accept the base density that's been discussed this evening.

Commissioner Cooper - I really don't know what to do with this. I also agree that the base density has been established and that the land can be developed with that density and should be annexed. But the annexation, the zoning map that has been provided exactly follows the CUP that we denied.

Commissioner McLean - What is the potential impact of not annexing and rezoning:

Chairman Russell - You can't rezone without the annexation.

Commissioner McLean - But we're not making a decision, we're making a recommendation to the City Council. But the alternative of not being annexed and rezoned by the City would be follow course to develop through other jurisdictions such as the County, correct?

Chairman Russell - As I understand it, yes.

Commissioner McLean -Based on the CUP I shouldn't have made that motion. If the seconder believes that we should.

Commissioner Fadness - I'm not so sure that I do. I guess I'd like to hear more from Commissioner Cooper. There are some parcels here that are zoned R-1A, or proposed to be zoned R-1A, and the rest is the A-1.

Even through the R-1 portion generally follows the plan of what the applicant has proposed, it seems to me that there are lots of areas were there could be lots added behind other lots or without necessary having to follow the same plan as they have now.

Chairman Russell - The area that Commissioner Cooper was speaking of earlier is southeast of Collister. That area is identified to remain in the A-1/DA, but that was an area that was also identified as potentially developable. I have the same concern that Commissioner Cooper has, if we annex and rezone this property as presented to us tonight I think we're limiting the applicant from doing his best job and coming in with the next design.

Commissioner McLean - I thought the applicant wasn't willing to produce another design, either for us or for City Council. I think that we're probably better off to care about what we want at this point rather than create potential options for something that I think we might not see. Because we could have done that redesign together.

Commissioner Fadness - What were the objections to your proposal that we zone it all A-1 and then let them work with, whoever the applicant might be, with the acceptable base density. If I remember right there were objections to that and now I can't recall what they were.

Chairman Russell - My suggestion was to rezone it as R-1A and then utilize the variance process and the Foothills guidelines to govern the design from there. I don't want to put words in her mouth, so correct me if I'm wrong here, but Commissioner Barker had concerns with that approach because there are perhaps too many things that we don't understand at this time and we may be backing ourselves into a corner that we don't want to be in where we to rezone it as R-1A.

Commissioner McLean - Mr. Chairman, with us just denying the CUP because we thought it needed too much work, I feel really uncomfortable proposing we rezone the entire property to R-1A. Then we might see something different than we see right now.

Commissioner Fadness - For the sake of getting other motions, I'll withdraw my second.

Commissioner Barker - I would move that we recommend denial of the annexation and the rezone request.

Commissioner Fadness - I'll second it, if we're not going to approve it we're going to deny it.

Commissioner Barker - We really don't have at this time the basis to approve a rezone. The zone follows the land. I don't think we can do a generic zoning at this point. I don't think that we can do an overlay type zoning at this point. We're just saying we're not comfortable with the zone change as it relates to how this land is proposed to be developed. So the CUP and zoning are intertwined and if we deny one I think our only solution is to deny the other.

Commissioner McLean - This makes me really uncomfortable. I know that in the annexation process this will have to go to City Council otherwise I'd be really, really, uncomfortable at this point.

City Council will make the final decision on annexing but if we were to choose to say no completely to all of this, then it would no longer be in the preview of the City when it comes to development decisions. That is a situation that we do not want to find ourselves in. Now if we can't annex and zone as proposed because we denied the CUP, send it back to City Council with further recommendation that we annex and zone as A-1, open space, because we've been really clear about what we need to see. We've denied the CUP and now we can make a recommendation on the annexation to City Council.

Commissioner Barker - Mr. Chair, if I could clarify. Regardless of your recommendation on the annexation and rezone, that goes to City Council, whether you recommend denial or approval.

Commissioner Fadness - That's what we did last time, we rezoned the whole thing A-1, and the Council remanded it back to us. How is that any different?

Commissioner McLean - It's not.

Commissioner Cooper - The problem is that we've sat here tonight and agreed that the base density is valid. If we zone it as A-1 we're saying that the density is not valid.

Commissioner Ellsworth - Hal do we have another option?

Hal Simmons - I just want to clarify first of all that your grounds for denial last time for rezoning was that the density should only be 1 for 40 based on the Foothills Plans, so that is different from last time. I suppose that you could recommend approval of annexation with A-1 zoning along with the statement that you recognize that the only reason for that open space zoning was because you denied the CUP. A different CUP should warrant different zoning in line with what the Foothills Plan would allow. That is all I can think of. Go on the record to state that although you are recommending this low zone you recognize that a different CUP would warrant a higher zone.

Commissioner McLean - Mr. Chairman that was pretty much the reason why I was saying worst case scenario we could do this.

Chairman Russell - But regardless of the decision that we make it has still got to go to City Council for final approval. I believe your concern of this property being under the jurisdiction of another governing agency at this point in time is not relevant because Council still has to make a decision one way or the other.

Commissioner McLean - I think we all feel really comfortable with annexation, rezone and a different CUP. Suddenly we have no CUP and we're discussing how we should rezone this and I think that's a difficult conversation.

Commissioner Cooper - Mr. Chairman, I think that Hal has given us a way to go, which I would follow, but isn't the motion on the table to deny.

Chairman Russell - That is correct.

Commissioner McLean - Can we propose a substitute motion, following Roberts Rules of Order?

Chairman Russell - That would be up to the maker of the motion.

Commissioner McLean - As a substitute motion I would move that we annex this property with the designated zone of A-1/D, open space. Recognizing fully that there is a base density right and it would be appropriate to annex and rezone differently with a different CUP.

Commissioner Cooper - Second

Chairman Russell - We have a motion and a second is there any discussion? We are going to vote on the substitute motion first.

Roll call vote: Vote is unanimous for the motion.

Hearing is adjourned.

Approved:

_____

Doug Russell, Chairman
Planning & Zoning Commission

Exhibit E

Planning & Development Services

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

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

Application for Appeal

Fee: $ 182.00

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

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

File Number: CAR07-00042/DA **Address:** 6890 N. Plano Road

Specific Action Being Appealed:

Denial of CUP07-00084 (conditional use permit) and CFH07-00022 (hillside and foothill development permit).

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

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

Appeal Contact Person: Robert B. Burns, Esq.

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

Home Phone: _____ Work Phone: 208-345-2000

Appeals

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

* Portion of fee is refundable if appeal is successful.

RECEIVED
OCT 01 2009
DEVELOPMENT SERVICES

Notes

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

Signature of Appellant/Representative: _____ **Date:** October 1, 2009

For Staff Use Only:

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

Applicant contacted on _____ _____ by _____. ☒ Appeal is by applicant

8/05

CLIENT:1378434.1

Exhibit F

Planning & Development Services

Bruce Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Vernon L. Bisterfeldt
Elaine Clegg
David Eberle
Jim Tibbs

September 25, 2009

Aase's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

Re: **CAR07-00042/DA / 6890 N. Plano Road**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request 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).

The Boise City Planning and Zoning Commission, at their meeting on September 21, 2009 recommended to the Mayor and the Boise City Council, approval of the request with the zoning designation of A-1/DA (Open Land with a Development Agreement), based on the attached Reasons for the Decision.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

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

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Planning Analyst II
Boise City Planning and Development Services

BE/bjc

Attachment

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

Reasons for the Decision

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. Boise Public Works Department states that sewers are available to the subject property in a letter dated August 17, 2009.

B. Honor negotiated area of impact agreements.

Finding: The proposed annexation area is in the Boise City 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 0.5 units per acre, half of the density allowed 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. 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 is within the area where range fires occur. Range fires are difficult and costly to fight and contain, and they require specialized equipment to fight them, at an additional cost to the City.

Finding 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. The subject site is adjacent to public rights-of-way and has access to them. This is a logical extension of the City boundaries as all the urban services are available to the site.

***

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;

Finding: The proposed annexation and zone change area is in the Boise City Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject to the *Boise City Comprehensive Plan* and the *Foothills Policy Plan*. The proposal is generally in compliance with those plans, with the exception of the policies (Chapter 3 Goal 1 Objective 1 Policies 1, 2, 3 and 4) concerning site design and the grading of prominent ridge tops.

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 proposal is in the City's area for police, sewer, parks, and library services. It is served by Ada County Highway District (ACHD) for street services and has received a recommendation for approval from their Board of Commissioners on May 25, 2008, and restated in a memo and revised staff report dated September 18, 2009.

Finding: The Independent Boise School District includes the site in its service area. United Water of Boise would provide 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. 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.

Finding: The recommended zone is A-1/DA, open space with development agreement. This zone is derived from the regulations of the Boise City Zoning Code Chapter 11 Section 11-06-05.07, the Foothills Planned Development Ordinance. The ordinance requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones.

Finding: The proposed development is in character with, and similar in use and density with the surrounding neighborhoods.

Finding: The City should annex this property with the A-1/DA (Open space), recognizing fully that there is a base density right associated with the current zones.

Finding: The development agreement should state that there is a base density right associated with the current zones. It should further state that it would be appropriate to rezone the subject property to R-1A/DA and A-1/DA when a different conditional use permit may be granted that was found to be in compliance with the *Foothills Policy Plan* and the Foothills Planned Development Ordinance.

***

Exhibit G

Planning & Development Services

Bruce Chatterton
Director

Boise City Hall
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City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Vernon L. Bisterfeldt
Elaine Clegg
David Eberle
Jim Tibbs

October 6, 2009

Robert B. Burns, Esq.
Moffatt, Thomas, Barret, Rock & Fields
101 S. Capitol Blvd.
Boise, ID 83701

RE: **CUP07-00084 & CFH07-00022/ Appeal**

Dear Mr. Burns:

An appeal of the Planning Commission's decision on CUP07-00084 and CFH07-00022 has been filed and accepted on October 1, 2009. This appeal will be scheduled before the Boise City Council by the City Clerk. Once the date is established a letter will be forthcoming.

Parties to the appeal (the applicant and those whose names are listed on the appeal submitted to the City on October 1, 2009) should be aware of the following:

a. The parties to the appeal may file memoranda consisting of written arguments that support their position within 14 days after the date of the appeal deadline.

b. Any replies to the memoranda must be filed within 21 days of the appeal deadline. No further memoranda shall be accepted after that time.

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

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

Sincerely,

Bruce Eggleston

Bruce Eggleston, AICP
Planning Analyst II
Boise City Planning and Development Services

cc: AASE'S Canyon Point Development, LLC/ Attn: Aspen Capital / 8899 S. 700 E. Suite 180 / Sandy, UT 84070
Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
Parties of Record

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PARTIES OF RECORD FOR P&Z HEARING SEPT. 21, 2009

CAR07-00042/DA, CUP07-00084, & CFH07-00022

JERRY BOWER
3055 S. VIRGINIA
BOISE, ID 83705

MICHAEL JONES
5218 CASTLE DRIVE
BOISE, ID 83703

JULIE KLOCKE
4946 N. CONTOUR DRIVE
BOISE, ID 83703

ROBERT BURNS
5225 N. QUAIL SUMMIT WAY
BOISE, ID 83703

JAMES RUSSELL
4800 HILL ROAD
BOISE, ID 83703

BEVERLY RUSSELL
4800 HILL ROAD
BOISE, ID 83703

JANEL BROWN
5736 N. COLLISTER
BOISE, ID 83703

GENIE SUE WEPPNER
2800 LANCASTER DRIVE
BOISE, ID 83702

KAREN KNUDTSEN
4621 SHIRLEY STREET
BOISE, ID 83703

CARRIE JONES
3802 W. TAFT STREET
BOISE, ID 83703

ED GENTHER
6060 PLANO LANE
BOISE, ID 83703

SCOTT KOLB
5627 COLLISTER
BOISE, ID 83703

MARY L. GENDRON
4920 W. HILLSIDE AVE.
BOISE, ID 83703

KATIE WATTS
5954 N. COLLISTER
BOISE, ID 83703

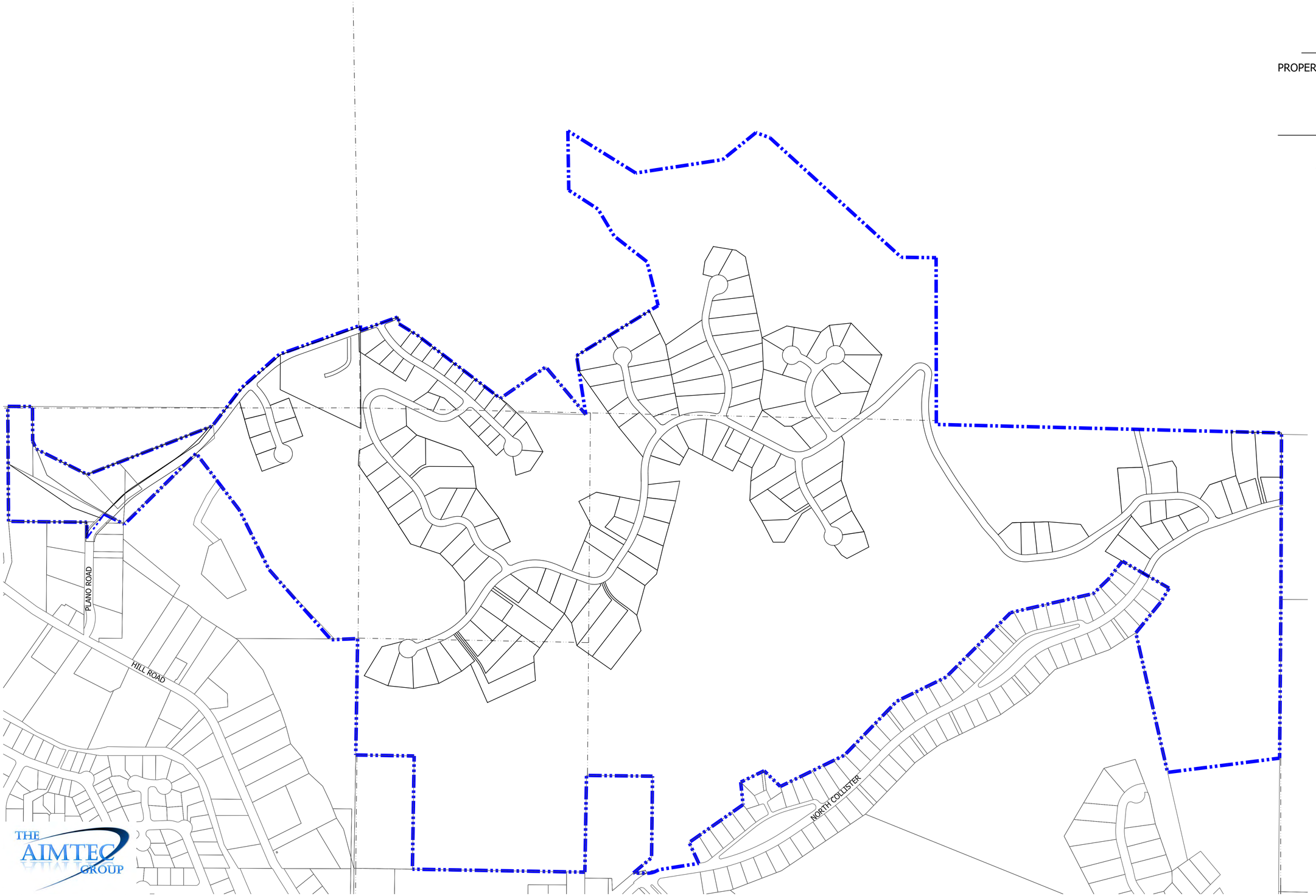
DIANE MCCONNAUGHEY
4315 CASTLEBAR COURT
BOISE, ID 83703

PATTI RAINO
4905 W. OUTLOOK AVE.
BOISE, ID 83703

plano road development

site plan

Exhibit H



NORTH

0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

7-30-2009

LEGEND

PROPERTY BOUNDARY

SITE SUMMARY

TOTAL AREA	332.75 AC
TOTAL UNITS	163

THE AIMTEC GROUP

plano road development

ZONING MAP

NORTH

0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

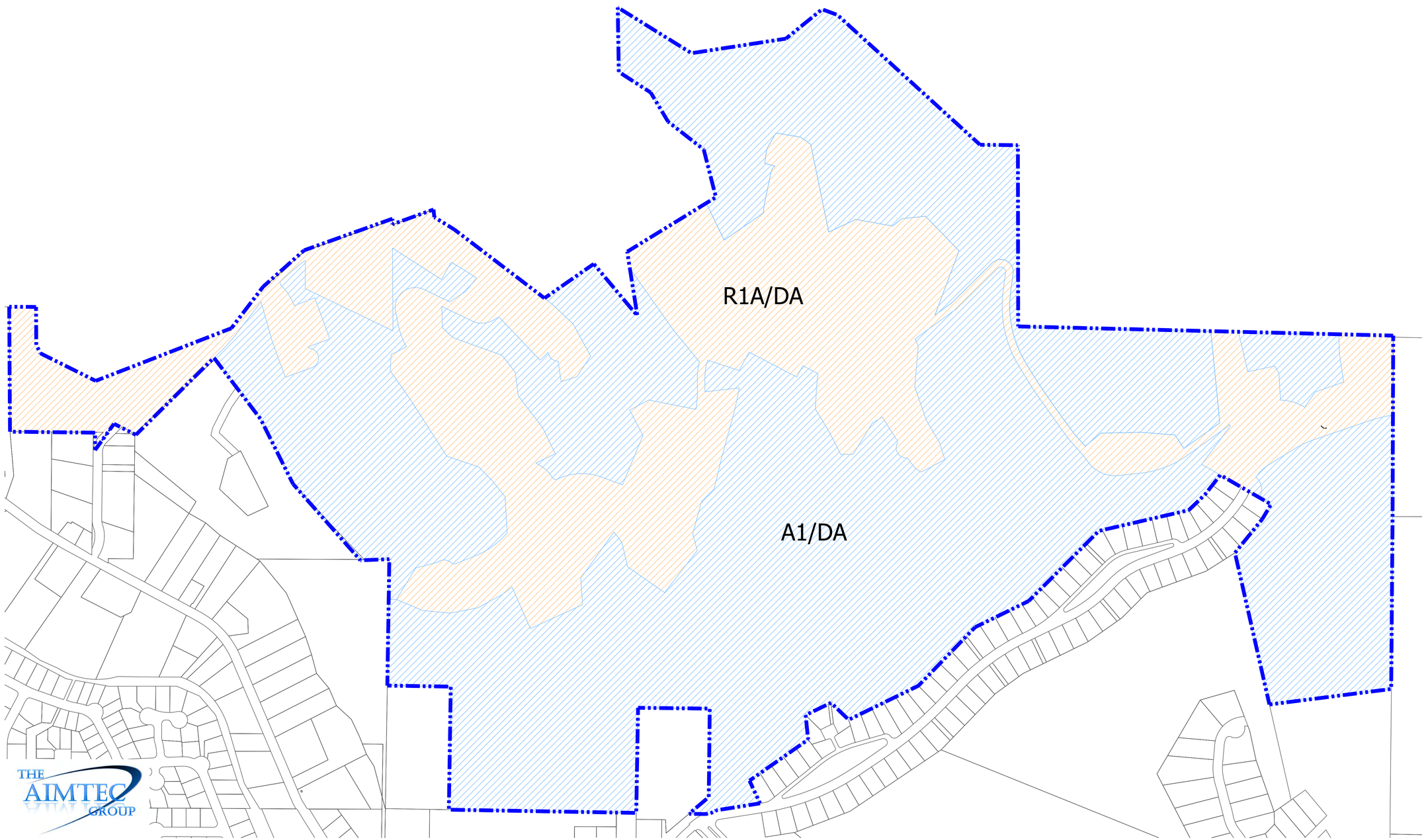
8-4-2009

LEGEND

PROPERTY BOUNDARY

R1A/DA (103.75 ac.)

A1/DA (229 ac.)



THE AIMTEC GROUP

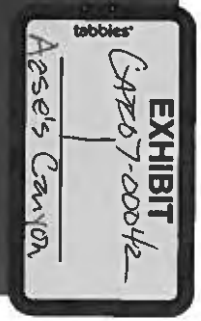
PUBLIC HEARING EXHIBIT RECORD

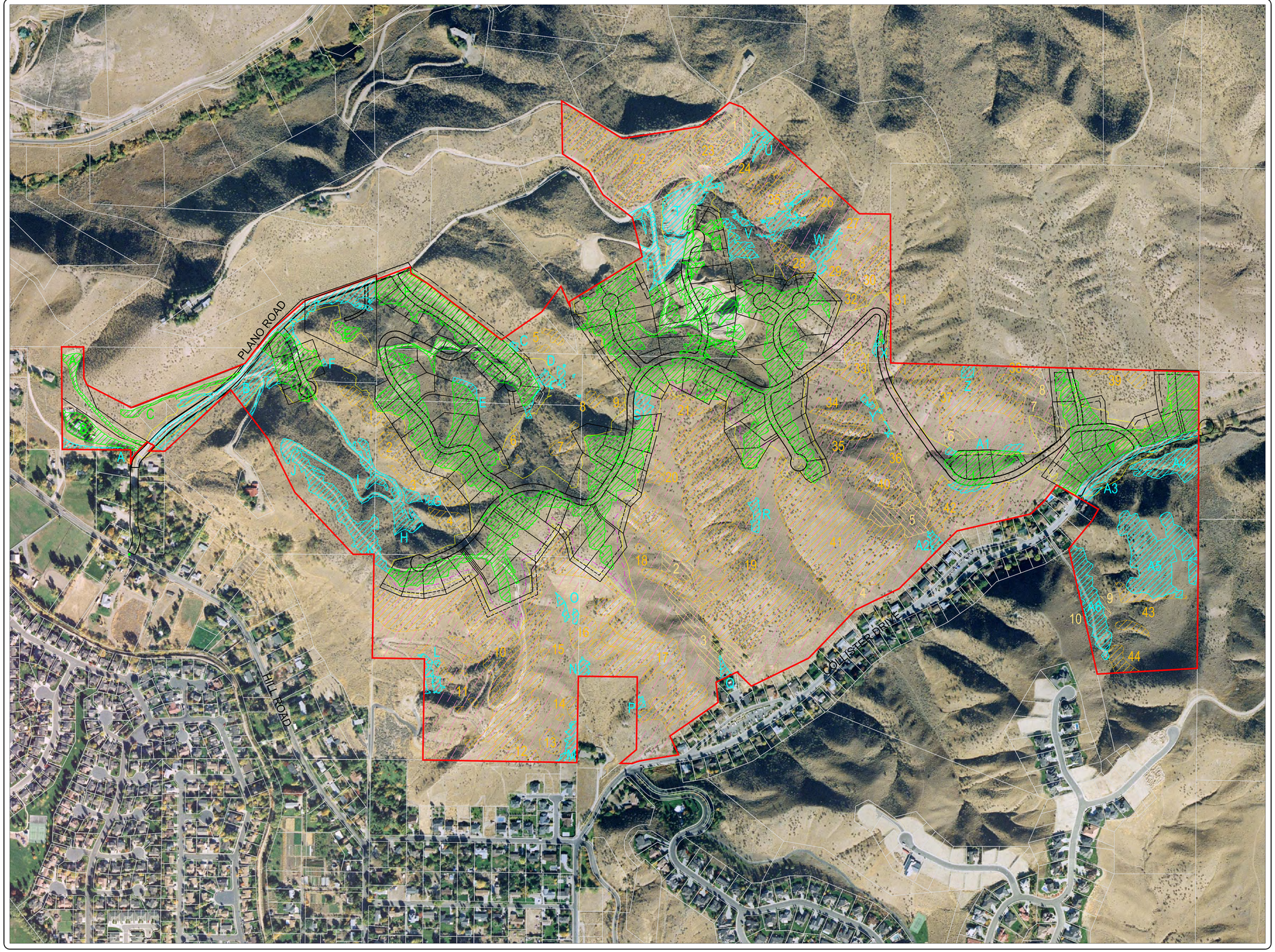
Application Number: CAR07-00042/DA,
CUP07-00084 & CFH07-00022
Hearing Date: Sept. 21, 2009
P&Z Commission

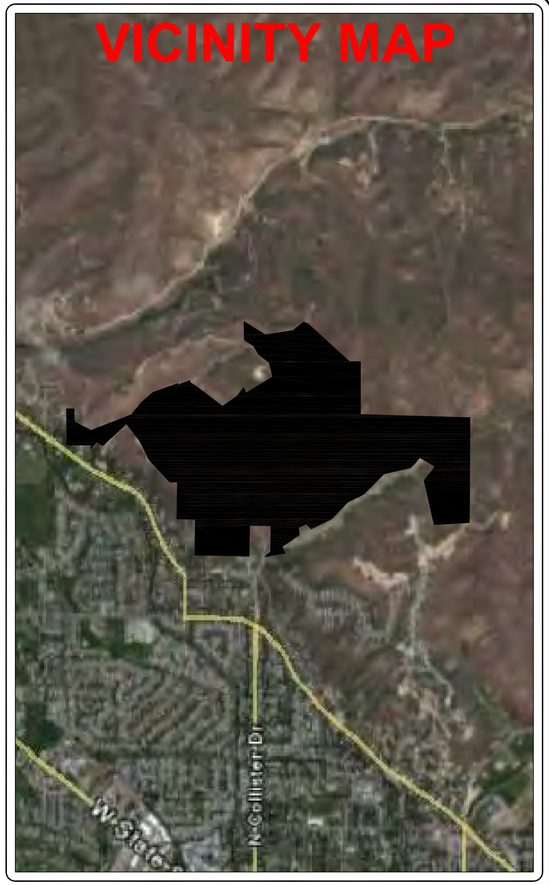
Exhibit Number	Exhibit Item
1	BOOKLET OF MAPS GIVEN BY THE APPLICANT TEAM
2	TWO PAGE DOCUMENT FROM APPLICANT DATED AUGUST 11, 2008 (1 OF 17 AND 17 OF 17)
3	CD FROM BRENT SMITH DATED 9/2009
4	E-MAIL FROM MARK FOGARTY DATED 9-19-09
5	E-MAIL FROM DANIELLE AND KATY YOUNG DATED 9-18-09
6	PLANO ROAD DEVELOPMENT ZONING MAP GIVEN BY THE APPLICANT TEAM
7	PLANO ROAD DEVELOPMENT SITE PLAN GIVEN BY THE APPLICANT TEAM
8	PLANO ROAD DEVELOPMENT SITE DESIGN MODEL/GRAPHICS GIVEN BY THE APPLICANT TEAM
9	

Plano Road Subdivision

Boise, ID







Used 25%		
A	23,606.32 sf	0.54
B	41,317.09 sf	0.95
C	17,528.41 sf	0.40
D	82,779.98 sf	1.90
E	11,118.68 sf	0.26
F	221,364.93 sf	5.08
G	654,529.49 sf	15.03
H	13,880.00 sf	0.32
I	35,416.00 sf	0.81
J	31,173.00 sf	0.72
K	633,452.00 sf	14.54
L	71,230.64 sf	1.64
M	272,018.04 sf	6.24
2,109,414.58 Total sf		48.43 Ac

Not Used 25%		
A	11,283.36 sf	0.26
B	192,413.20 sf	4.42
C	1,850.75 sf	0.04
D	17,616.84 sf	0.40
E	6,614.43 sf	0.15
F	1,014.51 sf	0.02
G	8,857.00 sf	0.20
H	57,693.00 sf	1.32
I	2,485.00 sf	0.06
J	109,367.00 sf	2.51
K	16,413.43 sf	0.38
L	13,557.80 sf	0.31
M	19,016.89 sf	0.44
N	6,177.06 sf	0.14
O	7,326.00 sf	0.17
P	3,705.33 sf	0.09
Q	5,106.86 sf	0.12
R	10,119.98 sf	0.23
S	11,396.00 sf	0.26
T	98,465.00 sf	2.26
U	12,314.49 sf	0.28
V	56,631.00 sf	1.30
W	17,551.11 sf	0.40
X	3,251.24 sf	0.07
Y	4,734.61 sf	0.11
Z	5,848.10 sf	0.13
A1	16,421.89 sf	0.38
A2	7,240.37 sf	0.17
A3	53,806.12 sf	1.24
A4	57,638.72 sf	1.32
A5	165,674.31 sf	3.80
A6	71,997.16 sf	1.65
1,073,587.56 Total sf		24.65 Ac

Aase's Onions					
1	32,683.81 sf	0.75	28	33,633.73 sf	0.77
2	67,420.88 sf	1.55	29	12,705.58 sf	0.29
3	4,323.93 sf	0.10	30	47,738.15 sf	1.10
4	21,077.10 sf	0.48	31	2,202.50 sf	0.05
5	11,813.73 sf	0.27	32	3,201.98 sf	0.07
6	9,876.36 sf	0.23	33	47,364.70 sf	1.09
7	18,082.01 sf	0.42	34	25,201.23 sf	0.58
8	8,501.58 sf	0.20	35	22,016.98 sf	0.51
9	1,911.64 sf	0.04	36	4,477.06 sf	0.10
10	496,304.60 sf	11.39	37	159,249.63 sf	3.66
11	22,210.90 sf	0.51	38	19,397.70 sf	0.45
12	8,410.75 sf	0.19	39	19,615.79 sf	0.45
13	15,887.85 sf	0.36	40	87,456.50 sf	2.01
14	12,062.54 sf	0.28	41	414,955.32 sf	9.53
15	4,148.68 sf	0.10	42	93,985.35 sf	2.16
16	26,380.84 sf	0.61	43	19,585.03 sf	0.45
17	272,586.64 sf	6.26	44	28,993.39 sf	0.67
18	3,431.09 sf	0.08	1	91,403.96 sf	2.10
19	787,699.42 sf	18.08	2	26,951.20 sf	0.62
20	12,864.37 sf	0.30	3	112,586.56 sf	2.58
21	7,674.97 sf	0.18	4	1,391.18 sf	0.03
22	212,553.69 sf	4.88	5	63,330.55 sf	1.45
23	40,515.16 sf	0.93	6	15,402.26 sf	0.35
24	15,405.32 sf	0.35	7	872.44 sf	0.02
25	62,339.43 sf	1.43	8	4,724.68 sf	0.11
26	16,288.25 sf	0.37	9	4,472.70 sf	0.10
27	11,116.48 sf	0.26	10	1,318.87 sf	0.03
	3,567,806.54 Total sf				81.91 Ac

Used Area < 25%	48.43 Ac
Not Used Area < 25%	24.65 Ac
Aase's Onion Fields	81.91 Ac
Total Acres	154.98 Ac
Total Acreage of Property	332.75 Ac
Total Onion Concervancy	152.70 Ac
Total Lots (including 2 exisitng homes)	163 Lots

NOTES

1) All Aase's Onion Fields are Observed by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc.

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

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE
300 0 150 300 600 1200
(IN FEET)
1 inch = 300 ft.

SLG NORTH

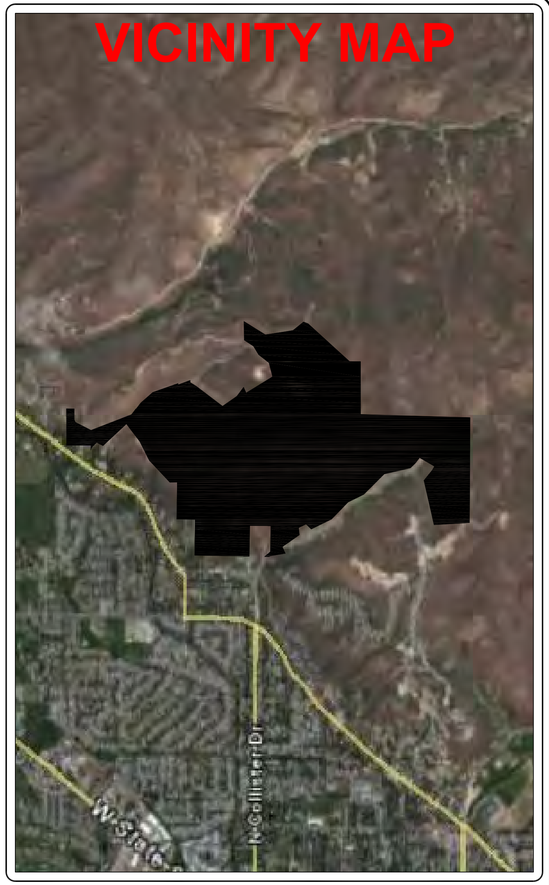
DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	7/28/2009	7/28/2009

LEGEND

- # Used Area > 25%
- # Not Used > 25%
- # Ecological Design Onion Fields
- # Onion Fields
- # Onion Conservancy
- Conceptual
- Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild land Urban Fire Interface

SHEET NO. 1 OF 1

VICINITY MAP



Used 25%		
A	23,606.32 sf	0.54
B	41,317.09 sf	0.95
C	17,528.41 sf	0.40
D	82,779.98 sf	1.90
E	11,118.68 sf	0.26
F	221,364.93 sf	5.08
G	654,529.49 sf	15.03
H	43,104.75 sf	0.99
I	7,087.16 sf	0.16
J	76,278.43 sf	1.75
K	559,514.34 sf	12.84
L	71,230.64 sf	1.64
M	272,018.04 sf	6.24
2,081,478.26 Total sf		47.78 Ac

Not Used 25%		
A	11,283.36 sf	0.26
B	192,413.20 sf	4.42
C	1,850.75 sf	0.04
D	17,616.84 sf	0.40
E	6,614.43 sf	0.15
F	1,014.51 sf	0.02
G	1,739.66 sf	0.04
H	11,108.55 sf	0.26
I	9,397.76 sf	0.22
J	11,924.59 sf	0.27
K	16,413.43 sf	0.38
L	13,557.80 sf	0.31
M	19,016.89 sf	0.44
N	6,177.06 sf	0.14
O	7,326.00 sf	0.17
P	3,705.33 sf	0.09
Q	5,105.86 sf	0.12
R	10,119.98 sf	0.23
S	17,940.36 sf	0.41
T	254,975.50 sf	5.85
U	12,314.49 sf	0.28
V	66,390.78 sf	1.52
W	17,551.11 sf	0.40
X	3,251.24 sf	0.07
Y	4,734.61 sf	0.11
Z	5,848.10 sf	0.13
A1	16,421.89 sf	0.38
A2	7,240.37 sf	0.17
A3	53,806.12 sf	1.24
A4	57,638.72 sf	1.32
A5	165,674.31 sf	3.80
A6	71,997.16 sf	1.65
1,102,170.76 Total sf		25.30 Ac

Aase's Onions					
1	32,683.81 sf	0.75	28	33,633.73 sf	0.77
2	67,420.88 sf	1.55	29	12,705.58 sf	0.29
3	4,323.93 sf	0.10	30	47,738.15 sf	1.10
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5	11,813.73 sf	0.27	32	3,201.98 sf	0.07
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11	22,210.90 sf	0.51	38	19,397.70 sf	0.45
12	8,410.75 sf	0.19	39	19,615.29 sf	0.45
13	15,887.85 sf	0.36	40	87,456.50 sf	2.01
14	12,062.54 sf	0.28	41	414,955.32 sf	9.53
15	4,148.68 sf	0.10	42	93,985.35 sf	2.16
16	26,380.84 sf	0.61	43	19,585.03 sf	0.45
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24	15,405.32 sf	0.35	7	872.44 sf	0.02
25	62,339.43 sf	1.43	8	4,724.68 sf	0.11
26	16,288.25 sf	0.37	9	4,472.70 sf	0.10
27	11,116.48 sf	0.26	10	1,318.87 sf	0.03
3,567,806.54 Total sf					81.91 Ac

Used Area < 25%	47.78 Ac
Not Used Area < 25%	25.30 Ac
Aase's Onion Fields	81.91 Ac
Total Acres	154.99 Ac
Total Acreage of Property	332.75 Ac
Total Onion Concenvancy	153.41 Ac
Total Building Lots	154 Lots

NOTES

1) All Aase's Onion Fields are Observed by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc.

Stewart Land Group
AN 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 CONCEPT PLAN

GRAPHIC SCALE

300 0 150 300 600 1200

(IN FEET)
1 inch = 300 ft.

SLC NORTH

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

LEGEND

- # Used Area > 25%
- # Not Used > 25%
- # Ecological Design Onion Fields
- # Onion Fields
- # Onion Conservancy
- Conceptual
- Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild land Urban Fire Interface

SHEET NO. 1 OF 1

plano road development

phasing plan

NORTH

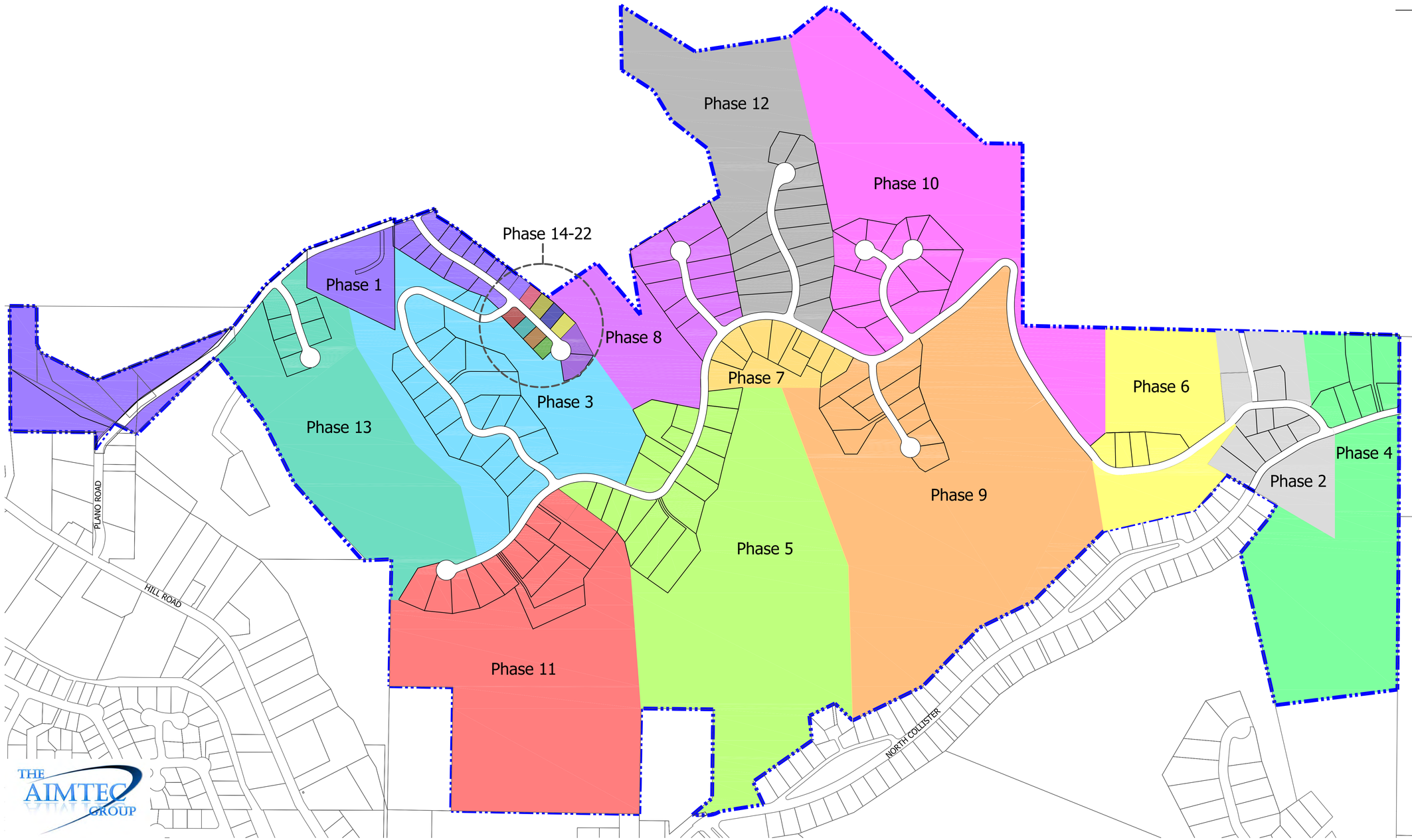
0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

9-18-2009

LEGEND

PROPERTY BOUNDARY



Phase	No. of Lots
1	17
2	11
3	20
4	6
5	18
6	4
7	8
8	10
9	11
10	13
11	14
12	15
13	6
14	1
15	1
16	1
17	1
18	1
19	1
20	1
21	1
22	2
	163

YEAR	PHASES	LOTS
1	1-2	28
2	3-4	26
3	5-6	22
4	7	8
5	8	10
6	9	11
7	10	13
8	11	14
9	12	15
10	13-22	16

THE AIMTEC GROUP

August 11, 2008

Boise Planning and Zoning Commission

Supplemental Packet of materials delivered since August 8, 2008

Plano Road Subdivision applications CAR07-00042/DA and others

Letter from Robert J. Lazechko	2
Letter from Rob Tiederman, Ecological Design	4
Letter from Bruce Eggleston to Idaho Department of Fish and Game	5
Letter from Idaho Department of Fish and Game	6
IDFG Unit 39 Subunits	7
IDFG Unit 32 & 39 Subunits	8
IDFG Unit 32 & 39 Subunits-Summary	9
Letter from Janel Brown	10
Letter from Brent Smith	12
Letter From Stephanie Bacon	14
Letter From Matt Edmond, ACHD	16
Letter from Parks and Recreation Department, Draft Intent on terms for inclusion in the Development agreement	17

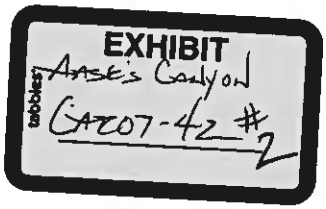


EXHIBIT 2

Pole Cat Gulch Trail Head

8/11/08

The City Parks Department and the Applicant are in general agreement regarding the Pole Cat Gulch trailhead. The basic terms are addressed below. PDS suggests the Commission consider this proposal for inclusion in the development agreement. Upon the Commissions recommendation, City staff will work with the Applicant to finalize this draft wording for inclusion in the development agreement. The final language will be forwarded to City Council for their review. Council will, at a minimum, make a final decision as to whether or not to annex. If it is determined that annexation is appropriate, Council will determine what zone is appropriate. City staff and the Applicant are recommending zoning as set forth in the staff report with binding commitments contained in the development agreement.

Draft intent on terms for inclusion in the Development Agreement

Boise City Parks Department shall pay Applicant $25,000 for easement over Applicants land to Trail Head Parking Lot on City (Pole Cat Gulch/Donnelly) property. (This shall occur on September 1, 2008)

Boise City will gravel roadway from end of Collister to Trail Head and Trail Head.

Applicant shall repay City Parks Department its actual costs of easement and gravel of Trail Head and Parking Lot; Applicant shall also extend sewer water and other utilities presently in Collister Road to East Edge of Trail Head; Construct and pave Roadway as required by ACHD and construct Trail Head and Parking Lot to City specifications and asphalt the same.

Upon the occurrence of the first of the following events;

(a) Close of sale of 28 lots in development;

(b) Close of sale of any single lot in "Collister area" of development;

(c) Passage of three years; that is 36 months from date any construction activity to implement any portion of RY Subdivision contiguous to Polecat Gulch.





















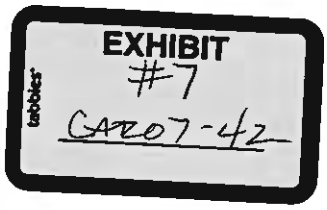
BRUCE EGGLESTON - (no subject)



From: <Markfogarty1@aol.com>
To: <beggleston@cityofboise.org>
Date: Saturday, September 19, 2009 9:58 PM
Subject: (no subject)

What a sham this is.....And you know it.....Done deal just like Barrack Hussein Obama.....Don't care what the people think the money has been paid too the right people....Litigation is are only course.....Be very careful my friend.....

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



September 18, 2009

Daniel and Katy Young
5985 N. Collister Dr.
Boise, Id. 83703
Tel 208.484.4322

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

Subject: Aase's Canyon Development/Plano Road Subdivision

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

I would like to express my opposition to some of the design elements the Plano Road Subdivision proposal.

This proposal appears to still be in conflict with the provisions of the Foothills Ordinance. An excerpt from this plan states, "The scenic values of prominent ridges and knolls shall be maintained. Project design shall preserve the natural appearance of prominent ridges and skylines, and concentrate development on more obscured areas of the sites..." I am particularly concerned with the proposed group of four lots on Sunrise Point Drive that would sit directly behind and above my house. There are a dozen existing homes at the end of and on the north side of Collister Drive which includes my home. Presently, we enjoy an undisturbed, natural looking "knoll" and hillside above our backyards. This is one of the few knolls that exist on the hillsides and is in plain sight of many residents that reside at the current end of Collister Drive. This knoll should be preserved. Proposed, is a road and 4 lots that will be looming over our backyards. This proposal will surely ruin the scenic value and peace that these residents currently enjoy. In addition, our small group of homes will be the only houses in the existing Collister subdivision that will have new houses in our immediate backyard. The negative impact of these four lots unfairly affects our small group of houses. If the subdivision is approved, I would request that these four lots be removed from the plan. In addition, I would request that the portion of the proposed road that crosses the hillside behind our house be required to include design elements that create a discreet road that limits the visual impact and noise impact of a typical road. Perhaps a landscaped berm or stone wall along the southerly edge of the proposed road in our backyard would limit the negative impacts the road would cause. Please consider and honor this request to preserve a portion of the open space and scenic value we currently have and enjoy. Thank-you.

Sincerely,

Daniel Young
Katy Young

plano road development

ZONING MAP

NORTH

0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

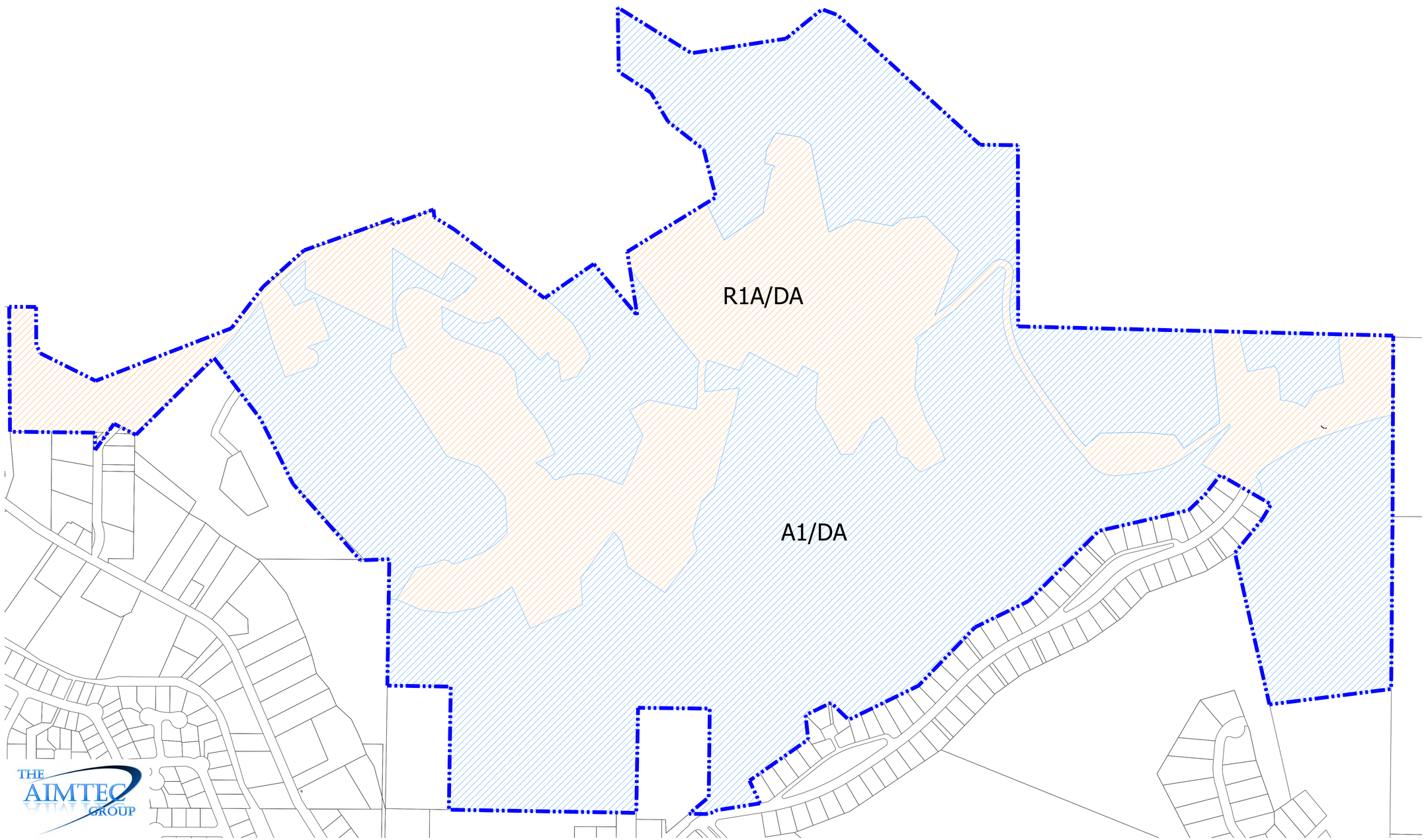
8-4-2009

LEGEND

PROPERTY BOUNDARY

R1A/DA (103.75 ac.)

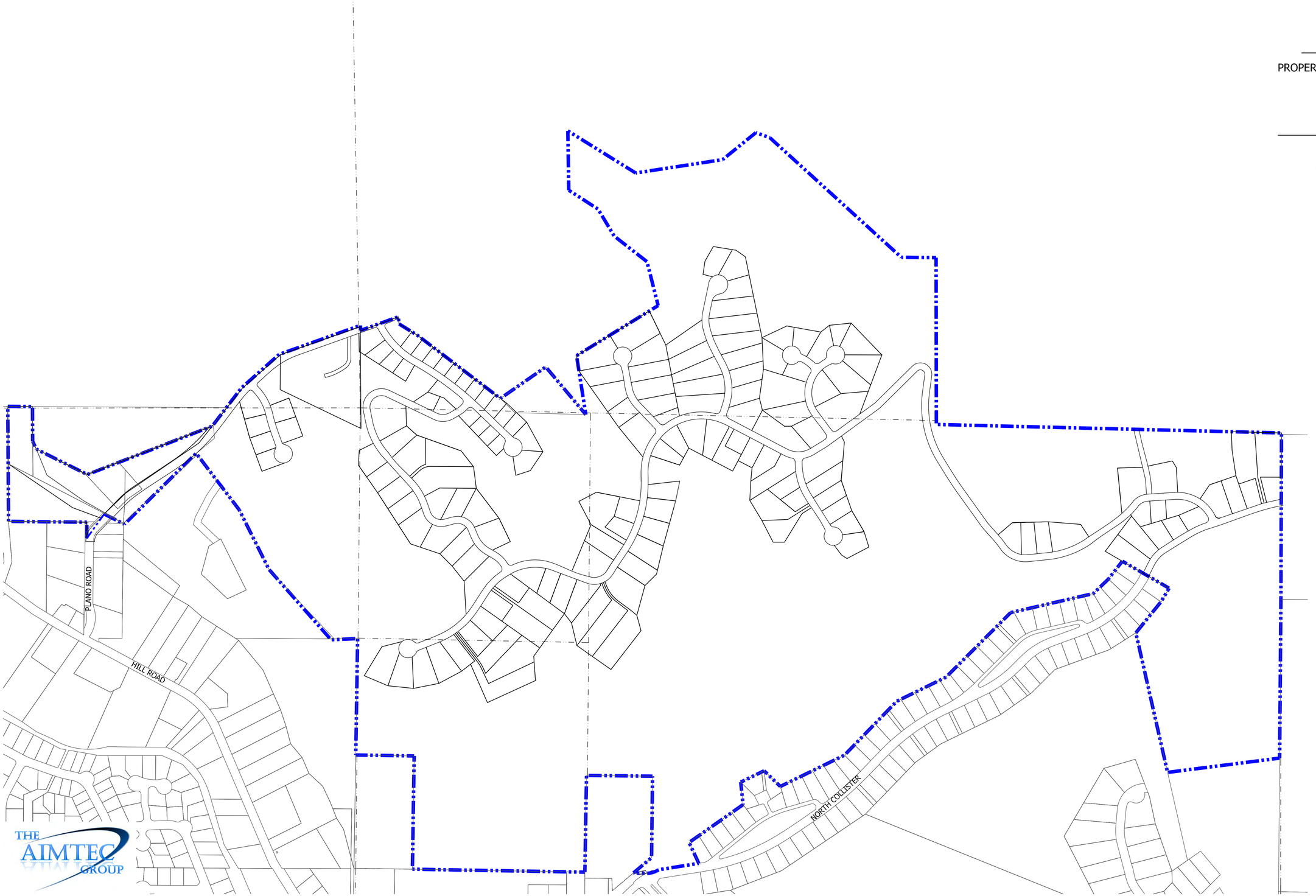
A1/DA (229 ac.)



THE AIMTEC GROUP

plano road development

site plan



NORTH

0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

7-30-2009

LEGEND

PROPERTY BOUNDARY

SITE SUMMARY

TOTAL AREA	332.75 AC
TOTAL UNITS	163

THE AIMTEC GROUP

FAIRGROUNDS-CHINDEN BLVD & GLENWOOD ST.

AFTER



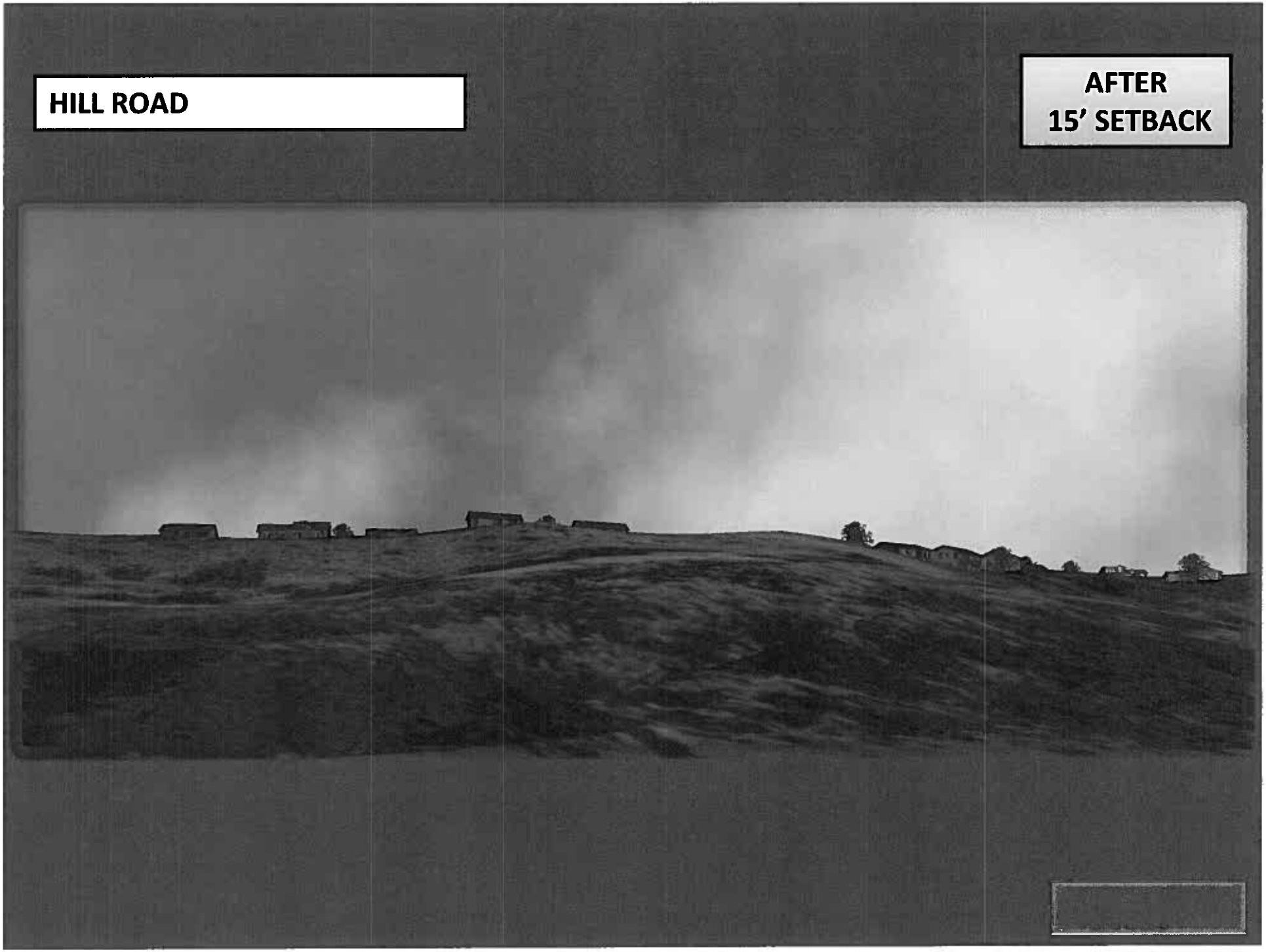
WAL-MART: STATE STREET & GLENWOOD STREET



HILL ROAD

BEFORE




HILL ROAD
AFTER
15' SETBACK

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

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 if 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

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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
Foothills Policy Plan	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.

Base Density for Existing Zoning =
(Buildable Area* minus 20% for roads, infrastructure and terrain)
divided by
(Minimum lot size for given zone)

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.

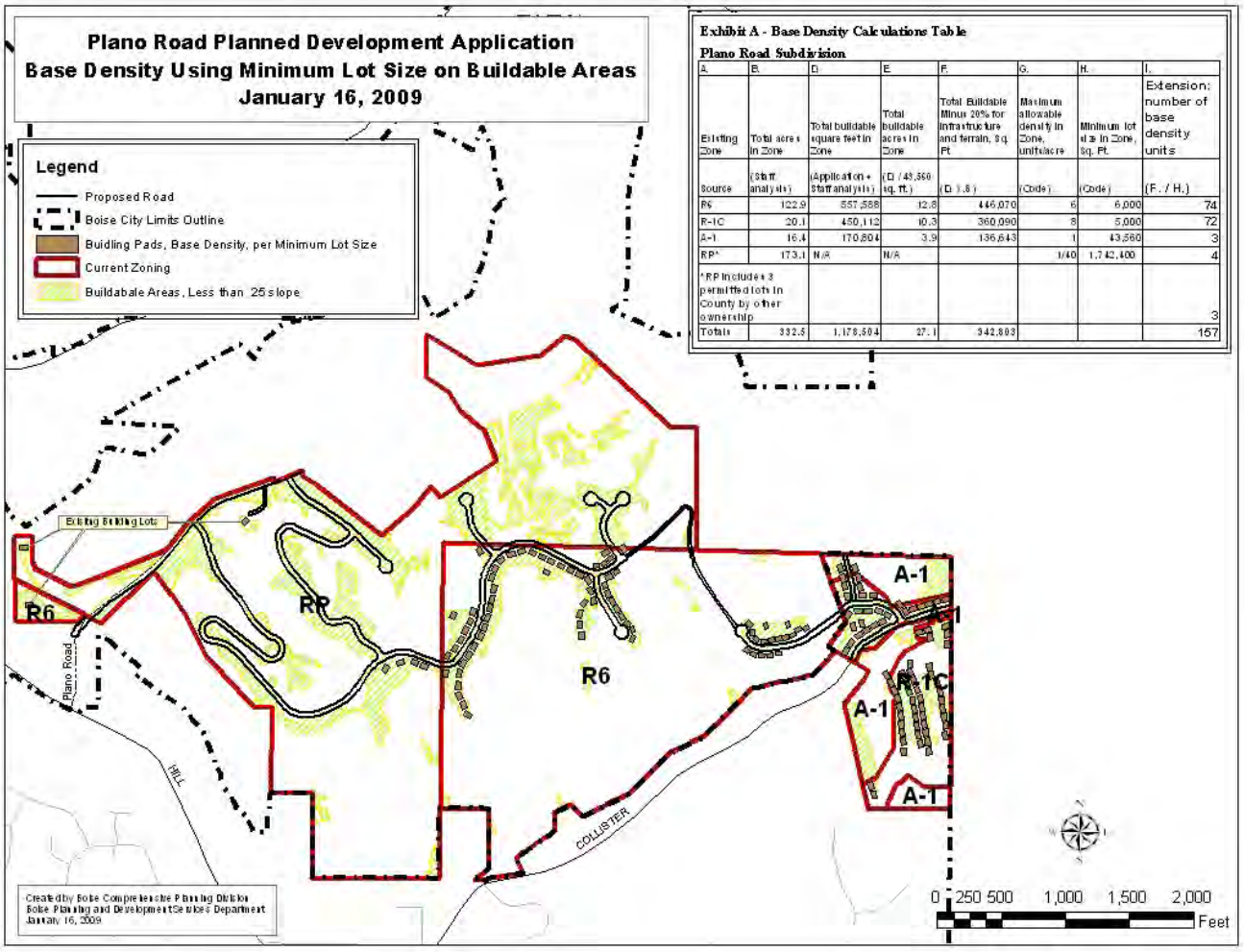


Exhibit A - Base Density Calculations Table

Plano Road Subdivision

A. Existing Zone	B. Total acres in Zone	D. Total buildable square feet in Zone	E. Total buildable acres in Zone	F. Total Buildable Minus 20% for infrastructure and terrain, Sq. Ft	G. Maximum allowable density in Zone, units/acre	H. Minimum lot size in Zone, Sq. Ft.	I. Extension: number of base density units
Source	(Staff analysis)	(Application + Staff analysis)	(D / 43,560 sq. ft.)	(D) .8)	(Code)	(Code)	(F. / H.)
R6	122.9	557,588	12.8	446,070	6	6,000	74
R-1C	20.1	450,112	10.3	360,090	8	5,000	72
A-1	16.4	170,804	3.9	136,643	1	43,560	3
RP*	173.1	N/A	N/A		1/40	1,742,400	4
*RP Includes 3 permitted lots in County by other ownership							3
Totals	332.5	1,178,504	27.1	942,803			157

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 Minus 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.

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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 neighbor-hoods. 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.

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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 are for the Aase's Onion, a Federal species of concern and protected by policies in the Boise Foot-hills Policy Plan.

B. That the proposed use will not place an undue burden on transportation and other public facilities in the 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.

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Hillside and Foothills Areas Development Ordinance - Section 11-14-03.05 Findings of Fact and Conclusions of Law

A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of law:

1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, and preservation of outstanding and unique features;

Finding: The proposed grading plan complies with the technical requirements of the Boise Hillside and Foothills Areas Development Ordinance and International Building

Code, except as noted above, and can be approved with the attached conditions of approval. Final approval of the grading plan and the issuance of a grading permit are contingent upon a more extensive onsite investigation con-firming the preliminary opinions of the geotechnical engineer.

The proposed development is generally in compliance with the technical requirements of Section 11-14-03.05 as conditioned in a letter from Boise City Public Works Exhibit D Plano Road Sub Grading, dated May 28, 2008.

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

Finding: The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. A Stormwater Well Report was submitted July 1, 2008 that substantiates that the storm water retention proposal would not adversely affect other property owners in the vicinity.

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

Finding: The site will comprise about 91 acres of developed land and approximately 241 acres of undeveloped land. There is enough land to accommodate the proposal. The preliminary Soil and Geo-logic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. Yet, one of the conditions of approval from Public Works is that the proposed grading plan shows some off-site disturbance that would require either re-design or permission from the land owner.

4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Finding: The proposed project would not create a potential for hazards of flooding, soil instability, fire or erosion.

5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of this chapter and the Floodway and Floodplain Ordinance.

Finding: The proposal meets the application sufficiency standards, and does not require a Floodplain permit. It complies with the requirements for Foothills gulches through the application for the Hillside and Foothills Areas Development permit.

B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all

Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance requirements including compliance with the Boise Metropolitan Plan.

Finding: The Hillside and Foothills Areas Development permit application was made in conjunction with applications for annexation, zone change, conditional use permit and a preliminary plat subdivision application so this standard has been met.

***

8. Conditions of Approval

Site Specific

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on March 27, 2008 and amended April 18, 2008 and a revised site plan, grading plan, and zoning boundary dated July 29, 2009, except as may be modified by Boise City Planning and Zoning Commission, or Staff, or expressly modified by the following conditions:

2. The applicant shall construct sidewalks along the frontage of Plano Lane and the project section of Collister Drive. The sidewalk on Collister Drive shall extend to the off-site cul-de-sac on the Polecat Gulch Reserve property and terminate at the trail head. If the sidewalk is located outside of the right-of-way, the applicant will be required to provide ACHD with an easement for the sidewalk. A sidewalk shall be added on the east side of Plano Lane from Hill Road to where it enters the project site.

3. Provide a recorded cross access agreement among the lots for access to the public street system, prior to issuance of a Building Permit for lots with shared driveways.

4. This approval shall be for a maximum number of 163 dwelling units as specified in the Development Agreement for CAR07-00042/DA, Exhibit J.

5. Development of the site shall be subject to design review criteria detailed in Exhibit L of this staff report. The design review process is delineated in the accompanying development agreement, Exhibit J. All structures in the development are subject to the site and landscaping criteria supplied by Boise Fire Department and Idaho Department of Fish and Game. Development lots situated on prominent ridgelines are subject to design criteria for the structures with the goal to minimize the visual impact on the landscape. These lots are depicted in Exhibit M.

6. The following conditions and guidelines from The Idaho Department of Fish and Game letter, dated June 27, 2008, shall be included in the home buyer's disclosure statement and the

CC& Rs.

a. The following language shall be incorporated into a home buyer's disclosure statement and signed by all residents of the Plano Road Subdivision: This area has been identified as wildlife habitat. Damage to landscaping and personal property from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Neither Ada County nor the State of Idaho will be liable for wildlife depredation and/or damage.

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

   i. Big game animals shall not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.

   ii. Domestic pets must be confined or under the owner's control at all times. Free roaming dogs and cats pose a threat to many wildlife species.

   iii. Fences in the Plano Road Subdivision must be of a design that does not pose an undo risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208)465-8465 for additional guidance on wildlife friendly fence design.

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

c. Native vegetation communities should be protected to the greatest extent possible. This includes native grasses, forbs, and shrubs. It is much easier to protect this vegetation initially than to attempt to revegetate disturbed areas. Native plants are generally difficult to locate in nurseries, they can be extremely challenging to restore, and are quite expensive. Disturbed sites should be mitigated elsewhere on the property. Disturbance can be minimized through clustering of homes, which results in a minimum of infrastructure development.

d. Known migration routes or movement corridors of big game animals should not be disturbed by development. Migrating big game animals generally follow traditional migration routes from summer ranges to lower elevation transition and winter ranges. Deer migrate along well-established routes and are fairly predictable, while elk are more nomadic. Recommendations include clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space.

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

f. When observing wildlife, maintain a safe distance. Do not disturb their normal activities. Resist the temptation to "save" baby animals, as their parent(s) are generally nearby.

g. Effective means to protect ornamental trees and shrubs from being eaten by wildlife include wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife

h. Bird feeders should be routinely cleaned to prevent the spread of disease.

i. Any burning of trash or vegetation on properties adjacent to wildlands should be carefully monitored and under control at all times. Fireworks should be avoided. Dry, brittle vegetation lights easily and fires spread rapidly. Wildfires are dangerous and pose a tremendous threat to human life and property, public lands, and wildlife habitat.

j. High numbers of big game animals on limited winter range attract predators such as mountain lions and bears. Precautions that should be followed include a) making noise as you come and go in the morning and at night, b) installing outside lighting, c) make it difficult for predators to approach your house unseen by avoiding planting dense vegetation near your home, d) keep your pets under control and bring them indoors at night since they are easy prey for predators, e) place livestock in enclosed sheds or barns at night.

7. All conditions of the Boise Fire Department report dated June 27, 2008 (Exhibit A) shall be complied with. Any deviation from this plan is subject to fire department approval. The Developer shall implement the measures spelled out in the "Plano Road Fire Prevention Plan" submitted with the application and dated May 31, 2007, and amended to provide more detail as directed by the Boise Fire Department. The amended plan will be included in the CC&Rs for the Homeowners' Association, and it will also be part of the design criteria review by PDS staff at the building permit review stage as described in the Development Agreement (Exhibit J) Item Number 8.

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

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

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

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

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

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

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

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

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

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

j. 2006 International Wildland-Urban Interface Code 403.3 and 404.3 Fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; shall be designed to accommodate the loads and

turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.

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

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

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

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

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

8. Specific building construction requirements of the International Building and International Fire Codes will apply. However, these provisions are best addressed at the Building Permit application.

9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, and hydrology per department comments dated May 19, 2008 (Exhibit B), May 20, 2008 and August 17, 2009, Preliminary Hydrology Report (Exhibit C),

May 28, 2008, Plano Road Sub Grading (Exhibit D), and per the memorandum from the Solid Waste/Ground Water and Street Lights Managers dated January 16, 2007 (Exhibit E). Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved Storm Water Plan must be resubmitted to BCPW for approval.

10. All of the **Ada County Highway District** conditions of approval related to the development of the subject property shall be complied with per staff report date stamped received May 30, 2008 (Exhibit F), and amended by the following conditions approved by the Commission on June 25, 2008 per a letter date stamped received June 30, 2008, and amended again in a letter dated September 14, 2009 in response to the design modifications of July 29, 2009.

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

ACHD Site Specific Conditions of Approval

1. Dedicate 50-feet of right-of-way for the extension of Plano Lane from the existing accepted public right-of-way to the site by execution of warranty deed prior to plans acceptance and prior to scheduling of final plat signature. The warranty deeds shall provide parcel S0619110060 with at least 30-feet of frontage along the new public right-of-way. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material.

2. At the time of execution of warranty deed for Plano Lane right-of-way, provide a financial surety in an amount to be determined by ACHD and in a form acceptable to ACHD for the cost of improving Plano Lane from the existing roadway to the site.

3. Improve and widen the first 50-feet of Plano Lane north of Hill Road to 40-feet of pavement. Relocate items within the right-of-way as necessary to accommodate the pavement widening and reduce sight-distance obstructions at the Plano – Hill intersection

4. Improve and widen the remainder of Plano Lane to include 30-feet of pavement with a 4-foot striped bike and pedestrian lane on the east side and 3-foot gravel shoulders on both sides from Hill Road to where Plano Lane enters the site.

5. Construct and dedicate Plano Lane as it extends into the site as a 36-foot street section with vertical curb and gutter on both sides, and 5-foot concrete sidewalk on the east side.

6. Ensure continued access of existing homes onto the improved portion of Plano Lane. Provide curb cuts and easements as necessary.

7. Extend and dedicate Collister Drive from its current terminus to the Polecat Gulch Reserve as a 36-foot street section with vertical curb, gutter, and 5-foot concrete sidewalk on both sides, all within 50-feet of right-of-way.

8. Construct a paved cul-de-sac turnaround at Collister Drive's new terminus in the Polecat Gulch Reserve, with a minimum 45-foot outside turn radius and vertical curb, gutter, and sidewalk along its perimeter

9. Coordinate with Boise City to provide a public turnaround easement over the cul-de-sac at Collister Drive's terminus. If the City of Boise does not grant an easement for the turnaround, the applicant shall dedicate additional right-of-way for the turnaround and construct it on site.

10. Coordinate with Boise City to determine the location of driveways providing access the Polecat Gulch Reserve trailhead.

11. Coordinate with Boise City to locate any access from the Collister Drive cul-de-sac to any unimproved parking areas a minimum of 30-feet from the dedicated right-of-way.

12. Construct a gravel roadway connecting Plano Lane and Collister Drive, to be used for emergency and construction access only, with the first phase of the development prior to scheduling signature of the first final plat.

13. Construct and dedicate a public roadway connecting Plano Lane and Collister Drive prior to scheduling final plat of more than 36 buildable lots accessing Plano Lane, or more than 17 buildable lots accessing Collister Drive, or more than 53 buildable lots total.

14. Do not schedule a final plat of more than 80 buildable lots for signature by the ACHD Commission until such time as the Collister Drive – Hill Road intersection is improved with three lanes on the Hill Road approaches and a traffic signal. The applicant/developer may accomplish this by any of the following:

    a. Enter into a Traffic Signal Agreement with ACHD to improve the Collister Drive – Hill Road intersection, to include widening of the Hill Road approaches to three lanes and installation of a traffic signal, prior to scheduling a final plat of more than 80 buildable lots.

    b. Wait until the Collister Drive – Hill Road intersection is added to the ACHD Capital Improvement Plan for widening and signalization, and enter into a developer cooperative agreement with the District to improve the intersection. The intersection shall be fully improved prior to scheduling final plat of more than 80 buildable lots. There is no guarantee that this intersection improvement will ever be added to the Capital Improvement Plan.

c. Wait until the Collister Drive – Hill Road intersection is improved by ACHD prior to scheduling a final plat of more than 80 buildable lots. There is no guarantee that this intersection will ever be improved by ACHD.

15. Install intersection advisory signs on the eastbound approach of Hill Road west of the Hill Road – Plano Lane intersection.

16. Construct and dedicate all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, and continuous 5-foot concrete sidewalk on one side, all within 40-feet of right-of-way.

17. Ensure that all street geometries comply with District policies 7204.4.8 through 7204.4.13, except where a modification of policy has been granted. Modification of policy has been granted for only the following:

    a. Centerline radius of 86-feet at Sta. 305+50 to 307+00 of Buck Hollow Way.

    b. Centerline radius of 86-feet at Sta. 314+25 to 315+50 of Buck Hollow Way.

    c. Centerline radius of 86-feet at Sta. 316+00 to 317+25 of Buck Hollow Way.

18. Construct a temporary paved turnaround at the improved terminus of Plano Way with a minimum 45-foot outside turn radius.

19. Site all residential driveways a minimum of 50-feet from the nearest street intersection.

20. Construct all residential driveways no wider than 20-feet, and paved their full widths for a minimum of 30-feet in from the roadway edge.

21. Comply with all Standard Conditions of Approval.

ACHD Standard Conditions of Approval

22. Any existing irrigation facilities shall be relocated outside of the right-of-way.

23. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.

24. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

25. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

26. Comply with the District's Tree Planter Width Interim Policy.

27. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

28. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

29. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

30. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

31. Payment of applicable road impact fees are required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

32. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

33. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

34. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of

its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

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

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

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

c. Boise Parks and Recreation requests the following conditions of approval should apply to this development request.

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

e. Developer shall construct a post and rail fence to BPR standards along the north property line of the subdivision to help protect the Reserve from encroachment by the future adjacent residences.

f. Developer shall construct an approved turn-around and trailhead at the new terminus of North Collister Drive to BPR specifications while adhering to ACHD access standards.

g. Developer shall stub utilities (water, sewer and power) to an acceptable location near the turn-around as approved by BPR and Public Works Department.

h. The turn-around and trailhead shall be graded and graveled to include 12 auto spaces with wheel blocks, an area for emergency vehicles to turn around, a boundary two post and rail fence and a trailhead kiosk.

i. Neither the riparian area (Polecat Gulch) nor the raptor nesting trees on the east

side of the current dirt roadway at the north end of Collister should be disturbed as both provide considerable habitat for wildlife in the area.

j. All conditions should be met during Phase I of the development.

12. Provide detailed information on the design and layout of the trail head and parking site on the Polecat Reserve property. Site plan shall be approved by PDS and Parks and Recreation Department. At a minimum, the following shall be provided to staff prior to submittal for any construction permits on the site:

a. Site Plan, at scale, showing existing vegetation, contours trail head and dirt road.

b. Layout of cul-de-sac, sidewalks, parking area, and connection to trail head, fences;

c. Signage to be approved at staff level by PDS and Parks and Recreation;

d. Location of stubs for sewer and water hook-ups;

e. Landscaping.

13. The applicant shall comply with the requirements of the Independent School District of Boise City #1 for signage in the cul-de-sacs, per District comments dated July 6, 2007 (Exhibit H).

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

15. Conserve the small onion fields through the dedication of the parcel upon which they rest to the Treasure Valley Land Trust.

General

16. The applicant shall submit a revised, detailed revegetation plan. This plan must be prepared and stamped by a licensed landscape architect. The plan should include the following information at a minimum:

a. The location of all existing trees larger than 2" in caliper and whether they are to be retained or removed. Any tree larger than 2" in caliper removed from the site shall be replaced with a tree or tree(s) with an equal or greater caliper.

b. The location of all proposed plant materials including trees and shrubs. All species should be represented by their approximate size at maturity.

c. The plant palette shall be expanded to include a variety of drought-tolerant deciduous and evergreen trees and shrubs that will provide for year-round interest.

d. All new deciduous trees shall have a minimum caliper of 2" and evergreen trees shall be a minimum of 6' in height at the time of planting.

17. All exterior mechanical and utility equipment at the front of the structures shall be screened by vegetation or decorative fencing. Proposed screening must be indicated on the landscape plan and submitted with the application for a Building Permit.

18. All amenities shall be constructed or bonded for prior to the issuance of the first building permit.

19. The minimum unobstructed interior width of a two-car private residential garage shall be twenty (20) feet. The minimum unobstructed depth of the stalls must be twenty (20) feet for the first stall and may be sixteen (16) feet for the second stall. These dimensions must be kept clear of any permanent obstructions including, but not limited to mechanical units.

20. A common party wall agreement shall be provided for all zero line units.

21. A condominium plat must be approved by Boise City and recorded with the Ada County Recorder prior to sale of any condominium units.

22. The applicant shall comply with the standards and conditions of the City of Boise Solid Waste Commercial and Multi-Family Centralized Trash Requirements.

23. Occupancy Permit will not be issued by the Boise City Building Department until all conditions of approval have been complied with. In the event a condition(s) cannot be met by the desired date of occupancy, the Boise City Planning and Development Services Department Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond will be required in the amount of one hundred ten percent (110%) of the value of the condition(s) which are incomplete.

24. Vision Triangles as defined in Section 11-01-03 and Section 11-10-04.4G. of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.

25. The applicant or his/her contractor shall obtain a right-of-way permit from the Ada County Highway District prior to any construction in the public right-of-way.

26. All private streets must be approved and constructed prior to the issuance of any Building Permit for this property.

27. All parking areas and driveways shall be paved, marked and provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.

28. Existing mature vegetation shall be retained wherever possible.

29. Street trees, as selected from the City Forester's list of approved trees, shall be provided. Each tree will be a minimum 2-inch caliper at time of planting.

30. A detailed landscaping plan shall be submitted to the Planning and Development Services Department Staff for review and approval prior to issuance of a Building Permit. Such plan shall indicate existing and proposed plant and landscaping materials, method of irrigation, quantities, locations, approximate size at maturity, and minimum size at time of planting and locations of existing trees to be removed.

31. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.

32. Development on the site shall not obstruct the flow of water through any irrigation ditches on or adjacent to the site. If any watercourse is to be altered, written approval shall be obtained from the appropriate agency.

33. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.

34. A detailed grading and drainage plan shall be submitted for review and approval by the Ada County Highway District and Boise City Public Works Department before a Building Permit is issued.

35. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).

36. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.

37. Utility services shall be provided underground.

38. Trash receptacles, on-grade and roof-top mechanical and electrical equipment shall be screened from public view by use of an approved sight-obscuring fence and/or hedging.

39. All drainage and irrigation ditches, laterals or canals crossing, intersecting and lying adjacent or contiguous to the site shall be covered or fenced with a chain link fence at least four feet (4') high as required by Section 11-06-04.14(J) of the Boise City Code. (Required for multiple family dwelling(s), kindergarten, school, nursery or mobile home park uses. May be waived by the Commission if found the fence will not serve the public interests)

40. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.

41. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the City of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

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

a. Commence the uses permitted by this conditional use permit; and

b. All plats contingent upon the conditional use permit shall be recorded within this fifteen year period.

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

43. Any future division of these parcels into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 9, Chapter 20, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting. Such a subdivision would also require a zone amendment and amendment of the development agreement adopted with the subject zone reclassification ordinance associated with CAR07-00042/DA.

44. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.

45. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a one-year time extension. A maximum of three (3) one-year time extensions may be granted to an unexpired permit. The Commission reserves the right to require additional conditions or modifications to the revised plans.

46. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.

Construction Practices

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

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

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

b) Applicant shall submit and receive approval from Planning and Development Services and Ada County Highway District for a construction, transportation and parking plan. The plan shall also comply with all construction standards of Ada County Highway District to those streets contiguous to the construction site and surrounding neighborhood. The approved plan shall be posted at each street abutting the construction site and shall address the following:

- Ingress/egress of construction equipment and trucks;
- Hours of operation for the loading and unloading of construction equipment and materials;
- Truck access routes, to and from site, for excavation and construction phases;
- Street closures (if any); and
- Location of off street parking for construction workers.

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

- Provide suitable containers for solid waste generated by construction activity;
- Wet demolition of existing buildings;
- Watering of driving surfaces and earth moving activities;
- Installation of wind screening around property and each open floor above grade; and
- Daily broom cleaning of above grade floors, adjacent streets and sidewalks.

d) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.

e) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.

f) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.

g) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.

h) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.

Appendix 1
Modification July 29, 2009



Appendix 2
Modification July 29, 2009

PLANO ROAD SUBDIVISION
CHANGE SUMMARY

Removing the lots off of the front ridge par allel to Hill Road elim inates any sky lining issues as well as the need for the connecting r oad along this front ridge. This results in a total project reduction of over 200,000 c ubic yards of cut material and an 11.3% reduction of land disturbance area.

A cul-de-s ac will be develo ped where the current sand pit restoration area is. T he effect of this change will cause a greater clustering of units deeper in the proje ct location. This along with a few minor lot line adjustments will result in the total lot c ount 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:

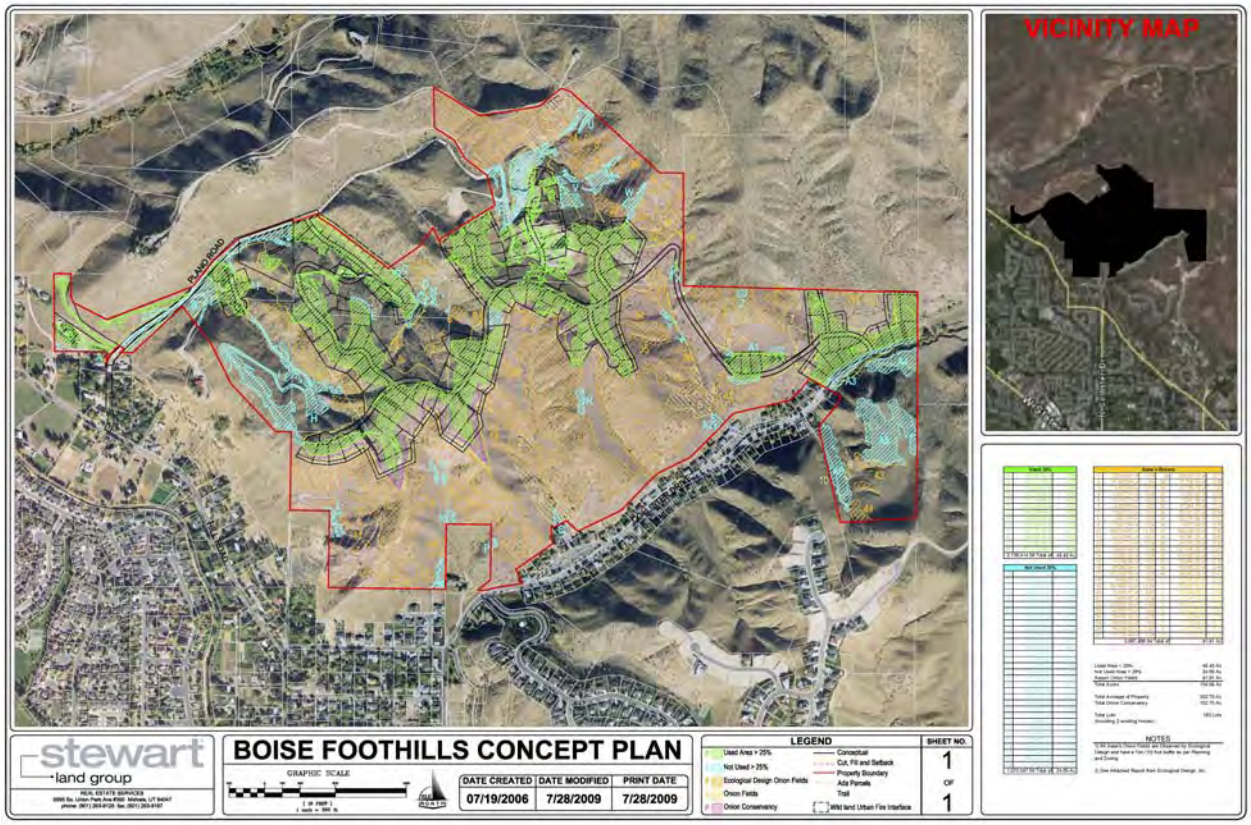
Cut: 1,924,000 cubic yards
Fill: 1,682,000 cubic yards

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



Appendix 5
Modification July 29, 2009



Appendix 6 Density Bonus Calculations

Appendix 6 **Sept. 15, 2009**

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
1. Total Land in Slope Analysis:	Aase's Canyon LLC, Capital Development, Marie E. Casey, Kelly E. Troutner and Perry Harding		1. Application
TOTAL ACRES		**332.8**	1. Application
2. Total Buildable Land (Slopes less than 25%:)			
Used (proposed development)		48.4	2. Application
Not used (Open Space Dedicated)		24.7	3. Application
TOTAL ACRES		**73.1**	5. Sum
*See Zoning Code 11-06-05.07.04 Density Bonus			
Proposed developed land		48.4	2. Application
Percent of Buildable land to be developed		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
		UNITS	**FORMULA**

DENSITY BONUS - Based on implementation of Plan SUBMITTED July 29, 2009, using a maximum of 48.43 acres of the 332.8 acres of slopes less than 25%, not including the credit for the Aase's Onion fields, the density bonus value is =		**36**	48.43 ac. X 0.75 Units/ac. Density Bonus =
Base Density =	**Base density calculations of existing zones = 157 units**	**157**	Base Density = Total Land-acres/40 u/acre
TOTAL POTENTIAL UNITS =		**193**	DENSITY BONUS + BASE DENSITY

FOOTHILLS AREA DENSITY BONUS CALCULATIONS

+Find y, Units per acre multiplier, given the percentage of set-aside buildable land below		**FORMULA**
% of Set-aside buildable land =	33.73%	
	0.75	**y=mx+b**
Density Bonus on remaining buildable land - units/acre	0.75	Calculated by y=mx+b from Table 1 below
Y intercept is	-1.389	Constant per ordinance derived from Table 1
Slope is	6.333	Constant per ordinance derived from Table 1

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)

Density Bonus Formula - Foothills Planned Development Ordinance					

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

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

11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE

11-06-05.07.01. Purpose and Intent

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

11-06-05.07.01. Purpose and Intent - Analysis

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

11-06-05.07.02. Applicability

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

11-06-05.07.02. Applicability - Analysis

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

11-06-05.07.03. General Application and Development Requirements

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

2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a “Hillside and Foothill Areas Development” permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.

3. Upon annexation the buildable areas of the PD shall be zoned “R-1A,” Single-Family Residential, with the density and design further controlled by the provisions of this or-

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

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*

			Example	
Built Area Percent	**Open Space Dedicated Percent**	**Desity Bonus Units / Acre**	*Buildable Area On 100 acres* After Open Space Set-Aside	*# of Bonus Units*
75%	**25%**	**0.5**	*75.0*	*38*
69%	**31%**	**0.75**	*68.8*	*52*
63%	**38%**	**1.0**	*62.5*	*63*
56%	**44%**	**1.25**	*56.3*	*70*
50%	**50%**	**1.5**	*50.0*	*75*
44%	**56%**	**1.75**	*43.8*	*77*
38%	**63%**	**2.25**	*37.5*	*84*
31%	**69%**	**3.0**	*31.3*	*94*
25%	**75%**	**4.0**	*25.0*	*100*

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

C. Other Open Space Allowances:

The City recognizes that the foothills provide a great degree of variability in landforms, environmental habitats and cultural resources. Some areas may have a combination of char-

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.

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

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.

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Foothills Policy Plan - 2.0 ENVIRONMENTAL PROTECTION AND OPEN SPACE CONSERVATION
Objective 3
Where Foothills developments are adjacent to undeveloped areas, wildfire hazards shall be assessed and minimized through subdivision design, street layout, building design and landscape and building materials restrictions.

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

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

3) Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet, and are encouraged for all other residences in areas vulnerable to range fires.

4) Emergency and/or secondary access shall be 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 form Chapter 5 are listed her to further inform the discussion about the traffic impacts faced by the Collister and Plano neighborhoods.

When it comes to the traffic impacts, the neighbors 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.

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[Resume the Foothills Planned Development Ordinance]

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

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

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

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

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.

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

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

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

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

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

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 in review of the FPDO.

Trails - Analysis

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

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

Boise Parks and Recreation Department has requested a right-of-way and street connection off-site of the subject property, at the end of the proposed extension of Collister Drive. They have requested an ACHD standard 50-foot radius cul-de-sac dedicated by the City, on the City's Polecat Gulch Reserve property that would provide public access to the Reserve. This request is also part of the proposed Development Agreement and thereby subject to the re-zone ordinance. The Boise Parks and Recreation Department request includes a trail head, a driveway and parking for a dozen vehicles and truck and horse trailer, a sidewalk, sewer, power and water connections, and fencing. These requests were made in a letter to PDS dated July 7, 2007 and amended in a letter dated June 27, 2008 (See Exhibit G).

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

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

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.

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

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 - Analysis

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

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

the landowner(s).

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

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

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

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



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

Aase's Onion Conservation Plan
Prepared for

Plano Road Subdivision



RECEIVED
JUN 15 2009
DEVELOPMENT
SERVICES

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

I. BACKGROUND OF AASE'S ONION 3

A. AASE'S ONION IN IDAHO 3
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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?

Exhibit A

BOISE FIRE DEPARTMENT

M E M O R A N D U M

TO: Bruce Eggleston, PDS Comprehensive Planning

FROM: Mark Senteno

SUBJECT: Aases Canyon/Plano Road Subdivision

DATE: June 27, 2008

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

Code Requirement:

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

Comments:

Condition of Approval:

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

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

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

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

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

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

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

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

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

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

Boise Municipal Code Title 11 Zoning Section 11.06.05.07.05 Design Criteria:

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

2006 International Wildland-Urban Interface Code 403.3 and 404.3

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

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

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

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

Comments:

Condition of Approval:
Refer to Code Requirements.

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

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

Condition of Approval:
Refer to Code Requirements.

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

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

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

11B

Letters From Agencies

Boise Public Works

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: June 6, 2007

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Aases Canyon Point
CFH07-00022

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

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

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

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July12, 2007

To: **Bruce Eggleston**
Planning & Development Services

From: Jim Wyllie
Public Works

Subject: **Plano Subdivision**
Hydrology Report & Drainage Plans
PWE 610

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

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

Hydrology Report

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

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

Drainage Plans

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

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

cc: Hal Simmons
Terry Records

PWE610PlanoHydmem.doc

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 13, 2007

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

Subject: Aases Canyon Point Grading Review
CFH07-00022

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

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

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

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

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

1. Clean up the apparent computer anomalies.

2. Modify the proposed grading to minimize the area of disturbance and the depth of the cuts and fills.

3. Provide a current estimate of the cut and fill imbalance with a grading plan that indicates the disposal site is large enough to accept the volume.

BOISE
CITY OF TREES

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

Mailing Address
P. O. Box 500
Boise, Idaho 83701-0500

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Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council ProTem
David Eberle

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

Planning & Development Services

July 15, 2007

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

Subject: Aase's Point Canyon project applications

Dear Mr. Winn

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

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

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

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

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

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incorporated in the development layout and are shown as vacant land.

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

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

Sincerely,

Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file

BOISE
CITY OF TREES

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

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Alan W. Shealy
Jim Tibbs

Planning & Development Services

August 30, 2007

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

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

Dear Mr. Winn,

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

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

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

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

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

1. Address the grading items in the attached letter from Terry Records from Public Works, Exhibit A.

2. Provide evidence from the Ada county Highway District, and other sources, that prove that the Plano Road ingress/egress is secured for this project. Portray the proposed plan right-of-way on the preliminary plat and other maps. Supporting evidence must include an affidavit of legal interest from all the landowners providing the right-of-way.

3. A map showing the post-grading contours and the undisturbed Aase's Onion fields that would be permanently set aside, with calculations of the remaining area sizes.

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

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

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

Sincerely,

Hal Simmons, Planning Director
Boise Planning and Development Services Department

cc: Bruce Eggleston
Dave Abo
Jim Wylie
Terry Records
file

Exhibit A

August 29, 2007
From Public Works, Terry Records
Plano Grading Plan Adequacy:

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

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

Exhibit B

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 19, 2008

To: Bruce Eggleston, Planner II
Planning & Development Services

From: Jim Wyllie
Public Works

Subject: Plano Subdivision
Preliminary Hydrology Report
Review Comments
PWE 610

Project Description

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

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

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

Pre Development Conditions

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

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

Post Development Conditions

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

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

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

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

Commentary

1. Although the information provided in the Preliminary Hydrology Report is adequate, certain additions and revisions to the final hydrology report and plan will need to be made. Such changes include modification of drainage basin characteristics, such as size, runoff coefficients, etc. Pond infiltration rates and information on all stormwater piping systems and culverts also needs to be provided.

2. Where possible, stormwater ponds should be located out of the natural drainage channels. Placing ponds in the bottom of drainage channels diminishes their storage capacity if natural flows are allowed to enter the ponds. Developer's Engineer should consider placement of bypass piping to route natural drainage flows around proposed pond facilities.

3. Erosive soils are present in this development and in upstream tributary areas. Over time, transport and deposition of sediments in the ponds may significantly diminish the ponds capacity and infiltration performance. Consequently, removal of sediments from the ponds is very important. Sediment removal requirements should be clearly specified in operation and maintenance manuals which must be provided with the final engineering documentation.

4. Developer shall provide additional documentation for stormwater ponds with the final

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

5. One of the proposed ponds has an embankment height of 10 feet. This pond may be subject to regulations of the Idaho Department of Water Resources.

6. Ponds are to be provided with outflow structures. Outflow rates cannot exceed pre-development runoff rates. Place outflows at historical drainage inverts.

7. Ponds are shown with side slopes of 1:1 or 2:1. Fencing around ponds will be required.

8. Basin "C" pond slopes are shown to be 1:1. This slope steepness exceeds recommendations listed in the Preliminary Geotechnical Report. Pond slopes should be revised to 2:1 or be specifically approved in the final geotechnical report.

9. The private road (20 foot wide roadway connecting upper and lower W. Daylight Rim Drive) needs to include a drainage system or be constructed with an armored channel on the low side of the roadway.

Conclusion

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

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

Exhibit C

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 20, 2008

To: Bruce Eggleston, Planner II
Planning & Development Services

From: Jim Wyllie
Public Works

RECEIVED
MAY 2 2 2008
DEVELOPMENT SERVICES

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

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

Recommended Conditions of Approval

General Requirements For All Stormwater Ponds

1. Details on all pond outflow structures must be provided. Outflow rates cannot exceed pre-development runoff rates. Discharge point for outflow structures shall be placed at historical drainage inverts.

2. Ponds are shown with side slopes of 1:1 or 2:1. Fencing around ponds will be required.

3. Where possible, stormwater ponds should be located out of natural drainage channels.

4. Drainage ponds with embankment heights of ten feet or greater are subject to regulations of the Idaho Department of Water Resources.

Requirements For Stormwater Infiltration Ponds

1. Pond infiltration rates and time required for each pond to drain shall be provided. Infiltration rates shall be supplied by the project geotechnical engineer.

2. Pond sediment removal requirements shall be clearly specified. These requirements shall be included in Operation and Maintenance manuals for use by the Subdivision Homeowners Association.

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

Other Requirements

1. Basin "C" pond slopes, as shown on preliminary grading plans, are shown to be 1:1. This slope steepness exceeds recommendations listed in the Preliminary Geotechnical Report. Pond slopes should be revised to 2:1 or be specifically approved in the final geotechnical report.

2. The private road (20 foot wide roadway connecting upper and lower W. Daylight Rim Drive) needs to include a drainage system or be constructed with an armored channel on the low side of the roadway.

3. Final Hydrology Report shall include documentation for all stormwater piping systems and culverts.

4. Final Drainage Plans shall be approved by Ada County Highway District prior to signature of the Final Plat by the City Engineer.

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

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

Exhibit D

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: May 28, 2008

To: Bruce Eggleston
Planning and Development Services

From: Terry Records
Public Works

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

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

Grading

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

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

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

Geotechnical

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

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

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

1. Slope Stability Analysis
   Slope instability could potentially impact adjacent development and must be evaluated .

2. Stormwater Disposal
   Soils will be evaluated for infiltration, allowable infiltration rates, and recommended setback distances from structures and slopes and potential impacts of subsurface drainage on existing downstream structures and domestic water wells.

3. Earthwork and Grading
   Recommendations to include suitable soil types and evaluation of on-site soils for use as structural fill and ;the effect of perched groundwater on proposed grading.

4. Evaluation of Subgrade Soils for Project Infrastructure
   This evaluation to include identification of active clay soils, evaluation of settlement potential associated with grading, recommendations for pavement subgrade, and

recommendations to reduce potential effects of detrimental soil conditions.

5. Detention Pond Embankments
   Recommendations to include stability analysis seepage analysis and earthwork specifications.

Conclusion

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

Recommended Conditions of Approval

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

1. Provide a Final Geologic and Geotechnical report that addresses the areas of concern identified in the Preliminary Soil and Geologic Evaluation. The final report must indicate that the development can be done without adverse impact to adjacent properties through slope instabilities or the introduction of subsurface water by infiltration facilities.

2. Modify the proposed grading plan to comply with the grading setback requirements of the UBC or provide approval from the affected property owner.

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

1. All site work shall be done in compliance to the above referenced plans and project specifications, the Boise City Hillside and Foothills Areas Development Ordinance, CUP07-00084, CFH07-00022, SUB07-00065, and in accordance with Appendix Chapter 33 of the Uniform Building Code.

1. All earthwork must be done under the direct supervision of the geotechnical engineer. Inspection and testing of earthwork is to be provided by a soils engineer/testing laboratory. Embankment compaction test data and daily logs of construction activities shall be submitted by the Project Engineer to Public Works (my attention) on a weekly basis.

2. Unforeseen or difficult soil conditions may be encountered during earthwork activities. If soil conditions, weather conditions, or other situations alter work activities or potentially impact satisfactory completion of work; the City shall be immediately notified. The

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

3. The permittee shall apply water or other dust palliative to control dust when necessary.

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

5. No cut or fill slopes shall be steeper than 2 to 1.

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

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

8. Final reports as required by Chapter 33 of the uniform Building Code shall be provided prior to full release of grading performance security.

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

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

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

12. The Contractor and/or Developer to whom this permit is issued, shall be responsible for maintaining the project site in a safe, environmentally stable condition. If the Project

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

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

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

15. When work is completed on the storm drains to the individual lots, record drawings shall be provided that identify the location and invert of the end of the stubout.

stewart land group

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

June 3, 2008

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

Dear Bruce,

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

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

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

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

If anything else is needed please let me know.

Sincerely,

Kerry Winn

Kerry Winn
V.P. of Operations
Stewart Land Group

Exhibit E

RECEIVED
JAN 17 2008
DEVELOPMENT SERVICES

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: January 16, 2008

To: Boise City Planning & Zoning

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

CONDITIONS OF APPROVAL

SEWER CONDITIONS – JIM PARDY (433-5648)

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

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

No comment.

STREET LIGHT CONDITIONS – BILL COLSON (384-3929)

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

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

OTHER COMMENTS:

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

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

PUBLIC WORKS REPRESENTATIVE

PUBLIC WORKS REPRESENTATIVE

cc: Applicant

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.

ACHD

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

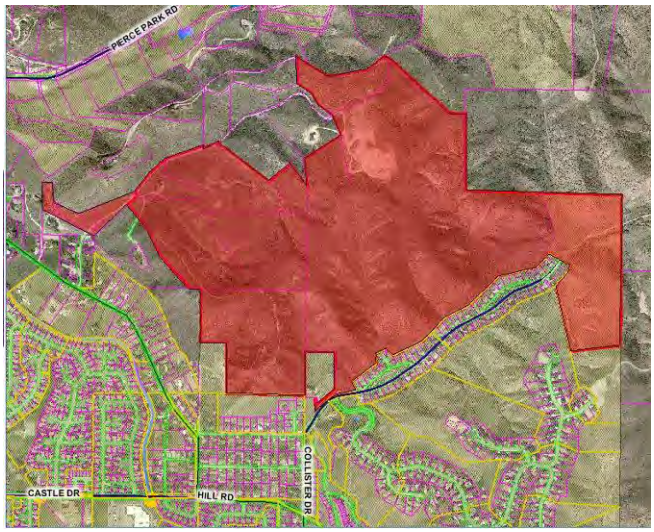
Site Address: N. Plano Lane

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* to seven lanes *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 a~~s 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

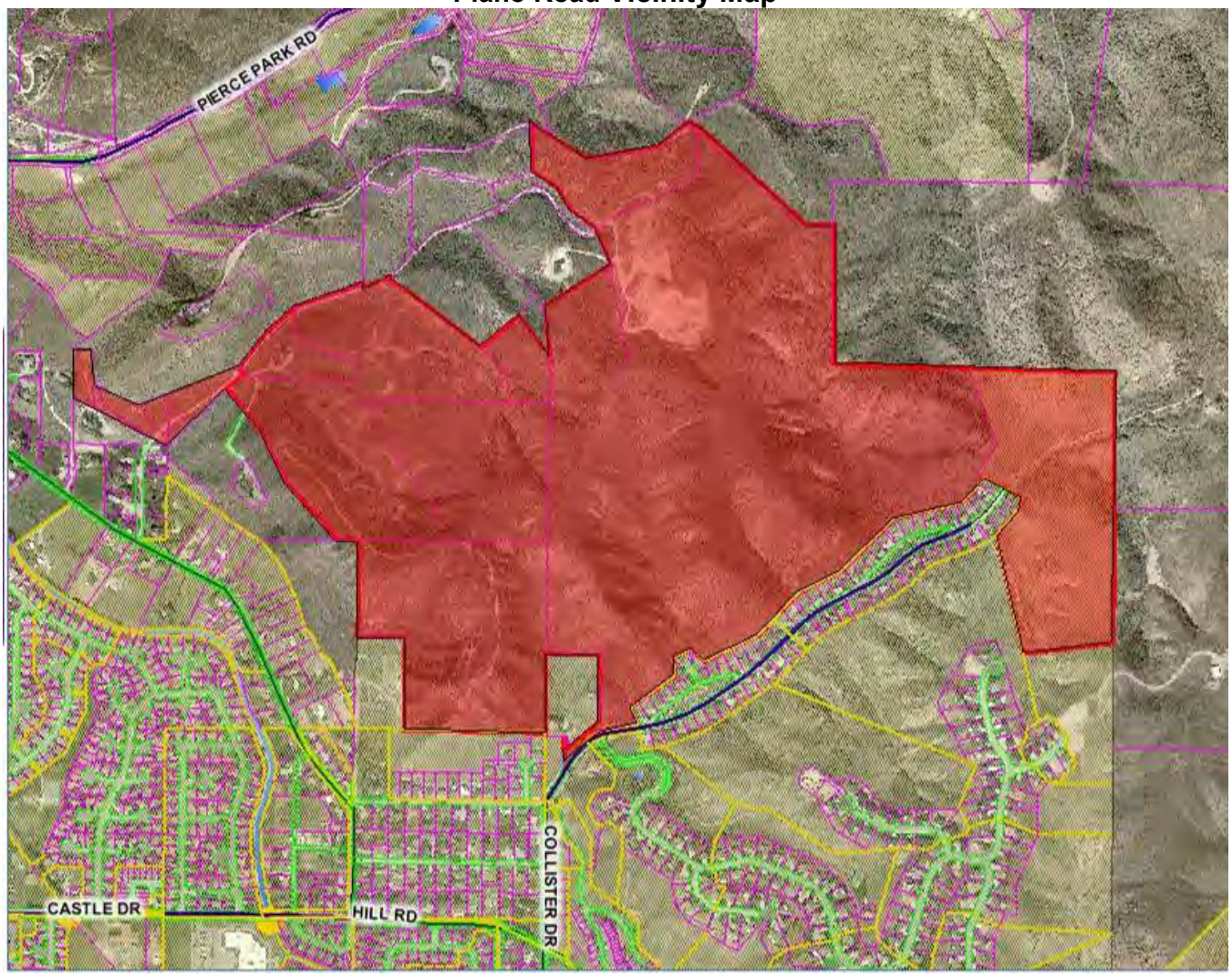
1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

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.

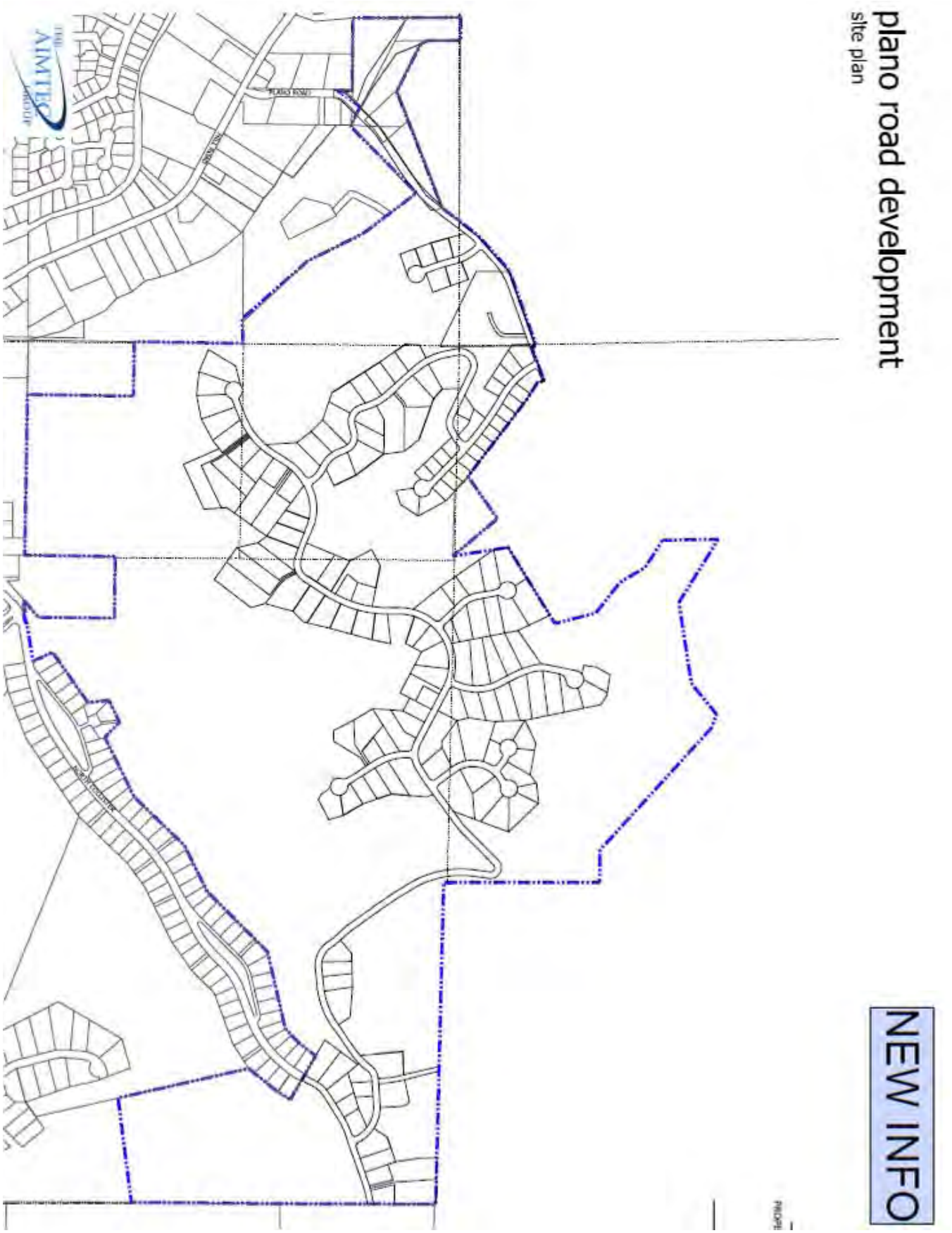
Attachments

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

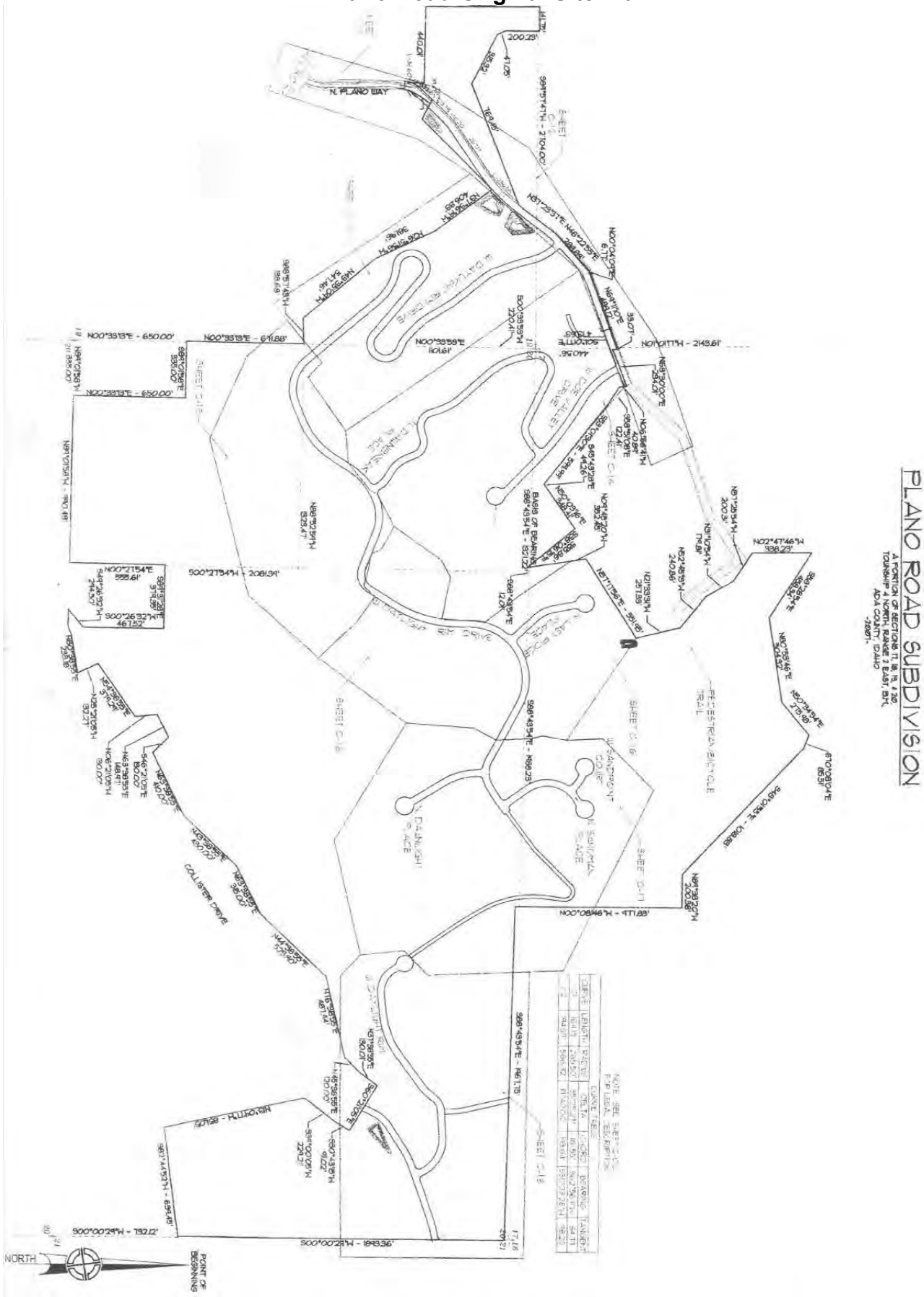
Plano Road Vicinity Map



Plano Road Revised Site Plan



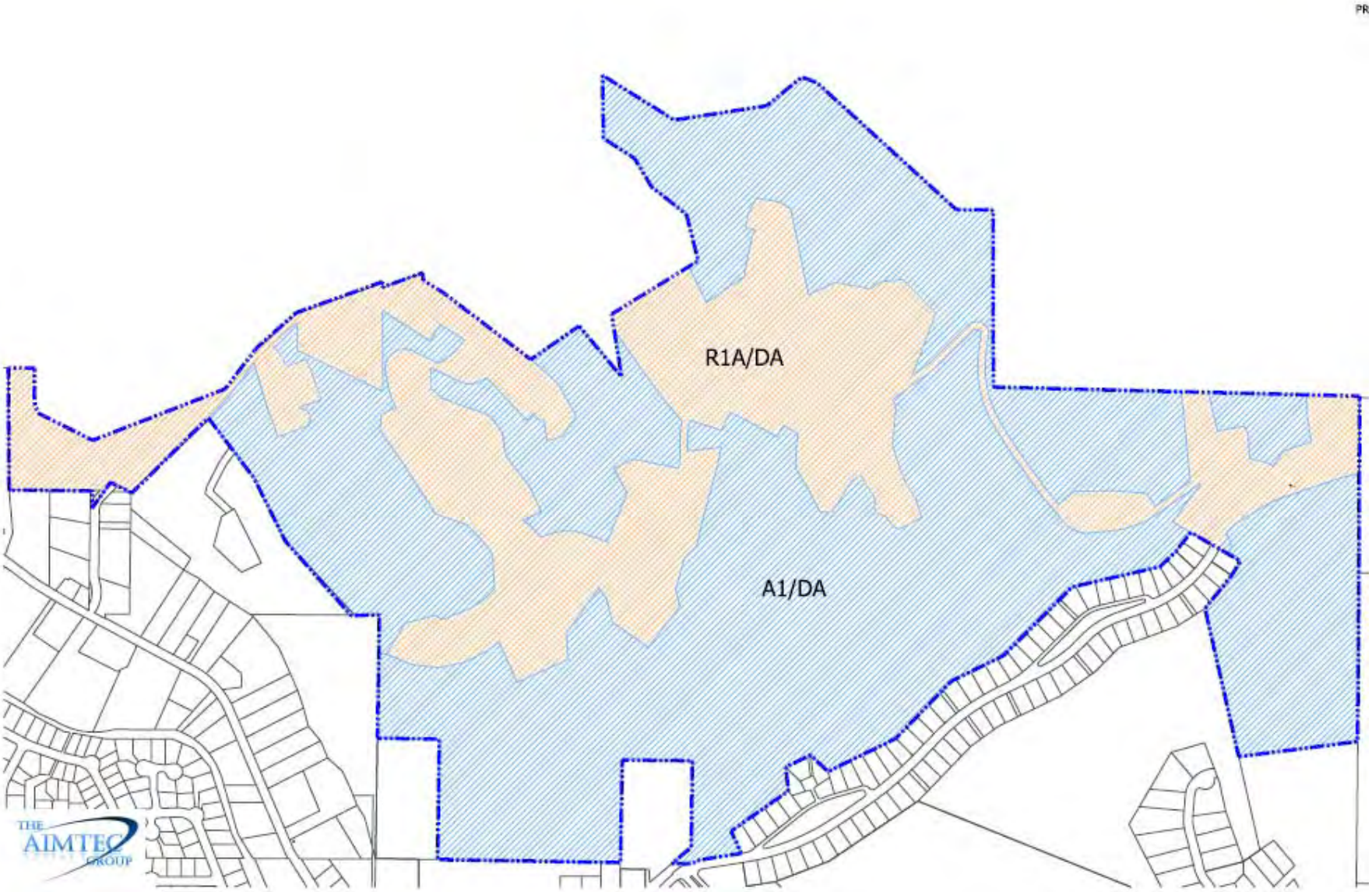
Plano Road Original Site Plan



plano road development

ZONING MAP

NEW INFO



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 <u>one</u> 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 <u>ANY</u> 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.

<u>DID YOU REMEMBER</u>:
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.

Letters From Agencies

Ada County Highway District

ACHD
Committed to Service

April 15, 2008

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner II

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

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

ACHD
Committed to Service

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

TO: ACHD Commissioners, J. Schweitzer, Bruce Mills

FROM: Matt Edmond, Planner II

DATE: May 27, 2008

SUBJECT: Plano Road Subdivision—Regular Agenda item on April 23, 2008
Identification of neighborhood concerns from communications received by staff AND staff response and comments to the identified concerns

Widening of Plano

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

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

Connectivity

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

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

Traffic on Plano Lane

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

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

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

Traffic on Collister Drive

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

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

Plano – Hill Intersection

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

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

Collister – Hill Intersection

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

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

Collister – Quail Ridge Intersection

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

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

Increased Area Traffic

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

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

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

Drainage

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

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

ACHD
Committed to Service

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

June 3, 2008

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

Subject: Plano Road Subdivision

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

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

Sincerely,

Matt Edmond

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

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

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

June 12, 2008

To: Interested Parties

Subject: Plano Road Subdivision

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

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

Sincerely,

Matt Edmond

Planner II

Ada County Highway District

Right-of-Way & Development Services

T 208-387-6187

F 208-387-6393

Ada County Highway District

AGENDA MEMORANDUM *Right-of-Way & Development Services Department*

TO: ACHD Commission June 18, 2008

FROM: Gary Inselman, ROWDS Manager

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

MEETING DATE: June 25, 2008

FINDINGS

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

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

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

RECOMMENDATION

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

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

could include trimming vegetation in the existing right-of-way or within any easement areas the District may be able to voluntarily acquire.

c. The District should provide a report and special recommendation to the City of Boise regarding the speed study conducted by the District to request increased enforcement in this area.

3. To address concerns of winter safety staff recommends:
   a. The roadway connection not be made until necessitated by traffic demands from the development. If the roadway is opened prematurely the District will be required to perform winter maintenance for a limited number of drivers to reduce the risk of accidents.
4. To address the concerns of general connectivity staff recommends:
   a. A public roadway shall be required to connect Plano Lane and Collister Drive.
   b. The applicant has proposed an alternative to the original threshold of 80 lots recommended by staff. The applicant proposes that the connection be constructed as a public roadway after platting 53 lots, 36 lots off of Plano Lane and 17 lots off of Collister Drive. Staff supports this proposal as a reasonable compromise when considered in total with the other recommendations above. Therefore, staff recommends that the public roadway connection between Plano Lane and Collister Drive shall be completed after the platting of a maximum of 36 buildable lots accessing from Plano Lane and/or a maximum of 17 buildable lots accessing from Collister Drive for a total of 53 buildable lots. The public roadway would be required prior to signature of a final plat that included either the 54th buildable lot total in the development, or the 37th buildable lot accessing from Plano Lane, or the 18th buildable lot accessing from Collister Drive.

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

EXHIBIT F

ACHD
Committed to Service

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

July 2, 2008

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

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

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

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

Sincerely,

Matt Edmond

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

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

ACHD

Committed to Service

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

Lead Agency: City of Boise

Site address: Plano Lane

Commission Approval: June 25, 2008

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

Representative: Same as above

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

Tech Review: April 11, 2008

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



A. Findings of Fact

Existing Conditions

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

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

3. **Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site**
   - Plano Lane is currently improved with approximately 19-feet of pavement with no curb, gutter, or sidewalk inside 50-feet of right-of-way for approximately 750-feet north of Hill Road.

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

4. **Existing Access:** There is one defined access point to this property located off of Plano Road.
5. **Site History**: ACHD has not previously reviewed this site for a development application.

Development Impacts

6. **Trip Generation:** This development is estimated to generate 1,530 additional vehicle trips per day (VTD) based on the submitted traffic impact study.
7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
8. **Existing Condition of Area Roadways:**

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

*Acceptable level of service for a two-lane minor arterial roadway is "D" (14,000 VTD).
*Acceptable level of service for a two-lane collector roadway is "D" (9,500 VTD).
*Acceptable level of service for a five-lane principal arterial is "E" (37,000 VTD).

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

B. Findings for Consideration

1. Traffic Impact Study

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

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

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

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

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

2. Plano Lane (Existing)

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

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

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

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

3. Plano Way Extension (Off-site)

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

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

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

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

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

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

4. Plano Way (New Extension)

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

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

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

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

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

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

5. Collister Drive

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

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

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

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

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

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

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

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

6. Street Connectivity

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

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

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

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

7. Hill Road – Collister Drive Intersection

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

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

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

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

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

8. Collister Drive – Quail Ridge Drive Intersection

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

9. Hill Road – Plano Lane Intersection

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

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

10. Internal Streets

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

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

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

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

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

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

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

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

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

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

11. Stub Streets

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

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

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

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

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

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

12. Roadway Offsets

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

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

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

13. Driveways

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

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

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

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

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

C. Site Specific Conditions of Approval

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

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

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

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

c. Wait until the Collister Drive – Hill Road intersection is improved by ACHD prior to scheduling a final plat of more than 80 buildable lots. There is no guarantee that this intersection will ever be improved by ACHD.

15. Install intersection advisory signs on the eastbound approach of Hill Road west of the Hill Road – Plano Lane intersection.

16. Construct and dedicate all internal streets as 29-foot street sections (back-of-curb to back-of-curb) with vertical curb and gutter on both sides, and continuous 5-foot concrete sidewalk on one side, all within 40-feet of right-of-way.

17. Ensure that all street geometries comply with District policies 7204.4.8 through 7204.4.13, except where a modification of policy has been granted. Modification of policy has been granted for only the following:

    a. Centerline radius of 86-feet at Sta. 11+50 to 14+50 of Daylight Rim Drive.
    b. Centerline radius of 86-feet at Sta. 19+00 to 22+00 of Daylight Rim Drive.
    c. Centerline radius of 86-feet at Sta. 305+50 to 307+00 of Buck Hollow Way.
    d. Centerline radius of 86-feet at Sta. 314+25 to 315+50 of Buck Hollow Way.
    e. Centerline radius of 86-feet at Sta. 316+00 to 317+25 of Buck Hollow Way.
    f. Centerline tangent length between curves of less than 50-feet at Sta. 22+21.16 of Daylight Rim Drive.

18. Construct a temporary paved turnaround at the improved terminus of Plano Way with a minimum 45-foot outside turn radius.

19. Site all residential driveways a minimum of 50-feet from the nearest street intersection.

20. Construct all residential driveways no wider than 20-feet, and paved their full widths for a minimum of 30-feet in from the roadway edge.

21. Comply with all Standard Conditions of Approval.

D. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.

2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.

3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. Comply with the District's Tree Planter Width Interim Policy.

6. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

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

E. Conclusions of Law

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

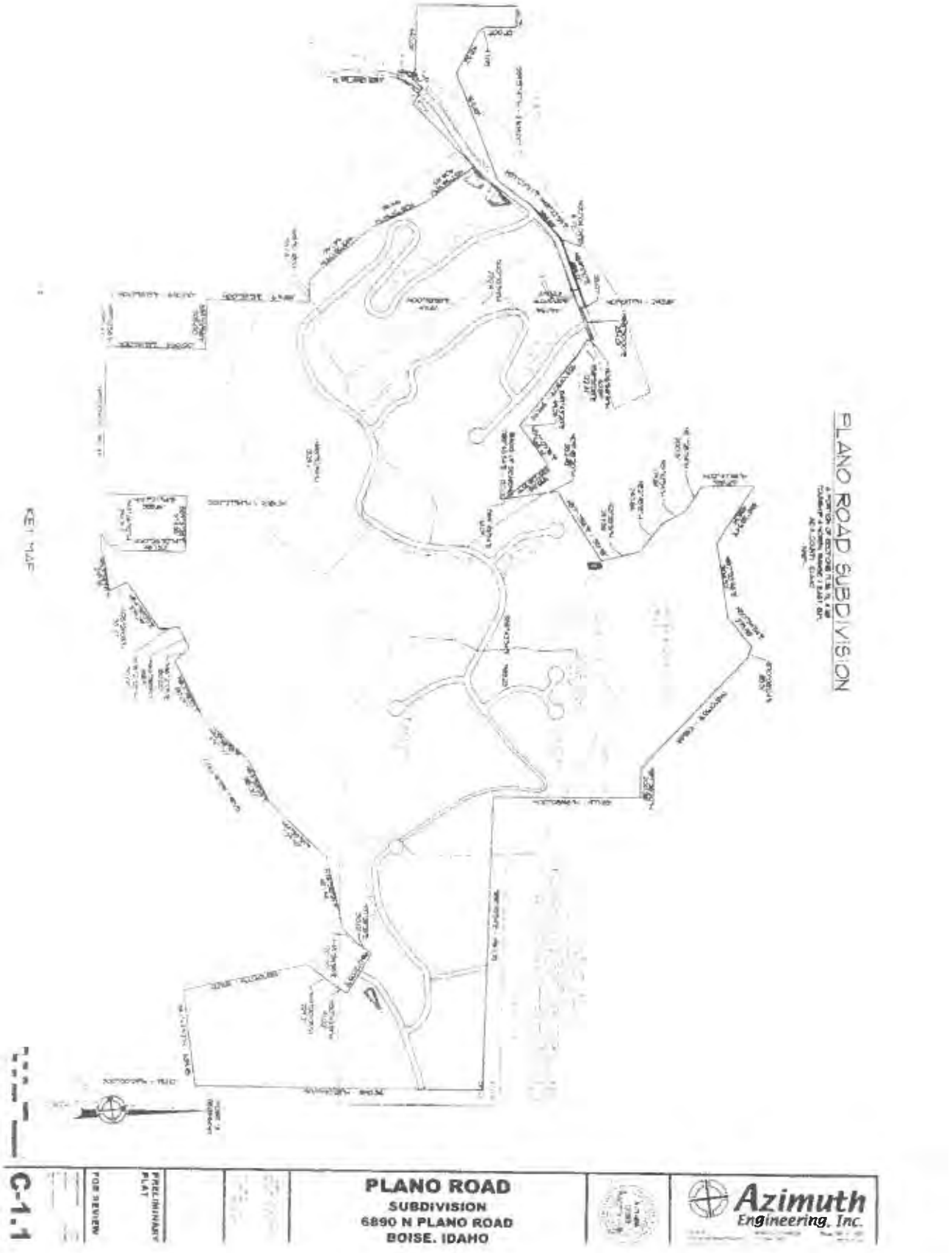
Attachments

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

Plano Road Vicinity Map



Plano Road Site Plan



Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

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

1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

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

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

   a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

      If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

   b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.

   c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.

   d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.

   e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.

   f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

Development Process Checklist

☒Submit a development application to a City or to the County

☒The City or the County will transmit the development application to ACHD

☒The ACHD **Planning Review Division** will receive the development application to review

☒The **Planning Review Division** will do one of the following:

☐Send a **"No Review"** letter to the applicant stating that there are no site specific requirements at this time.

☐Send a **"Comply With"** letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.

☐Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

☒Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

☒The Planning Review Division will hold a **Technical Review** meeting for all **Staff and Commission Level reports**.

☐For **ALL** development applications, including those receiving a **"No Review"** or **"Comply With"** letter:

- The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the **Development Review Division** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee calculation.)
- The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:
Construction (Zone)
☐ **Driveway or Property Approach(s)**

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

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

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

Construction (Subdivisions)
☐ **Sediment & Erosion Submittal**

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

☐ **Idaho Power Company**

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

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

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

May 15, 2008

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

RE: Plano Road Subdivision – Street Connectivity

Dear Commissioners:

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

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

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

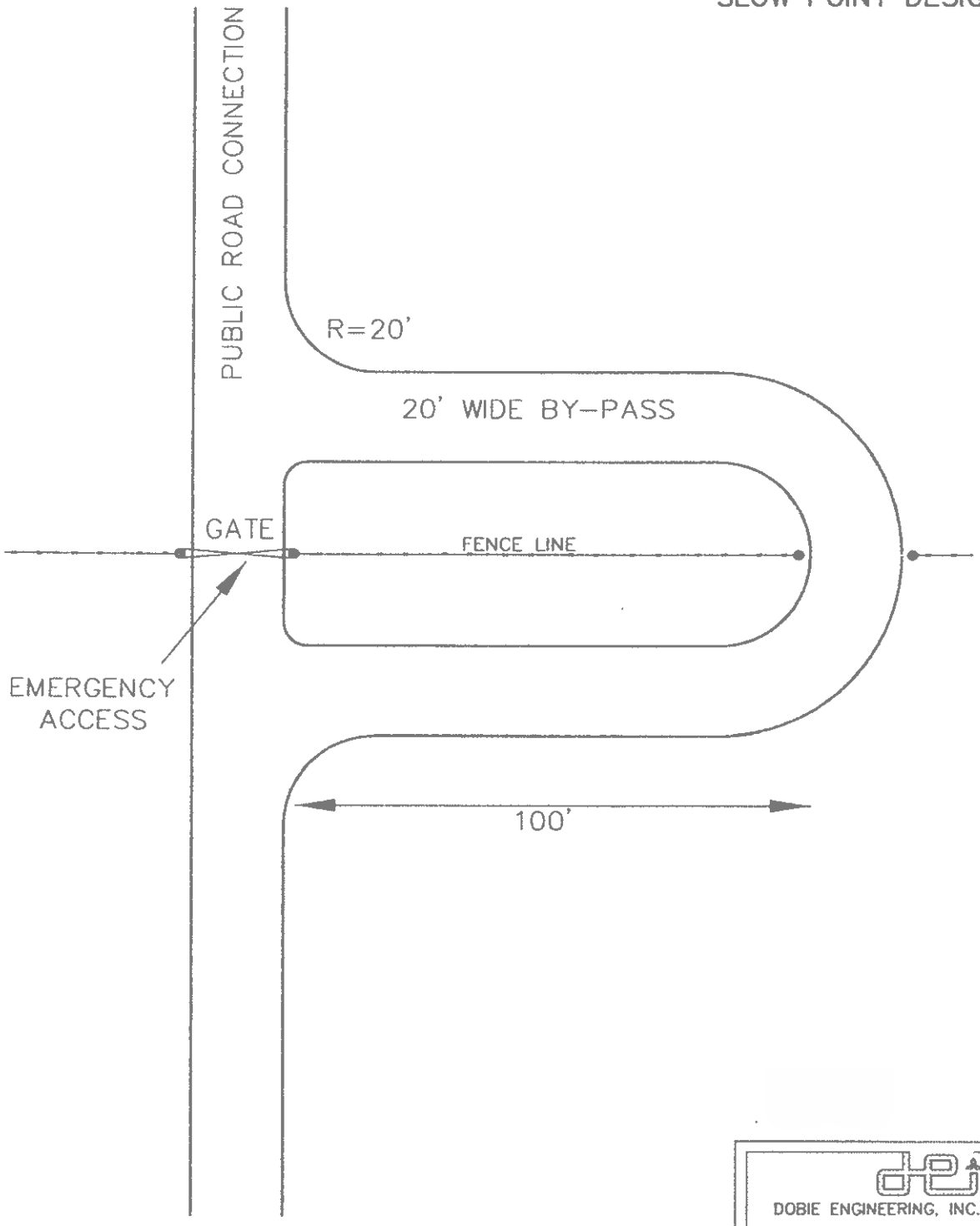
The proposed Foothills Trailhead will likely increase vehicular traffic as will the 21 new lots planned for the North Collister Area as part of the subdivision project.

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

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

Consider the following design:

FIGURE 1
PLANO ROAD SUBDIVISION
SLOW POINT DESIGN



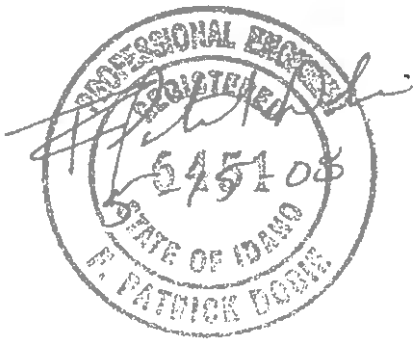
DOBIE ENGINEERING, INC.

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

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

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

Sincerely,



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

ACHD
Committed to Service

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

May 20, 2008

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner II

SUBJECT: Public Correspondence on Plano Road Subdivision

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

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

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

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

STACY BEESON
515 Maple Ave
Boise, ID 83712

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

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

Thank you

Mark Walton
Concerned citizen.

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

New Message from Contact Us Web Form

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

~~ End Message ~~

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

New Message from Contact Us Web Form

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

~~ End Message ~~

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

June 19, 2008

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

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

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

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

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

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

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

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

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

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

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

Hello Matt

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

I will appreciate any guidance you can offer.

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

Brent Smith
6024 Plano
384-9149

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

Dave,

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

Matt

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

FYI.

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

Gary,

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

Thanks.

Dave

Letters From Agencies

Boise Parks and Recreation

Idaho Department of Fish and Game

Independent School District of Boise

Exhibit G

Boise Parks & Recreation Dept.

Memo

To: Dave Abo & Bruce Eggleston

From: Cheyne Weston

CC: James Hall, Tom Governale, David Gordon, Julia Grant, David Selvage, Chuck McDevitt

Date: July 31, 2007

Re: Plano Lane Subdivision Application

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

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

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

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

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

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

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

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

Exhibit G

Boise Parks & Recreation Dept.

Memo

To: Bruce Eggleston

From: Julia Grant

CC: James Hall, Hal Simmons, Teresa Sobotka, Tom Governale, David Gordon, Julia Grant, David Selvage, Chuck McDevitt

Date: June 27, 2008

Re: Aase's Canyon Subdivision Application

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

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

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

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

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

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

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

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

Exhibit N

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

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

June 30, 2008

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

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

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

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

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

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

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

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

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

    - Big game animals shall not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.

    - Domestic pets must be confined or under the owner's control at all times. Free-roaming dogs and cats pose a threat to many wildlife species.

    - Fences in the Plano Road Subdivision must be of a design that does not pose an undo risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208)465-8465 for additional guidance on wildlife friendly fence design.

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

- Native vegetation communities should be protected to the greatest extent possible. This includes native grasses, forbs, and shrubs. It is much easier to protect this vegetation initially than to attempt to revegetate disturbed areas. Native plants are generally difficult to locate in nurseries, they can be extremely challenging to restore, and are quite expensive. Disturbed sites should be mitigated elsewhere on the property. Disturbance can be minimized through clustering of homes, which results in a minimum of infrastructure development.

- Known migration routes or movement corridors of big game animals should not be disturbed by development. Migrating big game animals generally follow traditional migration routes from summer ranges to lower elevation transition and winter ranges. Deer migrate along well-established routes and are fairly predictable, while elk are more nomadic. Recommendations include clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space.

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

- When observing wildlife, maintain a safe distance. Do not disturb their normal activities. Resist the temptation to "save" baby animals, as their parent(s) are generally nearby.

- Effective means to protect ornamental trees and shrubs from being eaten by wildlife include wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife.

- Bird feeders should be routinely cleaned to prevent the spread of disease.

- Any burning of trash or vegetation on properties adjacent to wildlands should be carefully monitored and under control at all times. Fireworks should be avoided. Dry, brittle vegetation lights easily and fires spread rapidly. Wildfires are dangerous and pose a tremendous threat to human life and property, public lands, and wildlife habitat.

- High numbers of big game animals on limited winter range attract predators such as mountain lions and bears. Precautions that should be followed include a) making noise as you come and go in the morning and at night, b) installing outside lighting, c) make it difficult for predators to approach your house unseen by avoiding planting dense vegetation near your home, d) keep your pets under control and bring them indoors at night since they are easy prey for predators, e) place livestock in enclosed sheds or barns at night.

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

Sincerely,

Scott Reinecker

Scott Reinecker
Southwest Regional Supervisor

Cc: NRPB

Exhibit H

Independent School District of Boise City #1
Boundaries, Transportation, and Safety
8169 W. Victory Rd - Boise, ID 83709
(208) 854-4167 Fax (208) 854-4011

RECEIVED
JAN 11 2008
DEVELOPMENT SERVICES

July 6, 2007

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

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

RE: Plano Road Subdivision; SUB07-00065

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

The schools currently assigned to the proposed project area are:

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

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

Sarah Stobaugh

Sarah Stobaugh, Supervisor
Traffic Safety and Transportation

SS/pkw

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

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 leavings said South line and North boundary North 00°33'13" East a distance of 650.00 feet;
thence North 89°01'58" West a distance of 335.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4;
thence along said West line North 00°33'13" East a distance of 671.88 feet to the North 1/16 corner common to Sections 19 and 20, from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 00°33'53" East a distance of 1,322.03 feet;
thence South 88°57'43" West a distance of 133.68 feet;
thence North 43°35'09" West a distance of 547.46 feet;
thence North 26°51'56" West a distance of 381.96 feet;
thence North 37°36'19" West a distance of 406.83 feet;
thence South 86°01'33" East a distance of 591.90 feet;
thence South 89°11'34" East a distance of 248.19 feet to the West line of said Section 20;
thence along said West line North 00°33'53" East a distance of 1,322.03 feet to the Section Corner common to Sections 17, 18, 19 and 20;
thence along the West line of said Section 17 North 01°01'17" West a distance of 440.55 feet;
thence North 68°30'00" East a distance of 234.01 feet;
thence South 06°56'41" East a distance of 40.89 feet;
thence South 58°51'08" East a distance of 122.41 feet;
thence South 53°01'30" East a distance of 599.99 feet;
thence South 45°43'28" East a distance of 49.26 feet;
thence North 50°03'16" East a distance of 348.41 feet;
thence South 38°06'15" East a distance of 355.86 feet to the West 1/16 corner common to Sections 17 and 20 from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 88°43'54" West a distance of 1321.22 feet;
thence along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 20 South 88°43'54" East a distance of 12.01 feet;

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

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

END OF DESCRIPTION

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

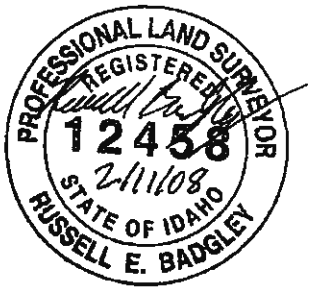


EXHIBIT B

(Legal Descriptions of Additional Parcels)

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

Order No. 89020850 TN/RN 9290 READ & APPROVED LRK KC

9010706

WARRANTY DEED

11S3000231

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

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

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

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

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

Dated: February 28, 1990

LARRY R. KERR

STATE OF IDAHO County of ADA ss.

On this 28th day of February in the year of 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Larry R. Kerr known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Signature: Trina Nishitani

Name: Trina Nishitani (type or print)

Residing at: Boise, Idaho

My commission expires: 6/28/91

STATE OF IDAHO, COUNTY OF Ada

I hereby Certify that this instrument was filed for record at the request of STEWART TITLE

at 2:16 minutes past 2 o'clock P.M.

this 1st day of March 1990, in my office, and duly recorded in Book of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

By Deputy.

Fee $ 6.00

Mail to:

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.

Security of Courage

203-A 7/85

Order No.: ST-89020850 TN/RN

EXHIBIT "A"

PARCEL I

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

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

PARCEL II

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

PARCEL III

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

Rerecord

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE ID
SUSAN M. GRAHAM

'95 NOV 14 PM 1 00

FEE 12.00
RECD

SUSAN M. GRAHAM
J. DAVID NAVARRO
BOISE ID

'95 OCT 25 PM 11 02

FEE 9.00
RECD

QUIT CLAIM DEED

1942001262

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

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

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

together with their appurtenances.

DATED the 24th day of October, 1995.

GEORGE E. CASEY

MARIE E. CASEY

STATE OF IDAHO)
: ss.
County of Ada)

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

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

Notary Public for and for Idaho
Residing at Boise, Idaho
My commission expires 9-11-2002

Client No: 95-10-17

1947001263 POOR COPY

That part of Northwest Quarter Northeast Quarter Section 19 ; North 3 East ly...ng between the following described parcels: Beg...n ... ...st ... ...ner of Section 19, Township 4 North, Range 3 East of the Boise Meridian, Ada County, Idaho, which is the real point of beginning, thence East ... degrees 30 minutes ... feet to an iron pin, thence South ... degrees 37 minutes ... feet more or less; and water point on the ... line of the property described in Book 304 of Deeds at page ..., records of Ada County, Idaho; thence North ... degrees ... minutes ... feet to a point in the ... of Hill Road; thence ... ... Hill Road to an iron ... of the ... Quarter of ... degrees ... minutes West ... Feet, along the Northerly side of Hill Road to an iron pin; thence North 0 degrees 00 minutes East 511.79 feet to the real point of beginning, a part of the Northwest Quarter Northeast Quarter of Section 19,Township 4 North, Range 3 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast Corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 3 East of the Boise Meridian; thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to a point; thence North 61 degrees 22 minutes West a distance of 129.30 feet to the real point of beginning; thence South 44 degrees 03 minutes West a distance of 80.37 feet; thence South 89 degrees 36 minutes West a distance of 443.15 feet to a steel rod which is located 665 feet East and 660 feet South of the Northwest corner of the said Northwest Quarter Northeast Quarter of Section 19; said point also on the property lane of the property described in Book 304 of Deeds at page 144, Records of Ada County, Idaho; thence North 330 feet, more or less, to the South westerly boundary of that certain property described in Book 332 of Deeds at page 140, Records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 332 of Deeds at Page 140, to the real point of beginning. A part of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North Range 3 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the Southeast corner of the Northwest Quarter Northeast Quarter of Section 19, Township 4 North, Range 3 East of the Boise Meridian; thence North along the East boundary line of said Northwest Quarter Northeast Quarter a distance of 660 feet to the real point of beginning, thence North 61 degrees 15 minutes West 209.73 feet, thence North 31 degrees 30 minutes West 259.01 feet; thence North 37 degrees 31 minutes West 161.40 feet; thence North 15 degrees 30 minutes West 87.47 feet, thence North 11 degrees 30 minutes East 147.01 feet; thence North 78 degrees 00 minutes East 10, ... to a point on the North line of said Section 19, thence South 1 degree 38 minutes East 2?? feet to a point on the Northeasterly boundary of the property described in Warranty Deed #600938, records of Ada County, Idaho, thence along said Northeasterly boundary in a Southeasterly direction on a straight line to a point located North 63 degrees 22 minutes West 139.40 feet from the point of beginning; thence South 61 degrees 22 minutes East 127.60 feet to the point of beginning. Except any part of the above prop...ty now being conveyed that may overlap into the following described tracts: A parcel of land lying in Sections 17, 18, and 19, Township 4 North, Range 3 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 3 East Boise Meridian; thence North 17 degrees 02 minutes West a distance of 413.10 feet to a ... No. 5 of the Barnes Tracts ... thence North 86 degrees 57 minutes East a distance of 136.77 feet to a steel pin, the real point of beginning; thence ... a distance of 276.92 feet to a steel pin; thence North 41 degrees 14 minutes West a distance of 79.20 feet to a steel pin; thence North 89 degrees 38 minutes West a distance of 20.61 feet to a steel pin; thence North 79 degrees 10 minutes West a distance of 347.60 feet to a ... pin; thence South 44 degrees 40 minutes East a distance of 324.11 feet to a steel pin; thence North 16 degrees 52 minutes East a distance of 22.73 feet to a steel pin; thence South 17 degrees 47 minutes East a distance of 373.37 feet to a steel pin; thence South 31 degrees 31 minutes East a distance of 126.33 feet to a steel pin; thence South 37 degrees 19 minutes East a distance of 161.41 feet to a steel pin; thence South 31 degrees 04 minutes West a distance of 164.61 feet to a steel ... pin; thence South 23 Deg... 38 ...inutes East a distance of 87.47 feet to a steel pin; thence South 43 degrees 40 minutes East a distance of 31.39 feet to a steel pin; thence North 89 degrees 33 minutes East a distance of 795.33 feet to a steel pin; thence North 37 degrees 19 minutes East a distance of 270.00 feet to a steel pin; thence North 31 degrees 17 minutes East a distance of 299.92 feet to a steel pin; thence North 37 degrees 19 minutes East a distance of 201.1 feet to a steel pin, the real point of beginning.

POOR COPY

EXHIBIT 'A'

Parcel One

Tract 1:

A part of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to a point; thence North 61°22' West a distance of 129.60 feet to the real point of beginning; thence South 44°05' West a distance of 89.37 feet; thence South 89°56' West a distance of 463.15 feet to a canal rod which is located 685 feet East and 660 feet South of the Northwest corner of said NW1/4 NE1/4 of Section 19; and which point is on the property line of the property described in Book 301 of Deeds at page 164, records of Ada County, Idaho; thence North 110 feet, more or less, to the Southwesterly boundary of that certain property described in Book 132 of Deeds at page 144, records of Ada County, Idaho; thence Southeasterly in a straight line along said Southwesterly boundary of the property described in Book 132 of Deeds at page 144, to the real point of beginning.

Tract 2:

A part of the NW 1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to a point; thence South 89°56' West a distance of 111.85 feet to the real point of beginning; thence continuing South 89°56' West a distance of 48.15 feet to a point; thence South 0°15' West a distance of 180.28 feet to a point of curvature; thence 95.81 feet along a curve to the right which has a radius of 125 feet, a central angle of 43°30' and a long chord of 93.51 feet bearing North 22°12' East to a point of tangency; thence North 44°05'

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

ALSO

A part of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the NW1/4 NE1/4 of Section 19, Township 4 North, Range 2 East of the Boise Meridian; thence North along the East boundary line of said NW1/4 NE1/4 a distance of 660 feet to the real point of beginning; thence North 61°15' West 950.63 feet; thence North 55°50' West 749.01 feet; thence North 72°51' West 161.45 feet; thence North 25°59' West 81.67 feet; thence North 11°04' East 145.01 feet; thence North 78°00' West 100 feet + to a point on the North line of said Section 19; thence South 1°18' East 130 feet + to a point on the Northeasterly boundary of the property described in Warranty Deed No. 6088DB, records of Ada County, Idaho; thence along said Northeasterly boundary in a Southeasterly direction on a straight line to a point located North 61°22' West 129.60 feet from the point of beginning; thence South 61°22' East 129.60 feet to the point of beginning.

SO619120708 PAR #SO619120708 OF NW4NE4
SEC 19 4N 2E, N OF HILL RD-E OF PLANO
(more particularly described as follows)

19[illegible]001265
POOR COPY

EXHIBIT "A"

ALSO **Parcel Two**

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

ALSO **Parcel Three**

The North 100 feet of the Easterly 68.33 feet of Lot 4 in Block 5, Eagleson Park Subdivision No. 4, according to the plat thereof on file and of record in the Office of the County Recorder of Ada County, Idaho.

ALSO **Parcel Four**

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

ALSO **Parcel Five**

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

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

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

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF Perry Harding
FEE 9.00 DEPUTY MLapish

PERSONAL REPRESENTATIVE'S DEED

2001 SP 12 AM 10:53 101094267

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

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

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

Parcel #S0618449275 of the SE4, Section 18, T4N; R2E

More particularly described as follows:

See Exhibit A attached hereto.

with all appurtenances.

EXECUTED this 11th day of September 2001.

Gretchen Ogden

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

STATE OF IDAHO)
: ss
COUNTY OF Ada)

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

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

JENNY MASLEN NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC
Residing at: Meridian
My Commission Expires: 5/28/01

Property Description: **ESTATE OF WILLIAM F. GALLOWAY**

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

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

The above described parcel containing 4.24 acres.

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



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

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

Gretchen Ogden

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

9/11/01
DATE

PERRY HARDING 9/11/01
DATE

Perry C. Harding
RECORDED REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 6- DEPUTY Deerbilling

2002 AP 11 AM 9:43

102042440

QUITCLAIM DEED

For Value Received

ALLA HARDING, wife of the Grantee herein
Does hereby convey, release, remise and forever quit claim unto PERRY C. HARDING, a married man as his sole and separate property

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

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

Dated March 27, 2002

Alla Harding

Alla Harding

Sate of Idaho County of Ada

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

Signature: Cherie H. Anderson

Name: Cherie H. Anderson
Residing at : Boise, Idaho
My commission expires: 8/5/03

CHERIE H. ANDERSON
NOTARY PUBLIC
STATE OF IDAHO

Property Description: [redacted]

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

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

The above described parcel containing 4.24 acres.

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

[redacted]

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

2


102159044

GIFT DEED

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

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

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

exceptions: utility easements, rights of way and restrictions of record.

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

Ione M. Troutner (Grantor) _____

(SEAL)

STATE OF Idaho, COUNTY OF Ada

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

WITNESS my hand and notarial seal, this the 31st day of December, 2002

My Commission Expires: 12/28/04

Roger Clubb Notary Public
residing @ Boise, Idaho

ROGER CLUBB
Notary Public
State of Idaho

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

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

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

EXHIBIT C

(Map Depicting Current Zoning of Property and Additional Parcels)

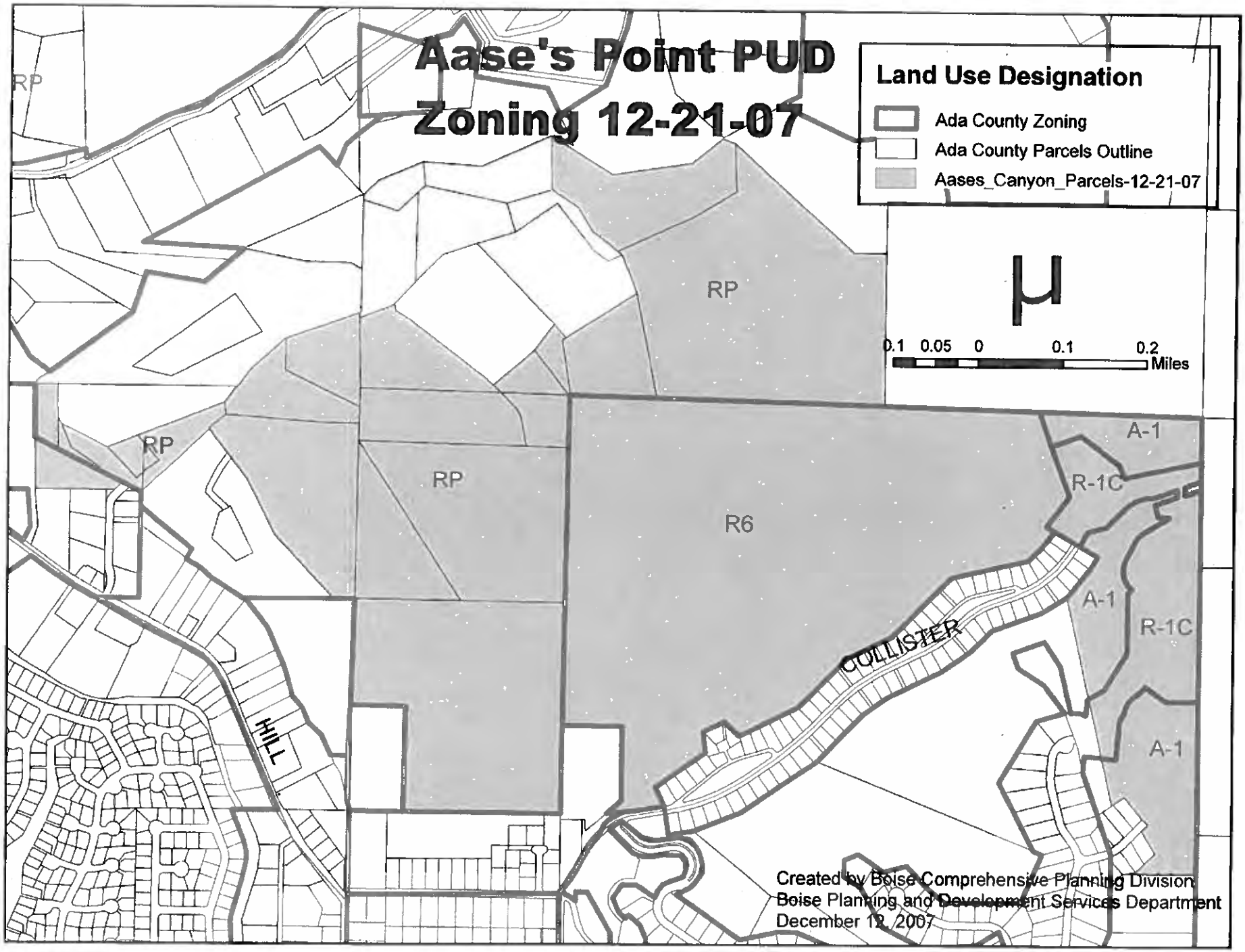

Aase's Point PUD
Zoning 12-21-07
Land Use Designation
Ada County Zoning
Ada County Parcels Outline
Aases_Canyon_Parcels-12-21-07
0.1 0.05 0 0.1 0.2
Miles
RP
RP
RP
RP
R6
A-1
R-1C
A-1
R-1C
A-1
COLLISTER
HILL
Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
December 12, 2007

EXHIBIT D

(Boise Foothills Concept Plan)





Stewart Land Group
AN A DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
[illegible]

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 800 ft.

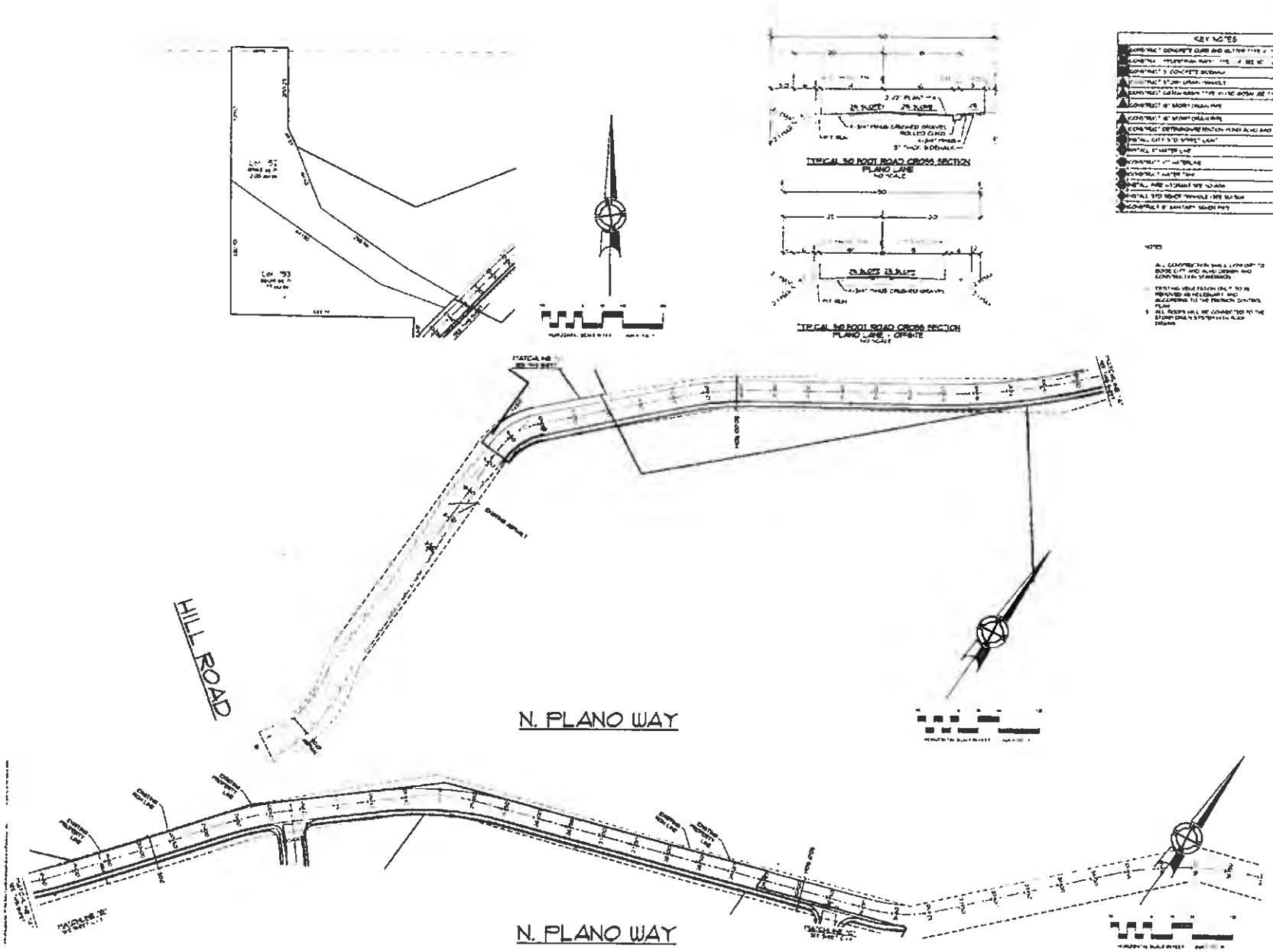
NORTH

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

LEGEND		SHEET NO.
Used Area > 25%	Conceptual	1
Not Used > 25%	Cnt. Fill and Setback	
Ecological Design Onion Fields	Property Boundary	OF
Onion Fields	Ada Parcels	
Onion Conservancy	Trail	1
	Wild land Urban Fire Interface	

EXHIBIT E

(Plan Depicting Extension of N. Plano Way)



Azimuth Engineering, Inc.

12369

PLANO ROAD
SUBDIVISION
6890 N PLANO ROAD
BOISE, IDAHO

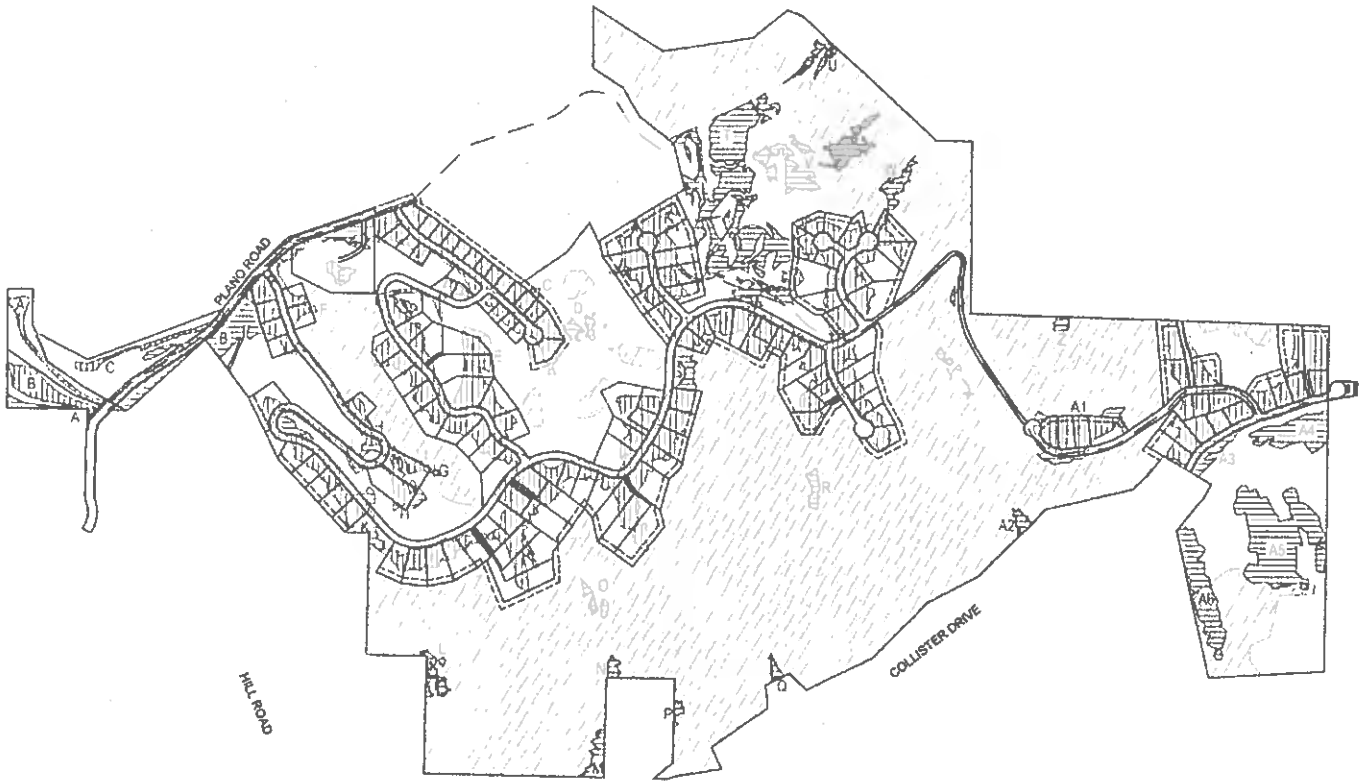
PRELIMINARY PLAT

FOR REVIEW

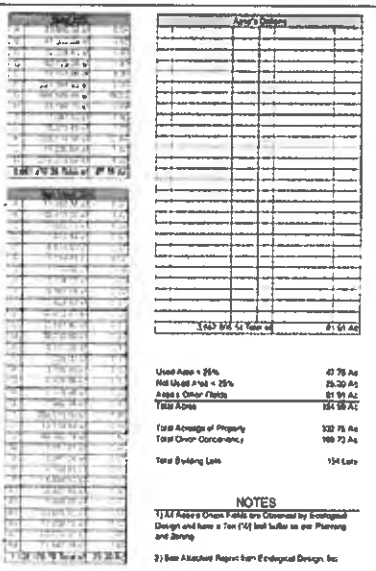
C-1.2

EXHIBIT F

(Plan Depicting Onion Conservancy/Land Trust Property)







BOISE FOOTHILLS CONCEPT PLAN

Stewart Land Group
An AMTEC DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
6996 So. Union Park Ave #360 Midvale, UT 84047
phone: (801) 263-8126 fax: (801) 263-8167

GRAPHIC SCALE

(IN FEET)
1 inch = 800 ft.

NORTH

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

LEGEND

- Used Area > 25%
- Not Used > 25%
- Ecological Design Orton Fields
- Orton Fields
- Orton Conservancy
- Conceptual Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild Land Urban Fire Interface

SHEET NO. 1 OF 1

Used Area < 25%	47.76 Ac
Not Used Area < 25%	29.30 Ac
Area's Other Ratios	81.91 Ac
Total Acres	154.98 Ac
Total Acreage of Property	332.76 Ac
Total Orton Conservancy	169.73 Ac
Total Building Lots	154 Lots

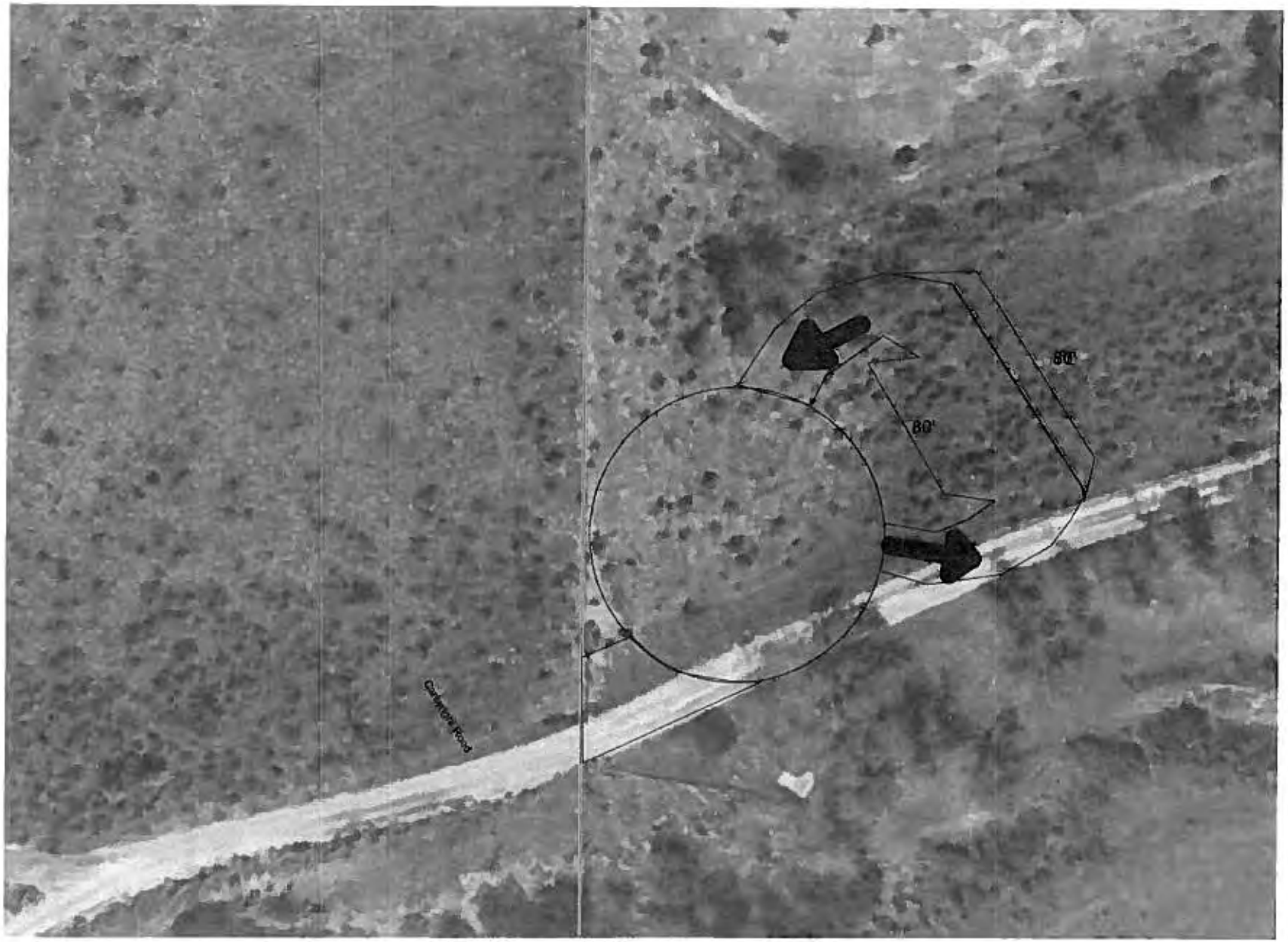
NOTES

1) All Acres Orton Fields are Governed by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc

EXHIBIT G

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



Pole Cat Gulch Reserve

0 10 20 40 Feet

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.

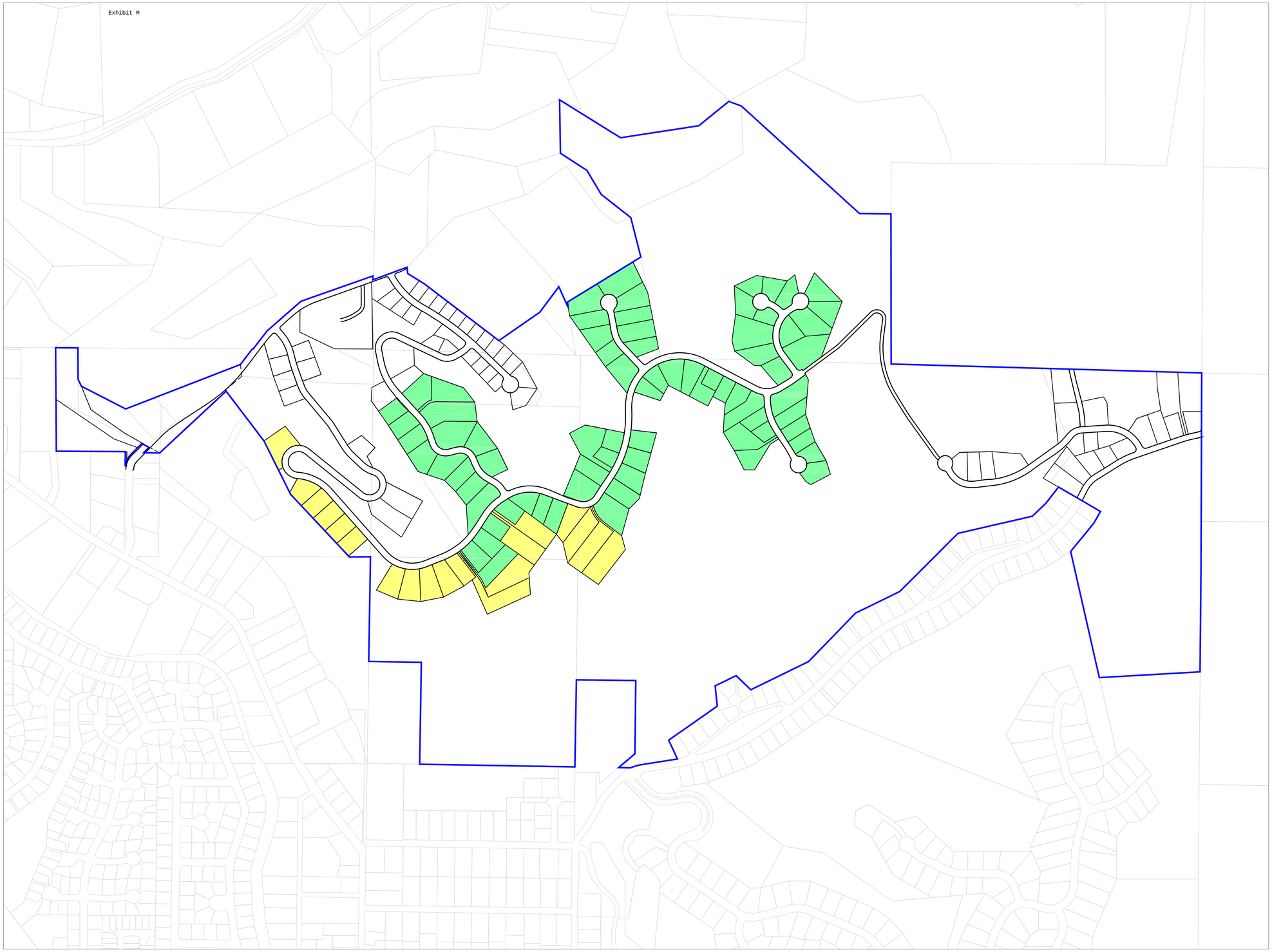
23. Structures will be subject to a 28-foot height limitation as further defined in Boise City Design Review Criteria.

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.

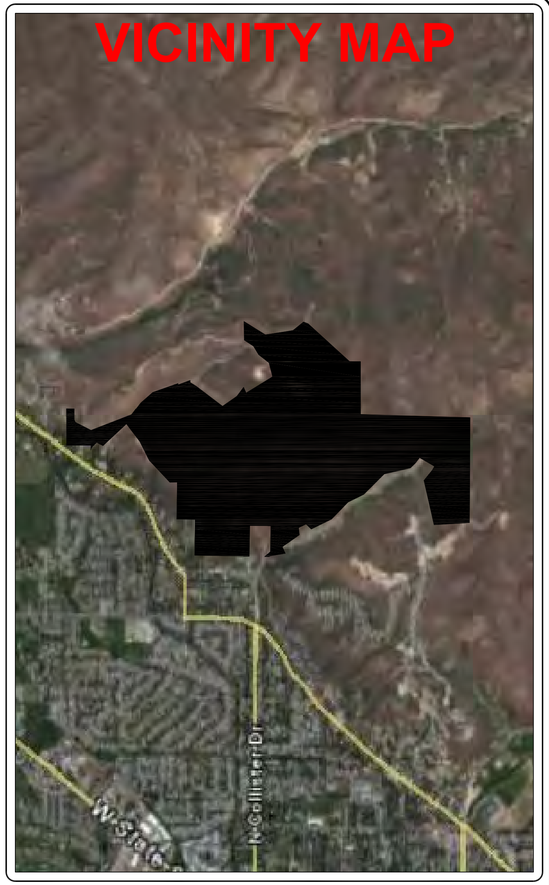
25. Property owners shall provide minimal lighting on the south and west facing side of the property. All lighting used shall include shields that direct the light down, reducing glare on surrounding properties and meets all dark sky practices. The footcandles of the light at the properties lines shall not exceed one footcandle as measured two feet above the ground.


Color Pallet Samples
6/30/2008, CUP07-00084
Attachment A
Plano Road Subdivision

Exhibit M



VICINITY MAP



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

ADS 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
300 0 150 300 600 1200
(IN FEET)
1 inch = 300 ft.

SLG NORTH

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

LEGEND

- Conceptual
- Property Boundary
- Ada Parcels

SHEET NO.

1 OF 1

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

RECEIVED
SEP 14 2009
DEVELOPMENT SERVICES

RE: Plano Subdivision

To: Boise City Planning and Zoning Commissioners

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 propoerty is too steep. Please be aware that there is land already zoned A-1 that is attached to this development, which is being totally disregarded. Bruce Eggleston cited this land in his report to you and used it in his calculations to determine the number of home sites to which the developer is theoretically entitled (see "Work Session, Jan. 26, 2009," p. 4). Mr. Eggleston's analysis suggests that based on slopes and current zoning, over half of the development home sites could be situated off of the upper end of Collister. Why doesn't this developer utilize the land that is appropriately situated, already appropriately zoned and sloped for development, rather than insisting on tearing up a highly visible area of the Boise foothills?

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

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

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

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

Sincerely,

Brent Smith

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



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




PLANO SUBDIVISION
QUAIL RIDGE SUBDIVISION



Stephanie Bacon
6024 Plano Lane
Boise Idaho 83703

9/12/2009

To the Planning and Zoning Commission

Re: Proposed Aase's Canyon/Plano Road Subdivision

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

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

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

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

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

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

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

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

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

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

Sincerely,

Stephanie Bacon

[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 able (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 wih 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 no where with no public presence via houses will create an invitation for:

   1. Loiterin g
   2. Dru g use
   3. Dru g sales
   4. Vandali sm
   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 a 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

jimmmy@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 fac, 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@pwncpa.com; jimmy@steelhead.com; kwinn@stewartlandgroup.com; katie@tvlitho.com; john@veritasadvisor.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; mbutler_landmark@yahoo.com; michaelrjones44@yahoo.com; pattiraino@yahoo.com; pjjcourtright@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

RECEIVED
SEP 10 2009
DEVELOPMENT
SERVICES

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

Dear Commission:

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

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

Sincerely,

Charles Link
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

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ACTION BY THE BOISE CITY PLANNING AND ZONING COMMISSION

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

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

ZONING ORDINANCE

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

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

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

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

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

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

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

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

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

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

APPEAL

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

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

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

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

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

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

Section 11-06-04.04 Commission Action

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

Section 11-06-05.03 Development Standards

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

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

Section 11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE

11-06-05.07.01. Purpose and Intent

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

11-06-05.07.02. Applicability

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

11-06-05.07.03. General Application and Development Requirements

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

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

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

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

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

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

4. The decisions are not supported by substantial evidence.

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

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

Project Proposal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Grounds for Appeal

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

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

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

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

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

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

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

In summary, the applicants/appellants contend that:

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

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

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

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

Planning Staff Response

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

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

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.

Exhibit B

December 11, 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 CUP07-00084, Hillside and Foothills Development Areas Permit CFH07-00022 and Subdivision SUB07-00065 for the construction of a 155 unit Planned Residential Development on ± 332 acres located at 6890 N. Plano Road in a proposed R-1C/DA (Single Family Residential) and A-1/DA (Open Space with a Development Agreement) zones.

The Boise City Council, at their meeting of December 9, 2008, voted to remand the entire application back to the Planning and Zoning Commission with explicit directions to follow the ordinance as detailed in their decision.

The Boise City Council finds that the Commission erred in their findings and decisions and directed a reconsideration of the applications based upon the following:

zoning ordinance 11-06-05.07.03 which addresses the buildable lot during the annexation the buildable lot area being zoned as R-1A.

Secondly, the appellant raised the issue of the base density and that was referred to as the buildable lot and I specifically direct the Planning and Zoning Commission to look at the section ordinance 11-01-03.01 which sets forth the decision of a buildable lot and reconcile that with the section 11-06-05.07.03.

Third, that they discuss they wanted clarification of the ruling on the density transfer issue and I referred them as was also articulated by the appellant themselves to the density transfer was to meet the objectives of the foothills ordinance and that is in fact section 11-14-01.01 and that is the area where most of you probably wanted to

discuss tonight is that these density transfers must meet the objectives of the foothill policy.

The Council issued specific instructions that will need to be followed. A workshop to discuss these issues will be scheduled for late January.

You will be notified when dates for the workshop and the Planning and Zoning hearings have been made.

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

Exhibit C

City Council Hearing December 9, 2008

Aasee's Canyon Pointe Development, LLC, CAR07-00042, CUP07-00084, CFH07-00022 & SUB07-00065 Appeal

Transcription of the Motion:

Council Member Eberle:
I move that the Council finds that the Commission erred in their findings and that the error was such that it made the decision of the Planning and Zoning Commission essentially defective. That we remand the entire application back to the Planning and Zoning Commission with explicit directions to follow the ordinance.

Now, the appellant asked for a couple of points of clarification therefore I would direct the Planning and Zoning Commission to specifically address… zoning ordinance 11-06-05.07.03 which addresses the buildable lot during the annexation the buildable lot area being zoned as R-1A.

Secondly, the appellant raised the issue of the base density and that was referred to as the buildable lot and I specifically direct the Planning and Zoning Commission to look at the section ordinance 11-01-03.01 which sets forth the decision of a buildable lot and reconcile that with the section 11-06-05.07.03.

Third, that they discuss they wanted clarification of the ruling on the density transfer issue and I referred them as was also articulated by the appellant themselves to the density transfer was to meet the objectives of the foothills ordinance and that is in fact section 11-14-01.01 and that is the area where most of you probably wanted to discuss tonight is that these density transfers must meet the objectives of the foothill policy.

Now I suspect as they go through those and address them specifically, this subdivision will not look the same as it was brought forth tonight. And that there should be opportunity to get your concerns aired at the Planning and Zoning level.

Motion passes, All in favor

Planning & Development Services

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

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

Planning Division Staff Report

File Number	**CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065**
Applicant	Aase's Canyon Pointe Development LLC
Property Address	6890 N. Plano Lane
Public Hearing Date	July 14, 2008
Heard by	Boise City Planning and Zoning Commission
Planning Analyst	Bruce Eggleston, AICP
Planning Supervisor	Patricia Nilsson, AICP

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Attachments

Vicinity/Zoning Maps
Site Plan
Applications
Applicant's Support Material
Agency Comments
Exhibit A Boise Fire Department report dated June 27, 2008
Exhibit B Boise City Public Works Department (BCPW) for drainage, and hydrology per department comments dated May 19, 2008
Exhibit C May 20, 2008, Preliminary Hydrology Report, May 28, 2008,
Exhibit D Plano Road Sub Grading
Exhibit E Memorandum from the Solid Waste/Ground Water and Street Lights Managers dated January

16, 2007
Exhibit F Ada County Highway District conditions of approval date stamped received May 30, 2008 and June 4, 2008, and revisions dated July 2, 2008
Exhibit G Boise City Parks and Recreation Department comments dated June 27, 2008
Exhibit H Requirements of the Independent School District of Boise City #1 comments dated July 6, 2007
Exhibit I Boise Planning and Development Services Department Subdivision requirements and conditions of approval, SUB07-00065 (See Subdivision staff report)
Exhibit J Development Agreement from CAR07-00042/DA
Exhibit K Boise Foothills Concept Plan, Total Onion Conservancy
Exhibit L Design Review Criteria For The Plano Road Subdivision
Exhibit M Design Review Overlay Map
Exhibit N Letter from Idaho Department of Fish and Game dated June 30, 2008
Exhibit O Set-aside Open Space Calculations and Zoning

Applications: CAR07-00042/DA, Proposed annexation, zone change with development agreement
CUP07-00084, Proposed conditional use permit for 155 dwelling units between Collister and Plano Roads
CFH07-00022 Proposed Hillside and Foothills Area Development application for grading and hydrology
SUB07-00065, Proposed preliminary plat subdivision application

Letters from the Public

1. Executive Summary

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

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

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

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

Summary

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

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

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

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

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

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

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

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

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

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

2. Facts and Standards of Review

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

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

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

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

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

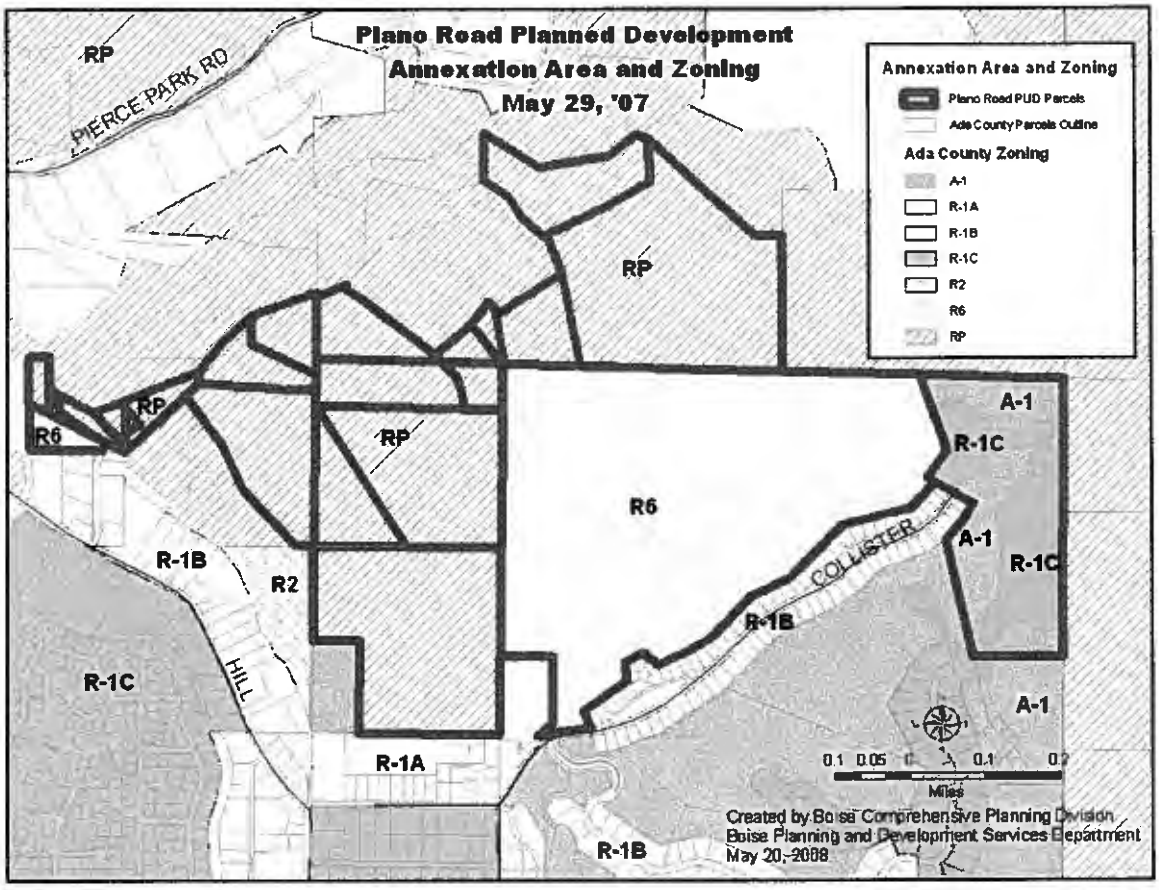
Applicant/Status
Stewart Land Group, Kerry Winn, representing Aase's Canyon Pointe, LLC, and Capitol Development, Inc.

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

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

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

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



Comprehensive Plan Designation

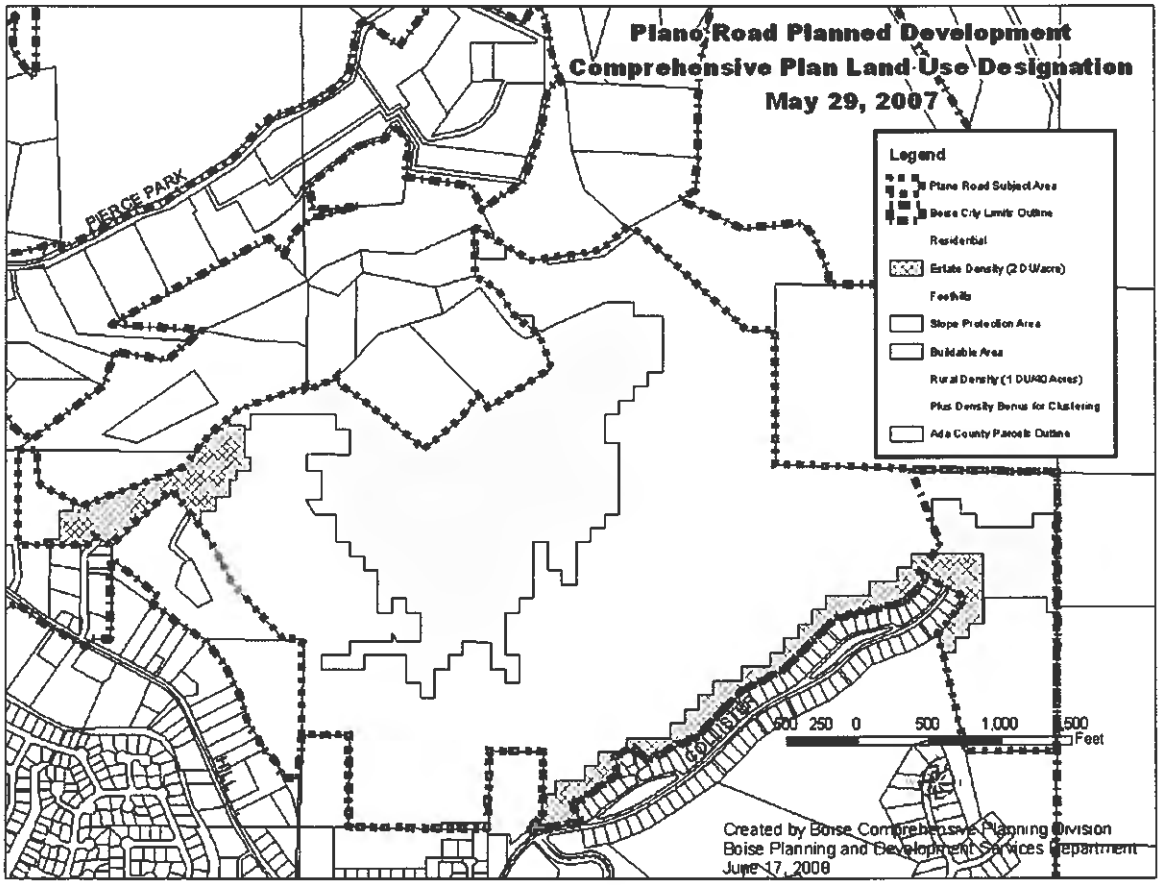
The land is in the Foothills Planning Area within the Boise Area of Impact. As such, it is subject to the Foothills Policy Plan and the "Foothills Planned Development Ordinance," Chapter 11-06-05.07 in the Zoning Ordinance.

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

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

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

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



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

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

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

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

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

Zoning Standards of Review

Section 11-06-03 ANNEXATION
The corporate boundary of the City may be expanded whenever the Council deems it to be for the public convenience or necessity or for the general welfare. A request for the annexation of property into the City may be initiated by the City Council, the Planning and Zoning Commission or by one or more property owners or holders of valid options to purchase the property. When the annexation request is initiated by the property owner, the Planning and Zoning Commission may expand or modify the annexation request.
Section 11-06-03.01 Application Required
Every person seeking annexation into the City of Boise shall file, with the Planning Director, an application as prescribed in Sections 11-3-2 and 11-3-3.
Section 11-06-03.02 Public Hearing
The Commission shall hold at least one public hearing for each annexation request as prescribed in Section 11-3-6 of this Ordinance.
Section 11-06-03.03 Commission Shall File Recommendation
The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

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

Section 11-06-01 AMENDMENT, RECLASSIFICATION
***
Section 11-06-01.03 Public Hearing

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

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

A. Comply with and conform to the Comprehensive Plan; and

B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing ser-

vices.

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

***

Section 11-06-04.13 Criteria and Findings
The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

A. That the location of the proposed use is compatible to other uses in the general neighborhood; and

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

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

D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

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

***

Section 11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE
11-06-05.07.01. Purpose and Intent

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

11-06-05.07.02. Applicability

The Foothills Planned Development Ordinance shall apply to all proposed developments

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

11-06-05.07.03. General Application and Development Requirements

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

2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a "Hillside and Foothill Areas Development" permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.

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

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

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

11-06-05.07.03. General Application and Development Requirements

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

2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a Hillside and Foothill Areas Development permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.

3. Upon annexation the buildable areas of the PD shall be zoned "R-1A," Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2.

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

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

***

3. Background and Analysis

Foothills Policy Plan Background

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

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

The Boise Comprehensive Plan and the Foothills Policy Plan

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

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

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

Introduction quoted here:

> The purpose of the plan is to protect existing neighborhoods, to preserve and enhance the environmental, recreational and aesthetic values of the Foothills while allowing for controlled development. The plan recognizes the constraints to Foothills development, including topography, flood hazard areas, wildlife habitat, and the lack of, or inadequacy of, infrastructure and public services.
>
> These issues must be resolved; preferably through a plan that balances the economic and environmental components of quality of life, and satisfies a broad cross-section of community interests. The *Foothills Plan* must preserve and enhance the community's quality of life values, as well as provide guidance for growth and development. Information presented in the *Foothills Policy Plan* and its companion document, the *Foothills Plan Background Report*, will enable the community to chart a new and clear direction in Foothills development.
>
> This *Foothills Policy Plan* allows for continued development in the Foothills within the parameters of physical and infrastructure limitations. Developable areas have been identified based on slope and other physical factors, while land use densities are limited primarily by roadway capacities and plant and animal habitats. The plan promotes clustering and density transfers to protect sensitive environmental areas, such as wildlife habitats, and to allow for dedication of trails and open spaces.

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

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

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

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

open space acquisition. Where clustered developments are proposed, the Idaho Department of Fish and Game shall be asked to provide advice regarding the most desirable locations to maintain open wildlife corridors which comply with the Idaho Department of Fish and Game management plans.

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

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

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

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

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

Additional Boise Plans of Record

The *Foothills Policy Plan* is a detailed area plan of the *Boise Comprehensive Plan* and it ex-

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

The *Interim Foothills Transportation Plan*

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

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

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

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

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

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

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

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

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

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

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

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

The *Boise Comprehensive Park and Recreation Plan 2004*

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

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

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

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

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

- All conditions should be met during Phase I of the development.

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

The Boise Zoning Code Analysis

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

11-06-05.07 FOOTHILLS PLANNED DEVELOPMENT ORDINANCE

11-06-05.07.01. Purpose and Intent

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

11-06-05.07.01. Purpose and Intent - Analysis

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

11-06-05.07.02. Applicability

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

11-06-05.07.02. Applicability - Analysis

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

11-06-05.07.03. General Application and Development Requirements

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

2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a "Hillside and Foothill Areas Development" permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.

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

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

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

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

The proposal requests connection to Boise City sewer service and municipal water service from United Water. It would be provided Boise City ser-

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

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

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

11-06-05.07.04. Density Bonus

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

A. Basic Provisions:

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

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

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

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

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

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

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

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

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

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

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

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

width of 30 feet.

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

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

Table 1 - Density Bonus Formula*

			Example	
Built Area Percent	**Open Space Dedicated Percent**	**Density Bonus Units /Acre**	*Buildable Area On 100 acres After Open Space Set-Aside*	*# of Bonus Units*
75%	25%	0.5	*75.0*	*38*
69%	31%	0.75	*68.8*	*52*
63%	38%	1.0	*62.5*	*63*
56%	44%	1.25	*56.3*	*70*
50%	50%	1.5	*50.0*	*75*
44%	56%	1.75	*43.8*	*77*
38%	63%	2.25	*37.5*	*84*
31%	69%	3.0	*31.3*	*94*
25%	75%	4.0	*25.0*	*100*

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

C. Other Open Space Allowances:

The City recognizes that the foothills provide a great degree of variability in landforms, environmental habitats and cultural resources. Some areas may have a combination of char-

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

The base density for this proposal is one unit per forty acres, that equals 8 units on 332.8 acres.
There are 73.1 acres of "Buildable" (less than 25% slope) based upon and slope analysis of the subject site.
There are 81.9 acres of Aase's Onion fields (Priority Open Space). The buildable and Priority Open Space are 155 acres combined. This is the amount eligible for the density bonus. The proposal would use 47.8 acres of the 155 bonus acres to build upon, which equals 30.8% of the 155 acres. That leaves 69.2% of buildable plus the Priority Open Space to be permanently set aside to earn the bonus. The 69.2% set-aside yields the density bonus of 2.99 unit per acre according to Table 1 in the opposite column. (See bolded line)
The resulting density bonus is 143 units. Add the eight base density units and the total units allowed would be 151 units. (See Appendix A Density Bonus Formula) The application requests 155 units.

Staff recommends 151 units maximum based on the accompanying calculations.

C. Other Open Space Allowances: - Analysis

The adjoining ordinance states it best:
"In order to qualify for a density bonus, Priority Open Space lands must demonstrate at least four of eleven characteristics established for high priority

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

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

Priority Open Space Characteristics:

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

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

open space lands. There must also be a demonstrable increase in the public value of the resource by such allowance that would not be realized by strict adherence to the other provisions of this code."

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

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

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

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

Their findings include the following items that go towards fulfilling the priority open space characteristics necessary to allow the density bonus.
1) 76.79 acres of Aase's Onion fields greater than

as approved by the Boise City Parks and Recreation Board

10. Lands adjacent to publicly-held open spaces

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

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

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

1. Allowance for public access.

2. Protection from alteration of important vegetation, terrain or scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction of utilities or infrastructure.

3. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.

4. Dedication or discounted sale to a willing public agency.

Planning and Zoning Commission Consideration of Priority Open Space:

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

one acre in size; and 90.81 acres total in onion fields. This establishes the basis for the potential preservation of rare plant communities under priority open space rules. This resource is characterized as abundant on the subject site making it a worthy area for conservation to aid in the preservation of this "species of concern."

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

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

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

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

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

of this code.

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

...

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

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

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

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

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

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

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

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

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

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

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

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

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

11-06-05.07.05. General Design Criteria

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

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

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

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

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

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

***

11-06-05.07.05. General Design Criteria - Analysis

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

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

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

The question then becomes how much clustering is enough?

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

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

Boise Foothills Policy Plan
3.0 SCENIC AND AESTHETIC CONCERNS GOAL
To retain and preserve, and in appropriate cases enhance, the natural scenic values of the Foothills.

3.0 SCENIC AND AESTHETIC CONCERNS GOAL - Analysis

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

Objective 1
Development shall be designed to protect the general shapes and textures of the Foothills.

Policies
1) Development shall comply with all guidelines and standards for excavation, grading and placement of building envelopes as provided in the Uniform Building Code, the Hillside and Foothill Area Development Ordinance and the proposed Uniform Foothills Design Guideline Manual when adopted.

2) Developments shall maximize the retention of the existing natural topography.

3) Cut and fill slopes shall be integrated into the surrounding terrain when viewed from a distance.

4) Grading shall seek to blend development into the Foothills' backdrop. Fills and grading shall be contoured to the maximum extent, to avoid a flat or squared off appearance on ridges and toe slopes and to create the appearance of natural topography.

Grading
The grading issues also has been the focus of lengthy effort to find this application sufficient for acceptance and hearing. The proposal for the most part would grade off the tops of the ridges and build on a single-loaded road for considerable stretches. The concept of minimized disturbance and the avoidance of excessive grading is difficult to achieve where the most buildable areas are on the ridge tops. The single loaded road was a significant concession by the applicant to minimize

5) Roadways must be designed to prevent erosion, road slippage and/or breakups.

6) Graded and filled areas shall be revegetated within one growing season from the initial disturbance.

7) Lighting systems on Foothills roadways should be designed to both provide adequate public safety and to lessen the light directed toward the valley.

Objective 2
Development proposals shall take into account unique geologic features and integrate developments around them.

1) Development shall be located on the least intrusive portion of sites having unique geologic features.

2) The natural scenic values of prominent ridges and knolls shall be maintained. Project design shall preserve the natural appearance of prominent ridges and skylines, and concentrate development on more obscured areas of the sites. Prominent ridges and knolls shall be designated by the City in the "Open Space Management Plan," and this term is not intended to include every ridge and knoll in the Foothills.

3) Building site pads will be contoured to resemble the natural slope of the terrain.

4) Use of retaining walls associated with lot pads will be limited in height and bulk and set back from property lines to provide for the integrity of the hillside, the safety of the subject property, and the neighboring properties.

5) The design and colors of structures and retaining walls shall blend with the natural environment to limit sharp contrast. Retaining walls shall be designed and engineered to hold the loads placed upon them.

6) Building forms and roof lines shall help blend the structure with the natural terrain through varied roof levels, and other suitable architectural grading.

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

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

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

The recommendation from the Public Works staff is based upon the slope and grading constraints faced in putting the roads into the buildable areas. There is no approach that would allow the roads to be built that would involve less grading. It comes down to the practical engineering criteria and safety standards for road design that dictate the placement of the roads, and therefore the lots, and in turn requires the given amount of cut and fill. The only resolution would be to declare large area of the

treatments.

Boise Foothills Planned Development Ordinance (Continued)

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

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

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Foothills Policy Plan - 2.0 ENVIRONMENTAL PROTECTION AND OPEN SPACE CONSERVATION
Objective 3
Where Foothills developments are adjacent to undeveloped areas, wildfire hazards shall be assessed and minimized through subdivision design, street layout, building design and landscape and building materials restrictions.

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

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

3) Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet, and are encouraged for all other residences in areas vulnerable to range fires.

4) Emergency and/or secondary access shall be

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

Fire Safety and Emergency Access - Analysis

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

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

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

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

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

provided in all Foothills subdivisions.

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

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

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

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

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

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

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

Boise Foothills Policy Plan
5.0 NEIGHBORHOOD PROTECTION
GOAL
To preserve, enhance and protect neighborhoods and developed areas from unacceptable adverse impacts resulting from Foothills development.

Objective 2
Neighborhoods affected by through traffic will be protected.
1) Improvements to the transportation system need to balance the long term development objectives with protection of neighborhoods and must be in scale with existing neighborhoods.

2) Upgrading of residential streets to collector and arterial status shall be discouraged and shall

5.0 NEIGHBORHOOD PROTECTION
GOAL and Traffic Impacts on Existing Neighborhoods - Analysis
It is a property of urban development that new growth will have impacts on existing neighborhoods. The FPP contains goals and policies that would lessen the impacts of new developments. In the Foothills traffic impacts will always present the most significant potential for impacts to existing neighborhoods due to the limited capacities in the roadway system. This was the over arching issue in the creation of the FPP. The policies form Chapter 5 are listed her to further inform the discussion about the traffic impacts faced by the Collister and Plano neighborhoods.

When it comes to the traffic impacts, the neighbors

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

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

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

***

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

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

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

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

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

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

The Highway District has conditions of approval for this proposal to provide off-site improvements to Plano Lane and Collister Drive. These improvements would be funded by the developer. The required improvements on Plano do seem to mitigate the effects of the traffic impacts to Plano Lane as recommended in Policy 4. The required traffic sig-

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

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

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

***

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

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

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

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

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[Resume the Foothills Planned Development Ordinance]

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

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

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

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

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

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

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

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

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

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

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

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

Trails - Analysis

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

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

Boise Parks and Recreation Department has requested a right-of-way and street connection off-site of the subject property, at the end of the proposed extension of Collister Drive. They have requested an ACHD standard 50-foot radius cul-de-sac dedicated by the City, on the City's Polecat Gulch Reserve property that would provide public access to the Reserve. This request is also part of the proposed Development Agreement and thereby subject to the re-zone ordinance. The Boise Parks and Recreation Department request includes a trail head, a driveway and parking for a dozen vehicles and truck and horse trailer, a sidewalk, sewer,

power and water connections, and fencing. These requests were made in a letter to PDS dated July 7, 2007 and amended in a letter dated June 27, 2008 (See Exhibit G).

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

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

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

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

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

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

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

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

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

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

Staff recommends that a good-faith effort to conserve the small onion fields should include the dedication of the parcel upon which they rest to the Treasure Valley Land Trust as well.

11-06-05.07.06. Building and Grading Disturbance Envelopes

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

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

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

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

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

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

Open space areas may be owned and maintained as follows:

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

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

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

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

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

The request includes approximately 165 acres of open space dedicated fee simple to the Treasure Valley Land Trust for the purpose or preservation of approximately 82 acres of the Aase's Onion, a species of concern under Federal guidelines.

There would be small areas in control of the homeowners' association, including the reclaimed sand pit.

by the city.

5. Where the goals and policies of the *Ada County Ridge-To-Rivers Pathway Plan*, the Boise City Heritage Preservation Committee: Potential Public Preservation Sites plan, *Boise City Comprehensive Plans* and/or *Ada County Comprehensive Plans* and their referenced plans specify the need for public trails or open space, easements for public lands or trails may be required as part of the development's permanent open space. These trails or open spaces may be held in private ownership with an easement, or may be purchased by the city, or dedicated to the city for that use by the landowner(s).

6. Specific agricultural or utility use exceptions may be permitted in open spaces, including livestock grazing, community gardens, irrigation ponds or storm water retention ponds. These uses shall not include buildings or structures except those necessary appurtenances required by those uses, such as dams and irrigation/drainage systems. These use exceptions shall comply with the policies of The Plan, shall be shown on the conditional use site plan, and shall not degrade the value of the permanent open space.

7. Fencing shall not encroach into or bisect preserved open space areas.

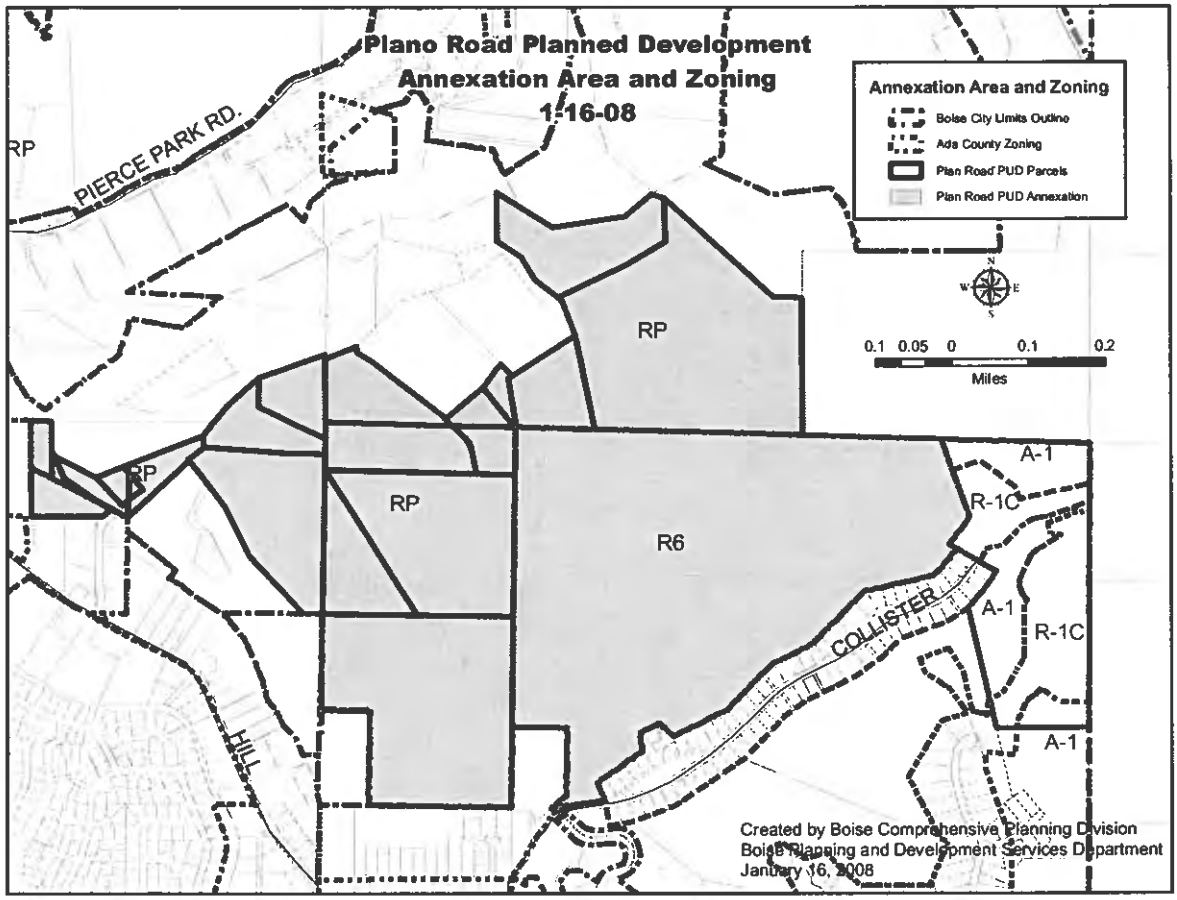
8. The city will accept no responsibility for the costs for maintenance of open space or recreational facilities unless the Boise City Board of Parks and Recreation Commission and the Boise City Council specifically approves such charges.

Annexation

The proposed annexation involves 296 acres in Ada County zoned RP and R6. The remaining of 36.5 of the 332.75 acres are in Boise City Limits as a result of the Quail Ridge annexation, Ord. 5318, June 22, 2992.

The proposed annexation is contiguous with City Boundaries. The area is served by City sewer, Police, Fire and Parks and Recreation resources. United Water has indicated that they would provide municipal water supply via a water tank installation at the top elevation of the subject site, if approved. The subject site is adjacent to public rights-of-way.

Current Zoning for the Plano Lane Annexation Application	Current Zoning	Acres, Approx.
Sub-Total, Boise City	A-1	16.4
Sub-Total, Boise City	R-1C	20.1
Total Boise City		**36.5**
Sub-Total, Ada County	R6	122.9
Sub-Total, Ada County	RP	173.1
Total Ada County/Annexation Total		**296.0**



The *Foothills Policy Plan* Goal 1, Objective 2 Policy 5 supports development in the Western Foothills Planning Area.

The subject property is in the City's Area of Impact and the proposal honors that agreement with Ada County. The site is subject *Boise City Comprehensive Plan* and the *Foothills Policy Plan* and the proposal is generally in compliance with those plans.

Staff recommends annexation of the proposed properties with the zoning prescribed by the Foothills Planned Development Ordinance in R-1A/DA (Single family residential with development agreement) and A-1/DA (Open Space with development agreement) zones.

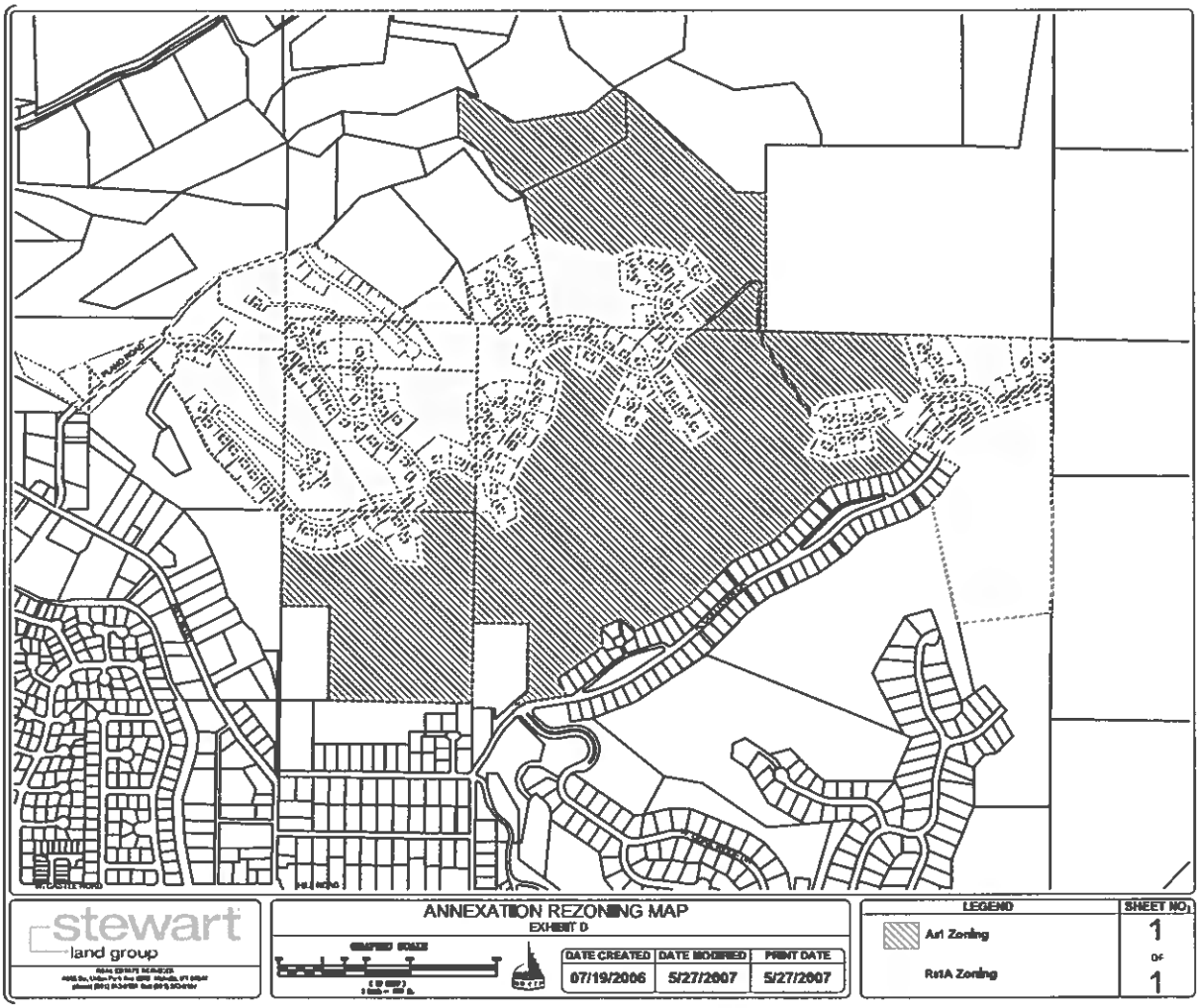
Zone Amendment

The zoning proposal involves 97.84 acres of the developed area in the R-1A/DA (Single family residential with development agreement) and 234.91 acres in the A-1/DA Zone (Open space with development agreement). The respective zones are shown on the following map.

The proposed zones are in compliance with the Foothills Policy Plan and the Foothills Planned Development Ordinance. The R-1A/DA Zones are comprised of the built portion of the proposal and the A-1/DA areas are the set-aside areas for permanent open space as further described in the proposed development agreement, Exhibit J. The delineation of the zoning criteria is found in Section 11-06-05.07.03 General Application and Development Requirements. Item 3 states

3. Upon annexation the buildable areas of the PD shall be zoned R-1A, Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned "A" Open.

These standards will have been met with the applications under consideration.



Summary:

The Plano Road Subdivision proposal on one hand is a typical application for a 155 lot residential subdivision, but it is in the very complex setting and environment of the Boise Foothills. The complexities arise from both the land forms and the regulatory structure. Development is more difficult and costly on the steep hillsides where human activities compete with the wildlife habitat that is the cherished signature of Boise City and the Treasure Valley. Living in this environment is also richly rewarding.

In 1997 Boise City finally adopted its Foothills Policy Plan that was the product of a community-wide effort or journey that took the better part of twenty years to accomplish. That perseverance of many dedicated individuals and the local governments is telling as to how much the Foothills are loved by this community, and for many well-deserved reasons. The Interim Foothills Transportation Plan was adopted in 1997 by Boise City, Ada County and Ada Planning Association (now COMPASS), where it established development levels in the Foothills. In 2002 the "Foothills Planned Development Ordinance" was amended to the Boise Zoning Ordinance and represents regulatory measures recommended by the Foothills Policy Plan.

The Foothills Policy Plan provides the best chance for a level playing field when it comes to the debate on development activities in the Boise Foothills Planning Area. The policies give voice to the many concerns shared by all members of the community including land owners, developers, neighbors and recreational users of the Foothills. This is the second application under the Foothills policies and ordinances, and the first to utilize the density bonus policies that assign development value to the preservation of ecological values. It is the job of the decision makers to find a balance between those primary issues represented by this application.

The proposal is for 155 dwelling units stretched across the ridge tops between Plano Lane on the west and upper Collister Drive on the east. The neighbor to the east is the Boise Parks and Recreation Department's Polecat Gulch Reserve, a recently acquired and undeveloped regional park facility comprised of one of the few Foothills gulches left in its native state. This Reserve and the surrounding Idaho State Department of Lands property provide nearly 700 acres of public lands for the perennial enjoyment of nature by the residents of Treasure Valley. It is also one of the few parks facilities in the West Foothills Planning Area, and is a wonder to behold.

The neighbors to the south are residents of the older Briarhill Subdivision on upper Collister Drive and Quail Ridge, also developed by Ramon Yorgason, along the ridgelines to the south. Upper Collister Drive is an unusual road with a drain running down the center of the road, as it is built in the bottom of Polecat Gulch where the water naturally flows. As such it provides an incentive to drive more slowly than one would on a standard road in a similar situation. The people in this neighborhood are very concerned that their safety is potentially jeopardized by the traffic proposed by this application. Traffic on this road would increase from 570 Average Daily Trips (ADTs) to 1,335 ADTs, nearly two and a half times the traffic to which they are accustomed. They have also expressed concerns about the loss of wildlife habitat, an issue reinforced by the Idaho Department of Fish and Game comments on the proposal. A third major concern is the visual impact from the proposed dwellings looming over the Briarhill neighborhood from the prominent ridge tops.

The most difficult aspect of any Foothills development proposal is the traffic impacts on downstream neighborhoods. The traffic from the proposed subdivision, some 1,500 average daily trips, will all end up on Hill Road with roughly a 60/40 split distribution between Plano Lane and Collister Drive. The Ada County Highway District has recommended approval for the proposal with some significant conditions for off-site improvements. The application has been conditioned to require full improvements of Plano

Lane from the subject site to Hill Road, where the intersection will be widened. The City is also recommending a sidewalk to Hill Road. The applicant would also be responsible for a traffic signal at Collister and Hill Road with lane widenings when the 81st building permit is sought. There would also be some widening of Hill Road around Plano Lane to improve the sight distance. The applicant is concerned that the impacts from their proposal don't warrant their share of the improvements on Hill Road.

The applicant would also have to provide a connecting road between Plano Lane and Collister Drive at the first phase of development as means ingress/egress for public safety. This road would be paved at the ends and gravel in the middle until the 54th building permit is issued, and then the applicant would pave the entire length. The neighbors are concerned that this connection will skew the traffic distribution between Plano and Collister Roads. Staff supports the ACHD Commission's recommendation.

The proposal includes a dedication of 169.7 acres of open space with the purpose of protecting the habitat of the Aase's Onion, a Federal species of concern. This would also provide the applicant with the majority of their density bonus, in combination with set-aside of some wetlands and riparian areas on Polecat Gulch Creek, the provision of access and a trail head for the Polecat Gulch Reserve, and open space adjacent to the Reserve for buffering that resource. The 169 acres would be donated to the Treasure Valley Land Trust who would, in turn provide long-term conservation for the species of concern. The Land Trust has agreed to this arrangement, which would be executed at Phase One of the Development. This proposal is wholly supported by the Plan, but concerns remain with the impact on the onions from the grading and human traffic. The Plan and Ordinance would allow density bonus only if the conservation of the species can be reasonable assured. The proposal includes four smaller areas with approximately 5.5 acres of Aase's Onion that would be separated from the large onion fields by either roads and/or dwellings. Staff has recommended that all the areas with onion fields should be part of the Treasure Valley Land Trust conservation effort. It seems a difficult task to protect those plants when they are so near the developed part of the proposal.

The development proposal meets the standards and regulations in the Foothills Planned Development Ordinance with the recommended conditions from City Departments and other agencies with jurisdiction, including the Ada County Highway District and Idaho Department of Fish and Game. The anticipated impacts from this proposal seem to be in balance with the mitigation measures. There is never a way to accommodate all impacts and all property rights, but this application represents a good faith effort to try to achieve that balance.

Staff's Recommendation:
Staff recommends approval of the annexation of +/- 296.12 acres, and the rezone of +/- 332.75 acres with zoning designa-tions of R-1A/DA (Single family Residential with a Development Agreement, 2.1 DU/ Acre) and A-1/DA (Open Land with a Development Agreement), requested in CAR07-00042/DA with the proposed development agreement, the condi-tional use permit for 155 dwelling units within a Foothills Planned Development, CUP07-00084, with conditions of ap-proval, and Hillside and Foothills Area Development Permit, CFH07-00022, with conditions of approval.

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4. Reasons for the Decision

ANNEXATION
Section 11-06-03.03 Commission Shall File Recommendation

The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

A. That the annexation shall incorporate the Boise sewer planning area.

Finding: The proposed annexation is contiguous with City Boundaries, and it is within the Boise sewer planning area.

B. Honor negotiated area of impact agreements.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal is gener-ally in compliance with those plans.

C. Attempt to balance costs of services with anticipated revenues.

Finding: The proposed land use within this annexation is single family residential dwellings with ap-proximately 27% of the land in development and 73% in open space. The gross density would be .45 units per acre, the same as found in Boise's R-1A Zone. Higher densities represent a smaller cost per unit for the urban services package. It is a matter of efficiency and economies of scale, the greater the density per acre, the lower overall costs to service the area on a per unit basis. The site is accessed up steep hills and is perched on ridge tops, which tends to increase the costs of road maintenance, sewer maintenance and water maintenance due to the hilly terrain. The cost of school bus transportation would be higher for the same reasons, and because the proposed neighborhood would be at the end of a gulch, requiring a looping back to access other neighbor-hoods. The proposed neighborhood may increase the potential for property damage and fire cov-erage due to wildfires, as the site is within the area where this phenomenon occurs. Wildfires are more difficult and costly to fight and contain than those in the more urbanized parts of the city, and they require specialized equipment to fight them, at an additional cost to the city.

The revenues from the proposal would tend to be on the high end for assessed value per resi-dence. It is not clear if the revenues would balance the costs of services, as that data is not avail-able.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Finding: The proposed annexation is contiguous with City Boundaries. The area is served by City sewer, Police, Fire and Parks and Recreation resources. United Water has indicated that they would provide municipal water supply via a water tank installation at the top elevation of the subject site, if approved. The subject site is adjacent to public rights-of-way. This is a logical extension of the city boundaries as all the urban services are available to the site.

Section 11-08-05 ANNEXATION

Requests for annexation of property into the City of Boise must be heard by the City Council after receiving recommendation by the Planning and Zoning Commission, and must meet one or more of the following condi-tions:

A. The land lies contiguous or adjacent to the City or to any addition or extension thereof has been divided into parcels containing not more than five (5) acres of land each; or

Finding: The proposed annexation is contiguous with City Boundaries, and it is proposed to be subdivided into a residential neighborhood.

B. Any property owner by or with his/her authority has sold or begun to sell off such contiguous or adjacent land by metes and bounds into parcels not exceeding five (5) acres; or

Finding: Not applicable as items A and C are met.

C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or

Finding: The proposed annexation comes at the request of the landowners.

D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.

Finding: Not applicable as items A and C are met.

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RECLASSIFICATION OF ZONING DISTRICTS

Section 11-06-01.01 Power to Amend

Any recommendation of the Commission relating to change, modification and reclassification of zoning dis-tricts and land use classifications and the regulations and standards thereof shall be in writing. The recommen-dation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modi-fications and reclassifications of zoning districts and land use classifications and the regulations and the stan-dards thereof:

A. Comply with and conform to the Comprehensive Plan; and

Finding: The proposed annexation and zone change area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the pro-posal is generally in compliance with those plans. The body of this staff report substantiates this

finding in greater detail.

B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.

Finding: The proposed zone change and annexation area is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. The area is served by United Water of Boise for municipal water services.

C. Maintain and preserve compatibility of surrounding zoning and development.

Finding: The proposed zone change and annexation area is contiguous to City residentially zoned neighborhoods on the south. It is surrounded by Ada County Rural Preservation (RP) on the north and east, and a residential neighborhood with R6 zoning on the west. The proposed use and zone change are compatible with the surrounding zones.

The proposed zones are R-1A/DA, single family residential with development agreement, and A-1/DA, open space with development Agreement. These zones are derived from the regulations of the Boise City Zoning Code Chapter 11 Section 11-06-05.07, the Foothills Planned Development Ordinance. The ordinance requires that requests for annexation and/or zone change would result in the R-1A/DA and A-1/DA or A-2/DA Zones, as are so requested in this application.

The proposed development is in character with and similar in use and density with the surround-ing neighborhoods.

***

CONDITIONAL USE PERMIT
Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

A. That the location of the proposed use is compatible to other uses in the general neighborhood;

Finding: The proposed planned development is for a residential neighborhood with a maximum of 151 dwelling units and an open space plant conservation area. It is contiguous to residentially zoned neighborhoods on the south and west. It is surrounded by Ada County Rural Preservation (RP) on the north and east, and a residential neighborhood with R6 zoning on the west. To the east is the Boise City Polecat Gulch Reserve, a recent addition to the City Parks and Recreation system. The residential use is compatible in scale and density with the contiguous

neighborhoods, Briarhill Subdivision and Quail Ridge Subdivisions, and the small Plano Lane Subdivision on the west. The open space component of some 160 acres would make this compatible with the Polecat Reserve. The location of the use is supported by the policies of the Foothills Policy Plan, and the proposal meets, in general, the policies of that plan.

Finding: The proposed planned development is sited along prominent ridge tops in a regionally prominent part of the Boise Foothills. That is to say that this development would be highly visible from many parts of the region. The proposal includes siting and structural design restrictions that would lessen the visual impact to some degree. These design restrictions would have the desired effect of blending the structures in with the backdrop of the Boise Foothills. Nevertheless, the proposed development would break up that prominent viewshed forever, however designed. The geography of the land is such that the majority of buildable portions of the site are on the ridge tops, with some available areas in a gully on the north and at the end of Collister Drive. The con-cerns about the policies and regulations addressing the visibility on the ridge tops of the proposal must be balanced with the policies that would allow this type of development in the West Foot-hills Planning Area. Part of that balance must include the proposal to set aside a conservation are for the Aase's Onion, a Federal species of concern and protected by policies in the Boise Foot-hills Policy Plan.

B. That the proposed use will not place an undue burden on transportation and other public facilities in the vi-cinity;

Finding: The proposal is in the City's service area for police, sewer, parks and library services. The area is served by Ada County Highway District for street services and has received a recommendation for approval from their Commission on May 25, 2008. The Independent Boise School District includes the site in its service area. The area is served by United Water of Boise for municipal water services. These agencies have all indicated by letters in the file that they could provide services to the project site. The provision of services to this site would not diminish services to other parts of the region.

C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title;

Finding: The site is large enough for the use to accommodate the proposed site and lot layout. It would in-clude 160 acres of permanent open space for the conservation of a species of concern, and sev-eral areas of open space available to the homeowners' for private use. Some internal pathways would be provided as well as sidewalks and bike paths. The site is designed such that the dwell-ings would be clustered in the area on the west connected to Plano Lane and in the east where Collister Drive would be extended. This built area is approximately 90 acres of the 332 total, with the remainder in open spaces of several types: conservation area, drainage basins, private open space with trails and riparian area next to the

Polecat Reserve.

D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity;

Finding: The proposed use is largely compatible with the plans and the Municipal Code of the City and the Ada County Highway District as discussed in detail in this staff report. The primary concern is for the safety of the current residents and the future residents. The focus of that concern rests on the traffic impacts on the Plano Lane neighborhood, the Briarhill Neighborhood and the Quail Ridge Neighborhood taking access from upper Collister Drive. Collister Drive is designated as a local collector by the Ada County Highway District, and by their calculations the proposed traf-fic increases could be accommodated by this road. Plano Lane is a local road, and ACHD has also substantiated that it could handle the proposed traffic increases. The proposed development would have a visual impact on the surrounding area.

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Finding: The proposed annexation area is in the City's Area of Impact and the proposal honors the Area of Impact Agreement with Ada County in compliance with Boise City Code 11-15. The site is subject Boise City Comprehensive Plan and the Foothills Policy Plan and the proposal is gener-ally in compliance with those plans.

F. Multiple family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The Commission or committee must make a finding that specific design fea-tures have been added to enhance the physical appearance of such multiple-family residential structures.

Finding: This is not applicable to the application.

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Hillside and Foothills Areas Development Ordinance - Section 11-14-03.05 Findings of Fact and Conclusions of Law

A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of law:

1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique fea-tures;

Finding: The proposed grading plan complies with the technical requirements of the Boise

Hillside and Foothills Areas Development Ordinance and Uniform Building Code, except as noted above, and can be approved with the attached conditions of approval. Final approval of the grading plan and the issuance of a grading permit are contingent upon a more extensive onsite investigation con-firming the preliminary opinions of the geotechnical engineer.

The proposed development is generally in compliance with the technical requirements of Section 11-14-03.05 as conditioned in a letter from Boise City Public Works Exhibit D Plano Road Sub Grading, dated May 28, 2008.

2. That the proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity;

Finding: The Preliminary Soil and Geologic Evaluation, although very preliminary in nature and not based on onsite investigation, indicated that the proposed development could be conceptually approved. A Stormwater Well Report was submitted July 1, 2008 that substantiates that the stormwater retention proposal would not adversely affect other property owners in the vicinity.

3. That the land itself is capable of the volume and type of development proposed as determined by geo-logical, hydrological and soils engineering analysis;

Finding: The site will comprise about 91 acres of developed land and approximately 241 acres of unde-veloped land. There is enough land to accommodate the proposal. The preliminary Soil and Geo-logic Evaluation, although very preliminary in nature and not based on onsite investigation, indi-cated that the proposed development could be conceptually approved. Yet, one of the conditions of approval from Public Works is that the proposed grading plan shows some off-site disturbance that would require either re-design or permission from the land owner.

4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

Finding: The proposed project would not create a potential for hazards of flooding, soil instability, fire or erosion.

5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches includ-ing the requirements of this chapter and the Floodway and Floodplain Ordinance.

Finding: The proposal meets the application sufficiency standards, and does not require a Floodplain per-mit. It complies with the requirements for Foothills gulches through the application for the Hill-side and Foothills Areas Development permit.

B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance re-quirements including compliance with the Boise Metropolitan Plan.

Finding: The Hillside and Foothills Areas Development permit application was made in conjunction with applications for annexation, zone change, conditional use permit and a preliminary plat subdivi-sion application so this standard has been met.

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5. General Information

Notifications:
Neighborhood Meeting held on: April 9, 2008
Newspaper notification published on: June 28, 2008
Radius notices mailed to properties within 300 feet on: June 28, 2008
Staff posted notice on site on: July 24, 2008

Size of Property:
± 332.75 Acres

Land Use

Existing Land Use:
The site is currently vacant for the most part with two parcels occupied by single-family residences.

Hazards:
The site is steep and hilly with the difficulties presented by that type of terrain.

Adjacent Land Uses and Zoning:

North:	Vacant mostly with three single family dwellings on the perimeter / RP Ada County (Rural Preservation)
South:	Single-Family Residences / R-1B (Single-Family Residential)
East:	Vacant, Polecat Gulch Reserve / RP Ada County (Rural Preservation)
West:	Vacant / RP Ada County (Rural Preservation)

Setbacks

R-1A	BUILDING SETBACKS		PARKING LOT AND SERVICE DRIVE SETBACKS	
	Standard	Rear or Side Yard Abutting a Residen-tial Use or District	Standard	Rear or Side Yard Abut-ting a Residential Use or Dis-trict
Front/side adj. to street	20'	30'	20'	20'
Interior side & rear yards - 1 story	5'	10'	5'	10'
2 or more stories	5'	10'	5'	10'

Yards adjacent to the Interstate or Connector	20'	NA	10'	NA

*The applicant is proposing to meet or exceed all required perimeter setbacks. The exceptions to interior setbacks are outlined below.

***

Parking

Land Use	Unit Of Measure	General (Parking Space)
Single Family Residential	Per Unit	2

***

6. Boise City Comprehensive Plan

This project is located in the Foothills Planning Area with the following specific or applicable goals, objectives and policies in the Boise City Comprehensive Plan and the Foothills Policy Plan.

Policy 8.19
Land use and development policies specific to the Foothills Planning Area shall include the following:

1) The Foothills Policy Plan, adopted by the City Council on March 4, 1997, is adopted into and is a part of the Boise City Comprehensive Plan, subject to all of the stated purposes and procedures of the Comprehensive Plan.

2) The Foothills Policy Plan contains goals, objectives and policies addressing the issues of land use and general development; environmental protection and open space preservation; scenic and aesthetic concerns; recreation and open space preservation; neighborhood protection; and transportation, infrastructure and services. These goals, objectives and policies should guide the land uses and development in the Foothills.

***

Additional Boise City Comprehensive Plan Goals, Objectives and Policies

CHAPTER 6 TRANSPORTATION

Objective 6.1.3
Encourage completion of the existing street system and creation of new links, within reasonable constraints, as the transportation system develops.
***
Policy 6.1.3.6
All new development shall be reviewed for appropriate opportunities to connect to local roads and collectors in adjacent developments.
***
CHAPTER 7 COMMUNITY QUALITY
Objective 7.2.3
Provide for the protection of character and the enhancement of services in existing residential neighborhoods.

***

CHAPTER 8 **LAND USE**

Objective 8.1.1

The land-use map and attendant policies shall be the official guide for development of the planning area and shall be implemented through zoning and development review.

Policy 8.1.1.2

Zone change requests that are consistent with the Land Use/Zoning Consistency Matrix and the policies of the Boise City Comprehensive Plan should be approved by the City pursuant to appropriate findings related to service levels and other requirements of the Boise City Comprehensive Plan.

***

Objective 8.1.6

Residential landuses shall be designated to provide a variety of housing densities, product types and affordable costs, and shall be located and distributed in a manner that is compatible with adjacent uses and promotes transit and pedestrian activity.

***

Foothills Policy Plan

Chapter 1 - LAND USE AND GENERAL DEVELOPMENT

GOAL

To share growth throughout the community and to reduce the impacts of urban sprawl, controlled development of appropriate Foothills areas shall be allowed pursuant to standards and conditions that are protective of the Foothills, wildlife and neighborhoods.

Objective 1

The location of development will avoid environmentally sensitive areas such as waterbodies, floodways, landslides and fault zones, steep slopes, and unstable soils, and shall protect wildlife and habitat areas. Development shall be regulated in the flood plain.

POLICIES

1) Development shall be prohibited on slopes of 25% grade or greater, and within designated floodways. Necessary infrastructure and utilities may be placed within these areas subject to proper engineering and compliance with other policies of this plan.

2) Development within areas of landslides, fault zones, and unstable soils shall be prohibited, unless the Project Engineer can demonstrate to the City Engineer that these site limitations can be overcome. The intent is to prevent hazards to life and property, and lessen the adverse effects of development on the safety, use or stability of public ways and drainage channels. The risk evaluation will be based on engineering reports which will be subject to peer review.

3) Environmental and wildlife features, such as wetlands, threatened plant species, riparian areas, big game winter range, and sensitive wildlife habitats shall be maintained through clustering of development away from those features, and development limitations.

Objective 2

The Land Use Map for the Foothills adopted with this plan shall be considered to be a generalized depic-

tion of potentially buildable areas. Further determination of the amount, type and location of development shall be made pursuant to the following policies and other applicable policies contained in the Foothills Policy Plan and the Boise City Comprehensive Plan documents.

1) The Foothills Land Use Map provides a generalized depiction of potentially buildable areas based upon slope. At the time of zone change or development application, the developer shall submit detailed documents depicting wildlife habitat areas, existing slopes, geology and soils. This data shall be used to make more detailed determinations regarding the extent of the buildable area governed by the policies of this plan and the "Hillside and Foothill Area Development" ordinance.

2) Areas designated on the Land Use Map (Figure 1 - 1) as Buildable are generally characterized by slopes less than 25% grade. The base density shall be 1 unit / 40 acres plus a density bonus formula (See Figure 1 - 2). Within the buildable areas there may be pockets of land greater than 25% slope. The existence of such areas shall be documented by the developer through detailed slope surveys as part of the application. Within such areas, the base density shall be 1 unit / 40 acres and density credits must be transferred to areas of less than 25% slope.

3) Areas designated on the Land Use Map as Slope Protection Areas are generally characterized by slopes that exceed 25%. Within such areas, the base density shall be 1 unit / 40 acres. Within Slope Protection Areas there may also be pockets of land that are less than 25% slope. The existence of such areas must be documented by the developer through detailed slope surveys. Density for these pocket areas shall be 1 unit / 40 acres, plus additional units allowed under the density bonus.

4) In buildable areas density bonuses may be granted in return for the provision of permanent open space. As the amount of permanent open space increases, the allowable density shall also increase according to the Density Bonus Formula. Only areas of less than 25% slope on parcels greater than 1 acre in size may be counted in the open space/density bonus calculations. All open space credited for density bonus purposes must remain in a primarily natural condition with the goal to maintain it for wildlife habitat and recreational uses. Such areas may remain as private open space, may be used for public trail easements, or may be dedicated to a public land trust or other group for conservation management purposes. Within the mapped Wildlife Habitat Areas, (See Figure 2 - 1) the open space areas shall be located to form continuous corridors subject to the review and recommendation of the Idaho Department of Fish and Game.

[FIGURE 1-1 LAND USE MAP]

5) Foothills developments shall be reviewed with the following priority considerations depending upon location:

a. The Western Foothills (Highway 55 to 36th Street) shall be considered to be the first priority area for development, subject to adequate street capacity and infrastructure.

b. The Central Foothills (between 36th Street and 8th Street) shall be developed only to the extent that it can be demonstrated that traffic impacts on existing neighborhoods will be minimized. Special designs to minimize eastbound traffic from areas west of 36th Street may be required.

c. The Eastern Foothills (east of 8th Street) shall be the highest priority area for open space acquisition. Where clustered developments are proposed, the Idaho Department of Fish and Game shall be asked to provide advice regarding the most

desirable locations to maintain open wildlife corridors which comply with the Idaho Department of Fish and Game management plans.

Figure 1 - 2
Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation

1) Base Densities: The base density shall be one unit per 40 acres for all areas designated as buildable (less than 25% slopes) and non-buildable (greater than 25% slopes).
2) Density Credit Transfer: Density credits for non-buildable areas may be transferred to buildable areas at a rate of one unit per 40 acres.
3) Density Bonus: Density Bonuses earned through open space preservation will be in addition to the one unit per 40 acres base density.

Density Bonus Formulas

Open Space Preservation Within Buildable Areas	Density Bonus Within Buildable Areas*
25%	.50 units/acre
50%	1.5 units/acre
75%	3.0 units/acre

* The transfer of density rights from one parcel to another is allowed and encouraged under this plan. The method of calculating the available density on a given parcel for transfer to another parcel will be detailed in a future implementing ordinance.

6) All zone change and development applications shall include traffic impact analysis as required by the Streets Section of the Transportation Chapter of the Boise City Comprehensive Plan. Approval of the application shall be contingent upon findings regarding protection of service levels, as designated by the traffic plan of record, and use of traffic management strategies.

7) All zone change and development applications shall be filed as Planned Unit Development (PUD) proposals. The PUD application shall demonstrate compliance with all applicable requirements of the Foothills and Comprehensive Plans, including design guidelines, provision of public facilities, habitat protection and fire protection.

Objective 3
A mixture of land uses and housing densities shall be permitted in the Foothills in order to accommodate a variety of housing, shopping, transportation, public facility, recreation and wildlife needs.

1) Proper development shall reflect the multiple roles that gulches play including, but not limited to, transportation corridors, flood control, trail access, recreation, wildlife and environmental attributes.

2) Limited commercial and office development shall be considered in Foothills planned developments. Commercial and office uses shall be predominantly neighborhood related and located in areas where:

a. The slopes are 15 percent (15%) or less; and,

b. They are adjacent to activity centers, clustered development or the intersections of collector or arterial streets; and,

c. By their proximity to residential uses would reduce vehicular trip generation. Such development should be compatible with the design and size of the surrounding neighborhoods.

3) Employment center uses may be considered as part of Planned Development proposals, given that they meet a standard of land use intensity not unlike adjoining residential uses. Acceptable uses will be held to design and environmental protection standards, and shall not produce traffic greater than that generated by residential uses for the same amount of land.

4) A mixture of densities and housing types shall be encouraged in the Foothills.
Multiple family dwelling developments shall be located:

a. Near dedicated open space, schools, or parks; or

b. Adjacent to arterial or collector streets; or

c. Near commercial/community activity centers.

5) Density transfers between parcels of different ownership and/or the same ownership, and clustering of development shall be allowed, and in some areas required, as a means of protecting sensitive areas by maintaining open space and allowing for more efficient urban services.

6) Gated developments in the Foothills are prohibited due to the potential for such development to restrict or delay emergency response in the Foothills.

5.0 NEIGHBORHOOD PROTECTION
GOAL
To preserve, enhance and protect neighborhoods and developed areas from unacceptable adverse impacts resulting from Foothills development.
\
Objective 1
Foothills developments shall be compatible with and complementary to adjacent neighborhoods.

Policies
1) Substantial density, intensity or design changes shall only be allowed by creating transitional uses or buffers so that abrupt changes are avoided.

2) Foothills developments, adjacent neighborhoods, schools, and open spaces shall be linked with a pedestrian pathway system which is distinct and separate, where feasible, from the roadway system.

3) Internal neighborhood connections shall be provided through varied design provisions, including sidewalks and paths.

4) Sidewalks will be provided on at least one side of all Foothills roads with appropriate landscaped buffers. In lieu of a second sidewalk on the opposite side of the road, an adequate bicycle and pedestrian pathway system shall be provided. Sidewalk buffer requirements and pathway designs will conform to the Foothills Uniform Design Guideline Manual criteria.

5) Where streets or other public services within and through the built community will be negatively af-

fected by new developments, new projects will provide or make contributions toward effective mitigation to protect public health, safety, and welfare in the built community as well as in the newly developed areas.

6) The planned unit development is the required Foothill development mechanism, as regulated by Section 11 06 05 on the Boise City Zoning Ordinance, because it is the most effective tool for solving problems associated with traffic, terrain, aesthetics, intra , and inter neighborhood connections for urban density developments. Planned unit developments will be required as a means to provide adequate buffers for transitional uses between adjacent existing developments.

Objective 2
Neighborhoods affected by through traffic will be protected.
1) Improvements to the transportation system need to balance the long term development objectives with protection of neighborhoods and must be in scale with existing neighborhoods.

2) Upgrading of residential streets to collector and arterial status shall be discouraged and shall only occur where a significant community wide need can be identified as part of the adopted Regional Transportation Plan.

3) Public and urban service requirements for developments, including transportation improvements shall minimize impacts on existing neighborhoods.

4) Mitigation of the effects of increased traffic on existing neighborhoods shall be paid for by the developments causing such effects on a proportionate basis, through the use of mechanisms such as impact fees, installation of traffic calming infrastructure, trail and pathway development and mass transit development.

5) The City Planning and Community Development Department shall annually monitor street capacity as it is consumed by Foothills development and shall be prepared to limit Foothills development as capacity is reached. Capacity shall be determined according to a formula to be defined jointly by Boise City, Ada Planning Association (APA) and Ada County Highway District (ACHD) and adopted in a governing Foothills Transportation Plan.

7. Boise City Zoning Ordinance

Section 11-04-04-.01 General Standards
***
Section 11-04-03.02 Purpose of R-1A, R-1B and R-1C Districts

It is the purpose of the R-1A, R-1B and R-1C District Classifications to provide various regulations and districts for predominantly single family residential uses within the urban community. Land may be classified to these respective classifications in conformity with the goals and objectives of the Comprehensive General Plan, for location, topographic or other reasonable purposes to guide the physical growth and stability of the City.

Section 11-04-09.02.01 Purpose A-1 District
It shall be the purpose of the Open Land or A-1 District classification to provide a zoning district within the City for low density residential use and land uses requiring larger land areas for development such

as parks, schools, golf courses, agriculture, rural residential neighborhoods, and other uses in conformity with the Comprehensive Plan. The regulations set forth in this Section shall apply in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any A-1 District.

***

Section 11-06-01 AMENDMENT, RECLASSIFICATION

Section 11-06-01.01 Power to Amend

This Ordinance may be amended whenever the Council deems that amendment is required for the public convenience or necessity, or for the general welfare. Any amendment to this ordinance shall be enacted pursuant to this section. The amendment of this Ordinance or the reclassification of zoning districts may be initiated by the City Council, the Planning and Zoning Commission or by one or more property owners or holders of valid options to purchase property. The procedures set forth in this Section shall apply to any measure to change district boundaries, reclassify districts, to change district regulations, to add, repeal or amend district regulations and to add, repeal or amend any other provisions of this Section or the whole of this Ordinance.

Section 11-06-01.03 Public Hearing

The Planning and Zoning Commission shall advertise, provide notice and conduct a public hearing in accordance with Section 11-3-6 of this Ordinance for each application to amend this Ordinance or to reclassify a zoning district.

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. The recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

A. Comply with and conform to the Comprehensive Plan; and

B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.

C. Maintain and preserve compatibility of surrounding zoning and development.

Failure of an application to meet these findings shall not prevent the request from being forwarded to the City Council for consideration after Commission review. Notice of the Commission's recommendation shall be included in the notice of the public hearing of the City Council.

***

Section 11-06-04 CONDITIONAL USE PERMITS

Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

A. That the location of the proposed use is compatible to other uses in the general neighborhood; and

B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and

C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title; and

D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

F. Multiple family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The Commission or committee must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

***

Section 11-06-05 PLANNED DEVELOPMENTS

Section 11-06-05.01 Justification

A planned development is a parcel of land which is planned and developed as a unit under single ownership or control, containing one or more uses, buildings and common open space or recreational facilities.

The planned development process provides an opportunity for land development that preserves natural features, allows efficient provision of services, and provides common open spaces or other amenities not found in traditional lot-by-lot development. The process also provides for the consistent application of conditions of approval for the various phases of a planned development. Every planned development requires a conditional use application, and shall be subject to all conditional use procedures.

Annexation

Section 11-06-03.03 Commission Shall File Recommendation

The Commission shall file its recommendation on each annexation application with the City Clerk in accordance with Section 11-6-3.4. The Commission's recommendation on annexation applications shall be in accordance with the following policies:

A. That the annexation shall incorporate the Boise sewer planning area.

B. Honor negotiated area of impact agreements.

C. Attempt to balance costs of services with anticipated revenues.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

***

Section 11-08-04 COUNCIL ACTION, AMENDMENT AND RECLASSIFICATION

The Council is prohibited from amending, supplementing, changing, modifying or repealing any provisions of the Zoning Ordinance or Comprehensive Plan until the substance thereof has first been referred to and reported upon by the Planning and Zoning Commission.
(5916, Amended, 05/18/1999)

Section 11-08-04.01 Amendment and Reclassification: Power to Amend

This Ordinance may be amended whenever the Council deems that amendment is required for the public convenience or necessity, or for the general welfare. Any amendment shall be enacted pursuant to this section, and for purposes of this Section, includes any measure to change district boundaries, establish or disestablish districts, to change district regulations, to add, repeal or amend district regulations, and to add, repeal or amend any other provisions of this Section or the whole of this Ordinance.

If the requested ordinance amendment or reclassification is found by the Council to be in conflict with the adopted Comprehensive Plan, the Council may consider an amendment to the Comprehensive Plan. After the Plan has been amended, the Zoning Ordinance may then be considered for amendment. The zoning districts shall be in accordance with the policies set forth in the adopted Comprehensive Plan.
(6006, Amended, 07/25/2000)

Section 11-08-05 ANNEXATION

Requests for annexation of property into the City of Boise must be heard by the City Council after receiving recommendation by the Planning and Zoning Commission, and must meet one or more of the following conditions:

A. The land lies contiguous or adjacent to the City or to any addition or extension thereof has been divided into parcels containing not more than five (5) acres of land each; or

B. Any property owner by or with his/her authority has sold or begun to sell off such contiguous or adjacent land by metes and bounds into parcels not exceeding five (5) acres; or

C. An owner or any person by or with his/her authority requests annexation in writing to the Council; or

D. A parcel of land is entirely surrounded by the properties lying within the City boundaries.

Section 11-08-09 DEVELOPMENT AGREEMENTS

A. Purpose.

The purpose of a Development Agreement is to provide a vehicle for development in areas and for uses where, in the opinion of the Council or the Commission, approval of a requested rezone by itself does not satisfy the requirements set forth in the Zoning Ordinance for rezone approval; but, that use of a

development agreement will assure compliance with the required rezone findings and conclusions. Development agreements can be used after a determination has been made that the proposed rezone by itself is not appropriate, unless the use of a development agreement could allow development to proceed under stricter restrictions than those imposed generally in the proposed zoning district. Nothing in this section shall be construed as relieving the property which is subject to development agreement restrictions from further compliance with all other permit and code requirements applicable because of the zoning designation of the property. Restrictions imposed upon property as a result of a development agreement are in addition to all other zoning ordinance requirements.

B. After an application for rezone has been received in the Planning Division, a request to enter into a development agreement for that parcel may be submitted by the rezone applicant; or, a development agreement may be required by Council at Council's rezone hearing, or may be required by Council upon recommendation from the Commission following the Commission's rezone hearing.

1. In the event of a recommendation by the Commission that a development agreement should be entered into, the rezone shall be forwarded to the City Council with a recommendation that the requested rezone be denied or that it be remanded to the Commission, with the Council requiring an application for a development agreement to be submitted by the applicant. If, however, the applicant agrees to submit an application for a development agreement, then the Commission shall defer its recommendation to the City Council on the rezone application until a public hearing is held on the development agreement application. After the public hearing on the development agreement application is held, the Commission shall forward its recommendation on both the rezone and development agreement requests to the City Council.

2. In the event of a determination by the Council that a development agreement should be entered into, the Council shall remand the matter back to the Commission, with the Council requiring an application for a development agreement to be submitted by the applicant, unless the applicant has already done so and a public hearing was held under subsection 1. above. The Council shall, upon remand, direct the Commission on the specific issues to be addressed by the development agreement. The Commission shall then proceed as specified in this Section.

3. In the event a developer seeks to enter into a development agreement, the developer's application for a development agreement shall be taken to the Commission at the time of the scheduled rezone hearing. The Commission shall, following consideration of the rezone and development agreement applications, forward its recommendation to the City Council regarding each of the applicant's requests.

C. In the event of (1) or (2) above, all time limits required by the City Code may be stayed upon affirmative vote of the Council or Commission.

Section 11-10-06 OFF-STREET PARKING REQUIREMENTS
Each residence shall have two off-street parking stalls in compliance with the provisions of this ordinance.

***

8. Recommended Conditions of Approval

Site Specific

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on March 27, 2008 and amended April 18, 2008, except as may be modified by the Boise City Planning and Zoning Commission, or Staff, or expressly modified by the following conditions:

2. The applicant shall construct sidewalks along the frontage of Plano Lane and the project section of Collister Drive. The sidewalk on Collister Drive shall extend to the off-site cul-de-sac on the Polecat Gulch Reserve property and terminate at the trail head. If the sidewalk is located outside of the right-of-way, the applicant will be required to provide ACHD with an easement for the sidewalk. A sidewalk shall be added on the east side of Plano Lane from Hill Road to where it enters the project site.

3. Provide a recorded cross access agreement among the lots for access to the public street system, prior to issuance of a Building Permit for lots with shared driveways.

4. This approval shall be for a maximum number of 151 dwelling units as specified in the Development Agreement for CAR07-00042/DA.

5. Development of the site shall be subject to design review criteria detailed in Exhibit L of this staff report. The design review process is delineated in the accompanying development agreement, Exhibit J. All structures in the development are subject to the site and landscaping criteria supplied by Boise Fire Department and Idaho Department of Fish and Game. Development lots situated on prominent ridgelines are subject to design criteria for the structures with the goal to minimize the visual impact on the landscape. These lots are depicted in Exhibit M.

6. The following conditions and guidelines from The Idaho Department of Fish and Game letter, dated June 27, 2008, shall be included in the home buyer's disclosure statement and the CC& Rs.

a. The following language shall be incorporated into a home buyer's disclosure statement and signed by all residents of the Plano Road Subdivision: This area has been identified as wildlife habitat. Damage to landscaping and personal property from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Ada County. Neither Ada County nor

the State of Idaho will be liable for wildlife depredation and/or damage.

b. The following items shall be included in the homeowner codes, covenants, and restrictions:

i. Big game animals shall not be fed under any circumstances unless specifically authorized by or in cooperation with the Idaho Department of Fish and Game.

ii. Domestic pets must be confined or under the owner's control at all times. Free roaming dogs and cats pose a threat to many wildlife species.

iii. Fences in the Plano Road Subdivision must be of a design that does not pose an undo risk of injury or death to wildlife. Inappropriate fence designs in wildlife habitat are known to injure and kill wildlife. Please contact the Department's Southwest Region Office at (208)465-8465 for additional guidance on wildlife friendly fence design.

In addition, the following list is the Department's general recommendations to minimize the adverse impacts to wildlife from housing developments in wildlife habitat. We would ask that this information be provided to the developer and in turn to potential residents.

c. Native vegetation communities should be protected to the greatest extent possible. This includes native grasses, forbs, and shrubs. It is much easier to protect this vegetation initially than to attempt to revegetate disturbed areas. Native plants are generally difficult to locate in nurseries, they can be extremely challenging to restore, and are quite expensive. Disturbed sites should be mitigated elsewhere on the property. Disturbance can be minimized through clustering of homes, which results in a minimum of infrastructure development.

d. Known migration routes or movement corridors of big game animals should not be disturbed by development. Migrating big game animals generally follow traditional migration routes from summer ranges to lower elevation transition and winter ranges. Deer migrate along well-established routes and are fairly predictable, while elk are more nomadic. Recommendations include clustering of homes, minimizing roads, maintaining riparian-stream corridors, and maximizing open space.

e. Domestic stock such as horses, llamas, and cows should be fed in distinct, fenced enclosures that are off-limits to big game. All feed should be stored in sheds or enclosures out-of-sight of big game animals. If deer and elk can see it, they will attempt to eat it! Elk are big, strong animals and can wreak havoc on exposed feed areas. Domestic fowl should be housed in wildlife-proof homes since they are very vulnerable to predators such as coyotes and fox.

f. When observing wildlife, maintain a safe distance. Do not disturb their normal activities. Resist the temptation to "save" baby animals, as their parent(s) are generally nearby.

g. Effective means to protect ornamental trees and shrubs from being eaten by wildlife include wrapping chicken wire around trees, using animal repellents, or planting vegetation that is less desirable to wildlife

h. Bird feeders should be routinely cleaned to prevent the spread of disease.

i. Any burning of trash or vegetation on properties adjacent to wildlands should be carefully monitored and under control at all times. Fireworks should be avoided. Dry, brittle vegetation lights easily and fires spread rapidly. Wildfires are dangerous and pose a tremendous threat to human life and property, public lands, and wildlife habitat.

j. High numbers of big game animals on limited winter range attract predators such as mountain lions and bears. Precautions that should be followed include a) making noise as you come and go in the morning and at night, b) installing outside lighting, c) make it difficult for predators to approach your house unseen by avoiding planting dense vegetation near your home, d) keep your pets under control and bring them indoors at night since they are easy prey for predators, e) place livestock in enclosed sheds or barns at night.

7. All conditions of the Boise Fire Department report dated June 27, 2008 (Exhibit A) shall be complied with. Any deviation from this plan is subject to fire department approval. The Developer shall implement the measures spelled out in the "Plano Road Fire Prevention Plan" submitted with the application and dated May 31, 2007, and amended to provide more detail as directed by the Boise Fire Department. The amended plan will be included in the CC&Rs for the Homeowners' Association, and it will also be part of the design criteria review by PDS staff at the building permit review stage as described in the Development Agreement (Exhibit J) Item Number 8.

a. Foothills development located outside of the 1.5 mile driving distance or four minute response time from fire stations shall require an approved fire sprinkler/ suppression system in dwelling structures.

b. The use of Class A (noncombustible) roofs within all Foothills developments shall be required. This shall include retrofit for houses which are to have at least 50% or more of the roof area remodeled or replaced.

c. Fire sprinkler systems are required in new residential buildings with a floor area in excess of 5,000 square feet.

d. Emergency and/or secondary access shall be provided in all Foothills subdivisions.

e. Structures bordering any open area with natural vegetation shall use fire rated roofing materials, siding, decking material and fencing.

f. All newly constructed Foothills structures shall be protected by a landscaped fire break.

g. The maximum building envelope for development sites must be identified on each parcel to provide adequate access around structure for fire protection, and to provide a fire break.

h. A fire safety plan shall be filed with the Planned Unit Development application to include safety measures to be used during the construction phase, and plans for fire prevention and emergency evacuation in case of a wildfire. This plan will be an enforceable part of the PUD approval agreement. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management. The cost of fire plan preparation and review shall be the responsibility of the applicant. The fire protection plan shall be retained by the code official.

i. Fire safety and protection measures to reduce the threat of wildfires shall be incorporated into the design in accordance with Uniform Fire Code and Boise City Code Title 7. Such measures shall include internal residential sprinkling systems, defensible space for the structures and the provision of safe evacuation routes for residents in case of wildfire.

j. 2006 International Wildland-Urban Interface Code 403.3 and 404.3 Fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.

k. Draft sites. Approved draft sites shall be provided. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

l. For streets having a width less than 36 feet back of curb to back of curb parking shall be restricted on (1) one side; for streets having a width less than 29 feet back of curb to back of curb parking shall be restricted on both sides; and for standard ACHD cul-de-sacs parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.

m. Fire hydrant location and distribution shall meet requirements of International Fire Code Appendix C.
No fire hydrants have been noted. In the absence of information on existing hydrants it appears that many new hydrants may/will be needed. However, we reserve the right to modify requirements as more information comes to light. Variables affecting hydrant numbers and location include, but are not limited to, area, construction type, existing hydrants, accuracy of information provided in the application, strategic location for fire fighting forces, and required fire flow. New hydrants must be "non-private" installations.

n. Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

o. Specific building construction requirements of the International Building Code, International Fire Code, and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at building permit application.

8. Specific building construction requirements of the Uniform Building and Uniform Fire Codes will apply. However, these provisions are best addressed at the Building Permit application.

9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, and hydrology per department comments dated May 19, 2008 (Exhibit B), and May 20, 2008, Preliminary Hydrology Report (Exhibit C), May 28, 2008, Plano Road Sub Grading (Exhibit D), and per the memorandum from the Solid Waste/Ground Water and Street Lights Managers dated January 16, 2007 (Exhibit E). Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved Storm Water Plan must be resubmitted to BCPW for approval.

10. All of the Ada County Highway District conditions of approval related to the development of the subject property shall be complied with per staff report date stamped received May 30, 2008 (Exhibit F), and amended by the following conditions approved by the Commission on June 25, 2008 per a letter date stamped received June 30, 2008.

Staff has reviewed the issues and concerns raised by the Commission at the May 28th Commission Meeting and recommends the Findings and Site Specific Conditions of Approval be revised to reflect the following:

1. To address the concerns of fire safety, emergency services and mitigation of construction traffic staff recommends:

    a. Require the applicant to construct an emergency/construction access road between Collister Drive and Plano Road with the first phase of the development.

    b. The access road shall be a minimum 20-feet wide gravel roadway meeting the loading requirements of the Boise City Fire Department.

    c. The access road shall be gated and access restricted to emergency services and construction traffic only.

2. To improve safety at the Plano Lane / Hill Road intersection with the anticipated construction traffic staff recommends:

    a. Require the applicant to widen Plano Road at the Hill Road intersection to 40-feet of pavement to allow a right turn lane and left turn lane southbound on Plano and one northbound lane as well as the 4-foot bike/pedestrian area on the east side. The additional pavement width should extend 50-feet back from Hill Road and then taper to the 30-foot street section.

    b. The design of the Plano Lane / Hill Road intersection should be coordinated with District staff to explore and implement measures to improve the site distance and awareness at this intersection, and shoulders along Hill Road should be widened as much as possible within the confines of the existing right-of-way. As noted in the original staff report, the site distance meets the minimum required for the posted speed. However, a speed study did indicate that a significant number of drivers are exceeding the posted limit. Measures could include trimming vegetation in the existing right-of-way or within any easement areas the District may be able to voluntarily acquire.

    c. The District should provide a report and special recommendation to the City of Boise regarding the speed study conducted by the District to request increased enforcement in this area.

3. To address concerns of winter safety staff recommends:

    a. The roadway connection not be made until necessitated by traffic demands from the development. If the roadway is opened prematurely the District

will be required to perform winter maintenance for a limited number of drivers to reduce the risk of accidents.

4. To address the concerns of general connectivity staff recommends:

a. A public roadway shall be required to connect Plano Lane and Collister Drive.

b. The applicant has proposed an alternative to the original threshold of 80 lots recommended by staff. The applicant proposes that the connection be constructed as a public roadway after platting 53 lots, 36 lots off of Plano Lane and 17 lots off of Collister Drive. Staff supports this proposal as a reasonable compromise when considered in total with the other recommendations above. Therefore, staff recommends that the public roadway connection between Plano Lane and Collister Drive shall be completed after the platting of a maximum of 36 buildable lots accessing from Plano Lane and/or a maximum of 17 buildable lots accessing from Collister Drive for a total of 53 buildable lots. The public roadway would be required prior to signature of a final plat that included either the 54th buildable lot total in the development, or the 37th buildable lot accessing from Plano Lane, or the 18th buildable lot accessing from Collister Drive.

11. The applicant shall comply with the requirements of the Boise City Parks and Recreation Department (BPR) for public right-of-way connection, cul-de-sac, parking area and trail head per Department comments dated June 27, 2008 (Exhibit G).

a. The developers will be required to provide for emergency services at the new terminus of North Collister Drive. The configuration of the terminus has yet to be determined. In order to accommodate these road requirements, the City would consider dedicating ROW for a public turn-around at the end of the proposed new North Collister Drive extension. The turn-around would provide public and emergency access.

b. Should development be approved at this location, Boise Parks and Recreation (BPR) and the developer could consider entering into a development agreement. This agreement would necessitate recognition of the value of the city property being used as an emergency turn-around and require infrastructure related improvements, such as utility stubs be constructed to meet BPR and other required agency approvals.

c. Boise Parks and Recreation requests the following conditions of approval also be attached to this development request.

d. Developer shall complete the road from the current North Collister Drive cul-de-sac to Polecat Gulch Reserve and provide the public access on this road.

e. Developer shall construct a post and rail fence to BPR standards along the north property line of the subdivision to help protect the Reserve from encroachment by the future adjacent residences.

f. Developer shall construct an approved turn-around and trailhead at the new terminus of North Collister Drive to BPR specifications while adhering to ACHD access standards.

g. Developer shall stub utilities (water, sewer and power) to an acceptable location near the turn-around as approved by BPR and public Works Department.

h. The turn-around and trailhead shall be graded and graveled to include 12 auto spaces with wheel blocks , an area for emergency vehicles to turn around, a boundary two post and rail fence and a trailhead kiosk.

i. Neither the riparian area (Polecat Gulch) nor the raptor nesting trees on the east side of the current dirt roadway at the north end of Collister should be disturbed as both provide considerable habitat for wildlife in the area.

j. All conditions should be met during Phase I of the development.

12. Provide detailed information on the design and layout of the trail head and parking site on the Polecat Reserve property. Site plan shall be approved by PDS and Parks and Recreation Department. At a minimum, the following shall be provided to staff prior to submittal for any construction permits on the site:

a. Site Plan, at scale, showing existing vegetation, contours trail head and dirt road.

b. Layout of cul-de-sac, sidewalks, parking area, connection to trail head, fences;

c. Signage to be approved at staff level by PDS and Parks and Recreation;

d. Location of stubs for sewer and water hook-ups;

e. Landscaping.

13. The applicant shall comply with the requirements of the Independent School District of Boise City #1 for signage in the cul-de-sacs, per District comments dated July 6, 2007 (Exhibit H).

14. The applicant shall comply with the requirements of the Boise Planning and Development Services Department Subdivision requirements and conditions of approval, SUB07-00065 per Department comments dated May 30, 2008 (Exhibit I).

15. Conserve the small onion fields through the dedication of the parcel upon which they rest to the Treasure Valley Land Trust.

General

16. The applicant shall submit a revised, detailed revegetation plan. This plan must be prepared and stamped by a licensed landscape architect. The plan should include the following information at a minimum:

a. The location of all existing trees larger than 2" in caliper and whether they are to be retained or removed. Any tree larger than 2" in caliper removed from the site shall be replaced with a tree or tree(s) with an equal or greater caliper.

b. The location of all proposed plant materials including trees and shrubs. All species should be represented by their approximate size at maturity.

c. The plant palette shall be expanded to include a variety of drought-tolerant deciduous and evergreen trees and shrubs that will provide for year-round interest.

d. All new deciduous trees shall have a minimum caliper of 2" and evergreen trees shall be a minimum of 6' in height at the time of planting.

17. All exterior mechanical and utility equipment at the front of the structures shall be screened by vegetation or decorative fencing. Proposed screening must be indicated on the landscape plan and submitted with the application for a Building Permit.

18. All amenities shall be constructed or bonded for prior to the issuance of the first building permit.

19. The minimum unobstructed interior width of a two-car private residential garage shall be twenty (20) feet. The minimum unobstructed depth of the stalls must be twenty (20) feet for the first stall and may be sixteen (16) feet for the second stall. These dimensions must be kept clear of any permanent obstructions including, but not limited to mechanical units.

20. A common party wall agreement shall be provided for all zero line units.

21. A condominium plat must be approved by Boise City and recorded with the Ada County Recorder prior to sale of any condominium units.

22. The applicant shall comply with the standards and conditions of the City of Boise Solid Waste Commercial and Multi-Family Centralized Trash Requirements.

23. Occupancy Permit will not be issued by the Boise City Building Department until all conditions of approval have been complied with. In the event a condition(s) cannot be met by the

desired date of occupancy, the Boise City Planning and Development Services Department Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond will be required in the amount of one hundred ten percent (110%) of the value of the condition(s) which are incomplete.

24. Vision Triangles as defined in Section 11-01-03 and Section 11-10-04.4G. of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.

25. The applicant or his/her contractor shall obtain a right-of-way permit from the Ada County Highway District prior to any construction in the public right-of-way.

26. All private streets must be approved and constructed prior to the issuance of any Building Permit for this property.

27. All parking areas and driveways shall be paved, marked and provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.

28. Existing mature vegetation shall be retained wherever possible.

29. Street trees, as selected from the City Forester's list of approved trees, shall be provided. Each tree will be a minimum 2-inch caliper at time of planting.

30. A detailed landscaping plan shall be submitted to the Planning and Development Services Department Staff for review and approval prior to issuance of a Building Permit. Such plan shall indicate existing and proposed plant and landscaping materials, method of irrigation, quantities, locations, approximate size at maturity, and minimum size at time of planting and locations of existing trees to be removed.

31. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.

32. Development on the site shall not obstruct the flow of water through any irrigation ditches on or adjacent to the site. If any watercourse is to be altered, written approval shall be obtained from the appropriate agency.

33. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.

34. A detailed grading and drainage plan shall be submitted for review and approval by the Ada County Highway District and Boise City Public Works Department before a Building Permit is issued.

35. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).

36. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.

37. Utility services shall be provided underground.

38. Trash receptacles, on-grade and roof-top mechanical and electrical equipment shall be screened from public view by use of an approved sight-obscuring fence and/or hedging.

39. All drainage and irrigation ditches, laterals or canals crossing, intersecting and lying adjacent or contiguous to the site shall be covered or fenced with a chain link fence at least four feet (4') high as required by Section 11-06-04.14(J) of the Boise City Code. (Required for multiple family dwelling(s), kindergarten, school, nursery or mobile home park uses. May be waived by the Commission if found the fence will not serve the public interests)

40. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.

41. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the City of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

42. This conditional use shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:

a. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations; or

b. Commence the use permitted by the permits in accordance with the conditions of approval; or

c. For conceptual conditional use permits, submit an application for detailed conditional use permit; or

d. For projects, which require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.

43. Any future division of these parcels into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 9, Chapter 20, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting. Such a subdivision would also require a zone amendment and amendment of the development agreement adopted with the subject zone reclassification ordinance associated with CAR07-00042/DA.

44. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.

45. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a one-year time extension. A maximum of three (3) one-year time extensions may be granted to an unexpired permit. The Commission reserves the right to require additional conditions or modifications to the revised plans.

46. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.

47. The Conditional Use Permit shall be completed within sixty (60) months of the Commission's approval or a new Conditional Use Permit shall be required.

Construction Practices

48. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.

a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.

b) Applicant shall submit and receive approval from Planning and Development Services and Ada County Highway District for a construction, transportation and parking plan. The plan shall also comply with all construction standards of Ada County Highway District to those streets contiguous to the construction site and surrounding neighborhood. The approved plan shall be posted at each street abutting the construction site and shall address the following:

- Ingress/egress of construction equipment and trucks;
- Hours of operation for the loading and unloading of construction equipment and materials;

- Truck access routes, to and from site, for excavation and construction phases;
- Street closures (if any); and
- Location of off street parking for construction workers.

c) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures may include, but are not limited to:

- Provide suitable containers for solid waste generated by construction activity;
- Wet demolition of existing buildings;
- Watering of driving surfaces and earth moving activities;
- Installation of wind screening around property and each open floor above grade; and
- Daily broom cleaning of above grade floors, adjacent streets and sidewalks.

d) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.

e) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.

f) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded directed and located to not reflect or impact adjacent residential property and streets.

g) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.

h) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit

and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.

B.P.E. July 11, 2008

Appendix A
Density Bonus Formula

May 29, 2008

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
1. Total Land in Slope Analysis:	Aase's Canyon LLC, Capital Development, Marie E. Casey, Kelly E. Troutner and Perry Harding		1. Application
TOTAL ACRES		332.8	1. Application
2. Total Buildable Land (Slopes less than 25 %:)			
Used (proposed development)		47.8	2. Application
Not used (Open Space Dedicated)		25.3	3. Application
*Aase's Onion fields (Open Space Dedicated)		81.9	4. Application
TOTAL ACRES		155.0	5. Sum
*See Zoning Code 11-06-05.07.04 Density Bonus			
Proposed developed land		47.8	2. Application
Percent of Buildable land to be developed		30.8%	2. Application / 5. Sum
Percent of Buildable land to be set aside in open space =		69.2%	100% - 30.8%
Density Bonus on remaining buildable land - in units/acre		2.99	+see calculations below
		UNITS	FORMULA
DENSITY BONUS - Based on analysis of plans SUBMITTED March 27, 2008, using a maximum of 47.78 acres of the 332.8 acres of slopes less than 25%, including the credit for the Aase's Onion fields, the density bonus value is =		143	47.8 ac. X 2.99 Units/ac. Density Bonus =
Base Density =		8	Base Density = Total Land-acres/40 u/acre
TOTAL POTENTIAL UNITS =		**151**	**DENSITY BONUS + BASE DENSITY**

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)					
Density Bonus Formula - Foothills Planned Development Ordinance					
PROPOSED PLANO LANE SUBDIVISION			Total acres =		332.75
Base Density = 1 unit per 40 acres			Base Units @ 1/40 =		8
PROPOSED PLANO LANE PROJECT TOTAL BUILT ACREAGE < 25% SLOPES =					47.8
Built Area	Open Space Dedicated Per Cent	Density Bonus Units /Acre	Buildable Area On 332.8 acres	# of Bonus Units	Potential Total Units
75%	25%	0.5	116.2	58	66
69%	31%	0.75	106.6	80	88
63%	38%	1	96.9	97	105
56%	44%	1.25	87.2	109	117
50%	50%	1.5	77.5	116	124
44%	56%	1.75	67.8	119	127
38%	63%	2.25	58.1	131	139
31%	69%	3	48.4	145	153
25%	75%	4	38.7	155	163

STAFF MEMORANDUM TO P&Z

Aug. 7th, July 20th, July 18th, 2008

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Planning & Development Services

August 7, 2008

Memorandum

To: Boise City Planning and Zoning Commission

From: Bruce Eggleston, AICP Planner II

Subject: The Plano Road Subdivision proposal, results of the July 31st work session and the August 5th meeting with concerned parties about phasing of connecting roads and Parks facilities for cases CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

The July 14, 2008 hearing on the above cases resulted in a work session held on July 31st and a hearing to be continued on August 11, 2008. This memorandum will address the issues that were discussed in the work session and directions that were given to staff at that time to explore phasing proposals and threatened plant and wildlife habitat.

At the work session The Commission directed staff to do the following:

1) Work with the applicant and the Briarhill Subdivision representative on the phasing for completion of the proposed Daylight Rim Drive to find the best solution to provide for public safety.
2) Consider the issues around phasing of the extension of Collister Drive to the Boise City Polecat Gulch Reserve and the installation of a parking lot and trailhead.
3) Solicit a review from Idaho Department of Fish and Game of the deer corridor map submitted by the applicant.
4) Work with applicant to expand the management program proposal for the onion conservancy.

These items are discussed in detail on the following pages.

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Topics for further discussion and testimony:

1. Work with the applicant and the Briarhill Subdivision representative on the phasing for completion of the proposed Daylight Rim Drive to find the best solution to provide for public safety.

Staff had a meeting on August 5th with the following: Applicants Representatives Ramon Yorgason, Chris Yorgason, Robert Burns; Hal Simmons, Planning Director; Bruce Eggleston, Planner II; Dave Selvage, Boise Parks and Recreation Department; Teresa Sobotka, City Attorney's Office; John Watts, Briarhill Subdivision Representative; Dave Hanneman, Boise City Fire Department; Terry Records, Public Works; Scott Spjute, Zoning Supervisor; the Honorable Charles McDevitt, Foothills Conservation Advisory Committee Chair.

The issues concern the timing of the proposed connecting road between Plano Lane and Collister Drive, the safety issues presented to the Briarhill Subdivision by additional traffic from the proposed subdivision and visitors to Polecat Gulch Reserve and the emergency services access to the proposed development were thoroughly discussed. More specifically we discussed the timing of the installation of a through road; the phasing of the development with finished segments of the road, the question of whether or not to put a gate on the unfinished road, and the timing of the final improvements to ACHD standards and recommendations.

There was a lot of discussion on the impacts on Collister Drive from new traffic generated by the proposed development and visitors to the Polecat Gulch Reserve. Mr. Watts presented his ideas on phasing the development to the west end of the proposal to delay the impacts on Collister Road as long as possible. He suggested that the access to Polecat Gulch Reserve should be from the area presently available on Cartwright Road. Parks stated that the Cartwright Road access is not adequate for the public. Parks is receiving great pressure from the public for a direct access to the Reserve as soon as possible. The Polecat Gulch Reserve is comprised of 240 acres of land adjacent to the proposed subdivision. There is an additional 360 acres of Idaho State land on three sides of that. The current access to the Reserve is through the State land, there is no direct access to it. The land was acquired through the Foothills Levy and donations from the previous owners, and the City would like to make this reserve accessible to the public as soon as possible.

The recommendations coming from the consensus of the participants are:
a) stay with the ACHD recommendations to install the connecting road, Daylight Rim Drive at final plat of Phase 1 with paving, curb, gutter and sidewalk for the road with platted lots and a gravel surface built to Fire Department standards on the remainder;
b) prior to a through road being completed, a gate would be installed near the middle of the connecting road and would be operated by remote OPTICOM mechanism for emergency services vehicles;
c) maintain the number of allowed units at 53, as recommended by ACHD, before Daylight Rim Drive would be fully paved to the end of Collister Drive;

d) the 53 units would be platted on the western end of the proposed subdivision taking access from Plano Road to provide a delay to increased traffic on Collister Drive;
e) the proposed gate must be removed when the road is finished.

2. Consider the issues around phasing of the extension of Collister Drive to the Boise City Polecat Gulch Reserve and the installation of a parking lot and trailhead.

The issues of concern for the Polecat Gulch Reserve are: the dedication of the proposed right-of-way, the phasing of the installation of the road improvements, the phasing of the proposed improvements for the parking lot and trail facilities on Parks and Recreation land.

The Applicant and the Parks Department quickly agreed that the trail head should be established in an unfinished gravel form immediately. As stated above, Mr. Watts favored this opening remained closed for the time being with access solely from Cartwright Road. The discussion focused on the timing of the fully functioning trailhead, paved and with utilities. The details of this agreement have yet to be worked out. The applicant didn't want to be obligated to make improvements until the corresponding subdivision phases came to fruition. Parks timeline is to get access and improvements within the next two years, regardless of the fate of the proposed subdivision. Mr. Watts proposed that the trail head not be open for 7 or 8 years. The Parks Department felt that it was unrealistic and labor intensive to rely on temporary bathroom accommodations for that long of a time period. The discussion ended up un-resolved, but was focused on an offer to the Applicant from Parks to secure right-of-way to the Reserve at Phase 1 final plat, and a gravel road surface for the road and parking lot. The final paving and facilities would be done two years after the first final plat. The Applicant requested an additional year to provide the final paving and facilities. That is where the discussion ended in the meeting. The discussion is still continuing vis a vis Parks' note below.

The recommendations coming from the consensus of the participants are:
Boise City Parks and Recreation Department is still negotiating a proposal with the Applicant on the phasing of the access to Polecat Gulch Reserve, and the installation of a cul-de-sac, parking lot and trail head facilities. See Parks' comment below on the status of their discussion with the Applicant.

Status of Foothills Conservation Advisory Committee (FCAC) Negotiations With the Applicant: The FCAC and the Department of Parks & Recreation continue to seek access across the applicant's property in as timely a manner as possible. To that end, the FCAC continues to discuss with the applicant various options for accomplishing this goal. As of Thursday afternoon FCAC is awaiting a response to a proposal made to the applicant Thursday morning, following a review and approval of that proposal by FCAC at its monthly meeting Wednesday, August 6. FCAC and the Department will provide the Commission with an updated report, either orally or in writing, at its Monday meeting.

3. Solicit a review from Idaho Department of Fish and Game of the deer corridor map submitted by the applicant.

The applicant submitted a map showing potential wildlife corridors through the project as an aspect of the requirements for increased public value in return for the density bonus. The City and the applicant both requested a review of this exhibit from Idaho Department of Fish and Game at the first of this week. Fish and Game will try to provide a response prior to the hearing on August 11th.

There is no recommendation yet on this aspect of the proposal.

4. Work with applicant to expand the management program proposal for the onion conservancy.

Staff received a revised management program from The Land Trust of Treasure Valley today. It is attached as Exhibit 18. The revised plan brings in additional material on potential threats to the species, funding for the long-term management of the conservancy and monitoring of the fields and plants.

Staff recommends that the present proposal should undergo refinement in the areas of integration with the fire safety plan for the development, the methodology for both pre- and post-construction protection of the species, and thresholds and responsibilities for the monitoring. The contract with the applicant will have to be provided prior to the adoption of the zone change and the development agreement. This would include a legal description of the conservation area, and a description of the ownership and control of the land. As part of the development agreement, the program must be complete at the time of adoption.

Other items:

The minutes for the July 14, 2008 hearing are being sent out today in a separate file.
The minutes for the July 31, 2008 work session will be sent out Friday August 8th.

Attached is a corrected zone change map, Exhibit 20, from the applicant. The map in the packet for July 11, 2008 was erroneous in the proposed zone for the land south of Collister Drive.

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Planning & Development Services

August 4, 2008

Memorandum

To: The Applicants for the proposed Plano Road Subdivision, Hal Simmons, Planning Director, Dave Selvage, Boise Parks and Recreation Department, Teresa Sobotka, City Attorney's Office, John Watts, Dave Hanneman, Boise City Fire Department, Terry Records, Public Works, Scott Spjute, Zoning Supervisor

From: Bruce Eggleston, AICP Planner II

Subject: Meeting on phasing of connecting roads and Parks facilities for the proposed Plano Road Subdivision, CAR07-00042/DA

The Boise Planning and Zoning Commission requested at their work session on the above case July 31st that staff and the applicant work out a phasing plan for the proposed connection of Daylight Rim Drive.

The issues of concern are:
1) The timing of the installation of a through road,
2) The phasing of the finished segments of the road,
3) The question of whether or not to put a gate on the unfinished road, and
4) The timing of the final improvements to ACHD standards and recommendations.

We must also arrive at a recommendation for the extension of upper Collister Drive to the Boise City Parks Polecat Gulch Reserve, the dedication by the City of land for a right-of-way cul-de-sac, and the installation of the proposed parking lot and trail facilities on the Park land.

The issues of concern for the Polecat Gulch Reserve are:
5) The dedication of the proposed right-of-way,
6) The phasing of the installation of the road improvements,
7) The phasing of the proposed improvements for the parking lot and trail facilities on Parks and Recreation land.

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>, <hsimmons@cityofboise.or...
CC: <citycouncil@cityofboise.org>, <tbaskin@mbelaw.net>, <qabarker@dds.state...
Date: 8/5/2008 2:39 PM

August 5, 2008

Good afternoon Ms. Sobotka, Mr. Eggleston and Mr. Simmons:

Thank you for allowing me to join the meeting yesterday. I and my Briarhill neighbors appreciate the chance to remain involved and be part of the dialogue. I will offer however, I was disappointed the meeting was not as productive as I had envisioned going in, albeit was interesting.

My personal impression is that the meeting was conducted and treated as a pure negotiation of numbers with lines being drawn in the sand just for position sake. For example, numbers such as if and when to build a secondary access road between north Collister and Plano subdivision (80 lots, 0 lots, 53 lots, now 45 lots as suggested by the city yesterday, 36 lots or 17 lots, or, frankly, if at all), and when during the development should the developer should be required as a condition of development to build a bicycle parking lot, for example, immediately, 18 months, 3 years, 5 years or 7 years.

To me, the almost immediate move to a number negotiation approach lead to a discussion for negotiation and resolution sake, not for a discussion leading to consideration (and ideally resolution) of conflicting ordinances surrounding public safety, excessive traffic conditions onto "downstream" roads, private property rights and bicycle trespass, and the desire for the city leaders to build its city in a coherent organized manner. Parties at the meeting seemed to strain at times for some objective or analytical logic or rationale reflecting city ordinances and driving decisions toward solid timing and development of the bicycle parking lot and emergency road construction. Clearly this development and the attended decisions have conflicting ordinances governing roads and public safety, property rights and trespass. These values really should be worked through yet before any decision is rendered.

In my mind, and in the mind of my Briarhill neighbors, anything we can do for daily public safety is paramount as we live currently on a substandard, 6% slopped road with street-side parking on both sides, the presence of children in the street, and a storm gutter down the middle. These conditions and the application of permanent meaningful public safety for 75 existing families should be measured in light of conflicting current ordinances calling for no negative impact to existing neighborhoods from new developments, traffic may have to be inconvenienced, need for secondary roads, requirements for sprinkled houses, adequacy of emergency roads to fulfill a public safety mission, phasing of development for some form of mitigation to all of the aforementioned, and the construction of a parking lot adding heretofore unaccounted for traffic trips.

Briarhill residents have worked hard, for as citizens without any staff or paid help or government employee to aid in research or analysis, we

have tried to be thoughtful, measured, objective and honest, and we have tried to be constructively helpful to find solutions. Thus far, we have found that our ideas continue to be overshadowed for mere expeditiousness of this proposed development and needs of a city proper today versus the needs or requests of citizens that constitute the city government genesis. Perhaps we should slow down and examine carefully the above outstanding issues. The decision rendered will last a lifetime and its impact will not go away, ever, even when a new development proposal comes along to turn our attention.

Significantly, a P&Z and City Council nearly twenty years ago prioritized Briarhill's public safety over more housing lots atop north Collister (that would have generated additional traffic) and a connection road or extension of north Collister Drive up to Quail Ridge. That was their ruling and I would hope it serves as a precedent at some level to draw upon today. To your peers before you, it was a safe and prudent action to take.

Today, except for drainage culverts scattered down the center-road gutter on north Collister, the pavement conditions, housing density, traffic volume, parking arrangements and deteriorated condition of the road remains the same, nothing has been done to the road, but, yet, somehow, it seems okay today to connect this substandard road to a different ridge top development; a connectivity our neighborhood has collectively and publicly opposed via petitions, in letters to the editor, and in public ACHD and P&Z meetings via testimony.

Furthermore, the voting and tax paying residents of Briarhill are being forced to accept traffic from a foothills bicycle park that the developer is required to construct because the city Parks Department can't or won't wait until they "save" enough money to build this amenity for people that ride bicycles in the dirt. A parking lot exists on Cartwright today for egress and ingress to the foothills park and seems to be working fine serving to keep excessive traffic removed from Collister. That Cartwright access seems quite sufficient for the foreseeable future. A few years ago Briarhill residents publicly asked the Foothills Advisory Committee that this parking lot be located only on Cartwright road. We were told that would be the case until the city parks department could save the money for a structure near where a ranch house now stands and that we could be part for the review of the plan. To date we have not been included in any detail of the parking lot plan except as set out in the development proposal. Certainly, the city leaders and parks and department can wait, save their money and attain a better, clearer sense of utilization and potential traffic impact from this city park upon north Collister and the residents of Briarhill just to accommodate a closer-in vehicle driving convenience for people that ride bicycles in the dirt.

All this said, what too is to become of north Collister's cramped conditions when the horse riders drive their (more than likely) dual wheel, extended cab, 4x4 pickups dragging a 4-6 capacity horse trailer through our neighborhood to the two parking lot spots for trucks and horse trailers designated in the plan? A constant, steep, 6% downhill grade with the weight of multiple horses and large steel pickups and horse trailers competing with little children on or near the street is not a good scenario.

Lastly, neighbors have taken their time and personal resources to drive the length of the north foothills and found that from Highway-55 to Bogus Basin road there are virtually no north-south gulch to ridge-top

connections, virtually none; but there is precedent of two existing locked and gated emergency roads to ridge top developments, Quail Ridge and Bison (?) Ridge (end of Quail Hollow Drive) providing the fire department with appropriate alternative emergency access.

We appreciate the difficult job you and the P&Z commissioners have, and respect the public service you provide to our community, but a meeting to negotiate numbers for numbe4rs sake without reliance upon current city ordinance and efforts to resolve policy conflicts are frustrating. We can all do better.... Boise can do better.

Thank you,

jw

From: "John Watts" <john@veritasadvisor.com>
To: "BRUCE EGGLESTON" <Beggleston@cityofboise.org>, <TSobotka@cityofboise.or...
CC: <bwilson@ch2m.com>, <citycouncil@cityofboise.org>, <tbaskin@mbelaw.net>,...
Date: 8/6/2008 1:15 PM
Subject: phasing plan and park development

Aug 6, 2008

Good afternoon P&Z associates,

Thank you again for taking time to consider my views and inviting me to the meeting the other day. It was illustrative.

Regarding the phasing plan which we didn't discuss in detail, I believe it is worth mentioning again because it has direct bearing on the stages and timing of park development, emergency access and impact to the existing neighborhood.

I recently heard that Mr. McDevitt is presenting (or presented this morning) to the Parks Board a Jorgenson/McDevitt bi-laterally negotiated/discussed proposal to build the park a permanent completed condition at either the 23rd lot on top, or after 3 years from the sale of the first lot, or upon the first lot at the end of Collister. I wish I could have been included in this discussion as a follow-up to our Monday meeting. I'm not sure what happened or how it took place but does impact directly the immediately adjacent Briarhill neighborhood.

I don't believe the "development milestones" from the Tuesday discussion were so clearly enumerated at the meeting I attended Monday, but rather it was more a negotiation of 18 months vs. 5 years vs. 7 years, then maybe 2 years, etc.

Certainly, I wish and respectfully request again P&Z leaders give consideration to the proposed development phasing plan offered by Briarhill. It addresses multiple components and has support of the applicant. Please indulge me to present the detail in full here so that it is a least in everyone's hands from this point forward.

If we utilize the proposed new phasing plan it becomes easier to tie certain secondary triggers to the primary development.

1. Build original Phases 1,3,5; then review need or take action on a gravel emergency road - functional analysis to determine if all or what portion of residential and construction traffic would utilize the brand new up-to-code and constructed egress/ingress from Hill to Plano and the suitability of the main entrance to serve the development for the next short interim period. Phases 1,3,5 would yield 53 lots, less than the 80 houses ACHD sets as their standards for 1,000 vehicle trips triggering a dual access. 80 lots is a quantifiable and accepted measurement ACHD uses to determine impact via vehicle trips per day and triggers decisions about dual access. (year 1)
2. Then proceed with phase #14; given market conditions and the reality there may still be a glut of houses available and no one is interested yet in very large, very expensive houses on a hill (54 lots total) (year 2)
3. Then phases 7-8 (+18 lots totaling 72 lots); this reaches the

mid-point of the development and a more measured discussion can take place about traffic flow, traffic direction, bicycle park utilization (using the Cartwright access point), emergency access, down road impact, and Hill road traffic signaling considerations. (Year 3)

4. Then phase 15 (1 lot and total of 73 lots); this respects/acknowledges again market conditions (see same rationale for phase 14 above) (year 4)

5. Then phases 9-10 (24 lots totaling 97 lots) which puts the development well onto the back of the hill and emergency roads remaining as gravel or converted to pavement makes functional sense as the distance to Hill road becomes functionally shorter using north Collister.

6. Then phase 11, again see # 2 and #4 above (total 98 lots) (year 6)

7. Then phases 2 and 12. This triggers the bicycle park parking lot by the contractor if the city hasn't saved the funding for its own development timeline, and adds 20 more lots for a total of 131 lots. (year 7)

I hope you do not feel this is a selfish proposal. I believe it recognizes construction costs to the applicant, public safety needs of Briarhill residents, emergency needs for city/ACHD control of road maintenance/city policing/city fire costs associated with any secondary road until all parties are satisfied it is needed and useful, recognizes functional drive time needs of eventual Plano subdivision residents, creates a modern up-to-code entrance onto Hill from Plano for the new residents, accepts the reality that north Collister will not be upgraded and new subdivision and bicycle park traffic impact onto north Collister can be measured to see if the original ACHD decision is worthy of a reconsideration, and acknowledges the slow economy and checks us all from not getting too far out in front of the reality of the market needs so that if a default may occur Boise isn't left forever with a legacy of foothills cuts and skyline ridge contours leaving a scarred up mountain side, altered ridge lines and partially disrupted onion.

I think it contains many win-win components and invite again to consider it; you may gain many new allies.

Thank you for taking the time to review and consider this. I hope that if any more discussions are had about the park or the road we have a chance to be involved. I look forward to your discussions and deliberations at the August 11 meeting.

Good luck and thank you

jw

Land Trust
Treasure Valley

PO Box 106 Boise, ID 83701 (208) 385-7927 www.lttv.org

Conserving natural, scenic, recreation and farm lands in the Treasure Valley.

August 5, 2008

Bruce Eggleston
Boise City Planning and Zoning
150 N. Capital Blvd.
Boise, Id 83702

RE: Plano Road – CAR07-00042/DA

Dear Bruce:

The Land Trust of the Treasure Valley has been asked by the applicants of Plano Road Subdivision to assist in creating and implementing a conservation strategy for the protection of the rare and sensitive plant species, Aasae's onion. This letter will outline the general approach with further detail, as desired by the Planning and Zoning Commissioners.

The Land Trust will be granted a conservation easement over the rare plant areas. The terms of the easement will include a monitoring requirement, permitted and restricted uses and other items that will be detailed in an associated management plan referenced below. The land will be owned in fee by the HOA or others. The Land Trust will provide a report to the city annually in the first five years and bi annually thereafter, or as determined necessary by Boise City.

In the Land Trust's letter of December 3, 2007 a framework for development of a rare plant management agreement was presented. To assist Boise City staff and decision makers, the applicants and the Land Trust have agreed to develop the details of this management plan and proposed funding structure to be included in a packet of information for Boise City Council consideration.

The components of the management plan will include:

Threats

- A draft of possible threats is listed below. This information is a rough draft and is in discussion stages with US Fish and Wildlife Service, Boise City and Ada County. This is not considered a final version. The plan will focus on those threats that relate to the Collister site.

	Threat
1	Habitat loss and fragmentation
	- land conversion for agricultural and urban/commercial development
	- landfill development
2	Habitat degradation/disturbance
	- nonnative weed species invasion
	- wildfire - major contributor to habitat degradation/non-native weed species invasion

	Threat
	- livestock use – historical and ongoing
	- motorized recreation
	- non-motorized recreation
	- trail/road construction and maintenance
	- off trail use and recreation
	- soil/habitat disturbance
	- powerline construction and maintenance
3	Mining
4	Seeding non-native plant species
5	Existing regulatory mechanisms
6	Hybridization
7	Data gaps
8	Public/agency awareness of species of conservation of concern
9	Over utilization for commercial, recreational, scientific, or educational purposes
10	Herbicide and pesticide application
11	Herbivory
12	Drought
13	Climate change
14	Military training/operations

Pre-Construction protection:

- A pre-construction education effort will be created to guide initial grading activities.
- It is anticipated that the Land Trust will work closely with Boise City and the applicants or their successors during the initial site preparation and grading.

Post-Construction protection:

- A post-construction education effort for homeowners and neighbors will be developed.
- The education effort will be closely linked to the Homeowners Association and will be designed as an environmental education effort.

Monitoring:

- Monitoring protocol will be created to include a site visit and report each year for the first five years and bi-annually thereafter. This report will be provided to the Homeowners Association and Boise City.
- The monitoring will include the establishment of a minimum of 2 transects that will measure the ecological integrity of the onion conservancy area.
- The Land Trust reserves the right to conduct additional research on the conservancy site to further information about the rare plant.

Enforcement:

- An enforcement/ compliance process will be established to assure corrective actions are taken in the event of non-compliance.

Transplanting.

- The potential will be explored for transplanting the small amount of rare plants that will be disturbed during initial construction. Success cannot be guaranteed, but the feasibility of such action will be reviewed and considered.

Funding Mechanism:

- A real estate transfer fee will pay for monitoring and protection of the plants.
- This real estate transfer fee will be assessed at ¼% of the value of the lot and home.
- This fee will apply in perpetuity and will be assessed each time a property is sold and is paid by the buyer at closing.
- The fee will be established in the Conditions, Covenants and Restrictions and referenced in the Conservation Easement Document and recorded, assuring its perpetual nature.
- The funds will be held by the Land Trust of the Treasure Valley in a restricted account and used for monitoring and stewardship of the rare plant conservancy area.
- A method of funding monitoring of the initial site preparation in advance of home sales will be identified, as it will take time to build the monitoring fund.

Institutionalizing the Conservation Plan:

- The necessary documentation to assure protection of the plant in perpetuity will include the Development Agreement, the Conservation Plan, the Conservation Easement and the Conditions, Covenants and Restrictions.
- These documents will need to be developed in harmony to assure there are no conflicting statements.

It is anticipated that this Conservation Plan will be reviewed by staff prior to its submittal to City Council. In addition, the Land Trust will use the proposed Conservation Agreement being created by federal, state and local agencies as a guide, when it is completed.

We look forward to working with the applicants and Boise City staff to create a program that will be successful in assuring long term protection of this sensitive plant species.

Thank you.

Kind regards,

Tim M. Breuer
Cc: Kerry Winn, Stewart Land Group

From: Mark Fogarty <mark_fgty@hotmail.com>
To: BRUCE EGGLESTON <beggleston@cityofboise.org>
Date: 7/21/2008 8:07 PM
Subject: RE: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

We are so screwed.....Thanks politicians> Date: Fri, 18 Jul 2008 12:05:36 -0600> From: Beggleston@cityofboise.org> To: miltc62@aol.com; sbacon@boisestate.edu; keslers@cabelone.net; lowellandbarbara@cabelone.net; dyorgason@cableone.net; fbsmithiv@cableone.net; jenstevens@cableone.net; johnclifford@cableone.net; ryorgason@cableone.net; bwilson@ch2m.com; butterfly@clearwire.net; president@collistercna.org; ebrennan@ddrs.net; brian@ekcconstruction.com; jeffttucker@gmail.com; trick.walker@gmail.com; janelbrown12@hotmail.com; mark_fgty@hotmail.com; run_1@hotmail.com; kevin.mcintyre@hp.com; rward@idfg.idaho.gov; tbreuer@lttv.org; boisebook@mac.com; lauren.mclean@mac.com; tbaskin@mbelaw.net; dougc@mckibbencooper.com; mdwa@micron.net; rbb@moffatt.com; dghiger@msn.com; GeneWortham@msn.com; justingwortham@msn.com; middleton11@msn.com; mkclawson@msn.com; gene.fadness@puc.idaho.gov; parkerb@pwncpa.com; ganne_barker@q.com; jimmy@steelhead.com; kwinn@stewartlandgroup.com; doug@thelandgroupinc.com; katie@tvlitho.com; john@veritasadvisor.com; chucklink@worldnet.att.net; jnclocke@yahoo.com; joanie4c@yahoo.com; karenlynnefox@yahoo.com; pattiraino@yahoo.com; pjjcourtright@yahoo.com> CC: woody@azimutheng.com; Cynthia.Sewell.-.csewell@idahostatesman.com; JWright@stewartlandgroup.com> Subject: Work session topics for the July 31, 2008 on the Plano Road Subdivision proposal,> > July 18, 2008> > Memorandum> > > To: Boise City Planning and Zoning Commission Hearing> > From: Bruce Eggleston, Planner II> > Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065 > > > At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session. > > The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.> > Bruce Eggleston, AICP> Boise Planning and Development Services Department> >

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From: "Gene Wortham" <GeneWortham@msn.com>
To: "Milt Coffman" <miltc62@aol.com>, <sbacon@boisestate.edu>, <keslers@cabe...
CC: <woody@azimutheng.com>, <Cynthia.Sewell.-.csewell@idahostatesman.com>, "...
Date: 7/25/2008 1:24 PM
Subject: Re: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

Bruce, I was talking to a major earth moving contractor in the Boise area. The biggest job he said in their history for excavation was the new land fill. He said there was 3.2 million cy of excavation.
This development being proposed has 2 million cy of excavation. With this much excavation being planned, no doubt the hill tops and ridgeline will be reduced drastically in height. This is where the majority of the excavation will come from as the hillside cuts for the roads will not require this quantity.
Please review this plan closely as this is a MAJOR EARTH MOVING operation
and will change the topography as it now exists.
Thank you,
Gene Wortham
---- Original Message ----
From: BRUCE EGGLESTON<mailto:Beggleston@cityofboise.org>
To: Milt Coffman<mailto:miltc62@aol.com> ; sbacon@boisestate.edu<mailto:sbacon@boisestate.edu> ; keslers@cabelone.net<mailto:keslers@cabelone.net> ; lowellandbarbara@cabelone.net<mailto:lowellandbarbara@cabelone.net> ; Dave Yorgason<mailto:dyorgason@cableone.net> ; fbsmithiv@cableone.net<mailto:fbsmithiv@cableone.net> ; Jennifer Stevens<mailto:jenstevens@cableone.net> ; John E. Clifford<mailto:johnclifford@cableone.net> ; Ramon Yorgason<mailto:ryorgason@cableone.net> ; Brandy Wilson<mailto:bwilson@ch2m.com> ; Nancy Brennan<mailto:butterfly@clearwire.net> ; Julie Klocke<mailto:president@collistercna.org> ; Erin Brennan<mailto:ebrennan@ddrs.net> ; Brian Ellsworth<mailto:brian@ekcconstruction.com> ; Jeff Tucker<mailto:jeffttucker@gmail.com> ; Julia Wright<mailto:trick.walker@gmail.com> ; Janel Brown<mailto:janelbrown12@hotmail.com> ; Mark Fogarty<mailto:mark_fgty@hotmail.com> ; run_1@hotmail.com<mailto:run_1@hotmail.com> ; Kevin MCintyre<mailto:kevin.mcintyre@hp.com> ; Rick Ward<mailto:rward@idfg.idaho.gov> ; tbreuer@lttv.org<mailto:tbreuer@lttv.org> ; Ethel Ficks<mailto:boisebook@mac.com> ; Lauren McLean<mailto:lauren.mclean@mac.com> ; Tom Baskin<mailto:tbaskin@mbelaw.net> ; Doug Cooper<mailto:dougc@mckibbencooper.com> ; Mike Wardle<mailto:mdwa@micron.net> ; Robert Burns<mailto:rbb@moffatt.com> ; Dale Higher<mailto:dghiger@msn.com> ; Gene Wortham<mailto:GeneWortham@msn.com> ; JUSTIN WORTHAM<mailto:justingwortham@msn.com> ; Stacy Beeson<mailto:middleton11@msn.com> ; Sharon Clawson<mailto:mkclawson@msn.com> ; Gene Fadness<mailto:gene.fadness@puc.idaho.gov> ; Bruce Parker<mailto:parkerb@pwncpa.com> ; Anne Barker<mailto:ganne_barker@q.com> ; Jimmy Smith<mailto:jimmy@steelhead.com> ; Kerry Winn<mailto:kwinn@stewartlandgroup.com> ; Douglas Russell<mailto:doug@thelandgroupinc.com> ; Katie Watts<mailto:katie@tvlitho.com> ; John Watts<mailto:john@veritasadvisor.com> ; Chuck Link<mailto:chucklink@worldnet.att.net> ; Julie Klocke<mailto:jnclocke@yahoo.com> ; Joanie Fauci<mailto:joanie4c@yahoo.com> ; Karen Knudtsen<mailto:karenlynnefox@yahoo.com> ; Patti Raino<mailto:pattiraino@yahoo.com> ; pjjcourtright@yahoo.com<mailto:pjjcourtright@yahoo.com>
Cc: woody@azimutheng.com<mailto:woody@azimutheng.com> ; Cynthia.Sewell.-.csewell@idahostatesman.com<mailto:Cynthia.Sewell.-.csewell@idahostatesman.com> ; Josh Wright<mailto:JWright@stewartlandgroup.com>
Sent: Friday, July 18, 2008 12:05 PM
Subject: Work session topics for the July 31, 2008 on the Plano RoadSubdivision proposal,

July 18, 2008

Memorandum

To: Boise City Planning and Zoning Commission Hearing

From: Bruce Eggleston, Planner II

Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session.

The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.

Bruce Eggleston, AICP
Boise Planning and Development Services Department

From: TERRY RECORDS
To: EGGLESTON, BRUCE
Date: 7/25/2008 10:55 AM
Subject: Plano

Bruce,
I would like to respond to a the issues raised the Planning and Zoning commission that are engineering related.

Question. Are alternatives to building on the ridgetops?
Answer. The areas where houses can be located is severely restricted by the prohibition on building on slopes that are currently steeper than 25% This leaves only the very narrow corridors along the tops of the ridges and along the valley floors. If this prohibition were relaxed there would be a much larger area where houses could potentially be located so that the visibility from the valley below could be reduced.

Q. Is there going to be an impact on the downstream wells?
A. The report by SPF Water Engineering looked at the impact of the proposed retention basins on the down gradient wells along Plano Lane. It concluded that the wells are adequately protected by a thick clay layer and a relatively thick unsaturated zone that will provide filtration and or adsorption of suspended solids and dissolved materials. Further the report indicates that well contamination is much more likely to be caused by surface activities and septic drainfields in the immediate vicinity of the wells.

Q. Can homes be placed in the area of the sand pit?
A. Yes. Any grading that is done on the site will be engineered and will be able to support roads and structures.

From: <Doger14@aol.com>
To: <Beggleston@cityofboise.org>, <PNilsson@cityofboise.org>
CC: <Doger14@aol.com>
Date: 8/6/2008 8:00 PM
Subject: Re: Plano Road Subdivision application

In a message dated 8/6/2008 11:53:44 A.M. Mountain Daylight Time, Beggleston@cityofboise.org writes:

Dear Don,

I would be glad to talk to you about the proposed subdivision and the downstream impacts that might ensue.

Please contact at 384-3839, or e-mail me.

Thanks,

Bruce

Bruce,

Would it be reasonable to say that the language in the Foothills Policy Plan (FPP) and the Foothills Planned Development Ordinance (FPDO) are encouraging the development in the Western Foothills partially because of the available traffic capacities downstream from that particular area.?

If so, that would mean that the traffic generated from these developments should be encouraged, through intersection design measures, to continue South through the Hill Road intersections to the major arterial State Street, NOT East towards the North End streets that are already beyond capacity. It is Boise City's responsibility when approving these developments to recognize this fact and include designs for these intersections as a condition of approval.

From reading the staff report, I know that you understand the purpose and intent of the FPP and FPDO. Based on the public input provided for these two plans, a decision was made to allow/promote foothills development in the western foothills. These applications come to you years in advance of these type of public hearings. City staff has worked hard with the developer to come up with the best application that fits the intent of the plans.

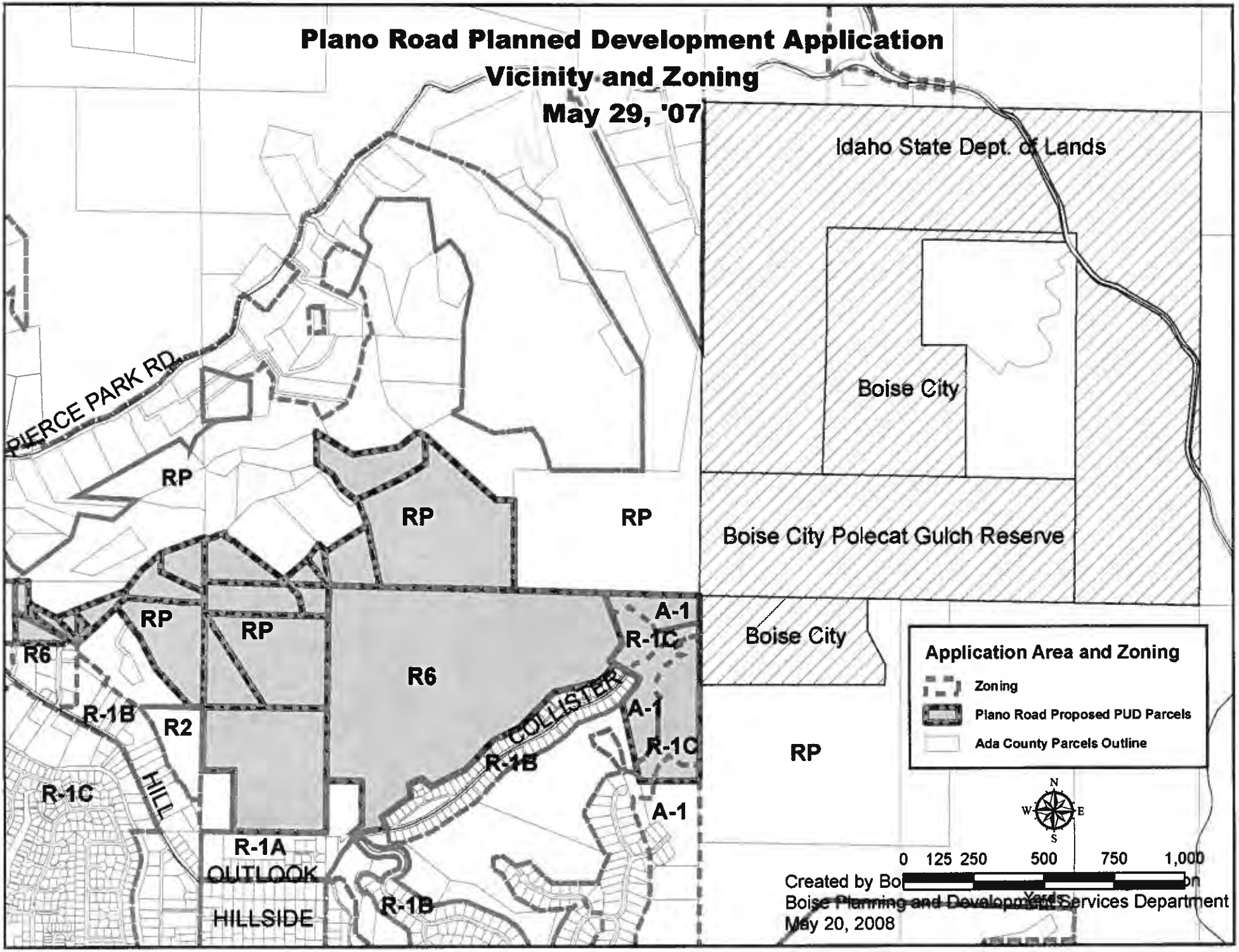
It is also your responsibility to address the capacity issues and the reason given to allow these developments. There is capacity downstream from this development, but only directly south and not to the east. I don't see this addressed in the staff report. If staff is to recommend approval, staff should write a condition of approval that would say that Boise City recognizes the downstream traffic impacts of these western foothills developments and we will do everything in our power to keep the traffic on the roads that have the capacity.

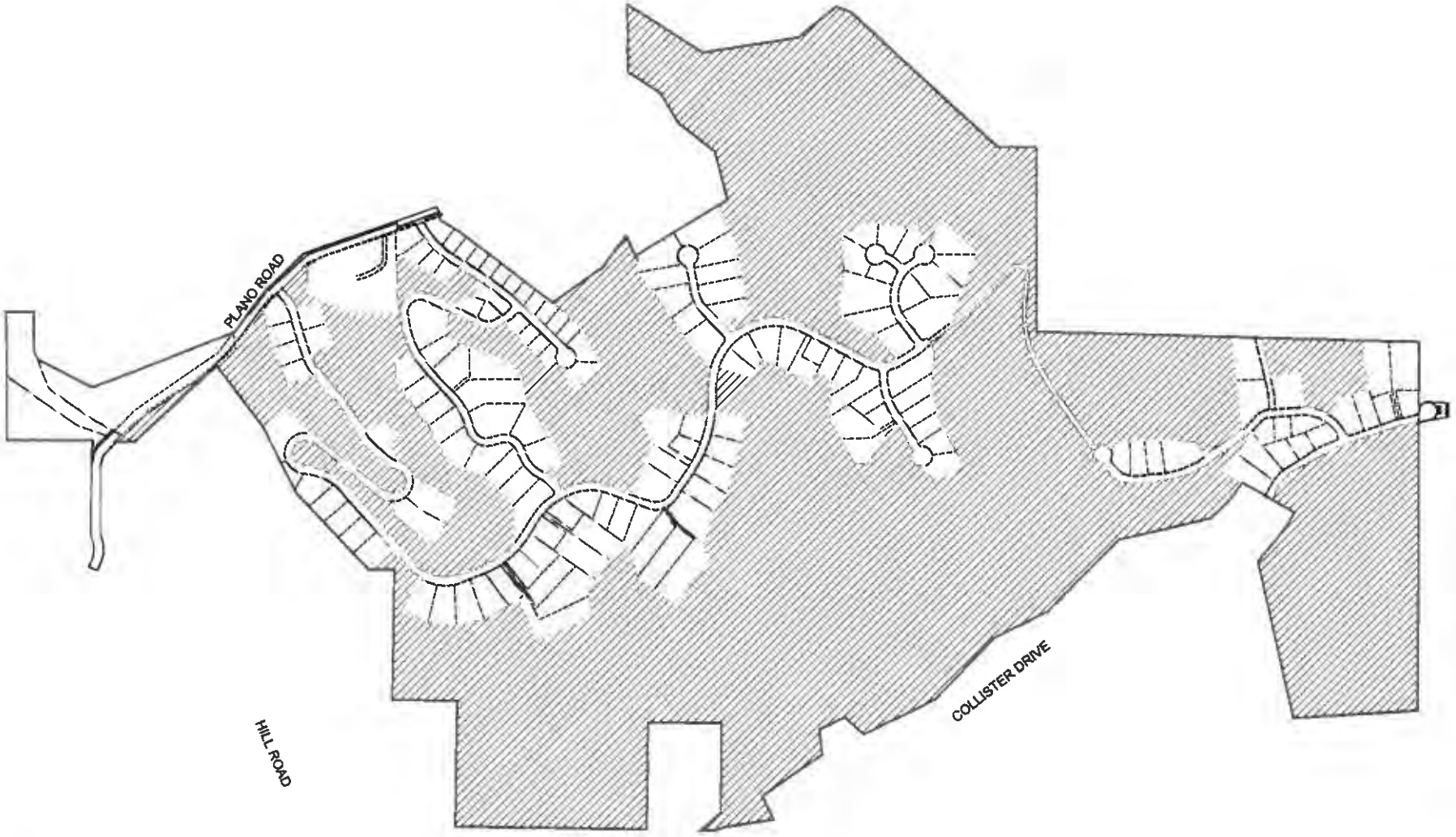
I would be happy to talk more about this by phone or e-mail.

Regards,

Don Plum
1221 N. 15th
Boise, Id
doger14@aol.com (mailto:doger14@aol.com)
631-6036

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Plano Road Planned Development Application
Vicinity and Zoning
May 29, '07
Idaho State Dept. of Lands
Boise City
Boise City Polecat Gulch Reserve
Boise City
PIERCE PARK RD.
RP
RP
RP
RP
RP
R6
R-1B
R2
R-1C
HILL
R-1A
OUTLOOK
HILLSIDE
R-1B
R6
A-1
R-1C
COLLISTER
R-1B
A-1
R-1C
A-1
RP
Application Area and Zoning
Zoning
Plano Road Proposed PUD Parcels
Ada County Parcels Outline
N
W
E
S
0 125 250 500 750 1,000
Yards
Created by Bo
Boise Planning and Development Services Department
May 20, 2008



Stewart Land Group
An AMTEC DEVELOPMENT SERVICES COMPANY

REAL ESTATE SERVICES
6995 So. Union Park Ave #380 Midvale, UT 84047
phone: (801) 263-9126 fax: (801) 263-9187

BOISE FOOTHILLS ZONING MAP

GRAPHIC SCALE
(IN FEET)
1 inch = 800 ft.

NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	7/28/2008	7/28/2008

LEGEND

ZONE - R-1A
ZONE - A-1
Conceptual
Property Boundary
Ada Parcels

SHEET NO. 1 OF 1

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Planning & Development Services

July 30, 2008

Memorandum

To: Boise City Planning and Zoning Commission

From: Bruce Eggleston, AICP, Planner II

Subject: Work session report for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

The July 14, 2008 hearing on the above cases resulted in a work session scheduled for July 31st and a hearing to be continued on August 11, 2008. The attached report is comprised of questions that arose at the hearing and the staff's responses and the applicant's responses to those questions.

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Plano Road Subdivision Proposal Work Session Topics

Density

1. Show how the density bonus was calculated and how base density was calculated.

The following tables show how the density bonus was calculated. The acreages come from a GIS map file dated March 25, 2008. The same data is portrayed on the attached exhibit "Boise Foothills Concept Plan" dated 6/26/2008.

May 29, 2008

PROPOSED PLANO LANE SUBDIVISION FOOTHILLS AREA DENSITY BONUS CALCULATION			
SUMMARY			
PARAMETERS	**OWNERSHIP**	**ACRES**	**FORMULA/SOURCE**
1. Total Land in Slope Analysis:	Aase's Canyon LLC, Capital Development, Marie E. Casey, Kelly E. Troutner and Perry Harding		1. Application
TOTAL ACRES		**332.8**	1. Application
2. Total Buildable Land (Slopes less than 25 %:)			
Used (proposed development)		47.8	2. Application
Not used (Open Space Dedicated)		25.3	3. Application
*Aase's Onion fields (Open Space Dedicated)		81.9	4. Application
TOTAL ACRES		**155.0**	5. Sum
*See Zoning Code 11-06-05.07.04 Density Bonus			
Proposed developed land		47.8	2. Application
Percent of Buildable land to be developed		30.8%	2. Application / 5. Sum
Percent of Buildable land to be set aside in open space =		69.2%	100% - 30.8%

Density Bonus on remaining buildable land - in units/acre		2.99	+see calculations below
		UNITS	**FORMULA**
DENSITY BONUS - Based on implementation of Plan SUBMITTED March 27, 2008, using a maximum of 47.78 acres of the 332.8 acres of slopes less than 25%, including the credit for the Aase's Onion fields, the density bonus value is =		**143**	47.8 ac. X 2.99 Units/ac. Density Bonus =
Base Density =		**8**	Base Density = Total Land-acres/40 u/acre
TOTAL POTENTIAL UNITS =		**151**	DENSITY BONUS + BASE DENSITY

FOOTHILLS AREA DENSITY BONUS CALCULATIONS

+Find y, Units per acre multiplier, given the percentage of set-aside buildable land below		**FORMULA**
% of Set-aside buildable land =	69.17%	
	2.99	**y=mx+b**
Density Bonus on remaining buildable land - units/acre	2.99	Calculated by y=mx+b from Table 1 below
Y intercept is	-1.389	Constant per ordinance derived from Table 1
Slope is	6.333	Constant per ordinance derived from Table 1

Table 1 - Density Bonus Formula (Boise City Zoning Code 11-06-05.07.04, Page 17 of 51)
Density Bonus Formula - Foothills Planned Development Ordinance

PROPOSED PLANO LANE SUBDIVISION			Total acres =		332.75
Base Density = 1 unit per 40 acres			Base Units @ 1/40 =		8
PROPOSED PLANO LANE PROJECT TOTAL BUILT ACREAGE < 25% SLOPES =					47.8
Built Area	Open Space Dedicated Per Cent	Density Bonus Units /Acre	*Buildable Area On 332.8 acres*	*# of Bonus Units*	*Potential Total Units*
75%	25%	0.5	*116.2*	*58*	66
69%	31%	0.75	*106.6*	*80*	88
63%	38%	1	*96.9*	*97*	105
56%	44%	1.25	*87.2*	*109*	117
50%	50%	1.5	*77.5*	*116*	124
44%	56%	1.75	*67.8*	*119*	127
38%	63%	2.25	*58.1*	*131*	139
31%	69%	3	*48.4*	*145*	153
25%	75%	4	*38.7*	*155*	163

City staff calculation regarding base density and density bonus

The City calculated base density at 1 per forty for 8 units and the bonus density at 143 units = 151 units total.

Response to Applicant's comments on base density.

The applicant gave testimony at the hearing and in the attached "Applicant's Responses to Plano Road Subdivision Proposal Work Session Topics" to the effect that the base density for the proposal is at least 917 dwelling units. They state, "... that, because the 917-unit base density is far greater than the 155 homes proposed by the Applicants, no density bonus is actually being utilized by the Applicants. Or put otherwise, the actual size of the density bonus is largely irrelevant to the pending development proposal."

In working with the Applicant for 3 years on this project, all were in agreement to utilize a base density of one unit per forty acres. Staff agrees that the ordinance allows a base density in accordance with Section 11-06-05.07.04. A 1. This section states that the base density for development is that given for the existing Boise City and Ada County zones. However, the base density is also regulated by the ordinance in its entirety, not just one statement in the Foothills Planned Development Ordinance according to the following statements from that section of the Code.

Boise Zoning Code 11-06-05.07.03. General Application and Development Requirements

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the *Boise City Zoning Ordinance*.

2. The base density of one per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.
3. Upon annexation the buildable areas of the PD shall be zoned "R-1A," Single-Family Residential, **with the density and design further controlled by the provisions of this ordinance (emphasis added)**. Slope protection and preserved open space areas shall be zoned A-1 or A-2.

One of the most significant concerns with the Developer's contention concerning the base density is that he fails to take in consideration the buildable slope and cluster density into his analysis. That is to say that the FPP and FPDO restrictions against siting development clusters on slopes greater than 25% still prevail in development proposal in both the City and the County. Thus, applying all of the ordinance requirements, a realistic estimate of base density is 332 units, as estimated by the applicant. This number would be reduced further by traffic impact constraints on the road system. Thus a maximum estimated density is 290 to 300 units as demonstrated in the table below.

The subject site is zoned as shown in the table below and map, Exhibit 1:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U./Ac.	Buildable acres in Zone
Sub-Total, Boise City	A-1	16.4	1	
Sub-Total, Boise City	R-1C	20.1	8	
Sub-Total, Ada County	R6	122.9	6	
Sub-Total, Ada County	RP	173.1	0.025	
Total		332.5		73.1

Staff concurs with the interpretation of the base density allowances in Section 11-06-05.07.04. A 1 for the existing Boise City and Ada County zones. Staff calculated the base density in accordance with the Foothills Policy Plan at the rate of one unit per forty acres. Staff also concurs that the base density given the existing zoning would exceed the 155 units requested by the applicant. An exact number would require map analysis that there was not time to do. Therefore the density bonus methodology is not necessary to qualify for 155 units.

For purposes of this application, the applicant is bound by densities reflected in the application and proposed development agreement. The applications express the intent of the applicant for the proposal. Their applications (zone change, development agreement and conditional use permit) invoked the density bonus regulations and went to great lengths to comply with those regulations. The applicant followed the density bonus and the calculations are expressed on the (24" x 36") aerial map and site plan labeled "Foothills Concept Plan" and in several work sheets in the record.

Furthermore, **in KMST v County of Ada, the Supreme Court found that there was no taking when the developer voluntarily agreed to a condition on his application. Likewise, the Applicant has limited his development proposal to 155 units on his application. That is the application being processed and the Applicant cannot, request a greater number at this point.**

Also, when land is annexed into the City, a zone is assigned based upon the policies of the Comprehensive Plan, its ordinances and other considerations such as availability of services and infrastructure. The most pertinent policies are cited above from the FPP in regards to the density bonus and the base density. The application includes a development agreement that would govern the zone change and density; it is also based on the 1 unit per 40-acre base density. The proposed development agreement (DA) refers to compliance with the Foothills Planned Development Ordinance (FPDO) in the recitals D and E on page 1, and in sub-sections 1 and 2 on page 2 and in Exhibit D depicting the lot layout and set-aside of permanent open space. Sub-section 4 and Exhibit F also shows the lands proposed for permanent open space for the onion conservancy. Upon annexation, the City does not have to assign a zone that is equivalent to the County zoning.

There are other parts of the ordinance that also address the density issues. 11-06-05.04, item 3 the table and the line below the table all refer to the City's analysis.

> 3. Upon annexation the buildable areas of the PD shall be zoned "R-1A," Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2.

11-06-05.07.04.B. Table 1 - Density Bonus Formula*
Table 1 - Density Bonus Formula*

			Example	
Built Area Percent	**Open Space Dedicated Percent**	**Density Bonus Units /Acre**	*Buildable Area On 100 acres* After Open Space Set-Aside	*# of Bonus Units*
75%	25%	0.5	*75.0*	*38*
69%	31%	0.75	*68.8*	*52*
63%	38%	1.0	*62.5*	*63*
56%	44%	1.25	*56.3*	*70*
50%	50%	1.5	*50.0*	*75*
44%	56%	1.75	*43.8*	*77*
38%	63%	2.25	*37.5*	*84*
31%	69%	3.0	*31.3*	*94*
25%	75%	4.0	*25.0*	*100*

*1) **The base density of one unit per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.**

Even if the Commission believes the Applicants contention that the density is high enough without the density bonus, they would still need to protect priority Open Spaces. The FPDO and the Comp. Plan still require this compliance. Refusing to acknowledge the existence and

protection of the 11 priority open space characteristics refutes the entire reason for the Foothills Plan and its goals to tailor development to the environmental values of the land.

The City contends that the whole of the Boise Zoning Code, Subdivision Code, the Uniform Fire Code, recommendations from Ada County Highway District, and the *Boise City Comprehensive Plan* must also be taken into consideration in the matter of density in this location.

Relevance of Maximum Density

The potential maximum density could come into play if the City does not annex the property. The City has entered into an area of impact agreement with Ada County. Part of that agreement states that when land is contiguous to the City, the landowner must request annexation from the City. If the City denies the annexation request, the landowner may develop the land through the County. The County has agreed that for County development within Boise's area of impact, the County shall adopt and apply the City's Comprehensive Plan. However, the agreement also states that County zoning will apply in the area of impact.

As stated in the case of *Bone v City of Lewiston*, the comprehensive plan and the zoning ordinance are distinct concepts serving different purposes. A comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making the zoning decisions. Further, in *Urrutia v Blaine County, Idaho,* the Idaho Supreme Court held that a governing board should not rely only on the comprehensive plan in denying a specific application, and should instead craft its findings of facts and conclusions of law to demonstrate that the goals of the comprehensive plan were considered, but were simply used in conjunction with the zoning ordinances in evaluating the proposed development. Thus, when reviewing a development application, Ada County would need to consider the *Boise Comprehensive Plan* and *The Boise Foothills Policy Plan* (FPP), but would also need to consider existing zoning. A County analysis would have to recognize the restrictions on 25% slope. Therefore, the claim for a potential of 917 dwelling units under current zoning is based solely upon the theoretical maximum allowed density for the zones and not the real world of steep geography and slope-constrained site design.

The following policies from the FPP apply regardless of whether development is in the City or County.

> ***Boise Foothills Policy Plan*** **Figure 1 - 2**
> Base Densities, Density Transfers, and Density Bonus Formula for Open Space Preservation
> 1) Base Densities: **The base density shall be one unit per 40 acres for all areas designated as buildable (less than 25% slopes) and non-buildable (greater than 25% slopes).**
> 2) Density Credit Transfer: **Density credits for non-buildable areas may be transferred to buildable areas at a rate of one unit per 40 acres.**
> 3) Density Bonus: **Density Bonuses earned through open space preservation will be in addition to the one unit per 40 acres base density.**
>
> Density Bonus Formulas

Open Space Preservation Within Buildable Areas	Density Bonus Within Buildable Areas*
25%	.50 units/acre
50%	1.5 units/acre
75%	3.0 units/acre

2. Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.

This would only apply if the applicant required credit for open space in steeply sloped areas. This is not needed for density, but it is required to satisfy the parts of the FPDO and FPP to protect and conserve sensitive areas.

The following analysis demonstrates that the applicant has made and effort to establish at least five of the eleven Priority Open Space Characteristics. It is up to the Commission to make the determination as to how well the application establishes these characteristics.

Staff analysis: [The following Times New Roman font sections are from the Foothills Planned Development Ordinance, 11-06-05.07, the plain Aerial font is the staff analysis.]

See (in the July 14, 2008 Planning and Zoning Commission Packet, not reprinted here for space considerations) Ecological Design, Inc. Reports: "A Report Documenting the Presence of Wetlands and Riparian Areas, February 28, 2008 Boise Foothills Property Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision, Boise, Idaho"; "A Report Documenting a Survey For Occurrences of Aase's Onion (Alluimum Aaseae), February 28, 2008, Boise Foothills Property Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision, Boise, Idaho"

C. Other Open Space Allowances:
The City recognizes that the foothills provide a great degree of variability in landforms, environmental habitats and cultural resources. Some areas may have a combination of characteristics that cause them to be considered worthy of special incentives for preservation, even if they do not meet the normal size, slope or dimensional requirements necessary to qualify as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B above. When these areas are identified on a property and proposed for preservation, the Planning and Zoning Commission may classify them as Priority Open Space and allow all or a portion of them to qualify for the granting of a density bonus.

In order to qualify for a density bonus, Priority Open Space lands must demonstrate at least four of eleven characteristics established for high priority open space lands. There must also be a demonstrable increase in the public value of the resource by such allowance that would not be realized by strict adherence to the other provisions of this code.

Priority Open Space Characteristics:
Of the following eleven characteristics of high priority open space, at least four must co-exist on a property for consideration as Priority Open Space Eligible for a Density Bonus:

1. Wetlands

The application includes and environmental site analysis "A Report Documenting the Presence of Wetlands and Riparian Areas" (PWRA) that delineated a small patch of wetlands in the lower south-central part of the subject property north of upper Collister Drive.

2. Riparian areas

The PWRA report documents a riparian area at the bottom of Polecat Gulch in and around its deeply incised channel.

3. Rare plant communities

This is documented in "A Report Documenting a Survey For Occurrences of Aase's Onion (Alluimum Aaseae)," February 28, 2008, Boise Foothills Property Between North Collister Drive and North Plano Lane and a Portion of Quail Ridge Subdivision, Boise, Idaho. The location and the treatment of the species are discussed in detail in other parts of this topic paper.

4. Critical deer and elk winter range and migration corridors

The applicant contends that the priority open space on the site provides deer and elk winter range and migration corridors. See attached map submitted July 28, 2008, Exhibit 5.

5. Boise City Historic Preservation Committee: Potential Public Preservation Sites

N/A

6. Unique geologic or visual features

N/A

7. Archeologic or other historic sites

N/A

8. Trails and trail-heads designated in the Ada County Ridge to Rivers Pathway Plan

N/A

9. Other public trails and trail heads as approved by the Boise City Parks and Recreation Board

The applicant has proposed a trailhead facility at the end of Collister Drive on the City's property in the Polecat Gulch Reserve.

10. Lands adjacent to publicly-held open spaces

The application includes property at the end of Collister Drive that is proposed for priority open space and is adjacent to Polecat Gulch Reserve.

11. Lands adjacent to areas that are, or have the potential to be, designated and set aside as public open space lands in accordance with the provisions of this ordinance.

N/A

Criteria for Determining Demonstrable Increase in Public Value of Priority Open Space:

In allowing density bonus credit for priority open space in steeply sloped areas or in fragmented pieces, there must be a demonstrable increase in the public value of the resource by such allowance. Demonstrable increase in value may include but is not limited to the following:

1. Allowance for public access.

Public access would be provided to Polecat Gulch Reserve through the extension of upper Collister Drive and the construction of a cul-de-sac, parking area and trailhead on the City's property. The extension of upper Collister Drive to the adjoining property, regardless of the

ownership, reflects a standard requirement of the subdivision and conditional use processes. The City usually requires the provision of public r-o-w access to adjoining properties, particularly when they are landlocked.

2. Protection from alteration of important vegetation, terrain or scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction of utilities or infrastructure.

The proposed Aase's Onion Conservancy fulfills part of this criterium.

3. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.

The application includes a parcel adjacent to Polecat Gulch Reserve, south of the proposed extension of upper Collister Drive that would provide some open space buffering to the Reserve and protection of the riparian area at the bottom of the Gulch. This could be argued as a fulfillment of this criterium.

4. Dedication or discounted sale to a willing public agency.

The proposed Aase's Onion Conservancy is designed as conservation easement over property that would be conveyed fee simple to the Land Trust of the Treasure Valley, according to the proposed development agreement.

Planning and Zoning Commission Consideration of Priority Open Space:

It is not the intent of this section to broadly allow the designation of highly fragmented or steeply sloped land as open space, to the total exclusion of the normal requirements of clustering and set aside of buildable area open space. Priority Open Space, when it exists, should be used in balance with other forms of eligible open space to meet the requirements of this code.

When the applicant demonstrates that a portion of his property not otherwise qualified as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B, does meet the above-listed criteria, the Commission may classify it as Priority Open Space and allow some or all of it to qualify for the granting of a density bonus. The amount allowed to qualify as Open Space Eligible for a Density Bonus shall be discretionary based upon the degree to which it meets or exceeds the minimum criteria established in this section. The Planning and Zoning Commission shall seek the input of the Idaho Department of Fish and Game, the Boise City Parks and Recreation Board and other public agencies with expertise in the issue at hand, in determining the proper amount to be allowed to be set aside in return for a density bonus.

The proposal attempts to meet the requirements for priority open space and staff recommends that the applicant has met the minimum criteria for this section of the Code. The Commission will make the decision on this issue.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance?

The proposed development meets the definition for development pockets. These areas will be largely less then 25% slope, but may contain fragments of steeper areas as needed. The attached Exhibit 4 is the review staff did of the individual lots that demonstrate the

methodology used to evaluate the compliance with the ordinance. See ordinance definition for development pockets below.

11. What are the issues concerning the timing of the proposed facilities on the Parks' Polecat Gulch Reserve?

The Boise Foothills Advisory Committee and the Parks and Recreation Department have requested in a letter dated June 27, 2008, that the Developer install the proposed access r-o-w, cul-de-sac, trailhead and parking lot as part of phase one of the project. Staff supports that request.

The Developer requests that those features would not be required to be built until phase 4, potentially two+ years into the project. Their concern is that the installation is not warranted until there are dwelling lots along the proposed extension of Collister Drive to support the cost of the proposed installation of the Parks facilities.

14. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible.

Buildable is defined below as it pertains to the development pockets, where some areas of non-buildable land are allowed to accommodate the site design. The attached table and detailed maps, Exhibit 4, Plano Road Proposal - Building Envelope Placement Within Buildable Area, also examines each proposed lot to determine if they comply with the standards.

11-06-05.07.09. Definitions

BUILDABLE AREA:

Lands with a slope of 25% or less are buildable areas, if outside floodways or geologic hazards. Buildable areas must be designated in the Conditional Use site plan as either development pockets or permanent open space in the ratio chosen under the density bonus formula. Buildable area is determined by natural topography, not by post-construction graded contours.

DEVELOPMENT POCKETS:

These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be largely less than 25% slope but may contain fragments of steeper areas as needed to accommodate the site design.

11-06-05.07.06. Building and Grading Disturbance Envelopes

1. Building envelopes depicting the limits of building footprints shall be shown on the final Conditional Use site plan for all structures and facilities in the planned development.

2. Parcels with slopes greater than 25% shall be shown on the Conditional Use permit with a disturbance envelope that defines the area outside of which no grading will be allowed. The purpose is to protect neighboring properties, storm water drainage systems, and other infrastructure from the collapse or failure of non-approved poorly designed cuts and fills.

The sand pit can only be built upon if materials from ridge tops are utilized to build up the sand pit. This would be counter to the policies.

15. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"?

The slope analysis is based upon the original contours, pre-grading. In order for the areas to count as buildable they must be at least one acre in size, with a minimum average width of 30 feet and must be connected or in close proximity to other such areas.

Excessive fill is not defined. The amount of fill could possibly by defined by the harm that it is causing. Public Works believes that the fill is okay as it will be utilized on site. Another factor could be a determination as to whether this development adequately protects ridge tops. A third factor could be how visible the development is from the valley. The intent of the foothills ordinance was for development to blend in with the foothills. However, this factor should be weighed against safety requirements for a safe development.

Excessive fill is not defined, even though the FPDO and the Hillside Ordinances both recommend against it through various descriptions such as, "4. Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill." See discussion on this in next section.

16. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.

See the discussion under item three below.

17. What are some alternatives to sky lining dwellings on the ridge lines?

See the discussion below in the Design and Grading section on this issue.

18. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.

Onions are specifically listed in the ordinance and the Foothills Policy Plan as something that needs to be protected as development occurs. So we have to adhere to the ordinance. The application has to be processed pursuant to the ordinance in place at the time the application was filed. Further, the Applicant is entitled to rely on the ordinance in designing his development. We can make sure that adequate protection is in place. Also, onions are only 1 of 4 reasons for density bonus. Staff has made findings in this report and in the July 14, 2008 staff report that the applicant has met the letter of the law in regards to the criteria for open space.

19. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

See the discussion above in item 2.

Design and Grading

3. Explore any alternatives that might be available to building on the ridge tops.

There are two significant areas with buildable land that have been set aside for permanent open space. They are the sand pit and the area south of Collister Drive. Each area would be less visible from off-site and each would be accessible from the proposed roads. The sand pit is not buildable as is; it would have to be filled, graded and compacted to be buildable. The area south of Collister has significant riparian areas in the Polecat Gulch and some onion population. Either area could be used for building sites if efforts were made to protect the sensitive areas therein.

Ridge tops are largely less than 25% slopes and represent the majority of the buildable areas capable of providing areas for development clusters. The only way to prevent all ridge top development on this site would be to deny the conditional use permit and Hillside permit then recommend annexation with a holding zone.

Design is governed by 11-06-05.07.05.A General Design Criteria. Cited and discussed below.

> 11-06-05.07.05.A General Design Criteria
> A. Foothills Planned Developments shall be designed to meet the following general criteria:
> 1. Residential uses shall be clustered within development pockets rather than scattered throughout the property, while preserving the remaining land in separate parcel(s) of permanent open space.

Analysis: This criterion remains problematic in its application of the design criteria. The proposed clustering is on the ridge tops, as that is where the buildable land is found, but the layout is linear, not clustered. The applicant has been advised to tighten up the layout with narrower lots, with consideration for attached dwellings in the lower areas.
The open space component of these criteria is in compliance.

> 2. Designated open space areas shall be linked to other open spaces to the greatest extent possible.

Analysis: The open space areas are linked for the most part, but are separated by the road system in all cases. The area south of Collister Drive is not linked, but it is adjacent to Polecat Gulch Reserve.

> 3. Road and trail access to adjacent properties shall be provided to prevent landlocked parcels and/or breaks in the trail systems.

The extension of upper Collister Drive would provide access to the landlocked Polecat Gulch Reserve and a trailhead facility.
There are no public trails proposed on this project site.

> 4. Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill.

Analysis: This finding can't be made with a certainty either pro or con even though the proposed development is focused on the more or less buildable ridge tops. The reason for some of the excessive cut and fills results from the effort to minimize filling gulch areas that contain parts of the proposed onion conservancy. Under other circumstances these areas

would be filled and the overage would be considerably less than the current proposal. So the issue becomes a trade-off between minimizing either grading or the impacts on the sensitive species. The resulting plan minimizes the impact on the sensitive species. On this site any development plan would face the same task of minimizing either grading or the impacts on the sensitive species with the hope of finding a balance between the two.

5. Development pockets shall be sited and designed in compliance with policies in The Plan concerning clustering, environmental protection, open space conservation and scenic and aesthetic goals.

Analysis: This finding can be made in part as the proposed development is focused on the more or less buildable ridge tops, provisions have been made for open space conservation and environmental protection. The scenic and aesthetic goals have been met to some extent through the proposed mitigation of the visual impacts of the structures through the design review process. The clustering of the development pockets could be tighter and could utilize attached housing and/or smaller lots. Lots and structures could be designed for "hill-hugging" styles of dwellings in some areas, to avoid grading, or excessive grading. Another attempt could be made to come up with a site layout and grading plan that reduces the overage situation for the fill. Tighter clustering may provide part of the solution for this issue. Another approach would involve routing the proposed road on the front side of the ridge (the southwest facing ridge), flipping the design to the northeast instead of the southwest side of the road as proposed. Another method to minimize fill would entail placing the level of the ridge roads below relative level of the building envelopes, so that most driveways would slope up from the road. The net result would be less earth moved when compared to the current approach to lower the building envelope to the same level as the road. This would also narrow the overall width of the grading on the ridge tops.

This finding is difficult to make fully either pro or con. The applicant has made some efforts to address these concerns, but staff feels that there are additional measure that could be taken to further comply with the spirit of this requirement.

The City cannot re-design this project and is not aware of what the difficulties would be with either suggested approach. The Commission may want to discuss this matter with the Applicant. A re-design would have to be agreed to by the Applicant. Otherwise, the Commission would need to make decisions based on the application as submitted.

6. Fire safety and protection measures to reduce the threat of wildfires shall be incorporated into the design in accordance with Uniform Fire Code and Boise City Code Title 7. Such measures shall include internal residential sprinkling systems, defensible space for the structures and the provision of safe evacuation routes for residents in case of wildfire.

Analysis: This finding can be made. The development agreement and the design guidelines address these issues. The protection measures would also become part of the CC&Rs.

7. Gated developments are prohibited due to the potential for such limited access to restrict or delay emergency response in the Foothills.

Analysis: Compliance with this prevails in the discussion of the proposed road connecting Plano Lane and Collister Drive. Staff does not support the proposal to place a gate on the proposed Daylight Rim Drive, because to do so might compromise the safety of potential residents and the activities of public safety personnel. Further, if gate placement would make

this into a gated development, a gate would be prohibited under the ordinance. This requirement is not discretionary and must be complied with.

8. The crossing of designated open space, floodways, wetlands and areas of high wildlife habitat value with roads and infrastructure shall be avoided to the greatest extent possible.

Analysis: The compliance with this is adequate given the terrain and the location of the buildable area on the site.

9. A mixture of dwelling unit types is allowed, including single family and multi-family units.

Analysis: Some attempt should be made to incorporate this into the design and layout of the proposal. It would provide more affordable housing and may present a partial means to intensify the clustering of the development pockets. Presumably this would help to minimize grading as well.

10. Neighborhood commercial and service commercial uses are allowed, but they must be designed to reflect and conform to the height, mass, materials and site design of the residential structures in the PD.

N/A

11. Setbacks and other dimensional standards may be varied to suit the conditions.

Analysis: Some instances of this are proposed.

Summary:
The Commission must evaluate the application presented; however, alternatives may be suggested to the applicant to bring the project more into compliance with the code. Alternatives include flipping the road to the front side of the ridge and building the dwellings on the back, or far side; tightening the lots along the road frontage, making them narrower in width and smaller; build in sand pit, post filling; multifamily or attached housing could be placed in the lower parts of the site; put more units in the bottom of the gulley, along the proposed Doe Valley Drive, and move units off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways). The ridge top building envelopes could be graded to a level higher than the road, thereby lessening the amount of dirt to be moved.

The areas where houses can be located are severely restricted by the prohibition on building on slopes that are currently steeper than 25%.

4. How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.

Minimized grading is a judgment call based on 11-06-05.07.05 (4) and (5) cited above. The City cannot require applicant to leave all the open space and not give them the benefit of clustered developable area. On the other hand, this development is not hill hugging development – another design could reduce grading and more closely adhere to 11-06-05.07.05 (4) and (5). The Ordinance is designed for minimum grading in development and increased grading for roads and infrastructure to allow proper access and serviceability.

12. What are the standards and regulations concerning excessive grading?

General design is regulated by Sections 11-06-05.07.05 (4) and (5) cited above, and the provisions of the Hillside Ordinance.

The following section is for the Hillside Ordinance, 11-14, and it contains the standards that would seek to minimize grading.

> Section 11-14-04 HILLSIDE DEVELOPMENT AND STANDARDS
> All development proposals shall take into account and shall be evaluated by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architectural and landscape design, and related disciplines are applied in hillside areas, including but not limited to:
> A. Planning of development to take into account the topography, soils, geology, vegetation, outstanding features such as outcropping and cliffs, hydrology and other conditions existing on the proposed site;

This finding can be made inasmuch as the basic criteria of site design have been taken into account in the grading and drainage plans and they have been deemed functional by the Public Works Department.

> B. Orientation of development on the site so that grading and other site preparation is kept to a minimum;

This speaks to the ridge top layout that has been discussed elsewhere in this report. If the priorities are to prevent excessive grading of the ridge tops along with the prominent citing of the structures then this finding can't be made, where there are other places to build on the site.

> C. Completion of essential grading during site preparation, rather than left for future lot owners so that:
> 1. Shaping shall blend in with existing natural land forms to minimize the necessity of padding and/or terracing of building sites; and

This finding can't be made as the plans do not minimize the necessity of padding or terracing building sites.

> 2. Building pads and terracing shall be graded with contour rounding and other techniques to blend into the natural contours.

This finding can be made inasmuch as the basic criteria of site design have been taken into account in the grading plans and they have been deemed functional by the Public Works Department.

> D. Projects shall be phased into workable units for which construction shall be scheduled to minimize soil disturbance and to control erosion in accordance with the approved erosion control plan.

This finding can be made inasmuch as the basic criteria of site design have been taken into account in the grading plans and they have been deemed functional by the Public Works Department. These items are also addressed by the Subdivision and Building Codes.

> E. Completion of paving within sixty (60) days after final grading (final grading deemed to be the grading done after the placement of utilities).

Standard condition of approval and platting.

F. Allocation for open spaces and recreational uses of areas not well suited for development because of soil, geology, vegetation or hydrology limitations.

This finding can be made given the amount of dedicated open space proposed that would serve to protect sensitive areas of the site.

G. Minimizing disruption of existing plant and animal life.

This finding can be made given the amount of dedicated open space proposed that would serve to protect sensitive areas of the site.

H. Minimizing soil disturbance.

This finding can't be made as the plans do not minimize the necessity of padding or terracing building sites, with the presumed results of 1,000,000 cubic yards of overage that would be used to fill the sand pit.

21. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have highly desirable views and that is why they are not being used.

See earlier answer – you can request that they redesign, but you need to rule on this design unless they acquiesce to a re-design.

Any grading that is done on the site will be engineered and will be able to support roads and structures.

Environmental Issues

5. Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project

Report came in late, but the City is asking the Developer to preserve migration routes. Fish and Game states some protection is necessary as this is big game winter range. A wildlife migration map was received from the applicant July 28, 2008 that depicts wildlife corridors on the site. The Developer has stated that migration routes are being preserved. The City has asked them to get a sign off from Fish and Game. See Exhibit 5 – Proposed Mule Deer Daily Movement Corridors, June 6, 2008.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues.

The report by SPF Water Engineering, LLC, July 1, 2008, looked at the impact of the proposed retention basins on the down gradient wells along Plano Lane. It concluded that the wells are adequately protected by a thick clay layer and a relatively thick unsaturated zone that will provide filtration and or adsorption of suspended solids and dissolved materials. Further the report indicates that well contamination is much more likely to be caused by surface activities and septic drain fields in the immediate vicinity of the wells.

22. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this.

Ask Developer to enhance the conservation plan. The provisions of Harris Ranch analogous to this involve the wildlife habitat management program that was funded through a real estate fee exaction. Ask Developer to address what happens if Land Trust goes under.

23. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.

See above.

25. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings?

Staff can't redesign their project. We can say there are some other ideas that could be explored – such as: flipping the road to the front side; tightening the lots making them narrower and smaller; build in sand pit post fill; they could do some multifamily or attached housing in the gulley; put more units in the bottom of the gulley and move off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways), etc. per the discussions above.

Traffic and Roads

6. Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. ACHD has recommended that the proposal is good to go.

Please review the Ada County Highway District's comments in the attached ACHD Letter to Boise Planning and Zoning Commission dated July 30, 2008, Exhibit 7.

ACHD Staff Response: While the ridability and aesthetics of upper Collister Drive are not ideal, the condition of the roadway is not a limiting factor for increased traffic from the proposed Plano Road development. The upper portion of Collister Drive is sufficient to accommodate both current and projected traffic volumes and drainage requirements at build-out of this proposed development. Members of the public have expressed concerns that although upper Collister Drive is currently classified as a collector roadway, that it is to narrow and degraded to operate as one. However, projected build-out traffic volumes will be approximately 1,335 north of Quail Ridge Drive. This is well below the 2,000 daily trip threshold for even an existing local street.

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

ACHD does not want a gate and Fire would prefer there to be no gate. The FPDO and the FPP do not allow gated communities, as cited above.

ACHD Staff Response: The ACHD Commission considered the proposal of a gated emergency access, and rejected it in the interests of connectivity and safety goals. In addition to connectivity and safety goals, ACHD Commissioners and staff have concerns over the long term maintenance of a private gated emergency access between two public streets. ACHD Commission determined that, due to the size and scope of the proposed development, that a full public street connection between Plano Lane and Collister Drive shall be required at build-out. After significant deliberations on the timing of this requirement, the ACHD Commission decided that a gated emergency access road shall be required prior to the first final plat, and that the full public street connection shall be required prior to the final plat of more than 53 buildable lots. Once Daylight Rim Drive is opened as a public street, it cannot be gated.

The ACHD Commission WILL NOT approve a final plat of more than 53 buildable lots in Plano Road Subdivision prior to the dedication of Daylight Rim Drive as a full public street connection between Plano Lane and Daylight Rim Drive.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. ACHD has recommended that the proposal is good to go.

ACHD Staff Response: The installation of a traffic signal at the intersection of Hill and Collister Drive will improve its peak hour capacity and level of service. This is particularly true for the westbound approach, which currently experiences the greatest delays at this intersection during the PM peak hour. This intersection is currently four-way stop controlled. Although the Hill Road approaches experience the greatest volumes and delays at this intersection, the limited site distance onto Hill Road from the Collister Drive approaches precludes the possibility configuring it as a two-way stop control (with stops on the Collister approaches) in order to improve its level of service. If a traffic signal is not installed, and the intersection remains under all-way stop control, the Plano Road development will cause the intersection to operate at an unacceptable level of service due to average vehicle delay time. Even without the Plano Road development, this intersection is projected to operate at an unacceptable level of service in 2015.

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

It seems that these suggestions had something to do with phasing access to the Polecat Gulch Reserve to a later phase when the homes are built, and advocating a gated emergency road for the Daylight Rim Drive proposed connecting road. ACHD does not want a gate and Fire would prefer there to be no gate. The FPDO and the FPP do not allow gated communities, as cited above. Staff does not support either part of these suggestions to the extent that the information about them is correct.

24. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. Some of the safety issues come from a local practice of residents parking along the road rather then in their garages and driveways. ACHD has recommended that the proposal is good to go.

ACHD Staff Response: Boise City may levy requirements above and beyond what is required by ACHD. Collister Drive north of Hill Road currently exceeds what the District would normally require for off-site improvements in accordance with District policy 7203.3 (24-feet of pavement and 3-foot gravel shoulders on each side). Even if the existing portion of Collister Drive were internal to the proposed Plano Road development, the existence of sidewalk on the south/east side of Collister meets the requirements of District policy of 7204.4.7 for developments in hillside areas. Boise City can choose to direct the installation of sidewalk along the north/west side of Collister Drive. There appears to be sufficient right-of-way along the north/west side of Collister Drive north of Outlook Avenue to allow for the installation of a 5-foot attached sidewalk. However, the installation of sidewalk on this side of Collister Drive would require coordination with and approval of the adjoining homeowners, as well as a substantial degree of grading, encroachment removal, and retaining wall installation. ACHD staff is willing to discuss any proposals that Boise City might have to address their concerns regarding Collister Drive.

Comprehensive Plan Policies and Zoning Ordinances

20. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.

It is staff's duty to present the facts, provide an analysis of those facts and make recommendations and findings based upon them. The Ordinance and Foothills Policy Plan each contain standards and requirements that call for application of policy and/or regulation that aren't well defined or may be prioritized one above another. One example is the discussion on how much of each buildable footprint should be on land with less than 25% slope. Staff's recommendation dwells more in the "Letter" of the Plan where the facts reside. The ordinance, in Section 11-06-05.07.04.C, gives the power to the Commission to accept all or part of the Density Bonus allows the intent to be respected. "...the Commission may classify it as Priority Open Space and allow some or all of it to qualify for the granting of a density bonus."

Please Review Exhibit 6 - Foothills Policy Plan and Ordinance Review – Presented to City Council on 7/08/08 that provides a discussion of the many issues surrounding Foothills development and open space preservation.

26. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of

wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.

Foothills development issues have been studied for 20 years. The foothills plan and ordinance took 7 years to bring to fruition. It is an intricate plan that looks at all areas of the foothills. This area is not void of wildlife; rather it simply has less wildlife then other areas. Further, eastern foothills are set up to protect wildlife while this area is not set up that way. Eastern foothills – top priority is protection of wildlife habitat; Central foothills has limited development capability due to limited road capacity. Western Foothills are the priority area for development due to minimal wildlife and availability of street capacity. Legally, the Developer is allowed to rely on the plan and the ordinance and we cannot change it mid application.

27. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that plan.

The plan requires sensitivity to the Foothills. Quail Ridge did stair-step grading plan that was not very sensitive. The current proposal requires design review and restrictions on material and colors for exteriors of the homes and the landscape design. Quail Ridge did not require design review or restrictions on material and colors for exteriors of the homes. There is also a proposed Wildland and Urban Interface setback required to enable more protection from wild fires and enables better fire-fighting access to the area. Fire safety access, plans and construction techniques are required with the current proposal, where they were not a feature of Quail Ridge.

The plan is designed to create a balance between development, open space preservation, and community development. Quail Ridge does not include a component of the Ridge-to-Rivers Trail system, which is a feature of the current proposal. As an example, the City could not afford to put the trailhead in for 5 to 10 years, and with the development the community will get a trailhead several years earlier. Another difference is the proposed preservation of a species of concern. The Plan and ordinance require set-aside of open land and protection for threatened and endangered species. There is no such set-aside of land, nor protection of sensitive areas in Quail Ridge.

The density is a function of the proposal is controlled by slope and the set-aside of buildable open land and the cumulative efforts to conserve sensitive areas and species. The density in Quail Ridge was a function of the standard zone modified by the conditional use permit and Hillside regulations. The net result may seem similar, but the regulatory basis is very different.

The vision of the plan was to allow developments in the Western Foothills Planning Area that provided set-aside of open space around clustered lot layouts. The difficulty in achieving that vision lies in the unique geography and location of developable properties and the task of fitting the standards and requirements to a unique piece of land. How well this proposal fits the pattern or vision of the *Foothills Policy Plan* is up to the Planning and Zoning Commission to decide.

Exhibits

Exhibit 1- “Boise Foothills Concept Plan”

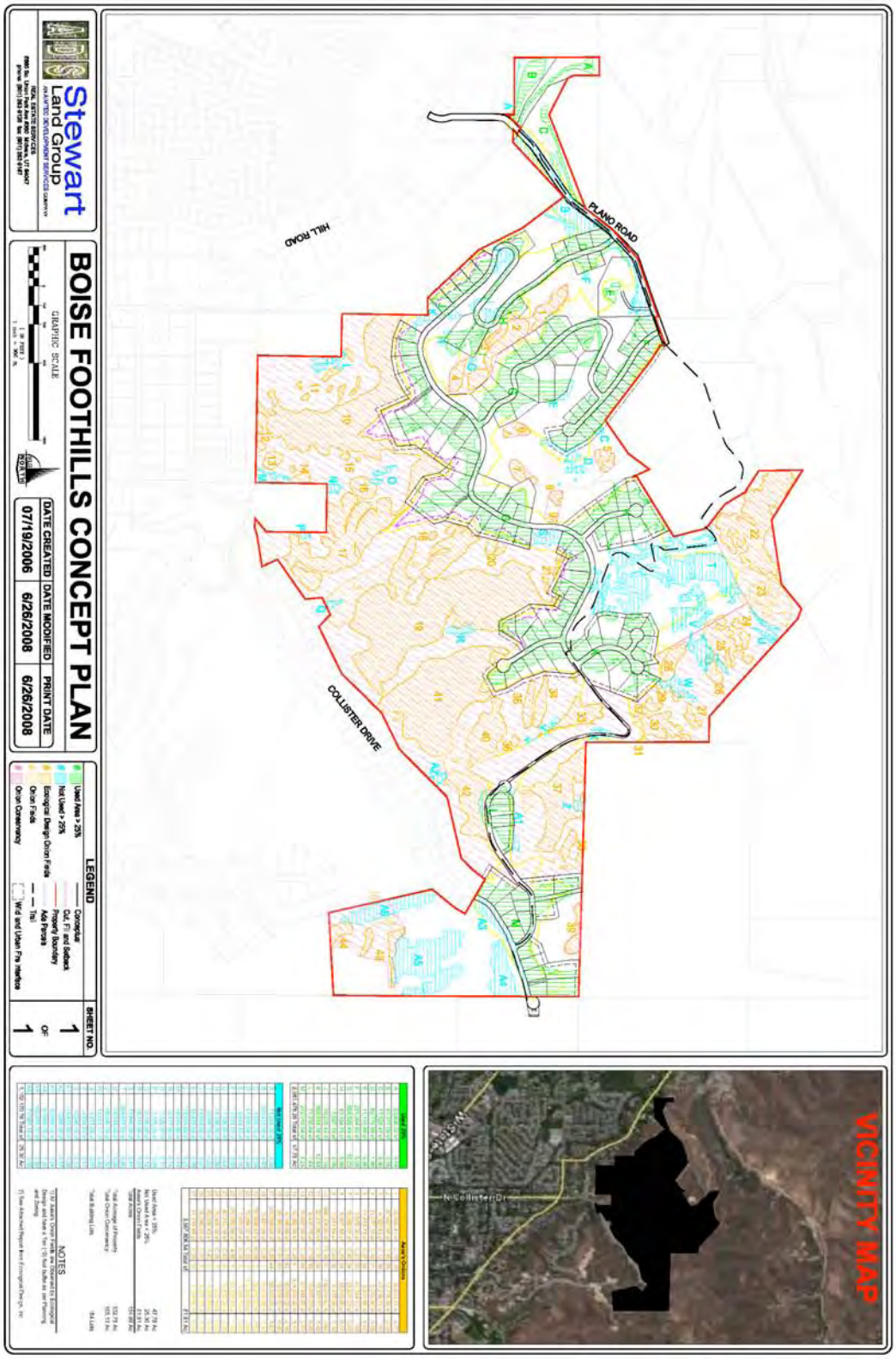


Exhibit 2

Applicants' Responses

To

Plano Road Subdivision Proposal Work Session Topics

Density

1. Show how the density bonus was calculated and how base density was calculated.

   Response 1: The formula and calculations showing how the density bonus was calculated are set forth in Exhibit A to the Planning Division Staff Report, as amended (the "Staff Report"). The base density for the project is prescribed by the Foothills Planned Development Ordinance ("Foothills Ordinance") as follows:

   > The base density on parcels proposed for development is that given for the *existing Boise City or Ada County zone(s).*

   Foothills Ordinance § 11-06-05.07.04 (emphasis added). Thus, the project's base density of 917± homes is readily determined by the mere mathematical extension of the information set forth in the table found on page 5 of the Staff Report, as reflected in **Exhibit 1** attached hereto.

   It should be noted that, because the 917-unit base density is far greater than the 155 homes proposed by the Applicants, no density bonus is actually being utilized by the Applicants. Or put otherwise, the actual size of the density bonus is largely irrelevant to the pending development proposal. *See* Foothills Ordinance § 11-06-05.07.03.5 ("Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.").

2. Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.

   Response 2: Foothills Ordinance Section 11-06-05.07.04.C provides that each of the following criteria, among others, demonstrates an increase in public value of "Priority Open Space":

   > "1. Allowance for public access." – Here, the Applicants are constructing a public trail through the project from N. Collister Drive to Plano Road, together with access to the trailhead at Polecat Gulch Reserve.
   >
   > "2. Protection from alteration of important vegetation . . . that could otherwise occur from a permitted use . . . ." – Here, as

reflected in Exhibit 1, Boise's denial of the project could result in the development of up to 917 homes on the subject property by the Applicants' development of their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance. *See* Foothills Ordinance § 11-06-05.07.02 (ordinance applies "where an annexation or rezone is required.").

"4. Dedication or discounted sale to a willing public agency." – Here, 165 acres of open space (including 82 acres of onion fields) are being conveyed to the Land Trust of the Treasure Valley (the "Land Trust"), with the Applicants agreeing to the perpetual endowment of the Land Trust's maintenance and preservation of the dedicated area through the payment of .25% of the sales price for each sale or resale of a lot or home on the property (estimated at $1,500 to $2,500 based on current values). *See* Applicants' Narrative, Plano Road Subdivision, at p. 3 ("Rare plant communities") and proposed Development Agreement at Section 4.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance?

Response 8: "Development Pockets" are defined in the Foothills Ordinance as follows:

> These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be *largely less than 25% slope* but may contain fragments of steeper areas as needed to accommodate the site design.

Foothills Ordinance § 11-06-05.07.09 (emphasis added). Here, as set forth in the detailed analysis included in the Staff Report, 75% of all the building pads are being constructed where none of the slope exceeds 25%; 16% of the pads are being constructed where not more than 10% of the slope exceeds 25%; 8% of the pads are being constructed where not more than 20% of the slope exceeds 25%; and none of the pads are being constructed where more than 25% of the slope exceeds 25%. Thus, unless "largely less than 25% slope," as such phrase is used in the Foothills Ordinance, means something less than a quarter of the area, all of the Applicants' proposed building pads meet the intent of the Foothills Ordinance.

11. What are the issues concerning the timing of the proposed facilities on the Parks' Polecat Gulch Reserve?

Response 11: Because the Applicants intend to start the project on the western (or opposite) side of their property, they are requesting that they not be required to construct the improvements required by the Department of Parks and Recreation ("Parks & Rec.")

until the earlier of either (a) starting phase two (instead of phase one) of the project or (b) starting the improvement of lots along the northerly extension of N. Collister Dr. The Applicants' full performance is assured by the terms of the proposed Development Agreement (*see* Section 5). It should be noted (i) that the Applicants do not contest the specified timing for the dedication of the right-of-way necessary to get to Boise's Polecat Gulch Reserve, but only the requirement for the premature and uneconomic construction of improvements that could result in the delay of any improvements at all being constructed (including those required by Parks & Rec.) because of the imposition of additional front-end costs, and (ii) that none of the contributions required by Parks & Rec. (including the dedication of the right-of-way necessary to get to Polecat Gulch Reserve) can or will be made by the Applicants until it is economically possible to commence construction on their project. Thus, the Applicants' proposed modification of Condition of Approval 11.j is in both Boise's and the Applicants' best interests.

14. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible.

    Response 14: The Applicants' civil engineer confirmed after the July 14 hearing that the sand pit and other areas having a slope of 25% or less located on the property are "buildable." The Applicants apologize for any confusion caused by the erroneous response to the contrary given at the hearing. However, because no density bonus is actually being utilized by the Applicants, the question of whether the sand pit and other areas are buildable is largely irrelevant to the pending development proposal.

15. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"?

    Response 15: The 25% slope requirement is measured "pre-grading." *See* Foothills Ordinance § 11-06-05.07.09 (first two definitions). The term "excessive grading, cut and fill," as used in Foothills Ordinance § 11-06-05.07.05.A.4, is not defined in the ordinance. However, by its logical definition, the term must be viewed in the context of what grading would otherwise occur if the proposed project were not approved. Here, the Applicants maintain that the only economically viable alternative to the development being proposed is to develop their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance and allow for a density of up to 917 homes (with the possibility of significantly more grading). Moreover, as depicted in the Applicants' computer modeling of the project presented at the July 14 hearing, the proposed grading is designed to protect the general shapes and textures of the foothills by integrating the cut and fill slopes into the surrounding terrain.

16. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.

    Response 16: The Applicants maintain that the only economically viable alternative to the development being proposed is to develop their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance and allow for a density of up to 917 homes. Thus, the reconfiguration of the proposed project to allow for the construction of significantly less valuable lots would also require the development of a substantially greater number of homes.

17. What are some alternatives to sky lining dwellings on the ridge lines?

    Response 17: As depicted in the Applicants' computer modeling of the project presented at the July 14 hearing, there is, in fact, virtually no sky lining of dwellings on the ridge lines. (The one limited exception being the view from a small portion of Hill Road looking directly up the hill.) Moreover, the color, materials, height, and setback restrictions being imposed as conditions of approval (*see also* Section 8 of the proposed Development Agreement) will mitigate any visual impacts from homes to the extent reasonably possible. *See also* Response 16 (p. 4), above.

18. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.

    Response 18: *See* Responses 1 and 2 (pp. 1-2), above.

19. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

    Response 19: *See* Responses 1 and 2 (pp. 1-2), above.

Design and Grading

3. Explore any alternatives that might be available to building on the ridge tops.

    Response 3: *See* Response 16 (p. 4), above.

4. How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.

Response 4: The amount of the grading being proposed is driven largely by the road requirements (particularly the ≤ 10% slope limitation), the requirement that storm water run-off be maintained on site, and the quantity of material required to mitigate and restore the unsightly and potentially dangerous sand pit located on the property. Further, by its logical definition, the minimization of grading must be viewed in the context of what grading would otherwise occur if the proposed project were not approved. *See also* Response 15 (p. 3), above.

12. What are the standards and regulations concerning excessive grading?

    Response 12: *See* Response 15 (p. 3), above.

21. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have views and that is why they are not being used.

    Response 21: *See* Response 16 (p. 4), above.

Environmental Issues

5. Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project.

    Response 5: The Idaho Department of Fish and Game ("IDFG") has identified no migration routes on the property. Nevertheless, the Applicants have implemented multiple open-space corridors in their design and agreed to implement fencing policies proposed by IDFG that will allow for the free movement of wildlife throughout the property, over 70% of which will remain in or be restored to its natural condition.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues.

    Response 7: As reflected by the storm water infiltration analysis that was prepared by SPF Watering Engineering, LLC and included in the Staff Report, there are no expected adverse impacts to existing domestic wells. Moreover, because the project is designed to divert all runoff within the development footprint to a series of on-site detention ponds, existing residences along Plano Road will realize a 90% reduction of possible water flows from a 100-year event (from a current 6.8 cubic feet per second to .5 cubic feet per second) and existing residences along N. Collister Drive will realize a similar reduction (from a current 25 cubic feet per second to 3.5 cubic feet per second).

22. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the

Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this.

Response 22: As set forth in Section 4 of the proposed Development Agreement: "Prior to recording a final plat for any portion of the Property, [the Applicants] shall . . . (b) enter into a written agreement with the Land Trust or other approved entity for the protection and preservation of [the] onion fields *on terms approved by the Planning Director*." (Emphasis added.) Thus, the specific tasks and benchmarks required of the Land Trust to protect the onions are open to direction by P & Z and the Boise City Council.

23. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.

    Response 23: *See* Response 22 (p. 6), above.

25. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings?

    Response 25: *See* Response 16 (p. 4), above.

Traffic and Roads

6. Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

   Response 6: The ACHD projects that the intersection of Collister Drive and Hill Road will operate at Level of Service E or F in 2013 even if the Applicants build nothing on their property. Thus, by both constructing improvements to Plano Lane and the signalized intersection at Collister and Hill required by the ACHD and, in addition, contributing over $531,000 in traffic impact fees to the ACHD, the Applicants are contributing to the mitigation of existing road and traffic problems, not causing them. Further, the traffic impact fees can, of course, be utilized for constructing additional improvements on N. Collister Dr. if such improvements can be shown to be needed.

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

   Response 9: The Applicants support the proposal.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

    Response 10: *See* Response 6 (p. 6), above.

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

    Response 13: The Applicants are unclear on what "phase-in proposals" are at issue, but would be happy to address the issue at the July 31 work session if requested to do so. *See also* Response 9 (p. 6), above.

24. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

    Response 24: *See* Response 6 (p. 6), above.

Comprehensive Plan Policies and Zoning Ordinances

20. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.

    Response 20: The Applicants have worked for three years with Staff to design a project that meets the letter and intent of the Foothills Ordinance, while still providing an economically viable development. In this regard, the Applicants fully concur with the following conclusion set forth in the Staff Report:

> The development proposal meets the standards and regulations in the Foothills Planned Development Ordinance with the recommended conditions from City Departments and other agencies with jurisdiction, including the Ada County Highway District and Idaho Department of Fish and Game. The anticipated impacts from this proposal seem to be in balance with the mitigation measures. There is never a way to accommodate all impacts and all property rights, but staff believes this application represents a good faith effort to try to achieve that balance.

    Id. at p. 4. Moreover, the Applicants wish that it be clearly understood that a denial of the proposed project will necessarily result not in the preservation of the Applicants' highly valuable (and expensive) property as undeveloped open space, but in the Applicants developing their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance.

26. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in

the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.

Response 26: The Applicants will have to rely on Staff to provide the requested historical information, with respect to which the Applicants have no particularized knowledge. Additionally, although the Applicants fully acknowledge that there is wildlife on their property, they rely on the report by Ecological Design, Inc. contained in the Staff Report (entitled, A Report Discussing General Design Criteria, Special Areas Analysis, and Preliminary/Conceptual Design Requirements) for the proposition that the property has been determined by IDFG to comprise merely "low density" winter range.

27. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that plan.

Response 27: *See* Response 17 (p. 4), above. Additionally, as summarized in the conclusion to the Applicants' Narrative, Plano Road Subdivision, contained in the Staff Report:

> As a base for comparison, the neighboring Quail Ridge Subdivision was developed with 176 lots on 250 acres, for an average density of one lot for every 1.42 acres. When compared with Quail Ridge Subdivision, and after adjustment for the differential in acreage, the Plano Road Subdivision reflects a reduction of over 80 building lots and 37% in grading. Moreover, in order to minimize grading, most of the homes will be located along "single-loaded" streets, rather than using the "double-loaded" street alignment found in the Quail Ridge Subdivision. Thus, by virtually any measure, the Plano Road Subdivision will impose significantly fewer impacts on the surrounding area and environment—while at the same time providing significantly greater benefits—than did perhaps the premiere residential subdivision in northwest Boise, the neighboring Quail Ridge Subdivision.

Id. at p. 5.

dwelling units on 332.75 acres, with dedication of some 152.6 acres for the preservation of the threatened species of the Aase's Onion plants, and 81.9 acres open space for the Homeowners' Association and 97.8 acres in the building lots and infrastructure. It would also include road and trail connection to the Polecat Gulch Reserve, as well as riparian areas and private trails.

The Hillside and Foothills Area Development permit application, CFH07-00022, requests approval for grading and hydrology systems.

There is also a preliminary plat application, SUB07-00065.

Applicant/Status
Stewart Land Group, Kerry Winn, representing Aase's Canyon Pointe, LLC, and Capitol Development, Inc.

Location and Site Description
The proposed development is located between Plano Lane and the end of Collister Drive in the Boise Foothills, nominally at 6890 N. Plano Lane. The site is a series of very steep ridges looming above Collister Drive with the relatively flatter areas on the ridge tops. The Boise Polecat Reserve is on the east, the Collister Drive neighborhood is on the south; to the north are a few single family residences; and to the west is largely vacant Foothills land.

Zoning, Zoning Allowances, and Comprehensive Plan Designation
The site is currently zoned R-1C (Single Family Residential), A-1 (Open Space/ 1 unit/acre), RP (Rural Preservation-Ada County) and R6 (Medium Density Residential-Ada County). Planned unit developments require conditional use approval in this Planning Area.

The subject site is zoned as shown in the table and map below:

Current Zoning for the Plano Road Subdivision Application	Current Zoning	Acres in Zone, Approx.	Maximum Density allowed under current zoning = U./Ac.	**Current Maximum Allowed Density**
Sub-Total, Boise City	A-1	16.4	1	**16**
Sub-Total, Boise City	R-1C	20.1	8	**160**
Sub-Total, Ada County	R6	122.9	6	**737**
Sub-Total, Ada County	RP	173.1	0.025	4
Total		332.5		**917+/-**

Exhibit 3 - Plano Road Planned Development Application, Zoning, May 29, '07

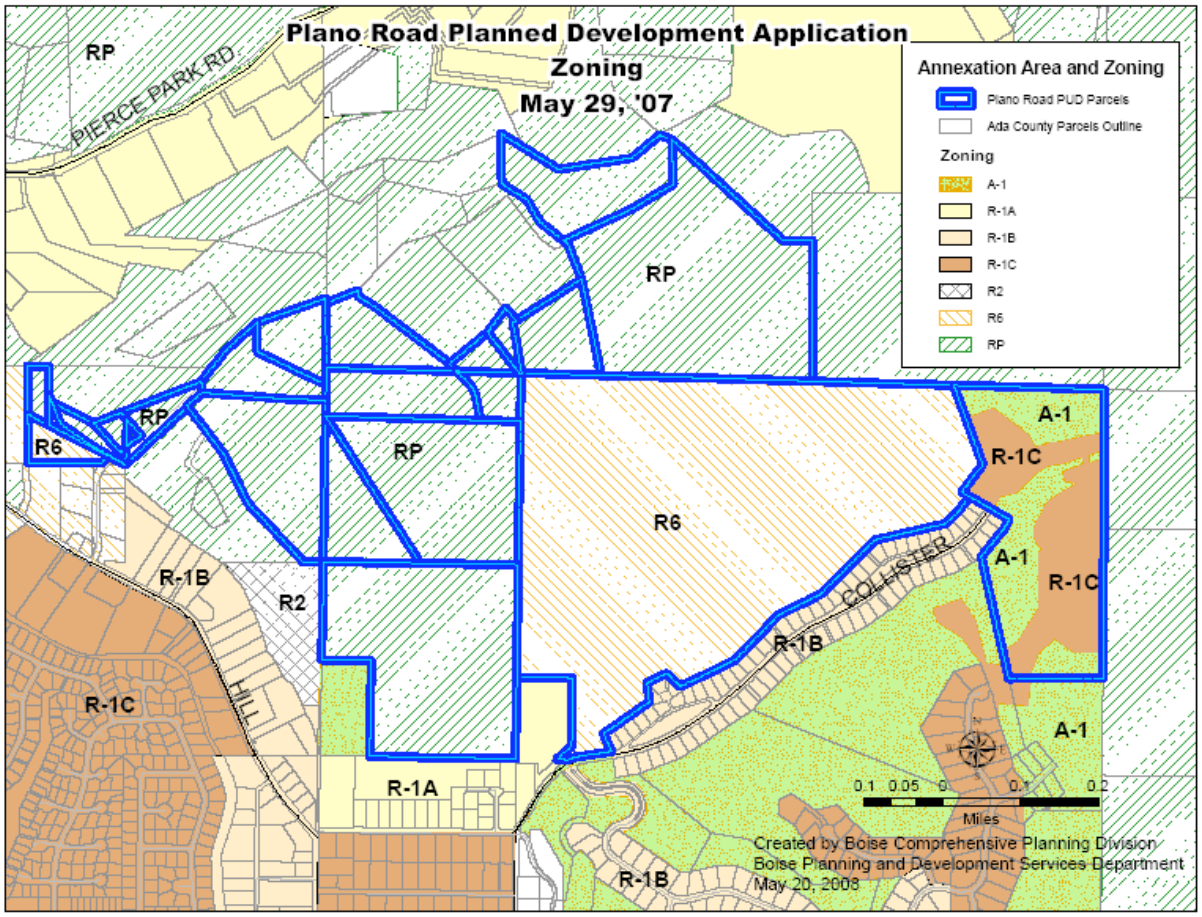


Exhibit 4 - Plano Road Proposal - Building Envelope Placement Within Buildable Area

Plano Road Proposal - Building Envelope Placement Within Buildable Area

21-Jun-08

Lot #	Less than 50%, fail	Less than 85%	O.K. > 85%	Setback(s) short	Notes
1			1		
2			1		Short on frontage-failed
3		1			Short on frontage-failed
4			1		
5			1		
6			1		
7			1		
8			1		Requires private road status
9			1		
10			1		
11			1		
12			1		
13			1		
14			1		
15			1		
16			1		Reduced envelope size
17			1		Reduced envelope size
18			1		Reduced envelope size
19			1		Reduced envelope size
20			1		
21			1		
22			1		
23			1		
24			1		
25			1		
26			1		
27			1		Rear yard short-failed
28			1		
29			1		
30			1		Front yard short, can be fitted
31			1		
32		1			Front yard short, can be fitted, reduced envelope size
33			1		
34			1		
35			1		
36			1		
37			1		
38			1		
39			1		Envelope size reduced

40		1	
41		1	Short on lot frontage-failed
42		1	Short on lot frontage-failed
43		1	
44		1	
45		1	
46		1	
47		1	
48		1	
49		1	Envelope size reduced
50		1	
51		1	
52		1	
53		1	
54	1		
55		1	
56		1	
57		1	
58		1	
59		1	
60		1	
61		1	
62		1	
63		1	
64		1	
65		1	
66		1	
67		1	
68		1	
69		1	
70		1	
71		1	
72		1	
73		1	
74		1	Short on lot frontage-failed
75		1	Short on lot frontage-failed
76		1	Short on lot frontage-failed
77		1	
78		1	
79		1	
80	1		
81		1	
82		1	
83		1	

84		1		
85		1		
86		1		
87		1		Short on lot frontage-failed
88		1		Short on lot frontage-failed
89		1		Short on lot frontage-failed
90		1		
91		1		
92		1		
93		1		
94		1		
95		1		
96		1		
97		1		
98		1		
99		1	1	Front setback short
100		1		
101		1		
102		1	1	sideyard short
103		1		
104		1		
105	1			
106		1		
107		1		
108		1		
109	1			Envelope depth reduced
110		1		
111		1		
112		1		
113		1		
114		1		
115		1		
116		1		
117		1		
118		1		
119		1	1	Front setback short
120		1		
121		1		
122		1		
123		1		
124		1		
125		1		
126		1		Envelope size reduced
127	1			Envelope size reduced

128			1		Envelope size reduced
129			1		Envelope size reduced
130			1		Envelope size reduced
131			1		Envelope size reduced
132			1		
133			1		
134			1		Envelope size reduced
135			1		Envelope size reduced
136			1		Envelope size reduced
137			1		Envelope size reduced
138			1		Envelope size reduced
139			1		Envelope size reduced
140			1		Envelope size reduced
141			1		Envelope size reduced
142			1		Envelope size reduced
143			1		Envelope size reduced
144			1		Envelope size reduced
145			1		
146			1		
147			1		Envelope size reduced
148			1		Envelope size reduced
149			1		Envelope size reduced
150		1		1	Rear setback short, Envelope size reduced
151			1		Envelope size reduced
152			1		
153			1		
154			1		
155			1		
Totals	0	8	147	4	
			155		


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.0


Azimuth Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout Within 25% Slopes
FOR REVIEW
C2.1
NORTH


Azimuth Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout Within 25% Slopes
FOR REVIEW
C2.2


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.3


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.4
NORTH
MATCHLINE
SEE SHEET C2.3
MATCHLINE
SEE SHEET C3.1


Azimuth
Engineering, Inc.
PLANO LANE SUBDIVISION
6296 N. PLANO LANE
Boise, Idaho
Lot Layout
Within 25%
Slopes
FOR REVIEW
C2.5
NORTH

Exhibit 5 –


N
NTS
Plano Road Subdivision
Boise, Idaho
Steward Land Group
Boise Foothills Ordinance Permit No.: To Be Determined
Figure 1 - Proposed Mule Daily Movement Corridors
June 6, 2008

Exhibit 6 – Foothills Policy Plan and Ordinance Review

-Presented to City Council on 7/08/08-

Foothills Policy Plan the outcome of 10-years of public debate. Adopted in 1997.

Basic Policy Decisions

1. Foothills will share in growth of the community.

2. Development will be limited to slopes of less than 25%

3. Development should be clustered away from sensitive areas

4. Establishment of three Foothills Areas of differing priority:
    a. Eastern Foothills – Wildlife habitat protection first priority
    b. Central Foothills – Development okay but limited by traffic capacity
    c. Western Foothills – Priority development area based on lack of wildlife and availability of street capacity.

5. Creation of Density Bonus Formula
    a. Base Density of 1 Unit/40 Acres, increasing to 3 units per acre as flat open space is set aside.

6. Foothills Development to be protective of environment, shapes and texture of foothills

7. Street improvement plan to include:
    a. 36th Street extension to Cartwright Road/Bogus Basin Road
    b. Diversions from Hill Road to State Street,
    c. No connection to Table Rock from Warm Springs

8. Foothills to meet Urban Standards for Services and Infrastructure
    a. Sewer
    b. Fire
    c. Paved roads and secondary access

Foothills Planned Development Ordinance Adopted in 1999

1. Added quantification and detail to the concepts in the Policy Plan

2. Density bonus process needed much more detail.
    a. Minimum size to count as eligible open space (1 acre)
    b. More points defined in formula
    c. More areas (Priority Open Space) eligible for open space bonus
        i. Protection of sensitive species/areas
        ii. Protection of unique geologic/archeological sites
        iii. Provision of public access
        iv. Dedication of land to public ownership

v. Linkage of natural corridors

3. Design Criteria
    d. Clustering
    e. Linking of Open Space
    f. Minimizing of grading
    g. Building/disturbance envelopes
    h. Prohibition on gating
    i. Trail access (Ridge to Rivers)
    j. Maintenance of Open Space in natural condition

4. Review and Approval Process
    a. CUP and Development Agreement required
    b. Properties with existing urban zoning not subject to Foothills Ordinance

5. Required Process of Analysis
    a. Preliminary/Conceptual Designs Based on:
        i. Slope analysis
        ii. Special Area analysis
        iii. Infrastructure analysis
        iv. Adjacent Parcel analysis

Gray Areas in Foothills Planning and Development

1. How much grading around the edges of < 25% slope areas to create development pads is acceptable?

2. To what extent can Priority Open Space that is NOT flat land count toward the required open space set-aside for Density Bonus purposes?

3. What does "minimize grading" (cut and fill) really mean?

4. How tight does clustering have to be?

5. How much "sky-lining" of ridges is acceptable?

6. Are all urban services feasible in foothills settings?

Key Points to Remember About Foothills Development

1. Existing policy plan specifically allows for foothills development

2. No two sites in the foothills are the same. It is almost impossible to create standards that will apply equally well to all properties.

3. Foothills development is expensive and it takes a significant amount of development to cover those costs.

4. The priority development area in the foothills (Western Foothills) is difficult to develop from a technical standpoint, due to steep slopes.

5. Most developable land is on ridge lines, where it will be most visible.

6. There is a dichotomy between getting extra density credit for protecting rare species on a site, when that credit results in more intensive development of that same site.

Exhibit 7 – ACHD Letter to Boise Planning and Zoning Commission dated July 30, 2008

ACHD
Committed to Service

Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

July 30, 2008

TO: Boise City Planning and Zoning Commission

RE: Plano Road Subdivision

On June 25, 2008 the Ada County Highway District Commission approved the applications for annexation, rezone, preliminary plat, and conditional use regarding Plano Road Subdivision. This memorandum is in response to questions raised at the Boise City Planning and Zoning Commission Hearing held on July 14, 2008 regarding this proposed development.

Item 6: Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

ACHD Staff Response: While the ridability and aesthetics of upper Collister Drive are not ideal, the condition of the roadway is not a limiting factor for increased traffic from the proposed Plano Road development.

The upper portion of Collister Drive is sufficient to accommodate both current and projected traffic volumes and drainage requirements at build-out of this proposed development. Members of the public have expressed concerns that although upper Collister Drive is currently classified as a collector roadway, that it is to narrow and degraded to operate as one. However, projected build-out traffic volumes will be approximately 1,335 north of Quail Ridge Drive. This is well below the 2,000 daily trip threshold for even an existing local street.

Item 9: Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

ACHD Staff Response: The ACHD Commission considered the proposal of a gated emergency access, and rejected it in the interests of connectivity and safety goals. In addition to connectivity and safety goals, ACHD Commissioners and staff have concerns over the long term maintenance of a private gated emergency access between two public streets.

ACHD Commission determined that, due to the size and scope of the proposed development, that a full public street connection between Plano Lane and Collister Drive shall be required at build-out. After significant deliberations on the timing of this requirement, the ACHD Commission decided that a gated emergency access road shall be required prior to the first final plat, and that the full public street connection shall be required prior to the final plat of more than 53 buildable lots. Once Daylight Rim Drive is opened as a public street, it cannot be gated.

The ACHD Commission WILL NOT approve a final plat of more than 53 buildable lots in Plano Road Subdivision prior to the dedication of Daylight Rim Drive as a full public street connection between Plano Lane and Daylight Rim Drive.

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achd.ada.id.us

Item 10: Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

ACHD Staff Response: The installation of a traffic signal at the intersection of Hill and Collister Drive will improve its peak hour capacity and level of service. This is particularly true for the westbound approach, which currently experiences the greatest delays at this intersection during the PM peak hour.

This intersection is currently four-way stop controlled. Although the Hill Road approaches experience the greatest volumes and delays at this intersection, the limited site distance onto Hill Road from the Collister Drive approaches precludes the possibility configuring it as a two-way stop control (with stops on the Collister approaches) in order to improve its level of service.

If a traffic signal is not installed, and the intersection remains under all-way stop control, the Plano Road development will cause the intersection to operate at an unacceptable level of service due to average vehicle delay time. Even without the Plano Road development, this intersection is projected to operate at an unacceptable level of service in 2015.

Item 24: In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

ACHD Staff Response: Boise City may levy requirements above and beyond what is required by ACHD.

Collister Drive north of Hill Road currently exceeds what the District would normally require for off-site improvements in accordance with District policy 7203.3 (24-feet of pavement and 3-foot gravel shoulders on each side). Even if the existing portion of Collister Drive were internal to the proposed Plano Road development, the existence of sidewalk on the south/east side of Collister meets the requirements of District policy of 7204.4.7 for developments in hillside areas.

Boise City can choose to direct the installation of sidewalk along the north/west side of Collister Drive. There appears to be sufficient right-of-way along the north/west side of Collister Drive north of Outlook Avenue to allow for the installation of a 5-foot attached sidewalk. However, the installation of sidewalk on this side of Collister Drive would require coordination with and approval of the adjoining homeowners, as well as a substantial degree of grading, encroachment removal, and retaining wall installation.

ACHD staff is willing to discuss any proposals that Boise City might have to address their concerns regarding Collister Drive.

If you have any questions, please feel free to contact me at (208) 387-6187.

Sincerely,

Matt Edmond

Matt Edmond
Planner II
Right-of-Way and Development Services

CC: Project file
Bruce Eggleston, Boise City Planning & Development Services

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Boise City Planning & Zoning Commission Work Session
July 31, 2008
Council Chambers, Third Floor, City Hall
Work Session Will Start at 6 P.M.

Item	Presenter	Time
1. CAR07-00042/DA, SUB07-00065 CUP07-00084 & CFH07-00022	Bruce Eggleston	2 hrs.

Bruce D. Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

Mailing Address
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Boise, Idaho 83701-0500

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www.cityofboise.org/pds

Mayor
David H. Bieter

City Council
President
Elaine Clegg

Council ProTem
David Eberle

Vernon L. Bisterfeldt
Maryanne Jordan
Alan W. Shealy
Jim Tibbs

Planning & Development Services

July 18, 2008

Memorandum

To: Boise City Planning and Zoning Commission Hearing

From: Bruce Eggleston, Planner II

Subject: Work session topics for the July 31, 2008 meeting on the Plano Road Subdivision proposal, CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065

At the July 14, 2008 hearing on the Plano Road Subdivision applications the Commission scheduled a work session to gather more information about the requests. A second hearing date was set for August 11, 2008 in the Le Bois Room on the Third Floor of City Hall. It was noted that the hearing will be open on new topics and evidence resulting from the work session.

The July 31, 2008 work session on the above applications will be held at 6:00 p.m. in the Bonneville Room on the Third Floor of City Hall.

Plano Road Subdivision Proposal Work Session Topics

Commissioner Barker:

1. **Show how the density bonus was calculated and how base density was calculated.** In the report – Bruce to point out and clarify with graphics

2. **Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.** See Tiederman Report of June 6, 2008

3. **Explore any alternatives that might be available to building on the ridge tops.** 1- the pit is not buildable as is – it would have to be filled to be buildable. 2- ridge tops are flat and buildable 3 – ordinance design is governed by 11-06-05.07.05 4- the Commission must evaluate the application presented, however, alternatives include flipping the road to the front side; tightening the lots making them narrower and smaller; build in sand pit post fill; they could do some multifamily or attached housing in the gulley; put more units in the bottom of the gulley and move off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways). Build "hill-hugging homes, cascade down slope.

4. **How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.** Judgment call based on 11-06-05.07.05 (4) and (5) - we cannot require them to leave all the open space and not give them the benefit of clustered developable area. To avoid a regulatory taking, developable area must include to some degree the cost of infrastructure and to ensure that the building area is somewhat safe. On the other hand, this development is not hill hugging development – another design would reduce grading and more closely adhere to 11-06-05.07.05 (4) and (5). Ordinance is designed for minimum grading in development and increased grading for infrastructure – see ordinance definition for development pockets, also see Hillside ord. & Foothills Policy Plan

5. **Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project** Report came in late, but City is asking the Developer to preserve migration routes – Fish and Game states some protection is necessary as this is big game winter range. Part of the pit. Will there be enough open space to provide for sustainable habitat?

6. **Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?** ACHD is the expert in this area and they say there are no concerns. We cannot ask the Developer to resolve issues that ACHD has not identified. ACHD has clarified good to go. the proposal on is Collister. There are no recommendations to improve Collister in the ACHD conditions of approval. The projected traffic volumes are under 2,000, which is the standard for a local road.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues. According to report from SPF water engineering LLC July 1, 2008, there will be no impacts. Public Works agrees.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance? see ordinance definition for development pockets – these areas will be largely less then 25% slope, but may contain fragments of steeper areas as needed…

Commissioner Fadness:

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated? ACHD does not want a gate and Fire would prefer there to be no gate.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good? ACHD are the experts – they have held two hearings and a reconsideration and feel this is the best way to go.

11. What are the issues concerning the timing of the proposed facilities on the Parks' Polecat Gulch Reserve? See Developer and letter from Julia Grant – Parks and Rec – the Commissions call.

12. What are the standards and regulations concerning excessive grading? General design sec. 4 and 5

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues. ACHD does not want a gate and Fire would prefer there to be no gate.

14.

Chairwoman Wilson:

15. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible. Buildable is a slope analysis only - quote ordinance – Sand Pit can only be built on if ridge tops are utilized to build up sand pit – this would be counter to the policies - see Terry

Commissioner Baskin:

16. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"? - see earlier answer

17. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development. - see earlier answer

18. What are some alternatives to sky lining dwellings on the ridge lines? - see earlier answer

19. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high. Onions are specifically listed in the ordinance as something that needs protected. So we have to adhere to the ordinance. We can make sure that adequate protection is in place. Also, onions are only 1 of 4 reasons for density bonus.

20. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code". Re-state the 4, plus wildlife migration route

Commissioner Cooper:

21. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent. This would be a good place to put in Hal's document.

22. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have views and that is why they are not being used. See earlier answer – you can request that they redesign, but you need to rule on this design unless they acquiesce.

23. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this. Ask Developer to tighten plan – pull out Harris Ranch and show them that we are about there. Ask Developer to address what happens if Land Trust goes under.

Commissioner McLean:

24. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more

accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future. Ask Developer to tighten plan – pull out Harris Ranch and show them that we are about there. Ask Developer to address what happens if Land Trust goes under.

25. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it? We could ask Developer to work with ACHD to see if any education of neighbors is needed – like park along the road and cause hazards.

26. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings? Be careful here – we can't redesign there project – we can say there are some other ideas that could be explored – such as : flipping the road to the front side; tightening the lots making them narrower and smaller; build in sand pit post fill; they could do some multifamily or attached housing in the gulley; put more units in the bottom of the gulley and move off the prominent ridges; require minimum of 30 ft. frontage for all properties (no shared driveways)

Commissioner Stevens:

27. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight. Foothills development issues have been studied for 20 years. The foothills plan and ordinance took 7 years to bring to fruition. It is an intricate plan that looks at all areas of the foothills. This area is not void of wildlife, rather it simply has less wildlife then other areas. Further, eastern foothills are set up to protect wildlife while this area is not set up that way. Eastern foothills – top priority is protection of wildlife habitat; Central foothills has limited development capability due to limited road capacity. Western foothills is the priority area for development due to minimal wildlife and availability of street capacity. Legally, the Developer is allowed to rely on the plan and the ordinance and we cannot change it mid application.

28. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that

plan. The plan requires sensitivity to the foothills. Quail Ridge did stair step development that was not very sensitive. We are requiring design review and restrictions on material and colors for exteriors of the homes. Quail Ridge did not require design review or restrictions on material and colors for exteriors of the homes. The plan is designed to create a balance between development, open space preservation, and community development. As an example, the City could not afford to put the trail head in for 5 to 10 years, and with the development the neighbors will get a trailhead years earlier.

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Planning Division Staff Report
Work Session January 26, 2009

File Number	**CAR07-00042/DA, CUP07-00084, CFH07-00022 and SUB07-00065**
Applicant	Aase's Canyon Pointe Development LLC
Property Address	6890 N. Plano Lane
Work Session Date	January 26, 2009
Heard by	Boise City Planning and Zoning Commission
Planning Analyst	Bruce Eggleston, AICP
Planning Supervisor	Patricia Nilsson, AICP

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1. Summary

History
The applications for Aase's Canyon Pointe Development LLC at 6890 N. Plano Lane were heard by the Planning and Zoning Commission on August 11, 2008 and the findings and conditions were approved on September 8, 2008, as stated below.

> The Boise City Planning and Zoning Commission annexation and zone change to an A-2/DA holding zone with a Development Agreement that contains the following condition:
>
> 1) Any development application shall be required to comply with the *Boise Foothills Policy Plan*, the Foothills Planned Development Ordinance 11-06-05.07, and the Hillside and Foothill Areas Development Ordinance 11-14.
>
> They denied the request for a Conditional Use Permit, CUP07-00084; the Hillside and Foothills Area Development permit application, CFH07-00022; and the preliminary plat application, SUB07-00065.

The applicant appealed the decisions and recommendation to City Council. The Boise City Council, at their meeting of December 9, 2008, concurred with 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.

Staff arranged a public work session on January 26, 2009 for the forum where these issues could be addressed.

Topics for the Work Session

The purpose of the work session is to:

1) Address the questions at issue in the appeal;
2) Address the project design issues raised by the public and the Planning and Zoning Commission;
3) Establish the process for review of the applications. The Commission should determine the process to get this proposal back to a hearing. The applicant has indicated that they intend to proceed as quickly as possible to move this proposal forward.

2. Questions Raised in the Appeal

The applicants raised these questions in their appeal for consideration in light of the recommendations and decisions made by the Commission. The public testimony and Council discussion on the motion to

remand provided some insight and direction for the following issues.

1. Does FPDO establish that the base density on parcels proposed for development is that given for the existing zones on the property?

2. Does the Foothills Planned Development Ordinance (FPDO) require that upon annexation, the buildable areas be zoned R-1A?

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 suggested that a City-initiated Mediation process may be used if agreement cannot be reached.

There was considerable discussion on the motion about the subject property being located in the "Western Foothills … first priority area for development, subject to adequate street capacity and infrastructure". (*Foothills Policy Plan* Goal 1 Objective 2 Policy 5) It is clearly within that area, the ACHD has found that adequate street capacity exists, with proposed off-site improvements, and the infrastructure is available. The subject property also has urban density zoning on 43% of the proposal which establishes entitlement for some level of development in compliance with the Comprehensive Plan.

Detailed Discussion:
1. Does FPDO establish that the base density on parcels proposed for development is that given for the existing zones on the property?

Yes, but it is dependant on the conditional use permitting process to determine the allowable density and the areas upon which the units could be distributed.

Commentary:
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."

There has been much discussion on the manner in which base density is calculated under the FPDO. 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)

Staff has examined several methodologies to calculate the base density that would apply to all applications in the Foothills Planning Area. The method that is consistent with the density calculations for planned developments under Chapter 11-06 is as follows in the Base Zoning Table, the map and the expanded base zoning density table:

Base Density for Existing Zoning =
(Buildable Area* minus 20% for roads, infrastructure and terrain)
divided by
(Minimum lot size for given zone)

Base Density Units in Existing Zoning for the Plano Road Subdivision 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 demonstrates hypothetically how those base density units might be distributed on the buildable areas in compliance with the FPDO.

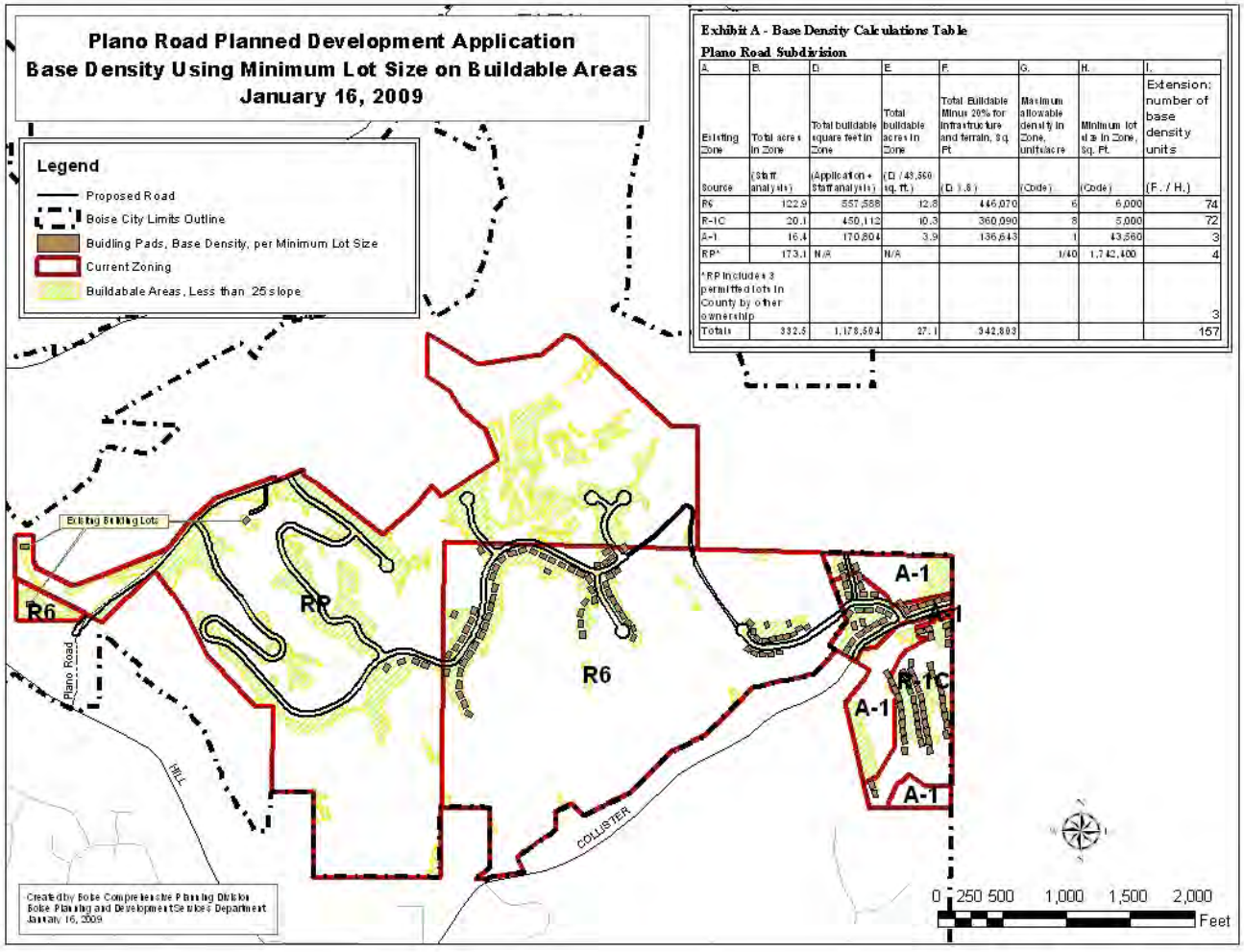


Exhibit A - Base Density Calculations Table

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 Minus 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)	Staff analysis)	(D. / 43,560 sq. ft.)	(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.

2. Does the Foothills Planned Development Ordinance (FPDO) require that upon annexation, the buildable areas be zoned R-1A?

Yes. The conditional use permitting process determines the buildable areas where this zoning could be granted.

Commentary:
The Council's discussion and the staff report on the appeal make clear that a development proposal that meets the policies of the *Foothills Policy Plan* and the requirements of the FPDO should receive the R-1A Zone for buildable or developable areas as described in 11-06-05.07.03.

The Planning and Zoning Commission's findings for the denial of the conditional use permit and Hillside and Foothill Areas Development permit applications demonstrate that the applicant has a challenge to comply with the *Foothills Policy Plan* and FPDO. The applicant's appeal failed to address those findings.

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*?

Yes. The conditional use permitting process determines the buildable areas where this zoning could be granted.

Commentary:
The only way to transfer density is through a CUP/PUD process. The problem is that the Plano Lane developer has no approved County or City CUP to transfer those units (a CUP independent of the Foothills CUP process). The City Code doesn't consider something potentially allowable under a theoretical CUP to be counted as base zoning rights. The base zoning rights are only what could be developed by straight subdivision without CUP flexibility. It must be clear that this non-allowed, not Foothills PUD-related transfer is not the same as the transfer that can be allowed through the Foothills PUD process.

Some confusion with this issue may relate to the applicant's contention that they have a base right to 917 units. The only way they could ever achieve 917 units under the existing R6 and R1-C zoned (and steeply sloped) properties would be to transfer the otherwise non-achievable units from the non-buildable sloped areas and cluster them at very high density on the small flat areas on the ridge tops. The only way to do that would be through a CUP/PUD process. The problem is that the Plano Lane developer has no approved County or City CUP to transfer those units.

Bruce Chatterton
Director

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Planning & Development Services

June 10, 2009

Memorandum

To: Boise Planning and Zoning Commission

From: Bruce Eggleston, AICP Planner II

Subject: Discussion topics for the June 15, 2009 work session

The applicant for the Aase's Canyon Pointe annexation and subdivision proposal requested a work session to discuss the following:

"The purpose for the work session is to work through the density issue with P&Z and then get its guidance on whether it would prefer to see a revised project with the homes moved off of the front ridge but more density or, in the alternative, to keep the density where it is."

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Planning Division Transmittal

File Number: CAR07-00042, CUP07-00084
Hearing Date: 09/21/09
X-Ref: CFH07-00022
Hearing Body: Planning and Zoning Commission
Address: 6890 N PLANO ROAD
Transmittal Date: 08/13/09
Applicant: AASE'S CANYON

- Submit comments at least **10 Calendar Days** prior to the hearing date listed above so your comments can be included in the staff report. For Staff Levels, please comment within **7 Calendar Days** of the transmittal date.
- If responding by e-mail, please send comments to PDSTransmittals@cityofboise.org and put the file number in the subject line.
- Paper copies are available on request. Please call 384-3830 and have the file number available. If you encounter problems with the electronic transmittals or want to provide feedback, please call 384-3830.

Boise City
- ☒ Police-Curt Crum
- ☒ Fire-Mark Senteno
- ☒ Public Works-(2)
- ☒ Public Works-Environmental
- ☒ Public Works-Barbara Edney
- ☐ Public Works-Jim Wyllie
- ☒ Public Works-Terry Records
- ☒ Parks-Cheyne Weston
- ☒ Forestry-Dennis Matlock
- ☐ City Clerk-Susan Churchman
- ☐ Airport-(3)
- ☒ Library-Kevin Booe
- ☒ DFA-James Thomas
- ☐ Parking Control-Stu Prince
- ☐ Legal-Mary Elizabeth Watson
- ☐ PDS-Subdivisions-Dave Abo
- ☐ PDS-GAP Planner-_____
- ☒ PDS-Permit Plan
- ☒ PDS-Kathleen/Stacey

Ada County
- ☒ ACHD-(3)
- ☐ Commissioners-(3)
- ☒ Sheriff Dispatch
- ☒ Development Services
- ☒ COMPASS-Ryan Head
- ☐ Parks & Waterways-Pat Beale

Idaho State
- ☐ Transportation District III-(2)
- ☐ Division of Public Works
- ☐ Dept. of Water Resources
- ☐ *Historical Society*
- ☐ Fish & Game (Region III)
- ☐ Dept. of Lands-(2)
- ☐ Dept. of Parks & Recreation
- ☐ DEQ

Federal
- ☐ BLM-(2)
- ☐ *Fish & Wildlife Service*
- ☒ EPA
- ☐ Army Corp of Engineers

Schools
- ☒ Boise School District
- ☐ Meridian School District
- ☐ Boise State University

Sewer Districts
- ☐ *West Boise Sewer*
- ☐ *Northwest Boise Sewer*
- ☐ Bench Sewer

Utilities
- ☒ Idaho Power
- ☒ Qwest Communications
- ☒ United Water
- ☐ Chevron Pipeline-(2)
- ☐ Capitol Water Corporation

Irrigation Districts
- ☐ *Nampa & Meridian*
- ☐ *New York Irrigation*
- ☐ Boise City Canal
- ☐ Boise Valley
- ☐ *South Boise Water Co.*
- ☐ S. Boise Mutual Irrigation Co.
- ☐ *Bureau of Reclamation*
- ☒ *Board of Control*
- ☐ Drainage District # _____
- ☐ Other _____

Miscellaneous
- ☐ CCDC-(2)
- ☐ Union Pacific Railroad
- ☐ *Central District Health*
- ☐ City of Garden City
- ☐ City of Meridian
- ☐ City of Eagle
- ☒ Valley Reg. Transit-Margaret Harvey
- ☐ *Warm Springs Historic District*
- ☐ Other _____

Neighborhood Associations
- ☐ Boise Heights
- ☐ Borah
- ☐ ~~Central Bench~~
- ☐ Central Foothills
- ☐ Central Rim
- ☒ Collister
- ☐ Depot Bench
- ☐ Downtown-(2)
- ☐ East End
- ☐ Glenwood Rim
- ☐ ~~*Harrison Boulevard*~~
- ☐ Harris Ranch
- ☐ Highlands
- ☐ Hillcrest
- ☐ *Maple Grove – Franklin*
- ☐ Mesa
- ☐ Morris Hill
- ☐ North End
- ☐ ~~Northwest~~
- ☐ Pierce Park
- ☐ Pioneer
- ☒ Quail Ridge
- ☐ Riverland East
- ☐ South Boise Village
- ☐ South East
- ☐ Stewart Gulch
- ☐ Sunrise Rim
- ☐ Sunset
- ☐ SW Ada County Alliance
- ☐ Veterans Park
- ☐ Vista
- ☐ West Bench
- ☐ West Cloverdale
- ☐ West Downtown
- ☐ West Valley
- ☐ ~~Winstead Park~~

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DEVELOPMENT SERVICES

Annexation/Rezone Application

This box for office use only

File #: CAR07-00042/DA Fee: CA1

Cross Referenced File(s): CUP07-00084, CFH07-00022 Zone(s): RP

Are Pre-Application materials attached? ☑ Yes ☐ No

This application is a request to construct, add or change the use of the property as follows:

annex 322 acres at R-1A and Townhouses 26 acres (less 36.63 acres, Sub2011108, already in Boise City.) = 296.12 acres requested for annexation

Pre-Application Conference/Submittal Information

A pre-application conference with staff and pre-application neighborhood meeting are required prior to the submittal of this application. Contact a Procedures Analyst at 384-3830 for details.

Applications for annexations *will not be accepted* without a property description and map that meets the guidelines listed on page 3.

Current Zone: AG (RP) Requested Zone: R-1A

Applicant Information

Applicant: AASES CANYON POINT DEVELOPMENT, LLC. CAPITAL DEVELOPMENT, INC. Phone: (801) 924 1777 (208) 377-3939

Applicant's Address: 3750 W. 500 S., SALT LAKE CITY, UT 84104 / 6200 N. MEEKER PL, BOISE, ID 83713 Zip:

Agent/Representative: STEWART LAND GROUP Phone: (801) 263-9126

Agent/Representative's Address: 6995 S. UNION PARK CTR MIDVALE, UT Zip: 84047

Contact Person (If different from above): KERRY WINN Phone: (801) 573-7205 CELL

Address of Subject Property: ~~6296~~ 6890 N. PLANO RD, BOISE, ID 83703

Mapping Division must initial here CP to signify address verification.

Property Description (Lot, Block & Subdivision name or recorded deed with a metes and bounds description):

Parcel Number: SEE ATTACHED Quarter: SW NW NW 1/4 Section: 17, 18, 19, 20

Township: 4N Range: 2E

6/04

CAR 07 00042

Development Information

1. Size of Property: _____ Square Feet or 322.88 Acres

2. How is the property now used? OPEN FOOTHILLS WITH ONE HOME ON PLANO ROAD - ONE OPERATIONAL SAND PIT

3. How are the adjoining properties used?
   North: THREE HOMES South: SINGLE FAMILY HOMES
   East: SINGLE FAMILY HOMES West: SINGLE FAMILY HOMES

4. Are there any existing land uses in the general area similar to the proposed use? If yes, what are they, and where are they located?
   QUAIL RIDGE SUBDIVISION IMMEDIATELY TO THE EAST.

RECEIVED
MAY 29 2007
DEVELOPMENT SERVICES

5. On what street(s) does the property have frontage?
   PLANO LANE

6. Why are you requesting annexation into the City of Boise?
   WE ARE CONTIGUOUS AND WANT TO HOOK INTO PUBLIC SEWER

7. What use, building or structure is intended for the property?
   SINGLE FAMILY RESIDENCES

8. What changes have occurred in the area that justify the requested rezone?
   THIS PROPERTY BORDERS OTHER SINGLE FAMILY RESIDENTIAL SUBDIVISIONS. GENERAL GROWTH IN THE AREA.

CAR 07 00042

9. Any additional comments?

WE HAVE BEEN WORKING WITH BOISE CITY PLANNING & ZONING AND OTHER PUBLIC AND PRIVATE AGENCIES FOR TWO YEARS TO MAKE SURE WE MEET THE CONDITIONS OF THE FOOTHILL ORDINANCE.

Note: When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. It will not be accepted if it is not complete. A hearing date will be scheduled only after an application has been accepted as complete.

Submittal Requirements

Note: The Boise City Council requires the following information to be submitted to the Planning & Development Services Department for every application for annexation. Applications for annexations *will not be accepted* without a property description and map that meets the guidelines listed below.

☑ 1. (1) **Completed application**, including signature of applicant.

☑ 2. (1) **Submittal requirements list.**

☑ 3. (1) **Detailed letter of explanation** or justification for the proposed project.

☑ 4. (1) **Affidavit of Legal Interest** (attached). Form must be completed by the legal owner of record.

☑ 5. (1) **Current Vicinity Map.** (8½" x 11") at 1" = 300' scale, showing location and current zoning of the property. Map must be dated. Map is available from the Mapping Division. Please indicate the location of your property on the map). Map must contain the following information.

A. A precise copy that matches the description (ordinance numbers, all bearings, distances, commencing and beginning points, etc.)

B. Cross-hatched area showing the annexation property

C. Street names

D. Address grid

E. Names of surrounding subdivisions

F. The annexation area shall be located as close to the center of the map as possible.

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☑ 6. (1) **Land Description.** Attach a description of the actual property which you wish to have rezoned or annexed on a separate page. All land descriptions must be certified by a land surveyor registered to the State of Idaho.

A. All property description shall be labeled as "Exhibit A."

CAR 07 00042

B. The property description shall have a narrative paragraph, which names the section, township, range and meridian in which the property is located. The narrative shall also contain a rough description of the property. For example, "An area of land located in the southwest quarter of the northwest quarter of section _____, more particularly described as follows: ..."

C. The commencing point must be a government-surveyed corner, such as a section corner or a quarter corner.

D. The commencing point can be the point of beginning if the point is a section or quarter corner.

E. All descriptions must have a Point of Beginning.

F. Bearings and distances shall continuously define an area boundary with a closure accuracy of at least one part in five thousand.

G. The property description shall duplicate the metes and bounds of all existing annexations, or shall reference the former annexation.

H. The property description shall not overlap or leave gaps from previous annexations.

I. The property description shall clearly define where the property is located by calling out known points or courses such as subdivision, lot corners, streets, canals and water courses.

J. The all-property description shall state a return to the Point of Beginning.

K. The all-property description shall state the number of acres annexed to one-hundredth of an acre.

☑ 7. (1) **Photographs.** Photographs of existing site conditions.

☑ 8. (1) **Annexation Map.** Map must contain the following information.

A. Section

B. Township

C. Range

D. North arrow

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Kerry Winn
Signature Applicant/Representative

5/29/07
Date

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LEGAL DESCRIPTION

A parcel of land located in Sections 17, 18, 19, and 20, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The North line of Section 20, Township 4 North, Range 2 East, Boise Meridian, derived from found monuments and taken as South 88°43'54" East with the distance between monuments found to be 5,284.21 feet.

BEGINNING at the Northeast corner of Section 20, Township 4 North, Range 2 East, Boise Meridian, thence along the East line of said Section 20 South 00°00'29" West a distance of 1,893.36 feet to a point from which the East 1/4 corner of said Section 20 bears South 00°00'29" West a distance of 732.12 feet;
thence leaving said East line South 82°44'52" West a distance of 639.45 feet;
thence North 13°09'17" West a distance of 851.05 feet to the Southeasterly Boundary of Briarhill Subdivision No. 3, Book 42, Page 3413;
thence along the boundary of said Briarhill Subdivision No.3 the following nine(9) courses:
North 38°38'55" East a distance of 236.07 feet;
North 29°38'55" East a distance of 84.14 feet;
North 60°21'05" West a distance of 310.00 feet;
South 37°38'55" West a distance of 130.01 feet;
South 45°38'55" West a distance of 120.00 feet;
South 76°38'55" West a distance of 487.94 feet;
South 44°38'55" West a distance of 523.90 feet;
South 63°38'55" West a distance of 315.00 feet;
South 43°38'55" West a distance of 268.16 feet to the Northeasterly Corner of Briarhill Subdivision No.2, Book 42, Page 3411;
thence along the boundary of said Briarhill Subdivision No.2 the following ten(10) courses:
South 43°38'55" West a distance of 161.84 feet
South 63°38'55" West a distance of 410.00 feet;
North 46°21'05" West a distance of 130.00 feet;
South 63°38'55" West a distance of 148.97 feet;
South 06°21'05" East a distance of 130.00 feet;
South 54°38'55" West a distance of 379.29 feet;
South 25°21'05" East a distance of 132.27 feet to the northerly right-of-way of Collister Drive;
along said right-of-way South 80°38'55" West a distance of 233.18 feet;
along a curve to the left with a radius of 265.50 feet and a central angle of 35°25'27" an arc length of 164.15 feet (with a chord bearing of South 62°56'12" West, and a chord distance of 161.55 feet);
South 44°46'32" East a distance of 5.00 feet;

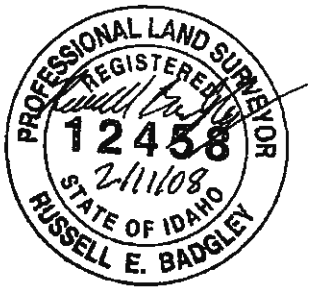
thence leaving said boundary of Briarhill Subdivision No.2 South 45°13'28" West a distance of 47.08 feet;
thence along a curve to the left with a radius of 566.92 feet and a central angle of 19°40'00" an arc length of 194.59 feet (with a chord bearing of South 35°23'28" West, and a chord distance of 193.64 feet);
thence leaving said right-of-way North 01°30'58" West a distance of 205.50 feet;
thence South 89°31'28" East a distance of 20.00 feet;
thence South 02°56'51" East a distance of 70.87 feet;
thence North 49°26'32" East a distance of 294.50 feet;
thence North 00°26'32" East a distance of 467.52 feet;
thence North 89°31'28" West a distance of 379.35 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 20;
thence along said East line South 00°27'54" West a distance of 555.61 feet to the Center West 1/16 corner of said Section 20;
thence along the South line of said Southwest 1/4 of the Northwest 1/4 also being the North boundary line of Outlook Heights Subdivision, Book 60, Pages 6040-6041, North 89°01'58" West a distance of 990.48 feet;
thence leavings said South line and North boundary North 00°33'13" East a distance of 650.00 feet;
thence North 89°01'58" West a distance of 335.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4;
thence along said West line North 00°33'13" East a distance of 671.88 feet to the North 1/16 corner common to Sections 19 and 20, from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 00°33'53" East a distance of 1,322.03 feet;
thence South 88°57'43" West a distance of 133.68 feet;
thence North 43°35'09" West a distance of 547.46 feet;
thence North 26°51'56" West a distance of 381.96 feet;
thence North 37°36'19" West a distance of 406.83 feet;
thence South 86°01'33" East a distance of 591.90 feet;
thence South 89°11'34" East a distance of 248.19 feet to the West line of said Section 20;
thence along said West line North 00°33'53" East a distance of 1,322.03 feet to the Section Corner common to Sections 17, 18, 19 and 20;
thence along the West line of said Section 17 North 01°01'17" West a distance of 440.55 feet;
thence North 68°30'00" East a distance of 234.01 feet;
thence South 06°56'41" East a distance of 40.89 feet;
thence South 58°51'08" East a distance of 122.41 feet;
thence South 53°01'30" East a distance of 599.99 feet;
thence South 45°43'28" East a distance of 49.26 feet;
thence North 50°03'16" East a distance of 348.41 feet;
thence South 38°06'15" East a distance of 355.86 feet to the West 1/16 corner common to Sections 17 and 20 from which the Section Corner common to Sections 17, 18, 19 and 20 bears North 88°43'54" West a distance of 1321.22 feet;
thence along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 20 South 88°43'54" East a distance of 12.01 feet;

thence leaving said North line North 09°45'20" West a distance of 352.45 feet;
thence North 57°17'56" East a distance of 551.95 feet;
thence North 21°33'31" West a distance of 257.33 feet;
thence North 52°45'13" West a distance of 240.86 feet;
thence North 31°10'54" West a distance of 179.81 feet;
thence North 57°25'54" West a distance of 200.31 feet;
thence North 02°47'46" West a distance of 338.23 feet;
thence South 58°28'54" East a distance of 458.34 feet;
thence North 80°53'46" East a distance of 504.32 feet;
thence North 50°34'54" East a distance of 275.98 feet;
thence South 70°08'04" East a distance of 85.51 feet;
thence South 48°01'55" East a distance of 1,018.83 feet;
thence South 89°38'20" East a distance of 200.38 feet;
thence South 00°08'46" East a distance of 977.84 feet to the North line of the Northeast 1/4 of said Section 20;
thence along said North line South 88°43'54" East a distance of 1,967.75 feet to the POINT OF BEGINNING.

Said Parcel containing 13,710,749 square feet or 314.76 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, P.L.S. 12458
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

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Conditional Use Application

This box for office use only

File #: CUP07-00084 Fee: 2237

Cross Referenced File(s): CAR07-00042/DA CPH07-00022 Zone(s): RP

Are Pre-Application materials attached? ☐ Yes ☐ No

The application is a request to construct, add or change the use of the property as follows:

CUP for 48 dwelling unit as part of RUP in foothills. Also submit Canyon Hillside and Subdivision.

☐ Commission Level ☒ Planned Development ☐ Special Exception ☐ Other:

Note: When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. It will not be accepted if it is not complete. A hearing date will be scheduled only after an application has been accepted as complete.

Applicant: AASES CANYON POINT DEVELOPMENT, LLC (801)924-1777
CAPITAL DEVELOPMENT Phone: 377-3439
☒ Owner ☐ Purchaser ☐ Lessee ☐ Renter

Applicant's Address: 3250 W. 500 S., SALT LAKE CITY, UT 84104
6200 N. MEEKER PL, BOISE, ID Zip: 83713

Agent/Representative: STEWART LAND GROUP (801) Fax: 263-9187 (801) Phone: 263-9126

Agent/Representative's Address: 6995 S. UNION PARK CTR. MIDVALE, UT Zip: 84047

Contact Person (if different from above): KERRY WINN - STEWART LAND GROUP

Zip: Cell (801) Phone: 573-7265

Address of Subject Property: ~~6296~~ 6890 N. PLANO RD, BOISE, ID 83703

Mapping Division must initial here CP to signify address verification.

Property description (Lot, Block & Subdivision name or recorded deed with a metes and bounds description):

SEE ENCLOSED

Parcel Number: SEE ENCLOSED

Section: 17, 18, 19, 20 Township: 4N Range: 2E Quarter: NW¼, SW

6/04

CUP 07 00084

1. **Size of property** (square feet and/or acres): ~~323.86~~ 333 acres

2. **Water Issues:**

   a. What are your fire flow requirements? 1,000 GPM @ 3600 SF.
   (Please see Appendix 111-A of Uniform Fire Code)

   b. What volume of water is available? New Water System and Tank Be Constructed.
   (Contact United Water of Idaho, Inc. at 362-7330)

3. **Existing uses and structures on the property are as follows:**
   Existing Home - To Remain
   Land is currently not being used for any uses.

4. **Are there any known hazards on or near the property?** (such as canals, hazardous material spills, soil or water contamination). If so, describe them and give their locations:
   Not found

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5. **Adjacent properties have the following building types and/or uses:**
   North: Residential - 3 Homes
   South: Residential - SINGLE FAMILY
   East: ~~None - 3 Homes~~ RESIDENTIAL - SINGLE FAMILY
   West: Residential - SINGLE FAMILY

6. **Maximum proposed structure height(s):** NA
   Number of Stories: NA

7. **Structures**

NA a. Number of proposed non-residential structures: _____
   Square footage of proposed non-residential structures or additions (if applicable):

	Gross Square Feet	Net Leasable Sq. Ft.
1st Floor		
2nd Floor		
3rd Floor		

NA b. Number of existing non-residential structures to remain: ~~3~~
   Square footage of existing non-residential structures to remain:

	Gross Square Feet	Net Leasable Sq. Ft.
1st Floor		
2nd Floor		
3rd Floor		

CUP 07 00084

c. Number of proposed residential structures (if applicable): _____

d. Size of proposed residential units (if applicable):

	Number of Units		Sq. Ft. per Unit		Total Sq. Ft
Studio	_____	x	_____	=	_____
One-bedroom	_____	x	_____	=	_____
Two-bedroom	_____	x	_____	=	_____
Three-bedroom	_____	x	_____	=	_____
Total Number	~~148~~ 157	x	?	=	?

Number of existing units to remain: _____

8. **Landscaping:** Is any proposed? NA - Individual Owners

9. **Site Design:**

Percentage of site devoted to building coverage:	3 %
Percentage of site devoted to landscaping:	6 %
Percentage of site devoted to paving:	4.5 %
Percentage of site devoted to other uses:	87 %
Describe: Open Space	Total: 100%

10. **Parking**

NA a. Handicapped spaces proposed: _____ Handicapped spaced required: _____

b. Parking spaces proposed: _____ Parking spaces required: _____

c. Bicycle parking spaces proposed: _____ Bicycle parking spaces required: _____

d. Number of compact spaces proposed: _____ Compact spaces allowed: _____

e. Width(s) of garage door(s): _____

f. Restricted parking spaces proposed: _____

g. Are you proposing off-site parking? No

h. Are you requesting a shared parking or parking reduction? ND

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Note: If you are requesting a shared parking or parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

11. **Setbacks:** Follow Residential Ord.

	Building Proposed	Required	Parking Proposed	Required
Front	20'	_____	_____	_____
Rear	30'	_____	_____	_____
Side	10'	_____	_____	_____
(St) Side	_____	_____	_____	_____

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12. Exterior NA

	Building Materials:	Colors:
Roof		
Walls		
Windows/Doors		
Fascia, Trim, Etc.		

13. Loading facilities (if proposed): NA

Number & Size: _____

Location: _____

Screening: _____

14. Drainage (proposed method of on-site retention): CATCH BASINS, LARGE Retention Basin

15. Floodways and Hillsides

a. Is any portion of this property located in a Floodway or a 100-year Floodplain? NO

b. Does any portion of this parcel have slopes in excess of 15%? YES

Note: If either of the above answers to Number 15 is yes, than you will be required to submit an additional Floodplain and/or ~~Hillside application~~ and additional fee. You must submit the additional required application(s) for review at the same time as this request.

16. Airport Influence Area

Is subject site located within the Airport Influence Area? ☐ Yes ☒ No

If so, you must obtain an avigation easement from the Boise Airport Director. The easement must be obtained before the issuance of building permits.

17. Is the applicant requesting an infill P. U. D? ☐ Yes ☒ No

Applications for infill P.U.D's must include documentation that shows the site qualifies as an infill site, including:

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a. A written statement explaining why this site may qualify as an infill site.

b. A vicinity map (8½" x 11" at 1"=300' scale, available from BDC) showing:

1. The property lines of the subject lot.

2. The property lines and uses of all lots within 300' of the exterior boundaries of the subject lot.

c. Evidence (map) showing the location of sewer and water utilities.

Note: It is intended that "infill" PUDs are restricted to the City core area and generally are not applicable to parcels of land located on the periphery of the City or recently annexed lands.

CUP 07 00084

18. Street Layout

a. Review of public street layout:

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated with it special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required? ☒ Yes ☐ No

Submitted

b. Review of private street layout:

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Zoning for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required? ☐ Yes ☐ No

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Any revisions to the application must be received 14 days prior to hearing date or your application will be deferred to the next meeting.

Kerry Winn

Signature Applicant/Representative

5/29/07

Date

CUP 07 00084

Narrative
PLANO ROAD SUBDIVISION
A Foothills Development

Plano Road Subdivision is a proposed single-family residential subdivision located in the Foothills Northwest of downtown Boise located between North Collister Road and Plano Road just Northwest of Quail Ridge Subdivision. Plano Road Subdivision is located on 333 acres and has a proposed 154 single-family lots, a density of one lot per 2.18 acres. Plano Road Subdivision is being developed under the Boise Foothill Ordinance.

Developing under "The Ordinance" and "The Plan"

"The purpose of the **Foothills Planned Development Ordinance (The Ordinance)** is to implement residential subdivision density and design elements of the **Boise City Foothills Policy Plan (The Plan)** and the **Boise City Comprehensive Plan**. It is also designed to protect and promote preservation of contiguous areas of Foothills open space that contain important and significant natural and cultural resource values, as identified in The Plan and this ordinance" (Boise Municipal Code, Section 11-06-05.07.01).

We have worked diligently with the Planning & Zoning Staff, the Parks & Recreation Department, Fire Department, Public & Private Utilities and ACHD for two and a half years to comply with provisions of these documents. **With 154 lots on 333 acres (an average of one lot every 2.18 acres) Plano Road Subdivision implements a low residential subdivision density.**

The Purpose of The Plan

Although generally broader in its language and qualifications than The Ordinance, the purpose of The Plan is to, "Protect existing neighborhoods, to preserve and enhance the environmental, recreational and aesthetic values of the Foothills while allowing controlled development" (The Plan, Preface, pg. iii, para.3) The necessary primary elements in the design of Plano Road Subdivision are safety and protecting the immediate neighbors from unacceptable adverse impacts of development (The Plan, pg. 21 Goal). Grading the roads to 10% or less grade, providing a secondary access for emergency services and maintaining all surface water on-site are the required baseline components for safety for future Plano Road Subdivision residents and protecting immediate lower elevation neighbors.

Plano Road Subdivision preserves and enhances identified environmental resources located on the project by:

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2. Restoring the large sandpit scar.
3. Protecting wetlands.
4. Improving riparian areas located on the project.

Also, Plano Road Subdivision would provide a western access and improved trailhead to the 640-acre Polecat Gulch Reserve recreational area (The Plan, Intro pg. iv.6). This Reserve currently can only be accessed from Cartwright Road. The aesthetic values are preserved as much as possible in this development by minimizing the disturbance of natural vegetation and by replanting and restoring disturbed areas. Seventy Five percent (75%) or about 246 acres of the project's 333 acres will be preserved or restored to a natural state and set aside as open space. Also, home color and materials restrictions, height restrictions and mandatory setbacks from ridgeline cuts will help the Plano Road Subdivision blend into the natural terrain. **With the recommended setbacks and restrictions it will eliminate or substantially reduce the visual impacts to the neighboring subdivisions and protect homes from natural wildfires.**

Located in Boise Priority Development Area

The location of this project is compatible with the Comprehensive Plan and is **designated as a priority area for development in the Foothills**. It also has adequate access to public sewer and water facilities.

The Ordinance and Density

(Section 11-06-05.07)

The basic tenets determining density are: 1) Buildable area of 25% or less of pre-grading slope; 2) Density Bonus for buildable area left as open space; 3) Priority Open Space.

1. **Buildable area of 25% or less** of pre-grading slope (.07.04.B1; .07.09). The 25% restriction for buildable area is 5% less than traditional restrictions of 30% found in most foothill areas around the country including Salt Lake City, Denver, Phoenix and Los Angeles. Traditional engineering standards consider slopes of 30% as safe buildable terrain. This limiting factor creates a natural clustering component as well as restricting the density allowed for this project. Plano Road Subdivision has 73 total qualifying acres of 25% or less slope.
2. **Density Bonus** for buildable area left as open space (.07.04.B3). Identified buildable area left as open space creates a higher density per acre on used buildable area. Plano Road Subdivision has 25 qualifying acres of buildable area left as open space that creates Density Bonus.
3. **Priority Open Space** (.07.C). To preserve areas that exhibit at least four of 11 qualifying characteristics Bonus Density is granted for these areas. Plano Road Subdivision has 82 qualifying acres of Priority Open Space.

Qualifying for Seven of the 11 listed Priority Open Space Characteristics
(.07.04.C)

1. **Wetlands**. A Wetlands area located at the end of N. Collister Drive will be preserved following Idaho Department of Fish and Game's, "Prescription for Revegetation of Wetlands Within a Typical Southwest Idaho Stream Corridor." (For details see Ecological Designs Presence of Wetland Area and Conceptual Plan for Repair and Restoration reports.)
2. **Riparian areas**. A Riparian area located at the end of N. Collister Drive will be preserved and improved following Idaho Department of Fish and Game's, "Prescription for Revegetation of Riparian Areas Within a Typical Southwest Idaho Stream Corridor." (For details see Ecological Designs Presence of Riparian Area and Conceptual Plan for Repair and Restoration reports.)
3. **Rare plant communities**. The boundaries of Plano Road Subdivision contain a unique concentration of a rare plant species, the Aase's Onion. Rob Tiedeman, a licensed Biologist from Ecological Design and Greg Carson from Millennium Science & Engineering spent weeks qualifying, documenting and mapping the occurrence of this rare plant community. Rob has evaluated several other areas close to this property and other locals around Boise and determined that this property contains the, "Mother lode of Aase's Onions." (See Ecological Design Occurrence of Aase's Onion Report.)

   This unique location of this rare plant community will be preserved, enhanced and managed, with the consent of the Parks & Recreation Department, by the Land Trust of the Treasure Valley (Land Trust). About 150 of the 333 acres will be deeded to the Land Trust for a permanent conservancy. A preliminary management plan provided by the Land Trust is included in this application. This plan includes preservation objectives, monitoring and protection procedures that will protect and enhance this rare plant community. A roadside turnout with a permanent educational plaque will be constructed at the base of the property on N. Collister Drive to promote environmental awareness and information about the Aase's Onion. A continual endowment will be set up that will provide funding for this permanent conservancy by requiring a percentage (.25%) of each sale or resale of a lot or home in the Plano Road Subdivision be donated to the Land Trust. (Estimated at $1,500.00 - $2,500.00 for each home sale or resale)
8. **Trails and trailheads** designed in the Ada County Ridge to Rivers Pathway Plan. The Parks & Recreation Board is very desirous to provide trail and trailhead access for the public at the end of N. Collister Dr. to the 640-acre Polecat Gulch Reserve that currently can

only be accessed from Cartwright Road. This new access will be enhanced with the construction of a public road and a proposed railhead parking lot.

9. **Other public trails and trailheads** as recommended by Boise City Planning & Zoning. A public trail with access to the Polecat Gulch Reserve from Plano Road is part of the project design.
10. **Land adjacent to publicly held open spaces.** This project borders and allows access to the Polecat Gulch Reserve.
11. **Lands adjacent to areas that are, or have the potential to be, designated and set aside as public open space land in accordance with the provisions of this ordinance.** The entire north side of this project has the potential to be or have large corridors of open space or trails designated that connect to other public open spaces as a result of this ordinance in order to obtain bonus density for future development.

Qualifying for Three of the Four Characteristics for Determining Demonstrable Increase in Public Value of Priority Open Space + One (.07.04.C)

Also, a qualifying criteria for allowing density bonus is a, "Demonstrable increase in public value." Four main criteria are listed though not limited to these four criteria. "The Planning and Zoning Commission determine the Priority Open Space based on the degree to which it meets or exceeds these criteria...with input from the Parks and Recreation Board" (See also .07.09 Priority Open Space).

1. **Allowance for public access.** Trail and trailhead access through this project to the Polecat Gulch Reserve off N. Collister Drive and Plano Road.
2. **Protection from alteration of important vegetation,** ...that could otherwise occur from a permitted use such as mining, grazing or construction of utilities or infrastructure. Through management of the Land Trust and Plano Road CC&R's the unique concentration of Aase's Onions that is considered by the Natural Heritage Program and Conservation Data Center to be both a global and state rare species and the U.S. Bureau of Land Management as an imperiled species, will be protected from future sand removal, possible grazing or human degradation. Also, the presence of this rare plant community and its effects towards Bonus Density negates the need to transfer density from the Polecat Gulch Reserve to obtain public access to the Reserve.
3. **Dedication or discounted sale to a willing public agency.** In cooperation with the Parks & Recreation Board about 150 acres will be dedicated for a permanent conservancy (.07.07.3).

+ One. **An added public benefit** will be the restoration of a sand pit that has been mined over the past several years creating a large scar that is readily noticed across many parts of the Treasure Valley. Not only has sand mining been stopped but this project will restore that area to a pre-mining appearance. This restoration will also provide the means

where cut and fill materials will be balanced and will not be transported or removed from the property.

Based on the provisions of The Ordinance and The Plan and working with the Planning & Zoning Staff, Plano Road Subdivision qualifies for 163 new building lots. The submitted layout contains 154 building lots.

Summary

We believe that Plano Road Subdivision accomplishes, "...preserving and enhancing the community's quality of life values while allowing for controlled development" (The Plan, Intro, pg. iii). Development under The Ordinance can work if Planning & Zoning Staff, Public Agencies and Developer work together. Because of The Ordinance, Plano Road Subdivision protects and enhances environmental and recreational opportunities for the entire community it otherwise would not have considered.

We acknowledge that there will be added traffic and the subdivision will be visible. However, the added traffic is well within current capacities (See Traffic Study by Dobie Engineering) and $3,400.00 per lot will be paid to ACHD for impact fees for future improvements (154 lots X $3,400.00 = $523,600.00). By working with the Planning & Zoning Staff we have mitigated the subdivisions visibility and appearance to blend into the natural terrain by:

1. Clustering homes
2. Requiring ridgeline setbacks
3. Home height restrictions
4. Home color and material limitations
5. Carefully selected road alignments
6. Preserving natural open space corridors to connect existing open space on each side of the ridgeline.

The neighboring Quail Ridge Subdivision was developed prior to the current ordinance restrictions and has 176 lots on 250 acres. If compared to Quail Ridge Subdivision, The Ordinance's effect on Plano Road Subdivision is a reduction of 80 building lots, a 37% reduction in grading as well as providing the afore mentioned public, environmental and aesthetic benefits. Most of the homes will only be located along one side of the streets rather than the double-sided street alignment found in the Quail Ridge Subdivision.

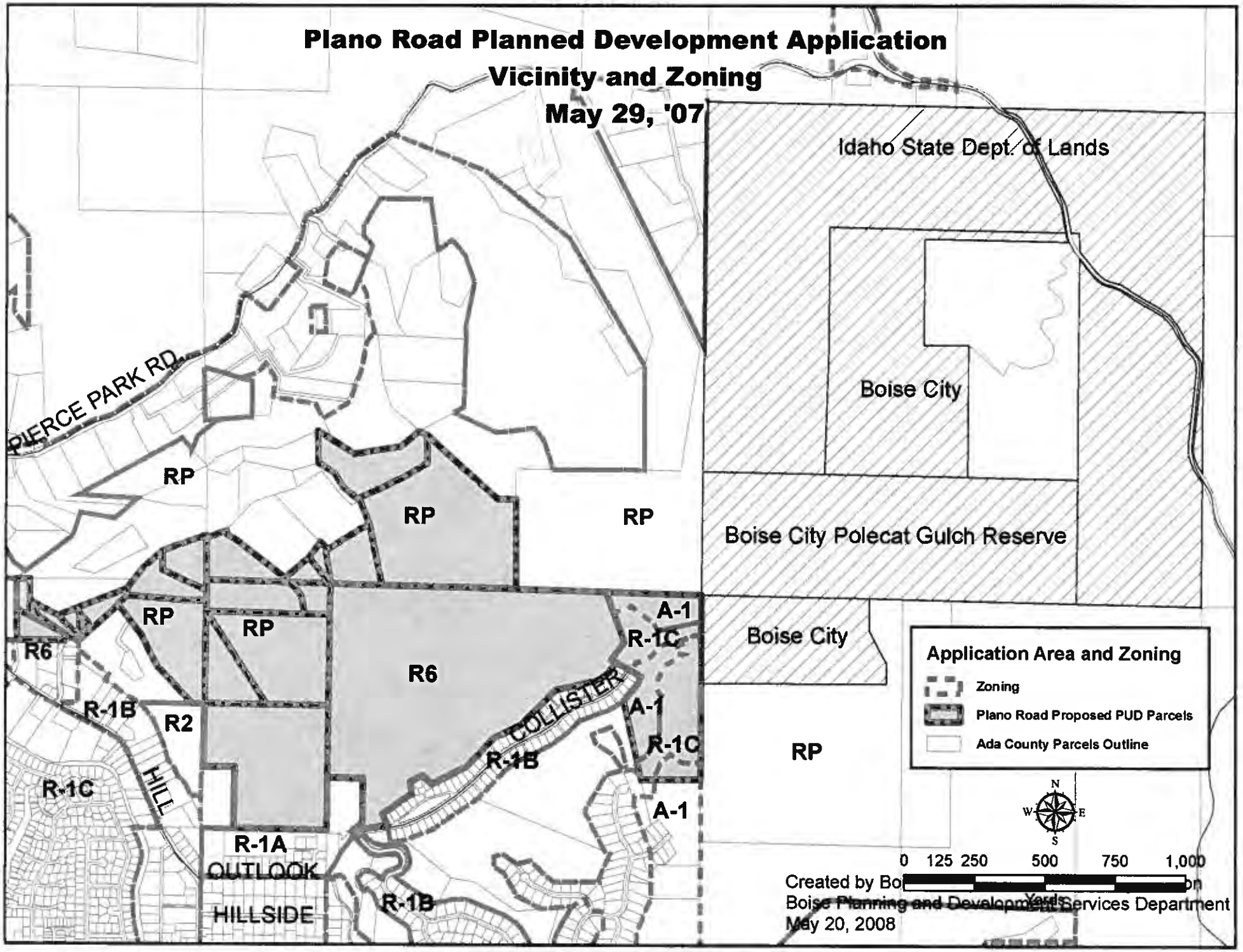
We are appreciative of the Planning & Zoning Staff's time, effort and support they have afforded us in this project's development. It has taken the previous two and a half years of adjusting, readjusting and readjusting again to arrive at "... a plan that balances the economic and environmental components of quality of life and satisfies a broad cross-section of community interests" (The Plan, Intro, pg. iii). Plano Road Subdivision will truly be an added gem to Boise City.

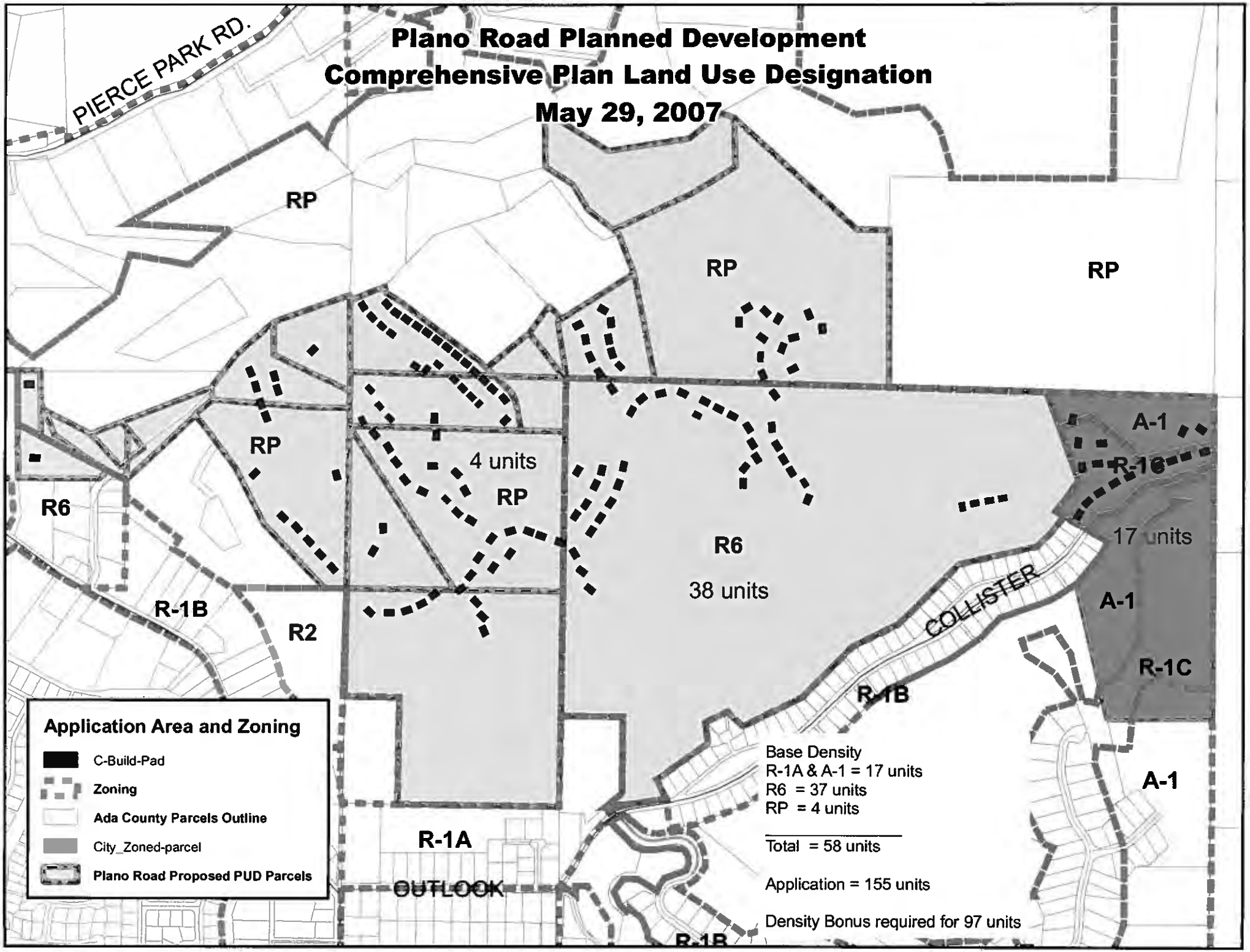
KEY MAP
SCALE: 1" = 4000'

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CAR 07 00042


Plano Road Planned Development Application
Vicinity and Zoning
May 29, '07
Idaho State Dept. of Lands
Boise City
Boise City Polecat Gulch Reserve
Boise City
PIERCE PARK RD.
RP
RP
RP
RP
RP
RP
R6
R6
A-1
R-1C
A-1
R-1C
A-1
R-1B
R2
R-1C
HILL
COLLISTER
R-1B
R-1A
OUTLOOK
HILLSIDE
R-1B
Application Area and Zoning
Zoning
Plano Road Proposed PUD Parcels
Ada County Parcels Outline
N
W
E
S
0 125 250 500 750 1,000
Yards
Created by Boise Planning and Development Services Department
May 20, 2008


Plano Road Planned Development
Comprehensive Plan Land Use Designation
May 29, 2007
PIERCE PARK RD.
RP
RP
RP
RP
RP
4 units
RP
R6
R6
38 units
A-1
R-1C
17 units
A-1
R-1B
R2
COLLISTER
R-1B
R-1A
OUTLOOK
R-1B
A-1
Application Area and Zoning
C-Build-Pad
Zoning
Ada County Parcels Outline
City_Zoned-parcel
Plano Road Proposed PUD Parcels
Base Density
R-1A & A-1 = 17 units
R6 = 37 units
RP = 4 units
Total = 58 units
Application = 155 units
Density Bonus required for 97 units

NEW INFO

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.

NEW INFO

PLANO ROAD DENSITY CALCULATIONS

Buildable acres of 25% or less slope = 73.08 acres (21% of 332.75 total acres)

163 LOT PLAN

73.08 acres = 24.65 buildable acres left as open space; 48.43 acres used for lots

Base Density	155 lots
Density Bonus only (24.65 X .75, per Density Bonus Formula)	19 lots
(24.65 acres = 33% of buildable acres left as open space)	174 lots

Priority Open Space; Density Bonus calculation is not necessary for this 163 lot proposal.

NEW INFO

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: 15%

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.

plano road development

site plan

NEW INFO

NORTH

0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

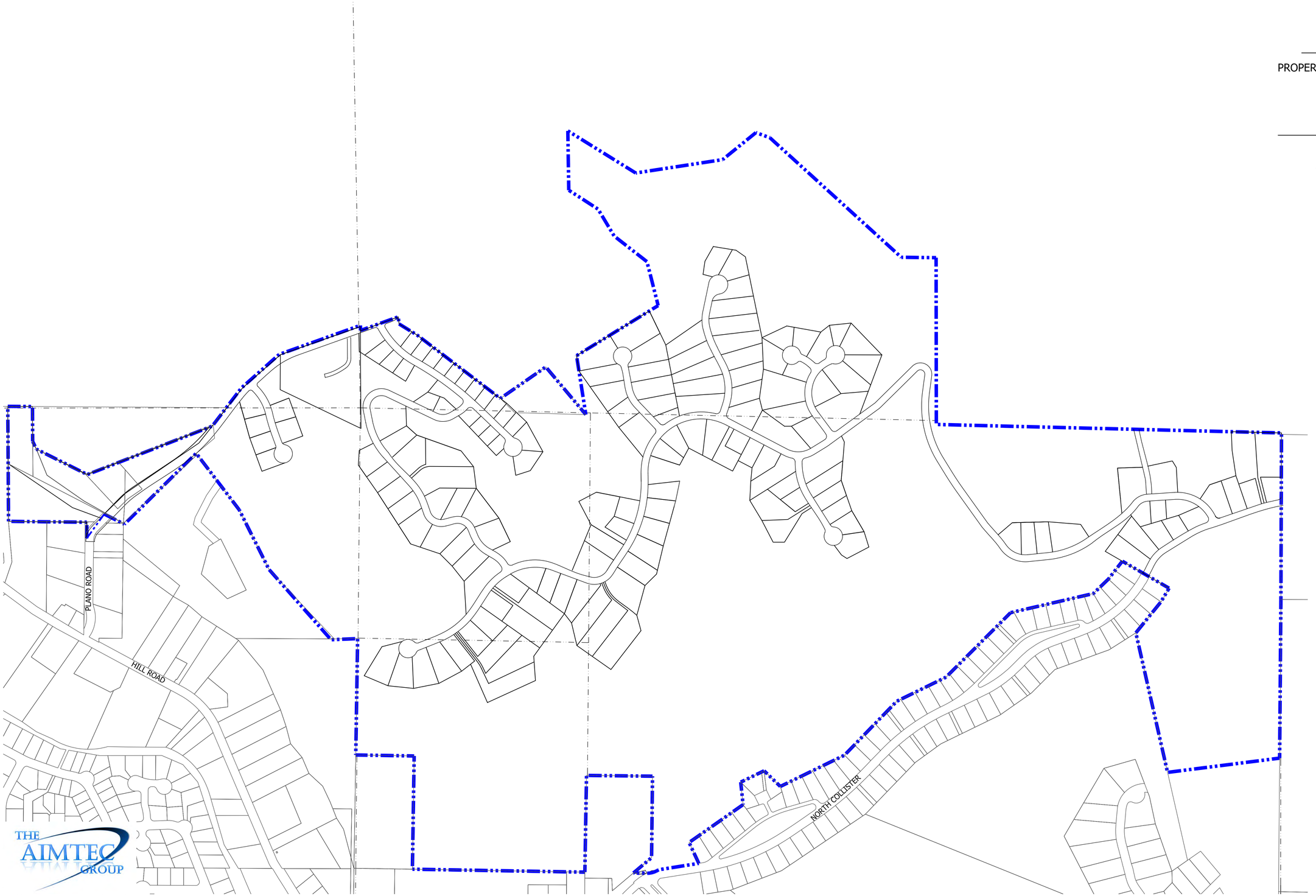
7-30-2009

LEGEND

PROPERTY BOUNDARY

SITE SUMMARY

TOTAL AREA	332.75 AC
TOTAL UNITS	163



THE AIMTEC GROUP

plano road development

ZONING MAP

NEW INFO

NORTH

0 125 250 500 750

HORIZONTAL SCALE: 1" (INCH) = 250' (FEET)

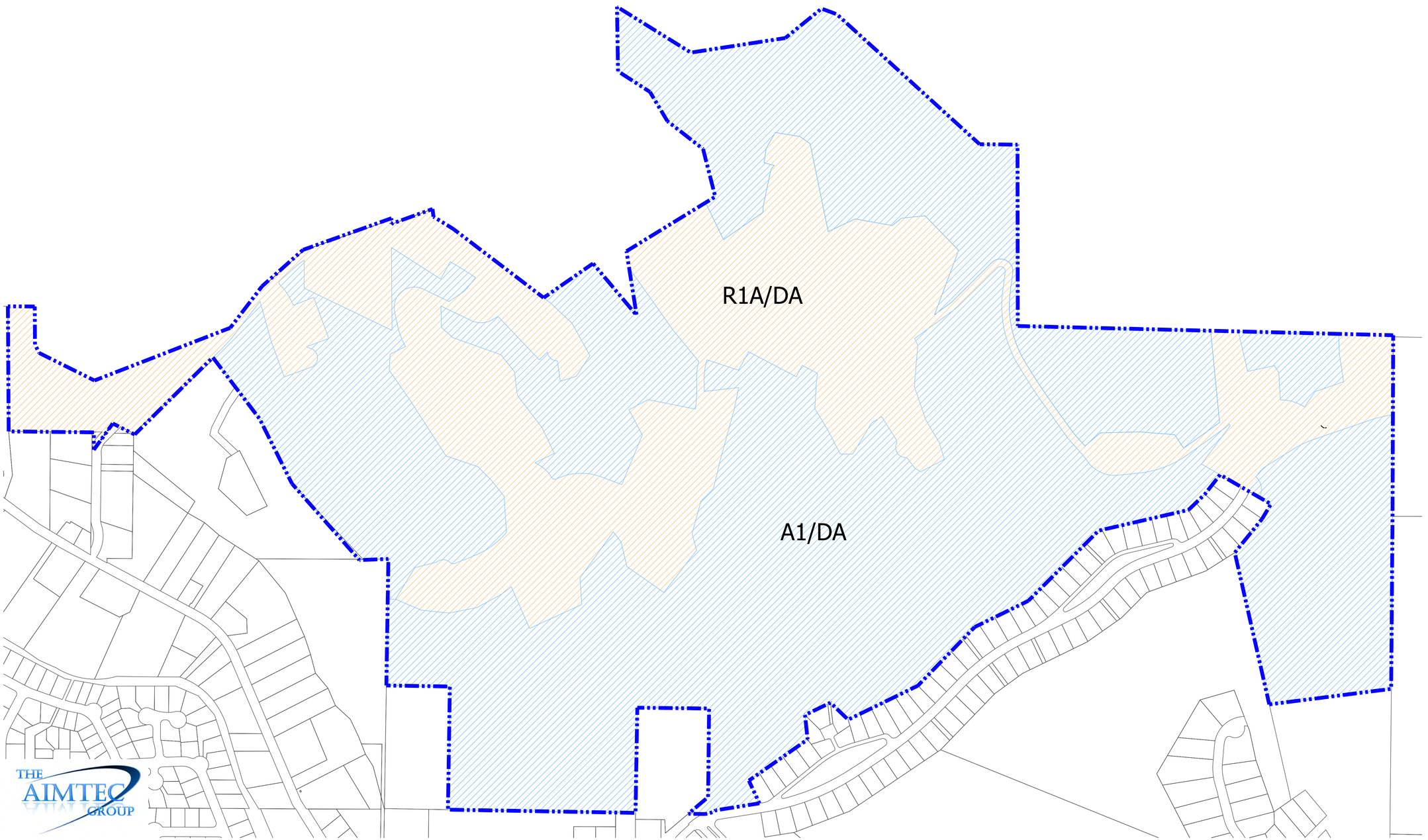
7-30-2009

LEGEND

PROPERTY BOUNDARY

R1A/DA

A1/DA



THE AIMTEC GROUP

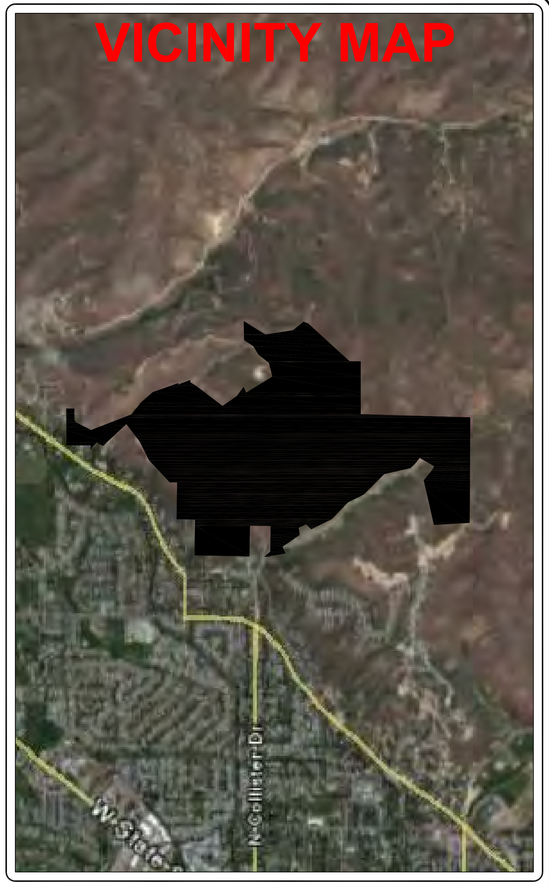
NEW INFO

PLANO ROAD

HILL ROAD

COLLISTER DRIVE

VICINITY MAP



Used 25%		
A	23,606.32 sf	0.54
B	41,317.09 sf	0.95
C	17,528.41 sf	0.40
D	82,779.98 sf	1.90
E	11,118.68 sf	0.26
F	221,364.93 sf	5.08
G	654,529.49 sf	15.03
H	13,880.00 sf	0.32
I	35,416.00 sf	0.81
J	31,173.00 sf	0.72
K	633,452.00 sf	14.54
L	71,230.64 sf	1.64
M	272,018.04 sf	6.24
2,109,414.58 Total sf		48.43 Ac

Not Used 25%		
A	11,283.36 sf	0.26
B	192,413.20 sf	4.42
C	1,850.75 sf	0.04
D	17,616.84 sf	0.40
E	6,614.43 sf	0.15
F	1,014.51 sf	0.02
G	8,857.00 sf	0.20
H	57,693.00 sf	1.32
I	2,485.00 sf	0.06
J	109,367.00 sf	2.51
K	16,413.43 sf	0.38
L	13,557.80 sf	0.31
M	19,016.89 sf	0.44
N	6,177.06 sf	0.14
O	7,326.00 sf	0.17
P	3,705.33 sf	0.09
Q	5,105.86 sf	0.12
R	10,119.98 sf	0.23
S	11,396.00 sf	0.26
T	98,465.00 sf	2.26
U	12,314.49 sf	0.28
V	56,631.00 sf	1.30
W	17,551.11 sf	0.40
X	3,251.24 sf	0.07
Y	4,734.61 sf	0.11
Z	5,848.10 sf	0.13
A1	16,421.89 sf	0.38
A2	7,240.37 sf	0.17
A3	53,806.12 sf	1.24
A4	57,638.72 sf	1.32
A5	165,674.31 sf	3.80
A6	71,997.16 sf	1.65
1,073,587.56 Total sf		24.65 Ac

Aase's Onions				
1	32,683.81 sf	0.75	28	33,633.73 sf	0.77
2	67,420.88 sf	1.55	29	12,705.58 sf	0.29
3	4,323.93 sf	0.10	30	47,738.15 sf	1.10
4	21,077.10 sf	0.48	31	2,202.50 sf	0.05
5	11,813.73 sf	0.27	32	3,201.98 sf	0.07
6	9,876.36 sf	0.23	33	47,364.70 sf	1.09
7	18,082.01 sf	0.42	34	25,201.23 sf	0.58
8	8,501.58 sf	0.20	35	22,016.98 sf	0.51
9	1,911.64 sf	0.04	36	4,477.06 sf	0.10
10	496,304.60 sf	11.39	37	159,249.63 sf	3.66
11	22,210.90 sf	0.51	38	19,397.70 sf	0.45
12	8,410.75 sf	0.19	39	19,615.79 sf	0.45
13	15,887.85 sf	0.36	40	87,456.50 sf	2.01
14	12,062.54 sf	0.28	41	414,955.32 sf	9.53
15	4,148.68 sf	0.10	42	93,985.35 sf	2.16
16	26,380.84 sf	0.61	43	19,585.03 sf	0.45
17	272,586.64 sf	6.26	44	28,993.39 sf	0.67
18	3,431.09 sf	0.08	1	91,403.96 sf	2.10
19	787,699.42 sf	18.08	2	26,951.20 sf	0.62
20	12,864.37 sf	0.30	3	112,586.56 sf	2.58
21	7,674.97 sf	0.18	4	1,391.18 sf	0.03
22	212,553.69 sf	4.88	5	63,330.55 sf	1.45
23	40,515.16 sf	0.93	6	15,402.26 sf	0.35
24	15,405.32 sf	0.35	7	872.44 sf	0.02
25	62,339.43 sf	1.43	8	4,724.68 sf	0.11
26	16,288.25 sf	0.37	9	4,472.70 sf	0.10
27	11,116.48 sf	0.26	10	1,318.87 sf	0.03
	3,567,806.54 Total sf			81.91 Ac

Used Area < 25%	48.43 Ac
Not Used Area < 25%	24.65 Ac
Aase's Onion Fields	81.91 Ac
Total Acres	154.98 Ac
Total Acreage of Property	332.75 Ac
Total Onion Concervancy	152.70 Ac
Total Lots (including 2 exisitng homes)	163 Lots

NOTES

1) All Aase's Onion Fields are Observed by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc.

stewart land group
REAL ESTATE SERVICES
6995 So. Union Park Ave #360 Midvale, UT 84047
phone: (801) 263-9126 fax: (801) 263-9187

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE
300 0 150 300 600 1200
(IN FEET)
1 inch = 300 ft.

SLG NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	7/28/2009	7/28/2009

LEGEND

- # Used Area > 25%
- # Not Used > 25%
- # Ecological Design Onion Fields
- # Onion Fields
- # Onion Conservancy
- Conceptual
- Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild land Urban Fire Interface

SHEET NO. 1 OF 1

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500
Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

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Hillside & Foothills Development Application

This box for office use only

File #: CFH07-00022 Fee: 2117

Cross Referenced File(s): CUP07-00084, CAZ07-00042 Zone(s): RP

Are Pre-Application materials attached? ☐ Yes ☐ No

This application is a request to construct, add or change the use of the property as follows:

category II - 148 dwelling unit

Applicant Information

Applicant: AGASES CANYON POINT DEVELOPMENT, LLC / CAPITAL DEVELOPMENT Phone: (801) 924-1777 / 377-3939

☒ Owner ☐ Purchaser ☐ Lessee

Applicant's Address: 3750 W 500 S., SALT LAKE CITY, UT / 6200 N MEEKER PL, BOISE, ID Zip: 84104 / 83713

Agent/Representative: STEWART LAND GROUP Phone: (801) 263-9126

Agent/Representative's Address: 6995 S. UNION PARK CTR Zip: 84047

Contact Person (if different from above): KERRY WINN Phone: (801) 573-7205 (CELL)

Property Information

Address and Location of Property: 6890 ~~6996~~ NORTH PLANO ROAD, BOISE

Mapping Division must initial here ____ to signify address verification.

Property Description (either Lot, Block and Subdivision name or recorded deed with metes and bounds description):

See attached legal descriptions and preliminary plat.

CFH 07 00022

Parcel Number: R1064015?8, R1193090023; R1061034691(1); R1061034691(2); ~~R2855000~~ R1060504?5

Quarter: NW1/4 NW1/4 Section: 20, 19, 18 Township: 4N Range: 2E

SW 17 4N 2E

S0618449275 SE 4 18 4N 2E

R1061727?? 4N 2E

4/05

General Submittal Requirements

Category 1: Single lot, Single Family Residential Development

Shall apply to all requests for exterior additions to existing structures; or for new construction; or for grading on any lot(s) or parcel(s) involving significant modification of the approved topography; or for retaining walls which exceed the parameters described in the Hillside Ordinance (11-14-3.1A).

☐ 1. (1) A detailed letter of explanation or justification for the application *is recommended.*

☐ 2. (1) Affidavit of Legal Interest (use attached form).

☑ 3. (1) Current Vicinity Map (8½" x 11") at 1" = 300' scale, showing location and current zoning of the property. Map is available from the PDS Mapping Division. Indicate the location of your property on map.

☐ 4. (3 +1) Detailed Site Plans including existing site conditions and plan for grading and drainage developed by a licensed professional engineer registered in the State of Idaho (Three copies and one 8½" x 11" reduction) showing:

a. All existing structures which will remain, labeled as to existing and proposed uses.
b. All proposed structures, labeled as to use.
c. North Arrow
d. Scale
e. Property boundary
f. Names of applicant, plan preparer, and project name
g. Size of parcel (acres or square feet)
h. Existing vegetation, labeled as to remain or be removed
i. Drainage features

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Existing site conditions:

1. Existing contours of property using two foot intervals
2. Location of any existing buildings, structures, rock outcrops and other visual features on the property where the work is to be performed, and on land of adjacent owners within 100' of the property *or* which may be affected by the proposed grading operations.

Grading and Drainage Features:

1. Elevations and finished contours to be achieved by the grading using two foot intervals.
2. Retaining walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of the proposed work.
3. Approximate location of all surface and subsurface drainage devices.
4. Proposed contours which depict the drainage area(s), the complete drainage network, including outfall lines and natural drainage ways which may be affected by the project.

☐ 5. (1) Soils report.

☐ 6. (1) House plans. NA

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General Submittal Requirements
Category II

☐ 1. (1) Affidavit of Legal Interest (use attached form).

☑ 2. (1) Written legal description of the property.

☑ 3. (1) Current Vicinity Map (8½" x 11") at 1" = 300' scale, showing location and current zoning of the property. Map is available from the PDS Mapping Division. Indicate the location of your property on map.

☑ 4. (3 +1) Detailed Site Plans (Three copies and one 8½" x 11" reduction) showing: Preliminary Plat

- ✓ a. All existing structures which will remain, labeled as to existing and proposed uses. One House to remain - Only sewer main.
- ✓ b. All proposed structures, labeled as to use. None
- ✓ c. North Arrow
- ✓ d. Scale
- ✓ e. Property boundary
- ✓ f. Names of applicant, plan preparer, and project name
- ✓ g. Size of parcel (acres or square feet)
- ✓ h. Existing vegetation, labeled as to remain or be removed Minimize Disturbance See Revegetation Plan and Erozion Control Plan Limit of Disturbance
- ✓ i. Locations, widths and surface types of existing and proposed streets
- ✓ j. Locations of widths of rights-of-way, easements, canals, ditches and subdivision lines
- ✓ k. Location and sizes of all lots and common areas
- ✓ l. Drainage features
- NA ~~m. Pedestrian paths~~
- ✓ n. Proposed lighting location and types
- NA o. Building plans and elevations

☑ 5. (1) Projects that require conditional use review must submit a conditional use application with this request (Section 11-14-3.1).

Note: If a Conditional Use is to be reviewed concurrently with this application, then 1-5 do not need to be submitted. They will be submitted with the Conditional Use application.

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☐ 6. (1) This is a request for a (check appropriate box):

- ☑ Detailed Category II Review
- ☐ Conceptual Category II Review
- ☐ Modification

* letter from State

CFH 07 00022

Route Plan for Hillside Properties

Your lot is located within a hillside area, and as such, it is subject to the Hillside Ordinance. A public hearing may be required. If so, you will be notified and required to submit a hillside application with Planning & Development Services. At this time, however, all information identified on the Building Division supplemental application for hillside projects must be provided.

Lot: _____ **Block:** _____ **Subdivision:** _____

Street Address: _____

Builder/Applicant: _____

The following is to be completed by the City.

Step		Date	Initials
1.	**Category I, II, or III? Public Works Department Comments:**	_____	_____
	_____		
	_____		
	_____		
	* Do plans require resubmittal? ☐ Yes ☐ No		
	Resubmittal of plans must include:		
	_____		
	_____		
	_____		
	* Category III permits may go directly to step 6 below.		
2.	**Submittal of Hillside Application** File # _____ **X-Ref File:** _____	_____	_____
3.	**The application was ☐ Approved ☐ Denied**	_____	_____
4.	**Has the application been appealed? ☐ Yes ☐ No**	_____	_____
5.	**Outcome of appeal:**	_____	_____
	_____		
	_____		
	_____		
6.	**Final Approval of Building Plans:**		
	a. Public Works Department	_____	_____
	b. Planning Division	_____	_____
	c. Building Division	_____	_____

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Specific General Submittal Requirements
Category II

Detailed Category II: Shall apply to all requests for conditional use permits, preliminary subdivision plats, or for grading on any lot(s) involving modification of the approved topography that is beyond that allowed under Categories I and III Permits (11-14-3.1B). **Must provide two (2) copies of each report** - one copy must be sent to Public Works Department.

1. The project engineer shall submit a detailed statement of how the soils, geology, hydrology and re-vegetation studies are incorporated into the grading and drainage plans. See Hydrological + Engineer Report
2. A preliminary plan for erosion control.

The following, per Section 11-14-15 of the Hillside Ordinance, is required and shall be developed by a licensed professional engineer registered in the State of Idaho. **The plans may not be combined**. Separate drawings for the "existing site plan" and "proposed grading and drainage plan" shall be submitted.

3. Existing site conditions (three copies, not smaller than 1" = 100') showing: → See Preliminary Plat
   - a. Property lines
   - b. Existing contours of property (two foot intervals)
   - c. Location of any existing building, structures, rock outcrops and other visual features on the property where the work is to be performed, and on land of adjacent owners within 100' of the property, or which may be affected by the proposed grading operations.

4. Grading and drainage plans (three copies, not smaller than 1" = 100') showing:
   - a. Property Lines
   - b. Proposed elevations at lot corners
   - c. Proposed elevations at 100' maximum intervals along centerline of street
   - d. Elevations and finished contours to be achieved by the grading
   - e. All proposed buildings (PADS)
   - f. Approximate limiting dimensions
   - g. Delineation of cut and fill areas
   - h. Cross sections of both cut and fill slopes
   - i. Retaining walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of the proposed work.
   - j. Approximate location of all surface and subsurface drainage devices
   - k. Proposed contours which depict the drainage area(s), the complete drainage network, including outfall lines and natural drainage ways which may be affected by the project.

See Grading + Erosion Control Plan
Limits of Disturbance

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5. Estimated runoff in cubic feet per second (c.f.s.) of the area served by the drains: Hydrologic See Drainage Engineers Report

Drain # 1: _____ Drain # 4: _____

Drain # 2: _____ Drain # 5: _____

Drain # 3: _____ Drain # 6: _____

Other: (Please specify): _____

_____

_____

_____

6. Soils engineering report (per 11-14-5A). SUBMITTED

7. Geological engineering report (per 11-14-5B). SUBMITTED

8. Hydrological engineering report (per 11-14-5C). SUBMITTED WITH DRAINAGE REPORT

9. Revegetation plan (per 11-14-5E). DAVE KOSA

Note: It shall be the responsibility of the developer to ensure that the project engineer incorporates into the grading and drainage plans all appropriate recommendations contained in the soils, geology, hydrology and revegetation reports (per 11-14-6B3).

Conceptual Category II

1. Is the subject property zoned for the intended use? ☐ Yes ☑ No
   If not, then this application must be accompanied by a request for rezoning to the appropriate district (per 11-14-3.6B).

✓2. Conceptual plans shall include generalized plans and reports for site, drainage, grading, soils, hydrology, geology, revegetation and utility service.

Modification

1. General submittal requirements

2. Two sets of reports and plans which explain the proposed modifications.

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Kerry Wm
Applicant/Representative's Signature

5/28/07
Date

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"EXHIBIT A"

LEGAL DESCRIPTION FOR
BOISE FOOTHILLS
BOUNDARY

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 Section 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

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CFH 07 00022

distance of 161.55 feet);
South 44°46'32" East a distance of 5.00 feet;
thence leaving said boundary of Briarhill Subdivision No.2 South 45°13'28" West a distance of 47.08 feet;
thence along a curve to the left with a radius of 566.92 feet and a central angle of 19°40'00" an arc length of 194.59 feet (with a chord bearing of South 35°23'28" West, and a chord distance of 193.64 feet);
thence leaving said right-of-way North 01°30'58" West a distance of 205.50 feet;
thence South 89°31'28" East a distance of 20.00 feet;
thence South 02°56'51" East a distance of 70.87 feet;
thence North 49°26'32" East a distance of 294.50 feet;
thence North 00°26'32" East a distance of 467.52 feet;
thence North 89°31'28" West a distance of 379.35 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 20;
thence along said East line South 00°27'54" West a distance of 555.61 feet to the Center West 1/16 corner of said Section 20;
thence along the South line of said Southwest 1/4 of the Northwest 1/4 also being the North boundary line of Outlook Heights Subdivision, Book 60, Pages 6040-6041, North 89°01'58" West a distance of 990.48 feet;
thence leavings said South line and North boundary North 00°33'13" East a distance of 650.00 feet;
thence North 89°01'58" West a distance of 335.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4;
thence along said West line of said Section 20 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 North 49°31'17" East a distance of 137.00 feet;
thence North 04°31'21" West a distance of 75.07 feet;
thence North 37°23'37" East a distance of 270.62 feet;
thence North 48°22'55" East a distance of 289.89 feet;
thence North 70°19'31" East a distance of 495.60 feet;
thence South 00°07'29" West a distance of 29.42 feet;
thence North 68°30'00" East a distance of 224.53 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 16, 17, 19 and 20 bears North 88°43'54" West a distance of 1321.22 feet;

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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 14,108,404 square feet or 323.88 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 1
Nampa, Idaho 83651
(208) 465-5687

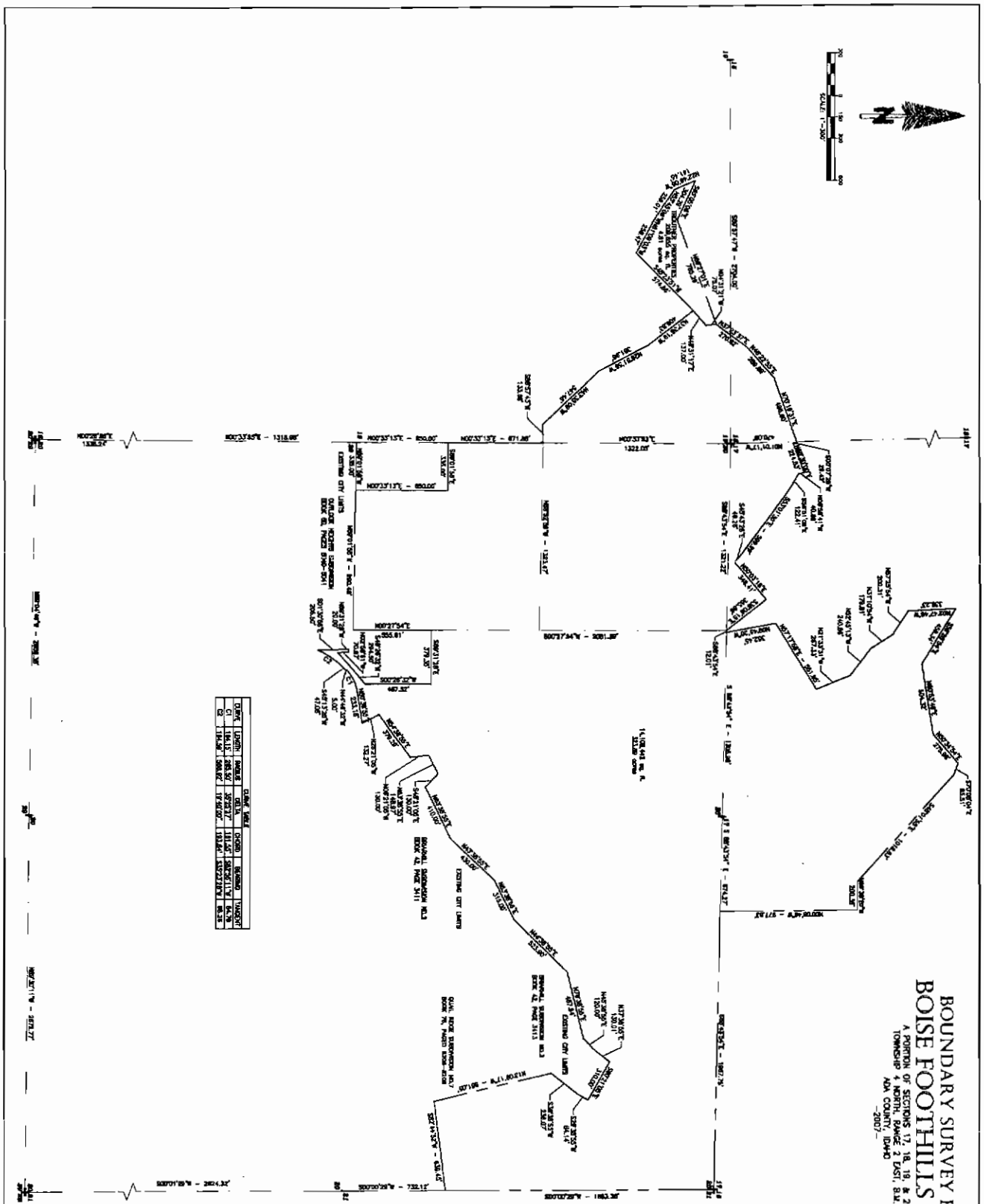
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SERVICES

6/18/15

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BOUNDARY SURVEY FOR
BOISE FOOTHILLS SUB

A PORTION OF SECTIONS 17, 18, 19 & 20
TOWNSHIP 4 NORTH, RANGE 2 EAST, B.M.
ADA COUNTY, IDAHO
-2007-

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NO.	DATE	BY	DESCRIPTION
1	1-25-07	RJB	ANNEXATION AND CORRECTIONS TO BOUNDARY

REVISIONS

BOISE FOOTHILLS SUB
BOISE, IDAHO

OWNER DEVELOPER:
AASES CANYON POINT DEVELOPMENT
3750 WEST 900 SOUTH
SALT LAKE CITY, UT 84104
CONTACT: RICH WOLPER (801) 934-1777

BOUNDARY SURVEY FOR
AASES CANYON POINT
DEVELOPMENT

AASES CANYON POINT DEVELOPMENT
06113 — BOISE FOOTHILLS BOUNDARY 1-25-07.DWG
REVIEWED: RBJ&H — DRAWN: ALH — CHECKED: RJH — 4/24/07

TIMBERLINE SURVEYING

SCALE: 1" = 300'

SHEET 1 OF 1

CFH 07 00022

STRATA

GEOTECHNICAL ENGINEERING & MATERIALS TESTING

Integrity from the Ground Up

May 29, 2007
File: AASCAN B07039A

Mr. Kerry Winn
Aase's Canyon Point Development, LLC
3750 West 500 South
Salt Lake City, UT 84104

RE: **LETTER**
Preliminary Soil and Geologic Evaluation
Plano Road Subdivision
Hill Road and Collister Road
Boise, Idaho

Dear Mr. Winn:

STRATA, Inc. is presently finalizing our preliminary soil and geologic evaluation for the planning phase and preliminary platting of the proposed Plano Road Subdivision to be located north and west of the intersection of Hill Road and Collister Road in north Boise, Idaho. Our services are presently being accomplished referencing conversations with Mr. James Woodruff of Azumuth Engineering and referencing our proposal dated February 21, 2007.

Our preliminary report will summarize the results of our research, geologic reconnaissance, geologic hazards evaluation, and preliminary geotechnical planning recommendations for proposed project infrastructure. The purpose of our services is to provide understanding of the site/subsurface conditions relative to the project concept. Our report, once finalized, will present the important factors we currently believe that should be considered from a geotechnical standpoint at this stage in the project development.

Once project concept planning is nearly complete, further geotechnical evaluation will be required based on a more defined project scope. These services will be required by the City of Boise to address geotechnical issues to assist in completion of final planning, design, and construction of the project infrastructure. Lot-specific evaluation will also be required by the City of Boise to be performed as each lot development plan is proposed.

We plan to publish our completed report on or about June 5, 2007. We appreciate the opportunity to work with you on this project. We remain available to assist the design and development team as the project evolves. Please do not hesitate to contact us if you have any questions or comments.

Sincerely,
STRATA, Inc.

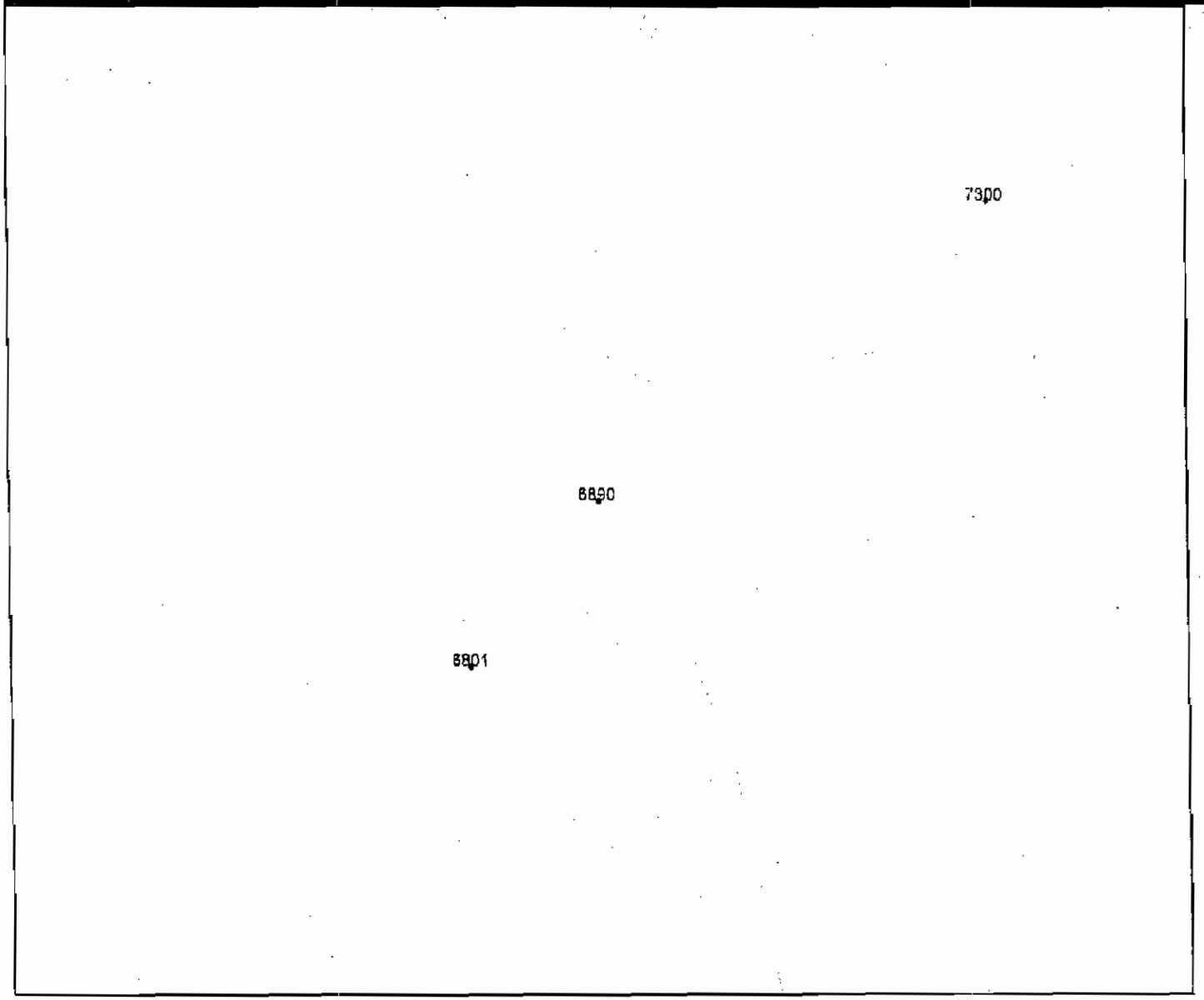
Michael G. Woodworth, P.E.
Design Geotechnical Engineer

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6890 N PLANO LN

BOISE 83703



300 0 300 600 900 1200 Feet

CH 07 00022

Parcel Information

Parcel:
S0617315000

Parcel Owner(s):
LITTLE GARY R
LITTLE DEBORAH A

Parcel Acres:
10.400

Municipal Information

City Limits:
ADA COUNTY

Area of Impact:
BOISE

Planning Information

Zoning:
RP

Subdivision:

Block:
1

Lot:
0

Township/Range/Section:
4N2E17

Hillside:
True

Floodplain:
None

Sewer Availability:

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N

http://www.cityofboise.org/

This drawing is to be used for reference purposes: Boise City is not responsible for any inaccuracies herein contained.

Map generated on 5/29/2007

Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Kelly E. TROUTNER, 2275 Continental
Name **Address**

Meridian, Idaho
City **State**

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (6995 S. UNION PARK CENTER #360, MIDVALE, UT 84047)
Name Address
to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 29th day of May, 2007

Signature

Subscribed and sworn to before me the day and year first above written.

CFH 07 00022

ROGER CLUBB NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho

Residing at: Boise Idaho

My commission expires: 12/28/2012

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Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Perry Harding (Name), P.O Box 1839 (Address),
Boise (City), Idaho 83701 (State)

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to Stewart Land Group (Name) 6995 S. Union Park Center #360, Midvale, UT (Address) 84047 to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 25 day of May, 2007

Perry Harding
Signature

Subscribed and sworn to before me the day and year first above written.

Ronni Christianson
Notary Public for Idaho

CFH 07 00022

Residing at: Boise

My commission expires: 6-30-2011

RONNI CHRISTIANSON NOTARY PUBLIC STATE OF IDAHO

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Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, ANDY + KATHY COVER, 6296 PLANO LN
Name **Address**

BOISE, ID
City **State**

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (Name) 6995 S. UNION PARK CENTER #360, MIDVALE, UT (Address) 84047 to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 22 day of MAY, 2007

Signature Kathy Cover

Subscribed and sworn to before me the day and year first above written.

Eva Farnlund
Notary Public for Idaho

Residing at: Boise

My commission expires: 3-9-2010

EVA FARNLUND NOTARY PUBLIC STATE OF IDAHO

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Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of Idaho)
) ss
County of Ada)

I, Ramon Yorgason (**Name**), 6200 N. Meeker Pl. (**Address**)

Boise (**City**), Idaho 83713 (**State**)

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (**Name**) 6995 S. UNION PARK CENTER #360, MIDVALE, UT (**Address**) 84047 to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 29th day of May, 2007

Ramon Yorgason
Signature

Subscribed and sworn to before me the day and year first above written.

Cara Graybill
Notary Public for Idaho

CARA GRAYBILL NOTARY PUBLIC STATE OF IDAHO

Residing at: Boise, Idaho

My commission expires: June 8, 2012

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Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Affidavit of Legal Interest

State of ~~Idaho~~ Utah)
) ss
County of ~~Ada~~) Salt Lake

I, Aase's Canyon Pointe Development (Name), 3750 W. 500 South (Address)

Salt Lake City (City), Utah (State)

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to STEWART LAND GROUP (Name) 6995 S. UNION PARK CENTER #360, MIDVALE, UT 84047 (Address) to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 21st day of May, 2007

Signature

Subscribed and sworn to before me the day and year first above written.

Notary Public
BROOKE A. GORDON
142 East Spyglass Drive
Tooele, Utah 84074
My Commission Expires
November 17, 2008
State of Utah

Brooke A. Gordon
Notary Public for ~~Idaho~~ Utah

Residing at: Tooele, Utah

My commission expires: 11/17/08

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CAPITAL DEVELOPMENT, Inc.

6200 N. Meeker Place, Boise, Idaho 83713

Phone: 208-377-3939
Fax: 208-375-3271
Email: capdev@cableone.net

May 29, 2007 4:33 PM

Fax Cover Sheet

Send to:	David Moser	**From:**	Cara Parker
Office:	City of Boise P&Z	**Office:**	Capital Development
Fax number:	384-3753	**Re:**	
cc:			

☐ Urgent ☐ Reply ASAP ☐ For Your Review ☐ As Requested ☐ FYI

Total Pages (including cover): 3

Comments:

Copy of invitation to the Plano Subdivision neighborhood meeting, including map

If you do not receive all pages, please call as soon as possible. Thank you!

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CAPITAL DEVELOPMENT, Inc.

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April 30, 2007

Dear Resident,

Boise City Code requires an opportunity for a meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located. This meeting is to be provided prior to formal submittal of the development application to the City. This letter is such notice of an opportunity to review and discuss Plano Lane Subdivision. This is not a public hearing; public officials will not be present. (If you have any questions regarding this Boise City Code neighborhood pre-application meeting requirement, please contact the Planning Division of the Planning & Development Services Department at 384-3830.)

Purpose: To review and provide comments regarding Plano Lane Subdivision.

When: Tuesday, May 8th, 2007 at 7:00 p.m.

Where: River Glen Jr. High cafeteria, (6801 Gary Lane).

Project: Plano Lane Subdivision will be located above Hill Road between Collister Road and Plano Lane. This proposed subdivision is located on 335 acres and provides lots for 155 single-family homes. Over 75% of the acreage will be open space preserving the natural landscape and vegetation. Applications to be submitted to the city will be Annexation, Rezone, Hillside and Foothills Development and Preliminary Plat.

Enclosed is a site plan of the proposed subdivision. If you have questions about the meeting or proposed development project, please contact: Kerry Winn at: kwinn@stewartlandgroup.com.

6200 North Meeker Place Boise, Idaho 83713
Office: (208) 377-3939 Fax: (208) 375-3271

W. CASTLE ROAD
HILL ROAD
PLANO LANE
HILL ROAD
SITE
N. COLLISTER DR.
W. QUAIL RIDGE DR.
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PLANO LANE SUBDIVISION
stewart
land group
NORTH

Boise City Planning & Development Services
150 N Capitol Blvd ▪ P O Box 500 ▪ Boise, Idaho 83701-0500
Phone 208/384-3830 ▪ Fax 208/384-3753 ▪ www.cityofboise.org/pds

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Pre-Application Conference

In accordance with Ordinance #5525 (Section 11-03-02 of the Zoning Ordinance), a pre-application conference with Staff and an opportunity to a meeting with neighbors within 300 feet is required.

Note: This form must be included when an application is submitted.

Applicant: Stewart Land Group — Assay's Canyon Point Development **Date:** Feb. 13, '07

Site Address: Plano Lane & Collister Road

Planning Staff

___ SR	___ TC	___ DA	___ SJ	___ RJ	___ CH	___ ACHD
X BE	___ AB	___ SS	___ WG	X TR	___ KL	___ COMPASS
___ HS	___ MP	___ KG	___ MH	___ MS	___ SS	

Proposal Description: Foothills annexation, zone change, conditional use, development agreement, Hillside applications for residential subdivision. 128 building lots on 321.5 acres. Dedication of some land to parks & Rec. Dept. Sand pit should be made safe.

Neighborhood Meeting Required: X Yes ☐ No **Site Plan Presented:** ☐ Yes ☐ No

Comprehensive Planning Area: Foothills **Neighborhood:** Collister + Quail Ridge

Type of Application

X Annexation	X Rezone
___ Special Exception	X Conditional Use
___ Variance	___ Modification
___ Parking Reduction	___ Height Exception
X Density Bonus	___ Infill

Zoning District

X R-1A	___ R-1B	___ R-1C	___ R-2
___ R-3	___ R-O	___ C-1	___ C-2
___ C-3	___ C-4	___ C-5	___ L-O
___ T-1	___ T-2	___ HS	___ M-1
___ M-2	___ M-4	___ N-O	X A

Planned Development ___ Use Exception

Overlay District ___ D ___ HD ___ DD ___ P1 ___ P2 ___ P3

Airport Overlay ___ A ___ B ___ B-1 ___ C

Concurrent Reviews

Hydrology reports required.

Floodways (FPR) ___ FW ___ FF ___ ASF ___ Boise River System Permit

Hillside (Categories) ___ I X II ___ III Test pits required for geotech/soils & hazards report. Document on-line

Subdivision Plat X Yes ☐ No

Density/Far

Compatibility

Others

Building Permit Required ☐ Yes ___ ☐ No X

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Staff Representative

Applicant Representative

12/01

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May 8, 2007
Neighborhood Meeting Sign-in Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name	Street Address
~~Faye Spencer~~	5631 N. Cotrell 83703
Julie Klocke	4946 N. Contour Way 83703
Jim Smith	5840 N. Collister Dr. 83703
Karan + Jeff Tucker	4922 W. Outlook Ave 83703
Milt Coffman	5471 Collister
Chris + Hailee Thomson	5884 N Collister
GEORGE + WENDY KEMP	5512 N. COLLISTER DR
BARRY & MARIE WARING	4955 N Collister
Kim Ehlering	5124 W. Outlook Ave
Ethel Ficks	5600 Hill Rd.
Sarah + Todd Harris	5485 Collister
Larry + Connie McLean	5499 Collister
RON RICHTER	5736 COLLISTER
Nancy Brennan	6025 Plano Ln.
Ron Kirkham	5357 Collister
~~Lon~~ Scantling	6262 PLANO
Becky Bunderson	4015 Whitehead
Donna Dattilo	5528 CASTLE HILL WAY
ERIN BRENNAN	6025 PLANO LANE
Bob + Shasta Hook	5684 N. COLLISTER

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May 8, 2007
Neighborhood Meeting Sign-in Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name	Street Address
Bob & Valerie Henning	3900 W. Quail Hill Rd
Ed & Rhonda Genthner	6060 Plano Lane
Mark Fogarty	4997 Collister DR
Tiffany Keeley	5570 Collister
JANET FRENCH	4517 SHIRLEY
NANCY BROSSMAN	4507 SHIRLEY
Chad Hall	5561 N Collister.
JEFF Martin	5713 N. Collister.
SANDRA & GARY Hawbaker	5898 Collister DR
Susan Courtial	5613 N. Collister Dr.
BRENT Smith & Stephanie Bacon	6024 Plano Lane
Bernie Clark President Northend neighborhood Assoc.	208-859-5337
JEFF JENSEN Son Lacey Cook	Boise
Bonnie Gentil	5853 N. Collister
Dave Carey	6101 Plano LN.
Esther Cox	3990 N. Cambria Way → Was not notified by developer
Gene Wortham	5620 Hill Rd
Justin + Kari Wortham	6801 Plano Ln.
Kelly TROUTNER	PLANO LN ACCESS
REX & JOLENE BEAVER	4270 W. DEER TRAIL LN

CFH 07 00022

May 8, 2007
Neighborhood Meeting Sign-in Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name	Street Address
Amy Garber	5999 Collister Drive
Lea King	5352 N. Goldie Pl.
Christine Dwello	5388 N. Goldie Place
J D Howard	8815 Pierce Park Ln
Mary Horne	5364 N. Goldie Pl.
ANDREW & JUANA MACFARLAND	5927 COLLISTER DR
KERRY WINN	STEWART LAND GROUP 6995 S. UNION PARK CIR.
TONY BERNARDO	Stewart Land Group MIDVALE, UT.
Raelene McGavin	3013 N. High Desert Way Meridian, ID 83646

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Owner	OwnerStreet	OwnerCSZ
AASE'S CANYON POINTE DEV.	3750 W 500 S	SALT LAKE CITY, UT 84104
ALEXANDER BARBARA	2715 S SNOWFLAKE DR	BOISE, ID 83706
APPLETON STEVE R	2603 S SWALLOWTAIL LN	BOISE, ID 83706
AXELTON JAMES M	5955 N COLLISTER DR	BOISE, ID 83703
BAGAN JOHN LANCE	5553 N QUAIL SUMMIT PL	BOISE, ID 83703
BAGGS JAMES L	5375 N QUAIL SUMMIT WAY	BOISE, ID 83703
BAKER MICHAEL J	5595 N QUAIL SUMMIT PL	BOISE, ID 83703
BALDWIN LEE E	6060 N PLANO LN	BOISE, ID 83703
BEAVER REX E	4270 DEER TRAIL LN	BOISE, ID 83703
BENEDICT KEVIN R	10930 N BLACKTAIL PL	BOISE, ID 83714
BENJAMIN FAMILY	10062 STONE MOUNTAIN	SANDY, UT 84092
BERG DONALD H	PO BOX 204	CASCADE, ID 83611
BODDEKER MARSHALL	5826 N COLLISTER DR	BOISE, ID 83703
BOISE CITY	PO BOX 500	BOISE, ID 83702-0500
BOISE CITY	150 N CAPITOL BLVD	BOISE, ID 83706-9276
BOLANDER CORY K	5926 N COLLISTER DR	BOISE, ID 83703
BRENNAN ERIN J	6025 N PLANO LN	BOISE, ID 83703-4119
BRIARHILL HOMEOWNERS ASSOC	PO BOX 140273	BOISE, ID 83714
BROWN FLOYD L JR	5671 N COLLISTER DR	BOISE, ID 83703-3825
BUCKLES TOM R	5769 N COLLISTER DR	BOISE, ID 83703
BUTLER MICHAEL	5998 N COLLISTER DR	BOISE, ID 83703
CASEY DAN C	5870 N COLLISTER DR	BOISE, ID 83703
CASEY GEORGE E	6101 N PLANO LN	BOISE, ID 83703
CATALANO RICKY	953 S ISLAND GLENN WAY	EAGLE, ID 83616
CHASE JEFFREY	5477 N QUAIL SUMMIT PL	BOISE, ID 83703
CHRISTOFFERSON ELROY C	5741 N COLLISTER DR	BOISE, ID 83703-3827
CLARK JAMES L	8006 143RD ST CT NW	GIG HARBOR, WA 98329
COFFMAN MILTON D	5471 N COLLISTER DR	BOISE, ID 83703
COOK LAWRENCE	402 S BITTEROOT DR	BOISE, ID 83709
COSCIA ROBERT	3801 W QUAIL HOLLOW DR	BOISE, ID 83703
COURTIAL SUSAN K	5613 N COLLISTER DR	BOISE, ID 83703
COURTRIGHT PATRICK J	5612 N COLLISTER DR	BOISE, ID 83703
COVER ANDREW and KATHERINE	6296 N PLANO LN	BOISE, ID 83703
D'ANNA ROBERT S	5798 N COLLISTER DR	BOISE, ID 83703
DAVIDSON DENNIS	PO BOX 5801	BOISE, ID 83705
DEEBLE ROBERT R	5484 N COLLISTER DR	BOISE, ID 83703-3810
DEKEYREL DANIEL	5999 N COLLISTER DR	BOISE, ID 83703
DITLOW BENJAMIN H	5470 N COLLISTER DR	BOISE, ID 83703
DVORAK CARMEN	1243 HARDIN DR	EL CAJON, CA 92020
DWELLO KELVIN G	5388 N GOLDIE PL	BOISE, ID 83703
EDCOOP INC	6200 N MEEKER PL	BOISE, ID 83713
EHLERINGER KEVIN	5124 W OUTLOOK AVE	BOISE, ID 83703
ELLIOTT ANNABETH D	5698 N COLLISTER DR	BOISE, ID 83703-3826
EVANS DALE K	5758 W HILL RD	BOISE, ID 83703
FICKS ETHEL D	5600 HILL RD	BOISE, ID 83703-2950
GARBER GABRIEL M	5999 N COLLISTER DR	BOISE, ID 83703
GENTHER EDWIN	6060 N PLANO LN	BOISE, ID 83703
GENTIL MARCEL	5853 N COLLISTER DR	BOISE, ID 83703
GOTT DAVID M	5389 N GOLDIE PL	BOISE, ID 83703-3500
GREGG MICHAEL T	5631 N QUAIL SUMMIT PL	BOISE, ID 83703
HANDYSIDE NEIL A	5971 N COLLISTER DR	BOISE, ID 83703
HANSEN KATHERINE	5036 W OUTLOOK AVE	BOISE, ID 83703
HARDING MARY	3748 W QUAIL HOLLOW DR	BOISE, ID 83703
HARDING PERRY C	PO BOX 1839	BOISE, ID 83701

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HARP CHAD D	5561 COLLISTER DR	BOISE, ID 83703-3811
HARRIS TODD	5485 N COLLISTER DR	BOISE, ID 83703
HAWBAKER GARY	5898 N COLLISTER DR	BOISE, ID 83703-3830
HAY BENJAMIN M	5357 N GOLDIE PL	BOISE, ID 83703
HAYES MARK A	5498 COLLISTER DR	BOISE, ID 83703-3810
HEIMER DAVID A	5854 N COLLISTER DR	BOISE, ID 83703
HEIMER JOHN T	4201 N BLUE WING PL	BOISE, ID 83714
HELMS HERMAN G	5584 N COLLISTER DR	BOISE, ID 83703
HLADIK VLADI	5799 N COLLISTER DR	BOISE, ID 83703
HOLMSTEAD MARY JO	5941 COLLISTER DR	BOISE, ID 83703-3832
HOOK SUSAN D	5684 N COLLISTER DR	BOISE, ID 83703
HORNE CRAIG S	5364 N GOLDIE PL	BOISE, ID 83703
IVERSON RUSSELL T	5020 W OUTLOOK AVE	BOISE, ID 83703
JLC INVESTMENTS INC	PO BOX 44354	BOISE, ID 83711
JONES GLENN D	5527 COLLISTER DR	BOISE, ID 83703-3811
JONES VICTOR L	5727 COLLISTER DR	BOISE, ID 83703-3827
KALIHER GARY E	3719 W QUAIL HOLLOW DR	BOISE, ID 83703
KEELEY CHRISTIAN	5570 COLLISTER DR	BOISE, ID 83703-3812
KELLEY TIMOTHY K	5699 N COLLISTER DR	BOISE, ID 83703-3825
KING JOHN F	5352 N GOLDIE PL	BOISE, ID 83703-3500
KIRKEMO RONALD B	58 W SUTTER DR	EAGLE, ID 83616
KOLB KEVIN SCOTT	5627 N COLLISTER DR	BOISE, ID 83703-3825
LARKIN JULIE G	5395 N GOLDIE PL	BOISE, ID 83703-3500
LAZECHKO ROBERT J	5770 N COLLISTER DR	BOISE, ID 83703
LEASURE LARRY	416 S 08TH ST STE 200	BOISE, ID 83702
LIEN GEORGINE A	10531 SILVER CITY CT	BOISE, ID 83704
LITTLE GARY AND DEBBIE	PO BOX 140076	BOISE, ID 83714-0076
LOKKEN ROBERT C	5802 W HILL RD	BOISE, ID 83703
MACFARLAND SONYA M	5927 N COLLISTER DR	BOISE, ID 83703
MARTIN JEFFREY	5713 N COLLISTER DR	BOISE, ID 83703
MATTHEWS KRISTIN A	5912 N COLLISTER DR	BOISE, ID 83703
MCDONALD JAMES A	5784 COLLISTER DR	BOISE, ID 83703-3828
MCGILL EARL	8832 GODDARD PL	BOISE, ID 83704-3119
MCLEAN LAWRENCE J	5499 COLLISTER DR	BOISE, ID 83703-3809
MINERVA LP	PO BOX 812	RAYMOND, WA 98577
MOHN DANIELLE	2896 CARMELO DR	HENDERSON, NV 89052-4072
MORIARTY BLAINE M	5640 N COLLISTER DR	BOISE, ID 83703
NUNES RICHARD G	504 WILSON AVE	SACRAMENTO, CA 95833-2238
O'CONNER ANTHONY P	17 MESA VISTA DR	BOISE, ID 83705-5972
OGDEN MARSHALL D	7000 N PLANO LN	BOISE, ID 83703
OUTLOOK HEIGHTS HOMEOWNERS	5389 N GOLDIE PL	BOISE, ID 83703
PACIFIC NORTHWEST PROPERTIES	4914 DENTON ST	BOISE, ID 83706-1943
PAFLIAS ALEX H	5813 N COLLISTER DR	BOISE, ID 83703
PAFLIAS PETROS H	3900 W OVERLAND RD	BOISE, ID 83705
PAGANO SALVATORE	3484 WILLIS DR	NAPA, CA 94558
PETERSON GENE V	5899 COLLISTER DR	BOISE, ID 83703-3829
PHILLIPS ROGER L	5585 N COLLISTER DR	BOISE, ID 83703
PICKER JASON	5446 N COLLISTER DR	BOISE, ID 83703
PLAIN AARON D	PO BOX 713	IDAHO CITY, ID 83631
POLLARD FRANK J	5940 N COLLISTER DR	BOISE, ID 83703
POURHAMZEH ARDAVAN	37798 PEACHTREE CT	FREMONT, CA 94536
QUAIL RIDGE NEIGHBORHOOD ASSOC	PO BOX 140273	BOISE, ID 83714-0273
RAYMONDI RICHARD R	5670 COLLISTER DR	BOISE, ID 83703-3824
REGIONAL HOLDINGS LLC	6610 Overland Rd.	BOISE, ID 83709
RICE HEATHER B	1770 W STATE ST # 194	BOISE, ID 83702

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RICHTER JAMES M	5827 N COLLISTER DR	BOISE, ID 83703
RICHTER RONALD	5736 N COLLISTER DR	BOISE, ID 83703
ROSE CORY	5985 N COLLISTER DR	BOISE, ID 83703
ROTH PATRICIA J	5755 N COLLISTER DR	BOISE, ID 83714
RUSSELL ROBERT M	6091 E GATEWAY CT	BOISE, ID 83716
SALINAS SANTOS L	5543 S COLLISTER DR	BOISE, ID 83703
SCANTLING DONALD J & SANDRA D	6262 N PLANO LN	BOISE, ID 83703-2918
SCHNEIDER STEVEN L	3775 W QUAIL HOLLOW DR	BOISE, ID 83703
SCHUKNECHT LOWELL A JR	5352 W HILL RD	BOISE, ID 83703-2944
SCOTT RICHARD W	5674 N QUAIL SUMMIT PL	BOISE, ID 83703
SHARP THOMAS WAYNE	5913 COLLISTER DR	BOISE, ID 83703-3832
SILVERSTONE DEVELOPMENT LLC	2000 S EAGLE RD	MERIDIAN, ID 83642
SIMEONE KENNETH R	5685 N COLLISTER DR	BOISE, ID 83703
SMITH FRANKLIN B IV	6024 N PLANO LN	BOISE, ID 83703
SMITH JAMES F III	5840 COLLISTER DR	BOISE, ID 83703-3830
STEVENS MICHAEL C	5542 N COLLISTER DR	BOISE, ID 83703
STOUT JOANN FIFER	PO BOX 7053	BOISE, ID 83707
SULJANOVIC CAMIL	2922 S ANDROS WAY	MERIDIAN, ID 83642-4642
SUNDVIK GARY	5012 W OUTLOOK AVE	BOISE, ID 83703
TABOR MIKE	6063 N PLANO LN	BOISE, ID 83703
TATILIAN ROBERT STANLEY	4916 W OUTLOOK AVE	BOISE, ID 83703
TEPFER GITA M	5984 N COLLISTER DR	BOISE, ID 83703
THOMSON CHRISTOPHER D	5884 N COLLISTER DR	BOISE, ID 83703
TROUTNER KELLY	2275 E CONTINENTAL DR	MERIDIAN, ID 83642
TROUTNER PAUL	5277 KOOTENAI ST APT 225	BOISE, ID 83705-2679
TUCKER JEFFREY T	4922 W OUTLOOK AVE	BOISE, ID 83703
TURNER RICHARD K	5526 N COLLISTER DR	BOISE, ID 83703
UECKER MARK E	5108 W OUTLOOK AVE	BOISE, ID 83703
VASILENKO MICHAEL JR	3757 W QUAIL HOLLOW DR	BOISE, ID 83703
VULGAMORE ROCKY N	5571 N COLLISTER DR	BOISE, ID 83703
WALKER DEBRA A	19170 NE 43RD CT	SAMMAMISH, WA 98074
WATTS JOHN D	5954 COLLISTER DR	BOISE, ID 83703-3831
WEISMAN NELSON C	5006 W OUTLOOK AVE	BOISE, ID 83703
WELCH JAMES	1842 E FIRESIDE CT	MERIDIAN, ID 83642
WHEELER WENDY M	5512 N COLLISTER DR	BOISE, ID 83703
WILSON PETER L	5380 HILL RD	BOISE, ID 83703-2944
WILT ROBERT	5411 N QUAIL SUMMIT WAY	BOISE, ID 83703-3867
WORK WILLIAM C	5553 COLLISTER DR	BOISE, ID 83703-3811
WORTHAM GENE R	5620 W HILL RD	BOISE, ID 83703-2950
WORTHAM JUSTIN G	6801 N PLANO LN	BOISE, ID 83703
WRIGHT MICHAEL V	885 W BEACON LIGHT	EAGLE, ID 83616
YORGASON J RAMON	6200 N MEEKER PL	BOISE, ID 83713
YOUNG NORMAN C	5712 COLLISTER DR	BOISE, ID 83703-3828
ZELINSKY RYAN	8001 MANOR RD	LEAWOOD, KS 66206
ZUBER CRAIG A	6009 N DUXBURY PIER AVE	GARDEN CITY, ID 83714

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: WENDY KEMP
Street Address: 5512 N. COLLISTER DR., BOISE, ID 83703
Phone Number: 863-1312 GEORGEANDWENDYKEMP@GMAIL.COM

Comments:
CAN YOU EMAIL ME THE COLOR MAP & DIAGRAM (GRID)?
THE "BOISE FOOTHILLS CONCEPT PLAN"

THANK YOU

SENT 5/14/07

May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Kelly TROUTNER
Street Address: 2275 Continental
Phone Number: 941-0137

Comments:
Kerry Please call me at 941.0137
TO DISCUSS MOVING THE Rd. TO THE
EAST SIDE OF MY Property

Thank You!

KT CONSTRUCTION@CLEARWIRE.NET

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Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: JANET A. FRENCH
Street Address: 4517 SHIRLEY AVE
Phone Number: 639-9627

Comments:
1. Please do not consider keeping the Collister Neighborhood Association well-informed as an option. The best results come from a productive partnership of interests and respect of concerns.
2. Never assume any development in the Collister neighborhood is a given.
3. I have serious traffic and fire protection reservations about the project. Will ACDH require stoplights at Collister + Hill?
4. Hate the idea of houses on ridgelines.

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Faye Spencer
Street Address: 5631 N. Citadel Way Boise 83703
Phone Number: 208-331-5683

Comments:
I am concerned about traffic impact. There is now a issue than % of possible usage projected - Increase traffic in what was a quiet residential street is now being used as a thoroughfare is a problem.
Also traffic back up @ Collister & Hill, Collister & State, Pierce Park & Hill/Castle/State. These are already congested peek traffic times regardless of whether the % usage has not peaked.
Also I object to obliteration of foothill view scape by topping ridges.
I want to be notified of all future public meetings in this process.

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Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Ron Kirkend
Street Address: 5357 Collister (58 W. Sutter Dr, Eagle
Phone Number: 939-7116 Meadows Addn. 83616

Comments: You have my support!
Please E-Mail me a pdf FILE if you
will so that I can print off a copy of your
plan. Thanks Ron

LM 5/14/07

* Possibly wants to buy some property

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: Jeff Martin
Street Address: 5713 N. Collister Dr.
Phone Number: (208) 342-2168 (HA CONST.)

Comments: Please give me a call in regards
to the conservancy.
LEFT MESSAGE 5/14/07
5/21/07

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May 8, 2007
Neighborhood Meeting Comment Sheet
Proposed Plano Lane Subdivision off of Hill Rd.

Name: J S JEAP
Street Address: NO 97
Phone Number: 952-3387

Comments: BUILD it! — STOP TAKING FARM GROUND OUT OF PRODUCTION

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Proposed Plano Lane Subdivision
Neighborhood Meeting Notes
May 8, 2007
Kerry Winn, Stewart Land Group – Presenter

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Meeting brought to order at 7:10 p.m.

Kerry Winn; Welcome to the Proposed Plano Lane Subdivision Neighborhood Meeting. I am from Utah with the Stewart Land Group representing the proposed Plano Lane Subdivision Plan for the developers.
The ground rules for the meeting are as follows: I'll present information regarding the proposed Plano Lane Subdivision (approximately 15 minutes) and then take your questions. If you have not signed up on the sign-up sheets yet please do so before you leave as it is a requirement of the City of Boise to show that we had the Neighborhood Meeting tonight.
In addition, we have also provided you with a Comment Sheets that you can write down any additional questions and concerns that you may have but you did not get the chance to ask during this meeting. I will personally get back to each of you within two weeks of tonight's meeting if you provide me with your contact information. Thank you!

Note: One person in the crowd was very distraught and disruptive during the opening introduction. His main concern was "traffic" and not being able to "walk his dog safely." "What are you doing here? Go back to Utah because we don't want you here." He kept interrupting Kerry and was finally asked to stop and let Kerry speak by someone in the audience. He finally left the meeting shortly afterward as he could not contain his angry comments.

Overview (Kerry):
The proposed Plano Lane Subdivision is in the Foot Hills off of Plano Lane which is off Hill Road and is bordered by Collister Road on the East side of the development. The proposed development is approximately comprised of 335 acres. The proposed subdivision plan plat has a total of 155 homes planned to be built which approximately comes to one home per two acres.
The engineers and developers have been working with the City of Boise Planning and Zoning for two years to come to agreements as to the proposed subdivision. The team has had to comply with both the Boise Foot Hills Comprehensive Plan as well as the Boise City Comprehensive Plan.
In order to have a subdivision there are very restrictive guidelines that must be met. The most strenuous is the "25% slope or less" requirement in order to get a building site in the Foot Hills.
In addition to meeting the "25% slope or less" requirement, the engineers and developers have met five of eleven other requirements to qualify for "Bonus Density" noted to "benefit the public" that will permit us to submit the Preliminary Plat and proposed subdivision applications to the City of Boise for this project. One of the benefits is to provide access for a trailhead in the "Pole Cat Reserve" off of Collister road.

The Main entrance for the subdivision will be off Plano Lane that comes directly off of Hill road with the secondary access, a requirement of the Fire Department, off of Collister Road.
The city owns the first 700 feet of Plano Lane immediately off of Hill Road. Once the development is completed and all the roads completed to ACHD standards there will be a final dedication to the city of all the projects roads by the Developers.

Note: At this point in time Kerry was interrupted constantly and unable to continue with the presentation. He decided to open the meeting up to questions from the audience.

Q: How wide is the Plano Road currently?
A: Plano Lane is approximately 15 feet, however, in the proposed plan it will likely be widened to 30 feet.

Q: Traffic issues on Collister road are a main concern and if it is used as a secondary access road will it have a locked gate on it to prevent everyone traveling on it?
A: No, the fire department requires accessibility at all times. Once again, the Main entrance will be off of Plano Road.

Q: Is it going to cost us any money to build the roads?
A: No, the Developers will pay $3,500.00 per lot as Impact Fees to ACHD. These fees help provide for road improvements. Compass, a local company, has worked with ACHD and the Department of Transportation to provide the Capital Improvement Plan for the road system updates in Boise including widening Hill Road to three lanes. The Capital Improvement Plan timeframe for widening this road is between the years 2011 and 2015. We also performed a traffic study that will be included, as a public record, in our application to the city at the end of this month.

Q: How much traffic will there be?
A: According to the traffic study there will be an additional 8 to 9 trips per day from each lot. From the main entrance the study showed 60% of the traffic flow will travel East on Hill road towards Collister Road and 40% of the traffic flow will travel West on Hill Road towards Pierce Park.

Q: On Collister we currently have on-street parking will this change?
A: The laws pertaining to public roads should continue, however, the State of Idaho Transportation department should have information regarding this available for anyone who wants to inquire.

Q: Will ACHD put speed-bumps in on Collister?
A: That is entirely up to ACHD.

Q: Are sidewalks included and do the homeowners have to pay for them?
A: No, the developers will be responsible for building and paying for all home sidewalks and improvements within the subdivision.

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Q: Is this development in Ada County or Boise City? What is the current zoning for the area?
A: We are submitting the application to have the subdivision Annexed into the City of Boise. The zoning will be for single family residences but does not apply to Ada County as we are making application to the City of Boise. There are five applications including Re-zoning application and Annexation that will be made concurrent of each other during this process.

Q: Will there be a stop light installed at the intersections?
A: Once again, that is up to ACHD the Capital Improvement Plan calls for future stop lights at Hill and Collister roads and Hill and Pierce Park.

Q: What about sewer and water?
A: With re-zoning into the City of Boise it is a requirement to be hooked up to City of Boise for the sewer. We are planning on having a water tank (points to "sand pit" area on the plat map) that will supply water to the subdivision.

Q: What are the lot sizes?
A: 1/3 to ½ acre lots. Patio homes are planned in this area (points to Plat map) with 75 foot frontage.

Q: What is the price of the lots and homes to be built?
A: You'll have to ask a Realtor as I am not qualified to say at this time.

Q: Is this going to be a High-end subdivision?
A: Yes, this will be a High-end subdivision as it will be very expensive to engineer each lot and provide the infrastructure for the subdivision. The subdivision will take approximately 7 – 10 years to build.

Q: Will there be a lot of traffic from the Construction vehicles on Collister?
A: I don't know the answer to that as it will probably be up to the contractors who are building the road. They will look to access the construction site from the most convenient roads.

Q: What is the timeframe for this development?
A: First they will construct the main road and infrastructure. The Development will be completed in three phases that should take approximately 7 – 10 years to construct, market and sell all of the lots.

Q: What kind of subdivision will this be?
A: Single family residence.

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Q: Do you own the land or is it option and since you have so much land will there be any future developments in this area?
A: First answer; Yes we own 95% of the land the other 5% is currently under contract. The second answer; As far as our property in the application to the City of Boise we do

required to sign a Development Agreement. This contract states exactly what is to be built and will not allow any additional building sites and or development on the 335 acres above the Development Agreement. However any future changes or what other individuals do with their own property in the foothills or whoever purchases their land (developers) they will have to go through the same process that we did to meet the Boise Foot Hills Comprehensive Plan and the City of Boise Comprehensive Plan and then go before the Commissioner hearings to get approval for their development.
In our plan we also are dedicating a lot of open space (acres) on the South side (points to map) of the Foot Hills for a dedicated Conservancy area. We hired a local botanist to locate and map out the areas of the "Aase" onion plant. This plant is on the rare plant species list and is mostly on the South and West facing slopes of these Foot Hills in what appears to be the highest concentration to be found anywhere in the State of Idaho. To protect this species, this open area will be likely be dedicated to the Treasure Valley Land Trust or the Parks and Recreational Department and they will be in charge of the dedicated Conservancy area. This is also one of the 11 requirements that were outlined as for "public benefit" that we have met to make this application. We meet 5 of the 11 requirements. This dedication of the Conservancy area will also be included in the Development Agreement.

Q: There is an ongoing concern for Fire safety in the Foot Hills. Are you going to build fire suppression into the subdivision?
A: We are working with the Boise Fire Chief to ensure that we are following their recommendations and guidelines for fire suppression in the foothills.

Q: When will the decision be made to start to build the subdivision?

Note: At this point in the meeting there were a lot of remarks from various individuals and they started to disengage from the meeting. One person spoke out and said that Kerry was trying to imply that the subdivision was all ready approved (this was not the case as my previous notes state that Kerry was informing everyone of the process and WHERE the developers were in the process.)
This same individual stated that they would "shut down this subdivision" just like they "shut down the Fire Station." He also stated that this was a Public Forum and they could say and do what they liked. The individual then asked for everyone's name and phone number so they could have time to organize to "shut them down."
Kerry asked that they wait until after the meeting was concluded so he could finish answering the questions from the audience and that they were more than welcome to stay after the meeting adjourned.

Kerry also stated that if he hadn't made it clear by now that this Neighborhood Meeting was only the beginning of the application process. He went on to say that once the application to the City of Boise had been made for full Entitlement then the neighbors would be notified of the Commissioners Meetings and then they would be given the opportunity to oppose the project.

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Another person stood up, very upset, and spoke of not getting notified in time (she was a member of the Collister Neighborhood Association Board. Kerry's response was to let her know that within the Boise City Neighborhood Meetings requirements that the neighbors within a 300 feet of the subject property were notified and that there were only three Neighborhood Associations notified, however, the Collister Neighborhood Association's address did not come up within the 300 foot perimeter. He apologized and offered to meet with them again for a separate meeting which he had all ready set up prior to starting the Neighborhood Meeting with Julie Kloke, President, of the Collister Neighborhood Association (tentative made for May 30th.)
He assured everyone that the City of Boise would notify them of the proposed hearing dates.

After this Kerry got the meeting back on tract even though there were still many side conversations taking place making it very difficult to hear what was being discussed.

Q: Can we get a copy of the traffic study from you?
A: Once again, when the applications are in the traffic study will be part of the application and at that time it is a public record and anyone can have access to it. Compass has the proposed plan for the road improvement for Hill Road and Collister.

Q: Is ACHD directly involved in the subdivision and how much is it going to cost us?
A: No, not as of yet, ACHD will be officially notified for comments when application for the subdivision is made. However we have been working with ACHD to get ready for submitting our application to the City of Boise. As stated before the cost of the road construction is part of the impact fees paid by the developer.

Q: Are homes going to be built on top of the ridge?
A: Yes, on most of the ridges on top we have planned to build homes (pointing to plat map on the screen.)

Q. Why not build homes down below on the section of land at the end of Collister road?
A. We are limited to building on the 25% or less slopes. The developer is limited to building in the areas shown in their application only.
In addition, even though through the Bonus Density (resulting from meeting five of the other eleven requirements as stated before) would allow the developers to build an additional 30 lots, however, they are opting NOT to build any more lots because they want to maintain a "QUALITY" subdivision.

Q: Can we get the Traffic study and other reports now?
A: After the application to the City of Boise is made all records included in the application are then considered a public record and available upon request.

The noise from all of the other side conversation made it very difficult to continue the meeting. Kerry asked if there were any other questions. NO RESPONSE.

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Kerry thanked everyone for coming to the meeting and once again informed everyone that he would be available after the meeting to discuss in further questions or concerns from those individuals who still had questions to ask that he did not cover during the meeting.

He asked once again that everyone fill out a Comment Sheet and sign the Sign-in Sheet before they left.

Meeting adjourned at 8:45 p.m.

Prepared by Raelene McGavis

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Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3802
Fax: 208/384-3867
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Receipt #: 22003000000000014704

Print Date: 6/6/2007 8:26:05AM

Line Items:

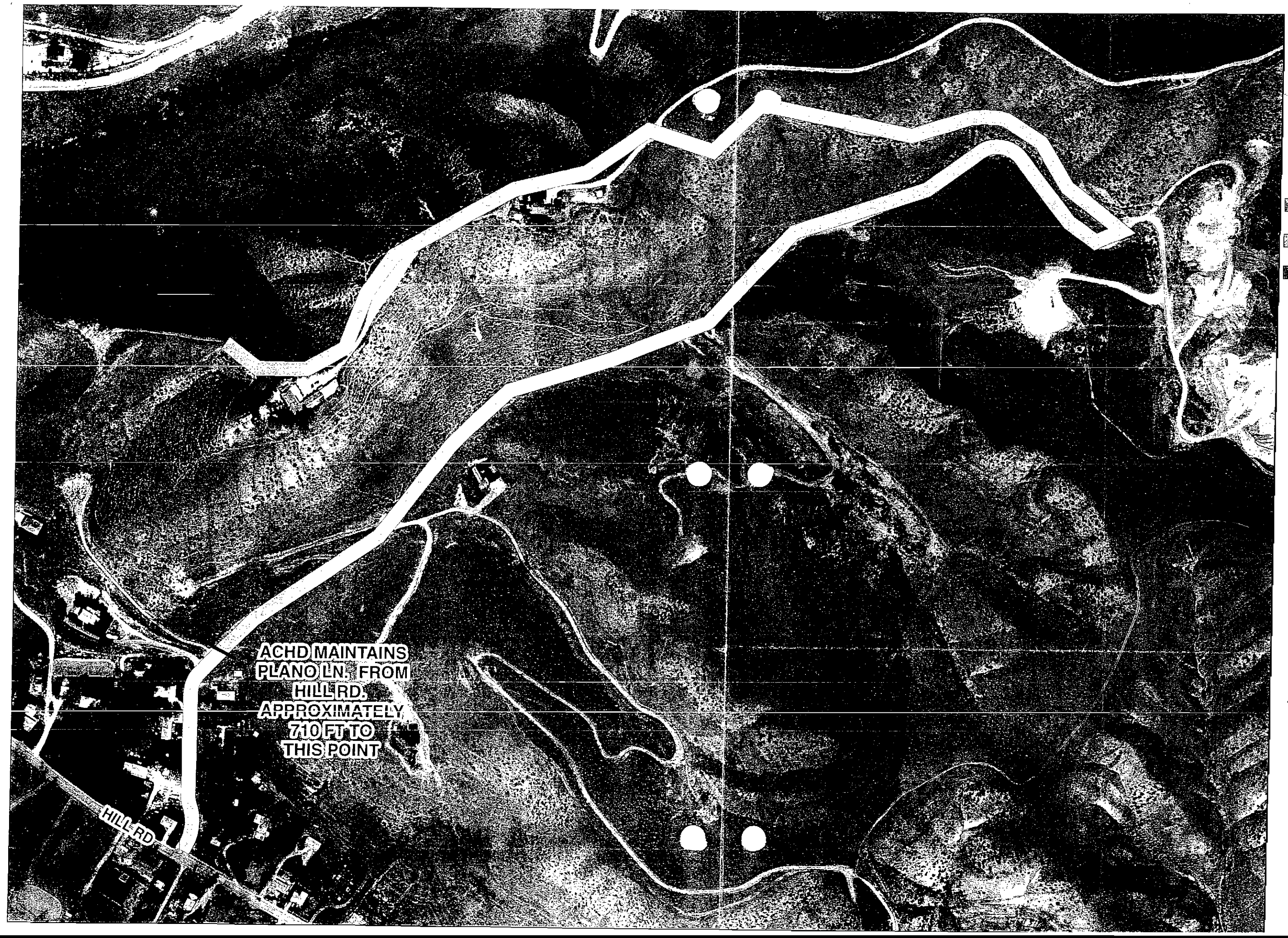
Case No	Tran Code	Description	Revenue Account No	Amount
CAR07-00042	5080	Annex/SpecUse/Rezone 05	101-1300315033	1,991.00
CUP07-00084	5040	Other	101-1300315033	2,237.00
CFH07-00022	5068	Hillside	101-1300315033	2,117.00
SUB07-00065		New Address Numbers	101-2207315560	1,036.00
SUB07-00065		City Preliminary Plat	101-1300316504	947.00
SUB07-00065		Street Light Plan Review	101-2206315032	50.00
SUB07-00065		Hilside Review Preliminary	101-2207315143	1,575.00
SUB07-00065		Subdivision Irrigation Rev/Fee	101-2207315561	100.00
			Total Line Items:	**$10,053.00**

Payments Applied:

Method	Payer	Bank No	Check No.	Confirm No	How Received	Amount
Check	RICH WOLPER		2104		In Person	10,053.00
					Payment Total:	**$10,053.00**

C:\Program Files\Tidemark\Forms\cReceipt.rpt

Plano Lane



Plano Ln/Kangas Deed 486518
Recorded June 21, 1960

Plano Ln/Genther Deed 491551
Recorded November 22, 1960

Plano Ln. Deed 893344
Recorded July 18, 1974

2003 Aerial Photo

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1 inch equals 300 feet

ACHD
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Map created by DRausch
Friday, April 06, 2007

Plano Subdivision

Hydrological and Project Engineering Report

May 28, 2007

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PLANNING & DEVELOPMENT SERVICES

Prepared By:

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Azimuth Engineering, Inc.

General Location and Description

Location

1. This proposed project is located between Plano Lane and Collister Road and East of West Hills Road.
2. The existing drainage for this project is divided into 5 major drainage basins labeled on the attached map A-C and E. Basin D is a new Basin created by grading the roads and the development of the Basin A is 46.20 acres, Basin B is 44.43 acres, basin C developed area is 13.98 acres, and basin E developed area is 10.04 acres. Using the TR-55 Graphical Peak Discharge Method we will estimate the existing and proposed runoff for the 100-year storm for the proposed development in the Foothills

Incorporatation of Geologic, Soils, Hyrdrologic, and Revegetation

3. The existing soil conditions include prairie grass, sage brush, sand, and topsoil with limited trees. The existing soil conditions according to the Soils evaluation from Associated Earth Science list these as 'sandy and quite uniform in nature. There is no particle size discontinuity present with several fee of soil surface. The sandy soil extends to 40 to 100 feet on the project area.' (Soils Evaluation by Mark Johnson 2-5-07). These soils will have characteristics of high percolation rates. The Runoff Curve number (CN) for Hydrologic Soil Group A (sandy and well drained). The existing soil is suitable for development and provides adequate drainage for retention and infiltration basins. Conversations with the Geologic and Soils Engineer provide a positive recommendation for grading the site (cut/fill). The Hillside ordinance requires maximum slopes of 2/1 unless authorized by a Geotechnical engineer. They recommend a maximum slope of 1.5/1. We have done our best to follow the guidelines of 2/1 slopes in most cases. Where there are grades less than this, additional erosion protection will be added to stabilize the cut/fill slopes. In one area a series of 6 foot decorative retaining walls will be utilized with 2/1 vegetated slopes. Details of this will be presented in the final design and with the assistance of the geotechnical engineer. See profile of this in grading and drainage plan. An existing sand pit will be filled with existing material on site. No material will need to be transported from the existing project site. After the pit is filled with lifts, it will be restored with topsoil and revegetated.

4. There is one existing house on the property. The drainage from the site either flows north or south from the ridge line (east-west). The basin on north side of the ridge flows north to natural vegetated channels along Plano Road. This channels runs along Plano Lane and drains to North . There is no evidence of an outlet pipe or drainage pipe for the natural channels. There are some natural detention areas for the storm along the natural channels and appear to mostly dissipate the water through detention/retention of the storm water. We are proposing to construct 100-

year Retention Basins for the new project and allow the stormwater to percolate into the soil.

5. South of the ridge line, the drainage is collected in a natural channel along Collister Road. This channel is piped through the Briahills Development. The size of the existing pipe stubbed to this channel is a 12-inch storm pipe. The existing road along Collister was designed to handle higher flows with the low point at the middle of the road. The road is constructed of concrete pavement. The existing basin drainage area and flows for this existing channel along Collister road was not calculated. If the City has information about this drainage, we would be happy to include these in our design. We are assuming that the existing flows through this channel will be maintained and routed through our proposed detention basin upstream of the existing storm drain piping in Briarhills development.

Drainage Calculations & Proposed Drainage System

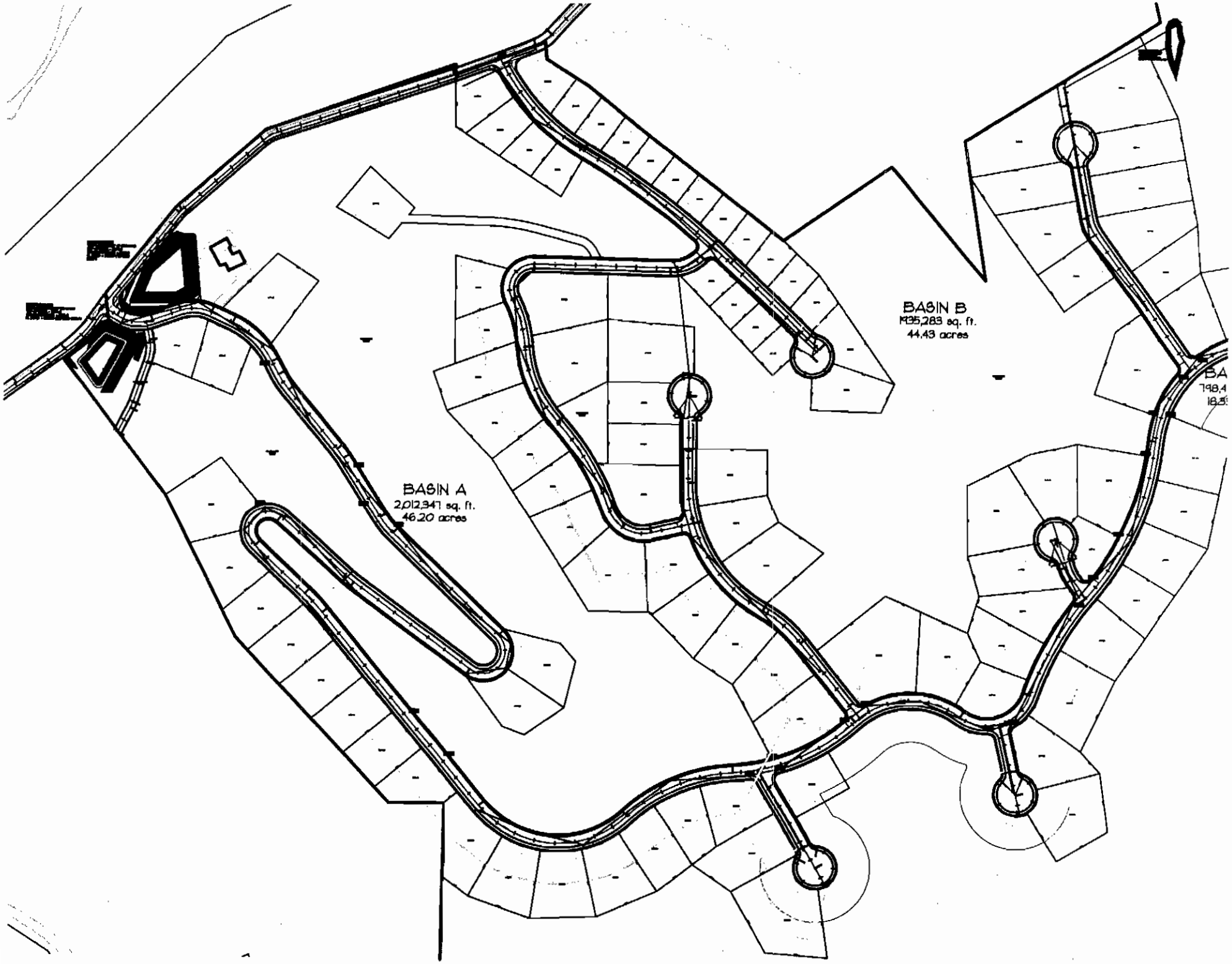
The Peak Runoff for each of these basins is listed below for pre-development and post-development and the required storage requirements. Please see the attached calculations for each basin with the details of the time of concentration, weighted CN, Initial abstraction, Unit peak discharge, runoff and Peak Discharge. The storage for Basins A, B and D are stored in two separate Retention Ponds with a total storage required of 104,361 cubic feet. There is a total of (78,354 + 28,150) 106,504 provided discounting the percolation rate.

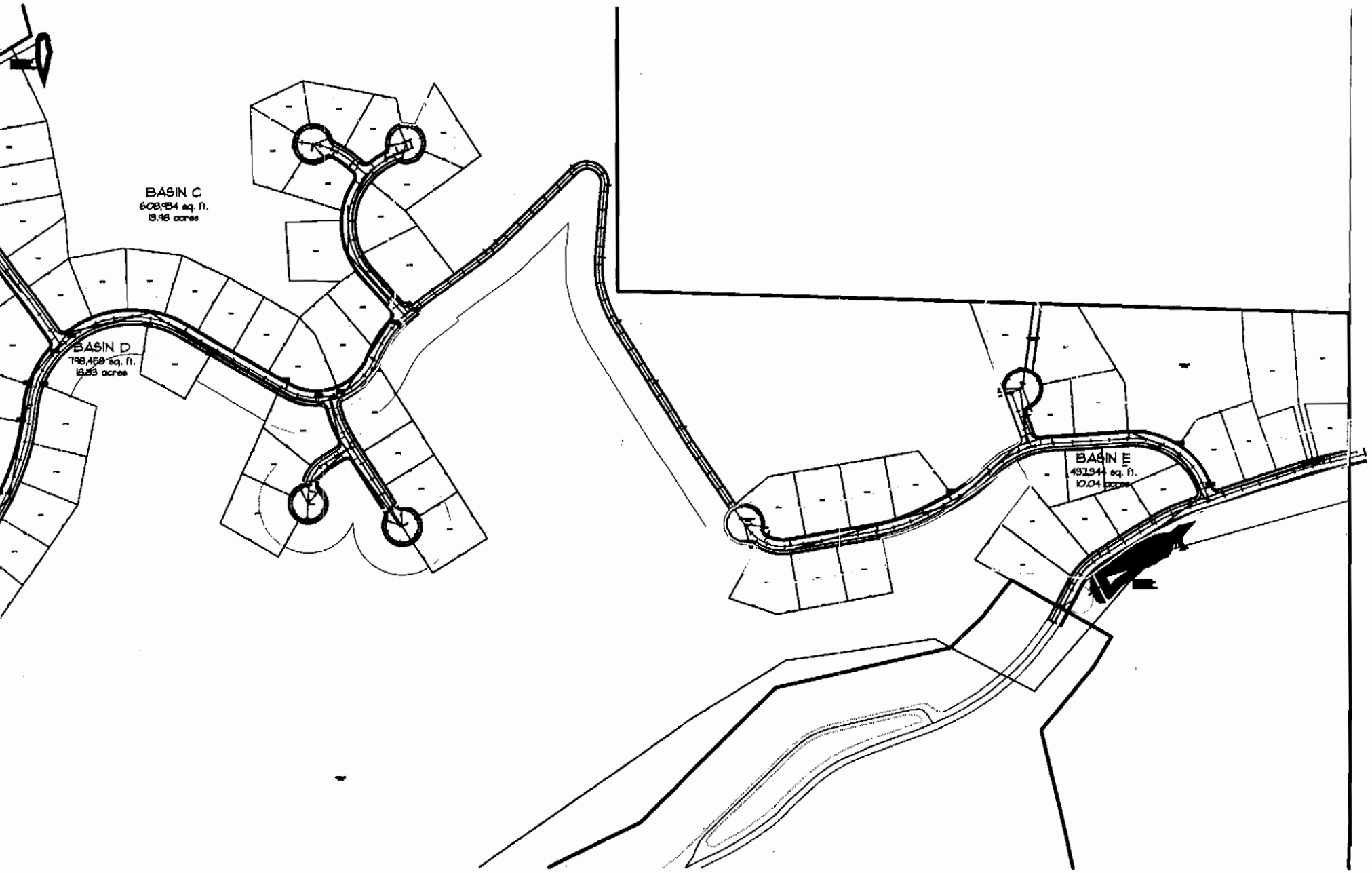
	Size (acres)	Peak Runoff (cfs) Pre-Development	Peak Runoff (cfs) Post-Development	Total Storage Required (15% Upsize for Sediment)	Total Storage Provided	Notes
Basin A	32.36	2.9	8.48	20230	78354	Pond North
Basin B	44.43	3.93	13.48	31716		
Basin C	13.98	1.31	4.29	8983	12419	
Basin D	18.33	2.81	18.96	52415	28150	Pond South
Basin E	10.04	1.02	18.96	31581	40262	
Total	**119.14**	**11.97**	**64.17**	**144925**	**159185**	

The basins will be routed with a combination of inlets and a storm drain pipe to collect the runoff and carry it to detention/retention basins sized to store a 100- year storm. Drainage from each of the lots will be sloped toward the road and all roof drains from the proposed homes will be tied to the storm drain pipe system with 4-inch laterals. The development has been designed to convey the 100-year storm away from homes and hillside slope to the detention/retention basins.

Basin E is currently designed as a detention basin to pass the existing runoff through the channel downstream to the Briarhills development. We will need to coordinate with the City as to the correct allowable discharge for this basin.

Before the stormwater will be discharged into the basins, oil water separators will be installed to treat the water before discharging and percolating into the existing soil.


BASIN A
2,012,347 sq. ft.
46.20 acres
BASIN B
1935,283 sq. ft.
44.43 acres


BASIN C
608,934 sq. ft.
13.98 acres
BASIN D
198,458 sq. ft.
13.53 acres
BASIN E
491,944 sq. ft.
10.04 acres

Basin A Pre-Development

Sheet Flow

Description .....
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1429.0544 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 4.9206 min

****

Total Time of Concentration .....> 17.7082 min

****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin A Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 32.3600 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 17.7082 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 296.9932 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 2.9028 cfs

Basin A Post - Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	26.6100	49	
Paved Roof & Drive	4.0500	98	
Landscaping	1.7000	68	
Total Area ----->	32.3600	56	<----- Weighted CN

Sheet Flow

Description ..... Overland Flow-Lots
Manning's n 0.2400
Flow Length ..... 80.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 16.8818 min

Shallow Concentrated Flow

Description ..... Shallow Flow-Streets
Surface ..... Paved
Flow Length ..... 1429.0544 ft
Watercourse Slope ..... 0.9000 ft/ft
Velocity ..... 19.2850 fps
Computed Shallow flow time .....> 1.2350 min

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin A Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 32.3600 ac
Runoff curve number, CN 56
Time of concentration, Tc ..... 18.1168 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 1.5714 in
Ia/P 0.4365
Unit peak discharge, qu ..... 402.7083 csm/in
Runoff, Q ..... 0.4163 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 8.4760 cfs

Onsite Storage for Control of Peak Discharge

Area	32.36	acres	
Peak Inflow Qi	8.48	cfs	
Peak Outflow Qo	2.9	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.34		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.36
Site Runoff	0.42	inches	
Runoff Volume Vr = Q x A	48866.19	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**17591.83**	**cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1099.49	sf

Sediment Deposition (Increase 15%)

Total Storage Volume Required (Basin A)	20230.60	cubic feet ←
Total Storage Volume Required (Basin D)	52415.00	cubic feet ←
Total Storage Volume Required (Basin B)	31715.89	cubic feet ←
	104361.49	**cubic feet** ←

Pond North Volume Calculations

Contour	Area	Total Volume	
2791		0	
2792		0	
2793		0	
2794		0	
2795		0	
2796	6667	3333.5	
2797	7747	7207	
2798	8899	8323	
2799	10120	9509.5	
2800	11414	10767	
2801	12494	11954	
2802	13617	13055.5	
2803	14792	14204.5	High Water Mark
Total Storage Volume		**78354**	

Pond South Volume Calculations

Contour	Area	Total Volume	
2780	3158	1579	
2781	3939	3548.5	
2782	4791	4365	
2783	5708	5249.5	
2784	6689	6198.5	
2785	7730	7209.5	High Water Mark
Total Storage Volume		**28150**	

Total Storage Provided **106504 cubic feet** ←

Basin B Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1565.1389 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 5.3892 min

****

Total Time of Concentration .....> 18.1768 min

****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin B Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 44.4300 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 18.1768 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 293.1186 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 3.9335 cfs

Basin B-Post Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	34.1700	49	
Landscaped	4.2700	68	
Paving, Roof	5.9900	98	
Total Area ----->	44.4300	57	<----- Weighted CN

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1565.1389 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 5.3892 min

****
Total Time of Concentration .....> 18.1768 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin B Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 44.4300 ac
Runoff curve number, CN 57
Time of concentration, Tc ..... 18.1768 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 1.5088 in
Ia/P 0.4191
Unit peak discharge, qu ..... 427.9579 csm/in
Runoff, Q ..... 0.4539 in

Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 13.4848 cfs

Onsite Storage for Control of Peak Discharge			
Area	44.43	acres	
Peak Inflow Qi	13.48	cfs	
Peak Outflow Qo	3.93	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.29		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.38
Site Runoff	0.45	inches	
Runoff Volume Vr = Q x A	72576.41	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**27579.03**	**cubic feet**	

Infiltration Basins		
Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1723.69	sf

Sediment Deposition (Increase 15%)		
Total Storage Volume Required	**31715.89**	**cubic feet** ←

Basin C Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 300.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 12.7876 min

Shallow Concentrated Flow

Description .....
Surface ..... Unpaved
Flow Length ..... 1000.8191 ft
Watercourse Slope ..... 0.0900 ft/ft
Velocity ..... 4.8403 fps
Computed Shallow flow time .....> 3.4461 min

****

Total Time of Concentration .....> 16.2337 min

****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin C Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 13.9800 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 16.2337 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 310.2465 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 1.3100 cfs

Basin C Post-Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Exist Open Space	10.9600	49	
Pavement, Roof	1.5800	98	
Landscaping	1.4400	68	
Total Area ----->	13.9800	56	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.1500
Flow Length ..... 80.8180 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 11.6858 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 593.3157 ft
Watercourse Slope ..... 0.0730 ft/ft
Velocity ..... 5.4924 fps
Computed Shallow flow time .....> 1.8004 min

****
Total Time of Concentration .....> 13.4862 min
****

Graphical Peak Discharge method

Given Input Data:
Description ..... Basin C Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 13.9800 ac
Runoff curve number, CN 56
Time of concentration, Tc ..... 13.4862 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:
Initial abstraction, Ia ..... 1.5714 in
Ia/P 0.4365
Unit peak discharge, qu ..... 472.3219 csm/in

Runoff, Q ..... 0.4163 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 4.2947 cfs

Onsite Storage for Control of Peak Discharge		
Area	13.98	acres
Peak Inflow Qi	4.29	cfs
Peak Outflow Qo	1.31	cfs
Outflow/Inflow Ratio = Qo/Qi =	0.31	
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =		0.37
Site Runoff	0.42	inches
Runoff Volume Vr = Q x A	21110.92	cubic feet
Storage Volume Vs = Vr x (Vs/Vr)	**7811.04**	**cubic feet**

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	488.19	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **8982.70 cubic feet** ←

Pond Volume Calculations

Contour	Area	Total Volume	
3081		0	
3082		0	
3083		0	
3084	1225	612.5	
3085	1630	1427.5	
3086	2078	1854	
3087	2568	2323	
3088	3091	2829.5	
3089	3661	3376	High Water Mark
Total Storage Volume		**12422.5**	

Basin D Pre-Development

Sheet Flow

Description ..... Pre-Developed
Manning's n 0.1500
Flow Length ..... 115.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.2200 ft/ft
Computed Sheet flow time .....> 5.9382 min

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin D Pre-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 18.3300 ac
Runoff curve number, CN 49
Time of concentration, Tc ..... 6.0000 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 2.0816 in
Ia/P 0.5000
Unit peak discharge, qu ..... 508.4169 csm/in
Runoff, Q ..... 0.1933 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 2.8148 cfs

Basin D Post Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Existing Open Spac	6.1600	49	
Paved Roof & Drive	8.1500	98	
Landscaping	4.0200	68	
Total Area ----->	18.3300	75	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.2400
Flow Length ..... 80.0000 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 16.8818 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 4866.0000 ft
Watercourse Slope ..... 0.0800 ft/ft
Velocity ..... 5.7497 fps
Computed Shallow flow time .....> 14.1051 min

****

Total Time of Concentration .....> 30.9869 min
****

Graphical Peak Discharge method

Given Input Data:

Description ..... Basin D Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 18.3300 ac
Runoff curve number, CN 75
Time of concentration, Tc ..... 30.9869 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:

Initial abstraction, Ia ..... 0.6667 in
Ia/P 0.1852
Unit peak discharge, qu ..... 482.2176 csm/in

Runoff, Q ..... 1.3730 in
Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 18.9632 cfs

Onsite Storage for Control of Peak Discharge			
Area	18.33	acres	
Peak Inflow Qi	18.96	cfs	
Peak Outflow Qo	2.81	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.15		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.5
Site Runoff	1.37	inches	
Runoff Volume Vr = Q x A	91156.92	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**45578.46**	**cubic feet**	

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	2848.65	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **52415.23 cubic feet** ←

Basin E Post-Development
Discharge Rate (TR-55)

Soil Type: Soil Group A Sandy and Well Drained

Composite Runoff Curve Number Calculator

Description	Area (ac)	Curve Number	
Exist Open Space	2.6300	49	
Pavement, Roof	3.8800	98	
Landscaping	3.5300	68	
Total Area ----->	10.0400	75	<----- Weighted CN

Sheet Flow

Description ..... Post-Developed
Manning's n 0.2400
Flow Length ..... 81.7019 ft
Two Yr, 24 hr Rainfall ..... 1.6000 in
Land Slope ..... 0.0200 ft/ft
Computed Sheet flow time .....> 17.1685 min

Shallow Concentrated Flow

Description .....
Surface ..... Paved
Flow Length ..... 1919.3996 ft
Watercourse Slope ..... 0.0730 ft/ft
Velocity ..... 5.4924 fps
Computed Shallow flow time .....> 5.8244 min

****
Total Time of Concentration .....> 22.9929 min
****

Graphical Peak Discharge method

Given Input Data:
Description ..... Basin E Post-Development
Rainfall distribution ..... Type II
Frequency ..... 100 years
Rainfall, P (24-hours) ..... 3.6000 in
Drainage area ..... 10.0400 ac
Runoff curve number, CN 75
Time of concentration, Tc ..... 22.9929 min
Pond and Swamp Areas ..... 0.0000 % of Area

Computed Results:
Initial abstraction, Ia ..... 0.6667 in
Ia/P 0.1852
Unit peak discharge, qu ..... 562.3683 csm/in
Runoff, Q ..... 1.3730 in

Pond and swamp adjustment, Fp ... 1.0000
Peak discharge, qp ..... 12.1133 cfs

Onsite Storage for Control of Peak Discharge

Area	10.04	acres
Peak Inflow Qi	12.11	cfs
Peak Outflow Qo	1.02	cfs
Outflow/Inflow Ratio = Qo/Qi =	0.08	
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =		0.55
Site Runoff	1.37	inches
Runoff Volume Vr = Q x A	49929.92	cubic feet
Storage Volume Vs = Vr x (Vs/Vr)	**27461.46**	**cubic feet**

Infiltration Basins

Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1716.34	sf

Sediment Deposition (Increase 15%)
Total Storage Volume Required **31580.68 cubic feet** ←

Pond Volume Calculations

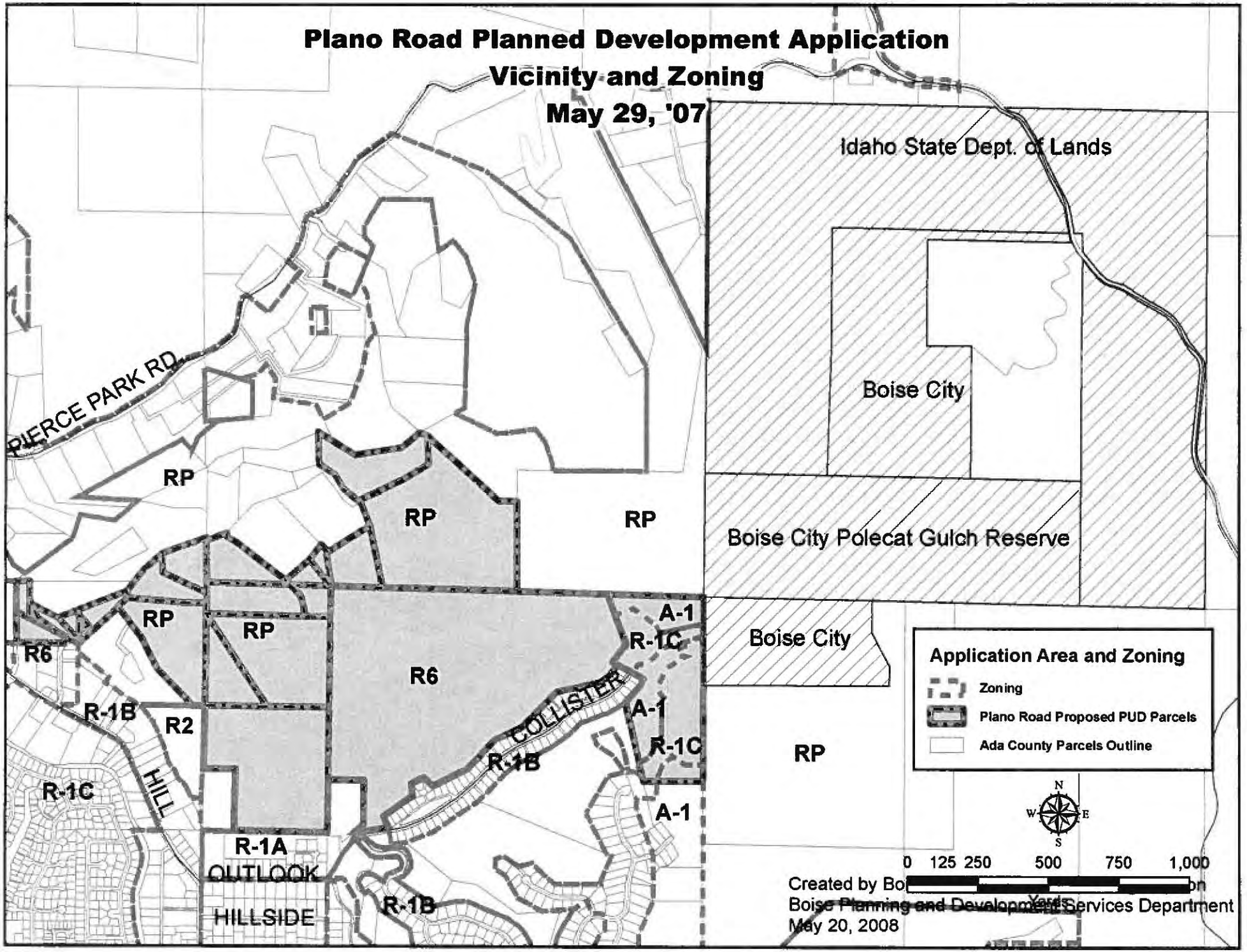
Contour	Area	Total Volume	
2965	1044	522	
2966	1453	1248.5	
2967	1921	1687	
2968	2447	2184	
2969	3034	2740.5	
2970	3699	3366.5	
2971	4443	4071	
2972	5242	4842.5	
2973	6082	5662	
2974	6960	6521	
2975	7874	7417	High Water Mark
Total Storage Volume		**40262**	

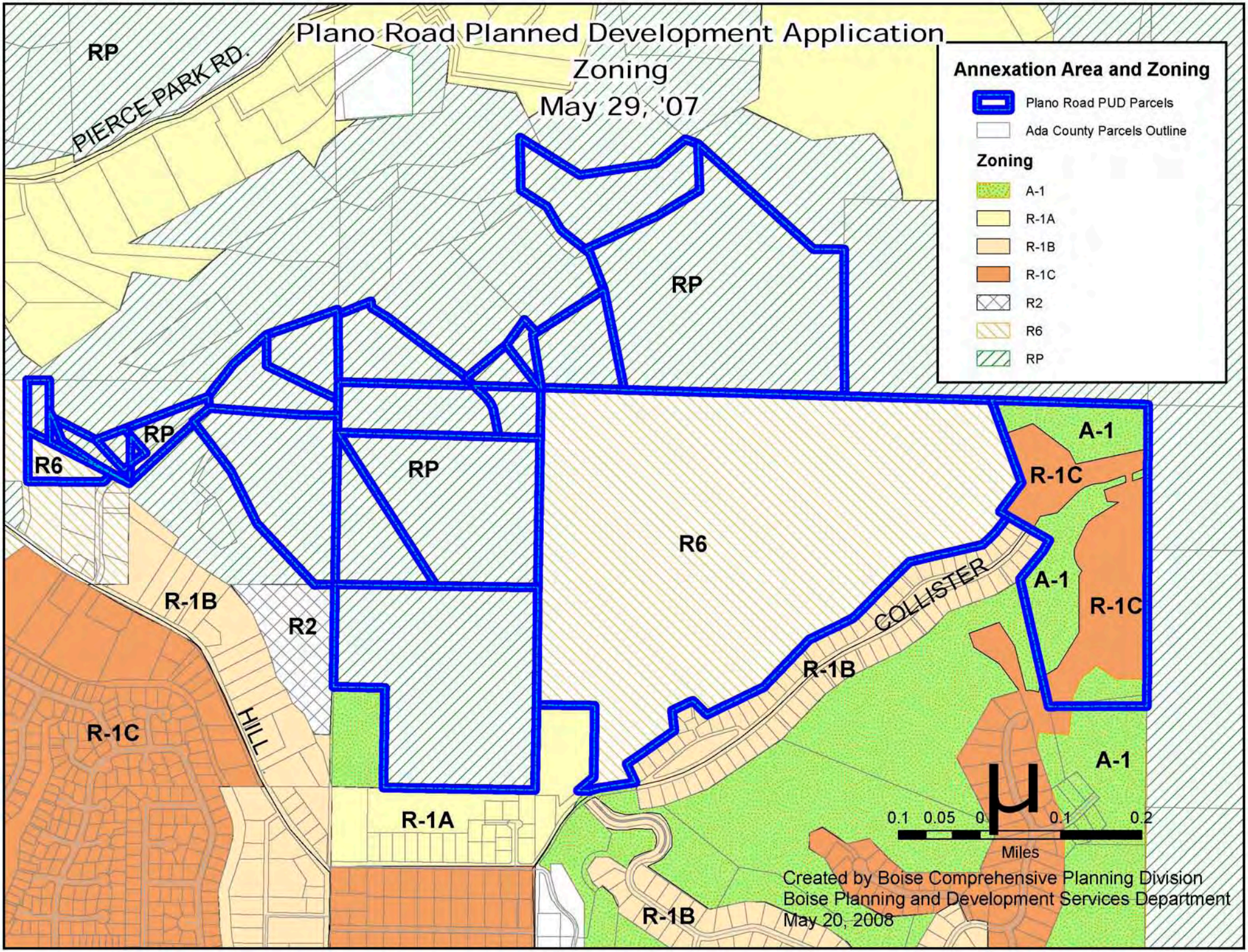
Onsite Storage for Control of Peak Discharge			
Area	32.36	acres	
Peak Inflow Qi	8.48	cfs	
Peak Outflow Qo	2.9	cfs	
Outflow/Inflow Ratio = Qo/Qi =	0.34		
Appendix C Volume of Storage to Volume of Runoff Vs/Vr =			0.36
Site Runoff	0.42	inches	
Runoff Volume Vr = Q x A	48866.19	cubic feet	
Storage Volume Vs = Vr x (Vs/Vr)	**17591.83**	**cubic feet**	

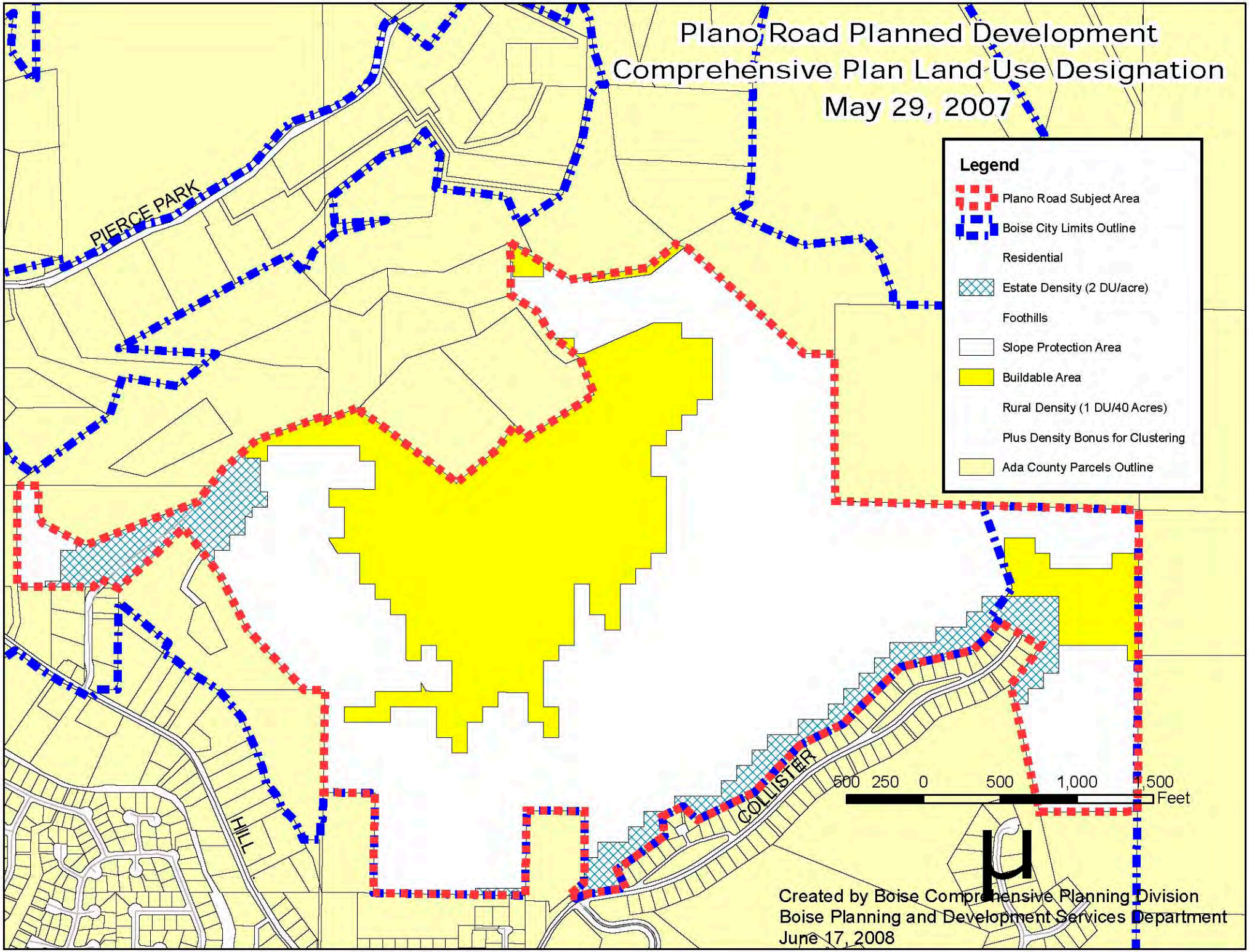
Infiltration Basins

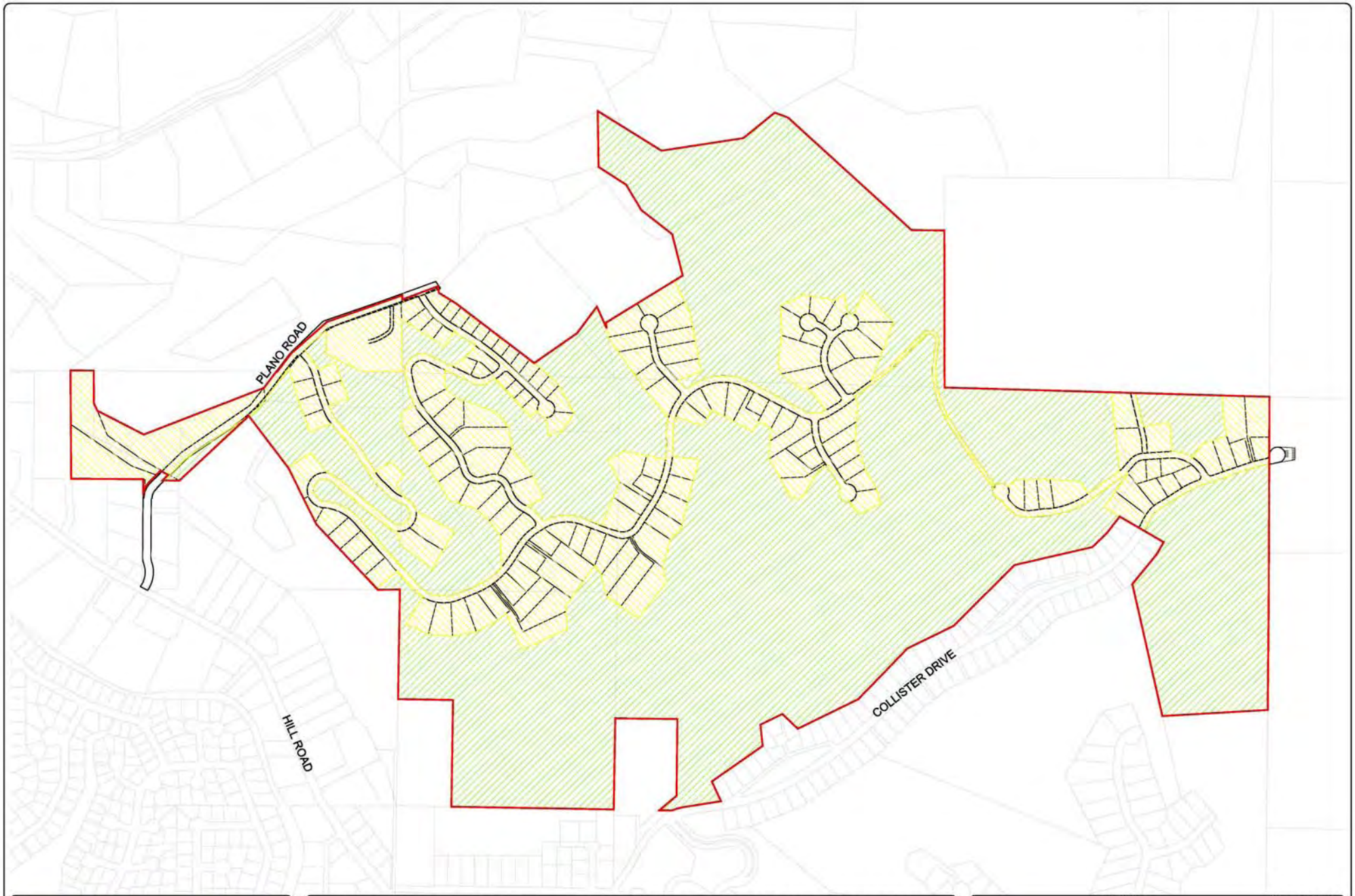
Percolation Rate (To Be Verified)	8	in/hour
Max Ponding Time	24	hours
Basin Depth	16	feet
Basin Area	1099.49	sf

Sediment Deposition (Increase 15%)		
Total Storage Volume Required	**20230.60**	**cubic feet** ←


Plano Road Planned Development Application
Vicinity and Zoning
May 29, '07
Idaho State Dept. of Lands
Boise City
Boise City Polecat Gulch Reserve
Boise City
PIERCE PARK RD
RP
RP
RP
RP
RP
RP
R6
R6
R-1B
R2
R-1C
HILL
R-1A
OUTLOOK
HILLSIDE
R-1B
COLLISTER
R-1B
A-1
R-1C
A-1
R-1C
A-1
RP
Application Area and Zoning
Zoning
Plano Road Proposed PUD Parcels
Ada County Parcels Outline
N
W
E
S
0 125 250 500 750 1,000
Yards
Created by Bo
Boise Planning and Development Services Department
May 20, 2008


Plano Road Planned Development Application
Zoning
May 29, '07
Annexation Area and Zoning
Plano Road PUD Parcels
Ada County Parcels Outline
Zoning
A-1
R-1A
R-1B
R-1C
R2
R6
RP
PIERCE PARK RD.
COLLISTER
HILL
0.1 0.05 0 0.1 0.2
Miles
Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
May 20, 2008


Plano Road Planned Development
Comprehensive Plan Land Use Designation
May 29, 2007
Legend
Plano Road Subject Area
Boise City Limits Outline
Residential
Estate Density (2 DU/acre)
Foothills
Slope Protection Area
Buildable Area
Rural Density (1 DU/40 Acres)
Plus Density Bonus for Clustering
Ada County Parcels Outline
PIERCE PARK
HILL
COLLISTER
500 250 0 500 1,000 1,500
Feet
Created by Boise Comprehensive Planning Division
Boise Planning and Development Services Department
June 17, 2008



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 ZONING MAP

GRAPHIC SCALE
300 0 150 300 600 1200
(IN FEET)
1 inch = 300 ft.

SLC NORTH

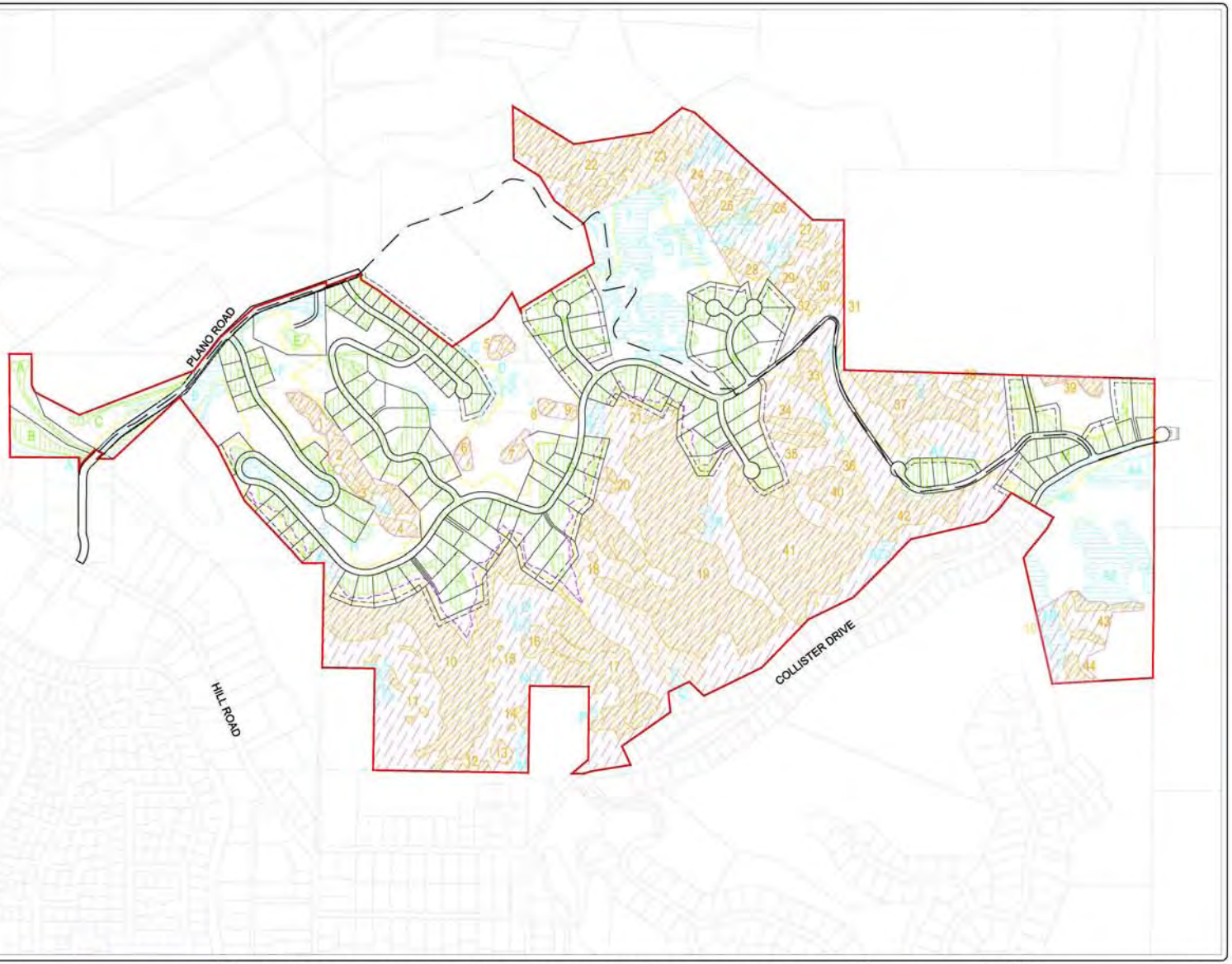
DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	7/28/2008	7/28/2008

LEGEND

ZONE - R-1A
ZONE - A-1
Conceptual
Property Boundary
Ada Parcels

SHEET NO. 1 OF 1


PLANO ROAD
SITE
HILL ROAD
COLLISTER DRIVE
SLC
NORTH



VICINITY MAP



Used 25%		
2,081,478.26 Total sf		47.78 Ac

Not Used 25%		
1,102,170.76 Total sf		25.30 Ac

Aase's Onions		
3,567,806.54 Total sf		81.91 Ac

Used Area < 25%	47.78 Ac
Not Used Area < 25%	25.30 Ac
Aase's Onion Fields	81.91 Ac
Total Acres	154.99 Ac
Total Acreage of Property	332.75 Ac
Total Onion Conservancy	185.13 Ac
Total Building Lots	154 Lots

NOTES

1) All Aase's Onion Fields are Observed by Ecological Design and have a Ten (10) foot buffer as per Planning and Zoning

2) See Attached Report from Ecological Design, Inc.

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BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.

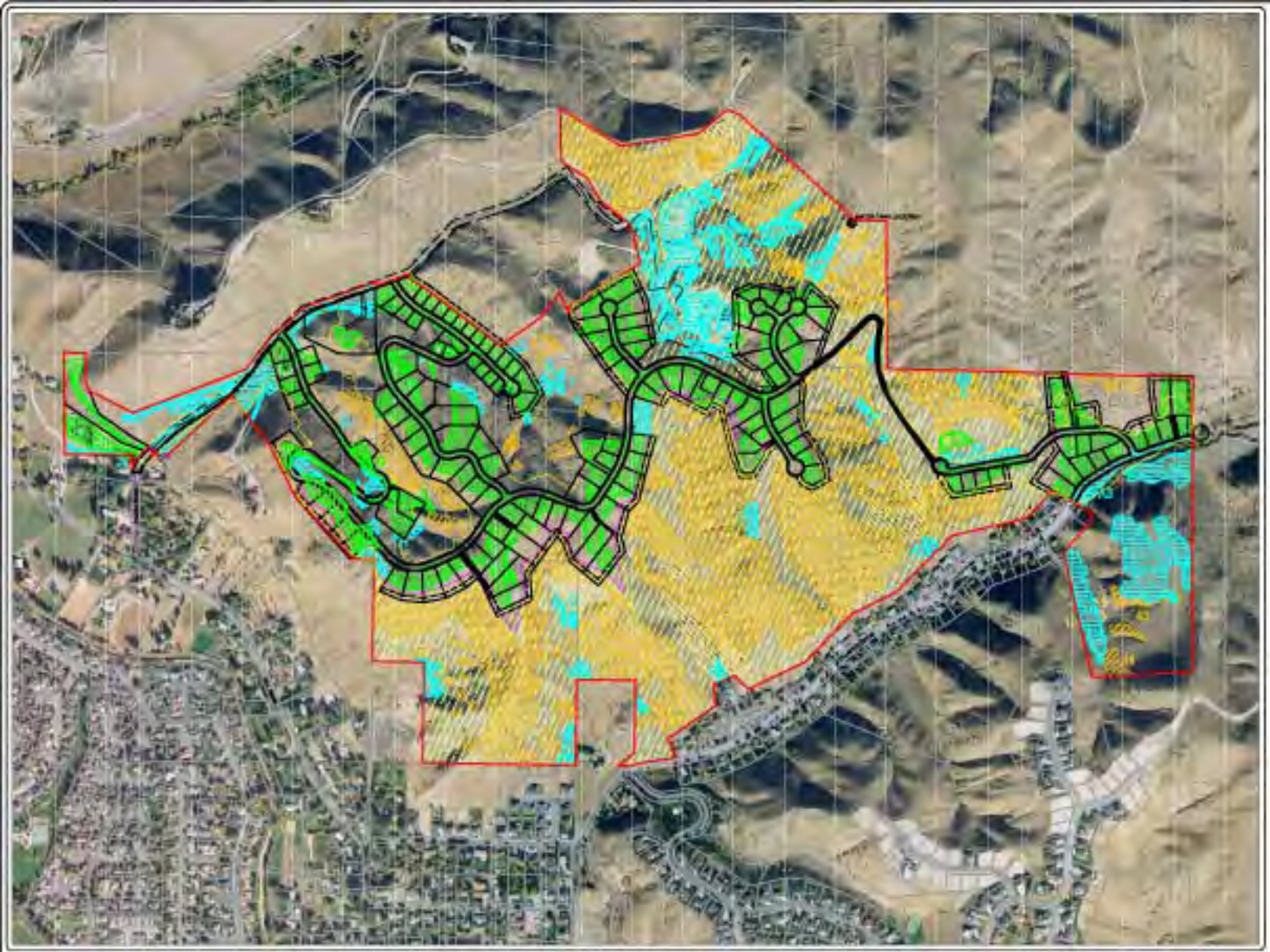
SLC NORTH

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	6/26/2008	6/26/2008

LEGEND

- Used Area > 25%
- Not Used > 25%
- Ecological Design Onion Fields
- Onion Fields
- Onion Conservancy
- Conceptual
- Cut, Fill and Setback
- Property Boundary
- Ada Parcels
- Trail
- Wild land Urban Fire Interface

SHEET NO. 1 OF 1







Stewart Land Group

BOISE FOOTHILLS CONCEPT PLAN

GRAPHIC SCALE

DATE CREATED	DATE MODIFIED	PRINT DATE
07/19/2006	2/1/2008	2/1/2008

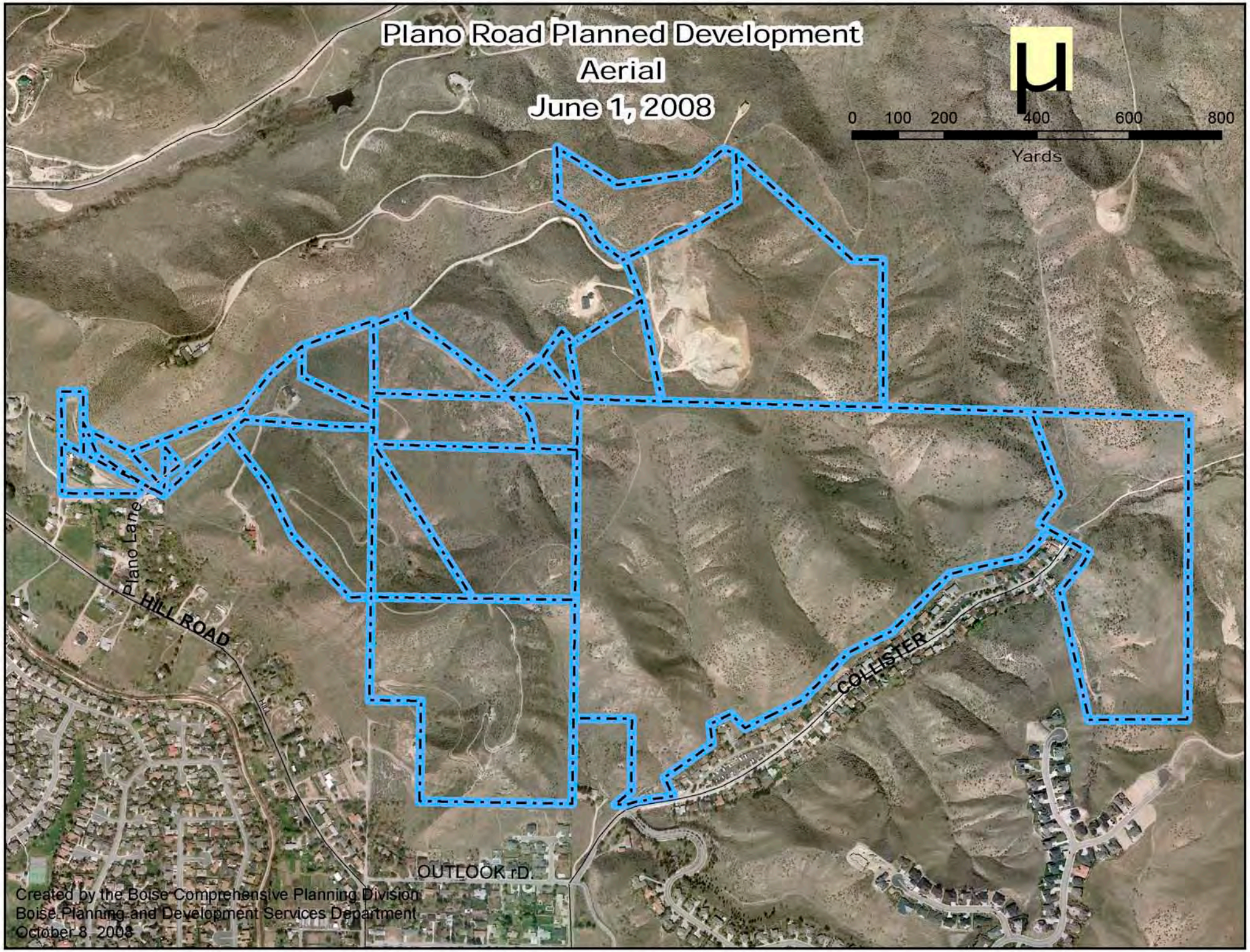
LEGEND

- Used Area = 25%
- Not Used = 25%
- Ecological Design Option Points
- Option Points
- Option Conservancy
- Contextual
- Cut, Fill and Setback
- Property Boundary
- Axis Parcels
- Trail
- ABM land Urban Fire Interface

SHEET NO.

1 OF 1

NOTES


Plano Road Planned Development
Aerial
June 1, 2008
0 100 200 400 600 800
Yards
Plano Lane
HILL ROAD
COLLISTER
OUTLOOK rD.
Created by the Boise Comprehensive Planning Division
Boise Planning and Development Services Department
October 8, 2008

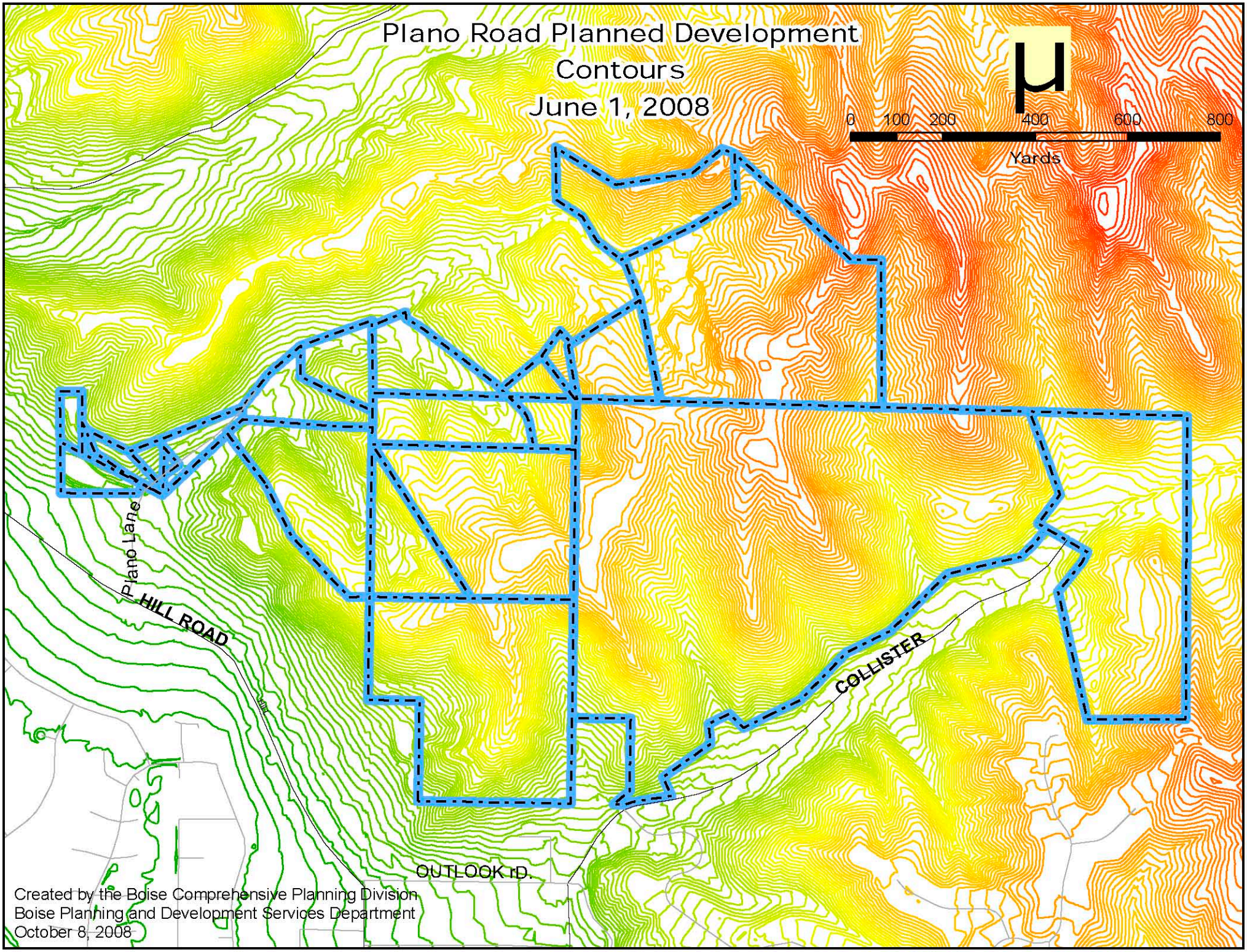


PHASING TIMELINE

Phase	No. of Lots
1	17
2	11
3	19
4	6
5	17
6	4
7	8
8	10
9	11
10	13
11	14
12	9
13	6
14	1
15	1
16	1
17	1
18	1
19	1
20	1
21	1
22	2

Year	Phases	Total Lots
1	1-2	28
2	3-4	25
3	5-6	21
4	7	8
5	8	10
6	9	11
7	10	13
8	11	14
9	12	9
10	13-22	16

stewart land group


Plano Road Planned Development
Contours
June 1, 2008
0 100 200 400 600 800
Yards
Plano Lane
HILL ROAD
COLLISTER
OUTLOOK rD.
Created by the Boise Comprehensive Planning Division
Boise Planning and Development Services Department
October 8, 2008