



PLANNING AND DEVELOPMENT SERVICES

MAYOR: David H. Bieter | DIRECTOR: Derick O'Neill

May 8, 2018

Jim Conger
Conger Management Group
4824 W. Fairview Avenue
jconger@congergroup.com
(sent via email)

**Re: CPA18-00001, CAR18-00004, PUD18-00004 & CFH18-00025, & SUB18-00009
5075 S. Holcomb Road**

Dear Mr. Conger:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a Comprehensive Plan Amendment to change the Land Use Map designation from Industrial to Suburban and a rezone from A-1 (Open Land) to R-1C (Single Family Residential - 8 Units /Acre) for approximately 24 acres located at 5075 S. Holcomb Road. Also included are Conditional Use and Hillside Development permits for a Planned Residential Development comprised of 121 detached single family homes with an associated preliminary plat.

The Boise City Planning and Zoning Commission, at their hearing of **May 7, 2018, approved** your conditional use and hillside development permit request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

May we also take this opportunity to inform you of the following:

1. This conditional use approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:

<http://pds.cityofboise.org/> or <http://pds.cityofboise.org/home/documents/apps/100/>

3. All appeals of this conditional use permit must be filed by **5:00 P.M., on May 17, 2018.**

4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use and Hillside Development Permit.

The Boise City Planning and Zoning Commission, at their meeting on **May 7, 2018**, **recommended** to the Mayor and Boise City Council **approval** of the Comprehensive Plan Amendment, Rezone request, and the preliminary plat of the Moxie Ridge Subdivision based on the attached Reason 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 me at (208) 608-7087.

Sincerely,



David Moser
Associate Planner
Boise City Planning and Development Services

DM/tt

Cc: Laren Bailey / Devco Development / laren@congergroup.com (sent via email)
Southeast Neighborhood Association Inc. / Fred Fritchman / ffritchman@msn.com (sent via email)



Reason for the Decision

Comprehensive Plan Amendment

The change from "Industrial" to "Suburban" will allow for a compatible development with the adjacent residential neighborhood and is in the best interest of the public. The adjacent residential neighborhood street network connects into the proposed development. This change would ensure that industrial traffic does not use the local residential streets. It also addresses the existing site conditions which includes a direct street connection to the adjacent residential neighborhood. It is in compliance with and will not create any inconsistencies between the goals and policies of the Comprehensive Plan. *Principle NAC 3.1(a)* encourages residential infill that complements the scale and character of the surrounding neighborhood. Commenting agencies have stated the proposed project will not have a negative impact on the transportation system or other public facilities.

Rezone

Rezoning the property from A-1(Open Land) to R-1C (Single Family Residential - 8 Units /Acre) complies with the Comprehensive Plan. The R-1C zone is consistent with the adjacent single family residential zoning to the east. It allows for a residential development that maintains a compatible density to adjacent properties. It also promotes compact, walkable developments that encourage public transit and supports future transit routes (*Policy ES 1.4*). *Goal NAC 7 and Policy NAC 3.1(a)* encourage a mix of housing types and residential infill that complements the surrounding neighborhood. It is in the best interest of the public convenience and general welfare since it is adjacent to a residential neighborhood and will promote a similar development pattern and density.

Conditional Use Permit

The project is compatible with the residential neighborhood to the east. It is also compatible with the industrial properties since it is buffered from these uses by vacant parcels and a solid fence. Correspondence received from commenting agencies indicate the project would not place an undue burden on transportation and other public facilities. The property is large enough to accommodate the proposed use and all required features. With the recommended conditions of approval, the project will not adversely impact surrounding properties. The development is similar to the adjacent residential neighborhood and all perimeter setback are met. In addition, the project provides no vehicle connectivity with the adjacent industrial uses. It complies with the goals and policies of the Comprehensive Plan. *Policy ES1.4* promotes compact, walkable development patterns that support transit and reduce carbon emission from vehicles and discourage development patterns that rely solely on vehicles for transportation in an effort to reduce vehicle miles traveled. The site is a residential project in a location that provides opportunities to walk or bike to nearby services located at the intersection of Federal Way and Gowen Road. The Plan encourages residential developments that complement the scale and character of the surrounding neighborhood (*Policy NAC 3.1*). The project provides a contiguous network of sidewalks and roadways that connect the property to the adjacent residential neighborhood (*Principle GDP-N.1(a)*).



Hillside Development Permit

The project is in compliance with the technical requirements of the Hillside Ordinance, including those related to grading, drainage, hazardous areas, revegetation, and preservation of outstanding and unique features. With the conditions proposed, this development will not adversely affect other property in the vicinity. The geotechnical information confirms the land is capable of the volume and type of development proposed as determined by the geological, hydrological and soils engineering analysis. Correspondence received from commenting agencies confirm the project will not create a potential hazard of flooding, soil instability, fire, or erosion. The property is not located in a floodplain or floodway. It is within the Wildland Urban Interface (WUI) zone "B". The project will be required to comply with WUI standards.

Conditions of Approval

Site Specific

1. Compliance with plans dated received **February 27, 2018** and revised Preliminary Plat dated **April 5, 2018**, except as modified by the following conditions:
2. The applicant shall require the houses on Lots 50 - 53 and Lots 60 – 68 of Block 1 to use the Public Works Solid Waste carry-out service and pay the associated fees for the service. The HOA documents shall require these lots to use this service.
3. The applicant shall comply with the reduced interior setbacks of 3-foot interior side yard and 20-foot front yard to garage as measured from back of sidewalk.
4. A 5-foot wide detached sidewalk with eight-foot wide landscape buffer along Holcomb Street abutting the site is required.
5. A 5-foot attached sidewalk along the north side of Mendola Street as it extends through the hillside area is required.
6. The application ROS18-00014 shall be completed prior to Final Plat approval.
7. All lots along the north and west perimeter of the subject property shall comply with the Wildland Urban Interface (WUI) 30-foot defensible space setback.
8. The heavy construction traffic shall use the Holcomb Road access to enter and exit the subject property.
9. Subdivision
 - a. A note on the face of the Final Plat shall state: *"The development of this property shall be in compliance with PUD18-00004 and CFH18-00025"*.



- b. A note be place on the face of the Final Plat stating, *"This subdivision is located in the Wild Urban Interface Zone B and Compliance with Section 7-01-09 of the Boise City Fire Prevention Code is required."*
- c. This subdivision is located within the Airport Influence Area A, which is affected by average sound levels in the 60-65 DNL, and/or aircraft traffic patterns below 1,000 feet. All new residential development is subject to an avigation easement and required to meet the sound attenuation standards of a minimum noise level reduction (NLR) of 25 dB."
- d. The utility, and cross access easement on Lot 31 shall be dedicate has right-of-way. This right-of-way dedication will stub the public street (E. Mendola Court) to the west.
- e. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of the Boise City Subdivision Ordinance, Section 11-9-04.01. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a "Satisfaction of Non-Building Agreement" is recorded.
- f. The name, **Moxie Ridge Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur, applicant shall submit, in writing, from the Ada County Engineer, the new name to the Department of Planning and Development Services and re-approval by the Council of the "revised" Final Plat shall be required. Developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "revised" Final Plat for hearing.
- g. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.06).
- h. Prior to submitting the mylar of the Final Plat for City Engineer's signature, all the conditions of approval must be satisfied. Approval's must be provided on agency letterhead.
- i. The mylar shall include the following endorsement or certifications: signatures of owners or dedicators and acknowledgment, certificate of the surveyor, certificate of the Ada County Surveyor, certificate of the central district health Department, certificate of the Boise City Engineer, certificate of the Boise City Clerk, signature of the Commissioners of Ada County Highway District and the Ada County Treasurer (I.C. Title 50, Chapter 17). The signatures of the owners or dedicators, certificate of the surveyor, certificate of the central District Health Department and acceptance of the Commissioners of the Ada County Highway District must be executed prior to submittal of the Mayer for City Engineer's signatures.



- j. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from of date of approval of the Final Plat by the Boise City Council.
- k. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least twenty working days prior to the expiration of the first two year or expiration date established thereafter.
 - i. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
 - ii. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer's signature. If the Final plat is not recorded within the one-year time frame is shall be deemed null and void.
- l. Covenants, homeowners' association by-laws or other similar deed restrictions which provide for the use, control and maintenance of all common areas, private streets, shared access and shared parking, and which shall be consistent with the Fair Housing Act of 1968, as amended from time to time, shall be reviewed and approved by the Boise City Attorney. After recordation of the final plat and CC&R's, no building permit shall be accepted until a copy of the recorded CC&R's have been submitted to the Boise City Attorney.
- m. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:
 - i. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
 - OR
 - ii. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.
- n. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (I.C. Title 50, Chapter 13).
- o. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.03).
- p. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."



Contact: Dan Frasier, Postmaster
770 S. 13th St.
Boise, ID 83708-0001
Phone No. (208) 433-4301
Fax No. (208) 433-4400

- q. Prior to the City Engineer's Certification of the Final Plat and/or prior to earth disturbing activities, an Erosion and Sediment Control (ESC) permit must be obtained. An ESC plan conforming to the requirements B.C.C. Title 8 Chapter 17, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.
- r. An individual who has attended the Boise City Responsible Person (RP) certification class, or has obtained Interim Certification for the RP shall be identified for this project. A permit will not issue until such time as the name and certification number of the RP has been provided to Boise City. This information can be faxed to 749-8996 or emailed to ajlong@cityofboise.org.
- s. Prior to submitting the Final Plat for recording, the following endorsements or certifications must be executed: Signatures of owners or dedicators, Certificate of the Surveyor, Certificate of the Ada County Surveyor, Certificate of the Central District Health Department, Certificate of the Boise City Engineer, Certificate of the Boise City Clerk, signatures of the Commissioners of the Ada County Highway District and the Ada County Treasurer (B.C.C. 11-03-04.04).
- t. A final plat shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code and with B.C.C. and shall be submitted within two years of approval of a preliminary plat (B.C.C. 11-03-04.04 (C)).

Agency Comments

- 10. Compliance with the comments from the following agencies:
 - i. Ada County Highway District (**April 2, 2018**);
 - ii. Building Permit (**March 1, 2018**),
 - iii. Central District Health (**March 9, 2018**),
 - iv. Boise Fire Department (**April 13, 2018**); and
- 11. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:
 - i. Street Lights (Subdivision) dated **March 1, 2018**,
 - ii. Street lights (PUD) dated **March 1, 2018**,
 - iii. Sewer and irrigation Subdivision dated **March 8, 2018**,
 - iv. Sewer (PUD) dated **March 1, 2018**,
 - v. Sewer (Rezone) dated **March 19, 2018**,
 - vi. Grading and Drainage (Subdivision) dated **March 28, 2018**,
 - vii. Grading and Drainage (Hillside) dated **April 23, 2018**, and
 - viii. Solid Waste dated **March 12, 2018**.



Contact BCPW at 208-608-7150 for specific comments or questions. All requirements of the BCPW shall be completed or bonded for prior to submittal of the Final Plat for the signature of the Boise City Engineer.

12. Comply with requirements of Idaho Power.
13. Comply with the requirements of the Boise City Airport as per the letter dated **April 26, 2018**.

Standard Conditions of Approval

14. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
15. Vision Triangles, as defined under Section 11-012-03 of the Boise City Code, shall remain clear of sight obstructions.
16. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch such as bark or soil aid.
17. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
18. In compliance with Title 9, Chapter 16, Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the [Boise City Tree Selection Guide](#).
19. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
20. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
21. 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 Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.



22. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
23. 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 successors of interest, advise Boise City of 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.
24. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
25. This Conditional Use shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.
26. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
27. 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.

