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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*

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

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

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 an 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 (*Allium 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 an 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 (*Allium 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 than 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 be 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 undertake 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 rideability 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 too 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 than 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 than 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.

Applicants’ Responses

To

Plano Road Subdivision Proposal Work Session Topics

Density

1. Show how the density bonus was calculated and how base density was calculated.

Response-1: The formula and calculations showing how the density bonus was calculated are set forth in Exhibit A to the Planning Division Staff Report, as amended (the “Staff Report”). The base density for the project is prescribed by the Foothills Planned Development Ordinance (“Foothills Ordinance”) as follows:

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

Foothills Ordinance § 11-06-05.07.04 (emphasis added). Thus, the project’s base density of 917± homes is readily determined by the mere mathematical extension of the information set forth in the table found on page 5 of the Staff Report, as reflected in Exhibit 1 attached hereto.

It should be noted that, because the 917-unit base density is far greater than the 155 homes proposed by the Applicants, no density bonus is actually being utilized by the Applicants. Or put otherwise, the actual size of the density bonus is largely irrelevant to the pending development proposal. See Foothills Ordinance § 11-06-05.07.03.5 (“Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.”).

2. Demonstrate how the public benefit requirements were met for the density bonus, that is the intent of the ordinance with respect to public benefits and how those were determined.

Response-2: Foothills Ordinance Section 11-06-05.07.04.C provides that each of the following criteria, among others, demonstrates an increase in public value of “Priority Open Space”:

“1. Allowance for public access.” – Here, the Applicants are constructing a public trail through the project from N. Collister Drive to Plano Road, together with access to the trailhead at Polecat Gulch Reserve.

“2. Protection from alteration of important vegetation . . . that could otherwise occur from a permitted use . . .” – Here, as reflected in Exhibit 1, Boise’s denial of the project could result in the development of up to 917 homes on the subject property by the Applicants’ development of their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance. See Foothills Ordinance

§ 11-06-05.07.02 (ordinance applies “where an annexation or rezone is required.”).

“4. Dedication or discounted sale to a willing public agency.” – Here, 165 acres of open space (including 82 acres of onion fields) are being conveyed to the Land Trust of the Treasure Valley (the “Land Trust”), with the Applicants agreeing to the perpetual endowment of the Land Trust’s maintenance and preservation of the dedicated area through the payment of .25% of the sales price for each sale or resale of a lot or home on the property (estimated at \$1,500 to \$2,500 based on current values). See Applicants’ Narrative, Plano Road Subdivision, at p. 3 (“Rare plant communities”) and proposed Development Agreement at Section 4.

8. Some of the building pads themselves, not just the building lots, exceed the 25% slope pre-grade contours. Does this meet the intent of the Foothills Ordinance?

~~Response 8:~~ “Development Pockets” are defined in the Foothills Ordinance as follows:

These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be *largely less than 25% slope* but may contain fragments of steeper areas as needed to accommodate the site design.

Foothills Ordinance § 11-06-05.07.09 (emphasis added). Here, as set forth in the detailed analysis included in the Staff Report, 75% of all the building pads are being constructed where none of the slope exceeds 25%; 16% of the pads are being constructed where not more than 10% of the slope exceeds 25%; 8% of the pads are being constructed where not more than 20% of the slope exceeds 25%; and none of the pads are being constructed where more than 25% of the slope exceeds 25%. Thus, unless “largely less than 25% slope,” as such phrase is used in the Foothills Ordinance, means something less than a quarter of the area, all of the Applicants’ proposed building pads meet the intent of the Foothills Ordinance.

11. What are the issues concerning the timing of the proposed facilities on the Parks’ Polecat Gulch Reserve?

~~Response 11:~~ Because the Applicants intend to start the project on the western (or opposite) side of their property, they are requesting that they not be required to construct the improvements required by the Department of Parks and Recreation (“Parks & Rec.”) until the earlier of either (a) starting phase two (instead of phase one) of the project or (b) starting the improvement of lots along the northerly extension of N. Collister Dr. The Applicants’ full performance is assured by the terms of the proposed Development Agreement (see Section 5). It should be noted (i) that the Applicants do not contest the specified timing for the dedication of the right-of-way necessary to get to Boise’s Polecat Gulch Reserve, but only the requirement for the premature and uneconomic construction of improvements that could result in the delay of any improvements at all being constructed (including those required by Parks & Rec.) because of the imposition of additional front-end costs, and (ii) that none of the contributions required by Parks & Rec. (including the dedication of the right-of-way necessary to get to Polecat Gulch Reserve) can or will be made by the Applicants until it is economically possible to commence construction

on their project. Thus, the Applicants' proposed modification of Condition of Approval 11.j is in both Boise's and the Applicants' best interests.

14. Examine the issue of buildable vs. non-buildable areas of the proposed site; are they truly buildable. If not, then they should be removed from the calculation. I had asked the applicant about the sandpit and why the development wasn't being placed there on ground that had already been disturbed. His response was that it wasn't really constructible, that the amount of fill that you would have to put in there to be able to engineer it to support housing, that he was much more comfortable placing the housing on ground that has been there for hundreds of years rather than new ground that would be filled and constructible.

~~Response-14:~~ The Applicants' civil engineer confirmed after the July 14 hearing that the sand pit and other areas having a slope of 25% or less located on the property are "buildable." The Applicants apologize for any confusion caused by the erroneous response to the contrary given at the hearing. However, because no density bonus is actually being utilized by the Applicants, the question of whether the sand pit and other areas are buildable is largely irrelevant to the pending development proposal.

15. What we actually are looking at when we are calculating the 25% slope or less, is it pre-built? How do we define "excessive fill"?

~~Response-15:~~ The 25% slope requirement is measured "pre-grading." See Foothills Ordinance § 11-06-05.07.09 (first two definitions). The term "excessive grading, cut and fill," as used in Foothills Ordinance § 11-06-05.07.05.A.4, is not defined in the ordinance. However, by its logical definition, the term must be viewed in the context of what grading would otherwise occur if the proposed project were not approved. Here, the Applicants maintain that the only economically viable alternative to the development being proposed is to develop their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance and allow for a density of up to 917 homes (with the possibility of significantly more grading). Moreover, as depicted in the Applicants' computer modeling of the project presented at the July 14 hearing, the proposed grading is designed to protect the general shapes and textures of the foothills by integrating the cut and fill slopes into the surrounding terrain.

16. Look at the sandpit as a possible alternative for reconfiguring the lots on some parts of this development.

~~Response-16:~~ The Applicants maintain that the only economically viable alternative to the development being proposed is to develop their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance and allow for a density of up to 917 homes. Thus, the reconfiguration of the proposed project to allow for the construction of significantly less valuable lots would also require the development of a substantially greater number of homes.

17. What are some alternatives to sky lining dwellings on the ridge lines?

~~Response-17:~~ As depicted in the Applicants' computer modeling of the project presented at the July 14 hearing, there is, in fact, virtually no sky lining of dwellings on the ridge lines. (The one limited exception being the view from a small portion of Hill Road looking directly up the hill.) Moreover, the color, materials, height, and setback restrictions being imposed as conditions of approval (*see also* Section 8 of the proposed Development Agreement) will mitigate any visual impacts from homes to the extent reasonably possible. *See also* Response 16 (p. 4), above.

18. The density bonus and clustering are subjective in so many ways and are we really getting the most bang for the buck here by protecting these onions the way that the applicant has proposed? Or should we recognize that perhaps we aren't obtaining that much value and that the density bonus shouldn't be as high.

~~Response-18:~~ *See* Responses 1 and 2 (pp. 1-2), above.

19. I'm interested in comments about the statutory provision that states "there must also be demonstrable increase in the public value of the resource that such allowance that would not be realized to strict adherence to other provisions of this code".

~~Response-19:~~ *See* Responses 1 and 2 (pp. 1-2), above.

Design and Grading

3. Explore any alternatives that might be available to building on the ridge tops.

~~Response-3:~~ *See* Response 16 (p. 4), above.

4. How do we evaluate the policy and requirement of minimum grading to create the layout of the subdivision? Explore a little bit more on the large amount of overage. If in fact we are seeing the largest amount of grading overage in all of the Foothills development history that we have seen so far, then I think we are really calling into question what minimize grading means.

~~Response-4:~~ The amount of the grading being proposed is driven largely by the road requirements (particularly the $\leq 10\%$ slope limitation), the requirement that storm water run-off be maintained on site, and the quantity of material required to mitigate and restore the unsightly and potentially dangerous sand pit located on the property. Further, by its logical definition, the minimization of grading must be viewed in the context of what grading would otherwise occur if the proposed project were not approved. *See also* Response 15 (p. 3), above.

12. What are the standards and regulations concerning excessive grading?

~~Response-12:~~ *See* Response 15 (p. 3), above.

21. We need to be looking at the less visible locations to site dwellings. There is not only that sandpit area and I know that fill can be engineered to support anything. There are also some portions on the far eastern side that probably don't have views and that is why they are not being used.

~~Response-21:~~ *See* Response 16 (p. 4), above.

Environmental Issues

5. Take a look at big game migration routes and how these are impacted by development and how these have been accommodated if at all within the project.

~~Response-5:~~ The Idaho Department of Fish and Game ("IDFG") has identified no migration routes on the property. Nevertheless, the Applicants have implemented multiple open-space corridors in their design and agreed to implement fencing policies proposed by IDFG that will allow for the free movement of wildlife throughout the property, over 70% of which will remain in or be restored to its natural condition.

7. What are the potential impacts on down streams wells and runoff and whether or not these are issues.

~~Response-7:~~ As reflected by the storm water infiltration analysis that was prepared by SPF Watering Engineering, LLC and included in the Staff Report, there are no expected adverse impacts to existing domestic wells. Moreover, because the project is designed to divert all runoff within the development footprint to a series of on-site detention ponds, existing residences along Plano Road will realize a 90% reduction of possible water flows from a 100-year event (from a current 6.8 cubic feet per second to .5 cubic feet per second) and existing residences along N. Collister Drive will realize a similar reduction (from a current 25 cubic feet per second to 3.5 cubic feet per second).

22. What are the obligations of the Treasure Valley Land Trust in the management of the proposed onion conservancy? Are there specific tasks and benchmarks required of the Land Trust in order to protect the onion species? Should the conservation plan be more detailed and specific? The only other thing I would mention is some question about the Land Trust's obligation in terms of hearing for the onion preserve. Looking back to the Harris Ranch proposal there were specific tasks that the Land Trust had to under take each year in inspecting the preserved land in that development, which is much larger than this.

~~Response-22:~~ As set forth in Section 4 of the proposed Development Agreement: "Prior to recording a final plat for any portion of the Property, [the Applicants] shall . . . (b) enter into a written agreement with the Land Trust or other approved entity for the protection and preservation of [the] onion fields *on terms approved by the Planning Director.*" (Emphasis added.) Thus, the specific tasks and benchmarks required of the Land Trust to protect the onions are open to direction by P & Z and the Boise City Council.

23. There should be a more detailed plan to protect the threatened species of onion. There is a letter from the Land Trust, but I feel that with Harris Ranch we had much more accountability when it came to a protection plan. If we could get more information either from them or from a proposal from City staff to see how we follow up with that in the future.

~~Response-23:~~ See Response 22 (p. 6), above.

25. Staff mentioned that they would have liked to have seen a little tighter build. I would like to see a drawing of what the City would have liked to have seen as far as density where and the

tightness that they didn't get in this proposal. How could the project be redesigned to enable a tighter clustering of the proposed dwellings?

~~Response-25:~~ See Response 16 (p. 4), above.

Traffic and Roads

6. Should there be improvements on Collister Drive to the pavement and drainage systems? What is needed to accommodate the traffic volumes that are projected?

~~Response-6:~~ The ACHD projects that the intersection of Collister Drive and Hill Road will operate at Level of Service E or F in 2013 even if the Applicants build nothing on their property. Thus, by both constructing improvements to Plano Lane and the signalized intersection at Collister and Hill required by the ACHD and, in addition, contributing over \$531,000 in traffic impact fees to the ACHD, the Applicants are contributing to the mitigation of existing road and traffic problems, not causing them. Further, the traffic impact fees can, of course, be utilized for constructing additional improvements on N. Collister Dr. if such improvements can be shown to be needed.

9. Explore the issue of placing a gate along the proposed Daylight Rim Drive that would connect Plano Lane and Collister Drive. Can it be similar to what we see in other subdivisions and emergency roads that could be gated?

~~Response-9:~~ The Applicants support the proposal.

10. Does the traffic light at Hill and Collister Roads required by ACHD do more harm than good?

~~Response-10:~~ See Response 6 (p. 6), above.

13. Mr. Watt had some interesting phase-in proposals that I would like to see the applicant respond to that would address some of the issues on Plano Road and resolve those issues.

~~Response-13:~~ The Applicants are unclear on what "phase-in proposals" are at issue, but would be happy to address the issue at the July 31 work session if requested to do so. See also Response 9 (p. 6), above.

24. In addition to looking at the Plano Lane ideas, can we get anything more without going into ACHD's territory on Collister Road improvements; sidewalk, safety issues that are going to come from this development if we approve it?

~~Response-24:~~ See Response 6 (p. 6), above.

Comprehensive Plan Policies and Zoning Ordinances

20. It gets down to what is the intent of the Foothills Policy Plan. I think what we see here may be construed to meet the letter of the plan. I don't think it meets the intent.

Response-20: The Applicants have worked for three years with Staff to design a project that meets the letter and intent of the Foothills Ordinance, while still providing an economically viable development. In this regard, the Applicants fully concur with the following conclusion set forth in the Staff Report:

The development proposal meets the standards and regulations in the Foothills Planned Development Ordinance with the recommended conditions from City Departments and other agencies with jurisdiction, including the Ada County Highway District and Idaho Department of Fish and Game. The anticipated impacts from this proposal seem to be in balance with the mitigation measures. There is never a way to accommodate all impacts and all property rights, but staff believes this application represents a good faith effort to try to achieve that balance.

Id. at p. 4. Moreover, the Applicants wish that it be clearly understood that a denial of the proposed project will necessarily result not in the preservation of the Applicants' highly valuable (and expensive) property as undeveloped open space, but in the Applicants developing their property in accordance with the existing Ada County and Boise City zoning, which alternative developments would be exempt from the protections afforded by the Foothills Ordinance.

26. It seems to me that a lot of the staff report hinged on this idea that the western Foothills area is the highest priority for development in the Foothills. Yet there was very little in the report that gave us anything more than that. I would like to see more about that. What the intent was. How they, meaning the Foothills Policy Committee back in the 1990's, how they came up with that. What it was based on. I know that Hal did a Foothills Plan and Ordinance Review training with the Commission prior to my time on the Commission. But I know from the handout that he gave me, all I have for that particular point is that it is a priority development area based on lack of wildlife, and availability of street capacity. It seems to me based on the packet that we have and the information we have from the Idaho Department of Fish & Game, that there is evidence of ample wildlife as well as from the testimony we heard tonight.

Response-26: The Applicants will have to rely on Staff to provide the requested historical information, with respect to which the Applicants have no particularized knowledge. Additionally, although the Applicants fully acknowledge that there is wildlife on their property, they rely on the report by Ecological Design, Inc. contained in the Staff Report (entitled, A Report Discussing General Design Criteria, Special Areas Analysis, and Preliminary/Conceptual Design Requirements) for the proposition that the property has been determined by IDFG to comprise merely "low density" winter range.

27. Testimony states that this is going to be another Quail Ridge, or it is going to look exactly like Quail Ridge. Does the *Foothills Policy Plan*, the way it is construed in the staff report, really provide just another way to get us a Quail Ridge, and if so, what was the vision of that plan.

Response-27: See Response 17 (p. 4), above. Additionally, as summarized in the conclusion to the Applicants' Narrative, Plano Road Subdivision, contained in the Staff Report:

As a base for comparison, the neighboring Quail Ridge Subdivision was developed with 176 lots on 250 acres, for an average

density of one lot for every 1.42 acres. When compared with Quail Ridge Subdivision, and after adjustment for the differential in acreage, the Plano Road Subdivision reflects a reduction of over 80 building lots and 37% in grading. Moreover, in order to minimize grading, most of the homes will be located along “single-loaded” streets, rather than using the “double-loaded” street alignment found in the Quail Ridge Subdivision. Thus, by virtually any measure, the Plano Road Subdivision will impose significantly fewer impacts on the surrounding area and environment—while at the same time providing significantly greater benefits—than did perhaps the premiere residential subdivision in northwest Boise, the neighboring Quail Ridge Subdivision.

Id. at p. 5.



Planning & Development Services

Exhibit 1

CAR07-00042 DA, CUP07-00084, CFH07-00022, SUB07-00065
 Boise City Planning and Zoning Commission / July 14, 2008

1-3

5

Bruce
 Director

Boise
 150 N

Mailing
 P O Bo
 Boise, Id

Phone
 208/384

Fax
 208/384

TDD/TT
 800/377

Web
 www.ci

Mayor
 David H

City Co
 Preside
 Elaine C

Council
 David E

Vernon
 Maryan
 Alan W.
 Jim Tibb

dwelling units on 332.75 acres, with dedication of some 152.6 acres for the preservation of the threatened species of the Aase's Onion plants, and 81.9 acres open space for the Homeowners' Association and 97.8 acres in the building lots and infrastructure. It would also include road and trail connection to the Polecat Gulch Reserve, as well as riparian areas and private trails.

/WWWWW
 /WWWWW
 /WWWWW

The Hillside and Foothills Area Development permit application, CFH07-00022, requests approval for grading and hydrology systems.

There is also a preliminary plat application, SUB07-00065.

Applicant/Status

Stewart Land Group, Kerry Winn, representing Aase's Canyon Pointe, LLC, and Capitol Development, Inc.

Location and Site Description

The proposed development is located between Plano Lane and the end of Collister Drive in the Boise Foothills, nominally at 6890 N. Plano Lane. The site is a series of very steep ridges looming above Collister Drive with the relatively flatter areas on the ridge tops. The Boise Polecat Reserve is on the east, the Collister Drive neighborhood is on the south; to the north are a few single family residences; and to the west is largely vacant Foothills land.

Zoning, Zoning Allowances, and Comprehensive Plan Designation

The site is currently zoned R-1C (Single Family Residential), A-1 (Open Space/1 unit/acre), RP (Rural Preservation-Ada County) and R6 (Medium Density Residential-Ada County). Planned unit developments require conditional use approval in this Planning Area.

The subject site is zoned as shown in the table and map below:

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

Exhibit 1

Exhibit 3 - Plano Road Planned Development Application, Zoning, May 29, '07

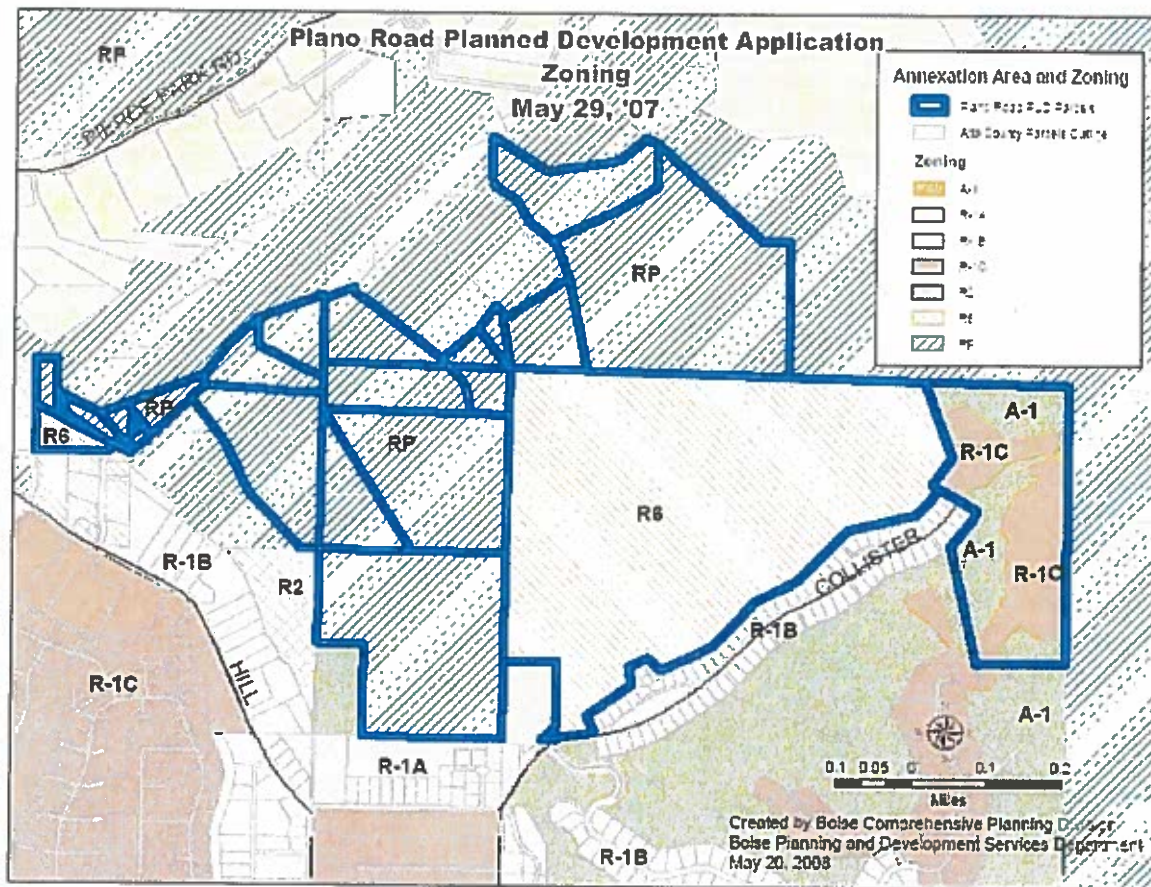


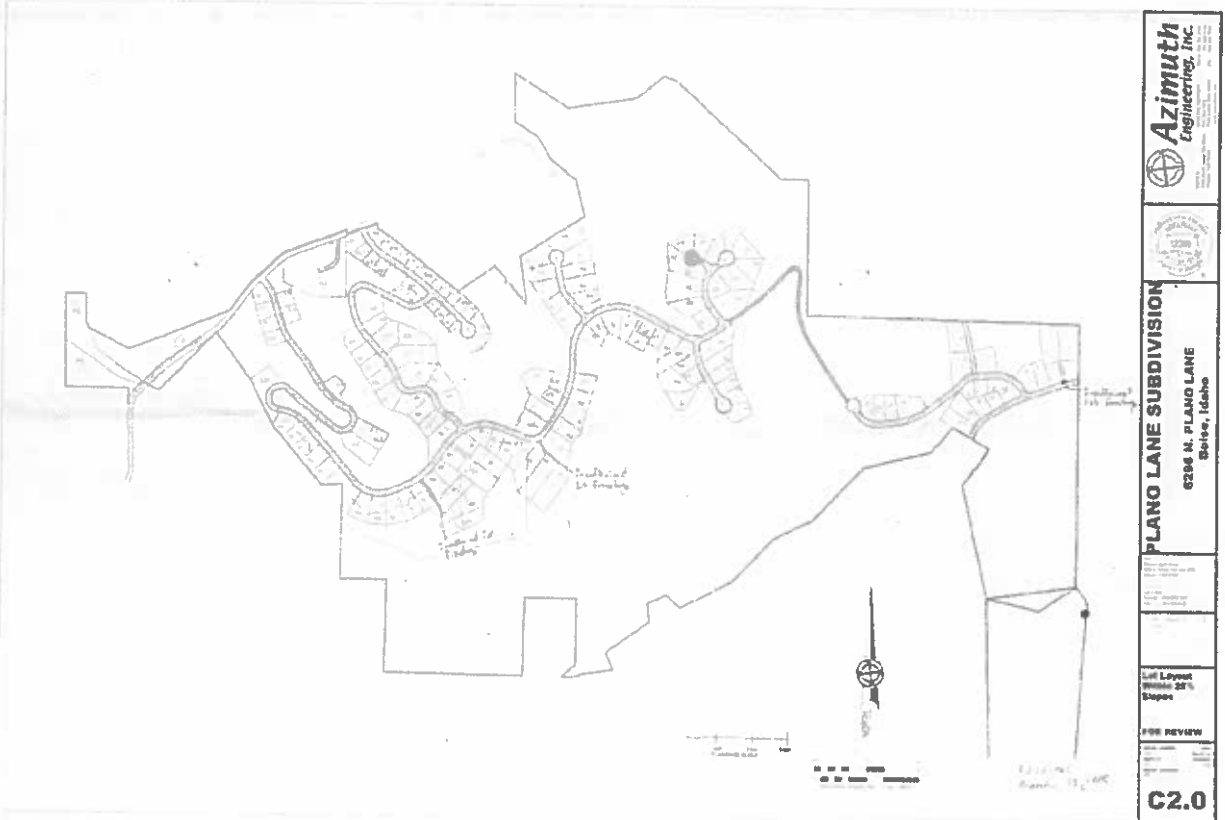
Exhibit 4 - Plano Road Proposal - Building Envelope Placement Within Buildable Area

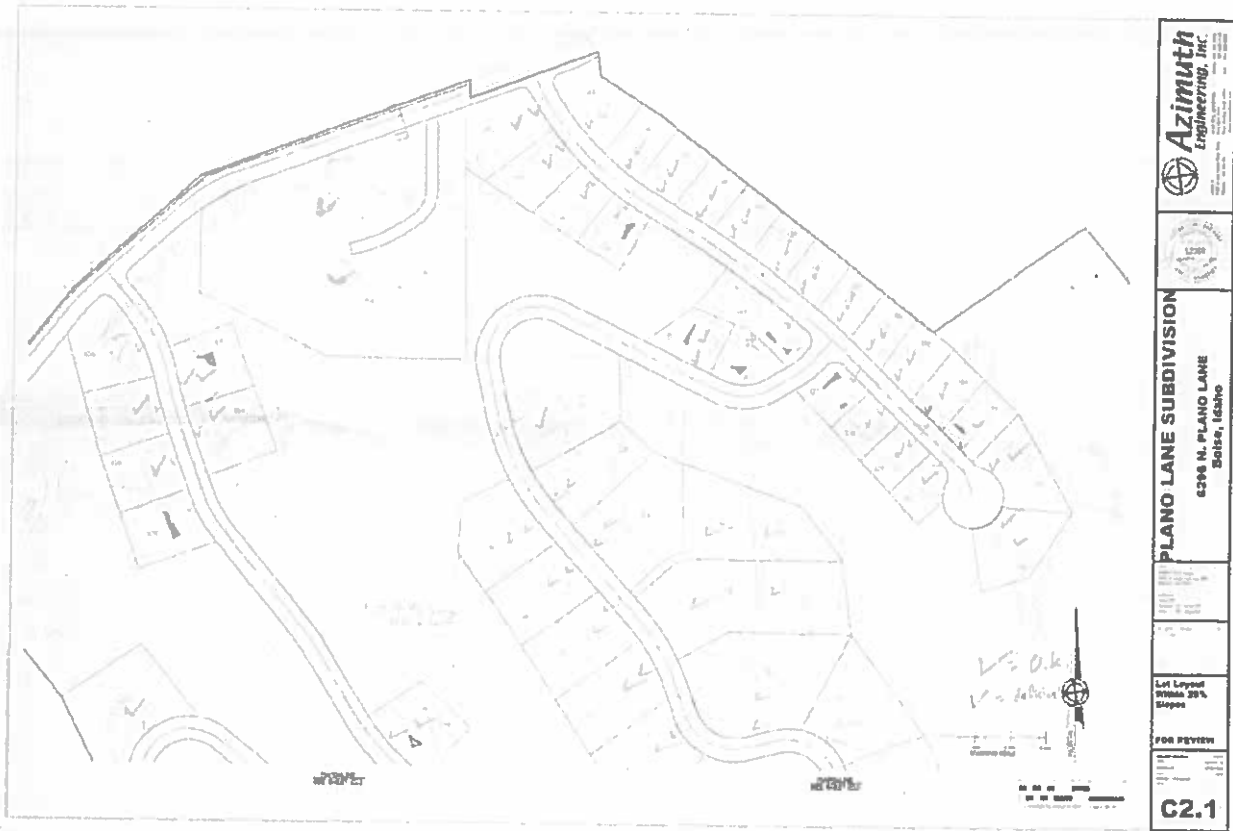
Plano Road Proposal - Building Envelope Placement Within Buildable Area					21-Jun-08
Lot #	Less than 50%, fail	Less than 85%	O.K. > 85%	Setback(s) short	Notes
1			1		
2			1		Short on frontage-failed
3		1			Short on frontage-failed
4			1		
5			1		
6			1		
7			1		
8			1		Requires private road status
9			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.
 10000 ...
 ...

PLANO LANE SUBDIVISION
 6296 N. PLANO LANE
 Boise, Idaho

Let Layout
 include 25%
 paper

FOR REVIEW

G2.3





Azimuth
ENGINEERING, Inc.

PLANO LANE SUBDIVISION
8290 N. PLANO LANE
Boise, Idaho

Lot Layout
shown 25%
Mapes

FOR REVIEW

C2.5

Exhibit 5 –

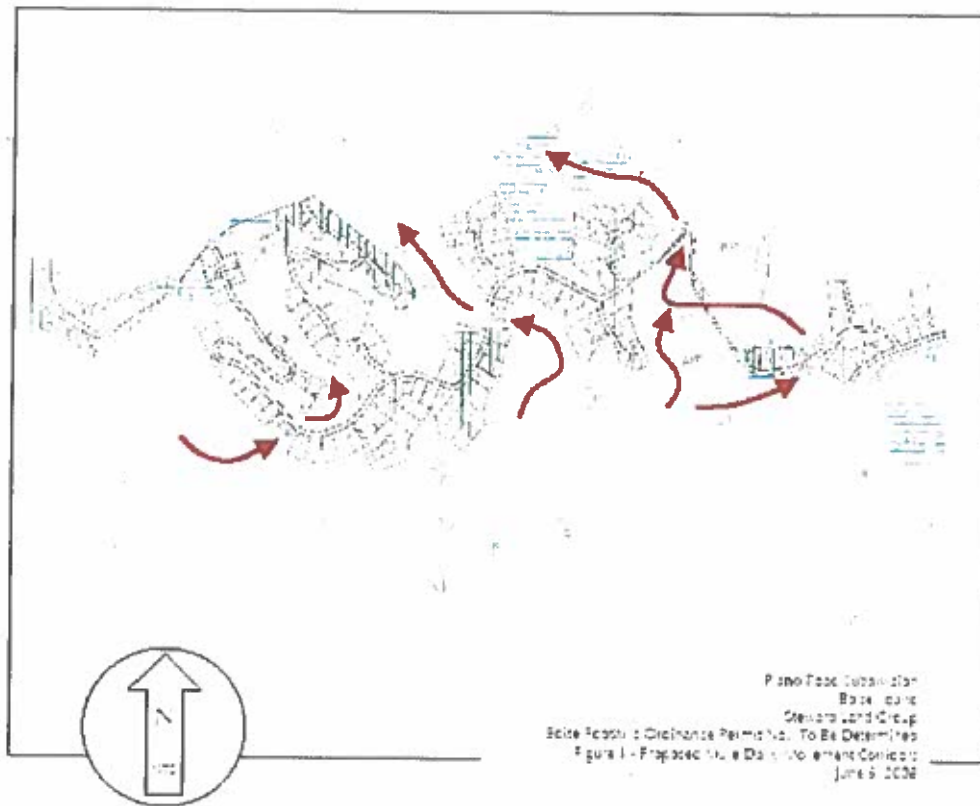


Exhibit 6 – Foothills Policy Plan and Ordinance Review
-Presented to City Council on 7/08/08-

Foothills Policy Plan the outcome of 10-years of public debate. Adopted in 1997.

Basic Policy Decisions

1. Foothills will share in growth of the community.
2. Development will be limited to slopes of less than 25%
3. Development should be clustered away from sensitive areas
4. Establishment of three Foothills Areas of differing priority:
 - a. Eastern Foothills – Wildlife habitat protection first priority
 - b. Central Foothills – Development okay but limited by traffic capacity
 - c. Western Foothills – Priority development area based on lack of wildlife and availability of street capacity.
5. Creation of Density Bonus Formula
 - a. Base Density of 1 Unit/40 Acres, increasing to 3 units per acre as flat open space is set aside.
6. Foothills Development to be protective of environment, shapes and texture of foothills
7. Street improvement plan to include:
 - a. 36th Street extension to Cartwright Road/Bogus Basin Road
 - b. Diversions from Hill Road to State Street,
 - c. No connection to Table Rock from Warm Springs
8. Foothills to meet Urban Standards for Services and Infrastructure
 - a. Sewer
 - b. Fire
 - c. Paved roads and secondary access

Foothills Planned Development Ordinance Adopted in 1999

1. Added quantification and detail to the concepts in the Policy Plan
2. Density bonus process needed much more detail.
 - a. Minimum size to count as eligible open space (1 acre)
 - b. More points defined in formula
 - c. More areas (Priority Open Space) eligible for open space bonus
 - i. Protection of sensitive species/areas
 - ii. Protection of unique geologic/archeological sites
 - iii. Provision of public access
 - iv. Dedication of land to public ownership

v. Linkage of natural corridors

3. Design Criteria

- d. Clustering
- e. Linking of Open Space
- f. Minimizing of grading
- g. Building/disturbance envelopes
- h. Prohibition on gating
- i. Trail access (Ridge to Rivers)
- j. Maintenance of Open Space in natural condition

4. Review and Approval Process

- a. CUP and Development Agreement required
- b. Properties with existing urban zoning not subject to Foothills Ordinance

5. Required Process of Analysis

- a. Preliminary/Conceptual Designs Based on:
 - i. Slope analysis
 - ii. Special Area analysis
 - iii. Infrastructure analysis
 - iv. Adjacent Parcel analysis

Gray Areas in Foothills Planning and Development

1. How much grading around the edges of < 25% slope areas to create development pads is acceptable?
2. To what extent can Priority Open Space that is NOT flat land count toward the required open space set-aside for Density Bonus purposes?
3. What does “minimize grading” (cut and fill) really mean?
4. How tight does clustering have to be?
5. How much “sky-lining” of ridges is acceptable?
6. Are all urban services feasible in foothills settings?

Key Points to Remember About Foothills Development

1. Existing policy plan specifically allows for foothills development
2. No two sites in the foothills are the same. It is almost impossible to create standards that will apply equally well to all properties.
3. Foothills development is expensive and it takes a significant amount of development to cover those costs.
4. The priority development area in the foothills (Western Foothills) is difficult to develop from a technical standpoint, due to steep slopes.

5. Most developable land is on ridge lines, where it will be most visible.

6. There is a dichotomy between getting extra density credit for protecting rare species on a site, when that credit results in more intensive development of that same site.

Exhibit 7 – ACHD Letter to Boise Planning and Zoning Commission dated July 30, 2008



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 rideability 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 too 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
Planner II
Right-of-Way and Development Services

CC: Project file
Bruce Eggleston, Boise City Planning & Development Services

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